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THE MAGAZINE OF USENIX & SAGE

June 2002 volume 27 • number 3

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THE WORKPLACE

UNCLE SAM AS UNCLE SPAM

by Strata R. Chalup

**USENIX & SAGE**

The Advanced Computing Systems Association &  
The System Administrators Guild

# uncle sam as uncle spam

by Strata R. Chalup

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## CORRECTION:

In my "Consulting Reflections" article (February ;login:), I made a "braino," the advanced form of a typo, saying the US Social Security allocation is between 7 – 8% of your 1099 income. It's 7 – 8% of your W2 income, not your 1099. When you're doing 1099 work, you must provide the employer match yourself, as well as the Social Security. The 2001/2002 figure is 15.30%. That's actually combined Social Security and Medicare. The Social Security is only applied to the first \$84,900 of your income (up from \$80,400 in 2001), but the Medicare has no income cap. For a very lucid explanation of how to calculate these, try this "Ask Alice" column from the CCH Small Business Toolkit: <http://www.toolkit.cch.com/advice/01-070askalice.asp>. By the way, I don't recommend doing your own taxes if you are consulting, unless you're an accountant! Thanks to Toni Veglia for spotting the braino, and for letting me know that I got it right in a previous article. SRC.

## Coming Soon to an Email Box Near You

Like many people, I have a habit of noticing some things only after it's too late to do anything about them. The issue raised in this article may belong to this category. It's been on my "looming over the horizon" list for quite a while.

As technologists, we can't afford our signature mistake of focusing on technology and ignoring policy. The ways in which technology is applied are almost always predetermined by existing policy. This truism scales from a small business to a huge government agency. It is the application of policy to technology in the latter that we are concerned with here.

The war against spam continues to escalate. Many of us see current legislation as one of the tools with which to mark spam for filtering ("ADV" in subject line) or to forbid its generation. Unfortunately, a powerful express train is in motion to head off anti-spam legislation and make it easier and easier for spam to reach you. The major player in this effort might come as a surprise to you – it's the US Postal Service.

## Like Charity, Spam Begins at Home

I send in my little cards to the Direct Marketing Association annually so that our household's various US mail addresses and phone numbers are culled from the marketing lists of DMA-abiding organizations. Unfortunately, the United States Postal Service is not one of these organizations. I recently became aware of an annoying "feature" of US mail delivery, namely, that one cannot opt out of the neighborhood flyers, catalogs, grocery ads, etc. that come in the mailbox almost daily. They are addressed to "resident" at one's address, and the companies that put them together contract directly with the post office for delivery.

I pursued the query up to my local Postmaster here in Sunnyvale, CA, and was told that there is no mechanism whereby one can choose not to receive this material. I was told that it's too much work for the mail delivery workers to keep lists of who is and isn't getting it. What I was also told, which is much more important, is that there is no accounting mechanism to reflect that some customers might opt out. How convenient!

When I vented on the topic of physical spam to a local mailing list, one person suggested, "Mark it 'return to sender' and put it back. Make the post office deliver it twice, once to you, once to them." I appreciate the thought, but it seems an unwieldy solution for several reasons. First, it merely creates an extra obligation on my part, beyond simply recycling it or throwing it away. It also amounts to trying to start a denial-of-service attack on the USPS rather than to approach the problem constructively. This raises some ethical issues, to say the least.

The DMA substantially agrees with groups like the Coalition Against Unsolicited Commercial Email (CAUCE) about what constitutes spam. The USPS failure to adhere to DMA opt-out for its local physical-mail spam is all too likely a significant predictor of their stance on email spam. For many years, the US Postal Service and other groups have been kicking around various plans to allow so-called universal email delivery to US residential addresses. I find it very plausible that we could end up with non-opt-outable post office spam in our email boxes down the road. How real is this threat?

Let's take a look at the USPS policies and directions on physical spam mail, and try to make an educated guess.

## A Disturbing Precedent

The USPS tried launching an electronic delivery service called PosteCS back in 2000. The service would deliver documents via a combination of email and hosted Web repositories, specifically by sending messages which contained embedded document retrieval URLs. If one goes to the PosteCS FAQ today, one sees that the service has been cancelled. The site says that PosteCS "did not meet the Postal Service's market expectations."

Pulling an older copy of the PosteCS page from Google's handy cache, one finds an FAQ question, "What if I want to send thousands of PosteCS packages per day and want the packages to be sent out automatically?" The answer was that "the PosteCS Team would be happy to speak with you regarding potential Application Programmer Interface (API) solutions for your automated sending needs," and included an 800 number with which to contact them.

What does the USPS itself have to say about it? This quote from the now-defunct PosteCS FAQ is fairly eloquent on the subject:

Q. How does PosteCS fulfill the U.S. Postal Service's primary mission?

A. PosteCS fulfills the Postal Service's mission to 'bind the nation together through its communications.' This includes providing universal service by delivering mail to every address in the country. In keeping with this mandate, USPS is offering PosteCS as a way to deliver electronic mail with the same security and privacy that customers have come to expect. The Postal Service recognizes the need to respond to new and emerging business needs and PosteCS helps to fulfill this need.

Alert readers will have immediately noticed that the focus is on business needs for delivery. As the US Postal Service is pressed more and more strongly to stand alone with minimal government funding, it is becoming more and more business oriented. Individual consumers simply do not use the system in sufficient volume to pay for the infrastructure – to survive, the USPS is going to have to continue to make business its number one priority. The issue for those of us with United States mailing addresses is that the USPS' status as a quasi-governmental agency may do an end-run around all the anti-spam efforts we can muster.

## We're from the Government and We're Here to Help You (to Spam!)

It's not necessary to dig very deeply to find out how the USPS feels about spamming, excuse me, direct email solicitation. They currently offer a wide range of services for businesses, grouped conveniently on a page whose title is a blatant "Get More Customers." (<http://www.usps.com/smallbiz/smcust.htm>) Services include an online directory of Authorized Affiliate Merchants who sell direct mail services, including addresses, and NetPost<sup>(TM)</sup>, a way to "create mailings on your computer and send them quickly and easily." The USPS even sponsors "Direct Mail Made Easy" seminars in cities all over the country, and licenses private companies to administer the National Change of Address program. When you file your change of address forms, the USPS bundles up all the info every two weeks and sends it to NCOA, where (for a fee, of course) firms can check their direct marketing lists for accuracy (<http://www.usps.com/directmail/faqs/lists.htm>).

“The truth is, ‘junk mail’ is nothing that can’t be cured with a decent list.” (USPS Web site).

Still not convinced? How about this?

Q. How Can the Postal Service Help You with Your Direct Mail Campaign?

A. Remember, the United States Postal Service is here to assist you in any way that we can. We believe that using Direct Mail will bring you business. And that’s one of the things we’re in business for.” (<http://www.usps.com/directmail/faqs/working-with.htm>)

And one final, telling salvo:

However, you could have the greatest product in the world, but, when the offer is mailed to the wrong target, it quickly becomes ‘junk mail.’ For example, hair products to a bald man. A dog catalog to a cat lover. Information about a preschool program to a senior citizen.

Remember, if you haven’t put your package into the right hands, you’ve wasted money getting it there.

The truth is, ‘junk mail’ is nothing that can’t be cured with a decent list.” (<http://www.usps.com/directmail/dmguided/discoverdm/lists6.htm>)

There it is: “nothing that can’t be cured with a decent list.” As we will see, this takes on some rather interesting overtones when one considers the current planning underway for the continued modernizing of the US mail system.

### The Door Swings Both Ways

It’s not just that physical-world ideas end up implemented on the Internet. Internet-inspired ideas can translate into the physical world, especially if there is a sufficiently powerful and flexible interface.

Most government documents make dull reading. “Seizing Opportunity: The Report of the 2001 Mailing Industry Task Force” is quite the exception. In addition to providing a view into the cheerfully upbeat world of the marketing industry, it has some eye-opening findings and recommendations to make about USPS technology and future directions.

I noticed bar codes appearing on US mail many years ago. I kind of figured – when I thought about it, which was rarely – that they had the address info coded onto them. I was mostly right, but things have evolved considerably since last I looked.

The USPS now uses a system called PLANET to make sure each piece of US mail is uniquely identified. That makes sense, given added-value delivery services such as Return Receipt, Certified Mail, and the like. They need to track these things. Now comes the next phase, and here’s where I get cold feet.

### Speedy Delivery – Of a Cookie?

The USPS has been planning to move to using composite and two-dimensional bar codes which “allow companies to access information about a mail item wherever and whenever the information is needed. The mailing industry can utilize this information prior to induction into the mailstream, and after delivery by the Postal Service, without needing to access an online database, or open each mail piece.” The reason for the more complex bar codes is to be able to attach more data to individual pieces of mail.

The report says that:

Intelligent mail – the use of data-rich, machine-readable bar codes to make each mailing piece unique – will allow the mailing industry to compete by including data that ‘lives’ with the mail piece or package. By linking mail with complementary information channels, intelligent mail creates value for the consumer, sender, and the processor . . . Industries . . . are extending their services by implementing the next generation of barcoding . . . These codes allow tagging of each mail piece or parcel with an entire data file, not just a unique number.

The way I read this is that physical mail is generating the equivalent of cookies, and that the USPS is working directly to become another DoubleClick. This is pretty alarming. Equally alarming is the prospect that someone with access to my physical mail and a bar-code reader can suddenly get a lot more information about me than I might like. What data sets would be put on an individual piece of mail, and how widely would the data sets be shared? Who knows?

If the data is widely shared, someone scanning a random postcard coupon mailing could conceivably tie into targeted information that includes things like financials, family members, and the like. If the data is closely held and varies from direct mail firm to firm, we could see the emergence of a nice little cottage industry in mail pilfering or at-mailbox scanning to create aggregate databases. Though it would be tough for these hypothetical cottage industry players to compete with the USPS, given that every piece of mail will be scanned through their system. Did I already mention DoubleClick?

In this entire report, one lone sidebar mentioned in passing that “Other information lodged within the bar codes of catalog labels will allow the same consumers to tell mailers to remove them from the retailers’ lists.” That’s *one* mention of opt-out so far in this entire document. Ouch! Disturbingly, on the same page as our tiny ray of light, we find that the Task Force recommends that “consideration be given to amendments to current privacy legislation to allow proper use of credit header and driver’s license information for address quality – not marketing – improvement.”

### Rabbit Committee Announces Lettuce Patch Initiative

So, who exactly is the “Mailing Industry Task Force”? They spent six months producing a report released in October 2001 and are continuing with Phase Two. The Deputy Postmaster General and “other senior postal executives” are part of the Task Force. So are “eleven chief executives and leaders of the world’s largest mail-focused corporations,” ranging from Pitney-Bowes to Wunderman. The latter, not exactly a household word, was described in the report as “the world’s largest direct-to-customer marketing solutions company.”

The Task Force unsurprisingly recommends the formation of an Industry Council as the “logical and seamless extension of the work already undertaken by the Task Force.” The number one item on the agenda of the Industry Council, right after starting a positive publicity storm about use of US mail? Tackling privacy legislation, of course!

Current and pending information usage law and regulation will significantly impact the mailing industry and consumers. Much of the debate surrounds information access to interested third parties. To date, proponents of restricting information access have carried the day [*author: oh, really?*], without adequately considering economic and social consequences . . . [U]nyielding legislation that . . .

## REFERENCES

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[http://www.usps.com/strategicdirection/\\_pdf/postsint.pdf](http://www.usps.com/strategicdirection/_pdf/postsint.pdf)

“Seizing Opportunity: The Report of the 2001 Mailing Industry Task Force”:

[http://www.usps.com/strategicdirection/\\_pdf/seizeopp.pdf](http://www.usps.com/strategicdirection/_pdf/seizeopp.pdf)

United States Postal Service Direct Mail Web site: <http://www.usps.com/directmail/>

PosteCS (Then)

<http://216.239.35.100/search?q=cache:uO6e43JOGmQC:www.usps.com/postecs/faq.htm+USPS+universal+email+&hl=en>

PosteCS (Now):

<http://www.usps.com/postecs/faq.htm>

Direct Marketing Association white papers on the effect of information flow on marketing costs:

<http://www.the-dma.org/isec/whitepapers.shtml>

DMA telephone solicitation opt-out:

<http://www.the-dma.org/consumers/offtelephonest.html>

DMA mailing list opt-out:

<http://www.the-dma.org/consumers/offmailinglist.html>

DMA email list opt-out:

[http://www.the-dma.org/consumers/optoutform\\_emps.shtml](http://www.the-dma.org/consumers/optoutform_emps.shtml)

2002 National Postal Forum site:

<http://www.npf.org/NPFSanDiego2002.htm>

Association for Postal Commerce:

<http://postcom.org/>

THOMAS Legislative Database:

<http://thomas.loc.gov/>

Coalition Against Unsolicited Commercial

Email: <http://www.cauce.org/>

SpamCon: <http://www.spamcon.org/>

SpamLaws (international resource):

<http://www.spamlaws.com/>

restricts the availability of lists and information used to target mail will cause mail volumes to decline.

Fortunately for the continued good health of the warp and woof of the social fabric, as well as the USPS, the Task Force realizes that “A partnership between the industry and the government is a necessity to ensure that consumers are protected and appropriate legislation is written.”

## And Then I Woke Up – Not!

Pretty scary stuff, but comfortably remote and in the future, right? Wrong! The report, issued in October 2001, goes on to state that the USPS has “assigned sponsors to each recommendation, is pursuing implementation options where it has the legal authority to do so, and is coordinating the recommendations with existing programs and its business plan.”

Status reports and additional recommendations will be issued by the time of the National Postal Forum in late April 2002. It’s probably far too late to derail this train, but we may be able to mitigate its effects with a little publicity. If some of the things described in this article sound like a bad idea, let your elected representatives know what you think. Keep an eye on the THOMAS database for specific legislation and on some of the direct mail industry Web sites. Industry alerts and news updates can also alert you to work against them. Another good resource is SpamLaws, which tracks anti-spam legislation around the globe.

Speaking of legislation, what about it? Wouldn’t it stop things like USPS delivery of email spam? Basically, no. Take a look at the text of H.R. 1017 for an example of the limitations of current legislation. Its provisions are specifically concerned with spam that “falsifies an Internet domain, header information, date or time stamp, originating e-mail address, or other identifier.” It doesn’t actually prohibit spam itself, just certain anonymous or misleading ways of delivering it.

What about S. 630? It says that if at any time within the five years prior to receiving a spam there has been a transaction between the sender and recipient, and the recipient has been provided with an “opportunity” to opt-out and hasn’t done so, it’s not spam. A transaction is defined as “involving the provision, free of charge, of information, goods, or services requested by the recipient.” This definition easily includes viewing a Web page and having your email address harvested by a spam script. As long as you were presented with an opt-out link somewhere on the page, it’s not actionable as spam. How many of us scan every link on every page we surf to see if it includes an opt-out link?

S. 630 also seems to say that an email is not actionable spam if it has clear, untampered headers (routing, they call it), includes an opt-out link, and has a physical address for the spammer. I am not a lawyer, but to me these two anti-spam laws have very little in the way of teeth.

## The Big Picture

I hate to say it, but to me the big picture here is looking pretty bleak. I’m interested in what you think we can do to head this one off at the pass . . . or why you think it’s a Good Thing and that we shouldn’t try to do so.