

From The Desk of Robert L. Choat

Re: CAN-SPAM Act Rulemaking, Project No. R411008

To the Commissioners,

As a consumer and small business person I applaud your efforts to curb the problem of unsolicited bulk email. Heck, I hate getting much of the spam emails like everyone else. However, I am concerned about the proposed requirement for merchants to maintain suppression lists.

There are so many problems and costs associated with this idea, and so much damage done to consumers and businesses alike, that I feel I must urge you to consider this matter most carefully.

Requirement of the use of suppression lists will seriously damage many of the legitimate publications available on the net. My specific concern is for harm to publishers who require permission from the consumer prior to adding them to any list.

They're not who CAN-SPAM was designed to put out of business, but this requirement will very likely have that effect. History will tell us that certain rules, regulations, and laws of the past only hurt legitimate businesses – yet did nothing to those that were engaged in illegal activity. Remember the Eighteenth Amendment to the United States Constitution (Prohibition)? It was finally repealed by the Twenty-first Amendment.

(More recently the Alternative Minimum Tax Law was enacted in the 1960's. If you remember, it was designed to go after the superwealthy. The problem being is that the superwealthy are still circumventing the law and the AMT is striking millions of unwealthy people – putting them into the poor house. That's just another example of a law not being thought through.)

Now back to the CAN-SPAM ACT. There's also the potential for significant harm to consumers, because of the problem of properly knowing their intent when they unsubscribe from a list. On top of that, these suppression lists could easily fall into the hands of spammers, leading to more spam instead of less.

I was quite surprised at the potential problems this ruling could involve, and urge you in the strongest possible terms to reconsider its implementation in light of these problems,

Respectfully,



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