

## Major Problems with the Can Spam Act

Several problems still exist that I feel will make the act entirely ineffective. First, many originators of spam already exist outside our borders, and thus, the range of our laws. More will move there to avoid these laws. A National Do Not Email Registry will simply provide a database of valid addresses for those who choose to ignore the laws. The problem could get worse for those who sign up for the registry.

However, the biggest problem with the law is that it appears to target the wrong group, those sending the spam instead of those who advertise on it. Many companies out source their spam advertising. This seems especially true with the worst types of offenders. Add to this the difficulty of tracking down these offenders when they spoof the originating email address, ip address, or route through a hacked computer of some unsuspecting, non-technically inclined person on the Internet. These rouge spammers are often beyond the law and very difficult to track down. On the other hand, the companies who advertise on the spam are much easier to track because they must have valid physical addresses or phone numbers to do business, if for nothing else than to accept payments from credit cards. It will be easier to apply the law to them. The law should be made to apply not just to companies or individuals who send spam, but mostly to those who advertise on the spam.

This will do three things. First, it will make enforcing these laws much easier. Second, the companies will either move their email advertising operations to in house where they can control it, or hire only respectable firms or individuals when they out source such operations. Finally, it will cut the money off for the rouge spammers and those who exist outside our borders. If the companies or individuals who advertise in spam mails are held accountable, the money to the illegal spammers will be cut off. With no money coming in, the illegal spammers will go away.

One last point, no pornographic or adult oriented emails or solicitations should be allowed to be sent to any minor. Make it the responsibility of the company or individual sending the message to determine if the receiving address is that of a minor.