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Federal Trade Commission
CAN-SPAM Act
Post Office Box 1030
Merrifield, VA 22116-1030

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

To the Commissioners,

I applaud your efforts to curb the problem of unsolicited bulk email. However, I am concerned about the proposed requirement for merchants to maintain suppression lists.

As an attorney who uses email I am greatly concerned. I am afraid that I would be violating:

- **potential attorney-client privilege which applies even with persons who decide not to retain my services, or**
- **that I be violating some ethical rule of the Georgia Bar Association for disclosing their name which is often contained in the email address since by disclosing the person it would be tantamount to stating publically that they have a legal problem.**

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.

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,



Jeffrey I. Fouts
Attorney at Law

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