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Federal Trade Commission/Office of the Secretary
Room 159-H
600 Pennsylvania Avenue, N.W.
Washington, D.C.
20580

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

April 14, 2004

Dear FCC Commissioners:

I hate spam. I hate spammers. You hate spam. And I, like you, believe the war against spam is a noble one.

But having said all that, I am writing to you to express grave concern over the implications of a proposed requirement for merchants to maintain suppression lists. These are my concerns:

- 1) It will backfire: Spammers will obtain suppression lists by hook or by crook (they're the most dishonest people in the world!), then use them to spam more people. If they're in China or Ukraine or Bolivia, nobody will ever be able to stop them. The suppression list will become a spammer's goldmine.
- 2) It will destroy affiliate marketing, which is the lifeblood of thousands of honest, legitimate online marketers. In fact for "exclusively online" marketers like Amazon.com, it has long been one of the most important ways of acquiring customers. Legitimate business will be severely penalized by this and spammers will continue to proliferate.
- 3) It will create untold complication and expense for all commercial online publishers.

Please carefully consider my comments – the proposed legislation is well-intended, but the consequences will be disastrous if it is implemented.

If you would like to discuss this with me, please call me: 708 788 4461.

Thanks so much,


Perry Marshall
President