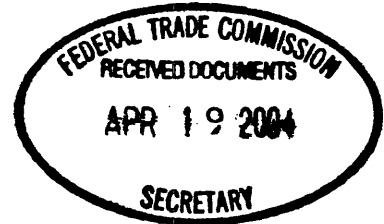


000968



Federal Trade Commission/Office of the Secretary  
Room 159-H  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

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

To the Commissioners,

I do not believe the CAN SPAM Act will have much appreciable impact on the proliferation of unsolicited commercial email. Although there are many senders of this email they evade US law by using offshore servers. I have witnessed no slowing of UCE since the act was implemented. If this problem is to be addressed effectively there must be a mechanism to prevent the offshore purveyors of unsolicited commercial mail (UCE) from reaching US recipients.

In addition to this glaring problem another vital facet of the law is perhaps going unnoticed. There are many small and medium sized businesses that depend on email for their marketing. Requiring these businesses to comply with suppression lists will force many out of business due to the expensive technology necessary for compliance. The majority of them are honest, ethical people with no intention of sending unsolicited email. Shackling them with required suppression list management will be a waste of time and will not accomplish what the act is meant to do. In fact it will cause more harm than good in my opinion.

There is cause for concern in that unscrupulous business people will be able to acquire the suppression lists of their competitors and use the lists against them by sending UCE to the very people who have opted-out, thereby implicating innocent merchants who are forced to reveal these lists.

Bulk email promoters might also gain access to these suppression lists and intentionally mail to the lists causing irreparable harm and untold chaos for many legitimate businesses forced to share their opt-out lists. There is a great potential for harm if the requirement for suppression list management is enforced in it's present form. I urge you to consider all ramifications of the CAN SPAM Act and arrive at a just solution that will not unnecessarily penalize innocent merchants.

Consumers will also suffer in that they will have less choice in the marketplace.

I believe that technology and the law can work together to reduce or eliminate UCE in a manner that is good for legitimate businesses and consumers. It is imperative that noncompliant service providers be held accountable and barred access to American computer networks in order to control the epidemic of SPAM. Although some domestic providers are also part of the problem they are under US jurisdiction and can be forced to comply.

Respectfully,

A handwritten signature in cursive script that reads "J. Schumann".

J. Schumann  
New York, USA