

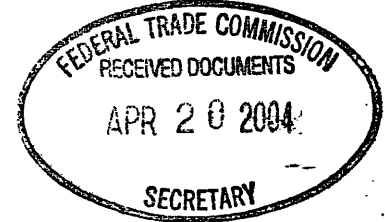
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LEGAL/RISK MANAGEMENT SERVICES
GENERAL ASSEMBLY COUNCIL

PRESBYTERIAN CHURCH (USA)

April 19, 2004



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

SENT VIA OVERNIGHT MAIL

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

Dear Sir or Madam:

This office acts as legal counsel to the Presbyterian Church (U.S.A.) (hereinafter "PCUSA"), which is a religious, non-profit organization. In such capacity this letter is written to submit comments concerning the CAN-SPAM Act Rulemaking, Project No. R411008.

As a religious organization, the PCUSA needs the ability to communicate electronically in the most economical, efficient manner with its members, governing bodies and to other ecumenical partners. While there may be no intent for the term "commercial electronic mail message" to include electronic mail messages by religious organizations, an express exclusion would make this clear. Absent an express exclusion, the necessary procedures and cost of complying with the CAN-SPAM Act is likely to severely impact the ability of religious organizations to communicate with their members and related organizations. This interference would violate the First Amendment to the United States Constitution. Therefore, we ask that serious consideration be given to an express exclusion of electronic mail messages sent by religious, non-profit organizations from the definition of "commercial electronic mail message."

We thank you for your consideration concerning this matter.

Sincerely,

A handwritten signature in cursive script that reads "Martha E. Clark".

Martha E. Clark
Associate General Counsel