



Association of Girl Scout Executive Staff

"Committed to Professional Excellence"



Office of the Secretary
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

August 24, 2004

Re: The CAN – SPAM Act Rulemaking, Project # R411008

Dear Sirs:

I am writing concerning the rules that are proposed for the CAN SPAM Act. As the Executive Assistant of the Association of Girl Scout Executive Staff (AGSES), I do support rules that prohibit unnecessary and un-requested SPAM that is sent on the internet, however I ask that you qualify those rules in order that legitimate companies and associations may communicate with their members and each other as part of a national association.

The members of AGSES voluntarily join our association to advance their business needs and professional requirements. They come together to educate themselves, to interact and to advance their professions. Our membership expects and requests pertinent information be sent in a timely manner. With approximately one thousand members, the Association of Girl Scout Executive Staff acts as the communications coordinator for our membership. To do this effectively and economically as a not for profit association e-mail communications is the method of choice by our members.

AGSES regularly sends e-mail notices to our membership as a whole advising them of all the activities and actions occurring within the associations' charter. **They ask us for this information as members and we respond accordingly.** The information that is shared to our member group is important information about the association, its activities, its challenges and its focus or reason for coming together in the first place.

Benjamin Franklin of Philadelphia, PA formed one of the first US associations, and for centuries countless associations have gathered. Associations are formed because people come together to advance their causes. Therefore, you must understand that when we communicate with our members it is not SPAM sent to random people, it is focused communications directed to our voluntary members. Broad laws aimed at unscrupulous SPAMERS that also bind the hands of legitimate companies and associations are not the answer. Our association's members have paid dues, and by becoming members have asked for focused communication in order to advance the



objectives of their association. Our members have requested that we communicate with them via email. The new CAN SPAM law would require that we could not legally comply with their requests.

The new CAN SPAM law contains rules and conditions that will prevent us from communicating. Many of the rules/methods outlined in the new CAN SPAM law are current practices AGSES has in place to advise our members that what we are sending is a legitimate communication, not SPAM. We don't send SPAM, we send requested communication because the association members have joined the organization to receive such information.

- 1) The law bans false and misleading header information. When we send e-mails we **always title the header accurately** so members know we are writing to them.
- 2) It prohibits deceptive subject lines. We agree, **our headers and e-mails are clear and declarative** in order to gain the attention of our members.
- 3) It requires opt-out methods for unwanted e-mail. **We currently offer such opt-out capability**, but we rarely receive such because our members want the communications. If we do receive such a request we immediately remove the recipient from the list.
- 4) It requires identification as advertisement and a physical address. **All of our e-mails are identified by the association acronym and has a full sender address** of the association office that sent it.

The CAN SPAM Act is a shotgun approach that will have a chilling effect on legitimate business communication. It will prevent us from sending newsletters and requested materials on upcoming programs, conferences, and services that our members want to receive. What is needed is a means of focusing on the abusers, and not chasing legitimate communication among voluntary participants that want to have such communication.

Please reconsider what you have proposed. Should this law take effect as-is all legitimate business will be immensely and adversely impacted.

Sincerely,

A handwritten signature in cursive script that reads "Julie Neibch".

Julie Neibch
AGSES Executive Assistant
1801 North Mill Street, Suite R
Naperville, IL 60563