

Dear Madam

4-May-2009

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I have short-sell comments on a variety of levels:

1) When short sellers are confronted with return of the up-tic rule the following is invariably heard by them in their defense:

Short Sellers say “The up-tic rule had an ‘effectiveness’ test in 2007 and there was no ‘difference’ in market conditions as a result;

1st, please note that 2007 was a bull market, few businesses were struggling, therefore not as vulnerable;

2nd, please note their use of the word “market”. Short sellers don’t attack the ”market” (give me a break!) , they attack individual stocks and ‘pile-on’ until the stock is destroyed.

3rd, I am sure there were still stressed companies in 2007 that fell victim to short selling; just not enough for ‘the market’ to take notice.

2) Shorts say “Shorts provide a balance to the market, no one complains when a bunch of people drive a stock up on the BUY”

1st, I submit that a stock can go down without the presence of a short seller. It is called a stock **SELL** that happened to follow a previous **BUY**.

2nd, I see the usefulness in legitimate research leading to short selling where a company is ‘cooking the books’ Item # **2nd** here is not my quarrel: But this IS:

3) What *shorts* do is not just to make money on short-selling, the worst of shorts are not satisfied until a stock is driven hard to zero. A concerted scare attack is launched on multiple financial bulletin boards. I lost \$4600 on Consecro common stock (ticker was CNC). The shorts on Clearstation.com were *vicious and relentless* in saying stock is going to zero, nothing, zip, nada. They managed just that 20-Sep-2003. We happen have insurance with Consecro , **then & today**. Consecro is back on the stock exchange (now ticker is CNO). CNC was viable then and CNO is viable now. But, the shorts had their destructive way driving the common to zip, zero, nada.

There was one analyst at ‘thestreet.com’ that wrote some 50 negative articles on Consecro in one year. An inquisition if I ever saw one.

I sent a email to the SEC about Consecro, got no response (was it Harvey Pitt?).

I would like **to point out something intrinsically ugly** in short selling: **Stock BUYers** are part of growth and survival of American Companies. **Short SELLers** are in the anti-growth business of destroying companies. Most short sellers remind me of sharks. SEC must know this.

I presently have an account with ScotTrade that is a cash account. I believe that is supposed to mean that shares I own (Bought) cannot be short-sold. I have no confidence that is true. I also believe the SEC has been permitting '**naked-short-selling**' and naked short selling on margin with impunity. I am suspicious that the 'short gangster' can (is allowed) to short-sell maybe \$10,000 worth of stocks while putting up margin of maybe only \$500 - \$1000. This technique is especially effective coupled with fear that can be spread via internet rumors.

The stock market is a rigged game. People making money are in two categories:

1) Just Plain Lucky

2) Into market manipulation via rumor, innuendo, blatant verbal attack, pile-on short selling, and naked short selling. The up tick rule(s) need to be re-invoked and not re-evaluated during a bull market. Thank you

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