

October 10, 2008

VIA FEDEX

Nancy M. Morris
Secretary
United States Securities and Exchange Commission
100 F. Street, N.E.
Washington, D.C. 20549-9303

Re: File No. SR-^{Amex}2008-70
Release No. 34-58570

Dear Ms. Morris:

Brendan E. Cryan & Company, LLC and J. Streicher & Co. L.L.C. appreciate the opportunity to comment on the above-referenced rule proposal (the "Proposal"). By way of background, both firms operate as equity specialists on the American Stock Exchange (the "Amex" or the "Exchange") and have long ties to the Exchange. Indeed, Mr. Cryan is the longest serving member of the Exchange while J. Streicher & Co. was present at the founding of the Exchange in 1910. Collectively, our firms represent a large portion of the companies listed on the Amex.

The Proposal would make a variety of changes to the Amex's listing process and, in particular, would eliminate two of the initial listing standards currently allowed under the Amex's Company Guide. For the reasons set forth below, each of the undersigned strongly objects to the Exchange's elimination of these listing standards and, at a minimum, believes the Commission should require the Amex to provide a fuller explanation of its concerns and of any facts relevant thereto. This in turn, would facilitate the ability of the Commission and the public to analyze the Proposal and, perhaps, determine whether alternative, less harmful, approaches may be available.

The Proposal's predominant rationale for the elimination of two of the Exchange's currently allowed listing standards appears to be the Exchange's belief that the elimination of these listing standards would "strengthen and enhance [the Amex's] initial listing standards."¹

While it may seem self-evident that these are obviously worthy goals – after all, who can be opposed to "strengthening" and "enhancing" – embarrassingly, for two individuals who have earned their living as specialist on the floor of an exchange for many years and who have acted as a specialists for hundreds if not thousands of companies, we must admit that neither the truth nor even the meaning of this statement is self-evident to us. Instead, because the Proposal fails entirely to offer *any* supporting analysis or facts, we are left entirely in the dark as to what the Amex means by these terms, why it thinks elimination of these listing standards would be in the public good and whether there are any facts that support its view.

By way of example, we would be interested in whether companies listed under the standards that the Amex now proposes to eliminate have performed more poorly than companies that have been listed under the remaining listing standards. If so, how? Similarly, have there been problems with these companies that the Amex has not experienced with respect to its other listings? If the answer is "yes," what kind of problems has the Amex experienced? Unfortunately, there is simply no way to answer the foregoing question because the Amex has not given us any information relevant to these two, most basic questions. And yet, without any evidence or support whatsoever, the Amex is asking the Commission to approve a change to the Amex's rules that would have several very real, and very negative, consequences.

First, and most obviously, elimination of these listing standards will have a highly negative impact on companies that, if the Proposal were approved, might not otherwise qualify for listing on the Amex. How many companies might this be? The answer, of course, is that we do not know because the Amex has not given us this information. What alternatives will be left to these companies? If comparable alternatives exist, are they likely to become more expensive as a result of the decrease in competition resulting from the Amex's actions? If comparable alternatives do not exist, what impact will this have on the capital formation process for these companies, which are an important source of jobs and growth in our economy?

Second, the elimination of these listing standards is likely to result in more companies trading in less regulated, less liquid, and more expensive marketplaces – such as the Pink Sheets and the Bulletin Board. It is hard to see how such a result benefits investors.

In light of these negative consequences and in light of the failure of the Amex to provide any support whatsoever for its Proposal, it seems obvious that it would be helpful both to the

¹ See Securities Exchange Act Release No. 58570 at 5 (Sept. 17, 2008).

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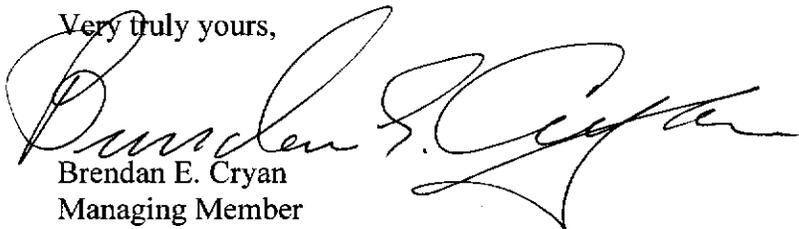
Commission's ability to evaluate the Proposal and to the public's ability to understand it (and, therefore, to comment on it in a meaningful way), if the Commission were to withhold its approval of the Proposal and instead ask the Amex to clarify (i) what it means by "strengthen and enhance;" (ii) why it thinks elimination of these initial listing standards will achieve such result; (iii) what facts exist to support the Amex's conclusion; and (iv) whether other alternatives that may perhaps be less detrimental might exist.

The Commission's approval of the Proposal without requiring the Amex to offer *any* facts or analysis to support its position would, in effect, delegate to the Exchange the authority to determine whether the Proposal meets the approval standards set forth in the Securities Exchange Act. This shift of the Commission's congressionally mandate responsibilities to review exchange rule filings to ensure that they are in the interest of the public and not merely in the interest of the exchange leaves the American people dependant not upon the Commission's best judgment but rather upon the hope that the Amex will voluntarily do what is right. Unfortunately, as recent events have taught even your Chairman, "voluntary regulation does not work."² Accordingly, we urge the Commission to fulfill its congressionally mandated obligations and require the Amex to state clearly why its intended actions are needed and how they would benefit the American public.

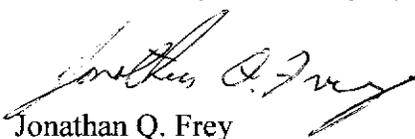
We also note that it is not entirely clear whether the new owners of the Amex, namely the NYSE Euronext, agree and endorse the Proposal. In order to avoid any confusion on this matter, it would be helpful to have this point confirmed.

Thank you in advance for your consideration of these concerns.

Very truly yours,



Brendan E. Cryan
Managing Member
Brendan E. Cryan & Company, LLC



Jonathan Q. Frey
Chief Operating Officer of J. Streicher & Co. L.L.C.

Enclosure (Two additional copies of this letter)

² See Press Release 2008-230(Sept. 26, 2008) (announcing end of CSE program and noting findings of the Inspector General of the SEC).