

May 5, 2009

Chairman Mary L. Schapiro
Securities and Exchange Commission
100 F Street
Washington, DC 20549

Re: File No. S7-08-09

Dear Chairman Mary L. Shapiro

The turbulent market has deteriorated millions of citizen's retirement nest eggs in this country. We have seen unprecedented volatility in our stock market in the past several years and the SEC has implemented rules which I feel have contributed to this volatility and significant losses to our fellow citizens. These losses are obviously due to the economic times we are in but have been amplified by the SEC's actions to repeal of the uptick rule in 2007.

The basis for this repeal was significantly flawed, testing and analysis was performed while our market was experiencing one of the largest bull runs in its history, there was little negative market data to utilize in the analysis. The flaws of this decision were evident with the SEC's emergency order in September 2008 prohibiting short selling of certain financial securities, and earlier in that year when the SEC banned naked short sales – which to this day continues.

The SEC must implement regulation to stop the abusive short selling that occurs in our markets. Although short sales do have a place, their abuse must be stopped. The modified uptick rule will have an impact on this abuse, but proper enforcement of naked shorts and abusive market loop holes such as in the option markets need to be properly enforced or regulated.

The repeal of the uptick rule in 2007 created a significant imbalance between the average investor and large Institutional Traders. Thus, these large Institutional Trades (the sellers) have been able to push the price of many stocks at will. They in turn have created significant wealth for themselves, at the cost of the average investor. Isn't the average investor who is trying to establish a retirement nest egg the one that the government should be representing? Without that nest egg in a safe regulated environment, capital depletion will continue and additional pressures on social programs for the elderly will be required.

Please bring back the uptick rule and properly enforce and regulate the markets!

Thank you for your time.

John McCaugherty Jr, MBA
President Hawkins Construction