

From: Nancy Etchemendy [mailto:nan[REDACTED]]  
Sent: Saturday, June 23, 2012 7:38 PM  
To: Read, John [John.Read@ATR.USDOJ.gov]  
Cc: Nancy Etchemendy  
Subject: U.S. vs. Apple, Inc., et al., 12-cv-2826 (DLC) (SDNY)

Dear Mr. Read --

I am writing to you today concerning the Justice Department's proposed e-book settlement targeting Apple and five of the surviving book publishers in a market that has been razed by Amazon.com's predatory pricing practices. (Believe me when I say I find your name ironic.)

As a citizen of the United States, I have in general found the Justice Department's recent behavior surrounding the enforcement of anti-trust legislation incomprehensible. As a writer, I find this particular case nothing short of jaw-dropping. In my naivety, I thought the object of anti-competitive practices laws and anti-trust laws was to ensure a vigorous, healthy and resilient marketplace, rather than one dominated in every sector by a handful of lumbering corporations so enormous that every mistake they make is instantly inflicted on the entire nation. Don't get me started on the situation in everything from air travel to telecommunications to banking, where mergers and acquisitions have been allowed to run rampant based on claims of improved customer service. It takes magical thinking to swallow such patent baloney.

To the matter foremost on my mind:

Now that Amazon.com has destroyed most other distribution systems for books, leaving a mere 10% of in-print books for sale in bookstores, and controlling 90% of the e-book market, they have become the only game in town for those who love to read, and certainly for those trying to make a living as writers. If Amazon decides not to carry my books, my career is over. If they decide not to carry my publisher's books, my publisher is as good as dead. Worse yet. If they decide not to offer a book, any book, it becomes unavailable to all but a tiny sliver of the reading public. Should one corporation have that kind of control over what Americans read and don't read?

Agency pricing allows each publisher to set the prices for their own books. This model has been in use in this country for decades. It produced a lush marketplace of bookstores and booksellers. Amazon used its overweening market position and massive wealth to destroy that model by selling books below cost year after year and forcing publishers and writers to lump it, conveniently driving consumers out of bookstores and into Amazon's enormous arms. Consumers love it at the moment. But look around you. The marketplace is a smoking ruin. Amazon's pricing practices are not sustainable. Soon, they'll have to increase their prices. Add to that the fact that left unchecked, they will be the only publisher of any size left in America. Oh dear. Who is left to compete

against them? No one. How is this beneficial to anyone except Amazon.com?

So who is the Justice Department taking to court? The two-ton gorilla that's been forcing everyone to do its bidding? No. No...they are taking the struggling publishers to court for forcing Amazon to let them set their own prices. I fail to see how insisting on the right to set one's own prices is criminal behavior. If the price is too high, each publisher will suffer his own fate at the hands of the market. Is that not the free market at work? Isn't driving one's entire field of competition out of business through the use of unsustainable business practices anti-competitive? Who's the criminal here?

I do not particularly care whether books are sold on paper or in electronic formats. What I care about is giving people a choice about where they get them, what they pay for them, and who publishes them. I care about making it possible for an average writer to make a living in this country again by being able to sell his product for something resembling what it cost to produce it. I care about literature, not merely because it's a pleasant and edifying pastime, but because democracy withers without the wisdom good books engender.

You and the President are fiddling while Rome burns. No, it's worse than that. You're heaping books on the flames.

Yours in disgust,  
Nancy Etchemendy  
Menlo Park, California  
Very Unhappy Democrat