

**From:** Mitchell Kaplan [mailto:mitchel[REDACTED]]  
**Sent:** Monday, June 25, 2012 11:58 PM  
**To:** Read, John [John.Read@ATR.USDOJ.gov]  
**Subject:** The Agency Model and How it Combats Anti Competitive Forces...

To Whom It May Concern,

I would like to lend my voice to all those voices decrying the Settlement Agreement that is before the Court. As an independent bookseller, owning stores in South Florida for over 30 years, I admit I come to this discussion with a decided bias, but a bias that should not be discounted. For at my core, and I'm no different than other independent booksellers all across the country, I'm not just looking out for my own self-interest; instead I have always advocated for all things that allow for the unencumbered free flow of ideas that are expressed in books, whether physical or electronic, and have fought against the forces that have gathered from time to time to restrain that free flow. Whether fighting the unfair advantages given the big, corporate stores or the predatory pricing of the early discounters, I have always felt that a diverse marketplace for the selling of books is crucial to allow us to enjoy one of the most important civil rights we have, the exercise of our first amendment right to read what we want.

If that diversity is not encouraged and protected, and if the market becomes dominated by one or two players, there is a greater chance of less selection being offered to readers everywhere. We, in this country, profess to try to ensure that our markets are monopoly free, but the outcome that this settlement will have is to threaten the very existence of the marketplace it's attempting to protect. Instead of guaranteeing that consumers will benefit from lower prices on eBooks, this settlement, in the long run, guarantees that one player, one very large player will be able to have undue influence over what is sold, and by the very nature of our business, what is published. This should be anathema to everyone who cares about free speech and who cares about the enduring health of literary culture and the national discourse that flows from it.

Others, I'm sure, have made the economic arguments against the Settlement, but with this brief note, I hope I've expressed what I believe to be an equally important concern for the Court to consider. As we've seen in so many other industries, allowing policies that encourage the growth of "too big" is rarely a good thing. That's what this Settlement does; it allows Amazon to grow even bigger than it is now, and everything I've learned in the last three decades selling books tells me that there is no way this can be a healthy turn of events for any of us: booksellers, publishers, authors or the readers we all serve.

Sincerely,

Mitchell Kaplan  
President  
Books & Books  
Miami, Florida