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LITIGATION III, ANTITRUST DIV.  
U.S. DEPT. OF JUSTICE

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April 30, 2012

John R. Read, Esq.  
Chief, Litigation III Section  
Antitrust Division, United States Department of Justice  
450 5th Street, NW, Suite 4000  
Washington, DC 20530  
RE: United States v. Apple, Inc. et al., No. 12-CV-2826(DLC) (S.D.N.Y.)

Comments on Proposed Final Judgment as to Defendants Hachette, HarperCollins, and Simon & Schuster

Dear Sir,

My name is Sandra Mitchell, and I'm an author published with Houghton Mifflin Harcourt and Random House, so technically, this judgment doesn't apply to me. But the effects of the judgment will apply to me—and it will harm me.

Amazon has done a wonderful job creating a device that people want to use. I own a Kindle and I use one myself. But they have also done an excellent job of robbing authors of royalties, driving down the price of books to an unsustainable level, and abusing publishers and authors who choose not to work at a loss.

When Amazon doesn't like what you stand for, they delist your books with a touch of a button. Hundreds of thousands of books on GLBTQ topics disappeared from Amazon overnight because someone in their headquarters decided that anything related to GLBTQ people was pornography.

[http://news.cnet.com/8301-1023\\_3-10217715-93.html](http://news.cnet.com/8301-1023_3-10217715-93.html)

When Amazon decides it hasn't gotten a big enough piece of your profits, it delists every single book published by your company.

<http://news.slashdot.org/story/10/01/30/1341235/amazon-pulls-book-publishers-listings-ebook-wars-underway>

When Amazon can't sell your book at a loss, it adds a warning label to your listing.

It takes me nearly two years from start to finish to write and prepare a novel for publication. Every single book I write represents two years of employment. Whether the publishers colluded on agency pricing, I don't know. But I do know what they did was ensure that I wouldn't spend two years on each book, working for free.

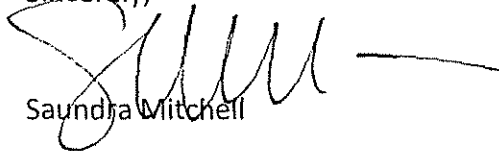
When Amazon has the ability to use novels as loss leaders, authors and artists don't get paid. They aren't simply creating a competitive marketplace. They are breaking a marketplace. They're making it impossible for anyone but hobbyists to continue to produce works of fiction and non-fiction, because professionals cannot afford to work for free.

It astonishes me that the Department of Justice doesn't intervene when Amazon discriminates against an entire class of people. When it sets predatory and impossible to meet pricing. When it actively harms the livelihood of authors who only had the happenstance to be published by a particular company.

Yet, when Amazon is forced to cede its 90% market share to a more equitable 60%, the Department of Justice steps in. How terrible that a behemoth monopoly be forced to compete, how terrible that they lost 30% of the market. But where were you when my royalty statements were showing zero balances on e-book sales?

I hope that you'll consider the chilling effect this settlement will have on the artists. The people who drive this industry. The individuals who are actively being harmed by Amazon's policies. Companies will absorb, rearrange, and come out in a different form if they must. But I, and many authors like me, will have to reluctantly give up our art rather than spend months and years at a time donating our talent.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sandra Mitchell', followed by a horizontal line. The signature is written in a cursive, flowing style.

Sandra Mitchell