

From: [William Floyd](#) [wfloy[REDACTED]]
To: [Read, John](#) [John.Read@ATR.USDOJ.gov]
Subject: United States v. Apple, Inc., et al., 12-cv-2826 (DLC) (SDNY). Comments on Proposed Final Judgment as to Defendants Hachette, HarperCollins and Simon & Schuster.
Date: Tuesday, June 05, 2012 12:56:24 PM

Dear John R. Read, Esq.,

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I'm a published author (*The Killer's Wife*, St. Martin's 2008) and avid reader. I'm writing you today to express my deep concern—and not a little confusion—about the litigation United States v. Apple, Inc. et al., 12-cv-2826 (DLC) (SDNY). From my understanding, the proposed settlement between the Justice Department, Apple and the publishers will result in a return to Amazon's monopolistic domination of the e-book market, a state of affairs that will benefit not the American public at large but rather a single corporate entity, while at the same time decimating choice for readers, marketing opportunities, exposure, and royalties for authors, and the viability of brick-and-mortar bookstores across the nation.

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I should say at the outset that I'm 43 years old. I grew up on physical media, reading and internalizing paperbacks and hardbacks from the time my mother taught me how to do so. Reading opened up worlds of entertainment, emotion, and intellectual possibility without which I would feel less than complete as a person. I will always prefer the tactile experience of reading a bound book as opposed to the flat-screen version provided by e-readers. But I'm not a Luddite, and I understand that insofar as publishing has a future, it is in the realm of electronic reading devices. Without the "agency model" enacted by Apple and the publishers who agreed to work with them (which strikes me less as collusion than the typical business practices found in any number of industries, nearly all of whom you've notably declined to bring legal action against), Amazon will almost completely

dominate the market, not by dint of their providing the best overall product to the consumer, but simply because they can retail highly-selling titles at a loss. Most consumers, whatever their values, will default to the cheapest product available. Your lawsuit and its proposed settlement have the practical effect of handing an emerging—and, culturally speaking, vastly important—market to a single player at a historical moment when consolidation and predatory marketing are strangling choices for consumers in the realms of political, artistic, and rhetorical thought.

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I was brought up in a nation that valued the plurality of ideas. Essential to that ideal is a consumer's access to a variety of outlets, as well as an artist's or thinker's access to a variety of markets from which to promulgate their ideas. This lawsuit—and again, I still fail to see the reasoning that brought it about in the first place—puts a single company in firm control of most of the publishing industry. If your settlement goes through as proposed, Amazon will have the final say on which ideas are allowed a wide audience in our culture, whose voices will be heard, and how writers will be financially compensated for their time and efforts. I do not personally know the people who run Amazon, or what their political leanings may be. I do know that their actions in the past exhibit a ruthless ambition and disdain for the viability of authors' work that indicates a willingness to do whatever it takes to maintain their dominant position. Think about the consequences of giving them a free pass to manipulate the cultural conversation in any way they see fit. Who can legitimately compete against them, once you've handed them the means to silence any voice they find threatening?

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Please consider the future for writers, readers, and our national character, and rethink this lawsuit and its proposed settlement. I acknowledge that commerce

dictates policy in our country, but I'd like to think the Justice Department acts on behalf of **all** our citizens, and will fulfill its role as the protector of competition in the free market rather than acting as a willing accomplice to the establishment of a monolithic entity that brooks no debate and no competition. Let freedom ring.

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Respectfully,

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Bill Floyd