

From: Deirdra McAfee [mailto:deirdra.mcaf[REDACTED]]
Sent: Saturday, June 23, 2012 2:11 PM
To: Read, John [John.Read@ATR.USDOJ.gov]
Subject: Comments on proposed final judgment, US v. Apple, Inc., et al

Dear Mr. Read,

Re: 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.

If the Department takes the public interest seriously, now is the time to act against Amazon.

1. Amazon already controls 90% of the in-print market. Now it has moved to acquire the remaining 10% by undercutting retail bookstores —slashing prices on the 1% of frontlist books that brings customers into bookstores. Amazon is content to lose money on many of them in hopes of monopolizing sales of popular books and keeping Kindle readers chained to Amazon's prices, format, and "publishing" model. Once Amazon vanquishes retail bookselling, already under pressure from "entertainment" in this country, they can and will bump those low prices right back up. But the retail competition will be dead by then, including independent bookstores. Print publishers, already on the rack, may stagger down in their wake.

2. Publishers are not heroes here, as their acceptance of Apple's agency model shows. But publishers' services still include the editorial help and copyediting that make books readable; Amazon has already made use of those services without paying for them, since it scans in the readable, edited books in which the publisher invested, not the error-filled less-readable manuscripts the publisher accepted and improved. This hidden cost makes the difference between ideas and well-expressed ideas. It has helped books speak to Americans since Ben Franklin's time. In addition, ink and paper, like black-and-white photographs, will endure long beyond any digital texts.

3. To help Amazon destroy printed word's venues not only kills the competition, it also rips off the writers—no deal that writers make with Amazon is favorable to them; those who make those deals just don't realize this yet. Complaints about print publishing will seem like hymns of praise after Amazon commodifies their work and picks off the remaining bookstores that sell print publishers' physical books.

4. Real books on real shelves are important to our national culture. Books that might never become bestsellers are still worth reading and worth becoming part of America's cultural conversation, however cramped and divided that conversation seems at the moment. Publishers have traditionally subsidized important books through profits on more commercial ones. The most important writers in American history, including

those you probably read as part of your own education—Thoreau, Hawthorne, Melville, and Faulkner—wrote to portray the nation to itself. The truths they told weren't always obvious, and were often unacceptable, as well as unprofitable, in their own time: it's worth remembering that *Moby Dick* was a failure, and that Faulkner never made a living from his writing. Print has preserved and disseminated these writers' work and ideas.

Amazon, as it has already shown, is predictably less likely to publish important books; the business plan, with its monetization of everything, involves publishing only saleable books, which means mass-audience books.

This case not only has to do with insuring a healthy literary marketplace, it also concerns the larger culture, and the public interest, in a less-visible sense: when words become merely merchandise, ideas become meaningless.

Please don't help Amazon become the only game in town.

Yours,

Deirdra McAfee

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