



Tattered Cover Book Store
Colfax Avenue, Historic LoDo, Highlands Ranch

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By E-Mail: john.read@usdoj.gov

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450 5th St., NW, Suite 4000
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Ref: U.S. vs. Apple, Inc., et al., 12-ev-2826 (DLC)(SDNY)

Dear Mr. Read:

A reasonably competitive book market in the United States is essential to the creation and unlimited dissemination of constitutionally protected materials, which is a most basic tenant of our democratic institutions and supported by the First Amendment to the Constitution. Conversely, to lessen that competition through governmental action undermining a significant distribution channel is to inhibit the free flow of ideas guaranteed by our Constitution.

It is my fear that this is what could happen if the DOJ exerts its power to enforce a two-year hiatus of the Agency Model as a condition of the consent decree in the above named action. Limiting the use of the Agency Model - it being a perfectly legal business model - should not be used as a tool of punishment. The unintended consequences of implementing this action would be to punish booksellers who are legitimately trying to compete with each other on a level playing field. These booksellers are not intent on eliminating their competition; rather they focus on offering title selections reflecting the interests of their customers. They take seriously their responsibilities to the unique cultural, political and historical value of the dissemination of ideas. To reduce their numbers through governmental action would be a disservice to our governmental system. Without a sufficient number of bookstores in the marketplace, the reader would be subject to the whim of too few in control of what is made available to the public.

Other courts have recognized the unique status of the book business with respect to the law. For instance, there is greater burden on the authorities when issuing a search warrant that involves reader privacy. I mention this only to point out that booksellers

are not just selling a product. They are in the commerce of ideas - essential to our governmental system, which is deserving of the utmost care.

As for my own experience, I am the owner of the Tattered Cover Book Store in Denver, Colorado. The Tattered Cover has been in business for forty years. Depending on the time of year we employ approximately 150 people in our three stores. Home to over 500 author signings each year and thousands upon thousands of titles, events for children and student writing contents, we provide a unique forum for people and ideas to come together.

Thank you for your consideration.

Sincerely,

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