

Congress of the United States
House of Representatives
Washington, DC 20515

February 01, 2010

The Honorable Eric H. Holder, Jr.
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

Dear Attorney General Holder:

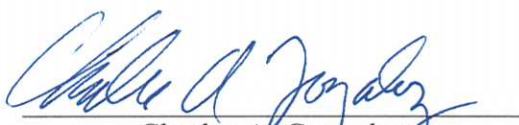
We write to share our concerns regarding the proposed settlement between Google and the Association of American Publishers (AAP) and the Authors Guild, the transaction referred to as the Google Books Settlement. Like you, we are excited about the potential that the digitization of books has to share knowledge, encourage reading, and expand access to all. However, we are concerned that the proposed settlement could unjustly hurt many rightsholders, particularly minority publishers who represent a smaller but diverse community and unique voices. At this time, we respectfully request your support in ensuring these key partners are not left out of this effort.

Today, there are hundreds of thousands of authors who are not members of the Authors Guild and hundreds of publishers who are not part of AAP who would be most acutely affected by the Google Book Settlement. Yet their voices have been largely excluded from the process. This is particularly significant because these authors and publishers already hold little sway in influencing the market for their works. Industry leaders like Houghton Mifflin Co. or Simon & Schuster Inc. have the ability to leverage their market share to protect their rights. Indeed, several have already done so and the proposed settlement would grant them, and only them, the right to use their "Separate Agreements" rather than the terms that the settlement would apply to everyone else.

Smaller players don't have that kind of power. They depend entirely on the law and government intervention to protect their rights. Attached you will find a copy of the letter they delivered to Members of Congress expressing their concerns with the disparate impact the proposed settlement would have on their businesses.

We were encouraged by the Statement of Interest filed last fall by the Department of Justice outlining your commitment to ensuring the fairness of the Google Book Settlement. We respectfully ask you to ensure that the rights of minority publishers are protected.

Sincerely,



Charles A. Gonzalez
Member of Congress



Gene Green
Member of Congress

/Enclosure