

ABILENE CHRISTIAN UNIVERSITY

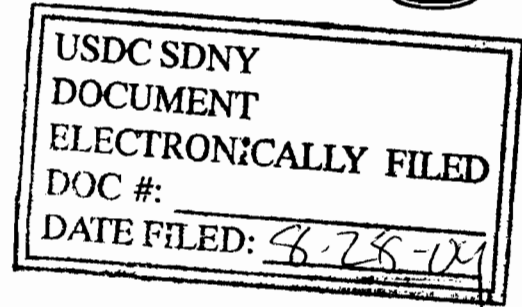
Educating Students for Christian Service and Leadership Throughout the World

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August 26, 2009



The Honorable Denny Chin
United States District Court for the Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *The Authors Guild et al. v. Google, Inc.* Case No. 1:05 cv 8136 (S.D.N.Y.)

Dear Judge Chin:

We, the undersigned, request your permission to submit this letter as an amicus curiae in support of final settlement approval in the above case.

For institutions like ours, this settlement agreement represents a significant improvement over the status quo. Our students and faculty will enjoy the ability to search across, find, and electronically access a significant quantity of books. Unfettered access to information is the cornerstone of higher education, and the new access models created by the settlement will be of extraordinary value to research at our institutions, lessening inequalities among educational institutions as information becomes available to all students everywhere.

Universities are unique communities of both information consumers and information producers. We respect and hold steadfast both the ideals of fair use and copyright. Finding the proper balance between these interests ensures a healthy and prolific educational system. Tilting too far to one direction or another is likely to produce unwanted consequences for all. Immediate and broad access to resources, while still respecting the market demands for publication of high quality manuscripts, will allow universities to serve and support both information consumers and information producers.

We support the settlement's provision to allow Google to sell an Institutional Subscription so that institutions like ours can provide our members with complete access to a large database of books. We also support the requirement that the Institutional Subscription be priced for "broad access" and that pricing bands can be subdivided by Carnegie Classification or other means in order to satisfy this objective.

Our institutions have limited budgets for maintaining and expanding our information services. While we do not currently know the cost of this service, our expectation is that it will be significantly less than the alternatives available to us today. Without unlimited funding to purchase resources, there is truly no other way we can currently provide access to the breadth and depth of the collections in Google's partner libraries.

While interlibrary loan reduces the inequalities among libraries, there is a financial cost as well as a delay for scholars requesting the work, with no guarantee that an individual book will even be useful to their research. Thus, the settlement is a significant change for the better by creating a means for us to offer immediate electronic access to crucial published resources.

Other parties have raised concerns about how the settlement will impact educational institutions and, since the settlement's full impact cannot be easily predicted, we do share a sense of uncertainty. Nevertheless, it seems evident that the benefits of the settlement will be substantial for our institutions and, for this reason, we support the approval of the settlement agreement.

Sincerely,



Jeanine Varner, Ph.D.
Provost
Abilene Christian University