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Dear Sir or Madam;

I am a doctoral student and teacher of literature, and am required to read a large amount of material. Reading, for me, is more than a full-time job in terms of the number of hours each week spent. The best way I have found to manage my heavy reading load is to use the text-to-speech feature and the e-ink display on my Kindle. E-Ink is great for academic settings because it doesn't distract me or my students like a glass screen, doesn't create little dots of light that bounce around the walls, doesn't become unreadable in sunlight, and doesn't reflect the fluorescent lights of the classroom back in my face, irritating the stigmatism and compounding the fatigue in my eyes. I have burned through two e-Ink Kindles in this way, and then was confounded when I wanted to buy a replacement for my latest dead one. It turns out that Amazon is taking advantage of your waiver (DA 14-95, from GC Docket 10-213) to force me to buy one of their awful shiny screens. Since many of my books are DRM locked, I was forced to buy a device I did not want in order to continue to access the stream of information I need to continue my work. Although I have continued to attempt to buy a new e-Ink device with TTS, Amazon refuses to include a TTS system on any of their newer e-Ink devices due in part to this waiver. It is my intention with this letter to advocate for my students with disabilities, whose need for these devices is greater than my own, in hopes that their needs will be met by the proper expiration of this ill-conceived waiver.

The main reason the waiver was granted is that the e-reader is was deemed not to be a device intended to access ACS. On the contrary, I believe that the communication accessed on the e-reader DOES constitute ACS, or at least meets the spirit of that category. While scholars do communicate informally via email, the vast majority of complete peer reviewed research is only available via electronic journals, and in PDF files which are transferred to e-Readers via the library. Reviews of these articles and reviews of new scholarly monographs are also published in this manner. Many journals are no longer available in print, but only via electronic delivery. In this manner, the e-Reader is central to the scholarly conversation, and anyone who cannot access these materials is excluded, because scholars do not communicate this information in any other way. Everyone, from freshmen to professors at the University level, needs access to this information. Further, many people outside academia receive these electronic materials, including professionals in medicine, engineering, and other STEM related fields. As you know, persons with disabilities are guaranteed the option to practice all of these trades, and also to

receive an education in our University system on a par with their non-disabled peers. They need access to electronic scholarship to achieve this parity.

Furthermore, in an era wherein public libraries have purchased access to electronic books and journals for patrons with e-Readers, I contend that all library patrons, even outside academia, have a right to access them, regardless of disability or brand of e-Reader they are using, and that electronic library book materials and journal articles should therefore be included in the modern notion of ACS.

I believe the e-Reader manufacturers have amply demonstrated that they are capable of building simple TTS devices, but are unwilling to do so due to the small size of the market demanding this service for e-Ink devices. This, I believe, is just as much an offense to the spirit of the law as if we were to build a new bookstore without wheelchair ramps. All devices which are capable of checking these materials and scholarly research out from our public and University libraries can and should be equipped with the appropriate technology to make them accessible to persons with disabilities.

Respectfully,  
Wendy Fall