

ORIGINAL



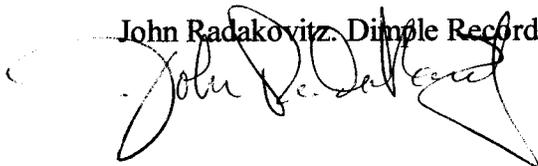
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Honorable Dudes, I'm writing this knowing we (the retail record community) have some sort of "30 day window for us to vent and hopefully, result in the reversal of your decision regarding MAP. Which brings me to **question 1**. In the history of the FTC (Fedora, tie and cumber bun?) how many of these 30 day windows have ever been backtracked THROUGH? (AFTER OF COURSE WIPING PRINTS OFF THE SILL AND RETURNING BACK INTO THE FORMER WORLD OF REALITY? I WAS GROCERY SHOPPING YESTERDAY. A WOMAN AND HER SMALL CHILD in her cart was in the produce section. The child suddenly reached out into a stack of watermelons. The mother raised her hand instinctively to slap the mischievous little paw, then pulled back just before contact. The child did manage to whisk a few off the shelves before the cart scurried away. Later, in aisle two I witnessed a mother who's seven year old was running aimlessly down the aisle crashing things under the seemingly approved eye of the mom. At the checkout counter yet another parent, with a four year old noticed his child putting a piece of bubblegum into her pocket. The Dad lightly spanked the small hand, told her to apologize to the store clerk and to put the gum back. The child was crying after the admonishment. It became obvious to me that this father was deemed an outcast by the shoppers around him, a "very bad person". In the parking lot I saw the woman who previously was going to spank and didn't. Asked her why she pulled back. "There are agencies, people watching out there, ya know?) Then I saw the mom with the little uncontrollable ball of fire. She was force feeding her screamer ice cream (so the child wouldn't someday sue her) and trying to talk her down. The father that actually slapped the sticky fingered one I noticed had a son that opened the car door and began helping dad put in the groceries. Father thanked him, strapped the little one into car seat smooched them both on their foreheads and drove away all singing to the radio. The episode in the store got me thinking about agencies. Bodies of power, that if in their pursuit of doing what their perception of good for humanity (consumers) is, and yet not turning over every rock along the way (due diligence) their well intentioned efforts could have an opposite effect. . **Question 2**. If an agencies ruling had a positive benefit to me, would I accept it without my own moral review of the decision? I was the recipient of a monetary award settlement in anti trust cases (price fixing) against the record companies in the early seventies. Yes I did cash the checks. Good moral reviewing John. As it turns out thorough outside independent investigators did the real fact-finding and you couldn't help but agree. No one wants to hear they've been duped. So FTC, stick cotton in your ears now cause in regards to MAP you guys have been had. As recent as the early 80's in order for my company to have available for sale the same depth of titles that I can offer the consumer now I had to buy from close to 15 distributors. Today it's down to five and shrinking. I suppose it will stop around three. **THIS IS THE REAL DANGER TO THE CONSUMER.** When I was young sometimes there would be an event, called choosing off for a fight. This generally began earlier in the school day, the fight to take place later. The savvy opponents plan was to ambush the other with a quick out of nowhere "sucker punch". This was done because usually the receiving victim would stop in his tracks, reach for his nose, and bring down a clump of blood. When he saw this fight was over. They shook hands, cokes and fries were bought and they became close friends. Ah, what an honest refreshing time that was. I think however, that in regards to MAP we go back to the mysterious phantom punch of the Ali and Frazer days. The FTC delivered the phantom punch and the Record companies feigned injury. The real sad result was that

there were four people in the ring. FTC, Record companies and two invisible losers: **The consumer and the Record storeowner**. I'll explain later. Like myself, a Jewish Record Chain storeowner and friend, called yesterday to discuss MAP. I said I was going to write a letter to plea our case. He said why? Don't you have things to do? Like going to gift shows in search of the latest rubber chicken or updated pooh pooh cushion to replace your music inventory. I thought at least go down kicking. I don't want to walk silently in line against my will to the showers. FTC. The Record companies want retailers to walk silently away. They just want to be able to determine when, and how and of course in this grand scheme to minimize damage along the way. The timing for the Record companies in the mid 90's was not quite in place yet. They began to see their own mortality leaking out. This was due to the premature price war blood bath. However, now, with FTC's help, digital delivery in place, the gears can slowly pick up speed. Believe me, the consumer will eventually be the loser. The decision on MAP smacks of Clintonism, wafting through the tree limbs like sqaeter fog. This was just a fast quid pro quo decision that was an easy swallow for the media. FTC didn't have to work, and it shows. Retailers don't decide on what to sell goods for. The Record companies decide. Like most prudent folks in business, we are continually testing prices not wanting to go to the extreme, customer resistance. The Record Distributors are experts at sensing this resistance. That's about all they're experts at. The Record companies would love to sell direct to the consumer at the same prices that the lowest priced big boxes do. The big boxes will be unhappy, & decide music will not be a category. Now FTC watch prices to the consumer. Does anyone have any balls? Not me, after 34 yrs of selling music, mine have been slowly shriveled up like raisins. What arrow was it that killed General Custer? The first or number 23? I think it was #1 and he just didn't want to quit. FTC, why does Russ Solomon want to sell? Why is Borders looking? I don't know of any other industry where the vendors somehow perceive their customers as the enemy. I've always known this. I just never knew about the new enemy. Fellow storeowners. Let's all just do one big group sale to Jeff Bezos and be done with it. My stores are for sale. 10,000 sq ft, a couch, espresso machine, bare floor, no inventory and a not so friendly staff. FTC. Who funds mass bankruptcies? Let me know if it's someone besides the consumer. I want to fight for the consumer; I want a Rumble In The Jungle. I'll fight to keep the soul of the consumer fresh where they can be diverse, be cool, be hip and happy in a shopping environment that they helped me create. By the way FTC I'll bet you were amazed when this case began and that you, like most of our customers were shocked to find that we don't pay 5.00 and sell for 15.00. Rather, pay 12.50 and sell at 12.99.

Sincerely

John Radakovitz, Dimple Records

A handwritten signature in black ink, appearing to read "John Radakovitz", written over the typed name. The signature is stylized and somewhat cursive.