From: Smythe DuVal
To: Microsoft ATR
Date: 11/21/01 11:28am
Subject: Microsoft Settlement

I'd like to comment on the recent settlement between the DOJ and Microsoft.

I have worked in the software and computer industry since 1989, including several startup firms that have partnered with Microsoft. I have followed the anti-trust cases against Microsoft since the mid-90s and I own a few shares of Microsoft stock.

I am shocked at the settlement the DOJ has reached with Microsoft. By any legal standard it is a weak settlement. I will not go into the details of of why this settlement is so weak -- that has already been done ad nauseum. The DOJ attempted to create a face-saving settlement that looks tough and is actually quite benign. What has taken place is an abuse of the rule of law. The settlement is worthy of criticism because it blatantly condones political corruption.

Before writing this letter, I researched the political campaign contributions made by Microsoft to the major Parties. It appears to me and no doubt other Americans that Microsoft entered a quid pro quo arrangement with the major Parties -- one in which Microsoft drastically increases their campaign contributions and in return the anti-trust suit will go away. Here are Microsoft's donations to the Republican and Democrat Parties since 1992:

1992	$ 51,483
1994	$ 103,702
1996	$ 237,484
1998	$ 1,357,746
2000	$ 4,356,376
2002	$ 837,385

Source: Center for Responsive Politics -- OpenSecrets.org
http://www.opensecrets.org/industries/contrib.asp?Ind=C5120&Cycle=2002

Microsoft's donations significantly increased as their legal troubles increased, reaching over $4 million in the 2000 election. Now that the lawsuit is "settled",

donations for the 2002 general election are drastically reduced, and yet still a large sum. That surge of money in 1998 and 2000 and the resulting settlement represent political corruption in the highest offices of this government. Microsoft bought this DOJ settlement.

It is reported in the news services today that Microsoft is offering to pay all court and litigation costs to the remaining States, if in return these States would drop their case against Microsoft. This eye-brow raising offer illustrates two things -- one, Microsoft isn't subtle when doing political corruption, and secondly, it offers a glimpse at the un-ethical environment they have participated with the major parties in recent years. Would any law abiding American driver, pulled over by a law abiding Police officer, offer to pay the officer's time in court if he in return would not write up a ticket? This is the very definition of attempted bribery. Microsoft's offer to the States is no less the same. Maybe they should donate lots of money to the State level Republican and Democratic Party -- they have already done that. Here is a thorough report detailing the corruption between Microsoft and officials at all levels of the government:
http://www.commoncause.org/publications/microsoft/microsoftstudy.pdf

The Democrats, the Republicans, and the Justice Department failed to uphold the rule of law and have set the most blatant precedent that bribery is acceptable practice. Indeed -- I anticipate if Microsoft doesn't pony up "protection money" in future election campaigns -- they will find themselves in legal trouble again. Case in point -- for the 2002 elections, Microsoft is the highest donor to the major Parties in the software industry.

I hope the remaining States and the European Commission have more integrity than the Democrats and Republicans who make up the "Department of Justice". America needs people who not only preach but also practice the rule of law.

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