From: Jed Haile
To: Microsoft ATR,microsoftcomments@doj.ca.gov@inetgw,...
Date: 11/21/01 1:19pm
Subject: Microsoft Settlement

Dear Attorneys General and Department of Justice Officials,

I have spent a large amount of time studying the proposed settlement for the Microsoft antitrust trial and I must express my extreme displeasure with the settlement.

Both the initial trial verdict and the appeals verdict upheld the fact that Microsoft is a monopoly that has illegally used it's monopoly power to deny other companies a chance to compete, and to control the flow of technology. Microsoft official were evasive and borderline to committing perjury in their testimony during the antitrust trial. Microsoft willfully disregarded the terms of their 1995 consent decree. What reason does any of us have to believe that Microsoft will honor the letter or the spirit of the proposed settlement? There are no strong enforcement clauses in the settlement, and there are enough exemptions and loopholes to make it entirely unclear what the settlement even restricts or enforces.

When the 18 states and the Department of Justice began this antitrust action against Microsoft the goal was to establish that Microsoft had illegally exercised monopoly power and to obtain punishment for that crime and to insure that Microsoft would no longer be able to commit further crimes of this nature. The proposed settlement does none of these things. Nowhere is there any punishment for Microsoft's breach of law, and the settlement contains enough exemptions and exclusions to leave Microsoft a broad lattitude to operate how it pleases.

The settlement is hopelessly biased in Microsoft's favor and I believe that Microsoft's past behavior warrants extreme reason to believe that Microsoft has no intention of honoring this settlement. Microsoft has never acknowledged their guilt, Microsoft has never accepted responsibility for their crimes, and Microsoft will certainly never agree to sign a settlement that limits their ability to continue to operate as they accustomed. The only option is to have punishment and corrective measures IMPOSED on Microsoft.

I urge the Department of Justice, the State Attorney Generals, and the Judge officiating over this trial to reject this proposed settlement. A great amount of time, money and effort have gone into establishing that Microsoft did indeed violate the law, and this settlement does nothing to justify that great effort.

With all respect,

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