

From: milo@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 12/10/01 10:53am
Subject: The proposed MSFT settlement - my opinion (absolutely unacceptable!)

Dear DOJ,

I'm writing to express my opinion of the proposed settlement with Microsoft - which I believe is utterly unacceptable.

May I point out that I have more experience with computers than most people; in fact, than most technical people. I've been programming since I was 9 years old - which was in 1975. I've been on the Internet long before most people knew it existed. I have a Wharton MBA, and have been a senior (VP & officer) executive of several Silicon Valley firms. (I am NOT currently employed by any firm that directly or indirectly has any relationship - adversarial or otherwise - with Microsoft.) I've negotiated with Microsoft (quite successfully, I might add!) at the Director level. I have met Bill Gates, I know the CTO and CEO of Intel, Stanford's expert on networking technology, the former CEO of 3Com and current CEO of Exodus, Lawrence Lessig at Harvard, and many other key players in this industry. I know networking technology intimately - in fact, I've built my own networks including hardware, operating systems, cabling, and IP setup.

Given the strength of the initial court's findings (under Judge Jackson), I find it unbelievable and unconscionable that DOJ would roll over and present such an incredibly weak proposed settlement. Not only is it complete capitulation where none was necessary - it does not settle even half the merits of the initial case.

It has been found that Microsoft not only IS a monopoly, but has abused its monopoly position in clear violation of US antitrust law - these two points are clear and beyond dispute. The proposed remedy, from a structural point of view, is toothless and does not address, let alone solve, those two issues. In fact, Microsoft CLEARLY shows by its recent actions (particularly with regard to XP and .NET) that it is taking steps to further cement its dominance of the operating system that, effectively, most of the world depends on, is tied and beholden to, and must interoperate with. More than IBM ever did under its consent decree, Microsoft owns, dominates, and controls how virtually every individual and enterprise interacts with information, computers, networks, and knowledge. THIS IS INCREDIBLY DANGEROUS - regardless of Microsoft's intent. And in fact, Microsoft has shown over and over again that its intent is NOT benign.

I personally do not favor a "structural" remedy in this case - it's not only not particularly pragmatic, but I think it would fail to address dominance in the to-be-separated areas. What would be far more helpful

would be a combination of just a few remedies - all of which have been proposed. The most important are these: (a) availability of source code - this would allow competitors to make products (e.g. digital media tools) that run as well as Microsoft's; without it, that is almost impossible as a practical matter, since Microsoft owns the OS and only they know how to interoperate with it optimally. Existing copyright and other IP protection is sufficient that opening the source code would not dilute ALLOWABLE IP value. (b) Microsoft must not be permitted to dictate to manufacturers how Windows is configured, which options may, must, or may or must NOT be installed, or offer differential, preferential, or incentive pricing or terms (which it currently is doing with Windows XP!) of ANY kind. (c) Windows (and subsequent "platform" class systems such as .NET) should be modularized, with freely available APIs that are the SAME APIs provided internally to Microsoft's own teams. If groups within Microsoft were to be "Chinese-walled" from one another, and the information they share be required to be shared with developers at large, I believe true competition would arise, leading to enormous economic benefit.

One has only to look at the utter failure of the Telecom deregulation act of 1996 - and the resultant crash of the competitive telecom sector! - to see how bad this settlement would be for true, American-style, free-market competition in the IT market. The disaster would reverberate for decades, and have a profound impact on the way of life of not only all Americans, but all people worldwide.

I implore you - crack open the fortress. Use the tools you have - the findings of Judge Jackson were clear, unambiguous, and powerful. Impose a remedy that reflects that - and is just! - not some weak half-attempt that virtually every expert agrees will fail.

Regards,
Andrew Corradini

Do You Yahoo!?
Get your free @yahoo.com address at <http://mail.yahoo.com>