

**From:** John Kristjansson  
**To:** Microsoft ATR  
**Date:** 12/13/01 6:00pm  
**Subject:** Settlement

To whom it may concern:

Historically, Microsoft has had little problem with deliberately changing their operating system source code in order to destroy a competitor's competing, and oftentimes superior, products--a la "it ain't done 'til Lotus won't run". These practices have led to a situation where the consumer has become convinced that the only safe product to buy is one manufactured or endorsed by Microsoft. They have employed underhanded tactics in their licensing schemes to prevent PC manufacturers from offering competing products alongside the Windows platform--the infamous boot time license. Further, they use federal certifications, specifically the Orange Book (DOD Trusted Computer Systems Evaluation Criteria), in order to convince the consumer that their products are more secure than they really are(Orange Book C2 certification applies to standalone machines rather than a networked o/s). I won't even touch the topic of software bundling at this point, only the illegal maintenance of a monopoly.

I am not convinced that the settlement, which has aspects that appear to help reinforce their monopoly position, goes far enough in remediating the conditions which led the DOJ to prosecute an antitrust suit against Microsoft. I feel that the only possible resolution that will prevent further illegal maintenance of their monopoly is to place the source code of their current operating system and its immediate predecessor in public scrutiny under a license similar to the Artistic License, as well as a 15-month ban on any further operating system releases. This will have the effect of lowering the barrier to entry in the marketplace, allowing a certain amount of competition to redevelop in the marketplace, and ultimately improve the overall security of the architecture. While this may sound a bit extreme, the actions that Microsoft has taken in the past are no less extreme, and their current activities and plans appear to make their past misconduct a more desirable situation. They must be held liable for their actions, and suffer the consequences.

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