

From: William Stella
To: Microsoft ATR
Date: 1/8/02 7:16pm
Subject: Microsoft Settlement

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Dear United States Department of Justice and U.S. District Court Judge Colleen Kollar-Kotelly:

I am just a simple carpenter, (who also happens to be very close in age to Judge Kollar-Kotelly - I will be 58 soon and our world-perspective is likely to be fundamentally somewhat similar), but I have some very real concerns regarding the Microsoft lawsuits from both the federal DOJ and state AGs. Basically, I think that none of you are acting in the best interests of the vast majority of Americans. My deep feelings of patriotism - and this is a very real patriotism issue - come from having served in the 7th Special Forces Group and the 82nd Airborne Division from 1961 through 1964, AND my consequent understanding that "all that is necessary for the forces of evil to prevail in the world is for enough good people to do nothing". I actually suspect - especially in the situation regarding the various state AGs gathering together and 'joining' in this legal action - that there are very strong questions about the constitutionality of said activity. Representatives from a number of states began to conspire and try to force the federal government to take certain kinds of actions in the past. A notable example was eventually thwarted by a guy - a President, if you will - named Abe Lincoln. I wrote a rather blunt letter to Judge Stanley Sporkin several years ago about the same basic issues involved with the DOJ, et al. Some of the cast-culprits from the competition have changed or been added, but their motives and behavior are just as scum-bag-greedy as ever! Here it is below, for your edification, entertainment and hopeful enlightenment:

(Note: I no longer live at the address shown in the letter. My current address is:
14424 North Creek Drive
#1126
Mill Creek, Washington 98012)

March 2, 1995

U.S. District Court Judge Stanley Sporkin
The District Court for the District of Columbia
United States Court House
333 Constitution Avenue, N.W.
Washington, D.C. 20001

Dear Judge Sporkin:

I am just a simple carpenter.

Perhaps you will help renew my faith in humanity and find it in your heart to take a little time to pay attention to a nobody like me. After all, you probably spend most of your day listening to lawyers - and I'll bet that my views are much more honest and fun. (I must admit that, thirty-some years ago, I gave only slightly more than a passing fancy to the notion that I might want to go to law school myself.)

(I looked around at the company I'd be keeping and realized - your honor excepted, of course - that I might soon feel like Diogenes of Sinope - but picture him standing stark-naked on a miniscule ice floe floating in the Arctic Ocean in mid-December and having had F. Lee Bailey skip blithely across the water and r-r-r-r-r-r-rip his lantern from his hand, then trying to cover the faint flicker of his tiny now-substituting candle flame in the midst of an horrendous, howling, horrible, hailing, raging, ravaging, roaring, fierce, ferocious, furious, snowing, sleeting, stultifyingly savage storm! - rather than living his ideal, natural life of sitting in a tub and occasionally venturing-out, searching the daylight.) Whew! Dat be de long sentence.

It's with considerable interest that I've been reading a great deal about your recent involvement in the Microsoft anti-trust maybe/maybe not settlement. In addition to actually working for a living - I eagerly await a brief

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lay-off ending work-call from my union, Carpenters' Local 131, at this very moment - I've used microcomputers, at home and in several workplace situations, since the early Eighties.

And, I'm writing to you, Judge Sporkin, because I simply cannot believe that virtually all the press reports I've read have misquoted you and misunderstood you. (It is kinda nifty to read our local press folks. I am a Seattle Times subscriber and get exposed to excellent reporting from the likes of Steve Dunphy and Paul Andrews, fairly good reporting from Michele Matassa Flores - plus awful, inane, and inept garbage from our very own version of what can best be described as "Clueless in Seattle" , O. Casey Corr. This nincompoop has just got to be the publisher's nephew or something!)

I read Hard Drive back when it was hot off the presses. Most of the personal and business behavior described in the Wallace/Erickson book seems nasty. It also seems pretty typical. The authors indicate that Bill Gates does not possess even the most basic or fundamental sense of ethics - whether it's having sex "with the wife of one of Osborne Computer's overseas executives" or stealing trade secrets from guileless prospective acquisition partners who've told Gates, or his confederates, too much. It may be that some of those stories are actually true - hey, stranger things have happened! It may be that, at worst, Bill Gates is essentially amoral. Or, at best, he may be brash, arrogant, slick, sneaky, heavy-handed, and business-brutal.

So fucking what?

(Remember, I'm an unsophisticated tradesman. You will please excuse my lack of knowledge regarding proper judge-letter decorum. Throughout, I intend no disrespect to you or your institution.) (I must admit here that I would direct my personal admiration toward the likes of Arthur Ashe - I hope you've read his last book - rather than Bill Gates. And, perhaps, someday Gates will develop Ashe-like aspirations? Hope springs...)

What's the point of all this corporation meddling/oversight? Is it to protect some whimpy-assed also-rans and potential once-weres from their own silly ignorance and stupidity?

What IS Microsoft's competition doing? You know, Judge, it's almost as though all these wonderful, mega-bucks, ersatz business 'giants' - the CEOs at Apple, IBM, Motorola, Borland, Novell, and now, today, America Online, CompuServe, and Prodigy, decided to get together in a big circle and created some weird new-age ritual wherein they watched each other cut off their own balls! What a bunch of prissy little twits!

Take a look at the marketplace. Really take a look. I mean, never mind those whining little suck-butts who have poor market savvy.

Let me give you my own anecdotal example - it's pretty straight-forward:

1. I recently ordered, on February 17th, a Micron P100PCI Millennia PC. Micron, also an exceptionally talented company, has some sort of an agreement with Microsoft which provides Micron with Microsoft Office Professional 4.3/Microsoft Bookshelf on CD-ROM to bundle with its high-end PCs. I like that. (I would be quite surprised to learn that Micron is a Reback silent partner - quite surprised, indeed.)

IMPORTANT NOTE: Please understand, that if I choose, I may completely ignore ALL the software on my new computer, write all my own code using a wide variety of computer languages and operating systems on different sectors of my one-gigabyte hard drive, and develop any utility or application programs I dream up. My machine is fundamentally nothing more than a mass of potentially incredibly well-coordinated electronic

impulses, just chomping at the bit, waiting for me to provide it with lucid instructions. This machine makes no demands on me, but offers me the tacit agreement that it will dance all over itself with zero/one delightfulness - once I give it the proper zeros and ones. Hence, GIGO. (And this garbage-in-garbage-out concept could apply to lawsuits too - ya know what I mean, Verne?) We could get real anthropomorphic about it, but, it is just a fancy box of wires and wafers.

So, what's left for me to do is to look around for some entity to take the aforementioned potential, and direct it better than I. N'est pas?

2. If you'd followed the development of PC software and hardware more closely, you would understand that this is a company, Microsoft, which produces excellent products - at a very reasonable price, with exceptional features which enable users to make very efficient use of their time and energy. (You'll notice that I didn't say "perfect" products, or even the "best" products. We have yet to see those - and it may not be Microsoft providing them!

3. Suppose I decide that I want to switch to Novell's PerfectOffice Professional software. I would run out to Egghead Software and buy it for \$550. That's a lot of money. But, when you look at most businesses - even quite small home businesses - that amount of money isn't going to make or break you. And, now you'd own both sets of office software! (You could do the same thing with Lotus SmartSuite for \$460.)

4. You could buy an Apple computer with an entirely different operating system, along with its own pretty handy software. Millions have. Why haven't millions more?

5. The number of software companies is growing remarkably fast, NOT SHRINKING - to a great extent because of Microsoft's enormous success and its continuing efforts to generate greater interest and involvement with personal computers. The old "bandwagon effect:".

6. Is the world rushing to IBM and their operating system, O/S 2 Warp? Why not? Could you, Judge Stanley Sporkin, decide to write your very own operating system, market it, and make tons of moolah? You, if you really know what you're doing, bet your sweet behind you could!

SO, WHERE'S THE MONOPOLY? WHAT'S THE BIG DEAL?

And all this crap about "vaporware" and the "smoking gun". Gimme a break. Microsoft lawyers lied to you? Do lawyers lie? Do bears dump ordure in the woods? You see, it isn't just the knowledge that ALL software companies - and most hardware companies, like maybe IBM, (surely, in my humble opinion, one of lawyer Reback's clients), have been doing this "vapor" stuff for forty years or more. By the way, so have the car makers, appliance companies, chemical companies, etc.

This is a very complex and challenging world into which you've fallen. The players - inventors, developers, publishers, manufacturers, and customers - form a group unlike any you've ever imagined. The level of sophistication may be higher, especially that of the customers, than any other single societal element. And this fact is very important - even critical - to you and your task. My hope is that you have some sort of "warp-speed" learning curve, since I don't believe, frankly, that you really know what's happening here. You have got to be damned sure that you are looking at victims.

Hey, help me out here. Is it possible that you may be thinking about putting some Rehnquist-like gold bands around your robes or something? I mean, I've picked-up this thing and perused it for years, from inside and out, top and bottom, at every imagined angle. I've squinted at it with a tilt, a lilt, and felt its temperature in all sorts of weather - and, mixing

metaphors with complete abandon, you still look like a wild-ass bull in a fragile china shop to me.

Historically, the real damage done to society and our environments - both natural and competitive - has been visited upon us when large businesses or governmental agencies have colluded, not faced-off. (Oil companies, meat packers, railroads, the literally criminal behavior of General Motors and Standard Oil as they conspired to eliminate the trolley-car system in L.A., the Bay of Pigs fiasco, the Vietnam War, (I served in the 7th Special Forces Group and the 82d Abn. Div. from '61 - '64, and have some first-hand knowledge of how and what our government did secretly - like Special Forces psych-warfare and sabotage teams operating, clandestinely, in North Vietnam during the late '50s and early '60s and the subsequent huge increase in manpower allocations following President Kennedy's visit to Fort Bragg and his viewing of our razzle-dazzle "sneaky pete" demonstrations - jet-pack-flying-soldiers bullshit and all.

From your experience with the C.I.A. and the S.E.C., you understand the fundamental differences between groups-which-do-battle-amongst-themselves and groups-which-secretly-manipulate,-collude,-and-cooperate-whilst-publicly-portraying-themselves-as-rivals. The former may be rough all 'round as they behave in classic Darwinian fashion - providing more fit survivors. The latter gouges and rapes citizens and consumers. And denies all of us access to the better and best which life has to offer.

I'm convinced that you are having much trouble in gaining a clear picture of the issues involved in this case. (Yeah, I know that sounds rather smart-ass of me. But just try to consider some of what I have to say, in an open-minded manner, then worry about tone later.)

Part of your difficulty lies in your lack of exposure to, and genuine familiarity with, the use and history of PCs and their software. Hard Drive presents only a small portion of that history, and it has a very narrow view to boot. Sources are all around you.

Scientific American has followed computers for many years now. The September '94 issue has an excellent article, "Software's Chronic Crisis", you will find quite valuable. In fact, Scientific American has computer-related articles in nearly every issue, including the current March, '95 - and many of them deal with business and software together.

And maybe give some thought to having a talk with people like George Fisher - who had a totally different approach to some of these same technology competition issues while he was the CEO at Motorola several years ago - and former Congressman, Secretary of Defense, White House Chief of Staff, and an accomplished businessman, Don Rumsfeld. They are just a couple of the sources available to you to get a realistic sense of the actual market forces at work.

Lastly, I want to mention, in general, some of the global market factors involved. As you know, millions of dollars are stolen from many U.S. software companies every year. Software developers are using more and more foreign sources for their work all the time. You run the risk of, once again, killing another American golden-egg-laying goose. If you want to drive all of Microsoft's operations, not just some of them, to India, Bulgaria, and who knows where - keep pounding away. A zippy little reality check shows that Gates could run his corporation from just about anywhere - all Microsoft facilities could be re-located to Halmahera, Jabalpur, or even Kumbukkan, whilst he and his gang of top bananas stroll the halls of their Puget Sound mansions, occasionally tapping a few keys in Microsoft Office Professional 4.3 to check-up on things.

What's happened to the American television and electronics industry? Autos? Book publishing? The point is, if you try to gain power and fame by bludgeoning world-class American corporations like Microsoft - in the misguided belief that they have a monopoly - you may actually provide even more opportunities for far less competent, ethical, and competitive software providers - and end-up destroying the enormous good side of our business environment for American companies. Frankly, foreign companies love the way our courts stomp on our businesses. (I'm not talking about real concerns like health and safety rules - I mean the very methods you seem so upset about. The exclusive license agreements which build powerful ties between Microsoft and its partners, and even other trade so-called 'questionable' practices.) Let the companies who complain and try to coerce the Justice Department, move their cause to civil courts with actual violations of law. Let 'em make their case with better products and prices in the marketplace. Let 'em go door-to-door, if necessary, with excellent products.

A year ago today, I turned fifty. I read Mr. Ashe's book and felt terrific for it. Today, on my fifty-first birthday, you, you lucky dog, are the recipient of my efforts at trying to make a small, positive difference. It may surprise you to learn that I don't own Microsoft stock, but I know several carpenters who do - they've done well and acted wisely. I hope you will too.

Sincerely,

William S. Stella
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Edmonds, Washington 98026
(206) 775-0550

P.S. Rest assured that I would certainly enjoy having the opportunity to meet you or talk with you at any time. If you ever visit the Seattle area, please give me a call and I'll treat you to Harry Nagamatsu's Atlantic Street Pizza - "Garlic Gulch" for sure. Maybe Willy Windows will join us, and then you can really pummel him.

P.P.S. Obviously, this is a personal letter. I don't represent anyone - not my union, Microsoft, the late and great Arthur Ashe - except simple ol' me.

C.C.

Stephen H. Dunphy - Seattle Times Business Columnist
Bill Gates - Microsoft Corporation