From: Jim Robertson
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/14/02 1:59pm
Subject: FW: Encourage DOJ to settle Microsoft case

I received the following email message. I am only writing to see if it is a legitimate use of my time (or the people I forward this to) or is it a hoax? Is the DOJ seeking public comment? I receive so many "form/chain" letter via email, I never know what to believe anymore.

Thanks for you time.

Jim Robertson
Olympia, Washington

-----Original Message-----
From: Marsha Richards [mailto:mrichards@effwa.org]
Sent: Thursday, January 10, 2002 5:31 PM
To: info@effwa.org
Subject: Encourage DOJ to settle Microsoft case
Dear EFF Friends,

As you know, 18 states and the federal Department of Justice (DOJ) have been involved in a lawsuit against Microsoft. Recently, the DOJ announced it has negotiated a settlement agreement with the company (one of America's most successful). The settlement must be approved by the federal judge in the case before it can take effect, and the DOJ is currently seeking public comment.

The case against Microsoft has greatly harmed Washington citizens. Stock values, not only in Microsoft but in the entire NASDAQ, have dropped dramatically and consumers overwhelmingly agree that allowing the case to end with this settlement is good for them, the industry, and the nation's economy.

Please consider sending a letter, fax or email to the DOJ to let them know what you think about the settlement. The deadline for comment is January 28, 2002. I'm including a sample letter below along with the contact information you'll need. Please feel free to edit it as you see fit, or write your own.

I would recommend sending your comments by email or fax since mail has had difficulties lately. Also, if possible, would you let us know if you decide to send a letter? We'd like to measure the impact. Thanks very much.

Cordially,

Bob Williams

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[Contact Information]
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[Sample Letter]
To Whom it May Concern:

As a citizen of Washington state, I encourage you to accept the proposed settlement in the anti-trust case involving Microsoft.

This settlement is appropriate and reflects a triumph of the rule of law. Certain Microsoft competitors and other critics of the proposed settlement make the core of their objections a call for more stringent restrictions, ranging from prohibition of what they call "product tying" to breakup of the company. More extreme critics complain that the remedies do not address products that were not even part of the case.

These objections ignore the decision of the Appeals Court that reversed much of Judge Jackson's original findings. The Appeals Court threw out findings on many fronts related to Microsoft's anti-monopolistic behavior. One key area rejected was the basis used for claiming that integrating Internet Explorer and Windows represented monopoly abuse. The court went further to state that any new burden of proof for "tying" would be immense. The court also rejected the breakup order and made it clear such an order moving forward would be difficult to sustain given the court "drastically altered [i.e., reduced] the scope of Microsoft's liability."

One final objection raised by critics is that Microsoft has a past history of consent decree violation so the company cannot be trusted to adhere to a new decree. This is a patently false assertion. The Appeals Court in June of 1998 rejected the very claim that sent the parties into litigation - the Department of Justice claim that Microsoft had violated an earlier consent decree. Furthermore, this settlement takes the extraordinary step of creating an onsite oversight body. There are, therefore, no legitimate grounds for an assertion that a consent decree will not constrain Microsoft's behavior in the ways the court intends.

Rather, the proposed settlement directly and concretely addresses each and every key finding upheld by the Appeals Court, and does so with an undeniably stringent remedy. The areas of violation addressed include requiring OEMs to preserve visible access to Internet Explorer, to preserve the original boot sequence, to preserve all Microsoft-supplied desktop icons; entering into exclusive contracts with Internet Access Providers; threatening companies over support for other middleware technologies; and every other key area identified by the Appeals Court.

In my view, there can be no valid objection to this settlement because every major finding of the Appeals Court is stringently addressed with a targeted remedy that specifically prohibits and prevents the behavior in question.

Acceptance of the proposed settlement will send a signal throughout American industry and the country as a whole that in the United States rule of law is alive and well - that defendants face remedies only for those findings against them. Anything beyond this settlement would represent a victory for those who do not seek remedy but rather also unwarranted punishment, and this would be a serious blow to the smooth functioning of free markets and the law that protects them. Participants in the American economy would forever be forced to fear whether the laws they rely upon to safely conduct business will be applied fairly.

I believe in advancing free market competition and this settlement serves the best interests of the American public. It fairly resolves a complex and burdensome anti-trust case that is having severe impacts far beyond one company, a case that is acting as a drag on one of the most vibrant sectors of our economy. Settlement of this case will free the high-technology industry to put its fullest efforts into innovation and creativity, and will spur competition in a way that will directly benefit consumers.

Thank you for your consideration.

Signed,