

From: Markland J. Benson
To: Microsoft ATR
Date: 1/23/02 11:10am
Subject: Microsoft Settlement

Renata B. Hesse:

I have recently read the revised final judgement in the case of United States of America vs. Microsoft Corporation dated November 6, 2001 and I have concerns regarding the proposed resolution of this case.

The monopolistic behaviors found as fact in the case cannot be curtailed by an oversight committee that does not have authority to stop product shipments or impose significant monetary fines for infractions against the terms of the settlement. To say that a business with predatory practices should be curtailed simply by this committee's access into its day-to-day business, is to say that a lion will stop killing because we watch the lion's every move. In this case, as in the situation of the hunting lion, direct and forceful action must be taken against the offender.

Metaphors aside, the historical and effective work that the United States has done against monopolies within its borders has been carried out via the breaking apart of the monopolistic entities into smaller, less-powerful entities. This remedy should be applied in United States of America vs. Microsoft Corporation as well. It has been proven effective over time and such a solution would show evenhandedness of the government rather than favoritism.

A note on appearances--without necessary regard to fact. As it is now, it appears that Microsoft has purchased the opinions of the opposition and has nearly escaped with barely a hand-slap. Even the technical committee will not be immune to the enticements of the billions at the disposal of Microsoft Corporation.

I hope that this short commentary can be of assistance in redering justice.

Regards,

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