

From: David Smith
To: Microsoft ATR
Date: 1/23/02 7:39pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions with the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a "punishment" instructions that they cannot commit those acts again, they have still benefitted from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

I also cannot resist to comment that one form of solution I haven't seen in the public commentary has been to enforce that Microsoft, or every software maker possibly, to openly and freely publish the interfaces for interoperating with their software. To be precise, this would mean publishing APIs and File Formats (namely Microsoft Office file type formats and Win32 API). This remedy is extremely easy to produce technically and removes the possibility of illegal 'binding'. Anyone with enough technical experience can build a competing product and Microsoft (or any business) does not have to give away the source code to their products.

Sincerely,

David Smith
Systems and Network Administrator
West Virginia University, College of Human Resources and Education
Morgantown, West Virginia 26505

(304) 293-7639 ext. 1817