From: Ray Whitmer
To: Microsoft ATR
Date: 1/28/02 6:49pm
Subject: Microsoft Settlement.

To whom it may concern, regarding the proposed settlement of the microsoft case.

I am not a lawyer, and have no sound legal advise to offer, and the time has past for that. I have been an employee of a number of companies who have found it impossible to compete with Microsoft because competing with them had little to do with quality of product and everything to do with control.

You do not have to look far at all for many overt acts that I think any reasonable person would call criminal. This is because of the high-pressure eminating from the top of the company, to win at any costs.

In my 20 years developing products across many operating systems and corporate structures, I have worked for WordPerfect corporation, Novell, and Corel, among others, and it has become increasingly obvious that quality has nothing to do with winning in the marketplace.

It is all about who controls the information patterns of the masses, whether it be Movies, Software, News, or Advertising.

This is not a new phenomenon. Once the Catholic Church controlled these things quite effectively with systems that greatly resembled the ever-expanding copyrights and patents on things today. Today, Martin Luther, sneaking out of the Vatican with his biblical transcripts would be hunted down as the latest Napster-ite, who thinks that works which interweave themselves so deeply into the roots of a population should not be controlled by a power-hungry entity such as a Church or a Mega-corporation. This does not mean that those who produce them do not deserve profit, but see what the billions paid for Windows every year buys us: In significant cases, less than what the remaining competition now gives away for free, because Microsoft has such a lock on the market. The profits are squandered every year on power.

There are dozens of competing products that could have easily taken that position had they controlled the power they had in their times as unscrupulously as Microsoft does. Corporate survival and hunger for power and profits are the reason we have antitrust laws. In this case, the public shame is greater, because it is the Copyright laws -- an artificially-granted government monopoly -- that establishes the Microsoft Monopoly.

If it were possible to still compete in this market against that Corporation, you would clearly be seeing much lower prices -- the Microsoft take increases, but somehow the economies of scale in software production never lowers the price of the software, and there is never even consideration that you paid for dozens of versions you can no longer use because Microsoft has made them

incompatible.

Microsoft is not an indispensible part of the market. If they vanished, within 5 years, there would be no trace left, and there would be competition for a little while until another corporation showed that it was the most vicious of those remaining and consolidated power.

I and thousands of people like me have started writing new software that is not susceptible to this overbearing corporate eternal ownership -- which I have to believe is extremely different from what the framers of the Constitution thought they were doing in granting limited copyright and patents.

We have the technology to design around the original intent of these laws, and it is time that you look at seriously reigning in the moster that has evolved.

Law of the mega-corporation, by the mega-corporation, and for the mega-corporation is not in anyone's best interest long-term, even if the mega-corporate advertising of today has the same persuasive power as the mega-Churches of old over the masses, tribunals, and courts of law.

The case against Microsoft was poorly made, and hardly justified, not that there wasn't a huge case to be made. But your remedies are worse than ineffective. They will do more harm than good. You have overturned the breakup, which might have had some effect, but likewise didn't get at the root of the problems, which I have tried to describe here. It is not Microsoft that is wrong but <insert any company> which succeeded by such viciousness would be just as bad, and I would be just as sorry to see Sun, Oracle, or even my own company AOL Time Warner be in such an abusive position.

I think that when a company abuses the public trust of its granted monopolies as badly as Microsoft has, the appropriate and natural action is to revoke their monopoly, which in this case is their copyright. With that arrow in your quiver, it would not be difficult to convince companies in the future to act more in the public interest. Short of that, please abandon your current pursuits and admit honestly that the corporation has won and the country has lost. It is really rubbing salt in our wounds to offer something that hurts more than it helps and claim you have acted in our behalf.

Human rights are more important than copyrights or corporate rights. Many technology companies go under every year. It would be better, though if there was a better connection between profits and service.

If you do not, the next revolution is on the horizon. You cannot lock up everyone for violations of intellectual "property" any more than the Church could, however much the corporations want to control everything. And corporations do not need an absolute eternal copyright as much as they might claim.

And America will become the "old world" while other countries such as Russia have their patriots thrown in prison in America for crimes of conscience by the dozens of new FBI/DOJ departments created for this new opression -- certainly not for any overt act depriving a corporation of it's profit in the recent Sklyarov case. Do you really want to be the "Department of Justice" which presided over such a debacle? Where is justice for we, the people?

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