

THE HENRY HAZLITT FOUNDATION

Free-Market.Net: The Freedom Network

401 N. Franklin St., Suite 3E
Chicago, IL 60610
(312) 494-9440
fax (312) 494-9441
e-mail: info@hazlitt.org
<http://www.free-market.net>

January 25, 2002

Renata Hesse
Department of Justice
Antitrust Division
601 D St NW, Ste 1200
Washington, DC 20530

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Dear Ms. Hesse,

The settlement before the court in the Microsoft antitrust case is not ideal. The premise for this case was unwarranted to begin with. The antitrust laws being applied are subjective and left to regulators to interpret—in this case not even for the benefit of consumers. All things considered, I still write you today to encourage Judge Kolar Kottely to support the proposal.

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The settlement gives the government most of what they wanted, stopping short of breaking up the company. Among other measures, the company is required to disclose significant proprietary information to its competitors. This is a significant and meaningful punishment.

To enforce the terms of the settlement, Microsoft engineers will have to put up with a team of three on-site, full-time monitors. The monitors will have access to all of the company's records and personnel, and Microsoft will even have to pick up the tab for their offices and up-keep. Again, this is a significant and meaningful punishment that provides ample ground for the state to make the case to the public that justice has been served.

The end of the conflict between Microsoft and the federal government will restore a much-needed measure of "certainty in the marketplace," as the Justice Department itself has claimed. Consumers and business partners will no longer have to fear the dismemberment of a major player in the software industry. I, as a Microsoft customer, won't have to worry about dealing with more vendors to get the same goods and services. People will be able to make plans for the future with a somewhat reinforced sense of confidence.

But real certainty in today's marketplace requires a knowledge of what's legal and what's illegal. While the Microsoft settlement seems to put a high-profile conflict to rest, it doesn't deal with the larger problems that sparked that battle. As long as legislation that means whatever bureaucrats say remains on

the books, conflict will continue between frustrated businesses and arbitrary regulators.

So, I urge you to take this needed step toward bringing this chapter to an end. And I encourage the Department of Justice to work with the legislative branch to carefully re-examine and restructure, or, preferably, repeal the Sherman Antitrust Law.

Thank You,

A handwritten signature in cursive script, appearing to read "Louis James".

Louis James
President