

**SOUTH CAROLINA POLICY COUNCIL
EDUCATION FOUNDATION**

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DATE: 1-18-2002

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FROM: Gerry Dickinson

MESSAGE:

E D U C A T I O N

F O U N D A T I O N

January 18, 2002

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530-0001

Dear Ms. Hesse:

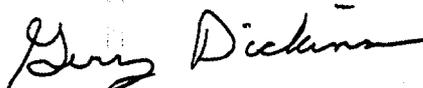
Attorney General Charles Condon ended the State of South Carolina's involvement in the Microsoft lawsuit in December 1998. At that time – more than three years ago – the state cited the fact that they could no longer justify the expense for a trial made moot by the actions of a competitive marketplace.

It was easy for the individual states to hop on the lawsuit bandwagon, but it is more difficult to step off. However, amidst the dot-com meltdown and terrorist threats, we have seen our economy shrink. While other states are facing huge billion-dollar budget gaps because of the recession and high spending levels, South Carolina has been fortunate to add jobs in the past two years.

American freedom and prosperity grew from the principles of free enterprise. Those who choose to enter the marketplace should be allowed the chance to succeed or fail on their own, unconstrained by continual litigation. But most certainly, they should be able to rest assured that running a successful business is not against the law.

The Department of Justice's proposed settlement has great merit. Advocates of limited government support the Department's settlement as a prudent way to save taxpayers from having more funds wasted on this case. Additionally, a settlement would send a positive signal to the businesses, which comprise the technology sector that the government isn't going to run their businesses for them. It is our hope that this settlement agreement - negotiated by nine states, the federal government and Microsoft – will receive your utmost consideration for approval.

Sincerely,



Gerald P. Dickinson, Jr.
Vice President for Policy

The Thomas A. and Shirley W. Roe Center for Public Policy Research