From: Chris Worley
To: Microsoft ATR
Date: 1/23/02 6:21am
Subject: Microsoft Settlement

Sir/Ma'am,

I find the proposed Microsoft antitrust settlement to be just short of an apology to Microsoft.

It will do nothing to stop their anticompetitive behavior. It will do nothing to spur competition in the software industry. It gives Microsoft carte blanche to continue to run roughshod over consumers and competition.

The media has well documented that every key provision in this settlement has an "opt out" loophole that allows Microsoft to continue it's anticompetitive behaviors.

The future of high technology is at stake. If you allow Microsoft to remain unchecked, then we are entering a new "dark ages" where a small minority will control the information vital to innovation.

The part of the proposal I'm most concerned with is the "security" "opt out" in the "open protocols" section...

"Security" has become a buzzword associated with terrorist acts, allowing Microsoft to portray competing vendor's software compatibility with authentication software as an act of treason.

It's just not so. "Security through obscurity" has never stopped hackers with ill intent, it only keeps those being attacked "in the dark". It's much like human viri: we want to know what can infect us, how to keep from getting infected, how to detect the infection, and how to stop the infection (even if it can't be stopped). This information is key to our longevity. For example, the recent anthrax terrorist acts have shown that public information is critical to detection and cure, and the lack of information led to unnecessary infection (of postal workers) and panic among the uninfected, and did nothing to stop the perpetrator.

Software viri/worms require the same publicity to protect and inform the population.

I'm afraid Microsoft has negotiated this loophole in the settlement for a reason other than protecting consumers: they're stopping compatible products from competing under the guise of stopping terrorism.

For example, a software package called "Samba" competes with Microsoft

NT file servers: file servers compatible with the protocols that provide you with your "network neighborhood". If Microsoft can hide the authentication protocol, then the competing file server software can't compete: if you have to have an NT server to authenticate users, then you might as well use that server to serve files and not use Samba at all (IT departments, in order to simplify their task, would prefer not to run servers with different OSes). For Samba to compete, it must be able to perform all the necessary protocols for Microsoft's network file services. It's all or nothing; it does consumers and competition no good for only part of the protocol to be published.

This is similar to their behavior with API's. By not exposing key OS interfaces, they've been able to create special "hooks" into the OS that only their applications can use, allowing their applications to have features that the competition can't have. It's the same old trick with a new twist, under the guise of "protecting consumers".

This settlement is a ruse. It's a trap. And, the DOJ seems overly willing to fall for it, to the detriment of competition and consumers.

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