From: olivier@tesla.intra.calle.org@inetgw
To: Microsoft ATR
Date: 1/27/02 11:04pm
Subject: Microsoft Settlement

I wish to express my opposition to the Proposed Final Judgment with Microsoft.

I do not believe the proposed remedies will do anything to curb the behaviors of Microsoft which were found to be in violation of antitrust laws when the company was found guilty.

For example, the proposal includes many opportunities or loopholes for Microsoft to exclude itself from API disclosure requirements. It can simply claim that there are security reasons for not documenting an API. It can itself define who is a true competitor. Why does this Proposed Final Judgment allow Microsoft such leeway in deciding itself whether it con be excluded from a requirement of the Proposed Final Judgment? Allowing Microsoft to claim security as a reason to not disclose an API is ridiculous. Unix and Unix-like operating systems describe all their APIs clearly, some even give you all their source code (Linux, FreeBSD, OpenBSD, etc.) and do not consider this a security problem at all. Security through obscurity, as it is called, is most definitely not better than security through open discussion, availability ond peer review, and in my opinion (and that of many security experts) is worse. I believe that this particular exception to disclosure should never have made it into the Proposed Final Judgment.

My opinion that the Proposed Final Judgment lacks any true corrective power goes beyond the comment above, but applies to it as a whole. I believe that this Proposed Final Judgment heavily favors the guilty in these proceedings and fails to adequately represent the United States of America. We the people, represented by the Department of Justice, received a verdict of guilty against Microsoft, yet it now seems that we are backing down in the sentencing phase. The fact alone that the guilty party in this matter likes this Proposed Final Judgment makes it suspect beyond specific problems with it.

In summary, I believe the Proposed Final Judgment is not in the public interest. It does not seriously, nor effectively address the illegal behavior of the convicted monopolist, Microsoft.

Respectfully submitted,

Olivier Calle
Senior Software Engineer, Citizen of the United States of America
PO Box 752
Marysville WA 98270-0752