Why the D oJ Should Leave Microsoft A lone

Sorel Reisman

Until the federal government meddled with it in the early 1980s, the US telephone system was one of the best in the world. Deregulation—what a concept. The evil “phone company,” that monolithic, fearsome monopoly about which horror movies have been made, had to be stopped before it took control of every household. Deregulation: Break it up so that capitalists all over the country can compete. After all, that’s what America was built on: competition at any price. And today Americans are paying the price—literally.

Except for a few CEOs, is there anyone who believes that phone-related products and services are better today than they were back then? Have you visited the store recently and been overwhelmed by all the confusing phone equipment, nonstandard functions, and prices that (for no apparent reason) are all over the board? Have you tried to make sense of long-distance services and rates offered by all the phone companies and cell phone “service” providers? Have you been subjected to their uniformly incredibly terrible customer service, not to mention the proliferation of their “accidental” billing errors?

For these blessings of capitalism, people in the US can thank their federal government, especially the Department of Justice, an organization run by lawyers. The single worst thing about the field of law is its complete absence of common sense. How else can you explain how a bunch of lawyers took the telephone system—a perfectly fine industry, an industry that provided consumers with outstanding and cost-effective telecommunications products and services—and turned it into the expensive, chaotic situation that exists today? Sad to say, the computer industry may be returning to a similar chaotic state, thanks to the DoJ.

By going after Microsoft, the US Department of Justice could throw the computer industry back into the chaos of the mid-1960s.

CHAOS AND COMPUTERS

I recently visited the Smithsonian Institution in Washington, D.C., where I stumbled onto the Information Systems display, a historical review of the computer industry. Over the next hour or so, I wandered past the old IBM 650, Daniel D. MacCracken’s Fortran manuals, and Jean Sammet’s seminal text on programming languages. I thought of the computer industry’s state in the mid- to late 1960s. This was a time when, except for IBM, there were essentially no computer industry standards. If you were in the market for a computer system, caveat emptor—let the buyer beware—ruled the day. You chose a Digital Equipment Corp. product, and unless you had a very limited budget, were a real gambler, or just plain stupid, you also bought your operating system from DEC. When you chose a Burroughs mainframe, the story was the same. And those vendor-supplied peripherals and applications were expensive.

So, if your budget was really the constraining factor, you had no choice but to seek alternative suppliers—those that offered “compatible” products at somewhat lower prices than those offered by the hardware vendors. Unfortunately, so-called compatible products weren’t always compatible. And even if the first release of those products did operate as advertised, you had no idea whether they would continue to operate the next time your mainframe vendor released a new operating system. Chaos was the order of the day. There were so many different “compatible” peripheral and software products that Datamation magazine—and
Now defunct, voluminous trade publication—came out every two weeks.

So how did IT managers manage their data-processing operations in this time of chaos? Well, mostly they married themselves to IBM, the company that, during those days, pioneered many policies, practices, and standards that came to define today’s computer industry. But it should come as no surprise that with that kind of industry influence, IBM transgressed from time to time, taking advantage of its inordinate market presence.

Fortunately for the computer marketplace, a White Knight waited in the wings, one that would save the industry from the evil doings of the villainous IBM. And that White Knight was the U.S. Department of Justice. For various reasons, the DOJ eventually dropped its case, allowing IBM ultimately to flounder in the then burgeoning PC market.

**HISTORY REPEATS**

Turn the clock ahead 20 years, and the evil villain du jour is Microsoft. And its victims are the many microcomputer CEOs whose companies simply haven’t been as successful as the one started by Bill Gates. Motivated by jealousy and greed, and incapable of overpowering King Bill through fair business practices, these CEOs have sought out the White Knight, the DOJ. Unfortunately for Microsoft, however, a few of the downtrodden victims’ claims are legitimate: The company has, in some cases, taken advantage of its superior product strategy and corresponding market presence. And right there alongside the DOJ’s lawyer-troops are all those naive trade-publication editorialists. These people have no idea what life would be like in a PC world without standards. I am constantly amazed at the ignorance of so-called editorial experts who castigate software companies for not getting the first release of software right the very first time. They think Microsoft releases buggy products deliberately.

I don’t work for Microsoft, but I know for certain that most trade-publication editorialists have no concept of the complexity of multimillion-line applications and operating systems—no concept of the complexities of code development and the impossibility of accurately predicting when software will be completely ready for release.

Many of these folks have grown up within the past 10 years in a computer world of Microsoft standards. Today, real software engineers continue to be amazed at the ease of system and application installation, at the incredibly rich (and free) resources on the Microsoft Web site, and at the volumes of Microsoft documentation that let freelance software developers readily build Windows-compatible applications.

So now the blind lead the blind: Lawyers rule the real world on the basis of non-real-world criteria, solicited by CEOs’ jealous of Microsoft’s success and cheered on by a press corps that understands very little about the subject it covers. And here is Microsoft, a company that has transgressed a bit, under attack from forces that do not care at all about the possible consequences of the nonsensical trial balloons the DOJ is floating.

Break up Microsoft? What an incredibly inane punishment—a punishment completely out of balance with the company’s commercial violations, a punishment that shows a complete lack of concern for the consequences to society. Perhaps the DOJ would be well served to reconsider the mission outlined in its current strategic plan (http://www.usdoj.gov/jmd/mps/plan.htm#), particularly the part that says it will “ensure fair and impartial administration of justice for all Americans”—not just those who are jealous, greedy, or ignorant.

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