

Microsoft Could Face Division Congress Takes Resolution to State

Associated Press

WASHINGTON — Government lawyers in the Microsoft antitrust case want to break the software giant into three parts, arguing that lesser sanctions would be inadequate, people close to the discussions confirmed Wednesday.

If U.S. District Judge Thomas Penfield Jackson were to agree to such a dramatic solution, a mandated breakup of Bill Gates' Seattle-based empire would carry enormous implications for the way consumers buy and use software for their computers.

Justice Department lawyers laid out their proposal favoring to break Microsoft into three parts during a secret meeting last week in Washington with representatives of 19 states, people close to the case said. The states are also suing the company over alleged antitrust violations.

Those close to the discussions spoke on condition of anonymity, concerned they might anger U.S. Circuit Judge Richard Posner, the federal mediator in Chicago holding ongoing settlement talks. But they indicated little progress has been made so far in those discussions, as the sides remain far apart on important issues.

The government's endorsement of a breakup — considered the "death penalty" among possible remedies — could

encourage Microsoft to seek a lesser sanction during settlement talks. But it could also stymie negotiations and encourage Microsoft to battle the case through America's courts for years.

The Justice Department, which last month disclosed that it had hired as its adviser a financial consulting firm, Greenhill & Co. LLC of New York, believes that lesser sanctions — such as prohibiting the company from abusing its influence or publishing its wholesale prices — would be inadequate to rein in Microsoft.

The Justice Department declined to publicly discuss its plans.

It wasn't immediately clear exactly how the government envisions the restructuring of one of America's most successful companies, with \$19.7 billion in sales last year alone. But one source said lawyers do not envision dividing Microsoft into one company to sell its dominant Windows operating system, another to sell its software applications and a third to sell its Internet content, as has been suggested by some.

Another breakup option that had been under consideration was dividing Microsoft into smaller duplicate companies, dubbed "Baby Bills" after the company's famous billionaire chairman, that would be set against each other to compete.

The 19 state attorneys general, who

hired their own advisers separately from Justice, are deciding whether to endorse Justice's breakup proposal but are leaning in favor of it, sources said. At least one state has cautioned that a breakup could be unduly disruptive to consumers, who rely on Windows as a de facto standard to run their software applications and their PCs.

Critics warn that competing versions of Windows could lead to software that doesn't run on some computers.

Breaking up Microsoft into smaller companies would be "stupid, because it just creates confusion in the marketplace," said Michael Cusumano, a professor at the Massachusetts Institute of Technology who has written about Microsoft's battle with the former Netscape Communications Corp. "The breakup sounds like a mess to me."

The government expects to formally present the breakup plan next week when it meets privately again in Chicago with Posner, the mediator.

Jackson, the trial judge, urged government lawyers during a meeting in November to agree among themselves on sanctions before bringing any formal recommendation for him to consider.

Microsoft spokesman Jim Cullinan said Wednesday that "the notion of breaking up Microsoft is an extreme and radical proposal not justified by what has been presented in this case."

By KIM MINUGH
Assistant University Editor

In response to intensifying student efforts to protest the death penalty, Student Congress sent a resolution to the N.C. legislature demanding a moratorium on executions in the state.

Student activists presented Gov. Jim Hunt with the resolution last month at a human rights discussion at Raleigh's Old Capitol. "I think we really got through to (Gov. Hunt)," said Kara Mannix, student who presented Hunt with the resolution as he attempted to leave the room.

"I think it was the first time (he) was very personally and closely confronted with this issue of the death penalty."

Days after Hunt was given the resolution, he granted clemency to Wendell Flowers, who was scheduled to be executed on Dec. 17 for the 1986 stabbing death of a fellow inmate.

This was the first time Hunt granted a death row pardon in his four terms of office.

"This was done by (Hunt's) manner of reading the law and his reviewing the facts," said Tad Boggs, the governor's press secretary. "He undoubtedly read the resolution, but his policy regarding the death penalty has not changed."

Lindsay Whitfield, Finance Committee Chairwoman of Student

Congress, sponsored the resolution after seeing demonstrations in the Pit.

After drawing up the resolution, Whitfield sat in the Pit with several CEDP members and surveyed student opinion with a petition. Whitfield said more than 300 signatures were collected. "As Congress members, we're supposed to represent the greater majority of students," she said.

Speaker of Congress Mark Kleinschmidt said Congress should not limit itself to student issues within the University.

"If the student body at large has a belief that involves outside authority, Congress should feel comfortable articulating that student belief in resolution form," he said.

Whitfield said Congress was not explicitly calling for an end to the death penalty, but a freeze.

"We don't think the policy is right — whether you want to call it racist, discriminatory, ineffective, whatever. Does it make sense to keep killing people while you're reevaluating your policy?"

Mannix said Congress' decision to pass the resolution was very significant.

"It was very symbolic," she said. "It's very powerful coming from a large and prestigious school like Carolina."

Whether or not the resolution affected Hunt, Whitfield said Congress will continue striving to represent students.

"Student government can be more than day-to-day legislation, it can represent the ideas of the student body," she said. "Student government can and should be a vocal voice of student opinion."

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"There are a lot of different ethnicities, but people are people."

Classes met seven days a week on the consecutive days between stops. But Danser said the field components enhanced his learning experience.

"I learned a lot better being there firsthand and talking to the people," said Danser, a junior anthropology major from Durham.

Life on a Semester At Sea ship has its advantages and drawbacks, the participants said. The entire ship facilitated a university and its demands as well as 600 college students and their needs.

The 23,500-ton ship equipped with a library, movie theater and a computer lab could have its cons, as well.

"It was a big ship, but it got smaller and smaller," Danser said.

On-board features such as the pool and bar could distract students from academic work, the students said.

Students spent four to six days in each country completing field assignments and sightseeing.

The students passed by historic sites from the Great Wall of China to the pyramids of Egypt.

"It's one thing to see a picture, and it is another thing to go and be right in front of it," Danser said. "No picture could do that any justice."

Semester At Sea gave its participants a different perspective in which to view the world.

Soffe said the experience gave her a more complete understanding about things she had learned in school.

She said, "It made the world a little smaller."

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GRANDPARENTS
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often in the best interest of the child and the parents to involve the grandparents in the family.

"I believe grandparents are still part of what we call the nuclear family," said Decker, who plans to reintroduce the bill in the next legislative session.

"Parents aren't alone." But others believe parents should be the only people responsible for their

children's well-being.

There is concern grandparents' rights could take precedence over the rights of parents, said John Rustin, director of government relations at the N.C. Family Policy Council, a Raleigh-based research and education group.

"The parents have the responsibility to raise their children and should have the right to determine who influences their family."

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