

Microsoft division not imminent

WASHINGTON (AP) — The Justice Department appears to be retreating from demands in secret negotiations to break up the Microsoft Corp., a concession that would dramatically improve chances for settling the landmark antitrust case.

Microsoft has indicated it will not accept any settlement that divides the company, and U.S. Assistant Attorney General Joel I. Klein believes such a punishment may not be necessary to adequately restrain what the trial judge characterizes as a breakup while anticipating a strongly favorable ruling from U.S. District Judge Thomas Penfield Jackson in the coming weeks. It also puts Justice's stance at odds with some state attorneys general, who believe that only the harshest punishment is appropriate.

New York's attorney general, Eliot Spitzer, on Thursday praised Klein's

handling of the antitrust trial but acknowledged that past cooperation between states and Justice "doesn't mean we're going to agree on every piece, every remedy."

Spitzer, who declined to comment on settlement talks, described a "healthy dynamic" among the 19 states and Justice debating punishments.

Antitrust experts offered several explanations why Justice now may be inclined to accept lesser punishment than a breakup as part of a settlement, even though the trial judge strongly has hinted he will rule that Microsoft violated antitrust laws.

market for word processors and spreadsheets.

"What Justice has to balance is the benefits in the short run of having a settlement that might apply arguably to some things more long term that haven't been litigated, against the more certain relief of a structural divestiture that Microsoft would oppose," said Glenn B. Manishin, an antitrust lawyer who advocates breaking up Microsoft.

The Justice Department also faces an apparent dearth of support among the public and the technology industry to break up Microsoft, as well as active debate among some attorneys general on their best course.

Jackson bluntly told government lawyers in November that he would "not like to have to deal with divergent points of view" on proposed punishments. Ohio's Betty Montgomery, for example, said earlier that lawyers should seek prohibitions on Microsoft's conduct, not a breakup.

Microsoft has indicated it would never agree to any settlement that included a breakup; the company's chief

executive, Steve Ballmer, called the proposals "reckless and irresponsible."

The first surprise suggestion that settlement might be possible came earlier this month after prominent financial analysts met privately with Microsoft new financial officer.

Walter Winnitzki of Chase Brecht & Quist said afterward that he believed "there was a near-term opportunity to have this settled, some large change in culture or structure."



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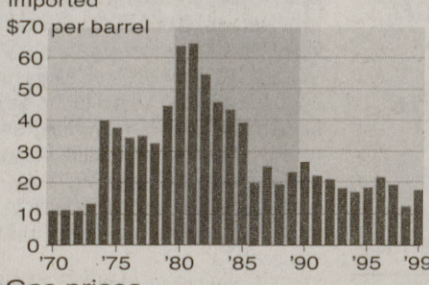
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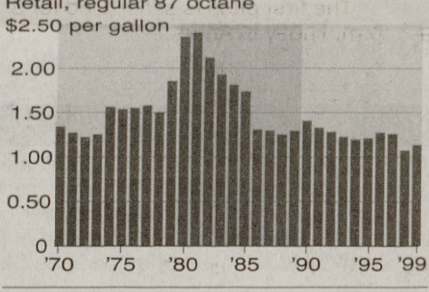
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The latest surge in prices of gas and oil has greatly affected consumers, but prices are still lower than they were during the late 1970s and early 1980s. Here is a look at the average prices for oil and gas in 1999 dollars.

Oil prices



Gas prices



NASA spacecraft damaged during routine testing

PASADENA, Calif. (AP) — A \$75 million NASA spacecraft designed to study solar flares was heavily damaged when engineers mistakenly shook it 10 times harder than intended during a preflight test.

The shaking cracked at least two of four solar panels on the High Energy Solar Spectroscopic Imager, and tests were planned to find internal damage. Launch, which had been scheduled for July, will be pushed back at least to January.

It's the latest embarrassment for the space agency and Jet Propulsion Laboratory, which last year lost two high-profile missions to Mars. The cause of the mishap was still under investigation, JPL spokeswoman Mary Beth Murrill said Thursday.

JPL engineers were performing tests on a shake table Tuesday to ensure the probe could withstand twice the force of gravity, which it would experience during launch. Instead, it was subjected to 20 times the force of gravity for about 200 milliseconds.

"The folks who were involved in the test are mystified at this point," said Larry Dumas, JPL's deputy director. "There's no obvious reason that's presented itself (for the unexpected shaking)."

The 850-pound HESSI probe is designed to study the basic physics of particle acceleration and the release of solar flares from an orbit of 360 miles above Earth. It's not clear whether any of the scientific instruments were damaged. HESSI's engineers were confident that the spacecraft can be saved, said Mark Hess, a JPL spokesman for NASA's Goddard Space Flight Center, which is managing the mission.

"It continued to function even through the test. We know there are structural and other elements of the satellite that are still working."

NASA will appoint an 8-1 and 6-3 view board to investigate the mishap — just as it did last year after the Mars Lander Orbiter and Mars Lander losses.

Investigators later found that the Climate Orbiter mission failed because critical navigation units were not translated into metric. Polar Lander's mission board is expected to make its findings public next week.

HESSI's mishap disappointed dozens of scientists who have been working on the project for more than two years.

The satellite was being tested at JPL because of the lab's proximity to Gilbert, Ariz.-based Spectral Imaging, where it was built, and the University of California

12 year-old boy holds classroom hostage

LISBON, Ohio (AP) — A sixth-grader pulled a gun in his classroom Thursday morning but a teacher persuaded him to drop the weapon, the school superintendent said.

No one was hurt and the 12-year-old boy was taken into custody. He told authorities that his mother is in jail and he wanted to join her, Superintendent Anthony Krukowski said.

The boy came into his McKinley Elementary School classroom at about 9 a.m., pointed a gun at the floor and told his classmates and teacher Dan Kemats to get down, Krukowski said.

A pupil in the hallway overheard the exchange and summoned another teacher, Linda Robb, who persuaded the boy to give up the gun, Krukowski said. The whole thing was over in less than five minutes, he said.

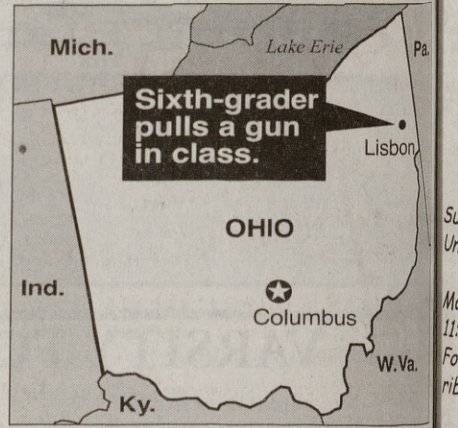
Authorities didn't immediately say if the gun was loaded. The boy apparently got it from home and kept it in his pocket, Krukowski said.

The school was closed for the day. It will not have classes Friday but will be open for students who want to come in for counseling.

Krukowski said he wasn't very familiar with the boy and was unaware of any behavior problems. "As far as I am aware of, there was nothing substantial," he said.

Campaigning at a Cincinnati elementary school, Vice President Al Gore said the incident in Lisbon "once again raises the question that has confronted us so often in the past year or two or three. That is, how can we all come together to give our children better values? ... Isn't it time for all of us to come together across party lines to require mandatory child-safety trigger locks and other common-sense measures to deal with this problem?"

The school has about 650 students from kindergarten through sixth grade. The district has about 1,350 students. Lisbon is about 25 miles south of Youngstown, near the Ohio-West Virginia-Pennsylvania lines.



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7-9 PM		Part I	Part II	Part III	7-10PM Part
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