

## Judge rules Microsoft a monopoly

WASHINGTON (AP) — A federal judge on Monday found that Microsoft Corp. violated the Sherman Antitrust Act, maintaining "monopoly power by anticompetitive means" and trying to take over the Web browser market.

U.S. District Judge Thomas Penfield Jackson also ruled that Microsoft violated another section of the law by "unlawfully tying its Web browser to its operating system" and could be sued under state anti-competition laws.

"Microsoft has been held accountable for its illegal conduct by a court of law," said Attorney General Janet Reno.

The judgment sets up a new round of hearings to determine what punishment to impose on Microsoft, including the question of whether the huge company founded by Bill Gates should be broken up.

The judge accepted 23 of 26 arguments brought forth by the states that joined the federal government in the case.

"We are very pleased with the court's ruling," said Assistant Attorney General Joel I. Klein. "The decision will benefit consumers and stimulate competition and innovation in the high-tech industry."

Throughout the trial, the judge had strongly urged both sides in the case to reach an out-of-court settlement. Those talks collapsed over the weekend, however, prompting Jackson to issue his ruling on Monday. Both sides had rea-

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Joel I. Klein  
assistant attorney general

sons to settle the case. Among them: to avoid an appeals process that would likely keep the case in court for several years.

The judge's ruling had been expected to go against Microsoft based on harsh assessments he outlined last November in his "findings of fact." In that document, Jackson found that Microsoft repeatedly engaged in anti-competitive behavior by taking advantage of its monopoly power.

Microsoft stock was battered during the day, losing about 15 percent of



**TOM COSTELLO, Nasdaq correspondent for CNBC, talks on a cellular phone with Nasdaq and Microsoft figures behind him in New York on Monday. Microsoft shares plummeted after attempts to settle the U.S. federal government's antitrust lawsuit broke down over the weekend.**

Newsmakers photo by Chris Hondros

its value.

Sources familiar with the failed talks, speaking on condition of anonymity, said on Sunday that negotiations in Chicago collapsed after the company insisted on its own proposal to settle the lawsuit and not because of disputes between state and federal plaintiffs.

Even before the states made new proposals on Friday, "It was clear Microsoft was rejecting the govern-

ment's proposal and insisting on their own approach," one source said. "That approach had a lot of loopholes and would not have been effective."

Microsoft Chairman Gates contended on Saturday that "it became impossible to settle because the Department of Justice and the states were not working together. Between them, they appeared to be demanding either a breakup of our company or other extreme concessions."

## Court rejects federal involvement in trial

WASHINGTON (AP) — The Clinton administration will have no voice when the Supreme Court later this month considers a Nebraska case that could determine the fate of 30 states' bans on a surgical procedure opponents call "partial-birth abortion."

The court, in a brief order Monday, rejected Solicitor General Seth Waxman's request that a government lawyer be allowed to participate when the Nebraska case is argued on April 25.

Waxman, the government's top-ranking courtroom lawyer, filed a friend-of-the-court brief last week that supports a Nebraska doctor's chal-

lenge of his state's restrictive law. The brief says the state law violates some women's constitutional right to end their pregnancies.

President Clinton twice has vetoed a federal ban enacted by Congress, which served as a model for the similar state laws.

The court's refusal was unusual. Such requests by the Justice Department are granted far more often than they are rejected.

The administration's brief said the law challenged by Bellevue doctor Leroy Carhart is written so broadly it could be enforced against more than one abortion procedure and is too vague to let doctors know just what

abortion techniques are outlawed.

Even if the law is limited to a single procedure, the brief said, it unduly burdens a woman's right to abortion because "it fails to provide an exception to preserve the pregnant woman's health."

The surgical procedure at issue involves partially extracting a fetus, legs first, through the birth canal, cutting the skull and draining its contents. Partial-birth abortion is not a medical term. Doctors call the method dilation and extraction, or D&X.

Although the Nebraska law and legal dispute focuses on the D&X procedure, far more may be at stake. Abortion-rights advocates say the

court's decision could broadly safeguard or dramatically erode abortion rights, depending on what state legislatures can consider when regulating abortions.

The Supreme Court has not issued a major abortion ruling since 1992 when it reaffirmed the core holding of its 1973 decision in Roe vs. Wade. That landmark ruling said women have a constitutional right to abortion.

A federal appeals court struck down the Nebraska law along with those in Iowa and Arkansas. But nearly identical laws in Illinois and Wisconsin were upheld by another federal appeals court.

## Officials plan to turn Elian over to father

MIAMI (AP) — The federal government on Monday began working with Elian Gonzalez's Miami relatives on a plan to turn the 6-year-old boy over to his father when he arrives in the United States, a federal official said.

Meanwhile, 100 protesters outside the relatives' Little Havana home practiced forming a human chain and vowed they would stop at nothing to keep the boy from returning to Cuba.

"They would have to go over the bodies of all of us Cubans who are here," said Maria Gonzalez, 70, who is not related to the boy. "They would have to kill us all."

Maria Gonzalez  
protester

Immigration officials had demanded that the relatives sign an agreement to hand over the boy if their legal battle to keep him in the United States failed.

On Monday, immigration officials dropped a threat to revoke Elian Gonzalez's legal status. Justice Department officials were working with attorneys for Elian's Miami relatives on a plan for handing the boy over, said a Justice Department official, who requested anonymity.

"Our goal is to reunite Elian and his father," said Maria Cardona, a

*"They would have to go over the bodies of all of us ... They would have to kill us all."*

spokeswoman for the Immigration and Naturalization Service. "The issue is not whether we will transfer Elian to his father, but when and how."

Armando Gutierrez, a spokesman for the Miami relatives, said he would not comment on the negotiations.

The family is appealing a federal judge's ruling that affirms an INS order to return the boy to his father in Cuba.

Elian's father, stepmother and half-brother were among 28 people in Havana applying on Monday for visas to come to the United States.

### World and Nation Datelines

#### Massachusetts State first to put new, stricter gun regulations into effect

BOSTON (AP) — Massachusetts put the nation's strictest gun regulations into effect on Monday, using consumer-protection rules to ban cheap "Saturday night specials" and to require childproof locks on any gun sold in the state.

The state will contact gun manufacturers and sellers within 15 days to inform them of the regulations, which also require safety warnings with each gun, tamper-resistant serial numbers and indicators on semiautomatic handguns that tell if a bullet is in the chamber.

Thirty-four other states have passed legislation that would allow them to regulate handguns as they would other consumer products, but Massachusetts is the first to actually impose such regulations.

#### Japan Japanese government in crisis after prime minister has stroke

TOKYO (AP) — Prime Minister Keizo Obuchi was on life support on Monday after a stroke, leaving the Japanese government to grapple with a leadership crisis and the possibility of dissolving the Cabinet and finding a successor.

There also was growing anger over the delays by the government in reporting Obuchi's illness to the public.

Despite assurances from officials that Japan would not veer from its economic and political course, speculation was rife that Obuchi's illness could plunge Japan into turmoil and possibly lead to early elections.

However, media reports say the Cabinet could resign as early as Wednesday so a new one can be formed.

#### Russia Villagers contract typhoid from bodies in river

VLADIKAVKAZ, Russia (AP) — Bodies of people killed in the Chechen war are decomposing in a river and causing scores of villagers to come down with typhoid fever, local officials said on Monday.

The report of 74 cases of the potentially fatal disease in the village of Lermontov-Yurt came during a lull in the war that has gripped the republic for seven months. It adds a new dimension to the plight of Chechnya's people, most of whom have lost homes and family members in the fighting.

The war has left hundreds of unburied bodies, many lying in the republic's forests and mountains or at the bottom of its waterways.

#### Washington, D.C. Two additional prosecutors hired to Clinton investigations

WASHINGTON (AP) — Independent Counsel Robert Ray announced on Monday he is hiring two federal prosecutors from Tampa, Fla., in the investigation of President Clinton and the first lady.

Joining Ray's office are Latour Lafferty, an assistant U.S. attorney who has handled organized crime cases, and Monte Richardson, who prosecuted complex fraud cases before joining the federal prosecutor's office in Tampa.

Ray has said he is adding staffers to help him determine whether to file criminal charges against Clinton in the Monica Lewinsky scandal. Ray's office also is compiling final reports on the six-year Whitewater investigation of the president and first lady.

**WEATHER**

TODAY	TOMORROW
Mostly sunny high 63, low 45	Partly cloudy high 76, low 44

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Fax number: (402) 472-1761  
World Wide Web: www.dailynebraskan.com  
The Daily Nebraskan (USPS 144-080) is published by the UNL Publications Board, Nebraska Union 20, 1400 R St., Lincoln, NE 68588-0448, Monday through Friday during the academic year; weekly during the summer sessions. The public has access to the Publications Board. Readers are encouraged to submit story ideas and comments to the Daily Nebraskan by calling (402) 472-2588.  
Subscriptions are \$60 for one year.  
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