

## This Week in Politics

### Appeals Court overturns Microsoft breakup

WASHINGTON (Reuters) - A U.S. appeals court on Thursday overturned a lower-court order that would have split Microsoft Corp. in two, but left intact the lower-court finding that some of its business conduct amounted to illegal maintenance of its Windows monopoly.

The judges overturned a ruling by lower court judge, Thomas Penfield Jackson, that Microsoft had tried to monopolize the market for Internet browsers.

"Although we find no evidence of actual bias, we hold that the actions of the trial judge seriously tainted the proceedings before the District Court and called into question the integrity of the judicial process," the court said in its ruling.

"We are therefore constrained to vacate the (breakup order) on remedies, remand the case for reconsideration of the remedial order, and require that the case be assigned to a different trial judge on remand."

### Pombo statement on today's Microsoft decision

"For over two years, I've criticized the case against Microsoft as a case against property rights, and today I feel vindicated. Microsoft was ordered by the lower court to turn over its greatest asset and the product of all its research and development - its intellectual property - to its competitors. Today the Court of Appeals rejected this grab and in the process strengthened the principle that property - whether it's the software code owned by a large company or the small farm owned by a small family - belongs to its rightful owner and cannot be taken by the government. I've said it before and I'll say it again: if Microsoft's property rights aren't safe, then none of our property rights are safe."

### Democrats strike out

WASHINGTON -- Last week's congressional baseball game exposed the real Bush leaguers in congress: Democrats.

With all the gusto they applied to batting down W's tax bill -- that is to say, hardly any -- Democrats lost the annual partisan baseball face-off 9-1.

California representation on either team was pretty slim: Joe Baca of Rialto on the D's side, and Tracy's Richard Pombo for the R's.

Pombo, who has played in the congressional game since 1993, sported a Mudville Nine jersey donated to him by the Stockton minor league team.

"I played a lot when I was younger," Pombo said, but stopped as business and family took over. "I figured I'd never play again till I got here. I love to play here."

Unfortunately, playing for Pombo in this game consisted of getting up to bat only once, where he struck out. That didn't dampen the spirit of his aides who donned "Team Pombo" shirts and screamed their support.

The game raised \$6,000 for Washington, D.C., charities.

### Conservative comes out on top

A conservative big-city mayor beat a moderate former congressman Tuesday in New Jersey's Republican gubernatorial primary.

With 27 percent of precincts reporting, Jersey City mayor Bret Schundler had 57 percent of the votes, or 57,304, to 43 percent, or 43,207 votes, for former Rep. Bob Franks. Franks conceded less than two hours after the polls closed.

Schundler will face Democrat Jim McGreevey in the November race for governor. McGreevey, who lost narrowly to Whitman in 1997, easily overcame token opposition to win his party's primary.

*Reprinted from the Associated Press*

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### Today in History

**1652** - Massachusetts declared itself an independent commonwealth.

**1767** - The British Parliament approved the Townshend Revenue Acts which imposed import duties on glass, lead, paint, paper and tea shipped to America.

**1776** - The Virginia constitution was adopted and Patrick Henry was made governor.

**1917** - The Ukraine proclaimed independence from Russia.

**1944** - Gary Busey's birthday

**1950** - U.S. President Harry S. Truman authorized a sea blockade of Korea.

**1951** - The United States invited the Soviet Union to the Korean peace talks on a ship in Wonson Harbor.

**1953** - The Federal Highway Act authorized the construction of 42,500 miles of freeway from coast to coast.

**1955** - The Soviet Union sent tanks to Pozan, Poland, to stop anti-Communist demonstrations.

**1966** - The U.S. bombed fuel storage facilities near Hanoi and Haiphong.

**1968** - Pink Floyd's second album "A Saucerful of Secrets" was released.

**1972** - The U.S. Supreme Court ruled that the death penalty could constitute "cruel and unusual punishment."

**1982** - Israel invaded Lebanon.

*From The History of Today*

## This Week in Politics cont.

### Estimates of power profits disputed

Gov. Gray Davis' contention that California has been nicked for billions of dollars in inflated electricity costs is based on a study that state officials concede may have significant flaws, according to interviews and confidential government documents. Those costs--estimated by the state to be as high as \$9 billion--were central to Davis' testimony this week before a U.S. Senate committee, where he again denounced power wholesalers and urged federal regulators to "give us back the money that was wrongly taken from us."

The governor's impassioned demand, however, was based on shaky calculations. The formulas are being reworked, said Charles Robinson, vice president of California's grid operator, which prepared the study.

Robinson said he "had no idea" how much the amount allegedly overcharged by the generators might change. For now, he said, the agency stands by the numbers.

But internal documents from the California Independent System Operator warn that some of the financial assumptions used to quantify the alleged excess profits could be well off the mark.

The largest amounts were charged by four out-of-state power companies, according to the confidential Cal-ISO report. Oklahoma-based Williams Cos. led the group with \$860 million, followed by Duke Energy with \$805 million, Southern Company Energy Marketing (now Mirant) with \$754 million and Reliant Energy Services with \$750 million.

Duke spokesman Tom Williams said his company's entire energy earnings for North America were less than the amount it was accused of reaping unfairly in California.

"It doesn't add up. It doesn't come close to adding up," Williams said. "What [Cal-ISO] has done is highly irresponsible math."

Reprinted from the Los Angeles Times

### House water bill comes up dry for Cal-Fed

California's most ambitious water program gets hardly a trickle from a big energy and water bill taken up Wednesday by the House.

The \$23 billion funding bill does support individual Central Valley projects, from protecting the San Joaquin River to improving valley flood control. It omits, however, explicit funding for the long-term and costly program commonly dubbed Cal-Fed.

The Bush administration had asked for \$20 million for the Cal-Fed program designed to restore the Sacramento-San Joaquin Delta and ensure the state's future water supplies. The House's version of the 2002 funding bill, though, did not include any of that money.

"We're going to be in a severe water shortage unless we get more storage, sort of like with electricity," warned Rep. George Radanovich, R-Mariposa.

Radanovich, Rep. Calvin Dooley, D-Hanford, and other lawmakers will be gathering in the Modesto City Council chambers Saturday to discuss Cal-Fed and the future of California water legislation.

Eventually, Cal-Fed is slated to be one of the nation's most expensive and ambitious environmental restoration efforts. The individual projects could cover everything from restoring the Delta habitat and improving fish passages on the Mokelumne River's Woodbridge Dam to enlarging Shasta Dam.

"It's always good to go directly to the people who are really experiencing these issues," said Doug Heye, a spokesman for Rep. Richard Pombo, R-Tracy.

Pombo is scheduled to attend the Modesto hearing.

Reprinted from the Sacramento Bee

### Weekly Quote

"Politicians never accuse you of 'greed' for wanting other people's money --- only for wanting to keep your own money."

- Joseph Sobran

### Wordsmith

#### over•turn

**Pronunciation:** "O-v&r-t&rn

**Date:** 13th century

transitive senses

1 : to cause to turn over : UP-SET

2 : INVALIDATE, DESTROY

intransitive senses : UPSET, TURN OVER

Reprinted from [www.m-w.com](http://www.m-w.com)

### By the Numbers

#### Energy Crisis Poll

The energy market was manipulated to boost sellers' profits, 86% say.

Despite disruptive blackouts and record increases in their utility bills, most Californians remain unconvinced that the state suffers from a shortage of energy, an LA Times poll has found.

Nearly half of all Californians give Gov. Gray Davis low marks for his handling of the crisis.

When asked which politician is more ably responding to the energy mess, Davis wins hands down over President Bush, enjoying almost four times as much support.

Reprinted from the Los Angeles Times

## Comments from the District

"It is not necessary for you to respond to this message - you are far too busy and you keep all of us well informed on your position on various issues." - **Paul Hesel** - 6/20/01

"As a Californian 6th generation I have always been told we are above the rest in resourcefulness." - **Jeffrey Jimerfield** - 6/19/01

"Cal ISO thinks they need more energy for the state, they panic and pay whatever outrageous price companies like Reliant want to charge, and the true customers, us, don't have a choice to turn off a few electrical items to avoid the rip-off price." - **Steven Holmes** - 6/19/01

"Now other states will suffer with California as any investor with any sense takes his money and runs from the western region." - **William Singleton** - 6/19/01

"It is bad enough that we do not receive the health care that was promised to us after retirement, but this is unacceptable." - **Jay Wilde** - 6/17/01

"America must stand by Israel." - **Anita Rowlett** - 6/17/01

"As always when something goes wrong there's no one to step up to the plate to help fix the problem." - **Gary Slavik** - 6/16/01

"Boy Scouts of America is a private organization and they have the right to exclude anyone that doesn't meet their standards." - **Elsa De Spain** - 6/15/01

"Mr. Pombo has my full support for ANY bills he brings forth. I have full confidence in his support of his community." - **Warren Barth** - 6/15/01

"We must help Pres. Bush to remain strong to his ideals, to accomplish his goals for this nation." - **Eileen St. Yves** - 6/14/01

"5% of the purchases we make are via either the Internet or catalogs; the only thing that makes this viable for us is the cost of shipping offset by the lack of state sales taxes." - **Ronald Lowry** - 6/14/01

"H.R. 1460 gives aggrieved private citizens the ability to sue the FBI and collect monetary damages including attorney's fees if a court determines the FBI is registering gun owners." - **Ronald Faria** - 6/14/01

"Tax relief and rebuilding our military looks dim with the current situation in the Senate." - **William Jenkins** - 6/11/01

"H.R. 1542 will ensure that all companies providing high-speed access to the Internet face the same rules and regulations." - **Derrick Rosado** - 6/8/01

"Vote yes on H.R. 1950 to ensure our young men and women receive quality apprenticeship training." - **James Young** - 6/7/01

"H.R. 1542 will level the playing field within the telecommunications industry when it comes to high speed data lines." - **Phillip Cabalar** - 6/7/01

"Please support the passage of H.R. 1542, the Internet Freedom and Broadband Deployment Act of 2001." - **Rob Coy** - 6/6/01

"I wrote you to ask for all the support that you could give for Notch bills 80 & 82." - **William Stroble** - 6/5/01

"I call upon you to vigorously oppose any and all efforts to open up the Arctic Refuge to oil drilling." - **Evelyn Louise Will** - 6/5/01

"Death is an ACT OF GOD so I therefore would like to stipulate that since it is an ACT OF GOD it should be subject to no tax." - **Shirley Gallardo** - 5/31/01

"There hasn't been a better reason or time for a national passenger rail system for 40 years." - **Richard Larsen** - 5/30/01

*You can view more comments on Congressman Pombo's web site bulletin board at the link here:  
<http://www.house.gov/pombo/board2001/board2001.htm>*