

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA  
OFFICE OF THE GENERAL COUNSEL



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James E. Holst  
GENERAL COUNSEL

February 17, 2005

**VIA FACSIMILE AND MAIL**

Rory O. Millson, Esq.  
Cravath, Swaine & Moore LLP  
Worldwide Plaza  
825 Eighth Avenue  
New York, NY 10019-7475

Re: Alleged Defamation of Alan Dershowitz

Dear Mr. Millson:

This is in response to your letters of January 11 and February 10, 2005, to Lynne Withey, the Director of The University of California Press ("UC Press" or "Press") regarding alleged defamation of your client, Alan Dershowitz, that you expect to appear in a book by Norman Finkelstein entitled *Beyond Chutzpah*, scheduled to be published by UC Press.

I believe your defamation assertions can be summarized as follows: Mr. Finkelstein will claim in the proposed publication (1) that Mr. Dershowitz did not actually author/write *The Case for Israel*, (2) that large portions of said book are "made up," (3) that Mr. Dershowitz became a supporter of Israel only after the 1967 Six-Day War, (4) that Mr. Dershowitz supports "ethnic cleansing," as demonstrated in *The Case for Israel*, and (5) that Mr. Dershowitz' rendition of his (Mr. Dershowitz') life in *The Case for Israel* is "made up." Your client has reached the conclusion that Mr. Finkelstein will say such things based upon comments made by Mr. Finkelstein in various venues. It is not clear that such statements would qualify as defamation given the public figure status of your client; nonetheless, UC Press will take these assertions seriously as it proceeds through its normal manuscript review process.

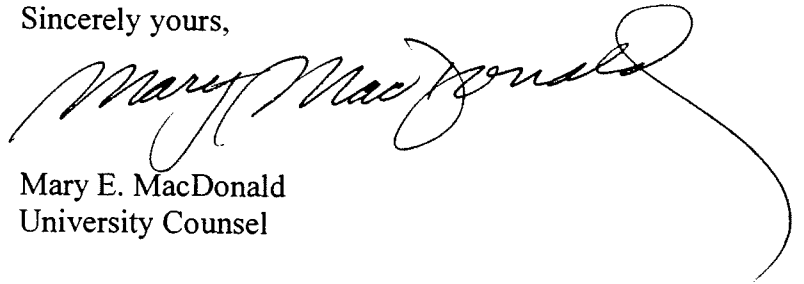
For your information, the review of Mr. Finkelstein's manuscript will go through several rounds, and the review process has not been completed. The process entails review and editing by attorneys, editors, and respected scholars. The Press has not sent out galleys—in fact, production of the book is not yet at that stage—and did not provide a copy of the manuscript to Keith

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Gallagher, whose emails you included in your most recent letter. The only people who have received copies of the manuscript from the Press are scholars asked to provide confidential reviews and legal counsel. The Press anticipates that any mention of Mr. Dershowitz will be minimal in relation to the whole of the publication.

It is clear that Mr. Dershowitz and Mr. Finkelstein have a contentious personal and professional relationship, and we understand the concerns of your client. As a respected academic publisher, UC Press would not knowingly publish defamatory material, but its decision to publish or not publish a manuscript must be made on such factors as the quality of the work and not on emotional appeals. This is particularly true where the viewpoint on a particular topic is unpopular.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Mary E. MacDonald". The signature is fluid and cursive, with a long, sweeping tail that extends to the right and then curves back down.

Mary E. MacDonald  
University Counsel

cc: M. R. C. Greenwood  
J. E. Holst  
J. B. Mullinix  
L. Withey

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