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THE REGENTS OF THE UNIVERSITY OF CALIFORNIA
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James E. Holst
GENERAL COUNSEL

June 10, 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 May 13 and June 1, 2005. I will address what appear to be your major points, as follows:

1. "Assurance" by Dan McQuade re Meeting—you asserted in an earlier letter that Dan McQuade, who is UC Berkeley's Vice Chancellor for University Relations, had informed former Congressman Mel Levine that the University of California Press had offered to meet with Mr. Dershowitz. You now characterize that as an "assurance" by Mr. McQuade that a meeting would occur. I do not know what, if anything, these two gentlemen said, but, as you know, there was no communication from UC Press or me about a meeting with you/your client other than in my May 9 letter to you in which I recounted that we had not indicated we would meet with you/your client. For your information, UC Press is not a part of the Berkeley campus. It is a part of the systemwide Office of the President.
2. Meeting with Your Client—you appear to take the position that a publisher has a duty to disclose prior to publication what it plans to publish ("(w)e expect to be told what 'facts' Finkelstein has asserted about Professor Dershowitz, so that we may tell you the truth"). To my knowledge, there is no legal duty or industry practice for a publisher to engage in such an activity.
3. "Plagiarism"—most of your client's complaints center on allegations of "plagiarism" and his contentions about what constitutes plagiarism. The staff at UC Press has carefully performed its responsibilities in assuring that factual statements made in the book are supported by the published record.

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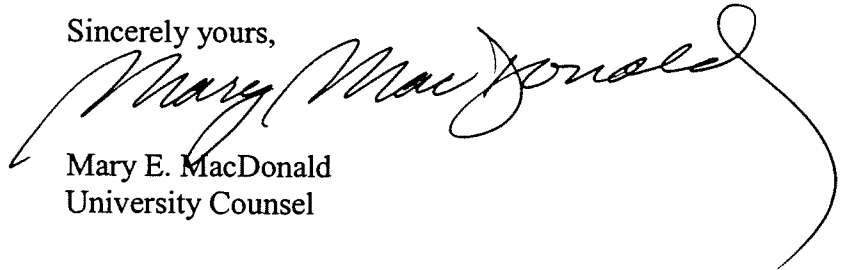
4. Appendix—the Press has determined that the information it plans to publish in the Appendix is a valuable corollary to the main body. As you are aware, publications of academic publishers often contain appendices designed to provide additional documentation for arguments made in the main text of the book.

5. “Public Figure”—contrary to your assertions, the Press takes its legal and scholarly responsibilities seriously, and does not believe it can “libel” anyone “at will.”

* * *

Although we have agreed to consider any information you wanted to provide, we have not received much actual documentation from you. You again offer to provide information (point third of your June 1 letter), and the Press is willing to consider any documentation you wish to provide. *Please note, however, that publication of the manuscript is imminent and we must receive this information immediately.*

Sincerely yours,

A handwritten signature in black ink, reading "Mary E. MacDonald". The signature is written in a cursive style with a large, looping flourish at the end.

Mary E. MacDonald
University Counsel

MEM/nt

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

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