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June 14, 2005

Norman G. Finkelstein

Dear Ms. MacDonald:

Thanks for your letter of June 10, 2005.

Let's skip by point 1, as I have no knowledge of the structure of the California system. I only know what we were told.

On point 2, I do not assert any such generalized duty. I assert only that here, where Finkelstein has a long history of defaming Professor Dershowitz, you check the facts. You have not initiated any such effort. All the contacts have been initiated by us. We've been writing to you for six months. And your June 10 letter is the first sign of progress. However slight. Perhaps, I could wear my "I'm from Cravath and I'm here to help" hat. Let's not get into a discussion of abstract principle when we can think of a middle ground. Your book is now out in galleys. We will get a copy. Eventually. So here's my proposal -- you give me the galleys now and we will commit not to move for an injunction against the book.

On point 3, you are right that we are concerned about the allegations of "plagiarism". (Finkelstein's poor attempt at humor). I do not know what is in the book. But I can assure you that our complaints do not involve our "contentions about what constitutes plagiarism". We all know what plagiarism is; one does not have to adopt the approach of "I know it when I see it." And a claim of plagiarism is false. I am perfectly willing to provide you with information immediately as follows:

(a) Professor Dershowitz wrote the Case for Israel. Finkelstein lied when he said Dershowitz didn't write it. We have sent you some papers from Professor Dershowitz's handwritten manuscript of The Case for Israel. We can send you the rest of the handwritten manuscript. Do you want it? Immediately?

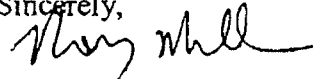
(b) Professor Dershowitz used the appropriate citation form. So Finkelstein's statement that Professor Dershowitz committed "plagiarism" by using the "same" quotes as Peters is false. We have provided you the scholarly views on citation, which Professor Dershowitz followed. There's no story for you there. Do you need more? Immediately?

(c) Not only are the quotes not the "same", but we can send you documentary proof that Professor Dershowitz was using many of the quotes that Finkelstein claims are plagiarized from Peters well before the publication of Peters' book. We can show you marked up copies of his own copy of Twain, the Peel Commission, etc. Do you want this? Immediately? Indeed, we came across someone who worked on a 1970 television show who remembers Professor Dershowitz using the Twain and other quotes thirty five years ago. Do you want to speak to him? Immediately?

(d) We can send you the decisions of the Israel Supreme Court and other sources that Finkelstein misquotes. We can provide the names of the sources relied on by Professor Dershowitz for the conclusions he reached that are different from the human rights organizations that Finkelstein says he ignored. Do you want this? Immediately?

Let's try to go forward constructively, to make sure that Finkelstein's filth about Professor Dershowitz is not in your book.

Sincerely,



Rory O. Millson

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