

ALAN M. DERSHOWITZ

1575 MASSACHUSETTS AVENUE
CAMBRIDGE • MASSACHUSETTS • 02138

November 19, 2004

Mr. Niels Hooper
University of California Press
2120 Berkeley Way
Berkeley, CA 94704

Dear Mr. Hooper:

I have just been advised that you are planning to publish a book by Norman Finkelstein containing false and defamatory information about me. The book, entitled "Beyond Chutzpah", (an obvious reference to my book "Chutzpah"), claims to expose "spurious scholarship" and mendaciousness on my part. This letter is to put you on notice that Finkelstein has repeatedly and deliberately distorted the facts in describing my writings. I am enclosing, as an attachment to this letter, a draft of an article I am publishing which summarizes Finkelstein's distortions, as well as the letters I previously wrote to the publisher who was originally supposed to be publishing his book. I don't know whether Finkelstein showed you this correspondence before you agreed to publish the book, but you are now on notice as to its contents.

I have no desire to prevent publication of anything, but I do insist that anything published about me be factually correct. Finkelstein has a long documented track record of publishing malicious falsehoods about me (as well as about others who write favorably about Israel or about compensation for Holocaust survivors). I am not speaking about differences of opinion, but rather, as the attached material clearly proves, demonstrably false statements of fact that no one can possibly dispute. He claims to quote material, but he makes up words and phrases in the allegedly quoted material. He makes up facts from whole cloth. In a recent speech in Canada, which has even tougher defamation laws than the United States, Finkelstein repeatedly alleged facts about me (and others) which are entirely false, including the claim that I did not even write The Case for Israel. (I don't type or use a computer, so that the entire manuscript of my book was written by me by hand. I wrote every single word of the text.) I note that in your advertisement, you say that Finkelstein's book will be "available worldwide". Finkelstein's book, as presently written, contains defamatory material that is actionable not only in America, but in many other countries in which this book will be distributed. I suggest that you check with lawyers in those countries as well as with American lawyers, in deciding the nature of the fact

checking process that you are obligated to undertake, especially in light of Finkelstein's documented history of defamation against me.

Because of this extensive track record, which is easily accessible to you, you are under a professional, moral and legal obligation to check every single claim he makes about me for its accuracy. This check must be completely independent of Finkelstein. In the past he has hired fact-checkers (including a man named Rohit Goel) who simply does his bidding and provides no independent check on Finkelstein's willful and malicious distortions. In one case his fact checker willfully misrepresented himself as my research assistant to Dr. Michael Baden, in an effort to persuade Baden to change something he had written. You are on notice of this as well.

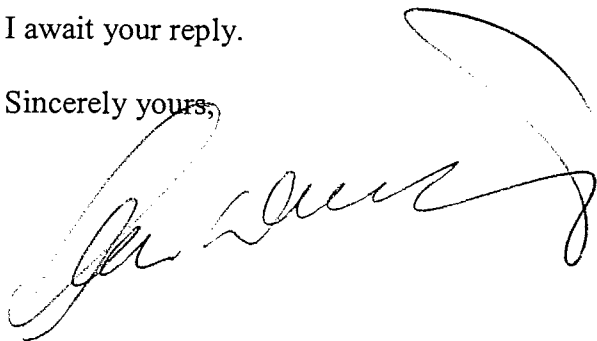
You are also on notice of Finkelstein's demonstrated personal malice toward me. Although he has stated he never engages in ad hominem and that his criticism of me is purely academic, he has publicly called me an "imbecile," a "raving maniac," a "shyster," "evil," a "pathological fraudster," and a "Nazi" comparable to "Adolph Eichmann." When criticized for analogizing Jews to Nazis (he never analogizes them to Stalinists or even Mussolini fascists - - only Nazis) Finkelstein has said: "Nazis never like to hear they're being Nazis."

I am confident that when you read the entire file that I am sending you, you will agree that you have a heavy burden to check independently every defamatory statement Finkelstein makes. As of this time, no fact checker has called me (other than the notorious Rohit Goel, who acknowledged that he works for Finkelstein, and is anything but independent). Please advise me as to what steps you are taking to assure that you are not knowingly publishing defamatory material.

I want to emphasize once again that I am not interested in stopping the publication of anything Finkelstein seeks to write, since everything he writes further discredits him and his publishers among serious people. Finkelstein's book The Holocaust Industry was devastated by *The New York Times* reviewer who called it "indecent," "juvenile," "stupid," "reckless," "ruthless," "irrational," and "insidious." I fully anticipate similar reactions to this book. My sole interest is in assuring a fair process for checking the accuracy of defamatory statements he has made in the past and seems intent on repeating in this book.

I await your reply.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Niels Hooper". The signature is written in a cursive style with a large, sweeping flourish at the end.