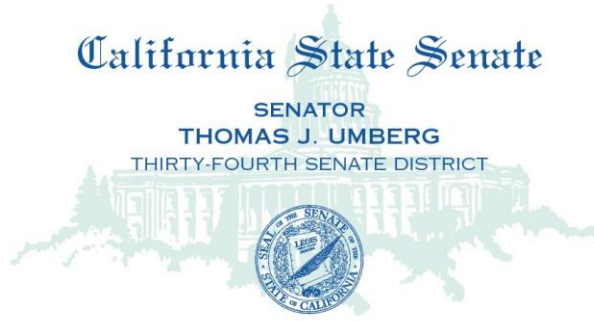


California State Senate

SENATOR

THOMAS J. UMBERG

THIRTY-FOURTH SENATE DISTRICT



November 5, 2019

John Yoo, Professor of Law
329 Boalt Hall (North Addition),
Berkeley, CA 94720

Dear Professor Yoo:

I write to request that you retract and apologize for your defamatory comments regarding U.S. Army Lieutenant Colonel Alexander Vindman. As you know, Lt. Col. Vindman is a veteran with 20 years of service to our nation – much of it in dangerous locations and situations. He is the recipient of a Purple Heart as a consequence of being wounded in action in Iraq. In addition, he holds a TOP SECRET/Special Compartmentalized Information Security Clearance, which requires the most rigorous and intensive vetting. He is currently on the staff of the National Security Council, as is his twin brother, Lt. Col. Yevgeny Vindman. The third Vindman brother, Leonid, was also an Army officer.

A segment on Fox News, during which you denigrated Lt. Col. Vindman, aired on October 30, 2019, in the following manner:

"Here we have a U.S. national security official who is advising Ukraine, while working inside the White House, apparently against the president's interest, and usually, they spoke in English. Isn't that kind of an interesting angle on this story?" Fox TV host Laura Ingraham asked the panel.

You responded that you found the detail "astounding." Moreover, went on to say, "You know, some people might call that *espionage*."

As a nation, we are fortunate that families such as the Vindmans, who possess unique language skills, combined with a sense of patriotism, devote their lives to our nation's security. My guess is that you felt motivated to insult and denigrate Lt. Col. Vindman because he had the courage to speak his mind regarding the actions (or inaction) of President Donald Trump regarding Ukraine.

Lt. Col. Vindman is an Army officer who literally shed his blood in our defense. As a member of the faculty at the University of California, Berkeley's School of Law, this defamation is a disgrace to you, and to your employer - the University of California. Academic freedom does not

entitle you to insult an American patriot and thereby intimidate others who may be contemplating following in his courageous footsteps.

I understand that you have attempted to “walk back” your insults. If you wish to mitigate the harm you caused to a professional soldier by accusing him of espionage, then you should apologize to Lt. Col. Vindman in the same time slot, to the same Fox News audience that witnessed your defamatory accusation. You may also wish to apologize to California’s taxpayers who pay your salary.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Umberg". The signature is fluid and cursive, with a large initial "T" and a long, sweeping underline.

Thomas J. Umberg
Senator, 34th District

Cc: Dean of UC Berkeley Law Erwin Chemerinsky, UC Berkeley Chancellor Carol T. Christ,
UC President Janet Napolitano, Cal Veterans Group