

**The Emerging Role of Law
in Turkish American Public Advocacy:**

**Defending Freedom of Speech on the Ottoman - Armenian Conflict of 1885-1919
in *Griswold v. Massachusetts Board of Education***

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I. Introduction

The Turkish American public advocacy network has increasingly utilized the legal system in order to bring discipline to analyses of issues that concern Turkish Americans and U.S. - Turkish relations, and render more level a political arena which favors the more populated and politically active ethnic adversaries of Turkey in the United States.

The leader in the legal approach in public advocacy has been the Assembly of Turkish American Associations (ATAA), which is based in Washington, DC, and serves as the umbrella organization for over 40 active local Turkish American organizations nationwide and the foremost voice of the Turkish American community which numbers over 500,000.

In the criminal sentencing of Mourad Topallian, former Chairman of the Armenian National Committee of America (ANCA), the ATAA submitted a Victims Impact Statement on behalf of American victims of Armenian terrorism. The Statement included a detailed report regarding over 250 terror attacks committed by “Justice Commandos of the Armenian Genocide” (JCAG) and “Armenian Secret Army for the Liberation of Armenia” (ASALA), as well as the affidavits of victims of Armenian terrorism and hate crimes in the United States. Topalian was convicted of weapons and explosives charges that Federal authorities connected to at least four terror bombings. Topalian received the maximum sentence for his crimes.¹

In a hearing to determine whether California State University at Long Beach should shut down a summer study program at Eastern Mediterranean University in the Turkish Republic of Northern Cyprus, because the United States does not recognize the Turkish Republic of Northern Cyprus, the ATAA argued legal issues of academic freedom and United States foreign policy to ease

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¹ Please visit www.ataa.org for more information.

isolation and encourage educational and cultural exchange and dialogue on the island. As a result, the summer study abroad program was preserved.

More recently, the ATAA joined a civil rights lawsuit, *Griswold v. Massachusetts Board of Education*, to prevent the State of Massachusetts from censoring the contra-genocide perspective regarding the events of 1915. The case of *Griswold*, filed October 26, 2005, in the United States District Court in Massachusetts, is not a suit to force material into public school curriculum; it is a civil rights action to stop the censorship from school curriculum of material accepted by experts as educationally suitable to understanding a historical controversy.

Griswold concerns a Massachusetts law, the first part of which requires the teaching of the Ottoman Armenian experience of WWI as genocide, and the second part of which requires education experts to create a curriculum guide to provide teachers scholarly sources to assist in teaching the Ottoman Armenian experience. The powerful Armenian American lobby facilitated the passage of this law. However, when expert educators of history and human rights examined the relevant educational sources, which included both genocide and contra-genocide (often mislabeled as “Turkish”) theories, they determined that: (1) there were valuable and abundant scholarly materials that questioned the Armenian allegation of genocide; and, (2) that the facts based on such material presented a legitimate historical controversy. Accordingly, the experts adopted into the curriculum guide materials that supported the contra-genocide theory as an alternative point of view to the Armenian allegation of genocide. However, Massachusetts politicians, acting under substantial political pressure from the Armenian American lobby, forced the Board of Education to remove the contra-genocide scholarly sources. They argued that questioning the Armenian “genocide” would run contrary to the law requiring teaching the Armenian experience as “genocide.” In effect, they argued that the only way to interpret the tragic events of WWI in eastern Ottoman Anatolia as genocide would be to limit the facts that were to be studied and interpreted by censoring scholarly sources that questioned the allegation of genocide.

Griswold serves as a study into the ease by which Armenian lobbies throughout the world advance their claims in the political arena, yet encounter tremendous defeat in the arena of experts and law. The passage of the Massachusetts law was a political matter, while the implementation of the law was matter of historical expertise. When experts accepted material that questioned the Armenian allegation of genocide, the Armenian American lobby removed the matter from the purview of experts and placed into the hands of politicians. *Griswold* takes the matter out of the hands of politicians and asks the court to place it back into the hands of educators and experts.

This paper discusses *Griswold* by first placing the censorship into the context of the larger program implemented by the Armenian American lobby to legitimate the Armenian allegation of genocide. The larger program includes legislative resolutions that seek official recognition and moral acceptance of the Ottoman Armenian experience as genocide, life insurance claims for policies issued in the Ottoman Empire, and Armenian American NGO support for former Armenian terrorists. This paper also provides the responses of Turkish Americans via the

Assembly of Turkish American Associations (ATAA). This paper next discusses the importance and the facts of *Griswold*.

II. Survey of the Armenian Cause in America and Turkish American Response

While the moderate Armenian Assembly of America (AAA) and ultra-nationalist Armenian National Committee of America (ANCA) serve as umbrella organizations for most Armenian Americans, there are over 450 Armenian American NGOs throughout the United States. It is safe to say that about half of the Armenian American NGOs are active in any meaningful manner -- that is 225 Armenian American NGOs in contrast with 40 meaningfully active Turkish American NGOs. While modest Turkish American assets are dedicated to addressing a wide range of issues, approximately \$40 million in Armenian American lobby assets per year are primarily dedicated to what is referred to in Armenian as *Hai Tahd*, "The Armenian Cause". *Hai Tahd* includes three policy objectives: (1) Recognition that the Armenian deaths constitute genocide; (2) Reparations from Turkey; and, (3) Restitution of the eastern provinces of Turkey to Armenia.

In pursuit of *Hai Tahd*, the Armenian American lobby works for the passage of genocide resolutions and gubernatorial proclamations at the state and federal levels, litigates life insurance claims arising from policies issued in the Ottoman Empire, provides financial and moral support to former Armenian American terrorists, and censors from public education scholarship that questions the Armenian allegation of genocide. In response, ATAA has been educating policy makers, insurance companies, the criminal justice system, and the courts with respect to the contra-genocide position and the negative impact of the Armenian American lobby's strategy on American democracy.²

1. Legislative Resolutions:

According to ANCA, of the 50 states, 38 have passed or issued over 110 resolutions and proclamations, respectively, declaring that the Ottoman American case constitutes genocide. No such resolutions or measures have passed at the federal level. In response, ATAA has educated legislators that under the separation of powers legislators cannot adjudicate via politically-biased resolutions, that under federalism foreign affairs is a federal executive branch function, and that the prosecution of the crime of genocide under the U.N. Genocide Convention is a federal executive branch matter. Indeed, according to the ATAA, the most a legislator may legitimately and should do is to encourage honest and complete research into the Ottoman Armenian experience, providing equal treatment to matters involving American history, e.g., African American slavery, the Japanese American relocation in WWII, the treatment of Native Americans, and violations against civilians in Vietnam and Iraq. In 2001, the ATAA implemented this strategy of *American civics and American fairness education* with respect to an Armenian resolution in the Maryland State Assembly. The results

² For a more thorough review, please see, G. Evinch, "The Armenian Cause in America, Today," *Turkish Policy Quarterly*, Winter 2005, V.4, No 4, pp.35-50.

were a weak passage and near defeat of the resolution, dismay with the Armenian American (and Greek American) lobbies' heavy-handed tactics, and a Maryland state record-breaking number of abstentions.³

2. Life Insurance Claims:

The Armenian American lobby not only portrays the Armenian case in terms identical to the Holocaust, but its constituents seek reparations in the exact legal fashion as Holocaust survivors. In 2000, California State Senator Chuck Poochigian sponsored and facilitated the passage of a law (The Poochigian Law), which: (1) required insurance companies who did business in the Ottoman Empire to turn over policyholder lists; and, (2) extended statute of limitations ten years from date of enactment. The Poochigian Law is a near carbon copy of a similar Holocaust reparations law. In anticipation of the California law, class actions were filed against various insurance companies: *Martin Marootian et al. v. New York Life*; *Ofik Kyurkjian et al. v. AXA*; and, *Vartkes Movsesian v. Victoria Versicherung*. In these cases, Armenian plaintiffs sued to recover the life insurance benefits of their Ottoman ancestors for what the plaintiffs claimed were deaths arising from genocide.⁴ However, in the precedential case of *AIA v. Garamendi*, the Supreme Court declared the particular Holocaust reparations law on which the Poochigian Law was based unconstitutional, calling into doubt the Poochigian Law itself. Almost immediately, the Armenian plaintiffs settled their claims. Marootian settled for \$20 million, with \$4 million reportedly going to the lawyers, and \$8 million going to Armenian NGOs and churches. Kyurkjian settled for \$17.5 million, with \$3.15 million reportedly going to the lawyers and \$3 million to a French Armenian NGO.

Importantly, in both settlement agreements, the plaintiffs' demands to characterize the cause of the deaths as genocide were rejected by the insurance companies. First and foremost, it is not the practice of insurance companies to characterize the cause of death in the payment of claims. Secondly, during each of the settlement proceedings, Turkish Americans educated the insurance companies and their lawyers with respect to the contra-genocide position.⁵ Still, in the AXA case, the parties

³ House Joint Resolution 3, April 9, 2001. Note that HJ3, which required a minimum of 71 votes in the House, passed 79-11, with 50 legislators abstaining. The Greek American hand was strong in securing the support of the African American Caucus with promises of a Maryland State apology for slavery; such an apology has not been issued to date. Maryland Greek American Senator Paul Sarbanes made personal calls to each of the 141 legislators urging passage of the resolution. Greek American and Baltimore baseball team owner, Peter Angeles and H&S Bakery chain owner, John Paterakis, helped fund the massive assault that was coordinated by one of Maryland's most prestigious lobby firms, Alexander & Cleaver. Lockheed-Martin's primary lobbyists, John Manis, also a Greek American, refused to assist his client in opposing the resolutions, despite the fact that Lockheed-Martin contracts with Turkey employ thousands of Maryland residents.

⁴ In a slightly different lawsuit, *Vahe Tachjian v. Deutsche Bank*, the plaintiff sued not just for monies in unclaimed accounts, but for conspiracy and accessory to the alleged crimes of the Ottoman Empire. Among some of the ambitious claims submitted to the court, Tachjian stated that Deutsche Bank facilitated the slave labor of Ottoman Armenians in the building of the Baghdad railway.

⁵ Among the expert witnesses testimony utilized by Turkish Americans was Princeton University and celebrated Middle East historian Bernard Lewis statement of April 14, 2002, at the National Press Club, which underscored the fraudulence of portraying the Armenian case in a manner identical to the Holocaust, the collateral damage to the understanding of the Holocaust,

had finalized a settlement agreement that characterized the deaths as genocide “under French law” and were about to submit the agreement for court approval, when Turkish Americans educated Turkish-based consumer groups with respect to the mischaracterization, who in turn persuaded AXA’s Turkish partner, OYAK, to protest to AXA that the settlement agreement as such was unacceptable. In its final form of December 6, 2005, the AXA settlement agreement did not characterize the cause of the deaths as genocide. Furthermore, the agreement conditioned the payment of \$3 million to a French Armenian NGO to: (1) the approval of AXA; (2) for the sole purpose of helping the needy and for public education; and, (3) not for any political purpose, e.g., “genocide” resolutions, censorship of the contra-genocide perspective, and rationalizing Armenian terrorism.

3. Armenian Terrorism:

Since 1973, Armenian terrorists, namely the Armenian Secret Army for the Liberation of Armenian (ASALA) and the Justice Commandos of the Armenian Genocide (JCAG), have committed 239 acts of violence.⁶ Of the 239 terrorist attacks, 71 were conducted by Armenians from North America, and 30 occurred on United States soil. Twenty-two Armenian Americans and Armenian Canadians were captured and incarcerated for this terrorism. In the most recent security measure against Armenian terrorism, on January 24, 2001, Judge Ann Aldrich, of the United States District Court for the Northern District of Ohio sentenced Armenian American and former Chairman of the Armenian National Committee of America (ANCA), Mourad Topalian, to prison for weapons and explosives crimes the federal authorities linked to terrorism by the JCAG.⁷

and any resolution of the Armenian case in an honest and sustainable manner: “[T]hat the massacre of the Armenians in the Ottoman Empire was the same as what happened to Jews in Nazi Germany is a downright falsehood. What happened to the Armenians was the result of a massive Armenian armed rebellion against the Turks, which began even before war broke out, and continued on a larger scale. But to make this a parallel with the holocaust in Germany you would have to assume the Jews of Germany had been engaged in an armed rebellion against the German state, collaborating with the allies against Germany. That in the deportation order the cities of Hamburg and Berlin were exempted, persons in the employment of the state were exempted, and the deportation only applied to the Jews of Germany proper, so that when they got to Poland they were welcomed and sheltered by the Polish Jews. This seems to me a rather absurd parallel.” (C-SPAN2, www.bookdstv.org). Full text also viewable at www.ATAA.org.

⁶ Armenian terrorists have killed at least 70 and seriously injured 524 innocent people, mostly non-Turkish. Armenian terrorists have taken 105 hostages, "executing" 12, one of them an American woman. The Armenian terrorist bombing campaign that accounted for at least 160 of the 239 attacks caused vast majority of the deaths and injuries. In addition, the Armenian terrorist bombing campaign caused 160 incidents of property destruction, totaling several hundred million dollars in property damage in the United States, Europe, Middle East and Australia. According to the FBI, between 1980-86, Armenian terrorism accounted for the second highest number of terrorist incidents in the United States. According to the FBI, two Armenian groups are directly responsible for this terrorism: the left-wing ASALA and the nationalist JCAG.

⁷ The Federal authorities, lead by then-Federal Agent and current ATF Marshall, Pete Elliot, used DNA evidence to link Topalian to weapons and explosives that were in turn linked to four major attacks by the nationalist, JCAG terror organization: (1) October 12, 1980, New York, Car bombing of the Turkish Center, Jewish American B’Nai Brith Center, and African American Center at the U.N Plaza; (2) June 3, 1981, Los Angeles, Bombing of the Orange County Convention Center in Anaheim, site of an Evangelical Convention and Turkish folkdance and music show; (3) November 20, 1981, Los Angeles, Bombing of the Turkish Consulate building in Beverly Hills; and, (4) October 22, 1982, Los Angeles, Attempted bombing of the offices of Philadelphia Honorary Turkish Consul General by four JCAG members recruited from the Armenian Youth Federation (AYF) (a fifth JCAG co-conspirator is arrested at Logan International Airport in Boston the same day). On June 12, 2005, NBC

To assist in the prosecution and sentencing of Topalian, ATAA submitted a Victim's Impact Statement and appeared at the criminal sentencing hearing of Topalian. Constitutional Law expert, Bruce Fein, spoke on behalf of the ATAA.

III. Fighting Censorship: *Griswold v. Massachusetts Department of Education*

1. Importance of the *Griswold* Civil Rights Case:

Griswold concerns protecting public school access to scholarly sources pertaining to a legitimate historical controversy for educational purposes. It concerns obtaining as well as providing scholarly information that supports the contra-genocide position with respect to the Ottoman Armenian experience.

The importance of the *Griswold* civil rights case can be best understood from the perspectives of the plaintiffs. The primary plaintiff, Theodore Griswold, is a student at Lincoln-Sudbury High School. Appearing on behalf of Theodore, his father, Thomas Griswold, believes that his child is denied the opportunity to receive contra-genocide viewpoints (censorship) and is forced to learn and accept the position of the government (state orthodoxy), in contravention of the United States Constitution.

Plaintiff William Schechter is a Jewish American and a teacher at Lincoln-Sudbury High School. Mr. Schechter has been teaching history for 33 years and believes there is a genuine and continuing academic and historical controversy concerning whether the Ottoman Armenian experience constitutes genocide. His approach to teaching historical controversies is to present students with opposing points of view among legitimate historians. Mr. Schechter believes that the Massachusetts Department of Education's decision to exclude the contra-genocide materials from the Curriculum Guide teaches the wrong lesson – that historical right and wrong should be decided by censorship and state orthodoxy rather than by research and reasoned argument. Mr. Schechter also believes that censorship of the contra-genocide materials from the Guide infringes upon the state and federal constitutional rights of teachers and students to inquire, teach, and learn (censorship) and be free from the imposition of the government's point of view (state orthodoxy).

Plaintiff Lawrence Aaronson is a Jewish American and a teacher of social studies, history and civil rights at Cambridge Rindge & Latin School, a public high school in Cambridge, Massachusetts. Like Mr. Schechter, Mr. Aaronson believes that censorship of the contra-genocide materials from the Guide infringes upon the state and federal constitutional rights of teachers and students to inquire, teach, and learn (censorship) and be free from the imposition of the government's point of view (state orthodoxy).

Dateline's segment, "Time Bomb", reported that Topalian acquired and stored weapons and explosives in a public storage facility near a childcare center, public school, gas station, and major highway near Cleveland. The explosives, dating back to the late 1970s, were deteriorating and highly volatile. Agent Elliot expressed that had the arsenal ignited and exploded, it would have killed at least 750 people, mostly children. Dateline reported that Topalian was incriminated with the assistance of his wife, Lucy, and many former Armenian American JAG operatives who have since become "teachers, doctors and bankers".

Plaintiff Assembly of Turkish American Associations (“ATAA”) has concerns on several levels: freedom of speech, nation-wide public education on the Armenian matter, and anti-Turkish racism. ATAA serves as an umbrella organization to over 60 local Turkish American organizations. ATAA is a non-profit, charitable organization dedicated to promoting public education and awareness about Turkey and issues that concern Turkish Americans. ATAA’s website that provided a bibliography of scholarly sources that were deemed by Massachusetts education experts as educationally suitable to understanding a legitimate historical controversy, was censored by the Massachusetts Governor and Board of Education after substantial Armenian American lobby pressure came to bare. ATAA and its members are concerned that students in Massachusetts public schools are being taught only one side of controversial and controverted historical events that span from 1880 to 1919, whereas the legal and historical characterization of the Ottoman Armenian experience is disputed by eminent and respected historians. Furthermore, ATAA is concerned that since the state of Massachusetts serves as major role model to other state boards of education, the censorship that has occurred in Massachusetts, if not corrected, may serve as an example – a wrong example – to other states. Finally, ATAA believes that the disputed Armenian allegation of genocide, supported by the censorship of scholarly defenses, is racist and prejudicial against people of Turkish origin, and stigmatizes Turkish Americans in Massachusetts and nationwide.

2. **The Facts:**⁸

On or about August 10, 1998, Chapter 276 of the Session Laws of 1998 was approved by the Massachusetts General Court. Chapter 276 states:

The board of education shall formulate recommendations on curricular materials on genocide and human rights issues, and guidelines for the teaching of such material. Said material and guidelines may include, but shall not be limited to, the period of the transatlantic slave trade and the middle passage, the great hunger period in Ireland, the Armenian genocide, the holocaust and the Mussolini fascist regime and other recognized human rights violations and genocides. In formulating these recommendations, the board shall consult with practicing teachers, principals, superintendents, and curricular coordinators in the commonwealth, as well as experts knowledgeable in genocide and human rights issues. Said recommendations shall be available to all school districts in the commonwealth on an advisory basis, and shall be filed with the clerk of the House of Representatives, the clerk of the Senate, and the House and Senate chairmen of the joint committee on education, arts, and humanities not later than March 1, 1999.

Pursuant to Chapter 276, on January 15, 1999, Massachusetts Commissioner of Education, David Driscoll, circulated a draft of “The Massachusetts Guide to Choosing

⁸ The “Facts” section of this paper is adopted from the civil complaint drafted and filed by Attorney Harvey Silverglate on behalf of the plaintiffs in *Griswold v. Massachusetts Board of Education*, in the United States District Court, District of Massachusetts. A downloadable PDF version of the civil complaint is available at www.ATAA.org.

and Using Curricular Materials on Genocide and Human Rights” (“the Guide”) to members of the Board of Education for their review and comments. The draft Guide referred to the “Armenian genocide,” and contained references to resources for teaching genocide and human-rights issues, including the (1) Armenian Studies and Research National Association, (2) Armenian National Institute, and (3) selected texts on the “Armenian genocide.” The draft Guide also contained historical summaries of each issue mentioned in Chapter 276. The summary argued that the “Muslim Turkish Ottoman Empire” was responsible for the deaths of large portions of the Armenian population of the Ottoman Empire around the time of WWI. No resources that mentioned the contra-genocide perspective on this period in history were included in the draft Guide, even though the Guide stated that one of its standards for selecting instructional materials on genocide and human rights issues was to provide “differing points of view on controversial issues.”

On January 19, 1999, in a letter to Commissioner Driscoll, the Turkish American Cultural Society of New England (“TACSNE”) requested that the aforementioned “guidelines and materials” [the Guide] present “an objective study of history,” and urged that the Guide include the contra-genocide position, using resources such as TACSNE itself, along with a bibliography of studies by respected professors at American universities.

On January 26, 1999, the Board held a public meeting to help evaluate potential additional materials for inclusion in the Guide. TACSNE made a presentation to the Board in which it asked for all sides of this historical controversy to be studied, utilizing materials expressing different but educationally suitable points of view. The Board voted to adopt the draft Guide, as presented, with certain alterations.

In a letter to TACSNE President Erkut Gomulu, dated January 27, 1999, Commissioner Driscoll thanked the organization for its correspondence and presentation of January 26. The Commissioner wrote that “the Board is sensitive to the complexity of the issues contained in the [Guide].” Commissioner Driscoll stated that the Board intended to demonstrate its sensitivity to the Armenian-Turkish issue, writing that “[i]n approving the [Guide], the Board has directed the Department to delete the aforementioned summaries incriminating the “Muslim Turkish Ottoman Empire.”

In his January 27, 1999 letter to TACSNE, Commissioner Driscoll also stated, “I encourage you to submit bibliographic references that your group [TACSNE] recommends be added to the resource section,” and directed that such materials be submitted to Susan Wheltle, head of Instruction and Curriculum Services. Ms. Wheltle subsequently contacted TACSNE and was given the name of Professor Justin McCarthy at the University of Louisville as a resource. Ms. Wheltle e-mailed Professor McCarthy, requesting any helpful bibliographic materials for inclusion in the Guide.

On February 5, 1999, Massachusetts State Senator Steven A. Tolman, acting under pressure from the Armenian American lobby, wrote to then-Chairman of the Board of Education, Dr. John Silber, urging the “reintroduction” of the incriminating summaries.

However, the summaries were not included in the final version of the Guide, as such determination was the domain of experts, not politicians.

On February 8, 1999, TACSNE sent a letter to Ms. Wheltle, expressing “deep dismay” that the draft Guide had accepted the characterization of the Ottoman Armenian experience as genocide. TACSNE suggested that the Guide use the language “Armenian question” in the place of “Armenian genocide.” The letter stated that the materials were “one-sided” and would cast undeserved guilt on students of Turkish descent in the classrooms. It proposed ten books, three websites, and the contact information of three Turkish organizations for inclusion in the Guide, along with the Armenian resource materials already included in the draft Guide, in keeping with the Guide’s directive to include multiple viewpoints on controversial issues.

On February 19, 1999, Ms. Wheltle sent an email to Mr. Gomulu, thanking him for the materials he sent her. She informed him that the Department of Education “plan[s] to include the organizations and websites that [he] suggested in the Guide, so that teachers and high school students will have access to the many bibliographies and other resources on history and current events they offer.” Ms. Wheltle wrote that she had “discussed the recommendations made for revising the language in the Guide’s framework with several people who were involved in writing it[” but that the “history and social science framework simply cannot be changed immediately.” Id. Ms. Wheltle noted that that framework, “like all the rest, will undergo a review process, most probably 2 years from now.” Id.

On March 1, 1999, Commissioner Driscoll submitted to the Massachusetts Legislature the Guide that was approved by the Board on January 26, 1999. The Guide included the websites of TACSNE, the Institute for Turkish Studies at Georgetown University (“ITS”), Plaintiff Assembly of Turkish American Associations (“ATAA”), and the Turkish Embassy. It also included four Armenian American lobby websites: the Armenian Studies and Research Association, the Armenian National Institute, the Armenian Embassy, and the Armenian Research Center at the University of Michigan at Dearborn. In other words, the Guide, as submitted to the Legislature, contained resource materials from both sides of the historical controversy over whether the events at issue constituted genocide as defined in the 1948 U.N. Genocide Convention.

On June 12, 1999, four regional committees of the ultra-nationalist ANCA issued a press release along with a letter to Governor Paul Cellucci of Massachusetts, commanding that only one point of view – that favored by advocates of the genocide thesis – be represented in the Guide. They declared that the “ANCA urges Governor Cellucci to remove racist resources from [the] genocide curriculum The curriculum guide cites a number of organizations, including addresses and websites, as resources for teaching about genocide and human rights issues. Some of these organizations, however, have been engaged in a disgraceful denial of mass murder and genocide over the years. These organizations are: 1) Turkish Embassy in Washington DC; 2) Institute for Turkish Studies, Georgetown University, Washington DC; 3) Assembly of Turkish American

Associations, Washington, DC; and 4) Turkish American Cultural Association of New England, Boston, MA. Inclusion of genocide denial is directly counter to the intent of the Law . . . Careless intermingling of genocide denial with the documentary sources it aims to obscure will only serve to confuse students and undermine academic integrity. Thus we strongly recommend that the above listed organizations not be considered as primary sources for educational material on human rights and genocide and that they be removed from the list of sources.”

The Armenian American lobby successfully urged politicians to override the expert opinion of the Instruction and Curriculum Services and remove the contra-genocide sources. In June 1999, Commissioner Driscoll circulated another version of the Guide which, unlike the version that had been submitted to the Legislature, omitted all references to the contra-genocide websites, except for the reference to the website of the Turkish Embassy in Washington, D.C. The Guide nonetheless continued to state that instructional materials on genocide and human rights issues should provide “differing points of view on controversial issues.”

On August 10, 1999, Bonnie Joy Kaslan, Member of the Board of Trustees of the ATAA, and Chairperson of the ATAA’s Curriculum Committee on History and Social Science, wrote to Commissioner Driscoll to protest the removal of the contra-genocide websites from the Guide. Ms. Kaslan strongly criticized the decision to remove these resource materials from the Guide, noting that it failed to adhere to the objective to present a “balanced study of history,” and that the decision “appear[ed]” to be the result of “pressure from ethnically interested legislators” Ms. Kaslan further stated that “[p]assing politically disposed resolutions is not an appropriate nor academic reason to state that events that so impacted present day Americans from the now defunct Ottoman Empire shall only be represented (or will have the majority of material) by those who claim one perspective, theirs alone.” She urged the Board to “do what was the right decision originally, that is do not take sides against one or another of your constituents. Treat them and their stories with respect, allow students to hear and learn for themselves the complexities and tragedies of nations that are manifested in the lives of ordinary human beings. By doing so, you would be honoring your own professed statements of presenting history through a balanced study of events. After all, this should be about the welfare and education of the children of your state, of this nation, ‘with malice towards none.’”

On August 16, 1999, TACSNE sent a letter to Commissioner Driscoll and to the members of the Board of Education. Like the ATAA, TACSNE also protested the removal of the Turkish websites, stating, “[i]f one-sided materials are taught every student will suffer from an impoverished understanding of genocide issues and human rights no matter what race, religion, ethnicity, or background. Ignorance is never good pedagogy Delisting of these web sites wars with the First Amendment. . . We would like to appeal the decision of Commissioner Driscoll and kindly request an official explanation to this intolerable degree of ethnically oriented political intrusion to the field of education.”

On August 31, 1999, Commissioner Driscoll and the Chairman of the Board, James E. Peyser, wrote back to the ATAA and TACSNE. Their letter quoted Chapter 276 in its entirety, all in italics. The letter stated that “[s]ince the legislative intent of the statute was to address the Armenian genocide and not to debate whether or not this occurred, the Board and Department of Education cannot knowingly include resources that call this into question. The explicitness of the statute has also forced us to reverse our earlier decision to include the website listing for the Turkish Embassy.” The letter continued, “[t]he Massachusetts Board and Department of Education recognize fully the right of the Turkish community to present its viewpoint on the events of the latter days of the Ottoman Empire. In addition, it should be noted that individual districts are free to develop their own approaches to teaching this historical period. However, the Massachusetts Human Rights Guide, developed under the auspices of Chapter 276, must be in accordance with the language of that statute. Unless that statute is changed, the Massachusetts Human Rights Guide will not knowingly include any references that counter the language of the legislation.” Finally, Driscoll and Peyser wrote that they “acknowledge[d] that this is not the outcome you requested in your letter,” and suggested that if TACSNE “wish[ed] to pursue this concern further, we recommend that you do so through state legislative channels.”

According to the August 31, 1999 letter to TACSNE from Commissioner Driscoll and Chairman Peyser, the Massachusetts Department of Education excluded materials previously deemed educationally suitable for inclusion in the Guide (and therefore previously included in the Guide) because, in their view, Chapter 276 reflected a legislative determination to prohibit the inclusion of contra-genocide viewpoints irrespective of their educational suitability.

A later press release, issued by ANCA on June 26, 2002, boasted about the political pressure that was brought to bear on the Department of Education and the Board to remove from the curricular Guide all materials that refused to echo the genocide thesis. The press release reported that ANCA had become aware that recently the Department of Education’s Guide had replaced the words “Armenian genocide” with “Armenian slaughter.” This modification, ANCA declared, was in violation of Chapter 276, which had used the term “Armenian genocide.” The press release stated that, “[a] phone call placed to Commissioner David P. Driscoll by ANCA was met by the claim that the period for ‘public comment’ on the genocide guidelines was over and that no changes would be made.” But, ANCA “was able to immediately mobilize members of the Armenian-American community as well as members of the Massachusetts legislature to take action.” The press release continued: “Senator Steven Tolman drafted a letter formally requesting that the Department of Education (sometimes “DOE”) ‘immediately stop approval of the new history frameworks scheduled for Tuesday, May 28, 2002 at the Board of Education’s monthly meeting.’”

The ANC press release further noted that, “[a]s a result, the newest version of the DOE’s curriculum guidelines correctly refers to the ‘Armenian genocide.’” The ANC further

stated, “[t]his is not the first attempt by the DOE to circumvent the 1998 law. In a previous incident, the DOE Web site included not just references to the Armenian genocide but also links to Turkish hate sites that denied the Armenian genocide. This would be comparable to the DOE’s directing citizens to Holocaust-denial and neo-Nazi Web sites. ANCA was instrumental at that time in having the links to the Turkish hate sites removed.”

The final and present version of the expurgated Guide is posted on the Department of Education’s website (as of October 6, 2005). The Guide brings together selections from the “Core Knowledge and Commonly Taught Subtopics” section of the Massachusetts History and Social Science Curriculum Framework that pertain to genocide and human rights issues. In its outline of “Commonly Taught Subtopics,” under the subheading “[t]he human toll of 20th century wars and genocides; the Holocaust,” the Guide lists “[t]he Armenian genocides, mid-1890s and 1915.”

The introductory portion of the expurgated Guide specifically states that, “[l]earning about genocide in history and its persistence into the present day is important for today’s students. Although most students learn about the Nazi Holocaust, they may regard it as an isolated phenomenon, and do not learn that many such incidents of intentional mass killings have occurred all over the world and throughout history. Genocides in the modern era have often been sanctioned by specific governments and based on ideologies that legitimize prejudice and violence. It is important that students have factual knowledge about these issues, and that they understand how other governments, organizations, and individuals work to preserve and protect human rights.”

The expurgated Guide, near its end, under the heading “Choosing Instructional Materials and Programs on Genocide and Human Rights Issues,” states that, “[a]lthough some information on genocide and human rights issues is contained in textbooks, teachers wishing to explore these topics in greater depth must find further information from other sources. Organizations that can serve as resources for finding these materials are listed below. Many of them provide extensive and frequently updated bibliographies of reference and trade books, journals, articles, films and further Internet resources.”

The expurgated version of the Guide also continues to state, under the heading “Choosing Instructional Materials and Programs on Genocide and Human Rights Issues,” that instructional materials on genocide and human rights issues should provide “differing points of view on controversial issues.”

The section of the expurgated Guide entitled “The Internet as a Tool for Researching Genocide and Human Rights Issues” states: “[w]hile the Internet has become a valuable tool for research, it is a resource without ‘filters.’ In the classroom, materials must be evaluated for authenticity, accuracy, and bias. Students need to have tools to analyze the validity of sources they find on the Net, particularly when they research controversial issues and current events.” This statement is followed by a series of questions as to how to evaluate a website’s information, including who sponsors the site, whether the author

is sufficiently credentialed, whether the information is factual and well-written, whether the site is updated, and so on.

Beneath the list of questions is a list of organizations, including the American Civil Liberties Union and various ethnic groups' organizations. These organizations include the Armenian Studies and Research Association of Belmont, MA, and, under the heading "National and International Organizations," the Armenian National Institute and its website. Listed under the heading "Additional Websites," on the last page of the expurgated Guide are other resources, including the Armenian Embassy in Washington D.C. and the Armenian Research Center at the University of Michigan at Dearborn, both with their respective websites. There are no Turkish or Turkey-related websites contained in this list or anywhere else in the expurgated Guide. Nor are any websites listed that contain contra-genocide viewpoints.

On June 27, 2005, Chairman Peyser confirmed via letter the position that he and Commissioner Driscoll took in August 1999, asserting that "[w]e do not . . . interpret Chapter 276 as authorizing the Board to adopt curricular guidelines that call into question whether the various atrocities enumerated in the statute actually occurred."

IV. Conclusion

Censorship on the Ottoman Armenian experience is the most sophisticated strategy the Armenian American lobby is employing in order to promote its version of history as the undisputed truth. If left to take its course, the censorship involves a process by which generations will learn only one part of the facts of the Ottoman Armenian experience and come to accept it as the complete facts and the undisputed truth. It is a process by which history will be revised.

However, Theodore Griswold, his attorney Harvey Silverglate, and the American Civil Liberties Union (ACLU) who is expected to join the suit on the side of freedom of speech, are making more and more Americans ask: "With the removal of contra-genocide scholarly sources from curriculum guides and school libraries, the re-writing of history textbooks in order to omit the contra-genocide point of view, the imposition of college entrance examination questions to which the correct answers are that the Armenian case constitutes "genocide", the omission from "scholarly" panels scholars who support the contra-genocide point of view, and the inclusion on such panels Turkish nationals who support the Armenian allegation of genocide and to claim that such panel thereby provides the "Turkish perspective", what is the Armenian American lobby afraid of? Cannot the "truth" upon which the Armenian American lobby has built an industry and upon which the Armenian identity is defining itself, withstand the analysis, debate and counter-evidence?"

By 1919 when WWI ended, over 60 million people had perished in Europe, Eurasia, and the Middle East from conflict and the privations of war. The fighting was so vicious, the destruction so massive, that WWI was rationalized as "the war to end all wars." Over

five million Ottoman citizens lost their lives, more than 4 million of them Muslims. The same year, United States Justice, Oliver Wendell Holmes, wrote that the “best test of truth is the ability of thought to prevail in the free marketplace of ideas.”⁹ Enabling and protecting free thought in the study of the Ottoman Armenian experience will enable Armenians and Turks to reconcile their past in an honest fashion.

⁹ Abrams v. United States, 250 U.S. 216 (1919).