

STATEMENT OF BRUCE FEIN
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TO THE LOS ANGELES COUNTY UNIFIED SCHOOL DISTRICT SCHOOL BOARD

RE: OCTOBER 6, 2020 RESOLUTION MAKING APRIL 24 A NEW SCHOOL HOLIDAY
TO COMMEMORATE “ARMENIAN GENOCIDE REMEMBRANCE DAY”

DECEMBER 16, 2021

Ms. President Gonez and Members of the School Board:

I wish to share my views on the Board's October 6, 2020 Resolution making April 24 a new school holiday to commemorate "Armenian Genocide Remembrance Day," (hereinafter "Holiday Resolution), which presumes an Armenian Genocide as gospel and censors dissent as blasphemy—even from the likes of famed Princeton University scholar and author Bernard

The Holiday Resolution is divorced from any educational interest. Indeed, the intent and the effect of the Resolution is to stunt critical thinking reminiscent of the Index of Forbidden books. It will impoverish rather than enrich understanding of the grim events of 1915 in which terrible numbers died in a World War irrespective of race, religion, nationality, or ethnicity. Among other things, the European Court of Human Rights explained in *Perincek v. Switzerland* (October 15, 2015) that "the question whether the events that took place during 1915 and subsequent years may be characterized as "genocide" is of considerable interest to the public... [I]t is even doubtful that there can be a 'general consensus,' particularly among academics, about events such as those in issue in the present case, given that historical research is by definition subject to controversy and dispute and does not readily lend itself to definitive conclusions or the assertion of objective and absolute truths."

As regards the Armenian Genocide thesis, that observation is especially forceful because new archival materials relevant to the question are surfacing every day. In addition, in contrast to the Holocaust, there has never been a judicial finding affirming an Armenian Genocide. The conviction without trial is a political slogan to appease a wealthy and powerful Armenian American community in exchange for campaign contributions and political support.

Genocide is a crime under international law, i.e., the Genocide Convention. Accordingly, the accuser has the burden of proving genocide beyond a reasonable doubt. The accused is presumed innocent unless that exacting evidentiary threshold has been satisfied in a court of law featuring the trappings of due process. Such a trial has yet to come, although one is available at the request of any nation in the International Court of Justice pursuant to Article IX of the Genocide Convention.

With all due respect, the Board is not credentialed to pronounce on the events of 1915. Members are neither lawyers nor historians endowed with the store of knowledge required to appraise the Armenian Genocide allegation. The Board adopted the Holiday Resolution, nevertheless, without entertaining any scholarly credentialed contrary views, a classic case of educational malpractice and a poor example for LAUSD students who need their critical faculties honed, not dulled.

It speaks volumes of the Board's irresponsibility that it neglected the following observations of Princeton University Ottoman Historian, Professor Bernard Lewis, author of a galaxy of books on Turkey, Islam, and the Middle East, delivered at the National Press Club, April 14, 2002:

“[T]hat the massacre of the Armenians in the Ottoman Empire was the same as what happened to the 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 the war broke out and continued on a larger scale.

But to make this a parallel to 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 employ of the state were exempted, and the deportation applied only to Jews in Germany proper, so that when they got to Poland they were welcomed and sheltered by Polish Jews. This seems to me a rather absurd parallel.”

\ The Board's Armenian Genocide Remembrance Day is not education. It is indoctrination which shortchanges education to cultivate political support from Armenian Americans. The origins of the Holiday Resolution fortify that conclusion. It is highly likely that the Armenian National Committee of America-West Region drafted or was consulted in the drafting of the resolution and lobbied privately with LAUSD Board Members for its passage. Armenian Americans also probably contributed handsomely to the political campaigns of Board Members. They confronted a conflict of interest in drafting and passing the Resolution.

Under Article VI of the United States Constitution, Board Members are required to support the Constitution. The Holiday Resolution contradicts the First Amendment's spirit and purpose. Justice Louis Brandies explained in his concurring opinion in *Whitney v. California*, 274 U.S. 357, 375 (1927):

“Those who won our independence believed that the final end of the state was to make men free to develop their faculties, and that in its government the deliberative forces should prevail over the arbitrary... They believed that freedom to think as you will and to speak as you think are means indispensable to the discovery and spread of political truth; that without free speech and assembly discussion would be futile; that with them, discussion affords ordinarily adequate protection against the dissemination of noxious doctrine; that the greatest menace to freedom is an inert people; that public discussion is a political duty; and that this should be a fundamental principle of the American government.”

The Holiday Resolution, however, aims to silence public discussion of the Armenian genocide allegation by implicitly ostracizing or vilifying dissenters. Disputing the Armenian genocide thesis infuriates, but that is no reason to embrace censorship to standardize ideas.

Justice William O. Douglas instructed in *Terminiello v. Chicago*, 337 U.S. 1,4-5 (1949):

“[A] function of free speech under our system of government is to invite dispute. It may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger. Speech is often provocative and challenging. It may strike at prejudices and preconceptions and have profound unsettling effects as it presses for acceptance of an idea. That is why freedom of speech, though not absolute is nevertheless protected against censorship or punishment,

unless shown likely to produce a clear and present danger of a serious substantive evil that rises far above public inconvenience, annoyance, or unrest. There is no room under our Constitution for a more restrictive view. For the alternative would lead to standardization of ideas either by legislatures, courts, or dominant political or community groups.” (citations omitted).

The need for free speech is at its zenith in academic settings. The United States Supreme Court amplified in *Sweezy v. New Hampshire*, 354 U.S. 234, 250 (1957):

“No field of education is so thoroughly comprehended by man that new discoveries cannot yet be made. Particularly is that true in the social sciences, where few, if any, principles are accepted as absolutes. Scholarship cannot flourish in an atmosphere of suspicion and distrust. Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise, our civilization will stagnate and die.”

In endorsing or proclaiming the Armenian Genocide allegation as gospel with the inference that dissenters are guilty of participating in the eighth stage of genocide, the Holiday Resolution fuels domestic terrorism by Armenian Americans aimed to intimidate the Turkish American community from exercising their constitutional rights of free speech and assembly through force and threatened violence. Domestic terrorism is a companion to international terrorism, which similarly condemns criminal threats or use of force “to intimidate or coerce a civilian population.” 18 U.S.C. 2331.

The Resolution was passed in the context of a long and grisly history of Armenian American attacks on Turkish Americans and Turkish officials to avenge the alleged Armenian Genocide. Emblematic are the notorious Armenian Secret Army for the Liberation of Armenia (ASALA) and the Justice Commandos of the Armenian Genocide (JCAG). Their trademark is criminal violence, harassment, and intimidation targeting persons of Turkish ancestry for resistance embrace of the Armenian genocide allegation.

In 1973, a Los Angeles Armenian American, Gourgen Yanikian, dastardly assassinated both the Turkish Counsel General and Vice Counsel while hosting them for tea in Santa Barbara. In

1982, Los Angeles Armenian American, Hampig Sassoonian, a JCAG member, assassinated the successor Counsel General, Kemal Arikian. The Turkish victims remain as vivid in the memories of Turkish Americans as Emmet Till's brutal murder is remembered by African Americans. Since the early 1970s, Americans of Turkish ancestry and Turkish American groups, especially within the Los Angeles community, have chronically experienced violence from JCAG, ASALA, and other Armenian American extremists. The Armenian American community has not disowned the violence. Indeed, it funded and lobbied for the release of assassin Hampig Sassoonian, and heroized him upon his release and deportation to Armenia this year. During his parole hearings, Sassounian explained that his assassination of Arikian was provoked by inculcation in the Armenian genocide allegation. Another infamous Armenian American terrorist, Mourad Topalian, has also been lionized by the Armenian American community.

As cross burnings are understood by African Americans as a signal of impending terror and lawlessness to intimidate, (see *Virginia v. Black*, 538 U.S. 343 (2003)), so the Board's embrace of the Armenian Genocide allegation is understood by the Turkish American community in Los Angeles as a prelude to Armenian American terrorism and violence if their Turkish heritage is exhibited. The question is not if, but when. The Armenian American criminal hate crime attack on Café Istanbul in Beverly Hills on November 4, 2020, followed by a similar hate crime at Avra Restaurant in Beverly Hills on October 22, 2021, were previews of what is to come.

The Holiday Resolution stigmatizes and traumatizes Turkish American students by insinuating their complicity or ancestral association with a putative Armenian genocide. They feel dehumanized and ostracized, which finds expression in physical and mental ailments: dislike of school, depressed morale, and a sense of inferiority that stunts ambition and intellectual growth. The epithet "genocide denier" thunders like a hammer on an anvil in their ears every

day. Turkish American students encounter chronic bullying by classmates over the Armenian Genocide allegation. The heartless Holiday Resolution makes school as unattractive as a dungeon for Turkish American students.

A common Board refrain to justify the Holiday Resolution was deterrence of future genocides. But that justification is discredited by the absence of any requirement that the school holiday be devoted to workshops to study and discuss genocide or genocide deterrence generally, for example, the recent preliminary decision of the International Criminal Court in *The Gambia v. Myanmar* finding convincing evidence of a Rohingya genocide. The Resolution's staggering underinclusiveness undermines the proffered deterrence of genocide rationale.

The crime of genocide—a universal crime against all mankind—demands exacting study of history and law combined with finely honed critical thinking. The Holiday Resolution does not meet that educational standard. It should be rescinded or amended accordingly.

Sincerely,

/s/Bruce Fein

Bruce Fein

General Counsel for the Turkish Anti-Defamation Alliance.