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April 25, 2022

Honorable Zoe Lofgren
Chairperson
House Administration Committee
1309 Longworth House Office Building
Washington, D.C. 20515

Honorable Rodney Davis
Ranking Member
2079 Rayburn House Office Building
Washington, D.C. 20515

Honorable Jamie Raskin
2242 Rayburn House Office Building
Washington, D.C. 20515

Honorable G.K. Butterfield
2305 Rayburn House Office Building
Washington, D.C. 20515

Honorable Peter Aguilar
109 Cannon House Office Building
Washington, D.C. 20515

Honorable Mary Gay Scanlon
1227 Longworth House Office Building
Washington, D.C. 20515

Honorable Teresa Leger Fernandez
2323 Rayburn House Office Building
Washington, D.C. 20515

Honorable Barry Louderback
2133 Rayburn House Office Building
Washington, D.C. 20515

Honorable Bryan Steil
1526 Longworth House Office Building
Washington, D.C. 20515

RE: H.R. 7555, 117th Congress (“Armenian Genocide Education Act”)

Dear Chairperson Lofgren and Members of the Committee:

I represent the Turkish Anti-Defamation Alliance.

We share common ground with the honorable co-sponsors of H.R. 7555 in recognizing that the crime of genocide is too important to be ignored or abandoned to suboptimal scholarship.

We support the education concept of the bill, but submit its execution is profoundly deficient by defeating the purpose of instilling critical thinking in lieu of indoctrination in addressing the Armenian genocide claim.

We are acutely aware that multiple legislative bodies and President Joe Biden have expressed their respective opinions, substantially if not decisively influenced by Armenian voters and campaign contributions, that Armenians during World War I were victims of genocide at the hands of the Ottoman Empire (for which Turkey is legally responsible as its successor). None of these expressions of opinion, however, would be admissible as evidence in a court of law to prove the Armenian genocide claim. Further, it cannot be denied that the constitutional prohibition of bills of attainder preclude Congress from adjudicating genocide claims or other crimes, and the Constitution’s separation of powers precludes President Biden from doing so. You may recall the nation was aghast when President Richard Nixon pronounced Charles Manson guilty before the trial had concluded.

Equally undeniable is the fact that no court has ever adjudicated the Armenian genocide claim, a truth highlighted by the European Court of Human Rights in *Perincek v. Switzerland* (2015). The absence of a judicial decision has been caused by the staunch refusal of Armenia to take its case against Turkey to the International Court of Justice as prescribed by Article IX of the Genocide Convention. Armenia’s refusal continues to this very day with no end in sight.

The requirement of judicial process to adjudicate genocide or other crimes is the alpha and omega of justice. It safeguards against miscarriages by mandating independent and impartial judges and jurors, notice to the accused and an opportunity to respond with favorable testimony and cross-examination of accusers, a right to counsel, a presumption of innocence, and a unanimous jury verdict. None of these guard rails are present in legislative or executive bodies. They are ordinarily markedly biased in favor of their political and financial supporters and are unschooled in genocide law and relevant history.

Notwithstanding the absence of a court judgment, we believe the Armenian genocide claim is a worthy subject that should be taught according to the gold standard of pedagogy. All legal and historical credentialed works and viewpoints should be taught to enable students to decide for themselves which are convincing. That means teaching both the proponents and detractors of the Armenian genocide claim. As to the latter, Bernard Lewis, Stanford Shaw, Justin McCarthy, and Guenter Lewy qualify as credentialed doubters. It further means teaching the views expressed by Ottoman Armenian leaders like Bogus Nubar at the Paris Peace Conference highlighting

disproportionate Armenian deaths incurred fighting for the Triple Entente against Ottoman Turks.

The law of genocide under the Genocide Convention should also be taught including decisions by the International Court of Justice, the International Criminal Court, the International Criminal Tribunal for former Yugoslavia, and the International Criminal Tribunal for Rwanda.

The bill's title and irrebuttable albeit counterfactual presumption that an Armenian genocide has already been proven betrays an unscholarly bias unworthy of legislation professedly promoting education and steering clear of indoctrination.

America's darkest moments have come during times when those who knew better stood silently, making excuses for passivity, and allowing injustice and persecution to flourish. Think of a century of Jim Crow and the lynching of thousands of blacks; racist concentration camps for loyal Japanese Americans; and McCarthyism destroying countless lives with reckless claims of Communist Party membership or fellow traveler. A false conviction is more morally unjust than a wrongful acquittal because of our celebration of liberty. Thus, the presumption of innocence.

Considering the foregoing, it would be unthinkable for the Committee to move forward with H.R. 7555 without extensive hearings featuring a broad array of qualified, expert witnesses in both genocide law and the history of World War I and its aftermath. We are available to work with the Committee to identify candidates who satisfy that vetting standard.

We look forward to a response at your earliest convenience.

Sincerely,

/s/Bruce Fein

Bruce Fein

Counsel for the Turkish Anti-Defamation Alliance