



ARMENIAN ASSEMBLY OF AMERICA

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COURT HEARS MOTION TO DISMISS GENOCIDE DENIERS' CASE Armenian Assembly Argues As "Friend of the Court"

Washington, DC – In U.S. District Court in Boston yesterday, Assistant Attorney General William Porter argued for the dismissal of a lawsuit brought by a Turkish group and others seeking to reinsert genocide denial materials into the Massachusetts school human rights curriculum guide. In support of the Attorney General's position, the Armenian Assembly filed an amicus curiae (friend of the court) brief, and argued for the rights of the defendants to recommend teaching the facts of the Armenian Genocide.

The lawsuit, filed last year by the Assembly of Turkish American Associations (ATAA), asserts that the Massachusetts Department of Education's decision to remove denialist materials in the school curriculum guide amounts to "censoring" and therefore would be a violation of the First Amendment. Yesterday in court, Assistant Attorney General Porter, who represented the Commonwealth, argued that the First Amendment cannot be applied to statements by the government and said that the Statute of Limitation requires that the case be dismissed.

Furthermore, the state pointed out that the plaintiffs have no standing to sue since there was no harm suffered because students and teachers may still independently access genocide denial information from sources not recommended by the state's curriculum guide.

The ATAA Web site, which the lobbying group seeks to include in a list of educational sources, is available online although not sanctioned in the curricular guide. Among the historical distortions on the site is the statement that it is "...a fact that more than 2 million Turks and Muslims were massacred by the Armenians..."

"If the plaintiffs succeed with this lawsuit, there will be no stopping point for the demands anyone can make for the inclusion in curriculum recommendations, no matter how flawed or outrageous," said Attorney Arnie Rosenfeld of Kirkpatrick & Lockhart Nicholson Graham LLP, who argued the Armenian Assembly's Amicus together with Board of Trustees Counselor Van Krikorian.

Rosenfeld and Krikorian warned that if the court accepts the plaintiffs' First Amendment claims, it would open the door for any extremist group, such as Holocaust deniers, to challenge curriculum matters in court.

Harvey Silverglate, a Boston-based lawyer representing the ATAA, questioned the veracity of the crimes as the “alleged” Armenian Genocide in a courtroom full of members of the Armenian community. In so doing, he joined the ranks of genocide deniers who seek to question the systematic extermination of the Armenians despite the fact that there is no credible and scholarly evidence to support such claims.

Also, Attorney Gabrielle R. Wolohojian of Wilmer, Cutler, Hale and Dorr LLP, represented an Amicus Class including the Armenian Bar Association, the Armenian National Committee, the Irish Immigration Center, the Jewish Alliance for Law and Justice and the NAACP.

Armenian Assembly Board of Trustees President Carolyn Mugar, Vice President and Counselor Robert A. Kaloosdian, and Executive Committee Member Anthony Barsamian also attend the proceedings. Additionally, representatives of the Armenian Bar Association, Armenian National Committee, International Association of Genocide Scholars, Jewish Community Relations Council, Irish Immigration Center, NAACP and the American Jewish Committee, were also on hand.

In 1998, the Massachusetts State Legislature unanimously passed legislation requiring the Board of Education to formulate guidelines for a curriculum designed to provide instruction on several well-documented human rights abuses, including the Armenian Genocide. In compliance with this requirement, the Department of Education prepared a draft guide and released it for public comment. The plaintiffs were afforded opportunities to present their materials to the Department of Education. Proposed revisions to the draft were considered, in some cases adopted, and in some cases rejected. A final guide was then prepared. The ATAA, having failed to insert their web site replete with historical distortions and inaccuracies, brought forth the lawsuit in another attempt to cover up the facts of the Armenian Genocide.

The Armenian Assembly of America is the largest Washington-based nationwide organization promoting public understanding and awareness of Armenian issues. It is a 501 (c) (3) tax-exempt membership organization.

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