

Opinion on Massachusetts Lawsuit by Deniers of the Armenian Genocide

By Dr. Gregory H. Stanton

Chapter 276 of the Massachusetts statute on human rights education calls the Armenian genocide by its proper name: it was a genocide, under the definition of genocide used by the International Convention for the Prevention and Punishment of the Crime of Genocide.

Any lawsuit against this determination has to attack the state statute as a violation of the US or Massachusetts Constitutions. The plaintiffs have no basis on which to make such an attack, since state legislatures are given considerable latitude in their guidance to curricular bodies in state public educational matters.

No reading of the First Amendment of the U.S. Constitution that I can imagine a court would uphold would require a state Department of Education or Board of Education, acting under mandate from a state legislature, to adopt genocide denial literature in the curriculum recommendations for use in a state's schools.

The question here is whether a law has been passed by the state or federal government abridging freedom of the press or free speech. There has been no such law passed. Massachusetts students remain free to conduct research on the internet and Massachusetts teachers and students remain free to express many opinions on the Armenian genocide in their classes.

The Massachusetts Department of Education and Board of Education certainly have the legal authority to implement a state statute requiring them to recommend materials that have withstood the scrutiny of scholarly opinion. They are no more required to recommend Turkish denialist websites than they are to recommend websites of Holocaust deniers or neo-Nazi hate groups. None of the materials proposed by the Turkish denial lobby have withstood, or could withstand scholarly scrutiny, including scrutiny by experts such as the members of the International Association of Genocide Scholars, who have repeatedly affirmed that the Armenian massacres constituted genocide.

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