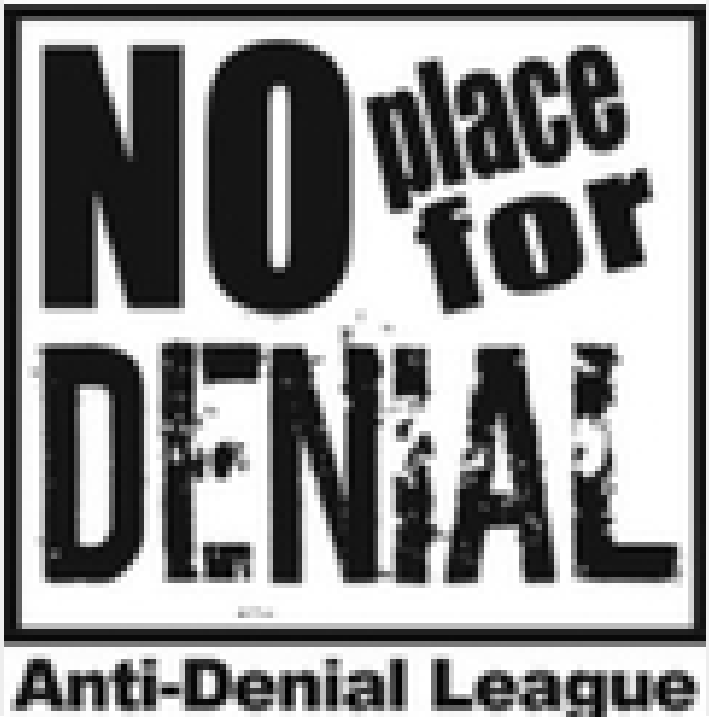
GENOCIDE-DENYING JUDGE-TO-BE DEFEATED

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Category: Opinions

By David Boyajian, Boston MA, 26 February 2014

Background

The presentation below was given by David Boyajian at a public hearing for attorney Joseph S. Berman before the Massachusetts Governor's Council on February 26, 2014. The hearing took place at the State House in Boston, Massachusetts.

In 2013, Massachusetts Governor Deval Patrick nominated Mr. Berman, a long-time member and National Commissioner of the Anti-Defamation League (ADL), to be a Superior Court judge. The Massachusetts Constitution empowers the eight elected members of the Governor's Council to confirm or reject all judicial nominations.

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Following Mr. Berman's first Governor's Council hearing on November 13, 2013, a three-month long public controversy ensued over his suitability to be a judge.

The Councilors had several reasons, beside his ADL leadership post, for doubting Mr. Berman's suitability: his lack of truthfulness as to whether he had asked elected officials to lobby the Councilors on his behalf; a lack of criminal trial experience; poor demeanor; over $100,000 in political campaign contributions, including to Governor Patrick, since being rejected for a judgeship in 2004; and more.

On February 26, the Governor's Council vote was a 4-4 tie, which means that Mr. Berman's candidacy for a judgeship failed.

Presentation by David Boyajian

Councilors, thank you for the opportunity to address you today.

I know that a majority of you have previously indicated they will not confirm Joseph Berman to be a Superior Court judge, and that you have a variety of reasons for that.

I've listened to the tape of Mr. Berman's first hearing in November, and I'm aware of those reasons.

Mr. Berman's position as a National Commissioner of the Anti-Defamation League, which has engaged in inexcusable activities against an ethnic group - Armenian Americans – is one reason that has been expressed by some.

I must note that in his questionnaire in November of 2013, Mr. Berman listed himself as being on both the National and Regional ADL boards.

I'll be providing factual context to what I will be saying about Mr. Berman's nomination and the ADL so that the Council, those present, and the media, understand my remarks. This is especially important because the media has often misrepresented some essential facts.

I'm going to talk about the credibility of Mr. Berman and, because New England (N.E.) ADL officials have publicly supported him, the credibility of the N.E. ADL.

During his November 2013 hearing, Mr. Berman did himself no favors when, during questioning by Councilor Jubinville, he repeatedly denied having called any official or candidate to lobby the Councilors. He later had to admit to Councilor Caissie that that morning he had phoned a State Senator – now a Congresswoman - to lobby some of you. Credibility and truthfulness are, of course, essential qualities in a judge.

Mr. Berman has been a member of the ADL for about 19 years, and an ADL National Commissioner since 2006.

For 20 years - and probably even longer - the ADL has been denying the factuality of the Armenian genocide committed by Turkey against Armenian Christians from 1915 to 1923. The ADL, consciously and deliberately, went out of its way to engage in anti-human rights activities directed against a particular ethnic group, namely Armenian Americans, who had never given the ADL any reason to do so.

All those years, surely the New England ADL, including Mr. Berman, knew what the ADL was doing.

Did they speak out? No.

The ADL, which claims to be a universal human rights organization, not just a Jewish one, has also actively worked with Turke, a major human rights violator, to defeat Armenian genocide resolutions in the US Congress. Can you imagine any genuine human rights group, such as Amnesty International, actively working against recognition of a proven genocide?

Just imagine the ADL's reaction if some organization which claimed to uphold human rights were trying to stop the scores of Holocaust resolutions in the U.S. Congress, the United Nations, and other countries.

Would the Governor even be nominating Mr. Berman if the ADL was trying to defeat a Congressional

resolution recognizing the evils of Black Slavery?

What would your reaction be if the ADL made a deal with the British Government to defeat a resolution on the Irish Famine?

At his November 2013 hearing, Mr. Berman was asked what he'd do if he were a member of an organization which opposed recognition of the Holocaust. He said only that he would oppose the policy. I don't believe him. I believe that he would resign from such an organization. Yet he never resigned from the ADL.

Some essential background if I may: Jewish political analysts and the Jewish media have acknowledged that the ADL's anti-Armenian activities came about as part of a three-way deal many years ago among Turkey, Israel, and a few of the leading Jewish American lobbying groups, including the ADL, the American Jewish Committee, AIPAC, the Jewish Institute for National Security Affairs, and B'nai B'rith.

I know this personally because 10 years ago a fine man, William Parsons, the then-Chief of Staff at the US Holocaust Museum in Washington, DC, gave a public lecture at Tufts. He told me afterwards that the ADL was indeed lobbying against Armenian Americans. Has it never occurred to the National ADL and its Commissioners that they cannot credibly ask us to commemorate the Holocaust while they simultaneously work to cover up a Christian genocide?

Again, surely the New England ADL, and its National Commissioners, including Mr. Berman, knew what the ADL was up to. Did they ever speak out? No.

I must mention that scores of American organizations, of various orientations and ethnic groups, and many well-known Jewish American organizations, historians, authors, human rights advocates, and elected officials, have openly supported the Armenian genocide resolution. Such groups include the American Jewish World Service, the Jewish War Veterans of the USA, and Jewish World Watch.

Those Jewish organizations spoke out. Did the New England ADL, and Mr. Berman? No.

In July of 2007, the ADL's Armenian genocide denials and lobbying for Turkey against Armenian Americans began to make headlines. It started locally with a letter I wrote to the Watertown Tab newspaper pointing out that Watertown was one of many municipalities that had adopted the ADL's alleged anti-bias program known as "No Place for Hate."

It quickly became a national and international issue. Frantic diplomatic activity took place between Turkey and Israel. There are hundreds of articles about this archived on the Armenian American activists' website known as NoPlaceForDenial.com.

On NoPlaceforDenial.com, please look particularly at the section titled "The History of Lobbying Against Genocide Recognition", which contains revealing articles from the Jewish and non-Jewish press. You will be shocked and repulsed.

So, what did the N.E. ADL and Joseph Berman say or do before this issue erupted in 2007? Apparently, nothing.

In August of 2007, Andrew Tarsy, head of the N.E. ADL, after initially not acknowledging the Armenian genocide, then spoke out publicly, and acknowledged the Armenian genocide. He was fired by ADL National Director Abraham Foxman. Did Mr. Berman ever speak out publicly? No.

Mike Ross, the Boston City Councilor, and Stewart Cohen, former chairman of Polaroid, immediately resigned from the ADL. Did Joseph Berman resign? No. In his first Governor's Council hearing, in November, Mr. Berman was asked about this. He replied that he wrote a resignation "in his head", but never acted on it. I am sorry, but "in his head" is not good enough.

Mr. Berman says that he and some other New England ADL members went to New York City in November of 2007 to the ADL's national conclave. They said they wanted the ADL to change its stance against Armenians. First, even assuming that they did so, at that point it was too little, too late.
You see, three months earlier, soon after this issue broke, the National ADL, on August 21, 2007, issued a statement that purported to be an acknowledgment of the Armenian genocide, but was not.

The ADL's full statement implied that the Armenian genocide – it also used the phrase "tantamount to genocide" - was simply a "consequence" of wartime conditions. But the 1948 United Nations Genocide Convention, the grandfather of all international law on genocide, specifically requires intent by the perpetrator to legally be "genocide".

Now, that legalistically dishonest ADL statement was implicitly rejected not just by Armenian Americans and human rights advocates. It was also rejected by the Massachusetts Municipal Association, which represents all the Commonwealth's cities and towns. The MMA cut ties with the ADL's "No Place for Hate" even after the ADL statement. The following municipalities also cut ties after the ADL statement: Arlington, Bedford, Belmont, Lexington, Medford, Needham, Newburyport, Newton, Northampton, Peabody, Somerville, and Westwood.

Many top members of the N.E. ADL, including Mr. Berman, are lawyers. Surely, if laymen can understand the dishonest wording in the National ADL's statement in August of 2007, so can lawyers in the N.E. ADL. A judge should have knowledge and integrity when it comes to civil and human rights law.

Yet now – and only now- are we hearing publicly from Mr. Berman on the Armenian genocide issue, just when he wishes to become a judge.

Indeed, I do not recall any member of the N.E. ADL publicly pointing out that the National ADL's August 21, 2007 statement was worded so as to not meet the U.N's official definition of genocide. Many of the persons who signed a recent petition supporting Mr. Berman - including former

Attorney General Scott Harshbarger and former Governor William Weld - are also attorneys.

Have any of them ever publicly pointed out the legal problems with the ADL's August 2007 statement? Not to my knowledge.

In late 2007, the N.E. ADL did request the National ADL to reverse its anti-Armenian policies.

But that was many years, even decades, after it had to have known of those policies. And only after Massachusetts Armenians Americans forced the issue in the summer of 2007.

And what have the N.E ADL and Mr. Berman done since 2007 on the Armenian issue? Apparently, nothing at all, and worse.

You see, in 2008, Mr. Derek Shulman became the N.E. ADL's new director. He served until last month. Who is Derek Shulman? He was a "political director" in AIPAC, the American Israel Political Affairs Committee. It is a matter of public record that AIPAC, since at least the early 1990's, has worked directly with Turks to defeat Armenian genocide resolutions in the U.S. Congress. If, in 2008, the N.E. ADL and Mr. Berman were truly sincere in the wake of being criticized over the Armenian genocide issue, why would they allow themselves to be led by a person from an organization, AIPAC, that has an anti-Armenian record?

Indeed, even though the N.E. ADL claims to have told the national ADL that it should favor the Armenian genocide resolution, in a presentation he gave in Falmouth, Massachusetts in 2012, Derek Shulman told his audience that "we" – implying the N.E. and the national ADL - oppose the Armenian genocide resolution.

In other words, the N.E. ADL and its leaders, including Mr. Berman, are not credible.

And where were the leaders of the N.E. ADL in 2007, including Mr. Berman, when the Armenian Heritage Park, which had been designated by a state law passed by the legislature for the Rose Kennedy Greenway, was under attack, for specious reasons, by a top member of the New England ADL, namely Peter Meade, head of the Greenway Conservancy?

Mr. Meade, though Catholic, was and is a board member of the N.E. ADL. In an article I wrote for area newspapers, titled "The Greenway is No Place for the ADL", I disproved the specious reasons being cited by the Boston Globe, such as that there were supposedly no memorials or ethnic content slated for the Greenway. As a member of the anti-Armenian ADL, Mr. Meade had a clear conflict of interest vis-a-vis the Armenian Park.

Why didn't the leaders of N.E. ADL 2007, including Mr. Berman, speak out publicly against Mr. Meade's conflict of interest?

I will conclude with some facts regarding what this nomination is not about.

First, I know that no Governor's Councilor is making a decision on this nomination on the basis of

ethnicity or religion.

Moreover, the ADL and Armenian genocide issue is not even remotely a matter of Armenian Americans versus Jewish Americans. The two peoples are, in fact, very friendly. Over the years, probably hundreds of joint community and academic events and programs on genocide have been held by the two communities. For example, the American Jewish University in Los Angeles will hold just such an event on March 10th.

In the year 2000, 126 Holocaust Scholars signed a petition appearing in the New York Times that acknowledged the Armenian genocide.

A renowned Polish Jewish lawyer, Raphael Lemkin, actually coined the word "genocide" in the 1940's and was the primary author of the United Nations Genocide Convention of 1948. In a CBS-TV interview in 1949, which can be seen on YouTube, Lemkin said that the principal reason he became interested in genocide was because "it happened to the Armenians". Nearly 20 countries, including Canada, France, the Netherlands, and Argentina, as well as the International Association of Genocide Scholars, the European Union Parliament, the Parliament of the Council of Europe, a U.N. Subcommittee, the Vatican, and many more institutions have officially recognized the Armenian genocide specifically as "genocide."

Finally, the ADL, and its National Commissioners, and similar groups, owe Armenian American reparations. They must apologize to Armenian Americans, they must unambiguously recognize the Armenian genocide, and they must work affirmatively for passage of the Armenian genocide resolution.

The ADL claims it is a universal human rights organization that defends the rights of all ethnic groups. At this time, that claim is false.

The ADL, led by its National Commissioners, owe it to the Jewish American community and others to reform so that the ADL truly supports universal human rights.

For all the above reasons, I respectfully ask that the Governor's Council not confirm ADL National Commissioner Joseph Berman as a judge.

Thank you.

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