

JUSTICE FOR THE ARMENIAN GENOCIDE---A NEW ERA

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Remarks by Prof. Ann M. Lousin at [The John Marshall Law School](#) at Sts. Joachim and Anne Armenian Apostolic Church, Palos Heights, IL November 15, 2009

✘ *Between college and law school, Ann M. Lousin studied political science at the University of Heidelberg in Germany. After graduating from law school in 1968, she was a research assistant at the Sixth Illinois Constitutional Convention, where she worked on the drafting of the 1970 Illinois constitution. From 1971 to 1975, she was on the staff of the Speaker of the Illinois House of Representatives, including two years as Parliamentarian of the House.*

She has served on several not-for-profit boards and governmental commissions, including a term as Chairman of the Illinois State Civil Service Commission. She is active in the commercial law committees of the American and Chicago Bar Associations, and has been the chair of the CBA Constitutional Law Committee. She has been a leader in other legal organizations, including service as Chair of the Board of Governors of the Armenian Bar Association from 1995 to 1998. She lectures and consults on the Illinois Constitution, general public law issues, and commercial law in the U.S. and abroad.

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Fr. Tavit, Hayrenagitzner!

When Brian Nighohosian called me I thought he was running for judge or the legislature and needed my help. I was surprised and delighted by his invitation to be with you today.

I am honored to be here and to be able to share with you some recent developments. I am the chair of the Genocide Research Project Committee of The Armenian Bar Association. We have been developing some serious groundwork for what happens when someone finally asks the world-wide Armenian community: "What do you want? really want?"

I want to emphasize that I am not speaking for The Armenian Bar Association and that ArmenBar does not attempt to

speak for the Armenian people, neither in the Republic of Armenia nor in the Diaspora. ArmenBar simply seeks to offer its services.

The project began in May, 2005, when I was in Armenia. Tom Samuelian invited me to attend church with him and then drive into the forested mountains north of Yerevan where friends of his lived. A young Armenian drove us; and we sat in the back seat. Some of you know Tom--doctor, professor, and now Dean of the law faculty of The American University of Armenia. He is a Renaissance man. He is also far-sighted.

He said that things in Turkey were changing and that sometime fairly soon the Armenians of the world might have to answer the question: "What do you really want? Be specific." He started to list several possibilities, and I began writing them down. So Tom really deserves all the credit. He started ArmenBar thinking about realistic possibilities.

Many of our members have chipped in with good ideas. One is Catherine Kessedjian, a law professor and lawyer in France. She has experience in commercial arbitration and has been contemplating ways that arbitration could be of use in resolving issues relating to the Armenian Genocide.

But what is "justice?" The Oxford English Dictionary Online says "uprightness, equity, vindication of right," etc. But what is "the vindication of right" in the context of "justice for the Armenian Genocide?" I offer a partial answer to that question.

After World War I, the Armenians of the Ottoman Empire were scattered all over the Middle East, Europe, the Americas, and the USSR. They struggled to survive and build a new life. Many tried to forget because they knew that when Ataturk founded the Republic of Turkey in 1923, they could never "go home."

In recent years, especially since 1965, the fiftieth anniversary of the Armenian Genocide, the next generation has been clamoring for recognition of the Armenian Genocide and for some kind of justice. As Martyrs' memorials have been erected all over the world, as each country has passed a resolution acknowledging the Armenian Genocide, opposition from the Republic of Turkey has only intensified.

But in the last several years, there have been three huge developments.

First, there are great changes within the Republic of Turkey itself. Younger, educated Turks are demanding to know more.

Section 301 of the Turkish penal code punishes "insulting Turkishness" with a prison sentence. The gloss on the section indicates that insults include denigrating "the memory of Ataturk", claiming there was an Armenian Genocide in 1915, and claiming that Kurds were persecuted in Turkey in the 1990s.

Occasionally, nationalist forces within Turkey persuade the prosecutors to enforce this provision. Educated Turks and Turks who travel abroad are embarrassed that prosecutors recently brought charges under Sec. 301 against Orhan Pamuk, the novelist. Here is the first Turk ever to win a Nobel Prize, this one for literature, and the government prosecutes him! Worse, the charges arise from some remarks he made in Switzerland to the effect that "over a million, perhaps three million Armenians, were killed in 1915 and thousands of Kurds were persecuted in the 1990s, but nobody in Turkey dares to talk about it except me." Because he said that outside of Turkey, to foreigners, his

prison term can be doubled. Of course, he is safely ensconced in a professorship in New York City, but it means that if convicted *in absentia*, he cannot go back to Turkey.

Moreover, up to 2 million Turks in Anatolia are now learning that they are part-Armenian. They are the descendants of the small children who survived, usually because their Armenian parents entrusted them to Turkish friends to keep while the Armenian family was sent on the exile. When it became clear that the Armenian family would not return, the Turkish family raised the child as an Osmanli, a Turkish Muslim.

Armenian visitors to Anatolia sometimes learn of these relationships when they stay in hotels in their ancestral hometowns. After sundown, local Turks sometimes come to the hotel, seek out the Armenian tourists, and tell them of Armenian names in their families. Can you imagine sitting at a table in a hotel cafe talking with people who might be your cousins? Since few Turks in these towns speak English, both sides are dependent upon Turkish-English interpreters.

Some of these Turks who are part-Armenian are going public with their stories. Accounts are appearing in the bookstalls. Perhaps the most heartbreaking was of a Turkish woman, a teacher almost forty years old. She was sitting with friends one day; they were discussing children's songs. She said that her grandmother, by then deceased, had taught her a children's song with "nonsense words." She sang it. Another woman at the table whispered: "That's not nonsense; that's Armenian."

Stunned by the implication that she was part-Armenian, the woman went to her parents and demanded "the truth, the *whole* truth" about her family origins. Of course, the grandmother was old enough to know the song in 1915, but she was so small that her parents left her with Turkish friends. When it was clear that the parents were not returning, the family brought her up as a Turk.

About five years ago, the discovery of Talaat Pasha's "little black book" rocked the Turkish intelligentsia. This was the diary kept by one of the CUP triumvirate who ran Turkey in 1915. Talaat fled Turkey after the war and was assassinated in Berlin in 1921. Before he left Turkey, he gave his diary to his wife, who gave it to their child, I think a daughter, who in turn left it to Talaat's granddaughter.

The granddaughter persuaded a journalist in Ankara to publish it in the newspaper. No Turk could say that this was Armenian propaganda because no Armenian had anything to do with this. This came from a granddaughter of Talaat himself. The excerpts from the diary do not say, "Today I sat down with Enver and Jemal and planned the extermination of the Armenian millet." However, there are chilling entries along the lines of "today I ordered the execution of so many Greeks, so many Armenians, or so many Assyrians." It is a smoking gun. An Armenian-American who was in Turkey at the time has told me that everybody in Turkey was talking about it, not just the intellectuals.

Afterwards the "deep state", the military-governmental establishment of Turkey, became even more intransigent. Yet, they cannot resist the exposure of what happened forever. Sometime, probably soon, a translation of the diary will appear.

Finally, there was the reaction to the assassination of Hrant Dink. Here was a man who was Armenian by heritage and Turkish by birth and citizenship. When I met him at an ArmenBar meeting in Philadelphia in October, 2006, I said to

him: "You are my hero." He said he might be a dead hero someday. He had asked for police protection, but did not receive it.

When Hrant Dink was murdered in January, 2007, thousands of Turks marched in the streets of Istanbul shouting: "We are all Armenians! We are all Hrant Dink!" They joined a procession to the church for his funeral. There may have been hundreds of thousands of non-Armenian Turks in the streets, and the police could not prevent them from demonstrating. Anyone who has been to Turkey over the years can tell us that this could never have happened in the 1990s, let alone before then.

Today, despite Sec. 301, it is possible to find books on the Armenian Genocide in Turkey. Formerly, the works of Vahakn Dadrian were available only "under the counter" as if they were dirty pictures. Most of you know Dr. Dadrian, who is perhaps our greatest historian on the Armenian Genocide. I think he is just short of a demi-god; he is absolutely wonderful. Now some booksellers are bravely putting his books out for sale in the bookstalls.

Second, there are international developments, including the influence of the Internet and Turkey's application for membership in the European Union.

It is impossible to keep out the Internet. China has learned that. Young Turks are learning what the rest of the world thinks just by "going online." They are also studying and travelling abroad and learning that they were lied to--by their parents, their teachers, their government.

If you saw Andrew Goldberg's TV documentary, "The Armenian Genocide", you remember that one educated Turk said in the interview, "I received the best education Turkey could offer, from elementary school through university, but I had never heard of the Armenians until I travelled abroad." Now they are learning of the Armenians by surfing the Internet at home.

Thanks to the Internet, we are discovering old documents. I am a member of several list serves, one of them devoted to exchanges among Turkish, Armenian, and other scholars on issues related to the Armenian Genocide. Sometimes someone will ask if anyone knows if the papers of a certain American missionary survived. The response is often, "actually, I know his granddaughter, and she says they have a trunk of old papers from that time and don't know what to do with them." That's how we're learning about events, from unlikely sources turning up on the Internet.

Turkey's alliance with Israel is cracking. I don't know why, but it is definitely strained. When Prime Minister Erdogan threatened the former Israeli Prime Minister, Shimon Peres, publicly, when Turkey publicly criticized Israel over its actions in Gaza, and when Turkey refused to let Israel use Turkish airspace for military aircraft exercises--the Israelis threatened retaliation.

For years, the chief ally of Turkey in the U.S. Congress has been AIPAC, the official lobbying agency for Israel in the United States. AIPAC has used its influence to help Turkey block passage of the Armenian Genocide resolution every year. They have had little success with the Jewish congressmen, who, with one or two exceptions, vote for the resolution. However, they have had success with several old "Cold Warriors" who see Turkey as a NATO ally, a bulwark against Russia in that part of the world. I knew the late Congressman Henry Hyde, and he was one of them. To him, to the other "Cold Warriors," Turkey was a wall against "godless Communism" and they didn't want to offend

Turkey.

Apparently, Israel has threatened to withdraw AIPAC's support for Turkey in Congress. I have no idea why Turkey and Israel no longer are so close, but when I saw the Prime Minister of Turkey and the former Prime Minister of Israel exchange angry words publicly and stomp off a dais they shared, I was amazed.

Then there is Turkey's application for membership in the European Union. When it reached a stage in the accession negotiations in 2004, the E.U. required it to begin negotiations to exchange diplomatic representatives with The Republic of Cyprus. This republic is the Greek-held part of the island of Cyprus. Troops of the Republic of Turkey are stationed in the Turkish part. For better or worse, the E.U. accepted the Republic of Cyprus into the E.U. some years ago. It would be intolerable to admit a new member that did not exchange ambassadors with one of the existing members. Yet Turkey has refused to take those steps. Moreover, it has refused to acquiesce in judgments against it issued by the European Court of Human Rights, notably in the *Loizou* case involving the war in Cyprus.

The E.U. ministers are well aware that most of their citizens do not welcome Turkey in the E.U. Germany, with almost 80 million in population, is the most populous country in the E.U. It plays a dominant role. The 2010 census will probably show that Turkey has almost 70 million people, which would make it the second most populous country in the E.U. Two huge powers in the European parliament--that frightens many Europeans. Moreover, the Turks living in Germany are very unpopular and disliked, while the Armenians who have settled in France are regarded highly.

Finally, there is President Obama's visit to Ankara last April and his statements there and afterwards. You really had to view the entire videotape on C-SPAN to get the full picture. He told the parliament and the generals attending the session that they had to come to grips with their past regarding their minorities. He told them that America had had to come to grips with its past regarding slavery and its aftermath and that Turkey would have to do so, too. The C-SPAN video shows the faces of the generals and the politicians listening to the translation with their earpieces. You have never seen so many glum gusses in all your life as the looks on the faces of the leaders of the Turkish "deep state."

Then on April 24, 2009, he said: "Medz yeghern." Some Armenian commentators criticized him for not saying "genocide," but look what he did and did not do. I have never met the President; he became a legislator long after I left Springfield. However, I know people who worked with him there, and they say he was a terrific poker player. They say he was very cautious and that when a new player entered the game, he "played with his cards close to his chest" until he could assess how the new player played his hand. Think of that story when you consider what Obama may be trying to accomplish in that part of the world.

Third, there are the Armenian-Turkish Protocols.

Although my young assistants have passed out copies of the Protocols, I do not intend to lead a textual analysis here. Just read them or at least look at them.

The Swiss facilitated the negotiations between the governments of Turkey and Armenia, and the Americans pushed for the completion of the negotiations. Here's an important point: the line above the signatures on page two says that "in case of divergence of interpretation, the English text shall prevail." So it's not that important to read either the

Turkish or Armenian text. Neither predominates over the other and both are subordinate to the English version.

Basically, the two countries "agreed to proceed." First, the Protocols say that the countries will open the border within two months after acceptance by both governments. Second, the Protocols say that the governments "agree to foster cooperation."

Third, and most controversially, the Protocols say that the countries will establish a "bilateral commission" to study several issues. The most controversial part is in point 5, the last paragraph:

the sub-commission on the historical dimension to implement a dialogue with the aim to restore mutual confidence between the two nations, including an impartial scientific examination of the historical records and archives to define existing problems and formulate recommendations, in which Armenian, Turkish as well as Swiss and other international experts shall take part.

Do you see what is there and what is not there? The Swiss and other international experts will take part, but you don't see any direct reference to the Armenian Genocide, not even "the events of 1915." Of course, the implication and assumption are that the sub-commission will examine "the Armenian Genocide of 1915-1923 in the Ottoman Empire," but please notice that this is completely open-ended. The sub-commission will apparently deal with whatever the two governments want to deal with.

Some Armenian Diaspora commentators have decried this provision because they *know* what will happen and they think it will be unfair, even disastrous for the Armenian people. I do *not* know and I am unwilling to speculate about what this sub-commission will do.

We know one huge fact, and that is the geography of the Caucasus, Eastern Turkey/Western Armenia, and the lands immediately to the South, which are northern Syria, northern Iraq, and northern Iran. That is not speculation; that is fact. Look at the map. It shows us the possible interests of all the parties, especially the United States, in this region.

There is a strong rumor in the French-Armenian community that the U.S. wants to build a military outpost, probably an air force base, in Armenia. Friends of mine who have served in the U.S. military tell me that an American military plane that took off from Yerevan could reach Tehran, Iran, within an hour. As one put it: "They could carpet bomb Tehran before the Iranians knew that their air space had been violated." God forbid that should happen, but there is no doubt that the United States, as well as Russia and most of Europe, fear an Iran with nuclear weapons. We do know that it is almost certain that both the Russian and American embassies in Yerevan are listening posts. They both have deep basements, I am told, and that is for sophisticated listening equipment. Obviously, both countries are listening in on conversations in Tehran.

But why not use Incirlik Air Force base near Adana, Turkey? For one thing, Incirlik is farther away from Tehran. For another thing, Turkey has not been cooperative in allowing the United States military to use Incirlik, even though the base supports a substantial part of the economy of the region. When the United States invaded Iraq in March, 2003, it wanted to use Incirlik to bring in U.S. troops to open a second front on the Turkish-Iraqi border. Turkey refused to let

the U.S. use Incirlik Air Force Base near Adana to open a northern front unless the U.S. allowed the Turkish army to march into northern Iraq right behind the American forces. This would have allowed the Turkish army to invade the Kurdish area of northern Iraq to settle old scores.

The Kurds of northern Iraq had lived under U.S. "no fly" protection since 1991 and developed what they actually call "the Republic of Kurdistan." If you approach Iraq from Turkey, you'll see a sign at the border in both Kurdish and English, not in Turkish or Arabic, welcoming you to "free and independent Kurdistan." The U.S. refused to let Turkey invade Kurdistan. Since then, the American military has wondered whether Incirlik is the best possible place for the chief U.S. base in that part of the world.

Beyond the map and beyond the official text of the Protocols, we know nothing for sure. What will happen to promote justice for the Armenian Genocide? The Armenian Bar Association, in conjunction with others, has been considering several possibilities.

For example, there could be token group compensation. Turkey could make compensation to the Armenian Church, which suffered so much that it was unable to resist the Communist government. It lost cultural and religious properties. Perhaps those sites could be restored. Turkey could also make compensation to relief agencies, especially the old folks' homes that currently house the remnants of those who survived the Armenian Genocide.

There could also be a drastic revision of the texts used in Turkish schools, which currently either ignore or denigrate the three Christian millets (Armenian, Greek, and Assyrian) of the Ottoman Empire. Remember the story of the Turkish scholar who said she had had the best education Turkey had to offer, but had never heard of the Armenians? In short, the government of Turkey would stop lying to its young people.

There could also be some kind of acknowledgment that the Imperial Ottoman Government persecuted the Christian millets. It might not use the word "genocide", but there could be an "expression of regret." Such expressions are very popular nowadays.

But what about specific compensation to individuals?

Here we run into difficulties. Again using the Internet, the Armenian Bar Association has asked people who have deeds to their ancestors' houses to let us know about them. It's hard to find those deeds because most people leaving on the exiles did not take their deeds with them. Surprisingly, however, we have learned of some deeds. One person wrote us from Hawaii saying he'd seen our request on the internet and wanted us to know he had a deed written in Ottoman Turkish.

It is essential to get reliable population records. We cannot expect that the records of the Patriarch of Constantinople have survived. However, when the Catholicos of Sis, Cilicia, was exiled in September, 1915, he took with him whatever monastery records they could carry. Although many have been lost, the remaining documents are in storage in Antelias, Lebanon. They are not open; I do not know why.

We do not know for sure what is happening and what will happen. But we do know that, perhaps for the first time in 95 years, there is hope. And we can hope that by the time the centennial arrives on April 24, 2015, something will have happened to further the cause of justice!

I wondered how I should end my remarks today. Then it dawned on me—there is no need to "end" them, for this truly is a beginning.

Prof. Ann M. Lousin's previous appearance in Keghart.com [Government Speech and the School Curriculum - Who Decides?](#)

