

TURKISH
AMERICAN T A L D F
LEGAL DEFENSE FUND

March 19, 2009

Mr. Ralph Hexter
President
Hampshire College
893 West Street
Amherst, MA 01002

Dear Mr. President:

This letter is prompted by the belligerent polemic you received from the Armenian National Committee (ANC) of Massachusetts dated March 4, 2009. The substance of the ANC-MA ultimatum was that the Anti-Defamation League (ADL) should be banished from Hampshire College because it has declined to serve as the ANC's echo chamber regarding the claimed Armenian genocide.

The ANC-MC seems to have embraced the advice given to every first year law student: If the facts are against you, argue the law, if the law is against you, argue the facts, and if the facts and the law are against you, defame your opponent.

Freedom of speech and inquiry is the signature of a college or university. United States Supreme Court Justice Oliver Wendell Holmes sermonized in *United States v. Schwimmer* (1929): “[B]ut, if there is any principle of the Constitution that more imperatively calls for attachment than any other, it is the principle of free thought -

- not free thought for those who agree with us, but freedom for the thought that we hate.” Justice William O. Douglas similarly amplified in *Terminiello v. City of Chicago* (1949): “[A] function of free speech under our system of government is to invite dispute. It may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger. Speech is often provocative and challenging. It may strike at prejudices and preconceptions and have profound unsettling effects as it presses for acceptance of an idea.” Voltaire perhaps best captured the spirit of an authentic educational campus: “I disapprove of what you say, but I will defend to the death your right to say it.”

ANC-MC notwithstanding, an inexhaustive list respected scholars and historians who dispute the Armenian genocide would include: famed Middle East expert Bernard Lewis of Princeton University, the late Stanford Shaw of U.C.L.A., Justin McCarthy of the University of Louisville, Guenter Lewy of the University of Massachusetts, Brian G. Williams of the University of Massachusetts, David Fromkin of Boston University, Avigdor Levy of Brandeis University, Michael M. Gunter of Tennessee Tech, Pierre Oberling of Hunter College, the late Roderic Davison of George Washington University, Michael Radu of Foreign Policy Research Institute, and military historian Edward J. Erickson. Outside of the United States yet more scholars have endorsed a contra-genocide analysis of the history of the Ottoman Armenians, among them Gilles Veinstein of the College de France, Augusto Sinagra of the University of Roma-Sapienza, Norman Stone of Bilkent University, and the historian Andrew Mango of the University of London.

In contrast to the Holocaust, no court has ever adjudicated the Armenian genocide accusation. Armenian Americans oppose taking the question to the International Court of Justice. They oppose taking the question to an impartial and neutral commission of experts. They oppose debating the question. In the not too distant past, without a whisper of protest from the Armenian community, the Armenian

Secret Army for the Liberation of Armenia and the Justice Commandos for the Armenian Genocide were listed as terrorist organizations for killing, maiming, or threatening proponents of contra-genocide viewpoints. The late Professor Stanford Shaw's house was fire bombed and his car booby trapped because he unflinchingly defended his right to academic freedom.

In sum, we submit that capitulation to the ADL banishment ultimatum of the ANC-MC would represent a repudiation of academic freedom and a return to the benighted days of the Pope's Index Librorum Prohibitorum. Justice Louis Brandeis taught in *Whitney v. California* (1927) that the remedy for ill-conceived speech is more speech, not enforced silence. Accordingly, we would urge Hampshire College to extend an invitation to ANC-MC to present their views on the Armenian genocide to the student body. Or we would agree to participate in a formal debate or seminar with ANC-MC to examine the question at the College.

We will loudly applaud you and other leaders at colleges and universities who refuse to be bullied into suppressing disagreeable speech or viewpoints—even when we sharply disagree with them. We all know that time has upset many fighting faiths.

Sincerely,

Bruce Fein

David Saltzman

Attorneys
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