



Armenian genocide suit revived by court reversal

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A federal appeals court reversed itself Friday and allowed heirs of victims of the Armenian genocide to sue in California for unpaid insurance benefits, finding no conflict between state law and U.S. foreign policy.

The Ninth U.S. Circuit Court of Appeals had ruled 2-1 in August 2009 that the California law contradicted a national policy of refusing to characterize Turkey's killing of as many as 1.5 million Armenians, between 1915 and 1923, as genocide. The court cited statements by Presidents Bill Clinton and George W. Bush that characterizing the slayings as genocide in congressional resolutions would damage U.S. relations with Turkey.

But after additional written arguments, the court took the unusual step Friday of withdrawing its ruling and issuing a new 2-1 decision that upheld the state law.

The law, passed in 2000, allowed descendants of Armenian victims to sue insurers doing business in California, suits that would otherwise be barred by legal deadlines. The law said such suits could be filed until the end of 2010.

"There is no clear federal policy with respect to reference to the Armenian genocide," Judge Harry Pregerson, the dissenter in last year's ruling, said in Friday's majority opinion.

Although Clinton and Bush persuaded House members not to vote on three resolutions labeling the killings as genocide, Pregerson said, the House passed similar resolutions in 1974 and 1984.

He said President Ronald Reagan referred to the "genocide of the Armenians" in a 1981 proclamation, and President Obama recognized Armenian Remembrance Day in 2009 with a statement that mentioned Meds Yeghern, the Armenian-language term for the genocide.

Forty states have passed laws or resolutions recognizing the Armenian genocide, and the federal government has never objected, Pregerson said.

Judge David Thompson, who wrote the majority opinion last year, restated his views in a dissent Friday, saying Clinton's and Bush's opposition to the congressional resolutions, and their concerns about U.S.-Turkish relations, demonstrated an "express foreign policy prohibiting legislative recognition of the 'Armenian genocide.' "

Judge Dorothy Nelson, who had joined Thompson's earlier opinion, switched sides and voted with Pregerson.

Most historians view the Armenian killings as a genocide, but the Turkish government has protested use of the term and urged U.S. administrations to prevent any congressional endorsement.

The ruling revives a class-action suit by several hundred Armenian Americans against a German insurance group that challenged the state law, said Brian Kabateck, lawyer for the policy-holders.

Neil Soltman, lawyer for the German companies, told the Associated Press that the firms have not decided whether to appeal the ruling.

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