

Subject: Federal Appellate Court rules against heirs of Armenian Genocide Victims

Armenian Americans descendants from victims of the 1915-18 massacre by Ottoman Turks can't sue foreign insurance companies for unpaid claims because the U.S. government doesn't legally recognize that an Armenian genocide occurred, a federal appeals court ruled Thursday August 20, 2009 in Los Angeles.

A Glendale priest and thousands of other Armenians whose relatives were among the 1.2 million killed had won a partial victory two years ago. U.S. District Judge Christina A. Snyder said then that a 2000 law passed by the California Legislature gave the descendants standing to sue three German insurance companies.

But a divided three-judge panel of the U.S. 9th Circuit Court of Appeals overturned that ruling, saying the California law attempted to undercut the president's diplomatic authority and had to be preempted by the federal policy against acknowledging the genocide.

Attorney for Plaintiffs are appealing for a rehearing by a large panel of federal judges – En Blanc Hearing.

Below comments of attorney Vartkes Yeghiayan.

"The decision of the Ninth Circuit in Movsesian case is a blow to the balance of federal and state power. In an age of globalization of even the most domestic legal realms: insurance, family law, property and tort, the decision today leaves states handcuffed to act in these areas when it may potentially conflict with the vicissitudes of political rhetoric.

Without requiring there to be any formal Executive policy on the issue that may have the mere potential to touch on international relations with Turkey – no statute, no Executive Order, and no formal foreign policy – the Court has held that states are prohibited from passing measures designed to remedy the economic damages by private institutions who perpetrated those wrongs during the time of the Armenian Genocide – wrongs that if occurred today would be recompensed in court for the same victims against the same insurance companies.

Without requiring there to be any formal Executive or federal policy against California's decision to allow citizens to bring claims for stolen insurance proceeds that have been wrongfully held by insurance companies for almost a century, the Court has left the owners of those proceeds without recourse -- merely because they are in a class of victims identified in the statute as heirs of the Armenian victims of a time in Turkish history known

as the Armenian Genocide, a term which has produced political rhetoric but no formal foreign policy statement , order, or treaty.

In identifying no formal foreign policy of the Executive Branch, the decision goes far past the limits set by the Supreme Court on federal power to govern foreign affairs to the exclusion of state power to act to provide a forum for traditional property claims.

The Court has radically limited the states from providing their own citizens traditional remedies against companies doing business within the state with judicial remedies in areas traditionally reserved for state power".

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