

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

COMPANIA GANADERA BECERRA, S.A.

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU - 0726

Decision No. CU - 5

Counsel for claimant:

Sullivan & Cromwell
by W.C. Pierce, Esq.

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, was presented by COMPANIA GANADERA BECERRA, S.A., based upon the asserted ownership and loss of land, improvements, livestock and other personalty said to have been taken by the Government of Cuba.

Under Section 503 of the International Claims Settlement Act of 1949, as amended (64 Stat. 12; 69 Stat. 562; 72 Stat. 527; 78 Stat. 1110; 79 Stat. 988) the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. That section provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959 for

(a) . . . losses resulting from the nationalization, expropriation, intervention or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States, . . .

Section 504 of the Act provides, as to Ownership of Claims, that

(a) A claim shall not be considered under section 503(a) of this title unless the property on which the claim was based was owned wholly or partially, directly or indirectly by a national of the United States on the date of the loss and if considered shall be considered only to the extent the claim has been held by one or more nationals of the United States continuously thereafter until the date of filing with the Commission.

Section 502(1) of the Act defines the term "national of the United States" as . . . "(B) a corporation or other legal entity which is organized under the laws of the United States, or of any State, the District of Columbia, or the Commonwealth of Puerto Rico, if natural persons who are citizens of the United States own, directly or indirectly, 50 per centum or more of the outstanding capital stock or other beneficial interest of such corporation or entity"

According to the Statement of Claim, prepared on December 11, 1961, by John M. Gonzales, then a Vice President of the claimant corporation, COMPANIA GANADERA BECERRA, S.A., is a corporation incorporated under the laws of the Republic of Cuba on April 1, 1952. This Statement of Claim has been incorporated by reference into the claim filed with the Commission on May 3, 1966, which was signed by Michael J. P. Malone, as President of COMPANIA GANADERA BECERRA, S.A., and which bears the company seal reading "Compania Ganadera Becerra, S.A. - Habana, 1952."

From the foregoing, it is clear that the property upon which this claim is based was not owned by a corporation which qualifies as a national of the United States in that it was not organized under the laws of the United States, or of any State, the District of Columbia, or the Commonwealth of Puerto Rico as is required under the provisions of section 502(1)(B) of Title V of the Act.

Inasmuch as the claimant corporation was not organized under the laws of the United States, or of any State, the District of Columbia, or the Commonwealth of Puerto Rico, the Commission finds that the claim is not a claim of a national of the United States as defined in Section 502(1)(B) of the Act, and it is accordingly denied.

The Commission deems it unnecessary to make other determinations with respect to this claim.

Dated at Washington, D. C.,
and entered as the Proposed
Decision of the Commission

AUG 24 1966

Edward D. Re

Edward D. Re, Chairman

Theodore Jaffe

Theodore Jaffe, Commissioner

LaVern R. Dilweg

LaVern R. Dilweg, Commissioner

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 20 days after service or receipt of notice of this Proposed Decision upon the expiration of 30 days after such service or receipt of notice, the decision will be entered as the Final Decision of the Commission, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g) (1964))

CERTIFICATION

This is a true and correct copy of the decision
of the Commission which was entered as the final
decision on 10-14-66

Francis M. Hartman

Clerk of the Commission