

P-4

Claim arose prior  
to U.S. Nationality

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

IN THE MATTER OF THE CLAIM OF

JOSEPH DALLOS HOLLO

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU-0101

Decision No. CU 4

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 JOSEPH DALLOS HOLLO for \$2,000.00 based upon an asserted debt due from the Government of Cuba. Claimant, JOSEPH DALLOS HOLLO, has been a national of the United States since his naturalization on March 20, 1959.

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 502(3) of the Act provides:

The term 'property' means any property, right, or interest including any leasehold interest, and debts owed by the Government of Cuba or by enterprises which have been nationalized, expropriated, intervened, or taken by the Government of Cuba and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

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" to mean "(A) a natural person who is a citizen of the United States, . . . The term does not include aliens."

Thus, in order for the Commission to favorably consider claims under Section 503(a) of Title V of the Act, it must be established (1) that the subject property was owned in whole or in part by a national of the United States on the date of nationalization or other taking; and (2) that the claim arising as a result of such nationalization or other taking has been continuously owned thereafter in whole or in part by a national or nationals of the United States to the date of filing with the Commission.

Claimant states that on May 29, 1951, in the presence of two witnesses, one Dr. Ruben de Leon, then Minister of Defense of Cuba, ordered from him 400 copies of a book called "Marti", written by claimant and published in Paris in three languages; and that as a result of such order on June 1, 1951 the books were delivered to the secretary of Dr. de Leon. He also states that the books were priced at \$5.00 a copy and that while he had paid his publisher for the said

books so delivered, he has not been reimbursed by the Government of Cuba.

Further, in quoting a letter he sent to Dr. Ruben de Leon on February 16, 1952, claimant cites a receipt for 40 parcels of 10 books, said to have been signed by one Raoul Esquivel; and states that the witnesses to the purchase interceded unsuccessfully in an effort to recover payment, which was said to have been promised for June 15 and again for July 15, 1951. Claimant further contends that he was unsuccessful in his efforts to bring suit against the Cuban Ministry of Defense; and that telegrams to Dr. Ruben de Leon, and the President of Cuba remained unanswered.

The record contains a copy of a letter to the Department of State, dated at Miami, Florida on December 6, 1962, in which claimant states that both the aforementioned persons were then living in Miami. The record also contains a copy of a purported letter headed "Republic of Cuba - Ministry of National Defense," dated August 11, 1952, in which the writer states that there was no record of the asserted transaction, nor had any copies of the book in question been located.

The Commission finds it not established that claimant was owed a debt by the Government of Cuba. However, even if this were so, the Commission is constrained to deny the claim on other grounds.

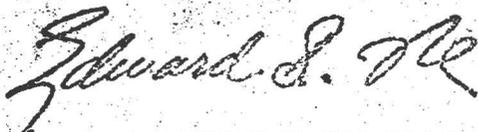
Under the provisions of Sections 502(3), 503(a) and 504(a) of the Act, supra, not only should the claimant herein establish that he was owed a debt by the Government of Cuba, he must also establish that some measure depriving him of his interest therein was applied by the Government of Cuba not only after January 1, 1959, but subsequent to March 20, 1959, the date he acquired citizenship of the United States. This he has not done.

Therefore, even if claimant established a debt was owed to him from the Government of Cuba, and even if it were to be assumed that the Government of Cuba repudiated such debt by the letter of August 11, 1952 referred to above, such action, which might have given rise to a claim in international law, which would be subject to determination under Title V of the International Claims Settlement Act of 1949, supra, occurred not only prior to the date claimant acquired citizenship of the United States, but also prior to January 1, 1959.

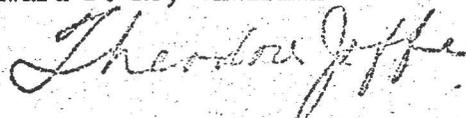
Accordingly, for the reasons stated above, the Commission concludes that this claim is not one within the purview of Title V of the Act, supra, and it is denied.

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

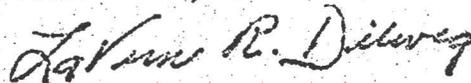
17 AUG 1966



Edward D. Re, Chairman



Theodore Jaffe, Commissioner



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))