

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

IN THE MATTER OF THE CLAIM OF

AMERICAN EXPRESS COMPANY

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU -2167

Decision No. CU 419

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 the AMERICAN EXPRESS COMPANY for \$10,843.04, and is based upon the asserted ownership and loss of personal property.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964) 22 U.S.C. §§1643-1643k (1964), as amended, 79 Stat. 988 (1965)], the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. Section 503(a) of the Act 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

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 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."

An officer of AMERICAN EXPRESS COMPANY has certified that The American Express Company, Incorporated, is a Connecticut corporation and the wholly owned subsidiary of AMERICAN EXPRESS COMPANY, a New York corporation; and that at all times pertinent to this claim, more than 50% of the stock of AMERICAN EXPRESS COMPANY (New York) has been owned by nationals of the United States. The Commission holds that AMERICAN EXPRESS COMPANY is a national of the United States within the meaning of Section 502(1)(B) of the Act.

An officer of AMERICAN EXPRESS COMPANY (New York) further certifies that its stock is publicly held by approximately 21,070 shareholders of record, 20,848, or 98.95% of whom show United States addresses and are presumably United States nationals.

Claimant contends that its subsidiary, The American Express Company, Incorporated, owned certain personal property consisting of office furnishings and equipment located at its office in the Hotel Havana Libre, Havana, Cuba, and at the Cuban Warehouse Corporation, also in Havana, Cuba; and that on or about September 15, 1960, the Government of Cuba caused claimant's subsidiary to cease doing business in Cuba and expropriated those items of personal property as aforesated.

In support of its contentions, claimant has submitted the affidavit of William C. Reordan, an employee of claimant's subsidiary who was manager of the offices located in the Hotel Havana Libre from September 15, 1959 until September 15, 1960, in which he attests to the expropriation of said personal property. Claimant also submitted the affidavit of the Comptroller of The

American Express Company, Incorporated, John E. White, who certifies the schedule of personal property submitted as true and correct.

The Commission finds that claimant's subsidiary was the owner of certain personal property consisting of office furniture and equipment which was located in its Hotel Havana Libre office, Havana, Cuba; and that this personal property was taken from it without compensation by an act of expropriation, by the Government of Cuba on September 15, 1960.

Claimant has supplied a detailed listing of these items of personal property and stated that the total value of such property was \$10,843.04. After consideration of the values ascribed to each item, the Commission finds such amounts to be fair and reasonable values thereof. Accordingly, it is concluded that claimant suffered a loss in the amount of \$10,843.04 within the meaning of Title V of the Act as a result of the taking of its personal property by the Government of Cuba.

The Commission has decided that in payment of losses on claims determined pursuant to Title V of the International Claims Settlement Act of 1949, as amended, interest should be allowed at the rate of 6% per annum from the date of loss to the date of settlement (See the Claim of Lisle Corporation, FCSC Claim No. CU-0644).

Accordingly, the Commission concludes that the amount of the loss sustained by claimant shall be increased by interest thereon at the rate of 6% per annum from September 15, 1960, the date on which the loss occurred, to the date on which provisions are made for the settlement thereof.

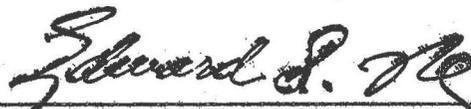
CU-2167

CERTIFICATION OF LOSS

The Commission certifies that AMERICAN EXPRESS COMPANY suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Ten Thousand Eight Hundred Forty-Three Dollars and Four Cents (\$10,843.04) with interest thereon at 6% per annum from September 15, 1960 to the date of settlement.

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

OCT 4 1967



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 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 5315.(e) and (g) as amended, 32 Fed. Reg. 412-13 (1967).)