

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

In the Matter of the Claim of

WATCH TOWER BIBLE AND TRACT
SOCIETY OF PENNSYLVANIA

Under Title V of the International Claims
Settlement Act of 1949, as amended

Claim No. CN-0060

Decision No. CN-

23

PROPOSED DECISION

This claim for \$754.72 against the Chinese Communist regime, under Title V of the International Claims Settlement Act of 1949, as amended, is based upon the loss of personal property in Shanghai, China. Claimant, WATCH TOWER BIBLE AND TRACT SOCIETY OF PENNSYLVANIA, organized under the laws of the Commonwealth of Pennsylvania, is a national of the United States within the meaning of Section 502(1)(B) of the Act.

Under Title V of the International Claims Settlement Act of 1949, [78 Stat. 1110 (1964), 22 U.S.C. §§1643-1643K (1964), as amended by 80 Stat. 1365 (1966)], the Commission is given jurisdiction over claims of nationals of the United States against the Chinese Communist regime. 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 Chinese Communist regime arising since October 1, 1949 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 Chinese Communist regime or by enterprises which have been nationalized, expropriated, intervened, or taken by the Chinese Communist regime and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Chinese Communist regime.

The Commission appreciates the fact that there may be instances wherein primary evidence in support of a claim may not be available due to its loss or destruction during ensuing years between the taking of claimants' property and the enactment of Title V of the International Claims Settlement Act of 1949, as amended. Also, the Commission notes that due to the political conditions which now exist in Communist China claimants have no access to the primary evidence which is obtainable only in said country. In addition, the Commission takes administrative notice that, in many instances, there was no decree, law or order issued under which the Chinese Communist regime nationalized or otherwise took the property of nationals of the United States. In the absence of said decrees, laws and orders, the Commission will examine the specific actions of the Chinese Communist regime which resulted in claimants' loss of their property. Accordingly, when claimants have established a sufficient basis for the unavailability of primary evidence, the Commission may accept and consider secondary evidence.

The evidence of record here does not include any copy of a Chinese Communist decree, law or order and the Commission agrees that such are unobtainable in this case. The record does include a copy of the official charter of the WATCH TOWER BIBLE AND TRACT SOCIETY; affidavits of claimant's agents, Grant Suiter, Stanley E. Jones, Harold G. King, Don A. Adams; a copy of "Awake", claimant's publication; inventories and a financial statement.

Based on the entire record, the Commission finds that Stanley E. Jones, and Harold G. King, claimant's duly authorized representatives at claimant's branch office located at 468/96 Tihwa Road North, Shanghai, China, were arrested on October 14, 1958 by forces of the Chinese Communist regime and subsequently imprisoned for several years. The Commission further finds that said representatives were forced to abandon at the time of arrest the branch office and congregational equipment at the Shanghai office that was owned by claimant, and that such abandonment constituted a taking of the claimed personal property by the Chinese Communist regime within the meaning of Title V of the Act and the claimant's property was taken on October 14, 1958.

The Commission finds that at the time of taking the subject personal property had a value of \$754.72 and claimant suffered a loss in this amount.

The Commission has decided that in certification of losses on claims determined pursuant to Title V of the International Claims Settlement Act of 1949, as amended, interest should be included at the rate of 6% per annum from the date of loss to the date of settlement (see Claim of Clarence Burton Day and Ethelwyn C. Day, Claim No. CN-0030 Decision No. CN-001); and in the instant claim it is so ordered.

CERTIFICATION OF LOSS

The Commission certifies that WATCH TOWER BIBLE AND TRACT SOCIETY OF PENNSYLVANIA suffered a loss in the amount of Seven Hundred Fifty-Four Dollars and Seventy-Two Cents (\$754.72) with interest thereon at 6% per annum from October 14, 1958 to the date of settlement, as a result of the actions of the Chinese Communist regime, within the scope of Title V of the International Claims Settlement Act of 1949, as amended.

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

AUG 27 1969

CERTIFICATION
This is a true and correct copy of the decision
of the Commission which was entered as the final
decision on SEP 29 1969
Francis W. ...
Clerk of the Commission

Leonard v. B. Sutton
Leonard v. B. Sutton, Chairman

Theodore Jaffe
Theodore Jaffe, Commissioner

Sidney Freidberg
Sidney Freidberg, 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. §531.5(e) and (g) as amended, 32 Fed. Reg. 412-13 [1967].)

The statute does not provide for the payment of claims against the Chinese Communist regime. Provision is made only for the determination by the Commission of the validity and amounts of such claims. Section 501 of the statute specifically precludes any authorization for appropriations for payment of these claims. The Commission is required to certify its findings to the Secretary of State for possible use in future negotiations.