

VETO OF H.R. 1362

M E S S A G E

FROM

THE PRESIDENT OF THE UNITED STATES

VETOING H.R. 1362, A BILL FOR THE RELIEF OF JOSEPH KAREL
HASEK



OCTOBER 9, 1984.—Message and accompanying papers referred to the
Committee on the Judiciary and ordered to be printed

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To the House of Representatives:

I am returning herewith H.R. 1362, a bill for the relief of Joseph Karel Hasek.

I am sympathetic to the plight of hundreds of thousands of individuals who have fled the tyranny of communist rule imposed after World War II upon countries of eastern Europe and whose property has been confiscated by those governments. The United States government over the years has been successful in providing some measure of relief to some of these individuals by providing for the adjudication of these claims by the Foreign Claims Settlement Commission of the United States and by the negotiation of agreements with the offending governments to obtain funds for at least partial payment for such losses. The most recent example is the claims settlement agreement reached with the Government of Czechoslovakia by this Administration which has provided substantial although not full restitution for American citizens with valid claims against Czechoslovakia under international law. Such agreements have been possible only through adherence by the United States to the rule of international law that a government may only espouse such claims against a foreign government where American-owned property has been expropriated.

In 1958 the Foreign Claims Settlement Commission of the United States was authorized to determine the validity and amount of claims by United States citizens against the Government of Czechoslovakia caused by the confiscation of property owned at the time by United States nationals. Joseph Karel Hasek along with over 4,000 other claimants submitted claims to the Commission. After careful consideration the Commission was required to deny his claim due to the failure of Mr. Hasek to establish that any property owned by him was expropriated at a time when it was owned by a United States national. Mr. Hasek's claim was one of many denied on similar grounds. The Commission completed this program, and in 1962 all of its decisions became final and not subject to further review.

This bill would allow Mr. Hasek, but none of the others in like circumstances, to reopen his claim despite the termination of the program.

This bill directs that Mr. Hasek's claim be considered as valid despite the fact that it is not a valid claim for the United States to espouse under international law and the longstanding policy of the United States government. It seeks to provide special relief for one individual while ignoring the many thousands of United States citizens of Polish, Czechoslovakian, Yugoslavian, Bulgarian, Romanian, Hungarian, and German heritage who have suffered like losses but have been denied relief in a number of claim programs because their property was not expropriated at a time when it was owned by a United States national.

Finally, the bill would require payment to Mr. Hasek, who did not qualify for compensation, through the transfer to him of funds expressly obtained and set aside to compensate those American citizens who were claimants and did establish meritorious claims against Czechoslovakia for the confiscation of American-owned property. These claimants will therefore receive even less by way of restitution for their losses.

This result fails the elemental test of fairness and equity to thousands of American citizens who have suffered losses as egregious as those suffered by Mr. Hasek. I therefore have withheld my approval from H.R. 1362.

If relief is warranted in the case of Mr. Hasek, it centers on the beneficiary's claim that new evidence is available that was not available prior to the statutory expiration of the Czechoslovakian claims review in 1962. Accordingly, I would be willing to consider alternative relief legislation which would afford Mr. Hasek another review of the available evidence. I have directed my Administration to work with the Congress to consider such alternatives.

RONALD REAGAN.

THE WHITE HOUSE, *October 8, 1984.*