1. Record Nr. UNINA9910807134903321 Autore Mooney Eugene F. Titolo Foreign seizures: Sabbatino and the act of state doctrine / / by Eugene F. Mooney Pubbl/distr/stampa [Lexington, Kentucky]:,: University of Kentucky Press,, 1967 ©1967 **ISBN** 0-8131-6382-X Descrizione fisica 1 online resource (191 p.) Collana University of Kentucky Study Disciplina 341.5/9 Eminent domain (International law) Soggetti Act of state Lingua di pubblicazione Inglese **Formato** Materiale a stampa Livello bibliografico Monografia Note generali Includes index. Bibliography: p. [161]-164. Nota di bibliografia Cover; Title; Copyright; Contents; INTRODUCTION; 1. GENESIS OF THE Nota di contenuto ACT OF STATE DOCTRINE; 2. SOUTH AMERICAN SEIZURES; The Sovereign Immunity Theme: The International Full Faith and Credit Theme; The Rule for Decision Theme; Overriding National Policy; 3. EUROPEAN SEIZURES; Communist Extraterritorial Confiscations; Early Soviet Seizures; Soviet Seizures since Diplomatic Recognition; West European-Nazi Seizures; The Nazi Seizures; The Bernstein Affair; 4. THE SABBATINO CASE: Precipitating Events: The Lower Court Decisions: The Supreme Court Decision; Justice White's Dissent Analytical Comparison of the Majority Minority Opinions 5. SABBATINO AFTERMATH; Constitutional Problems; Legislature versus Judiciary-the Hickenlooper Amendment; Congress' ""Foreign Affairs"" Power; Congress' Power over Federal Courts; Modes of International Claims Settlements: 6. A NEW JUDICIAL POLICY BASIS: American Foreign Policy: American Pattern of Private Foreign Investment; Stock and Flow: Direction: Redirection after Castro; CODA; APPENDIXES; I. A Bibliography of Scholarly Comment on the Act of State Doctrine, the Sabbatino Case, and the Hickenlooper Amendment II. International Pattern of Application of the Act of State DoctrineTABLE OF CASES; INDEX; A; B; C; D; E; F; H; I; J; K; L; M; N; O; P; R; S; T; U; V; W

The United States Supreme Court framed a unique legal doctrine on

foreign seizure of American-owned property in the case of Banco

Sommario/riassunto

Nacional de Cuba v. Sabbatino in 1963. This ruling has far-reaching implications for international law, American foreign policy, and the role of the Court in both domestic and international arenas of power. Disagreeing with the Court's decisions, Eugene F. Mooney undertakes to place the Act of State Doctrine in its proper historical, jurisprudential, and political perspective. Mooney argues forcefully that the dogmatic application of the Act of State Doctrine is ind