

7-7417
ASSISTANT ATTORNEY GENERAL
WASHINGTON

DALLAS S. TOWNSEND

December 20, 1955

Honorable Allen W. Dulles
Director, Central Intelligence Agency
Washington 25, D. C.

Dear Mr. Dulles,

At our conference December 15th on the Ciano Diaries you mentioned a claim pending here in the Office of Alien Property involving a trust under the will of Louisa Baggs, and I am writing now to give you a brief summary of the matter.

Mrs. Baggs, who died February 2, 1930, left a will which was probated in Hampden County, Massachusetts. The will provided inter alia for a testamentary trust for one Elsa Oppitz as beneficiary, who was to receive six hundred dollars a year in quarterly payments of one hundred-fifty dollars each. The Trustees were the daughters of Mrs. Baggs, Lady Ethel Mather Baggs Bullard Salter and Marchesa Louise de Rosales. The entire estate was apparently worth around one million dollars.

The interest of Elsa Oppitz was vested March 4, 1943, Vesting Order 1002, and the payments of six hundred dollars per year were thereafter made to the Office of Alien Property.

Mr. Peter Ward, of Messrs. Davis, Polk, conferred with Mr. Creighton here on May 20, 1953. At this conference Mr. Creighton informed Mr. Ward that:

1. No claim had been filed within the statutory time,
2. That Elsa Oppitz could not qualify for return, and that
3. Any claim filed in her behalf would have to be disallowed since she could not qualify.

DOJ Review Completed.

OGC Has Reviewed

ER-File

Last Spring, following the death of Elsa Oppitz, counsel renewed their inquiries on behalf of the Trustees and it appeared:

1. That the Trustees then held promissory notes of Elsa Oppitz for the full amount paid to the Office of Alien Property, from which I assume that the Trustees made the payments to Elsa Oppitz on behalf of the estate, possibly expecting to be reimbursed later, and
2. That the will of Elsa Oppitz bequeathed to the Trustees the funds due her under the will of Mrs. Baggs.

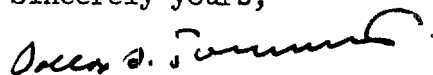
Mr. Creighton, Chief of our Claims Section, informed counsel that vested property could be returned or disposed of only under the Trading with the Enemy Act, that is to say by return to the owner at the time of vesting under statutory conditions, and particularly that title claims have to be filed by February 9, 1955 (before the death of Miss Oppitz), and that a debt claim, such as this to be asserted by the Trustees, was required to be filed not later than August 8, 1948, for this vesting order.

Accordingly, having regard to these circumstances, it would seem that the Trustees could be reimbursed from funds held by this Office only by virtue of new legislation.

It was very interesting, and also quite helpful to me, to be in touch with you concerning the Ciano Diaries. We appreciate very much your cooperation.

With the compliments and best wishes of the Christmas Season, believe me

Sincerely yours,



Dallas S. Townsend

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(SENDER WILL CIRCLE CLASSIFICATION TOP AND BOTTOM)

CENTRAL INTELLIGENCE AGENCY
OFFICIAL ROUTING SLIP

TO		INITIALS	DATE
1	OFFICE OF GENERAL COUNSEL (MR. HOUSTON'S OFFICE)	<i>JWH</i>	1/3/56
2			
3	<i>DCI 221 Admin</i>	<i>A.T.</i>	1/12/56
4	<i>ER (File)</i>	<i>Edc</i>	1/12/56
5			
FROM		INITIALS	DATE
1	OFFICE OF DCI	AT	12/29/55
2			
3			

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| <input type="checkbox"/> ACTION | <input type="checkbox"/> DIRECT REPLY | <input type="checkbox"/> RETURN |
| <input type="checkbox"/> COMMENT | <input type="checkbox"/> PREPARATION OF REPLY | <input type="checkbox"/> DISPATCH |
| <input type="checkbox"/> CONCURRENCE | <input type="checkbox"/> RECOMMENDATION | <input type="checkbox"/> FILE |

Remarks: Marie: Copy of letter attached per our telephone conversation. References are ER 7-6793 and 6794, both dated Dec. 3. Mr. Houston may wish to see this.

Alice Thonke
Alice

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