December 12, 1945

MEMORANDUM FOR MR. DONALD COOK,
EXECUTIVE ASSISTANT TO THE ATTORNEY GENERAL

Re: Claims arising out of the loss of or damage to property deposited by alien enemies with United States Marshals.

This is in response to your memorandum of November 29, suggested by Mr. Andretta's memorandum to the Attorney General of November 28, in which you requested that I have drafted (1) whatever instruments that might be necessary to effect the return of property deposited by alien enemies with United States Marshals under the regulations of the Attorney General governing this matter, and (2) whatever legislation that might be necessary to handle claims arising out of the loss of or damage to such property.

As you know, the President signed a proclamation on December 7 (No. 2674, Fed. Reg. of December 12, 1945), revoking the regulations relating to the possession of prohibited articles by and the travel of alien enemies, prescribed by proclamations of the President. In consonance with the revocation of such regulations by the President, the Attorney General on December 10, issued an order revoking the regulations of the Attorney General of February 5, 1942, as amended, controlling travel and other conduct of aliens of enemy nationalities. On the same day the Attorney General also issued another order (Circular No. 3589, Supplement No. 27) which is being sent to all United States Attorneys and United States Marshals which gives notice of the said revocations made by the President and the Attorney General, and provides:

> "Prohibited articles that have been deposited with United States Marshals in compliance with the Attorney General's regulations should now be returned to their alien enemy owners. The United States Marshals are authorized to return to every alien enemy his deposited articles upon delivery of his original receipt thereof and his proper identification. Where the original receipt is lost or the property cannot be located, the provisions of Circular No. 3640, Supplement No. 4, dated April 27, 1945, should be followed."

In view of the provisions of this order, no other instruments are necessary in the effectuation of the return of the property now in the custody of the marshals.

With respect to the matter of claims arising out of loss of or damage to property deposited with the marshals pursuant to the Attorney General's regulations, it occurs to me that since such claims will be handled administratively by the Administrative Division and litigation with respect thereto will be handled by the Claims Division, you might wish to have the question of necessary or appropriate legislation considered by these two divisions, in collaboration with the legislative unit of the office of The Assistant to the Attorney General. If, however, you desire that I go ahead with the drafting of appropriate legislation at this juncture, I shall be glad to do so.

HAROLD JUDSON
Assistant Solicitor General