

The courts have construed "foreign country" broadly, specifically including on at least two occasions the Trust Territory of the Pacific Islands. Brunnell v. United States, 77 F. Supp. 68 (S.D.N.Y. 1948), held that the Federal Tort Claims Act did not apply on the Island of Saipan, which remained a "foreign country" within the Act's exception, despite the American Military Occupation and the entry into force of the Trusteeship Agreement. The court wrote a long opinion and even quoted a letter of December 16, 1947, from the Legal Adviser of the Department of State to the Attorney General. In answer to the specific question regarding the applicability of the Tort Claim Act, the Legal Adviser wrote: "The United States does not have sovereignty over Saipan by virtue of this Agreement... Accordingly, it is concluded that Saipan has not been and is not a part of the United States nor a territory or possession of the United States."

In Callas v. United States, 253 F.2d 838 (2d Cir. 1958), cert. denied, 357 U.S. 936 (1959), Kwajalein was held not part of the territory of the United States. This was a two-to-one decision. There have been other cases regarding the definition of "foreign country" under the Federal Tort Claims Act, but my preliminary research did not indicate any more on the Pacific Trusteeship.