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GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
Washington 25, D. C.

9 July 1954

Dear Admiral Strauss:

This is in further reply to your letter of May 26, 1954 in which you suggest that it would be highly desirable to settle expeditiously any meritorious claims of Marshall Islanders for personal injuries or other damages arising from test activities of Joint Task Force SEVEN.

We have considered the views expressed in your letter and are in agreement with them. We agree that the possible claims against the United States by Marshall Islanders would be claims arising in a foreign country and that this fact would preclude their satisfaction under the Federal Tort Claims Act.

On the other hand, the Foreign Claims Act does authorize the payment, under certain circumstances, of claims not in excess of \$5,000 on account of damage to or loss of private property or personal injury to inhabitants of a foreign country, when the damage or injury is caused by United States armed forces or is otherwise incident to non-combat activities of such forces.

We understand that no claims have yet been made by any Marshall Islanders. We suggest that if the Atomic Energy Commission receives any claims from Marshall Islanders based on personal injury or damage to or loss of private property as a result of test activities of Joint Task Force SEVEN, such claims be forwarded to the Department of Defense for appropriate consideration under the Foreign Claims Act.

Sincerely yours,

/s/ WILBER M. BRUCKER

Wilber M. Brucker
General Counsel

The Honorable Lewis L. Strauss
Chairman, Atomic Energy Commission

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