

GIS AND KOREANS: THE MAKING OF THE FIRST ROK-US STATUS OF FORCES
AGREEMENT, 1945-1966

by

BO RAM YI

(Under the Direction of WILLIAM STUECK)

ABSTRACT

The Korean War shifted the fundamental dynamics of US-Korean relations. American troops and money poured into the Korean peninsula and manifested America's commitment to the fragile Republic of Korea (ROK). The geopolitical implications and strategic roles that the US Armed Forces in Korea (USFK) played were clearly articulated from the beginning of deployment—to deter possible North Korean aggression and to secure American allies in East Asia. USFK's impact on the political and social lives of Koreans was, in contrast, not seriously studied. The first ten years of the permanent stationing of an average of 55,000 young American soldiers in Korea, however, made an indelible impact on the relationship between the two peoples.

This dissertation examines the layered interactions between Koreans and Americans from 1945 through 1966, when Seoul and Washington signed the first Status of Forces Agreement (SOFA). By focusing on how individual groups used and abused the unpleasant incidents between Koreans and GIs in order to advance their political ambition, this dissertation argues that the presence of a large number of American soldiers and the ensuing events played a pivotal in the shaping Korean domestic political changes and US-Korean relations. This study, thus,

hopes to expand the definition of political actors in understanding bilateral relations. Not only Seoul and Washington, but also Korean employees of the USFK, Korean prostitutes, anti-government activists, the press, and GIs played critical roles in shaping US-Korean relations during the first decade after the Korean armistice.

INDEX WORDS: Status of Forces Agreement, ROK-US Relations, Syngman Rhee, Park Chung Hee, Lyndon B. Johnson, Korean War, Vietnam War, Camptown, US Forces Korea (USFK), GI

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DEDICATION

I dedicate this dissertation to my parents, whose unfailing love and sacrifice made me through all the way.

Sun Yi

Woongja Song

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NOTE ON ROMANIZATION

In this dissertation, I translated Korean, Chinese, and Japanese words according to the McCune-Reischauer system. Personal names are cited in text, notes, and bibliography with family name first. The exceptions to this are Korean names that appear as popularly Romanized in the Western-language literature. For example, I use “Syngman Rhee” instead of “Yi Sŭng-man,” “Kim Il-sung,” instead of “Kim Il-sŏng,” “Chang Myon” instead of “Chang Myŏn, and “Park Chung Hee,” instead of “Pak Chŏng-hi.

INTRODUCTION

On August 4, 1953, just a week after the signing of an armistice ending over three years of fighting in Korea, US Secretary of State John Foster Dulles flew into Seoul to discuss the particulars of post-armistice US-South Korean relations. In exchange for accepting but not signing the armistice, Syngman Rhee, President of the Republic of Korea (ROK), had demanded from Washington a mutual defense treaty, military and economic aid, and the continuous presence of the US forces in South Korea. He also requested an amendment of the current arrangement governing the status of US forces in Korea. Now, with the shooting over, Rhee and Dulles generally agreed on the draft of a mutual defense treaty. Officially signed in October 1953, this treaty provided the foundation upon which US military forces stayed on the Korean peninsula.¹ Ever since, US military bases have been a fixture there. Throughout the past five decades, South Korea has hosted, on average, the third largest number of American troops overseas, with only Germany and Japan hosting more. Although considerably reduced from their peak of 325,000 in 1953, US troops in South Korea still number 32,000 today.²

¹ "Mutual Defense Treaty between the United States Of American and the Republic of Korea," 1 October 1953, US Department of State, Treaties and Other International Agreements of the United States (TIAS) no. 3097, *United States Treaties and Other International Agreements (UST)*, vol. 5, pt. 3, 2368-2376.

² For the statistics of US troop deployment, see Tim Kane, "Global US Troop deployment, 1950-2003," The Heritage Foundation Report, CDA (Center for Data Analysis) 04-11, 27 October 2004, [http://www.heritage.org/Research/National Security/troopsdb.cfm](http://www.heritage.org/Research/National%20Security/troopsdb.cfm) (accessed 10 January 2005); US Department of Defense, "Military Personnel Historical Reports: Active Duty Military Personnel by Regional Area and by Country," Directorate for Information Operations and Reports, <http://www.dior.whs.mil/mmids/military/history/309hist.htm> (accessed 10 January 2005).

In his August 1953 meeting, Dulles promised to work with Congress to endorse Korean economic aid. The next year Congress passed the \$200 million Korean aid bill, and American military and economic aid to the ROK dramatically increased. Between 1954 and 1961 the ROK government received more than \$3.8 billion in military and economic aid from the United States.³

Another outcome of the Rhee-Dulles meetings of August 1953, which was acknowledged in a joint statement on the seventh, was an agreement that Washington and Seoul would “promptly” negotiate an agreement to cover the status of US forces in Korea.⁴ Yet unlike the other two requests, military alliance and economic aid, the promise of opening a discussion for a status of forces agreement (SOFA) was not “promptly” implemented. Serious meetings did not begin until April 1961 and the first ROK-US SOFA was not concluded until July 9, 1966.

Since the end of the World War II, American servicemen have spread all over the world. Fifty-four different countries have hosted 1,000 or more American soldiers during the past fifty years. In 2003, 387,920 troops, which is 27 percent of the total number of US military forces on active duty, were serving in non-American territories. Fourteen countries hosted 1,000 or more Americans in uniform.⁵ However, not only in Korea but also on a global level, it was not until the early 1990s that the overseas US military presence received critical assessment.

To deal with issues necessary for the day-to-day business of American soldiers in foreign lands during peacetime, the United States started to negotiate status of forces agreements with countries that hosted its military forces. By defining the legal status of US personnel and

³ Sung-joo Han, “The Republic of Korea and the United States” hanging Alliance,” in *Korea: A Nation in Transition*, eds., Se-Jin Kim and Chi-won Kang (Seoul: Research Center form Peace and Reunification, 1978), 58; 63.

⁴ “Joint Statement by the Secretary and President Rhee,” *Department of State Bulletin (DSB)* 15 August 1953, 203-204.

⁵ Tim Kane, “Global US Troop Deployment, 1950-2003; US Department of Defense, “Military Personnel Historical Reports: Active Duty Military Personnel by Regional Area and by Country.”

property in a host nation, SOFAs aimed to set forth rights and responsibilities between the United States and the host government on matters like criminal and civil jurisdiction, tax and customs relief, entry and exit of personnel and property, and resolving damage claims. Starting with the eleven nations of the North Atlantic Treaty Organization (NATO) in 1951, the United States made such agreements with Japan, West Germany, the Philippines, and Australia consecutively.⁶ However, for almost a decade after the Korean War, the United States refused to open SOFA negotiations with South Korea. Despite the Rhee-Dullus agreement in 1953, the United States insisted that the wartime arrangement of the Taejon Agreement in July 1950 and the Meyer Agreement in May 1952 should be upheld throughout the 1950s.⁷ Together, these two agreements granted extraterritoriality to the members of US forces, civilian components, and dependents.

Why did Washington refuse to change the wartime arrangements? Why was Washington reluctant to open negotiations with Koreans in the 1950s? What led Washington to eventually fulfill its 1953 promise in the spring of 1961? What were the main issues that Koreans wanted to resolve through a SOFA? Why did it take over five years for negotiations to bear fruit? What were the main differences, if any, between the ROK-US SOFA and other such agreements that the United States made around the world? Answers to these questions will provide significant understanding of US-Korean relations during the critical years after the Korean War.

The issues surrounding and the process of making the first ROK-US SOFA reveal the intricacy of the bilateral relationship. By analyzing the process leading to the ROK-US SOFA of 1966, and by probing diverse elements of that process, this study brings into sharp focus, first,

⁶ NATO SOFA, 19 June 1951, TIAS no. 2846, *UST*, vol. 4, pt. 3, 1792-1829.

⁷ “Agreement Concerning Jurisdiction over Offenses by the United States Forces in Korea” (or, the Taejon Agreement), 12 July 1950, TIAS no. 3012, *UST*, vol. 5, pt. 2, 1408-1410; “Agreement on Economic Coordination between the Republic of Korea and the Unified Command” (or, the Meyer Agreement), 24 May 1952, TIAS no. 2593, *UST*, vol. 3, pt. 3, 4420-4435.

the nature of the relationship between Washington and Seoul from 1945 through 1966 and, second, the impact that Americans and Koreans at all levels had on that relationship. Focusing on state-to-state discourses alone provides only a limited understanding of the complexity of US-ROK relations because the making of the SOFA entailed many actors who played critical roles in shaping the negotiation process. The policy makers and the negotiators of both countries are the most visible makers of the SOFA, but Korean employees of the US Armed Forces (USFK), Korean residents around US military bases—restaurant owners, bar owners, prostitutes, smugglers, war orphans and half-American children—Korean students and anti-government activists, and American soldiers and their families also played critical roles. For these people, making the ROK-US SOFA was a personal as well as a political issue.

By looking at the US-Korean relations through layered perspectives—through the lens of international, inter-governmental, intra-governmental, and inter-personal relations—this study attempts to demonstrate the complexity of ROK-US relations during the thirteen years following the Korean War. By examining the process by which Seoul and Washington negotiated the first ROK-US SOFA, this study also provides insights regarding the implications of stationing US troops abroad, even to one of the closest US allies of the Cold War.

Chapter one provides the background of US-Korean relations focusing on the US occupation period from 1945 through 1948 and then the US withdrawal process from 1948 through mid-1949. The divided occupation of the peninsula by the United States and the Soviet Union, the failure to bring the two zones into one, the growing worldwide tension between the United States and the Soviet Union, as well as the growing animosity between leftists and rightists in Korea, complicated the Koreans' transition from colonized people to liberated ones. In South Korea, the occupiers' lack of preparation for their duty and internal political struggles

marred the period with violence and conflicts. Americans in Korea were not impressed by what they saw there—political struggles, a depressed economy, poverty, and violence. Koreans, who saw and suffered from GIs' ignorant and sometimes arrogant behavior, were not impressed either. By the time US forces left the newly proclaimed Republic of Korea (ROK) under President Syngman Rhee, the place was immersed in civil conflict.

The withdrawal of US forces proved to be temporary. With the North Korea attack of June 25, 1950, US troops quickly returned to Korea. Accepting the possibility of long-term cohabitation did not automatically resolve the issues presented during the occupation period. Chapter two looks at the experience of the GIs and Koreans in the 1950s, which eventually brought the SOFA issue to the front line of political debate. How did the cohabitation of these two peoples affect the “alliance forged in blood” during the war of 1950-1953? How did American military authorities try to forge lasting bonds of friendship between Americans and Koreans? Or, did they try at all? How did the presence of American troops affect the ways in which Koreans understood Americans and vice versa? How did the US military and civilian representatives respond to GI-host community relations? Were American soldiers good neighbors or not? This chapter attempts to answer these questions during the critical years after the Korean War. Throughout the 1950s, the US government refused to open SOFA negotiations with the ROK. The reasons behind the negative American reactions to Korean demands are analyzed in this chapter.

What is tolerable during a crisis may become intolerable over time. Chapter three places the outcry of Koreans over incidents involving GIs in the context of tumultuous political and social conditions in the South. A close examination of reported “GI incidents” and of the organized voice demanding the opening of the SOFA negotiations during this time sheds light on

the dynamics of political actions in South Korea. Both President Rhee and his opponents used “GI incidents” to strengthen their political leverage. Rhee and his supporters used these incidents in an attempt to maintain maximum support from the United States, whereas Rhee’s opponents used them as an acceptable form of criticism less of the US than of the Rhee government. Under the shield of SOFA demands, opposition politicians found a safer means to voice their discontent with Rhee and his Liberal Party.

The actual negotiation process of the SOFA is discussed in chapter four. From 1962 through 1966, with many twists and turns, the ROK and the United States pursued the SOFA negotiations. The two major issues that delayed a successful outcome, criminal jurisdiction and labor provisions, are discussed in detail. While the US government looked at this negotiation as a part of other SOFA negotiations it conducted in Asia at the time, the ROK government approached the SOFA negotiations as both a bilateral issue and a domestic political tool.

Scholars of US-Korean relations have aptly noted that the physical presence of US forces manifests its commitment to South Korea and its will to contain Communist expansion in Asia.⁸ Apart from such fleetingly general treatment, however, the actual influence of the American military presence on the peninsula has garnered relatively little notice from scholars.⁹ This lack of attention derives from the tendency to take this arrangement only as a national security issue.

⁸ For example, see Victor D. Cha, *Alignment Despite Antagonism: The US-Korea-Japan Security Triangle* (Stanford: Stanford University Press, 1999), esp. 56-57; Tae-Hwan Kwak and Wayne Patterson, “The Security Relationship between Korea and the United States, 1960-1982” in *Korean-American Relations, 1866-1997*, eds. Yur-bok Lee and Wayne Patterson (New York: State University of New York, 1999); Gerald Curtis and Sung-joo Han, eds., *The US–South Korean Alliance: Evolving Patterns in Security Relations* (Lexington: D.C. Heath, 1982). Young-nok Ku and Sung-joo Han, eds., *The Foreign Policy of the Republic of Korea* (New York: Columbia University Press, 1985); A. James Gregor, *Land of the Morning Calm: Korean and American Security* (Boston: University Press of America, 1990).

⁹ Katherine H.S. Moon’s *Sex among Allies: Military Prostitution in US-Korea Relations* (New York: Columbia University Press, 1997) is the notable exception and by far the best monograph about US military bases in Korea. She analyzes how Washington and Seoul control and regulate the lives of the most deprived groups of Koreans, “camp-town” prostitutes, to maximize the male dominated international arrangement. Her historiographical contribution will be analyzed later in this chapter. Suk Bok Lee, *The Impact of US Forces in Korea* (Washington, D.C.: National Defense University Press, 1987) is sketchy at best.

Surely, Washington's decision to keep sizable armed forces in South Korea after the armistice and Seoul's ready acceptance of American troops on its land were reached primarily and precisely because of each country's security concerns. Yet, on the ground level, the relations between Koreans and Americans were far more complex and often more frustrating than a well-articulated policy objective. Frequently, the very symbol of strong alliance, US Armed Forces in Korea (USFK) became the source of friction in US- Korean relations.

US military bases in Korea and their influence are important topics of study because of the sheer presence of an average of 50,000 American military and support personnel in ninety-three different localities for more than half a century, longer than the three and a half decades of Japanese colonial rule of Korea. The presence of tens of thousands of young American soldiers in a country the size of Indiana cannot be overlooked.¹⁰ Furthermore, the military base is more than just an abstract symbol of the Cold War alliance. It is a transplanted "little America" on foreign soil. When American troops came to be stationed in a foreign land, they brought not only military personnel and arms, but also American infrastructures and consumer goods, hefty ideals such as the American dream and freedom, and the troublesome reality of American racism. American life was displayed through the everyday lives of the soldiers.

In the early 1990s, rising domestic concerns and dramatic changes in the world challenged the post-1945 military structures of the United States. Confronting a gigantic budget deficit, Congress sought to reduce expenditure through cutting defense outlays and closing

¹⁰ Enlisted men who are sent to Korea tend to be very young, in their late teens and twenties and without families. In the 1990s, only ten percent of the soldiers were accompanied by their family members in Korea. This is a direct result of a policy of the Department of Defense. The Korean tour is categorized as a "noncommand-sponsored" tour, which means that the Department will not pay for the travel and living expenses of family members who accompany soldiers in Korea.

domestic military bases.¹¹ In addition, the collapse of the Soviet Union inevitably called into question the rationale behind the deployment of tens of thousands of American soldiers in Europe and Asia.¹² Furthermore, impending base negotiations with the Philippines, which were expected to result in a renewal of base arrangements for another ten years, sparked scholarly and public discussions on the overseas military base structure in general.¹³

The two most recent examples representing the surge of interest in overseas US military bases are C.T. Sandars's *America's Overseas Garrison: The Leasehold Empire* and Nicholas Evan Sarantakes's *Keystone: The American Occupation of Okinawa and US-Japanese Relations*.¹⁴ Sandars provides the first one-volume synthesis of overseas US military bases. He summarizes the terms and conditions under which US military forces have been deployed in a variety of host nations since 1945. He follows the diplomatic negotiations that established the parameters for the US military's operation of military bases in different sovereign territories.¹⁵ Heavily relying on previous studies of the strategic and political implications of overseas US

¹¹ For the study of domestic base closure issues see David S. Sorenson, *Shutting Down the Cold War: The Politics of Military Base Closure* (New York: St. Martin's Press, 1998); Catherine Lutz, *Homefront: A Military City and the American Twentieth Century* (Boston: Beacon Press, 2001).

¹² For the worldwide base closing issue, see Richard L. Kugler, *Changes Ahead: Future Directions for the US Overseas Military Presence* (Rand Project Air Force, 1998).

¹³ In the United States, the study of US military bases in the Philippines flourished in the late 1980s in lieu of the end of the lease in 1991. For the study of the base renewal issues with the Philippines, see Katherine Webb, "Are Overseas Bases Worth the Bucks?: An Approach to Assessing Operational Value and an Application to the Philippines," Ph.D. diss., Rand Graduate School, 1988. By focusing on the strategic and political significance of the base issue, she overlooks the significance of domestic political cost in the host nation, in this case the Philippines. She predicted the US delegates will face a tougher negotiation with newly elected Corazon Aquino government of the Philippines, but fails to recognize the rise of Filipino nationalism, which eventually pushed the Philippine Senate to vote against the ratification of the new base treaty in 1992. For a more comprehensive study on US-Philippine relations in the first decades of the Cold War, see Nick Cullather, *Illusions of Influence: The Political Economy of United States-Philippines Relations, 1942-1960* (Stanford: Stanford University press, 1994). For the situation after the withdrawal of the US bases, see Donald Kirk, *Looted: The Philippines after the Bases* (New York: St. Martin's Press, 1998).

¹⁴ C.T. Sandars, *America's Overseas Garrisons: The Leasehold Empire* (London: Oxford University Press, 2000); Nicholas Evan Sarantakes, *Keystone: The American Occupation of Okinawa and US-Japanese Relations* (College Station: Texas A&M University Press, 2000).

¹⁵ Sandars classifies US overseas bases into four categories: neo-colonial bases (in the Philippines, Panama, and Guantanamo), the legacy of occupation in Asia (Japan and South Korea) and in Europe (Great Britain, West Germany, and Italy), new allies in the Mediterranean (Spain, Greece, and Turkey), and resistance (in the Middle East). He calls this network the "leasehold empire" to distinguish it from other forms of empire, notably that of Great Britain.

military bases, Sandars is primarily concerned with the negotiation procedures that reflected American strategic interests in the world. Thus, he excludes significant domestic forces like bureaucratic differences in the US government and nationalist movements within the host nations. His synthesis, thus, fails to explain the aborted base-renewal between the United States and the Philippines in 1991, which came as a surprise to most of experts.¹⁶

Unlike Sandars' grand synthesis, Sarantakes' study focuses on one region, Okinawa, Japan. He closely examines the causes of drastic US policy changes regarding Okinawa in two postwar occasions, the decisions to keep Okinawa under American control in 1951, when the US occupation of Japan ended, and the decision to return Okinawa's sovereignty to Japan in 1975. He argues that US overseas commitments limited the range of available options to policymakers in Washington. Both Sandars and Sarantakes represent the traditional "top-down" approach to the study of the US military bases.

These traditional diplomatic historians and most political scientists dealing with overseas military bases have overlooked the significance of the social and cultural implications which often facilitate or worsen US relations with host countries. It goes without saying that overseas American military bases display the military strength of the United States, its strategic interests, and its superpower status. At the same time, however, the bases are living quarters for Americans where they inevitably engage in interactions with local people. As political scientist Cynthia Enloe aptly points out, a military base is more than a symbol of military strategy. While it exists to execute military policies, a base is a "peculiar social creature, a web of human relationships—generally of *unequal* relationships" between the ones living inside and those outside.¹⁷ In her

¹⁶ The Philippine Senate voted against the lease renewal by 5 to 4 in 1991, facing a strong nationalist movement at home.

¹⁷ Cynthia Enloe, "A Feminist Perspective on Foreign Military Bases," in *The Sun Never Sets...: Confronting the Network of Foreign US Military Bases*, eds., Joseph Gerson and Bruce Richard (Boston: South End Press, 1991), 95.

study of the American occupation of Germany, Maria Höhn observes that American foreign policy and the “institution of occupation” were transformed by the “more mundane problems of social control and organizational capability.”¹⁸ Christopher Endy’s study of American tourists in Europe also reveals that studying the conduct of Americans abroad is an effective way to understand the society from which they come, especially the way in which the society prepares them for interacting with other peoples.¹⁹ Therefore, the examination of the issues surrounding American military bases will demonstrate the ways in which American military forces and Koreans understand and interact with each other as well as help understand American and Korean society during that particular time period. This study does not deny the significance of Cold War military tension in defining US-Korean relations. Rather, it seeks to demonstrate the importance of social and cultural interactions in the shift in the relationship between the two countries.

The growing influence of the cultural approach in the field of US foreign relations has incorporated new analytical tools (race, class, gender, and sexuality), broadened “acceptable” evidence (films, musicals, tour guide books, novels, and middle-brow magazines), and expanded proper actors of international relations (artists, writers, tourists, prostitutes, and NGOs).²⁰ With

¹⁸ Maria Höhn, *GIs and Fräuleins: The German-American Encounters in 1950s West Germany* (Chapel Hill: University of North Carolina Press, 2002).

¹⁹ Christopher Endy, *Cold War Holidays: American Tourism in France* (Chapel Hill: University of North Carolina Press, 2004).

²⁰ For race and US foreign policy, see Marc Galluchio, *The African American Encounter with Japan and China: Black Internationalism in Asia, 1895-1945* (Chapel Hill: University of North Carolina Press, 2000), Thomas Borstlemann, *The Cold War and the Color Line: American Race Relations in the Global Arena* (Cambridge: Harvard University Press, 2001), Mary Dudziak, *Cold War Civil Rights: Race and the Image of American Democracy* (Princeton: Princeton University Press, 2000). Akira Iriye, *Cultural Internationalism and World Order* (Baltimore: Johns Hopkins University Press, 1997). Though Iriye argues the centrality of new actors in the study of the foreign relations, namely, individuals and groups of people working in cross-national activities outside of governments, he points out the downsides of the internationalism, the spread of Western ideologies of racial separation.

For an earlier study of the race and US foreign relations, see John W. Dower, *War without Mercy: Race and Power in the Pacific War* (New York: Pantheon Books, 1986) and Michael H. Hunt, *Ideology and US Foreign Policy* (New Haven: Yale University Press, 1987). For gender and US Foreign Policy, see Frank Costigliola, “Unceasing

her path-breaking 1982 book, *Spreading the American Dream: American Economic and Cultural Expansion, 1890-1945*, and more recently, *Financial Missionaries to the World: The Politics and Culture of Dollar Diplomacy, 1900-1930*, Emily S. Rosenberg masterfully demonstrates how the theoretical development made by cultural studies advances understanding of US foreign relations.²¹ This “cultural turn” not only challenges the way traditional diplomatic historians select primary sources, but also allows them to advance different interpretations of old issues. Even the most obvious physical representation of “high politics,” the overseas military presence of the United States, began to be scrutinized from cultural perspectives.

The cultural turn can be seen in three recent studies of the US occupation in Germany. John Willoughby looks at the development of intimate relations between American occupiers and German women regardless of the Army’s fraternization ban in the immediate aftermath of Word War II.²² The Army eventually lifted this ineffective policy as the United States decided to accept Germany as its junior partner. Thus, he emphasizes that even before a detailed policy as to how to accept Germany was clearly devised, the American soldiers and their German women eased the tensions between former enemies by developing intimate relations.

Pressure for Penetration’: Gender, Pathology, and Emotion in George Kennan’s Formation of the Col War,” *Journal of American History* 83 (March 1997): 1309-39. Kristine L. Hoganson, *Fighting for American Manhood: How Gender Politics Provoked the Spanish-American and Philippine-American Wars* (New Haven: Yale University Press, 1998).

For examples of the use of popular culture as critical evidence, see Christina Klein, *Cold War Orientalism: Asia in the Middlebrow Imagination, 1945-1961* (Berkeley: University of California Press, 2003).

For new actors in the foreign relations, see Akira Iriye, *Global Community: The Role of International Organizations in the Making of the Contemporary World* (Berkeley: University of California Press, 2002) and Akira Iriye, “The Century of NGO,” *Diplomatic History* 23.3 (Summer, 1999): 421-435; for the middle class American tourists as significant actors, see Christopher Endy, *Cold War Holidays*, for prostitutes, see Katherine H. S. Moon, *Sex Among Allies Military Prostitution in US-Korea Relations* (New York: Columbia University Press, 1997).

For a brief review of recent works on the cultural aspects of US foreign relations, see Robert Griffith, “The Cultural Turn in Cold War Studies,” *Reviews in American History* 29.1 (2001): 150-157; for the general overview of the new development in the field of the diplomatic history, see Michael J. Hogan, “SHAFR Presidential Address: The ‘Next Big Thing’: The Future of Diplomatic History in a Global Age,” *Diplomatic History* 28.1 (January 2004): 1-21.

²¹ Emily S. Rosenberg, *Spreading the American Dream: American Economic and Cultural Expansion, 1890-1945* (New York: Hill and Wang, 1982) and *Financial Missionaries to the World: The Politics and Culture of Dollar Diplomacy, 1900-1930* (Cambridge: Harvard University Press, 1999).

²² John Willoughby, *Remaking the Conquering Heroes: The Social and Geopolitical Impact of the Post-war American Occupation of Germany* (New York: Palgrave, 2001).

While Willoughby shows how the development of romantic relationships between German women and American soldiers affected Army policy, Petra Goedde highlights how personal interaction between GIs and German civilians turned abstract postwar policy into tangible, practical human relations.²³ She argues that the GI's personal exposure to the harsh material conditions of Germany and their encounters with German civilians—mostly women and children—changed the American attitude toward Germans from those who were collectively guilty of starting the war to the victims of their leader's war. Reciprocally, GI philanthropic activities and generosity eroded German reservations about former enemy forces. These positive person-to-person interactions, according to Goedda, preceded the American policy shift and prepared the American public to accept massive US economic aid to the former enemy.

While Goedde emphasizes how American attitudes toward postwar Germany changed as a result of GI's personal encounters with war-torn Germany, Maria Höhn focuses on the other side of the coin.²⁴ She investigates how Germans understood American postwar policy—especially the meaning of democracy— through their observation of GIs. She demonstrates how these American ideas and products were accepted and rejected, eventually to the point of escalating serious generational tensions between conservative elders and “Americanizing” youth. American soldiers became pivotal in the tensions. Young Germans, in particular, learned what it meant to have a better life by looking at the healthier and well-fed, well-clad American soldiers with abundant consumer goods. All three authors put the individual GIs and German civilians and their understanding of each other at the center of their

²³ Petra Goedde, *GIs and Germans: Culture, Gender and Foreign Relations, 1945-1949*. (New Haven: Yale University Press, 2003).

²⁴ Maria Höhn, *GIs and Fräuleinss: The German-American Encounter in 1950s West Germany* (Chapel Hill: University of North Carolina Press, 2002).

monographs, especially between German women and American men.²⁵ Varying in emphasis, they demonstrate how the study of individuals helps understand a dramatic policy change and how the American public showed curiously little resistance to the embrace of West Germany as a Cold War ally and an American partner.

The liaisons between GIs and women of the host countries do not always receive the same kind of respect, nor do they always lead to positive relations between the two countries. While the relations between German women and American soldiers helped bond the archenemies into a Cold War partner, in Korea the liaisons were sources of friction rather than friendship. In her pioneering study of the controlled relations between GIs and the Korean prostitutes of “camptown,” in the early 1970s, Katherine H. S. Moon reveals the ways in which underprivileged Korean women were exploited through agreements between the Korean government and US military authorities.²⁶ In her *Sex among Allies*, the only comprehensive English monograph on the subject of US military bases in Korea, she questions how a governmental level decision could affect the lives of specific groups of people, in her case, Korean prostitutes earning their livings by serving GIs. Employing feminist theory, she demonstrates how the sense of masculinity dominated Korean and American policy makers in this particular case as they cooperated to devise regulations for Korean prostitutes to protect American soldiers and, thus, to secure Korean-American relations. The unequal relationships between Korean prostitutes and American GIs are one of the extreme examples of disparity of power between women and men of different races, classes, and nationalities.²⁷

²⁵ German brides were only second in number to British to come to the US to be reunited with their husbands. By 1950, 14,175 German “war brides” had arrived in the United States.

²⁶ Katherine H. S. Moon, *Ibid.*

²⁷ Ji-yeon Yuh traces the lives of Korean brides of American soldiers who finally made their journey to the United States in her *Beyond the Shadow of Camptown: Korean Military Brides in America* (New York: New York University Press, 2002). According to her, as a result of such a liaison, nearly a hundred thousand Korean women immigrated to the United States between 1950 and 1989.

This relationship, however, does not represent all human interactions occurring around the military bases. In camp-towns as well as in the bases and at the negotiation tables, various interactions have developed between various members of the two countries. Government officials on both sides are primarily the ones who worked to develop the framework of the bilateral relations in multilateral frameworks. These people are the focus of traditional diplomatic historians in their studies of US-Korean relations.²⁸ More Koreans, however, have interacted with Americans on a daily basis. For one thing, the American military was one of the largest employers of Korean laborers in the 1950s and 1960s. For another, to facilitate relations with Koreans, the military forces encouraged GI's participation in voluntary charity activities. Finally, Korean-owned shops, bars, and restaurants sprang up next to US military compounds around the country. Here Koreans providing a range of services directly relied for their living on GI spending. The experiences of Koreans and Americans at this level often became the facilitators as well as the stumbling blocks of Korean-American relations. The accumulated experiences of negative interactions became one of the forces that pushed Koreans to demand a new status of forces agreement with the United States from the late 1950s onward.

By focusing on the forces behind the making of the long-awaited ROK-US SOFA, this dissertation argues that various groups—Korean employees of the USFK, anti-government activists, newspapers, and GIs— as well as conflicts between the US State Department and the Defense Department played critical roles in shaping US-Korean relations. By integrating individual experiences at ground level with national and international policy concerns, this dissertation hopes to expand understanding of the cultural and social ramification of the deployment of US troops abroad. Close examination of the process of the making of the first

²⁸ For example, see Yong-pyo Hong, *State Security and Regime Security: President Sygman Rhee and the Insecurity Dilemma in South Korea, 1953-60* (New York: St. Martin's Press, 2000).

status of forces agreement between the Republic of Korea and the United States, furthermore, sheds light on the social interactions between GIs and Koreans and explores the ways in which these interactions related to the larger political context of one of the hottest areas of the Cold War.

CHAPTER ONE

THE FIRST US OCCUPATION OF KOREA AND ITS AFTERMATH, 1945-1950: A DIFFICULT BEGINNING

The unfolding events in Asia and the Pacific in August 1945 were regional and global in nature. The world saw the destructive power of atomic weapons on the 6th and 9th as two bombs claimed 140,000 lives in Japan. On the 8th, the Soviet Red Army invaded Manchuria to drive out the nine Japanese Army divisions concentrated there. The four major powers of the Asian-Pacific region—China, the Union of Soviet Socialist Republics (USSR), Japan, and the United States—finally met face-to-face. Japan moved quickly to finish the war on its enemies' terms. On the 15th, the Japanese emperor announced to his people Japan's surrender, thus bringing an end the most devastating war in human history.¹

For the people who had been subject to the Empire of the Sun, Japan's surrender meant more than the end of a world war; it also meant liberation from Japan's colonial rule. Koreans, ruled by Japan since 1910, had every reason to celebrate the war's end with great expectations for a new life. For them August 1945 was a time of hope and exuberance.

Japan's surrender, however, did not immediately liberate Koreans. Korea was abruptly freed as a result of the allies' victory over Japan, not as a result of Koreans' own efforts. Moreover, before any Korean knew about it, the United States and the Soviet Union had made a

¹ For the movement of Soviet troops in August 1945 in Manchuria and Korea as well as US and Soviet interest in the region, see William Stueck, *Rethinking the Korean War: A New Diplomatic and Strategic History* (Princeton: Princeton University Press, 2002), 11-25.

critical decision for the future of the peninsula: a divided occupation along the 38th parallel. The United States would govern south of the parallel and the Soviet Union north. From the moment of liberation from Japan, the future of Korea was entangled in the dynamics of superpower relations. As the relationship between the United States and the Soviet Union became an inevitable part of Korea's destiny, the future of Korea became a global issue.

During the three years of divided occupation, the United States and the Soviet Union made several futile attempts to unify the two zones into one. In the end, both calculated that it would serve their best interest to have a friendly Korean government at least in one zone, instead of having a unified, potentially hostile Korean government. On August 15th, 1948, the Republic of Korea (ROK or South Korea), headed by Syngman Rhee, was established in the American zone. Three weeks later, Kim Il-sung proclaimed the Democratic People's Republic of Korea (DPRK or North Korea) in the Soviet zone. By the end of June 1949, the two occupiers had completed withdrawal of their forces from the peninsula.

Koreans at first had welcomed the Americans as liberators. On September 9, 1945, when the first group of the 25,000-strong 24th Corps of the Tenth US Army landed at Inch'ŏn, thousands of Koreans came out to celebrate.² Koreans showed less suspicion toward entering Americans than did people in countries formerly colonized by European powers because Koreans had never been subjugated by a Western country, and the allies had defeated the most hated enemy of Korea. However, during the three years of US occupation, the initial enthusiasm of Koreans dissipated. Koreans had to ask themselves what Americans intended to achieve by a

² When the first element of the US Army XVI Corps arrived in Korea, many Koreans came out to welcome the American forces, only to find that the Japanese police were there to disperse them. During the confrontation, police killed two and injured a dozen Koreans. For this, see Yi Wan-pum, "haepangchikhu kuknaechŏngch'iseryŏkkwa mikukū kwangae, 1945-1948 [The relations between the USAMGIK and Korean political groups, 1945-1948]," in *haepangchŏnhusaui chaeinsik (chaeinsik)* [The New Interpretation of Korean History between Liberation and the Korean War], eds., Park Chi-hyang, et al. (Seoul: Ch'aeksesang, 2006), 77.

divided occupation, how far they would go to help establish a democratic government, and, of course, how much Koreans could gain from relations with the United States. For many Koreans, the idea that this powerful nation would leave Korea alone after a temporary occupation became unimaginable, especially after the United States and the Soviet Union announced the possibility of a trusteeship on the country in December 1945.³ Some Koreans came to fear that US soldiers were merely replacing Japanese colonizers. Some Koreans showed ambivalent attitudes toward the American military presence there. Korean conservatives, who had prospered under Japanese authority and initially embraced the American presence, often developed resentment over the social and cultural implications of the American troop presence.⁴

Moreover, Koreans became puzzled with their everyday interactions with Americans. Why did these rich people steal things from Koreans? Why did some “liberators” kill Koreans randomly? Why did they not even express proper condolences to the victims of their reckless driving? Why would Americans “indecently” whistle at Korean women?⁵

Americans, however, did not have to answer these questions. The privileged occupiers were not subject to the customs and traditions of the nations they occupied. This legal privilege for Americans reflected the unequal power relations between the occupier and the occupied; and

³ Commander of the US occupation forces in Korea Lieutenant General John R. Hodge called it a “natural antipathy of Koreans against any outside control,” in “Hodge to MacArthur,” 28 October 1946, *Foreign Relations of the United States*, (FRUS), 1946, VIII, 751.

⁴ “Memorandum by Lieutenant General John R. Hodge to General of the Army Douglas MacArthur at Tokyo,” 24 September 1945, FRUS, 1945, VI, 1054-1055; “Current Trends in Korea,” 19 August 1946, Box 249, Record Group (RG) 165: Records of the War Department General and Special Staffs, National Archives and Records Administration, College Park, MD (NARA II).

⁵ For example, on 31 December 1946, Pfc. Noah A. Hurd hit and shot a Korean man with a carbine, and on 17 August 1947, Sergeant Luther P. Roberts stole roughly \$15 from a Korea man, “G2 Weekly Summary,” Box 24, RG 554: Records of General Headquarters, Far East Command, Supreme Commander Allied Powers, and United Nations Command, NARA II; on 22 March 1947, an American truck hit and accidentally killed a Korean boy in Chŏnju, “Suggestions and complaints from MG officers in the Provinces,” Box 34, RG 554, NARA II.

the privilege continued as their withdrawal progressed in 1948, and even later, when 500 US military advisors and their dependents stayed on.⁶

This chapter focuses on the encounters between Americans and Koreans during the three years of US occupation from 1945 through 1948 and its aftermath. Rapidly developing tension between the United States and the Soviet Union, as well as ferocious political struggles within Korea, marked the tumultuous period. By exploring the interactions and missed opportunities of American occupiers and Korean politicians, as well as the relations of American soldiers and the Korean people, this chapter argues that many of the post-armistice struggles between the Korean and American governments and between GIs and Koreans were rooted in the occupation experience. These years were marked and marred by cultural misunderstandings and language barriers between the two peoples, political and economic struggles in post-colonial Korea under the division of the country, and devastated material conditions. Some of these issues came back later with the returning of American soldiers through the Korean War. The experience in these years is in many ways a prelude to the difficulties the two governments would face in negotiating a status of forces agreement (SOFA) later on.

US-Korean Relations Prior to 1945

Americans did not enter Korea in September 1945 with a blank slate. They had had contact with the peninsula, if limited and sporadic, since the 1860s. Since 1871, when the first major US-Korean military conflict occurred on the west coast of the peninsula as an expansionist

⁶ “Executive Agreement between the President of the ROK and the Commanding General, United States Army Forces in Korea, Concerning Interim Military and Security Matters during the Transitional Period,” 24 August 1948, Treaties and Other International Agreements (TIAS) no. 1918, *US Statutes at Large (Stat)*, vol. 62, pt. 3, 3817-3821; “Agreement between the Government of the United States and the Government of the Republic of Korea,” 26 January 1950, TIAS no. 2436, *US Treaties and Other International Agreements (UST)*, vol. 3, pt. 2, 2696-2704. This agreement came into force on 26 January 1950 and was operative retroactively from 1 July 1949.

nation tried to bring down the resistance of the “Hermit Kingdom” to outside penetration, American views of Koreans had not much changed. As historian Gordon Chang has noted, these attitudes combined Western racism, a sense of spreading “civilization,” and the nineteenth century brand of manifest destiny that promoted the open-door policy, missionary zeal, and adventurism in Asia.⁷

After years of off-and-on effort, in 1882, the United States became the first non-Asian country to open diplomatic relations with Korea.⁸ Subsequently, hundreds of American government officers, missionaries, businessmen, and adventurers entered the country. Some Americans, notably medical doctor and missionary Horace N. Allen, rose to positions of influence in the Korean court of King Kojong.⁹ Some American businesses earned favorable concessions from the king. James R. Morse’s Oriental Mining Company secured the best gold mines in the country, the Standard Oil Company monopolized kerosene for lamps, and other American companies signed contracts to build the first rail and trolley lines as well as telephone networks in the capital city of Seoul.¹⁰

After the establishment of official relations, the State Department received a steady stream of reporting from the peninsula before it withdrew its legation from Seoul. In 1883, Lucius H. Foote, the first US minister to Korea, wrote that the Korean government “had little

⁷ Gordon Chang, “Whose ‘barbarism’? whose ‘treachery’? Race and Civilization in the Unknown United States-Korea War of 1871,” *The Journal of American History*, 89.4 (March 2003), 1331-1365.

⁸ The Treaty of Peace, Amity and Commerce (or The Treaty of Chemulp’o), 22 May 1882. The US government had two practical motives for opening the treaty with Korea, first to improve the treatment of shipwrecked sailors on the Korean coast, second, to open trade. However, the volume of US trade with Korea was negligible. Between 1884 and 1904, the annual average of Korean share of American trade was a little over \$2,000,000, which was less than one-hundredth of one percent of total US foreign trade. For this, see John Chay, “The First Three Decades of American-Korean Relations, 1882-1910: Reassessments and Reflections,” in *US-Korean Relations, 1882-1982*, ed. Tae-Hwan Kwak (Seoul: Kyungnam University Press, 1982), 20-23; 30.

⁹ For more on this interesting figure, see Fred Harvey Harrington, *God, Mammon and the Japanese: Dr. Horace N. Allen and Korean-American Relations, 1884-1905* (Madison: University of Wisconsin Press, 1944).

¹⁰ Bruce Cumings, *Korea’s Place in the Sun: A Modern History* (New York: W.W. Norton, 1997), 125-126; For business enterprises in Korea, see Horace N. Allen, *Things Korea: A Collection of Sketches and Anecdotes Missionary and Diplomatic* (New York: Fleming H. Revell Company, 1975), 215-222; 231-236.

real strength” and that years of subservience to “China and Japan had created a degree of timidity.”¹¹ In November 1892, another US minister to Korea, Augustine Heard, wrote to the secretary of state about the rampant corruption of Korean officials. Korea’s “treasury was empty, and officials, being unpaid, are obliged to resort to every expedient to meet their own necessities Offices are sold to the highest bidder, who is soon turned out to make way for a new purchaser. Irregularity or extortion in high places is unpunished.”¹² Aware of Japan’s growing power in Asia, soon-to-be president Theodore Roosevelt wrote in 1900 that the rapidly modernizing Japan “deserved [to] have Korea.”¹³

The few Americans with experience in Korea often shared their negative perceptions of Koreans with their countrymen through lectures, religious journals, and at times mass circulation publications. Commenting on Japan’s colonization of Korea, Horace N. Allen, a doctor, missionary, and diplomat who had sought US influence to prevent Korea from becoming Japan’s protectorate in 1903, later wrote that “the United States would be making a big mistake if it allowed sentimental reasons to induce it to attempt to bolster up Korea in its independence.”¹⁴ In 1905, speaking of the corruption and cruelty of Korean government officials, George Kennan, a journalist who traveled to Korea, suggested that “a hundred intellectual samurai policemen and twelve or fifteen police inspectors” be brought over from Japan to cure the Korean problem.¹⁵

¹¹ “Foote to Freylinghuysen,” 26 May 1883, in *Korean-American Relations: Documents Pertaining to the Far Eastern Diplomacy of the United States, vol. I: The Initial Period, 1883-1886*, eds. George M. McCune and John A. Harrison (Berkeley: University of California Press, 1951), 5.

¹² “Heard to the Secretary of State,” 10 November 1892, in *Korean-American Relations: Documents Pertaining to the Far Eastern Diplomacy of the United States, vol. II: The Period of Growing Influence, 1887-1895*, ed. Spencer J. Plamer (Berkeley: University of California Press, 1963), 303-305.

¹³ “Theodore Roosevelt to Hermann Speck Von Sternberg,” 28 August 1900, in *The Letters of Theodore Roosevelt*, vol. II, ed. Elting E. Morison (Cambridge: Harvard University Press, 1951), 1394.

¹⁴ “Allen to William Woodville Rockhill,” 4 January 1904, Rockhill Papers cited in Raymond A. Esthus, *Theodore Roosevelt and Japan* (Seattle: University of Washington Press, 1966), 98.

¹⁵ George Kennan, “The Korean People: The Product of a Decayed Civilization,” *Outlook*, 21 December 1905.

Horace G. Underwood, a third-generation Presbyterian missionary who was critical of the “harsh reality” of Japanese colonial rule of Korea, later recalled that the “dissolution of the old establishment of Chosŏn (Korea)” was the “only,” but “real benefit the Japanese gave to Korea,” because he believed this change enabled the “fantastic social mobility” of the postwar years.¹⁶

Japan’s protectorate over Korea in 1905 and colonization of the country in 1910 seemed only to prove the Korean incompetence perceived by many American observers. For instance, Allen blamed Koreans for Japan’s takeover of the country. He wrote, “The Koreans are reaping the harvest of their own sowing Instead of heeding good advice ... they played at all manner of silly pastimes.”¹⁷

The US government did not hesitate to end its official relations with Korea in 1905 when Japan made Korea its protectorate. The United States became the first country to withdraw its legation from Seoul. By 1910, the only US investment left in Korea was the mines; all the others had been sold to the Japanese.¹⁸ Dozens of American missionaries and their families and some businessmen stayed behind, but all of them were eventually evacuated after the Pearl Harbor attack of December 1941 and the US declaration of war against Japan.¹⁹

During the thirty-five years of Japan’s control, Americans found little evidence to challenge their perceptions. Koreans failed to organize a unified independence movement. The longer colonial rule lasted, the more difficult it became to sustain strong anti-Japanese movements within Korea. In March 1919, Koreans launched the last mass uprising against Japanese colonialism. The March First Independence Movement, as it was later called, induced

¹⁶ Horace G. Underwood, *Korea in War, Revolution and Peace: The Recollections of Horace G. Underwood* (Seoul: Yonsei University Press, 2001), 67.

¹⁷ Allen, 249.

¹⁸ Chay, 29-30.

¹⁹ One of the last Americans left in Korea at the time of the Pearl Harbor, Presbyterian missionary-educator Horace G. Underwood remembered being sent to a foreigner’s (allies’ citizens’) internment camp the day after the Pearl Harbor attack. Six months later, they were finally evacuated. Underwood, 83.

massive Korean participation: at least half a million Koreans participated in demonstrations during March and April. The Japanese response was quick and brutal. According to the official Japanese count, 553 Koreans were killed and over 1,200 arrested. Korean nationalist sources, on the other hand, reported 7,500 killed and 45,000 arrested.²⁰ This movement helped Koreans to voice their resentment of colonial rule, but the Japanese reaction severely damaged the prospect of a viable anti-Japanese front. Many leaders of the movement went underground or were driven out of the country. Instead of subjecting the Korean people to more death and destruction through guerilla warfare against Japan, the remaining Korean leaders, including Cho Pyŏng-ok, Chang T'aek-sang, and Cho Man-sik shifted their focus to passive resistance through education.²¹

Korean exiles in China managed to establish the Korean Provisional Government (KPG) in Shanghai immediately after the March First Movement.²² Through their alliance with the Chinese Nationalists, the KPG tried to obtain international recognition as the only legitimate government of Korea. However, the KPG was not the only organization making such a claim. In Vladivostok, Sin Ch'ae-ho established a separate provisional government in 1923, advocating armed struggle against the Japanese and seeking international recognition. Neither of the provisional governments achieved international recognition.²³

Upon witnessing the consequences of direct confrontation with Japan in Korea, independence leaders in exile such as Syngman Rhee focused their effort on the diplomatic approach. In the 1890s, as a leader of the Independence Club, Rhee had suffered torture and

²⁰ Cumings, 155; Ki-back Lee, *A New History of Korea*, trans. Edward W. Wagner (Cambridge: Harvard University Press, 1984), 344; Henry Chung, *The Case of Korea* (New York: Flemming H. Revell Company, 1921), 346.

²¹ Explaining the choices made by Korean intellectuals, historian Allan Millett wrote, "No Mao Zedong emerged from their polished, affluent, and educated ranks." See, Allan R. Millett, *The War for Korea, 1945-1950: A House Burning* (Lawrence: University of Kansa Press, 2005), 29.

²² Ki-back Lee, 344-345.

²³ Cumings, 156; Stueck, 19; Park Myŏng-lim, *Han'guk chŏnajaeng ūi palpal kwa kiwŏn II* [The Korean War: The Outbreak and Its Origins], vol. II (Seoul: Nanam ch'ulpansa, 1997), 44.

imprisonment. Exiled to the United States, he completed his formal education and became the first Korean to earn a doctorate from an American university. Moving to Hawaii, he tried to mobilize Korean exiles and immigrants and worked hard to attract Washington's attention to the cause of Korean independence.²⁴ But, Rhee had little success. In fact, he became infamous among the officials of the State Department who generally regarded him as a "nuisance." Niles Bond recalled that Rhee was known for grabbing anyone whom he thought might be helpful to the cause of Korean independence.²⁵

In addition to being geographically dispersed, the independence movement suffered from growing divergence along ideological lines. The major split was between nationalists and leftists. The nationalists, or rightists, were divided into two groups, Christian conservatives like Cho Man-sik who chose passive resistance within Korea, and secular nationalists in exile such as Kim Ku who advocated continuation of violent resistance. Among the leftists, the division was between those who aligned themselves with Stalinist Pak Hŏn-yŏng and Maoist Kim Du-bong.²⁶ In Hawaii, Koreans were divided into two groups, each following a different leader. Followers of Rhee advocated a diplomatic approach, yet others sought a military approach and began to form their own organizations, churches, and newspapers.²⁷

In 1927, nationalist and Communist forces inside Korea came together for a unified, nationwide enlightenment movement through the establishment of the *Sin 'ganhoe* (New Shoot Society). Instead of directly confronting Japan, they advocated the long-term goal of promoting political awareness among the Korean people through studying the Korean language and

²⁴ Wayne Patterson, *The Ilse: First Generation Korean Immigrants in Hawaii, 1903-1973* (Honolulu: University of Hawaii Press, 2000), 101.

²⁵ Niles Bond, *National Security Archives Oral Interview Projects, Cold War Episode 5: Korea*, 2 February 1997, <http://www.gwu.edu/~nsarchiv/coldwar/interviews/episode-5/bond1.html> (accessed 15 December 2005).

²⁶ Cumings, 158-59; Millett, 25-26.

²⁷ Patterson, 101-102. In 1905 there were about 7,000 Korean residents in Hawaii.

demanding wider political freedom. At its peak, it attracted some 30,000 members in 138 branches nationwide.²⁸ Although the Japanese authorities initially recognized the *Sin'ganhoe*, they soon changed this policy when many of its members participated in and expressed their sympathy for the Kwangju students who staged anti-Japanese protests in June 1929. The authorities arrested many of its members. By 1931, severely damaged, the *Sin'ganhoe* was dissolved; there remained no viable national organization that tied the left and right together.²⁹ In addition to breaking down the last effort to bring in leftists and rightists together, the crackdown on the *Sin'ganhoe* and ensuing stricter surveillance by the Japanese authorities further discouraged a cohesive and well-organized independence movement and prevented the KPG from building support within Korea.³⁰

While there were few viably organized or unified anti-Japanese movements in Korea, Japan's control over the northern border of the Korean peninsula—a hotbed of Korean guerilla activities and home to a million Korean residents—intensified as Japan prepared to conquer China. For example, in October 1921, Japanese forces ransacked several Korean villages in Manchuria and killed some three thousand villagers.³¹ In 1931 Japan finally invaded and annexed Manchuria and eventually started the Pacific War. Japan's aggressive incursions into Asia and the weak and divided Koreans seriously undermined any prospect for a successful independence movement.

Japan's attack on the Pearl Harbor and the US declaration of war against Japan brought Korea to US policy makers' attention. During World War II, the State Department began to devise a plan for post-war Korea reflecting the consensus about Koreans in Washington; that is,

²⁸ Millett, 35; Cumings, 156.

²⁹ Ki-back Lee, 362.

³⁰ Stueck, 19.

³¹ This incident is remembered as the Quingtao atrocity, Millett, 29.

Koreans needed substantial outside tutelage before being saddled with governing themselves lest the country again be a source of regional instability.³²

The Divided Occupation and Its Impact on South Korea

After 1943, when the Red Army successfully halted the German onslaught at Stalingrad, the allies began to devise postwar plans. At Teheran, Yalta, and Potsdam, British Prime Minister Winston Churchill, Soviet Premier Josef Stalin, Chinese President Jiang Jieshi, and US President Franklin D. Roosevelt (later his successor Harry S. Truman) met and discussed the future of the world. The allies agreed that they wanted a peaceful postwar world, but they differed as to what constituted a desirable world order. The future of Japan and its colonies was discussed in this ambiguous context. In December 1943, the allies agreed that Japan's colonies would be free. This included the statement that "in due course Korea shall become free and independent."³³ Nobody knew exactly what "in due course" meant.

In 1944, the State Department began to prepare a post-war plan for Korea. Recounting the history of the late Chosŏn dynasty, the study concluded that Koreans were not prepared for immediate self-governance. The report noted that the Japanese colonial system was designed to make Koreans loyal second-class citizens of Japan, and thus deprived Koreans of proper education and Korean identity.³⁴ Early in 1944, the State Department's Inter-Divisional Area Committee on the Far East produced three papers defining concrete policy aims for Korea. The first paper emphasized the negligible experience of Koreans in administrative work due to Japanese discriminatory policies; the second recommended four-power occupation—the United States, Great Britain, China, and the Soviet Union; the third suggested utilizing Japanese

³² "Memorandum of Conversation, by the Secretary of State," 27 March 1943, *FRUS*, 1943, III, 37.

³³ "Cairo Declaration" *Department of State Bulletin*, IX (4 December, 1943), 393.

³⁴ Stueck, 18-20.

technicians to maintain industrial operations in Korea to cope with the lack of qualified Korean personnel.³⁵

Imminent Japan's surrender required Washington's quick action in regard to Korea, where a quarter million soldiers or nine divisions of the Japanese Army remained facing an advancing Soviet Red Army force.³⁶ Washington feared the pattern of Red Army's advances. As Soviet troops moved westward in Europe, they helped establish Communist governments, sometimes against the wishes of London and Washington.³⁷ In Asia, declaring war against Japan on August 8, 1945, Stalin quickly moved troops into the northeastern corner of Korea. Washington hoped to prevent Soviet dominance in Asia, but had yet not deployed its ground forces on the Asian continent. Thus, the temporary division of the Korean peninsula appeared to be a more logical solution in August 1945 than it had when President Roosevelt first came up with the idea at Yalta in February 1945.³⁸

Around midnight on August 10-11, 1945, John J. McCloy of the State-War-Navy Coordinating Committee (SWNCC) gave two colonels, Dean Rusk and Charles H. Bonesteel, thirty minutes to find a place to divide Korea.³⁹ Looking at a small *National Geographic* map, Rusk and Bonesteel chose the thirty-eighth parallel because it "would place the capital city in the American zone."⁴⁰ Besides, the practice of divided occupation by multi-national forces was already in place in Austria, Germany, and Iran. Washington proposed to Moscow a military

³⁵ "Memorandum Prepared by the Inter-Divisional Area Committee on the Far East," 29 March 1944, *FRUS*, 1944, V, 1225-1230.

³⁶ Millett, 42; Stueck, 19.

³⁷ At the Yalta Conference, President Roosevelt suggested twenty to thirty years of tutelage for Koreans. He derived the duration of the tutelage from the US colonial experience with the Philippines, where the United States ruled for half a century before granting the independence. For Washington's growing concerns about "sovietization" in Europe and in the context of the Korean decision, see Matray, *Reluctant Crusade*, 29.

³⁸ The Truman administration began to take notice on the Soviet entry into northern Korea as it saw more similarities between the events in northern Korea and eastern Europe when it was reported that the Soviet troops had started to establish a "people's committee" and had raided wealthy Korean homes and sexually assaulted local women. Matray, *Reluctant Crusade*, 51.

³⁹ Stueck 12.

⁴⁰ "Draft Memorandum to the Joint Chiefs of Staff," SWINCC 176 Series, *FRUS*, 1945, VI, 1039.

occupation of Korea divided by the thirty-eight parallel; the Soviets quickly accepted this proposal. Before “containment” became the guiding principle of US Cold War strategy, its essence was well in place regarding Korea.

This rational strategic decision, however, did not take into account the desires and hopes of the Korean people. Colonels Rusk and Bonesteel surely were unaware of the fact that the 38th parallel bisected one of the largest and oldest Korean cities, Kaesong. Nor did Washington anticipate how Koreans would interpret the critical phrase of the Cairo Declaration “in due course.”⁴¹

If the State Department postwar plan for Korea reflected decades of American perceptions of Koreans, the decision to implement this policy was made out of convenience rather than out of long deliberation. The duty of implementing the policy of occupation fell to the 24th Corps primarily because of its proximity to the Korean peninsula, 600 miles away, at the time of Japan’s surrender.⁴² This decision further complicated the nature of the Korean occupation.

The news of Japan’s surrender came as a surprise to Lieutenant General John R. Hodge, commander of the 24th Corps in Okinawa. On August 15th, after “the most difficult, the bloodiest, and the most concentrated battle of the Pacific War,” the Battle of Okinawa, the 24th Corps was recuperating to prepare for a major offensive onto the Japanese main islands. The rapid developments in the Pacific theater, however, changed the unit’s objective overnight.

⁴¹ “Cairo Declaration” *Department of State Bulletin*, IX (4 December 1943), 393; As soon as he arrived in Korea, political advisor for the commander of USAMGIK Benninghoff learned that Koreans translated “in due course” in “in few days.” “H. Merrell Benninghoff to the Secretary of State,” 15 September 1945, *FRUS*, 1945, VI, 1052.

⁴² “Brief History of the XXIV Corps” Box 45, RG 554, NARA II.

Instead of launching an all-out invasion of Japan, Hodge was ordered to take his forces to Korea.⁴³

Hodge was a war hero and the 24th Corps included many superb combatants, but they were ill-prepared for the work ahead of them. During World War II, Hodge had led troops in seventeen battles and earned recognition as the “Patton of the Pacific,” or a “soldier’s soldier,” because he shared risks and hardships with his men.⁴⁴ When he moved into the governor general’s residence in Seoul, he took several of his staff with him.⁴⁵ This superb field commander, however, was to be less successful as an administrator in newly liberated Korea. He lacked either administrative or political experience. Moreover, he had no prewar familiarity with Asia and had only one month of preparation time.

Hodge’s appointment shows the low priority given by US policy makers to Korea, second only to the Philippines in its strategic unimportance to the security of the United States.⁴⁶ Hodge had nowhere near the prestige and recognition of General Dwight Eisenhower, the Supreme Commander of the Allied Powers (SCAP) in Europe, General Douglas MacArthur, SCAP in the Pacific, or even General Mark Clark in Austria. As no powerful constituency existed in the United States for Korea, Washington had put limited thought into how to proceed to the occupation tasks there. During a month of preparation time before debarking for Korea, with no clear directives guiding administrative details, Hodge fatefully turned for help and advice to Japanese authorities. In wire communications to Hodge from Seoul, these officials emphasized the turmoil in Korea and the danger of communist revolution.⁴⁷

⁴³ Ibid.

⁴⁴ For John Hodge’s obituary, *New York Times*, 13 November 1963.

⁴⁵ Cumings, 193.

⁴⁶ “JCS to State-War-Navy Coordinating Committee (SWNCC),” 5 May 1947, *FRUS*, 1947, VI, 737-739.

⁴⁷ Before he landed in Korea, he received critical advice from Kozuki Yoshio, commander of the 17th Army of Japan in Seoul. In his letter to Hodge on September 1, the Japanese commander wrote that the most serious danger of governing Korea was Communist agitation in Seoul. He informed Hodge that the Communists might instigate

While the newly appointed commander for the US occupation forces tried to learn about the country, Koreans responded enthusiastically to the news of Japan's surrender. On August 15, Koreans poured out into the streets of Seoul to celebrate their long-awaited freedom. One Korean, then a middle school student, remembered seeing the Korean national flag for the first time in his life at a celebratory rally in the capital. He recalled:

Hundreds of people held big placards on which phrases like “Long Live the Liberation, Long Live Chosŏn,” were written. They were marching on the street just a couple of hours after the announcement of the Japanese Emperor. I couldn't believe Koreans were proudly waving the national flag. I wondered whether people had hidden the flags or if they hastily made them. I didn't care. I had been resentful of the compliance of Koreans toward the Japanese, but at that moment, I knew that deep down in their hearts, Koreans had never forgotten who they were. I was too excited to sleep for several days.⁴⁸

No longer did Koreans have to save rice for the Japanese war effort. No longer did the authorities stop Koreans from making liquor out of their crops. One newspaper reported that half of the 1945 harvest was used to make liquor or sweet cake—the party treats.⁴⁹ Feasting was the first taste of freedom.

Visible political changes seemed to follow quickly as well. Fearful of Korean retaliation against the million Japanese residing in Korea at the time, Governor General Abe Nobuyuki approached prominent Korean leaders to propose a transitional indigenous government.⁵⁰ Leftist leader Yŏ Un-hyŏng agreed to cooperate on the condition that Abe release all political prisoners,

strikes and disorder at any time. See Yi Wan-pŏm, 69; Kim Gyu-min testified that the last Japanese officials to leave were those working for the financial section. They stayed until November 1945. Han'guk chŏngsinmunhwa yŏnguwŏn, ed., *Naega kyŏkŭn kŭngukkwa kaldŭng* [Oral History Collection, vol. III: My Experiences of Korean Independence and Ensuing Conflicts] (Seoul: Dosŏchŭlpan sŭn-in, 2004), 56-57.

⁴⁸ Im Myŏng-bang, cited in Park Myŏng-lim, 161. Author's translation.

⁴⁹ *Chosŏn Ilbo*, 23 February 1946.

⁵⁰ Chŏn Sang-in, “haepang kong'ganŭi sahoesa [Political geography and social history of Korea, 1945-1950] in *chaeinsik*, eds. Park Chi-hyang, et al., vol. II, 155.

guarantee freedom of speech, and renounce interference in Yŏ's political activities. Abe conceded. On August 15, Yŏ formed the Committee for the Preparation of Korean Independence, which was changed to the Korean People's Republic (KPR) on September 6. In just two weeks after its inception, some 140 branches of the committee sprang up around the country.⁵¹ The liberation seemed to offer every possibility to many Koreans who finally saw themselves mapping their own future.

Nonetheless, immediate establishment of an independent Korean government was not the priority of the occupation commander. While US forces received Japan's surrender on September 9, and began to guide the repatriation of Japanese back to their islands, the US Army Military Government in Korea (USAMGIK) also needed to keep law and order. One of the most troubling and potentially dangerous elements in Korean society was the Communists, Hodge concluded. The emerging division among different Korean groups, the activities of the Communists as well as the presence of the left-leaning KPR in his zone seemed only to confirm the Japanese warning. In his very first report back to Washington, H. Merrell Benninghoff, the political adviser to Hodge, referring to Communist activities, wrote, "Korea is completely ripe for agitators."⁵²

General Hodge refused to recognize the legitimacy of the KPR, which had been organized before US occupation forces arrived and had attracted broad support nationwide.⁵³ Yŏ Un-hyŏng, chairman of the KPR, was a great orator, educator, and journalist. He was sympathetic to Communists but not a revolutionary like Pak Hŏn-yŏng; above all he was a patriot who had been imprisoned for three years for his anti-Japanese activities. Many Koreans supported and respected him. Although left-leaning individuals dominated the KPR, Yŏ tried to

⁵¹ Park Myŏng-lim, 39; Matray, *Reluctant Crusade*, 48.

⁵² "H. Merrell Benninghoff to the Secretary of State," 15 September 1945, *FRUS*, 1945, VI, 1050.

⁵³ Park Myŏng-lim, 39-40.

include Koreans from across the political spectrum, the only exception being those who collaborated with the Japanese. He designated rightist Syngman Rhee, who remained in exile in the United States, as the chair of the organization. For Hodge, however, there seemed no difference between a pro-Soviet communist and a socialist nationalist. His refusal to meet any of the representatives from the KPR was in compliance with the policy directives of Washington, which did not wish to recognize the governmental claims of any Korean groups, but his subsequent efforts to dismantle the KPR completely were his own choice.

Instead, Hodge found Rhee, a proven anti-Communist, a possible leader. Rhee seemed to have all the credentials the US occupation commander hoped to find in a leader of a new Korea. He had been imprisoned for his anti-Japanese activities in his early years and exiled to the United States, where he finished his formal education. In Hawaii, he made fruitless but consistent efforts to attract Washington's attention to Korean independence. At age 70 in 1945, the oldest of all the political leaders, Rhee naturally earned respect in Korea where old means wise and respectable in Confucian tradition. Despite the State Department's opposition, in October the Supreme Commander of the Allied Powers, General Douglas MacArthur, arranged an airplane to help Rhee return in hope of building a pro-American coalition.⁵⁴

Rhee soon developed a close relationship with the Korean Democratic Party, a nationalist coalition established to oppose the left leaning KPR. Its members included "limited modernizers," free-market entrepreneurs, and Japanese collaborators. Many of them were members of the colonial elite who spoke English and took advisory positions under the military government. However, they lacked anti-Japanese credentials. Some members had prospered during colonial times through their close ties with the Japanese. Despite having money and education, their legitimacy as leaders of post-colonial Korea was questioned by many. Rhee,

⁵⁴ Millet, 61-63; Cumings, 194-195.

with his untainted record as an anti-Japanese fighter and his celebrity status, could help launch the party's participation in building a new nation.⁵⁵ Rhee's return exacerbated the political struggle between the leftist and rightists in South Korea.

After Rhee's return, Hodge intensified his effort to curb leftist activities. In late November, he requested General MacArthur's approval for a "declaration of war" against the KPR. A month later, with MacArthur's consent, Hodge announced that the KPR was an illegal organization and prohibited it from engaging in any further political activities.⁵⁶ The USAMIGK blamed the KPR for instigating labor strikes and thus promoting insecurity in its zone.⁵⁷ In his report to MacArthur on February 24, 1946, Hodge called the leader of the KPR, Yŏ, a "definite Communist."⁵⁸ Major General Archibald V. Arnold, the military governor of Korea, evaluated Yŏ as "brilliant and personable, but irresolute." Many years later, missionary-educator Horace G. Underwood, who worked during the occupation for the Education Department of the USAMGIK, remembered Yŏ as "a very slippery character."⁵⁹

In early 1946, the trusteeship issue served to sharpen the divide between left and right. At the foreign ministers meeting in Moscow in December 1945, US and Soviet representatives agreed to set up a US-Soviet Joint Commission to help establish a provisional Korean government, which would assist in moving the Korean people toward full independence. The commission was also to work out an agreement for a four-power trusteeship—the United States,

⁵⁵ Millet, 47, 61.

⁵⁶ "Hodge to MacArthur," 25 November 1945, *FRUS*, 1945, VI, 1133-1134; "MacArthur to Hodge," 25 November 1945, *FRUS*, 1945, VI, 1134; *New York Times*, 20 December 1945.

⁵⁷ *New York Times*, 6 December 1945.

⁵⁸ "MacArthur to the Department of State," 24 February 1946, *FRUS*, 1946, VIII, 632.

⁵⁹ Underwood, 125. After being evacuated from Korea at US declaration of a war against Japan, Underwood returned to Korea in May 1946. However, a USAMGIK official, E. Grant Meade, judged otherwise. He argued that Hodge's "termination of [the people's] committee [of KPR] rule and the establishment of the [conservative dominated Advisory] Council ended the period of general Korean unity and opened an era of extreme confusion." Meade, 61, 159.

the Soviet Union, China, and Great Britain—for a period of up to five years.⁶⁰ Upon learning of the Moscow decision, Koreans sharply divided into pro- and anti-trusteeship groups, the leftists supporting the agreement and the rightists opposing it.⁶¹ Communist Pak Hŏn-yŏng turned from an anti-trusteeship to a pro-trusteeship position after a visit to Moscow, which deepened rightists' distrust of Communists. Prominent rightist Kim Ku launched anti-trusteeship rallies in the south, mobilizing his forces to challenge US policy.⁶² Kim-led protests included a call for a strike by Korean employees of the USAMGIK.⁶³ He also engineered the assassination of the head of the conservative Korean Democratic Party, Song Chin-u.⁶⁴

Rhee was no easier to deal with. He rejected the trusteeship plan as pro-Soviet.⁶⁵ Hodge, who had held a welcoming ceremony for the returned hero in the fall of 1945, began to understand that Rhee had no intention of becoming a cordial partner of the military government. In the summer of 1946, as the US-Soviet Joint Commission was indefinitely suspended and antagonism between the left and right in south Korea grew deeper, the State Department directed Hodge to seek a coalition of Korean moderates.⁶⁶ Major General A.V. Arnold of the USAMGIK, in charge of building the coalition, explained that he had excluded Rhee from the leadership position because of his “completely self-seeking” personality.⁶⁷ By the end of 1946, the commanding general thought Rhee a “nuisance ... want[ing] everything done his own

⁶⁰ Gregory Henderson, *Korea: The Politics of Vortex* (Cambridge: Harvard University Press, 1968), 131.

⁶¹ Sang-Yong Choi, “Trusteeship Debate and the Korean War,” in *Korea Under the American Military Government, 1945-1948*, ed. Bonnie B.C. Oh (Westpoint: Praeger, 2002), 13-40; Communist Pak Hŏn-yŏng turned from an anti-trusteeship to a pro-trusteeship position after his visit to Moscow, which deepened rightists' distrusts of Communists.

⁶² “Memorandum of Conversation with Major General A.V. Arnold,” 9 October 1946, *FRUS*, 1946, VIII, 743.

Kim Ku, the leader of the KPG and well-know patriot, aligned himself with China's Chang Kai-shek and exiled in China since 1919. He returned to Korea in November 1945. At first, the USAMIGK hoped to have him help settle Korean politics, but soon found out they were wrong.

⁶³ Cumings, 197; Millet stated that Kim Ku became Hodge's the most untrustworthy politician, Millet, 70.

⁶⁴ Choi, 16-17.

⁶⁵ Millet, 113.

⁶⁶ “SWNCC Policy for Korea,” *FRUS*, 1946, VIII, 693-699; “The Political Advisor in Korea (William R. Langdon) to the Secretary of State,” 8 May 1946, *FRUS*, 1946, VIII, 667-668.

⁶⁷ “Memorandum of Conversation with Major General A.V. Arnold,” 9 October 1946, *FRUS*, 1946, VIII, 743.

impractical way.”⁶⁸ During the next year, Hodge’s political advisor advised him to reject Rhee as a potential leader of Korea and Hodge even personally warned Rhee not to threaten him or other “reasonable Korean rightist political groups.”⁶⁹

The antagonism between left and right in south Korea did not allow much space for a moderate coalition to succeed.⁷⁰ Moreover, as the US and Soviet representatives of the Joint Commission found little common ground and the relationship between the two deteriorated in 1947, the possibility of building a unified Korea through compromise turned bleak. In addition, pressure from Congress and the public for rapid demobilization compelled Washington to search for an alternative to a continued Korean occupation.

The US Department of the Army, in particular, was eager to withdraw from Korea. Troops stationed abroad and their families criticized the War Department for its slow process of demobilization. In January 1947, a protest rally advocating swift demobilization attracted over 20,000 soldiers in Manila alone. They called for a congressional investigation of the army’s demobilization process and organized a letter-writing drive. An estimated 18,000 messages were signed and sent to congressmen and the president. Hundreds more such telegrams were sent by individual servicemen. The soldiers in Manila even collected \$800 to run a full-page advertisement in the *New York Times*. The Republican majority in both the House of Representatives and the Senate after the 1946 election did not support an extended troop presence abroad either.⁷¹ In the summer of 1947, Congress cut \$45 million from proposed Korean relief funds for fiscal year 1948 and also cut more than 70,000 officers and civilian

⁶⁸ “Hodge to the Secretary of State,” 31 December 1946, *FRUS*, 1946, VIII, 785-786.

⁶⁹ “The Secretary of State to Lit. Gen. Hodge,” 21 May 1947, *FRUS*, 1947, VI, 647-648; “Hodge to the Secretary of State,” 2 December 1947, *FRUS*, 1947, VI, 866.

⁷⁰ For Rhee and Kim Ku’s effort to jeopardize the moderate coalition’s success, see Millet, 116.

⁷¹ For congressional efforts to curtail foreign aid, see for examples, *New York Times*, 5 February 1947; 18 December 1947; 8 January 1948; 4 June 1948.

employees from the Army.⁷² Facing negative public opinion and congressional spending cuts, and with growing international tension in the Middle East and Eastern Europe, the Department of the Army reevaluated the strategic importance of its occupation zones. In September 1947, Secretary of Defense James Forrestal, following the recommendation of the Joint Chiefs of Staff, informed the secretary of state that, from the military security point of view, “the United States has little strategic interest in maintaining the present troops and bases in Korea.”⁷³

The State Department understood the “ideological value” of its commitment to Korea, yet, “handicapped” by the “political immaturity of Koreans,” it went along with the Army’s withdrawal plan. But it still hoped to prevent a blow to American credibility abroad by establishing stability on the peninsula.⁷⁴ Top US officials began to see the tenacious Rhee as a viable leader for South Korea. Truman’s special envoy during the autumn of 1947, General Albert C. Wedmeyer, saw no alternative but to cooperate with Rhee if the United States needed to clear out of the country. At least Rhee was a proven anti-Communist and had national recognition as a heroic figure.⁷⁵ As demand for relieving the United States of direct responsibility for this strategically unimportant area mounted and as the US-Soviet joint commission’s effort to agree on a unified Korean government faltered, the United States moved to set up an independent government in the south and proceeded to liquidate its military forces and resources in Korea. During the summer of 1948, Rhee became the first president of South Korea.

⁷² The House Appropriations Committee cut military budget by 8.3 percent, *New York Times*, 30 May 1947.

⁷³ “Memorandum by the Secretary of Defense to the Secretary of State,” 29 September 1947, *FRUS*, 1949, VII, pt. 2, 817-818.

⁷⁴ For the State Department’s argument for the ideological value of Korea, see “Francis B. Stevens (Division of East European Affairs) Memorandum,” 9 September 1947, *FRUS*, VI, 1947, 784-785; For the frustration over establishing a democratic government in Korea, see “NSC 6,” 2 April 1948, *FRUS*, 1948, VI, 1166.

⁷⁵ “Wedmeyer report,” *FRUS*, 1946, VIII, 796-803; Some other members of the USAMGIK agreed with Wedmeyer’s evaluation. For this, see *FRUS*, 1946, VIII, 677; 710-711; 755; 763; 804-807; 819; 863-867.

As in other postwar occupations, the US military government faced a daunting task of demilitarizing an area as well as operating day-to-day administration. However the different understanding of the occupation by Koreans and Americans made the arrangement a uniquely Korean problem. Unlike in Germany and Japan, the US occupation forces, while setting up a military occupation government, came to Korea not as conquerors but as liberators. Like Germany and Japan, Korea was enemy territory, but unlike the inhabitants of these two areas, Koreans were not themselves considered enemy citizens. They set themselves apart from Japan's war effort by arguing that they had been forced into it as the colonized.⁷⁶ This gave Koreans the peculiar status of at once enemy civilians and liberated people. Koreans tended to think of themselves as a liberated people whereas the American military government treated them as an occupied people incapable of governing themselves.

The lack of guidance from Washington, Hodge's bumbling in coping with the complex post-colonial politics that he encountered, and the political struggles within Korea all contributed to the ways in which Koreans and Americans experienced their first encounter of the post-World War II era. After many failed attempts to bring the two occupation zones together, Washington and Moscow concluded it would serve their best interests to establish separate governments in each zone instead of pursuing the seemingly hopeless goal of agreeing on one government.

American Experience of Korean Legal Practice

While the military government grappled awkwardly with Korean political developments in the fall of 1945, Hodge established the Korean National Police (KNP) under the USAMGIK to help keep law and order. This turned out to be another unpopular decision among the Korean

⁷⁶ Millet, 60.

people.⁷⁷ Hodge made the move after his initial experience with the chaotic conditions in Korea, but without prior consultation with his direct supervisor, General Douglas MacArthur in Tokyo. Most Koreans wanted peace and order, yet the KNP's Japanese heritage and its corruption concerned most Koreans, who hated to see the same police officers who had worked for Japan return to their old jobs.⁷⁸ By the end of the year, about seventy-eight percent of the Koreans who had served in the Japanese forces were reemployed in the KNP.⁷⁹

"There are few problems more pressing in our zone than the police excesses," an anonymous informant and member of a special American-Korean Commission told Mark Gayn, a reporter for *Chicago Tribune* and *Newsweek* in October 1946.⁸⁰ Wherever he traveled, Gayn heard stories from American observers of Korean police practices. In Pusan, he met an Army officer who claimed to have seen "more than [he] care[d] to remember." This officer was shocked to see Korean policemen cracking an arrestee's shins against sharp-edged wooden blocks and then putting burning wooden slivers under his nails. When he went to report these brutal practices to his commanding officer, he was ordered "not to interfere in Korean 'administrative detail.'"⁸¹ In Pakchon, an American captain told Gayn how Korean policemen caught a man with cash in hand and interrogated him for no reason, kicking him in the groin. "The cops," he believed "sure beat the hell out of him before he admitted he was a Communist."⁸²

⁷⁷ "The nature of the USAMGIK was to keep law and order, but not necessarily pursue any social reform," Kim Gyu-min, 66; It became more and more of the USAMGIK's priority as the violent attacks and protests got out of hand, especially after the announcement of the trusteeship plan for Korea in December 1945. For this see, "Langdon to the State Department," 10 December 1946, *FRUS*, 1946, VIII, 779.

⁷⁸ Cumings, 203.

⁷⁹ Park Myŏng-lim, 133. Cumings suggested a higher percentage, 85percent.

⁸⁰ Mark Gayn, *Japan Diary* (Rutland: Tuttle, 1981), 423.

⁸¹ *Ibid.*, 407.

⁸² *Ibid.*, 376-378.

Captain Richard D. Robertson of the Public Information Section of the USAMGIK cited police injustice as one of the four major problems that undermined and thwarted the efforts of the military government. He recommended the reorganization of the police forces, including the elimination of those who had held office under the Japanese.⁸³ Another officer reported that the criticism of police activities and the likening of them to former Japanese methods had also spread around major cities.⁸⁴

Some members of the USAMGIK noticed the seriousness of police brutality and its negative impact on US-Korean relations. The USMGIK tried to change the old practices. For example, it abolished the Japanese practice of allowing the police to exercise summary jurisdiction by imposing punishment without trial.⁸⁵ In June 1947, it also implemented other legal reforms, such as banning child labor and abolishing public prostitution.⁸⁶ On April 5, 1948, it announced the “Proclamation of the Rights of the Korean People,” which proclaimed the exercises of the basic liberties such as press, speech assembly, and association.⁸⁷ Public criticism of police excesses was so serious that the military government found it necessary to establish a special American-Korean Commission to consider corrective steps.⁸⁸ However, these efforts did not bear much fruit. With only sixty-three American advisors to supervise the KNP in eight provinces throughout the three years of occupation, effective American supervision of the KNP

⁸³ “Recommended MG Policies in Respect to Public Relations,” 6 May 1946, Department of Public Information, Headquarters, USAMGIK, Box 34, RG 554, NARA II. Robinson, not only worked to compile the three volume official history of the US military government in Korea, *History of the United States Force in Korea*, but also wrote a separate history of the US military government, *Betrayal of a Nation*, which was more critical about the US policies and failure to democratize Korea. *Betrayal of a Nation* has never been published in the United States but was translated and published in Korea.

⁸⁴ “Public Opinion Trend,” 21 April 1946, Department of Public Information, Headquarters, USAMGIK, Box 34, RG 554, NARA II.

⁸⁵ Hahm Pyung Choon, *Korean Jurisprudence Politics and Culture* (Seoul: Yonsei University Press, 1986), 147.

⁸⁶ Ibid., 149.

⁸⁷ Ibid., 151.

⁸⁸ Gayn, 423; Robinson, 244.

practice was almost impossible.⁸⁹ The basic legal system in Korea still remained Japanese.⁹⁰ Meanwhile, reports of KNP brutality continued.

In 1948, the USAMGIK proudly reported that police brutality was in “considerable decline.” The Americans recorded seventeen cases of police brutality during the period of May through July. If these reported cases represented a significant decrease of police brutality, it is not hard to imagine how many more cases were committed prior to this time.⁹¹ Finally, on June 8, 1948, Hodge issued a directive to prohibit any police brutality. This directive emphasized that police brutality in every form had to be eliminated and even encouraged local press releases on the subject.⁹²

Through its utilization of the Korean police, the USAMGIK and the interested American observers learned how the KNP treated alleged offenders. They also learned about the conditions in jails. An USAMGIK officer observed that “prisoners languished for months in station-house jails for astonishingly minor offenses.”⁹³ As occupiers, Americans did not have to worry about being under KNP arrest or in the Korean confinement system, but what they learned about the conditions in Korean jails under the KNP was sufficient to make them avoid any possibility of US soldiers being in that situation in later years.

GIs and Koreans, 1945-1948

General Hodge was not the only one who did not learn about Korea before his appointment. His soldiers knew virtually nothing about the country.⁹⁴ Without any advance

⁸⁹ *HUSAFIK*, vol. III, 444.

⁹⁰ Hahm, 151.

⁹¹ *HUSAFIK*, vol. III, 444.

⁹² *Ibid.*

⁹³ Meade, 138.

⁹⁴ Carl Vipperman, interview with the author, 17 March 2006; Ottoboni, 114, 201. Vipperman joined the Army at age of 18 in 1946. As an occupation soldier, he served there for 18 months.

knowledge of the place they were sent, Americans' first impression of Korea was total shock at the "face of poverty."⁹⁵ Journalist Mark Gayn described the street scene on his first day in Seoul in the fall of 1946: "the straw-and-mud huts sagging at the corners; the bare yards; the lean mongrels lying in the sun; the men with enormous loads of straw and branches on their backs; and the women with jars and bundles finely balanced on their heads."⁹⁶ Neither sewers, nor paved roads were available anywhere except Seoul. In the countryside, "a faint odor of raw sewage pervaded."⁹⁷ What a then nineteen-year-old private remembered most about his first trip to Kunsan, a southwestern city, was the smell: "[T]he town just smells rotten; like a cow barn." The dirty roads were chaotic, traveled by farmers with ox-carts, by cars, and pedestrians all together.⁹⁸

The war and divided occupation explained much of the hardship and poverty so obviously described in visitors' notes. The arbitrary division at the 38th parallel jeopardized the Korean economy as the south had supplied agricultural products and the north provided natural resources and fuels. As winter approached, people began to feel the burden of change. The divided occupation hit Koreans in the South hard as they had totally depended on fuel and electricity supplies from the North. The critical energy supplies became increasingly unstable as relations between the United States and the Soviet Union, as well as between conservatives in the South and Communists in the North, deteriorated.

⁹⁵ According to a survey of early 1944 among 3,000 enlisted Americans in Great Britain, these men often expressed a shock to find out the "backwardness" of the English and their "lower standard of living." "What American Enlisted Men in England Think of the English," 21 March 1944, Headquarters, European Theater of Operations, US Army, Research Branch, SSD, Box 1015, RG 330: Records of the Office of the Secretary of Defense, Office of Armed Forces Information and Education, NARAII. This finding is instructive to understand the shock that American occupation soldiers might have felt upon arriving in Korea.

⁹⁶ Gayn, 349.

⁹⁷ Ottoboni, 69; W. L. Dixon, "Recollections of Korea," *Baltimore and Ohio Magazine*, August 1950, 8-9, cited in John Edward Wilz, "Encountering Korea: American Perceptions and Policies to 25 June 1950," in *Revolutionary War: Korea and the Transformation of the Postwar World*, ed. William J. Williams (Chicago: Imprint Publications, 1993), 44.

⁹⁸ Ottoboni, 229.

Electric lights were becoming as “scarce as hen’s teeth,” wrote one USAMGIK contractor, due to the small amount of power the North sent down to the South and the overload on the individual lines.⁹⁹ A direct order came down to GIs and civilian contractors to get rid of all electric appliances. A contractor who lived in a building with no heating system confessed that she had to hide the heater that she had received from her family “very religiously” every time she went to work.¹⁰⁰

The limited fuel supplies from the North and the lack of coal secured by the USAMIGK meant that people suffered great hardship during the cold winter of 1945-1946.¹⁰¹ The felling of trees for fuel left the mountains bare, putting cultivated lands and crops near the river at risk of damage from floods the next year. Two years of such deforestation without replanting trees or cultivating new lands left Koreans susceptible to both floods and an ensuing food crisis.¹⁰²

To make matters worse, there was a pressing need for food and shelter in the US occupation zone, with a daily influx of an estimated 6,000 refugees, on top of the 45,000 occupation soldiers.¹⁰³ Koreans in the South felt that their lives were no better off after the liberation than before. Under Japanese rule, they had hoped that if only the Japanese were gone, they would live a happy life. When the excitement of the liberation evaporated, and in the midst of struggles between anti-trusteeship and pro-trusteeship groups in 1946, the food situation became critical. One USAMGIK public opinion survey of March 1946 reported that, at a local level, political issues were of secondary interest in Koreans’ minds: “Everywhere conversation and discussion turns to talk of food and the difficulties of living” (underlining in original). From

⁹⁹ A letter from a civilian contractor to her family, forwarded to Senator Lister Hill of Alabama to the War Department on January 14, 1947 (The letter was written on 25 December 1946), Box 249, RG 165, NARA II.

¹⁰⁰ Ibid.

¹⁰¹ “Bennighoff to the Secretary of State,” 15 September 1945, *FRUS*, 1945, VI, 1051.

¹⁰² Robinson, 246-247.

¹⁰³ Wiltz, 48.

Chonju, capital of the rich southwestern agricultural region of Cholla Pukdo province, came reports of deaths from starvation. The military government found six cases of confirmed death by starvation in Seoul.¹⁰⁴ Pirates reportedly appeared along the Han River to steal the crops sent to Seoul.¹⁰⁵ Stories circulated among GIs of their experience with Koreans who “stole everything they could get their hands on.” They easily concluded that Koreans were “inherently dishonest,” had “poor moral character,” and “disrespect for Americans.”¹⁰⁶

American soldiers were better off than Koreans, but not immune to the challenging material conditions in Korea. Inadequate housing and insufficient and irregular delivery of supplies aroused their discontent. Many officers pointed out that the problem of supply fostered low morale among the rank and file. The troops called Korea “the end of the [supply] line,” grumbling that “folks at home don’t seem to care now that the war is over, whether we are getting supplies or not.” In December 1945, one reporter listed the items he found on the shelves of the post exchanges for officers in Seoul: ten cartons of cigarettes, five bars of candy, six toothbrushes, several packages of razor blades and a few pads of writing paper. These few items were off limits for rank-and-file soldiers or civilian contractors.¹⁰⁷ Many soldiers began to write about their miserable situations to their families and congressmen back in the United States.¹⁰⁸

In fact, after visiting numerous US installations throughout the world, Congressman John Sheridan, acting chairman of the House Military Affairs Committee, reported that the troops in Korea had the lowest morale of any he observed. He was appalled to see American troops in

¹⁰⁴ “Opinion Trends # 5,” 31 March 1946, USAFIK, Box 34, RG 554, NARA II.

¹⁰⁵ *Dong-a Ilbo*, 5 March 1946.

¹⁰⁶ Ottoboni, 295.

¹⁰⁷ Ibid.; Lawrence E. Gelfand, A letter to the author, August 15, 2005. Gelfand served in Korea in the Military Police Platoon of the 7th Infantry Regiment of the Seventh Infantry Division from September 1945 through November 1946.

¹⁰⁸ For example, Gelfand told the author that he wrote a letter about the supply problem in the *Pacific Stars and Stripes*, Fred Ottoboni’s mother wrote to the Department of Army on March 11, 1947, Ottoboni, 133, Rosemary Kelly from Kansas City wrote to the President on 6 October 1945, Box 249, RG 165, NARA II.

Korea serving under miserable conditions in which even fruit juice or toothpaste became luxury items. Returning to the United States in September 1946, Sheridan secured the support of his committee for a recommendation that Hodge be removed from his command. Such a public statement by a congressman who had visited Korea certainly undermined Hodge's authority, as Hodge himself irately pointed out. Hodge cannot be solely blamed for the conditions, but Sheridan's actions underlined the fact that the paucity of supplies had a direct correlation with low troop morale.¹⁰⁹

For most Americans in Korea, Christmas 1946 seemed to be the worst time. Some felt lucky to get even some run-down clothes because they could not buy necessary items. To make matters worse, the news came that 3,991 bags of mail destined for Korea had been lost at sea.¹¹⁰ An American civilian worker tried to make his frustration known when he heard of an American reporter traveling in Korea. Deeply concerned about the low morale of the troops and the poor supply service, he told the reporter, "[f]ourteen months after we landed here, we still lack cigarettes, beer, tooth paste, and electric light bulbs. Most of the military men I've met are lousy administrators.... There's no reason why they can't send supplies here."¹¹¹ The tour in Korea was so unpopular among American soldiers in the Far East Command in Japan that it was compared to diarrhea and gonorrhea as something to avoid.¹¹²

"I've got six more months to go," an army officer of USAMGIK lamented one day in October 1946.¹¹³ His sigh captured the sentiment of the US occupation forces who lived in such a wretched, foreign place. This was, however, not just the whining of a malcontent soldier living in an alien culture without adequate supplies. The wretched material conditions in Korea were

¹⁰⁹ "Personal letter from John R. Hodge to Douglas MacArthur," 26 September 1946, Box 33, RG 554, NARA II.

¹¹⁰ "Letter from a civilian contractor to her family," 25 December 1946, Box 249, RG 165, NARA II.

¹¹¹ Gayn, 409-410.

¹¹² Don Oberdorfer, *The Two Koreas: A Contemporary History* (Reading: Addison-Wesley, 1997), 7.

¹¹³ Gayn, 361.

surely challenging to most Americans, yet the lack of preparation for occupation from higher up deepened their frustration. The officer's sigh reflects the consequence of ill-coordinated efforts by his commander, his government, and its futile effort to work with the Soviet Union, as well as the different understanding of their presence between the occupied and the occupiers. The lack of a systematic approach to America's role in the future of Korea, in addition to the struggles between Korean politicians, and the increasing tensions between the United States and the Soviet Union, added difficulties to the everyday lives of American soldiers and Koreans.

During the three years of occupation, an average of 45,000 American troops and civilians served in eight provinces of South Korea.¹¹⁴ As clearly shown in Hodge's and Washington's initial policy or lack thereof, these occupation forces did not understand the gravity of their job and, more often than not, were frustrated with Koreans because they did not act or think like Americans.¹¹⁵ USAMGIK's constant reminder to soldiers to treat Koreans as liberated people indicated that GIs often failed to respect them as such.¹¹⁶ This gap of understanding was found not only in the rank-and-file soldiers, but also from officers. Foreign service officer Gregory Henderson tersely stated that, "No American officer had at that time [1946] any concept of the complex background of the men and groups with which he was dealing."¹¹⁷

Bullying and other disrespectful behaviors toward Koreans by American soldiers were widespread. Some soldiers relieved their frustration by harassing Koreans they met on the road.

¹¹⁴ Nine, if including Cheju province.

¹¹⁵ The study of USAMGIK's Public Opinion Bureau of the Department of Public Information emphasized the agents of army's Counter Intelligence Corps and (CIC) and officers of the USAMGIK officers did not have language skills nor cultural sensitivity to make reliable assessments of the local political developments. Leonard Bertsch, memo, Political Analysis Section, Bureau of Public Opinion, Department of Public Information to CG USAMGIK, "Korean Political Organizations and Leaders," 22 March 1947, in Leonard Bertsch Papers quoted in Millett, 100.

¹¹⁶ As late as November 1946, General Hodge had to give orders to his troops not to consider Koreans as "occupied" people. For this, see 11 November 1946, USAFIK Press Release, Box 24, RG 554, NARA II.

¹¹⁷ Henderson, 340. Henderson gave a credit to "devout young officer" Captain James Hasuman as the only exception.

When they drove army trucks and encountered Korean pedestrians, they drove very close to them, just for fun. They picked up random Koreans on the road to do their manual labor, a practice the GIs called “shanghaiing.”¹¹⁸ Fred Ottoboni, an occupation soldier in Kunsan, recalled how shocked and embarrassed he was when he first saw the rude behavior of his senior officers. He wrote, “My mother was not pleased that her son was associated with people who behaved in such a manner.”¹¹⁹ American visitors to Korea reported many embarrassing scenes. Reporter Gayn saw an American soldier holding a Korean man by the lapels of his coat and shouting, “I’ll show you, you goddamned gook!” To his amazement, his companion, a USAMGIK officer, informed him that such incidents were frequent, and that they generated much resentment against the Americans.¹²⁰

The incidents that enraged Koreans most involved American soldiers’ interest in Korean women and Korean women’s association with Americans. When Korean newspapers enumerated the negative influences of American culture, the association of Korean women with US soldiers almost always came at the top. Women who wandered the streets chewing gum (the stereotypical sign of those who hoped to emulate Americans) or who rode a car with a foreigner, i.e. American (thus, suggesting a sexual relationship with Americans), were called *hōyōngnyō* or daydreaming women.¹²¹ Women who were associated with Americans were seen not only as having lost the greatest virtue of Confucian ideology, chastity, but also as rebellious for having defied social tradition and norms. Korea was much more obsessed with the ideal of women’s chastity than any

¹¹⁸ Ottoboni, 233-234; Carl Vipperman, Interview with the author, 17 March 2006.

¹¹⁹ Ottoboni, 232.

¹²⁰ Gayn, 354.

¹²¹ Chōn, 159. Generally, the native population frowned on the association of women with GIs in every country of US occupation. These women soon earned specific and contemptuous nicknames—*pam-pam* or woman of the night in Japan, *veronica* or soldiers’ bride in Germany, and *hōyōngnyō* in Korea.

other Confucian country.¹²² Indeed, Korean women seemed to shun American men more than women in any other country occupied by the United States.¹²³ Rarely did Korean women marry American soldiers, unlike in other occupation areas in Asia. When the knot was tied, generally it was between a Korean-American man and a Korean woman.¹²⁴

The occasional reports of Americans beating and robbing Koreans, although upsetting and humiliating, did not cause widespread reaction from Koreans; but when Americans took advantage of Korean women, Koreans became outraged. In January 1946, four armed GIs raped three Korean female passengers in a railroad compartment while threatening the lives of other passengers. All of them were captured and sent to the US military police at the next stop.¹²⁵ Many Korean political organizations made strong public statements on the incident. One called the rape “barbaric behavior,” another interpreted the action as a “total disrespect of Koreans.” Some asked why the “leader of democracy” would commit such a “heinous action.”¹²⁶ In all the comments, Koreans considered this gang rape not as an isolated action, but as an example of sheer American hypocrisy and disrespect for Koreans. The victims of this crime were not mentioned much in any report because, whoever they were, this was not about them, but about the Korean people. Koreans’ outcry was quieted when in March the four GIs were found guilty

¹²² Kim Jae Ok, “The Idea of Chastity in Korean Folk Tale: A Study of a Popular Ideal and Its Social Implication,” cited in *Katherine H.S. Moon, Sex among allies* (New York: Columbia University Press, 1997), 40.

¹²³ Soldiers staying outside of Seoul seemed to have almost no interactions with Korean women. Americans mostly confined themselves in the camp.

¹²⁴ Under the Public Law 471 (Fiancée Law) of December 1945, 2,643 Chinese and 296 Japanese wives of GIs entered the United States by June 1948. There were no separate records for Korean wives, in the Immigration and Naturalization Services reports, but USAMGIK recorded 13 marriages between Korean-American soldiers and Korean women. Department of Justice, *Annual Report of the Immigration and Naturalization Services, 1947-1949*, (Washington D.C.: GPO), Table 9; 20 August 1947 Box 24, RG 554, NARA II.

¹²⁵ *Chosŏn Ilbo*, 10 January 1946.

¹²⁶ *Chosŏn Ilbo*, 12 January 1946.

of rape and sentenced to life imprisonment.¹²⁷ Korean suspicion of GIs behavior was not appeased, however.¹²⁸

General Hodge finally acknowledged that American troops' "plain, unvarnished lack of courtesy and of ordinary everyday consideration for Koreans as individuals and a race" was one of the major factors in deteriorating US-Korean relations.¹²⁹ He ordered a courtesy drive in which he listed ten specific reckless behaviors of GIs that Koreans most complained about, two of which involved driving with no regard for the safety of pedestrians. For instance, Koreans complained that Americans took joy in and laughed at herding Koreans together for safety on rainy days and then splashing them with muddy water from vehicle wheels. Five items concerned disrespect for Korean customs and culture. These included calling Koreans "Gooks," making "kiddish pranks on Koreans," and "yelling and whistling at Korean women."¹³⁰ The last two behaviors were related to GIs' black market activities, selling unauthorized items to Koreans and accepting bribes. The ultimate impact of the courtesy drive at the end of the line was not verifiable, but one soldier who clearly remembered the courtesy drive also remembered that none

¹²⁷ *New York Times*, 6 March 1946.

¹²⁸ Gelfand, who served in Korea in the Military Police Platoon from September 1945 through November 1946, recalled several lengthy discussions over the rape charges against US soldiers that Korean women brought to the courts. Lawrence E. Gelfand, letter to the author, 15 August 2005.

¹²⁹ "USAFIK Press Release," 11 November 1946, Box 24, RG 554, NARA II.

¹³⁰ It appears that this particular conduct brought military officers' attention. In March 1946, the Eighth Army circular had a section for "Conduct of Occupation Forces." This was the first time the postwar circular mentioned "soldierly" behavior and it advised GIs against whistling at indigenous women. It read: "For persons in uniform to whistle or call aloud to females on the streets is in poor taste in any country. To be seen in public in attitudes of familiarity or endearment with female nationals of an occupied country is unbecoming the uniform and will not be tolerated." Commanders will take steps necessary to discourage such conduct." Circular Nr.70 (8 March 1946), Box 1082C, RG 338: Records of US Army Operational, Tactical, and Support Organizations, WWII and Thereafter, NARA II. GIs' interest in women of an occupied country received critical attention from commanders in Japan. GIs were prohibited to publicly display affection to indigenous females in Japan. For example, the Tokyo Provost Marshall reported about 80 cases of conviction for such a violation from 1 April to 11 May 1946, "8th Army General Correspondence, 1946" 8th Army AG Section, Box 270, RG 338, NARA II. Koreans who showed positive attitude towards American soldiers In one public opinion survey responded that generally American soldiers were pretty good, but "their behavior toward women must be noted," 22 March 1946 Box 34, RG 554, NARA II.

of his officers ever mentioned the need to respect the Korean people or encouraged soldiers to treat Koreans in a kindly manner.¹³¹

In official interactions, Koreans often found their rare glimpse of Americans disappointing. The most frequent struggles occurred during the enforcement of rice collection. The spring, especially between the long, cold winter and before the harvest of winter barley, was known as the time of hunger in Korea. The spring of 1946 was especially difficult because it came after momentous joy and was accompanied by unprecedented high inflation that followed the collapse of the colonial economic system.¹³² Many Koreans blamed the military government for the shortage of rice and high prices; they believed the government acted “too late and without sufficient rigor.”¹³³

To cope with the shortage of food and to cap the soaring inflation, the USAMGIK issued Ordinance 45, in which farmers were required to turn in all surplus rice to the government and were prohibited from selling rice over the ceiling price. But instead of stabilizing the food shortage problems, the policy caused more problems and misunderstanding between the government and Koreans, especially as the military government decided to adopt more coercive measures to promote the rice collection procedure in the fall of 1946.¹³⁴

The enforcement of food collection often became the scene of serious conflicts between American authorities and Korean farmers. A farmer who failed to turn in his quota was fined or even sentenced to jail. Until his family submitted his quota, he was to be confined. Even though the military government claimed to make “every attempt” to “keep the fine within the capabilities of the farmer,” the enforcement procedure brought about much criticism and

¹³¹ Ottoboni, 235; Vipperman recalled no courtesy drive at all, interview with the author. 17 March 2006.

¹³² Rice prices increased 150 percent in two weeks in March 1946. From Y210/mal to Y330/mal.

¹³³ “Opinion Trends # 5,” USAFIK, 31 March 1946, Box 34, RG 554, NARA II.

¹³⁴ Chŏn, 159-167.

resistance from Korean farmers, and serious violence often accompanied the collection process. A G2 summary recorded three incidents in which Koreans had been shot during the rice collection of the fall of 1946. In the first case, a farmer who attacked a military government officer with a stick was shot to death by the officer. In the second case, another farmer who attempted to escape a collection officer was killed by a ricochet. The third case was even more tragic because the victim was a woman who happened to pass by the collection area and was hit by a bullet fired into the air.¹³⁵ In January 1947, the *Chosŏn Ilbo* newspaper reported that two Koreans were killed by GIs in Kanghwa and Naju during the rice collection struggles.¹³⁶

For most Koreans in rural areas, this rice collection time was the only occasion they saw Americans in person. These negative experiences served only to confirm the farmers' suspicion of the military government. Reflecting the growing discontent, the Korean press began to report such incidents in early 1947.¹³⁷ Syngman Rhee criticized the military government's food collection policy, saying that even the Japanese colonial officers did not touch crops during the season of hunger, prior to the barley harvest season.¹³⁸

Mounting problems and deteriorating relations between Koreans and American soldiers further thwarted American occupation government efforts.¹³⁹ The degrading behavior and negative treatment Koreans experienced at the hands of Americans fed Korean suspicions regarding the purpose of the occupation. For Koreans, the very name "military government" brought back memories they wanted to erase: the Japanese conquerors had used the very same term for their colonial government. One USAMGIK officer seemed to understand Koreans'

¹³⁵ "G2 Weekly Summary," 9-16 February 1947, Box 59, RG 554, NARA II.

¹³⁶ *Chosŏn Ilbo*, 21 January 1947; 28 January 1947.

¹³⁷ *Ibid.*; Robertson, 243.

¹³⁸ Robertson, 248.

¹³⁹ Charles M. Dobbs, *The Unwanted Symbol: American Foreign Policy, the Cold War, and Korea, 1945-1950* (Kent: The Kent State University Press, 1981), 72.

suspicion of foreigners: “Dating from the opening of the ‘Hermit nation,’ in the 1880s, Korean experience with foreign nations has not been happy.... There are still fresh in their memories enough broken promises by larger nations that they suspect our [American] aims and sincerity.”¹⁴⁰ Koreans kept asking themselves, could the United States do better?

Not all American soldiers treated Koreans with contempt and disrespect. Some soldiers held voluntary drawings to raise donations to help Koreans. Officers and soldiers contributed to the General Korean Welfare Fund, which collected over \$12,000 by late 1947. Others invited children from Korean orphanages into their camps for Christmas and treated them with food and gifts. To foster friendly relationships with local Koreans, some commanders invited Korean students to their camp for a tour. Still others volunteered to teach English.¹⁴¹

But the discovery of differences and thwarted expectations seemed to offset the occasional positive efforts. One of the most difficult problems that caused great inefficiency and increasing misunderstanding was the language barrier. Almost nobody in USAMGIK could speak Korean.¹⁴² By contrast, at least seven thousand US soldiers had completed extensive Japanese language courses during the Second World War.¹⁴³ Initially, *Nisei* (second-generation Japanese American) interpreters were attached to military advisors in Korea, since Koreans, as Japanese colonial subjects, were required to be educated in Japanese.¹⁴⁴ According to one

¹⁴⁰ “Current Trend in Korea,” from USAFIK to CINCAPAC Tokyo, 19 August 1946, Box 249, RG 165, NARA II.

¹⁴¹ *Chosŏn Ilbo*, 29 Decembers 1946; 10 November 1947, Box 25, RG 554, NARA II; Korean high school students were invited for a tour of Camp Hillemeyer, Kunsan, 17 October 1947, Box 24, RG 554, NARA II; Lawrence E. Gelfand volunteered to teach English at a prestigious Baeje Middle School. He remembered this as the high point of his experience in Korea. Gelfand, a letter to the author, 15 August 2005.

¹⁴² One of the first American soldiers arriving in Korea in 1945, Gelfand realized the lack of occupation planning when he found no competent interpreter for Koreans in his unit. Gelfand, a letter to the author, 15 August 2005.

¹⁴³ Wesley R. Fishel and Alfred H. Hausrath, *Language Problems of the US Army during Hostilities in Korea* (Chevy Chase: The Johns Hopkins University, Operational Research Office, 1958), 39.

¹⁴⁴ Peter Clemens, “Captain James Hausman, US Army Military Advisor to Korea, 1946-1948: the Intelligent Man on the Spot,” *The Journal of Strategic Studies*, 25.1 (March 2002), 174.

estimation, about seventy percent of Koreans could speak Japanese.¹⁴⁵ Under this circumstance, Japanese was the practical choice for a common language. However, because Koreans wanted to uproot the remnants of colonial control, Japanese was prohibited in public use and also in the military.¹⁴⁶

The American authorities in Korea did not establish any institution to teach Korean to American military and civilian personnel throughout the occupation period.

Among the officers initially assigned to Korean occupation duty, none could speak Korean. Even after the occupation duty started, only a handful of Americans received specialized education, such as the Military Government Schools program, during the first year of the training mission.¹⁴⁷

Instead, the USAMGIK heavily depended on the services of American missionaries in Korea and “mish kids,” or “Korean kids,” to fill the desperately needed void. For instance, Presbyterian missionaries Horace G. Underwood and his son Horace C. Underwood worked in the Department of Education, Arthur C. Bunce, who had worked for the YMCA in Korea during the 1920s, became an economic and agricultural advisor to General Hodge. Other missionaries, like Bill Shaw, Harold Voelkel, Howard Moffett, and Charles Bernheisel, also worked for the USAMGIK.¹⁴⁸

¹⁴⁵ Robert K. Sawyer, *Military Advisors in Korea: KMAG in Peace and War*, ed. Walter G. Hermes (Washington D.C.: GPO, 1962), 63.

¹⁴⁶ On a non-official level, however, Japanese seemed to be understood as a mutual language. For example, one USAMGIK press release items reported that among 3,500 American books distributed to Korean students, one of the most popular books was Kenkyusha’s “Japanese English Dictionary.” Given the lack of an adequate English-Korean dictionary in print, Korean students could easily learn many English words through Japanese, since most Koreans understood Japanese. See “Press Release items,” 3 February 1947, Headquarters, USAMGIK, Box 24, RG 554, NARA II.

¹⁴⁷ Sawyer, 44.

¹⁴⁸ The children of missionaries in particular were called “miss kids,” or “mish kids.” The ones in Korea were called “Korean kids.” For these Korean speaking Americans’ substantial contribution to the military occupation, see Millett, 127-129, James I. Matray, “Bunce and Jacobs: US Occupation Advisors in Korea, 1946-1947,” in *Korea Under the American Military Government, 1945-1948*, ed. Bonnie B. C. Oh, 63.

The belated courtesy drive and the lack of training in the Korean language illustrated that fostering positive relations with Koreans was not a priority of the military government. These policies showed that the American forces only planned to stay in Korea for a short-term mission.¹⁴⁹

The language barrier became a serious obstacle at the operational and administrative level. Misunderstandings provoked several conflicts which developed into racial insults and even brawls between Korean officers and American advisors.¹⁵⁰ General Han Mu-hyöp, one of the first graduates of the Korean Military Academy, recalled that most of the misunderstandings between American military advisors and Korean officers were caused by the language barrier.¹⁵¹

The language issue generated an unintended, but lasting impact on Korean society. The ability to speak English created a hierarchy among Koreans, which, unfortunately, tended to reinforce the colonial hierarchy. After the departure of Japanese administrators, American officials tended to turn only to “qualified” Koreans for advice; qualification usually included conservative political views and the capacity to speak English.¹⁵² Few Koreans could speak English fluently because of the low educational level in Korea. Arthur Bunce, Hodge’s economic and agricultural adviser, sharply criticized American reliance on the conservative and English-speaking Koreans in his June 1946 summary of the occupation.¹⁵³ Some Koreans saw mastering English as an opportunity to climb up the social ladder, but still those who had mastered the

¹⁴⁹ Because of this language problem, on the eve of the Korean War, there was virtually no American officer who could communicate with his Korean counterpart without the help of an interpreter. With the coming of the Korean War and the deepening of the Cold War in Asia, the United States changed its policy in Korea from being a short-term occupation force to an almost permanent residential force in Korea. Building a positive relationship between Koreans and American soldiers received at least increasing attention from USAFIK commanders after the tragic War.

¹⁵⁰ Harold Noble, *Embassy at War* (Seattle: University of Washington Press, 1975), 28.

¹⁵¹ Han Mu-hyöp, in *Naega kyököün küngukkwa kaldüng* [Oral History Collection, vol. III: My Experiences of Korean Independence and Ensuing Conflicts], ed. Han’guk chöngsinmunhwa yönguwön (Seoul: Dosöchülpan sün-in, 2004), 197.

¹⁵² The last group of Japanese administrators left in December 1945.

¹⁵³ Bunce wanted to publish this paper in the journal *Pacific Affairs*, but failed to do so because of Hodge’s objection. James I. Matray, “Bunce and Jacobs: Advisors, 1946-1947,” 64.

language beforehand were in a better position than the new starters. Still others became deeply resentful because they felt their job competence was not fairly appreciated due to their limited English.

Withdrawal of US Occupation Forces from South Korea, 1948-1950

On June 30, 1949, ten months after the establishment of the Republic of Korea, the US occupation forces in Korea completely withdrew from the country. During the time of transition, US forces retained the same privileges that they had during the occupation period. The US military courts in Korea continued to exercise their right to protect American soldiers, while American MPs still held power to apprehend Koreans.¹⁵⁴ The 500-strong US Military Advisory Group to Korea (K MAG) that remained after June 1949, plus their dependents, also enjoyed the same diplomatic immunity as the occupation soldiers.¹⁵⁵

Granting diplomatic exemption to foreign troops in peacetime is a sensitive issue that brings into question the effective sovereignty of a nation. President Rhee of South Korea, however, was not hesitant to extend diplomatic immunity to US forces. The US troops, civilian employees, and their dependants were always exempted from Korean jurisdiction in the 1940s. Such privileged status of US forces was exceptional.

Immediately after WWII, the United States began to make a series of treaties or agreements regarding the status of US forces overseas. By defining the legal status of US personnel and property in a host nation, a SOFA aimed to set forth rights and responsibilities between the United States and the host government on matters like criminal and civil jurisdiction, tax and customs relief, entry and exit of personnel and property, and resolution of damage claims. England first requested such an agreement, and other countries hosting US

¹⁵⁴ TIAS no. 1918.

¹⁵⁵ TIAS no. 2436.

forces followed suit. Starting with the eleven nations of the North Atlantic Treaty Organization (NATO) in 1949, the United States made such agreements with countries hosting US forces, as well as those who had been under US military occupation, including Germany, Japan, and Australia consecutively. South Korea was the exception.¹⁵⁶ Due to the exemption granted by President Rhee, American soldiers and officers in Korea lived outside of Korean jurisdiction.

Rhee probably hoped to ease the transition of power from US military occupation to Korean independence, but more than that he wanted to keep US forces in the country. They would serve to secure his power within South Korea and, hopefully, to unify the country under his control. Despite criticism from another prominent rightist leader, Kim Ku, who believed the presence of foreign troops was the major obstacle to building a unified nation, Rhee would not budge.¹⁵⁷ He granted privileged status to US troops and then military advisers.

Rhee's inauguration did not mean he completely secured South Korea under his dominance. In fact, guerilla fighting and civil unrest intensified along the 38th parallel and in the southern regions. In connection with the major civil rebellion in Cheju Island in April 1948, which claimed tens of thousands of lives, the 14th ROK Army Regiment in Yösu, a southwestern port city in South Cholla province, staged a revolt against a government order. On October 19, 1948, elements of the unit refused to follow the order to embark to Cheju and help the 11th Regiment fight the guerilla war there. Instead, they demanded immediate withdrawal of US troops, restoration of the people's committees, dismissal and punishment of Japanese collaborators, and unification of North and South Korea.¹⁵⁸

¹⁵⁶ For a general introduction to the SOFA see, Dieter Fleck, ed., *The Handbook of the Law of Visiting Forces* (New York: Oxford University Press, 2001), 47-51.

¹⁵⁷ "The Political Advisor in Korea (Jacobs) to the Secretary of State," 30 April 1948, *FRUS*, 1948, VI, 1184-1186.

¹⁵⁸ Millet, 166-175.

General William L. Roberts, commander of the KMAG, held an emergency meeting with Captain James H. Hausman, who was known for work in creation of the ROK Army, and ROK Defense Minister Yi Pŏm-sŏk. Hausman strongly advocated immediate military action to quell the communist agitators and the military. The US forces agreed to supply airplanes—the ROK air forces owned none at the time—and other military supplies while the ROK army did the fighting on the ground. On October 22, 1948, President Rhee declared martial law in the Yŏsu and neighboring Sunchŏn areas. The decree soon extended to Cheju Island. Bloody civil war and purges claimed the lives of thousands. In December 1948, the ROK government passed the National Security Law to repress anti-state forces. The death penalty was authorized for various security offenses. The law was so comprehensive and vague that it could be used against any opposition group. Through this law, supporting Communism became a felony in South Korea.¹⁵⁹

On November 2, 1948, in the midst of serious civil unrest verging on civil war, Rhee requested that an occupation force be retained “for the time being.” He also asked for the creation of a military and naval mission in Korea prior to complete liquidation of the remaining US forces.¹⁶⁰ Before Rhee received any clear answer to his request, however, the United Nations passed a resolution on Korea in which it called for the withdrawal of foreign troops from Korea “as early as practicable.”¹⁶¹ On December 30, the Soviet Union announced that it had completely withdrawn its occupation forces from North Korea, thus putting pressure on the remaining 7,000 US forces in South Korea, yet Rhee did not given up the hope of keeping these US troops as long as he deemed necessary.¹⁶²

¹⁵⁹ Millet, 173.

¹⁶⁰ “President Rhee to the Special Representative in Korea, 2 November 1948, *FRUS*, 1948, VI, 1320.

¹⁶¹ “United Nations Resolution on Korea, adopted by the General Assembly,” December 12, 1948 in George M. McCune and Arthur L. Grey, Jr., *Korea Today* (Cambridge: Harvard University Press, 1950), Appendix A, 306-308.

¹⁶² “The Special Representative in Korea to the Secretary of State,” 6 April 1949, *FRUS*, 1949, VII, pt. 2, 981-982. Muccio presented his credentials as Ambassador of the United States to Rhee on April 20, 1949.

In the spring of 1949, Rhee finally accepted the withdrawal of the US forces from Korea.¹⁶³ Yet he did not fail to put a “price tag” on it. He now asked for “sufficient” arms and ammunitions for the Korean military as well as a US commitment to defend the ROK.¹⁶⁴ He delayed giving a definite answer to the specific withdrawal date that the Army had been waiting for, thus making the Army impatient over the State Department’s handling of negotiations.¹⁶⁵ Already frustrated, US ambassador to Korea John J. Muccio became “disturbed” and “even shocked” when he found out Rhee had issued a press release in which he questioned the American commitment to Korea and addressed the ROK’s need for “a sufficient supply of adequate weapons” in case of a Communist invasion. Rhee wrote, “We cannot sit still and allow them to harm us without resistance; we must make their invasion of the South costly.”¹⁶⁶ Secretary of State Dean Acheson strongly protested Rhee’s press release. Still, the department hoped to maintain US credibility in Asia, so it continued to support South Korea despite its many problems with Rhee. The State Department believed that political and economic developments in South Korea would show Asians the “firmness of US determination to support Democracy and oppose Communism” in the area.¹⁶⁷

Rhee’s handling of the timing of US troop withdrawal exemplified his brinkmanship diplomacy. Although putting pressure on Washington through making a misleading public announcement might have been a “grave breach [of] ordinary diplomatic courtesy,” as Secretary

¹⁶³ Ambassador Muccio interpreted Rhee’s acceptance of early withdrawal of US forces as a “real triumph,” 19 April 1949, *FRUS*, 1949, VII, pt. 2, 992; For State Department’s effort to establish stability in South Korea, see Stueck, 54-55.

¹⁶⁴ “The Special Representative in Korea to the Secretary of State,” 12 April 1949, *FRUS*, 1949, VII, pt. 2, 986.

¹⁶⁵ “The Ambassador in Korea to the Secretary of State,” 29 April 1949, *Ibid.*, 998; The Department of Defense wanted to start the process of liquidation of US forces from Korea as soon as possible. The Secretary pushed the Department of State to make a proper agreement with the ROK government, which gave both Muccio and the Secretary of State considerable troubles. For the Department of Army’s position, see “The Secretary of Defense to the Secretary of State,” 4 May 1949, *Ibid.*, 1007.

¹⁶⁶ Press Release, Seoul, 7 May 1949, *FRUS*, 1949, VII, pt. 2, 1011-1012.

¹⁶⁷ “The Secretary of State to the Embassy in Korea,” 9 May 1949, *FRUS*, 1949, VII, pt. 2, 1014; “The Acting Secretary of State to the Director of the Bureau of the Budget,” 16 May 1949, *FRUS*, 1949, VII, 1024-1029.

Acheson charged, this brinkmanship became a useful tool for Rhee to extract maximum concessions from the United States.¹⁶⁸ By embarrassing Washington, Rhee pushed his political agenda. In so doing he exploited the differences in priorities between the State Department and the Defense Department. By delaying the date of the final troop withdrawal, he tried to exacerbate the differences between the State and the Defense Departments. In the end, saving American credibility in Asia loomed larger than their problems with Rhee's irritating diplomacy as the State Department worked to secure \$110 million in economic aid to Korea for fiscal year 1950, just before the deadline for budget approval. Secretary of State Acheson even appeared before the Senate Foreign Relations' Committee to support the Korean aid bill.¹⁶⁹

The US troop withdrawal in 1949 was a significant item on Rhee's domestic agenda. His political opponents in South Korea were quick to notice Rhee's tactical use of the US forces issue. Kim Ku, former president of the now defunct Korean Provisional Government in exile and Rhee's only real remaining opponent from the right, had already demanded the complete withdrawal of foreign troops as a prerequisite for building a unified Korea.¹⁷⁰ In April, 63 assemblymen, a combination of pro-Kim Ku groups and young progressives, echoed Kim's demand by submitting a petition for a complete withdrawal of US troops to the visiting UN Commission on Korea. Vice Speaker of the National Assembly Kim Yak-soo, who favored a socialist approach to national development, was among the signatories. By squarely opposing Rhee's position on foreign troop withdrawal, they tried to embarrass Rhee in the eyes of the

¹⁶⁸ "The Secretary of State to the Embassy in Korea," 9 May 1949, *FRUS*, 1949, VII, pt. 2, 1014.

¹⁶⁹ "Editorial Note," *FRUS*, 1949, VII, pt. 2, 1040; Despite reports of Rhee's problematic handling of US economic aid and of his oppressive rule, Secretary Acheson appealed to the Congress to pass the Korea aid bill in June 1949. He considered the Cold War was a more serious threat than Rhee's arbitrary rule. For Acheson's appeal, see *New York Times*, 21 June 1949.

¹⁷⁰ Kim Ku, "samchŏnman dongpoege ūpsŏham [tearful appeal to 3 million Koreans], 10 February 1948 in *Han'guk hyŏndaesa kangŭi* [Modern Korean History, Annotated Reader], ed. Kim In-kŭl (Seoul: dolbaegae, 1998), 99-101.

international community and gain some legitimacy for their opposition to his rule.¹⁷¹ If they had succeeded in forcing US troops out before Rhee had agreed, they might have challenged not only Washington, but also Rhee's prestige at home.

Their challenge cost them dearly. Rhee arrested "Communist leaning" reporters for "maintaining too close contact with the UN commission on Korea," which advocated the troop withdrawal, and also arrested two members of the progressive group on a charge of illegal contact with the Communists. The following month, eight more assemblymen, including Vice Speaker Kim, were arrested for presenting an unauthorized petition to the UN Commission.¹⁷² In the trial, an American observer discovered an "astonishing lack of evidence against the defendants," but this junior officer sat by helplessly as they were sentenced to imprisonment.¹⁷³ In August, Rhee's prominent opponent, Kim Ku, was assassinated.¹⁷⁴

Although Rhee was not able to prevent the withdrawal of major US forces from the peninsula, he was able to prevent his political opponents from utilizing the issue to challenge his rule. Be it soldiers, civilians, or even members of the National Assembly, he would not tolerate such actions. With the coming of the Korean War and Rhee's strong advocacy of a US military presence in Korea, it became almost impossible to challenge the stationing of US forces in Korea.

¹⁷¹ "The Secretary of State to the American Mission in Korea," 5 April 1949, *FRUS*, 1949, VII, 980.

¹⁷² Ibid., "The Secretary of State to the Embassy in Korea," 19 July 1949, *FRUS*, 1949, VII, pt. 2, 1063; Donald Stone Macdonald, *US-Korean Relations from Liberation to Self-reliance: the Twenty-year Record : an Interpretative Summary of the Archives of the US Department of State for the Period 1945 to 1965* (Boulder: Westview Press, 1992), 184.

¹⁷³ Ibid., 184

¹⁷⁴ Kim Ku's assassin, a young army lieutenant received had a mild sentence. Not long after his conviction, he was released, reinstated, and promoted to lieutenant colonel. Henderson, 166.

Conclusion

Thus the interactions of Koreans with Americans during the occupation did not augur well. US soldiers found themselves in a desperately poor country with a mysterious language and culture and about which officials back home appeared to care little. They frequently took out their frustrations on the native population. While Koreans celebrated the demise of Japan, they possessed expectations of early political independence that did not jibe with reality. Below the 38th parallel the new occupiers were on balance less brutal than past masters and sometimes even kindly; but they combined woeful ignorance of Korean ways and conditions with a sense of superiority that often made relations painful and maddening. When American troops returned by the tens and eventually by hundreds of thousands after the North Korean invasion of June 1950, the interaction with Koreans built, on both sides, on memories of a difficult past.

That past included a rocky relationship between President Rhee, the dominant political figure of the ROK, and the US government. From the start of the occupation, American officials, whether in Washington or Seoul, had attempted to cultivate an anti-Communist leadership among Koreans, and Rhee was nothing if not anti-Communist. Whether dealing with Americans or Koreans, however, he was an extraordinarily difficult personality, a man of intense ambition, considerable guile, and authoritarian proclivities who got on well only with those he could dominate. The United States eventually initiated a process toward independence in the south that it understood would produce a divided country, half of it headed by Rhee; but that course represented merely the least objectionable of the options available. From the start most Americans had strong reservations about the prospects of the ROK under Rhee's leadership, and Rhee himself distrusted US intentions and reliability. Whether at the bottom or middle levels or at the very top, therefore, the outcome of the US occupation left the prospects for future relations

very much in doubt. These misgivings over Rhee's leadership explained the reluctance of the US government to negotiate a status of forces agreement for the US forces that stayed on after the Korean armistice. Rapid changes in the international arena quickly illuminated Korea's place in US Cold War strategy, but American perceptions of Koreans and of Korean systems were slow to change.

CHAPTER TWO

THE RETURN OF US TROOPS AND THE SOFA QUESTION

In June 25, 1950, North Korean troops crossed the 38th parallel, the volatile border between South and North Korea. The United States reversed the policy of military withdrawal it had completed in 1949 and led UN coalition forces to repulse this aggression. On July 27, 1953, after three years of war involving 18 countries, an armistice was signed. The UN Command, North Korea, and China agreed to withdraw their forces behind a Demilitarized Zone (DMZ) that extended two kilometers on either side of a military demarcation line marking the approximate position of the two armies. Prisoners of war (POWs) were exchanged and a Military Armistice Commission was established to enforce the truce.¹

The end of the hostilities in Korea in the summer of 1953 marked a new phase in US-Korean relations. The armistice, followed by the Mutual Defense Treaty and the promise of US economic aid, clearly defined South Korea as a major partner in the US's waging of the Cold War. Although the cease-fire brought demobilization of wartime forces by the end of 1955, the

¹ Historians of US-Korean relations have extensively studied this period. For the road to the Korean War see, Allan R. Millett, *The War for Korea, 1945-1950: A House Burning* (Lawrence, KS: University of Kansas Press, 2005), John Edward Wilz, "Encountering Korea: American Perceptions and Policies to 25 June 1950," in *Revolutionary War: Korea and the Transformation of the Postwar World*, ed William J. Williams (Chicago: Imprint Publications, 1993), James I. Matray, *Reluctant Crusade: American Foreign Policy in Korea, 1941-1950* (Honolulu: University of Hawaii Press, 1985), Bruce Cumings, *The Origins of the Korean War*, 2 vols. (Princeton: Princeton University Press, 1981; 1990). E. Grant Meade, *American Military Government in Korea* (New York: Columbia University Press, 1951). For a more balanced view on South and North Korean politics and responsibilities for the war, Park Myōng-lim, *Han'guk chōnjaeng ūi palpal kwa kiwōn II* [The Korean War: The Outbreak and Its Origins], vol. II (Seoul: Nanam ch'ulpansa, 1997). For the War's international aspects, see William Stueck, *Rethinking the Korean War*, esp. chs. 1-3; William Stueck, *The Korean War: An International History* (Princeton: Princeton University Press, 1995).

US force level in Korea stabilized at around 62,000 men in the second half of the 1950s, larger than the size of the US occupation forces in Korea from 1945-1948. Over time the US forces were reduced further, but they have never left the peninsula.² The arrival of more American soldiers with a stronger sense of mission and stronger financial and political support from their home government highlighted Korea's new position in the Cold War in Asia.

The significance of the US military position in Korea was apparent in the high rank of the commanders and their careers after their service in Korea. The top commanding job in Korea became an important stepping stone for career advancement. After serving in Korea, General Lyman L. Lemnitzer, for example, became chairman of the Joint Chiefs of Staff in the Eisenhower administration and General Maxwell D. Taylor became Army chief of staff and, in the Kennedy administration chairman of the Joint Chiefs of Staff. Future chairman of the Joint Chiefs of Staff and Secretary of State General Colin Powell also served in Korea as a lieutenant colonel.³

A new phase in US-Korean relations also required defining relations between Koreans and Americans. For Koreans the return of US soldiers meant more than just a stronger military alliance. The coming of more GIs for an unspecified period of time rekindled Korean concern about the behavior of soldiers, in particular the disregard of local laws and insensitivity to local

² In 1953, at its peak, 326,863 US troops were deployed in South Korea. The number was stabilized at around 60,000 in mid-1950s. For details, see Tim Kane, "Global US Troops Deployment, 1950-2003," *A Report of the Heritage Center for Data Analysis*, 27 October 2004, <http://www.heritage.org/Research/NationalSecurity/cda04-11.cfm> (accessed 5 January 2005).

³ General Lyman L. Lemnitzer, *Arlington National Cemetery Website*, n.d. <http://www.arlingtoncemetery.net/lemnitz.htm> (accessed 19 November 2006). General Maxwell D. Taylor, *Arlington National Cemetery Website*, n.d. <http://www.arlingtoncemetery.net/mdtaylor.htm> (accessed 19 November 2006); Colin Power, *My American Journey* (New York : Random House, 1995), 179.

people they had displayed during US occupation period. US troop deployment following the Korean War thus revitalized old issues between Koreans and Americans.⁴

During the Korean War, President Rhee granted diplomatic immunity to US military forces through two agreements. First, in July 1950, he granted the privilege to US forces in the so-called Taejon agreement. Two years later, he expanded this privilege to the civilian components and dependents of US forces.⁵ Reflecting the need for a new forces agreement, in August 1953, Rhee and Secretary of State John Foster Dulles agreed to negotiate a change in the wartime arrangement.⁶

During the first three years after the armistice, however, both the ROK and the US governments did little to change the status of US forces in Korea. In the meantime Koreans and Americans, wherever they interacted, tried to map out their relationship on their own. This chapter examines the dynamics of interaction between Americans and Koreans in and around the US military bases in South Korea in the mid-1950s. In a camptown, a town adjacent to a US military base, Koreans and Americans lived in close proximity, and Koreans' livelihood depended on the spending of US military personnel, just as the country itself depended on US aid for its survival. The asymmetrical political and economic powers were manifested more clearly in the camptowns than anywhere else in Korea. Here was the most frequent scene of crimes and troubles between Americans and Koreans. American military authorities constantly fought to

⁴ Katherine H. S. Moon pointed out, "[a]long with memories of American heroism, the memory of past misunderstandings, slights, excesses, or abuses by US troops and/or command—whether alleged, accidental, intentional, or otherwise—remains alive." Katherine H.S. Moon, "Citizen Power in Korean-American Relations," in *Korean Attitudes toward the United States: Changing Dynamics*, ed. David I. Steinberg (New York: M.E. Sharp, 2005), 235.

⁵ "Agreement Concerning Jurisdiction over Offenses by the United States Forces in Korea" (or, Taejon Agreement), 12 July 1950, *Treaties and Other International Agreements (TIAS)* no. 3012, *US Treaties and Other International Agreements (UST)*, vol. 5, pt. 2, 1408-1410; "Agreement on Economic Coordination between the Republic of Korea and the Unified Command" (or, Meyer Agreement), 24 May 1952, *TIAS* no. 2593, *UST*, vol. 3, pt. 3, 4420-4442.

⁶ "Joint Statement by the Secretary and President Rhee," *Department of State Bulletin (DSB)* 15 August 1953, 203-204.

protect their personnel from prostitution and their property from pillage, while Koreans had to guard themselves from reckless drivers, drunken GIs, and mighty American MPs. The law of their land could not adequately protect Koreans from American offenses because American soldiers received extraterritoriality.

By no means were camptowns the only place that Americans met Koreans and developed relationships, but they were the area where most of the major conflicts between the two peoples occurred. The accumulated GI-Korean incidents here eventually led Korean public opinion to demand changes in the privileged status of US forces.

Despite reports of conflicts between GIs and Koreans and despite the Rhee-Dulles agreement, throughout the 1950s Washington refused to open talks to negotiate a status of forces agreement (SOFA) with the ROK. After examining the relationship between GIs and Koreans around camptowns, this chapter will analyze the reasons for Washington's reluctance to open SOFA negotiations. Two factors dominate: the supremacy of military representation over the civilian mission and Washington's mistrust of President Rhee.

GIs as Good Samaritans: GIs' Contributions to the Rehabilitation of South Korea

The three years of the Korean War greatly damaged the land and the people. From June 25, 1950 to July 27, 1953, up to four million men and women, including 36,754 Americans and three million Koreans (or ten percent of the country's population) lost their lives.⁷ Ten million Koreans had their families separated and five million became refugees. Some 600,000 homes and 26,000 industrial plants were destroyed. Physical loss in North Korea amounted to \$1.7 billion,

⁷ "Korean War Casualty Summary," *Statistical Information of the Department of Defense*, n.d. <http://web1.uhs.osd.mil> (accessed 5 January 2005).

in South Korea to \$2 billion, nearly equivalent to the country's gross national product for 1949.⁸

In the 1950s, poverty-stricken faces and scars of war were everywhere in the country.

Without the massive influx of grants and aid from the public and private branches of its allies—ninety-five percent of which came from the United States—it might not have been possible for South Korea to survive.⁹ Between 1955 and 1961, South Korea received an annual average of \$500 million in economic and military aid from the United States. In 1958, at its apex, \$623 million, or 11.7 percent of the total US foreign military and economic aid budget for the year, went to South Korea.¹⁰ Between 1954 and 1965 US economic and military aid made up nearly seven percent of South Korea's Gross National Product (GNP).¹¹

On top of the dollar amount, many members of the US Armed Forces in Korea (USFK) participated in reconstruction projects and offered their time, talents, and materials to South Korea. The Eisenhower administration placed high priority on using the talents and superior

⁸ Stueck, *The Korean War: An International History* (Princeton: Princeton University Press, 1995), 361.

⁹ Ki-hoon Kim, "US-ROK Economic Relations," in *US-Korean Relations, 1882-1982*, ed. Tae-Hwan Kwak (Seoul: Kyungnam University Press, 1982), 328.

¹⁰ US Economic and Military Assistance to Korea (1955-1967) in millions of dollars.

Year	Aid Total	Economic Aid			Military Aid		
		Total	Grants	Loans	Total	Grants	Loans
1955	348	315	315	NA	33	33	NA
1956	613	387	387	NA	226	226	NA
1957	611	349	349	NA	262	262	NA
1958	623	292	284	8	331	331	NA
1959	463	274	262	12	189	189	NA
1960	400	216	215	1	184	184	NA
1961	447	247	241	6	200	200	NA
1962	327	190	165	25	137	137	NA
1963	364	181	155	26	183	183	NA
1964	342	218	190	28	124	124	NA
1965	355	182	134	48	173	173	NA
1966	472	262	181	81	210	210	NA
1967	450	178	114	64	272	272	NA

Source: US AID, Overseas Loans and Grants and Assistance from International Organizations (Washington DC: Government Printing Service, 1969) in Yong Soon Yim, "US Arms Transfer Policy," 307, in *US-Korean Relations, 1882-1982*, ed. Tae-Hwan; For US Foreign Aid Facts Sheet between 1946 and 1961, see *New York Times*, 8 December 1961.

¹¹ Yong Soon Yim, 307.

technology of US forces for reconstruction projects on the peninsula. To emphasize the expected role of US forces in these projects, Secretary of State John Foster Dulles even termed the US forces “labor battalions.” Congress balked at this characterization and criticized the administration for unduly using military personnel to “man shovels and wheelbarrows.”¹² Upon receiving such unexpected criticism, the White House and the State Department had to clarify their use of the term, but this did not change the administration’s plan to utilize US forces to help rehabilitate South Korea. In just two years after the war, the USFK completed \$39.8 million worth of construction projects in South Korea, including the restoration of numerous schools, churches, hospitals, dispensaries, and civil buildings as well as roads and bridges.¹³

American soldiers were not unsympathetic to Korean destitution. During and after the war, individual soldiers wrote to their families and friends back in the United States to plead for help. Some took care of Korean orphans by themselves. For instance, Private William J. Evans of the 1st Artillery Division took a nine-year-old Korean boy to his barrack and took care of him until he found the youngster an orphanage.¹⁴ A devout Catholic, Private John F. Pierce wrote to his high school, to churches, and to communities to collect clothes for Korean orphans. Moved by his letters, his friends and relatives sent some seven hundred items of clothing.¹⁵ Another GI paid for a disabled Korean orphan’s educational expenses.¹⁶ Especially around the Christmas season, American soldiers and officers thought of Korean orphans. A lieutenant from Nashville, Tennessee wrote to a local newspaper to address the miserable conditions of Korean children

¹² *New York Times*, 9 August 1953.

¹³ Korea Civil Assistance Command, United Nations Command Civil Assistance and Economic Affairs Korea, 1 July 1954-30 June 1955, Headquarters, Korea Civil Assistance Command, 1956, 61. For more examples and coverage of US forces’ participation in Korean reconstruction, see For some examples of US soldiers’ participation in reconstruction project, see *Chosŏn Ilbo*, 12 June 1952; 13 September 1952; 9 February 1953; 31 July 1953; 4 August 1953; 16 August 1953.

¹⁴ *Chosŏn Ilbo*, 8 December 1950.

¹⁵ *Chosŏn Ilbo*, 21 May 1951.

¹⁶ *Chosŏn Ilbo*, 12 December 1957.

during the Christmas season and received boxes of children's clothes from its readers. An officer from Texas received over 10,000 pounds of clothing from his home state and delivered them to several orphanages.¹⁷ In 1955, the 21st Infantry Regiment raised \$2,347 to provide Christmas gifts and parties to 996 orphans.¹⁸ The efforts continued after the war. In 1955, the US Army's 314th Ordinance group and the First Loud Speaker and Leaflet Company jointly adopted the children in an orphanage and raised \$6,000 to give them a new home.¹⁹

One soldier even decided to extend his tour of duty in Korea to continue to help orphans. In April 1953, the *New York Times* published a story about Sergeant Werner Krenzer, who had been finding orphanages for "poor, unhappy vagabonds" in Seoul. After working seven months in Korea, he volunteered to stay on in Korea saying it was "God's will." "Out of the wreckage and turmoil of battle," the newspaper wrote, "an American army sergeant found a new purpose and a new reason for life and Koreans are learning that war breeds not only warriors but men of good will as well."²⁰

During the Korean War, the stories of American participation in humanitarian efforts probably spread more freely than the stories of Americans committing atrocities and mistreating Koreans. This was due to wartime censorship and the political need to promote the image of good Americans in order to contrast them with the cruelty of Communists. Yet it is undeniable that individual American soldiers and units devoted time and effort to alleviating the devastated conditions of Korean orphans when they could have just walked away upon facing cadres of barefoot children running through the streets or beggars with every kind of affliction and war

¹⁷ *Chosŏn Ilbo*, 13 December 1952; 14 December 1952; 15 December 1952.

¹⁸ "Christian Soldiers" *Time*, 15 June 1953, 75. This article listed many other stories of US soldier's charitable donations and activities in Korea.

¹⁹ *New York Times*, 18 June 1955. For more records of such activities, see "Staff Office Report of Information Section," Boxes 1494, 1495, 1497, RG 338: Records of US Army Operational, Tactical, and Support Organizations, WWII and Thereafter, NARA II.

²⁰ *New York Times*, 14 January 1953.

injury. American soldiers' efforts to alleviate the destitute conditions were more a general practice than a unique action of a few concerned soldiers. Between 1951 and 1954 American servicemen donated \$25 million out of their own salaries to help Korean refugees.²¹ American soldiers continued to visit Korean orphanages, invited orphans to their compounds, and donated Christmas presents to them throughout the 1950s. General Carter B. Magruder, Commander in Chief, UN Command, from 1959 to 1961, recalled that virtually every US battalion in Korea supported at least one orphanage.²²

These individual expressions of American compassion, together with generous US financial support and the security assurance provided by the presence of US forces, gave South Koreans ample reasons to be grateful to the United States and to have a positive image of the country.²³ A US embassy field trip report on Kangwon province, a northeastern province bordering North Korea, stated that Koreans felt deep appreciation to the United States for the part it had played in the Korean War and in the economic rehabilitation of Korea.²⁴

After the Korean War, Koreans had generally positive views of Americans. A 1961 survey aimed at examining the value system of Korean college students showed their idealized

²¹ Wayne T. Geissinger, "Korea: Land of Opportunity," *Korea Survey*, 3.7 (August-September, 1954), 5.

²² Carter B. Magruder, 1972, Oral History Collection at US Army Military History Institute, Carlisle Barracks, PA; James Young who arrived Korea in 1963 concurred with Magruder. James V. Young, *Eye on Korea: An Insider Account of Korean-American Relations* (College Station: Texas A&M University Press, 2003), 5.

²³ Most recent studies of anti-Americanism in South Korea concur that in the 1950s and 1960s, South Koreans were generally appreciative of the American military presence on the peninsula and of its economic aid for reconstruction. See Young-ick Lyuh "Tonsigichōkūro bon daemieūsik," [Korean Perceptions of Americans in Five Historic Periods], in *Hangukineūi daemieūsik* [Korean Perceptions of Americans and the United States], eds. Young-ick Lyuh et al. (Seoul: Mimumsa, 1994), 280; Im Hi-sōp, "Haebanghueūi daem-insik," Ibid., 225-244. In-ho Lee, "Historic and Cultural Roots of Anti-Americans in Korea," Conference Paper, Anti-Americanism in Korea: Closing Perception Gaps, Pacific Forum CSIS, July 2003, Honolulu, Hawaii; A study on US civil affairs relations in Korea also concluded that the "common fight against Communism" helped create goodwill toward Americans in South Korea. Carlton L. Wood, Robert A. Kinney, and Charles N. Henning, "Civil Affairs Relations in Korea (Operations Research Office at Johns Hopkins University, 1954) in Box 27, RG 469: Records of the US Foreign Assistance Agencies, 1948-1961, Office of Far Eastern Operations, Korea Subject Files, 1953-1961, NARA II.

²⁴ "Field Trip Trough Kangwon Province, October 1959, from US Embassy in Korea to the Secretary of State, Roll 11, Records of the US Department of State Relating to the Internal Affairs of Korea, 1955-1959 (IAK) [microfilms] (Wilmington: Scholarly Resources, 1991).

view of the United States. In a question asking them to choose a country to which they wanted to emigrate, the United States (or North America) came in third, with 266 students or 14 percent of the respondents choosing the country. Among the 266 students, 41 percent of them explained they selected the United States because the country and the people were idealistic and peaceful, 21 percent of students believed they could learn a lot from the United States, and seven percent answered Americans had a good national character.²⁵

A 1965 article on Korean attitudes toward Americans in *Sasanggye*, an intellectual monthly, characterized Americans as being optimistic people who respected women and children and put great emphasis on volunteerism and social responsibility. The author acknowledged some incidents where American soldiers mistreated Koreans, but dismissed them as aberrations instead of the norm. He praised the close relations between the two countries by proudly making the point that no South Koreans ever shouted “Yankee Go Home.”²⁶

The author was right. There was no pronounced anti-Americanism found in South Korea in the 1950s. Even between April 1960 and May 1961, the period between Syngman Rhee’s stepping down and Park Chung Hee’s coup d’état, when there were some 1500 protests nationwide, there was only one notable protest that specifically aimed to challenge American privilege and direct influence in Korea affairs.²⁷ In February 1961, the Chang Myon administration concluded a new US-Korean Economic Treaty, which included a provision that granted judicial exemption for US employees working for the US economic development

²⁵ Sung-chik Hong, “hanguk haksengduleūi kach’ikwan [Values of Korean College Students], *Asea yǒngu* [Asia Studies] (1963): 10-55, esp. 21-22.

²⁶ Pu Wan-hyōk, “Hangukineūi Daemikwan [Koreans’ Perspective on Americans], *Sasanggye* 142 (January 1965), 149-152.

²⁷ Im Pang-hyōn, in *Naega kyōkūn han’kuk chunjaengkwa pakchōngghi chōngbu* [Oral History Collection, vol. IV: My Experiences during the Korean War and under the Park Chung Hee government], ed. Han’guk chōngsinmunhwa yōnguwōn (Seoul: Dosōchūlpān sūnin, 2004), 336.

programs and allowed broad American discretion over the use of American aid in Korea.²⁸ Upon learning the details of the agreement, student activists and progressive leaders united their voices to demand the repeal of this “unequal treaty.” They claimed that American insistence on their legal privilege was “imperialistic.”²⁹ This strongly worded criticism, however, ended abruptly after several protests without gaining much public support.³⁰

The official ROK position on the US troop presence was no less important a factor in Korean acceptance of the American presence and privileges in the 1950s. When the ROK government officially stated that Koreans had the “deepest sense of gratitude toward the United States” and highlighted that, “without the United States, there would be no Free Korea and no Free World today,” Koreans had little inclination to criticize the leader of the “Free World” and its presence in their land. From 1954, Koreans annually celebrated the US Forces Day in May, in which occasion Rhee always made a public statement commemorating the US forces’ self-sacrificing effort to support the Free World.³¹

Dissenting voices were buried in the generally pro-American atmosphere or voluntarily quieted for fear of being labeled anti-American, anti-government, and, thus, dangerous pro-Communist agitators. North Korea’s efforts to propagandize American “imperialism” did play a certain role in making it easier for South Koreans to simplistically equate anti-American voices

²⁸ “US-ROK Agreement on Economic, Technical, and Related Assistance,” 8 February 1961, TIAS no. 4710, *UST*, vol. 12, pt. 1, 268-278.

²⁹ Chōnguk hanmi kyōngje hyōpchōng pandae tujaeng daehoe, “Mi’guk chōngbue ponanūn meseji,” [Message to the US Government], 14 February 1961; *Chosŏn Ilbo*, 17 February 1961.

³⁰ Kim In-kōl, ed., *Han’guk hyōundaesa kangūi, 1945-1990* [Modern Korean History, Annotated Reader, 1945-1990] (Seoul: Dolbaegae, 1998), 236, Kim Il-yōng, *Kōngukkwa pu’guk* [A Nation’s Creation and Prosperity] (Seoul: Sang’gakūi namu, 2004), 296. Some scholars in Korea argued that this protest was the starting point of anti-American activism in the Korean student movement. For this, see Choe Yōng-sōp, “Han’guk haksang undongsae natanan panmi chu’ui [Anti-Americanism in the History of the Korean Student Movement], in *Migukūn uriegae muōtinka* [What is the United States for Us], ed. Kang Ch’i-wōn (Seoul: Paekūi, 2000), 98-99; Ko Yōng-bol, “4wōl hyōkmyōngūi ūisikgujo” [The Thoughts of the April Revolution], in *4wōl hyōkmyōngron* [The April 19 Movement: A Revolution], eds. Kang man-kil, et al. (Seoul: Han’gilsa, 1983), 124.

³¹ For examples of Syngman Rhee’s statements on the UN Forces Day, see *Chosŏn Ilbo*, 18 May 1957; *Chosŏn Ilbo* 18 May 1958.

with pro-Communism. This was just a few years after the infamous Second Red Scare swept through the United States. However illogical the connection between anti-American and pro-Communist might look, it was a good enough reason in South Korea to get one arrested for violating the National Security Law.³²

GIs as the Privileged Guests: GIs and Koreans around Camptowns

Notwithstanding the ROK government's official narrative of US-Korean relations and the Korean population's favorable view of Americans, Koreans near US camptowns had different experiences. As the stories of American abuse of Koreans and criminal offenses against Koreans in these areas became publicized through media and through a unique literary genre called "*kijich'on* (Camptown) novels" in the mid 1950s, Koreans began to ask for redress.

Throughout the Korean War, the number and size of camptowns expanded.³³ In search of shelter, food, and work, refugees including poor women, war widows, and orphans as well as entrepreneurs and criminals flocked around the military bases.³⁴ The American soldiers' stipend, which was ample by Korean standards, could easily afford commercial sex and most anything else that Koreans might provide. Easy access to commercialized sex concerned the United States as the VD rate increased. They began to put more pressure on the Korean National Police to strengthen VD inspections of the prostitutes.³⁵

³² Sang-dawn Lee, *Big Brother, Little Brother: the American Influence on Korean Culture in the Lyndon B. Johnson Years* (Lanham Lexington Books, 2002), 38-39.

³³ "Annual Report of Army Medical Service Activities 1951," Eighth Army Medical Section, 1951-53, FRC Box 2799, Section III, Professional, Record Group (RG) 338: Records of US Army Operational, Tactical, and Support Organizations, National Archives and Records Administration, College Park, MD (NARA II).

³⁴ The Korean War left Korean War had left an estimated 50,000 war widows and 100,000 orphans. For details, see Kim Il-yŏng, 152; "Anniversary of the Korean War," *Korea Times*, 23 June 2000.

³⁵ "Annual Report of Army Medical Service Activities 1951," Eighth Army Medical Section, 1951-53, FRC Box 2799, Section III, Professional, RG 338, NARA II.

As the war was suspended and the US military position stabilized, the temporary camptowns also stabilized and expanded. Businesses that one can find in any tourist area—gift shops, restaurants, tea shops, bars, and motels—sprang up around the US military bases, together with some unique services that distinguished the camptowns from other areas: match-making and marriage consultations, English letter-writing services, English classes, brothels, and VD clinics. Despite the diverse commercial activities, prostitution was still central in camptown business.

Changes in the Paju area northwest of Seoul illustrate the creation and evolution of camptowns in Korea. With the establishment of the US military base, Paju's population soared from 5,000 in 1950 to 60,000 by 1967. Due to its proximity to the DMZ, the area became strategically important and soon had the highest concentration of US troops. Nicknamed the "GI's Kingdom," this area was home to the 1st Marine Division and the 24th, 7th, and 2nd Infantry Divisions. At the end of the Korean War, the largest town in the Paju area, Tongduch'ŏn, became "Little Chicago." It was soon transformed from a small farming village into a busy illegal business area for sex, drugs, crimes, and black-market activities with a rapidly growing population.³⁶ It also became the scene of high-profile GI crime throughout the 1950s and 1960s.³⁷

The number of registered, thus legitimate prostitutes showed that prostitution was central to the camptown's business. In 1967 the Ministry of Health and Social Affairs recorded 1,750 registered prostitutes in Tongduch'ŏn alone.³⁸ The townspeople estimated there were an

³⁶ Yuh, 21-22.

³⁷ Between April and May 1957, all six reported GI incidents occurred in Paju. A GI was under investigation for an allegation of raping and killing a Korean woman on April 16, two drunken GIs reportedly destroyed a Korean store in Paju on 26 April. For more coverage, see *Chosŏn Ilbo*, 19 April 1957; 29 April 1957; 30 April 1957; 8 May 1957.

³⁸ The ROK government regulated prostitutes, dancers, and waitresses through a registration requirement. During the Korean War, waitresses and dancing girls were required to have a VD examination every 15 days and licensed prostitutes every week to keep their licenses. "Annual Report of Army Medical Service Activities 1951," Eighth US Army Medical Section, 1951-53, FRC Box 2799, Section III, Professional, RG 338, NARA II.

additional 500 unregistered streetwalkers.³⁹ According to a Lutheran pastor in Seoul in 1964, about ninety percent of GIs in Korea “regularly” consorted with prostitutes. Rev. Ernest W. Karsten, the director of an American service center in Seoul, made such a claim in his letter to the 12,000 Lutheran ministers of the United States. He denounced the “age-old dangers of women and liquor” prevailing among US troops and concluded that “our young men aren’t spiritually and morally ready for Korea”⁴⁰

Although the Army from time to time made an effort to divert their men’s “excessive energy” to projects like building Korean orphanages and teaching English at local schools, they found it hard to enforce work on such projects.⁴¹ As the number of “mixed blood” children continued to grow, so did the effort to find them homes in the United States. Starting with an Oregon farmer, Harry Holt, who adopted eight of these children in 1955, the two most famous adoption agencies for these unwanted children were founded in Korea.⁴² In 1958 alone, 848 orphans fathered by American soldiers were adopted to the United States.⁴³ By 1965, the Holt Adoption program, founded by Harry Holt’s family, had arranged some 3,000 adoptions for half-American children.⁴⁴ In 1959 Nobel Laureate Pearl S. Buck also founded a program, the Welcome House, to find homes for half-American children abandoned by their GI fathers and Korean mothers.⁴⁵

The Army did not forcefully restrict their soldiers’ visits to prostitutes unless a high VD rate was noticed by the commander. Even then, US commanders pushed the ROK government to strengthen their VD examinations instead of educating soldiers’ about the risk of their search for

³⁹ “A Foreign Land, Dongduch’ŏn,” *Yŏwŏn* [Women’s Garden], May 1967, 334-338.

⁴⁰ “A hooch is not a home,” *Time*, 16 October 1964.

⁴¹ *Ibid.*

⁴² *New York Times*, 4 December 1955.

⁴³ *New York Times*, 27 January 1959.

⁴⁴ Sang-dawn Lee, 22.

⁴⁵ *New York Times*, 7 January 1959.

sexual adventure. In 1959, for example, as the VD rates increased, US military authorities decided to push the Korean Ministry of Health and Social Affairs to increase the frequency of VD examination of prostitutes from once every fifteen days to twice a week.⁴⁶

The ROK government did not challenge such demands. Camptown residents refrained from protesting because the majority depended on the US military for their living. Katherine H. S. Moon, a pioneer in the study of the gendered politics manifested in US-ROK cooperation in camptown cleaning campaigns, estimated that sixty percent of the Koreans in Ŭijŏngbu, the home of the 7th US Infantry Division, were engaged in some form of business catering to the US military until the late 1970s. Songt'an, home of the 417th Squadron of the US Air Force camp, was believed to have had 60,000 residents living on the income earned from US military personnel.⁴⁷ A *New York Times* article of 1961 claimed that the business transactions with American forces amounted to twice as much as South Korea's annual export earnings.⁴⁸ All these numbers clearly indicate that the survival of camptowns was intimately related to the nearby military bases through the economics of the thriving sex and other GI-serving businesses.

The presence of camptowns and prostitution for US servicemen complicated the popular Korean image of friendly GIs tossing out chocolate to a crowd of Korean children or adopting Korean orphans. Many Koreans tried not to look at these women in a foreign land of camptowns. Others tried to reconcile the presence of legalized prostitution for US servicemen in several ways. The ROK government permitted the legalized prostitution in camptown as a necessary evil of a society that protected virtuous women from being approached by foreign soldiers. The Korean government's view clearly showed in a statement made by a member of the Korean

⁴⁶ "Eighth US Army Provost Marshal Conference, 20 August 1959," Box 2175, RG 338, NARA II.

⁴⁷ Katherine H. S. Moon, *Sex among Allies: Military Prostitution in US-Korean Relations* (New York: Columbia University Press, 1997), 29.

⁴⁸ *New York Times*, 10 November 1961.

National Assembly in 1959, when the crimes involving Koreans and Americans around camptowns received heightened attention:

It's inevitable there are prostitutes who cater to foreign soldiers... We should distinguish between those prostitutes who cater to domestic customers and those who cater to US soldiers and train those catering to the foreigners in American customs, [entertaining] facilities, or language and etiquette.⁴⁹

In *Silver Stallion*, a famous Korean novelist Ahn Jung-hyo described the process of a peaceful rural village changed by the incoming of US military bases during the Korean War and showed the Korean distinction between the virtuous women and the fallen ones. One night a widow was raped by GIs and found by villagers. They shunned her, but were terrified at the thought that other women might suffer a similar fate. They began to organize night patrols to watch out for possible GI offenses. Soon, however, camp followers began to arrive and set up a small camptown nearby. Although distressed that such a filthy area sprang up near their village, residents finally felt relieved because at least the presence of dirty women safeguarded virtuous village women from falling victim to sexual violence from the foreign troops.⁵⁰

In popular narrative, the undeniable presence of these “fallen women,” or “scum of scum,” in a nation within a nation was dealt with in two ways. The first approach was to use it as a moral lesson to Korean women who ignored their traditional role in order to pursue vanity and foreign goods. Although the camptown prostitutes might be considered “necessary,” they were still “evil.” They were differentiated from other prostitutes and were pejoratively called *yanggonju* (Western princesses) or *yangsaeksi* (Western brides) or *yanggalbo* (Western whores).

⁴⁹ Cho Hyŏng and Chang P'ilhwa, “Perspectives on Prostitution in the Korean Legislature: 1948-89,” *Women's Studies Review*, vol. VII (December 1990), 92, cited in Moon, 43.

⁵⁰ Ahn Jung-hyo, *Silver Stallion* (New York: Soho Press, 1990).

Even the Ministry of Health and Social Affairs, which registered prostitutes, kept a separate record of “UN prostitutes” [*yanggonju*].⁵¹

In Korean society, which prided itself on its homogeneity, even if only in appearance, and put great emphasis on female chastity, camptown prostitutes were doubly disdained as not only promiscuous but also dirty. Whether through commercialized sex or holy matrimony, when a Korean woman had or was assumed to have had a sexual liaison with a foreigner, she was considered to have contaminated Korean ethnic purity.⁵² For example, a Korean student at Columbia University in 1957 saw a lack of judgment in her fellow female Korean students who studied in the United States and considered dating or even marrying an American.⁵³ Captain James Hausman, known as the father of the ROK Army, remembered many stories of poor Korean women who received public embarrassment and family punishment when they were found dating Americans. Sometimes her family would shave a daughter’s hair off to prevent her from going out.⁵⁴ Understanding the hostility Koreans felt towards women who associated with foreign men, General Maxwell Taylor, Commanding General of USFK in 1954, prohibited Korean females from riding in American military vehicles, even if the woman was the wife of an American.⁵⁵

⁵¹ A Statistics of Registered Prostitutes by Class and Province, August 1955, The Ministry of Health and Social Affairs, cited in *Yŏwŏn* [Women’s Garden], January 1956, 225.

⁵² The same strict standard was not applied to a Korean man. Ji-Yeon Yuh elaborated Korean prejudice against Korean women marrying and/or dating foreigner. She found the root in the sexual double standard and the notion that Korean women belonged to the Korean nation and to Korean man. From such masculine point of view, women who chose to associate with foreigner were subversive because they allowed foreigners to violate Korean men’s rights and the rights of the nation as a whole. See Yuh, 161-163.

⁵³ *Yŏwŏn* [Women’s Garden], December 1957, 177-181.

⁵⁴ Chŏng Il-wha and James Hausman, *Hanguk daetonggyŏngŭl umjikin migukin daewi* [An American Captain who Managed Korean Presidents] (Seoul: Han’guk munwŏn, 1995), 113. For more of Hausamn’s contribution in building the ROK Army and his role during the Korean War, see Peter Clemens, “Captain James Hausman, US Army Military Advisor to Korea, 1946-1948: The Intelligent Man on the Spot,” *The Journal of Strategic Studies*, 25.1 (March 2002), 163-198.

⁵⁵ Eighth Army circular 23 (13 February 1954) prohibited transporting Korean women in an army vehicle. Sfc. Robert F. Kenfrick requested an exception from the clause so as to give a ride to his Korean wife in September

In the 1950s and 1960s, newspapers or women's magazines occasionally covered stories of the camptown prostitutes (*yanggonju*), but no sympathetic attitudes were shown to their problems. Without exception, the articles tended to conclude that the presence of these women resulted from their moral corruption. Claiming to report the truest story of the life of a *yanggonju*, a male writer in a women's magazine indicated that it would be better for a woman to put an end to her life rather than sell her body to a foreign soldier, because being a *yanggonju* was lower than any other act that a human being could commit.⁵⁶ Another article in the same women's magazine agreed that a *yanggonju* was a woman corrupt to the core. The author claimed that prostitutes shared two general traits: promiscuity and rebelliousness. He also gave a long list of characteristics of prostitutes: emotional, impulsive, irrational, impatient, short-sighted, irresponsible, selfish, lazy, and most of all driven by their material vanity. According to the article, the camptown prostitutes were the worst of all humankind.⁵⁷ The "soundest way to save" these women, another investigative report concluded, was to have them marry US servicemen.⁵⁸

A 1965 USFK survey, however, drew a very different picture of these women. In its survey of 105 camptown women, all were supporting one to eight family-members, and the common motive to start such work was to pay for a parent's medical treatment or a brother's (not sister's) tuition.⁵⁹ Yet, throughout the period from the 1950s to the 1980s, the general Korean attitude towards camptown prostitutes did not change much.

1954, but was rejected. "Request for Authorization," 13 September 1954. The reply delivered to G1 on 17 Sep 1954, File 2501, Box 563, RG 338, NARA II.

⁵⁶ "The truest story of *yaggongju*'s life," *Yŏwŏn* [Women's Garden], January 1956, 232.

⁵⁷ *Ibid.*, 226.

⁵⁸ *Hankuk Ilbo*, 19 December 1960.

⁵⁹ Moon, 26.

Although it was the dominant activity in camptown life, prostitution constituted only one aspect. Smuggling, black-marketing, and crimes related to these actions marred camptowns as well. Koreans smuggled military supplies and Post Exchange (PX) goods out of the bases and sold them on the black market, sometimes with the cooperation of GIs. The amount of goods taken was alarming. In January 1954 alone, the total value of US government property that was held in the hands of Koreans and recovered was \$68,639.56. In 1958 and 1959, the average loss of US government property was \$200,000.00 every quarter.⁶⁰ Some Americans were incensed by Koreans' "carefree attitude toward other people's property" and took the law into their own hands.⁶¹ When base guards found Korean infiltrators, or "*slicky boys*," there were many deadly confrontations between Koreans and GIs. In 1955, three US guards of the 24th Infantry Division shot and killed five Koreans, all siblings, when they did not stop upon being challenged by the guards. According to the Army spokesman, these guards were instructed to shoot anyone in the restricted area who refused to halt after being challenged.⁶²

A Korean newspaper reported that between March and October 1957, thirteen Koreans were killed in and around US military bases.⁶³ In 1958, eleven Koreans were shot by American guards. On average, thirty-three incidents involving Koreans and Americans occurred every month.⁶⁴ US officials often protested to the Korean government.⁶⁵ In 1958, the ROK government agreed to establish a joint committee of five ROK cabinet members and promised to "double the effort" to eradicate black market activities. Again, US forces and the ROK government saw the

⁶⁰ "Eighth US Army Provost Marshal Conference," 20 August 1959, Box 2175, RG 338, NARA II.

⁶¹ E. J. Kahn, Jr., *The Peculiar War* (New York: Random House, 1951), 170. Kahn spent three months in Korea in 1951 as a correspondent for *The New Yorker*.

⁶² *Korea Times*, 9 March 1955.

⁶³ *Chosŏn Ilbo*, 12 October 1957.

⁶⁴ "Eighth US Army Provost Marshal Conference," 20 August 1959, Box 2175, RG 338, NARA II; For an example of report on such cases, see *Washington Post and Times Herald*, 6 October 1957.

⁶⁵ For American protests about Korean intruders and black-market activities, see "US embassy Weekly Report—Economic," 6 April 1956, 13 July 1956, 26 July 1956, Roll 11, IAK.

problem as coming from the Korean side, but there was no serious discussion as to how to protect Korean lives.⁶⁶

As General Carter Magruder, the Commander in Chief, UN Command in 1959, observed, “prostitution and pilferage” were the two most serious things that “cause trouble” in US-Korean relations, especially around camptowns.⁶⁷ In addition to violent confrontations were traffic accidents and other petty offenses. Reckless jeep drivers ran down Korean civilians and simply drove on. Drunken soldiers kicked or beat Korean men on the street. At times those responsible were traced and prosecuted by the US military, but sometimes they were not.⁶⁸ The Korean victims could not appeal to either the Korean or the American authorities. Even when an American soldier was tried in court-martial and found guilty of a rape or murder of a Korean national, Koreans had no rights to claim compensation. Officially US forces were free from any Korean laws or regulations, although they were encouraged to abide by Korean traffic and other laws.

The exemption given to the US forces was broadly applied to USFK employment practice. The USFK directly hired over 40,000 Korean employees, but their job security and working conditions were not protected by either Korean or American laws.⁶⁹ Immediately after the armistice, the Korean Ministry of Health and Welfare, which dealt with labor relations in the

⁶⁶ “Staff Office Report of Information Section,” October 1958, Boxes 1494-1497, RG 338, NARA II.

⁶⁷ “Memorandum, Commending General’s Conference of 26 February 1960,” Classified General Officer Correspondence, Box 301, Eighth US Army, AG section, entry A1 298, RG 338, NARA II.

⁶⁸ On 14 December 1957, an army truck hit and killed a Korean. On 15 December 1957 a Korean man was stabbed by an unidentified American soldier during the altercation. On January 1958, an airman Edward L. Young was found by Air Force Court-Martial on two accounts of aggravated assaults with dangerous weapons after the shot and wounded two Korean girls. For this and more records, see “Staff Office Report of Information Section,” October 1958, Boxes 1494-1497, RG 338, NARA II.

⁶⁹ “From Berger to the Secretary of State,” 18 March 1964, Department of State Central Foreign Policy Files, 1964-1966, Political and Defense, South Korea-US, Box 1653, RG 59: General Records of the Department of State, NARA II.

1950s tried to push the USFK to accept the Korean labor law with a threat of not providing an adequate supply of laborers. Yet the USFK would not budge.⁷⁰

US forces would agree to pay raises after serious strikes or the threat of strikes, but they agreed to no other critical labor rights. For instance, in early 1956 Korean employees threatened a strike unless the USFK gave them a 100 percent wage increase to offset rapidly mounting inflation. In response, the UN Command conducted a wage survey, which confirmed that the employees' needs were real. The State Department brought pressure on the Defense Department to respond to the workers' demands and avert a strike, which would make the US position much worse. An 86 percent pay increase was eventually conceded, but the US Army affirmed and maintained its position that it would not enter into collective bargaining with any labor organization.⁷¹ Later in 1956, when Korean laborers in Pusan harbor launched a strike demanding a pay raise, the USFK agreed to increase their pay by 30 percent, but refused to allow them collective bargaining rights.⁷²

The ROK government, in fact, did not fully side with Korean victims. The ROK Foreign Ministry occasionally appealed to US authorities when serious incidents involving GIs and Koreans occurred or Korean employees of the UAFK threatened a strike, but the ministry did not push hard for a SOFA. Not until 1957, when the reports of such incidents inundated the Korean newspapers, did the ROK government and the public seriously challenge the privileged status of US forces in Korea.

It was not just the difference in living standards and the strength of the dollar that gave South Korea the nickname of "GIs' Kingdom" in the fifties and sixties, but also the legal

⁷⁰ *Chosŏn Ilbo*, 29 August 1953; 23 November 1955.

⁷¹ Donald Stone Macdonald, *US-Korean Relations from Liberation to Self-Reliance, The Twenty-Year Record: An Interpretive Summary of the Archives of the US Department of State for the Period of 1945 to 1965* (Boulder: Westview Press, 1992), 91-92.

⁷² *Chosŏn Ilbo*, 16 June 1956.

privileges that GIs enjoyed. An American legal observer reported that GIs' awareness of their legal exemptions in Korean courts tended to encourage their misdemeanors. In most cases, however, the US military saw little reason for change.⁷³ When neither the ROK government nor Korean public seriously demanded an opening of SOFA negotiations, the US government did not volunteer to initiate the negotiations.

Obstacles to ROK-US SOFA I: Military Supremacy

The Korean War changed the relationship between the civilian representatives and the military delegates of the US government in Korea. During the occupation period (1945-1948), the commander of the USFK had complete authority over all civil and military administration and foreign relations in South Korea.⁷⁴ With the withdrawal of occupation forces in 1948, Seoul established normal diplomatic relations with Washington and the US ambassador to South Korea took the leading role in diplomatic relations. In 1948, the State Department's successful effort to increase the proposed financial aid to the newly established South Korean government over the objection of the Defense Department illustrated the principal bureaucratic shift in the US government's dealings with Korea.⁷⁵

The Armistice and the Mutual Defense Treaty, however, marked important milestones in the relations of the US embassy with the ROK government by shifting control of US policy in Korea back into the hands of the Defense Department. The US and ROK governments agreed to keep sizable American ground forces in Korea for an unspecified period of time. Since

⁷³ In fact, the Pentagon almost always argues that the civilian-military relations were good. John W. McDonald, Jr., eds., *US Bases Overseas: Negotiations with Spain, Greece, and the Philippines* (Boulder: Westview Press, 1990), 91.

⁷⁴ "Draft Message from the JCS to General MacArthur for Lt. General Hodge," 15 July 1946, *FRUS*, 1946, VIII, 717-718.

⁷⁵ Niles Bond, *National Security Archives Oral Interview Projects, Cold War Episode 5: Korea*, 2 February 1997, <http://www.gwu.edu/~nsarchiv/coldwar/interviews/episode-5/bond1.html> (accessed 15 December 2005).

uncertainty remained about the duration of the cease-fire, the Pentagon reclaimed its dominant role in the affairs of Korea. Successive commanders of the US Armed Forces in Korea (USFK) emphasized that the truce was only a cessation of hostilities that did not mean peace.⁷⁶

US Ambassador to Korea Ellis O. Briggs bitterly recalled that the Pentagon successfully maneuvered to control even the non-military aid program.⁷⁷ General Mark Clark oversaw C. Tyler Wood, UN Economic Coordinator for Korea, who was in charge of determining the distribution of both public and private funds for Korean economic rehabilitation. Wood served as chief economic adviser for the general as well. Thus, all the aid, including \$200 million from the US government in August 1953 and much more to come, was under UN Commander Clark's control from the beginning of postwar US-Korean relations.⁷⁸

Prior to the appointment of Walter Dowling as ambassador in 1956, this position was not seriously challenged within the US government. Especially on the issue of opening negotiations for a status of forces agreement with the Koreans, the US embassy and CINCUNC shared the same position: so long as no sensational GI crimes against Koreans had been reported both “much prefer[ed] postponing the negotiation of a SOFA”⁷⁹

In early January 1955, ROK Foreign Minister Pyun Young-tae sent the first official letter to the US embassy requesting the opening of negotiations for a status of forces agreement.⁸⁰ In April, Pyun followed this up by sending the first Korean SOFA proposal to the ambassador.

⁷⁶ For example, in a 1957 meeting of the US economic aid organization in Korea, General Lyman L. Lemnitzer emphasized that Korea was in “a state of suspended war,” and that the security situation in 1957 was the same as it was in 1950. “Memorandum of Meeting on Economic Aid Organizational Arrangement in Korea,” 25 July 1957, Roll 14, IAK; Lemnitzer remained determined to reject the Korean demand for revising the criminal jurisdiction. In a JCS meeting on 17 March 1961, he contended that a “‘suspended state of war’ existed in Korea and that the American people would rather see US forces withdrawn from Korea than agree to turning US servicemen over to Korea courts,” *FRUS*, 1961-1963, XXII, 3n, 423.

⁷⁷ Ellis O. Briggs, *Proud Servant: The Memoirs of a Career Ambassador* (Kent: Kent State University, 1998), 322.

⁷⁸ *New York Times*, 25 August 1953.

⁷⁹ “Memorandum of conversation between Harold Lady, economic advisor to President Syngman Rhee and US Ambassador to Korea Ellis O. Briggs,” 29 March 1955, Roll 13, IAK.

⁸⁰ “Carl W. Strom to the Department of State,” 5 January 1955, Roll 12, IAK.

With the proposal, the foreign minister sent an inquiry on the reported mistreatment of Koreans by American soldiers.⁸¹

Upon receiving the inquiry and a SOFA proposal, Briggs informed Foreign Minister Pyun that he was referring the subject to Washington for consideration. In the meantime, he followed the State Department's suggestion of keeping the Korean Foreign Ministry staff occupied with other issues, like the Treaty of Friendship, Commerce and Navigation, so that the "limited personnel of the Ministry" would have no time to focus on the SOFA issue.⁸² When President Rhee's economic advisor, the American Harold Lady, asked Ambassador Briggs about his position on negotiating a SOFA with the Koreans, Briggs brushed the inquiry away by saying "no case [between GIs and Koreans] has arisen which has brought the question [of criminal jurisdiction] to an issue. No problem is, therefore, involved that is in urgent need of solution."⁸³ After studying the first Korean proposal, State Department's director of Northeast Asian Affairs Noel Hemmendinger concluded that the best way to insist on "actual" exercise of exclusive jurisdiction would be to emphasize that the Korean situation was "more analogous to a situation of hostilities than to a situation of peace."⁸⁴ Here, the diplomats followed the military's logic that keeping the status quo—the war time privileges given to the UN soldiers—was the best policy in Korea. "Why did it take so long to negotiate SOFA in Korea?" Years later, Major General Kenneth J. Hodgson, who retired from the Army after serving as the Judge Advocate General, offered an explanation. "Of course, it was to our advantage to operate in Korea as long as we possibly could under the Taejon Agreement which we entered in to in 1950."⁸⁵

⁸¹ "The Korean Proposal of SOFA," 28 April 1955, Roll 13, IAK.

⁸² "US Embassy in Korea to the Department of State," 7 June 1955, Roll 13, IAK.

⁸³ Conversation between Ambassador Briggs and Harold Lady, 29 March 1955, Roll 13, IAK.

⁸⁴ "Noel Hemmendinger to Hugh Parley of NSC," 6 June 1955, Roll 6, IAK.

⁸⁵ Major General Kenneth J. Hodgson, 1971-1972, Oral History at US Army Military History Institute, Carlisle Barracks, PA.

The longer US forces were stationed in Korea, however, the more day-to-day business caught the US embassy's attention. The embassy could no longer brush away the SOFA question simply as a military issue. In the mid-1950s the State Department and the US embassy in Seoul began to present a different assessment than the military leaders. Whereas the Defense Department did not consider the ROK to have full sovereignty because of the state of suspended hostilities, the State Department recognized the ROK as a virtually sovereign nation. As early as 1956, US economic coordinator William E. Warne wrote that, as time progressed from the day on which open hostilities ceased, "[t]he Ambassador and the State Department can hardly be expected to refrain any longer from trying to put Korea on what would be described as a normal basis."⁸⁶

Traffic accidents were one of the most common sources of irritation between American and local Korean authorities.⁸⁷ American participation in the black market also caused problems for the ROK government, which tried to regulate and stabilize the economy by fixing the exchange rate between the Korean currency, the *hwan*, and the US dollar. The ROK Ministry of Finance protested to the embassy. The embassy repeatedly expressed frustration at its lack of authority to deal with matters such as free entry privileges for American military personnel and importation and resale of automobiles by Americans.⁸⁸

⁸⁶ William E. Warne's letter, 6 September 1956, Roll 14, IAK.

⁸⁷ This is a typical matter of friction caused by US troops abroad. Of the 122,902 servicemen and women who faced foreign criminal jurisdiction between 1953 and 1970 (under NATO SOFA, 19 June 1951, TIAS no. 2846, *UST*, vol. 4, pt. 3, 1792-1829), the overwhelming majority was charged with minor offenses, usually traffic violations. For example, some 80 percent of the 9,646 total number of trials reported in the 1966 report were for traffic offenses. See Elizabeth L. Hillman, "Cold War Crimes and American military Culture: Courts-Martial in the United States Armed Forces, 1951-1973," Ph.D. diss. Yale University, December 2001, 86; For examples in Korea, see "Staff Office Report of Information Section" USFK monthly report, 1957-1958, Boxes 1494, 1495, 1497, RG 338, NARA II.

⁸⁸ "US embassy Weekly Report—Economic," 6 April 1956, 13 July 1956, 26 July 1956, Roll 11, IAK; The seriousness of the black market activities had resulted in the establishment of USFK and a joint committee of five Korean ministries aiming to "double the effort" to eradicate black market activities, see "Staff Office Report of Information Section," October 1958, Boxes 1494-1497, RG 338, NARAII; "Undersecretary of State Christian Herter to Ambassador Walter Dowling," 8 May 1958, IAK, Roll 15; "Dowling to Herter," 12 May 1958, Roll 15, IAK.

A ROK-US SOFA negotiation was, thus, an issue not only between Seoul and Washington, but also between different departments of the US government. As far as the military control the US policies in Korea, it was very unlikely that serious SOFA negotiations would be commenced.

Obstacles to ROK-US SOFA II: President Syngman Rhee

As different as they were, the US civilian and military authorities concurred: they found relations with Syngman Rhee difficult. They both viewed President Rhee as irascible, authoritarian, unpredictable, and stubborn, but politically savvy and deceptive.⁸⁹ Rhee's brinkmanship diplomacy and non-compromising attitude was evident from his first years in office. The State Department felt dismayed when it discovered that Rhee liberally diverted US economic aid for public security as he felt "necessary and practical." In late 1940s US Ambassador to Korea John J. Muccio wrote, "it is impossible to estimate specifically, how the Korean government allocated the funds from the Economic Cooperation Administration or the Mutual Defense Assistance Program."⁹⁰

Then the Korean War came. By starting the war on June 25, 1950, North Korean leader Kim Il-sung ironically helped strengthen Rhee's international and domestic position. Washington's expanded commitment to Korea, Rhee's well-known anti-communism, his firm control over the police and military forces, his popularity among the Korean public, and the lack of any viable alternative to him worked to strengthen Rhee's position on the domestic and international scene.

⁸⁹ "US Embassy in Korea to the Department of State," 14 November 1958, Roll 7, IAK; Jung-en Woo quoting John Foster Dulles called Syngman Rhee an "oriental bargainer," and "master of evasion." Woo, *Race to the Swift: State and Finance in Korean Industrialization* (New York: Columbia University Press, 1991), 44; Niles Bond, National Security Archives Oral Interview Projects, Cold War Episode 5 Korea, 2 February 1997.

⁹⁰ "US Embassy in Korea to the Department of State," 16 December 1949, *FRUS*, 1949, VII, pt. 2, 1109.

After a “resounding defeat” in the May 1950 National Assembly election, Rhee bounced right back to control South Korean politics in the middle of the Korean War.⁹¹ Using the war as an excuse for his declaration of martial law, Rhee successfully suppressed opposing political forces and changed the constitution to provide for popular election of the president. In August 1952, Rhee easily won his second term with 74.6 percent of the popular vote.⁹² “[P]opular support” for Rhee was undeniable to US observers. American acceptance of the election bolstered his position as the strong nationalist leader.⁹³ Rhee’s popularity was at its height.

However, his popularity did not last forever. The 1956 election result signaled the beginning of a strong popular opposition to Rhee. In 1956, Rhee and his Liberal Party pushed through a constitutional amendment to allow Rhee to run for the third time. In March the Home Ministry organized a popular demonstration of the “will of the people” to persuade Rhee to serve again, and in the May 1956 presidential election Rhee was reelected.⁹⁴ However, Rhee garnered only 55 percent of the popular vote even after his principal opponent died of a heart attack ten days before the election. Rhee's vice presidential running-mate fared still worse, losing to the Democratic Party candidate, Chang Myon (John M. Chang).⁹⁵ After narrowly avoiding defeat, the “hard faction” of Rhee’s Liberal Party took control of the party with his blessing and tightened their reins, clamping down on the opposition parties.

The new ROK vice president became the first target. Rhee completely ignored Chang. During the inauguration ceremony on August 15, 1956, for instance, Chang was not given an

⁹¹ Rhee’s supporters secured only 57 seats in the general election of May 1950. The majority of the Independents who occupied 126 seats of the 210 seats in the new Assembly held anti-Rhee sentiments. See Millet, 255-256.

⁹² Donald Stone Macdonald, *US-Korean Relations from Liberation to Self-reliance: the Twenty-year Record : an Interpretative Summary of the Archives of the U.S. Department of State for the Period 1945 to 1965* (Boulder: Westview Press, 1992), 188-189.

⁹³ Observation of the 1952 presidential election from Deputy Chief of Mission at the US embassy Allan Lightner, Macdonald, 191.

⁹⁴ 23 March 1956, Roll 13, IAK.

⁹⁵ “Editorial Note,” *FRUS*, 1955-1957, XXIII, pt. 2 Korea, 335.

opportunity to deliver his speech. Worse was to follow. Two weeks after the inauguration, Chang already felt that his personal safety was threatened. He met US Ambassador Walter Dowling to ask for a sanctuary within US installations.⁹⁶ As Chang feared, in September a failed assassination attempt was made, which forced him to withdraw from political activity for awhile.⁹⁷

Witnessing growing public discontents with Rhee's rule in Korea and the increasing oppression of Rhee's opponents, the State Department began to argue that the United States should shift its policy focus in South Korea from defense to concern with the internal political situation.⁹⁸ Rhee's handling of his opponent in the aftermath of the 1956 election deepened State Department concerns about his disregard of human rights.

The second pillar of Rhee's political power lay in his reputation for getting the most out of the United States. Through his style of negotiation—masterful, assertive, and even heroic to Korean eyes, but manipulative, stubborn, and unreasonable to Americans—Rhee established himself as a master of dealing with the United States.⁹⁹ Rhee's nearly forty-year stay in the United States and his status as the first Korean PhD from that country, as well as his firm stance against some of Washington's policies, seemed to enhance that reputation.¹⁰⁰ Rhee preferred to be visited by numerous high-ranking US government officials from Washington so that he could

⁹⁶ "From Ambassador in Korea to the Director of the Office of Northeast Asian Affairs (Noel Hemmendinger)," 3 September 1956, *FRUS*, 1955-1957, XXIII, pt. 2 Korea, 301-302.

⁹⁷ *Chosŏn Ilbo*, 28 September 1956; 28 September 1956, Roll 13, IAK.

⁹⁸ "Memorandum from the Director of the Office of Northeast Asian Affairs (Howard Parsons) to the Assistant Secretary of State for Far Eastern Affairs (Robertson)," 1 November 1956, *FRUS*, 1955-1957, XXIII, pt. 2 Korea, 340-341; "Editorial Note," *FRUS*, 1955-1957, XXIII, pt. 2 Korea, 334-335.

⁹⁹ Rhee often used his public statements to push his position to the United States and he was openly admitted his use of this tactic to the US ambassadors. For example, see "Ambassador Briggs to the Department of State," 23 June 1954, *FRUS*, 1952-1954, XV, 1812.

¹⁰⁰ "Ch'oe Yŏng-hi," in *Oegyŏkwŏn ūi namgigo sipŭn yiyagidŭl*, ed., Oegyŏtongsangbu [Ministry of Foreign Affairs and Trade] (Seoul: Oegyŏtongsangbu oegyŏ anbo yŏnguwŏn, 1998), 169.

negotiate in a stronger position and impress the Korean people.¹⁰¹ Rhee and his Austrian wife Francesca took care of the details of foreign relations, especially with the United States and Japan.¹⁰² Rhee insisted that the United States take responsibility for its misjudgment in withdrawing troops in 1949, which turned out to be a prelude to war. He blatantly argued in 1954, for example, that the US economic rehabilitation fund for Korea was, in fact, a “moral payment for an obligation that the United States assumed.”¹⁰³ Before the 1956 presidential election, ROK Ambassador to the United States Yang You-chan justified Rhee’s running for the third term by saying, “voters in Korea should realize that should President Rhee retire, the United States would suspend aid to Korea.”¹⁰⁴

Rhee was well aware that after the Korean War it was unthinkable for Washington to completely abandon South Korea. General Clark, the commander of UN forces, recalled that Rhee had a “psychological whammy” on the United States, that “no matter what happened we could not, after three years of war, after all the blood and treasure we lost, let Korea go to the Reds by default because of a quarrel in the family.”¹⁰⁵ Rhee exploited this new situation for maximum benefit, pushing Washington to the edge with a combination of bluffs, threats, intransigence, mass demonstrations, and unpredictability.¹⁰⁶ Frustrated and concerned as it was, the Eisenhower Administration stood by Rhee throughout the 1950s.

¹⁰¹ “US Embassy in Korea to the Department of State,” 23 June 1954, *FRUS*, 1952-1954, XV, 1813.

¹⁰² “Han U-sök,” in *Oegyökwon ūi namgigo sipūn yiyagidül*, 194.

¹⁰³ *Korean Republic*, 11 November 1954.

¹⁰⁴ “Ambassador Yang You-chan’s interview with Hapdong Press,” 27 January 1956, Roll 10, IAK.

¹⁰⁵ Mark W. Clark, *From the Danube to the Yalu* (New York: Harper & Brothers, 1954), 272.

¹⁰⁶ For more detailed analysis of the sources of Rhee’s bargaining power vis-à-vis the United States, see Dong-soo Kim, “US-SK Relations in 1953-1954: a Study of Patron-Client State Relation,” Ph. D. dissertation, University of Connecticut, 1985; For example, when Rhee had arrived at the White House for a state visit, the White House decided to have no sound when Rhee met Eisenhower so as not to embarrass Eisenhower. They were afraid that Rhee might try to sound off publicly in the presence of Eisenhower and the press, “Hagerty (Press Secretary to and a confidant of President Eisenhower) Diary, 26 July 1954,” *FRUS*, 1952-1954, XV, Korea, pt. 2, 1838.

One of the most surprising decisions that Rhee made using his brinkmanship diplomacy came in the final months of the Korean War. Since the summer of 1951, when the frontline was stabilized near the 38th parallel, the Communists and UN forces had been negotiating for an armistice to end the fighting without national unification. On June 4, 1953, despite Rhee's strong objection, the two sides reached an agreement on the disposal of prisoners-of-war, thus resolving the last major issue between them. Desperate, Rhee made his final effort to challenge the cease-fire effort by unilaterally releasing more than 25,000 of the Korean POWs held by South Korea.¹⁰⁷ He also threatened to withdraw ROK forces from the UN command so that they could continue to fight. After much agonizing negotiation, Rhee promised not to sabotage the armistice and, in turn, the United States agreed to conclude a mutual defense agreement with South Korea.¹⁰⁸ Dulles traveled to Korea immediately following the armistice and presented a mutual security pact, which Rhee accepted. The US Senate ratified the treaty early the next year.¹⁰⁹

The asymmetrical relationship with the United States gave Rhee more reason to pursue his brinkmanship diplomacy. The Korean economy and military relied heavily upon American aid. The amount of aid he could garner from the United States was critical to the survival of the country and his leadership. At the same time, Koreans, who were newly independent and who had suffered greatly during the Korean War, were very sensitive to their national sovereignty. Understanding the strong spirit of nationalism in Korea, Rhee needed to prove to his people that he was not a mere puppet of Americans. What was seen as a "bizarre" mentality by Americans

¹⁰⁷ For a more detailed account of this event, see Stueck, *The Korean War*, 332-339.

¹⁰⁸ "Rhee to Eisenhower," 27 July 1953, *FRUS*, 1952-1954, XV, Korea pt 2, 1444.

¹⁰⁹ "Memorandum of Conversation, Final Meeting between Rhee and Dulles," 8 August 1953, *Ibid.*, 1489-1490. General Paek Sŏn-yŏp, Army Chief of Staff during the Korean War, praised Rhee's diplomatic ingenuity, Paek *Kilgogin yŏrumnal 1950nyŏn 6wŏl 25il* [The long summer, 25 June 1950] (Seoul: Chiguch'on, 1999), 285-286.

was in fact seen as a triumph by Koreans.¹¹⁰ He appealed to the Korean people because he appeared to be “able to use the United States” and stood up “against the United States.”¹¹¹

In the new US-Korean relationship after the Korean War, Rhee’s bargaining techniques and personality became even larger issues than they had been before. Working with Rhee was well understood as a “very difficult situation” in the State Department. With the consent of Assistant Secretary of State Walter Robertson, who had successfully persuaded the obstinate president to accept an armistice after 18 days of meetings in June and July 1953, Raymond T. Moyer, Far East regional director of the Foreign Operations Administration, wrote to C. Tyler Wood, UN economic coordinator in Korea, to relay negotiation “tactics” for dealing with Rhee. Moyer advised Wood that “simply listening to President Rhee, time-consuming though it was,” should come first. Only after sincere listening should “sound answers to the problems in hand” and “firmness” of the negotiation position be employed, Moyer concluded.¹¹²

Indeed, Wood found his job “as tough a job as I have ever tackled.” In a private letter, he described his work: “The situation is so uncertain, there are so many military and political rough spots, and the sensitiveness and pride of the members of the government here makes them not easy to deal with.” The greatest frustration came not from all these sources, but from the president of the country he was supposed to help. Wood confessed “some difficulty and stormy sessions with President Rhee, some of which broke up on quite an acrimonious note.”¹¹³

American media soon began to report Rhee’s style in a negative light. Noting the slow progress of the postwar rehabilitation of Korea, the *New York Post* found “the aged rulers’

¹¹⁰ Macdonald, 53.

¹¹¹ Ibid., 115; Paek, 285-286; Ch’oe Yŏng-hi,” in *Oegyŏkwan ūi namgigo sipŭn yiyagidŭl*, 169.

¹¹² A Letter from Raymond T. Moyer to C. Tyler Wood, 5 October 1953, Box 5, “C. Tyler Wood Papers,” George Marshall Library, Lexington, VA.

¹¹³ A Letter from C. Tyler Wood to Harvey Wood in Princeton, 24 October 1954, Box 5, “C. Tyler Wood Papers,” George Marshall Library, Lexington, VA.

unyielding demand” a main obstacle. It warned that the risk of putting hundreds of millions of rehabilitation funds under “his [Rhee’s] imperious hands” was unacceptable.¹¹⁴

When Wood urged Koreans to cooperate with the American rehabilitation plan, an “absolutely unforgiving” Rhee became furious.¹¹⁵ Rhee’s mouthpiece, the English newspaper *Korean Republic*, heaped criticisms on the American officials’ inflexible, “father knows best” attitude, and “neo-colonialism,” blaming them for the disputes over the use of American aid and the conflicts between Rhee and Wood.¹¹⁶ Alarmed at such negative publicity, General Van Fleet, Rhee’s confidant, finally wrote to the ROK president requesting “a drastic change in the polemics” of his newspaper. Only then did the complaints and attacks tone down “very considerably.”¹¹⁷ Wood’s relationship with Rhee, however, seemed to worsen as he described Rhee as an obstacle to his economic program. Wood wrote, “I am still banging away at that rock called Syngman Rhee and making a dent here and there.”¹¹⁸

Wood was relieved from his post in July 1956, which only served to confirm the speculation that Rhee had requested his replacement as far back as December 1953.¹¹⁹ In 1959, three years after his departure from Korea, Wood presented a paper on problems of foreign aid at the annual meeting of the American Economics Association. Wood claimed that it was a false proposition to believe that foreign aid would result in political stability of the recipients according to American desires, as recipient countries had their own political and economic

¹¹⁴ *New York Post*, 6 July 1956.

¹¹⁵ Niles Bond, *National Security Archives Oral Interview Projects, Cold War Episode 5 Korea*.

¹¹⁶ *Korean Republic*, 23 October 1954; 23 December 1954; 11 November 1954.

¹¹⁷ A letter from Van Fleet to Wood, 3 November 1955, Box 46, “C. Tyler Wood Papers,” George Marshall Library, Lexington, VA; For Wood’s relative satisfaction with the decreased in attacks on the US mission, see a letter from Wood to Mr. and Mrs. Robert W. Chastency in New York, 7 February 1956, Box 5, “C. Tyler Wood Papers,” George Marshall Library, Lexington, VA.

¹¹⁸ Wood to Mr. and Mrs. Robert W. Chastency, *Ibid*.

¹¹⁹ As early as December 1953, four months after Wood’s arrival to Seoul, *New York Times* reported that South Koreans wanted to replace Wood with someone who “would lean more strongly toward Korean views on reconstruction matters,” 15 December 1953, *New York Times*; 28 May 1956, *New York Times*. Ambassador Briggs wrote, “Rhee is once again highly critical of Economic Coordinator Wood,” “The Ambassador in Korea to the Department of State,” 19 May 1954, *FRUS*, 1952-1954, XV, Korea, pt. 2, 1794.

imperatives. He advised against rushing the agenda of foreign aid.¹²⁰ A decade later, he repeated this argument in an oral interview. He explained the limited ability of Washington to force changes in a “needy country:” “You have no idea how sovereign governments, in fact, avoid doing something they may have agreed to do; ...they didn’t flatly refuse, but kept postponing action.”¹²¹ No doubt his three decades in the State Department overseeing economic aid programs in post-WWII Europe, post-Korean War ROK, and India had convinced him of the limits of American aid programs. Surely his experience with Syngman Rhee was a powerful element in his conclusion.

Not only was President Rhee a “high-handed” and “explosive ruler” in the eyes of American observers; he also made full use of the differences between the State and Defense departments. The diplomatic mission, in particular, was keenly aware of Rhee’s tactic of “play[ing] off one element against another.”¹²² Ambassador Ellis O. Briggs, who claimed to have a good relationship with Rhee and his wife and admired this “old gentleman,” was well aware of Rhee’s “uncanny ability to identify the point at which divided views [between the State and Defense departments] might lie.” Briggs recalled Rhee’s endeavor to exploit the division among Americans by inviting himself, the UN Commander, General Maxwell Taylor, and the UN economic coordinator, Wood, separately for the purpose of creating “fear” in each of being left behind.¹²³

¹²⁰ C. Tyler Wood, “The Role and Character of Foreign Aid: Problems of Foreign Aid Viewed from the Inside,” *The American Economic Review*, 49.2 (May 1959), 203-215.

¹²¹ *Oral interview with C. Tyler Wood*, by Richard D. McKenzie and Theodore A. Wilson, Washington, D.C. 18 June 1971, Harry S. Truman Library, <http://www.trumanlibrary.org/oralhist/woodct.htm#note>, (accessed 15 December 2005).

¹²² “Dowling to Acting Director of Office of Northeast Asian Affairs, Noel Hemmendinger,” 31 August 1956, Roll 14, IAK; For Rhee’s (in)famous playing-off strategy, Donald S. Macdonald comments that it is a [sorry] “opportunity that Americans had frequently given him since 1945,” Macdonald, 95.

¹²³ Ellis O. Briggs, 315, 322; General Taylor wrote that President Rhee never gave him a complete sense of trust. According to Taylor, Rhee “suspected me of being a partisan of the Washington policy which he distrusted,” Maxwell D. Taylor, *Swords and Plowshares* (New York: W. W. Norton, 1972), 140.

In 1955, Ambassador William S.B. Lacy reported with great irritation that the ROK government encouraged public demonstrations in favor of the Defense Department position, but against the State Department stance on a proposed change in the Neutral Nations Supervisory Commission (NNSC) of the United Nations. He even speculated that Rhee would fabricate inflammatory incidents to re-start the war.¹²⁴ As the State Department pointed out to the White House four years later, “the essential problem was how to give the Ambassador the prestige which he needed in his dealings with the Korean Government.”¹²⁵ Both State and Defense were wary of negotiating an agreement that could put the life and death of American citizens under Rhee’s ultimate control. Washington, which once considered toppling him but resorted instead to accepting his continued power in order to secure stability and order, feared Rhee’s possible abuse of such an agreement.¹²⁶

Conclusion

The Korean War brought US forces back to the peninsula. Through this war, South Korea became the frontline of the “free world,” and US credibility throughout the world was closely tied to survival of the ROK. The Pentagon, once eager to withdraw its troops from Korea, now defended a continued military presence, even after Chinese forces unilaterally withdrew from the North in 1958.¹²⁷ From the capital city of Seoul to Pusan, at the peninsula’s southern tip, there was a US military base around virtually every major city in South Korea.

¹²⁴ “Lacy to Secretary of State,” 8 August 1955, 10 August 1955, Roll 2, IAK. The Neutral Nations Supervisory Commission (NNSC) of the United Nations was established to supervise the observation of the Korean armistice provisions. Representatives from Swaziland, Sweden, Czechoslovakia, and Poland are monitoring the process. In 1955, Rhee, claiming the Czech and Polish representatives were engaged in espionage for North Korea tried to prevent their arrival in Inchŏn. He orchestrated public demonstrations to support his claim.

¹²⁵ “Memorandum, Korean Administrative Arrangements,” 3 March 1959, Roll 11, IAK.

¹²⁶ Edwin Cronk, Georgetown University Oral Interview Collection.

¹²⁷ Kane, “Global US Troops Deployment, 1950-2003,” *A Report of the Heritage Center for Data Analysis*, 27 October 2004, <http://www.heritage.org/Research/NationalSecurity/cda04-11.cfm> (accessed 5 January 2005).

The US military bases not only served to prevent recurrence of the Korean War, but also provided economic opportunities, legitimate or not. Around the bases, restaurants, shops, and bars sprang up to attract GI spending. The people in camptowns quickly learned that not all American soldiers acted like the brave and good soldiers they expected from Hollywood movies.¹²⁸ Some encounters were fatal and brutal: shooting, rape, and homicide occurred here. Korean authorities, however, had no jurisdiction over American offenders because under the wartime arrangement, US troops were exempted from Korean jurisdiction. This exemption remained effective throughout the 1950s despite the promise for a SOFA in 1953.¹²⁹

Throughout the 1950s, however, the US military authorities insisted that there was no serious conflict between US military forces and Korean citizens. When the military exercised dominant power over the civilian authorities, the opening of SOFA negotiations was only a distant possibility. Only after the civilian mission took the upper hand over the military mission in Korea in 1959, did the opening of negotiations for a status of forces agreement become a possibility.

President Syngman Rhee's unpredictable and manipulative style did not help persuade policy makers and representatives of the United States in Korea to put the issue, which entailed power of life and death over American soldiers, on the negotiating table. Moreover, Rhee, an ardent advocate of a greater US military presence, did not seriously challenge the privileged position of the US forces in the first four years after the armistice. The challenges came in 1957 when Rhee resisted US pressure for political reforms. The rise of the SOFA issue in Korea and the US response will be examined in the next chapter.

¹²⁸ Sang-dawn Lee, 37. For more on the dominance of American mass culture in South Korea, see *Ibid.*, 69-87.

¹²⁹ The two agreements that granted the US forces and its employees diplomatic immunities were "the Agreement Concerning Jurisdiction over Offenses by the United States Forces in Korea" TIAS no. 3012 and "Agreement on Economic Coordination between the Republic of Korea and the Unified Command" TIAS no. 2593.

CHAPTER THREE

RISE OF SOFA ISSUE IN SOUTH KOREA, 1957-1961: KOREAN DEMAND, US CONGRESS, AND SYNGMAN RHEE

American soldiers were not thoughtless, menacing criminals most of the time. Throughout the 1950s, they expressed great sympathy for Korean poverty and destruction and helped shoulder the burdens with Koreans. They were frequent visitors and donors to orphanages. They built and repaired schools, churches, and bridges for Koreans. Yet despite Americans' effort to help alleviate Korean destitution and destruction, Koreans began to challenge the wartime status of forces arrangement as more Koreans came into contact with more American soldiers and more Koreans learned of GIs' disrespect for Korean customs and culture and GIs' crimes around camptowns. Koreans believed that the lack of Korean jurisdiction over US servicemen led GIs to disrespect Korean customs and laws.

When GI mistreatment of local populations and their disrespect of local law and order stirred protests in Japan and Taiwan in 1957, South Koreans also challenged the immunity given to US troops from Korean courts. Although Koreans did not have a cause célèbre such as the "Girard case" in Japan or the "Reynolds case" in Taiwan, there surely was no shortage of such incidents as GIs' rapes, homicides, and shootings of Koreans.

From 1957, major Korean newspapers began to report so called "GI incidents." This term generally referred to crimes committed by American military personnel against Korean persons or property, but mostly it was used to describe GI's insensitive, cruel treatment of Koreans.

Alarmed at the soaring number of reported GI incidents and ensuing queries from the Korean press, in December 1957, the Eighth US Army information section began to include GI crimes against Koreans in its monthly staff office report. From May 1958 onward, the report had a separate section on GI incidents entitled “incidents and accidents.”¹

Prior to 1957, the Korean press occasionally reported GI crimes, but these reports did not lead to any serious protest nor to any coherent action from the Korean public as they did in 1957.² Why did GI behavior receive such sudden attention from the Korean media after 1957? Did American servicemen begin to act “wild” only around this time? Was military discipline becoming lax? Did the soldiers find it acceptable to make trouble because their status was protected by the extraterritoriality given to US military personnel, their dependents, and the civilian contractors? Or, did these public demands for SOFA negotiation indicate certain changes in US-Korean relations? This chapter will provide the answers to these questions.

Despite increased Korean demand for SOFA and despite continuous reports on incidents involving GIs and Koreans, there was still no SOFA by the end of the 1950s. This chapter will analyze two reasons for Washington’s reluctance to open SOFA negotiations with the ROK. First, the emotional public and congressional reaction against the decision to turn an American soldier over to a Japanese court in 1957 made unthinkable the opening of negotiations for SOFA with any country. Second, President Rhee remained a serious obstacle. However, there was one development that made the opening of US-ROK SOFA negotiation more likely. In 1959, the US embassy recovered its supremacy over military authorities in Korea, and this was a positive step

¹ See “Staff Office Report of Information Section,” May 1958, Boxes 1494-1497, Record Group (RG) 338: Records of US Army Operational, Tactical, and Support Organizations, WWII and Thereafter, National Archives and Records Administration, College Park, MD (NARA II).

² For example, on 22 March 1954, *Chosŏn Ilbo* reported US troops allegedly tied and threw four Koreans out of a running train; on March 9 1955, the English newspaper *Korea Times* reported that five Korean siblings were shot to death by three American guards in a restricted area.

toward the opening SOFA negotiations. When in April 1960 public outrage in South Korea over electoral fraud forced Rhee from office, another potential roadblock disappeared.

The Rise of Korean Demands for SOFA Negotiations

In early April 1957, the pro-government newspaper *Korean Republic* reported that US military policemen had “ransacked” a Korean village near Paju, north of Seoul and near the Demilitarized Zone (DMZ), and confiscated looted military supplies valued at some \$ 2,000.³ A week later, the neutral *Chosŏn Ilbo* recorded that US military policemen had killed one Korean and wounded another who, allegedly, were attempting to loot military supplies from a train.⁴ In September, the anti-government *Dong-a Ilbo* ran a story that an American guard at Kunsan, in southwestern Korea, had made his dog bite a Korean woman while she was cutting weeds near an airfield. The same month, it also reported that a “Negro” soldier had stabbed two Koreans after a name-calling incident.⁵ The Korean press referred to the lack of an administrative agreement as one of the contributing factors in recurring incidents.⁶

Public demand for a SOFA and protests against GI crimes were a genuine expression of Korean nationalism because the issue of SOFA was largely a question of the recognition of Korean sovereignty. The sensitivity of the Korean government and people regarding the question of their sovereignty was a natural development after the end of the Korean War. In an editorial of September 1957, *Dong-a Ilbo* argued that demanding a SOFA meant claiming Korean sovereignty.⁷

³ For the report of the Paju incidents, see 14 April 1957, *Chosŏn Ilbo*, 24 April 1957; *Korean Republic*, 23 April 1957, 1 May 1957.

⁴ *Chosŏn Ilbo*, 26 April 1957.

⁵ *Dong-a Ilbo*, 15 September 1957.

⁶ *Chosŏn Ilbo*, 6 October 1957.

⁷ *Dong-a Ilbo*, 20 September 1957.

The Korean demand for redress found expression in the genre known as the military camptown novel (*kijichŏn sosŏl*). From the mid-1950s, Korean writers began to use camptown life, especially those of prostitutes, to embody the feeling of powerlessness and concern over the destruction of traditional values in the face of the overwhelming American influence.

The military camptown novels and short stories described the conditions and lives of people who lived adjacent to US military bases. The best known such work was Song Pyŏng-su's short story "Shorty Kim" published in 1957. Through the eye of a Korean boy who earned his living by arranging meetings between a Korean prostitute and American GIs, the author vividly depicted the dreaded living conditions and the moral degradation of a camptown.⁸ Ha Gŭn-chan's "Wangnŭngkwa chudungun" [Royal Tomb and US troops] depicted the conflicts between an old man, Park, whose job and life centered on guarding a sacred royal tomb, and American soldiers who ignored him. Park tried to protect the holy tomb from being polluted by GIs. He built fences around the tomb, but failed to prevent them from coming at night with prostitutes or village girls to make love. The real shame fell to Park when his runaway daughter came home with a blue-eyed, half-American baby.⁹

These writers reflected Korean concern about the deterioration of tradition, morality, and hierarchy through American influence. Using the women's bodies conquered and served for Americans as symbolic of the fate of Koreans, they lamented the loss of tradition and their own wounded masculinity.¹⁰ At the same time, these popular stories created a negative stereotype of

⁸ Song Pyŏng-su, "Shorty Kim," in *Han'guk hyŏndae daepyŏ sosŏlsŏn*, [Collection of Modern Korean Novels and Short Stories], ed. Im Hyŏng-taek (Seoul: Changjak'kwa pipyŏngsa, 1996), vol. VIII. The story was originally published in *Munhak yaesul*, July 1957).

⁹ Ha Gŭn-chan, "Wangnŭngkwa chudungun," *Ibid.*, vol. IX.

¹⁰ In studying Japanese novels and memoirs of the US occupation, Michael S. Molasky found that most Japanese male writers were quick to depict the sexual violation of Japanese women as the symbol of their humiliating experience of defeat and occupation. Molasky, *The American Occupation of Japan and Okinawa Literature and Memory* (New York: Routledge, 1999), 10-11; John Dower also argues that "The *panpan* [Japanese women associated with GIs] arm-in-arm with her GI companion, or rising gaily in his jeep, constituted a piercing wound to

American soldiers. In most GI literature, American soldiers were simplistically characterized as physically violent and/or sexually aggressive predators. Although not all Koreans had a direct experience with contemptuous GIs, more and more people through these works began identifying GIs as sexual predators.¹¹ When Koreans read newspaper coverage of GI incidents, they probably had this stereotypical image of GIs in their mind. After reading such creative works, it became more likely to believe the newspaper coverage of GI crimes. The Korean demand for a SOFA in a sense reflected their concerns over American dominance in Korea.

In addition to Koreans' sensitivity to the infringement of their sovereignty and their concerns over American dominance, the insensitivity and cruelty of GI crimes described in the press coverage inflamed public opinion. The infamous "A boy in a box" case occurred in February 1958 when a thirteen-year-old Korean boy was caught stealing in an aircraft maintenance center. As a punishment, Captain Marvin F. Kemp put the boy in a wooden packing box used for transporting spare parts, nailed the lid shut, and shipped him twenty-five miles away via helicopter. The boy was released unharmed upon arrival, but he later claimed that Kemp and other GIs shaved his hair off and smeared a tar-like substance over his scalp as an additional punishment. In response to Korean outrage at the news of this case, Captain Kemp was reprimanded by the Army and the boy was later sent to an orphanage. General George H. Decker of the United Nations Command made a rare public apology.¹²

national pride in general and masculine pride in particular." John Dower, *Embracing Defeat: Japan in the Wake of World War II* (New York: W.W. Norton, 1999), 135.

¹¹ George Sydney, "Korea and Koreans reflected in American fiction," *Journal of American Studies*, Korea, 29, 2 (Winter 1997): 422-437.

¹² "Staff office Report of Information Section," February 1958, RG 338, Boxes 1495, NARAII; 27 February 1958; 4 March 1958, *Chosŏn Ilbo*. Captain Kemp was sentenced to a reprimand, suspension of command for a period of six months, and forfeiture of \$200 per month for six months by general courts-martial. The verdict was reported in *Washington Post and Herald Tribune*, 12 April 1958.

General Decker ordered weekly training against unnecessary use of force, and implemented a program intended to improve soldiers' understanding of Korea and its problem.¹³ This order and training, however, did nothing to halt ugly incidents. Only a year later, a similar abuse was repeated at Osan Air Force base: two airmen apprehended a Korean thief and placed him in a dog cage.¹⁴ In January 1960, in an Army base near Tongduchŏn, Captain John W. McErney and First Sergeant Ora Curnutte shaved the heads of two Korean prostitutes caught inside the barrack and harassed them with a dozen soldiers. The ROK government lodged a formal protest and the two men were reprimanded.¹⁵ American media condemned such arrogant and abusive behavior. Criticizing the two men's action as inexcusable, the *Washington Post and Times Herald* emphasized the guest status of US troops abroad. It commented, "[w]hen Americans are guests in a foreign land they must show scrupulous respect for local law-enforcement processes. The role of US forces as defenders does not entitle them to become local prosecutors and judges, and arrogant behavior of this sort understandably becomes a focal point for resentment."¹⁶ As such incidents continued and bad press coverage increased, both in South Korea and the United States, in 1959 General Carter B. Magruder, the CINCUNC, ordered his troops to behave carefully in order to silence Korean demands for SOFA negotiations.¹⁷

¹³ *Washington Post and Times Herald*, 15 October 1957.

¹⁴ "Gilstrap to the Department of State," 11 April 1959, Roll 14, Records of the US Department of State Relating to the Internal Affairs of Korea, 1955-1959 (IAK) [microfilms] (Wilmington: Scholarly Resources, 1991).

¹⁵ *Chosŏn Ilbo*, 7 January 1960; *Chosŏn Ilbo*, 8 January 1960; *New York Times*, 7 January 1960. It was very common for the prostitutes to visit US soldiers' barrack at night in Korea. One report of the Eighth Army recorded over 11,000 illegal trespasses on US military installations. Of them, 72 percent, or over eight thousands were women who were engaged in prostitution. For this, see "From Major General H.P. Storke to General Magruder on Crime Prevention Programs," 26 January 1960, Box 301, Eighth US Army, Adjutant General Section, "Classified General Officer Correspondence," RG 338, NARA II.

¹⁶ *Washington Post and Times Herald*, 15 January 1960.

¹⁷ "Memorandum, Commending General's Conference of 26 February 1960," Classified General Officer Correspondence, Box 301, Eighth US Army, Adjutant General Section, "Classified General Officer Correspondence," RG 338, NARA II.

The US Embassy Responds

The US embassy, however, had begun serious study of the SOFA issue as Korean pressure for the opening of SOFA talks mounted. For six months after the ROK government sent its draft of the status of forces agreement in January 1957, the US embassy had postponed any definite answer.¹⁸ Only with the ever-increasing reports of GI crimes, did the US embassy begin to correspond with the State Department on developing a response to the ROK's January draft.¹⁹ Just like with Japan and the Philippines, the continuous public pressure demanding a SOFA was the first step to push the State Department to consider the issue seriously.

The embassy had another reason to take a second look at the SOFA issue. One reason the military gave for refusal to open negotiations was fact that hostilities between the two Koreas were only suspended, not ceased. However, Ambassador Walter C. Dowling began to see USFK's argument as weak and dubious. In March 1957, Dowling was unpleasantly surprised to find out that the CINCUNC approved housing construction for dependents of Military Aid Groups (MAAG). The USFK had decided to begin the project without consulting either the embassy or the Korean government. For Dowling this was a clear contradiction of the military's argument that it needed to have the upper hand in Korea because a state of war still existed. In an informal letter to Howard Parsons at State, he pinpointed the inconsistency of the military authorities in pursuing this building project: "it seems a little inconsistent for the military to argue that the 'state of suspended warfare' makes it imperative for CINCUNC to control both

¹⁸ "US Ambassador to Korea William Lacy to the Secretary of State," 15 January 1957, Roll 13, IAK.

¹⁹ "Walter Robertson to Lacy," 26 June 1957, Roll 15, IAK.

economic and military aid, while at the same time arranging to bring dependents into this ‘critical area.’”²⁰

In June 1958, a State Department memorandum recommended that the US diplomatic mission should control economic aid. The writer explained the necessity for the change on the grounds that “the threat of resumption of hostilities in Korea” was “substantially reduced.”²¹ A month later, at a meeting with representatives from the Defense Department, Under Secretary of State Christian Herter emphasized that the “prospect of active fighting” was, in fact, negligible.²²

In 1958, anticipating the arrival of several thousands of dependents of Military Aid Groups, Dowling was determined to resolve the differences to the State Department’s advantage. In order to make these civilians’ entry and exit more efficient, the ambassador hoped to have all possible authority before commencing to negotiate the status of American dependents with the Korean government.²³ Disagreeing with the military’s preference for giving blanket diplomatic immunity to all these dependents by simply expanding the 1952 Meyer agreement, Ambassador Dowling suggested that the United States should first accept Korean demands for SOFA negotiations. Then, he explained, the ROK government would be more willing to grant privileges to the new group of dependents. He warned that the military’s plan would only inflame Korean sentiments and, thus, would negatively affect the prospect of the dependants’ status.²⁴ More than ever, Dowling sought a clear jurisdictional arrangement between the diplomatic mission and the civilian mission. He claimed, “I would be most reluctant to assume the responsibility of

²⁰ Informal letter from Dowling to Howard Parson of the Department of State, 13 March 1957, Roll 14, IAK; If the dependents are allowed to be accompanied, military tour of duty will be extended to two years. The USFK probably hoped to maximize its efficiency and continuity of operation by offering such an option.

²¹ “Memorandum regarding on Organizational Arrangements in Korea, from Robert G. Barnes to Douglass Dillon,” 18 June 1958, Roll 15, IAK.

²² “Memorandum of Korea Country Team,” 11 July 1958, Roll 15, IAK.

²³ Approximately 863 units (705 military and 157 OEC) of housing were to be made available in four locations in Korea, namely, Seoul, Taegu, Pusan, and Chinhae by fall of 1958.

²⁴ “US Embassy in Korea to the Department of State,” 21 February 1958, Roll 15, IAK.

according de facto embassy status to such a large group over whom I would have no authority.”²⁵

Assistant Secretary of State Walter S. Robertson agreed with Dowling that the obstacle to efficient and effective operation of the US government in Korea was the “absence of a normal relationship among the various agencies in Korea.”²⁶ To them, a “normal relationship” meant a hierarchy in foreign missions with the embassy at the top. In Herter’s words, the problem of US operation in South Korea was “whether the Ambassador or the commanding officer of the armed forces in Korea should exercise the ultimate responsibility.”²⁷

After about a year and a half of consistent effort on the part of Ambassador Dowling, after considerable State Department deliberation on the issue, and after the Defense Department persistently rejected all proposals and compromises, the State Department concluded that there was no alternative but to take the matter to the White House.²⁸ In early March 1959, the two departments finally agreed on this course.²⁹ On March 20, 1959, President Eisenhower declared that the ambassador would be the head of the US mission in Korea.³⁰ When the diplomatic mission was granted superior authority in Korea, one roadblock to a meaningful SOFA negotiation disappeared.³¹

²⁵ “US Embassy in Korea to the Department of State,” 24 February 1958, Roll 15, IAK.

²⁶ “Memorandum, Political Situation in the Republic of Korea,” 19 January 1959, Roll 9, IAK.

²⁷ “Undersecretary of State’s Operations Coordinator (Richards) to the Assistant Secretary of State for Far Eastern Affairs (Walter Robertson),” 25 June 1958, *FRUS*, 1958-1960, XVIII: Japan, Korea, 463-464.

²⁸ For example, until late February 1959, officials of the Department of Defense argued that the Ambassador and CINUNC would be ‘coequals’ on this basis in their relations with the Korean government, “Memorandum for Deputy Secretary of State C. Douglas Dillon,” 25 February 1959, Roll 14, IAK.

²⁹ “Memorandum for the President, Relationship between the Chief of the Diplomatic Mission in Korea, the Commander of the United States Forces in Korea and the Chiefs of Other United States Mission in Korea,” 10 March 1959, Roll 8, IAK.

³⁰ 20 March 1959, Roll 8, IAK; 20 April 1959, Roll 14, IAK.

³¹ The US-Japan Administrative Agreement in 1954 was concluded only after normal diplomatic relations was set with the US returning of Japanese sovereignty.

Pressure from Korean Employees of USFK

The continuous public coverage of GI crimes, the public awareness of the need for a SOFA, and the embassy's achievement of control helped the prospects of opening ROK-US SOFA negotiations. This change assisted another important group to consolidate its organization to push for the conclusion of a status of forces agreement. The Korean employees of the US Forces in Korea (USFK) attentively watched the press coverage and fellow Koreans' reaction to GI crimes. They were especially vulnerable to insensitive GI actions. For example, when one Korean employee was found taking \$10 from an officer's club, an MP investigated all the club's employees. Suspecting that the Korean director of the employees had collaborated in the theft, the MP confined the director for eight hours of interrogation. He was finally released after being cleared of any allegation connected to the theft.³² Without changing the current arrangement, which gave the US forces immunity from Korean jurisdiction, the unjustly confined Korean could not appeal to Korean courts for redress. Koreans employed by the US forces could not appeal to the US courts either, because the USFK refused to apply US labor law to its Korean employees.³³

Korean laborers for US forces had a more serious issue at stake: job security. They could be fired at any time without adequate explanation because the USFK did not have to abide by Korean labor laws, nor did it apply the Labor Relations Act of the United States to these laborers. General Magruder for instance, used the Korean employees' disadvantage to solve the commander's dilemma of preventing Korean thieves from taking its supplies, yet without generating adverse publicity over their confrontations with GIs at crime scenes. He ordered the hiring of more Korean guards for PXes and the firing of those on duty whenever a theft occurred.

³² *Chosŏn Ilbo*, 18 August 1958. Another report on 12 September 1956 revealed beating of Korean laborer by a US officer.

³³ *Chosŏn Ilbo*, 2 September 1957.

He required no investigation to determine the Korean guards' responsibility because there was no labor law to restrict the USFK's firing of its Korean employees. Korean employees could not protest. Later he fondly recalled the success of his strategy in significantly reducing thefts from PXes.³⁴

When GI crimes provoked Korean demands for a status of forces agreement, Korean employees of US forces readily joined the effort. Because a status of forces agreement would cover not only the arrangement for criminal jurisdiction of US forces, but also dealt with the rights and regulations for local hiring, Korean employees had a keen interest in successful negotiations on that matter. Before 1957, separate labor unions or employees in a specific region of US forces made several successful strikes and protests for pay raises, most of the time with the ROK government's mediation.³⁵ However, once the GI crimes and the demand for SOFA received broad support from the Korean people, the Korean employees began to unionize. By the end of the year, unions of Korean employees of the USFK were established in most of the areas where major US forces were stationed, and they merged to form a national union in November 1959.³⁶ From its inception, the union decided to make the conclusion of the ROK-US SOFA its primary objective.³⁷

Korean employees' demand for labor rights and a SOFA was widely accepted in Korean society. While Koreans became angry at the news of American soldiers' shooting and harassing their fellow citizens, they disdained the lives of prostitutes and smugglers. In popular narratives,

³⁴ "Memorandum, Commanding General's Conference of 26 February 1960," Classified General Officer Correspondence, Box 301, Eighth US Army, AG section, RG 338, NARA II; Carter B. Magruder, 1972, Oral Histories at US Army Military History Institute, Carlisle Barracks. PA.

³⁵ For examples of high level Korean officials' involvement in negotiating to improve working conditions of the Korean employees of the US Forces in Korea, see *Chosŏn Ilbo*, 28 February 1954; 11 August 1954; 19 January 1955, 17 April 1956.

³⁶ Oeginjo isibnyŏnsa pyŏnchan wiwŏnhoe (Oeginjojo) [The Editorial Committee for the *Twenty-Year History of the Employees of the US Forces Union*], ed. *Oeginjojo isibnyŏnsa*, [The Twenty-Year History of the Union of Foreign Organizations in Korea] (Seoul: Chŏnguk oeguk kikwan nodongjohap yŏnmang, 1979), 41.

³⁷ *Ibid.*, 42.

camptown prostitutes, for instance, were considered not only immoral, but also rebellious women who would not listen to anyone in authority and cared for nothing but making money.³⁸ Considered illegal, immoral, and greedy, these residents in camptowns could not make voices for themselves.³⁹ Korean employees of US forces, on the other hand, were seen as legitimate workers, and thus justified in demanding certain rights.

The union of Korean employees of US forces started making its own demands for the opening of SOFA negotiations. From September through October 1960, the union launched a movement aiming to collect a million signatures in support of the prompt commencement of SOFA negotiations.⁴⁰ In December they demanded that the USFK follow the Korean Labor Standard Law, which guaranteed laborers' rights to collective action, collective bargaining, and an eight hour standard working day with paid overtime work. Although the treatment of Korean workers by Korean employers scarcely conformed to the laws on paper throughout the 1960s, the law gave a sufficient foundation for this union to make its case in dealing with American employers.⁴¹ The Commander of the US Forces in Korea finally accepted the legitimacy of the union in 1961, in exchange for the union's pledge not to strike. The union leadership conceded, but not for long.⁴²

³⁸ *Hankuk Ilbo*, 12 December 1960. While its general disdain for the camptown prostitutes did not dramatically change, the Park Chung Hee government, which held power from 1961 to 1979, began to put special emphasis on the work of camptown prostitutes. The Park government saw these prostitutes as an important means of earning valuable foreign currency, and began to implement programs to reduce VD rates as well as to imbue these women with "patriotic duty." Katherine H. S. Moon, *Sex among Allies: Military Prostitution in US-Korean Relations* (New York: Columbia University Press, 1997), 41-42.

³⁹ Katherine H. S. Moon recorded that only in the 1970s several camptown, prostitutes were mobilized to protest on behalf of their interests and to protect themselves against the exploitation of private VD clinics. Moon, 25.

⁴⁰ *Ibid.*, 44; *Chosŏn Ilbo*, 21 September 1960.

⁴¹ Although the Korean Standard Law limited the working day to 8 hours per day and 48 hours per week, the average Korean workers worked 55.1 hour per weeks in 1961. However, Koreans rarely disputed over the long working hours (2.1% of all reported labor disputes in 1963). They were more concerned fair payment and safe work condition. For a study of the work conditions and working hours of Korean laborers, see Kim Yun-hwan, "hankuk imkŭm siltae'e kwanhan yŏngu [the study of Korean workers conditions focusing on wage and working hours], *Asea yŏngu*, 9. 3, 1-27.

⁴² Oeginojo, 42.

Elements of the Korean public began to demand an opening of SOFA talks between the US and ROK governments in 1957 after they read numerous reports on GI crimes in Korea. The increasing reports and heightened national attention to the matter helped Korean employees of US forces to add their concerns to the SOFA demands. This focused interest group grew along with the broader Korean public's pressure for a SOFA, effectively making job security an essential part of the ROK's SOFA negotiations with the United States in the following years.⁴³

Despite the rising demands of the Korean public, despite the firmly established interest group, and despite the embassy's recovery of its supremacy over the military, as the 1950s ended two major obstacles prevented the opening of US-ROK SOFA negotiations: the sensitivity of the US Congress on the SOFA issue and President Rhee's increasingly oppressive rule in the ROK.

Obstacles to ROK-US SOFA I: Adverse Reaction from Congress and the Public to the Girard Case, 1957

The year 1957 marked a critical moment to test the wisdom of the US government on its prolonged stationing of conventional forces abroad, especially in Asia. The action of some American troops against the local populace caused troubles for Washington with its important Asian allies. The US-Philippine base renegotiation had been suspended since 1956 over the issue of criminal jurisdiction. In 1957, not only Koreans but also Japanese and Taiwanese demanded that justice be served in cases where their citizens were killed by American soldiers. On the one hand, these reactions reflected the collective resentment Asian allies felt toward the stationing of

⁴³ By 1961, their pleas for pay increase and improved job condition gained wide political support. For instance, when the union threatened a general strike on February 23, 1961, before it was officially recognized by the commander of the USFK, members of the Korean national Assembly, both upper and lower houses of chambers, unanimously supported their effort. In their pay increase strike, the union also put the SOFA demand in front. In April negotiation, the union gained not only forty percent of pay increase, but also informal recognition from the USFK as the representative of its Korean employees.

US troops in their countries and the seemingly unregulated behavior of locally based GIs. On the other, these highly publicized incidents stirred American public opinion against Washington's adherence to the existing SOFAs. Such opinion reinforced the reluctance in Washington to open a status of forces negotiation between South Korea and the United States.

In 1957, key regional allies confronted Washington with demands for criminal jurisdiction after two widely reported murders of Asian civilians by GIs. In January, an army specialist shot and killed a Japanese woman while she was gathering expended cartridge cases near a US Army exercise area.⁴⁴ The Japanese public pressured the government to take immediate action and make a thorough investigation on this "deliberate murder." They demanded that the Japanese government take jurisdiction of the case and also take strong measures to prevent any recurrence. Even after the base commander expressed his regret, the Japanese public continued to pressure its government through anti-base campaigns and local rallies. Alarmed, the chargé d'affaires of the US embassy in Japan, Outerbridge Horsey, wrote to the State Department asking for authority to issue a "sincere regret," even as he admitted being disturbed by the "sensational" coverage of the Japanese media and the instigation of the protest by the opposition Socialist Party.⁴⁵

⁴⁴ *Wilson v. Girard*, 354 US 524 (1957) US Supreme Court Cases.

⁴⁵ The US embassy in Tokyo promptly reported the eruption of front page news of the "Girard case" a week after the incident occurred. This report criticized the conflicting and somewhat sensational approaches of the Japanese media in publicizing the case and suspected that Socialists and anti-base organizers had exaggerated the case. However, it also noted the genuine concerns of Japanese people regarding their safety around the American military bases and asked for the State Department's official expression of regret. The report gave the following reason: "The Embassy believed it essential to make prompt additional expression of official regret, which would not compromise the case but which would stress understanding of human factors, essential in dealing with Japanese." "Telegram from the Embassy in Japan (Outerbridge Horsey) to the Department of State," 8 February 1957, *FRUS*, 1955-1957, XXIII, pt. 1 Japan, 261.

On May 30, the “ugliest and most violent” anti-American riot in Taiwan’s history occurred in Taipei.⁴⁶ Some 25,000 Taiwanese stormed into the US embassy and the headquarters of United States Information Services (USIS), ripped down a US flag, threw the ambassador’s safe out the window, and beat and stoned US Marine guards. The immediate cause of this violent attack was a US military court’s acquittal of US Army master sergeant Robert G. Reynolds of the murder of a Taiwanese man, Liu Tze-jan. The military court accepted Reynolds’ claims that Liu had spied on his wife in the bath and that the gunshot was an accident. Soon after this verdict, the Reynolds family left Taipei airport escorted by sixty-seven police officers.⁴⁷

This riot, however, was more than just a response to perceived injustice in one particular case. Rather, it reflected the deeper resentment of the Taiwanese against “better-paid, better-clad, and better-housed Americans,” who numbered 11,000 in Taipei, but enjoyed immunity from Taiwanese law.⁴⁸ Astonished, President Eisenhower told Secretary of State Dulles that the administration would have to take “a very serious look at these Asiatic countries, and decide whether we can stay there. It does not seem wise, if they hate us so much.”⁴⁹

These incidents in Japan and Taiwan occurred at the same time that a US base negotiation with the Philippines stalled over the issue of criminal jurisdiction. In 1956, the Filipinos insisted on more jurisdiction than the United States had conceded to any host nation. Under the NATO status of forces agreement, the United States acknowledged local jurisdiction over its troops for their off-duty offenses, but secretly the US obtained a gentlemen’s agreement

⁴⁶ Nancy Bernkopf Tucker, *Taiwan, Hong Kong, and the United States, 1945-1992: Uncertain Friendships* (New York: Twayne Publishers, 1994), 90.

⁴⁷ *Time*, 3 June 1957, 19.

⁴⁸ *Ibid.*; Tucker, 90-91.

⁴⁹ Tucker, 92.

that errant soldiers would be turned over quietly to base commanders for punishment.⁵⁰ In 1956, the Filipinos sought to enforce the NATO terms, but without the gentlemen's agreement. Barely a week into the base negotiations, the two sides became deadlocked. The State and Defense departments decided to postpone talks again rather than yield to "transitory Philippine attitudes." Officials of both departments believed a compromise on criminal jurisdiction would incite other countries to seek revisions, touching off a global round of renegotiations.⁵¹

The unwillingness of the United States to recognize Asian authority seemed to many Asians a judgment on their sovereignty. This sentiment was most visible in the Philippines, where members of the elite, graduates of Harvard and Yale law schools, took pride in their country's "rule of law." Filipino congressman and legal scholar Arturo M. Tolentino told the New York Bar Association, "Our legal system is the same as yours, our bill of rights and the guarantees of the rights of an accused in the courts are identical to yours, and our judges have been well trained in the due course of law.... There is no reason to doubt their capacity to do justice to American soldiers violating Philippine law, unless you want to admit that your experiment in democracy has been a failure."⁵²

While the Reynolds incident in Taiwan concerned President Eisenhower, it did not provoke much public discussion in the United States. The shooting incident in Japan and American offender Private William Girard's eventual trial in a Japanese court, in contrast, drew unprecedented attention to the rights and privileges of American soldiers serving in foreign countries.

⁵⁰ Nick Cullather, *Illusions of Influence: the Political Economy of United States-Philippines Relations, 1942-1960* (Stanford: Stanford University Press, 1994), 161; NATO SOFA, 19 June 1951, *Treaties and Other International Agreements of the United States (TIAS)*, no. 2846, *UST*, vol. 4, pt. 3, 1792-1829.

⁵¹ Cullather, 150; Filipinos continued to press this issue through the "Filipino First Movement."

⁵² Arturo Tolentino, *Voice of Dissent* (Quezon City: Phoenix Publishing House, 1990), 152.

On January 30, 1957, Army Specialist Third Class William S. Girard shot and killed a middle-aged woman collecting used cartridge cases on a rifle range near Tokyo. This incident occurred while he was under orders to guard a machine gun and keep the Japanese from stealing personal equipment. Initially, Girard claimed he was innocent. Later in the joint investigation, however, another specialist, Victor N. Nickle, who had guarded the machine gun with Girard, testified about the event in disturbing detail, challenging Girard's claim of innocence. Nickle asserted that Girard had intentionally lured the Japanese to draw closer to them by throwing down empty cartridge cases and screaming "*Daijobu*," which meant "It's O.K." When the Japanese came closer, according to Nickle, Girard fired an empty brass rifle shell case at the cartridge-gatherers and hit the Japanese woman in the back. Girard most likely intended only to take pleasure in frightening the Japanese with his gun. He probably did not intend to kill any civilian, but the testimonies of Nickle and other Japanese witnesses confirmed the many complaints regarding overseas GIs "kiddish" behavior and their low regard for local people. The Japanese investigator put Girard's shooting in this line of complaints when he argued that Girard had acted in a "mischievous manner, perhaps intending to have fun in a child-like way."⁵³

The public pressure for justice ran high in Japan. Most Japanese news media reported this incident as a front-page story. The Japanese expressed outrage at the "willful," and "wanton" action of Girard.⁵⁴ Anti-base campaigns and local rallies were organized. The rising tide of public reaction pushed Prime Minister Kishi Nobusuke to send an official letter to the US embassy in which he laid out three principal issues to deal with: jurisdiction, fair compensation,

⁵³ Memorandum from Assistant Secretary of State for Far Eastern Affairs (Robertson) to the Secretary of State Dean Rusk on Girard Case, 20 May 20 1957, *FRUS*, 1955-1957, XXIII, pt. 1, Japan, 293; *Wilson v. Girard*.

⁵⁴ US Senate, Committee on Armed Services, *William S. Girard Case: Testimony of Department of Defense and Department of State*, [William S. Girard] Hearing, 85th Cong., 1st sess., 5 June 1957, 21.

and prevention of any recurrence.⁵⁵ Finally, on March 7, more than a month after the killing, the US Armed Forces in Japan (USAFIJ) and the Japanese government established a Joint United States-Japan Committee to thoroughly investigate the case. At first, the American representative claimed the US right to try Girard on the grounds that his act was “done in the performance of official duty,” as certified by his commanding officer. However, both the commanding officer and Specialist Nickle contradicted Girard’s claims, testifying that there had been no order to keep the Japanese away. Girard’s commanding officer, his fellow soldier, as well as Japanese witnesses all agreed that Girard’s shooting went far beyond his official duty. With overwhelming evidence supporting Japanese claims and public pressure mounting, most notably from the Socialist-led Anti-Base Liaison Council, the Japanese representative insisted that Girard’s luring of the Japanese and shooting at them had no connection with his official duty. In fact, in the Agreed Minutes published a year before this shooting, US Army Forces, Far East had stated that “official duty” was meant to apply “only to acts which are required to be done as a function of those duties which the individuals are performing.”⁵⁶

Chargé d’affaires Horsey admitted that the facts and circumstances suggested the event fell under Japanese jurisdiction. Concerned about the implications of accepting Japanese claims of jurisdiction, however, the “distressed” Horsey urged the State Department to find a means to prevent the Japanese government from “attempting to exercise it.”⁵⁷ The Japanese representative did not budge, strongly insisting that sufficient proof existed that Girard’s offense had not arisen in the course of the performance of official duty.⁵⁸ The Japanese argument was based on a

⁵⁵ Kishi’s letter to US Ambassador Douglas MacArthur, 8 February 1957, *FRUS*, 1955-1957, XXIII, pt. 1, Japan, 262.

⁵⁶ *Wilson v. Girard*.

⁵⁷ “Telegram from the Embassy in Japan (Horsey) to the Department of State,” 8 February 1957, *FRUS*, 1955-1957, XXIII, pt. 1, Japan, 262.

⁵⁸ “Telegram from the Embassy in Japan (MacArthur) to the Department of State,” 27 February 1957, *Ibid.*, 272.

previous case which related to an MP in Tokyo who had entered a Japanese house in the territory where he was on duty. Later, he was accused of raping a girl in the house. A performance of official duty certificate was filed, but the United States withdrew that certificate because what the MP did was far removed from the duty obligation even though he was in a duty status at the moment.⁵⁹ No agreement was reached until late April.⁶⁰

The decision became urgent as the pressure from the Japanese side increased; moreover, the case had already become overdue for trial. Both US diplomatic and military missions felt the need to end the stalemate. Since this impasse involved the interpretation of an administrative agreement, Ambassador Douglass MacArthur, III requested the State Department's view on the contested point.⁶¹ The US Army wished to expedite the trial, but arrived at a somewhat imprudent solution. The Army remained convinced that the case was still a close one, but its frustration with the prolonged delay and mounting anti-base rhetoric made them increasingly impatient with the sophisticated but slow diplomatic solution. The Army was not overly concerned with possible congressional backlash and considered the diplomatic solution "unproductive and unwise," despite the fact that diplomatic negotiations were required by the administrative agreement of 1953, and that the president had confirmed the superiority of the diplomatic mission over the Commander in Chief, Far East (CINCFE) after the signing of the security treaty between the United States and Japan in 1952.⁶² The day after Ambassador MacArthur's inquiry, an Army directive arrived for General Lyman L. Lemnitzer, CINCFE. It

⁵⁹ *William S. Girard Hearing*, 22.

⁶⁰ *Ibid.*, 21.

⁶¹ "Telegram from the Embassy in Japan (MacArthur) to the Department of State," 25 April 1957, *FRUS*, 1955-1957, XXIII, pt. 1, Japan, 282.

⁶² "Telegram from the Department of the Army to the Commander in Chief, far East (Lemnitzer), 26 April 1957, *FRUS*, 1955-1957, XXIII, pt. 1, Japan, 283. Anticipating Congressional reaction, the Army assumed that Congress would be satisfied as long as the Japanese charged Girard "for the least serious offense possible and [be]consistent with administration of justice," *Ibid.*; For the President's defining the superiority of the diplomatic mission, see Eisenhower's memorandum signed on August 3, 1952, *FRUS*, 1955-1957, vol. XXIII, pt. 1, Japan, 424.

stated that “under all circumstances we believe resort to diplomatic channels would be unproductive and unwise.” This directive specifically authorized Lemnitzer to allow Girard to be tried by Japanese authorities in exchange for Japan’s agreement to charge him with the least serious offense possible.⁶³

The Japanese government accepted the Army’s compromise. In a confidential arrangement, Tokyo agreed to indict Girard on no greater charge than “wounding resulting in death,” for which the penalty would be two to fifteen years in prison. The Japanese government also agreed to recommend that the Japanese court mitigate the sentence to the “maximum practicable extent.”⁶⁴ On May 16, the US representative of the Joint Committee officially informed the Japanese representative that the United States would not exercise its jurisdiction for Girard.⁶⁵

The Army expected that at most the Girard case would be a sideline news item in the American media. By 1957, eighty-seven GIs were already serving jail terms in Japanese prisons, and none of these cases had provoked serious outcry at home.⁶⁶ Girard’s shot, however, was heard halfway around the world. When the news of an American boy being handed over to a

⁶³ Ibid.

⁶⁴ Memorandum from Assistant Secretary of State for Far Eastern Affairs (Robertson) to the Secretary of State Dean Rusk on Girard Case, 20 May 1957, Ibid., 293.

⁶⁵ *New York Times*, 5 June 1957.

⁶⁶ Memorandum from the Deputy Under Secretary of State for Political Affairs (Murphy) to the Secretary of State, 10 June 1957, *FRUS*, 1955-1957, XXIII, pt. 1, Japan, 344. The Defense Department provided the latest available total figures regarding Japanese trials of American personnel in Japan under Administrative Agreement. Covering the period from October 29, 1953, when the current jurisdictional arrangements went into effect, up through 30 November 1956. Among 12,581 cases in which Japan had primary jurisdiction, Japanese waived all but 396 cases (3.1percent). Eighty-seven Americans were actually confined to Japanese prisons as of November 1956. In February 1956, a Federal District Court rejected the petitions of four servicemen in Japan for a declaratory judgment that the Status of forces agreement had deprived them of their constitutional rights. The judge upheld the validity of SOFA, arguing that, in the absence of an agreement, the plaintiffs would have been subject to the criminal jurisdiction of the Japanese courts anyway (*May v. Wilson*, 1956, US District Courts for the district of Columbia, No. 128-56). This decision, however, did not bring about any significant public or Congressional uproar.

“barbaric” Japanese court broke in the United States, Congress moved quickly. The day after this news report, lawmakers were calling the State Department to confirm the news about Girard.⁶⁷

The State Department was deeply concerned about the “considerable attention given by American media,” but Secretary of State Dulles was more disturbed by the Army’s pretense that it was the State Department which had approved the unthinkable.⁶⁸ Congressman Frank T. Bow of Ohio told Assistant Secretary of State Robertson, when he asked for an explanation of this decision from the Defense Department, that a high Pentagon official had informed him that “Defense wanted to retain the trial of Girard in US hands, but the Department of State argued them out of it.”⁶⁹ After Ambassador MacArthur confirmed that he had played no active role in the decision, Secretary of State Dulles called Snyder, Assistant Secretary of Defense for Public Affairs, to confront him, saying that “Defense is trying to place the responsibility on State We don’t want a public controversy about it.”⁷⁰

Only four days after the first news of the Girard case reached the United States, three prominent Republican senators, Minority Leader William Knowland of California, Eisenhower’s confidant Styles Bridges of New Hampshire, and future minority floor leader Everett M. Dirksen of Illinois visited the Secretary of the Army Wilber Brucker. The senators asked why Girard had been turned over to the Japanese for trial and through what process the Army had arrived at this

⁶⁷ “Telegram from the Department of State to the Embassy in Japan,” 20 May 1957, *FRUS*, 1955-1957, XXIII, pt. 1, Japan, 299.

⁶⁸ “Memorandum from Assistant Secretary of State for Far Eastern Affairs (Robertson) to the Secretary of State on Girard Case, 20 May 1957,” *Ibid.*, 293.

⁶⁹ “Telegram from the Department of State to the Embassy in Japan,” 20 May 1957, *Ibid.*, 299.

⁷⁰ For Ambassador MacArthur’s fact-finding reports, see his telegram to the Department of State report on May 20 and 21, *Ibid.*, 296-298; 299-301; “Memorandum of a Telephone Conversation between the Secretary of State and the Assistant Secretary of Defense for Public Affairs (Snyder), 20 May 1957, *Ibid.*, 298.

decision. Brucker explained the legality of the decision and confirmed that it was the Army's, not the State Department's decision to break through the stalemate.⁷¹

During the same afternoon, Brucker met with Dulles to decide on a response to this unexpected domestic furor. Both agreed that the best course was to revert to the previous decision and try Girard in the American military courts, despite advice from State Department officials.⁷² Ambassador MacArthur repeatedly wrote to the Secretary of State to persuade him to uphold the original decision. If the United States proceeded unilaterally to exercise jurisdiction in this case, MacArthur argued, the Japanese would consider it a "deliberate violation of existing international agreement" and would not believe in the mission of a Joint Committee in the future. Much more serious, he added, Washington's unilateral action would "shake confidence in the United States and undermine our entire position in Japan."⁷³

President Eisenhower agreed with Ambassador MacArthur that the heart of the matter was not to assign blame, but to win the hearts and minds of US allies. When, at his first briefing of the Girard case to the president, Secretary Dulles focused on the Defense Department's unilateral decision to waive US jurisdiction upon the Japanese request, Eisenhower acknowledged that the mistake had been made by the Defense Department, yet he did not hesitate to point out that the root of the problem came from the overstretching of US troop

⁷¹ "Supplementary Notes on the Legislative Leadership Meeting," 21 May 1957, *Ibid.*, 301-302; Top officials from the State and the Defense Departments exchanged several phone calls to clarify the responsibility before the senators visit the Army on 21 May.

⁷² "Memorandum of a Meeting," 21 May 1957, *Ibid.*, 307-308.

⁷³ "Telegram from the Embassy in Japan (MacArthur) to the Department of State," 24 May 1957, *Ibid.*, 315-316. Since 20 May, MacArthur wrote to the Secretary of State every day until President Eisenhower intervened to uphold the original decision. In one of his letters, he provided statistics that illustrated how generous Japan had been in ceding jurisdiction to the US. In the over fourteen thousand offenses since October 1953 in which the Japanese had the right to exercise jurisdiction, he wrote, the Japanese had exercised jurisdiction for only four hundred and thirty cases, which was three percent compared to the worldwide average in similar circumstances of twenty-eight percent.

commitments overseas.⁷⁴ While Dulles was preparing a formal memorandum for the president, Eisenhower had already made up his mind. He told Dulles that “a mistake was made and we will have to live with it.”⁷⁵ Three days later Eisenhower persuaded both the secretary of state and defense to concur and to share the responsibility evenly. “[I]t is awfully hard,” Eisenhower told them, “for a great nation to turn around and say it didn’t mean what it said in the first instance.”⁷⁶

On June 4, 1957, the State and Defense departments made a joint statement on the Girard case, announcing that the government had decided to relinquish jurisdiction “in order to preserve the integrity of the pledges of the United States.”⁷⁷ That same afternoon, President Eisenhower explained the essence of the statement to the leaders of Congress at the White House. Senator Knowland was persuaded when the president pointed out that of some 14,000 cases since October 1953, the Japanese had voluntarily relinquished jurisdiction in 13,642, that Japanese sentences were lighter than the sentences meted out by US courts-martial, that treaty procedures were adequately followed, and that the United States did not wish to back out of that agreement. Still, the senator advised, “repercussions must be expected.”⁷⁸ President Eisenhower also replied to Dorothy Girard, mother of the accused 21-year-old, to personally assure her of his “confidence that justice will be as surely rendered your son as would be the case in court martial proceedings by our own forces.”⁷⁹ Notwithstanding the president’s intervention, his persuasion of Republican

⁷⁴ “Memorandum of a Telephone Conversation between the President and the Secretary of State,” 24 May 1957, *FRUS*, 1955-1957, XXIII, pt. 1, Japan, 316.

⁷⁵ “Memorandum of Telephone Conversation between the Secretary of State and the Assistant Secretary of State for Far Eastern Affairs (Robertson),” 25 May 1957, *Ibid.*, 321-322.

⁷⁶ “Memorandum for the Record of a Meeting, White House,” 28 May 1957, *Ibid.*, 333. 2n.

⁷⁷ For the full text of the joint statement, see *New York Times*, 5 June 1957.

⁷⁸ “Supplementary Notes on the Legislative Leadership Meeting,” 4 June 1957, *FRUS*, 1955-1957, XXIII, pt. 1, Japan, 337; General Counsel of the Defense Department Robert Dechert testified in front of the Senate Committee on Armed Services that Japan recorded ninety-seven percent, the highest jurisdictional waiver rate in the world. The average waiver rate was between 60 and 70 percent, *William S. Girard Hearing*, 12.

⁷⁹ “To Dorothy Girard,” Document #200; June 13, 1957, *The Papers of Dwight David Eisenhower*, Vol. XVIII-The Presidency: Keeping the Peace, Part II: Civil Rights; June 1957 to September 1957, ed. Alfred D. Chandler, Jr. (Baltimore: Johns Hopkins University Press, 1971).

senators, the letter to the Girard family, and the carefully worded joint statement by the State and Defense Departments, the American public and most members of Congress were not appeased.

The American public still showed strong skepticism regarding the fairness of Japanese courts. In fact, the public trusted no non-US court system. State Department Soviet specialist and later the key negotiator of the US-Philippines base treaty, Charles Bohlen, observed, “There seemed to be an almost hysterical fear, particularly in Congress, of letting Americans be tried by systems of justice not in conformity with ours.”⁸⁰

Ambassador MacArthur, State Department press officer Lincoln White, and the president himself very publicly and repeatedly expressed their strong confidence in the Japanese courts. The president told reporters, “in the cases the Japanese courts have tried, they have been eminently fair, and our legal people have reported to me that their respect for the Japanese legal procedures and the sentences they pass out is very high indeed”⁸¹ Still, some lawmakers argued that Girard was being deprived of his “constitutional rights.” They took their own steps to investigate the case. The day after the State-Defense joint statement, members of the Senate Armed Services Committee, Democrat Sam J. Ervin and Republican Ralph E. Flanders, held a two-hour closed-door hearing with Defense Department legal counsel Robert Dechert and State Department legal adviser John M. Raymond. Even though Dechert testified that Japan recorded ninety-seven percent, the highest jurisdictional waiver rate in the world, compared with an average waiver rate of between sixty and seventy percent, the senators found the administration’s decision unsatisfactory. They criticized the administration for failing to push the dispute through diplomatic channels.⁸²

⁸⁰ Charles E. Bohlen, *Witness to History* (New York: Norton, 1973), 475.

⁸¹ For Ambassador MacArthur’s and Lincoln’s answer, see *New York Times*, 5 June 1957; For President Eisenhower’s answer, see *New York Times*, 6 June 1957.

⁸² *William S. Girard Hearing*; *New York Times*, 5 June 1957, 6 June 1957.

Ohio Senator John W. Bricker, who had introduced a resolution to delete criminal jurisdiction provisions from the NATO SOFA in 1953, called the ruling a “sacrifice of an American soldier to appease Japanese public opinion.”⁸³ Georgia Democrat and chairman of the House Armed Services Committee Carl Vinson demanded a full report.⁸⁴ The State-Defense joint statement stimulated a congressional movement to review the series of status of forces treaties and agreements between the United States and foreign nations.⁸⁵

Time did not seem to solve the problem. The House Committee on Foreign Affairs, which had previously kept its hands off the agreement, voted 18-8 to “direct” the president either to force a modification of such agreements or denounce them all when committee member Frank T. Bow introduced a resolution calling for modification of all status of forces agreements to provide for exclusive US jurisdiction over servicemen charged with crimes in foreign countries. The House leadership wanted to tie a vote on the Bow resolution to an appropriation for the foreign aid program, which was a vital element in the implementation of US foreign policy.⁸⁶ In 1957 alone, one resolution in the Senate and thirteen in the House were introduced calling for revision of the status of forces agreement to eliminate jurisdiction of foreign courts over American servicemen or withdrawal of American forces. Numerous other proposals, ranging

⁸³ *New York Times*, 9 June 1957; *Congressional Record*, CXCIV (1953), 8724-28; *infra*, nn. 61, 70. During the 1953 Senate NATO-SOFA hearing, Bricker accused the State Department of surrendering US rights without *quid pro quo*, misinterpreting international law, violating the Congressional right to make rules for the regulation of armed forces, depriving American servicemen of their constitutional rights, and establishing a precedent for the benefit of communism. NATO-SOFA was approved by the Senate, 75 to 15 on 15 July 1953. Supplementary Hearing on Status of Forces of the North Atlantic Treaty, Senate, Committee on Foreign Relations, 83rd Cong., 1st sess., 24 June, 1953, 3-8.

⁸⁴ *New York Times*, 9 June 1957.

⁸⁵ *New York Times*, 9 June 1957. On 28 January 1955, a subcommittee of the Senate Committee of the Armed Services was appointed to review annually the operation of criminal jurisdiction provisions and their influence on the moral and efficiency of troops. See for example, the first hearing, *Hearings to Review Operations of Article VII of the Agreement between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces*, Senate, Subcommittee of the Senate Committee on Armed Services, 84th Cong., 1st sess., 29 March 29-21 June 1955. However, after the initial controversy over the inclusion of the status of forces agreement had subdued, these hearings tended to become a mere formality of accepting the report of the Department of Defense until the Girard incident occurred in 1957.

⁸⁶ *New York Times*, 3 July 1957.

from bills that would revise the Uniform Code of Military Justice to resolutions that would require an investigation of the executive responsibility for the “surrender” of individual servicemen to a foreign court, included similar sentiments in both houses of Congress.⁸⁷

Public petitions began to arrive at the White House and the Pentagon.⁸⁸ The Pentagon later reported that it received a total of 4,000 letters on the Girard case alone.⁸⁹ Americans were more shocked by the news that the Eisenhower administration had turned an American boy over to Japanese authorities for trial than by the fact that this man in uniform had lured a middle-aged Japanese woman into a firing range and shot her to death. One woman from Girard’s hometown, Ottawa, Illinois, wrote to the president, “You have traded the loyalty of the mothers of America for the treacherous Japanese as a country has proven its sneakiness.” She concluded her letter with the following warning; “Remember Pearl Harbor, Mr. President.”⁹⁰

Young Republicans also expressed their concern that “many of the rights and liberties guaranteed to American citizens by the Constitution ... are in jeopardy of becoming compromised by certain treaties and agreements with other nations.” At the Young Republican National Federation convention on June 22, the delegates affirmed their pride in the leadership of President Eisenhower, yet recommended a reexamination of the status of forces agreements that the United States had signed with its allies. This amendment was adopted by a 333-254 vote,

⁸⁷ Introduced SOFA revision proposals of 1957 were H.J. Res. 11, 16, 39, 61, 134, 149, 177, 211, 349, 365, 371, 389, 398, and S.J. Res. 40, all of which proposed the withdrawal of troops if their legal status would not be changed; other resolutions suggesting various other measures that would have similar effect were H. Con. Res. 36, 187, 209, and 210, S. Con. Res. 15 and 38, H.J. Res. 40, H. Res. 15, 145, and 319; S. Res. 144, 145, and 155. Additional six bills were intended to prevent fulfillment of the agreements by various unilateral actions on the part of the United States; H.R. 8658, 8820, 8681, 8704, 8957, and S. 2761.

⁸⁸ *New York Times*, 9 June 1957.

⁸⁹ *New York Times*, 10 August 1958.

⁹⁰ *Time*, 17 June 1957, 16.

illustrating how disruptive the Girard issue was even among wholehearted supporters of the president.⁹¹

During the American Legion's national convention, members adopted a resolution to protect the rights of American servicemen overseas. First, they resolved that no American serviceman should be tried by any foreign government for any act committed in the line of duty or in places under American jurisdiction. Second, they resolved that when an American commander in the field confirmed that an accused soldier was acting in the line of duty, that decision should not be subject to review.⁹²

The American public was appalled by cases that they had never heard about. The Girard case was the first under Article XVII of the Administrative Agreement between Japan and the United States in which the United States waived its primary right to exercise jurisdiction for a serviceman on duty. A number of cases had arisen in the past that involved disputes over primary jurisdiction, but in ninety-seven percent of the cases the dispute was resolved when Japan waived its primary right of jurisdiction.⁹³ According to the legal counsel of the Defense Department, the history of trials of American soldiers by the Japanese, as well as by all other foreign nations, indicated that "the penalties given by the host countries were no more severe and often substantially less severe" than those which the US courts-martial would have given.⁹⁴

News reports repeatedly emphasized Girard's age. After his first meeting with Girard, an observer of the trial, Alvin M. Owsley of the American Legion, said, "There is something sweet about this youth." Just before the trial opened, Girard's defense counsel described Girard's state of mind using the familiar term, 'boy.' "The boy is getting skinny. This thing is so hard on him

⁹¹ *New York Times*, 23 June 1957.

⁹² *New York Times*, 11 September 1957; This resolution was adopted after the Supreme Court anonymously ruled to uphold the SOFA and after President Eisenhower's special message for the convention was read to them.

⁹³ "Parsons to Robertson," 11 June 1957, *FRUS*, 1955-1957, XXIII, pt .1, Japan, 345, 3 n.

⁹⁴ *William S. Girard Hearing*, 23.

that he has become a nervous wreck.”⁹⁵ The facts that 21-year-old Specialist Girard was engaged to a Japanese woman at the time of the incident, that he eventually married her in July 1957 before his trial started, and that he had been in the army since 1953 did not prevent the American media from implying that he was naive or even innocent. Studying the impact of the US military forces abroad in the early 1960s, George Stambuk wrote that the American public and Congress seemed to be preoccupied with the idea of “the ghost of the mythical citizen, drafted and sent abroad ... to be abandoned to the company of low-level criminals in substandard foreign jails or, perhaps, to have his hands chopped off for petty thievery.”⁹⁶

The Girard trial became a test case for the constitutionality of the status of forces agreements when it went to the Supreme Court. The court finally ruled 8 to 0 that all the status of forces agreement was constitutional. The Japanese trial of Girard opened on August 26, 1957 in the town near Tokyo where the incident had occurred. As expected Girard was convicted of “wounding resulting in death” and received a three-year sentence.⁹⁷

The Army did not attempt to predict the ways in which this “neat case” would haunt them at home and abroad for such a long time. The critical timing of the incident drew attention especially from Asian allies of the United States. The news broke in the United States only two weeks after destructive anti-American riots in Taiwan. The Girard conviction received great attention in the Philippines, as Filipinos insisted that the United States agree to revise the current “gentleman’s agreement” type of SOFA into one that gave Manila real authority to enforce

⁹⁵ *Time*, 9 September 1957, 40.

⁹⁶ George Stambuk, *American Military Forces Abroad: Their Impact on the Western State System* (Columbus: Ohio State University Press, 1963), 49-50.

⁹⁷ “The Girard Case,” 22 July 1957, *Time*; The Supreme Court accepted the Administration’s contention that the Girard case was of such ‘imperative public importance’ and that a final determination should be made before the court adjourned for the summer. In doing so, the Supreme Court bypassed the Court of Appeal, which happened only under exceptional circumstances. It had also done so in the cases of the Nazi saboteurs who were captured in Long Island early in World War II, in the 1947 coal strike and in the government’s seizure of the steel industry in 1952.

Philippine laws on off-duty GIs.⁹⁸ The news arrived in the United States just a month before the scheduled state visit of Japanese Prime Minister Kishi. One of the items on the agenda for this visit was a discussion of revision of the controversial US-Japanese security treaty of 1951. The Girard case covered the front pages of Korean newspapers over the summer of 1957 as Koreans began to demand a status of forces agreement comparable to the US-Japan SOFA.⁹⁹

Ambassador McArthur was right when he reminded the secretary of state of the implications of Washington's handling of the Girard case for US Asian allies. "We know, for example, that the Philippine government is following this case closely and in detail and its outcome will affect the successful conclusion of our base negotiations with the Philippines."¹⁰⁰ As he predicted, Manila signed the "most spectacular" status of forces agreement" in 1965, providing the Philippines its claimed jurisdiction over American soldiers without any secret gentleman's agreement.¹⁰¹

The cases in Taiwan and Japan were already interconnected in the minds of State Department officials. "Taken in conjunction with the Reynolds case in Formosa," the secretary of state pronounced in his staff meeting, "the Girard case may point up the need for a basic review of our policies in the stationing of troops abroad but in particular in Oriental countries."¹⁰² President Eisenhower agreed with Dulles and strongly felt that "prompt and radical steps had to be taken to cut down the number of armed forces in foreign territories It was inevitable that they would sooner or later produce strong anti-American feeling."¹⁰³

⁹⁸ For Filipinos' attention to the Girard case, see Cullather, 159-160.

⁹⁹ *Chosŏn Ilbo*, 28 May 1957; 8 June 1957; 20 June 1957; 6 July 1957.

¹⁰⁰ "Telegram from the Embassy in Japan to the Department of State," 24 May 1957, *FRUS*, 1955-1957, vol. XXIII, pt. 1, Japan, 316.

¹⁰¹ John W. McDonald, Jr., eds., *US Bases Overseas: Negotiations with Spain, Greece, and the Philippines* (Boulder: Westview Press, 1990), 75.

¹⁰² "Secretary of State's Staff Meeting," 24 May 1957, *FRUS*, 1955-1957, XXIII, pt. 1, Japan, 317.

¹⁰³ *Ibid.*, 318.

The uproar surrounding the Girard case seemed to dissipate with his conviction and quiet return home, but the tremendous turmoil it stirred up in the United States further delayed the opening of ROK-US SOFA negotiations. Eisenhower remembered that he had narrowly prevented the House from mandating exclusive US jurisdiction over soldiers assigned overseas even with the unanimous Supreme Court ruling on SOFA's constitutional validity.

For Koreans, who did not have a peacetime status of forces agreement, the aggressive congressional reaction worked against their reasonable desire to negotiate this agreement. When asked by the British Embassy in Washington whether the United States had any intention of negotiating SOFA with Korea, David G. Nes of the State Department's Division of Northeastern Affairs replied, "In view of political developments within the US we are anxious to avoid raising the question in Korea now."¹⁰⁴ This conversation occurred only a couple of weeks after the Supreme Court ruling.

Obstacles to ROK-US SOFA II: President Syngman Rhee

The Girard case explained the Eisenhower administration's reluctance to open new SOFA negotiations with its allies. However, while the administration still held a positive view of making a SOFA with Taiwan, it showed no sign of agreeing to open such negotiations with South Korea. The internal political developments in South Korea explained the Eisenhower administration's refusal of opening SOFA talks even when faced with many reported incidents involving GIs and Koreans and strong Korean pressures to change the privileged status of US troops in Korea.

¹⁰⁴ "Memorandum of conversation between E. Youde, Second Secretary of British Embassy, and David G. Nes, Officer in Charge, Korean Affairs," 31 July 1957, Roll 6, IAK.

In South Korea, the growing attention given to GI crimes and Korean demand for a SOFA coincided with the Rhee government's increasing political oppression. After its narrow and incomplete victory in the 1956 election, the Rhee government immediately showed signs of exercising harsh political control. From 1957 onward, the increasingly unpopular Rhee government and the "hard faction" of the Liberal Party began to oppress its political opposition even more brazenly. In January 1957, for example, Rhee strengthened police control over public gatherings. The US embassy closely monitored each development and tried to influence Rhee's course of action.¹⁰⁵

In January 1958, the Rhee government ratcheted up its pressure on the opposition to a new level. On the 12th, the ROK police arrested Cho Pong-am, a leader of the left-leaning Progressive Party, allegedly for affiliation with North Korea and for conspiring against the government. Cho had long ago renounced his Communist affiliations and was elected to the 1948 constitutional assembly as one of the small number of non-Rightists. Rhee appointed him Agricultural Secretary in his first cabinet but dismissed him from the position only a few months later. Despite his dismissal, Cho remained active in politics and had good relations with American embassy officials. He organized the socialist-leaning Progressive Party in 1955, finishing second in the 1956 presidential election by winning a million votes. His surprise run resulted partly from the death of the Democratic Party candidate, but also from Cho's program, which advocated steps toward peaceful reunification.¹⁰⁶

In 1958, the government charged Cho with espionage, closed *Chung-ang chöch'i* [Central Politics], a newsletter of the Progressive Party, and withdrew the registration of the

¹⁰⁵ "Embassy Weekly Notes on Korean Political Development," 18 January 1957, Roll 10, IAK.

¹⁰⁶ For the detailed study of Cho Pong-am and Korean politics in the 1950s, see Park Tae-kyun, "1950nyöndaewa Cho pongam kürigo miguk," [The 1950s, Cho Pong-am, and the United States] in 1950nyöndaehanguksaui chaejomyöng [The Review of the Korean History in the 1950s], ed. Mun Chöng-in (Seoul: Sön-in, 2004), 495-524.

Progressive Party. In June, Cho was sentenced to death. The US embassy strongly doubted the validity of the evidence that the government had submitted. Under instruction from the State Department, Ambassador Dowling met Yi Ki-pung, speaker of the national assembly and second in power in the Liberal Party, to “unofficially” convey Washington’s concern. Yi promised to make an effort to prevent a death sentence.¹⁰⁷ Dowling was “fairly confident” that the execution would be avoided.¹⁰⁸ In October, when an appellate court confirmed Cho’s death sentence, the State Department reiterating its concern, yet Dowling remained “confident that the Supreme Court would reverse the appellate Court decision.” He expected the death sentence would be mitigated at worst to life imprisonment.¹⁰⁹ To the astonishment of many Koreans and American observers, however, Cho was executed nine months later.¹¹⁰ Dowling reported that the administration decided to execute Cho not so much because of the policy of the Progressive Party, but because of Cho’s growing popularity. The State Department sent Dowling to visit the ROK foreign minister to convey its “disappointment” over the “sudden and highly questionable decision” to execute Cho.¹¹¹

Next the ROK government amended the National Security Law. In December 1958, Rhee and the hard factions of the Liberal Party took extreme measures, wishing to ensure their victory in the 1960 presidential election. They strengthened the already stringent national security law, alleging a need for new anti-Communist measures. This law included provisions on death sentences or heavy prison terms for obscure crimes like “disseminating Communist propaganda.”

¹⁰⁷ “Editorial Note on Trial of Cho,” *FRUS*, 1958-1960, XVIII: Japan, Korea, 461-462.

¹⁰⁸ “Dowling to the Department of State,” 23 June 1958, Roll 11, IAK.

¹⁰⁹ “Dowling to the Department of State,” 4 November 1958, Roll 11, IAK.

¹¹⁰ *Ibid.*; Macdonald, 193-194.

¹¹¹ Dowling’s initial evaluation of Cho’s arrest, see *FRUS*, 1958-1960, XVIII: Japan, Korea, 433-434. For the State Department’s evaluation, see *Ibid.*, 461-462; The US embassy in Korea understood that the arrest of these leaders would be the first step in a government campaign to discredit the leftist-leaning opposition parties in preparation for the National Assembly elections scheduled for May 1958, 13 January 1958, Roll 10; During the month of April 1958, the US embassy in Korea sent weekly reports on the developments surrounding the ROK Assembly election.

The US embassy noted that “in reality [this law was] designed to use against the opposition and the free press in connection with the presidential election of 1960.”¹¹² Once again, Washington expressed its concern through the ambassador. The opposition Democratic Party had strongly protested amendment of the National Security Law, arguing that it would be used to suppress any challenge to the Rhee government. The State Department released a statement indicating disappointment with the current developments in the ROK.¹¹³ Despite strong opposition from its major contender, the Democratic Party, and repeated US expression of concerns, the Liberal Party passed the amended National Security Law on December 24, 1958, by calling guards into the Assembly to clear the opposition from the floor. Dissenters were literally carried out of the room and locked in the basement while the Liberal Party members swiftly passed the national security law and other deadlocked legislations, including an elimination of the Local-Autonomy Law whereby mayors and other local officials were to be appointed by the central government instead of being elected by local people.¹¹⁴

Opposition *Kyŏngnyang Sinmun* reported that in their confrontation with 300 assembly guards many Democrats were injured and ten members were hospitalized.¹¹⁵ The United States expressed its disapproval of the action. On December 25, President Eisenhower sent a letter to Rhee to “express [his] personal concern” over the manner in which the law was passed in the assembly, which, “greatly troubles [him].”¹¹⁶ Two days later Ambassador Dowling visited Rhee

¹¹² “Memorandum from the Ambassador Dowling to Assistant Secretary of State for Far Eastern Affairs (Robertson),” 2 January 1959, *FRUS*, 1958-1960, XVIII: Japan, Korea, 535.

¹¹³ “From the Department of State to the Embassy in Korea,” 24 December 1958, *Ibid.*, 521.

¹¹⁴ Kim Il-yŏng, 55-58; Henderson, 297-298.

¹¹⁵ *Kyŏngnyang Sinmun*, 24 December 1958.

¹¹⁶ “From the Department of State to the Embassy in Korea,” 25 December 1958, XVIII, Japan; Korea, 522-523.

to convey Washington's serious concern about the national security law debacle. In early January, the State Department recalled Dowling to Washington for "further conversation."¹¹⁷

Nevertheless, Rhee remained supportive of the hard faction's continuous oppression. In April 1959, the administration closed *Kyŏnghyang Sinmun*, the second largest circulating newspaper, for allegedly spreading false information, a violation of the National Security Law. This newspaper was published by a Catholic organization with a strong affiliation to the Democratic Party. The leader and Vice President Chang Myon was a major contender in the upcoming presidential election of 1960.¹¹⁸ The closure led to extremely adverse criticism in the United States. Various Congressmen expressed their grave concern. In May, Walter Robertson, Assistant Secretary of State for Far Eastern Affairs, called the ROK ambassador Yang to express "in the strongest terms" Washington's "most serious concerns," over *Kyŏnghyang Sinmun* closing.¹¹⁹

Ambassador Dowling and the State Department tried to influence Rhee to make reforms to accommodate the public demands for a more democratic, less corrupt government, and pressure increased as Rhee's ruthless rule progressed.¹²⁰ From mid-1958, the US embassy had more frequent contact with prominent members of the Democratic Party and discussed the

¹¹⁷ On 6 January 1959, Assistant Secretary of State Walter Robertson asked for Dowling's return to the United States, see Roll 11, IAK.

¹¹⁸ Kim Ungul, ed., 163; For Democratic Party's public release against the enacting the National Security Act, see, 28 November 1958, Ibid., 165-166; For the justification of the government's closing of *Kyŏnghyang Sinmun*, see Ibid., 166-168; "Memorandum from the Director of the Office of Northeast Asia Affairs (Bane) to the Assistant Secretary of State for Far Eastern Affairs (Robertson)," 20 May 1959, *FRUS*, 1958-1960, XVIII: Japan, Korea, 555.

¹¹⁹ "Memorandum of Conversation, Robertson to Yang," 29 May 1959, Roll 11, IAK.

¹²⁰ The US embassy in Korea discussed its grave concerns about the LP's passage of the National Security Law. In response to the embassy's strong reaction, the State Department called on ROK Ambassador to the United States Yang in December 1958 to express Washington's serious concern over the newly passed National Security Law.

prospects for the 1960 election.¹²¹ Clearly the embassy viewed as excellent prospects for the Democrats in the 1960 election.¹²²

As Eisenhower wrote in his letter to Rhee, all these events were attracting “the attention of the press and public of the United States.”¹²³ Congress began to question US support of the Rhee government. In March 1959, Senator Kenneth B. Keating of New York made inquiries to the State Department concerning the Cho Pong-am case. In May 1959, at a Senate Foreign Relations Committee hearing, Senator Hubert H. Humphrey questioned the wisdom of American support of Syngman Rhee, “this tyrant ... this dictator, who is abolishing all forms of democracy.” He continued, “I am tired of hearing that we cannot do anything about old Syngman Rhee and his anti-democratic explosions, and find ourselves in the name of military support, supporting one miserable situation after another.” Another member of the same committee, Senator Wayne Morse, demanded State Department’s explanation for its support of Rhee despite of numerous reports of his “nondemocratic procedures and “totalitarian” tendency.”¹²⁴

The time for the State Department to introduce a Korean status of forces agreement to the Congress was anything but propitious. Rhee’s tendency to act above the law made American policy makers very reluctant to grant criminal jurisdiction over US personnel to the ROK government. In 1959, although the United States positively considered the opening of negotiations for a US-Taiwan status of forces agreement, the internal political situation in Korea discouraged Washington from doing the same with the ROK. Even as it advocated the opening

¹²¹ For instance, “From the Embassy in Korea to the Department of State,” 24 October 1958 recorded its meeting with Chong Il-hyŏng, a Democrat assemblyman, Roll 11, IAK. “Democrats Look to 1960,” 15 December 1958, Roll 11, IAK. Chang Myon was a frequently consulted.

¹²² Macdonald, 161.

¹²³ “Eisenhower to Rhee,” 25 December 1959, inserted in “From the Department of State to the Embassy in Korea,” 25 December 1958, *FRUS*, 1958-1960, XVIII: Japan, Korea, 522.

¹²⁴ US Senate, Committee on Foreign Relations, Mutual Security Act of 1959, Hearing, 86th Cong., 1st sess., 9 May 1959, 353-400. For the internal situation of Korea, see *Ibid.*, 382-397 in particular.

of negotiations with the Koreans on other SOFA issues, the State Department advised against discussing criminal jurisdiction with the Rhee government.¹²⁵

Demand for SOFA Becomes a Domestic Political Issue for Koreans

Public awareness of GI crimes resulted in unintended outcomes that Rhee had not foreseen. A close look at the public's response to GI crimes and the rise of demands for a SOFA in Korea shows the ways in which the SOFA demand became established as an important domestic issue, although by nature it was a bilateral foreign policy matter.

It may have been only natural for Koreans to demand justice and respect after the reports of GI crimes. However, if the nature of the Korean public reaction was inevitable, the way the SOFA issue became a central issue between the United States and the South Korea was not. Interestingly enough, the leading medium reporting "GI incidents" was the government-sponsored *Korean Republic*, a virtual propaganda machine of President Rhee. After this newspaper took the initiative, other papers, the anti-government *Kyunghyang Sinmun* and *Dong-a Ilbo*, as well as the neutral *Chosŏn Ilbo*, began to follow and report more "GI incidents." Although the authenticity of the sources and the accuracy of such reports were dubious at times, it is still noteworthy that increasing numbers of "GI incidents" were reported in Korean newspapers across the political spectrum.¹²⁶

It is also worth noting that the Rhee government allowed freedom of speech and freedom of press in press coverage of GI crimes and public demand for SOFA when it began to tighten

¹²⁵ "Memorandum, Status of Forces Agreement with Korea," 9 May 1957, Roll 14, IAK.; Ambassador Dowling suggested the United States would open SOFA negotiations if the Korean government would be willing to proceed with separate negotiations on particular and non-controversial items first, see "Dowling to the Department of State," 21 November 1957, Roll 14, IAK.

¹²⁶ The US embassy in Korea was carefully following reports on "GI Incidents" in the Korean press, even though they remained doubtful about the authenticity of such reports.

every level of its political control. Rhee allowed the publication of stories on unpleasant incidents between Koreans and Americans as a way of diverting American criticism of his authoritarian reign, just as he did in the wake of the 1956 presidential election. It was not a new strategy Rhee implemented. In 1956, Rhee and his Liberal Party tried to use the terms of the Treaty of Friendship, Commerce and Navigation with the United States in order to strengthen their political position at home. In 1958 they used GI incidents to achieve the same purpose.¹²⁷ Rhee, who had long ago established himself as the master of foreign policy, especially in his dealing with the United States, tried to justify his prolonged leadership by emphasizing that he was the only one capable of handling the United States. No stranger to Rhee's orchestration of press campaigns, the US embassy suspected the outburst of press reports of GI incidents was the result of the "tacit encouragement of some government agencies."¹²⁸

The successful opening of SOFA negotiations became an instrument for reinforcing Rhee's image with South Koreans as the protector of their interests against outsiders. In October 1957, after many detailed reports of GI incidents and after a disappointing meeting of ROK foreign ministry officials with American diplomats, President Rhee held a press conference in which he assured reporters that these incidents would not shake the foundation of the strong alliance between South Korea and the United States. He emphasized that the recent reports of GIs crimes represented only some individuals' misdeeds. He asserted that in order to prevent the recurrence of such incidents, a SOFA should be concluded soon.¹²⁹ At this point, Rhee may not have grasped the depth of Korean sensitivity to American mistreatment of fellow countrymen. As Koreans learned the details of GIs' stabbing, beating, and shooting some of their country men

¹²⁷ The embassy predicted that Rhee would "continue to exploit and even generate tensions in an effort to compel US support of his policies," 7 February 1956, Roll 10, IAK; "From US Embassy in Korea to Secretary of State," 13 May 1956, Roll 10, IAK.

¹²⁸ "Political and Socio-economic Development in the ROK, 1957," 21 February 1958, Roll 10, IAK.

¹²⁹ *Chosŏn Ilbo*, 17 October 1957.

and women, they tended to view these actions as demonstrations of American arrogance and infringement on Korean sovereignty. Regardless of Rhee's assurance, no visible step was taken to open a SOFA negotiation in 1958.

There was certainly no shortage of GI crimes. The Office of Information of the USFK recorded an average of thirty such incidents per month during the year. The Korean press continuously reported and investigated GI incidents. In May 1958 alone, for example, the same Office of Information reported receiving 439 press inquiries from Korean journalists, most of which were primarily centered on GI crimes that occurred throughout the month.¹³⁰ In all fairness to American soldiers, most of these incidents did involve thefts from US compounds, which would justify some of their actions. Gross abuses committed by some of the soldiers, however, found little tolerance in the Korean press. The newspapers continued to probe GI incidents. They closely followed the incidents, the USFK's reaction, the court-martial proceedings, and the verdict of each case.¹³¹

On November 14, 1958, after three consecutive GI shootings of Koreans, which resulted in the death of a baby, a middle-school boy, and a farmer in Paju, President Rhee ordered the foreign minister to negotiate compensation for the victim's families with the United States.¹³² The next day, he sent the ROK draft of SOFA to the US embassy. A laudatory *Korean Republic* editorial praised the government's action. As the editorial summed it up, the purpose of this proposal was, first, to obtain US recognition of a Korean position of equality in the international order and, second, to make possible effective cooperation between the United States and the

¹³⁰ "Staff Office Report of Information Section," May 1958, Box 1494, RG 338, NARA II.

¹³¹ For instance, reporting the shooting of a Korean girl by Sergeant Young in Kunsan, January 1958, *Chosŏn Ilbo* detailed the court-martial process including testimonies of witnesses. Young was sentenced to three-months of hard labor and pay deduction. For examples of other reports in 1958, see *Chosŏn Ilbo*, 28 February 1958 on a killing of a Korean boy; 29 April on an American MP's beating of a Korean, 15 May on a drunken GI's stabbing of a passer-by, 27 May, two American MP's pushing of Korean soldiers from a running train, 2 July on a GI's killing and arson in front of a club.

¹³² *Chosŏn Ilbo*, 14 November 1958.

ROK in preventing the recurrence of those incidents which occasionally marred close and friendly relations. In this summary of the Korean draft, it appeared that criminal jurisdiction was high on the agenda.¹³³ Yet the actual proposal placed an agreement on criminal jurisdiction at the very bottom of the agenda, indicating that the ROK government was merely paying lip-service to the public outcry. Priority was given in descending order to an agreement concerning offshore procurement, taxation, and customs duties of US forces in Korea; an agreement concerning settlement of claims relative to the stationing of the US forces in Korea; an agreement concerning facilities and areas to be used by US forces in Korea; an agreement concerning entry and exit of UN forces in Korea; and finally an agreement concerning criminal jurisdiction over offenses by US forces in Korea.¹³⁴ Ambassador Dowling wrote, “nearly all Korean officials recognize that the existence of an administrative agreement [SOFA] would have little bearing on the second point [negotiation for criminal jurisdiction]” because the United States already informed the ROK government of its strong opposition to changing the current arrangement in that area.¹³⁵

Koreans soon learned through a UPI report that the United States claimed that a SOFA negotiation was not necessary in Korea because the country was in a state of suspended hostilities. The US embassy did not deny the truth of this report.¹³⁶ Hurriedly, only five days after the report, the foreign minister announced that the ROK government requested the opening of a SOFA negotiation with the US government, including a discussion of criminal jurisdiction.¹³⁷ This episode was detrimental to Rhee in that it informed Koreans of his

¹³³ *Korean Republic*, 15 November 1958.

¹³⁴ “Dowling to the Secretary of State,” 21 November 1958, Roll 14, IAK.

¹³⁵ *Ibid.*

¹³⁶ *Chosŏn Ilbo*, 25 December 1958.

¹³⁷ *Chosŏn Ilbo*, 30 December 1958.

deception. It further undermined Rhee's image as the best person to manipulate Americans for Korea's advantage.

In the meantime, as reports of GI incidents continued and Washington expressed its objection to the opening of the SOFA talk, Koreans began to criticize the Rhee government's inactivity. On May 1959, a *Chosŏn Ilbo* article criticized both Washington and Seoul. "How many deaths will the US need before it responds to the Korean cry for justice?" the writer asked rhetorically. Unlike previous articles, this one did not stop here. It expressed equal disappointment with the ROK Foreign Ministry. "Why is our foreign ministry keeping silent? Are they working for Korean interests or what?" the reporter indignantly asked.¹³⁸ On January 14, 1960 the editorial of this newspaper blamed both the Korean and American governments for the recurring of GI incidents.¹³⁹

In addition to some journalists, politicians opposed to President Rhee began to utilize the lack of progress in making a SOFA with the United States to criticize the government's overall policies. Limited in their scope of political actions and especially criticism of the current administration, they now used the SOFA shield, that is, they used criticism of GI crimes and the demand for SOFA, in order to advance their criticism of the Rhee government. The Democratic Party, the second largest party in South Korea, had placed the conclusion of a SOFA on its party platform for 1957; now it increased its criticism of Rhee's failure to even bring about negotiations.¹⁴⁰ Most of the time, their criticism focused less on American criminal offenders or cultural insensitivity than on the Rhee government's mishandling of foreign affairs and Rhee's

¹³⁸ *Chosŏn Ilbo*, 13 May 1959.

¹³⁹ *Chosŏn Ilbo*, 14 January 1960.

¹⁴⁰ "Ambassador Green to the Secretary of State," 22 September 1960, Box 146, RG 469: Records of the US Foreign Assistance Agencies, 1948-1961, Office of Far Eastern Operations, Deputy Director for Operation. Korea Subject Files, 1953-1961, NARA II.

failure to respond to the public outcry.¹⁴¹ Insistence on demanding a SOFA became a legitimate tool to challenge the government in power.

Rhee's Fall and US Acceptance of Opening SOFA Talks

The Liberal Party and Rhee saw the end of their almighty rule after they manipulated the election results in March 1960. Rumors that the Liberal Party was preparing to manipulate the results had circulated in early 1960, but Rhee's election victory with nearly ninety percent of the popular vote confirmed the anticipation with a vengeance. In April 1960, university students and professors, as well as local populations, rose up to protest the rigged election and demanded that Rhee step down. By April 19, the confrontation between Korean protesters and the police had claimed over one hundred lives and many more injuries.¹⁴² Finally, US Ambassador Walter McCaughy and General Magruder visited Rhee to urge his resignation.¹⁴³ A day later, Rhee announced his resignation. On April 29, Rhee and his wife went off to exile in Hawaii.¹⁴⁴ On July 29, through the most democratic election in South Korean history thus far, Chang Myon became prime minister and a cabinet system of government was established. The Democratic Party controlled the majority of the National Assembly.¹⁴⁵

The change in ROK politics had a direct impact on the fate of ROK-US SOFA negotiations, which further proved that Rhee and his increasingly oppressive measures to prolong his rule had been the most serious obstacles to opening SOFA negotiations. In March 1960, just a month before Rhee's resignation, a Korean newspaper reported that the new

¹⁴¹ Um Hae-yŏng, et al., "Chukwŏnŭn ch'ŏdae batkoitta" [Korean National Sovereignty Is in Danger] *Sasangye* 72 (June 1959), 102-117; "Han'gukine daehan mikunŭi sahyŏng" [American Soldier's Murder of a Korean], *Sasangye* 79 (February 1960), 105-107.

¹⁴² Cumings, 344.

¹⁴³ "Telegram from the Embassy in Korea to the Department of State," 26 April 1960, *FRUS*, 1958-1960, XVIII: Japan, Korea, 641-644.

¹⁴⁴ Cumings., 344.

¹⁴⁵ "Editorial Note," *FRUS*, 1958-1960, XVIII: Japan, Korea, 680-681.

Kennedy administration did not show any sign of opening SOFA talks, but in August, planning its first official meeting with the new ROK government, the Kennedy administration included SOFA discussions in the agenda.¹⁴⁶

From early 1961, Ambassador McConaughy began to report rising Korean pressure for opening SOFA negotiations. Reflecting the public demand, on March 2, 1961, the national assembly unanimously passed a resolution urging “the earliest conclusion” of a SOFA.¹⁴⁷ McConaughy recommended that the State Department open a preliminary meeting with Koreans to prepare the talks. Secretary of State Dean Rusk responded immediately by sending a letter to Secretary of Defense Robert McNamara asking for his agreement on opening SOFA negotiations with the “moderate, conservative” ROK government. Rusk reminded McNamara that Korea was the only nation in which the United States had exclusive jurisdiction over its troops and that Korean demands for SOFA negotiations were, in fact, “natural and justifiable expectations.”¹⁴⁸

From the time of Chang’s inauguration, the State Department had been considering a move toward accommodation.¹⁴⁹ Now the State Department found two reasons to support their earlier consideration: to alleviate Korean sensitivity over the conclusion of the US-Japan SOFA in 1960 and to support Chang’s economic program. Rusk explained to McNamara that Koreans were “especially sensitive over the fact that [the United States] concluded a status of forces agreement with Japan including an agreement on criminal jurisdiction comparable with those signed with our European allies.” In addition, Rusk emphasized the difficulties Chang faced. He wrote that the ROK government was “currently under heavy pressure in connection with the

¹⁴⁶ “Telegram from the Department of State (C. Douglas Dillon, Under Secretary of State of Economic Affairs) to the Embassy in Korea,” 20 August 1960, *Ibid.*, 687-689.

¹⁴⁷ *Chosŏn Ilbo*, 3 March 1961.

¹⁴⁸ “Letter from Secretary of State to Secretary of Defense,” 2 March 1961, *FRUS*, 1961-1963, XXII: Northeast Asia, 422-423.

¹⁴⁹ “Telegram from the Department of State (Dillon) to the Embassy in Korea,” 20 August 1960, *FRUS*, 1958-1960, XVIII: Japan, Korea, 687-689.

series of vital but unpopular economic reforms which we have insisted are necessary for further progress.” Rusk reasoned that movement on a SOFA would not only help strengthen Chang’s government but also would enable the United States to conclude the “most advantageous” agreement.¹⁵⁰ The timing seemed right.

In his response to Rusk, Roswell Gilpatric, Deputy Secretary of Defense, agreed that the United States could not indefinitely refuse to open SOFA negotiations with Koreans, yet he showed reluctance to accept the Korean desire for criminal jurisdiction over US personnel in Korean courts.¹⁵¹ Again, military authorities strongly opposed the State Department’s request. On March 17, Chairman of the Joint Chiefs of Staff General Lyman Lemnitzer argued that a “suspended state of war” existed in Korea and added that the “American people would rather see US forces withdrawn from Korea than agree to turning US servicemen over to Korean courts.”¹⁵²

In the meantime, as some members of the Kennedy administration monitored the political turmoil and economic grievances that threatened stability in South Korea, they became even more committed to the idea of opening of SOFA negotiations as a necessary step. On March 15, Robert Komer of the National Security Council suggested that the United States should “move forcefully” to negotiate and get a satisfactory SOFA in order to “buy public acceptance [of] our greater involvement in ROK economic direction.”¹⁵³ Upon receiving Komer’s memorandum, Walt Rostow, the president’s deputy special assistant for national security affairs, recommended that Kennedy take a “fresh look” at Korean affairs.¹⁵⁴ On March 21, a special national

¹⁵⁰ “Letter from Secretary of State to Secretary of Defense,” 2 March 1961, *FRUS*, 1961-1963, XXII: Northeast Asia, 422-423.

¹⁵¹ “Letter from Roswell Gilpatric, Deputy Secretary of Defense to the Secretary of State,” 10 March 1960, 3n, *Ibid.*, 423.

¹⁵² JSC General Lemnitzer at a State-Joint Chiefs of Staff meeting, 17 March 1961, 2n, *Ibid.*

¹⁵³ “Memorandum from Robert W. Komer of the National Council Staff to President’s Deputy Special Assistant for National Security Affairs (Walt Rostow), 15 March 1961, *Ibid.*, 427.

¹⁵⁴ “Memorandum from President’s Deputy Special Assistant for National Security Affairs to President Kennedy,” 15 March 1961, *Ibid.*, 428.

intelligence report also pointed out that Korean resentment against the United States centered around the US refusal to open SOFA negotiations.

On March 30, the Pentagon agreed with the State Department to open a “full” SOFA negotiation with the ROK, but on the condition that talks on criminal jurisdiction should be commenced only after the ROK demonstrated “a stable government, capable of judicious administration of a criminal jurisdiction.”¹⁵⁵ On April 5, McConaughy received a Joint State-Defense message authorizing him to inform the ROK government that the United States was “prepared to open” SOFA negotiations¹⁵⁶ On April 10, 1961, General Magruder informed Prime Minister Chang Myon of US willingness to initiate a “full” SOFA negotiation. Upon hearing this news Chang reportedly exclaimed that it was “the best news ever.”¹⁵⁷

Conclusion

In the late 1950s, SOFA became an important issue between the US and Korean governments. Increasing Korean reports of American soldier’s harassing, shooting, and killing Koreans taught Koreans to differentiate Good Samaritans from ugly Americans. While appreciating American military and economic support, Koreans hoped to prevent recurrent crimes by trying American offenders in Korean courts. Rhee confidently let these reports out, hoping to use them for his political advantage, but the SOFA issue was not like any of the other major issues he had masterminded. Korean indignation at GI crimes was deeper than Rhee realized, and the United States stood firm in its refusal to even discuss anything related to changing the immunity of the USFK. As GI crimes continued with no prospect of a SOFA in sight, Koreans began to turn their criticism from individual, delinquent Americans to the US

¹⁵⁵ “JCS memorandum to McNamara,” 30 March 1961, cited in *Ibid.*, 441.

¹⁵⁶ “Telegram from the Department of State to the Embassy in Korea,” 5 April 1961, *Ibid.*, 440.

¹⁵⁷ “Ambassador McConaughy to the Department of State,” 10 April 1961, *Ibid.*, 442, 3n.

government, and finally to the Rhee government. From 1957, the issue of SOFA negotiations never died down. Finally, opposing politicians, whose political activities were severely restrained, grasped this issue to lend weight to their criticism of the Rhee government. Thus, in the late 1950s, SOFA became an important political tool for both the governing and opposing parties. Furthermore, press coverage of GI crimes and national attention given to the making of a SOFA with the United States helped Korean employees of US Forces in Korea to organize. With an eye to the job security that a SOFA would bring, these employees became an important interest group in lobbying for the commencement of negotiations.

Rhee not only failed to grasp the critical interest of such groups or the seriousness of the Korean resentment regarding GI incidents, but he also he failed to comprehend the complex web of American political interests involved in making a SOFA. Only after the demise of the Rhee government did SOFA negotiations become possible in Korea. Opponents of Rhee culminated their effort in the spring of 1960 after a fraudulent election when Rhee was finally forced to step down from his twelve-year rule. His long-time opponent, Democrat Chang Myon, replaced him through the most democratic election held in Korean history up to then. Finally, in April 1961, with the Chang government facing a host of pressures from an increasingly impatient public, the United States agreed to open “full” SOFA negotiations.

CHAPTER FOUR

THE MAKING OF THE FIRST ROK-US STATUS OF FORCES AGREEMENT, 1962-1966

In 1961 the dramatic upheaval in Korean politics still waited another turn. On May 16 Major General Park Chung Hee, with 3,500 junior officers of the Republic of Korea Army (ROKA), staged a successful military coup d'état. The small number of army officers soon controlled the media outlets in Seoul and declared that "the Military Revolutionary Committee" had assumed control of the legislative, executive, and judicial branches of the ROK Government. They immediately declared martial law over the entire nation. During this crisis of the constitution, Prime Minister Chang Myon was in hiding, pending clarification of the situation.¹

Washington instructed Marshall Green, chargé d'affaires at the embassy, and General Carter B. Magruder, Commander in Chief, United Nations Command (CINCUNC), to adopt a cautious "wait-and-see" attitude while the Kennedy administration busily examined the central figures of the coup and cautiously watched political developments in Korea.² All pertinent issues that lay between the United States and South Korea were on hold. The fate of the first ROK-US

¹ "Telegram from the Department of State to Secretary of State Rusk at Geneva," 16 May 1961, *Foreign Relations of the United States (FRUS)*, 1961-1963, XXII: Northeast Asia, 452-454.

² "Telegram from the Department of State to the Embassy in Korea," 16 May 1961, On the morning of May 16, without prior consultation with Washington, Commander in Chief, US Forces in Korea (USFK) General Carter Magruder issued a statement calling on all military personnel to return to his command to support the ROK government headed by the legitimately elected Prime Minister. Green also issued a statement concurring with the above position and promising US support for constitutional government of the ROK. For the initial response from Magruder and Green, see "Telegram from the Commander in Chief, US Forces Korea (Magruder) to the Joint Chiefs of Staff," 16 May 1961, *Ibid.*, 449-451 and "Telegram from the Department of State to Secretary of State Rusk at Geneva," 16 May 1961, *Ibid.*, 452-454.

SOFA negotiation was no exception. One more time, the hard-earned promise of talks fell into the complex web of dynamic interests beyond the reach of American soldiers and their Korean hosts. On the Korean side, this web included Korean perceptions of American soldiers, Korean understanding of their place in US policy in Asia, and internal political struggles. On the American side, the web consisted of US approaches to SOFA worldwide, general American mistrust of the Korean legal system, institutional biases within the branches of the US government, and changing US strategies in Asian policy, including the prospects of the US-ROK-Japan alliance and the deepening of Washington's involvement in the Vietnam quagmire.

This chapter examines the elements that affected the renewing of the ROK-US SOFA negotiations and the ways in which they were conducted. The main focus is on the domestic and international forces that shaped the making of the first ROK-US Status of Forces Agreement. Although it was a foreign policy issue, the Park Chung Hee administration placed this SOFA negotiation almost exclusively in its domestic political context. The Kennedy and Johnson administrations, on the other hand, placed the ROK-US SOFA issue in broader context.

In June 1962, upon the Korean people's demand for the opening of the SOFA negotiation after a series of cruel GI incidents, the Kennedy administration decided to open talks with the Park Chung Hee's junta. However, the agreement on criminal jurisdiction, the most contentious issue, was reached only in 1966, after Washington secured its SOFAs with other Asian allies and only after the Johnson administration became more dependent on ROK combat troops in Vietnam.

Coup d'état and the Delayed Reopening of the ROK-US SOFA, 1961-1962

The Kennedy administration decided to accept coup leader Park Chung Hee as its partner on the condition that he would promptly return power to a civilian government. In June 1961, veteran diplomat Samuel Berger, who favored Park's regime, arrived in Seoul as the new US ambassador to the ROK.³ Park, now Chairman of the Supreme Council of National Reconstruction (SCNR), soon requested a meeting with President Kennedy in order to demonstrate US support before the Korean people. The National Security Council promptly approved an "informal visit" from Park.⁴ In July, Park publicly pledged to restore a civilian government and in August he announced a specific timeline for the reversion—by the summer of 1963.⁵ In November, Park arrived at the White House and received a "friendly" welcome from President Kennedy. Ambassador Berger was satisfied with the impact of this trip. By showing Washington's support of Park, he believed that the United States had decisively acted to help stabilize the situation in Korea.⁶ Once the issue of legitimization of the ROK military government was settled, the Kennedy administration hoped to move on to the pending issues between the two nations. Two critical and potentially explosive ones were the evaluation of ROK force levels and ROK-Japan diplomatic normalization.⁷

Interaction between Koreans and Americans on the ground level complicated relations at the top. Berger made cautiously positive assessments of the US-ROK relationship in late 1961,

³ For example, in reporting the junta's economic plan, Berger wrote, "recent actions of military government leave little doubt of its ability to develop and instate measures and establish machinery to deal with present economic problems," 24 August 1961, *FRUS*, 1961-1963, XXII, 517.

⁴ Established through an "Extraordinary Measures Law" of June 6, 1961, the Supreme Council of National Reconstruction (SCNR), whose members were all coup leaders or general-grade military officers, would exert both legislative and executive powers.; Park's visit to Washington including conferences with the President and the Secretary of State was authorized, "Record of National Security Council Action No. 2430," 13 June 1961, *FRUS*, 1961-1963, XXII, 482-483.

⁵ Donald Stone MacDonald, *US-Korean Relations from Liberation to Self-Reliance, The Twenty-Year Record: An Interpretive Summary of the Archives of the US Department of State for the Period of 1945 to 1965* (Boulder: Westview Press, 1992), 217.

⁶ "The US Embassy in Korea to the Department of State," 15 December 1961, *FRUS*, 1961-1963, XXII, 543.

⁷ Ibid.

but events quickly moved the situation in the opposite direction. In January 1962, two Korean woodcutters were shot to death in Paju near the DMZ. At first, US military authorities reported that the two Koreans slipped through the DMZ and ran away when a US guard ordered them to stop. The woodcutters, the report claimed, did not stop even after repeated warnings; thus, the soldiers had to shoot them. However, Korean investigators soon discovered that there were no holes or bloodstains in the clothes of the two Koreans. It appeared that these two men were killed naked. According to a Korean witness, a friend of the victims who happened to escape from the scene, they did not step into the DMZ, but only to off-limit areas near a US military base.⁸ The Foreign Minister of Korea called Ambassador Berger to protest and demand a full investigation of the incident. A US-Korean joint investigation was soon launched.⁹ Unfortunately, this was only the beginning of a series of high profile GI incidents.

In February, a pregnant Korean prostitute was reportedly kicked by an American soldier spending a night with her and she lost her baby.¹⁰ In May, a Korean houseboy was mistakenly captured as a thief and was lynched on a telegraph pole by two American officers. According to a newspaper report and an investigation by a human rights organization, the officers beat the boy with clubs and pistols, undressed him except for his underwear, hanged him on a telegraph pole, and then forced other soldiers and Korean employees to watch him be beaten. The gruesome details of the American officers' humiliating abuse of a Korean captured the headlines in Korean newspapers. The Korean press closely monitored the ensuing court-martials of the two officers.¹¹

The heightened public attention given to GI incidents in Korea was evident from the appeal of Private Howard Gordon. In May 1962, he took a Korean soldier's life by stabbing him

⁸ *Chōsun Ilbo*, 9 February 1962; 10 February 1962; 11 February 1962.

⁹ *Chōsun Ilbo*, 13 February 1962.

¹⁰ *Chōsun Ilbo*, 25 February 1962. The Eighth US Army announced that they would give her compensation.

¹¹ *Chōsun Ilbo*, 4 June 1962; 9 June 1962; 14 June 1962.

to death and seriously injured another Korean. Gordon was captured and found guilty by a US court-martial of unpremeditated murder and assault with a dangerous weapon. However, he appealed his case, arguing that he was unable to receive a fair trial because of the “widespread publicity given to incidents involving American soldiers and Koreans.”¹² His argument, although not accepted, captured the atmosphere of the time in Korea.

Korean newspapers were once again inundated with reports on GI incidents. Not only did the reports of the Korean press become more informative but they also became more analytical. For instance, along with its February report on American soldiers’ killing of the Korean woodcutters, *Chosŏn Ilbo* published a special section on the history of the negotiations for the opening of the ROK-US SOFA talks. This story disclosed the most infamous GI crimes of the 1950s and the US-NATO and the recently concluded US-Japan SOFAs. By putting GI crimes in Korea in such a comparative perspective, the article made a pressing case for starting the ROK-US SOFA negotiations. It also encouraged its readers to believe that the NATO style SOFA would be the most appropriate for the ROK.¹³

The popular intellectual monthly *Sasanggye* [World of Thoughts], which had published a series of articles on the prospect of a status of forces agreement between the United States and the Republic of Korea in 1960, drew its readers’ attention to the tragic death of the two Korean woodcutters.¹⁴ The publisher of the magazine, Chang Chun-ha, asked, “if such a malicious crime

¹² United States v Gordon (1962) CM 408478, United States Army, Office of the Judge Advocate General, *Court-Martial Reports: Holdings and Decisions of the Judge Advocates General Boards of Review and United States Court Military Appeals*, 33 (Rochester: Lawyer’s Co-operative Publishing Co, 1962), 489-501, esp. 493; *Washington Post and Times Herald*, 21 May 1962.

¹³ *Chosŏn Ilbo*, 13 February 1962.

¹⁴ For the examples of its Articles in 1960, see Yi Wŏn-u, “Hanil kwangyewa miguk’ui kug’ik, [ROK-Japan Issue and the National Interest of the United States],” *Sasanggye* 83 (June 1960), 88-89; Ch’oe Yŏng-du, “Mi-il anbo choyakkwa hanguk pangwi [The Japan-US Security Treaty and Korean Defense],” *Ibid.*, 247-253; Ŏm Min-yŏng, “Hangjŏng hyŏpchŏngŭi chŏnmang [The Prospects of the US-ROK Administrative Agreement],” *Sasanggye* 84 (July 1960), 74-82; Kang Byŏng-kyu, “Hanmi kunsakwangyeŭi chaegŏmto [Review of the US-ROK Military Relations],” *Sasanggye* 87 (October 1960), 187-193.

occurred in Japan or any NATO states, would the US government respond the same way it did in Korea?” Appealing to American humanitarianism, he demanded prompt talks for a SOFA.¹⁵

Pushed by such public demand, the junta hurriedly announced that it was preparing a SOFA proposal.¹⁶ On May 14, the junta requested the reopening of SOFA talks, only to be informed that the United States would not agree unless South Korea sent a written commitment in advance that the question of criminal jurisdiction would not be raised for discussion until the formation of a new constitutional government and the lifting of martial law. The junta rejected the American demand.¹⁷

While the two governments failed to advance the discussion on the resumption of SOFA negotiations, Korean college students once again took up these serious political issues and filled the streets. The situation in June 1962 became tumultuous, as students in major cities filled the streets to protest the lynching of the Korean houseboy by two American Army officers. Shouting “Agreement first, friendship next!” “Lynch no, goodwill yes!” the students demanded the “immediate conclusion” of a status of forces agreement.¹⁸ In Seoul on June 6 over 100 students at Korea University were arrested; the next day 20 more from Seoul National University suffered a similar fate. The situation was so grave that the Eighth US Army announced that Seoul-area personnel were restricted to their compounds unless they were on official business. In addition, the US Army began a plan to give monetary compensation to Korean victims of GI beatings.¹⁹

¹⁵ Ch’ang Chun-ha, “Urinŭn migukminege mutkoja handa [We want to ask Americans],” *Sasanggye* 105 (March 1962), 20-21.

¹⁶ *Chosŏn Ilbo*, 5 March 1962.

¹⁷ “Memorandum from the Executive Secretary of the Department of State to the President’s Special Assistant for National Security Affairs” 11 June 1962, *FRUS*, 1961-1963, XXII, 571-573.

¹⁸ *New York Times*, 7 June 1962; *New York Times*, 8 June 1962; *Chosŏn Ilbo*, 6 June 1962; “Korea University Students’ Resolution,” in Oemubu [Ministry of Foreign Affairs] ed., *Oemubu munsŏchŏl 1962* [The Documentary Collection of the ROK Ministry of Foreign Affairs], 94 (Seoul: Oemubu, 1962).

¹⁹ *New York Times*, 9 June 1962; *New York Times*, 11 June 1962; *Chosŏn Ilbo*, 10 June 1962.

What is remarkable about these protests was the fact that they were all occurring under the strictness of martial law. In March 1962, a “political purification law” banned 4,369 politicians from participating in political activities for six years. Forty-nine of the sixty-four daily newspapers in Seoul were closed and nearly 14,000 people were arrested under the amorphous category of “hoodlum.”²⁰ A “Revolutionary Court and Prosecution,” just disbanded in May 1962, swept through the trials of 697 people in less than a year for crimes ranging from political corruption to making illicit fortunes.²¹ Under such military rule, it took tremendous courage for Koreans to come out and scream their demands and to exercise their freedom of speech and of peaceful assembly.

This was, first and foremost, a cumulative expression of Korean disappointment at the “insincerity” of Washington that seemed never to change. The State Department agreed that Korean students’ demonstrations “apparently were not inspired by the government, and they reflect[ed] a genuine nationalistic feeling that regarded a status of forces agreement as an essential symbol of sovereignty.” Upon witnessing the upsurge of SOFA demands, the State Department started seriously considering opening negotiations for a SOFA with the ROK even before Park completely restored a civilian government.²²

Korean students’ reaction despite the strict political regulations reflected the widespread Korean consensus on the acute need to conclude a Status of Forces Agreement with the United States. Frequently US authorities in the ROK complained of the sensational nature and grossly biased Korean reports on sensitive issues like GI crimes and these complaints proved legitimate

²⁰ Gregory Henderson, *Korea: The Politics of the Vortex* (Cambridge, MA: Harvard University Press, 1968), 184; Bruce Cumings, *Korea’s Place in the Sun: A Modern History* (New York: W. W. Norton & Company), 351.

²¹ Robert A. Scalapino, “Which Route for Korea?” *Asian Survey*, 2 7 (September 1962), 3.

²² “Memorandum for McGeorge Bundy (written by William H. Brubeck, Executive Secretary),” 11 June 1962, Korea. Central 3/62-7/62, JFK NSF 127a, JFK Library, Boston, MA.

in some cases.²³ At times, American observers of Korea questioned the ethical standard of the Korean press.²⁴ However, the fifteen years of their direct and indirect experience with American soldiers convinced many Koreans more than any single sensational report that there were “delinquent Americans” who did not respect Korean laws and customs; thus, the Korean government should forcefully take the issue to the US government.²⁵

Although Korean exertion of its jurisdiction over American offenders was at the heart of demands for the opening of SOFA negotiations, the projected agreement would cover more than just the criminal jurisdiction issue. For the more than 40,000 Korean employees of the US Armed Forces in Korea (USFK), achieving job security was the main concern. On average, they earned higher wages under better conditions, but their job security was precarious with no proper government-level agreement.²⁶ They received neither the full status of regular government employees in the United States nor any protection from the Korean labor standards law. With the Meyer Agreement of 1952, the ROK government granted individuals and agencies of the United Nations Command (UNC) general immunities from ROK jurisdiction. The US Armed Forces in Korea had liberally applied the provision to claim an exemption from criminal as well as civil jurisdiction.²⁷ There was no restriction on discharging Korean employees of the USFK. General Magruder, Commander in Chief, UN Command from 1959 and 1961, for example, recalled how the USFK utilized this benefit effectively by firing any Korean guard on duty regardless of his

²³ For example, in 1966, US Armed Forces investigation on one GI incident reported, “US military personnel cannot expect to receive an objective press treatment in cases [of GI crimes.],” 18 May 1966, “Joint WeekA” Box 2399, Record Group (RG) 59: General Records of the Department of State, National Archives and Records Administration, College Park, MD (NARA II).

²⁴ Scalapino, 8.

²⁵ Ch’ang Chun-ha, 20-21; In the “Korea University Students’ Resolution,” the students used the same expression. They argued that punishing some “delinquent Americans” would strengthen the valuable alliance.

²⁶ “The US Embassy in Korea to the Department of State,” 18 March 1964, Department of State Central Foreign Policy Files, 1964-1966, Political and Defense, South Korea-US, Box 1653, RG 59, NARA II.

²⁷ Article III, para. 13, “Agreement on Economic Coordination between the United States and the Republic of Korea (or the Meyer Agreement),” 21 May 1952, *Treaties and Other International Agreements (TIAS)* no. 2593, *US Treaties and Other International Agreements (UST)*, vol. 3, pt. 3, 4420-4442.

proven negligence whenever a theft occurred in the post exchanges.²⁸ Korean employees of the USFK thus welcomed the renewed public demand for a SOFA. They joined the public pressure to bring about negotiations.²⁹ In addition to criminal jurisdiction, a labor provision became the core of later ROK-US SOFA negotiations.

The US-Japan Defense Treaty of 1960 and the ensuing revision of the SOFA between these two allies also stirred Korean sentiment. Koreans became convinced that the absence of an adequate SOFA with the United States was unfair, especially when the United States concluded such an agreement with its former enemy.³⁰ Ever sensitive to Japan's place in Asia, Koreans argued that the United States should grant a more favorable agreement to the ROK because of its closer alliance.³¹

The accumulated incidents and understanding of the need for a SOFA provided a legitimate ground for the students to launch street protests. Even under martial law, Park could not just dismiss their demands. For one thing, the military junta had justified its coup d'état in the name of patriotism and national reconstruction. It deliberately placed the phrase "national reconstruction" in the title of the new governing council. Besides, in his first book, *Our Nation's Path*, which summarized the junta's ideology, Park emphasized the spirit of independence and self-esteem.³² For example, he wrote, "Establishment of the ego [self-confidence] means the establishment of independence and spontaneity [responsibility]." He continued by saying, "I

²⁸ Carter B. Magruder, 1972, Oral Histories at US Army Military history Institute, Carlisle Barracks. PA.

²⁹ Oeginjo isibnyönsa pyönchan wiwönhoe (Oeginjo) [Editorial Committee for the *Twenty-Year History of the Employees of the US Forces Union*], ed., *Oeginjo isibnyönsa*, [The Twenty Years History of the Foreign Organizations Employees' Union] (Seoul: Chönguk oegukkikwan nodong johap yönmang, 1979), 46.

³⁰ *Öm*, 74-82.

³¹ *Chosön Ilbo*, 13 February 1962.

³² Park Chung Hee, *Our Nations' Path* (Seoul: Dong-A Publishing, Lit., 1962), 15. Although this book was written by a ghost writer, not by Park himself, Kim Young-su, who wrote an article analyzing the leadership of Park, argues that this book captured the core values shared by the coup leadership group. For this, see Kim Yöng-su, "Park Chung Heeüi chöngch'i lidösip [Leadership of Park Chung Hee], in *Chang Myöñ, Yun Po-söñ, Park Chöng Hi*, ed. Han'guk chönsinmunkhwyöguso (Seoul: Paksansödang, 2001), 212.

believe that newly emerged nations and their people alike have a right to demand equal relationships with others.”³³

With such emphasis on an independent spirit, Park could not disagree with the Korean public demand to stop the unceasing GI crimes. Park understood that the public demand for establishing a fair criminal jurisdiction system for GIs was in fact an authentic expression of nationalism.³⁴ Thus, when students rose to protest against GI crimes and demanded a fair SOFA, the military junta was reluctant to take repressive action.³⁵

Upon receiving the news of the renewed demonstration, the junta immediately and more forcefully requested the opening of SOFA talks. With such strong domestic forces for SOFA opening behind him, Park could reject the US request for an advance written commitment indicating that the ROK intended to exclude the discussion on criminal jurisdiction from its SOFA negotiations.³⁶

If Park’s adamant rejection of the US request demonstrated the strong domestic consensus on the issue, his reaction to the student protesters reflected his understanding of the potential hazard of failing to stem the tide of legitimate public demands. Park, who was no friend of protesters and was especially known for his strong antagonism toward student protesters, ordered the release of about 30 arrested students with only the warning that “any further demonstrations by students will not be tolerated.”³⁷

³³ Ibid., 218.

³⁴ Another issue that the Park regime could not completely repress was the protests against the normalization of the diplomatic relations with Japan. However, in depth discussion of this process is outside of the scope of this study.

³⁵ “US Embassy in Korea to the Department of State,” 7 June 1962, *Declassified Documents Reference System*, database on-line, available from Galileo, University of Georgia Library (accessed on 1 August 2004); Professor of Political Science Scalapino also observed an ambivalent attitude of the junta toward students’ demand for SOFA, Scalapino, 9.

³⁶ “Memorandum for McGeorge Bundy (written by William H. Brubeck, Executive Secretary),” 11 June 1962, Korea. Central 3/62-7/62, JFK NSF 127a, JFK Library, Boston, MA.

³⁷ *Chosŏn Ilbo*, 8 June 1962; *New York Times*, 9 June 1962. A large number of student activists of “leftists” were arrested immediately after the coup, Scalapino, 9.

Thus the coup leaders acknowledged the political power that students had in Korean society, but tried to prevent the phenomenon from becoming a political movement that could eventually undermine their power. Unquestionably, the early conclusion of a ROK-US SOFA would help stabilize the junta's position.³⁸ Closely following the every day twists and turns of volatile Korean politics, Ambassador Berger reached the same conclusion. In his report on June 12, 1962, he commented that the ROK government "appear[ed] to have taken steps to calm the press and public on the SOFA issue, recognizing the inherent danger to the government's stability as the emotionalism generated got out of hand."³⁹

The Kennedy administration faced a dilemma. The State Department had hoped to derive some definite benefits in exchange for agreeing to open the negotiations.⁴⁰ But, just as with the Philippines, the State Department saw the urgent need to open the negotiations because, above all, the United States wanted a sustainable and stable South Korea. If a joint US-Korean announcement of the start of SOFA negotiations could effectively calm the current public fervor, it would help stabilize Park's regime.⁴¹

The Defense Department, on the other hand, insisted on a "tougher" position. At the news of Korean demands for the opening of the SOFA negotiations, the Pentagon argued that even taking the first step toward an agreement covering criminal jurisdiction would "only ... make incidents like the recent ones [the GI crimes extensively covered by the ROK press] even more

³⁸ The connection of revival of the demand for SOFA and Park's quick move to SOFA demand was monitored by the US embassy in Korea. See "Memorandum of Discussion at a Department of State—Joint Chiefs of Staff Meeting," 15 June 1962, *FRUS*, 1961-1963, XXII, 575-576.

³⁹ "US Embassy in Korea to the Department of State," 12 June 1962, *Ibid.*, 571, 7n.

⁴⁰ "Memorandum from Michael V. Forrestal of the National Security Council Staff to the President's Special Assistant for National Security Affairs McGeorge Bundy), 11 June 1962, *FRUS*, XXII, 1961-1963, 573-575.

⁴¹ In his study of postwar US-Philippine relations, *Illusions of Empire*, Nick Cullather presents a similar argument, Cullather, *Illusions of Influence: the Political Economy of United States-Philippines Relations, 1942-1960* (Stanford: Stanford University Press, 1994), 43.

dangerous.”⁴² The Defense Department had already returned to its original position that there were no serious problems in the behavior of US soldiers abroad and, thus, no need for the United States to even include criminal jurisdiction clauses in the status of forces agreement.⁴³

The State Department compromise was delivered to Ambassador Berger on June 14, 1962. By announcing the start of SOFA negotiations, Washington hoped to quiet down the Korean public clamor. The State Department hoped to help stabilize the domestic situation for Park so that he could focus on other key issues like the normalization of relations with Japan and economic development. However, by including the condition that there was to be no discussion on criminal jurisdiction until the establishment of normal constitutional and judicial procedures, the State Department reemphasized Washington’s desire for the restoration of civilian rule. At the same time, the State Department was able to persuade the Pentagon that the resumption of the SOFA negotiations did not necessarily mean the United States was committed to discussing criminal jurisdiction.⁴⁴ On June 22, the State Department announced the resumption of status of forces talks with the ROK.⁴⁵

The ROK-US SOFA Negotiations, 1962-1966

On September 20, 1962, the negotiations for a ROK-US SOFA finally resumed. During the first 15 months, negotiators reached agreement on more than 20 articles, but the most serious issues, labor and criminal jurisdiction, were left out. Defining when and how the sending and receiving states should exercise their jurisdictions over the members of visiting forces was at the

⁴² “Memorandum from Michael V. Forrestal of the National Security Council Staff to the President’s Special Assistant for National Security Affairs (McGeorge Bundy),” 11 June 1962, *FRUS*, XXII, 1961-1963, 574.

⁴³ *Ibid.*, 573-575.

⁴⁴ On June 14, the Department of State authorized Ambassador Berger to inform the ROK authorities that the United States was prepared to resume status of forces negotiations in July, but only under clear mutual understanding that negotiations would not take place until after the ROK re-established normal constitutional and jurisdictional procedures. *FRUS*, XXII, 1961-1963, 574; *Dong-a Ilbo*, 15 June 1962.

⁴⁵ *New York Times*, 23 June 1962.

core of the criminal jurisdiction negotiations. It had proven to be the most difficult items in SOFA negotiations with other governments as well. For instance, the US-Philippine base negotiation in 1957 was halted over failure to narrow the gap of understanding on criminal jurisdiction. The negotiations making the German Supplementary Agreement to the NATO SOFA of 1959 also had found criminal jurisdiction the most challenging.⁴⁶

The exercise of criminal jurisdiction can be divided into two categories: exclusive jurisdiction of a sending or receiving state and concurrent jurisdiction. The NATO SOFA of 1951, which became the model of the following SOFAs, defined the cases for exclusive jurisdiction of a state as the following:

- (a) The military authorities of the sending State shall have the right to exercise exclusive jurisdiction over persons subject to the military law of that State with respect to offences, including offences relating to its security, punishable by the law of the sending State, but not by the law of the receiving State.
- (b) The authorities of the receiving State shall have the right to exercise exclusive jurisdiction over members of a force or civilian component and their dependents with respect to offences, including offences relating to the security of that State, punishable by its law but not by the law of the sending state.⁴⁷

In general, there was not much debate over the above two provisions between the US government and any receiving states.⁴⁸ The long debates at the negotiation table involved cases where the right to exercise jurisdiction was concurrent. Again, the NATO SOFA provision says:

- (a) The military authorities of the sending State shall have the primary right to exercise jurisdiction over a member of a force or of a civilian component in relation to
 - (i) offences solely against the property or security of that State, or offences solely against the person or property of another member of the force or civilian component of that State or of a dependent;
 - (ii) offences arising out of any act or omission done in the performance of official duty.

⁴⁶ Paul J. Conderman, "Jurisdiction," in *The Handbook of the Law of Visiting Forces*, ed. Dieter Fleck (London: Oxford University Press, 2001), 113.

⁴⁷ Article VII, NATO SOFA, 19 June 1951, TIAS no. 2846, *UST*, vol. 4, pt. 3, 1792-1829.

⁴⁸ Conderman, 109-110. There was a debate in the US over whether the dependents of the US armed forces or civilian contractors were under military jurisdiction. In the series of Supreme Court decisions in *Reid v. Covert* (354 US 1, 1957), *Kinsella v. Kruger* (354 US 7, 1957), *Grisham v. Hagan* (361 US 278, 1960), *McElroy v. Guagliardo* (361 US 281, 1960), and *Wilson v. Nohlender* (361 US 281, 1960), it was clear that the military jurisdiction of the United States over the dependents and civilians in peacetime was eliminated.

In the case of any other offence the authorities of the receiving State shall have the primary right to exercise jurisdiction

Thus, in principle, the NATO SOFA recognized the right of a receiving state to exercise its “primary jurisdiction” for all cases where members of the US armed forces violated its laws. As indicated in the above provision, in two cases, however, a receiving state would not exercise its jurisdiction. The first case was when the offense was committed by Americans against Americans (*inter se* cases), the second was when the offense was committed by Americans in carrying out official duties. In these two situations, the United States had primary jurisdiction over the accused American.⁴⁹ When the receiving state decided to exercise its jurisdiction over an accused American, however, it was to give a “sympathetic consideration to a request” from the US government for a “waiver of its right.”

Not all the later status of forces agreements followed exactly the same principle set by the NATO one. Especially after the high profile Girard case of 1957, the US government tended to push a host state to waive its primary right to exercise criminal jurisdiction over the members of its armed forces, civilian components, and dependents.⁵⁰ Instead of relying on a gentlemen’s agreement in the waiver provision, the US government now desired to include this principle in the SOFA text or at least in the Agreed Minutes. For instance, in the German Supplementary Agreement to the NATO SOFA of 1959, the Federal Republic of Germany (FRG) was required to waive the primary right to exercise jurisdiction over all offenses of the armed forces of the sending states in cases of concurrent jurisdiction.⁵¹ In a practical sense, the German formula

⁴⁹ Conderman, 112-114.

⁵⁰ For details on the Girard case, see chapter three.

⁵¹ “Supplementary Agreement to the to the NATO Status of Forces Agreement with Respect to Foreign Forces stationed in the Federal Republic of Germany, with Protocol of Signature (German Supplementary Agreement),” 3 August 1959, TIAS no. 5351, *UST*, vol. 14, pt. 1, 531-688. This is far less favorable to the FRG than to any other NATO signatories. Under the NATO SOFA of 1951, the receiving state has the general primary right to exercise jurisdiction in case of concurrent jurisdiction and it is not required to waive its primary right. The occupying forces

granted to the sending state the general right to exercise jurisdiction in all concurrent jurisdiction cases. Therefore, through the Agreed Minutes, the US government could restrict the receiving state's exercise of its jurisdiction over American servicemen. This is the same formula that the United States Government planned to use to achieve its SOFA with the Republic of Korea and the Republic of China (Taiwan).

The revised US-Japan SOFA of 1960 was an exception. In 1953 the US government had concluded a NATO-style concurrent jurisdiction with the Japanese government through the Administrative Agreement (or SOFA) in the wake of increased US need for Japanese bases during the Korean War and the heightened Japanese criticism of Prime Minister Yoshida Shigeru's government. In Japanese eyes, especially after the Girard trial, retreat from what the US government had already concluded in 1953 would not be tolerated. Instead of changing the waiver clauses, the US government added a stricter definition of official duty and secured its pre-trial custody of members of US armed forces, civilian components and dependents.⁵² After 1957 these measures became another strategic adaptation of the United States in negotiations for new SOFAs.

The US government now attempted to delineate the definition precisely the meaning of "official duty" in new status of forces agreements in order to prevent another Girard case. The Japanese authorities argued that Girard's action—luring Japanese shell gatherers to come closer and firing at them—was far from performance of official duty whereas the American authorities insisted on his on-duty status. The Japanese could argue for Girard's off-duty status in this case

argued that the NATO type SOFA was politically unacceptable to their domestic constituencies. Thus, this compromise was made as the intermediary solution between the survival of occupation rights and the full accession of the FRG to the Atlantic Alliance. For details of the negotiation, see John Woodliffe, "The Stationing of Foreign Armed Forces Abroad in Peacetime," *The International and Comparative Law Quarterly*, 43. 2 (April 1994), 43-44.
⁵² re. Article XVII, para. 3a) (ii) and re. Article XVII, para. 5 in "Agreed Minutes to the Agreement under Article VI of the Treaty of Mutual Cooperation and Security between the United States of America and Japan, Regarding Facilities and Areas and the Status of United States Forces in Japan," (US-Japan SOFA, 1960), 19 January 1960, TIAS no. 4510, *UST* vol. 11, pt. 2, 1652-1757.

because like the NATO SOFA, the US-Japan administrative agreement of the time did not specify who was to determine whether a given offence arose out of the performance of official duty.⁵³ Thus, to ensure that the same problems did not reoccur, the US government insisted on making a specific agreement on the official duty provision.

In the German Supplementary Agreement of 1959, for instance, German authorities accepted as conclusive a certificate of duty issued by the sending state's military authorities.⁵⁴ In the agreement with Japan of 1960, Japanese authorities accepted as "sufficient" in any jurisdictional proceedings a certificate issued by or on behalf of the alleged offender's commanding officer stating that the alleged offense arose out of an act of omission done in the performance of an official duty.⁵⁵ The stricter definition of official duty, therefore, became an essential shield to prevent American military personnel from being tried in a foreign court.

Furthermore, the Pentagon remained unchanged in its original position in Korea that no new provision on criminal jurisdiction was desirable. By the time the ROK-US negotiations on criminal jurisdiction were about to start, the US government had already set a principle and practice to minimize the host state's exercise of jurisdiction over the members of the US Armed Forces. In addition, the State Department still needed to convince the Defense Department that it could devise a politically realistic formula on criminal jurisdiction, which would preserve a maximum degree of US jurisdiction over its forces in Korea in actual practice. Upon considering

⁵³ For the details of the Girard case, see ch.3; Conderman, 111-112; Interestingly, the Girard case became a double-edged sword for Koreans. On the one hand, it provided the legitimacy for Koreans and Taiwanese to push the US government to start SOFA negotiations. On the other, experiencing such a public attention given to the Girard case, the US military, when negotiating the SOFA, became even more cautious in wording of jurisdictional coverage. At the same time, now the US negotiators sought to define the definition of "official duty" more precisely so as to protect Americans better.

⁵⁴ Article XVIII, "German Supplementary Agreement."

⁵⁵ Regarding Article XVII, para. 3(a), US-Japan SOFA. 1960.

the principles, US negotiators were instructed to obtain a blanket waiver provision in order to “sell” criminal jurisdiction to the Pentagon.⁵⁶

By the time the United States was ready to discuss criminal jurisdiction with the ROK, it was early 1964 and its SOFA negotiations with two other allies were in the works. The US-Republic of China (Taiwan) talks were already underway and the opening of base negotiations with the Republic of the Philippines was scheduled in 1965. The Johnson administration had to balance the three status of forces agreements with its Asian allies. If the US government agreed to a more favorable criminal jurisdiction with any one of the three, it had to be ready to give a plausible answer to the rest as to why their provisions looked different. If the United States agreed to give leeway other than a blanket waiver, its insistence upon an automatic waiver in current negotiations with Taiwan and at the forthcoming meeting with the Philippines would become more difficult. Thus, tactically the first US draft on criminal jurisdiction had to be tactically very restrictive.

Yet by January 1964 Koreans were hopeful for an early and favorable conclusion of the status of forces negotiations. In 1963, the junta ended military rule and restored civilian government. In October of that year, former general Park Chung Hee was elected president. In November, Park’s Democratic Republican Party consolidated its power by winning a majority in the National Assembly election.⁵⁷ The Johnson administration quickly recognized Park’s victory. In January 1964, the United States approved \$ 15 million in grants to South Korea that had been postponed since March 1963 because of the Korean political struggle.⁵⁸ In the same month,

⁵⁶ “From Fearey to Philip Habib,” 2 February 1964, Bureau of Far Eastern Affairs, Office of the Country, Division for Korea, 1952-1966, Box 5, RG 59, NARA II.

⁵⁷ In November 26 election for the National Assemblymen, the Democratic Republican Party (Park Chung Hee’ party) earned 110 seats whereas others earned 65 seats which included 44 seats of the Democratic Justice Party, the main opposition party.

⁵⁸ *New York Times*, 18 January 1964.

Attorney General Robert Kennedy conferred with Park in Seoul. Secretary of State Dean Rusk also visited South Korea. He confirmed “the friendship between the two countries and pledged . . . to continue cooperation in the economic, military, and political fields.”⁵⁹

Now that the condition for the discussion of criminal jurisdiction—the return to a civilian government—was met, the ROK government was ready to start negotiations on the issue. In November 1963, on a visit to the State Department, ROK Foreign Minister Kim Yong-sik relayed his government’s hope.⁶⁰ Back home, Park appointed Chang Sang-mun, director of the North American Affairs, as a new chief negotiator. As he led his first meeting with American negotiators on January 9, 1964, Chang solemnly stated his mission: to conclude the negotiation by promptly starting a discussion on criminal jurisdiction. He also suggested changing the previous bi-weekly meeting schedule to a weekly one in order to expedite the conclusion of the agreement.⁶¹

Later in January, President Park and Secretary of State Rusk announced that the Republic of Korea and the United States would pursue the “fullest cooperation possible” to conclude the Status of Forces Agreement.⁶² On February 16, two days after the negotiators exchanged their first drafts on criminal jurisdiction, Prime Minister Chung Il-kwon informed the Korean press that the ROK government had reached a “gentleman’s agreement” with the United States on an early conclusion of the long-pending agreement.⁶³ On February 18, the ROK National Assembly

⁵⁹ *New York Times*, 20 January 1964; 29 January 1964; President Park Chung Hee and Dean Rusk, “Joint Communiqué,” 29 January 1964, The US Department of State, *American Foreign Policy: Current Documents, 1964*, 920-921.

⁶⁰ “Editorial Note” on Kim-Rusk meeting of 19 November 1963, *FRUS*, 1961-1963, XXII, 669.

⁶¹ “Minute of the 38th ROK-US SOFA Negotiation Meeting (ROK-US SOFA Minutes),” 9 January 1964, Box 1653, Department of State Central Foreign Policy Files, 1964-1966, S. Korea, Political & Defense, RG 59, NARA II.

⁶² The US Department of State, *American Foreign Policy: Current Documents, 1964*, 920-921.

⁶³ *New York Times*, 16 February 1964; There was no such an agreement in the negotiation levels. The authenticity of Chung Il-kwon’s announcement could not be validated.

adopted a recommendation calling for the early conclusion of a SOFA.⁶⁴ The ROK government hoped early success would help stabilize the “restless” public when it decided to pursue a very unpopular but strategically and economically necessary policy, the normalization of diplomatic relations with Japan. With the strong endorsement and consistent encouragement of the United States, Park believed that a treaty with Japan would support his plans for economic development when US aid was reduced.⁶⁵ Yet the US and South Korean negotiators each took two weeks to study the other’s draft. Predictably, the first meeting on criminal jurisdiction was difficult.⁶⁶

Negotiations on Criminal Jurisdiction, January 1964-March 1965: Differences Magnified

On February 28, 1964 the ROK and US teams finally met to discuss criminal jurisdiction. This proceeding generated sharp criticism, harsh comments, and emotional blasts at each other’s draft and attitudes. Starting with a condemnation of the US demand for an automatic waiver, chief Korean negotiator Chang Sang-mun denounced the entire US draft. Chang criticized the United States, claiming it intended only to “replace” the current Taejon Agreement, which granted extraterritoriality to the US armed forces in Korea, to better sounding but essentially the same automatic waiver provision. He rhetorically asked, “What would be left for us then? What sort of jurisdiction are we supposed to exercise, and over whom?” Chang’s criticism echoed in his concluding remark: “it would have been simpler for your side only to list what cases the Korean authorities could exercise their jurisdiction [over], instead of enumerating so many

⁶⁴ *New York Times*, 19 February 1964; *Chosŏn Ilbo*, 18 February 1964.

⁶⁵ “Telegram From the Embassy in Korea to the Department of State,” 21 January 1964, *FRUS*, 1964-1966, XXIX, pt. I Korea, 1-2.

⁶⁶ “42nd ROK-US SOFA Minutes,” 14 February 1964, Box 1651, Department of State Central Foreign Policy Files, 1964-1966, S. Korea, Political & Defense, RG 59, NARA II.

conditions under which our right to exercise jurisdiction is limited, in practice, to a degree of non-existence.”⁶⁷

In his response, chief US negotiator Philip C. Habib pointed out that the first draft was only a basis for further discussion. He stressed the responsibilities of each side to their domestic constituencies. Habib argued that the US negotiators were bound by “Congressional, moral, ethical, and personal terms” to insure “judicious treatment” of the US military and civilian personnel in Korea. Then he changed the topic to express his displeasure over the continuous leaking of the contents of the negotiations to the Korean press. He was pointing at a *Chosŏn Ilbo* article, which published the abstract of the US draft.⁶⁸ In an unusually strong manner, Habib warned Koreans that if any further articles of this type appeared in the press, the US negotiators would “suspend the negotiations and take the matter up with high officials.”⁶⁹

Chang dismissed Habib’s criticism over the press leak, saying that it just showed how much interest Koreans had for the negotiations on criminal jurisdiction. He further criticized the US negotiators for accusing the Koreans of conducting a “press campaign.”⁷⁰ If anything, the first meeting on the subject of criminal jurisdiction highlighted the different expectations and the anxieties each side carried. Undoubtedly, the negotiators were tackling a daunting task of reaching a seemingly unreachable agreement.

Although the US pressure for an automatic waiver and for insistence on its strict definition of official duty certificate reflected the general US policy on SOFA negotiations since 1957, the first US draft for the ROK included several unique provisions. These included claims for US extraterritoriality in a “combat zone,” the use of the term “civil” before “authorities of the

⁶⁷ “43rd ROK-US SOFA Minutes,” 28 February 1964, Box 1653, Department of State Central Foreign Policy Files, 1964-1966, S. Korea, Political & Defense, RG 59, NARA II.

⁶⁸ *Chosŏn Ilbo*, 16 February 1964.

⁶⁹ Ibid.

⁷⁰ Ibid.

ROK,” the omission of the customary term “military” before “authorities of the United States,” the martial law and specific safeguard provisions, and the request of US pre-trial and post-trial custody over members of the US armed forces, civilian components, and their dependents.⁷¹

The custody provisions, in particular, directly indicated the US mistrust of the Korean legal system and the condition of its confinement facilities, whereas the inclusion of the “combat zone” provision was tactical. The use of phrases “civil authorities of the ROK,” “authorities of the United States,” and the martial law provision were pursued for both legal concerns and tactical advantage. As the negotiations moved, the tactical choices would be exchanged for significant ROK concessions, whereas the provisions related to the main concerns mostly remained intact.

In the Agreed Minutes, the US draft claimed exclusive US jurisdiction in the “combat zone.”⁷² The chief US negotiator justified this provision on the basis of the technicality of the Korean armistice. He insisted that most US troops in Korea were in combat positions and thus they should be treated as such, meaning that they should not be bound by the peacetime status of forces agreement. Although he added that the United States was willing to negotiate the proper boundaries of the combat zones, Korean negotiators rejected the idea as “totally irrelevant” and criticized the United States for trying to include most US bases in combat zones to prevent the ROK government from exercising its jurisdiction.⁷³

That the “combat zone” claim was indeed the weakest argument the US negotiators presented was no secret. This assertion contradicted its own policy. From the mid-1950s onward,

⁷¹ From the first US draft, Text of US draft of the criminal jurisdiction Article, 31 January 1964, Box 1653, Department of State Central Foreign Policy Files, 1964-1966, S. Korea, Political & Defense, RG 59, NARA II.

⁷² “Re para. 1 (b), 1. “Agreed Minutes,” Text of US draft of the criminal jurisdiction Article, Ibid.

⁷³ “The 45th ROK-US SOFA Minutes,” 28 February 1964, Box 1653, Department of State Central Foreign Policy Files, 1964-1966, S. Korea, Political & Defense, RG 59, NARA II. and “46th ROK-US SOFA Minute,” 6 March 1964, Ibid.

the State Department had argued that the Korean armistice established a de-facto peace. Based on this understanding, the State Department challenged the dominance of the Defense Department in Korean affairs.⁷⁴ The recently concluded US-ROK bilateral economic aid agreement (officially called “Agreement providing for economic, technical and related assistance, with agreed minute and exchange of notes”) of February 1961 also made clear that peacetime conditions were virtually restored in South Korea.⁷⁵ The Kennedy administration’s serious discussion on force level reduction in South Korea could not have been made under a true combat situation. Kennedy’s foreign policy to focus on economic development could be one reason for this reassessment, but such a discussion would not even have been possible had there been no broad consensus on a de-facto peace in South Korea.⁷⁶

In the main text, the US draft consistently used “civil authorities of the ROK” instead of “authorities of the ROK,” and “authorities of the United States” instead of “military authorities of the United States,” unlike what had been written in other agreements.⁷⁷ By insisting upon inserting the word “civil,” the US negotiators showed their extreme reluctance to permit Korean military tribunals to try their personnel. The US insistence on including a martial law provision

⁷⁴ For details, see chapter three.

⁷⁵ TIAS no. 4710, *UST*, vol. 12, pt. 1, 268-278.; Understanding of the Agreement, 8 February 1961, Box 138, RG 469: Records of the US Foreign Assistance Agencies, 1948-1961, Office of Far Eastern Operations, Deputy Director for Operation Korea Subject Files, 1953-1961, NARA II; “Special National Intelligence Estimate on Korea,” 21 March 1961, *FRUS*, 1961-1963, XXII, 430-435.

⁷⁶ In June 1961, National Security Council Staffer Robert Komer reported the possibilities of resumption of hostilities in Korea was “less than almost any place else around the [Soviet] Bloc periphery,” “Memorandum From Komer of the National Security Council Staff to the President's Special Assistant for National Security Affairs (McGeorge Bundy),” 12 June 1961, *FRUS*, 1961-1963, XIII, 474-475. According to another NSC staff, proponents of forces reduction in Korea argued the problem of US policy in Korea was “a mistaken focus on a military threat,” “Memorandum by Robert H. Johnson of the National Security Council Staff, 13 June, 1961, *FRUS*, 1961-1963, XIII, 475-479.

⁷⁷ This wording is consistently used all throughout the text. For the first US draft on criminal jurisdiction, see 31 January 1964, Box 1653, Department of State Central Foreign Policy Files, 1964-1966, S. Korea, Political & Defense, RG 59, NARA II.

could be understood in this regard.⁷⁸ US negotiators insisted that in the event the ROK government declared martial law its personnel should be exempted from Korean jurisdiction. Under Korean law, when martial law was declared, the civil courts were suspended and military tribunals assumed jurisdiction.⁷⁹ In other agreements, however, agreed criminal jurisdiction would be suspended only “in the event of hostilities.” Koreans responded that such an argument was “unacceptable,” especially when no other SOFA the United States made had a marital law provision.⁸⁰

The insertion of the word “civil” was obviously a tactical consideration as well. There had been no insertions or omissions of the key terms even in the Pentagon’s earlier draft, which became the basis of the US draft on criminal jurisdiction.⁸¹ By pushing hard to insert the word “civil” in the provision, US negotiators could gain explicit verbal assurance of the ROK government not to try Americans in military courts.⁸² Insertion of “military” before “authorities of the United States” was used in the same way. It took until December 1964 before the State Department authorized deletion of this term in presenting a package deal to expedite the conclusion of negotiations.⁸³

In its SOFA negotiations, the US government always sought to retain pre-trial custody of the members of its armed forces. In most of the agreements, the host state recognized US custody

⁷⁸ Re para. 1(b) 2 “Agreed Minutes,” Text of US draft of the criminal jurisdiction Article, 31 January 1964, Box 1653, Department of State Central Foreign Policy Files, 1964-1966, S. Korea, Political & Defense, RG 59, NARA II.

⁷⁹ Donald A. Timm, “Visiting Forces in Korea,” in *The Handbook of the Law of Visiting Forces*, ed. Dieter Fleck, 464. Between 1948 and 1964, the ROK government declared martial law five times, the most recent one was declared on June 3, 1963.

⁸⁰ “50th ROK-US SOFA Minutes,” 23 April 1964, Box 1653, Department of State Central Foreign Policy Files, 1964-1966, S. Korea, Political & Defense, RG 59, NARA II.

⁸¹ “Proposed Article on Criminal Jurisdiction to be included in US-Korean Status of Forces Agreement,” 19 April 1961, Judge Advocate Section, HQ, Eighth US Army, 795.00- Korea, Box 2178, Department of State Central Decimal File (CDF), 1960-1963, RG 59, NARA II, 165-172.

⁸² “60th ROK-US SOFA Minutes,” 7 August 1964, Box 1653, Department of State Central Foreign Policy Files, 1964-1966, S. Korea, Political & Defense, RG 59, NARA II.

⁸³ “From the Department of State to the US Embassy in Korea,” 12 December 1964, Box 1653, Department of State Central Foreign Policy Files, 1964-1966, S. Korea, Political & Defense, RG 59, NARA II.

in cases when the alleged offender was in US hands at the time of the accusation.⁸⁴ However, in the ROK, Japanese, and ROC drafts—unlike in the NATO SOFA—the United States demanded that the host state hand over custody of the accused or arrested offenders. The US government desired to retain absolute custody of its military personnel until the finality of any verdict was established on appeal.⁸⁵ The United States had already secured Japan’s agreement to the same principle in the 1960 US-Japan SOFA.⁸⁶

This provision reflected the American legal principle of the presumption of innocence as well as American suspicion that the receiving state would use pre-trial detention as part of the punishment. Donald A. Timm, special advisor to the Judge Advocate of US Forces in Korea, explained that, in the American legal system, the interest of the state over the pre-trial custody of an accused was limited to ensuring that the accused offender was available for investigation, trial, and related proceedings, and that the accused did not interfere improperly with the investigation by destroying or concealing evidence or tampering with witnesses.⁸⁷ If an accused person was placed in pre-trial detention or confinement by the authorities of the sending state with the promise that the accused would be available for trial, the legitimate interests of the receiving state would seem to be fully met. In fact, US negotiators raised this very point to their Korean counterparts. In addition, they noted Japan’s agreement on the issue. “Why did the ROK

⁸⁴ For instance, see the Supplementary Agreement for Germany. Article XXII (22). In the ROC-US SOFA, Article XVI, para 5 (c) read, “The custody of an accused, member of the United States armed forces, or civilian component, or a dependent shall be promptly entrusted to the military authorities of the United States pending conclusion of all judicial proceedings.” The US-Philippines SOFA provides that in all cases where the Republic of the Philippines was to exercise jurisdiction, the custody of an accused “shall be entrusted without delay to the commanding officer of the nearest base” pending investigation, trial, and final judgment, para. 4 and 5 of the Agreed Official Minutes regarding Article XIII.

⁸⁵ Korean SOFA, Article XXII, para. 5. A similar provision is contained in the German Supplementary Agreement. Article XXII (22).

⁸⁶ Article XVII, Re. para. 5.1, US-Japan SOFA, 1960.

⁸⁷ Timm, 460.

government want [to retain] custody of [Americans]? Japan never had a problem with that,” Habib asked.⁸⁸

What really angered Korean negotiators was the fact that the Americans not only demanded pre-trial custody, but also asked for post-trial custody, a provision not found in the drafts with other countries. The US draft stated that “the authorities of the Republic of Korea shall also give sympathetic consideration to a request from the authorities of the United States for the custody of any member of the United States armed forces, or civilian components, or dependents, who is serving a sentence of confinement.... The United States shall be obliged to continue the confinement of the individual in an appropriate confinement facility of the United States....”⁸⁹ Korean negotiators argued that “the acceptance of this request would mean almost total waiver of our remaining token right of custody.”⁹⁰

This provision resulted from the view of US officials that Korean law, while providing protection for basic human rights on paper, was unpredictable and insecure in its application. Thus, both the State and Defense Departments concurred in early 1964 that the US government should protect its citizens from being abused under such a system. They reached that conclusion through the combination of the almost two decades of experience in Korea and a recent Pentagon study of the Korean legal system.⁹¹

The United States military and civilian authorities observed numerous breaches of the due legal process and cruel treatment of Korean prisoners, as well as sudden breaches of bilateral agreements, especially under the presidency of Syngman Rhee. During the occupation period,

⁸⁸ “46th ROK-US SOFA Minutes,” 13 March 1964, Box 1653, Department of State Central Foreign Policy Files, 1964-1966, S. Korea, Political & Defense, RG 59, NARA II.

⁸⁹ Article XXII, para. 7 (c), of the first US Draft of ROK-US SOFA.

⁹⁰ “44th ROK-US SOFA Minutes,” 28 February 1964, Box 1653, Department of State Central Foreign Policy Files, 1964-1966, S. Korea, Political & Defense, RG 59, NARA II.

⁹¹ Judge Advocate Section, HQ, Eighth US Army, “Country Law Study for the Republic of Korea,” (Country Law Study, South Korea, 1961), 19 April 1961, 795.00- Korea, Box 2178, Department of State Central Decimal File (CDF), 1960-1963, RG 59, NARA II.

US military authorities and the American press received continuous reports of Korean National Police brutality against Koreans. In 1952, Rhee declared martial law to ensure his victory in a presidential election.⁹² In 1953, while the United States and North Korea were engaged in armistice talks, Rhee unilaterally released North Korean POWs and seriously jeopardized the American position in the talks.⁹³

The Park Chung Hee administration had come to power by breaking the military chain of command and expelling the legitimately elected government through a threat of violence. Prior to being elected president, General Park under the auspices of the Supreme Council for National Reconstruction, controlled South Korea with martial law for two years. Twice Park broke his promised date of reversion to civilian government in order to consolidate his political support.⁹⁴

In addition, the Pentagon's Country Law Study of Korea of 1961, which became the backbone of the US SOFA draft, concluded that "Korea lacks a tradition of independent judiciary."⁹⁵ The study reported that Korean judges were in charge of investigation and development of the facts as well as the verdict, yet they tended to "change their views with frequency" and were "potentially subject to political influence."⁹⁶ The American observers seriously doubted the integrity of Korean judges when they noticed these judges frequently conducted the proceedings as though the guilt of the accused was assumed from the very outset.⁹⁷

The Constitution of the ROK, the study report concluded, provided for many individual rights that resembled the US Constitution, but they were effective only "on paper" because all

⁹² "The Charge in Korea (Lightner) to the Department of State," 27 May 1952, *FRUS*, 1952-1954, XV, 252-256.

⁹³ "Editorial Note," *Ibid.*, 1196-1197.

⁹⁴ *FRUS*, 1961-1963, XXII, 511n; "Memorandum of Conversation," 11 August 1961, *Ibid.*, 513-517; "Telegram From the Embassy in Korea to the Department of State," 23 July 1962, *Ibid.*, 582-583.

⁹⁵ Country Law Study, South Korea, 1961, 133.

⁹⁶ *Ibid.*, 135.

⁹⁷ *Ibid.*, 153.

three branches of the government were so susceptible to public clamor and pressure to alter the principles. Under these circumstances, the reporter believed that the protection of US military personnel's right to a fair trial would be difficult to obtain.⁹⁸

The Korean Law Study included a report on Korean confinement facilities submitted after US officers visited two such facilities in Seoul in March 1961. According to the report, the confinement facilities in Korea were “definitely substandard ... even as compared with the average living conditions” of the country. “Prisons are generally overcrowded, poorly heated, antiquated, and provided with meager sanitation facilities at best.” It reported high incidence of disease among prisoners as well as rations that were far from what Americans would consider a “normal diet.”⁹⁹ The report summarized the poor conditions of the Korean facilities through a derogatory analogy: “Korean [confinement] facilities may be fairly well advanced and useable for Koreans, but hardly acceptable for Americans.”¹⁰⁰

If the State Department agreed to a provision that might put American servicemen under the mercy of such an “incomplete and uncertain” legal system and allowed them to serve the prison term in “antiquated, unheated, unsanitary, and overcrowded” facilities, the administration would surely face a serious congressional investigation. Congress had already shown a particular interest in conditions in the foreign quarters in which a US serviceman might be confined. It required the US forces to report annually on the treatment of US personnel in receiving state confinement.¹⁰¹ During the NATO-SOFA hearing, the US commanders of receiving states had been directed specifically to conclude arrangements with the authorities of the country concerned to ensure that US personnel would receive privileges, rights, and treatment similar to those

⁹⁸ Ibid., 139; 141.

⁹⁹ Ibid., 137.

¹⁰⁰ Ibid., Appendix, C1.

¹⁰¹ Serge Lazareff, *Status of Military Forces under Current International Law* (Leyden: Sijthoff's Publishing Company, 1971), 224.

accorded in US military confinement facilities.¹⁰² Especially after what the administration had just gone through with the Girard case, the State and Defense Departments understandably became more eager to avoid such public scrutiny over its policies.¹⁰³ Besides, unlike with the Japanese courts, which American observers continuously described as “models of integrity and fairness,” there was no such report made for Korean courts until late 1964.¹⁰⁴

Throughout the criminal jurisdiction negotiations, chief US negotiator Habib made it explicit that the US government had serious doubts about the practice of the Korean legal system and was very unsatisfied with the conditions of Korean penal facilities. Reiterating the US intention to retain pre-trial custody, he cited articles published in Korean newspapers on the conditions of the confinement facilities. The pre-trial detention facilities of the ROK were “not satisfactory places” for an American soldier, civilian employee, or dependent, he argued, because many reported cases in Korean newspapers revealed that “persons awaiting trial in Korean courts have been subjected to torture and compulsion to incriminate themselves.”¹⁰⁵

Pointing out frequent changes in the ROK Constitution—there had been three major changes since 1948 when the ROK was established—the US negotiators urged inclusion of a safeguard provision similar to the 14th Amendment of the US constitution to protect individual rights. Korean negotiators opposed the idea, arguing not only that the current constitution provided enough safeguards to protect fair trial procedures but also that, when the laws changed, they would be in the direction of more protection of human rights rather than less. Habib immediately rebutted the comment: “I hope what Mr. Chang said is true but American

¹⁰² Ibid., 243.

¹⁰³ Ibid., 160; 159.

¹⁰⁴ Ibid., 139; Captain Jack H. Williams, “An American’s Trial in a Foreign Court: The Role of the Military’s Trial Observer,” M.A. thesis, The Judge Advocate General’s School, US Army (April 1966), 45.

¹⁰⁵ “44th ROK-US SOFA Minutes,” 6 March 1964, Box 1653, Department of State Central Foreign Policy Files, 1964-1966, S. Korea, Political & Defense, RG 59, NARA II.

negotiators [learned over time in Korea] that any change in current law would not necessarily be for [the] better.”¹⁰⁶

The US government request for post-conviction custody of American offenders was unique to Korea. The US negotiators argued that this provision had not originated with them, but was what the Chang Myon government had decided to include in the ROK draft in 1961.¹⁰⁷

For the first three months of the criminal jurisdiction negotiations, the Korean delegates protested that all unique provisions were unacceptable.¹⁰⁸ American negotiators continuously reported to the State Department that Koreans would not budge unless the United States showed some flexibility in its waiver terms. “Korean officials are unlikely to agree to an article containing waiver provisions,” Habib wired to the State Department on March 10.¹⁰⁹ Ambassador Berger agreed.¹¹⁰

For its part, the “disturbed” Korean government sent its officials to Washington D.C. to express its disappointment at the US proposal.¹¹¹ The State Department, however, did not authorize any significant changes from the first US draft until May 20, when the ROK presented its first modified draft. Meanwhile, the political situation in South Korea became volatile over the issue of normalization with Japan.¹¹²

¹⁰⁶ “52nd, ROK-US SOFA Minutes,” 20 May 1964, Box 1653, Department of State Central Foreign Policy Files, 1964-1966, S. Korea, Political & Defense, RG 59, NARA II.

¹⁰⁷ “46th ROK-US SOFA Minutes,” 13 March 1964, Box 1653, Department of State Central Foreign Policy Files, 1964-1966, S. Korea, Political & Defense, RG 59, NARA II.

¹⁰⁸ For the first three months, each side reiterated its principles laid out in the February 28 proposal and criticized the other party’s inflexibility. For this, see 45th through 52nd “ROK-US SOFA Minutes,” Box 1653, Department of State Central Foreign Policy Files, 1964-1966, S. Korea, Political & Defense, RG 59, NARA II.

¹⁰⁹ “Philip C. Habib to the Department of State,” 10 March 1964, Box 1653, Department of State Central Foreign Policy Files, 1964-1966, S. Korea, Political & Defense, RG 59, NARA II.

¹¹⁰ “US Embassy in Korea to the Department of State,” 14 March 1964, Ibid.

¹¹¹ Sun Heun Yun, Minister, Korean Embassy, visited Leonard L. Bacon acting director of East Asian Affairs, March 12, 1964, Ibid.

¹¹² “52nd ROK-US SOFA Minutes,” 20 May 1964, Box 1653, Department of State Central Foreign Policy Files, 1964-1966, S. Korea, Political & Defense, RG 59, NARA II.

Throughout the 1950s, with American encouragement, the ROK and Japanese governments had reluctantly started talks to normalize their relations, but had failed to produce any substantial progress. The first meeting in 1951, for example, abruptly ended over a clash on the agenda. Despite the increasing economic ties between the two, no progress had been made in official relations of the two countries under the Rhee regime. In the 1960s, however, ROK-Japan normalization became a real possibility when the United States set it as its top priority of policy toward Japan and South Korea and the two nations pushed hard in that direction.¹¹³

As the United States became deeply entangled in the Vietnam quagmire, securing other regions in Asia through strengthening alliances became imperative. Washington also hoped that Japanese financial resources would relieve the US burden for assistance to the ROK. For his part, Park Chung Hee, who desperately needed financial resources for economic development to secure his political legitimacy as the US assistance dwindled, felt compelled to explore alternative resources. Japan understood the US pressure and knew it had to commence diplomatic relations with the ROK at some point. Park's desperate need for economic resources could help the Japanese conclude an agreement on favorable terms.

In the fall of 1962 Park's special envoy and KCIA director Kim Jong-pil met Japanese Foreign Minister Ohira Masayoshi and agreed on the amount of the economic package Japan would provide the ROK. An \$845 million economic package consisted of government and commercial loans (\$200 million and \$300 million, respectively), grant-in-aid (\$300 million), and settled property claims (\$45 million).¹¹⁴ However, when the news of the Kim-Ohira meeting became public, Koreans were enraged, which helped force Kim's political exile in the United

¹¹³ For the details of the history of the ROK-Japan Normalization Treaty, see Shigeru Oda, "The Normalization of Relations between Japan and the Republic of Korea," *The American Journal of International Law*, 61.1. (January 1967), 35-56; Kwan Bong Kim, *The Korea-Japan Treaty Crisis and the Instability of the Korean Political System* (New York: Praeger Publishers, 1971).

¹¹⁴ Hong N. Kim, "Japanese-Korean Relations in the 1980s," *Asian Survey*, 27. 5 (May 1987), 497-514., esp. 498.

States and a nine-month suspension of negotiations. The ROK and Japan resumed talks in December 1963 and by February 1964 many outstanding issues were resolved, including Korean acceptance of Japan's demand for not calling the economic package reparations.¹¹⁵

However, upon Park's resumption of the treaty talks with Japan, previously weak and divided opposition forces unified to fight against the president's effort to achieve early normalization. The opposition focused its criticism on Park's "submissive attitude" in the negotiations and the contribution from Japanese businesses to the DRP, Park's political party.¹¹⁶ In early March the opposition coalition launched nationwide protest marches. At the National Assembly, it successfully pushed the government to recall the Korean negotiating team from Japan. Later that month, college students joined the effort. Large student demonstration began in full strength. At the height of the demonstrations from March 24 through 31, approximately 30,000 students engaged in protests.¹¹⁷ In April students held a symbolic funeral for the nation's democracy and in May they launched hunger strikes.¹¹⁸

In April, in an attempt to break the stalemate, President Johnson publicly urged the peaceful settlement of Japan-Korean difficulties.¹¹⁹ This appeal failed to stop Korean protesters. Clashes between police and student demonstrators continued, and the resulting casualties increased. Now the protestors not only opposed signing the treaty, but they also opposed Park's regime. Ambassador Berger wired the State Department, "The immediate situation in Korea has

¹¹⁵ For the study of American role in upholding Japan-ROK relations, see Victor D. Cha, *Alignment Despite Antagonism: The US-Korea-Japan Security Triangle* (Stanford: Stanford University Press, 1999).

¹¹⁶ According to a CIA report, six Japanese firms contributed \$66 million to Park and his DRP from 1961 through 1965. For this see MacDonald, 133-134. Jung-en Woo *Race to the Swift: State and Finance in Korean Industrialization* (New York: Columbia University Press, 1991), 85-86.

¹¹⁷ Fourteenth Report of the U.N. Commission for the Unification and Rehabilitation of Korea, 26 August 1964, *American Foreign Policy: Current Documents, 1964*, 925.

¹¹⁸ Kim Ii-yŏng, *Kŏngukkwa pukuk* [Create and progress a nation] (Seoul: Sanggakŭi namu, 2004), 362.

¹¹⁹ *New York Times*, 10 April 1964.

again reached a peak of uncertainty, unrest and disarray....¹²⁰ In another telegram he reported that the current political atmosphere was the “most grave and fraught with difficulty since the May 16, 1961 coup.”¹²¹

On June 3, 15,000 students gathered to protest the current administration’s “shameful diplomacy.” It marked the largest protest gathering since April 1960. After seeing over 10,000 students overpower police in clashes near the presidential residence, Park declared martial law, which included advancing the regular summer vacation of educational institutions, banning all demonstrations and assemblies, imposing press censorship, and prolonging the curfew. ROK chief negotiator Kim Jong-pil resigned his position.¹²² He did it with the acquiescence of the CINCUNC General Howze and Ambassador Berger, but the grim prospect for ROK-Japan normalization and the tarnished American image concerned officials in Washington.¹²³

In this context, on May 20 Korean negotiators tabled the new draft on criminal jurisdiction. The US embassy and negotiators understood that the ROK government desperately needed a tangible success before its people to earn confidence in its handling of other foreign policy issues. To pave the way to conclude the much opposed normalization with Japan, the ROK government felt it had to settle the ROK-US SOFA as soon as possible. US representatives understood Park’s calculation and sent a positive evaluation of the new Korean draft to Washington.¹²⁴ US negotiators concluded that the “Korean position [was] generally acceptable.”

¹²⁰ “US Embassy in Korea to the Department of State,” 24 May 1964, Box 2399, Department of State Central Foreign Policy Files, 1964-1966, S. Korea, Political & Defense, RG 59, NARA II.

¹²¹ Editorial Note on Berger’s conversation with Korean officials on 23 May 1964, *FRUS*, 1964-1968, XXIX, pt. 1, Korea, 24.

¹²² *New York Times*, 5 June 1964; *American Foreign Policy: Current Document, 1964*, 927; *Chosŏn Ilbo*, 4 June 1964.

¹²³ “Memorandum From Robert W. Komer, NSC Staff to McGeorge Bundy, President’s Special Assistant for National Security Affairs,” 3 June 1964, *FRUS*, 1964-1968, XXIX, pt. 1, Korea, 25.

¹²⁴ For the US observation on park’s determination and economic need for Japan’s financial resources, see “Telegram From the Embassy in Korea to the Department of State,” 15 July 1963, *FRUS*, 1961-1963, XXII, 652-656.

Although the ROK still refused to accept the “automatic blanket waiver,” the negotiators agreed with the ROK position in view of the precedent set in existing SOFAs. Thus, they recommended that the State Department table a new US draft with additional modifications to proceed with the negotiations.¹²⁵ Indeed, Ambassador Berger understood the ROK government’s political need and thought the new draft generally reasonable. Reporting of the new draft to the State Department, he commented, “[i]n principle, the ROK position is acceptable.”¹²⁶

With Koreans showing more willingness to move forward and US negotiators considering the new Korean draft in a positive light, the negotiations seemed to pick up pace. On July 16, for example, Korea accepted the US definition of official duty and the United States dropped the combat zone provision. In addition, the United States agreed to accept Korean custody of Americans in cases related to Korean security if the Koreans agreed to improve their confinement facilities to meet US standards and if there was US-Korean agreement on the security violation.¹²⁷

Still, the biggest obstacle was US insistence on a blanket waiver. On July 7, Berger reported that “[i]t’s becoming increasingly clear here that Koreans view the criminal jurisdiction article as key to SOFA negotiations and believe that once an agreement is reached on that article, the remaining issues can be cleared up expeditiously.” He asked for a “prompt response.”¹²⁸

However, the State Department was not willing to give an inch on the clauses in which

¹²⁵ 3 June 1964, Box 1653, Department of State Central Foreign Policy Files, 1964-1966, S. Korea, Political & Defense, RG 59, NARA II.

¹²⁶ “US Embassy in Korea to the Department of State,” 10 June 1964, Box 1653, Department of State Central Foreign Policy Files, 1964-1966, S. Korea, Political & Defense, RG 59, NARA II.

¹²⁷ “56th ROK-US SOFA Minutes,” 26 June 1964, Box 1653, Department of State Central Foreign Policy Files, 1964-1966, S. Korea, Political & Defense, RG 59, NARA II.

¹²⁸ “US Embassy in Korea to the Department of State,” 7 July 1964, Ibid.

“advantage of our present formula is obvious.” The department instructed the negotiators to make sure that “the waiver would stand.”¹²⁹

On July 28, Chang, the chief negotiator of the ROK, reemphasized his government’s position on the waiver: for Koreans “[the final agreement] has to retain the language and mechanism that would provide for the principle of self-determination by the Korean authorities on waivers of primary jurisdiction.” Reflecting the State Department’s instructions, US chief negotiator Habib also reiterated the original US position: “The concern of the US negotiators was to obtain maximum possible degree of waiver.”¹³⁰ In the next meeting each negotiator exchanged essentially the same remarks.¹³¹

Without any changes in Washington’s position on the automatic waiver provision, the SOFA negotiation reached an impasse. Instead of accepting the negotiators’ recommendation for a token change, the Stated Department suggested a temporary recess.¹³² Again, the future of the ROK-US SOFA negotiations remained dim in the summer of 1964. The final deal was left to the new US ambassador, Winthrop Brown, who replaced Berger in August.

Negotiations on Labor, January 1964-March 1965: Surprising Roadblocks

Criminal jurisdiction was the most essential article, yet it was not the only roadblock. The ROK and US negotiators found a huge gap in their expectations on a labor provision, most specifically over the US Armed Forces’ hiring system in Korea and US compliance with the

¹²⁹ “Department of State to Berger,” 9 July 1964, Ibid.

¹³⁰ “59th ROK-US SOFA Minutes,” 28 July 1964, Box 1653, Department of State Central Foreign Policy Files, 1964-1966, S. Korea, Political & Defense, RG 59, NARA II.

¹³¹ “60th ROK-US SOFA Minutes,” 7 August 1964, Box 1653, Department of State Central Foreign Policy Files, 1964-1966, S. Korea, Political & Defense, RG 59, NARA II.

¹³² “Department of State to the Ambassador to the ROK,” 20 August 1964, Ibid.

Korean law. Both these issues were critical for the job security of Korean employees of US forces.

While the US Armed Forces had an indirect hiring system with most of its allies, including Japan and West Germany, it maintained a direct hiring system with the ROK. Under this system, the local labor forces were employees of the United States whereas under the indirect hire system the local employees were employees of the host nation in positions resembling those in the civil service.¹³³ From the beginning, ROK negotiators pushed to change the current system to one in which ROK government supervision of labor practices would be guaranteed. Habib, however, insisted that “it would be grossly improper” to change a good working relationship already well in place.¹³⁴

The ROK government hoped to get control of the hiring and firing of USFK employees because of the significant employment involved for Koreans. The US Armed Forces in Korea remained one of the largest employers in the nation throughout the first three decades after the Korean War.¹³⁵ In 1964, former Ambassador to the ROK Walter McCounaghy reported that the USFK directly hired 42,330 Koreans nationwide. They ranged from highly trained professionals such as doctors to manual laborers such as janitors.¹³⁶ The average monthly wage for Korean employees in 1963 was over 9,000 *won* (32.8 dollars), still 2,000 *won* (7.4 dollars) short of the minimum living expenses for a family of 4.5; yet these wages were based on a 40-hour work

¹³³ Two groups of Koreans working with and for the US forces were under direct control of the ROK government: The Korean Service Corps (KSC), a paramilitary labor organizations and the Korean Augmentation to the United States Army (KATUSA).

¹³⁴ “45th ROK-US SOFA Minutes,” 6 March 1964, Box 1653, Department of State Central Foreign Policy Files, 1964-1966, S. Korea, Political & Defense, RG 59, NARA II.

¹³⁵ In 1988 USFK still ranked the 6th largest employer of Korean laborers following such conglomerates like Samsung, Hyundai, Daewoo, LG and Hyosung. The USFK directly hired 23,000 Korean employees in 1988. Kang Sŏng-ch’ul, *Chuhanmigun* [US Armed Forces in Korea] (Seoul: Ilsongjŏng, 1988), 285.

¹³⁶ “US Embassy in Korea to the Department of State,” 18 March 1964, Department of State Central Foreign Policy Files, 1964-1966, Political and Defense, South Korea-US, Box 1653, RG 59, NARA II.

week whereas most Koreans worked for 48 hours per week.¹³⁷ In the early 1960s, when the unemployment rate was around 35 percent and when per capita GNP was not more than \$87—lower than most African countries—the ROK government was extremely concerned about the continued employment prospects of Korean nationals working for US forces.¹³⁸ Korean officials expressed this concern on several different occasions. For instance, in 1963, at the rumor of US force reductions in Korea, ROK Joint Chief of Staff General Kim Chong-o visited the US ambassador to express the ROK government's objection. Interestingly, he emphasized the impact not on the military but on the economic front. He estimated that 50,000 US forces created 150,000-160,000 jobs in Korea, which provided a significant source of the country's economic and social stability.¹³⁹

The Korean negotiators demanded indirect hiring because the government wished to control the economy more than it wished to defend the laborer's job security per se. They frankly told the US negotiators that the ROK government was willing to allow US direct hiring "as far as the US armed forces promised to utilize Korean manpower to the maximum extent." Finally, Koreans agreed to the continuation of the USFK's direct hiring practice on the condition that the United States accepted using the recruitment services of the ROK government insofar as practicable.¹⁴⁰

¹³⁷ "Statement of Ogden C. Green, civilian personnel director of USFK, before the ROK-US SOFA negotiators," 3 April 1964, Department of State Central Foreign Policy Files, 1964-1966, Political and Defense, South Korea-US, Box 1653, RG 59, NARA II.

¹³⁸ This is 1962 figure in Fuji Kamiya, "The Korean Peninsula after Park Chung Hee," *Asian Survey*, 20. 7 (July 1980), 744-753. *CIA World Fact Book*, n. d. <https://www.cia.gov/cia/publications/factbook/geos/ks.html#Econ>, (accessed 13 November 2006).

¹³⁹ "Memorandum of Conversation in US Embassy," 12 July 1963, Department of State Central Foreign Policy Files, 1963, Box 3964, Stack 250, RG 59, NARA II. Kim's figure not only included direct hires but also indirect hires and people who engaged in businesses specifically serving GI customers.

¹⁴⁰ "46th ROK-US SOFA Minutes," 13 March 1964, Box 1653, Department of State Central Foreign Policy Files, 1964-1966, S. Korea, Political & Defense, RG 59, NARA II.

Questions about the protection of USFK employees' rights under Korean law proved more contentious. Although both the Korean Labor Standard Act and the US National Labor Relations Act protected the rights of most workers to organize labor unions, to engage in collective bargaining, and to take part in strikes and other forms of collective action in support of their demands, Korean employees of US forces were in an odd situation in that neither the ROK labor law nor the US labor law protected their rights.¹⁴¹ In the 1952 Meyer Agreement, the ROK government granted individuals and agencies of the United Nations Command (UNC) general immunity from ROK jurisdiction, and US forces had liberally applied the provision to claim an exemption from criminal as well as civil jurisdiction.¹⁴² In late 1961, the commander of the USFK recognized the Korean employees' union, but only on the condition that it promise not to strike. Prior to this collective agreement, each new employee, before starting his or her job, had to sign an agreement not to participate in any collective bargaining or actions.¹⁴³

Now, with the proposed conclusion of SOFA, the ROK hoped to abrogate the Meyer Agreement completely. The Korean negotiators argued that the US Armed Forces, like other employers, should comply with the Korean labor law and that this was fundamental to the ROK government's right to protect its citizens. US negotiators contended that "the United States government cannot be summoned by Korean nationals."¹⁴⁴ Habib stressed that his government

¹⁴¹ The ROK National Assembly passed the Labor Standard Act in 1954 in which the three primary rights of the labor, organizing, collective bargaining, and collective action, were guaranteed except for the workers in the public sectors.

¹⁴² Article III, para. 13, "Agreement on Economic Coordination between the United States and the Republic of Korea," (Meyer Agreement), 21 May 1952, 24 May 1952, TIAS no. 2593.

¹⁴³ Oeginojo, 62.

¹⁴⁴ "45th ROK-US SOFA Minutes," 6 March 1964, Box 1653, Department of State Central Foreign Policy Files, 1964-1966, S. Korea, Political & Defense, RG 59, NARA II.

would not submit itself to Korean courts, arbitration panels, or similar bodies, arguing this was a “logical position, taken in accordance with international law.”¹⁴⁵

For symbolic and practical reasons, however, the ROK government upheld its claim. In an informal meeting with their American counterparts, Korean negotiators admitted that they were generally satisfied with the labor practices and regulations that the USFK had for its employees.¹⁴⁶ For the most part, Korean employees agreed.¹⁴⁷ However, the ROK government could not easily concede on this issue because Park needed the credit he would receive at home from earning a US concession. Considering the number of jobs that the USFK offered, the ROK government could not easily retreat on the employment security issue, particularly after it had agreed to US insistence on the continuation of the indirect hiring system.¹⁴⁸ In this light, ROK firmness in protecting the rights of Korean employees of the USFK was as important as its rejection of the automatic waiver clause on criminal jurisdiction.

Of course, Korean employees themselves had a keen interest in the labor negotiations. Despite their success in bargaining for wage increases and improvements in working conditions, they still lacked the most powerful tool to demand their claims, collective action.¹⁴⁹ Anticipating the discussion on labor during the ROK-US SOFA negotiation, in April 1963 the Korean employees’ union put the right for collective action at the top of its agenda.¹⁵⁰ The USFK coldly

¹⁴⁵ “46th ROK-US SOFA Minutes,” 13 March 1964, Box 1653, Department of State Central Foreign Policy Files, 1964-1966, S. Korea, Political & Defense, RG 59, NARA II.

¹⁴⁶ Oeginojo, 44.

¹⁴⁷ Ibid., 44.

¹⁴⁸ Later in the spring of 1965, ROK negotiators remained strong on the rights of labor. See “79th ROK-US SOFA Minutes,” 12 May 1965, Box 1652, Department of State Central Foreign Policy Files, 1964-1966, S. Korea, Political & Defense, RG 59, NARA II.

¹⁴⁹ Every year since 1961, the union successfully negotiated its wage increase with the USFK. For instance, in 1962 they achieved average 10percent of wage increase, 100percent bonus at the year’s end as well as lump sum retirement allowance. For this, see Oeginojo, 65-69.

¹⁵⁰ Ibid., 70.

rejected the demand by pointing out the union's 1961 agreement not to strike.¹⁵¹ In June 1964, while the ROK and US representative were negotiating the rights of these Korean employees, the union decided to abrogate its previous agreement with its employer and reported its decision to the USFK commander, General Howze.¹⁵²

The US government was particularly reluctant to grant its Korean employees the right of collective action because it was in the midst of examining the possibility of US troop reduction in Korea, which inevitably would result in the firing of Korean employees. The USFK could easily predict the consequences of granting the right of collective action.¹⁵³ In fact, it already anticipated resistance to the planned elimination of 1,500 Korean jobs while the negotiations on labor had just started.¹⁵⁴

While Korean employees anxiously awaited a favorable agreement, the ROK and US negotiators found no common ground. Both Korean and American diplomats repeated their positions on criminal jurisdiction and USFK compliance with Korean labor laws throughout the summer of 1964. In spite of US negotiators' recommendations to table a more accommodating draft, the State Department demurred. Instead, it recommended a temporary recess, hoping to "evoke a conciliatory attitude from Koreans." In case the temporary suspension was not possible,

¹⁵¹ Ibid., 75.

¹⁵² Ibid., 76.

¹⁵³ For examples of the high level discussion on the forces reduction in Korea, see "Memorandum for the Secretary of Defense on Strategic Appraisal of US Position in Korea, 1962-1970," 10 April 1962, Box 1, RG 59, Deputy Undersecretary of Political Affairs, 1962-1963 and other documents in the same Box; For suggestion of cutting US aid in Korea, see "Memorandum From the President's Deputy Special Assistant for National Security Affairs (Rostow) to President Kennedy," 15 March 1961, *FRUS*, 1961-1963, XXII, 428. For the opinions against the reduction of US forces, see "Memorandum From the Deputy Under Secretary of State for Political Affairs (Johnson) to Secretary of State Rusk," 15 September 1962, *FRUS*, 1961-1963, XXII, 599-600. For Kennedy's inclination to reduce US and ROK troop levels, see "Memorandum From Robert W. Komer of the National Security Council Staff to the President's Deputy Special Assistant for National Security Affairs (Kaysen)" 26 September 1962, *FRUS*, 1961-1963, XXII, 606-607. For the indication that the Secretary of Defense Robert McNamara made up his mind to favor force reduction, see "Memorandum From Colonel Lawrence J. Legere of the White House Staff to the Chairman of the Joint Chiefs of Staff (Taylor)," 11 June 1963, *FRUS*, 1961-1963, XXII, 648-649.

¹⁵⁴ For the reduction in force plan, see "Department of State to Berger," 18 March 1964, Box 1653, Department of State Central Foreign Policy Files, 1964-1966, S. Korea, Political & Defense, RG 59, NARA II.

the department suggested that “as a minimum ... we should propose limitation of discussions for [the] time being to matters other than criminal jurisdiction....”¹⁵⁵ A new American ambassador to Korea, Winthrop Brown, arrived in Seoul in the midst of this impasse.

Divisions Between Seoul and Washington, August 1964-March 1965

Ambassador Brown arrived in Korea with two significant missions: to support the finalization of ROK-Japan normalization and to request more Korean help in the escalating war in Vietnam. The new ambassador concluded that strained relations over the SOFA negotiations were the major obstacle to his effective accomplishment of his mission. He agreed with the chief negotiator Habib that, instead of a recess, it was time to present a US counter-proposal and make the negotiations flow.¹⁵⁶ By amending the US position on an automatic waiver, Brown calculated, the SOFA negotiations could be satisfactorily completed. This would help US officials in the field to concentrate on more important matters. Brown was more aggressive than Berger in pushing his point of view to the State Department.

Two weeks after his arrival, Brown wrote his first letter on his understanding of the current deadlock in SOFA negotiations. Speaking for all US representatives concerned with the issue, including General Howze and his colleagues, Brown reported that all US officials in Seoul were convinced that “if we insisted upon [an] automatic advance waiver, there will be no agreement.” Asking the State Department to recognize the ROK government’s perspective, he wrote, “Even after my short stay here, I do not see how the Korean government could defend in the Assembly the acceptance of such a waiver provision, including as it does a relinquishment of

¹⁵⁵ “Department of State to US Embassy in Korea,” 20 August 1964, Ibid.

¹⁵⁶ “Habib to the Department of State,” 1 September 1964, Box 1653, Department of State Central Foreign Policy Files, 1964-1966, S. Korea, Political & Defense, RG 59, NARA II.

sovereignty to an extent greater than that of any other country, including Japan, in which we have forces.”¹⁵⁷

More importantly, Brown argued that the success of ROK normalization with Japan was closely connected with the ROK-US SOFA. He argued that the department should decide which one was a more desirable policy goal to achieve in Korea, an automatic waiver provision in SOFA or ROK-Japan diplomatic normalization. By compromising its current position on SOFA, the United States would help the ROK government foster public and legislative support for its Japan policy.¹⁵⁸ Internal stability of the ROK was an additional reason why the United States should stop dragging out the negotiations. If talks broke down, he worried, opposition politicians and students would criticize the Park government’s capabilities and protest US “insincerity.” Thus, he concluded, “[w]e think prompt conclusion of a SOFA in our interest.”¹⁵⁹

In another letter, Brown proposed that the United States agree to negotiate criminal jurisdiction “if Koreans were willing to grant the United States the custody of the accused before, during, and after trial and through all appeal procedures.” As long as the US held custody there would be no American tried in a Korean court, he believed, because “if we were convinced that someone was really being railroaded we could simply ship him out of the country, undesirable as this action would be.”¹⁶⁰

On September 21, 1964, anticipating the visit to Seoul of William P. Bundy, the Assistant Secretary of State for Far Eastern Affairs, Brown urged once again the prompt conclusion of the

¹⁵⁷ 3 September 1964, Ibid.

¹⁵⁸ “Letter from Brown to the Assistant Secretary of State for Far Eastern Affairs (William P. Bundy),” 3 September 1964, *FRUS*, 1964-1968, XXIX, pt. 1, Korea, 46.

¹⁵⁹ Ibid.

¹⁶⁰ “Letter from Brown to the Assistant Secretary of State for Far Eastern Affairs (William P. Bundy),” 3 September 1964, *FRUS*, 1964-1968, XXIX, pt. 1, Korea, 45-46.

ROK-US SOFA in light of the ROK-Japan normalization issue.¹⁶¹ He also gave a rather positive appraisal of the Korean legal system, especially the new constitution of 1963, and argued for the amendment of the US insistence on pre- and post-trial custody. Moreover, he argued that the Koreans could not help but provide a fair trial to the members of the US armed forces because such trials would be under the close scrutiny of the USFK Staff Judge Advocate, the embassy, the State and Defense Departments, as well as foreign journalists. Given the great interest in trials on the part of the US government, plus the safeguards in the US draft of SOFA and the improved conditions in Korea, Brown thought it unlikely that the ROK government would permit any effort to hold an unfair trial of US personnel.¹⁶²

For its part, the ROK government publicly and privately expressed its hope to conclude the SOFA with the United States before settling the treaty issue with Japan. A Korean diplomat presented his government's "most anxious" desire to conclude the negotiations by the end of 1964. As Brown, he reasoned that the "normalization of relations with the United States" through a SOFA would contribute significantly to the Korean government's ability to achieve normalization with Japan.¹⁶³ High ranking ROK government officials, including Foreign Minister Yi Dong-wŏn, told the press that a political decision was needed to conclude the SOFA negotiations.¹⁶⁴

Despite the pressure from Brown and ROK officials, the State Department remained unwilling to make changes in either the automatic waiver provision of criminal jurisdiction or the

¹⁶¹ "Brown to Bundy," 21 September 1964, *Ibid.*, 49-50. In the fall the movement against the ROK-Japan Treaty of normalization reached another peak. Brown concluded that the conclusion of the US-ROK would help Park's position.

¹⁶² "US Embassy in Korea to the Department of State," 14 October 1964, Box 1653, Department of State Central Foreign Policy Files, 1964-1966, S. Korea, Political & Defense, RG 59, NARA II.

¹⁶³ "Memorandum of Conversation, visit by ROK Counselor Kun Pak," 3 November 1964, Box 1653, Department of State Central Foreign Policy Files, 1964-1966, S. Korea, Political & Defense, RG 59, NARA II.

¹⁶⁴ "US Embassy in Korea to the Department of State," 18 November 1964, *Ibid.*

no-strike for labor provision.¹⁶⁵ Thus the meetings between August 1964 and March 1965 failed to produce much progress on the central issues blocking a SOFA.

Toward Agreement, March 1965-July 1966

A disagreement between the US negotiators and their supervisors in the State Department existed over the timing of the tabling of a new formula, but not over the principle itself and the expected political impact. Early exchanges between negotiators in the field and officials in charge in the State Department reveal that the German formula, that is, a general waiver, was on their minds.¹⁶⁶ This formula constituted an automatic waiver for the United States: “criminal cases may arise involving the current jurisdiction, in which the FRG [Federal Republic of Germany] has the right to exercise primary jurisdiction The Government of FRG agreed to waive its right to exercise primary criminal jurisdiction in such cases.”¹⁶⁷ But by adding the provision that “the FRG *may recall* waiver of jurisdiction *in specific cases* where major interests of German administration of justice make imperative the exercise of German jurisdiction,” this formula accommodated the German reluctance to grant an absolute waiver.¹⁶⁸ Similar to the German formula, the following provision was to be tabled in the ROK-US negotiation: “The Government of the Republic of Korea waives in favor of the United States the primary right granted to the authorities of the Republic of Korea . . . in cases of the concurrent jurisdiction

¹⁶⁵ New US draft (or “package deal”), 1 December 1964, Box 1653, Department of State Central Foreign Policy Files, 1964-1966, S. Korea, Political & Defense, RG 59, NARA II.

¹⁶⁶ “From Fearey to Philip Habib,” 2 February 1964, Box 5, Bureau of Far Eastern Affairs, Office of the Country, Division for Korea, 1952-1966, RG 59, NARA II.

¹⁶⁷ Article XIX, para 1. German Supplementary Agreement.

¹⁶⁸ Article XIX, para. 3, Ibid.

....”¹⁶⁹ However, the State Department waited to present this formula until it was confident of its acceptance by both the Republic of China (ROC) and the Republic of Korea.

While the US embassy and the ROK government saw the SOFA issue in a bilateral context and as a possible tool to support Park’s effort to conclude a treaty with Japan, Washington did not connect the ROK-US SOFA with ROK-Japan diplomatic normalization. Contrary to the argument made by many anti-US base activists in South Korea, Washington never planned to give away the status of forces agreement in exchange for the Park government’s settlement with Japan.¹⁷⁰ Instead, Washington put ROK-US SOFA negotiations in a broader context of its SOFA negotiations in Asia. As of March 1965, the State Department was engaging in SOFA negotiations in the region with the ROK, the Republic of China, and the Republic of the Philippines. The department tried to balance progress in the three negotiations in order to avoid criticism from one ally about the US position regarding another, in particular by the ROK or the ROC. By early 1965, the ROC had accepted the automatic waiver provision, hoping to gain a US compromise on custody clauses. By this time, however, the ROK had responded positively to the US request on US pre-trial and post-trial custody and procedural safeguards, but was still standing strong on the waiver provision. The State Department finally decided that the time had come to present the German formula to the Koreans and the Chinese.¹⁷¹

It was no coincidence that Secretary of State Rusk contacted the secretary of defense only after learning of the hopeful prospect of a rapid the conclusion of US-Philippine negotiations on criminal jurisdiction. If the ROC and the ROK discovered the US conclusion of a more generous

¹⁶⁹ Re Article XXII, para. 3 (b) in the US Draft, agreed as was in 79th meeting on 12 May 1965. Box 1652, Department of State Central Foreign Policy Files, 1964-1966, S. Korea, Political & Defense, RG 59, NARA II.

¹⁷⁰ The most outspoken anti-US military base activist group in the ROK presented such an argument in the following book, Chuhanmigun pumchoekünjöl ponbu [The National Campaign for Eradication of Crimes by US Troops in Korea] ed., *Migunpumchoewa hanmi SOFA* [GI Crimes and ROK-US SOFA] (Seoul: Durimedia, 2002), 20.

¹⁷¹ “Letter From Secretary of State Rusk to Secretary of Defense McNamara,” 22 March 1965, *FRUS*, 1964-1966 XXIX, pt. 1, Korea, 66-68.

criminal jurisdiction with the Philippines, Rusk explained, it would “compound the problem with the Chinese and Koreans.”¹⁷² It took little imagination for the secretary of state to anticipate the Chinese or Korean reaction. Already in January, upon learning of the US proposal of concluding the NATO formula to the Philippines, Ambassador Brown had lodged a strong protest. Listing US present and future policy prospects with the ROK, Brown wrote, “[t]he Embassy believed that we [should] not treat Korea as a second-rate government, particularly vis-à-vis other Asian nations.” William P. Bundy expressed sympathy with this view, but remained concerned over Defense’s position.¹⁷³

Because it doubted the fairness of the ROK legal systems, the Pentagon continued to resist even minimum acquiescence to the ROK and ROC on criminal jurisdiction. Thus, in March, when Rusk wrote to McNamara, he carefully explained that under the German formula it would be almost impossible for the host state to recall a waived jurisdiction. This was so because of the difficulty in deciding the conditions under which the host country would exercise its jurisdiction.¹⁷⁴

Rusk sent his letter only after Ambassador Brown assured him that both military and civilian representatives of the United States in the ROK concurred that continued insistence on automatic waiver would lead to failure of the negotiations.¹⁷⁵ After receiving Rusk’s carefully worded letter, the Defense Department indeed contacted its local commanders, General Howze of the US Armed Forces in Korea and Vice Admiral William E. Gentner of the Taiwan Defense

¹⁷² Ibid., 68. As the United States became more involved in Vietnam, the value of US bases in the Philippines, especially the Subic Bay, the largest US naval base outside of the United States the Clark Air Base, an important logistical support depot for the US operation in Vietnam, increased. In 1965, the US revised the criminal jurisdiction provisions of the bases agreement to conform to the NATO SOFA formula in which the government of the Philippines had a broader latitude to try US servicemen’s off duty crimes.

¹⁷³ “From William P. Bundy to Winthrop Brown,” 22 January 1965, Box 3, Bureau of Far Eastern Affairs, Office of the Country, Division for Korea, 1952-1966, Lot 66 D 503, RG 59, NARA II.

¹⁷⁴ “Letter From Secretary of State Rusk to Secretary of Defense McNamara,” 22 March 1965, Ibid.

¹⁷⁵ For example, Brown’s telegram to the Department of State on 3 September 1964, *FRUS*, 1964-1968, XXIX, pt. 1, Korea, 45-46.

Command respectively, and asked their opinions about the State Department's proposal. Just as Brown had reported, both agreed that State's position was "satisfactory."¹⁷⁶ On April 15, Deputy Secretary of Defense Cy Vance finally agreed to accept Rusk's proposal. Four days later, a joint State and Defense message reached Ambassador Brown authorizing him to present the German formula to the ROK.¹⁷⁷

Although Rusk did not specifically mention it in his letter to McNamara, ROK President Park's scheduled visit to the United States in May played a significant role in his willingness to concede on criminal jurisdiction. During Park's visit, the Johnson administration planned to ask for the dispatch of ROK combat troops to Vietnam. On April 10, with "greatest urgency," William P. Bundy wrote to his counterpart in the Defense Department to urge him to concur with State's position on criminal jurisdiction prior to Park's visit so as to help pave the way for Johnson to request ROK combat troops in Vietnam.¹⁷⁸ On April 13, Vance concluded that it was necessary to present a cohesive US government position on criminal jurisdiction in the ROK-US SOFA in light of the scheduled US request for ROK combat troops in Vietnam.¹⁷⁹

Since September 1964, the ROK had sent to Vietnam 2,000 non-combat forces, an engineering unit, karate instructors, and a MASH unit.¹⁸⁰ As the Johnson administration began to dispatch US combat troops in Vietnam from March 1965 onward, it sought more commitments of troops from allies, both to justify US involvement to Vietnam and to save the lives of US

¹⁷⁶ "Memorandum From the Assistant Secretary of Defense for International Security Affairs (John T. McNaughton) to the Deputy Secretary of Defense (Cy Vance)" 13 April 1965, *FRUS*, 1964-1968, XXIX, pt. 1, Korea, 73-74.

¹⁷⁷ "Department of State to Brown," 15 April 1965, Box 1651, Department of State Central Foreign Policy Files, 1964-1966, S. Korea, Political & Defense, RG 59, NARA II.; "Joint State/ Defense Message," 19 April 1965, *Ibid.*

¹⁷⁸ "From William P. Bundy to Assistant Secretary of Defense John T. McNaughton," 10 April 1965, Box 1653, Department of State Central Foreign Policy Files, 1964-1966, S. Korea, Political & Defense, RG 59, NARA II.

¹⁷⁹ "Memorandum From the Assistant Secretary of Defense for International Security Affairs (John T. McNaughton) to the Deputy Secretary of Defense (Cy Vance)" 13 April 1965, *FRUS*, 1964-1968, XXIX, pt. 1, Korea, 73-74. Before Park's US visit, at the request of President Johnson, US Ambassador to South Vietnam Henry Lodge visited South Korea on April 27 to ask for increasing the Korean effort in Vietnam.

¹⁸⁰ *Ibid.*; "Memorandum From Secretary of State Rusk to President Johnson," 17 May 1965, *Ibid.*, 93-94.

troops.¹⁸¹ With its well-trained army of 600,000 men, the ROK was a prime candidate for a sizable contribution and Johnson was to make a formal request to Park at his upcoming meeting.¹⁸² US flexibility on SOFA issues would help Johnson to persuade his ROK counterpart to respond positively. The Pentagon understood the administration's need for Korean combat troops and the possible impact a compromise on criminal jurisdiction would have on Park.¹⁸³ In mid-April, McNamara finally concurred with Rusk's proposal and the embassy in Seoul was authorized to table a new US draft on criminal jurisdiction.¹⁸⁴ Upon tabling the revised US draft in April, the ROK-US SOFA negotiations rapidly moved forward. Most importantly, the Koreans agreed to accept the German formula.

Yet just before Park's visit the negotiations hit a last stumbling block. The ROK negotiators adamantly objected to US insistence on a no-strike provision for its Korean employees and argued that their proposal sufficiently limited the employees' real chances to launch a strike; thus there would be no need to include a provision denying Korean employees the ultimate right to strike. Koreans were right. The Korean position included a 70-day period of compulsory arbitration before workers actually went to strike, a prohibition against strikes by workers in certain categories, and a limitation of this right for all workers in times of emergency.¹⁸⁵

Ambassador Brown noted that Korean public, legislative, and editorial opinion "unanimously and vocally" put pressure on the ROK government position after a strenuous

¹⁸¹ Robert M. Blackburn, *Mercenaries and Lyndon Johnson's "More Flags: the Hiring of Korea, Filipino and Thai Soldiers in the Vietnam War* (Jefferson, NC: McFarland & Company, Inc., Publisher, 1994), 52.

¹⁸² For Johnson's request, see "Memorandum of Conversation," 17 May 1965, *FRUS*, 1964-1968, XXIX, pt. 1, Korea, 97-99.

¹⁸³ "Memorandum From the Assistant Secretary of Defense for International Security Affairs (John T. McNaughton) to the Deputy Secretary of Defense (Cy Vance)" 13 April 1965, *Ibid.*, 73-74.

¹⁸⁴ "Joint State/Defense Message to Embassy in Korea," 19 April 1965, Box 1651, Department of State Central Foreign Policy Files, 1964-1966, S. Korea, Political & Defense, RG 59, NARA II.

¹⁸⁵ "Telegram from the Embassy in Korea to the Department of State," 14 May 1965, *FRUS*, 1964-1968, XXIX, pt. 1, Korea, 91-92.

campaign by the Union of Korean Employees of the USFK, which made the clause a matter of widespread discussion in Korea.¹⁸⁶ Citing the Korean constitution as well as the International Labor Organization's Declaration on Fundamental Principles and Rights at Work, the union argued for its rights. In particular, on April 24, 1965, it declared its right to strike despite its previous agreement with General Howze not to do so. On May 6, just a week before Park's US visit, the union held a convention to mobilize support inside South Korea for its position.¹⁸⁷ Brown predicted a "serious likelihood of a strike" if the ROK government agreed to the US demands of denying Korean employees the ultimate right to strike. "All Koreans of whatever party," he continued, "rightly or wrongly [would] consider [it] injustice and discrimination."¹⁸⁸

Rusk heeded Brown's evaluation of the situation, but not without more Korean concessions on criminal jurisdiction. In his meeting with Park in Washington, Rusk offered to accept the ROK labor provision, but asked for a stronger Korean promise to limit the exercise of its jurisdiction over American troops in Korea and to provide trial safeguards. President Park accepted Rusk's suggestion in hopes that he and Johnson could announce the breakthrough in the SOFA negotiations in a Joint Communiqué.¹⁸⁹

On his way home, Park was asked about the prospects for the conclusion of the ROK-US SOFA; he predicted the success would come in two or three weeks.¹⁹⁰ Park was too optimistic. Korean negotiators repeatedly and "anxiously" asked for the conclusion of the SOFA at least by early July. They hoped to fulfill Park's prediction and to be able to submit SOFA for ratification in the National Assembly with another important proposal, the dispatching of ROK combat

¹⁸⁶ Ibid.,

¹⁸⁷ Oeginojo, 100-104.

¹⁸⁸ "Telegram from the Embassy in Korea to the Department of State," 14 May 1965, *FRUS*, 1964-1968, XXIX, pt. 1, Korea, 91-92.

¹⁸⁹ Ibid., 101-105. Park-Johnson Joint Communiqué, *American Foreign Policy: Current Documents, 1965*, 779-781.

¹⁹⁰ "Report on Park's Press Conference at Cape Kennedy," 23 May 1965, Box 1652, Department of State Central Foreign Policy Files, 1964-1966, S. Korea, Political & Defense, RG 59, NARA II.

troops to Vietnam. The ROK government believed the conclusion of SOFA would help it persuade the Assembly to pass the Vietnam deal. Also, Park hoped to move on to the ratification of the ROK-Japan treaty, the most explosive topic within South Korea at the time.¹⁹¹

Aware of the ROK's urgent need for an early conclusion to the negotiations, US diplomats requested Korean acceptance of a martial law provision, a topic that had not been on the table since April 1964. Uniquely in the ROK-US SOFA main text, the provision added "under martial law" in addition to "in the event of hostilities" as a condition to suspend the agreement on criminal jurisdiction.¹⁹²

To expedite the conclusion of the already protracted talks, Korean negotiators made a "genuinely difficult concession" and accepted the martial law provision and US post-trial custody of members of its armed forces, civilian contractors, and dependents of the USFK.¹⁹³ As major differences were resolved, the conclusion of the agreement seemed to be within reach. One more formal and/or several informal meetings were needed, it appeared, to put the final touches to the wording and thrash out minor differences on technical points.

Alas, in late June the US government requested a postponement of the final meeting to avoid unnecessary mayhem before the administration briefed Congress on June 25 on criminal jurisdiction in foreign courts. The administration also hoped to conclude the three SOFAs they were negotiating in Asia around the same time to prevent any one country from comparing its SOFA with others and to make a final push to change the terms. The administration believed

¹⁹¹ "Brown to Rusk, Bundy, and MaNaughton," 18 June 1965, Box 1652, Department of State Central Foreign Policy Files, 1964-1966, S. Korea, Political & Defense, RG 59, NARA II.

¹⁹² "The US Embassy in Korea to the Department of State, report on 81st meeting" 18 June 1965, Box 1652, Department of State Central Foreign Policy Files, 1964-1966, S. Korea, Political & Defense, RG 59, NARA II.

¹⁹³ "Brown to Rusk, Bundy, and MaNaughton," 18 June 1965, Box 1652, Department of State Central Foreign Policy Files, 1964-1966, S. Korea, Political & Defense, RG 59, NARA II.

August would be the best time for negotiations to be concluded. It turned out to be correct regarding the US-Philippines agreement on criminal jurisdiction and the US-ROC SOFA¹⁹⁴

Domestic political issues in South Korea, however, complicated the State Department's plan for SOFA with the ROK. On August 13, the National Assembly ratified the ROK-Japan Normalization Treaty and dispatched the first ROK combat troops to Vietnam, but opposition parties boycotted the voting.¹⁹⁵ Park's push for normalization and the way in which it was ratified in the Assembly led the country into more political turmoil in the fall.

Koreans now criticized not only the Park government but also the US government, as they believed that the United States had pushed its ally to conclude a humiliating agreement with Japan. As anti-Japanese and anti-government protests mounted, student demonstrators chanted slogans such as "Americans, stop interfering with Korean diplomatic affairs."¹⁹⁶ The criminal jurisdiction agreement that the ROK concluded with the United States in June also became a target of sharp criticism. In September, the *New York Times* reported that the Koreans felt "especially bitter" because the United States had agreed on a more favorable SOFA with Japan, the "traditional foe" of Koreans, than with the ROK.¹⁹⁷ In this context, the ROK government requested postponement of the planned last meeting in the ROK-US SOFA negotiations.

As the criticism on Park's foreign policy decisions heated up, the ROK government began to have second thoughts on the suspended SOFA negotiations. If it could conclude a favorable SOFA, it might save face. As Park's opponents expressed bitterness and humiliation over the US role in normalization with Japan and showed concern over sending a second combat

¹⁹⁴ *New York Times*, 10 August 1965; *New York Times*, 30 August 1965.

¹⁹⁵ Kim Il-yŏng, 365-366.

¹⁹⁶ *New York Times*, 5 September 1965. This sentiment began to come into force as Koreans were informed of the differences and as Koreans criticized US pressure to make the ROK-Japan treaty, which many Koreans believed to be too humiliating (for example, Japan refused to call the money it granted to the ROK "compensation.")

¹⁹⁷ *New York Times*, 5 September 1965.

division to Vietnam, the ROK government considered renegotiation of the SOFA on criminal jurisdiction in particular so that it could present it to the nation as a positive accomplishment from which it would gain political credit.

Through informal meetings, ROK officials told the US ambassador that they did not necessarily desire fundamental changes in the already completed draft of 1965. Instead, the ROK government wanted to demonstrate its toughness and competence to its domestic constituency by pushing the United States to reopen the SOFA negotiations. In February 1966, ROK Foreign Minister Yi Dong-wŏn informed the ambassador that his government hoped to utilize American refusal and Korean insistence on the reopening of the SOFA negotiations to impress its people. By showing the Korean public and press that the ROK government was willing to challenge the unyielding US government to accept more favorable criminal jurisdiction, the Park administration could claim it worked to protect the rights of the Korean people and to prevent any infringement of national sovereignty. To manipulate the Korean people and the press, Yi said, “we must stage a little play.”¹⁹⁸

In June, Chang, the ROK’s chief negotiator, told Brown that the ROK government was willing to concur with an agreement limiting its exercise of jurisdiction as long as the United States agreed to phrase the public statement to the satisfaction of the Korean people. The wording in the public statement, in other words, needed to be similar to that with regard to Japan so Koreans felt they were neign treated equally.¹⁹⁹

¹⁹⁸ “Telegram From the Embassy in Korea to the Department of State,” 1 February 1966, *FRUS*, 1964-1968, XXIX, pt. 1, Korea, 163-164.

¹⁹⁹ “Telegram From the Embassy in Korea to the Department of State,” 10 June 1966, Box 1652, Department of State Central Foreign Policy Files, 1964-1966, S. Korea, Political & Defense, RG 59, NARA II.

In addition, with the deployment of the 20,000 man Tiger Division in Vietnam beginning in October 1965, the ROK government felt entitled to request the reopening of negotiations.²⁰⁰ In January 1966, even before all the members of the first ROK combat division arrived in Vietnam, the United States asked for an ROK commitment to send a second division there. In late February, Vice President Hubert Humphrey arrived in Seoul in hopes of facilitating the ROK decision. On April 1, the ROK National Assembly ratified the additional dispatch of ROK combat troops.²⁰¹

On the same day, the ROK informally approached Ambassador Brown to express its desire to reopen the SOFA negotiations, confirming the rumor that had been circulating from the beginning of 1966. Brown immediately wired the State Department with his strong recommendation to promptly accept the Korean request.²⁰² “[T]he whole point of making SOFA,” he pointed out, meant that “some servicemen will serve in ROK prisons.”²⁰³ On April 15, reporting the official ROK request, Brown wrote, “since the situation changed,” the United States might need to revise its position.²⁰⁴ Four days later, he wrote again: “before the bigger public outcry, the United States ought to reopen SOFA negotiations.”²⁰⁵ Military authorities rejected his recommendation, however. The JCS wired him that “we continue to believe that it is in our mutual interest to promptly sign the SOFA which has been negotiated.”²⁰⁶ Brown was unyielding. He claimed that he was becoming more convinced “daily” that “indefinite

²⁰⁰ “US Embassy in Korea to the Department of State,” 3 February 1966, Box 1652, Department of State Central Foreign Policy Files, 1964-1966, S. Korea, Political & Defense, RG 59, NARA II.

²⁰¹ Blackburn, 54-55. Park’s opposition forces were less critical of the dispatch of ROK forces in Vietnam than of its conclusion of the normalization treaty with Japan.

²⁰² “The US Embassy in Korea to the Department of State,” 1 April 1966, Box 2400, RG 59, NARA II.

²⁰³ “The US Embassy in Korea to the Department of State,” 12 April 1966, Box 1652, Department of State Central Foreign Policy Files, 1964-1966, S. Korea, Political & Defense, RG 59, NARA II.

²⁰⁴ “The US Embassy in Korea to the Department of State,” 15 April 1966, Box 1652, Department of State Central Foreign Policy Files, 1964-1966, S. Korea, Political & Defense, RG 59, NARA II.

²⁰⁵ “The US Embassy in Korea to the Department of State,” 19 April 1966, Box 1652, Ibid.

²⁰⁶ “Telegram from JCS to Brown,” 22 April 1966, Box 1652, Ibid.

postponement of the SOFA would not be in our interest.”²⁰⁷ He reported that if the United States insisted on the current SOFA, there was no hope of it being ratified in Korea. He also added his observation of the ROK’s growing confidence in its “negotiation power” since the country had decided to dispatch the second division of combat troops to Vietnam. Finally, he expressed his “personal conviction and the unanimous judgment” of US military and civilian representatives in South Korea that Park, who had championed the US request for ROK troops in Vietnam, might lose the upcoming presidential election in 1967 unless the United States renegotiated the SOFA.²⁰⁸

Anxiously awaiting the US response, high ROK officials and SOFA negotiators reassured their American counterparts that the three provisions on criminal jurisdiction, labor, and claims were “absolutely” all that they wanted to renegotiate.²⁰⁹ In June, the State Department finally agreed with Brown and authorized him to present the US draft to the ROK government on July 4, 1966.²¹⁰ Through five-days of intensive and at times “acrimonious” negotiations at the working level, final agreement was reached.

The United States accepted the Korean demand for changes in the labor provision. The USFK could claim the prohibition of “essential” labor forces to exercise the right of collective action only in case the joint USFK-ROK committee agreed. The United States also accepted the request to allow Koreans to file a claim immediately when the SOFA came into effect.²¹¹

The most difficult negotiation on criminal jurisdiction was finalized upon Lee’s intervention. The United States accepted the Korean version of waiver clauses and concluded

²⁰⁷ “The US Embassy in Korea to the Department of State,” 23 April 1966, Box 1652, Ibid.

²⁰⁸ Ibid.

²⁰⁹ For example, see Brown’s telegram on 19 May 1966, 10 June 1966, 14 June 1966, Box 1652, Ibid.; “The US Embassy in Korea to the Department of State,” 4 July 1966, Box 1652., Ibid.

²¹⁰ “The US Embassy in Korea to the Department of State,” 4 July 1966, Box 1652, Ibid.

²¹¹ Article XVII, para. 4 (b), 5(b), in 1966 ROK-US SOFA.

“The Republic of Korea . . . *may at the request of* the military authorities of the United States, waive its right to exercise jurisdiction.”²¹² This provision reflected the Korean criticism over the almost automatic waiver article in the previous draft.²¹³ However, the US and ROK government agreed to exchange a letter of agreement, not a part of the official SOFA document, which made such a request unnecessary. In this letter, the possibility for the Korean exercise of jurisdiction was limited to “unusually important cases to Korea.” In addition, US jurisdiction would become automatic unless Korea notified the United States of its intention to exercise jurisdiction within 15 days of the report of an incident. This arrangement resulting from the unilateral “political” decision by ROK Foreign Minister Yi overrode the Vice Foreign Minister’s objection to the exchange of such a letter. Yi quickly wrapped up the negotiations²¹⁴ On July 9 1966, during Rusk’s visit to Seoul, the ROK-US SOFA was signed.

Conclusion

In the early 1960s, as GI crimes mounted, thus provoking allied demands for change, the United States accepted the inevitability of concluding SOFA negotiations with the ROC, the ROK, and the Philippines In addition, as the United States began to be deeply involved in the Vietnam conflict, its stable relationship with Asian allies and their support for the US cause became increasingly more important. The State Department carefully orchestrated the timing and progress of each negotiation to minimize the possible complaints from each ally.

Koreans, on the other hand, placed the ROK-US SOFA negotiations in a domestic political realm. The military junta strongly requested the opening of SOFA negotiations in the

²¹² Article XXII, Re para. 2, Agreed Minutes, Ibid.

²¹³ In the precious draft, Article XXII, re. para. 3(b) states, “The Republic of Korea waives in favor of the United States the primary right granted to the authorities of the Republic of Korea . . . in cases of concurrent jurisdiction.”

²¹⁴ “The US Embassy in Korea to the Department of State,” 4 July 1966, Box 1652, Ibid.; Maj. General Kenneth J. Hodson, 1971-1972, Oral History at US Army Military History, Carlisle Barracks, PA.

summer of 1962 in response to public demands for the trial of GI offenders in Korean courts. Park recognized the deep resentment and humiliation Koreans felt whenever GI incidents, especially those involving cruel and violent treatment of Koreans, occurred. By pushing the United States to agree on the opening of negotiations, including on criminal jurisdiction, the junta could present itself as the protector of Korean sovereignty and thereby reduce criticism of its rule.

The different approaches from the US and the ROK governments were highlighted in Park's effort to use the early conclusion of the SOFA to smooth his way to the normalization of relations with Japan. Whenever he faced difficult domestic criticism over normalization, Park hoped to have a breakthrough in SOFA negotiations. The United States, while consistently and strongly showing its support for the improvement in ROK-Japan relations, nevertheless did not agree to SOFA negotiations for this purpose. The agreement on the most troubling topic, criminal jurisdiction occurred only when the State Department ensured the successful conclusion of SOFAs with the Chinese and the Filipinos. Success on the other difficult issue, labor rights, came only after the United States became more eager to have ROK combat troops in Vietnam.

The Park government's effort to reopen SOFA negotiations in early 1966 further proved its understanding of the SOFA issue. After the most controversial foreign policy decision, the normalization of relations with Japan, the Park government hoped a favorable conclusion of the SOFA would save its face. To US negotiators' surprise, the ROK government ultimately settled the criminal jurisdiction issue through a maneuver that looked better in print, but was essentially the same as the one it had agreed upon in 1965, namely a very limited exercise of ROK jurisdiction over US servicemen.

CONCLUSION

On July 7, 1966, ending five years of strenuous negotiations, US Secretary of State Dean Rusk and ROK Foreign Minister Yi Dong-wŏn signed the first ROK-US status of forces agreement. This new agreement superseded the two wartime arrangements, the Taejon Agreement of June 1950 and the Meyer Agreement of May 1952, through which the ROK government had granted general exemption from ROK jurisdiction to the members of US forces, civilian components, and dependents.

The ROK-US SOFA resulted in two important changes in the regulation of the relationship between US troops and their Korean hosts. First and foremost was a provision on Korean jurisdiction over members and components of US forces. Now they were placed under ROK jurisdiction for offenses relating to the security of the country and for offenses punishable by Korean but not American law. In cases where an offense was punishable by both legal systems, the ROK would exercise primary jurisdiction, but would give sympathetic consideration to the US government upon its request of a waiver of the right. The ROK-US SOFA looked almost identical to the NATO SOFA of 1951, which became the foundation of all US SOFAs, and was an agreement which put the signatories on a relatively equal footing. Yet the United States had agreed to sign the ROK-US SOFA only on the condition that the ROK government would sign a letter of agreement promising to minimize the exercise of its jurisdiction in consideration of the US position. Thus, while the changes in criminal jurisdiction allowed ROK

jurisdiction over the members of the US forces for the first time, the application of that jurisdiction was limited.

The labor provision was more in line with the Korean position. Indeed, it was the most fruitful result of the negotiations from a Korean perspective. For the first time, Korean employees of US forces in Korea (USFK) had a written agreement between the US and ROK governments listing their rights, as well as an established institution, a US-ROK joint committee, to resolve labor disputes. The USFK agreed to grant their Korean employees the right to organize, bargain collectively, and strike. To prevent frequent strikes, limitations were carefully drawn: a seventy-day period of compulsory arbitration before launching a strike and a prohibition of strikes by workers in certain categories. Still, the inclusion of the strike provision helped Korean employees to more effectively demand better working conditions and wages.

These two final provisions were agreed on as a result of continuous pressure by the Korean public on the ROK and the US governments to negotiate a SOFA. In 1957, in response to many reports of incidents, often abusive and fatal, between GIs and Koreans, Koreans forcefully voiced their concern. Both the USFK and the US embassy closely monitored the Korean reaction, although they were not yet ready to offer to negotiate for a SOFA. The State Department, however, started paying more attention to growing public sentiment and began to consider the possibility of opening at least partial negotiations. In June 1957, the department began to examine the ROK SOFA draft, which it had completely disregarded six months before. Before the public pressure mounted, Washington had shown no interest in negotiating a SOFA agreement with the ROK, despite the Rhee-Dulles joint statement of 1953, which had promised a prompt opening of talks. The public demand for SOFA negotiations played a critical role in re-opening the issue and in developing and finalizing a SOFA.

The rising of Korean demand for a SOFA during the late 1950s revealed the significance of a concerted effort by a committed group to keep the issue in the public eye. While there was no activism in South Korea quite comparable to the Anti-Base Liaison Council in Japan or the Filipino First Movement in the Philippines, both of which were grass-roots and socialist-leaning anti-US bases organizations, unionized Korean employees of US forces did become a major force pressing for SOFA negotiations. The heightened Korean attention to GI crimes and the ensuing public demand for an opening of SOFA negotiations helped these employees unionize and influence the course of the negotiations. A ROK-US SOFA might directly affect their job security and work conditions because it would cover civil jurisdiction and labor issues. By joining the public effort to demand the opening of SOFA negotiations, the unionized Korean employees of US forces pushed their own agenda. They brought the demand that the USFK conform to fair labor practices into the public discussion of SOFA at a time when it was almost exclusively identified with criminal jurisdiction. The tenacity of the demand for a SOFA largely depended on organized efforts from the host nations. The painstaking deliberation on criminal jurisdiction and labor regulations reflected the significance of a push from the bottom in bringing about changes to what had been agreed by the top leaders of governments.

Both the ROK and US governments greatly influenced the course of the negotiations. In South Korea, only after the undemocratic Rhee government relaxed censorship to allow “GI incidents” to be known to the public did Koreans begin to demand the opening of SOFA negotiations. By putting SOFA negotiations at the center of public discussion, the government intended to simultaneously avert domestic discontent over its increasingly oppressive measures and growing US pressure for reform. Unintended consequences, however, complicated the strategy. On the one hand, growing more concerned with Rhee’s political oppression, the

Eisenhower administration adamantly refused to open SOFA negotiations with the ROK government. On the other hand, continued reports of GI crimes throughout the rest of the 1950s mobilized the Korean public, first to demand an opening of negotiations and later to criticize Rhee's handling of the issue, thus challenging the leadership of the government. At a time when overt opposition was strongly suppressed and could even carry the risk of death, the SOFA issue serves as a legitimizing shield for challenging the Rhee regime. Thus, the dynamics of Korean domestic politics in the late 1950s established the SOFA demand as an important political tool.

In the 1950s, however, the United States constantly resisted Korean demand for SOFA negotiations. Differences in policy priorities between the State Department and Pentagon, adverse congressional and public reaction to SOFA, and US policy-makers' reservations regarding the trustworthiness of the Rhee government all contributed to Washington's reluctance to open SOFA negotiations with the ROK. US military authorities argued that the wartime immunity given to US forces should stay in effect because the ROK remained in a state of suspended hostilities, rather than settled peace. As long as the military authorities played the major role in setting US policy in Korea, that view held sway. The Eisenhower administration was further cautioned against yielding to a host nation's demand for SOFA negotiations by the bitter congressional and public criticism it received in 1957 for its decision to accept Japan's claim of jurisdiction over Pvt. William Girard. Not until 1959, when the State Department gained ascendancy in shaping US policies in Korea, did this firm opposition to ROK demands for SOFA talks begin to soften.

Syngman Rhee remained the most important obstacle to the making of the first ROK-US SOFA. Over a decade of experience with his disregard of laws and agreements, as well as growing concern about his tightening control of domestic politics, kept US policymakers from

even considering the possibility of opening SOFA negotiations. The Eisenhower administration was very reluctant to negotiate an agreement which would include the trial of Americans in Rhee's courts. Even when the US embassy in Korea did contemplate the possibility of opening SOFA negotiations, it excluded a discussion of criminal jurisdiction. Not until Rhee was removed from power did Washington agree to open SOFA talks. In early 1961, when the democratically elected Chang Myon government asked for the opening of SOFA negotiations, Washington soon agreed.

Park Chung Hee's military coup d'état in May 1961 not only overthrew the Chang government; it also aborted the promised SOFA negotiations. In June 1962, however, after Washington accepted Park's leadership following his promise to return to a civilian government, and after public demand for the opening of SOFA negotiations resumed, the United States finally accepted the ROK request. On September 22, 1962, the first meeting of what was to become a long and arduous negotiation process was convened.

If the decision to open ROK-US SOFA negotiations resulted from the combination of public demands, the practical needs of Korean employees of US forces, and Washington's positive evaluation of the new Korean leadership, the decision to conclude the negotiations stemmed from each government's evolving understanding of the role of SOFA. That understanding was different for the US and ROK governments.

The Park government viewed the SOFA negotiations primarily in the context of domestic politics. Park's demand for the opening of SOFA talks was a response to public pressure and the threat it posed to his rule. Furthermore, Park recognized that a successful conclusion of a ROK-US SOFA would enhance his reputation as a competent leader worthy of comparison to Rhee, the recognized master of manipulating Washington. Especially while pursuing the very

unpopular policy of normalizing relations with Japan, Park needed all the image-enhancement he could get on other foreign-policy fronts. Indeed, the first amendment of the Korean draft on criminal jurisdiction came in May 1964, on the heels of Korean protests against Park's efforts to normalize relations with Japan. And in late 1964, when negotiations for the ROK-Japan treaty neared conclusion, high-ranking ROK officials pushed the conclusion of the ROK-US SOFA. By achieving the SOFA, the Park regime hoped to gain points in domestic popularity to offset the inevitably adverse public reaction to the ROK-Japan treaty. Thus, timing was essential: Park needed to conclude SOFA negotiations before the ROK-Japan treaty was presented to the public. In the spring of 1965, Park made concessions on the criminal jurisdiction clause—granting a general waiver of ROK jurisdiction in cases of concurrent jurisdiction—to insure that he would be able to present the first ROK-US SOFA to the National Assembly as his successful achievement before submitting the ROK-Japan treaty.

In subsequent negotiations of the labor provision, ROK diplomats pursued a firmer, more aggressive line. In what became the final topic of negotiation, the inclusion of the right to strike for Korean employees of the USFK, the Korean side forcefully maintained a position aimed at job security and labor protection for 40,000 Korean workers concerned. The Park government's willingness to put up a tough fight on the issue at the negotiating table demonstrated its predominant concern with economic and social stability.

For the United States, too, the government's approach to the SOFA negotiations was strongly influenced by domestic factors. These factors included the incompatible perspectives of the Pentagon and State Department, the administration's fear of congressional criticism, and widespread American doubts about the integrity of the Korean legal system affect SOFA negotiations with other allies in Asia. The US insistence on a provision for an automatic waiver

of Korean jurisdiction in cases of concurrent jurisdiction stemmed from the administration's fear of congressional criticism and a Pentagon study revealing the miserable conditions in Korean confinement facilities and the absence of judicial independence in Korean courts. The timing of the US tabling of an amendment to the criminal jurisdiction clause in the SOFA negotiations with the ROK was an indication of American efforts to balance progress in those negotiations with developments in negotiations with the Chinese and Filipinos. Thus, the requests from American negotiators and Ambassador Winthrop Brown for positive US responses to Korean demands in the SOFA negotiations met with resistance from a US government responding to a wide array of other influences. It is significant to note that in both South Korea and the United States, the discussion of a SOFA, a traditional diplomatic matter, became an issue of domestic politics. The international became domestic.

One last factor pushing the US government to work for the conclusion of the ROK-US SOFA was the American involvement in Vietnam. This was clearly the background of the US acceptance of the Korean position on the need for a provision on labor relations. That concession came in May 1965, during Park's state visit to Washington, in response to Park's verbal commitment to accept President Johnson's request for the dispatch of ROK combat troops to Vietnam. The following year, Park took advantage of the US request for a second Korean combat division in Vietnam by requesting a renegotiation of the already agreed-upon, but as-yet unsigned SOFA. The problems Park had faced with the National Assembly in normalization with Japan and the dispatch of first ROK combat troops in Vietnam also compelled Park to push the criminal jurisdiction issue. Anxious for more Korean combatants in Vietnam, the Johnson administration agreed to the renegotiation.

This new round of negotiations reached fruition rather quickly when the ROK foreign minister accepted a compromise whereby expanded ROK concurrent jurisdiction was added to the agreed minutes and an unpublicized written exchange limited the actual exercise of the right. The ROK's ready acceptance of the compromise was met with surprise and satisfaction by Secretary Rusk, who signed the first ROK-US SOFA in July 1966, during his visit to Seoul.

Thus, the Park government's narrow objective of presenting a SOFA to the Korean people was achieved, but at the expense of the opportunity to request and obtain more comprehensive criminal jurisdiction. The conclusion of the first ROK-US SOFA effectively sealed the Korean demand for a SOFA during Park's tenure. The SOFA issue returned to public discussion only in the early 1990s, with the rise of Korean democratic movements and growing anti-Americanism.

The study of the process by which the ROK and US governments opened, negotiated, and concluded SOFA talks shows that during the first thirteen years after the Korean War, the United States had a limited influence in South Korea. Although South Korea was a close Cold War ally of the United States and a recipient of its massive economic and military aid, Washington could not just ignore Korean demands for opening SOFA talks by pointing out its contribution to the survival of the country. The US concern for the stability of that country limited the options it could take in responding to nationalistic demands of opening SOFA negotiations.

This study provides a holistic picture of US-Korean relations. It demonstrates that a topic central to relations between nations—the making of a complex bilateral agreement—are best understood when domestic and international influences are integrated in the analysis. Here top decision makers and diplomats as well as streetwalkers, thieves, laborers, student activists, and

GIs intermingle in a lengthy and complex process, blurring the distinction between the domestic and the international. Personal became international.

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