

The 'Democratic Police' under US Military Occupation: Torture and Reform in Japan and Korea, 1945-54

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Note: Below is the text for a presentation delivered at the NEAAS, Univeristy of Vermont, on November 6, 2010. I have posted this document in case it is of use to someone but it is part of a work in progress, and should be read as such. This text is a roughly drafted for the conference, may contain many typos and the incomplete footnotes were mostly for my own reference.

Today I want to talk about our understanding of the transmission of a social affliction: torture. Torture at the hands of both police and military is a shared characteristic of all the authoritarian regimes of postwar East Asia: in South and North Korea, China, and Taiwan. Usually, the prevalence of torture in these oppressive states is attributed to their undemocratic nature. Unaccountable to their own people, a widespread culture of state violence can survive, tempered only by occasional concessions to the international community or temporary political weakness at home.

This is not the case for South Korea, where widespread torture in the postwar period, especially in the hands of the police, is considered a foreign inheritance; a postcolonial curse; a parting gift from Korea's former imperial master. As a well-known scholar and former US diplomat in Korea, Gregory Henderson, put it, "the cloth of which the system was cut remained the old, colonial cloth, the methods also the same. Hence it was the character of the Japanese colonial system and attitude toward human rights that dominated the situation, not the old, indigenous Korean system, not the aims of the independence movement or the ideas or reforms of the incoming Americans."¹ Though the torture of suspects, petitioners, and even friendly witnesses was a standard practice in

¹ Gregory Henderson, "Human Rights in South Korea 1945-1953" *Human Rights in Korea: Historical and Policy Perspectives*, 133.

pre-colonial Chosŏn under the Ming Code, the important claim here is about the persistence of a particular Japanese form of cruelty in the postwar period.²

[SLIDE 2] The argument of inheritance is based on these three undeniable facts: 1) The Japanese civil and military police were the primary agents of the most brutal acts of oppression in the colonial period, carrying out torture on a scale that far exceeded the abuse of suspects and convicted prisoners on the Japanese home islands. 2) Many Koreans who served with the Japanese police, having embraced the violent practices of their superiors, continued to fill the ranks of the Korean National Police well into the postwar period. 3) The American Military Government that administered Korea from the autumn of 1945 through the summer of 1948 failed to recreate and reform the Korean police into a fair and just institution that worked for the benefit of the people.

Much emphasis has been paid to the second of these: that is, the continuity in personnel from the colonial period, but I argue that the more important element is the failure of other reform initiatives. As the occupying force, the responsibility for the long postwar history of police torture lies ultimately with the failure of the military government of the United States to sufficiently carry out its reform efforts and just as importantly, to continue to intervene and monitor the national police forces of a regime still under its nominal control up to 1948. Today I wish to merely outline some of the major components required for an evaluation of US police reform efforts in Korea by comparing them with similar reforms that were being carried out in US occupied Japan.

Scholarship on the reform of the Japanese police by US forces has overwhelmingly

² Sang-hyŏn Song *Korean Law in the Global Economy*, 42. William Shaw *William Legal Norms in a Confucian State*, 89.

focused on the short-lived attempt to decentralize the Japanese police, placing its control in the hands of cities and smaller municipalities, accompanied by a national rural police.³ These reforms were implemented following a spring 1946 commission of investigation, led by two Americans, former New York police department commissioner Lewis J. Valentine and Michigan police commissioner Oscar G. Olander who submitted reports on the state of the Japanese metropolitan police of Tokyo and the rural areas, respectively. By tying police institutions closer to local community governments and severing the direct ties of command from the central government to these police, it was argued, reformers could guard against the reemergence of an authoritarian police state. This debate surrounding decentralization and its later reversal, which has been the focus of so much interest among historians had little direct bearing on the issue of eliminating torture. It was the far less organized and less well documented early reforms rather than the complex institutional changes that followed which were most important in the establishment of a democratic police that was “the servant rather than the master of the people.”⁴ While civilian police who might have been guilty of excesses up to 1945 were neither the target of eventual war crimes trials and may have escaped dismissal, the first and most important component of the reform effort was the complete abolition, [SLIDE 3] in October, of the two policing organs most infamous for their brutality in carrying out interrogations of suspects: the military police (kempeitai) and the Special Higher Police (Tokubetsu Kôtô Keisatsu or Tokkô). This, together with diverse propaganda and training efforts, and the

³ For example Christopher Aldous *The Police in Occupation Japan: Control, corruption and resistance to reform* devotes the second half of the work to this effort. Earlier articles and books in both Japanese and English place even greater emphasis on this.

⁴ General Headquarters Supreme Commander for the Allied Powers *Summation of Non-Military Activities in Japan and Korea* vol. 2 (November, 1945), 37.

willingness of US military police forces to investigate any new reports of alleged Japanese police abuses constitute the core of American reform efforts and a key complement to legal guards against torture.⁵ [SLIDE 4] Almost all prefectural police chiefs were immediately purged along with several thousand patrolmen, sergeants, assistant inspectors, inspectors, and superintendents who had experience working for Tokkô, followed by further dismissals with the broader purge directive of 1946.⁶

To their dismay, however, the occupation authorities found that despite a ban on the rehiring of former Tokkô and Kempeitai officers by the police, home ministry or ministry of justice, officers of both were found to have continued unofficially in their old capacities, to relocate, remain on police payrolls, or have assumed positions of local power in communities throughout Japan.⁷

Reports of torture at the hands of civil police also continued and by December one informant suggested that the only change in police behavior was to be found in the more polite language used by the police. The police department in Ehime prefecture had to be warned by the commanding general of the 24th infantry division to cease brutality towards civilians or find themselves subject to arrest by the US military police.⁸ Reports of brutality by police being on the rise again were again reported by US occupation intelligence in April of 1946, while other reports showed marked improvements in other prefectures.⁹ US counter intelligence officers investigated a case of a policeman having

⁵ *Summation of Non-Military Activities in Japan and Korea* *ibid.*, vol. 1 (September to October 1945), 38.

⁶ *The Police in Occupation Japan* *ibid.*, 51.

⁷ See *The Police in Occupation Japan* *ibid.*, 52. Also reports of this kind can be found throughout the General HQ USAF, Pacific Office of the Chief of Counter Intelligence *Occupational Trends Japan and Korea* for 1945 and 1946. Robert Eichelberger Papers Box 49 (Microfilm Series 1 Part 1 Reel 18).

⁸ *Occupational Trends Japan and Korea* *ibid.* 21 December 1945, 10.

⁹ *Occupational Trends Japan and Korea* *ibid.*, 10 April, 1946, 6 and 17 April, 1946.

beaten a student in Ishikawa, issuing a warning to their department after having the policeman in question reprimanded and transferred, as well as a report of a man beaten to death with a sheathed sword and a stick in Gunma prefecture. In the latter case, the police concerned were sent to Maebashi prison.¹⁰ Such cases of torture continued to appear, however they steadily declined in 1946 and in the years to come, despite the “reverse course” of the Allied forces that took a harder line against political opposition. A ban on torture and forced confessions were laid out in articles 36 and 38 of the new 1947 Japanese constitution, and more specific provisions against them were provided in the Law Concerning the Duties of Police Officials of July 1948. Famous cases of police beatings and torture can be found throughout postwar Japan, and many issues remain in the land where it is still said that the “confession is king,” but the number of reported cases of abuse, even including milder forms of physical and psychological torture, either in the form of official complaints, press reports, and even sensationalist opposition political literature do not exceed those found in most postwar democracies.

When the US XXIV Corps arrived and took control of the southern half of the Korean peninsula in September, 1945, their goals regarding police reforms were not significantly different than those in Japan. As in Japan, they almost immediately eliminated the kempeitai and tokkô that were taken to represent the institutional face of Japanese oppression.¹¹ In September a purge of higher ranking officers was carried out in Seoul, Pusan, and other cities, completing it several weeks before a similar purge was carried out in Japan. The careers of leading Japanese police officials in Korea did not end

¹⁰ 17 April, 1946 *ibid.*, 6-7.

¹¹ *Summation of Non-Military Activities in Japan and Korea* *ibid.*, vol. 1, 185.

though. Of some 14 top Japanese officers in southern Korea removed after surrender, almost all of them later served in high political or bureaucratic offices in postwar Japan, and at least 4 of them continued to work within the Japanese police.¹²

The US military could not simply reform the police in southern Korea as it was in 1945, comprised of 60-70% Japanese officers. To prepare for Korean independence, the Japanese had to go, though some would infamously remain for a time in the capacity of advisors. Over half of the civilian police who, as in any occupation, are the single most important supplement to the occupation's own security forces, would be forced to move to Japan. Many remaining Koreans with any experience in police work had abandoned their posts immediately upon the close of the war, thus further limiting the forces that remained.

The US military government also faced two other challenges: local committees organized in the immediate aftermath of liberation, each politically diverse and consisting of everything from local notables but also many released prisoners claimed to represent a provisional government for a new independent Korea. They organized armed militias and unlike the surrendered Japanese army, did not readily submit to orders of the newly occupying forces to disband. The relationship between deployed US forces and these local committees, eventually one of opposition, was initially complex and diverse. Experiments in incorporating these spontaneously formed local militias in places such as southern Ch'olla, often met with deep disappointment due to corruption, lack of training, and internal divisions. They were also no guarantee against police brutality. In the town of Naju, where local militia forces of the provisional committee assumed the role of civil

¹² 日本の朝鮮植民地支配と警察, 172

police, US military police investigated reports of torture and found over half a dozen beaten and bloodied prisoners in the local jail. The victims had refused to collaborate in business ventures of the militia.¹³

Secondly, when the US military government retained many of the few remaining experienced Korean police, in the majority of cases in the lower ranks of the colonial police, there was an immediate outcry against the retention of “pro-Japanese” police officers. These were traitors, and should be replaced, it was demanded. If carried out this would have resulted in the complete eradication of all security organs on the peninsula, leaving the US with the choice of either completely assuming the role of security themselves, a hopeless task for an extremely undermanned occupation, or they would have surrender security duties to dozens of untrained and internally divided local militias that were, in any case, often suspected, rightly or wrongly, of having strong communist sympathies.

Under the policies of Lawrence Schick and chief police advisor William H. Maglin, US military government chose to retain many of the experienced police, with an initial goal of eliminating them gradually. Responding to criticism for its retention of those considered collaborators, a “Korean Personnel Review Board” was established consisting of seven members tasked with determining whether any Koreans working for the military government were “pro-Japanese.” I have not found any details about cases it handled, but it seems to have made little mark on the police. While higher ranks were clearly dominated by experienced police, overall ranks were quickly diluted as a massive recruiting campaign was launched in October along the assignment of dozens of US

¹³ Meade *Military government in Korea*, 123.

police advisors aiming to reform the oppressive colonial practices and give birth, as in Japan, to a new “Democratic Police.” It was exceptionally difficult to find enough qualified recruits for the underpaid and dangerous work. Sometimes half of the applicants had to be rejected because of their “criminal records, mental incompetence, or infectious or contagious diseases.”¹⁴ All the same, by June 1947 the military government boasted that more than 80% of the over 28,000 Korean police had no colonial experience and had received their training under the post-war recruitment and training programs¹⁵. As in Japan, the military government continued to investigate some charges of “un-democratic” behavior by the police. Even during the first five months of 1947, 56 officers were dismissed for ‘un-democratic’ behavior.

Despite these efforts, the continued record of postwar Korean police torture betrays a complete failure of the reforms. It is true that the perhaps 20% of early postwar Korean police who had worked under the Japanese dominated the higher ranks, but surely a far more basic explanation is to be found in the completely unrealistic expectations for newly trained recruits: Paid less than “a houseboy” as one source complained, Korea’s new police officers had a mere four weeks of training (compared to over twenty weeks in most programs today) before being immediately thrust into the politically explosive environment of early postwar Korea where police boxes were almost daily targets of attacks from the fall of 1946 on. The training of a democratic police force in a transitional regime requires a sustained commitment of considerable resources and time for training, as well as continued monitoring for abuses. Neither were provided by the US military

¹⁴ Summation 1947.12 165

¹⁵ Korea Summation vol. 31 june 1947, 32.

government in Korea. On the contrary, undertrained, and underpaid Korean police recruits faced near civil war conditions and deep structural corruption upon graduation.

The results are all too easily predicted.

In October the organization WikiLeaks released several hundred thousand documents that have become known as the “Iraq War Logs.” In one of a series of articles based on findings in the collection, the New York Times revealed that Iraqi detainees suffered from widespread torture and abuse at the hand of the Iraqi police and army.¹⁶ The emphasis of the article was on the failure of the American occupying forces to fully report, investigate, and ultimately prevent widespread abuse, attributing the origins of the abuse to the inheritance of a “violence society” dating back to the rule of Saddam Hussein. Unlike the Korean example, however, in Iraq the occupation authorities purged the mid- and higher ranks of the Iraq police and banned any Ba’ath Party members from serving, initially leaving many important police positions unfilled.¹⁷ Like the Korean case, however, the United States sent a large number of civilian police advisors and carried out a massive recruitment campaign followed by a highly accelerated training program that deposited its graduates directly into civil war circumstances. The result in both cases, one in which there was a minimal purge, and one in which the purge was extensive, was still a police force capable of horrible acts of brutality. Torture by the Korean police finally declined in the late 1980s with the transition to democracy, even if it hasn’t been

¹⁶ “Detainees Fared Worse in Iraqi Hands, Logs Say” *New York Times* October 22, 2010. <http://www.nytimes.com/2010/10/23/world/middleeast/23detainees.html> Accessed October 25, 2010.

¹⁷ Mathieu Deflem and Suzanne Sutphin “Policing Post-War Iraq: Insurgency, Civilian Police, and the Reconstruction of Society” *Sociological Focus* 39.4 (Nov. 2006), 271. Also online at <http://www.cas.sc.edu/socy/faculty/deflem/zpoliraq.html> Accessed October 25, 2010.

eliminated. In June this year five Seoul police officers were arrested on torture charges for beating 22. The uproar caused by the case prompted even conservative President Lee Myung-bak, who has shown little sympathy for protesters complaining about strong-arm tactics of riot police, to make a statement of condemnation. Given the history of torture in Korea, the response to this incident is well merited and gives hope of continued vigilance to reduce the number of what are surely a larger number of undocumented cases.