

# AMERICAN CIVIL LIBERTIES UNION

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## MEMORANDUM ON KOREA

by Roger Baldwin

1. The fundamental difficulty which creates the confusion in Korea is the divided responsibility between Americans and Koreans in a country without a constitution, laws, or established government and long suffering from subjection to a foreign power. The attempt to delegate a degree of responsibility to Koreans selected by the Military Government with American advisors cannot be successful when ultimate authority rests with the military officials. The inevitable effect is to create an atmosphere of hesitation and indecision on the part of the Koreans.

2. The selection of Koreans by the Military Government both in the legislature and in the administration has tended to favor what are called the "right" elements, and especially Koreans who speak English or who have been recommended by long resident missionaries as Christians. In a country with such bitter conflict between "right" and "left" it is natural, and probably necessary, to favor the "right" elements. But there is too much tendency to regard all left of center as Communists because of the fact that Communists have managed to infiltrate into the leadership of most of the left organizations.

3. Experience shows that the best way to meet the threat of Communist domination is by a vigorous and successful democratic policy. Anti-Communism is in itself no answer. Suppression accomplishes nothing but an appearance of order and creates the danger of an extensive underground movement. The situation in Korea does not offer, at present, an effective counterweight to the Communist approach by a working democracy with a definite policy marking progress. It is also stalemated by the larger issues of national unification and independence confronting the Joint Commission.

4. In so transitory a situation, marked by unprecedented difficulties, it is hazardous to suggest a definite policy, but it can be assumed that the United States will, for a considerable time to come, be involved in Korea and that it will take some months at best to unify the country and to establish an independent provisional government. The following suggestions are therefore made on the assumption that the United States has a responsibility to prepare the Koreans for independence along democratic lines.

### SUGGESTIONS:

1. While the United States does not wish to dictate law to the legislature, it can be persuasive through publicity in getting laws adopted. One of the first should be a bill of rights to establish a democratic basis.

2. In order that United States policy may conform to a Korean bill of rights so adopted, prosecutions under American ordinances out of line with the bill of rights should be stopped, particularly under the dragnet Proclamation 2. The Provost Court prisoners not associated with acts of violence should be freed. Criticism of the U.S. occupation policies in a liberated country should be permitted where it does not impinge on military security - a fine line to draw.

3. Continual efforts should be made to impress upon the legislature, as has been done, the need for three basic laws - land reform, a purge of collaborators, and an election law. It would be futile from a democratic viewpoint to hold an election before some sort of purge is undertaken, at least of the top collaborators, and before the peasant demand for land distribution is satisfied by at least adopting the principles of land reform in law. A fair election might then be held with a view to later unification with the north. Even so, a fair election could not be held under the present policy administration and would need to be protected by the United States (and, if national, jointly by the Allied Powers) with protection also for freedom of propaganda in the election campaign.

4. The problem of securing a responsible and non-political police force should be more effectively handled by placing the police directly under the civil governor and a commission, with directions from Military Government to clean up lawless, corrupt and collaborationist elements. Law and order is a United States responsibility, and we would be justified in more precise directives to the police in this department than in others.

5. The present system of appointments by Military Government with approval by the legislature might well be reversed, providing that the legislature make the appointments with a veto by the Military Government. Under present conditions, the legislature can be nothing but a rubber stamp for the Military Government.

6. The ensorship of all mail, foreign and domestic, would appear to be unnecessary in a liberated country and should be abandoned. There is general agreement on that from left to right. Any really subversive material is not sent by mail.

7. The one national radio appears to be under partisan control. It should be placed under control of a radio council, framing policies and insuring fair access to the air by all elements.

8. Permits for all public meetings and licenses for all organizations tend to put too much power into the hands of the police. There does not appear to be any justification for them in a liberated country. If law and order require, the Military Government can suspend meetings.

9. It is axiomatic that democracy cannot function in a country without a working economic system. Korea has been prostrated. There would not seem to be any reason to wait longer to open up foreign trade and to establish a means of exchange for the yen. Financial and economic experts should be called in to work that out.

10. Further efforts should be made to encourage middle-of-the-road elements in the administration. There has been too much tendency to accept easily the label of Communists and rightists without defining terms. The test of a Communist is unwillingness to be critical of Soviet Russia. A leftist who is at all critical is not a Communist. It might be possible to enlist more middle-of-the-road advisors on occupation policies if all organizations not under Communist control were invited to send representatives to a council to sit with the United States officials from time to time as a frankly critical body offering suggestions. The present official administration is not capable of that function.

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