

Treason, Torture, and U.S Police Reforms in the Aftermath of Japanese Empire

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Abstract: *From late 1945 to 1948, the United States occupation forces in southern Korea built a new Korean National Police force composed of a nucleus of officers with experience from the Japanese colonial period and thousands of new recruits. Involving dozens of U.S. police advisers and designed to create a “democratic police,” the failure of the effort had devastating consequences. Focusing on the enduring practice of police torture, this article builds on previous scholarship that emphasizes the importance of the Japanese colonial legacy and Cold War politics by placing the reform efforts in the context of broader American police reforms dating back to the 1930s, and comparing them with the mixed results of U.S. “democratic police” reforms in occupation Japan. While early postwar Korean critics saw the brutality of the police and the widespread hatred of them as tied to their pro-Japanese past, U.S. occupation authorities and police advisers alike remained committed to the idea that both the Korean and Japanese police forces could be remade into a disciplined institution for protecting democracy with only a minimal purge and educational programs.*

Police torture is one of the most important symbols of modern Korean history.¹ The most striking exhibits on display for young school children and other visitors to Södaemun Prison History Hall (서대문형무소역사관) or the Independence Hall of Korea (독립기념관) are those depicting, in elaborate detail, the torture of Korean independence activists during the Japanese colonial period (1910-1945). No film or television show set in the years under Japanese rule is complete without at least one scene showing the brutality of the Japanese police and their Korean collaborators. There are many other evils of Japanese imperialism, including its wartime system of sexual slavery and its assimilation policies but none of them have been so frequently used to depict the opposition between a virtuous and resisting victim and a heartless and brutal colonial overlord.

¹This article makes a distinction between *police brutality* which may refer to all forms of illegitimate violence committed by police officers, including random acts of cruelty, excessive violence in the act of apprehending suspects, or in the process of suppressing protests, for example, and *police torture*, which is used to refer to an instrumental brutality most often employed in order to secure information or a suspect’s confession. See Budimir Babović, “Police Brutality and Police Torture”, in *Police in Transition: Essays on the Police Forces in Transition Countries*, ed by. Andras Kadar (Central European Univ Pr, 2001), 231–237.

Unlike equivalent scenes of wartime Gestapo torture in Western Europe or the United States, however, these images of Japanese torture found in the media, in novels, in textbooks, and in histories in South Korea have an added element of unnerving proximity.² The practice of police torture did not come to an end with Japanese surrender but continued and thrived under the authoritarian regimes of the postwar period, without significant decline until at least the 1980s.³ Even today, isolated cases continue to be reported despite the fact that police interrogations are filmed.⁴

This kind of eerie familiarity created when a more distant oppression inadvertently invokes a more recent past is not unique, of course, to South Korea, but a more common feature of transitional societies, even ones which, like South Korea, have passed through several distinct periods of political violence and repression. The way in which this has been framed and remembered in the Korean case, however, is something more particular. Police torture in South Korea from 1945 into the 1980s and beyond is rarely portrayed as conforming to a common or general feature of authoritarian governments, or of regimes that have attempted and failed a transition to democracy. Instead, both during the course of transition in the years of American military government from 1945-1948, and by historians since, the practice of police torture has been described in terms of a poisonous inheritance; a Japanese colonial legacy (일제 잔재) which has both a physical manifestation, in the form of thousands of Korean police veterans who continued to serve after Japanese surrender, and a violent cultural one in the form of their brutal practices of torture and repression.

To support this, few studies of the Korean police in the postwar fail to mention one or two of the statistics from the minutes of a 1946 conference where the first U.S. director of the Korean National Police, Colonel William H. Maglin, admits that the vast majority of Lieutenants (83%), Inspectors (83%), Provincial Chiefs (80%), and a majority of all ranks above patrolman had served during the colonial period. More than half of all Korean police who served during the colonial period, some 5,000 in number, formed the core of the around 25,000 police in U.S. occupied southern Korea as of November, 1946.⁵

²Of course, this is equally true in North Korea, but this article will focus on the persistence of police torture in South Korea and the reform efforts of the United States there.

³On the hints of decline but continued importance of police torture in the 1980s see Jerome A. Cohen and Edward J. Baker “U.S. Foreign Policy and Human Rights in Korea” in William Shaw ed., *Human Rights in Korea: Historical and Policy Perspectives* (Harvard Univ Asia Center, 1991), 200-203. See also Silch’ŏn Kajok Undong Hyöbühoe 민주화실천가족운동협의회, 『나의 손발을 묶는다 해도』 [Even if you tie my hands and feet] (Seoul: Kōrūm, 1987) and Wōn-sun Pak, 『야만시대의 기록』 [Record of a Barbarous Age], 3 vols., vol. 3 (Seoul: Yōksa Pip’yōngsa, 2006). South Korea did not formally accede to the United Nations convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment until 1996 and the National Human Rights Commission, which has a mandate to independently investigate accusations of torture was not established until 2001.

⁴The most significant recent case, brought forward by the National Human Rights Commission was the 2010 revelation of torture by police officers at Seoul’s Yangchōn Police Station. See “Rights watchdog says torture still widespread in police custody” Accessed March 10, 2013 <http://english.yonhapnews.co.kr/national/2010/06/16/76/0302000000AEN20100616005200315F.HTML>

⁵Bruce Cumings assembled these statistics in a table that is frequently cited. Bruce Cumings, *The Origins of the Korean War*, vol. 1, 2 vols. (Seoul, Korea: Yuksabipyungsa, 2002), 166. A copy of the minutes cited by Cumings

Though sometimes not made explicit, the suggestion appears to be that all Korean police who served in the colonial period are tainted individuals who should have all been purged by the U.S. military government and denied positions in the new Korean National Police. These officers are usually described as tainted in two ways: First, they are described as pro-Japanese police (친일경찰) guilty of the crime of treason for serving in Japan's primary institution of repression. This treasonous nature of the Korean National Police becomes all the more solidified when, in June, 1949, their forces launched a raid on the offices of the Special Investigative Committee that directed the investigation, arrest, and trial of Koreans accused of collaboration with the Japanese Empire, which very soon lead to the collapse of the entire process. Secondly, having worked within the infamous Japanese police, these officers were either themselves directly guilty of acts of brutality, or at the very least were trained and worked in an environment where torture and brutality were widespread.

The result was a police force which carried on the repression already suffered by the Korean people for over three decades of Japanese rule. As Gregory Henderson puts 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."⁶ Though the torture of suspects, petitioners, and even friendly witnesses was a standard judicial practice in pre-colonial Chosŏn under the Ming Code, the claim here is that the postwar saw the persistence of a particular modern Japanese form of cruelty in the postwar period.⁷

If the failure to purge colonial period police was the first and most damning failure of the incoming American military government when it began to take control of the southern half of the Korean peninsula in September, 1945, then historians have expanded the indictment to at least two other significant failures.⁸ First, the Americans actively dismantled and repressed the often spontaneously formed local committees that might have formed an alternative nucleus for postwar security forces even as it failed to fill the vacuum with sufficient numbers of its own forces. Secondly, once the torture practices, widespread brutality, and political bias of the new

in the table may correspond to a file that can be found in the James H. Hausman Papers. "Report of the Joint Korean-American Conference" "Organization of National Police of Korea" HQ USAFIK Office of the Military Governor Bureau of Police. James H. Hausman Papers, Box 26. It lists the figure of 5,000 out of 8,000 colonial period Japanese police as being on the postwar force, but I can't locate the percentages of each rank. One example of a recent reference to these statistics can be found in Jeremy Kuzmarov, *Modernizing Repression: Police Training and Nation Building in the American Century* (Univ of Massachusetts Pr, 2012), 82.

⁶Gregory Henderson, "Human Rights in South Korea 1945-1953" William Shaw ed., *Human Rights in Korea*, 133.

⁷William Shaw, *Legal Norms in a Confucian State* (Berkeley, Calif: Institute of East Asian Studies, University of California, Center for Korean Studies, 1981), 89.

⁸Important critical work on the history of the Korean police, in the English language, includes Cumings *The Origins of the Korean War*, Kuzmarov *Modernizing Repression*, Jinwung Kim, "Participating in Nation-Building: The Role of the Military Government Police in South Korean Politics, 1946-1948", *Journal of American-East Asian Relations* 17, no. 2 (2010): 174-198. Byongook Moon and Merry Morash, "Policing in South Korea: Struggle, Challenge, and Reform", in *Policing Developing Democracies*, ed by. Mercedes S. Hinton and Tim Newburn (Taylor & Francis US, 2009): 101-119.

Korean National Police became obvious to everyone, the U.S. Military Government in Korea (USAMGIK) not only failed to reform the institution and replace its leaders, but surrendered an ever increasing amount of power to it as priorities shifted to preserving South Korea from a Communist takeover.

The failures of American police reforms in Korea were, indeed, devastating in their consequences. These failures are responsible for the long tenure of torture in postwar South Korea, the resilience of authoritarian governments there, and are at least partly to blame for the horrible massacres perpetrated, mostly, by Korean police forces in the opening months of the Korean war.⁹ However, this article argues that the dominant framing of these failures as a combination of postcolonial poison and the result of the sinister pragmatics of American Cold War strategy, both of which certainly played a role, under-appreciates several other important, if more mundane, problems that are common to many attempts to reform security institutions in transition, especially in the context of a foreign occupation.

In other words, the failures of U.S. police reforms are worth considering not only as part of a specifically American imperial story of “modernizing repression” as described in the pioneering comparative work on U.S. police training by Jeremy Kuzmarov, but as one particularly tragic example of the costs of failure to reign in the violent excesses of one of the most important institutions for any political transition.¹⁰ However, just as the Korean case is worth considering as an example of a more global twentieth century challenge there is also much to be gained from deepening our understanding of the context in which failed reforms took place. To do this, this article will emphasize that just as the colonial legacy of torture was important to understanding postwar failures in Korea, so too we must appreciate the relative novelty of eradicating torture from the American perspective, as the process was still very much an ongoing one in the United States. Secondly, while there were important differences, this article will also show that some of the failures of U.S. police reforms in Korea should be seen in connection to similar efforts being carried out in Japan. Though officials on the ground quickly recognized the very real differences between the two, there were broader assumptions and policies that help explain the shortcomings that emerged in both cases, if with far worse consequences in Korea.

The Legacy of Police Torture in the United States

Many of the political and economic reform projects that were the highlight of the early American occupation experience in Japan, and to a significantly less extent in southern Korea, were

⁹see, for example, Dong-Choon Kim, “The Long Road Toward Truth and Reconciliation”, *Critical Asian Studies* 42, no. 4 (2010): 525–552 and Kijin Kim, 『한국전쟁과 집단학살』 [The Korean War and Mass Killings] (Seoul: Pūrun yōksa, 2005).

¹⁰Kuzmarov argues that abuses recipients of American training were an “extension of domestic practice” in the United States, and that “The police programs ultimately exemplify the dangers of social engineering efforts by the United States and the hidden and coercive aspects of American power.” Kuzmarov *Modernizing Repression*, 6, 13.

not driven so much by enduring American ideals of democracy and equality as expressions of a particular historical moment. Both civilian and military officers working with American military occupations of the early postwar period were given an opportunity to experiment with New Deal political and social reformism in an environment that offered, at least initially, far fewer constraints than those found in the United States.¹¹

This is also true of efforts to reform and restructure the police forces in both Japan and in southern Korea after 1945 into a “democratic police” force. Significant efforts to create a professionalised police force, a “scientific” police force, and one which no longer represented a corrupt institution of repression and torture were all very recent developments in the United States, and no police advisor sent to Japan or Korea during the occupation could claim to have spent a career in American police forces that were not still in the grips of the very reforms now being called for in the aftermath of Japanese empire. Key among them was the need to eliminate the practice of police torture. Torture, especially in the forms of whipping, beating, and sleep deprivation over the course of several days, were widespread means of extracting confessions in many departments around the United States at least until the 1930s.¹² Other forms of “clean” torture that were easy to deny, including the use of electricity and forcing the victim to remain in painful positions were also already in use in early twentieth century United States.¹³

Accusations of police torture could be found in the American press long before there were major efforts at reform, though this was also true that claims of police torture could be found in reporting on Japanese trials from the late nineteenth century on. Moreover, the law on the legality of confessions extracted by means of torture had long been well established. The 1897 Supreme Court ruling in *Bram vs. United States* ruled that confessions, “must not be extracted by any sort of threats or violence” and the 1924 *Ziang Sung Wan vs. United States* ruled that sleep deprivation, the most widely practised form of police torture, also invalidated a confession.¹⁴

The true moment of national recognition that police torture was not simply an issue of isolated abuses but an American disease, however, came somewhat unexpectedly in the form the 1931, “Report on Lawlessness in Law Enforcement.” The devastating indictment of police misconduct was part of a series of commissioned reports that became known as the Wickersham Commission. The report, whose authors Zechariah Chaffee Jr., Walter H. Pollak, and Carl S. Stern were all deeply committed to civil liberties, investigated the details of police torture and other coercive practices in over a dozen cities and built upon the rich evidence from

¹¹John W. Dower, *Embracing defeat: Japan in the wake of World War II*, (New York: W.W. Norton & Co./New Press, 1999), 26. See also Theodore Cohen, *Remaking Japan: the American Occupation as New Deal* (New York: Free Press, 1987).

¹²Richard A Leo, *Police Interrogation and American Justice* (Cambridge, Mass: Harvard University Press, 2008), 44.

¹³Darius Rejali, *Torture and Democracy* (Princeton, NJ: Princeton University Press, 2009), 70-73.

¹⁴For a list of many of the cases which took up the issue of police torture or “third degree” treatment up to the 1930s, see “The Third Degree”, *Harvard Law Review* 43, no. 4 (February 1, 1930): 617–623, and Edwin R. Keedy, “The Third Degree and Legal Interrogation of Suspects”, *University of Pennsylvania Law Review and American Law Register* 85, no. 8 (June 1, 1937): 761–777.

case histories in which torture was conceded by the court.¹⁵ The report offered a stark and sobering conclusion never seen in a government sanctioned investigation, “the third degree, that is, the use of physical brutality, or other forms of cruelty, to obtain involuntary confessions or admissions, is widespread.”¹⁶

It is tempting to see the Wickersham Commission as the defining moment in the decline of police torture in the United States. Instead, it might be better seen as the opening blow of a longer and overdetermined process that was still far from complete by the time American police advisers made their way to Korea and Japan. Other developments include important court cases such as *Brown vs. Mississippi* in 1937 in which the Supreme Court ruled to overturn the conviction of three African-American men in a particularly brutal case of police torture.¹⁷ Richard Leo has argued that the significant decline in police torture in the 1930s and 1940s might also be owed to the fact that new police interrogation manuals, with the first coming out in 1940, strongly discouraged the use of the “third degree.”

Also, leading police reformers such as August Vollmer and O. W. Wilson, as well as the head of the new Federal Bureau of Investigation, J. Edgar Hoover, set the barbaric and backward looking practices of police torture in contrast with the more modern and scientific methods of criminal investigation that would secure convictions on solid evidence.¹⁸ The federal crime laboratory established in 1932, the rise in popularity of the lie detector test and experimentation in truth serums from the late 1920s were part of a longer trend towards shifting a police dependence on fallible and often uncooperative human intelligence sources towards a focus on methods that reformers believed could turn lies into truth and to other forms of evidence that could offer “objective” certainty.¹⁹ Though the unreliable results of lie detector tests were recognized as problematic from the start, as science editor for the *New York Times* Waldemar Kaempffert put it in 1944, it was, “better than the brutalities of the third degree. At least it gives the police something to think about and follow up for more evidence.”²⁰

Both university-based and professional academies emerged to provide training for a new generation of professionalised police officers. August Vollmer had established a police school

¹⁵Michael Grossberg, *The Cambridge History of Law in America*, vol. 3, 3 vols. (Cambridge: Cambridge University Press, 2011), 208.

¹⁶United States. Wickersham Commission “Report on Lawlessness in Law Enforcement” (1931) @@@Confirm-page-number.

¹⁷*Brown v. Mississippi*, 297 U.S. 278, (1936).

¹⁸Leo *Police Interrogation*, 44-51. See also Nathan Douthit, “August Vollmer, Berkeley’s First Chief of Police, and the Emergence of Police Professionalism”, *California Historical Quarterly* 54, no. 2 (July 1, 1975): 101–124 and August Vollmer, “The Scientific Policeman”, *The American Journal of Police Science* 1, no. 1 (January 1, 1930): 8–12.

¹⁹On the late nineteenth century roots of this transformation in Europe see Clive Emsley, *Crime, Police, and Penal Policy: European Experiences 1750-1940* (Oxford University Press, USA, 2007), 182-199. On the rise of new forms of interrogation see Leo *Police Interrogation*, 86-90. The popularity of what Alfred McCoy has termed “exotic” interrogation techniques involving drugs and mind control peaks in various CIA programs of the 1950s. See Alfred McCoy, *A Question of Torture: CIA Interrogation, from the Cold War to the War on Terror*, Reprint. (Holt Paperbacks, 2006), 21-59.

²⁰“Record in Court of the Lie Detector, Which Has Been Now Used in Over 2,500 Cases” *New York Times* (Feb 27, 1944), E9.

already in 1908 but his educational efforts received greater attention with police courses offered at the University of Chicago from 1929 and with his appointment as the first professor of police administration at the University of California in 1931.²¹ The FBI Police Training School was created in 1935, directly inspired by the call for professionalisation in the Wickersham Commission, and was later expanded training to support wartime espionage.²² In that same year, Michigan State University founded a five year degree training program for police that would not only remain one of the leading criminology departments in the United States today, but train many of the leading police administrators who would make their way to Korea and Japan in the early postwar period. Among its first three graduates was Arthur F. Brandstatter, tasked with reorganizing the police in southern Korea in late 1945.

The decline in overt brutality in the interrogation room was a halting and gradual process, however. In 1937 two professors of political science at Syracuse University published a remarkable attempt to gauge perceptions of what constituted permissible degrees of “third degree” pressure in the *Journal of Criminal Law and Criminology*. Through a survey of 150 individuals, divided equally between New York State Troopers, “citizens” and prisoners, the study attempted to measure support for various specific interrogation techniques ranging from trickery to torture on a scale from -0.5 to +9.5, with the latter corresponding to torture resulting in death. In the survey, some 48% of troopers condoned face slapping to obtain confessions and 8% thought that beating a suspect to the point of rendering them unconscious was acceptable. Some 14% approved of delivering a “sample” of threatened violence, in the form of a punch to the body or face. Finally, some 54% of troopers approved of relay interrogation that denied sleep or rest to suspects for a period of three days and nights, a form of dangerous physical torture the seriousness of which is often under-appreciated.²³

There is no reason to believe this survey accurately reflects what state troopers, or for that matter, police officers in major metropolitan areas of the United States actually believed was permissible. Neither does the survey give us any indication of the actual prevalence of the kinds of acts described in the survey though, only a few months before the article came out, Pennsylvania State Trooper Stacey Gunderman was convicted of second degree murder for his role in beating a suspect to death during interrogation.²⁴ The results of the survey were used in the article to recommend, bizarrely, that guidelines for coercive interrogation practices be relaxed slightly in accordance with a marked broader tolerance for coercive techniques in the three populations studied. The broader support for coercive methods of interrogation can be found echoed by Roscoe Pound, Dean of Harvard Law School and one of the members of the Wickersham Commission writing in 1934, “No amount of thundering against the third

²¹Douthit “August Vollmer”, 106-107. Arthur F. Brandstatter, “A History of Police Education in the United States”, Accessed February 23, 2013 <http://www.cj.msu.edu/~history/scrap/abhistoryofpoliceed.pdf>

²²“The National Academy” Accessed February 13, 2013. <http://www.fbi.gov/about-us/training/national-academy>

²³Herman C. Beyle and Spencer Parratt, “Approval and Disapproval of Specific Third Degree Practices”, *Journal of Criminal Law and Criminology (1931-1951)* 28, no. 4 (November 1, 1937): 535, 537.

²⁴“TROOPER IS GUILTY IN FATAL BEATING; Pennsylvania Jury Gives Second Degree Verdict in the Slaying of Hotel Keeper” *New York Times* Feb 26, 1937, 46.

degree and its derivatives and analogues will achieve anything...Indeed, a feeling that the public are with them is largely behind the boldness with which high-handed, secret, extra-legal interrogations of persons held *incommunicado* are constantly carried on.”²⁵ The mere exposure of widely practised police torture in the Wickersham Commission, and the significant momentum behind police reform programs, could not expect to transform a police culture that facilitated physical torture within a few short years.

Indeed, by the late 1940s, brutal cases of police torture as a means of interrogation in the United States continued to be reported, though the practice most resilient when used against minorities.²⁶ Even as physical blows became less welcome in the interrogation room, relay interrogation and sleep deprivation became the most common form of police torture to find mention in major trials related to the issue.²⁷ Cases of direct physical beatings during interrogation continue to pop up until at least the 1960s, but the growing focus on psychological tactics of interrogation and deception, especially following the landmark *Miranda v. Arizona* case of 1966 that formalized the “Miranda rights” process of informing suspects of their rights in questioning, shifted the concern of reformers to less physical injustices within the interrogation process and the criminal justice system as a whole.²⁸

The police torture deemed so widespread by the Wickersham Commission in the early 1930s targeted regular criminal suspects, whether they were accused of murder or less serious crimes. Though the large-scale violence of the era of prohibition certainly generated a feeling of helplessness among law enforcement officers, there was no particular emphasis or attempted justification for the violence based on the supposed existential threat to the nation seen in the wake of the Red scare of the 1920s. Torture was not defended as a last-resort measure to defuse a ticking bomb, as it has been by the United States in recent years, or to avert an imminent revolution, but was merely a way of accomplishing the otherwise challenging work of regular police duty.²⁹ Despite the thorough militarisation of society, this was generally true within Japan too. As in the United States, the wide practice of police torture was condemned both in law, by politicians, and within the Justice and Home ministries, even when revolutionary subversives were among its primary victims.

²⁵Roscoe Pound, “Legal Interrogation of Persons Accused or Suspected of Crime”, *Journal of Criminal Law and Criminology (1931-1951)* 24, no. 6 (March 1934): @@@Check-Page-Number 1014. Emphasis in original.

²⁶For examples of cases in the 1940s, especially against minorities see Monrad G. Paulsen, “The Fourteenth Amendment and the Third Degree”, *Stanford Law Review* 6, no. 3 (May 1, 1954): 412–419.

²⁷Example cases from 1940s alone include *Chambers v. Florida* 309 U.S. 227 (1940), *Ashcraft v. Tennessee* 322 U.S. 143 (1944), *Malinski v. New York* 324 U.S. 401 (1945), *Refoule v. Ellis* N.D. Ga. (1947), and *Watts v. Indiana* 338 U.S. 49 (1949).

²⁸This informs the bulk of discussion in Leo *Police Interrogation*.

²⁹Gregory Henderson, “Human Rights in South Korea 1945-1953” William Shaw ed., *Human Rights in Korea*, 133.

The Legacy of Police Torture in the Japanese Empire

The United States of the first half of the twentieth century does not, then, belong to the relatively small number of countries where physical beating and torture in interrogations were uncommon. Though it is impossible to carry out any detailed comparison of a usually illegal and secret practice, the United Kingdom, at least the metropole of the empire, and Weimar Germany are among the only larger countries where reports of police torture were rare.³⁰ The fairly constant reports of police torture found throughout the modern history of Japan up to 1945 are thus neither an example of an anomalous empire of cruelty that existed on the margins of civilization, nor can it be claimed that a late and distorted process of modernization allowed a barbarous practice to slip through the cracks, since the late modernization of Germany, which Japan is often paired with, is a fascinating example case in which police torture virtually disappears before being readopted in the 1930s with the rise of National Socialism.³¹

In contrast, the history of police torture in Japan is, in some ways, closer to the American story than the German one. It resembles the United States in at least three ways: 1) Up to the 1940s, police torture was widespread overall, but found in its most brutal and expansive form when carried out against targeted minorities. 2) Clear, and indeed increasingly clear from the 1930s, legal prohibitions existed against police torture, despite which the practice thrived. 3) Finally, in both the United States and in pre-war Japan, there were significant calls for reform and damning reports on the widespread practice of torture, especially in the 1930s. Of course, these similarities should not be overdrawn. Without the important differences between the two, there would be no story of American police reform efforts in Japan and Korea. Whereas police torture declined dramatically in the United States, the practice continued in Japan's colonies and metropole alike while its military police, in particular, exported their experience in brutality to every new territory occupied, earning Japan a universal reputation for limitless cruelty.³²

The most extensive study of the history of police torture within the Japanese metropole is still Richard Mitchell's 1992 *Janus-faced Justice: Political Criminals in Imperial Japan* which, despite the title, also compares torture and brutality towards political criminals, especially by the Special Higher Police (特別高等警察), or the Tokkō, with the similar violence carried out regular police in Japan. As Mitchell points out, supported by many specific cases, "brutality and torture were not simply a product of the arrest of many Communist suspects. Indeed, the evidence points in one direction: police officers, both regular police and Special Higher Police, had long used force to get confessions."³³ Mitchell's work also, however, highlights the considerable variation in treatment of suspects depending on where and when they might have found themselves, the long history of demands for reform both within and outside of the halls of

³⁰On torture in various European countries, see Darius Rejali, *Torture and Democracy*, 74-87.

³¹*Ibid.*, 77. Bavaria was apparently an exception.

³²For a short list of military police torture methods in various areas under Japanese occupation see Rejali *Torture and Democracy*, 152-155.

³³Richard H. Mitchell, *Janus-faced Justice: Political Criminals in Imperial Japan* (Honolulu: University of Hawai'i Press, 1992), 67.

government, and the effective deployment of the other half of the janus-faced justice of his title: the rise of the efforts to secure recantations of political loyalty that endured, the system of *tenkō* (転向).

Japan's 1880 Code of Criminal Instruction already banned torture outright, but more specific instructions banning the use of force or threats of force in police interrogations is not found until 1890 with the Criminal Procedure Code of 1890 (刑事訴訟法). As in the United States, however, these simple legal bans had little impact on police torture, which was widespread within Japan proper even before the increase in political repression in the 1920s.³⁴ A wide range of torture techniques were employed ranging from water torture, needles under nails, crushing of fingers, thorough beatings, and sleep deprivation. Beyond the reports of torture in the press, and in court testimonies as accused suspects repudiated their own confessions, condemnations of police torture and the abuses of pre-indictment detention which facilitated its practice were made by lawyer groups, legislators, as well as many of the Home Ministers and Justice Ministers of the pre-war period.

These condemnations rarely directly used the word torture or even a vague equivalent terms such as the “third degree.” Home Minister Hirata Tōsuke in 1910 and 1911 called for reprimands of those guilty of severe police misconduct. Home Ministers Nakahashi Tokugorō called for “irregularities” to be corrected and personal rights to be protected in early 1932 and only a few months later another Home Minister Yamamoto Tatsu also spoke against police abuses. Home Minister Ushio Keinosuke did the same in 1936, and emphasized the resulting erosion of public trust if police behaved poorly. Prime Minister Okada Keisuke responded to abuses by calling for strict police discipline in 1935, while Justice Ministers Ohara Naoshi in 1935, Hayashi Raisaburō in 1936 called for police to eradicate the use of force and other illegal means against suspects. Justice Minister Shiono Suehiko essentially admitted the practice when he lauded the success of new training guidelines for police interrogations and requirements that procurators inspect police stations. Others exposed the practice as well, including legislator Asahara Kenzō, who pointed to three deaths from torture in the Diet in 1929, procurator general Koyama Matsukichi, who admitted the police committed acts of beating and torture in 1927, an investigation by the Tokyo Bar Association in 1931-2 that confirmed cases of torture, and another investigation by the Imperial Bar Association in 1935.³⁵

Japan even had its own confidential “Wickersham-style report,” as Mitchell refers to it, in the form a report by a judge Kawakami Kan in February, 1938, “On the So-called Problem of Trampling on Human Rights” (所謂人權蹂躪問題について). Despite the sceptical sounding title, the report contained damning statistics on the violations of criminal procedures that had banned coercion in interrogations from 1932-1936, finding that only some 6 percent, or 23 out of 398 cases of reported torture were followed up upon by prosecutors.³⁶

³⁴See *Ibid.*, 27-35 for examples up to the 1920s.

³⁵All of these demands for reform by ministers are chronicled in *Ibid.*, 60-101. On the new training rules see *Ibid.*, 115-116. On the Imperial Bar Association investigation see *Ibid.*, 132.

³⁶*Ibid.*, 130.

If, in the United States, African-Americans were the most likely to become victim of police torture even after the use of the “third degree” declined, in Japan, Koreans were, together with socialists, seen as particularly likely to face legal discrimination and were the target of some of the most brutal claims of torture, even within the Japanese metropole.³⁷ Open reform efforts, condemnations from leading politicians, and internal reports did little to eradicate torture within Japan, despite the rise of powerful psychological techniques of securing and maintaining converts in the form of the *tenkō* policy. This was all the more true in Japan’s Korean colony, with particularly violent cases clustering around its opening years, and in the wake of the March First Movement in 1919.³⁸ In fact, while his history focuses on Japan proper, Mitchell calls for research on whether the extreme brutality of Japanese police officers on the Korean peninsula may have led to a “transfer of attitudes” from the world of “rough justice” for Koreans to Japan when officers were transferred back to the metropole.³⁹

The most infamous security institution within Japan, in the colonies, and in other territories occupied by the Japanese was the military police (憲兵隊). In Korea, the military police took over control of the existing pre-colonial Korean police force, which had already been under heavy Japanese influence in the first decade of the new century, following the annexation in 1910.⁴⁰ This system was largely replaced by a civil police system as a part of the reforms following the 1919 March First Movement. Though some officers of the military police were simply shifted into the new civilian police hierarchy the total number of military police dropped from some 8,066 in 1918 to 700 by 1922 and 666 by 1940.⁴¹

As shown in Table 1, based on the work of An Yŏng-sik, Koreans, which made up a significant proportion of the force ever since pre-colonial officers were absorbed, dropped as a proportion of the whole—excluding those with military police rank—in the aftermath of the 1919 transition, but they then remained relatively stable at or around 40% of the total number of officers up to the last date of reliable statistics in 1938. The proportion of Korean police officers may have grown somewhat in the final desperate wartime years of the colonial period, but as we shall see, the first American director of the Korean National Police, William H. Maglin, quoted the same estimate of around 40% Korean police officers at the time of the turnover. Within the ranks as well, there was relatively little expansion in the number of Korean inspectors or assistant inspectors, from around 15% in 1919 to 18% in 1938, and an overall decline in percentages of both the lower patrolman and assistant patrolman ranks and the higher superintendent rank.

³⁷See Mitchell *Janus-faced Justice*, 76, 97, and 118. Police were also among those who singled out Koreans for massacres in 1923, see *Ibid.*, 41. Though they are mentioned less frequently, Taiwanese were also, of course, victims of torture both inside Japan and in Taiwan. See Taisheng Wang, *Legal Reform in Taiwan Under Japanese Colonial Rule, 1895-1945: The Reception of Western Law* (University of Washington Press, 2000), 113.

³⁸For many examples of torture during the colonial period in Korea, whether it be independence activists, suspected Communists, or regular criminal suspects, see Wŏn-sun Pak, 『야만시대의 기록』, vol. 2, 25-148.

³⁹Mitchell *Janus-faced Justice*, 160-1.

⁴⁰Ching-Chih Chen, “Police and Community Control Systems in the Empire”, in *The Japanese colonial empire, 1895-1945*, ed by Mark R. Peattie, Jingzhi Zhen, and Ramon Hawley Myers (Princeton, N.J: Princeton University Press, 1984), 220-222.

⁴¹Toshihiko Matsuda 松田利彦, 『日本の朝鮮植民地支配と警察』 [Japan’s Colonial Rule in Korea and the Police] (Tokyo: Azekura Shobō, 2009), 297.

Table 1: Police in Korea 1910-1938: Number of Japanese vs. Korean Officers⁴²

Year	Commiss.	Superint.	Inspectors	Patrolman	Total	% Korean
1910	15/1	30/14	167/101	2,053/3,312	2,265/3,428	60%
1915	15/1	26/8	165/92	2,137/3,127	2,343/3,228	57%
1918	14/0	28/9	180/130	1,909/3,13	2,131/3,271	60%
1919	13/0	34/10	860/153	7,387/6,935	8,294/7,098	46%
1925	13/0	37/11	944/265	10,131/7,057	11,125/7,333	40%
1935	13/0	48/9	944/242	10,227/7,926	11,232/8,177	42%
1938	13/0	62/9	1,126/246	11,784/8,542	12,985/8,797	40%

The numbers of Special Higher Police officers in Korea, or the numbers of Korean officers who may have been counted among their ranks are not available. It is unlikely that this would contribute much to understanding the landscape of police violence in either Japan or Korea, however, since neither the Special Higher Police or the military police had a monopoly on brutality. In fact, in addition to the role of regular civil police, one key continuity in police torture before and after 1945 was the fact that procurators themselves joined police in the torture.⁴³ As we shall see, an overemphasis on the infamous military police and the Special Higher Police was one of the key failures of the U.S. police reforms in both Korea and Japan after 1945.

Creating a Democratic Police in Japan and Korea

The history of the Korean police in the early postwar period is usually told in one of two ways. The first, and least helpful, is the approach taken by official police histories or similar works in which the police force travels across time primarily as a slowly evolving administrative unit. Transformation is predominantly traced in terms of official decrees, changes in position or department titles, and reconfigurations of power hierarchies of the police.⁴⁴

⁴²This table is adapted from Yōng-sik An, 「일제하 한국인경찰 연구」 [A Study of Korean Police During Japanese Imperial Rule], 『현대사회와 행정』 [Contemporary Society and Administration] 18, no. 3 (December 2008): 212. The full titles are Commissioner (警務部長), Superintendent (警視), Inspectors (警部) and Assistant Inspector (警部補) collapsed in one column, Patrolman (巡查) and Assistant Patrolman (巡查補) collapsed into one column.

⁴³Mitchell *Janus-faced Justice*, xiii. Gregory Henderson, “Human Rights in Korea 1945-1953”, in *Human Rights in Korea: Historical and Policy Perspectives*, ed by. William Shaw (Harvard Univ Asia Center, 1991), 136.

⁴⁴Examples include Ch ’ian kuk, 『警察十年史』 [Ten Year History of the Police] (Seoul: Naemubu Ch’ian’guk, 1958) and Kyōngu Changhakhoe, 『國立警察五十年史』 [A Fifty Year History of the National Police] (Seoul: Kyōngu Changhakhoe, 1995).

A second approach embeds the Korean police into the tragic course of political and social events leading up to the opening of the most violent phase of the Korean civil war in 1950.⁴⁵ These works have left historians no doubt as to the severe oppression by the Korean National Police after 1945 as well as the close ties between the police and the emerging anti-Communist leadership forces in southern Korea. Inevitably, however, it results in an episodic approach which emphasizes the American reaction, or more often lack of reaction, to a crisis in Korean policing. Though they won't be recounted in detail here, the key events begin with the American displacement of local security forces created by people's committees with civil police forces from October 1945 to early 1946. The first serious challenge to American military government, and its approach to the police comes in fall 1946 with protests, riots, and dozens of attacks on police boxes in what is sometimes called the Autumn Harvest Uprising or the October People's Resistance.⁴⁶ The uprising left dozens of officers dead, often tortured or killed in a brutal manner, revealing the deep animosity towards the police, in particular, and this was seen as one of the most significant motivations behind the uprising. The suppression of the uprising further exposed the torture and brutality of the police as they took revenge and extracted confessions from hundreds of suspects they apprehended.⁴⁷ At a Joint Korean-American Conference held in the wake of the violence, one of the leading political figures present, Kim Kyu-sik, as well as head of the detective bureau Ch'oe Nŭng-chin (Choi Nung Chin), demanded a more full purge of what was seen as a brutal collaborationist police.⁴⁸

U.S. military government reports and Counter-Intelligence Corps investigations also showed that both the larger and longer lasting uprising on Cheju from 1948 and the violent mutiny and uprising around Yŏsu in South Chŏlla in October, 1948 also exhibited particularly brutal targeting of police officers and supporters of the uprising were believed to be, just as in 1946, strongly motivated by hatred for a violent and corrupt police force filled with officers who had served during the Japanese colonial period.⁴⁹ Thereafter, the police play an increasingly military role in suppressing guerillas in rural areas from 1948 on, eventually culminating in large scale round-ups and mass executions by police in the wake of the North Korean invasion. An attack and sacking of the headquarters of the Special Investigative Committee investigating collaboration during the colonial period in June, 1949 reveals how complete the police had

⁴⁵A few examples include Cumings, *The Origins of the Korean War*, Hugh Deane, *The Korean War 1945-1953*, 1st ed. (San Francisco: China Books, 1999), Allan Reed Millett, *The War for Korea, 1945-1950: A House Burning* (Lawrence, Kan: University Press of Kansas, 2005), and include more direct pieces such as Jinwung Kim, "Participating in Nation-Building: The Role of the Military Government Police in South Korean Politics, 1946-1948", *Journal of American-East Asian Relations* 17, no. 2 (2010): 174-198.

⁴⁶See Yŏng-jin Chŏng, 『폭풍의 10 월: 대구 10.1 사건을 일으킨 사람들과 그 이데올로기』 [October Storm: The Ideology and People Behind the October 1 Taegu Incident] (Seoul: Hangilsa, 1991). On the role of the "pro-Japanese" police in the uprising see pages 198-220.

⁴⁷See reports on police torture used after the uprising in USAFIK XXIV Corps G-2 Hist. Section Box 55 History of Provost Marshal Section, 8. Copy in Hausman Papers, Box 26.

⁴⁸See "Report of the Joint Korean-American Conference" in Organization of National Police of Korea 27 December 1945 HQ USAFIK Office of the Military Governor, Bureau of Police. Copy in Hausman Papers Box 26.

⁴⁹See "Short History of Yosu Campaign" in Hausman Papers Box 7.

established themselves as above the limits of law.⁵⁰ The investigations of the SIC, which were carried out with the help of its own independent police force, also targeted colonial period police officers. As the only serious threat to the power of the police in the postwar period direct confrontation with the civil police was all but inevitable. However, instead of admonishing the police involved in the attack, President Syngman Rhee used the incident as an opportunity to reorganize and cripple the SIC.

If this, necessarily, lightning tour of the key moments involving the police in early post-colonial Korea reveals anything, it is the fact that during the period of U.S. Military Government from 1945-1948 there was both an awareness of a serious problem and a failure to resolve it before the 1948 founding of the Republic of Korea. This problem was usually articulated in two related ways: as the issue of the brutality of the police, especially in torturing suspects, and the issue of a police force composed of treasonous colonial remnants. *When it came to police reform, the problems of treason and torture were always closely tied together.*

Attempts to create a “democratic police” in early postwar Japan have been studied in detail by Christopher Aldous. Aldous highlights the contrast between the ambitious goals of reformers to create a police, “accountable and responsive to the Japanese public” and one which could meet the security needs of an occupation that depended on indirect rule through Japanese institutions.⁵¹ These contradictions became apparent before the “reverse course” that backtracked on most reform policies and, indeed, Aldous shows that the police alone were an institution that were subject to a different and delayed timeline given its special importance.⁵²

The most important example of this was the relatively late and ultimately failed implementation of a radical decentralization plan for the police carried out in March 1948, based on the idea that decentralization would both make the police more in tune with local needs and less subject to a central concentration of power that could easily support authoritarian tendencies within a fragile democratic government. Indeed, the issue of decentralization was so central to police reform efforts, bordering on obsession, and described in terms that made it seem as if no meaningful creation of a democratic police could happen without it, that it is remarkable that there was almost no debate over whether a similar system might be appropriate for Korea. This was true even around the time of the implementation of the program in Japan in early 1948 when enthusiasm was at its peak. Instead, in Korea, military governor William F. Dean found it necessary to send out a letter to all provincial governors on 26 January, 1948 reminding them that the provincial police chiefs were in fact under their authority. Instead of immediate and radical decentralization, Dean told provincial governors, confusingly, that the

⁵⁰On this episode in English see Sung-hwa Cheong, *The Politics of Anti-Japanese Sentiment in Korea: Japanese-South Korean Relations Under American Occupation, 1945-1952* (New York: Greenwood Press, 1991), 18-19 and Koen de Ceuster, “The Nation Exorcised: The Historiography of Collaboration in South Korea”, *Korean Studies* 25, no. 2 (2001): 213-215. In Korean, process is traced in detail in Chong Hō, 『반민특위의조직과활동: 친일파청산, 그좌절의역사』 [The Special Investigative Committee on Anti-National Activities and its Activities: The History of its Failure], Ch’op’an., Hyōndaesa ch’ongsō 3 (Seoul: Sōnin, 2003), 345-356.

⁵¹Christopher Aldous, *The Police in Occupation Japan: Control, Corruption and Resistance to Reform*, Routledge studies in the modern history of Asia 1 (London: Routledge, 1997), 211.

⁵²*Ibid.*, 209.

key to the system was “centralized control with decentralized operation.”⁵³

The actual implementation of a program of decentralization in Japan was a late development in Japan. At the foundation of both police reform programs, was a recognition that, up to 1945, a police force that employed torture, general brutality, and was a powerful tool of political suppression, and that immediate steps would have to be taken. When Douglas MacArthur and SCAP, which technically had authority over the occupations of both Japan and Korea, began the two military occupations in fall, 1945, there was not one police policy for Japan and another for Korea. The campaigns for the creation of a democratic police began with the exact same common set of basic tasks:

1. The Japanese military police and the Special Higher Police were the most infamous police organs, responsible for brutal torture and political suppression. Occupation authorities set out immediately to destroy both organizations and prevent its members from employment as police officers in the postwar period. Other officers would be retained to facilitate the maintenance of security without the need for a huge occupation force.
2. Purge additional individual officers known for brutality in the past and continue to prosecute or purge officers found to be guilty of police torture or other abuses of power.
3. Eliminate pre-1945 laws and ordinances which contributed to the police state, and strip police of some of the invasive social policing functions seen as extending the power of the state in private lives.
4. Introduce American policing methods through the use of police advisers to be used both in the education process and in a supervisory role connected to various policing organs.
5. Support the establishment or reform of police educational institutions for the recruitment of new police, and support other educational or propaganda initiatives to support “democratic policing” in both Japan and Korea.

The failure to carry out these steps fully, in both cases, and the failure to customize the approach for Korea’s unique circumstances are central to the ongoing challenges the USAMGIK would face in southern Korea. When it came to police torture, the most important of these basic reforms were the purge, that is (1) and (2), the active supervisory role of the police advisers (4), and the educational efforts of the democratic police campaign (5). None of the pre-1945 laws that were eliminated or replaced by U.S. ordinances could do much to eliminate a practice that was already illegal, nor did they put strong limits on the pre-indictment detention that helped facilitate police abuses—something that remains an issue today in Japan.

Purging the Police in Japan and Korea

The police purge in the early postwar period is the most important example of how the reforms carried out in Japan and Korea need to be seen together to fully understand the policy in its

⁵³*Summation of United States Army Military Government Activities in Korea* vol 29, February, 1948, 179-180.

contemporary context. In this respect, the handling of the purge was only treated differently between the two insofar as Korea was an example of forced decolonization, in which the colonizer was stripped of all rights in its former imperial possession and repatriated. Though both the early postwar press and some of the language used to refer to the period of Japanese rule described Korea in terms of a military occupation, Korea and its people were not treated as a liberated state that might stand side by side with China, France, or even a soon to be independent Philippines.

The purging of any and all Korean police officers does not appear to have ever been considered seriously. Decolonisation was forced upon Japan, but, for better or for worse, the transition was treated by the U.S. military government as something more along the lines of a colonial handover in 1946 Philippines, in 1947 India and Pakistan, or in 1948 Burma. In none of these places the police forces which served the United States or the British empire loyally were a valuable resource, not suspects for treason trials. Nor was there a mass reckoning despite the fact that the Indian police and the Philippine Constabulary were both known for police torture.

Thus, the concept of a treasonous police officer, a “pro-Japanese” police officer guilty of having served the legitimately recognized colonial government was never recognized by the military government in Korea. Given the relatively small number of men and resources sent to Korea and Japan for the occupation, the fast establishment of indirect rule was essential, making the dismissal of all police also an option off the table. Instead, a police officer was to be judged by their actions. Brutal actions could be associated with a “Japanese way” of policing but this was not something to be assumed from colonial service. This can be seen in an official statement by military governor Gen. Archer L. Lerch on the occupation policy regarding the “pro-Japanese” police was made after the Joint Korean-American conference in October, 1946 when “Intimations were expressed that the National Police contained many pro-Japanese personnel,”

It is hard to find a physically able young man of 28 or 29 or 30 years old who at least was not a member of the Japanese army. The mere fact that a man has served under the Japanese is not against him. Most of you people here had to serve under the Japanese, but did not become Japanese in thought and action. And so the people we are trying to get rid of in the police force are those who became Japanese in thought and action. And just as soon as we find a policeman who is thinking as the Japanese think and who is acting as the Japanese acted, we are getting rid of him...⁵⁴

Unfortunately, this statement, which appears to describe an ongoing process of selective dismissal process that was decreasingly in evidence in Korea and Japan despite the ongoing seriousness, if not growing severity, of the problem in the case of the former. The first wave of the postwar police purge came within a few weeks of the arrival of the occupation forces, and

⁵⁴*Ibid.*, vol @@@, October, 1946, 26.

focused on the military police and the Special Higher Police. The Japanese military police was disbanded in October, 1945 but as we have already seen, the number of military police in Korea was only a fraction of the totals in the pre-1919 period.⁵⁵ Early October also brought the suspension of 4,800 members of the Special Higher Police.⁵⁶ Almost all prefectural police chiefs, and large numbers of superintendents, inspectors, and patrolmen amounting to some 5.7 percent of all Japanese police officers were purged in this process.

The U.S. military government claimed that there “sweeping personnel revisions” had been completed by 13 September in Seoul and other purges to follow in other major cities in southern Korea, with military government teams carrying out “reorganization” of the police whenever they entered a new area.⁵⁷ Any officers who focused on enforcing the “peace preservation,” were dismissed as well, but this may have merely been a reference to the general purge of Special Higher Police begun in Japan and mentioned above.⁵⁸ The earliest Korean history of the Seoul metropolitan police claims that “the elimination of unjust police officers” who were incompatible with the creation of a new democratic police took place around 1 October, 1945.⁵⁹ The new Korean national director of police Cho P’yōng-ōk announced on 26 October that bad police had been purged as part of one of his earliest speeches on the formation of a democratic police.⁶⁰

Unlike the case of Japan, where reports provide more specific figures, it is very hard to get a grasp of the exact nature of the purge in Korea. However, there were at least two differences in the way this purge was carried out. The first was that the reality on the ground was considerably different from Japan. Korean police officers had mostly abandoned their posts, with those in the Soviet occupied zone flooding south.⁶¹ Many of the Korean police officers with colonial experience who had deserted would return as part of the recruiting process to follow. In the south, local people’s committees were also assuming, sometimes by force, control of local policing functions and incoming American soldiers in rural areas sometimes found that these committees were themselves engaging in beatings and arbitrary imprisonment.⁶² It is thus hard to know who was in place to be formally purged when claims about this process taking place are being made.

A far more important difference was the fact that it is likely that the “sweeping” purge of the early period may have referred, at least in part, to the action taken against Japanese officers. The early postwar newspaper *Maeil Shinbo* claimed that all Japanese police had been collec-

⁵⁵General Headquarters, Supreme Commander for the Allied Powers *Summation of Non-Military Activities in Japan*, vol 1, 35.

⁵⁶*Ibid.*, 38.

⁵⁷*Ibid.*, vol 1, September, 1945, 185.

⁵⁸*Ibid.*, 186.

⁵⁹Sudo Kuan’gu Kyōngch’al Ch’ōng, 『首都警察發達史』 [A History of the Development of the Metropolitan Police], 1947.

⁶⁰『自由新聞』 27 October, 1945, 2.

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⁶²@@@ 地方美軍政資料集

tively sacked on 16 September.⁶³ However, the process appears to have been much more gradual. Tsuboi Sachio, who was Commissioner of North Ch'ungch'ŏng province at Japan's surrender, writes in his memoir that he was formally dismissed only on 17 October, 1945 but that he remained on in the capacity as an advisor for some weeks.⁶⁴ However, by mid-1946 some 14,000 Japanese police officers had been dismissed in Korea to join the mass repatriation of the Japanese population from the colony.⁶⁵ This was the equivalent of a purge of well over half the entire police force and the vast majority of its higher ranks. This contributed to the security crisis faced by the occupation as it struggled to establish the authority of the military government.

In both Japan and Korea, this initial purge process was followed up by further dismissals as more specific accusations emerged. The purge of Special Higher Police was found to be extremely difficult since it largely affected those who happen to be in its ranks in 1945, not all those who had been in it at some point during their career. As one report put it, "Almost all policemen with ten years or more service have at some time or other served with the Special Higher Police because of the Japanese policy of frequent rotation of duties."⁶⁶ Reports on the search for Special Higher Police hiding in various police departments and government agencies became a regular component of Counter-Intelligence Corps "Occupational Trends" reports, even as, in some cases, the same CIC was finding these former officers useful for their own purposes.⁶⁷

In both Korea and Japan, the CIC investigated reports of police torture and other forms of abuse and could dismiss or arrest the police in question.⁶⁸ There are considerably fewer mentions of the U.S. military government in Korea taking real action as part of its supervisory role in monitoring reports of violence by the Korean police. A report on public order from May, 1946 reports that, "for the first time," real punitive action was taken against officers guilty of police torture. A police torturer in Ch'ungch'ŏngbuk-to was convicted of torturing a suspect during interrogation, was fined, and imprisoned for six months in May, 1946. A superintendent, though it is not clear if this was the same incident, was also given six months for "condoning third-degree methods within his organization."⁶⁹ Capt. Richard Robinson, who along with Lt. Col. Rankin Roberts compiled a report on the Korean police in the

⁶³『毎日新報』 16 September, 1945, 2.

⁶⁴Sachio Tsuboi 坪井幸生『ある朝鮮総督府警察官僚の回想』 [The Recollections of a Police Bureaucrat in the Korean Government-General] (Tokyo: Sōshisha, 2004), 149-150. After his repatriation, Tsuboi would move directly into a high position in the Kagoshima police and return to Korea in 1969 to a warm welcome from some of his old Keijo Imperial University classmates.

⁶⁵*Summation of Activities in Korea* vol @@@, August, 1946, 100.

⁶⁶General HQ USAF, Pacific Office of the Chief of Counter Intelligence "Occupational Trends Japan and Korea" 30 January, 1946. Robert Eichelberger Papers Microfilm Series 1 Part 1 Reel 18.

⁶⁷For an example of this kind of relationship see the memoir Robert B Textor, *Failure in Japan; with Keystones for a Positive Policy* (New York: J. Day Co, 1951), 121.

⁶⁸For two 1946 examples in Japan see "Occupational Trends Japan and Korea" 1 May, 1946 and 16 July, 1946, and Robert Eichelberger Papers, Series 1 Part 1 Reel 19.

⁶⁹General Headquarters, Commander-in-Chief, United States Army Forces, Pacific, 1946-1947, *Summation of United States Army Military Government Activities in Korea*, vol. 8, May, 1946, 28.

summer of 1946 on the eve of the fall uprising and was infuriated with the lack of action taken against Korean officers guilty of police torture. In his damning memoir of American military government failures claims that his intervention against one act of police torture resulted in a direct reprimand from military governor Lerch.⁷⁰

Just as the problem of police torture and the “pro-Japanese” police were together becoming a political crisis in the summer and fall of 1946, CIC reports from Japan were claiming that police torture was all but resolved as an issue:

Abusing prisoners to force confessions has ceased except in rare cases which, when disclosed, result in dismissal and prosecution of the offenders. The Occupation Forces feel that the Japanese public and the police, themselves, are realizing that policemen should be public servants and not overlords.⁷¹

The opposite was true in Korea. Though it does not make any direct reference to torture, the tone of a remarkably frank CIC annual report for 1947 differs significantly from those of their counterparts in Japan:

...the Police are, at this writing, the rulers of Korea. Almost all are 100 percent rightists, and for the most part, backers of RHEE, Syng Man and KIM, Koo, eminent politicians...Because of the fact that this office has constantly checked on their activities and their investigations in order to assure the command that justice was being done, this office became more and more a ‘thorn’ in the side of the Police. Gradually they have tried to steer clear of CIC and have balked at the necessity of cooperation. Unwittingly they have been aided in this by some of the American their own jobs and have assumed the role of protectors of their prodigy, the Police. This has resulted in the Police having freed themselves from the restraining influence of this office and having found themselves strong enough, with their American backing, to investigate what they choose to investigate, to let alone what they choose to let alone, to jail whom they choose, to make purges of leftists and then to build up any story of leftist plans for overthrowing the present government. In the present situation the Police have become a security threat to USAFIK, though this is not realized.⁷²

This shows a CIC that both admits that its own elements are sometimes playing a protective role for the police, consistent with critical scholarship that highlights the complicity of American military government, but also shows that the power and independence of the police was also seen as counter-productive to the strategic interests of the United States. The CIC annual report for 1948 was no less dismal and again demonstrated a recognition of the very real consequences of the failure to reign in the police. It admitted that “Police suppression probably was responsible for the success of the Communist agitation on Cheju Do Island” and that one

⁷⁰Richard D. Robinson, *Betrayal of a Nation* (Unpub. mss, 1950), 155.

⁷¹*Summation of Non-Military Activities in Japan*, vol. 9, June, 1946.

⁷²USAFIK HQ CIC “Annual Progress Report for 1947” Hausman Papers Box 26, 19-20.

of their own informants within the communist South Korean Labor Party was “interrogated so severely...it was necessary to have him attended by a physician” despite the fact that the Korean police who carried out the torture knew the accused worked for the CIC.⁷³

From the perspective of the occupation government, the official policy for purging the police in both Korea and Japan varied surprisingly little and in both places, police torture remained a problem into the postwar period. There is far less evidence of any significant resources or consistent commitment to follow up an initial purge with significant investigations even as the problem became, if anything, worse in Korea after the summer of 1946. In place of dismissals, however, the United States military government in Korea seems to have placed greater emphasis, perhaps because of its unwillingness to more directly threaten the power and morale of the Korean National Police, on the role of education and the ideology of creating a democratic police force.

Education and Propaganda for a Democratic Police

{section on 『民主警察』 and role of police advisers in progress}

Conclusion

The military government saw the issue of “pro-Japanese” police as a distraction from the real reforms and progress needed. While some CIC officers in Korea had only recently arrived from the American Philippine colony where they took their investigations of treason very seriously in a reversed colonial context, in Korea it was not national loyalty but a vague and selective conception of democracy that was the priority, which could sometimes leave the most enthusiastic supporters of reform bewildered. In Japan police reforms were the target of a concerted and radical project of reform in Japan, which were themselves by no means a success, but which brought about a decline in reported police violence among police officers - including some returning from service in Korea - that shared a history of torture and brutality. The educational efforts in Korea, seen through the efforts of advisors and the calls by contributors to the *Democratic Police* which called for transformation rather than treason trials, had no more effect than decades of open condemnations of torture found both in the United States and in the Japanese Empire up to 1945. This is not to say the reformers were wrong to ignore the nationalist calls for a complete purge of a tainted and treasonous police, indeed, in some ways this continues to distract historians today. The historical context is essential, and both the colonial legacy and the Cold War tactics that brought wartime enemies and postwar anti-Communists into alliance are an important part of the story. However, the police reforms in southern Korea failed to eliminate practices like torture for most of the reasons attempts at reform usually fail in transitional states, all the more under the circumstances of a foreign occupation and deep political polarization.

⁷³USAFIK HQ CIC “1948 Secret Annual Report” Hausman Papers Box 26, 42, 54.

In a retrospective article on his experience in Korea former police Advisor and Military Government director of the Department of Police Col. William H. Maglin began by recounting a personal encounter with the brutality of the Korean police. In February, 1946 a Korean man was discovered illegally cutting down trees near Maglin's billet on the outskirts of Seoul by some visitors. They took him to a nearby police box. The police officer there assured Maglin's visitors and a "house boy" that accompanied them that he would take care of the prisoner, who he immediately hit hard enough to knock him down. When Maglin heard about the encounter, he drove out to confront the police officer.

The policeman was quite surprised at my taking exception to his action. Upon my query as to whether he had been in the police under the Japanese, he replied that he had joined only two months before, after graduating from the Police Academy which we had established.⁷⁴

As Maglin goes on to explain, this contributed to his conviction that the problem of reforming the Korean police had little to do with identifying "pro-Japanese" police, or purging all police who had served in the colonial period. For Maglin, as for many of the others who participated in the "Democratic Police" educational efforts, there was a genuine faith in the ability to remold the human material which made up the police force. As was the case in both police and other reform efforts in occupation Korea and Japan, however, when success fell short of initial ambitious goals, the obvious explanations for failure might be overlooked and replaced instead with a cultural and racial explanation. In Maglin's case, there was no admission of responsibility for the brutal institution he left behind in 1947. There was no recognition that the resources and commitment to police education and professionalisation required—as already evidenced by the experience of reforms in the United States—were never provided in a southern Korea facing a far more volatile political environment than either Japan or the U.S. Nor was there any real accounting of the repeated claims that cases of torture and brutality were in fact being investigated at a time when all indications showed that police violence and oppression had become one of the most critical sources of distrust and dissent among the people. Instead Maglin assures the reader that, "considering Orient police psychology," the Korean National Police was a "disciplined and controlled force."⁷⁵

Draft1-2013.6

This is an incomplete draft but feel free to share.

Draft updates and files at: <http://huginn.net/articles/kjp>

⁷⁴William H. Maglin, "The Korean National Police", *Military Police* 1 (1999): 67-68.

⁷⁵*Ibid.*, 69.

Bibliography

- Ahn, Yong-sik. “「일제하 한국인경찰 연구」 [A Study of Korean Police During Japanese Imperial Rule].” *현대사회와 행정* [Contemporary Society and Administration] 18, no. 3 (December 2008): 191–227.
- Aldous, Christopher. *The Police in Occupation Japan: Control, Corruption and Resistance to Reform*. Routledge Studies in the Modern History of Asia 1. London: Routledge, 1997.
- Ames, Walter L. *Police and Community in Japan*. University of California Press, 1981.
- Babović, Budimir. “Police Brutality and Police Torture.” In *Police in Transition: Essays on the Police Forces in Transition Countries*, edited by Andras Kadar, 231–237. Central European Univ Pr, 2001.
- Beyle, Herman C., and Spencer Parratt. “Approval and Disapproval of Specific Third Degree Practices.” *Journal of Criminal Law and Criminology (1931-1951)* 28, no. 4 (November 1, 1937): 526–550. doi:10.2307/1136782.
- Brandstatter, Arthur F. “A History of Police Education in the United States.” *A History of Police Education in the United States*. Accessed February 13, 2013. <http://www.cj.msu.edu/~history/scrap/abhistoryofpoliceed.pdf>.
- Ceuster, Koen de. “The Nation Exorcised: The Historiography of Collaboration in South Korea.” *Korean Studies* 25, no. 2 (2001): 207–242.
- Ch'ian kuk 『警察十年史』 [Ten Year History of the Police]. Seoul: Naemubu Ch'ian'guk, 1958.
- Chen, Ching-Chih. “Police and Community Control Systems in the Empire.” In *The Japanese Colonial Empire, 1895-1945*, edited by Mark R. Peattie, Jingzhi Zhen, and Ramon Hawley Myers, 213–239. Princeton, N.J: Princeton University Press, 1984.
- Cheong, Sung-hwa. *The Politics of Anti-Japanese Sentiment in Korea: Japanese-South Korean Relations Under American Occupation, 1945-1952*. New York: Greenwood Press, 1991.
- Chǒng, Yǒng-jin. 『폭풍의 10월: 대구10.1사건을 일으킨 사람들과 그 이데올로기』 [October Storm: The Ideology and People Behind the October 1 Taegu Incident]. Seoul: Hangilsa, 1991.
- Cohen, Jerome A., and Edward J. Baker. “U.S. Foreign Policy and Human Rights in Korea.” In *Human Rights in Korea: Historical and Policy Perspectives*, edited by William Shaw, 171–221. Harvard Univ Asia Center, 1991.
- Cohen, Theodore. *Remaking Japan: The American Occupation as New Deal*. New York: Free Press, 1987.
- Cumings, Bruce. *The Origins of the Korean War*. Vol. 1. 2 vols. Seoul, Korea: Yuksabipyungsa, 2002.
- Dong-Choon, Kim. “The Long Road Toward Truth and Reconciliation.” *Critical Asian Studies* 42, no. 4 (2010): 525–552. doi:10.1080/14672715.2010.515387.
- Douthit, Nathan. “August Vollmer, Berkeley’s First Chief of Police, and the Emergence of Police Professionalism.” *California Historical Quarterly* 54, no. 2 (July 1, 1975): 101–124. doi:10.2307/25157560.
- Dower, J.W. *Embracing Defeat: Japan in the Wake of World War II*. Vol. 1st. New York: W.W. Norton & Co./New Press, 1999.
- Emsley, Clive. *Crime, Police, and Penal Policy: European Experiences 1750-1940*. Oxford University Press, USA, 2007.

- General Headquarters, Commander-in-Chief, United States Army Forces, Pacific, 1946-1947. *Summation of United States Army Military Government Activities in Korea*, n.d.
- Grossberg, Michael. *The Cambridge History of Law in America*. Vol. 3. 3 vols. Cambridge: Cambridge University Press, 2011.
- Henderson, Gregory. "Human Rights in Korea 1945-1953." In *Human Rights in Korea: Historical and Policy Perspectives*, edited by William Shaw, 125–169. Harvard Univ Asia Center, 1991.
- Hinton, Mercedes S., and Tim Newburn. *Policing Developing Democracies*. Taylor & Francis US, 2009.
- Hö, Chong. *Panmin T'ugwi Ŭi Chojik Kwa Hwalgong: Ch'inilp'a Ch'ongsan, Kū Chwajöl Ŭi Yöksa* 『반민특위의조직과활동: 친일파청산, 그좌절의역사』 [The Special Investigative Committee on Anti-National Activities and Its Activities: The History of Its Failure]. Ch'op'an. Hyöndaesa Ch'ongsö 3. Seoul: Sönin, 2003.
- Kim, Jinwung. "Participating in Nation-Building: The Role of the Military Government Police in South Korean Politics, 1946-1948." *Journal of American-East Asian Relations* 17, no. 2 (2010): 174–198. doi:10.1163/187656110X531989.
- Kim, Kijin. *한국전쟁과 집단학살* [The Korean War and Mass Killings]. Seoul: Pürün yöksa, 2005.
- Kuzmarov, Jeremy. *Modernizing Repression: Police Training and Nation Building in the American Century*. Univ of Massachusetts Pr, 2012.
- Kyöngu Changhakhoe. 『國立警察五十年史』 [A Fifty Year History of the National Police]. Seoul: Kyöngu Changhakhoe, 1995.
- Lassiter, G. Daniel. *Interrogations, Confessions, and Entrapment*. New York: Kluwer Academic/Plenum Publishers, 2006.
- Leo, Richard A. *Police Interrogation and American Justice*. Cambridge, Mass: Harvard University Press, 2008.
- Maglin, William H. "The Korean National Police." *Military Police* 1 (1999): 67–69.
- Matsuda, Toshihiko 松田利彦. *日本の朝鮮植民地支配と警察* [Japan's Colonial Rule in Korea and the Police]. Tokyo: Azekura Shobö, 2009.
- McCoy, Alfred. *A Question of Torture: CIA Interrogation, from the Cold War to the War on Terror*. Reprint. Holt Paperbacks, 2006.
- Mitchell, Richard H. *Janus-faced Justice: Political Criminals in Imperial Japan*. Honolulu: University of Hawai'i Press, 1992.
- Moon, Byongook, and Merry Morash. "Policing in South Korea: Struggle, Challenge, and Reform." In *Policing Developing Democracies*, edited by Mercedes S. Hinton and Tim Newburn, 101–119. Taylor & Francis US, 2009.
- Pak, Wön-sun 『야만시대의기록』 [Record of a Barbarous Age]. 3 vols. 1st-p'an ed. Seoul: Yöksa Pip'yöngsa, 2006.
- Paulsen, Monrad G. "The Fourteenth Amendment and the Third Degree." *Stanford Law Review* 6, no. 3 (May 1, 1954): 411–437. doi:10.2307/1226233.
- Pound, Roscoe. "Legal Interrogation of Persons Accused or Suspected of Crime." *Journal of Criminal Law and Criminology (1931-1951)* 24, no. 6 (March 1934): 1014.
- Rejali, Darius. *Torture and Democracy*. Princeton University Press, 2009.
- Robinson, Richard D. *Betrayal of a Nation*. Unpub. mss, 1950.
- Shaw, William, ed. *Human Rights in Korea: Historical and Policy Perspectives*. Harvard Univ Asia Center, 1991.

- . *Legal Norms in a Confucian State*. Korea Research Monograph 5. Berkeley, Calif: Institute of East Asian Studies, University of California, Center for Korean Studies, 1981.
- Silch'ŏn Kajok Undong Hyöbühoe 민주화실천가족운동협의회. 『나의 손발을 묶는 다 해도』 [Even If You Tie My Hands and Feet]. Seoul: Kōrŭm, 1987.
- Sudo Kuan'gu Kyōngch'al Ch'ōng. 『首都警察發達史』 [A History of the Development of the Metropolitan Police], 1947.
- Supreme, Commander for the Allied Powers. *Summation of Non-military Activities in Japan*. Tokyo: General Headquarters, Supreme Commander for the Allied Powers, 1946.
- Textor, Robert B. *Failure in Japan; with Keystones for a Positive Policy*. New York: J. Day Co, 1951.
- “The Third Degree.” *Harvard Law Review* 43, no. 4 (February 1, 1930): 617–623. doi: 10.2307/1330289.
- Tsuboi, Sachio 坪井幸生. 『ある朝鮮總督府警察官僚の回想』 [The Recollections of a Police Bureaucrat in the Korean Government-General]. Tokyo: Sōshisha, 2004.
- Vollmer, August. “The Scientific Policeman.” *The American Journal of Police Science* 1, no. 1 (January 1, 1930): 8–12. doi:10.2307/1147252.
- Yi, Hyōn-hŭi. 『韓國警察史』 [History of the Korean Police]. Ch'op'an. Kyōnggi-do P'aju-si: Han'guk Haksul Chōngbo, 2004.