

Koreans and the Politics of Nationality and Race  
During the Allied Occupation of Japan, 1945-1952

by

Simon Nantais  
M.A., University of Ottawa, 2004  
B.A., University of Ottawa, 1998

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## ABSTRACT

Koreans resident during the Allied Occupation of Japan (1945-1952) were in a complex position. They remained Japanese nationals until a sovereign Japan and “Korea,” which was divided into two ideologically opposed states, negotiated their nationality status. Though most Koreans in Japan held family registers in South Korea, both North and South Korea claimed them as nationals, and most Koreans in Japan came to support Kim Il-sung’s North Korea. Moreover, racists in the Allied and Japanese governments used the Koreans as convenient scapegoats. Race, nationality, and ideology thus converged to create a difficult situation for all parties concerned. The hardships Koreans faced during the Occupation have often been blamed on Japanese and American racism. Though race played a significant part in their treatment, this dissertation argues that the mixing of race and nationality as categories of analysis, as well as the mixing of Western legal facts with Japanese ones, has misconstrued the history of Koreans in Occupied Japan. For a fuller understanding of this complex period, this dissertation uses nationality as a lens through which to examine the origins and the growth of the Korean community in Japan in their own words and to analyze the meaning and use of race and nationality as they were employed during the Occupation; and incorporate the American,

Japanese, and South Korean point of view by placing the Korean experience in Japan in a wider geographical and political context of the early Cold War. All parties in Japan, including Koreans in Japan, pursued their political goals by employing the concept of nationality in their own ways.

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## Abbreviations

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AGO	Attorney General's Office (Japan)
ARO	Alien Registration Ordinance (1947)
ARL	Alien Registration Law (1951; effective 28 April 1952)
CAS	Civil Affairs Section (GHQ)
CCD	Civil Censorship Detachment (GHQ)
Chongryon	<i>Zainihon Chōsenjin Sōrengokai</i> (General Association of Korean Residents in Japan, 1955-present)
Choren	<i>Zainihon Chōsenjin Renmei</i> (The League of Koreans Residing in Japan, 1945-1949)
CICo	Central Industrial Company
CIC	Counter-Intelligence Corps (GHQ)
CI&E	Civil Information and Education (GHQ)
CIS	Civil Intelligence Section (GHQ)
CPC	Office of the Civil Property Custodian (GHQ)
DPRK	Democratic People's Republic of Korea (North Korea)
DS	Diplomatic Section (GHQ)
ESB	Economic Stabilization Board (GHQ)
ESS	Economic and Scientific Section (GHQ)
FIB	Foreign Investment Board (GHQ)
GGC	Government-General in Chosen (Japan)
GHQ	General Headquarters
GS	Government Section (GHQ)
G-1	Planning, Personnel, and General Affairs (GHQ)
G-2	Intelligence Section, General Military Staff (GHQ)
G-3	Military Operations, Law Enforcement, and Repatriation (GHQ)
JCP	Japan Communist Party
JCS	Joint Chiefs of Staff
KDM	South Korean Diplomatic Mission to SCAP
LS	Legal Section (GHQ)
MG	Military Government
MGT	Military Government Teams
Mindan	<i>Zainihon Daikan Minkoku Dantai</i> (Korean Residents' Union in Japan, 1946- present)
Minsei	<i>Zainihon Chōsen Minshu Seinen Dōmei</i> (Korean Democratic Youth League in Japan, 1947-1949)
MOFA	Ministry of Foreign Affairs (Japan)
NDL	National Diet Library (Japan)
NPR	National Police Reserve (Japan)
OSS	Office of Strategic Services (US)
PH&W	Public Health and Welfare (GHQ)
POLAD	Office of the Political Advisor (GHQ)
POW	Prisoner-of-war
PRC	People's Republic of China

PSD	Public Safety Division (GHQ)
ROC	Republic of China
ROK	Republic of Korea (South Korea)
SCAP	Supreme Commander for the Allied Powers (Douglas MacArthur, 1945-1951; Matthew Ridgway, 1951-1952)
SCAPIN	SCAP Index
SIB	Special Investigation Bureau (Japan)
SPR	Special Permanent Resident (Japan)
UN	United Nations
UNDHR	Universal Declaration of Human Rights
USAMGIK	US Army Military Government in Korea
USSR	Union of Soviet Socialist Republics

# Glossary

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<i>Chōsen</i>	朝鮮	“Korea” during Japan’s colonial period
<i>Chōsenjin</i>	朝鮮人	“Koreans” during Japan’s colonial period
<i>Daikan Minkoku</i>	大韓民国	Republic of Korea (South Korea)
<i>Ie</i>	家	House
<i>Jinshu</i>	人種	Race
<i>Kankoku</i>	韓国	Short form for Republic of Korea
<i>Kettōshugi</i>	血統主義	<i>Jus sanguinis</i> , “nationality by blood/parentage”
<i>Kika</i>	帰化	Naturalization
<i>Kita Chōsen</i>	北朝鮮	Democratic People’s Republic of Korea (North Korea); also refers to northern Korea (August 1945 – September 1948)
<i>Kokuseki (hō)</i>	国籍(法)	Nationality (Law)
<i>Koseki</i>	戸籍	Family (household) register
<i>Minami Chōsen</i>	南朝鮮	Southern Korea (August 1945 – August 1948)
<i>Minzoku</i>	民族	“Race”; Racioethnic nation
<i>Minzoku sabetsu</i>	民族差別	Racial discrimination
<i>Mukoyōshi</i>	婿養子	“Adopted son-in-law”
<i>Nihonjin</i>	日本人	A Japanese person
<i>Nihon kokumin</i>	日本国民	A national of Japan; a Japanese national
<i>Nyūfu</i>	入夫	“Adoption of a husband” in a family register
— <i>seki</i>	～籍	National of —

<i>Shusseichishugi</i>	出生地主義	<i>Jus soli</i> , “nationality by birthright”
<i>Zainichi</i>	在日	“In Japan” (often used as a shortform for “Resident Koreans in Japan”)

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# Chapter 1 – Introduction

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A short history of Japan's dealings with Korea is essential to an understanding of the place of Koreans in Japan. The history of Koreans in Japan is rooted in Japanese violence and imperial expansion in the Meiji period (1868-1912). Though relations between Korea and Japan in the Tokugawa Shogunate (1600-1868) were, according to James Lewis Bryant, surprisingly cordial,<sup>1</sup> the Meiji government viewed Korea in a different light. Having escaped the worst of European colonialism in Asia, unlike China, the new Japanese government viewed Korea as “a dagger aimed at the heart of Japan” and embarked on its own quest to bring Korea into the Japanese orbit before the other powers, particularly Tsarist Russia, could absorb it. Only five years after the Restoration, the failed “Conquer Korea” debate (*Seikanron*) occurred. Three years later, in 1876, the Meiji government imposed its own unequal treaty on the Korean court, the Treaty of Kanghwa (or the “Japan-Korea Treaty of Amity”). Some Koreans, like Kim Ok-kyun, supported Japanese efforts to modernize Korea, but most officials remained opposed and sought closer ties with China. In August 1894, Japan and the Qing Dynasty went to war over influence over the Korean court. In the Treaty of Shimonoseki, which ended the Sino-Japanese War, Japan gained Formosa (Taiwan), Manchuria's Liaotung Peninsula, other territorial possessions, and a huge indemnity, as well as more direct political influence in the Korean court. In 1895, the Triple Intervention, formed of Russia, Germany, and France, pressured Japan to relinquish control over Liaotung Peninsula. The Japanese ministers reformed Korea by abolishing many features of pre-1894 Korean society and forcing reforms that benefitted Japanese economic interests. The power struggle over the Korean court reached a nadir when, in 1895, Japanese troops murdered Queen

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<sup>1</sup> James B. Lewis, *Frontier Contact between Choson Korea and Tokugawa Japan* (New York: RoutledgeCurzon, 2003).

Min. King Kojong and the crown prince escaped to the Russian legation and remained there for a year.<sup>2</sup>

In 1896, the Russians and the Japanese divided their spheres of influence, with the Japanese in the south and the Russians in the north of the peninsula. In 1898, Russia acquired a leasehold on the Liaotung Peninsula. In 1904, Russia and Japan, both competing for the preservation and enlargement of their respective economic and strategic interests in Korea, went to war, and Japan won. The subsequent Treaty of Portsmouth gave Japan “paramount rights” in Korea: it then employed these to turn Korea into a protectorate in 1905.

Thousands of Koreans subsequently died in the fight to preserve Korean independence. A Korean army commander committed suicide in protest while his troops clashed with Japanese troops.<sup>3</sup> A Korean delegation to The Second Hague Peace Convention pleaded with the Great Powers to preserve Korea’s independence, but the delegation was ignored. The Great Powers, save Russia, looked favourably on Japan’s “civilizing mission” in Korea.<sup>4</sup> When Emperor Kojong abdicated, his son Sunjong ascended to the throne while Prime Minister Yi Wan-yong ran the government at Japan’s behest. After a Korean nationalist failed to assassinate Yi in December 1909, An Chung-gun assassinated former Resident-General of Korea Ito Hirobumi in Harbin, Manchuria in October 1909. General Terauchi Masatake replaced Ito, and on 22 August 1910 forced Sunjong to sign the Korea-Japan Annexation Treaty. Under it, Korea lost its sovereignty and was incorporated in the Japanese Empire under the name *Chōsen* (Korea). Under

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<sup>2</sup> Bruce Cumings, *Korea’s Place in the Sun: A Modern History* (Updated edition; New York: W.W. Norton, 2005), 120-123.

<sup>3</sup> Cumings, *Korea’s Place in the Sun*, 141-145.

<sup>4</sup> Alexis Dudden, *The Colonization of Korea* (Honolulu: University of Hawai’i Press, 2005).

the stern rule of Governor-General Terauchi Masatake (1910-1916), the Government-General in Chosen (*sōtokufu* or GGC) undertook massive modernizing projects while silencing Korean criticisms of Japanese rule. It built schools, conducted a cadastral survey of arable land, improved Korea's infrastructure, and encouraged Koreans "to become more industrious." Freedom of the press was restricted, armed Korean resistance was crushed, and expressions of Korean nationalism were stamped out.<sup>5</sup>

The end of the First World War and President Woodrow Wilson's call in his Fourteen Points speech for the self-determination of nations suggested to various Asian peoples that they too could expect national self-determination. On 1 March 1919, a group of thirty-three Korean intellectuals petitioned for independence from Japan. Hundreds of thousands of Koreans participated in protests across Korea. The colonial authorities ruthlessly suppressed these protests, which led to hundreds of deaths and thousands of arrests.<sup>6</sup> The March 1 movement (or "Samil Movement") and its bloody aftermath crystallized Korean opposition to Japanese rule. Out of these protests emerged the Syngman Rhee-led, Shanghai-based Korean Provisional Government (KPG). The colonial authorities' tactics drew international condemnation. In the wake of the protests, the GGC softened its rule, in a period known as *bunka seiji* (cultural rule), which focused on fostering cultural ties between Koreans and Japanese.

During the 1920s, more than 10,000 Koreans annually migrated to Japan. Some had their lands expropriated, others sought to supplement their agricultural income by working in mines and factories, and others to partake in educational and professional opportunities only available

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<sup>5</sup> E. Taylor Atkins, *Primitive Selves: Koreana in the Japanese Colonial Gaze, 1910-1945* (Berkeley: University of California Press, 2010), 26.

<sup>6</sup> Cumings, *Korea's Place in the Sun*, 155.

in Japan. In the late 1920s and 1930s, many of these emigrants were joined by family members. Racist backlashes against the presence of Koreans in Japan were symbolized by the murder of Koreans by vigilantes in the aftermath of the Great Kanto Earthquake of 1 September 1923.

In the 1930s, when militarists seized power in Tokyo, colonial rule in Korea shifted from *bunka seiji* to (or returned to) a harsh policy of assimilation (*kōminka*), including “Japanizing” names (*sōshi kaimei*), and conscripting up to a million Koreans as labour for Japanese factories, mines, or to serve the military in all corners of the Japanese Empire and the Asia-Pacific war theatre (1937-1945). In addition, tens of thousands of women across Asia, with Korean women forming the largest majority, were forced to serve as sex slaves (“comfort women”) in Japanese military brothels. In the final stage of the war, which began with the American firebombing campaign of Japan on 1 March 1945 over Tokyo and ended with the atomic blasts over Hiroshima and Nagasaki on 6 and 9 August, an estimated 50,000 Koreans perished and thousands of others evacuated to Korea. On 14 August 1945, the Emperor accepted the terms of the Potsdam Declaration, which called for the unconditional surrender of Japan and its overseas empire. The next day the Asia-Pacific War ended. Japanese rule over Korea ended, only for Korea to be subsequently occupied by the United States and the Soviet Union.

### *Historiography*

From the end of the Second World War until the late 1970s, most scholars explored imperial Japan’s relations with Korea while relegating the history of Koreans in Japan before Japan’s surrender to a footnote.<sup>7</sup> Scholarly interest in Japanese identity politics in the 1970s and the alien registration anti-fingerprint refusal movement of the 1980s highlighted the plight of

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<sup>7</sup> Hilary Conroy, *The Seizure of Korea, 1868-1910: A Study of Realism and Idealism in International Relations* (Philadelphia: University of Pennsylvania Press, 1960); Key-hiuk Kim, *The Last Phase of the East Asian World Order: Korea, Japan, and the Chinese Empire, 1860-1882* (Berkeley: University of California Press, 1980).

Koreans in Japan to a broader audience. Until the late 1970s, studies tended to deal with contemporary Japanese society, but did suggest that discriminatory attitudes towards ethnic minorities in Japan had deep-rooted historic and cultural antecedents.<sup>8</sup>

A corollary of the burgeoning interest in Japanese imperialism in the 1980s and 1990s<sup>9</sup> was the beginning of an interest in the history of Koreans in Japan during the colonial period (1910-1945). Michael Weiner's *The Origins of the Korean Community in Japan, 1910-1923* (1989) employed Home Ministry and Japanese newspaper sources to examine the origins of the Korean population in Japan and Japanese attitudes towards them. Until his study, Koreans in Japan were known primarily for their forced labour but Weiner added several new dimensions to their history, such as the formation of political and labour associations and the influence of students on Korean nationalism. Weiner posited that economic pressures on Koreans in Korea, the racist ideology of the Japanese colonizers, and political cleavages in Korea were key factors in the migration of Koreans to Japan. Similarly, his next book *Race and Migration in Imperial*

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<sup>8</sup> George A. De Vos and Hiroshi Wagatsuma, eds., *Japan's Invisible Race: Caste in Culture and Personality* (Berkeley: University of California Press, 1966); George A. De Vos, *Japan's Outcastes: The Problem of the Burakumin* (London: Minority Rights Group, 1971); George A. De Vos and William Wetherall, *Japan's Minorities: Burakumin, Koreans, and Ainu* (London: Minority Rights Group, 1974); Changsoo Lee and George De Vos, eds., *Koreans in Japan: Ethnic Conflict and Accommodation* (Berkeley: University of California, 1981). It should be pointed out that the burakumin are not a separate "race" or "ethnic group"; they are "ethnic Japanese." The Meiji government abolished the caste system in 1871 but prejudice and discrimination against residents of former burakumin villages still exists and contributes to their economic marginalization. Even in 2009, people of burakumin heritage continue to suffer from discrimination even (or especially) at the highest level of national politics. See Mari Yamaguchi, "Discrimination claims die hard in Japan," *The Japan Times*, 25 January 2009, online edition. [<http://search.japantimes.co.jp/cgi-bin/nn20090125a2.html>]

<sup>9</sup> Ramon H. Myers and Mark R. Peattie, eds., *The Japanese Colonial Empire, 1895-1945*, (Princeton: Princeton University Press, 1984); Peter Duus, *The Abacus and the Sword: The Japanese Penetration of Korea, 1895-1910* (Berkeley: University of California Press, 1995); Louise Young, *Japan's Total Empire: Manchuria and the Culture of Wartime Imperialism* (Berkeley: University of California Press, 1998).

*Japan* (1994) argued that racism against Koreans in Japan was an outgrowth of the colonial project in Korea and Japanese racist ideologies that supported colonialism.<sup>10</sup>

Still, despite Weiner's pioneering work, only in the last decade have many scholars turned to the study of Koreans in Japan during the colonial period. This historiography shifted away from binary interpretations of "victims and victimizers" towards more nuanced studies of Korean participation in the colonial project.<sup>11</sup> Inspired by this interpretative shift, historians re-examined the experience of Koreans in pre-1945 Japan from new angles and gave Korean voices more prominence. They concluded that their experience was much more varied than previously thought. Pak Sun-mi examined female Korean students in Japan.<sup>12</sup> Using local government records, Jeffrey Bayliss focused on Pak Chungŭm as one example of a small minority of Koreans of humble origins who through "perseverance, personality, and sheer luck" achieved financial and political success in Japan.<sup>13</sup> Entrepreneurial and political success, however, had its limits.

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<sup>10</sup> Michael Weiner, *The Origins of the Korean Community in Japan, 1910-1923* (Manchester: Manchester University Press, 1989), 203. See also Weiner, *Race and Migration in Imperial Japan* (New York: Routledge, 1994); and Weiner, *Japan's Minorities: The Illusion of Japan's Homogeneity* (NY: Routledge, 1997).

<sup>11</sup> Carter Eckert, *Offspring of Empire: The Koch'ang Kims and the Colonial Origins of Korean Capitalism, 1876-1945* (Seattle: University of Washington, 1991); Eiji Oguma, "*Nihonjin*" no kyōkai: Okinawa, Ainu, Taiwan, Chōsen shokuminchi shihai kara fukki undō made [The Boundaries of the "Japanese": Okinawa, Ainu, Taiwan, Chosen, from colonial rule to the recovery movement] (Tokyo: Shin'yosha, 1998); Gi-Wook Shin and Michael Robinson, eds., *Colonial Modernity in Korea* (Cambridge, MA: Harvard University Asia Center, 1999); Andre Schmid, "Colonialism and the 'Korea Problem' in the Historiography of Modern Japan: A Review Article," *The Journal of Asian Studies* 59, no. 4 (Nov. 2000): 951-976; Alexis Dudden, *Japan's Colonization of Korea* (Honolulu: University of Hawai'i Press, 2005); Kim Brandt, *The Kingdom of Beauty: Mingei and the Politics of Folk Art in Imperial Japan* (Durham, NC: Duke University Press, 2007); E. Taylor Atkins, *Primitive Selves: Koreana in the Colonial Gaze, 1910-1945* (Berkeley: University of California Press, 2010).

<sup>12</sup> Pak Sun-mi, *Chōsen josei no chi no kaiyu: Shokuminchi bunka shihai to Nihon ryūgaku* (Tokyo: Yamakawa shuppansha, 2005). See also Theodore Jun Yoo, *The Politics of Gender in Colonial Korea: Education, Labor, and Health, 1910-1945* (Berkeley: University of California Press, 2008). Yoo argues that some Korean women embraced Japanese higher educational opportunities as a way of subverting Korean patriarchal norms.

<sup>13</sup> Jeffrey P. Bayliss, "Minority Success, Assimilation, and Identity in Prewar Japan: Pak Chungŭm and the Korean Middle Class," *The Journal of Japanese Studies* 34, no. 1 (Winter 2008): 66.

Because of their ethnicity, these Koreans found they could rise “up” but not “in” Japanese society, while they became increasingly estranged – rather than admired – from the mass of impoverished Korean workers in Japan. Ken C. Kawashima drew on Japanese ministerial and union archival material to examine the Korean workers’ social and political life during the 1920s and 1930s. He argued that racism and discrimination against Koreans in Japan should be examined in its historical context. Earlier scholarship was based on positivist models of Japanese racism; in other words, all Koreans suffered equally from racial discrimination regardless of their station in life. Kawashima observed that racism against Koreans was entrenched but was experienced differently by a putatively unified Korean minority.<sup>14</sup> Through his statistical analysis of government data on migration patterns, personal wealth, and their demographics, Tonomura Masaru fashioned a picture of a complex Korean population which, when the war ended in August 1945, had established roots in all prefectures of Japan.<sup>15</sup> Tonomura’s study, like others presented here, led some Koreans to re-examine their identity as “Koreans” within the framework of the Empire.

Tei Taikin’s works embody that sense of conflicted identity. Tei Taikin, born in 1948 to a Korean father and a Japanese mother in Iwate prefecture, Japan, was naturalized as a Japanese in 2004.<sup>16</sup> He obtained his Master’s in Asian American studies at UCLA in the 1970s then taught Japanese at South Korean universities from 1981 to 1995. His experience in the United States

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<sup>14</sup> Ken C. Kawashima, *The Proletarian Gamble: Korean Workers in Interwar Japan* (Chapel Hill, NC: Duke University Press, 2009), 18.

<sup>15</sup> Masaru Tonomura, *Zainichi Chōsenjin shakai no rekishigakuteki kenkyū: keisei kōzō henyō* (Tokyo: Ryokuin Shobo, 2004).

<sup>16</sup> He was known as Chung Daekyun (鄭大均) before his naturalization. See his chapter in Changsoo Lee and George De Vos, eds. *Koreans in Japan: Ethnic Conflict and Accommodation* (Berkeley: University of California Press, 1981).

and South Korea affected his understanding of ethnic and national identity. In Los Angeles, he noticed, for example, that he gravitated towards Japanese rather than Korean classmates and colleagues; having been raised in a Japanese environment, he felt more “Japanese” than “Korean” (which was his nationality until 2004). He has thus argued, rather controversially among Koreans, that second-, third-, and subsequent generations of Koreans in Japan should take Japanese nationality rather than retain the nationality of a country to which they do not belong (South Korea or North Korea).<sup>17</sup> Tei has published extensively on Japanese-Korean relations and on Koreans in Japan. In a biography of his own family, he observed that his father continued to live and write in Japan under his Korean name during the early 1940s, which many more recent writers claim was not possible.<sup>18</sup> Challenging the belief that Koreans in Japan are descendants of people forcibly brought to Japan, Tei shows that the vast majority of those who remained in Japan after the war were migrants in search of a better livelihood.<sup>19</sup>

Though the history of Koreans residing in Japan up to 1945 is a rather new field of historical inquiry, it has provided a broad understanding about their experiences. What emerges from these more recent works is the formation of two, if not more, unequal groups of Koreans in Japan, one broadly comprised an impoverished and maligned proletariat and one comprised a smaller, middle-class group that integrated or profited from the imperial system. Binary narratives of monolithic groups of “Koreans” versus “Japanese” have given way to interpretations that explain the multiplicity of Korean experiences in the colonial era. Though

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<sup>17</sup> Chung Daekyun, *Zainichi kankokujin no shuen* (Tokyo: Bungei Shunjusha, 2001). Sonia Ryang offers a sharp critique to Chung’s notion that Koreans in Japan should abandon their Korean nationality in favour of Japanese nationality. See “Japan’s Ethnic Minority: Koreans,” in *A Companion to the Anthropology of Japan*, ed. Jennifer Ellen Robertson (Malden, MA: Blackwell Publishing, 2005), 96-99.

<sup>18</sup> Tei Taikin, *Zainichi no taerarenai karusa* (Tokyo: Chūō Koron shinsha, 2006).

<sup>19</sup> Tei Taikin, *Zainichi: Kyōsei renkō no shinwa* (Tokyo: Bungei shunjū, 2004).

Koreans, on the whole, were treated differently from the Japanese, in the intra-Korean community and among Koreans and Japanese, there were relations that defied easy categorization. While more work remains to be conducted on the dynamics of Korean political, economic, and social life in pre-1945 Japan, the works above suggest that Koreans in Japan would greet the end of the war and the liberation of their ancestral homeland in markedly different manners.

Indeed there is strong evidence that is what happened. Upon hearing Emperor Hirohito's 15 August 1945 radio announcement that Japan accepted unconditional surrender, Koreans in Japan celebrated Korea's liberation from Japanese rule. Spurred by the evacuation of urban areas during the firebombing of Japan which began on 1 March 1945, many Koreans had returned to Korea before the surrender.<sup>20</sup>

They continued to leave. By 1947, approximately 1.4 million Koreans left Japan for southern Korea. By 1947, Korean representative organizations in Japan had crystallized into two major factions. The most popular, *Zainichi Chōsenjin Renmei* (The League of Koreans Resident in Japan or "Choren"), was aligned with the Japan Communist Party (JCP) and supported Kim Il-sung, the anti-Japanese guerrilla fighter and leader of North Korea. The other, *Zainichi Daikan Minkoku Mindan* (Korean Residents' Union in Japan or "Mindan"), supported the South Korean government. Although the overwhelming majority of Koreans had originally migrated from southern Korea, Mindan attracted relatively little support from Koreans in Occupied Japan. In September 1949, however, Japan's Attorney-General, with the support of GHQ, dissolved Choren on the grounds that it was an "anti-democratic and terrorist organization."

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<sup>20</sup> Sunny Che, *Forever Alien: A Korean Memoir, 1930-1951* (Jefferson, NC: McFarland and Company, 2000).

The Occupation period was difficult for all residents of Japan, owing in part to food shortages, high unemployment, and devastation to the economic infrastructure, but Koreans faced the additional problems of frequent political harassment and poor representation in national affairs. Though legally Japanese nationals, they had little influence in securing the needs of their community with either GHQ or the Japanese government, especially after the summer of 1948, when Choren and leftist Koreans were targeted as “subversives” for their ostensible support of communist North Korea.

Koreans in Japan, moreover, seemed to have been excluded from the fruits of American democracy. The conventional Western meta-narrative of the Occupation is that Americans bestowed democracy on the defeated Japanese. Earlier works, usually penned by non-specialists of Japanese history, emphasized the American role in helping Japan flourish as a democratic, economic power.<sup>21</sup> The many memoirs of Occupation staff reveal the inner workings of the Occupation government, particularly the drafting of the Constitution.<sup>22</sup> The availability of Japanese-language archival material in the 1970s allowed scholars to include more Japanese

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<sup>21</sup> Kazuo Kawai, *Japan's American Interlude* (Chicago: University of Chicago Press, 1960); E Wight Blake, *Revolutionary Democracy: Challenge and Testing in Japan* (Hamden, CT: Archon Books, 1968); John Curtis Perry, *Beneath the Eagle's Wings: Americans in Occupied Japan* (New York: Dodd, Mead, & Co, 1980); Toshio Nishi, *Unconditional Democracy: Education and Politics in Occupied Japan, 1945-1952* (Stanford: Hoover Institution Press, Stanford University, 1982); Robert Edward Ward and Yoshikazu Sakamoto, eds., *Democratizing Japan: The Allied Occupation* (Honolulu: University of Hawaii Press, 1987); Howard B. Schonberger, *Aftermath of War: Americans and the Remaking of Japan* (Kent, OH: Kent State University Press, 1989); Ray A. Moore and Donald L. Robinson, *Partners for Democracy: Crafting the New State Under MacArthur* (New York: Oxford University Press, 2002).

<sup>22</sup> William J. Sebald, *With MacArthur in Japan: A Personal History of the Occupation* (New York: W.W. Norton, 1965); Alfred C. Oppler, *Legal Reform in Occupied Japan: A Participant Looks Back* (Princeton: Princeton University Press, 1976); Justin Williams, *Japan's Political Revolution under MacArthur: A Participant's Account* (Athens: University of Georgia Press, 1979); Theodore Cohen, *Remaking Japan: The American Occupation as New Deal*. Edited by Herbert Passin. (New York: Free Press, 1987); Richard B. Finn, *Winners in Peace: MacArthur, Yoshida, and Postwar Japan* (Berkeley: University of California Press, 1992); Jacob van Staaveren, *An American in Japan, 1945-1948: A Civilian View of the Occupation* (Seattle: University of Washington Press, 1994); Beate Sirota Gordon, *The Only Woman in the Room: A Memoir* (Tokyo: Kodansha, 1997).

views in their analyses.<sup>23</sup> Eventually, John Dower's Pulitzer Prize-winning *Embracing Defeat* examined the Occupation from the perspective of different levels of Japanese society but his book too cemented the primacy of the US-Japan analytical framework.<sup>24</sup> Evidence of Japanese political "activism" in shaping GHQ's policy contributed towards challenging the thesis that "the United States enjoyed a preponderance of power in managing the Japanese occupation."<sup>25</sup> The role of other Allied countries in governing the Occupation, however, has been slim.<sup>26</sup>

Works on the relationship between political developments in early Cold War Asia and the shift in American policies in Occupied Japan are valuable but remain overlooked in the historiography.<sup>27</sup> These approaches, however, focused on the impact of the Cold War on American policies towards Japan rather on Japanese society itself. It is worth remembering that due to developments in East Asia, particularly the Korean War, Japan remilitarized via "the Self-

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<sup>23</sup> John W. Dower, *Empire and Aftermath: Yoshida Shigeru and the Japanese Experience, 1878-1954* (Cambridge: Harvard University Press, 1979); Masanori Nakamura, *The Japanese Monarchy: Ambassador Joseph Grew and the Making of the 'Symbol Emperor System,' 1931-1991*. Translated by Herbert Bix, Jonathan Baker-Bates, and Derek Bowen (Armonk, NY: M.E. Sharpe, 1992); Herbert P. Bix, *Hirohito and the Making of Modern Japan* (New York: Perennial, 2000).

<sup>24</sup> John W. Dower, *Embracing Defeat: Japan in the Aftermath of World War II* (New York: Penguin, 1999).

<sup>25</sup> Yoneyuki Sugita, *Pitfall or Panacea: The Irony of US Power in Occupied Japan, 1945-1952* (New York: Routledge, 2003), xviii.

<sup>26</sup> Roger Buckley offers a British perspective to the Occupation in *Occupation Diplomacy: Britain, the United States and Japan, 1945-1952* (Cambridge: Cambridge University Press, 1982).

<sup>27</sup> Michael Schaller, *The American Occupation of Japan: The Origins of the Cold War in Asia* (New York: Oxford University Press, 1985); John Price, "Valery Burati and the Formation of Sōhyō during the U.S. Occupation of Japan," *Pacific Affairs* 64, no. 2 (Summer 1991): 208-225; John Price, "A Just Peace? The 1951 San Francisco Peace Treaty in Historical Perspective," *JPRI Working Paper*, no. 78 (June 2001) [Available at <http://www.jpri.org/publications/workingpapers/wp78.html>]; and Yoneyuki Sugita, *Pitfall or Panacea: The Irony of US Power in Occupied Japan, 1945-1952* (New York: Routledge, 2003). Sugita questioned the thesis of the US's "preponderance of power in managing the Japanese occupation." Sugita argued that the large Soviet and communist presence in Asia in the late 1940s left the US to ensure that Japan had sufficient non-communist markets and sources of raw materials so that Japan could remain in the capitalist camp. According to Sugita, this helps to explain the American quagmire in South East Asia, particularly in Indochina/Vietnam, and the decades-long support for Suharto's Indonesia.

Defense Forces.” The Pentagon constructed military bases, with Okinawa acting as “the lynchpin in a chain of island territories” from the South Pacific to Japan, to assert American military power and control over the Western Pacific region.<sup>28</sup>

Despite these trends, there has been relatively little scholarly interest in Koreans in Occupied Japan. Only Kim Taegi’s Japanese-language monograph is dedicated to this topic; several articles or chapters exist in English but there is no monograph. Most scholars either treat Koreans in Occupied Japan as one of the many “minority groups” marginalized in postwar Japan or touch upon the Occupation as one part of a larger study of postwar Japan’s treatment of Koreans. The latter books will be considered in a separate post-Occupation section below.

A strong theme that binds this historiography is the racism and social, economic, and political marginalization that dogged relations between Koreans and Japanese. Men in close contact with Koreans immediately after World War II wrote the first works when Japanese crimes against Allied prisoners-of-war were publicized at the International Military Tribunal for the Far East (“the Tokyo War Crimes Trial”). The effect of the trials, which virtually ignored crimes committed against non-whites, was to portray Japanese behaviour as inherently racist in nature. Their works were based on personal observations, politicians’ speeches, and SCAP’s orders. By giving examples of Korean hardship in Occupied Japan, they raised sceptical voices in regards to the “democratization” of Japan, but that scepticism was directed chiefly at the Japanese rather than the Americans. David Conde, who briefly served in GHQ,<sup>29</sup> doubted “the

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<sup>28</sup> Eiji Takemae, *Inside GHQ: The Allied Occupation of Japan and its Legacy* (Translated by Sebastian Swann and Robert Ricketts; NY: Continuum, 2002), 443.

<sup>29</sup> David Conde was a Canadian-born American citizen first employed by the State Department in 1945-1946 as the head of the Motion Picture Department of Civil Information and Education (CIE) division at GHQ. MacArthur expelled him from his position at CIE on the grounds that he was too sympathetic to leftist ideology in promoting

sincerity of the Japanese Government in its protestations of democracy,” particularly in their relations towards ethnic minorities like the Koreans.<sup>30</sup> Historian Edward Wagner, who served with the Occupation forces in Seoul and Japan,<sup>31</sup> published in 1951 *The Korean Minority in Japan, 1904-1950*. This study focused more on the Allied Occupation than on the colonial period but remained the definitive work on Koreans in Japan for several decades.<sup>32</sup> Though he supported the aims of the Occupation’s democratization program, Wagner was discouraged that those “democratic ideals” had “not yet affected traditional patterns in the sphere of [Japanese] race relations.”<sup>33</sup> Like Conde, Wagner doubted that race relations would soften as Japan democratized.

Many Koreans were naturally sceptical of the Japanese government’s willingness to secure rights for their community. Pak Kyon-shik, who came of age during the Occupation and published a newspaper in the late 1940s, witnessed first-hand the struggles of Koreans. Though the history of Koreans is usually viewed through Japanese and American eyes, Pak Kyon-shik helped shape the historiography by examining the Korean point of view. He was born in Korea

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Japan’s films. See Lester H. Brune and In K. Kwang, “Japan and the Korean War,” in *The Korean War: Handbook of the Literature and Research*, Lester H. Brune, ed. (Westport, CT: Greenwood Publishing, 1996), 146; David W. Conde, “Nihon eiga no senryō-shi,” *Sekai* (August 1965): 248-255.

<sup>30</sup> David Conde, “The Korean Minority in Japan,” *The Far Eastern Survey* (26 February 1947): 45.

<sup>31</sup> Drafted to the Army while he was a Harvard sophomore, Wagner served with the US Occupation Forces in Seoul, then in Japan. While in Seoul, he developed an appreciation for the struggles of the Koreans, both in southern Korea and in Japan. He returned to Harvard to complete his senior thesis, which was quickly published by the Institute of Pacific Relations (IPR) in 1951. Ken Gewertz, “Edward Wagner dies at 77,” *Harvard University Gazette*, 10 January 2002. Online edition at [<http://www.hno.harvard.edu/gazette/2002/01.10/08-wagner.html>].

<sup>32</sup> The only other scholarly English language study on Koreans in Japan between Wagner’s book and Changsoo Lee and George De Vos’s book in the late 1970s was Richard H. Mitchell, *The Korean Minority in Japan* (Berkeley: University of California Press, 1967). Mitchell’s book had no original archival research and was nearly identical in its conclusion, namely that “traditional feelings” of racial superiority alienated Koreans in Japan.

<sup>33</sup> Edward W. Wagner, *The Korean Minority in Japan, 1904-1950* (Vancouver: UBC Publications, 1951), 2.

in 1922 and moved to Japan in 1929, where he remained until his death in 1998.<sup>34</sup> In *Kaihō-go Zainichi Chōsenjin Undō-shi*, he relied on contemporary Korean (the *Kaihō Shimbun*) and Japanese Communist (*Akahata*) newspaper sources to reconstruct the forty-year struggle for rights against the Japanese government, though the bulk of his narrative covered the first decade of post-liberation history (from August 1945 to *Chōren Sōren*'s regeneration in 1955). He depicted the postwar Korean community as an occupied ethnic minority fighting a common struggle for rights against a Japanese government determined to assimilate them through the school system.<sup>35</sup>

Pak spent little time analyzing SCAP or Japanese policy decisions and focused instead on the reaction and activities of the Koreans, which he had chronicled in his Occupation-era newspaper *Bunkyō Shimbun*. Still, the importance of *Kaihō-go Zainichi Chōsenjin Undō-shi* is four-fold. First, it is still considered the seminal work (the “master narrative”) on postwar Korean activism in Japan. Second, it is the first major work in Japanese that treats the history of Koreans in Occupied Japan and beyond. Third, Pak’s book is one of two Japanese-language works commonly used by English language scholars as a reference guide for the history of the Koreans during the Occupation. Fourth, though materials on Korean activities from Korean perspectives remain in short supply, Pak was the first to give them a prominent voice.

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<sup>34</sup> After the war, Pak published *Bunkyō Shimbun* [Culture and Education Newspaper], written in Japanese but aimed at a Korean readership. In 1949, he graduated in History from *Tōyō Daigaku* [Toyo University] in Tokyo. Until 1970, he taught at pro-North Korean schools in Japan, including *Chōsen Daigaku* (“North Korea” University). He then spent his time at the *Ajia Mondai Kenkyū-jo* (the Research Centre for Asian Problems) and published extensively on the history of Korea and Koreans in Japan, on topics such as the history of forced labour mobilization, Korea under Japanese imperialism, and edited several volumes of primary sources. Among his best known edited volumes include *Seisan sarenai Shōwa: Chōsenjin kyōsei renkō no kiroku* [An Unaccounted Event of the Showa Era: The Record of Chosenjin Forced Labourers] (Tokyo: Iwanami Shoten, 1990) and the ten-volume set of newspapers, magazines, textbooks, and meeting minutes in *Zainichi Chōsenjin Kankei Shiryō Shūsei* [Historical Documents Pertaining to the Zainichi Chosenjin] 10 vols. (Tokyo: Fuji Shuppan, 2000-2001).

<sup>35</sup> Pak Kyon-shik, *Kaihō-go Zainichi Chōsenjin Undō-shi* [Activities of post-liberation Zainichi Koreans] (Tokyo: San-ichi shobo, 1989), pp. 1, 23.

Kim Taegi's published dissertation is the only Japanese-language monograph devoted solely to Koreans in Japan in Occupied Japan. Kim exploited SCAP and U.S. government archives, while using Japanese and Korean language primary documents sparingly. GHQ documents had been nearly all declassified in the 1990s and thus Kim wrote what remains the most comprehensive study of SCAP's policies towards the Koreans. He touched on nearly everything dealing with the GHQ-Japanese government-Koreans in Japan triangle, from repatriation to education to the Alien Registration Law. His basic argument was that Japanese political elites like Yoshida Shigeru unduly influenced GHQ's policy towards Koreans, and this allowed the Japanese government to act in a manner which discriminated against Koreans. Kim's book fit in the historiographical trend of the 1990s which articulated a higher degree of Japanese political "activism" in influencing SCAP policy.

According to Kim, as a result of Japanese political influence, SCAP made six major policy errors. First, SCAP had no established policy towards Koreans beyond repatriation, thus forcing it to rely on Japanese politicians for policy advice after repatriation efforts were suspended in December 1946. Second, SCAP failed to follow through concretely on its declaration that Koreans were "liberated nationals" and treated them as "enemy nationals," i.e., "Japanese nationals" (日本国民), until they could be legally recognized as "Korean nationals" by the new Republic of Korea, established in August 1948. Kim argued that this reversion to their colonial-era status as Japanese nationals was extremely distasteful to Koreans. Third, SCAP ordered Koreans to obey Japanese laws so that order would be restored. Under the cover of "obeying Japanese laws," however, every GHQ section suppressed Koreans' ethnic and economic rights. In effect, the result was a regression on SCAP's alleged policy of "democratizing" Japan. Fourth, SCAP contradicted its own democratizing policies and supported

the Japanese government's position instead, such as introducing Alien Registration cards and barring Koreans from voting. Fifth, the dissolution of the influential leftist Korean organization Choren, and the subsequent second round of Korean school closures in the fall of 1949, was intended to wipe this organization off Japan's political map. Kim believed this was a travesty as many ordinary Koreans thought Choren had done good work for them. Finally, the alien registration cards were introduced in the context of the spread of communism in Asia.<sup>36</sup> Kim is correct in arguing that Japanese politicians influenced SCAP in promoting anti-Korean policies, particularly in the context of the Cold War. The chief weakness, however, is his argument that SCAP failed to follow through on his declaration that Koreans were "liberated nationals" – i.e., as presumptive "Korean nationals" – and treated them as Japanese (or "enemy") nationals. The implication here is that MacArthur made a politically motivated decision. Naturally, most Koreans in Japan detested this status, but this was, as I try to demonstrate, neither a "reversion" nor something that MacArthur had any legal authority in international law to change.

Like Kim Taegi's book, Takemae Eiji's *Inside GHQ* (2002) has earned a reputation as a leading synthesis of English- and Japanese-language research on the entire breadth of the Occupation. Its value comes from the considerable attention Takemae devotes to underrepresented groups in the historiography, such as the Koreans, the Ainu, women, and hibakusha [survivors of the atomic bomb], as well as overlooked policy areas, such as welfare reform. Takemae, who came of age during the Occupation, believed in the "democratization" and "demilitarization" goals of the American occupiers. He lamented that the reforms were not

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<sup>36</sup> Taegi Kim, *Sengo Nihon Seiji to Zainichi Chōsenjin Mondai. SCAP no Taizainichi Chōsenjin Seisaku, 1945-1952* [Postwar Japanese Politics and the Zainichi Chosenjin Problem: SCAP Policies towards Zainichi Chosenjin, 1945-1952] (Tokyo: Keisō shobo, 1997), 743-750. Kim was an international student from South Korea at Hitotsubashi University in Tsukuba.

spread evenly and that Japan's minorities, particularly the Koreans, could not participate in the democratic process. In his analysis of the Korean problem, Takemae concluded that the Japanese government often pushed SCAP to institute discriminatory legislation against the Koreans. MacArthur agreed to the various measures, because "the presence of a restless, uprooted Korean minority in Japan, disdainful of law and authority, was ... a serious obstacle to the success of the Occupation."<sup>37</sup> Moreover, Takemae demonstrates how Japanese feelings of racial superiority towards Asians and the Russians could be used to enlist Japan's support for "the free world."<sup>38</sup> The scope of Takemae's work is impressive: this is a comprehensive history of Koreans in Occupied Japan, told primarily from the American point of view, with its emphasis on anti-communist Cold War politics and the racist attitudes of Occupation authorities. There are, however, translation errors which Takemae is unlikely to have made himself in Japanese, namely that "North Koreans... would become stateless persons."<sup>39</sup> Koreans in Occupied Japan were *Chōsenjin* and North Koreans today are known as *Kita Chōsenjin*. Many people supported North Korea during the Occupation, but they did not have its nationality.

Though race has always been a key analytical element in the historiography, historian Yukiko Koshiro was the first to examine this period through a critical race perspective. She notes that though postwar scholars shied away from studying race and racism, it remained a powerful conceptual force in managing Japanese society during the Occupation. This was a particularly important factor so soon after both Americans and Japanese depicted each other in racist discourse and imagery during the Pacific War. For example, American forces practiced racial

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<sup>37</sup> Eiji Takemae, *Inside GHQ: The Allied Occupation of Japan and its Legacy* (Translated by Sebastian Swann and Robert Ricketts; NY: Continuum, 2002), 452.

<sup>38</sup> Takemae, *Inside GHQ*, 510.

<sup>39</sup> Takemae, *Inside GHQ*, 497.

segregation among its own troops and between Allied personnel and Japanese civilians.<sup>40</sup> In regards to Koreans, Koshiro argued that “The Koreans...suffered a complex and multiple discrimination under the Occupation as a result of the combined racist attitudes of the Japanese and Americans.”<sup>41</sup> Set against Koshiro’s framework of an Occupation government desiring an ethnically homogenous Japan, she posits that Yoshida’s and SCAP’s favoured policy regarding Koreans was not assimilation (which Japanese officials considered impossible) but rather deportation or forced repatriation to South Korea. When forcible removal from Japan proved politically unfeasible, the Koreans were stripped of their Japanese nationality and were treated as stateless foreign residents. She demonstrates that Japanese political elites, with the support of American authorities, sought to perpetuate wartime era racism by erecting institutional and legal barriers against Asian minorities, in addition to more direct measures such as deportation.<sup>42</sup>

Historians Yoneyuki Sugita and Mark Caprio pursued a similar theme of the seamless transition of Japanese attitudes and policies from the war to the Occupation. In *Democracy in Occupied Japan*, they argued that Japanese political and cultural factors weakened or negated the impact of Occupation reforms, in such areas as education, gender equality, labour, and health insurance. These perspectives sought to shift the accomplishments of the Occupation as a singular break from the past and rather approach the Occupation as a brief (though significant) American interregnum straddling two distinct Japanese eras.<sup>43</sup>

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<sup>40</sup> Yukiko Koshiro, *Trans-Pacific Racisms and the U.S. Occupation of Japan* (NY: Columbia University Press, 1999), 3-6.

<sup>41</sup> Koshiro, *Trans-Pacific Racisms*, 112.

<sup>42</sup> *Ibid.*, 122.

<sup>43</sup> Mark E. Caprio and Yoneyuki Sugita, eds., *Democracy in Occupied Japan: The U.S. occupation and Japanese politics and society* (NY: Routledge, 2007), 1.

Mark Caprio has done much to widen the English-language historiography on Koreans in Occupied Japan. He employs GHQ documents and is virtually alone in placing more blame on the American occupiers than on the Japanese government for the treatment meted to Koreans. Caprio relies primarily on GHQ documents, but also on Japanese-language Korean newspapers. And he employs Korean voices to complement his analysis. In “Resident Aliens,” Caprio argues that the occupation authorities deliberately discriminated against the minority communities (primarily the Koreans, the Chinese and the Taiwanese) to encourage their repatriation to their home country.<sup>44</sup> In his article on the April 1948 Osaka-Kobe Education Struggle, Caprio finds that American violence against Koreans was fuelled by the belief that they were “North Koreans” and unwilling either to repatriate voluntarily or assimilate in Japanese society.<sup>45</sup> With Yu Jia, Caprio was the first to compare the American occupations of Japan and Korea and the effect of these occupations on Koreans in Japan. Using narratives by Koreans, they argue that because of “the cultural and racial biases held by the U.S. Military Government...a substantial number of Koreans found themselves stranded in postwar Japan.”<sup>46</sup> This international approach leads them to conclude that little coordination between the two occupied zones resulted in forcing many Koreans to stay in Japan.

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<sup>44</sup> Mark E. Caprio, “Resident Aliens: Forging the political status of Koreans in occupied Japan,” in *Democracy in Occupied Japan: The U.S. occupation and Japanese politics and society*, ed. Mark E. Caprio and Yoneyuki Sugita (New York: Routledge, 2007), 179. See also Mark E. Caprio, “The Forging of Alien Status of Koreans in American Occupied Japan,” *The Asia-Pacific Journal: Japan Focus*, 2 January 2008. [Available online at <http://www.japanfocus.org/-Mark-Caprio/2624>]

<sup>45</sup> Mark E. Caprio, “The Cold War Explodes in Kobe—The 1948 Korean Ethnic School “Riots” and US Occupation Authorities,” *The Asia-Pacific Journal Japan Focus*, Vol. 48-2-08, November 24, 2008. [Available online at <http://www.japanfocus.org/-Mark-Caprio/2962>]

<sup>46</sup> Mark E. Caprio and Yu Jia, “Occupations of Korea and Japan and the Origins of the Korean Diaspora in Japan,” in *Diasporas Without Homeland: Being Korean in Japan*, ed. Sonia Ryang and John Lie (Berkeley: University of California Press, 2009), 37-38.

Finally, the historical corpus on post-Occupied Japan is understandably slim. Tessa Morris-Suzuki's *Exodus to North Korea* (2007), however, merits special attention. In reconstructing the tragic episode whereby approximately 94,000 Koreans and their Japanese and Chinese spouses migrated to North Korea via the "humanitarian" auspices of the International Committee for the Red Cross (ICRC), she employs a rich trove of documents from the ICRC and interviews some who escaped back to Japan. Morris-Suzuki concluded that conservative Japanese political elites took advantage of the ICRC's representatives' lack of knowledge about Japan and its Korean population in order to rid Japan of as many Koreans as possible.<sup>47</sup>

While works on Koreans in post-1960 Japanese society are beyond the temporal scope of this dissertation, some general trends in this influential body of literature deserve closer scrutiny, particularly the way authors assess the heterogeneity of a Korean community frequently essentialized as "oppressed," "discriminated," and "marginalized." Since the 1990s, anthropologists and sociologists have popularized Koreans in Japan as its own field of studies. Due to their influence, both social scientists and historians embarked on projects designed to demonstrate that Japan was – and always had been – a multicultural, multiethnic society. Titles indicated that the "myth of Japanese homogeneity" had been laid to rest.<sup>48</sup> Where social scientists differed from historians was their focus on the sociological makeup of the Koreans in Japan. Instead of examining the ideological roots of Japanese racism and discrimination against "non-Japanese" as historians had done, these scholars focused on the markers of cultural and ethnic identity, particularly in *zainichi* Korean movies and literature and in Korean education.

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<sup>47</sup> Tessa Morris-Suzuki, *Exodus to North Korea: Shadows from Japan's Cold War* (Lanham, MD: Rowman and Littlefield, 2007).

<sup>48</sup> Michael Weiner, *Japan's Minorities: The Illusion of Japan's Homogeneity* (NY: Routledge, 1997); Donald Denoon et al., *Multicultural Japan: Paleolithic to Postmodern* (NY: Cambridge University Press, 1996); John Lie, *Multiethnic Japan* (Cambridge, MA: Harvard University Press, 2001).

Thus a major positive outcome of this historiographical vein is that Koreans were no longer “silent victims” and were now free to express their feelings. These social scientists generally limited their temporal frameworks to post-1960 Japanese society, which corresponded with the migration to North Korea movement, the coming of age of the post-1945 generation of Koreans born in Japan, and the establishment of ties between Japan and South Korea in 1965.<sup>49</sup> Post-modernism, post-structuralism, and post-colonialism, and the concomitant themes of oppression, resistance, agency, and marginalization, underpinned social scientists’ works.

Sonia Ryang and John Lie are arguably the leading scholars of this field. Sonia Ryang was born in Japan to “North Korean” parents (i.e., they supported North Korea and possessed neither Japanese nor South Korean nationality), she attended pro-North Korea Chongryon<sup>50</sup> schools in Japan, and completed her doctoral dissertation in anthropology at Cambridge University. Her dissertation was published as *North Koreans in Japan: Language, Ideology, and Identity*.<sup>51</sup> For *North Koreans in Japan*, she focused on the so-called “North Korean community,” so named because of the community members’ allegiance to North Korea. This was a relatively easy group to identify and study since the community is quite isolated from the rest of Japanese society and its children attend only Chongryon-affiliated schools. She studied how this group identified itself and why it chose to support the North Korean regime, even though most Chongryon-affiliated Koreans have their family registers in present-day South Korea. The

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<sup>49</sup> Sociologist Fukuoka Yasunori’s interviews with *Nisei* and *sansei* (second- and third-generation) Koreans in Japan in the 1990s impressed upon him the heterogeneity of the Korean population. He devised a typology of identity formation by dividing his interviewees in four categories based on “Interest in the history of Korean subjugation” and “Attachment to a Japanese hometown.” His framework for analyzing the *zainichi* Korean community aids in understanding the process of identity formation. See Fukuoka, *Lives of Young Koreans in Japan*. Translated by Tom Gill (Melbourne: TransPacific Press, 2000), 49.

<sup>50</sup> After Choren’s dissolution in 1949, Chongryon was established as its successor in 1955.

<sup>51</sup> Sonia Ryang, *North Koreans in Japan: Language, Ideology, and Identity* (Boulder, CO: Westview Press, 1997).

strength of her work lies in placing a human face to a historiography that is often cast as a clash between two faceless monolithic groups (“the Japanese” and “the Koreans”), as well as in contributing towards dispelling the myth of a homogenous “Korean minority in Japan.” She conducted interviews, and her interlocutors’ personal stories provide an informative view of the structure of this segment of the approximately one-fifth of the estimated 650,000 registered Koreans residing in Japan in the 1990s. She also provided the first gendered angle with her interviews of Chongryon women. Ryang argued that, through the education system, the teaching of the Korean language, and pro-North Korea sloganeering, Chongryon persuaded its members to identify themselves as “North Korean” rather than as “Japanese” or even as “South Korean.”

Ryang’s prolific output has done much to influence other social scientists, and Ryang is always challenging ideas about Koreans’ identity and place in Japanese society. In *Koreans in Japan* (2000), she and a number of sociologists, anthropologists, and literary scholars of different ethnic backgrounds applied postcolonial theory to discuss Koreans in Japan. Because of the demographic changes among the Korean population in Japan in the 1970s and 1980s – such as the Japan-born population overtaking the Korea-born one, the popularity of Japanese-Korean marriages over Korean-Korean marriages – many essays focused on inter-generational conflict. Amidst these changes, from the 1970s, the first generation of Korean migrants did not have the same moral authority over the second generation in determining the contours of what it meant to be “Korean.” Women writers offered their views as well, though often criticizing Korean patriarchal social relations. While some essays dealt with conflicts with the Japanese government over education, in which Koreans were portrayed as active participants, the general theme of the book was the inter-generational, intra-Korean community struggles over key issues like

education, homeland politics, and the degree of integration in Japanese society.<sup>52</sup> David Chapman's *Zainichi Korean Ethnicity and Identity* also examined intra-Korean community debates about their place in Japan. Chapman, a linguist by training, brought a postmodernist perspective to the intellectual debates of four generations of Koreans in Japan. He identifies a community that is split between one group that accepts the reality that they are social and culturally closer to Japan than to Korea and another group who wish to defend their Korean ethnic and cultural markers.<sup>53</sup>

Through post-modernist textual analysis, the discourse of identity formation became a major tool towards understanding Koreans in Japan. This method was skilfully used in Melissa Wender's *Lamentation as History*. Based on her doctoral dissertation, she used a literary analysis to trace "the emergence of, and transformations in, discourse of ethnic identity in the literature of Koreans in Japan from the mid-1960s through 2000."<sup>54</sup> Wender used the medium of literary analysis to understand how identities were shaped by political and social conditions and to underline the diversity of the zainichi Korean community. The use of the plural in her book's subtitle, *Narratives by Koreans in Japan*, indicated a shift from the dominant narrative of a united Korean community struggling against Japanese racism and assimilation to a multi-layered analysis of identities shaped by gender, class, and geographical forces. In her analysis of the

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<sup>52</sup> Melissa Wender, "Mothers write Ikaino," in *Koreans in Japan: Critical voices from the Margin*, ed. Sonia Ryang (NY: Routledge, 2000), 74-102; Lisa Yoneyama, "Reading against the bourgeois and national bodies: transcultural body-politics in Yu Miri's textual representations," in *Koreans in Japan: Critical voices from the Margin*, ed. Sonia Ryang (NY: Routledge, 2000), 103-118; Carol Hayes, "Cultural identity in the work of Yi Yang-ji," in *Koreans in Japan: Critical voices from the Margin*, ed. Sonia Ryang (NY: Routledge, 2000), 119-139.

<sup>53</sup> David Chapman, *Zainichi Korean Identity and Ethnicity* (NY: Routledge, 2007), 71. One of the improvements was to strike down unconstitutional sections of the Nationality Law that discriminated on the basis of gender. The principle of ambilineality (either parent) replaced the principle of patrilineality for acquiring Japanese nationality at birth.

<sup>54</sup> Melissa L. Wender, *Lamentation as History: Narratives by Koreans in Japan, 1965-2000* (Stanford: Stanford University Press, 2005), 2.

works of Korean fiction writers, she concluded that identity was not only “racial,” namely opposition to “the hegemonic ideology of the Japanese nation,” but shaped within patriarchal Korean society. Her nuanced work was valuable in demonstrating that not only identities, but struggles too, were as much constructed by “internal,” intra-community factors as by “external” factors (i.e., racial and cultural conflicts with “the Japanese”).

After Sonia Ryang, sociologist John Lie, who was born in South Korea, has developed a reputation as an unorthodox interpreter of Koreans in Japan. As noted earlier, he called present-day Koreans in Japan “Korean Japanese,” much to the dismay of Sonia Ryang. He argues, somewhat controversially, that Koreans in Japan form a separate ethnic group from Koreans in North or South Korea. In *Multiethnic Japan* (2001), Lie sought to demonstrate that Japan was a “multiethnic” society comparable to Great Britain by conflating social marginalization with ethnicity. According to Lie, every “marginalized group” in Japanese society, including “the *burakumin*,” who ceased to exist legally as a caste in 1871 and were always considered ethnically Japanese, were to be considered ethnic groups. Thus by a clever discursive twist, Lie is able to argue that the Japanese discriminate against all ethnic groups, especially against the Koreans. “In the postwar period,” he informs us, “the Korean Japanese [sic] faced all manner of discrimination [because of their status as foreigners],” including his invented notions that they were unable to hold governmental jobs or that “South Korean nationality was imposed on most ethnic Koreans in Japan [after 1965].”<sup>55</sup> In *Zainichi (Koreans in Japan)* (2008), he argues that the origins and the formation of a separate “zainichi Korean” identity lies not only in their

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<sup>55</sup> Lie, *Multiethnic Japan*, 108. “Aliens” were not prevented from taking governmental jobs *per se*. They were not permitted to take positions that exercise “public power.” South Korean nationality was never imposed; all Koreans had to make a formal application to South Korea authorities.

physical isolation from Korea, but in the persistent discrimination they face.<sup>56</sup> This is a compelling and controversial argument because to maintain their distinctiveness in a Japan widely described as “homogenous,” zainichi Koreans thrive on maintaining a separate status from the dominant Japanese, even at the cost of decreased economic and professional opportunities and political rights.

### *Nationality and Koreans in Japan*

The dominant theme of Occupation historiography rightly identifies that American reforms and democratization did not extend to Koreans in Japan. Moreover, many scholars persuasively demonstrated that the anti-Korean attitudes of conservative Japanese political elite unduly helped influence SCAP’s treatment of Koreans. At the very core of American and Japanese discrimination against Koreans was General Douglas MacArthur’s announcement in November 1946 that Koreans, who since the war ended had been treated as “liberated nationals,” an implicit recognition of their status as “Korean nationals,” were to retain their Japanese nationality. As journalist David Conde pointed out in 1947, MacArthur’s decision completely ignored their nationalist aspirations to be regarded as “Korean nationals.”<sup>57</sup> While MacArthur’s decision was in accordance with international legal precedents, namely that SCAP had no legal authority to manipulate the nationality status of Koreans in Japan, this did little to assuage Korean anger. This shift in status demonstrates how various groups in Occupied Japan understood nationality as signifying more than just the legal definition of membership in a state.

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<sup>56</sup> John Lie, *Zainichi (Koreans in Japan): Diasporic Nationalism and Postcolonial Identity* (Berkeley: University of California Press, 2008).

<sup>57</sup> Conde, “The Korean Minority in Japan,” 45.

Indeed, World War II was a watershed moment for the political meaning of nationality. By repealing the Chinese Exclusion Act in 1943, the US Congress allowed the Chinese to naturalize as Americans and immigrate to the US, though only according to the quota of 105 outlined in the 1924 Johnson-Reed Act.<sup>58</sup> In 1947, the Canadian Citizenship Act established a Canadian citizenship distinct from British subjecthood. And in 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights, whose Article 15 stated the right of all individuals to have a nationality and not to have their nationality arbitrarily imposed or revoked. Regarding Korea itself, the Allied Powers had declared at the Cairo Conference in November 1943 that, “mindful of the enslavement of the people of Korea,” Korea would be free and independent. These examples serve to demonstrate that nationality (or citizenship) is tied closely to individual dignity, national self-determination, and respect for human rights.

Despite the growing scholarly interest in the political importance of nationality, this issue, as it affected Koreans in Japan, has not been closely scrutinized. What happened in this regard is usually treated as one of the many discriminatory acts against Koreans in Occupied Japan. As the following examples illustrate, scholars have had widely divergent ideas about why and how nationality laws affected Koreans in Occupied Japan.

Edward Wagner’s use of the “Korean race” and the “Japanese race” as synonyms for their respective nationalities (or their “national origins”) was not uncommon in the 1940s, but it complicated basic facts about Koreans in Occupied Japan. In this key section of his work, Wagner alternated between referring to Koreans in Japan according to a legal status (Japanese

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<sup>58</sup> K. Scott Wong, *Americans First: Chinese Americans and the Second World War* (Cambridge, MA: Harvard University Press, 2005), 109-12.

nationals), to an ethnic or racial affiliation (Koreans), and to a political status that was not yet legally theirs (South or North Koreans):

By [remaining in Japan] they chose, in effect, to become Japanese nationals. But legal status notwithstanding as a group they remained very much Koreans. In fact they persistently and vociferously refused to recognize the validity of the applicability of the term 'Japanese national' to them.<sup>59</sup>

Wagner's fundamental error was to equate "Korean-ness" with race and nationality. A discussion of Koreans as a racial or ethnic group is possible, but it is problematic to use race and legal status interchangeably in a discussion on policy in Occupied Japan. For example, in his analysis of the application of the "war tax" (a special tax levy) in 1946, Wagner shifted the meaning of "Koreans" to designate them as "foreign" and thus falsely created the impression that the Japanese government deliberately discriminated against the Koreans: "imposition of the tax upon Koreans, almost solely among *foreign nationals in Japan*[,] would be a serious affront to Korean national pride and prestige."<sup>60</sup> To be fair to Wagner, he had neither the historical perspective nor the access to a wide range of documents upon which to make a more informed analysis. His subject was a fairly broad topic for a senior year thesis in which the primary research was based chiefly on SCAP Indexes (SCAPINs). But most importantly, his understanding of nationality was still governed by attitudes of his era, namely that for certain racial groups, especially "homogenous" ones like the Japanese and the Koreans, race (or "national origins") and nationality were equivalent terms.

Yet, even as knowledge of the Occupation deepened, a basic understanding of the nationality of Koreans in Japan appears to have worsened rather than improved. The Japanese

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<sup>59</sup> Wagner, *The Korean Minority*, 64.

<sup>60</sup> Wagner, *The Korean Minority*, 65. My emphasis.

government, according to political scientist Changsoo Lee, treated Koreans as aliens in order to disenfranchise them, though they were still subject to Japanese laws. Lee argued that “SCAP intended to lump the remaining Koreans legally together with the Japanese,” which left the Japanese government discretion to choose the legal status of the Koreans.<sup>61</sup> Chikako Kashiwazaki, in her study on the legal status of Koreans in Japan, states that “[t]he Japanese government manipulated the ambiguity of the nationality status of former colonial subjects” by treating them as Japanese nationals for security and social control reasons but as “aliens” in order to deny them citizenship rights. She is correct in observing that the location of one’s family register served an important role in differentiating between the Japanese and former colonial subjects, but dismisses this as a convenient excuse for the Japanese to accentuate “Japanese” as a homogenous ethnonational identifier and to strip political rights away from Koreans and Formosans.<sup>62</sup> The confusing legal status, David Chapman believes, typified a “racist complicity” between the Allied Forces and the Japanese that served to exclude Koreans from Japanese civil society.<sup>63</sup> Finally, political scientist Erin Aeran Chung claims that shortly after the establishment of South and North Korea,

the Japanese government encouraged Koreans in Japan to change their existing Chosen nationalities to Kankoku [refers to South Korea] because Chosen now referred only to North Korea. Nevertheless, as many as two-thirds of the Korean population maintained their Chosen nationalities, which, by default, made them North Korean nationals despite the fact that most first-generation Koreans in Japan had come from southern Japan.<sup>64</sup>

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<sup>61</sup> Changsoo Lee, “Koreans under SCAP: An Era of Unrest and Repression,” in *Koreans in Japan: Ethnic Conflict and Accommodation*, ed. Changsoo Lee and George De Vos (Berkeley: University of California Press, 1981), 77.

<sup>62</sup> Chikako Kashiwazaki, “The Politics of Legal Status: The equation of nationality with ethnonational identity,” in *Koreans in Japan: Critical voices from the Margin*, ed. Sonia Ryang (New York: RoutledgeCurzon, 2000), 21.

<sup>63</sup> Chapman, *Zainichi Korean Identity and Ethnicity*, 25.

<sup>64</sup> Erin Aeran Chung, *Citizenship and Immigration in Japan* (New York: Cambridge University Press, 2010), 78.

Koreans in Japan never had “Chosen nationality;” their nationality status during the Occupation did not make them *de facto* nationals of North Korea, nor did the Japanese government pressure Koreans to adopt *any* nationality.

A misunderstanding of the political framework of the Occupation, the national and international legal codes that governed the legal status of Koreans (and Formosans) in Occupied Japan, and a belief – not entirely false – that some Americans and Japanese conspired against the Koreans by interpreting legal status according to political or ideological whims means that most scholars have often conflated race with nationality. Koreans were, in the parlance of the 1940s, “of the Korean race” and due to the location of their family registers on the Korean peninsula held what might be termed “latent Korean nationality.” But this “latent Korean nationality” is the crux of the problem. After its liberation from Japanese rule, “Korea” (*Chōsen*) ceased to exist as a singular political entity. Instead, after an initial period of American and Soviet military occupation which ended in 1948, the Korean peninsula was divided in two ideologically opposed states – North and South Korea. When Koreans in Occupied Japan sought SCAP’s recognition of their “Korean nationality” (朝鮮籍 *Chōsenseki*) the basic question we must ask is: which “Korea”? The complexity of the issue is compounded not only by political and geographical definitions of “Korea,” but by linguistic ones. In the context of the Occupation, what did “Korean” mean – a race, a nationality or both?

Fundamental historical and legal facts about Japan and its Korean population have been misinterpreted or confused with Western legal concepts. Part of the confusion arises from the fact that in Occupied Japan, when Koreans in Japan were legally Japanese nationals, the term “Korean” was used synonymously to mean the “Korean race” and “Korean nationals.” In order to get a clearer picture of this period, this dissertation aims to distinguish nationality from race as

categories of analysis. It is indisputable that Americans and Japanese discriminated against the Koreans but it is often stated – explicitly or inferred – that it was racial in nature. By trying to distinguish race from nationality, the aim is to peel away the layers and reveal the nature of discrimination against Koreans. Sometimes racist attitudes prevailed, but given that the homeland of the Koreans was a key battleground of the early Cold War, multiple causes frequently factored into their treatment.

In addition to racist attitudes, a divided Korean peninsula, ideological nationalistic rivalries, postwar settlements, their effects on political and legal considerations in Occupied Japan, and the outbreak of war in Korea shaped the problems of Koreans (and their descendents) in Japan. Indeed, among all parties treated here, the nationality status of Koreans was arguably the most hotly debated issue concerning Koreans in Occupied Japan, even more than their ostensible support for communism. The real tragedy, therefore, is not that these governments acted as they pleased, with no regard for international law. On the contrary, recognition of these legal facts contributed to the hardship of Koreans in Japan, particularly after the Occupation ended in 1952. In fact, in regards to the Nationality Law of Japan and South Korea, these two countries and the United States observed an agreed-upon national and international legal framework. In this sense, international law had a very real impact on ordinary Koreans.

This dissertation employs nationality as a lens through which to study the treatment of Koreans in Occupied Japan. Since the four major actors of this study – the United States, Japan, South Korea, and North Korea – contested the nationality of Koreans in Japan, using nationality as a lens sheds light on various aspects of the Occupation and the early Cold War in Asia. It will help reveal how Japanese, Korean, and American attitudes towards race and nationality (or citizenship) shaped the history of Koreans in Japan during and after the Occupation. An

international scope will help explain the role of ideological confrontation in Asia more generally, and in North and South Korea more specifically, in determining the fate of Koreans in Japan. The dissertation also aims to broaden our understanding of the internal dynamics of the Korean community in Japan, which was considerably diversified in its demographic makeup and in its opinion regarding issues such as the Korean homeland.

The Allied Occupation is the principal focus because during this period the key legal, political, and international issues that would shape the fate of Koreans in postwar Japan unfolded. Some of these events included the division of the Korean peninsula into two opposing ideological states; the revision of the 1899 Japanese Nationality Law in 1950 after the creation of a new South Korean one in 1948; and the Cold War, the spread and popularity of communism on the Asian mainland, and the return from Japan's political graveyard of anti-communist, anti-Korean Japanese politicians. Since Koreans in Occupied Japan were Japanese nationals, but ones whose allegiance was claimed by both North and South Korea, nationality is an appropriate window to view this history. Moreover, nationality laws demonstrate the foundation and political and diplomatic reach of a new country's sovereignty. On this point, it is no coincidence that Japan's first Nationality Law in 1899 was enacted the same year that Britain ended its unequal treaty relationship with Japan. The newly elected Provisional Government of the Republic of Korea adopted in May 1948 a Nationality Law (which borrowed heavily from Japan's own Nationality Law) as one of its very first orders of business.

There are many ways of speaking about nationality, including membership in a nation without a state, like the Kurds, the Basques, and the Québécois. Nationality, in the sense normally employed in this dissertation, defines who a state's members are and which government will give them diplomatic protection. Most Koreans in Japan after World War II,

however, held a less abstract notion of nationality and for them, it was about securing rights and privileges that were generally unavailable to them as “Japanese nationals,” such as Korean language public education. In this sense, nationality was tied very closely to membership in a Korean racioethnic nation. As evidenced from the various restrictions placed on obtaining American citizenship, Americans had a different conception of nationality and citizenship than the Japanese or the Koreans.

From 1910 until Japan regained its sovereignty on 28 April 1952, Koreans who remained in Japan were legally Japanese nationals under Japanese and international law. Until then, the Japanese government, sometimes to its great displeasure, had to treat Koreans in Japan as Japanese nationals. Only a sovereign Japan and “Korea” could determine together the nationality status of Koreans in Japan; SCAP had no legal authority to change their status, despite instances of strong political pressure to do so. Unlike other issues or events in Occupied Japan, such as the closure of Korean schools or the imposition of a special “war tax,” which are often cited to demonstrate Japanese discrimination towards Koreans, the nationality issue affected all Koreans in Japan. No political decision affecting them was made without reference to their nationality status. Moreover, in the context of the Cold War and the divided Korean peninsula, nationality took greater importance among all interested parties. Both the ROK and the DPRK claimed Koreans in Japan as their own nationals. American officials frequently misunderstood Japanese and the South Korean nationality law and identified Koreans in Japan as “Korean nationals” or “North Korean nationals” based on presumed ethnic or ideological orientations.

This dissertation hopes to contribute to the historiography in the following ways. First, by positing a different temporal analytical framework and incorporating the narratives of Koreans who migrated to Japan before 1945, I hope to show the diversity of the Korean community,

especially after large-scale repatriation ended in 1947. The effect of the Korean nationalism espoused by many, namely support for Kim Il-sung's regime, had serious consequences for the majority of Koreans in Occupied Japan. Second, by treating nationality and race as distinct analytical categories, this research should contribute towards a better understanding of the nature of Japanese discrimination in historical and contemporary society. The term "Korean" was employed both as a racial category and as a designator of nationality and my research hopes to clarify when the various actors mixed or confused the categories. Third, and related to the last point, is my desire to bring some clarity and precision to the legal and political terms which are confusing and often simplified for an English-speaking audience. "Korea" and "Korean" can mean many different things, depending on the time period studied or the methodological approach. Finally, the role the ROK and the DPRK played in the treatment of Koreans in Occupied Japan has hitherto been virtually ignored. Thus, this research hopes to "internationalize" this field by demonstrating how the two states on the Korean peninsula, as well as Cold War politics in general, contributed significantly to the treatment of Koreans in Japan.

### *Methodology*

Other than Kim Taegi's book, no other historical monograph deals solely with Koreans in Occupied Japan. This dissertation draws on documents of the three major actors – the US, Japan, and Koreans in Japan – and shows differences within each. Over a million GHQ documents have been declassified since the early 1990s. They provide a window not only of American decision-making but also of Japanese and Korean political and diplomatic perspectives. These declassified documents go well beyond the very useful published US State Department files, the *Foreign Relations of the United States* series. Similarly, Diet debates usefully provide Japanese political views on Koreans and nationality issues.

Though this approach draws most prominently on the archives of Japanese and American political actors, this dissertation incorporates Korean voices to provide a rounded discussion of the nationality issue, since the stakes concerned them the most. Before 2000, there were few memoirs or published interviews with Koreans who had migrated to Japan prior to 1945. The publication in 2000 of Sunny Che's memoir *Forever Alien: A Korean Memoir, 1930-1951* began a fruitful period for understanding Korean perspectives.<sup>65</sup> One of the key volumes to emerge, Oguma Eiji and Kang Sang-jung's *Zainichi Issei no Kioku* (The Recollections of the First Generation of Koreans in Japan), is valuable because they treat their 52 interviewees as guests of honour and delve deeply into their pre- and postwar lives without encumbering the narratives with editorial commentary. The interviewees share their experience on life in the Korean peninsula, their arrival in Japan, their life and work in pre- and postwar Japan, the raising of children in Japan, and their final thoughts on Japan and Korea. Unfortunately, the editors do not reveal how these 52 were chosen and, unlike *Aboji*, do not list the specific questions asked of the interviewees. Another useful volume is Lee Bung-on's *Zainichi issei* which offers a shorter, single page snapshot of each Korean's life. Lee describes himself as a *sansei* (third-generation zainichi Korean) who experienced an existential crisis at the age of 40. "I asked myself: 'Who am I? Where did I come from? Where am I going? Where will find these answers?' I am, without a doubt, a *sansei*."<sup>66</sup> In search of his roots, he travelled from Hokkaido to Okinawa and interviewed at least one zainichi Korean from each prefecture (92 people in total). There was no

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<sup>65</sup> Sunny Che, *Forever Alien: A Korean Memoir, 1930-1951* (Jefferson, NC: McFarland and Company, 2000); Hildi Kang, *Under the Black Umbrella: Voices from Colonial Korea, 1910-1945* (Ithaca, NY: Cornell University Press, 2001); Jackie J. Kim, *Hidden Treasures: Lives of First-Generation Korean Women in Japan* (NY: Rowman and Littlefield, 2005); Lee Boongeun, *Zainichi Issei* (Tokyo: Littlemore, 2005); Oguma Eiji and Kang Sang-jung, *Zainichi Issei no kiroku* (Tokyo: Suieisha, 2008).

<sup>66</sup> Lee, *Zainichi Issei*, [afterword] n.p.

method to his selection of interviewees (though he reveals that he started with family connections) nor in the structure of the interview process, and he tends to over-narrate, which robs the Koreans from sharing their stories more directly. The content of the interviews varies widely, but there is a sustained interest in their lives during the colonial and immediate postwar era. A black-and-white cover photograph of a cloudy and grim Kanmon strait (the body of water between Shimonoseki and Moji and the site of the most popular port of entry for Koreans ferrying from Pusan to Japan) and the addition of large black-and-white photographs of dour, morose-looking interviewees opposite each text (only one of the 92 was visibly smiling) sets the tone of despair and misery that Lee wants us to feel.

Whereas Lee was searching for his own roots, another collection was inspired by diplomatic uproar over the Japanese Ministry of Education's controversial decision in 1982 to ask textbook publishers to gloss over the details of Imperial Japan's history towards Korea. This event motivated youth members of Mindan (the pro-Republic of Korea (ROK) organization known as *Zainihon daikan minkoku mindan* – Korean Residents' Union in Japan) to collect the voices of Koreans in Japan who had migrated to Japan before 15 August 1945.<sup>67</sup> Furious at the way Japan's imperial past was depicted in the new textbooks, the Mindan youth wanted, as the subtitle indicated, to reclaim their past ("*Wareware no rekishi wo torimodosu undō*" *hokusho* – A report "On the movement to reclaim our history"). They consulted the national residents' registry (*kokumin tōroku daichō*) and located the addresses of households led by a Korean. They distributed 4,205 requests for interviews and settled on a 1,500 interviewee limit. Between October 1982 and January 1983, they interviewed 1,106 Koreans (700 males and 406 females)

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<sup>67</sup> Chong-sik Lee provides an excellent account and analysis of the 1982 textbook controversy in *Japan and Korea: The Political Dimension* (Stanford: Hoover Institution Press, Stanford University, 1985), chapter 6.

from every area of Japan, regardless of whether they had declared themselves either *kankokujin* or *kitachōsenjin* (“South Korean” or “North Korean”). They had to be over the age of 12 when they had made their first move to Japan.<sup>68</sup> This last stipulation was intended to limit the field of enquiry to those who were conscious of the context of their move out of Korea and thus able to elucidate on their life before and after the departure. This is a valuable volume as it brings a methodological rigour to the study of early Korean migrants to Japan. The interviewers prepared nine categories of questions that covered the range of life experiences. The resulting book, *Aboji kikasete ano hi no koto o* (Father, please tell me about those days) [hereafter *Aboji*], published by Mindan in 1985, forms an important foundation for my analysis. Its statistical component is the only major quantitative study that goes beyond basic and easily quantifiable facts of geographical origins and employment.

The nine categories of questions were:

1. Basic attributes (*kihonteki zokusei*)
2. Situation up to departure day (*tō'nichi no jōkyō*)
3. Concerning Imperial Japan's Chosen colonial policy (*nittei no Chōsen tōji seisaku ni tsuite*)
4. Life prior to departure for Japan (*tō'nichi tōji no seikatsu*)
5. Life after the liberation of Korea (*kaihōgo no seikatsu*)
6. Situation leading to participation in ethnic movements (*minzoku undō e no sankā jōkyō*)
7. Ethnic education (*minzoku kyōiku*)
8. The will to naturalize or repatriate (literally “return home”) (*kika to kikoku no ishi*)
9. Concerning youth organizations (*seinenkai ni tsuite*)

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<sup>68</sup> Mindan, *Aboji*, 13.

For each category, the interviewers asked in-depth questions that probed their motivations for leaving Korea, explored their level of participation in post-liberation ethnic or nationalist movements, and investigated their (un)willingness to naturalize as a Japanese or to repatriate to Korea. The interviewers then cross-analyzed those results based on various factors, such as geographical origin, level of education, year of departure, and age. The results constitute a valuable resource for understanding the history and the composition of the Koreans who remained in Japan after the war.

### *Terminology*

Making sense of imperial and post-imperial legal and territorial entities and the populations therein, and of Western and East Asian legal terms is difficult. It is complex enough in Japanese or Korean, but broad English translations or transliterations are often inadequate for understanding the legal specificities that arose in this period. This section will clarify how such terminology will be used in this dissertation.

### Korea and Japan

As a political entity, “Korea” changed names several times in just over 50 years. Until 1897, Korea was a kingdom generally called “Korea,” “Corea,” or “Chosen” in English, but commonly called “Chosŏn” in Korean and “Chōsen” (朝鮮) in Japanese. From 1897, it was the “Greater Korean Empire” in English, “Daehanjeguk” in Korean, and “Daikan Teikoku” (大韓帝國) in Japanese. When annexed by Japan in 1910, the sovereign Empire of Korea became the Japanese territory of Chosen, and names of agencies and institutes were changed to reflect “Chosen” instead of “Korea” (e.g., “Bank of Korea” became “Bank of Chosen”). In 1945, Japanese rule ended, and the Soviets and the Americans occupied the northern and southern half

of the Korean peninsula. These territories were recognized as “southern Korea” (南朝鮮 *Minami Chosen*) and “northern Korea” (北朝鮮 *Kita Chōsen*) or “Korea north (or south) of the 38<sup>th</sup> parallel.” On 15 August 1948, the Republic of Korea (ROK) was established in southern Korea, and on 9 September 1948, the Democratic People’s Republic of Korea (DPRK) was founded in northern Korea. Though commonly called South Korea and North Korea, ROK and DPRK have both claimed jurisdiction over the entirety of the peninsula. Note also that the common name for ROK in Korean is “Daehanminguk” or “Hanguk” (大韓民国 *Daikan Minkoku* or “*Kankoku*” for short) and DPRK is “Chosŏn” (朝鮮民主主義人民共和國 *Chōsen Minshushugi Jinmin Kyowakoku* but better known in Japanese as *Kita Chōsen* 北朝鮮, “North Chosen”).

When necessary, this dissertation distinguishes between the names of “Korea,” but generally “Korea” will refer to all “Koreas” up to 1945, which includes colonial Korea; “southern and northern Korea” will refer to the two occupied territories of the Korean peninsula during the brief 1945-1948 occupation period; and “South Korea” will refer to the Republic of Korea (ROK) and “North Korea” to the Democratic People’s Republic of Korea (DPRK). Though in this usage “Korea” always refers to the entire peninsula, either as a state entity or a Japanese territory, GHQ documents frequently call the ROK just “Korea” without the geographical qualification “South” while the DPRK is identified as “North Korea.” When such usage is unclear, it will be clarified in square brackets.

In domestic Japanese law, the empire was divided between *naichi* (内地 “Interior territory”) and *gaichi* (外地 “Exterior territory”). Both of these terms were employed exclusively during the years of Japan’s colonial empire and signified a clear-cut division between the metropole and the colonies. *Naichi* territory included all of Japan’s prefectures from Hokkaido to

Okinawa. Karafuto (southern Sakhalin island), though territorially *gaichi* just after becoming part of Japan in 1905, quickly came to be treated legally on a par with *naichi*, and in 1943, it was formally incorporated into the *naichi* as a prefecture. *Gaichi* territory included Formosa (Taiwan) and Korea (Chosen) as part of the empire, the South Pacific Islands (seized in 1914 and administered by Japan under a League of Nations mandate from 1919), and Kwantung Province (a leasehold in Manchuria acquired in 1905) as part of the larger legal empire recognized under international law. Manchukuo was not a *gaichi* territory in the eyes of the Japanese government, which classified it as an independent state. *Naichi* has been translated as “Japan,” “Japan proper,” “the Interior” or “Interior territory.” I use “the Interior” rather than *naichi* again to aid an English language readership and also because “Japan” and “Japan proper” do not adequately convey the political division and relationship between the prefectural “Interior” of Japan and the colonial and other territories. Usage of “the Interior,” however, will be limited to the few instances when the legal or administrative term is more precise than “Japan.” Otherwise, when speaking of Japan as a geographical entity consisting of the four main islands and its adjacent islands, I will use “Japan.” I will use “the Exterior” to refer to the *gaichi* as a complex set of territories, each operating within a different legal jurisdiction, but I will generally name such territories individually. During and after the Occupation, the significance of the Interior/the Exterior in nationality issues meant that Koreans and Formosans, who had been Japanese nationals but with family registers in the Exterior, remained Japanese nationals but whose governments (ROC, ROK, and DPRK) now claimed their allegiance. Nationality issues, such as in *Kanda v the State* (1961), required precision in defining Japan’s sovereign territory.<sup>69</sup>

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<sup>69</sup> See for example the case of *Kanda v the State* (1961), in which an Interior Japanese woman (Kanda) married a Korean man in 1935. As per normal practice, she migrated to his family register, which was in Chōsen. The couple separated in 1941 and she sought a divorce in October 1952. When people residing in Japan with registers in

## Koreans and Japanese

During the Occupation of Japan, Koreans had a dual status. They were “non-Japanese” under rules established by SCAP acting as the supreme authority, but they were also “Japanese nationals” under Japanese laws recognized by the Allied Powers (see Appendix 4, Article 8d). Scholars writing in English debate the appropriate terms for “Koreans in Japan.” They use terms copied directly from Japanese like *zainichi Chōsenjin*, *zainichi Kankokujin*, *zainichi Kankoku/Chōsenjin*, *zainichi Kitachōsenjin*, *zairyū Chōsenjin*, among many others. Or they use English or anglicized terms like *zainichi Koreans*, *ethnic Koreans*, *North Koreans*, and so on, but also “Korean Japanese.”<sup>70</sup> And, more commonly today, reflecting trends in Japanese, some use just “Zainichi” – which means only “in Japan” – as shorthand for “Koreans in Japan” or “Korean residents in Japan” or “Japan-resident Koreans” or “resident Koreans” and the like. There are no “wrong” terms because each term emphasizes something different such as chronology,<sup>71</sup> legal status, i.e., nationality as an objective civil status under Korean and Japanese law – or is based on

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Chōsen and Taiwan lost their Japanese nationality on 28 April 1952, she also lost her Japanese nationality because her family register was not in Japan. Japanese authorities could not grant her a divorce on the grounds that they could not access her family register. She sued and the Supreme Court ruled that with the ratification of the Peace Treaty, Japan lost formal sovereignty over Korea and over “so-called ‘personal sovereignty’,” i.e., over Korean family registers.

See Hyo Sang Chang, “Nationality in Divided Countries: A Korean Perspective,” in *Nationality and International Law in Asian Perspective*, ed. Ko Swan Sik (Dordrecht, The Netherlands: Martinus Nijhoff Publishers, 1990), 301-302; William Wetherall, “Kanda v State, 1961: Interior woman who married Chosen man lost nationality,” 24 July 2009 [[http://members.jcom.home.ne.jp/yosha/yr/empires/Kanda\\_v\\_State\\_1961.html](http://members.jcom.home.ne.jp/yosha/yr/empires/Kanda_v_State_1961.html); accessed 10 May 2011.] An English translation of the case is available in *The Japanese Annual of International Law* 8 (1964): 153 et seq.

<sup>70</sup> John Lie, “Ordinary (Korean) Japanese,” in *Koreans in Japan: Voices from the Margin*, ed. Sonia Ryang (New York: RoutledgeCurzon, 2000), 197-207, notes that the term “Korean Japanese” is “reviled.” Editor Sonia Ryang considered the use of “Korean Japanese” as “polemical” and “not deployed by Korean residents themselves” (see page 9 of the same volume). While certainly not an appropriate label for Korean residents, who are aliens, it does have some appropriate circulation among Japanese who wish to acknowledge their Korean ancestry.

<sup>71</sup> A *Zainichi Kankokujin*, for example, can only refer to someone in Japan after “Kankoku” (South Korea) was established in August 1948. More specifically, it refers to Koreans in Japan with South Korean nationality after Japan and South Korea established diplomatic ties in 1965.

race or ethnicity, subjectively defined regardless of legal status. This dissertation uses the term “Koreans in Japan,” whereby “Koreans” reflects not their ethnicity but rather their legal position as people residing in Japan whose family registers were in Korea or in Japan/the Interior.

“Japanese” can refer to a national of Japan (*Nihon kokumin*), a Japanese subject (*Nihon shinmin*), or a Japanese person (*Nihonjin*). Though both *Nihon kokumin* and *Nihonjin* both express the same quality – legally recognized as a Japanese national by virtue of their local affiliation in a Japanese jurisdiction – *Nihonjin* carries a racial (*minzokuteki*) nuance of being ethnically Japanese versus, for example, *kokujin* (a black person) or *hakujin* (a white person). In this dissertation, “Japanese” will refer to persons whose family register was in the Japanese home islands.

### Race and minzoku

Today, race is understood to be a social construction which is used to differentiate and classify people, while racialization refers to “the process of constructing ‘race’.”<sup>72</sup> Race, as it was understood by the various actors concerned in this dissertation, was defined along biological lines, namely that certain “races,” each composed of a single homogeneous group such as “the Japanese,” were biologically different from other races. Since the world’s “races” were seen as different, many societies constructed racial hierarchies in which their prominent position at the top facilitated the control of other “races.” Many observers, including Americans working with the Occupation, misconstrued race with nationality (or “national origins”). As Takemae illustrated above, Americans like Secretary of State John Foster Dulles could manipulate the

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<sup>72</sup> John Price, *Orienteering Canada: Race, Empire, and the Transpacific* (Vancouver: UBC Press, 2011), 5.

Japanese sense of racial superiority over “weak races” who had fallen to communism in Asia for American political gain.<sup>73</sup>

In English language scholarship, *minzoku* (民族) is often translated as “race” and *Yamato minzoku* (大和民族) as the “Japanese race.” More than just shared biology, the term *minzoku* is often compared to the German *volk*, which encompasses biology and shared cultural institutions like language, history, and religion.<sup>74</sup> Therefore *minzoku* should be more accurately translated as “racioethnic nation.” Race is also translated as *jinshu* (人種, lit. “person variety”) but this term is more commonly employed to denote “ethnicity” or “ethnic group.” Its use in the Japanese language predates *minzoku* by a couple of decades; its earliest mention comes in the 1850s. *Minzoku* and *jinshu* are sometimes used interchangeably, as in the expressions for “racial discrimination” – *minzoku sabetsu* (民族差別) and *jinshu sabetsu* (人種差別).<sup>75</sup> The nuance between the two terms is that *jinshu* alluded to purely physical characteristics and shared biology. *Jinshu* fell out of favour in the Meiji period when Japanese elites discovered that, according the accepted scientific racial theories of the late nineteenth century, the Ainu, for example, were considered “more intelligent” than the Japanese.<sup>76</sup> Adoption of *minzoku* thus allowed the Japanese to construct themselves as ethnically racially pure and whose history and cultural

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<sup>73</sup> Takemae, *Inside GHQ*, 510.

<sup>74</sup> Weiner, *Race and Migration in Imperial Japan*, 19.

<sup>75</sup> The International Convention on the Elimination of All Forms of Racial Discrimination, which Japan ratified in 1995, uses *jinshu sabetsu* for “racial discrimination”: あらゆる形態の人種差別の撤廃に関する国際条約.

<sup>76</sup> Tessa Morris-Suzuki, “A Descent into the Past: The Frontier in the Construction of Japanese Identity,” in *Multicultural Japan: Palaeolithic to Postmodern*, ed. Donald Denoon et al. (New York: Columbia University Press, 2001), 87-88.

institutions – despite their Chinese, Korean, or foreign origins – propelled them to the highest levels of civilization.

### Nationals, citizens, subjects

In English, the terms “nationals,” “citizens,” and “subjects” are often used interchangeably to designate members of a society or a country. The three terms, however, are not equivalent. Subjecthood is a concept of feudal origin in which the individual is ruled by a Sovereign (a monarch), to whom he owes allegiance.<sup>77</sup> Thus a Japanese subject (*Nihon shinmin* 日本臣民) was any person affiliated with Imperial Japanese sovereign territory (the Interior and Exterior territories). Japanese, Koreans, and Formosans were Japanese subjects but those affiliated with Manchukuo, a nominally independent state, were not Japanese subjects. Japanese nationals living outside the Japanese Empire, such as in Canada and the United States, remained Japanese subjects.

Nationality and citizenship express two aspects of the same notion – membership in a state. According to Weis, “nationality” emphasizes the international character of membership whereas “citizenship” emphasizes its national or municipal character.<sup>78</sup> The modern notion of citizenship (*la citoyenneté*) emerged from the English, American, and French Revolutions; it displaced the feudal nature of subjecthood in countries which became republican, for example the United States (a citizen) and France (*un citoyen*).<sup>79</sup> A citizen is normally associated with possession of political rights, but a national of the same country may not necessarily enjoy the

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<sup>77</sup> P. Weis, *Nationality and Statelessness in International Law* (2<sup>nd</sup> edition; Alphen aan den Rijn, The Netherlands: Sijthoff & Noordhoff, 1979), 4.

<sup>78</sup> Weis, *Nationality and Statelessness in International Law*, 4-5.

<sup>79</sup> Rogers Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge, MA: Harvard University Press, 1992), 35.

same rights. For example, when the Philippines became an American colony in 1899, American citizenship was not extended to Philippine citizens; Filipinos were US nationals but did not acquire the same rights of American citizenship.<sup>80</sup> Despite the wide prevalence of the term in scholarly and popular literature,<sup>81</sup> there have never been “Japanese citizens,” only Japanese subjects and nationals – *Nihon Kokumin* according to the 1899 and 1950 Nationality Laws, *Nihon shinmin* according to the Meiji Constitution (1889) and *Nihon Kokumin* according to the postwar Constitution. The postwar Constitution, which was promulgated on 3 May 1947, abolished the category of *shinmin* but did not replace it with citizen or anything else. The concept of “citizenship” exists in Japanese, as *shimin* (市民権), whose characters translate as “rights of city dwellers” – but it is a concept without *legal* meaning or authority in Japan.<sup>82</sup>

### Outline of Chapters

Using personal narratives of Koreans in Japan, chapter two asks who migrated to Japan and who remained in Japan after Japan ended efforts to repatriate people to southern Korea in December 1946. This chapter reconsiders the frequent question “What factors prevented Koreans

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<sup>80</sup> Irene R. Cortes and Raphael Perpetuo M. Lotilla, “Nationality and International Law from the Philippine Perspective,” in *Nationality and International Law in Asian Perspective*, ed. Ko Swan Sik (Dordrecht, The Netherlands: Martinus Nijhoff Publishers, 1990), 344.

<sup>81</sup> Most recently in Erin Aeran Chung, *Citizenship and Immigration in Japan* (New York: Columbia University Press, 2010). She never defines “citizenship.” Other scholars frequently mistranslate *kokumin* as “citizens.” See for example: “The very notion of a ‘citizen’ (*kokumin*), which goes to the heart of a free citizenry and consequently a meaningful ‘public’ opinion, is embodied in the 1947 Constitution with its great range of guaranteed rights. Under the Meiji Constitution of 1889, however, there were no ‘citizens’ – only ‘subjects’ (*shinmin*), and rights were carefully limited; *public* opinion did not count.” (Emphasis in original.) See David A. Titus, “The Making of the ‘Symbol Emperor System’ in Postwar Japan,” *Modern Asian Studies* 14, no. 4 (1980): 531.

<sup>82</sup> Simon Andrew Averell offers the best use of “citizenship” in the Japanese context. He explains that after the devastation of the war, a concept of citizenship and civil society (*shimin shakai*) emerged, led by progressive civic reformers like Tokyo Governor Minobe Ryōkichi (1967-1979) and Matsushita Keiichi who envisioned that ordinary Japanese would reshape Japanese society. See Averell, *Making Japanese Citizens: Civil Society and the Mythology of the Shimin in Postwar Japan* (Berkeley: University of California Press, 2010).

from repatriating?”, with its emphasis on state-centered factors, to one that emphasizes Korean agency: “Why did Koreans remain in Japan?” Before the enforcement of labour and military conscription laws in the late 1930s, hundreds of thousands of Koreans had migrated to Japan since the 1910s. By the late 1930s, urban centres in the Kansai region reported that about a third of Koreans had been born in Japan and many more had migrated when young with their parents. Another million or so had come, most as conscripted labour, by the end of the Asia-Pacific War. At the start of the Allied Occupation of Japan, nearly all Koreans in Japan appear to have contemplated repatriation to Korea, yet about one-third remained in Japan. In addition to turbulent political and economic conditions in Korea, most Koreans who remained had established closer ties with Japan than with Korea in terms of work and life, and some viewed Korea as an “alien” land.

Though approximately 600,000 Koreans remained in Japan, most did not reject their Korean heritage. To promote and protect their interests, they organized themselves in two major organizations. First was the *Zai Nihon Chōsenjin Renmei* (在日本朝鮮人連盟 The League of Koreans Resident in Japan or “Choren”) which was formed in 1945 and came to support North Korea. Second was the *Zai Nihon Chōsen Kyoryū Mindan* (在日本朝鮮居留民団 Korean Residents Union in Japan) which was formed in 1946 and renamed in 1948 the *Zai Nihon Daikan Minkoku Dantai* (在日本大韓民国団体 Korean Residents Union in Japan or “Mindan”) to reflect its support for South Korea. Most Koreans in Japan, as well as the Japan Communist Party, supported Choren. After the struggle for Korean language education erupted in violence in Kobe and Osaka in April 1948, and shortly before the UN-supervised elections in southern Korea, Choren came under intense scrutiny from GHQ and the Japanese government. Eventually the latter (under GHQ’s orders) dissolved Choren in September 1949 as an “anti-democratic and

terroristic organization.” What were the factors that contributed to Choren’s dissolution only a year after North Korea’s establishment? Chapter three analyzes the changes in the relationship between Choren and GHQ and the Japanese government from 1945 until 1948 and then from September 1948 to its dissolution a year later. GHQ, State Department, and Japanese-language sources reveal that the establishment of the two Koreas cast Choren and its members, whom the Occupation authorities had not hitherto been terribly concerned about, in a negative light. At issue was not only Choren’s ostensible support for North Korea and communism, but the complications that its wide support in Japan entailed for nationality and diplomatic issues between Japan and South Korea.

Destroying Choren did not alter the idea among certain staff officers at GHQ that Koreans in Japan overwhelmingly supported North Korea and communism. Chapter four examines a little-known but compelling episode during the Occupation which centered on a plan to mass deport leftist Koreans to South Korea. After the establishment of the two Koreas, American attitudes towards Koreans in Japan varied from absorbing them into Japanese society, to encouraging their voluntary repatriation, and to “forcibly repatriating” (deporting) them. In 1951, in the midst of the Korean War, some American Occupation officials drafted plans to deport most Koreans, especially “leftists” and “North Koreans,” to United Nations Prisoner-of-War (POW) camps in South Korea. The proposal was never enacted in large part because GHQ’s Legal Section argued vehemently that race and nationality were not interchangeable categories and that Koreans in Japan remained Japanese nationals until a sovereign Japan and “Korea” determined their nationality status.

That opportunity came in October 1951. The final chapter re-investigates what some people today regard as the most egregious act of racial discrimination against Koreans in

Occupied Japan. On 19 April 1952, the Japanese Attorney General's Office's announced that former colonials would lose their Japanese nationality on the day the San Francisco Peace Treaty came into effect, which would formally separate Korea and Taiwan from Japan's sovereign territory (see Appendix 3).<sup>83</sup> Some scholars, such as Eiji Takemae and Yuji Iwasawa, have called it an "act of radical denationalization" and accused the Attorney General of making "new rules on nationality." All such accounts of the loss of nationality, however, fail to consider what transpired at the conferences Japan and South Korea held from October 1951 to April 1952, in the midst of the Korean War. These conferences were meant to determine the nationality of Koreans in Japan. Attitudes toward nationality as a civil status in Japan and South Korea, the historical and political context, and the Korean War all contributed to the loss of Japanese nationality. Using GHQ and State Department files, testimony from participants in Japan-South Korea talks, and the Diet's debates on the nationality issue, this chapter concludes by considering how the Japanese government could have prevented Koreans in Japan from falling into *de facto* statelessness after April 1952.

Though this dissertation gives Koreans in Japan as prominent a voice as possible, they tend to fade from view after the dissolution of Choren (Chapter 3). Choren's dissolution removed the one political organization that had clout with the Japanese government. Mindan, despite its support for South Korea, never really had much influence towards GHQ or the Japanese government. GHQ dealt with the interests of Koreans in Japan either through the Korean Diplomatic Mission to SCAP or through the South Korean government itself. While the views of ordinary Koreans in Japan on nationality are important and are included whenever possible, the

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<sup>83</sup> Relevant laws and treaties concerning Koreans in Japan and nationality, such as this one, are included in an appendix.

scope of this dissertation is to establish the legal and political framework for understanding nationality in Occupied Japan, particularly as it applied to Koreans. Indeed, I think precisely because, as I argue in the next chapter, many Koreans had been residing in Japan for several years, that many had divergent opinions about what nation-state they should belong to.

As I do not read Korean, this dissertation does not use Korean language documents which, in the case of Koreans in Occupied Japan, appear not to be numerous. Kim Taegi, a South Korean international student at Hitotsubashi University in Japan, published his dissertation as an 870-page monograph on Koreans in Occupied Japan. His principal source of Korean language materials was memoirs and biographies of Korean witnesses, such as Kim Dong Jo (金東祚), future South Korean Ambassador to Japan and the US.<sup>84</sup> He used eight memoirs and biographies and a few Korean language newspapers published in Japan. Pak Kyon-shik used no Korean language sources in his chronicle of the postwar Korean protest movement. Finally, though North Korea is one of the key actors in this study, it is the most silent in terms of documentary archival evidence. But in the treatment of Koreans in Occupied Japan, North Korea cast a long shadow whose presence is filtered in Japanese and American documents.

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<sup>84</sup> Kim Dong Jo, *Hoesang 30-yŏn Han-il hoedam* (Seoul: T'ŭkpyŏlsi: Chungang Ilbosa, 1986). This was translated in Japanese as *Kan-nichi no wakai: Nikkan koushou 14-nen no kiroku*. Translated by Hayashi Takehiko. (Tokyo: Saimaru shuppankai, 1993).

## Chapter 2 – Koreans in Japan’s Prefectures, 1910-1952

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Images of Japanese sobbing in crouched positions upon hearing the Showa Emperor’s radio broadcast announcing the end of the Asia-Pacific War contrast with less familiar, though no less poignant, images of Koreans in Japan dancing in the streets in joy and shouting “*Manse!*” (Korean for *Banzai!* or Victory!). A Korean man in Aichi prefecture recalls his experience: “Standing on a street corner, I blended in with the Japanese as we listened to the Emperor’s broadcast. The people around me started crying but me, in my heart, I was so happy, so excited. “We are saved!” “My own country has become free and we can now become independent!”, “No more discrimination!” were some of the thoughts that raced through my mind.”<sup>1</sup> A Korean woman in Chiba prefecture also remembers the anticipation of a free, liberating Korea: “I was relieved. From now, we said amongst each other that we could [finally] live our lives in freedom. The place where [Koreans] could live had come back.”<sup>2</sup>

Yet, if some Koreans found relief from an oppressive Japan, others were less sanguine about the effects of their liberation of Korea on themselves personally. A Korean man in Tokyo recalled: “I had a stable lifestyle in Aomori and the liberation did not engender a great change [in my life]. I also did not have a great [i.e., positive] emotional reaction to the news of liberation.”<sup>3</sup>

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<sup>1</sup> Zainihon Daikan-Minkoku Seinenkai [Mindan], ed., *Aboji kikasete ano hi no koto wo: ‘Wareware no rekishi wo torimodosu undō’ hōkokusho,* (Tokyo: Zainihon Daikan-Minkoku Seinenkai Chūō Honbu, 1988), 235. Man from Aichi, 60 years old. [Hereafter Mindan, *Aboji*.] Since the responses in *Aboji* were anonymous, I have reprinted as much available information as possible about each respondent in the footnotes. It will be presented in the following order: Gender, city or prefecture of residence in Japan, age at the time of the interview (1982-1983).

<sup>2</sup> Mindan, *Aboji*, 231. Woman from Chiba, 64 years old.

<sup>3</sup> Mindan, *Aboji*, 230. Man from Tokyo, 73 years old.

A Korean woman in Tokyo reflected on the effect of the liberation on gender relations between Koreans: “We [Korean women] had become equal in status to Japanese (*Nihonjin to dōtō ni natta*). Until this day [the liberation] I thought I could go on living without feeling inferior. I thought my life had been improving better than ever.”<sup>4</sup> Kim Gyon-naku worried about being able to fit in with his Korean compatriots. He was 22 when Korea was liberated and he said he had complicated feelings (*fukuzatsu kimochi*) towards news of the liberation. He was thrilled with the news but realized the difficulties that awaited him in Korea, should he choose to repatriate: “I couldn’t understand Korean words, I knew neither hangul script nor Korean history.... Because I spoke only Japanese at school and at work ever since I arrived in Japan, I had forgotten the Korean language (*Chōsen-go*). In the company barracks (*hanba*), we spoke half Japanese, half Korean.”<sup>5</sup>

The testimony of the Koreans above – all migrants from Korea who remained in Japan after the war reveals a variety of emotions in people whose colonial identities as “Koreans” (*Chōsenjin*) were anything but singular or uniform. These complex, often ambivalent, sometimes conflicting or contradictory emotions towards the liberation and attitudes towards both Japan and Korea, as well as nuances in their own identities as liberated Koreans, were more prevalent than is normally assumed and played a significant factor in decisions to remain in Japan rather than repatriate to Korea.

This chapter reconstructs the origins, formation, and growth of the Korean population in Japan from 1910 to 1947, the year Allied Occupation repatriation efforts to Korea ended. In

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<sup>4</sup> Mindan, *Aboji*, 233. Woman from Nishi Tokyo, 56 years old.

<sup>5</sup> Oguma and Kang, *Zainichi Issei no kioku*, 148.

reconstructing the dynamics of this community, I employ three new perspectives. First, rather than examine the Korean population in Japan through “colonial” and “post-liberation” (of Korea) or “wartime Japan” and “postwar” or “Occupied Japan” temporal frameworks for which 15 August 1945 acts as the natural dividing line, I study Koreans in Japan over a longer time frame. This considers the annexation of Korea and the Allied Occupation of Japan in a single, continuous period, on the grounds that the legal status of the Koreans in Japan remained the same throughout this period under Japanese and international law: they were Japanese nationals from 1910 to 1952. Nevertheless, for Koreans in Japan, the liberation of Korea pushed them to think about a new future for themselves and their families. Therefore, although 15 August 1945 is an important date, it also acts as an artificial dividing line by obscuring the origins of Korean residents in Occupied Japan who were mainly the same migrants who had settled in Japan in the 1920s and 1930s.

Second, the dominant idea that, after the war, repatriation to the Korean homeland was the most desirable goal – and its corollary, that those who remained were “trapped” in postwar Japan – needs further discussion. Several scholars have argued that a combination of ill-devised American repatriation plans and dreadful political and economic conditions in southern Korea led Koreans to temporarily reject repatriation. David Chapman notes: “For the majority, the decision was an unequivocal return to the homeland.”<sup>6</sup> Sonia Ryang argues that: “With the end of the war, those workers [“economic migrants” and forced labourers] lost their source of income and had no choice but to return to Korea.”<sup>7</sup> However, she continues, political and economic factors in Korea denied “a major portion of the Korean diaspora” the opportunity to repatriate

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<sup>6</sup> Chapman, *Zainichi Korean Identity and Ethnicity*, 24.

<sup>7</sup> Ryang, “The North Korean Homeland of Koreans in Japan,” in *Koreans in Japan*, 33.

and Koreans were “effectively incarcerated inside the Japanese archipelago”<sup>8</sup> Mark Caprio and Yu Jia concur: “In short, thanks to the cultural and racial biases held by the U.S. Military Government, a lack of basic security and livelihood, political turmoil, and the ill-coordinated liaison between the Japanese Occupation and the Korean Occupation, a substantial number of Koreans found themselves stranded in postwar Japan.”<sup>9</sup>

This interpretation, however, reveals little about Koreans’ own thoughts on repatriation. Phrases like “stranded in postwar Japan” and Koreans were “effectively incarcerated” in Japan reinforce the idea that “Korea,” as the real and imagined homeland, was the “natural” home for people of Korean ethnicity. The other side of the coin is that Japan is depicted as an unwelcome and inhospitable country for Koreans. There is no doubt that there was a huge sense of relief among Koreans in Japan that Japan’s rule over Korea ended. Yet deciding whether to repatriate and reside in the “homeland” was more complicated, owing in part to the fact that in the early years after the liberation approximately 40 percent of the Korean population in Japan – mostly youths under 18 – had been born in Japan.

Part of the problem in addressing the issue is the emotive power of the term “homeland,” and its Japanese equivalent, *sokoku* (祖国, lit. “ancestors’ country). Its application towards Koreans in Japan implies that Korea, not Japan, is the “natural” home for Koreans because their ancestors’ spirits remain there. David Chapman, for example, notes that the “homeland connection to the peninsula” remained strong among Koreans in Japan until the 1970s, when the

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<sup>8</sup> Sonia Ryang, “Introduction: Between the Nations: Diasporas and Koreans in Japan,” in *Diaspora Without Homeland: Being Korean in Japan*, ed. Sonia Ryang and John Lie (Berkeley: University of California Press, 2009), 4.

<sup>9</sup> Mark E. Caprio and Yu Jia, “Occupations of Korea and Japan and the Origins of the Korean Diaspora in Japan,” in *Diasporas Without Homeland: Being Korean in Japan*, ed. Sonia Ryang and John Lie (Berkeley: University of California Press, 2009), 37-38.

postwar generation began abandoning ideas of “repatriating” to a homeland most had never seen.<sup>10</sup> However, “homeland,” its various permutations (fatherland, motherland, kin-state), and its various qualifiers (ethnic, spiritual or ancestral homeland), all have a strong emotional and nationalistic pull. Often different groups imagine an image of the “homeland” for political or religious purposes. Minority groups in foreign societies who construct a “homeland” based on ethnic or religious markers are not necessarily intending to migrate to that “homeland” but often use it as a “utopian” counterfoil against the real or perceived “dystopia” they face in their host society.<sup>11</sup> Several scholars have noted that the constructed image of the kin-state rarely matches expectations for those who eventually decide to migrate, as Koreans who migrated to North Korea between 1959 and 1984 discovered.<sup>12</sup> Indeed, as John Lie argues, it is a mistake to confuse “home” with “homeland” – the personal with the abstract: “It is a characteristically nationalistic trope to depict the nation as a home, but a tangible home is not located in some homogenous national space but in an actual place: a building, a village, a neighborhood.”<sup>13</sup>

The singular focus on homeland obscures the actual decision-making process of Koreans in Occupied Japan. This seems unfair for the Koreans who did remain in Japan because many *did* repatriate only to be compelled, for various reasons, to return to Japan. Personal and familial interests, including such mundane issues as food, personal security, and financial issues were the

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<sup>10</sup> Chapman, *Zainichi Korean Identity and Ethnicity*, 24-25.

<sup>11</sup> William Safran, “Diasporas in Modern Society: Myths of Homeland and Return,” *Diaspora: A Journal of Transnational Studies* 1, no. 1 (Spring 1991): 94.

<sup>12</sup> Tessa Morris-Suzuki, *Exodus to North Korea*. For discussions on the relationship between migrant groups in Central Asia and their kin or ancestral states, see Alexander C. Diener, *One Homeland or Two? The Nationalization and Transnationalization of Mongolia’s Kazakhs* (Stanford: Stanford University Press, 2009); Alexander C. Diener, *Homeland Conceptions and Ethnic Integration among Kazakhstan’s Germans and Koreans* (Lewiston, NY: Edwin Mellen Press, 2004).

<sup>13</sup> Lie, *Zainichi (Koreans in Japan): Diasporic Nationalism and Postcolonial Identity*, 34.

prime motivators in deciding whether to remain in Japan or migrate to Korea, or even return to Japan after a sojourn in Korea.

Third, this chapter draws on statistical analysis and rich, untapped personal narratives from Koreans resident in Japan which reveal the complexities of the Korean community in wartime and Occupied Japan. Together, these three perspectives combine to present a Korean population in Japan that was far from uniform, particularly as the liberation of Korea forced them to consider where “home” was.

### *Migration and Settlement from Korea to Japan*

The migration of Koreans to Japan has often been studied in isolation<sup>14</sup> but merits examination within a larger geographical context. Though Korea was known as the “Hermit Kingdom,” Koreans themselves were not stationary. They were active migrants before the arrival of the Japanese rulers and settlers. In 1886, British military officers Francis Edward Younghusband and Henry James noted the large number of Korean farmers in border regions of Manchuria, principally along the Yalu River and the Changbaishan mountains.<sup>15</sup> Hoon K. Lee recalls that “many Koreans went openly as well as secretly across the Yalu and settled in the wilderness along the river’s course” during the Manchu (Qing) dynasty.<sup>16</sup> Indeed by 1910, according to a *Sōtokufu* (Government-General of Korea) report, over 150,000 Koreans lived in Manchuria and nearly 55,000 in Russia.<sup>17</sup> Agricultural opportunities in Manchuria always made

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<sup>14</sup> Most notably in Michael Weiner’s *Race and Migration in Imperial Japan* (1994).

<sup>15</sup> James Reardon-Anderson, “Land Use and Society in Manchuria and Inner Mongolia during the Qing Dynasty,” *Environmental History* 5, no. 4 (Oct. 2000): 518.

<sup>16</sup> Hoon K. Lee, “Korean Migrants in Manchuria,” *Geographical Review* 22, no. 2 (April 1932): 202.

<sup>17</sup> Tonomura, *Zainichi Chōsenjin shakai*, 60.

it a popular destination for Korean migrants, particularly landless indebted peasants. Of the 201 families in 20 Manchurian districts that Lee questioned in 1931, “only seven cited political oppression as the reason for their emigration; the overwhelming majority advanced economic reasons, essentially the difficulty of making a living at home.”<sup>18</sup> They were active in trans-Pacific emigration too. Between 1903 and 1905, 7,026 Koreans, including 755 women, landed at Honolulu and such emigration, particularly of “picture brides,” continued until the United States halted immigration from the Japanese empire in 1924.<sup>19</sup>

With the 1910 annexation, the legal status of Koreans as Japanese subjects permitted them, in principle, to travel anywhere in the Empire, including Japan itself. As early as 1913, Japanese factories and mines took advantage of the availability of cheap Korean labour. The recruitment process was similar to that conducted in the 1880s and 1890s when recruiters hired by the ultra-competitive Japanese textile industry travelled to the countryside to find young female workers. Ken Kawashima explains that companies sent recruiters (*boshū jijūsha*) to the Korean countryside to find peasants who could work as unskilled, short-term workers in factories in Osaka and Kobe, and in the Fukuoka and Hokkaido coal mines. In concert with company recruiters, the colonial police in Korea, and port authorities in southern Korea, “these mass recruitments were the dominant form of commodifying Korean labor power during the war years [1914-1918].”<sup>20</sup>

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<sup>18</sup> Hoon K. Lee, “Korean Migrants in Manchuria,” 202-204.

<sup>19</sup> Zihn Choi, “Early Korean Immigrants to America: Their Role in the Establishment of the Republic of Korea,” *East Asian Review* 14, no. 4 (Winter 2002): 43-44.

<sup>20</sup> Kawashima, *The Proletarian Gamble*, 28.

During the First World War, when Japanese industry experienced a boom, 80 recruitment drives brought 28,737 Koreans to work in coal mines in Fukuoka and Hokkaido, and in cotton factories in the Kansai region. A key role of the colonial police in Korea was to set the wages of the Korean recruits. The police sent a three-tiered wage guideline (“high, middle, and low wages”) to Japanese companies and their recruiters. All wages in the various guidelines were typically 30 percent lower than wages paid to Japanese workers, who tended to be unionized.<sup>21</sup> In principle, while police monitored the activities of the recruiters and the recruited alike, they kept a closer watch on the Koreans. Corrupt recruiters often lied or exaggerated about working conditions and pay before the recruited signed their contracts. This led Koreans to strike frequently and clash with police upon their arrival at the work site. Police also controlled the savings books or plans (*chochiku shorei*) of the Korean workers to dissuade them from escaping before the end of their contracts. During the recession of the early 1920s, the Home Ministry began discouraging the practice of “group recruitments” (*dantai boshū*) because many unemployed Koreans were staying in Japan and joining communist, socialist, and anarchist groups.<sup>22</sup>

Though his story occurred in the late 1930s and early 1940s, Sung Ju-pal’s experience demonstrates that aggressive and corrupt mass recruiting in cooperation with the police continued well beyond the 1920s. Sung was born in a small village of ten households in Kyōnggi-do, the province which encompasses Seoul.<sup>23</sup> While his father travelled around Korea making Japanese-style paper (*kamisuki*) for a living, his mother died when he was 11, leaving six

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<sup>21</sup> Kawashima, *The Proletarian Gamble*, 33-34.

<sup>22</sup> *Ibid.*, 35-42.

<sup>23</sup> Oguma and Kang, *Zainichi Issei no Kioku*, 64-71.

children to fend for themselves. Sung never attended school. From the age of 12, he worked as a manual labourer. He married at 20 in 1937 and two years later, moved to Seoul because there was no work in rural Kyōnggi-do. He found some railway work for 40 sen a day, or about a third of what the Japanese were doing for the same work. In 1940, his eldest son was born. On 5 January 1942, a date that was etched in Sung's mind, Koreans and Japanese were called to the Higashi Daimon Police Station in Seoul. They were told that there was railway construction work in Osaka for two or three months. Sung thought that he could do that for two or three months, and he was excited at the prospect of seeing Osaka. On the morning of the 11<sup>th</sup>, dozens of Koreans and Japanese job-seekers assembled at the police station. Work clothes in the colors of the National Defense (*kokubō shoku no fuku*) were distributed, and he was told that they would leave as soon as they had changed. Luckily for Sung, he lived close to the police station so he rushed home to tell his wife he would be working in Osaka for the next three months. The others, who lived further away, were upset that they were unable to tell family members of their departure but the police reassured them they could write a letter once they had arrived in Osaka. They left by train in the morning and arrived in Pusan that evening.

They disembarked from the ferry at Shimonoseki and boarded the train which Sung believed was taking them to Osaka. A balding 50-year-old Japanese man boarded the train at Shimonoseki and forbade the passengers from going outside. The train made its way northwards to Aomori through Niigata. At Aomori, two Japanese men informed the Koreans they were going to work in Hokkaido. Sung reflected how innocent he was then, believing that he was still going to do railway work, but in Hokkaido instead of Osaka. Upon arriving at a Hokkaido station named Fukagawa, he made one last train transfer to his final destination. He remarked that it was so cold, he thought he was in hell (*jigoku*). It was only when he arrived at the miners' shack

(*hanba*) and saw that he was surrounded by mines that he realized he had been tricked into working as laborer in a Hokkaido mine. Everyone in the shack was Korean and everyone had to share a single futon with another person.

Seven bosses (or guards [*kanbu*]) kept watch over the impressed laborers and, as was common practice in Japanese company dormitories, a Korean guard lorded over segregated Korean dormitories. Sung remembered the “terrible” (*warukatta*) Korean guard who, whenever offended, would take the offender out and beat him with a club. He was so detested that Sung later heard he had been killed upon repatriating to Pusan. Such stories, verified or not, attested to the postwar sense of anger towards Korean collaborators. Life in the mine was harsh. Labourers were awakened at 6 in the morning and worked until 8 at night; they were given the same meal day and night – barley mixed with some rice, miso soup, and *takuan* (pickled radish); they had a fifteen-minute bath only once every few days; they had no alcohol or tobacco privileges; and the door to their shack was locked from the outside. Sung and his futon bed-mate, Kon Ei-do, waited until the spring thaw to escape. When they escaped, they fled towards the mountains where they believed it would be more difficult to capture them. They knew that if they were caught, they would be executed. After four days on the run, they came across the farmhouse of a Mr. Tanaka. Kon, who had graduated from middle school and was fluent in Japanese, explained to Tanaka that they had escaped from the mine. Tanaka was kind (*shinsetsu*) and sheltered them for three days. At this point, Kon and Sung parted ways. Kon stayed at the Tanaka house and married Tanaka’s daughter while Sung eventually made his way to Hiroshima, three days before the atomic blast. He does not reveal exactly where he was, but he saw the mushroom cloud rise over Hiroshima. When he visited the city a few days later, he said Hiroshima was leveled save for a few concrete buildings and the smell of death hung over the city.

Kon Ei-do's Japanese fluency was relatively rare among Koreans, even after nearly thirty years of Japanese rule. Education was considered the primary tool of Japanese assimilation, but in Korea the Government-General treated the education of Koreans in mixed fashion. If schools were intended to be the sites where "Japanization" was to occur, it met considerable resistance from Koreans. In its first decade, the colonial government saw assimilation of Japanese values as a necessary step to elevate the overall level of life in Korea. In spite of this, compulsory education was never legislated for Korea. The government believed that since Korea's primary economic purpose was to serve as Japan's granary, only basic schooling was necessary for most Koreans. Their education should provide them with Japanese communication skills that would allow them to obtain basic employment and understand Japanese orders, as well as inculcate Japanese values through morals classes (*dōtoku*). In the first decade of Japanese rule, Koreans were offered four-year "common schools" (elementary schools) and "higher common schools" (four years for boys and three years for girls). There were separate facilities and curricula for Japanese and Korean students in Korea. The curriculum in Korea's common schools focused on language instruction (Japanese, Korean, and classical Chinese) at the expense of subjects like science, history, and geography.<sup>24</sup> A Korean language course was compulsory until 1938, when a stronger emphasis on "Japanization" (*kōminka*) and ideals of *naisen ittai* (Japan [*naichi*] and Korea [*Chōsen*] as one) dominated. They could also attend *sōdang* (private Korean language Confucian schools) and Western missionary schools. The Japanese authorities introduced professional schools (*senmon gakkō*) but in general, very few other institutions of higher learning, such as commercial schools (*shōgyō gakkō*) or universities (there was only Keijo [Seoul] Imperial University, which was established in 1926). In the first decade of colonial rule, the

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<sup>24</sup> Mark E. Caprio, *Japanese Assimilation Policies in Colonial Korea, 1910-1945* (Seattle: University of Washington Press, 2009), 99.

authorities employed, with little success, free lunches, textbooks, and school supplies to attract Korean students to Japanese elementary schools.<sup>25</sup>

A paucity of Japanese schools and the lack of compulsory education laws resulted in a low rate of Japanese fluency among Korean youth. In 1942, barely two in five male Koreans (38.2%) had completed elementary school in either language and less than a quarter of young Korean men could speak Japanese. Though Koreans might pride themselves on their resistance to an aspect of Japanese cultural assimilation, the impact of Koreans' illiteracy in Japanese ran deep in imperial Japanese society. As Brandon Palmer has demonstrated, weak or no Japanese language skills meant that more than half of Korea's population – including those living in Japan and in Manchukuo – had filed incorrect or no family registry information. This made it difficult to accurately ascertain Korea's demographics, particularly for military conscription.<sup>26</sup> This might help to explain why several Koreans described being kidnapped from their homes, or deliberately misled and sent to work in the mines in Japan, while others received official documents first (the so-called *akashi* ["red paper"] used for military conscription).

Through its agricultural and manufacturing policy, the Japanese government had placed Korea in a new and unfamiliar economic order and Korean attendance at the *sōdang* precluded them from learning the language or the technical skills required to build Korean enterprises. Indeed, industrialists like the Kim family complained of having to bring in Japanese engineers and experts to improve the manufacturing business or send their Korean employees to Japan for training in universities or on-the-job at Japanese companies. These training exchanges helped

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<sup>25</sup> E. Patricia Tsurumi, *Japanese Colonial Education in Taiwan, 1895-1945* (Cambridge, MA: Harvard University Press, 1977), 166.

<sup>26</sup> Brandon Palmer, "Imperial Japan's Preparations to Conscript Koreans as Soldiers, 1942-1945," *Korean Studies* 31, no. 1 (January 2007): 69.

created linkages between Korean and Japanese capital and thus created a “pull” factor to Japan but reinforced the reliance of Korean industries on Japanese expertise and the company risked losing its skilled employees to firms based in Japan.<sup>27</sup>

During the 1910s, relatively few Korean migrated to Japan. By 1920, only about 30,000 Koreans lived in Japan, compared to about 500,000 in Manchuria and roughly 173,000 in Bolshevik Russia.<sup>28</sup> The *Aboji* survey revealed that of the 1,106 they interviewed (Koreans who originally migrated to Japan before 1945), only 70 (6.3%) had arrived in Japan between 1910 and 1925, and most had arrived in the late 1920s. Of those 70, most (54.3%) had come in search of economic opportunities, while others accompanied a family member (7.1%) or came as students (12.9%).<sup>29</sup> In terms of population distribution in Japan, the top five areas where Koreans resided in 1920 were Fukuoka (6,798), Osaka (4,494), Hyogo prefecture (2,562), Nagasaki (2,242), and Tokyo (2,053).<sup>30</sup> Except for Tokyo, all the cities were in close proximity of a ferry route to Korea.

In the 1920s and early 1930s, there were many paradoxes in the relationship between the Japanese government and the Koreans. The Korean nationalist March 1 movement (1919) proved to be a turning point in the administration of Korea. A “softer,” cultural rule (*bunka seiji*) replaced the harsh military rule of *budan seiji*. This allowed Koreans greater freedom to participate in labour and political organizations. In the 1920s, Korean student, labour, and political organizations (nearly all politically left-of-centre or anarchist) grew in Japan.

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<sup>27</sup> Carter Eckert, *Offspring of Empire*, 151-153.

<sup>28</sup> Tonomura, *Zainichi Chōsenjin shakai*, 60-61. Based on statistics published in 1922.

<sup>29</sup> Mindan, *Aboji*, 25, 27.

<sup>30</sup> Tonomura, *Zainichi Chōsenjin shakai*, 54.

Furthermore, the March 1 movement is credited for giving birth to the international Korean independence movement. Various Korean organizations tried to incorporate calls for independence in their manifestos, but with little success. Not only was the movement heavily factionalized and politically weak but politically active Koreans in Japan also complained that their fellow compatriots had a weak sense of national consciousness. The tight grip on Korean participation in Japanese politics relaxed a little in the 1920s. In 1925, the introduction of universal male suffrage for residents of the Interior allowed even male Koreans and Formosans over 25 to vote and run as a candidate for public office. In 1932, Pak Chung-um became the first Korean to be elected to the Imperial Diet.<sup>31</sup> Yet despite these advances, the Peace Preservation Law, which was introduced in 1925, granted police authority to arrest political dissidents (namely, communists, socialists, and anarchists), whether they were Japanese, Korean or Formosan. The Peace Preservation Law legislated a culture of suspicion against Koreans in Japan, which had exploded two years earlier in the massacre of approximately 6,000 Koreans by vigilantes in the aftermath of the Great Kanto Earthquake of 1 September 1923.

Oh Byong-hak's story represents an example of the opportunities available to Koreans in the 1920s and 1930s. Oh was born in a rural area of Pyeongannam-do (the province which encompasses Pyongyang) in 1924. Around that time, his village was first connected to the railway. His father had no formal education but believed his children should. The father sold tobacco in front of the new railway station and from his earnings, sent his eldest son to the nearest elementary school. The eldest son (Oh's brother) continued his studies at the Pyongyang High School, but had to withdraw after two years because his father could no longer support him

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<sup>31</sup> Bayliss, "Minority Success, Assimilation, and Identity in Prewar Japan," 33-68.

financially. The eldest son had received enough education to pass the examination admitting him to employment at a railway station. The income of a salaried man was unusual in his village, and the eldest son was able to finance his younger brother's education. Oh entered the Pyongyang Commercial School (presumably in the mid-1930s). He shared his classroom with Japanese and Koreans. Oh borrowed his eldest brother's art tools and soon discovered that he too enjoyed painting. His teachers complimented him on his paintings when he went to the common school and he joined the Fine Arts club of the commercial school. "My dream was to paint for a living and not be forced to take a job," he said. His father opposed his dream, saying that a steady income was more important. Oh's father hastily cut relations with him and essentially disinherited him from the family (*tachi machi oyako no en wo kiru to, hotondo kandō sarete shimatta*).<sup>32</sup> At the time of the interview, he felt contrite that his father had gone to pains to ensure he could pay for Oh's education and that his older brother had used a portion of his wages to support his studies.

When the "Greater East Asian War" (*daitōa sensō*) broke out in 1941, Oh did not want a "regular job" but was forced to take an office job at a cement company in Pyongyang's outskirts. The work bored him, and he kept thinking about pursuing life as an artist. There were no such opportunities in Pyongyang, only in Japan. At the time, Koreans needed a transit permit (*tokō shōmeisho*) to travel to Japan, and he also needed his parents' permission to obtain the permit.<sup>33</sup>

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<sup>32</sup> Oguma and Kang, *Zainichi issei no kioku*, 189.

<sup>33</sup> In 1925, the Japanese government empowered colonial police officials in Pusan to make final decisions in allowing would-be migrants to cross to Japan. From 1927, those wishing to enter were required to present a letter of authorization signed by the would-be migrant's local police chief and a copy of their census register. From 1928, Koreans needed at least 60 yen as a condition for entry, up from only 10 yen (exclusive of travel expenses) in 1925 as well as a letter of introduction from the police in their hometown. Weiner, however, notes that port officials on either side of the Korea Strait were lenient in enforcing the financial aspects of the regulations. Weiner, *Race and Migration in Imperial Japan*, 120-121.

His father having disowned him, he had to find another way. With the help of a Japanese classmate and the cement factory's boss, he managed to obtain the required permit from the Pyongyang police station. His older brother lent him some money for the ticket to Tokyo. Once in Tokyo, he stayed at his Japanese classmate's place. He enrolled in the *Taiheiyō bijutsukan gakkō* (Pacific Art School). In May 1945, three months before the end of the war, he married a Japanese woman who was also studying at the art school. Oh said her lack of ethnic prejudice (*minzokuteki henken*) was a major factor in his decision to marry her.<sup>34</sup>

There are no “typical stories” but most stories of Korean migrants indicate a pattern of husbands and fathers leaving their rural homes in search of more remunerative employment in Japan, then calling their wives and children to join them later. Although the *Aboji* interviewers permitted only one answer to the question “Why did you leave for Japan?”, it is undeniable that “economic circumstances” and “because of marriage or to be reunited with family” are indelibly linked. In patriarchal Korean culture, the men, particularly the husband or the eldest son, were considered the main breadwinners while the woman's primary duty was to look after the family. Excluding those who were sent to Japan under the labour or military conscription laws, two-thirds of the respondents replied that they had left for Japan on their own volition or “voluntarily” (*jihatsuteki ni*), while only one third left because they were unemployed in Korea (see Table 1).<sup>35</sup> Given the agrarian nature of colonial Korean society, this suggests that the majority were rural dwellers seeking money to send home to pay back loans or to help the family make ends meet. Furthermore, after 1928, the Japanese government enforced regulations that required migrants to

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<sup>34</sup> Oguma and Kang, *Zainichi issei no kioku*, 188-201.

<sup>35</sup> *Ibid.*, 30.

Japan have at least 60 yen as a condition for entry.<sup>36</sup> Thus usually only one family member could afford this but he would send money home until the rest of his family could join him. Rarely did the entire family migrate at the same time. This speaks to both the pattern of migration discussed earlier and to the presence of extended family members in rural areas who retained links to the family plot of land.

Table 1 – Reasons for leaving Korea, 1910-1945<sup>37</sup>

Reason for migration	Total 1,006 (100%) Percent by reason	Men 700 (100%) Percent by reason	Women 406 (100%) Percent by reason
Economic reasons	39.6%	44.1%	31.8%
Other reasons	20.2%	16.3%	26.8%
Marriage/ To be with family	17.3%	5.4%	37.7%
Military conscription/ Forced labour	13.3%	19.9%	2.0%
Pursue studies or training	9.5%	14.1%	1.5%
Unknown	0.2%	0.1%	0.2%

The following story demonstrates the type of chain migration that occurred so frequently in the 1920s and 1930s. Kang Pil-song, born in 1920 in Gyeongsangnam-do, was raised by her grandfather after her mother died giving birth to her. Her father re-married and promptly moved to Osaka in 1926, leaving his new wife, his two daughters, and Kang's uncle to work on the family paddy farm. The father said he was leaving because "There are good jobs in Japan (*Nihon de ii shigoto ga aru kara*)." Kang recounts that the Japanese official (*yakunin*) in Korea selected the "good" rice from the "bad" and paid them so little for the good quality rice that it did not even cover the cost of producing the rice. They were soon in debt and pleas for leniency to the

<sup>36</sup> Weiner, *Race and Migration in Imperial Japan*, 120.

<sup>37</sup> Mindan, *Aboji*, 27.

Japanese officials fell on deaf ears. That Japanese attitude still makes her angry. In 1931, the family decided that Kang, her step-mother, and the step-mother's two children would join Kang's father in Osaka. Kang's newlywed older sister and her husband would look after the family farm. The uncle also stayed behind. The father worked at a factory that manufactured cooking oil. His co-workers thought he was such a conscientious worker that a Japanese man lent him some property near the factory in Kashiwara, Nara prefecture, where he subsequently built a house. Kang herself worked at different places, including an earring factory. She married a Korean when she was 16 years old. In the late 1930s or early 1940s, after the Labor Mobilization Law was enforced, Kang's husband received a postcard from the city hall ordering him to report for duty at a Kyushu coal mine. After he completed his duties, he returned to his wife and family. Kang's father-in-law also received a city hall request to work in the coal mines but he was too old so his son took his place, only six months after he had returned from similar work. He did not return for two years. In the meantime, Kang raised their children and worked at two jobs in a single day (at a button factory and a sock manufacturer). They moved one last time before the end of the war, this time to work at a munitions factory in Sendai.<sup>38</sup>

To mobilize its population for war, the Japanese government passed the National Labour Mobilization Law in June 1938. The law, administered by the Welfare Ministry, was designed to prevent high turnover rates in key Japanese industries. The first ordinance, the National Registration System, introduced in January 1939, "required only that individuals with certain specialized technical skills register with the government." In October 1940, registration was extended to all workers, whether they were skilled or not. The government enforced similar ordinances over the war years that helped build the national labour registration system that

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<sup>38</sup> Oguma and Kang, *Zainichi Issei no Kioku*, 94-100.

included males and unmarried females as young as 12 years old. Beyond the registration system, the government passed a number of regulations between 1939 and 1942 to reduce labor mobility and give employers greater power to retain labour for a minimum of two years.<sup>39</sup> As a result, some Koreans were held forcefully at their place of employment for lower wages than they could earn elsewhere.

The mobilization of Korean labour from 1938 to the end of the Asia-Pacific war in 1945 resulted in over a million people leaving Korea – voluntarily or conscripted, and sometimes forced – to work in mines and factories in Japan and other parts of the Japanese Empire. However, mobilization-related migration from Korea to Japan peaked before the start of the Pacific War in December 1941. In principle, conscripts were supposed to receive an official notification in the form of a postcard and were legally obliged to complete three years' service. According to the *Aboji* survey, 141 people out of 1106 (13%) affirmed that they had arrived as conscripted labour. Conscripts were required to sign a contract, though two-thirds of *Aboji* respondents claimed they had never signed anything, and among the one-third who did sign a contract, three-quarters replied that the terms of the contract were not respected.<sup>40</sup>

On 15 August 1945, over two million Koreans resided in Japan; nearly two million lived in Manchukuo; and thousands more were spread across conflict zones in Asia and the Pacific.<sup>41</sup> By comparison, Japan had a population of about 80 million in 1945. In 1940, the last year of

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<sup>39</sup> Andrew Gordon, *The Evolution of Labor Relations on Japan Heavy Industry, 1853-1955* (Cambridge, MA: Harvard University Press, 1985), 262-268.

<sup>40</sup> Mindan, *Aboji*, 28-29.

<sup>41</sup> Tonomura, *Zainichi Chōsenjin shakai no rekishigakuteki kenkyū: keisei kōzō henyō*, 60-61; Yong-ho Ch'oe, "Korean Prisoners-of-War in Hawaii During World War II and the Case of US Navy Abduction of Three Korean Fishermen," *The Asia Pacific Journal*, 39-2-09, December 14, 2009.

reliable government statistics before the end of the war, there were more Korean males than females registered in Japan – 744,203 to 496,975. Children 14 and under formed fully a third of the Korean population in Japan, with the age category 0-4 years old the single largest category for males and females (114,173 boys and 110,457 girls).<sup>42</sup> Many Koreans had been in Japan at this point for 10, 15, 20, and a few for as long as 30 years. Most had gravitated towards Osaka and other major urban areas between Fukuoka and Tokyo, while a minority settled in Hokkaido and other rural areas.<sup>43</sup> By 1940, 86% of Koreans in Japan had come overwhelmingly from three provinces in the south: South Jeollanam (which, for administration purposes, included the island of Jeju) and North and South Gyeongsangnam. By contrast, only 4.3% of migrants came from provinces which would later become part of North Korea.<sup>44</sup> Although economic pressures had forced them to relocate to Japan, “under economic duress” as Fukuoka emphasizes,<sup>45</sup> for many, this was neither a relatively recent decision (that is to say, taken within five years or less) nor one taken lightly, as the quantitative and qualitative evidence suggests when the whole immediate family (and some extended family members) migrated to Japan.

Some examples can illustrate the diversity of the situation. Kang Pil-song, with her extended family, had joined her father in Osaka in 1931 and cheered the liberation in an Iwate prefecture munitions factory.<sup>46</sup> Pe Ne-son was forcibly recruited to work in a Kyushu mine in

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<sup>42</sup> Morita Yoshio, *Sūji ga kataru zainichi kankokujin/Chōsenjin no rekishi* (Tokyo: Akashi shoten, 1996), 41.

<sup>43</sup> Morita, *Sūji ga kataru zainichi*, 38-39.

<sup>44</sup> Tonomura, *Zainichi Chōsenjin shakai*, 52.

<sup>45</sup> Fukuoka, *Lives of Young Koreans in Japan*. Translated by Tom Gill. (Melbourne: TransPacific Press, 2000), 10.

<sup>46</sup> Oguma and Kang, *Zainichi Issei no kioku*, 100.

1943 and greeted the end of the war in Fukuoka.<sup>47</sup> Kim Gyon-naku was 10 when he left Korea in 1933 with his family to join his father in Japan. Raised completely in the Japanese educational system, he and his Japanese fiancée listened to news of Japan's defeat with consternation.<sup>48</sup> Finally, Oh Byong-hak arrived in 1941 as an art student from near Pyongyang. He and his Japanese wife both welcomed the end of the war in Tokyo and Oh entertained no thoughts of repatriating.<sup>49</sup> He was quite firm in his decision to stay but many Koreans required more time to decide where they would reside after the war.

### *To Stay or Not to Stay: Liberation and the Choice of Home*

In the final months of the Asia-Pacific war, many Koreans in Japan began returning to Korea. The American firebombing campaign that began in March 1945 led the Japanese government to order the evacuation of urban residents to the countryside. Some Koreans – Edward Wagner estimates between 300,000 and 500,000<sup>50</sup> – took the opportunity to return to Korea. Between August 15 and November 30, 1945, just as GHQ began to assume bureaucratic control over the repatriation of Koreans and other non-Japanese nationals, a further 800,000 Koreans moved to Korea in a “spontaneous mass exodus,” often travelling across the Korean straits on fishing boats.<sup>51</sup> The principal ports of departure were Hakata in Fukuoka, Senzaki in

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<sup>47</sup> Ibid., 115.

<sup>48</sup> Ibid., 148.

<sup>49</sup> Ibid., 198.

<sup>50</sup> Wagner, *The Korean Minority in Japan, 1904-1950*, 43.

<sup>51</sup> Ibid., 43.

Yamaguchi Prefecture, Sasebo in Nagasaki Prefecture, and Maizuru in Kyoto Prefecture; a few thousand left from ports in Hokkaido.<sup>52</sup>

The Supreme Commander for the Allied Powers' (SCAP) G-3 section (Repatriation Branch) was entrusted with the repatriation of over 8 million people to and from Japan.<sup>53</sup> It should be remembered that, with a few egregious exceptions indicated below, Koreans and Formosans were under no official compulsion to repatriate and were free to remain in Japan if they desired, whereas virtually all Japanese across Asia were forcibly repatriated. SCAP directed the Japanese government to pay the travel expenses of Korean, Formosan (Taiwanese), Chinese, and Ryukyuan (Okinawan) repatriates, though there is evidence that it frequently failed to honour this order.<sup>54</sup> Repatriates were permitted to take postal savings books issued by Japanese financial institutions and leave Japan with up to 1000 yen in cash, a miniscule sum that quickly evaporated in hyper-inflationary Korea. They could also take clothing, personal possessions, and whatever household effects they could carry.<sup>55</sup> As the Occupation unfolded, SCAP gradually imposed more limits on the weight of personal effects and the amount of hard currency all

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<sup>52</sup> Morita, *Sūji ga kataru zainichi*, 105.

<sup>53</sup> "G-3 advised the Supreme Commander on military operations, enforcement of the surrender terms and directives to the Japanese government. It also administered the Joint Strategic Plans and Operations Group and the Combined War Plans Committee, inter-service organisations established by the Army, Navy and Air Force to ensure cooperation in the event of a military emergency. Thus, the Section was responsible for contingency plans to forcibly suppress the general strike of 1 February 1947 and also drafted martial law and special alert plans. Another G-3 function was repatriation, which was handled by its Repatriation Branch." Takemae, *Inside GHQ*, 110, 140.

<sup>54</sup> This was formalized in SCAPIN 822, 16 March 1946. There is a lot of testimony of Koreans in Japan looking for travel fare which should have been shouldered by the Japanese government.

<sup>55</sup> Files 3-C-955 to 3-C-973, "Repatriation directive," *The Occupation of Japan, part 2: U.S. and Allied Policy, 1945-1952*. (Edited by Makoto Iokibe; Bethesda, MD: Congressional Information Services, 1989). These files encapsulate all the changes to SCAP's repatriation orders (SCAPIN 927). An example of the growing restrictions was SCAPIN 927/5, dated 30 October 1946, which limited the amount repatriates could take with them from 500 pounds of shipped material and what they could carry themselves to 500 pounds in total, inclusive of the amount they intended to carry themselves.

repatriates entering and leaving Japan could carry. This gave some potential Korean repatriates second thoughts about leaving Japan without their life savings. When SCAP sought to revive repatriation after the establishment of South Korea in 1948, it eased financial restrictions. This had a negligible effect as Korean enthusiasm for repatriation had subsided, and thousands were then trying to escape the turmoil in the Koreas by entering Japan illegally.

American and Soviet officials did not come to an agreement on repatriating Koreans to northern Korea until 19 December 1946.<sup>56</sup> Only two repatriation ships, carrying 351 Koreans in total, left in March and June 1947.<sup>57</sup> Nothing suggests that, despite (or because of) the popularity of Kim Il-sung in Japan, the low number of Koreans who migrated to northern Korea was in any way due to political motivations. By 1940, only 4.3% percent of Koreans in Japan were from the provinces which now comprise North Korea.<sup>58</sup> Moreover, there is no evidence in the interviews with Koreans that any were denied repatriation because their final destination was northern Korea. It seems plausible that those wished to repatriate to northern Korea before March 1947 disembarked at Pusan and found their own way to the north. Before the two Korean states were formally established in 1948, crossing from north to south or vice versa does not seem to have been particularly difficult; after 1948, however, it was a crime in North Korea to help people

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<sup>56</sup> William F. Nimmo, *Behind a Curtain of Silence: Japanese in Soviet Custody, 1945-1956* (Westport, CT: Greenwood Press, 1988), 86.

<sup>57</sup> File 3-C-1654, "Repatriation of Koreans from Japan to Korea north of 38 degrees north latitude," *Occupation of Japan, part 2: U.S. and Allied Policy, 1945-1952*. (Edited by Makoto Iokibe; Bethesda, MD: Congressional Information Services, 1989). Dated 4 March 1947. Morita, *Sūji ga kataru*, 83.

<sup>58</sup> Tonomura, 52. Originally quoted in Naimushō keihokyoku, *Shakai undō no jōkyō: Shōwa 15 [1940]* (Reprint edition; Tokyo: San'ichi shobo, 1971-1972). The provinces are North Pyongan (1.0%), South Pyongan (0.6%), Hwanghae (0.6%), North Hamgyong (0.4%), South Hamgyong (0.7%), and Kangwon (1.0%). Kangwon province was divided along the 38<sup>th</sup> parallel in 1945.

cross over the border to South Korea.<sup>59</sup> In 1945-46, American officials in southern Korea believed the Korean refugees from the north were fleeing Communism by “voting with their feet,” when most, though certainly not all, were simply returning to their hometowns.<sup>60</sup>

GHQ strictly controlled Japan’s borders, policing not only the waters between Japan and Korea, but also between Japan’s four main islands and Okinawa.<sup>61</sup> Once Koreans had “repatriated,” re-entry into Japan was not normally permitted because GHQ deemed that once Koreans left Japan, they had forfeited their Japanese nationality, and it normally denied entry to non-Japanese nationals (see chapter 3). Even if they had been born in “Japan” (according to the Potsdam Declaration’s definition of Japan), any Korean caught trying to re-enter Japan without official documentation was considered an “illegal alien,” kept in a detention centre, usually at Sasebo, and subsequently deported.<sup>62</sup> [See Tables 2 and 3.]<sup>63</sup> Though, in general, most of these “illegal aliens” were trying to escape appalling political and economic conditions in both the

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<sup>59</sup> Charles K. Armstrong indicates that in 1945-46, leftist and Communist writers in southern Korea easily crossed over to the north. By 1948, leaving, or assisting someone flee the Soviet zone was a crime. Charles K. Armstrong, *The North Korean Revolution, 1945-1950* (Ithaca, NY: Cornell University Press, 2003), 181, 204.

<sup>60</sup> In the early months of the occupation, Americans welcomed the mass migration of Koreans to the south as evidence that they were fleeing Soviet communism, but Armstrong notes that the American occupation authorities in southern Korea had a simplistic view of Communism: “[M]ost Korean refugees to the American zone were not ‘voting with their feet’ to flee communism (although some certainly were) but returning to their places of origin after having been relocated under Japanese colonial rule.” Armstrong, *The North Korean Revolution*, 46-47.

<sup>61</sup> For more on the separation of Okinawa from the Japanese archipelago, see Matthew R. Augustine, “Border-Crossers and Resistance to US Military Rule in the Ryukyus, 1945-1953,” *Japan Focus: The Asia-Pacific Journal*, 23 September 2008.

<sup>62</sup> Takemae, *Inside GHQ*, 140.

<sup>63</sup> “Lt. Col. Marcum [of Civil Information Section] informed Mr. Ushiba [“representing the Japanese repatriation authorities”] that the Japanese government has the authority to arrest, try, sentence and deport Koreans charged with illegal entry, and that the only need for contacting SCAP would be in connection with the review of such trials and the arrangement of shipping priorities with G-3.” 3-A-173, “Government of Japan authority to deport illegal Koreans,” memorandum from [George A.] Nelson to [Courtney] Whitney, 9 March 1946. In *Occupation of Japan, part 2: U.S. and Allied Policy, 1945-1952*. Edited by Makoto Iokibe. (Bethesda, MD: Congressional Information Services, 1989).

American- and Soviet-occupied halves of Korea, the high number of illegal entrants caught in 1946 suggest that many were Koreans attempting to re-enter Japan to be reunited with family after a brief stay in Korea.

Table 2 – Number of Illegal Entrants Arrested in Japan, 1946-1952<sup>64</sup>

Year	Number of Illegal Entrants Arrested
1946 (April-December only)	19,107
1947	5,906
1948	7,979
1949	8,302
1950	2,445
1951	3,495
1952	2,632

Table 3 – Number of Koreans Deported to Korea South of the 38<sup>th</sup> Parallel, 1946-1950<sup>65</sup>

Year	Number of Koreans Deported to Korea South of the 38 <sup>th</sup> Parallel
1946	24,876
1947	6,222
1948	6,964
1949	7,709
1950	1,058

Korea's liberation brought thoughts of going to the homeland to rebuild a new country. To the questions "After the liberation, did you intend to repatriate?" and "Did you make concrete preparations for repatriation?", two-thirds of *Aboji* interviewees answered in the affirmative.<sup>66</sup> Repatriation records do not reveal the details of who actually left Japan, but it is very likely that the vast majority were former conscript labourers and soldiers. Sociologist Fukuoka Yasunori

<sup>64</sup> Morita, *Sūji ga kataru zainichi Kankokujin/Chōsenjin no rekishi*, 111. Figures compiled by the Japan Coast Guard.

<sup>65</sup> Kim Taegi, *Sengo nihon seiji to zainichi Chōsenjin mondai: SCAP no tai zainichi Chōsenjin seisaku, 1945-1952nen* (Tokyo: Keisō shobō, 1997), 267. Originally quoted in Morita Yoshio, *Zainichi Chōsenjin shogū no suii to genjō* (Tokyo: Kohokusha, 1975), 67. Figures compiled by the Japan Coast Guard.

<sup>66</sup> Mindan, *Aboji*, 53-54.

believes it is “intuitive common sense” that those forced to Japan were the most eager to repatriate immediately to Korea. During his field research among 150 second- and third-generation Koreans in Japan in the 1990s, he noticed that no one had a parent or a grand-parent who had been conscripted to work in Japan. He concluded that forced labourers, who had come to Japan alone and therefore usually still had family in Korea, were more likely to repatriate. Those who had found their way to Japan of their own will, “albeit under economic duress,” were more likely to remain in Japan as their family members had often joined them, and they often had nothing waiting for them in Korea.<sup>67</sup> Among the 1,106 *Aboji* interviewees – all Koreans who had first migrated to the Interior before 15 August 1945 – only 147 (13.3%) had arrived as conscripted labour or soldiers, compared to 438 who had arrived for economic reasons and 191 as dependents (39.6% and 17.3%, for a combined total of 56.9%).<sup>68</sup> Only four of Oguma and Kang’s 47 interviewees<sup>69</sup> had first arrived as forced migrants, though some of the other interviewees or their family members were drafted for wartime labour while residing in Japan. The post-repatriation (1947) population of Koreans in Occupied Japan (600,000) approached a level seen before the enactment of the National Mobilization Law in 1938 (800,000), which suggests that many of those who had arrived between 1938 and 1945 soon repatriated and that a core population of economic migrants and their dependents, which had largely been formed in the 1920s and 1930s, had developed.<sup>70</sup>

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<sup>67</sup> Fukuoka, *Lives of Young Koreans in Japan*, 9-10.

<sup>68</sup> Mindan, *Aboji*, 21.

<sup>69</sup> There were 52 interviewees in Oguma and Kang’s book but five interviewees do not qualify for this particular analysis: four had first arrived in Japan after 1945 and a fifth was born of Japanese parents but lost her Japanese nationality after 28 April 1952 because of her marriage to a Korean (i.e., she was registered in his Korean family register).

<sup>70</sup> Tonomura, *Zainichi Chōsenjin shakai*, 42.

If feelings for repatriation were so high, not just among forced labourers, why did a substantial population remain in Japan? Or as John Lie asks: “If the received Zainichi [Korean] historiography were true—the colonial period as unremittingly oppressive and exploitive—then almost all Koreans should have hastened back to the Korean peninsula.”<sup>71</sup> Since the majority of “voluntary migrants” had migrated to Japan in search of economic opportunities, economic questions proved to be of great importance. On the other hand, in the immediate postwar, political issues, namely the divided peninsula, factored less prominently in their decision to repatriate or not. Indeed, when *Aboji* interviewers asked: “If you made initial preparations to repatriate, please give us reasons why you abandoned those plans,” the interviewees chose the answer “Because after returning to Korea, there were no [economic] prospects” at a rate twice as high as all the other reasons combined, even when given the choice to give more than one reason. Only a quarter chose the three answers related to the political situation on the divided peninsula.<sup>72</sup>

Real life stories were more nuanced. An analysis of repatriation stories reveals that Koreans remained in Japan either because they were denied an opportunity to leave; abandoned repatriation plans after a period of reflection; did repatriate but re-entered Japan shortly afterwards; were refugees who escaped civil strife in the Koreas; or never entertained thoughts of repatriation.

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<sup>71</sup> Lie, *Zainichi (Korean in Japan)*, 34.

<sup>72</sup> Mindan, *Aboji*, 54. The most popular answer, at 62.7% support, was: 帰国後の生活のメドが立たなかったから (*kikokugo no seikatsu no medo ga tatanakatta kara*). The other possible answers were, from the most to the least popular: “I heard the political situation on the peninsula was unstable” (17.1%); because of the upheaval in [South] Korea (7.6%); “I heard the food conditions in Korea were bad” (4.4%); “I heard that there were outbreaks of diseases” (3.0%); because the Korean peninsula was divided (2.1%).

There were two egregious cases of Koreans being unable to repatriate. In the first case, in November 1945, SCAP forced Korean and Formosan (Taiwanese) coal miners, who were victims of the prewar forced labour mobilization policy but now legally considered liberated nationals, “to remain on the job until production could be stabilised.”<sup>73</sup> At the war’s end, over 24,000 white POWs, Koreans, and Formosans were at the Miike coal mine in Kyushu. While the white POWs were quickly repatriated, the Koreans and Formosans were forced to remain in the pits until Japanese miners could replace them. Only a riot ensured they could leave the mines.<sup>74</sup>

The other case involves the Allies, as well as Communist China. The United States, Great Britain, and eventually Communist and Nationalist China, all violated the spirit of rapid repatriation enshrined in Article 9 of the Potsdam Declaration by employing former Imperial Japanese soldiers for “postwar recovery work,” a euphemism for slave work. Until 1948, the British used 113,500 former Japanese soldiers as slave labour in their South East Asian colonial possessions.<sup>75</sup> Until late 1946, the Americans kept 70,000 Japanese military personnel working on its military installations in Okinawa, the Philippines, and in the South Pacific. Nationalist

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<sup>73</sup> Takemae, *Inside GHQ*, 312.

<sup>74</sup> John Price, *Japan Works: Power and Paradox in Postwar Industrial Relations* (Ithaca, NY: Cornell University Press, 1997), 41.

<sup>75</sup> Aida Yūji was a private in the Japanese Army who survived the total defeat of his company in battle against the British Army in Burma in 1944. He was captured at the end of the war in August 1945, worked as a prisoner of the British, and was repatriated in May 1947. Aida later became a professor of European history at Kyoto University. He described his experience: “[W]e thought it would be something like being put in gaol, in Japan – but we were completely wide of the mark. It was indeed a dreadful experience, and one we had never anticipated. I think now that of all the Japanese who surrendered those who were made to work hardest were those of us who were in Burma, not those in China, America, or Soviet Russia. I am not saying we received the worst treatment, but I do feel we were made to work the hardest and were the most efficiently exploited.” Aida Yūji, *Prisoner of the British: A Japanese Soldier’s Experiences in Burma*. Translated by Hide Ishiguro and Louis Allen. (London: Cresset Press, 1966), 28-29. Japanese were held a smaller number in Singapore until 1948. See also Nimmo, *Behind a Curtain of Silence*, 125.

China and the People's Republic of China used approximately 100,000 former Imperial Japanese soldiers as labour, until they were repatriated between 1946 and 1956.<sup>76</sup>

Soviet Russia, too, kept some of these conscript labourers. Approximately 300,000 Japanese and 40,000 Koreans were on the islands of southern Sakhalin (*Karafuto* in Japanese) and the Kuriles (*Chishima*) when the Soviet Red Army began its occupation in August 1945. During the war, many Koreans had been sent to work as conscripted labour in the Karafuto mines. Repatriation of Japanese nationals from the islands began in December 1946, and the Soviets halted repatriation of Japanese in early 1950. Though they too should have been considered "Japanese nationals" and afforded swift repatriation, Koreans remained on the islands for years after 1945 because of their "ambiguous" status. According to various sources, Koreans desperately tried to marry Japanese women for a chance to be evacuated from the islands.<sup>77</sup> In December 1956, following the ratification of the Soviet-Japanese Joint Declaration, the final Japanese nationals (excluding "Koreans") were repatriated. Among "the remaining 1,025 Japanese prisoners held in Russia"<sup>78</sup> were some Koreans who had married a Japanese. Only when Russia finally allowed them to go to South Korea in the early 1990s did the Japanese government provide some compensation.<sup>79</sup>

Lee Hi-pal recalled his experience on Sakhalin island. Lee was born in a poor rural family in Gyeongsangbuk province in 1923. In April 1943, he applied for agricultural work on

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<sup>76</sup> Nimmo, *Behind a Curtain of Silence*, 125; Takemae, *Inside GHQ*, 112-113.

<sup>77</sup> Nimmo, *Behind a Curtain of Silence*, 20-21; Kimura Hiroshi, *The Kurillian Knot: A History of Japanese-Russian Border Negotiations*. Translated by Mark Ealey. (Stanford: Stanford University Press, 2008), 48-52.

<sup>78</sup> Nimmo, *Japan and Russia: A Reevaluation in the Post-Soviet Era* (Westport, CT: Greenwood Press, 1994), 48.

<sup>79</sup> Takemae, *Inside GHQ*, 125, 517-518.

Sakhalin (Karafuto). He planned to work for two years and send remittances home. With 48 other Korean recruits, he made the long journey by train from Shimonoseki to Aomori, then to Sakhalin via Hakodate in Hokkaido. They realized when they arrived in June that they were going to work in coal mines and that, because of its isolated location, they were stuck. It was a living hell (*iki jigoku*) in which they were poorly fed, beaten, and given only one day of rest per month. When Japan lost the war, Lee was “liberated” only in theory; he had no money because the savings book that recorded his wages was now worthless, and escaping by boat was not easy, especially once the Soviets arrived. The repatriation of the Japanese began in late 1946. He had thought that the Koreans would get priority in repatriation over the Japanese but not a single Korean received an order for repatriation. He was patient, expecting the order to come sooner or later, probably once all the Japanese had been evacuated. When repatriation ended in 1949, a few Japanese and all the Koreans remained prisoners of the Soviets on Sakhalin. Lee reflected how the wartime slogan *Naisen ittai* [“Korea and Japan as one body”] and the *kōminka* policy were empty rhetoric; when the war was over, the Japanese government forgot all about the Koreans they had sent to Sakhalin. His marriage to a Japanese woman in 1950 finally allowed him to evacuate Sakhalin in 1956 when Japan and the Soviet Union normalized relations and the Soviet Union repatriated more Japanese prisoners. Few other Koreans sailed with him. A crowd of 2,000 greeted the repatriation ship in Maizuru, but he was disappointed that there was no Korean flag. When he visited a Mindan representative to ask why no one from the Korean community in Japan welcomed him, let alone expedite his repatriation, he was told they considered the Koreans on Sakhalin spies.<sup>80</sup>

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<sup>80</sup> Oguma and Kang, *Zainichi issei no kioku*, 156-162.

Some Koreans explained how difficult it was to leave Occupied Japan via legal channels, such as repatriation ships. Kan I-bun and her family, who had first migrated in 1932, waited with packed bags at Shimonoseki but the boat never arrived.<sup>81</sup> There were many stories of Koreans arriving at one of the overcrowded repatriation centers only to return to their former community or reunite with friends and family spread across Japan. The ports were full of outgoing Koreans as well as incoming Japanese and word spread of the terrible conditions in Korea. That convinced some to abandon plans to go to Korea.<sup>82</sup> Pyon Bong-suk had first come to Japan with her husband in 1937. He spent much of his free time drinking with other women, and when they were occasionally together, he often struck her in a drunken rage. Immediately after the end of the war, Pyon took her two daughters from Shibaura in Tokyo to Osaka but could not purchase a ferry ticket to Korea because she could not speak Japanese, so she returned to her abusive husband in Tokyo.<sup>83</sup> Ho Im-fan's husband went to Hakata but someone stole his luggage at the busy repatriation centre. She was pregnant at the time and did not feel like making the journey to Korea. Her husband lost interest in repatriating so they moved to Sendai, where Ho's sister lived.<sup>84</sup> Chong Bo-sung had been abducted from his home Hwanghaenam-do in northern Korea in 1942 to work in a Hokkaido mine. After the war, Chong and his friend Che Su-man decided to make some money before repatriating. By 1947, they had made over a million yen (100 *man-en*) by selling sweets and illegal sake and by Che's gambling skill. The authorities would allow them to take a maximum of 20,000 yen. Chong said they had been *baka* (crazy, stupid) and they

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<sup>81</sup> Lee, *Zainichi Issei*, "Kan I-bun," n.p.

<sup>82</sup> Lee, *Zainichi Issei*, "Mon Pal-bon," n.p.

<sup>83</sup> Lee, *Zainichi Issei*, "Pyon Bong-suk," n.p.

<sup>84</sup> Oguma and Kang, *Zainichi Issei no kioku*, 32.

decided against repatriation. Chong returned to Hokkaido.<sup>85</sup> Kim Gyon-naku, who had accompanied his family to Japan in 1933 as a 10-year-old boy, did manage to board a repatriation ship with his Japanese fiancée. At Pusan, however, his fiancée was turned away by Korean immigration officials because of her Japanese nationality, and at Hakata Kim was briefly detained because he was accused of trying to smuggle himself into Japan.<sup>86</sup>

The family and community networks that the Koreans had built during their stay in Japan offered, if not an incentive to remain in Japan, then at least a sense of security and stability – in other words, a “home.” Kang Pil-son’s story demonstrates how would-be repatriates reconsidered where “home” should be. In 1931, eleven year-old Kang had followed her father to Osaka. She married a Korean in Nara prefecture at age 16. At the end of the war, her husband lost his job at a munitions factory so they moved to a cousin’s place in Sakurai, Nara prefecture but decided to repatriate. Her father, mother, and siblings went ahead, but her father died of tuberculosis soon after arriving in Korea. Kang’s remaining family members chartered a boat to take them and six other families to Korea. As the time for repatriation approached, however, the idea of returning to Korea seemed less and less pleasant: “I had no job to return to, I had no paddy field to return to, I could borrow someone’s house [in Japan], thus staying in Japan was better.”<sup>87</sup> Perhaps to make a final point that she was staying in Japan, she sent her children to Japanese schools rather than to Korean schools. Enrolling children in Japanese schools was the exception rather than the rule.

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<sup>85</sup> Ibid., 126-128.

<sup>86</sup> Ibid., 148-149. After failing to repatriate, Kim married his Japanese fiancée in Yamanashi prefecture.

<sup>87</sup> Ibid., 101.

Some conscripted, and even abducted, migrants also debated not only which “home” was safer, but where they could support themselves. Pak Myon-su was born in Pyongannam-do, northern Korea in 1926 to a landowning family. He left home at 17 to work in a coal mine in northern Korea. He was fired from his job. Around July 1944, he was looking for work when a policeman asked him: “What are you doing? If you’re just loafing around (*burabura*), you’ll be sent to work in Japan.” He yelled: “No way! (*iya da*)” and tried to escape. He was caught and taken to the police station where there were five or six other young Korean men. They were first taken to Seoul, then Pusan. By the time they reached Pusan, there were about a hundred other Korean men who had been forcibly recruited. At Shimonoseki, they were divided into groups. Pak and thirty other men were taken to a Mitsubishi metal refining plant in Naoshima, Shikoku. The plant manager warned the forcibly recruited labour that, as they were surrounded by water, escape was impossible and anyone caught attempting to do so would be beaten to a pulp (*hansatsushi ni sareru*). Working conditions were unbearably horrible but Pak and two co-workers managed a thrilling escape. He was working in Nagoya and he recalled how ecstatic he had been to hear the war had ended and that his homeland had been liberated. He and his fellow Korean co-workers immediately thought to repatriate but rumours of sunk repatriation ships scared some of them. One Korean was supposed to contact his co-workers when he reached home but when news never arrived, that worried more people. Some of his friends did repatriate but Pak thought carefully about leaving Japan. He was unsure whether he could safely make the trip home; if he did manage to make it to his hometown (*furusato*), he did not know its state or condition. Finally, he lacked confidence in his ability to support himself in Korea. For these reasons, he opted to remain in Japan and worked for Choren, the largest Korean organization in postwar Japan.<sup>88</sup>

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<sup>88</sup> Ibid., 360-372.

Pak's fears about the safety of the journey were justified. On 24 August 1945, the *Ukishima Maru*, a Japanese naval transport ship carrying between 4,000 to 5,000 former Korean military and labor conscripts and other civilians, exploded and sank just outside the port of Maizuru, Kyoto prefecture. The explosion claimed 524 Koreans and 25 Japanese crew members. The cause of the explosion was never determined. The Japanese government claims the ship hit an American mine, while Korean survivors claim the explosion came from within the ship, suggesting that the explosion was planned and deliberate.<sup>89</sup> The fear of violent reprisals by the Japanese, similar to the massacre of Koreans in the aftermath of the Great Kanto Earthquake, compelled many to repatriate as soon as possible. A Korean woman from Fukuoka remembered that: "All Koreans said that we would be killed by the Japanese so many Koreans repatriated, but I had no money so I could not repatriate."<sup>90</sup>

At the same time, there were compelling reasons to leave Japan. If the Japanese and the Americans embodied discrimination, distrust and violence, fellow Koreans were contrasted as "compatriot" or "brethren" (*dōhō*) and many expressed joy at being able to live in ethnic unity (*minzoku tō'itsu*) in Korea. The return to Korea, which some described as "the homeland" (usually 祖国 *sokoku*, lit. "ancestors' land/country, but occasionally 母国 *bokoku*, lit. "mother land/country"), too, was framed in idealized terms: they were to be leaving defeated, imperialist,

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<sup>89</sup> William Underwood, "Names, Bones and Unpaid Wages (1): Reparations for Koreans Forced Labor in Japan," *Japan Focus: The Asia-Pacific Journal*, 17 September 2006. Korean survivors and relatives of those who died have petitioned the Japanese government for an apology and compensation. In August 2001, the Kyoto District Court sided with the Koreans petitioners and ordered the government to pay 45 million yen in compensation to the 15 survivors and the 65 relatives; the Osaka High Court overturned the ruling. On 30 November 2004, the Supreme Court upheld the Osaka High Court's ruling. See "Ukishima Maru victims lost redress in '50," *The Japan Times*, 28 September 2003. [Online edition, <http://search.japantimes.co.jp/cgi-bin/nn20030928a5.html>, accessed 24 January 2010] and "Top court nixes Korean appeal over '45 ship blast," *The Japan Times*, 1 December 2004. [Online edition, <http://search.japantimes.co.jp/cgi-bin/nn20041201a7.html>, accessed 24 January 2010.]

<sup>90</sup> Mindan, *Aboji*, 248. Woman from Fukuoka, 59 years old.

and assimilationist Japan for the land where they could “live in freedom” amongst their own people and culture. The tragic reality of post-World War II Korea offered a harsh corrective to such romantic constructions of the homeland. A real or perceived lack of “Korean-ness,” particularly in language skills, widened the gap between the idealism of repatriation to the homeland and the reality that they felt like aliens in Korea. The next two testimonials suggest cultural identities often trumped ethnic identities. Koreans in Korea criticized Koreans in Japan for being culturally “Japanese,” while Koreans in Japan were simultaneously racialized by American and Japanese authorities as “Koreans” – though they were legally considered “Japanese nationals.”

Soo-im Lee’s grandparents had migrated to Japan in the 1920s with their young son (her father, who was four years old at the time) and settled in Wakayama prefecture, near Osaka. Lee’s grandfather worked in a small village, and he earned the respect of the Japanese community members. Her father attended Japanese schools and acted as an interpreter to her grandparents, who could not speak Japanese well. At the end of the war, her maternal grandparents decided to remain in Japan as they were financially stable but her paternal grandparents repatriated to their hometown of Tegu with their seven children, including Lee’s father, who was then 21 years old. Upon arriving in Korea, Lee’s father was shocked: he remembered Korea as a dirty and unsanitary place, and Koreans teased him for his poor Korean language skills and his “Japanized” behavior and mannerisms. Once, he barely escaped with his life when some Koreans believed he was “Japanese.” He tried to return to Wakayama secretly but was caught and detained after reaching Japan. A policeman who knew him intimately recognized him and, though surprised to learn for the first time he was Korean, released him without charge. One of Lee’s father’s younger brothers was drafted in the South Korean army,

fought in the Korean War, was captured by North Korean forces, and became a prisoner of war. “On reflection,” she observed, “my father cynically laughs that his Japanese identity saved him from becoming a casualty of war.”<sup>91</sup>

A “home” gained and lost figured prominently in Kuon Sun-gum’s story. She was born in 1926 in a farming family in Gyeongsangbuk province. When she was three years old, her father migrated to Japan, and Kuon and her mother later followed him to Arashiyama in Kyoto. She attended primary school when she was nine years old. At 18, she married another Korean at Koyagijima, near Nagasaki. Her parents went back to Korea in October 1945. She recalls that people were afraid (*obieta imashita*) of the American troops in southern Korea, which helps to explain her husband’s reticence about repatriation: “If the American army comes, you’ll be murdered. Women are raped,” he warned.<sup>92</sup> Nonetheless, Kuon was eager to go “home,” and her husband finally relented, though she went alone. She had no plans to return to Japan so she sold their house in Koyagijima, bought a house in Korea, and expected her husband to join her later. When she arrived at the family home in Korea, presumably the first time since she was three years old, she discovered that her father had sold the paddy field, and the family home to cover gambling debts. He stayed at the house she had bought. He drank methyl alcohol and died of

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<sup>91</sup> Soo-im Lee was born in Japan in 1953 and she attended only Japanese-language educational institutions. Lee was a third-generation Korean in Japan when she naturalized and became a Japanese national in the 2000s. Personal interview with Soo-im Lee, Kyoto, September 2008, and Soo-im Lee, “Koreans—A Mistreated Minority in Japan: Hopes and Challenges for Japan’s True Internationalization,” in *Exploring Japaneseness: On Japanese Enactments of Culture and Consciousness*. Edited by R. T. Donahue. (Westport, CT: Ablex Publishers, 2002), 185-187. Also available on her website: [[http://www.biz.ryukoku.ac.jp/~lee/ronbun/gyouseki/pdf/2002\\_01-a\\_mistreated\\_minority\\_in\\_japan.pdf](http://www.biz.ryukoku.ac.jp/~lee/ronbun/gyouseki/pdf/2002_01-a_mistreated_minority_in_japan.pdf); accessed 24 January 2010.]

<sup>92</sup> Oguma and Kang, *Zainichi issei no kioku*, 338. そんとき、「アメちゃん（アメリカ軍）が来たら殺される。女は犯される」（*Son toki, “Ame-chan [Amerika-gun] ga kitara korosareru. Onna ha han sareru.”*)

liver cancer. She realized that “even though I came back to my furusato, I did not understand Korean and I could not get used to [life in Korea]. I decided to return to Japan.”<sup>93</sup>

Such stories are poignant evidence that Koreans in Japan, as individuals and as families, experienced the usual variety of human emotions about staying or leaving, or returning after leaving. The divided peninsula, the economic devastation, and later, the Korean War, among other factors, prevented Koreans in Japan from returning to or resettling in Korea. But ultimately the decision to repatriate, or to return to Japan if one had already repatriated, was for all a difficult one determined mostly by personal and family considerations. Some, like Soo-im Lee’s father, were pushed away for failing to measure up “as a Korean”; others like Kuon decided they had become accustomed to life in Japan and could not fit in adjust (or re-adjust) to Korean society. It is no coincidence that both Lee’s father and Kuon had arrived in Japan at a young age. Since they had been raised almost completely in Japanese society, they had little grasp or appreciation of living in Korean society.

In a survey administered in 1930, 23% of all Koreans in Japan were under 14 years old, and this proportion had reached 38% in 1940.<sup>94</sup> In 1937, of 8,227 Koreans 14 years old or younger living in Hyogo Prefecture, 5340 (65%) had been born in Japan.<sup>95</sup> These statistics reflect the natural consequences of the migrations described earlier in the chapter, and also anticipate the dislocation and shock children born and raised in a completely “Japanese” environment faced upon repatriation. Indeed, one mother recollected how she wanted to return to Korea but her son

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<sup>93</sup> Oguma and Kang, *Zainichi Issei no kioku*, 335-339.

<sup>94</sup> Morita, *Sūji ga kataru zainichi*, 120-121.

<sup>95</sup> Tonomura, *Zainichi Chōsenjin shakai*, 96.

refused to go, so she abandoned her plans for repatriation.<sup>96</sup> Koreans had been under Japan's colonial rule for 35 years, and many expressed concern about how deeply they had absorbed (or "assimilated") Japanese ways of life. Some worried that they had been too immersed in Japanese life to appreciate that Korea had been liberated from Japanese rule. Said one man from Tokyo: "I felt nothing [towards news of the liberation]. As I had received an education in Japan, my awareness [of Korea] had faded."<sup>97</sup>

If some Koreans worried about their fading awareness towards Korea, others worried that the pendulum had swung too far to the other side – that Koreans had taken the opportunity to overemphasize their status as "liberated people" and had become vindictive towards the Japanese and pro-Japanese Korean "collaborators." A man from Aichi Prefecture lamented the vindictive attitude of his Korean compatriots in Japan: "After the liberation, I led a life in Japan, I had a terrible feeling of uncertainty when Japan lost the war, but I was so happy that people had stopped killing each other. I had chosen to come to Japan voluntarily but I was surrounded by fellow countrymen who had come mostly as conscripted labor and conscripted soldiers. It was not that the war was over that those people [Koreans] cheered, it was that Japan had lost the war that they relished."<sup>98</sup> The novelist Chong Hyokuchu regretted the destructive and lawless attitude of many Koreans in Japan in the aftermath of the liberation, to the point that he claimed to be an assassination target for being "pro-Japanese" (*shinnichi-ha*). He was sympathetic to their

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<sup>96</sup> Mindan, *Aboji*, 232. Woman from Nishi Tokyo, age 79. *Saisho, kaerō toshitaga, musuko ga dōshitemo kaeritakunai to itta node, kaeru no o dannen shita.*

<sup>97</sup> Mindan, *Aboji*, 230. Man from Tokyo, age 62. *Nani mo kanjinakatta. Nihon no kyōiku o uketa tame, ishiki ga usurete ita.*

<sup>98</sup> Mindan, *Aboji*, 235. Man from Aichi, age 57.

emotions of anger but he felt that it was counter-productive and earned them a terrible reputation among the Japanese.<sup>99</sup>

For many, Japan offered a safe haven from the civil strife engulfing the Koreas. Shin Hyo-nam and her husband Kim, both Christian missionaries, considered themselves to have escaped death at least twice before calling Japan “home.” They were married in Korea in 1936 when Shin was 18 and Kim was 20. In 1942, Kim was conscripted to work in a Hwanghae province (northwest Korea) mine. He was supposed to be sent to work in Hiroshima, but ultimately was not and so escaped the atomic blast. At the end of the war, they were living in the Soviet occupation zone. Communists in northern Korea warned Kim that his work was antithetical to communism, and the Soviet occupation army seized their church. The deacon of the Eastern Church in Pyongyang told them to flee to South Korea. Many churches in Japan at the time were without a priest. A Nagoya church invited the couple in 1948, but it took two years to obtain SCAP’s permission to enter Japan. They arrived on 15 June 1950, ten days before the Korean War started. Shin is certain that they would have been killed by the communists had they remained in South Korea. She declared that Japan, Nagoya in particular, was now her *furusato*: “*Koko ga watashi no furusato ni narimashita.* [This has become my hometown.]”<sup>100</sup>

Another area engulfed in bloody strife was Jeju-do, a large island off South Korea’s southwest coast. Since August 1945, a leftist-oriented “people’s committee” governed it, but it was free of Soviet influence. A US Military Government in Korea (USAMGIK) report found that two-thirds of the islanders were moderately left-leaning and that Pak, the chairman of a

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<sup>99</sup> Chong Hyokuchu, “Zainichi Chōsenjin hihan,” *Sekai shunjū* 1, no. 2 (December 1949): 68, 78.

<sup>100</sup> Oguma and Kang, *Zainichi Issei no kioku*, 79-85, 93.

leftist organization and a former governor of Jeju-do, was “not a Communist and was very pro-American.” The current governor, Yu Hae-jin, however, was “an extreme rightist” who harshly suppressed political opposition and had stacked his police force with men from the Korean mainland who “worked together with ultra rightist party terrorists.” Demonstrations by islanders against the May 1948 elections in South Korea led to mass arrests and deaths. Touched off by a particularly violent suppression of suspected leftists on 3 April 1948 (remembered as the “4.3 Incident”), a conflict pitting between 3,000 to 4,000 “Jeju guerillas” (known as the “People’s Army”) against American and South Korean forces erupted and lasted until 1957, when the guerrillas surrendered.<sup>101</sup>

A large community of Jeju-do migrants who had settled in Osaka and other places in Japan facilitated the escape of Koreans from civil strife in Jeju-do.<sup>102</sup> Ryang Ui-fon was born in 1916 on Jeju-do. She married at 18 and her husband soon went to work in Osaka. A special ferry, the *Daimaru*, linked Osaka with Jeju-do during the colonial period and thus many islanders congregated in Osaka. When her husband did not write, she migrated to Japan with their young daughter in tow. She eventually found him, but, as the firebombing campaign of 1945 intensified, they were separated. She escaped to Jeju-do with her children while her husband remained in Osaka, and he later died of a stabbing wound. In 1946, she re-married a Jeju-do man eight years her senior. During the turmoil surrounding the 4.3 Incident, he fled to Japan with 30,000 yen and left her and her children for dead. Ryang again escaped to Jeju-do with her children. She entered Japan via Tsushima illegally because she still had colonial era identification papers. She lived

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<sup>101</sup> Cumings, *Korea's Place in the Sun*, 219-221.

<sup>102</sup> Tessa Morris-Suzuki, “Invisible Immigrants: Undocumented Migration and Border Controls in Early Postwar Japan,” *Japan Focus: The Asia-Pacific Journal*, 31 August 2006. She has narratives of experiences of people who smuggled out of Korea.

with her sister in Osaka's Ikaino ward, home to many Koreans, especially former Jeju-do islanders. Every year, from March to October, she worked as a pearl diver (*ama*) in Tsushima, an occupation for which Jeju-do women are renowned.<sup>103</sup>

Finally, a number of Koreans simply desired to remain in Japan. According to *Aboji*, a third of its respondents (344 out of 1106) fell into this category (*kaihōgo kikoku no ishi wa nakatta*). Korean women (37.7%) were more likely than men to reject the idea of repatriation (27.3%), and generally, the older a person was at the time, the less likely the person was to consider repatriation (only 26.4% of 18-22 year-olds intended not to repatriate compared to 33.3% of 38 year-olds and older).<sup>104</sup> According to the survey results, and as seen in several vignettes, personal economics, including considerations of making a living, played a major role in decisions to leave or stay. Some 43% said they stayed "Because of economic circumstances" – though it was not clear whether the "circumstances" were strictly personal or regional (i.e., circumstances in Japan or Korea). Another 26% stayed "Because I had a stable lifestyle." In other words, nearly seven of ten interviewees were motivated by economic factors, but also by a support base of family and friends. Maintaining a living clearly played a major factor in their decision to stay, as did concern that their standard of living would decline if they returned to Korea. Half of all the respondents declared that their standard of living had improved a little or a lot compared to what it had been before Korea's liberation (*kaihōzen to kurabete seikatsu sui jun wa sukoshi yokunatta/taihen yokunatta*), a third replied that it had remained the same, while only

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<sup>103</sup> Oguma and Kang, *Zainichi Issei no kioku*, 36-39.

<sup>104</sup> The group with the highest rate of "no intention to repatriate" was the 12-17 year-old group. With 36 interviewees in this group, it was considerably smaller than other age groups. There were 21 Koreans (58.3%) intending to repatriate versus 15 (41.7%) who did not. A plausible explanation for this split is that the Koreans who intended to repatriate were most likely students who still had family in Korea while the 15 who did not intend to repatriate were likely remaining with family members in Japan.

18.8% (207 people) replied that their standard of living had declined a little or substantially since the liberation (*kaihōzen to kurabete seikatsu suijun wa warukunatta/taihen warukunatta*).<sup>105</sup>

Thirteen percent of *Aboji* respondents (147 people) stated that they had arrived in Japan as conscripted labour or soldiers, nearly the same percent as those who stated their living standards had declined after the end of the war. This is no surprise as many Koreans who had worked as forced labourers complained that wages were either not paid or were recorded in savings books that became worthless after the war. Thus, nearly everyone who was not conscripted for labour or the military considered their living standards to be no worse than what they had left behind in Korea, and most had declared an increase in their standard of living after liberation.

There is no question that most Korean migrants had arrived in Japan nearly penniless. A 1927 Yamaguchi Prefecture survey found that, after travel expenses had been subtracted, nearly 88% of Koreans had arrived in the Interior with ten yen or less.<sup>106</sup> *Aboji* provided no concrete examples of what “increased living standards” meant, but the shift from a rural, subsistence farming life to receiving regular (though sometimes heavily docked) wages in the industrial and construction sectors entailed a significant increase in living standards. Leaving an urban Japanese life for a rural Korean life was not an attractive thought, as this 38-year-old Korean woman from Tokyo suggests: “Because up to the end of the war, Koreans were bullied, we were all pleased it [the war] was over. Thereafter, most Koreans and their family members returned to the home country (*hongoku*). However, if I returned to the home country, I did not want to return

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<sup>105</sup> Mindan, *Aboji*, 57.

<sup>106</sup> Yamaguchi-ken, *Raijū Chōsenjin Tokubetsu Chōsa Jyōkyō*, 1927. Quoted in Tonomura, 33. This was at a time when daily wages for Koreans in Japan in 1922 averaged about two yen a day. Wages for male farm work was 1.64 yen a day, laundry work was 1.80 yen a day, coal mining was 2.20 yen a day, and stevedoring was 2.50 yen a day. From Osaka-shi shakai-bu chōsa-ka, *Chōsenjin Rōdōsha Mondai*, (Osaka: n.p., 1924), 64-67. Quoted in Weiner, *The Origins of the Korean Community in Japan*, 65.

to the old harsh life I used to live, [and] I did not know what I would do for food or for living. I thought: ‘I enjoy my current life and standard of living.’ Therefore I did not repatriate.”<sup>107</sup>

Furthermore, though many were invariably “poor” at the end of the war, others had managed to put money aside and were unwilling to see their life savings vanish at the repatriation port. Jeffrey Bayliss suggests that the demographic shift from a male-dominated Korean population in Japan in the 1910s and 1920s to one that was increasingly balanced along gender lines by the 1940s meant that male Koreans were able to “get by” with some degree of consistency. This does not mean that they were “wealthy” or even “middle class,” but with the money left over from the various deductions and expenses, many Koreans adhered to a tight budget so that they could send remittances home and thus bring their wives and dependents to Japan.<sup>108</sup> In 1920, females represented only 12% of the total Korean population in Japan; in 1930, this proportion had become 29%; in 1940, it had reached 40%; and after the liberation, in 1950, it had stabilized at 43%.<sup>109</sup>

Regarding those with a low desire to repatriate, *Aboji*’s line of questioning suggests that many Koreans in Japan decided against repatriation after hearing reports from family members, friends, or other Koreans on the state of postwar Korea. Most testimony suggests most Koreans at least considered repatriation but quickly abandoned the idea. There is, of course, the novelist Chong Hyokuchu, the highest profile colonial era pro-Japan Korean, who desired to remain in

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<sup>107</sup> Mindan, *Aboji*, 233. Woman from Nishi Tokyo, 75 years old.

<sup>108</sup> Bayliss, “Minority Success, Assimilation, and Identity in Prewar Japan,” 39-41.

<sup>109</sup> In 1920, females represented only 12% of the total Korean population in Japan (4,712 out of 40,738); in 1930, this proportion had become 29% (121,508 out of 419,009); and in 1940, it had reached 40% (496,975 out of 1,241,178); after the liberation, in 1950, it had stabilized at 43% (199,870 out of 464,277). See Morita, *Sūji ga kataru zainichi*, 41.

Japan. In 1952, when Koreans and Formosans lost their Japanese nationality and were able to acquire Japanese nationality through naturalization, he was among the first to do so, and he changed his name to Noguchi Minoru. Generally those who rejected repatriation saw Japan as the country where they could lead a better life, or because they knew that, as they had immersed themselves too deeply in Japanese life and society, they would be deemed “traitors” or “collaborators.” Oh Byong-hak, the art school student originally from Pyongyang, toyed with the idea of returning to his family home in northern Korea (even though his father had disowned him) but decided to pursue his career as an artist in Japan.<sup>110</sup> A man residing in Aichi, who had first migrated to Japan in 1916, owned a foundry and had employed fellow Koreans. They repatriated as soon as they heard of the liberation, he recollected, but as a factory owner, he thought it more prudent to remain in Japan.<sup>111</sup> Finally, there were probably many like Kang Pil-son’s two distant relatives, one a decorated soldier in the Imperial Japanese Army and the other a public servant, who could not return to Korea because they were considered “too Japanese.”<sup>112</sup>

### *Conclusion*

Though many Koreans returned to Korea in the final months of the Asia-Pacific War and in the excitement of Korea’s liberation from Japanese rule, approximately 600,000 Koreans remained in Japan from a peak of two million in the summer of 1945. This minority, however, were largely the migrants, their spouses and dependents who had arrived and settled in Japan in the 1920s and the 1930s. As this chapter has demonstrated, many in this group rejected repatriation or refused to live in Korea because they had lived in Japan for so long, and many of

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<sup>110</sup> Oguma and Kang, *Zainichi Issei no kioku*, 198.

<sup>111</sup> Mindan, *Aboji*, 234. Man from Aichi, 82 years old.

<sup>112</sup> Oguma and Kang, *Zainichi Issei no kioku*, 100.

their children had been born and raised there. They made choices based on a number of factors, often related to a higher standard of living and a better quality of life for their children. Even forced laborers and soldiers, the least likely to remain in Japan given the circumstances of their arrival, understood they had a choice and some chose to remain in Japan. Alexander Diener argues that the nationalist discourse of an ethnonational homeland as the natural home of an ethnic group is a social construct. Like the many Koreans in Japan who felt alienated in their “kin-states” after the liberation, they discovered that the “Korean homeland” was not necessarily “home.”<sup>113</sup>

Yet, unwillingness or an inability to repatriate to Korea did not diminish Korean cultural pride. The early years of the Allied Occupation of Japan were years of fervent Korean cultural and political nationalism. In these early years, Koreans in Japan gravitated towards Korean cultural and political organizations, established schools, and published newspapers and magazines. These organizations helped create local and national support networks which softened the decision to forfeit repatriation. The relationship of Koreans in Japan towards their divided ancestral homeland, however, became increasingly politicized, as GHQ/SCAP, the Japanese government, and both Koreas weighed in on the role of the two leading political organizations of Koreans in Japan. This is the subject of the next chapter.

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<sup>113</sup> Alexander Diener, “Homeland as Social Construct: Territorialization among Kazakhstan’s Germans and Koreans,” *Nationalities Papers* 34, no. 2 (May 2006): 201-235.

## Chapter 3 – The Two Koreas and the Dissolution of Choren, September 1949

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In the aftermath of Japan's defeat and Korea's subsequent liberation from Japanese rule, Koreans in Occupied Japan organized themselves in dozens of local organizations. By October 1945, a national organization, *Zainihon Chōsenjin Renmei* (The League of Koreans Residing in Japan or "Choren"), was established in Tokyo with recently released political prisoner Kim Tenkai (Kim Ch'on-hae) acting as a prominent leader. A year later, a rival organization, *Zainihon Daikan Minkoku Dantai* (Korean Residents' Union in Japan or "Mindan"), was established with the support of disaffected former Choren members as well as Pak Yul, another famous ex-political prisoner. By 1948, when North and South Korea were established, Choren and Mindan were unofficial representative organizations for the two Korean states. Choren, the most popular among a dozen Korean organizations in Occupied Japan and allied closely with the Japan Communist Party, supported Kim Il-sung's North Korea while the less popular Mindan was affiliated with South Korea's Korean Diplomatic Mission to SCAP. On 8 September 1949, barely a year after North Korea was established, the Japanese Attorney-General dissolved Choren and its sister organization *Zainihon Chōsen Minshu Seinen Dōmei* (Korean Democratic Youth League in Japan or "Minsei") on the grounds that they were "anti-democratic and terroristic organizations."

The few scholars who have investigated the dissolution of Choren – which Pak Kyon-shik framed as a violation of human rights – do not agree on the cause.<sup>1</sup> In 1997, Kim Taegi thought it was the inevitable result of Choren's joint participation with members of the Japan

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<sup>1</sup> Pak Kyon-shik, *Kaihō-go Zainichi Chōsenjin Undō-shi* (Tokyo: San-ichi shobo, 1989).

Communist Party in violent activities across Japan.<sup>2</sup> Ogino Fujio suggested in his 1999 work on *chian* (maintenance of public peace) that it was intended to be the Yoshida Shigeru government's "dry run" of an intended dissolution of the Japan Communist Party.<sup>3</sup> These authors focus on Choren's dissolution within a framework of domestic Japanese political affairs; indeed, GHQ is curiously absent from the discussion. Given that the context of the dissolution was the "reverse course," when GHQ purged leftists, "de-purged" and reinstated former bureaucrats to positions of authority, and went on the offensive against trade unions like the National Congress of Industrial Unions (*Zen Nihon Sangyō Betsu Rōdō Kumiai Kaigi* or NCIU), and that the Yoshida government was notably hostile towards Koreans, it is reasonable to assume domestic political factors precipitated the dissolution. Yet its timing, one day before North Korea's first anniversary, and Choren members' support for the North Korean government suggests that international factors relating to the Korean peninsula may have played a significant part.

This chapter argues that the dissolution of Choren was GHQ's final attempt, in collusion with the anti-communist sentiments of the Yoshida government, to break the link between Choren and the North Korean government and simultaneously raise the prestige of Mindan and South Korea among Koreans in Japan. Discrediting Choren, and implicitly North Korea, also reflected the position of the United Nations General Assembly in late 1948 and the United States's formal recognition in early 1949, that South Korea was the sole lawful government on the peninsula.

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<sup>2</sup> Kim Taegi, *Sengo Nihon Seiji to Zainichi Chōsenjin Mondai. SCAP no Taizainichi Chōsenjin Seisaku, 1945-1952* [Postwar Japanese Politics and the Zainichi Chosenjin Problem: SCAP Policies towards Zainichi Chosenjin, 1945-1952] (Tokyo: Keisō shobo, 1997).

<sup>3</sup> Ogino Fujio, *Sengo chian taisei no kakuritsu* (Tokyo: Iwanami Shoten, 1999).

### *Formation and Growth of Choren and Mindan*

Since few studies of Korean political organizations in Japan exist, this section will make a first foray into explaining the appeal, growth, and makeup of the two principal Korean organizations in Occupied Japan.

In general, according to Michael Weiner, from the 1910s through the 1930s, the language barrier, the transitory nature of the jobs available to Koreans in Japan, and their disinterest in unions even when it was permissible to create one, mitigated against the formation of labour associations with or without the cooperation of Japanese workers.<sup>4</sup> Although there were fewer Korean students than workers in Japan, their organizations enjoyed a greater, if still limited, popularity. Despite advocating liberation from Japanese rule, the anarchist and communist political philosophies of Korean student organizations in Japan tended to limit their appeal, as did police surveillance.<sup>5</sup> Nonetheless, future Korean Provisional Government,<sup>6</sup> Choren, and Mindan leaders did emerge from these student organizations.

Unlike Weiner, Ken Kawashima finds that Korean workers did participate in substantial numbers in communist labour unions like *Zenkyō* (*Nihon Rōdō Kumiai Zenkoku Kyōgikai*) in the 1920s and 1930s. More important, however, was the emergence of Japanese government-initiated, Korean-led mutual aid societies in this period. The Korean independence movement

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<sup>4</sup> Weiner, *The Origins of the Korean Community in Japan, 1910-1923*, 101.

<sup>5</sup> Such student organizations in the early 1920s maintained a small membership of 30 to 100 members. *Ibid.*, 143-145.

<sup>6</sup> The Korean Provisional Government was born on March 1, 1919, the day of a massive nationalist pacifist uprising which was brutally crushed by the Japanese. The Revolutionary government-in-exile established itself in Shanghai until 1932 and eventually to Chungking, which, since 1937, was also the capital of Chiang Kai-shek's Nationalist China. From Washington, Syngman Rhee failed to get US recognition of the KPG. After the war, many KPG leaders, notably Rhee but also Kim Ku, were the foundation for political rule in southern Korea. See J. Kyuang Dunn, "Korea Seeks Recognition," *Far Eastern Survey* 13, no. 21 (Oct. 18, 1944): 198-199.

motivated the Japanese government to rethink its approach towards Koreans. Kawashima argues that the government acknowledged military suppression alone would never extinguish the “spirit of the Korean masses.” Some concessions, like extending the vote to Korean males residing in Japan, were deemed necessary to quell agitation. Another concession was the establishment of the *Sōaikai* (Mutual Love Society) in the 1920s, a government-funded, Korean-led association which controlled Korean labour in Japan. Though it was intended to give the appearance of support for the “ethnic Korean movement,” it allowed the Japanese authorities to keep a tight leash on Korean workers, who tended to support leftist and independence movements.<sup>7</sup>

Immediately after the Asia-Pacific War ended, other ethnic-centered Korean organizations sprang up across Japan. Their primary goal was to help fellow Koreans repatriate to Korea. On 15 October 1945, five thousand Koreans from across Japan met in Tokyo and founded Choren. At this first national convention, Choren pledged to rebuild a new Korea, support the livelihoods of Koreans residing in Japan, and help repatriate Koreans.<sup>8</sup> Just a few days before Choren’s first meeting, General MacArthur, at Canadian diplomat E. Herbert Norman’s suggestion, had released political prisoners from Japanese jails, including the communists Tokuda Kyūichi, Shiga Yoshio, and Kim Tenkai (Kim Chon’hae). Kim was the only member of Korean descent on the Central Committee of the Japan Communist Party (JCP) and, as a two-time political prisoner who epitomized the Korean resistance, he was a natural leader for Choren.

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<sup>7</sup> Kawashima, *The Proletarian Gamble*, 138-139.

<sup>8</sup> Lee Yu-kan, *Zainichi Kankokujin 60-man: Mindan, Chōsōren no bunretsushi to dōkō* (Tokyo: Yōyōsha, 1971), 4; Takemae, *Inside GHQ*, 452.

At Choren's first national convention, Kim Tenkai delivered a polarizing speech by warning that Koreans who had collaborated with Japanese during the years of annexation would be branded traitors and subsequently banished from Choren.<sup>9</sup> He said that as Choren would act as a faithful servant under the JCP umbrella, it would help the JCP in effecting revolutionary activity in Japan. If the association with the JCP seemed a clear contradiction of Kim's anti-Japanese attitude, the Communists were the only major political party in Japan who openly supported Koreans. During the colonial period, the JCP had demonstrated solidarity with Korean workers seeking to fight exploitation and with students seeking an ideological platform upon which to overthrow Japanese imperialism.<sup>10</sup> The JCP rallied Koreans to its cause by stating that Korea could not be liberated without a Communist revolution in Japan, and that required a communist revolution on the Korean peninsula. Thus right from the start, the JCP and Choren had a mutually beneficial relationship.

Though it is tempting to view Choren's strong support among Koreans in Japan as a reflection of Kim Il-sung's rise to the leadership of Soviet-occupied northern Korea, his strong anti-Japanese stance undoubtedly attracted some, but most seem to have initially joined Choren for more mundane reasons such as a desire to be with other Koreans and in an organization that looked after their interests as Koreans rather than for any higher political purpose. In this respect, many Koreans were grateful for Choren as it established schools, provided support networks, and performed valuable community work. Said one man from Hokkaido: "After the liberation, I joined Choren as a member of my [racioethnic] nation [*minzoku*]."<sup>11</sup> Another from Chiba

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<sup>9</sup> Lee Yu-kan, *Zainichi Kankokujin 60-man: Mindan, Chōsōren no bunretsushi to dōkō*, 4.

<sup>10</sup> Weiner, *The Origins of the Korean Community in Japan, 1910-1923*, 105.

<sup>11</sup> Mindan, *Aboji*, 255. Man from Hokkaido, 65 years old.

explained that he joined an unnamed organization (but probably Choren) because: “I had the feeling that if I joined [our family] could repatriate and my kids could enter a [Korean] national school [*minzoku gakkō*]. I also donated money at that time.”<sup>12</sup> Koreans looked for safety in the aftermath of Japan’s defeat: “We were liberated and we became free. However, there was no one who would protect our lives, assets, or rights. Because of that, and in order to protect the things listed above, we established a Choren branch office.”<sup>13</sup> Since Choren was the first national Korean organization in Japan, it became the default organization for many: “We needed some organizations and since Mindan did not exist, we joined Choren and sent out kids to ethnic schools. Afterwards, for our children’s education, we switched to Mindan.”<sup>14</sup> They soon found, however, that Choren’s core ideological supporters considered switching organizations a traitorous act.

In fact, some Koreans began leaving Choren when it became too ideological and too intertwined with the politics of the JCP. Some Koreans disagreed with Choren’s support for communism; others were disappointed with its leadership. Edward Wagner cast Choren in a negative light, criticizing it for its strong-arm tactics, its presence in various illicit activities, and its belief that it “had somehow inherited the mantle of sovereignty [over Koreans] cast off under compulsion by the Government General [of Chosen].”<sup>15</sup> Some Koreans left to create a rival organization called the Youth League to Expedite the Foundation of Korea in November 1945. Pak Yul, a high-profile Korean political prisoner, was released from Akita prison in December

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<sup>12</sup> Mindan, *Aboji*, 256. Man from Chiba, 69 years old.

<sup>13</sup> Mindan, *Aboji*, 260. Man from Toyama, 64 years old.

<sup>14</sup> Mindan, *Aboji*, 256. Woman from Tokyo, 68 years old.

<sup>15</sup> Wagner, *The Korean Minority in Japan, 1904-1950*, 52.

1945. Pak and his wife Kaneko Fumiko were anarchists who had been imprisoned for life in 1923 for attempting to assassinate then-Prince Hirohito. In part because of the sensationalism of his trial, Pak was an even greater Korean figure than Kim Chon-h'ae. Though courted by the Korean left, Pak, however, wanted to lead his own organization. Since Kim was already leading the communist Choren, he decided to lead an anti-communist Korean organization. Thus, according to Changsoo Lee, personal ambition appears to have guided Pak's decision to lead Mindan. Pak's first organization, the League for the Establishment of a New Korea, was founded in January 1946 but was dissolved to create Mindan in October 1946.<sup>16</sup> Keen to take a different path from Choren, the tone of Mindan's inaugural declaration was considerably more moderate: Mindan "will not be a political organization; neither does it intend to affiliate with, nor support on an ideological basis, any political institution in the homeland or abroad." In its "Appeal to the Japanese People" issued a few days later, Mindan struck the same chord of cooperation: "We are willing to drain our bitter memory away in water. From now on let us join hands with the Japanese people for mutual prosperity and coexistence."<sup>17</sup>

Three narratives illustrate how some disillusioned Choren members became the core of Mindan's support base. The common theme for their disillusion lay in Choren's shift away from an ethno-nationalist organization to an ideological political one. In the first narrative, one man from Gifu recounted how he felt about Choren: "We all gathered and shared mutual joy upon hearing that our fatherland had been liberated and returned to Koreans [*Chōsenjin*]. We were pleased that our [ethnic] nation had returned. We understood that 'Kim Tenkai' wanted to change [Choren] to a Communist organization, but only one or two people participated in this

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<sup>16</sup> Changsoo Lee, "The Period of Repatriation, 1945-1949," in *Koreans in Japan: Ethnic Conflict and Accommodation*, 67-69.

<sup>17</sup> *Ibid.*, 69-70.

change. But because everyone wanted to participate in the organization as members of an [ethnic] nation, we felt betrayed [by Kim].”<sup>18</sup>

Likewise, a woman from Aichi explained her husband “and some people from the neighbourhood at first participated with Choren. However, we tried several positions and there were a growing number of things we could not understand. We decided we had enough and several of us left to work hard at building Mindan up. In that period, several people from Choren were thinking of killing my husband. We were never free from their harassment.”<sup>19</sup> A man from Aichi emphasized the effect of the split on ordinary Koreans: “I first joined Choren but after the split, I immediately joined Mindan. When I was with Choren’s branch office, I sent my children to Korean schools, and I collected money for the schools. At that time, Choren suddenly began to turn ‘red’, and because its ideological views no longer matched mine, I ran to Mindan. I pulled up stakes and established the Toyohashi [Aichi Prefecture] branch office of Mindan. Later, at Osaki [Aichi Prefecture], I was harassed by many Choren members....My children were caught by other children on their way to [Choren] Korean school and had rocks thrown at them and were struck by rocks.”<sup>20</sup>

It was not inevitable that, just because the Korean peninsula was divided into two zones occupied by two powers of opposing ideological persuasion, that violently opposing organizations would represent Koreans in Japan. Many leaders of their respective organizations were political radicals who cut their ideological teeth in the turbulent post-March 1 movement

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<sup>18</sup> Mindan, *Aboji*, 260. Man from Gifu, 56 years old.

<sup>19</sup> Mindan, *Aboji*, 260. Woman from Aichi, 61 years old.

<sup>20</sup> Mindan, *Aboji*, 258. Man from Aichi, 77 years old. A similar one speaks of the virtual state of war in Japan when he raised the South Korean flag: Mindan, *Aboji*, 259. Man from Aichi, 60 years old.

years. But like the many Koreans in Japan and other parts of the world who converged on the liberated peninsula, leaders of organizations in Japan had to make choices about the kind of nationalist state they wished to see created there. After enduring the transparently imperialist *Sōaikai* and the *Kyōwakai* (Concordia Association), most ordinary Koreans in Japan seemed to have aspired to have a single apolitical Korean organization that would protect their livelihoods and prepare them and their children for eventual repatriation to Korea. Even G-2, GHQ's intelligence section, recognized that: "[O]nly a small percentage of its [Choren] membership were actual out and out communists. Most Koreans are little concerned with political ideology, but are interested in belonging to organizations which will help them individually."<sup>21</sup> Even though Choren, as the principal Korean organization, could cooperate with GHQ and the Japanese authorities for its members' benefit, the ideological split made reconciliation between Koreans in Japan nearly impossible.

### *Jurisdictional Issues during the Allied Occupation*

Washington drafted policy for Japan and SCAP held supreme authority over the Japanese government to execute it. Three major postwar policy documents guided SCAP's authority: the Potsdam Declaration (26 July 1945), the US Initial Post-Surrender Policy for Japan (22 September 1945), and the Basic Initial Post-Surrender Directive to the Supreme Commander for the Allied Powers for the Occupation and Control of Japan (JCS 1380/15), issued on 3 November 1945 which was the Pentagon's more detailed follow-up to the "Initial Post-Surrender Policy." The "Initial Post-Surrender Policy" was "loose and unclear," which the "Basic Directive"

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<sup>21</sup> National Diet Library (NDL), Records of General Headquarters, Supreme Commander for the Allied Powers [hereafter NDL-GHQ], GS(B) 1611, box 2189, file 36, "Reactions to Dissolution of Leftist Korean Organizations," summary of information from G-2, 25 October 1949.

sought to rectify.<sup>22</sup> It clearly outlined the principal areas of Japanese society MacArthur was expected to reform (see Appendix 4).<sup>23</sup> But by accepting the Potsdam Declaration (Appendix 5), inserted in the Instrument of Surrender, Japan “temporarily forfeited basic sovereign rights” by recognizing SCAP as the highest authority in Japan. SCAP issued formal directives known as SCAPINs (SCAP Index), which were “supra-constitutional occupation law.”<sup>24</sup> These directives passed without parliamentary debate as Imperial edicts (or “Cabinet Orders” after the Constitution came into effect on 3 May 1947) rather than as Diet laws. They became popularly known in Japanese as *Potsudamu Chokurei* (“Potsdam Ordinances” – ポツダム勅令). Most SCAPINs were issued during the first year of the Occupation, the so-called “punitive phase.” Thereafter, with the new Constitution set to come into effect, SCAP wished to allow the Japanese government more legislative control over its own affairs. SCAPINs declined after 1947 and were rare after 1949.<sup>25</sup>

Despite this relative decline, SCAP remained a strong force in Japanese politics. There were still 867 Cabinet Ordinances issued after May 1947, compared to 804 Diet laws, and none was more intrusive than Imperial Ordinance 311. Enacted on 12 June 1946, it stipulated that individuals who engaged in “acts prejudicial to Occupation objectives” were subject to heavy fines and long prison terms. This vaguely worded public safety ordinance allowed SCAP and the government to crack down on leftists, trade unionists, Koreans, and other political undesirables.<sup>26</sup>

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<sup>22</sup> William J. Sebald, *With MacArthur in Japan: A Personal History of the Occupation* (New York: W.W. Norton, 1965), 41.

<sup>23</sup> Takemae, *Inside GHQ*, 103-105.

<sup>24</sup> *Ibid.*, 114.

<sup>25</sup> *Ibid.*, 115.

<sup>26</sup> *Ibid.*, 316-317.

SCAP also frequently overstepped the bounds of its authority, such as banning a 1 February 1947 national strike and purging the Japan Communist Party Central Committee in June 1950.

The jurisdictional lines between SCAP and the Japanese government were vague, and both parties soon exploited this vagueness for political gain. SCAP's primary objectives at first were to abolish militarism, disarm and demilitarize Japan, and strengthen Japan's democracy by reforming political and bureaucratic institutions. Despite its supreme authority, it expected the Japanese to govern themselves and help reform from within their own institutions along democratic (i.e., "American") lines. Eiji Takemae, the doyen of Occupation's history, reminds us that until Japan regained its independence on 28 April 1952, Japan and the Allied Powers were legally still in a state of war. The Emperor and the government were subordinate to the rule of the Allied Powers only to a degree required to achieve the goals outlined in the "Basic Directive" which would secure a peace treaty.<sup>27</sup> Once SCAP placed Japanese foreign affairs under its jurisdiction, the Japanese government operated in a murky area where it retained jurisdiction over its own local affairs and its nationals, but subject to SCAP's direct intervention. In respect to controversial acts like the dissolution of Choren, SCAP shifted public responsibility to the government while the government claimed SCAPINs prevented it from taking responsibility.

The division of jurisdiction between staff sections at GHQ and the SCAP were equally vague. The Acting United States Political Adviser to SCAP (POLAD), better known as Diplomatic Section (DS), was the State Department's voice in Occupied Japan. William Sebald, who headed DS after the inaugural POLAD, George Atcheson, died in a plane crash in 1946, explains that DS "operated...like an embassy accredited to the Occupation." This was consonant

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<sup>27</sup> Ibid., 229-233.

with SCAP's position as the supranational authority in the multinational "Allied" Occupation of Japan. The Occupation, however, was in fact decidedly American in the composition of its staff and in the way SCAP oriented Japan towards American foreign policy goals. The positions of other Allied governments were often summarily dismissed, and DS was "curiously half in and half outside the mainstream of Occupation affairs."<sup>28</sup>

The Occupation's legal status taxonomy placed Occupation personnel at the top, followed by Allied nationals (or United Nations nationals), foreign nationals, stateless persons, enemy nationals, and Japanese nationals. Other than Occupation personnel, legal status was determined according to which side a country had fought in the Second World War, thus German and Italian nationals in Japan, for example, were treated as enemy nationals. An individual's legal status determined his or her level of legal and financial protection and amount of rations. Japanese and enemy nationals had basic rations and little legal protection for their assets, whereas United Nations nationals and foreign nationals enjoyed supplementary rations and increased legal and financial protection. After 1946, Formosans who registered with the Chinese Mission in Japan were granted privileged UN national status.<sup>29</sup> But those who did not register, such as those who supported the Chinese Communists, remained Japanese nationals throughout the Occupation.

By signing the Instrument of Surrender on 2 September 1945, the Japanese government lost sovereignty over Korea (Chosen), Formosa (Taiwan), and Okinawa. The Basic Directive defined "Japan" for purposes of the Occupation and outlined policies for the repatriation of "non-Japanese." "Japan," according to the directive, consisted of the four main islands and about 1,000

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<sup>28</sup> Sebald, *With MacArthur in Japan*, 42.

<sup>29</sup> "Official Status of People of Taiwan," *Foreign Relations of the United States, 1946. The Far East*, memorandum by the Military Intelligence Section, General Staff, of the SCAP in Japan to Representatives of the Ministry of Foreign Affairs of the Republic of China, 2 April 1946, 187.

small islands including the Tsushima islands. The directive instructed the military government to arrest civilians of any nationality, including those with the privileged United Nations status, who were suspected of having participated in the war against any of the UN nations. According to the Basic Directive, GHQ's primary responsibility towards Koreans in Occupied Japan was to ensure their repatriation to the Korean peninsula and detain suspected war criminals. Koreans, like Formosans, were declared to be "liberated peoples" and specifically excluded from the term "Japanese" as used in the directive (see Appendix 4, article 8d). They were treated as "non-Japanese" for purposes of repatriation, but since they had been Japanese subjects, they could, when deemed appropriate, be treated as enemy nationals, i.e., "Japanese nationals." Because of this status, many Koreans were tried as 'B' and 'C' class war criminals at the International Military Tribunal for the Far East.<sup>30</sup>

The declaration that Koreans were "liberated nationals" caused confusion – and even anger. What did "liberated national" mean? In Japan, it meant someone entitled to repatriation at the expense of the Japanese government. Beyond that, the term had no legal meaning and was not intended to designate or recognize a nationality. The implications of the term "liberated nationals" as applied to Koreans, however, were manifold. In the case of the Dutch in World War II, for a popular example, the term strongly implied that they were nationals of a country that had been occupied during the war by an Axis power and that, with the help of resistance forces linked to the Allied cause, had restored its sovereignty. Thus many Koreans in Japan believed not only that they were "liberated" – if not liberators themselves – but that this status acknowledged their Korean nationality and even gave them a privileged Allied national status.

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<sup>30</sup> Utsumi Aiko, "Korean 'Imperial Soldiers': Remembering Colonialism and Crimes against Allied POWs," in *Perilous Memories: The Asia-Pacific War(s)*, ed. T. Fujitani, Geoffrey M. White, and Lisa Yoneyama (Durham, NC: Duke University Press, 2001), 199-217.

We can thus understand why politicians like Shiikuma Saburō angrily stated to the Diet that: “We refuse to stand by in silence watching Formosans and Koreans, who have resided in Japan as Japanese up to the time of the surrender, swaggering about as if they were nationals of victorious nations.”<sup>31</sup>

“Liberated nationals” terminology notwithstanding, and to much subsequent anger, Koreans in Japan remained Japanese nationals. In consultation with GHQ’s Legal Section, MacArthur announced in November 1946 that Koreans retained the Japanese nationality they had held during the colonial period. According to the principle of “habitual residence” (discussed in chapter 5), Koreans in Japan lost Japanese nationality when they repatriated to Korea. Under Japanese law, Koreans in Japan were considered Japanese nationals until a sovereign Japan and “Korea,” which was divided in two occupation zones, and later, two sovereign states, negotiated their status. Complicating the issue was that Koreans in Japan held family registers on the Korean peninsula, which made them Korean nationals in the eyes of both Korean states. Japan, however, by accepting the terms of the Potsdam Declaration, had lost legal jurisdiction over Korea – and the family registers of Koreans in Japan. Thus the Japanese government could not recognize the latent Korean nationality of Koreans in Japan until it recognized one or both Korean states.

Thus, the crux of the matter regarding Koreans was the following. On 5 November 1946, SCAP announced that Koreans who refused repatriation “retained their Japanese nationality until such time as an officially established Korean Government recognized them as Korean

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<sup>31</sup> Conde, “The Korean Minority in Japan,” 42.

nationals.”<sup>32</sup> In a subsequent press release released on 20 November 1946, SCAP clarified erroneous press reports that Koreans in Japan who forfeited repatriation needed to obtain Japanese nationality in order to reside in Japan: “The Occupation Authorities have no intention of interfering in any way with the fundamental rights of any person of any nationality in regard to retention, relinquishment or choice of citizenship.”<sup>33</sup> In other words, SCAP could not and did not manipulate the nationality of Koreans; only a sovereign Japan and “Korea,” the two concerned states, could negotiate the nationality status of Koreans in Japan.

### *Relationship between GHQ, the Japanese Government, and Koreans in Japan, 1945-1948*

For good or for bad, GHQ demonstrated relative, if selective, disinterest in Korean political activities between the end of the war and the spring of 1948. This stemmed from a number of reasons. First, no centralized section governed Korean affairs in Japan. The key sections of this initial period – Civil Information and Education (CIE), Economic and Scientific Section (ESS), and Government Section (GS) – were not well coordinated and only occasionally shared information. Second, as Japanese nationals, Koreans were under Japanese jurisdiction, and GHQ appears to have respected jurisdictional lines, or been unwilling to expend its own resources on this matter. For example, when Japanese officials complained that the Koreans were not obeying Japanese laws, such as paying taxes, GHQ sections advocated diplomacy and discussions with Choren (as the leading association representing Koreans). In July 1947, Walter K. Le Count, Chief of ESS’s Finance Division, in response to such a complaint, noted that since

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<sup>32</sup> Chang Hyo Sang, “Nationality in Divided Countries: A Korean Perspective,” in *Nationality and International Law in Asian Perspective*, 298.

<sup>33</sup> “Status and Treatment of Koreans in Japan,” *Foreign Relations of the United States, 1946. The Far East*, telegram from MacArthur to Chief of Staff Dwight Eisenhower, 25 November 1946, 357. See also David Conde’s brief discussion on the retention of Japanese nationality in “The Korean Minority,” 45.

“tax collection is a normal government activity,” he would not allow the Allied military police to enforce Japanese laws.<sup>34</sup> The Japanese government also had the authority to deport Koreans who attempted to enter Japan illegally.<sup>35</sup>

Third, GHQ’s efforts were primarily directed at the immediate problems of food, fuel, transportation, public health and security, and the huge flow of returning Japanese military personnel and civilians, as well as the longer term matters of preparing Japan for a democratic, post-militarist society, namely drafting the new Constitution, controlling inflation, purging militarists from public office, and conducting war crimes trials. Korean engagement in the black market also figured prominently in reports by ESS and Civil Affairs Sections in the prefectures, as did the flow of thousands of Korean illegal entrants. GHQ’s campaign to keep inflation low by snuffing out the black market brought Koreans to their attention.

The fourth reason for GHQ’s general disinterest in Korean political activities was demographic. Even though Koreans formed the largest population of former colonial subjects residing in Japan, they were thinly spread across the country apart from a larger concentration in the Kansai region. With the phrase “less than 550,000 Korean nationals [sic] remain in Japan,” a military intelligence report in June 1947 highlighted the smallness of the Korean population –

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<sup>34</sup> NDL-GHQ, ESS(D) 546, file 28, “Taxation of Chinese and Koreans,” memo from Walter K. Le Count to Chief, ESS, 11 July 1947, 3.

<sup>35</sup> “Lt. Col. Marcum informed Mr. Ushiba that the Japanese Government has the authority to arrest, try, sentence, and deport Koreans charged with illegal entry, and that the only need for contacting SCAP would be in connection with the review of such trials and the arrangement of shipping priorities with G-3.” 3-A-173, “Government of Japan authority to deport illegal Koreans,” memo from George A. Nelson to Courtney Whitney, 9 March 1946. In *Occupation of Japan, part 2: U.S. and Allied Policy, 1945-1952*. Edited by Makoto Iokibe. (Bethesda, MD: Congressional Information Services, 1989). “Lt. Col. Marcum informed Mr. Ushiba that the Japanese Government has the authority to arrest, try, sentence, and deport Koreans charged with illegal entry, and that the only need for contacting SCAP would be in connection with the review of such trials and the arrangement of shipping priorities with G-3.”

indeed even severely underreported the numbers based on normal estimates of 600,000 to 650,000 Koreans residing in Occupied Japan.<sup>36</sup>

One effect of GHQ's disinterest was that it allowed Japanese politicians and the press to express their racial prejudices concerning the Koreans (and the Chinese) with little recrimination. In a devastated Japan, Koreans and Formosans made for convenient scapegoats. Journalist David Conde complained that GHQ's hands-off approach tacitly supported the Japanese idea that Koreans and Formosans were a dangerous criminal element that prolonged Japan's economic instability. The Ueno (Tokyo) police station released a poster with a depiction of the Korean flag as a central motif warning local residents to beware of burglars.<sup>37</sup> In a 13 July 1946 editorial, the *Mainichi Shimbun* lambasted Koreans for engaging in livelihoods which caused crime, disturbances, and unduly affected the government's food and price policies.<sup>38</sup>

By late 1946, GHQ was no longer a disinterested spectator. GHQ dealt with Choren on a national basis for the first time after the Japanese government passed the Alien Registration Order (ARO) on 2 May 1947, the last such measure passed by the Japanese Government under the old Meiji Constitution. Before the ARO there had been registration drives for "non-Japanese" peoples as defined by SCAP to determine whether they desired repatriation to their "homelands" – meaning their place of household registration, as opposed to their domicile address in Japan. In November 1946, the Osaka prefectural government, at the behest of the regional Military

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<sup>36</sup> NDL-GHQ, WOR 9725, "Periodical Summary: Korean Minority in Japan," no. 17 (15 June 1947): SUM 8.

<sup>37</sup> Changsoo Lee, "Koreans under SCAP: An Era of Unrest and Repression," in *Koreans in Japan: Ethnic Conflict and Accommodation*, 76.

<sup>38</sup> Conde, "The Korean Minority in Japan," 41.

Government Team, instituted a short-lived and fiercely resisted “Korean Registration Certificate” that required a photo and a fingerprint.<sup>39</sup>

The ARO was instituted primarily in response to thousands of Koreans illegally entering Japan. Many of these “illegal entrants” were former residents of Japan who were seeking to rejoin their family members in Japan.<sup>40</sup> For the sole purposes of the ARO, Koreans and some Formosans, were “for the time being regarded as aliens” (*tobun no aida, kore o gaikokujin to minasu*).<sup>41</sup> Thus, this did not affect their status as Japanese nationals. The ARO provided documentation to Koreans to prove their continued residence in Japan. Since all aliens were required to carry their ARO card at all times, the secondary aim was to identify those who had entered Japan “illegally.” Under the Alien Registration Law, which replaced the ARO in 1952, aliens did not have to submit a fingerprint when registering.

It is an axiom of the historiography of Koreans in Japan that the ARO “generated considerable resentment amongst the Korean community in Japan, aggravating the tensions between them and occupation forces.”<sup>42</sup> Yet Choren did not, in principle, oppose the Alien Registration Ordinance. From its Headquarters, Kang Hisu wrote that it agreed to the implementation of the ARO “under the provision that its chief purpose lies in the protection of

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<sup>39</sup> Takemae, *Inside GHQ*, 652n111. See also Yang Yong-hu, “Osaka-fu Chōsenjin toroku jōrei seitei: 1946 no tenmatsu ni tsuite,” *Zainichi Chōsenjin-shi Kenkyū*, no. 16 (1986): 104-26. Choren does not appear to have played a prominent role in this incident.

<sup>40</sup> Once Koreans left Japan, they were considered to have divested themselves of their Japanese nationality. Re-entry was considered “illegal” and they could be deported, but there is considerable evidence to suggest that some Japanese policemen were lenient if the Korean could prove Japan was the country of his principal domicile.

<sup>41</sup> Article 11 of the Alien Registration Ordinance (外国人登録令 – *gaikokujin tōroku rei*).

<sup>42</sup> Tessa Morris-Suzuki, *Borderline Japan: Foreigners and Frontier Controls in the Postwar Era* (New York: Columbia University Press, 2011), 91.

foreign nationals” and that the Japanese authorities would not abuse their powers.<sup>43</sup> Other Choren leaders indicated their support as long as the registration adhered to international law.<sup>44</sup> Choren supported the ARO on the grounds that it considered its members as “foreign nationals”; the ARO thus legitimated their desire to be regarded as Korean nationals rather than as Japanese nationals, even if the ARO did not legally change their nationality.

Registration was not completed by the 31 August 1947 deadline. James G. Devine, head of the Kinki region Military Government Team (MGT), reported that Koreans were refusing to register unless they received justice from Korean authorities and the extra rations granted to those with foreign national status. On August 26, Legal Section’s Dr. Alfred Oppler called in three Choren representatives to explain why so few Koreans had registered. They replied that prefectural governors had not made it clear that Koreans were required to register and, more importantly, they claimed that the governors had issued pamphlets stating that the Koreans were Japanese nationals, while Choren insisted they were Korean nationals. In the confusion, few had registered. Under Oppler’s advice, the Choren representatives agreed to instruct their members to register for the ARO. Oppler also directed the governors not to bring up nationality in connection with the registration process.<sup>45</sup> Weeks later, after a joint statement issued by the Japanese

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<sup>43</sup> NDL-GHQ, LS 10255, “On Foreign National Registration Law,” letter from Kang Hisu to Capt. Novotny (GS), 14 August 1947. Even Government Section managed to misconstrue the name of the Alien Registration Order.

<sup>44</sup> NDL-GHQ, CAS(A) 45, file 39, “About the registration of Koreans,” letter from Kan Shin Chang to Capt. Wagoner (Aichi MGT), 22 August 1947.

<sup>45</sup> The following telegram was signed by the Chief of the Investigation Bureau, Home Ministry, on 27 August 1947 [English in original]: “Concerning the problem of the nationality of Korean residents in accordance with the registration of aliens. At present concerning the nationality question of Korean residents in Japan, [it] should not be discussed under this registration law, therefore, I would like to have you inform the representatives of the Korean organization to the effect that everyone should complete his registration by 31 August 1947 in compliance with the purport of the Alien Registration Law setting aside the question of nationality.” NDL-GHQ, LS 10255,

government and Choren, reports came from the MGTs that attested to “practically 100% cooperation by Koreans” with “no untoward incidents” in the registration process.<sup>46</sup>

Education was the second major issue that brought Choren to national attention. After the war, Korean schools sprang up across in Japan, many operated under Choren’s aegis, and often independent of Japanese ministerial supervision. GHQ and the Japanese government tolerated such schools on the grounds that were preparing Korean repatriates for life in Korea. Since they were not preparing students for Japanese higher education, they came under the jurisdiction of the prefectures, not the Ministry of Education (MOE). Thus they were not normally entitled to a subsidy but also did not have to follow an MOE-approved curriculum.<sup>47</sup> Many Koreans petitioned GHQ for schools that taught Korean language and culture while qualifying for MOE subsidies; the MOE insisted on schools with an all-Japanese language curriculum and staffed with people who met MOE regulations. Few Koreans attended Japanese schools, either because they preferred to send their children to Korean-only schools or because their children faced discrimination in Japanese-language schools. As a result, Korean children attended crowded makeshift schools. In a conference with Choren representatives in April 1947, CIE’s William Kerr acknowledged that there was no prohibition against the operation of private Korean schools

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“Alien Registration Law as Applied to Koreans,” memo for the record from M. Tanaka (interpreter, Courts and Law Division), 2 September 1947.

<sup>46</sup> NDL-GHQ, CAS(B) 4920, file 9578, “Annex A to Monthly Military Government Activities Report Period Ending 30 September 1947,” from James G. Devine, Kinki MG, 9 October 1947.

<sup>47</sup> NDL-GHQ, CIE (C) 322, file 13890, “Korean Education in Japan,” report of conference by Roy W. Arrowood, 14 February 1947.

but he thought it unwise for Koreans living in Japan to have an education that did not prepare them for life in Japan.<sup>48</sup>

After SCAP and GHQ's DS announced in November 1946 that Koreans who refused repatriation remained Japanese nationals, were subject to Japanese law, and did not have the privileges of extraterritoriality, GHQ began pressuring the Japanese government to ensure that Koreans adhered to Japanese standards of law and education. In this context, for example, GHQ applied the special capital levy or "war tax" in November 1946 to Koreans, Formosans, and Japanese. CIE also directed the MOE to instruct prefectural governors that Korean children could receive a Korean language education but required the same attendance and standards as those of general public and private schools including compulsory elementary education. In October 1947, GHQ sought to enforce Japanese law in the realm of education. The Ministry of Education ensured Korean schools complied with all education directives, but "permitted [them] to teach the Korean language in addition to the regular curriculum."<sup>49</sup> In January 1948, a small but significant change in the School Education Law required Korean children to attend public or private schools accredited by the Ministry, whose teachers were subject to ministerial screening, and in which the Korean language, history, and culture could be taught as an extra-curricular activity. The new policy disadvantaged Korean teachers who were unlikely to have the required professional qualifications.<sup>50</sup>

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<sup>48</sup> NDL-GHQ, CIE (C) 340, file 6757, "Korean language schools for Korean children in Kanagawa Pref.," report of conference by William C. Kerr, 18 April 1947.

<sup>49</sup> Quoted in Wagner, 69.

<sup>50</sup> 3-A-792, "Closing of Korean schools," memo from C.L.K. [Charles L. Kades] to Government Section, 26 April 1948. In *Occupation of Japan, part 2: U.S. and Allied Policy, 1945-1952*. Edited by Makoto Iokibe. (Bethesda, MD: Congressional Information Services, 1989).

In response to the changes, Choren negotiated with Morito Tatsuo, the Education Minister during Katayama Tetsu's brief (May 1947-March 1948) Japan Socialist Party government. Morito was sympathetic to Choren's pleas, but, under SCAP's pressure, could not implement the changes it sought.<sup>51</sup> The two key divisive issues were the use of Korean language textbooks and instruction in Korean. The MOE recommended that Choren choose one Korean language textbook among the many in circulation in its schools across Japan. The MOE also wanted to keep Korean language instruction as an extra-curricular activity, whereas some Choren representatives wanted to use Korean language textbooks for the regular curriculum as well.

On 1 April 1948, the start of the new school year, ethnic Korean schools that did not comply with Ministry of Education regulations and were not accredited with the prefecture were ordered to close. Daily protests followed in Osaka and Kobe, between them home to nearly a third of Japan's Korean population. On 24 April the protests took a violent turn. In Kobe, several Koreans held the governor hostage in his office until he ordered the schools to remain open. The Japanese police, who, since the start of the Occupation were unarmed by SCAP's decree, were unable to contain the protesters and called on the American military police for assistance. General Robert Eichelberger called a limited state of emergency and approximately 2,000 protestors, mostly Koreans, were detained. Because the riot occurred two weeks before general elections were planned in South Korea, this led people like Eichelberger to claim the riot was instigated "by the Reds."

As a result of the riot, 114 Koreans and a few Japanese were tried at the Eighth Army provost courts in Osaka and Kobe and in Japanese district courts. Eight Koreans were sentenced

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<sup>51</sup> Takemae, 463.

to confinement at hard labour for one to five years and subsequently ordered to be deported to South Korea. Eleven Japanese were sentenced to confinement at hard labour, ninety-one Koreans were sentenced to various punishments from 50 yen fines to hard labour. Only four Koreans were acquitted.<sup>52</sup> Information about the so-called “ringleaders” of the Kobe riot indicates the type of people who were likely deported. Major Marion H. Smoak, the Assistant Staff Judge Advocate, wrote in his report on the trial of the nine “ringleaders”: “They all appear to be *responsible persons* with dependents either in Japan or Korea.” The youngest was 23 and their professions ranged from school principal to dressmaker to member of the Kobe Municipal Assembly (this was Horikawa Kazutomo, the lone Japanese in this trial).<sup>53</sup> Curiously, the ringleaders were not deported, though four of the Koreans involved in the Osaka riot were deported to what was likely an alien “homeland.” The head of the Australian mission and the British Commonwealth representative on the Allied Council for Japan, Patrick Shaw, complained that deportation was unusually harsh for the alleged crimes. William Sebald, chief of Diplomatic Section (DS), dismissed his complaint as “politically motivated.”<sup>54</sup>

Often forgotten in the chaos of the riot and the trials is that the vice-minister of Education, the Chief of the Bureau of School Education, and Choren’s representatives reached an agreement on 5 May 1948 that allowed Korean schools to continue to operate as private schools within the

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<sup>52</sup> NDL-State, SDDF(B) 32, 894.00/8-1248, enclosure no. 2 to despatch no. 512, “Review of the Staff Judge Advocate,” 7 July 1948, 1.

<sup>53</sup> NDL-State, SDDF(B) 32, 894.00/8-1248, enclosure no. 2 to despatch no. 512, “Review of the Staff Judge Advocate,” 7 July 1948, p. 1. My italics.

<sup>54</sup> Eiji Takemae, *Inside GHQ*, 464.

Japanese educational system.<sup>55</sup> Choren would present Korean textbooks already approved by CIE for translation in Japanese, and Korean private schools could use them as part of the regular curriculum.<sup>56</sup> It is difficult to ascertain the impact of the protests on the negotiations but their conclusion about a week after the riots suggests both sides sought an acceptable compromise.

Until the education riots, Choren's relationship with the Japan Communist Party, its leftist sympathies, and its support for Kim Il-sung elicited little interest within GHQ. Also, GHQ did not demonize Choren for its resistance to educational matters and alien registration. As late as February 1948, military intelligence testified that "a large portion of the Korean League [Choren] is non-Communist," an indication of the low threat Choren posed to American interests.

There was, to be sure, a dismissive and racist attitude towards Koreans among influential Japanese politicians and GHQ authorities, including the SCAP himself, Douglas MacArthur. He believed that "The presence of a restless, uprooted Korean minority in Japan, disdainful of law and authority, was a serious obstacle of the success of the Occupation."<sup>57</sup> David Conde's 1947 article "The Korean Minority" had immortalized Progressive Party Diet member Shiikuma Saburo's August 1946 inflammatory speech, where the politician accused Koreans of "swaggering about as if they were nationals of a victorious nation" and of "committing unspeakable violence."<sup>58</sup> The Ueno (Tokyo) police station released an infamous poster that

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<sup>55</sup> NDL-State, SDDF (B) 344, box 7100, "Korean Schools in Japan," despatch no. 351, Cloyce K. Huston to Secretary of State, 31 May 1949. See also Mark Caprio, "The Cold War Explodes in Kobe—The 1948 Korean Ethnic Schools 'Riots' and US Occupation Authorities," *The Asia-Pacific Journal: Japan Focus*, Vol. 48-2-08, November 24, 2008.

<sup>56</sup> NDL-GHQ, CIE(D), file 1117, "Textbooks for Korean schools," record of conference from K.M. Harkness, 15 May 1948.

<sup>57</sup> Takemae, *Inside GHQ*, 452.

<sup>58</sup> Conde, "The Korean Minority," 42.

warned residents to guard against thieves and other criminals. The *taegeuk* (the red and blue central motif in the South Korean flag and a symbol of Korea) was prominently displayed in the background, suggesting that Koreans were the criminals.<sup>59</sup> Koreans and Formosans made convenient scapegoats in a devastated and defeated Japan. Yet such attacks and characterizations against Koreans ignored the degree of cooperation Choren demonstrated towards the Japanese government and, by extension, GHQ.

### *Creation of the "Korean Problem" in the Spring and Summer of 1948*

The timing of the Osaka-Kobe education riots just weeks before South Korea held UN-supervised elections on 10 May 1948, and the associated violence rapidly helped shift GHQ's opinion of Choren from being a largely ineffectual "non-Communist" organization<sup>60</sup> to one whose deep presence in Japan was inimical to American and Japanese interests in Asia. American policymakers immediately concluded that a volatile, pro-communist and pro-North Korea population in Japan could destabilize Japan's pro-American government. During the spring and summer of 1948, by merging issues of race, nationality, and Cold War politics, the Japanese Attorney-General and MacArthur created "the Korean problem."

On 26 April 1948, Attorney General Suzuki Yoshio visited GHQ.<sup>61</sup> He baldly declared that: "The crux of the situation is that the Koreans are teaching communism in the schools" and he

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<sup>59</sup> Changsoo Lee, "Koreans Under SCAP: An Era of Unrest and Repression," 75-76.

<sup>60</sup> NDL-GHQ, GII 2987, folder 25, "Periodical Summary: Korean League and the Japan Communist Party," no. 25 (15 February 1948): SUM 17. See also an earlier assessment of Choren in NDL-GHQ, WOR 9725, "Periodical Summary: Korean Minority in Japan," no. 17 (15 June 1947): SUM 14. "Communist elements scattered throughout the Korean population, and concentrated in certain organizations, speak with a louder voice than the more conservative faction."

<sup>61</sup> The position of Minister of Justice was abolished in December 1947 and replaced with the post of Attorney General. Meryll Dean, *Japanese Legal System* (2<sup>nd</sup> edition; London: Cavendish Publishing, 2002), 290.

accused them of feeling they were “a liberated people” whose “true allegiance is to Korea even though they have elected to remain in Japan.” He warned that if Koreans remained in Japan, they “would constitute a grave threat to the internal stability of the Japanese Government.”<sup>62</sup> Suzuki’s suggestion that Koreans had “divided loyalties” struck a big chord among the Americans. A week later, MacArthur sent a similar message to the Department of the Army, emphasizing broad generalizations against Koreans: they were unruly, violent, and sympathetic to Communism and the Japan Communist Party, and many had entered Japan illegally.<sup>63</sup> Finally, MacArthur said G-2 (Military Intelligence) had captured a telegram sent by Choren to Pyongyang two days before the riot which said that Koreans were helping to undertake a Korean revolution in Japan.<sup>64</sup> President Harry S Truman had just instituted anti-communist loyalty oaths for federal employees. But more importantly, Suzuki and MacArthur connected ordinary Koreans and Choren to a Communist revolution within Japan.

The imminent establishment of the Republic of Korea in August 1948 and the Democratic People’s Republic of Korea in September 1948 forced GHQ to think about how this would affect its policy towards Koreans in Occupied Japan. In May 1948, MacArthur asked GHQ’s Diplomatic Section (DS) to prepare a report on their status. Richard B. Finn, a DS official, completed a twelve-page staff study dated 16 August 1948 which both the Chief of Staff and the

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<sup>62</sup> 3-A-792, “Closing of Korean schools,” memorandum from C.L.K. [Charles L. Kades] to Chief, Government Section, 26 April 1948. In *Occupation of Japan, part 2: U.S. and Allied Policy, 1945-1952*. Edited by Makoto Iokibe. (Bethesda, MD: Congressional Information Services, 1989).

<sup>63</sup> The bulk of MacArthur’s telegram to the Department of the Army was taken verbatim from CIS Periodical Summaries.

<sup>64</sup> NDL-GHQ, AG(C) 3003, box 785-26, file 156, telegram from CINCFE (MacArthur) to Department of Army, 7 May 1948.

State Department's Division of Northeast Asian Affairs complimented as a guide for action and essential reading.<sup>65</sup>

Finn posited that Choren, which until the riots in Osaka and Kobe had not preoccupied GHQ very much, posed a terrible threat to the stability of Japan's fledgling democracy and to broader American anti-communist goals in Asia. In February 1948, CIC had described Choren as "largely non-Communist;" now thanks to Attorney General Suzuki's intervention, Finn described Choren as "largely dominated by communists" and accused it seeking "a large degree of autonomy in Japan"; engaging in a wide range of illegal activities, notably smuggling and blackmarketing, the large profits of which were never taxed; and coercing many ordinary Koreans to affiliate with leftist and communist organizations (both Japanese and Korean) "under duress." Most damaging was the charge that "Koreans moving illegally between Japan and Korea serve as the link between Japanese communists and those on the continent of Asia—Korean, Chinese, and Russian" and that their presence in Japan "constitutes a strong element of instability in the Far East."<sup>66</sup> It would be no exaggeration to say that Finn's description conjured up an image of an army of untouchable Korean communists in Japan working to benefit communists on the Asian mainland.

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<sup>65</sup> NDL-State, SDDF(B) 223, box 7095C, 894.4016/9-348, "Status of Koreans in Japan," despatch no. 580, from POLAD in Japan (Sebald) to Secretary of State (George Marshall), Enclosure no. 3 to despatch no. 580: "Status of Koreans," c/s from Chief of Staff (P.J.M.) to DS (Sebald), 29 August 1948; NDL-State, SDDF(B) 223, box 7095C, 894.4016/9-348, "Attached: Tokyo's 580," from Mr. Green (Division of Northeast Asian Affairs) to Mr. Allison (Chief, Division of NE Asian Affairs), 11 October 1948. "Here is an outstanding comprehensive discussion of the Korean problem in Japan."

<sup>66</sup> NDL-State, SDDF(B) 223, box 7095C, 894.4016/9-348, "Status of Koreans in Japan," despatch no. 580, from POLAD in Japan (Sebald) to Sec of State George Marshall, 3 September 1948. Enclosure no. 1 to despatch no. 580: "Staff Study Concerning Koreans in Japan," staff study from Richard B. Finn, 16 August 1948.

However sinister the presence of Koreans in Japan appeared to GHQ, the issue of Koreans in Japan was rather complex and a satisfactory resolution presented a number of problems:

1. Legal – Koreans were, for the time being, Japanese nationals under Japanese and international law but the government of South and North Korea considered them their own nationals;
2. Political – the majority supported Kim Il-sung's government in North Korea but most originated from southern Korea;
3. Moral – although Koreans were increasingly unwelcome in Japan, the idea of forcing people to leave their residence in Japan simply because of their political views was distasteful.

Finn identified Choren as the key problem. Since the beginning of the Occupation, he asserted, Choren had been allowed to grow unimpeded and act as the principal representative association for Koreans in Japan. Now, with the establishment of a US-backed and staunchly anti-communist South Korea, Choren's status as an unofficial representative organization for North Korea was contrary to US goals. Strong and vocal support for North Korea, via Choren, caused continued political embarrassment for the US. Finn wished to promote the idea among Koreans in Japan that the ROK was the only UN-recognized government of the Korean peninsula. He recommended that South Korea establish a presence in Japan and raise its profile among Koreans before Choren "fill[ed] the void" and undertook activities on behalf of North Korea, such as a registration drive to (eventually) acquire its nationality. As Choren had no official diplomatic status, and neither the US nor Japan recognized North Korea, a Choren-led registration drive would mean nothing in legal terms, but Finn warned it would signal a defeat in the propaganda war. Thus, though Finn never explicitly suggested it, it was clear that eliminating

Choren's influence as Japan's leading Korean organization became GHQ's top priority.<sup>67</sup> One implication of this approach, which will be covered in the next chapter on the proposed policy of deporting Koreans to South Korea, is that despite the elimination of Choren, hundreds of thousands of Koreans sympathetic to Kim Il-sung would still be residing in Japan.

### *The Dissolution of Choren, 1948-1949*

Sections within GHQ were split on how to deal with the Koreans. Legal Section (LS) did not believe that any large-scale and punitive action against Koreans in Japan was necessary. It understood that Koreans were staying in Japan because of "unbearable" political and economic conditions in South Korea and would likely remain until there was "a corresponding improvement of the standard of living in Korea," which would not occur in the near future. Faced with the State Department's task of "the elimination in Japan of the Korean minority as a group," LS urged caution and a long-term solution rather than a "temporary expedient."<sup>68</sup> LS suggested that GHQ and the Japanese government work to "[absorb] Koreans into Japanese life, politically, economically, and culturally," and that Koreans should be given a clear choice between electing Japanese or Korean nationality and acquiring the corresponding political rights. Recognizing that Koreans and Japanese would always be suspicious and distrustful of each other "due to the facts of history," LS argued that GHQ should consider that "a peaceful relationship

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<sup>67</sup> NDL-State, SDDF(B) 223, box 7095C, 894.4016/9-348, "Status of Koreans in Japan," despatch no. 580, from POLAD in Japan (Sebald) to Sec of State George Marshall, 3 September 1948. Enclosure no. 1 to despatch no. 580: "Staff Study Concerning Koreans in Japan," staff study from Richard B. Finn, 16 August 1948.

<sup>68</sup> NDL-State, SDDF(B) 223, box 7095C, 894.4016/9-348, "Status of Koreans in Japan," despatch no. 580, from POLAD in Japan (Sebald) to Sec of State George Marshall, 3 September 1948. Enclosure no. 1 to despatch no. 580: "Staff Study Concerning Koreans in Japan," staff study from Richard B. Finn, 16 August 1948.

between Korea and Japan as essential to [the] achievement of its [American] objectives in the Far East.”<sup>69</sup>

Whether or not Legal Section’s recommendations were framed by larger American foreign policy interests, they did offer a springboard for a sensible discussion on the “Korean problem.” The political climate in Washington in the late 1940s, however, encouraged swift action against suspected communists rather than Legal Section’s long-term approach, which appears to have been ignored. Following Finn’s report, various sections in GHQ devised “muscular” approaches in dealing with Koreans and Choren, namely violence and intimidation to discredit Choren among its own members and the general public. Yet intimidation alone would not be satisfactory as long as Choren remained the principal organization for Koreans in Japan with an estimated 400,000 members while Mindan languished in distant second with only 100,000.

This delicate problem – of a pro-US South Korean government attempting to deal with a pro-North Korean organization – worried GHQ. It feared that if “Mindan is eliminated or emasculated,” South Korea would be forced to deal with leftist Koreans through Choren, which G-2 generally characterized as “an unofficial agency of the North Korean Government.”<sup>70</sup> Some believed that giving “official recognition” to Mindan presented a “knotty problem,” namely that by favouring one Korean organization over another, the Japanese government would be playing unnecessary and dangerous political games with the Korean community. Moreover, GHQ felt

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<sup>69</sup> NDL-GHQ, LS 24688, box 1518, folder 32 “Korean File,” subject: “Status and Treatment of Koreans in Japan,” check sheet from Liggitt (LS Acting Chief) to DS, 9 June 1949.

<sup>70</sup> NDL-GHQ, GII 3044, box 306, “CIS Periodical Summary no. 38, 15 March 1949.”

that the Attorney General's Office had no authority to give "official" recognition to competing organizations.<sup>71</sup>

In January 1949, shortly after the United States officially recognized it, the South Korean government established official diplomatic relations with SCAP.<sup>72</sup> SCAP believed that by promoting the Korean Diplomatic Mission (KDM) as representing the only legitimate government on the Korean peninsula, Koreans would see the value of having diplomatic representation and thus switch their support from North Korea to the South.

In one of its first acts, the Syngman Rhee Administration passed the Nationality Law which declared that all Koreans living overseas were automatically considered (South) Korean nationals, including Koreans north of the 38<sup>th</sup> parallel. Koreans in Japan, however, could not legally become nationals of South Korea until Japan and South Korea established official relations. The idea was to send representatives of the KDM on registration drives across Japan so registrants could claim "Korean nationality." Legal Section's Alva Carpenter objected. He doubted if the Korean Mission could legally "give" Korean nationality simply by registering individuals. In the absence of diplomatic relations between Japan and South Korea, Koreans were Japanese nationals; the Japanese government would not, and did not, legally recognize South Korean nationality. Furthermore, even if it were legal, GHQ's goal was not to give Korean nationality to Koreans while they were still in Japan. In the end, there was no registration drive.

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<sup>71</sup> NDL-GHQ, GS(B) 3894, box 2275Z, folder 22 "Zainichi Dai Kanminkoku Kyoryumindan (Association of Korean Residents in Japan)," letter from H.H.B. [Hans H. Baerwald] to Jack Napier, 4 December 1948.

<sup>72</sup> Since SCAP was responsible for Japan's foreign policy, diplomatic missions were accredited to SCAP, not to the Japanese government. See Takemae, *Inside GHQ*, 97.

Advocates of the muscular approach, such as G-2's General Charles Willoughby, believed that the presence of Koreans in Japan loyal to communism endangered Japan's internal security, and thus it was imperative for GHQ to take pre-emptive action. Willoughby, one of MacArthur's "quartet" who wielded great influence on SCAP, believed in defeating communism through suppression and violence, rather than reforms and concessions.<sup>73</sup> In order to accomplish the elimination of Koreans loyal to communism, the Civil Intelligence Corps hired rightist Koreans as informants. In January 1949, Willoughby's best paid agent and informant, Gen Ko-sho (Hyun Ho-sup in Korean) was assassinated near Ueno Station. It appears Gen's role was to act as an agent provocateur, to instigate scuffles with communists, and to influence weaker Choren members to switch to Mindan through intimidation. Willoughby's aim, via Gen, was to divide and conquer Choren. But with Gen's assassination, Mindan members felt intimidated by Choren. A rumour circulated that Choren had a list of Mindan leaders they wished to assassinate. Willoughby advised the State Department that Gen's assassination and Choren's rumoured assassination list "had weakened the cause of moderates [i.e., anti-communists] in Japan."<sup>74</sup>

In May 1949, a false rumour that the Soviets were funding the Japan Communist Party and Choren emboldened G-2 to organize a meeting in June 1949 with other chiefs of GHQ's police and investigation units on plans for "a full-scale" infiltration of the Soviet Mission and Choren.<sup>75</sup> The budget for this infiltration would be 300,000 yen per month, while the Choren

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<sup>73</sup> Mark Gayn, *Japan Diary* (New York: William Sloane Associates, 1948), 340-342. The other member of the Bataan Boys quarter included Gen. Marquat, Chief of ESS; Gen. Paul J. Mueller, Chief of Staff; and Gen. Courtney Whitney, GS.

<sup>74</sup> Records of the US Dept of State relating to the Internal Affairs of Japan, 1945-1949, Decimal File 894, reel 3, file 00/2-549, Sebald to Sec of State, "Assassination of Prominent Korean Rightist Leader in Japan," 5 February 1949.

<sup>75</sup> NDL-GHQ, GII - 00304, box 268, "080.1: Communist Party activities, July 1949", file 48, from Gen. Willoughby to Col. Bratton, "C/S Soviet Money for Korean and Japanese Communist Parties," 11 June 1949. There were frequent

operation would cost 150,000 yen per month. In addition, there were plans to enlist former Kempeitai (Imperial military police) to help with this operation.<sup>76</sup>

Finances were also on Choren's mind. The official establishment of North Korea on 9 September 1948 breathed new life into Choren. It held a national conference and major festivities in Tokyo in October, at which Alexander S. Panyushkin, the Soviet member of the Allied Council for Japan, was the keynote speaker. To help Choren grow and pay for its large expenses, the leadership encouraged Korean businessmen and industrialists in Japan to contribute funds.<sup>77</sup> After the festivities, Choren was running a deficit. Not only were its expenses rising, but its revenues, mainly from league fees and donations, were stagnant or in decline. Koreans who repatriated to Korea in 1945 and 1946 under SCAP's program were permitted to leave with no more than 1000 yen in cash. Many had donated surplus cash and valuables to Choren to support its efforts to help other Koreans in Japan. The end of large-scale repatriation in 1946 dried up that source while funding from overseas organizations became more difficult to obtain. League fees remained a source of income, but Mindan had attracted approximately 100,000 former Choren members – and their membership fees. Choren's largest expenses were salaries (including salaries for teachers at Korean schools), travel expenses, and subsidies. At its national meetings, Choren discussed how to solve the revenue crisis and at its third national meeting, encouraged volunteers and business owners to donate more to Choren.<sup>78</sup> To better

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rumours that the Soviet Mission in Tokyo was donating money to the JCP and Choren, but G-2's own investigations found no evidence to support these allegations.

<sup>76</sup> NDL-GHQ, GII - 00304, box 268, "080.1: Communist Party activities, July 1949", file 48, memo from L.G.S., subject "CIS Conference: Soviet Money for Koreans and Japanese Communist Parties (CAW 591)," 13 June 1949.

<sup>77</sup> Oh Gyu-san, *Zainichi Chōsenjin Kigyō Katsudō Keiseishi* (Tokyo: Yūzankaku Shuppan, 1992), 54. This was the directive: "本朝聯の資産及び経費は有志の義捐金及び地方本部負担金事業利得でこれを充当する。"

<sup>78</sup> Oh Gyu-san, *Zainichi Chōsenjin Kigyō Katsudō Keiseishi* (Tokyo: Yūzankaku Shuppan, 1992), 54.

coordinate this fund-raising, Choren established a central organization, appropriately named the Central Industrial Company (CICo; *Chūō Sangyō Kabushiki Kaisha*), which held its first meeting on Christmas Day 1948.

On 10 March 1949, Charles Willoughby of G-2 notified Economic and Scientific Section (ESS) that as a source of permanent income, Choren set up the “Central Industrial Company.” The CICo’s business activities included the manufacture of sake and soy sauce, textiles, publishing, and foreign trade.<sup>79</sup> Willoughby wanted more information on how to deal with this Choren-associated business. Diplomatic Section responded that since all Koreans were “Japanese nationals,” the activities of CICo came under the Japanese government’s control, not GHQ’s. Sebald added: “The financial and subversive aspects of the case do not come within DS’ purview.”<sup>80</sup> Willoughby’s original memo said nothing about “subversive activities,” but it is clear that since Finn’s August 1948 report, all sections were on alert for any mention of Choren. In April 1949, Willoughby raised the spectre that Korean businesses in Japan were CICo subsidiaries by noting that the CICo was “the fund raising organ of the extreme leftist League of Koreans Residing in Japan.”<sup>81</sup> In sum, he feared that the normal business activities of Koreans were actively supporting a pro-North Korean organization.

Where did Willoughby get his information? Some came from Mindan informants, such as Gen Ko-sho. Investigations in Korean and Communist activities were led by the Special

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<sup>79</sup> NDL-GHQ, LS 13415-13416, box 1041, folder 37, "Korean League", subject "Central Industrial Company," memo from G-2 (C.A. Willoughby) to ESS, 10 March 1949.

<sup>80</sup> NDL-GHQ, LS 13415-416, box 1041, folder 37, "Korean League", subject "Central Industrial Company", memo from FIB (C.S. Gregory) to DS (Sebald), 17 March 1949.

<sup>81</sup> NDL-GHQ, ESS(A) 281, box 6028, file 6 "North Star Rubber Company", from G-2 (Willoughby) to ESS, 1 April 1949.

Investigation Bureau (SIB),<sup>82</sup> a new branch of the Attorney General's Office. Unlike other Japanese government ministries and bureaus, the SIB's chief, Yoshikawa Mitsusada, had a unique relationship with Major Jack Napier of G-2. Mitsusada sent all his investigation reports directly to Napier.<sup>83</sup> And who better to spy on communists, Koreans, and subversives than members of the former special higher police, the Tokko, and the former Home Ministry (*Naimusho*)?

The Special Investigation Bureau (*tokushinkyoku* 特審局) was one of the principal agencies at the centre of the process of “de-purging” former militarists and reinstating them to positions of authority. The SIB (sometimes translated in English as the “Special Examining Bureau”) was created on 15 February 1948 and began monitoring the activities of individuals purged for militarist and ultranationalistic activities.

Its first director, Takiuchi Reisaku, had been a judge in Sapporo who in 1933 was, sentenced to three years' imprisonment for funding a movement which sought to alleviate the gross inequality in wealth between Japan's rich and poor. He was branded a “Red Judge.” At his inauguration as director of the SIB, Takiuchi emphasized delight in being able to uphold the mandate of the SIB and enforce the democratic ideals he had held prior to the war: “I'm now observing the purged people so that they may not secretly attempt to put obstacles in the way to the perfect enforcement of the new Constitution.”<sup>84</sup>

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<sup>82</sup> SIB (特審局) is sometimes translated as “Special Examining Bureau”.

<sup>83</sup> It was so unique that the stationery they used already had their names typed out, one of the very few to have that privilege.

<sup>84</sup> NDL-GHQ, GS(B) 3582, “Two Defenders of Personal Rights, Now Great Responsibility of Justice Administration Sitting Upon their Shoulders,” n.d. [1948]; GS(B) 3582, “Mr. Reisaku Takiuchi,” 19 May 1948.

Less than a year after Takiuchi became director, GHQ decided that the SIB would now focus principally on leftist, Communist, and Korean activity in Japan and while purged Home Ministry and *Kempeitai* staff were “de-purged” and employed at the SIB.<sup>85</sup> In late 1948, Government Section replaced the “Red Judge” Takiuchi with Yoshikawa Mitsusada as Director of the SIB. Concomitant with the shift in tone and mandate of the SIB, Yoshikawa’s professional history was markedly different from Takiuchi. Yoshikawa had been celebrated as one of the greatest wartime prosecutors of “thought crimes.” His most famous case was that of Richard Sorge, the Soviet spy who was arrested for espionage in Tokyo in 1941 and hung at Sugamo Prison in 1944.<sup>86</sup> In November 1946, the Liberal Legal Group (*jiyū hōsō dan*) petitioned GHQ to remove Yoshikawa from his post as Procurator of the Tokyo District Court because of his “ardent” ultranationalism, his zealous wartime prosecution of thought crimes, and his “obstruct[ion of] the democratization of our country by advocating the continuance and necessity of the lese-majesty [sic] even in the democratic country and claiming that libel against the emperor has a great bearing upon the existence of the country.”<sup>87</sup> His role as the procurator in the “placard lese-majesty” case of 1947 suggests he was not purged.<sup>88</sup> In November 1948, two SIB

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<sup>85</sup> John W. Dower, *Empire and Aftermath: Yoshida Shigeru and the Japanese Experience, 1878-1954* (Cambridge, MA: Harvard University Press, 1979), 365.

<sup>86</sup> Chalmers Johnson, *An Instance of Treason: Ozaki Hotsumi and the Sorge Spy Ring* (Stanford: Stanford University Press, 1964); Gordon W. Prange, Donald M. Goldstein, and Katherine V. Dillon, *Target Tokyo: The Story of the Sorge Spy Ring* (New York: McGraw-Hill, 1984); Thomas J. Rimer, ed., *Patriots and Traitors: A Japanese Cultural Casebook* (Portland, ME: MerwinAsia, 2009).

<sup>87</sup> NDL-GHQ, GS(B) 3706, “On the Application of the Purge Ordinance to Procurator Yoshikawa Mitsusada, Procurators’ Office, The Tokyo Criminal District Court,” memo from the Liberal Legal Group, 12 November 1946.

<sup>88</sup> 3-A-583, “Petition case in Osaka, KATO, Tsunesuke,” memorandum from Meyers to Whitney, 20 June 1947. In *Occupation of Japan, part 2: U.S. and Allied Policy, 1945-1952*. Edited by Makoto Iokibe. (Bethesda, MD: Congressional Information Services, 1989). On 6 June 1947, in Osaka, Kato Tsunesuke attempted to hand the Emperor a petition. The Japanese police seized Kato but released him without charge. The Osaka District Procurator’s Office believed Kato should have been punished on the grounds that his action was beyond the limits of peaceful protest, as written in Article 16 of the new Constitution. The Procurator’s Office believed it was reasonable to charge him under Article 16 of the old Petition Law, even though it had been abolished with the

section chiefs familiar with Yoshikawa believed his appointment would improve relations between the SIB and the police, since the police were suspicious of Takiuchi and his “past associations with the Japan Communist Party.” GS’s Hans Baerwald concluded his report by noting that the two section chiefs “laughingly stated that the SIB, has up to the present, been accused of being ‘red’. Should Yoshikawa be appointed however, the SIB will most probably be accused of being a ‘fascist’ organization.”<sup>89</sup>

On 8 July 1949, Yoshikawa submitted a report to Napier titled “On the Activities of the Zainichi Chosenjin Renmei.” In this report, Yoshikawa warned that the presence of Koreans in Japan could seriously affect the development of Japanese democracy and the maintenance of public order.<sup>90</sup> The Chinese Communists’ victory had encouraged a “Red Liberation Campaign” which would spread, domino-like, across Asia. He predicted that the North Koreans would invade South Korea and threaten the pro-US South Korean government, and that Koreans in Japan were “secretly awaiting, as a wing of the Communist faction, an opportunity for the accomplishment of a revolution of this country.” To illustrate the dangerous influence Choren had on Japanese and East Asian geopolitics, he included the following organization chart:

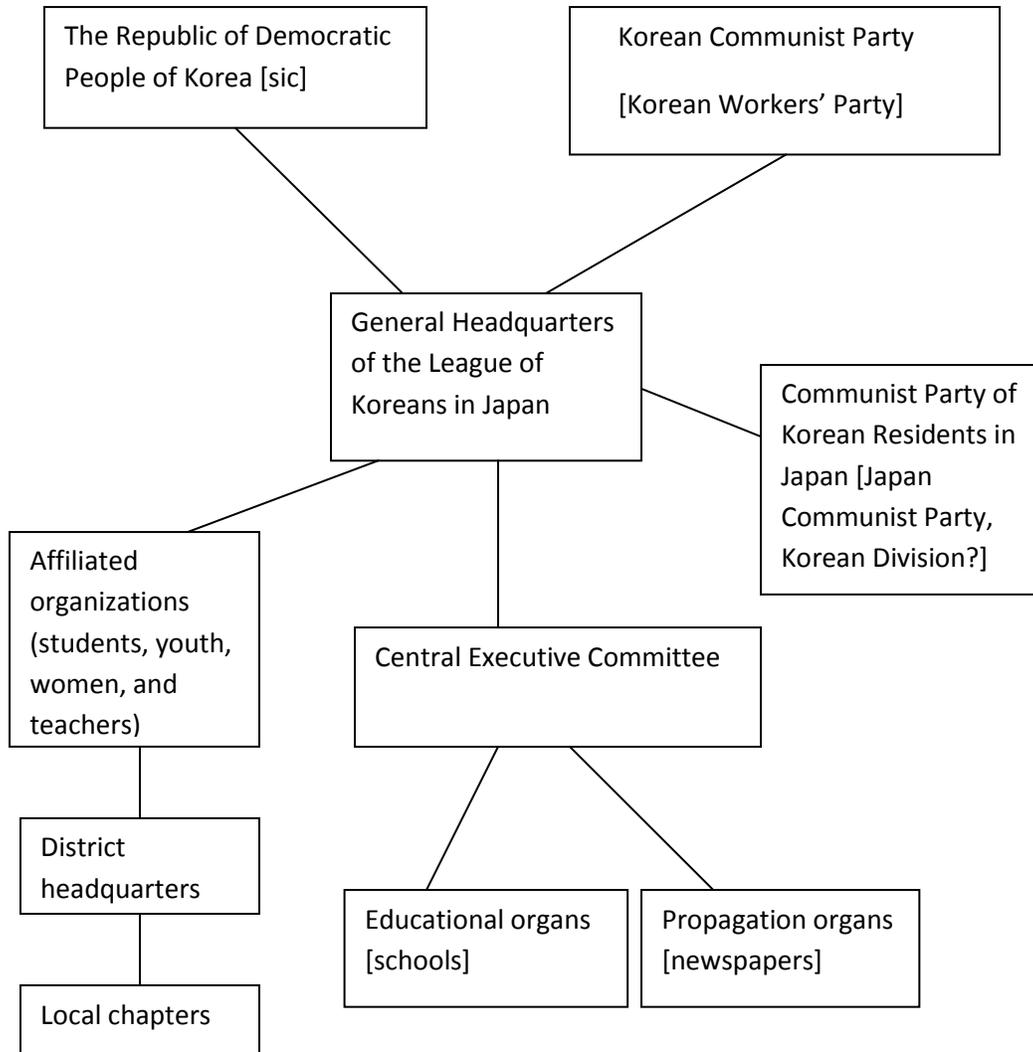
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promulgation of the new Constitution. As Yoshikawa was working at a prosecutor in Tokyo, he was not involved in Kato’s case, but it demonstrates the type of conflict which occurred between conservatives and proponents of the new Constitution, such as the Liberal Legal Group.

<sup>89</sup> NDL-GHQ, GS(B) 3706, Hans H. Baerwald to Major Jack Napier, 10 November 1948.

<sup>90</sup> NDL-GHQ, GS(B) 4270, box 2275HH, folder 15 “Choren: Chosenjin Renmei (Korean League) Book I (1949)”, file b, “Report: On the Activities of the Zai-nichi Chosenjin Remmei (The League of Koreans in Japan),” Mitsusada Yoshikawa, Special Examining Bureau, AGO, to Napier, 8 July 1949.

Structures of the League of Koreans in Japan and its Related Organizations  
 在日朝鮮人連盟組織表 (1949年7月現在)



Reference : NDL-GHQ, GS(B)4270, file 1b, "On the Activities of the Zai-nichi Chōsenjin Remmei (The League of Koreans in Japan)," from Mitsusada Yoshikawa (Attorney General's Office) to Major Jack P. Napier (Government Section), 8 July 1949.

Simplified from original chart.

In the chart, Choren is at the center, in a straight line down from the North Korean government and the Korean Workers' Party (KWP), and between those bodies and the various organizations Choren sponsored, such as schools and newspapers. The Japan Communist Party also influenced Choren. Such a chart played heavily on American and Japanese fears of "divided loyalties." The absence of arrows suggests that the relationship between North Korea and Korean organizations in Japan (via Choren) was not only top-down, but fluid and reciprocal. In other words, not only did organizations of ordinary Koreans support North Korea via Choren, but North Korea supported Koreans' activities in Japan through Choren's leadership.

Indeed, this is what Willoughby began suggesting to other GHQ sections. In August 1949 he submitted a secret memo titled "Korean Business Concerns" that made some explosive allegations. In April, Willoughby had alleged that the Central Industrial Company was coordinating fund-raising efforts on behalf of Choren. In this new report, the CICO was identified as "possibly" linking itself with small- and medium-size Korean businesses all across Japan which donated their profits to the CICO. It in turn reportedly donated approximately 1.5 million yen (a magnificent amount of money) per month to Choren. The report included a long list of Korean businesses that either operated as affiliates of local branches of Choren or were operated by Choren members. Willoughby asked the various sections in GHQ if any action could be taken regarding these Choren-sponsored associations. As the firms were controlled and operated by "Japanese nationals," SCAP had no legal authority to close them down.<sup>91</sup>

On 15 August 1949, the first anniversary of South Korea's establishment, about 300 Choren supporters had allegedly ambushed 150 Mindan supporters. According to the police

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<sup>91</sup> NDL-GHQ, LS 13415, box 1041, folder 37, "Korean Leagues", subject "Korean Business Concerns", summary of information from Military Intelligence Section, General Staff (CIS), 6 August 1949.

report, Choren-led violence continued on-and-off until August 20, when Korean supporters of Choren and Mindan clashed violently at Shimonoseki.<sup>92</sup> Two days later, Major Napier called a meeting with Yoshikawa, Attorney-General Ueda Shunkichi and two other Ministry of Justice officials. While the Shimonoseki incident was fresh in peoples' minds, Napier decided that it was time to dissolve Choren entirely, seize all its property, and purge all officials.<sup>93</sup> Choren, its sister organization Minsei, and two local branches of Mindan were labelled "terrorist and undemocratic organizations" under the Organizations Control Order. Napier asked the Attorney General to make the necessary preparations, while Napier kept the dissolution order secret from his own colleagues, particularly – and significantly – from Legal Section and Diplomatic Section.<sup>94</sup> Prime Minister Yoshida approved the dissolution on August 24.<sup>95</sup> Despite Choren's presumed strength and political connections to North Korea, it was in fact weak and vulnerable because it had no official diplomatic representation in Japan. In preparation for the public announcement, Yoshikawa dug up a few localized violent incidents involving Choren, often in

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<sup>92</sup> See police reports at NDL-GHQ, GS(B) 4270, box 2275HH, file 3, "Outline of disturbance case at Shimonoseki, Report no. 1," report from Chief of the Tokyo Liaison Office of Yamaguchi Prefecture, 23 August 1949; NDL-GHQ, GS(B) 4270, box 2275HH, file 4, "The Shimonoseki Riot, Report no. 2," report from Chief of the Tokyo Liaison Office of Yamaguchi Prefecture, 24 August 1949.

<sup>93</sup> NDL-GHQ, GS(B) 4270, box 2275HH, folder 15 ""Choren: Chosenjin Renmei (Korean League) Book I (1949)", file 5, "Conference Report: Proposal of dissolution," 22 August 1949.

<sup>94</sup> NDL-GHQ, CIE (A) 719, box 5144, file 8591, "Dissolution of Korean Organizations," report of conference from O'Brien, 8 Sept 1949. The report stated that CIE, LS and DS were not informed of the dissolution plans. Osborne Hauge, Chief of the Public Affairs Division, GS, stated only that Maj. Napier had "worked with" the Attorney General's Office, but the dissolution was considered "a routine Japanese matter." That LS and DS were not informed is significant because they were the two sections who had opposed this kind of "military action."

<sup>95</sup> NDL-GHQ, GS(B) 4270, box 2275HH, folder 15 ""Choren: Chosenjin Renmei (Korean League) Book I (1949)", file 2, "Plan Submitted to Prime Minister Yoshida by Attorney General Ueda, 24 August 1949," memo from Ueda, 24 August 1949.

conjunction with JCP members, but nothing that could be construed as “proof” that Choren, as a national organization, “was responsible for specific terroristic activities.”<sup>96</sup>

On the morning of September 8, Japanese police were mobilized across Japan to carry out the dissolution order: police seized Choren and Minsei’s assets, arrested people, froze bank and postal accounts, cut phone service, and purged 19 leaders. Despite what the Japanese authorities had feared, there was little violence. On September 30, the Attorney General recommended that the CICO, Choren’s alleged fund-raising front organization, also be dissolved.<sup>97</sup> GHQ approved and the order was enacted in October 1949. After all the seized assets were accounted for, they were eventually sold on the auction block and the Japanese Treasury collected 248 million yen.

Though the dissolution was neither raised in Finn’s August 1948 staff study nor ordered by the State Department, it served as the final chapter to the past twelve months’ activities which had been directed towards weakening Choren’s political and ideological grip on the majority of Koreans in Japan and towards raising Mindan’s profile. By the summer of 1949, the US was withdrawing its troops from South Korea. The SIB and Willoughby’s allegations of huge business donations to Choren finally pushed G-2 to take drastic action. With the dissolution, the US sought to score a victory in the propaganda wars too. Choren was dissolved on September 8,

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<sup>96</sup> The quotes are from a June 1951 discussion within GHQ to dissolve the Japan Communist Party under the Organizations Control Order. The discussion floundered when dissolution could not be achieved “unless it could be proved that the national organization of the Party was responsible for specific terroristic activities.” (Underline in original.) Choren, without a recognized state that could defend its interests in Japan, was ripe for assault. See NDL-GHQ, TS 328, file 76, “Outlawing the JCP,” memo from author unclear [probably Col. Ewert], 6 June 1951.

<sup>97</sup> NDL-GHQ, GS(B) 4264, box 2275HH, file 98, “Measures to be Taken against Chuo Sangyo Kabushiki Kaisha,” from Murakami Tomokazu, Director of Civil Affairs Bureau, AGO to GS, 30 September 1949. Re AGO (30) no. 322

the day before North Korea's first anniversary celebrations. The decision was no doubt intended to inflict a psychological blow to North Korean pride and ambitions.

### *Opinions on Choren's Dissolution*

The dissolution left most Koreans in shock, and there were reports (which G-2 tried to suppress) that even Japanese police chiefs in provincial areas thought the dissolution was unnecessary. Several GHQ sections expressed surprise, and the absence of words of relief or joy on their part suggests they too thought the measure was unnecessary.<sup>98</sup> Indeed, only one month before G-2 and the Yoshida government approved the dissolution order, GS had specifically warned G-2 that such a muscular, aggressive act against Koreans “would constitute an arbitrary pre-emption of the civil functions of the Japanese Government calculated to severely weaken its internal authority and external prestige. Such action would, in effect, turn back the clock back to the time of surrender.”<sup>99</sup> A week before Napier held his meeting to dissolve Choren, DS had warned all the major sections, including G-2, “that in the interest of stability no punitive... action [should] be taken” against Koreans in Japan.<sup>100</sup>

The Japanese media had diverse opinions about the dissolution, but the general feeling among them was that the Japanese government had made a poor decision that did not reflect the values of the “new, democratic” Japan. Although it is now known that the decision to dissolve Choren was primarily the work of GHQ's G-2 section, the Japanese Attorney General took

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<sup>98</sup> NDL-GHQ, CIE (A) 719, box 5144, file 8591, “Dissolution of Korean Organizations,” report of conference from O'Brien, 8 Sept 1949.

<sup>99</sup> NDL-GHQ, GS(B) 2043-2047, box 2224, folder 11 “Major Jack P. Napier – Current File: Book No. 2, Mar-Sept 49,” file 220, “C/N GS-DCS Korean School Situation,” GS to G-2[?], 8 July 1949.

<sup>100</sup> NDL-GHQ, LS 13415-416, box 1041, folder 37, “Korean League”, subj: “Status of Koreans in Japan,” DS (Sebald) to G1, G2, CIE, LS, GS, ESS, Provost Marshal, 15 August 1949.

public responsibility for it. Ironically, according to the conservative newspaper *Nihon Keizai Shimbun*, the Japanese public was encouraged to work harder to ensure that the government never again used “the militarists’ old tools” to repress political opinion. The left-of-centre *Asahi Shimbun* argued that the freedom of minorities must be respected if Japan were to “democratize.” The *Nichi Nichi Shimbun* suggested that the government develop an appreciation for the legitimate concerns of Koreans rather than use brute force: “We ought to have more confidence in the might of speech and the press,” it said. Finally, the Sendai, Miyagi Prefecture-based *Tōhoku Nippō*, publishing from an area that had experienced much bloody violence between the two rival Korean groups, as well as from the Occupation army,<sup>101</sup> could perhaps have reasonably claimed some satisfaction from the dissolution. Instead, it thoroughly disagreed with the justification for the dissolution and worried that the gap in understanding between the Japanese and Koreans in Japan would widen as a result. Though Sendai experienced violence, “we know that leading men of local branches of Choren devoutly settled Korean troubles, peacefully and democratically, and led them right.” It chastised the Japanese government for the move, arguing that “The social situation of Japan will never be improved if we only abandon, ignore and suppress such people; or rather it may bring forward social unhappiness.” It urged the government to revive the dissolved Korean organizations.<sup>102</sup>

Experts on Japan-Korea relations argued that Japan had failed to understand the importance of developing a constructive and positive policy towards Koreans. Kondō Jitsuichi,

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<sup>101</sup> In October 1948, American military police fired on students at an athletic meet in Sendai where the North Korean flag flew, despite SCAP’s prohibitions against public displays of the North Korean flag. See Yi Hyeong Nang, “Miyagi-ken chiiki ni okeru zainichi chōsenjin no dōkō,” *Seikyū gakujutsu ronshū*, no. 13 (1998), Kankoku bunka kenkyū shinkō zaidan, 1998.

<sup>102</sup> Newspaper quotes taken from NDL-GHQ, CIS 935, box 8616, folder 35 “Zainichi Chosenjin Renmei (Choren)”, translations of editorials, 10 September 1949.

who described himself as a “superintendent” or “supervisor” (*shusai*), was a researcher interested in Korea and Koreans in Japan. He had access to bureaucrats and policymakers, and from 1961 he published several volumes of primary documents on colonial Korea.<sup>103</sup> In an essay in the April 1950 issue of the journal *Chōsen kenkyū* (Korea Research), he criticized the government for its failure in constructing a unified policy on South Korea (*Kankoku*) and Koreans in Japan. He wrote that the government had been able to “run away” from its political duties towards Koreans in Japan because it was under occupation and thus its policy was decidedly negative and unfocused. Choren’s dissolution, for example, was poorly thought out, he argued, because it increased animosity and distrust between Japanese and Koreans, as well as damaging relations with South Korea. He argued for more leadership from the Japanese government because the Japanese, not the Americans, knew Koreans best. Kondō went so far as to suggest that the Japanese should not be calling Koreans in Japan “foreigners” or “aliens” but rather “close family members” (*nikushintekina kankei*).<sup>104</sup>

For its part, the Japan Communist Party, Choren’s biggest political supporter, first sympathized with the Koreans, but later debated the merits of continuing to support this now demonized class. According to the Organizations Control Order, former members of a dissolved group could not make up more than one-quarter of the membership of another organization. JCP members, according to G-2’s investigation, worried that “hot-tempered Koreans with their proclivity for trouble” would try to enter the JCP en masse and eventually get SCAP to brand the

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<sup>103</sup> Jitsuichi Kondō, ed., *Taiheiyō senka shūmatsuki Chōsen no chisei* (Tokyo: Chōsen Shiryō Hensenkai, 1961); Kondō, ed., *Taiheiyō senka shūmatsuki Chōsen oyobi Taiwan* (Chigasaki, Kanagawa Prefecture: Chōsen Shiryō Kenkyūkai Kondō Kenkyūshitsu, 1961).

<sup>104</sup> Jitsuichi Kondō, “Zainichi chōsenjin mondai kaiketsu e no kōkaijō,” *Chōsen kenkyū*, no. 49 (April 1950): 3-12.

JCP a terrorist organization, and result in its own Japanese government-ordered dissolution. As a result, Kim Tenkai was reportedly upset with JCP leaders' passive reaction to the dissolution.<sup>105</sup>

The South Korean Ambassador to SCAP, Chung Han-pum, though regretting such drastic action against fellow Koreans, nonetheless expressed satisfaction with the dissolution, stressing that it would aid in "the steady development of the Republic of Korea." With SCAP's assistance, the Korean Diplomatic Mission aimed to represent all Koreans resident in Japan. The dissolution, he added, was "not only good for the development of both nations but also for maintenance of peace in the Orient,"<sup>106</sup> a statement which alluded to the communists' alleged network in Japan and across Asia. In the fall of 1949, with SCAP's support, the KDM also seemed well-positioned to stake a strong hold on the political affairs of Koreans in Japan and to benefit from the dissolution. Its bright prospects, however, proved to be illusory.

### *Koreans in Japan, Post-Dissolution*

One of the main aims of the dissolution was to encourage, if not force, Choren-affiliated Koreans to switch to Mindan. GHQ had believed that only the top leaders of Choren were "actual Communists" and the rest were only in Choren "under duress." From GHQ's perspective, that made the dissolution all the more desirable. GHQ assumed that "liberated" from this oppressive leadership, ordinary Koreans would eagerly join Mindan. This proved to be a total fantasy. First, under the Organizations Control Order (OCO), it was legally impossible for all former Choren members to join Mindan; the OCO stipulated that only one-quarter of an

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<sup>105</sup> NDL-GHQ, GS(B) 1611, box 2189, file 36, "Reactions to Dissolution of Leftist Korean Organizations," summary of information from G-2, 25 October 1949.

<sup>106</sup> NDL-GHQ, GS(B) 1661, box 2189, file 36A, "Return of the properties of the Korean League and the Korean Democratic Youth Association confiscated by the Japanese Government to the Korean Diplomatic Mission in Japan," from Chung Han Pum, Korean Diplomatic Mission in Japan to MacArthur, 23 September 1949.

organization's membership could include former members of a dissolved organization. Second, and more importantly, in Mindan's eyes, they were not good fellow Koreans, but rather suspect ex-Choren members. With the help of the KDM, Mindan instituted a screening process "to lure the more acceptable former League members into the rightist fold."<sup>107</sup> G-2 later reported that when some ex-Choren members did join Mindan, they were given neither executive roles nor the right to vote at meetings.

Though G-2 took the initiative in dissolving Choren, GHQ and State Department officials nonetheless were on the same page when it came to dealing with the aspirations of the Koreans in Japan. They had racialized the Korean problem by assuming that, as they were of the same "race" and from the same Korean homeland, association with Mindan offered them everything that leftist Koreans had been clamouring for, namely the opportunity (though no guarantees) of obtaining foreign national status in Japan with its associated legal and diplomatic protections. This seemed to conform to an American racialized conception of nationality, namely that, political division of the peninsula aside, there was no meaningful difference regarding the "national (i.e., racial) origins" of Koreans in Japan. They had originated from Korea and South Korea was, according to the United States, the only legitimate government of the Korean peninsula. More importantly, however, US officials had misunderstood the complexities of Korean nationalist support for Choren – and, more precisely, for Kim Il-sung.

The finer points of Koreans' support for Kim Il-sung mattered not to G-2. The military intelligence section's ultimate goal was not only to deny leftist Koreans the opportunity to re-organize into a new Korean association capable of challenging Mindan's privileged position in

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<sup>107</sup> NDL-GHQ, GS(B) 1611, box 2189, file 36, "Reactions to Dissolution of Leftist Korean Organizations," summary of information from G-2, 25 October 1949.

Japan, but to make life impossible by denying all so-called “leftist Koreans” the opportunity to earn a living and contribute to society, to attend Korean schools, or successfully challenge the dissolution order. Because of the OCO, G-2 saw no prospect that former Choren members could regain their influence in new or existing organizations. Of the Korean leftist organizations still operating in Japan, only the Democratic Women’s League might be used as a cover for ex-Choren members. G-2, however, scoffed at a resurgence of Choren through this particular organization: “The woman’s low position in the oriental social scales would be a source of embarrassment to any Korean man who might be required to openly work under the auspices of a female organization.”<sup>108</sup> Most Korean schools were affected too. From October 19 to November 4, 1949, under the Attorney General’s authority, all schools sponsored by Choren or Minsei, and all schools founded by non-dissolved organizations but operating in buildings owned by the dissolved organizations, were ordered to cease operations. Even schools that had received prefectural authority were ordered to close, and all property was seized.<sup>109</sup>

The seizure of Choren’s assets and the dissolution of CIC demonstrated to G-2 the role of money, even from legitimate sources, in financing leftist activities. G-2 stated that “the end result [of its campaign against leftist Koreans] will be to deprive the leftist Korean groups of all their tangible property.”<sup>110</sup> One of the most shameful examples occurred towards the end of the Occupation. In October 1951, the Japanese government was set to award a credit union license to

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<sup>108</sup> NDL-GHQ, GS(B) 1611, box 2189, file 36, “Reactions to Dissolution of Leftist Korean Organizations,” summary of information from G-2, 25 October 1949.

<sup>109</sup> NDL-GHQ, GS(B) 4263, file 108b, “Re seizure of school facilities under Choren and Minsei’s control,” from Murakami Tomokazu, Director of Civil Affairs Bureau, Attorney General’s Office to prefectural governors, 13 October 1949. From *Minji ko* no. 2365.

<sup>110</sup> NDL-GHQ, GS(B) 1611, box 2189, file 36, “Reactions to Dissolution of Leftist Korean Organizations,” summary of information from G-2, 25 October 1949.

the Kanto Credit Association (*Kantō Shin'yō Kumiai*), but G-2's Willoughby stepped in. Because the Credit Association was backed by two leftist Korean organizations, the Korean Commerce and Industry Association (*Chōsenjin Shōkō Kai*) and the Korean Commerce and Industry Cooperative Union (*Shōkō Kyōdō Kumiai*). Willoughby feared that the Japan Communist Party or Communist Korean groups would use its income for their activities. He directed that G-2 transmit information “on the Kanto Credit Association and its backers...to the Japanese Government in order to prevent official recognition of an obviously subversive group.” The rabidly anti-Communist Willoughby, naturally, promoted the Mindan's plan for a credit union of its own; he was clearly playing Cold War politics here. He himself had admitted two years earlier that the *Shōkō Kyōdō Kumiai* was not in fact leftist, though it then had two former Choren members who were vaguely “in important positions.”<sup>111</sup>

When Koreans attempted to use the courts to sue the Japanese government over the legality of the dissolution and to regain their assets,<sup>112</sup> the Attorney General's Office suggested, and G-2 approved the argument, that as the dissolution order was issued pursuant to SCAPIN 548 (“Abolition of Certain Political Parties, Associations, Societies, and Other Groups”, 4 January 1946, later the basis for the Organizations Control Order, 4 April 1949),<sup>113</sup> the Japanese

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<sup>111</sup> NDL-GHQ, ESS(A) 281, box 6028, file 7 “Civil Engineers and Contractors Cooperative Union,” from G-2 to ESS, 18 Oct 1949. “Investigation has further revealed that no positive connection, financially or politically, exists between Subject [Civil Engineers and Contractors Cooperative Union], the Central Industrial Company, the League of Koreans Residing in Japan, or any other organizations.”

<sup>112</sup> GS(B) 4267, box 2275HH, file 60, “Lawsuit for the rescission of an administrative disposition,” from Mabuchi Bunyan to Tottori District Court, 12 September 1949. This was a rare case where a Korean successfully reclaimed some of his property.

<sup>113</sup> Cecil Uyehara, *The Subversive Activities Prevention Law of Japan: Its Creation, 1951-1952* (Leiden, The Netherlands: Brill, 2010), 17.

courts had no jurisdiction.<sup>114</sup> Because the dissolution originated from SCAP's directives, the dissolution could not be ruled "illegal" and Koreans would have no alternative recourse.<sup>115</sup> The tragic irony was that SCAPIN 548 was the principal order which removed Japanese militarists from power until the reverse course set in by 1948; the ex-militarists used SCAPIN 548 to protect themselves and to give legal subterfuge to their attacks on Korean and Japanese leftists.

Though Koreans in Japan were barred via legal means from recouping their assets, and faced a Korean Diplomatic Mission vocal in its desire to gain ownership of the seized assets, the Japanese government directed its ministries to devise plans to redistribute the money which would "circumvent many of the complex ramifications" related to ownership of the politically charged assets and propose a plan that would "effect a more desirable relationship between Japanese and Koreans."<sup>116</sup> The Ministry of Foreign Affairs (MOFA), the Ministry of Education, and the Ministry of Public Health and Welfare each submitted proposals on how to redistribute the funds, which amounted to approximately 60 million yen after Choren's debts were repaid. In "If Koreans become [a] 5<sup>th</sup> column in Japan," the only published report of the three ministries, Inoue Masutarō, a top Ministry of Foreign Affairs (MOFA) bureaucrat,<sup>117</sup> contextualized the

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<sup>114</sup> NDL-GHQ, GS(B) 4267, box 2275HH, file 55, "Organizations Designated Dissolved by the Attorney-General's Office on 9 September 1949," memo of conference from J. Napier, 10 September 1949.

<sup>115</sup> NDL-GHQ, GS(B) 4263, file 119, "Jurisdiction over Cases re Seizure of Properties of Dissolved Organizations," memo from Tanaka Haruhiko, Civil Affairs Assistant to the Attorney General, to Government Section, 27 October 1949.

<sup>116</sup> NDL-GHQ, GS(B) 4263, file 120-C, "Korean Mission Request for Title to Properties of Leftist Korean Group," memorandum from M. Uchiyama to Jack Napier, 8 November 1949.

<sup>117</sup> Inoue would have remained an accomplished, if relatively obscure, diplomat in the Ministry of Foreign Affairs had he not been a central figure in the International Red Cross Commission (ICRC)-sanctioned "return migration" program of the late 1950s, which saw over 94,000 zainichi Koreans and their Chinese and Japanese dependents migrate to North Korea between 1959 and 1984. In Tessa Morris-Suzuki's account of this tragic episode, *Exodus to North Korea* (2007), she portrays Inoue as a racist whose personal and professional ties to the Japanese political elite (i.e., the Liberal Democratic Party) made him unsympathetic to the plight of zainichi Koreans, especially pro-communist ones. His position allowed him to wield considerable influence in presenting false or exaggerated

need for Japan to formulate a constructive asset redistribution policy given the history of Koreans' residence in Japan and political developments in the two Koreas.<sup>118</sup> Inoue warned that the dissolution had done nothing to persuade Koreans to abandon their support for North Korea or communism: despite the government's intentions, "they [Koreans in Japan] seem to be more firmly united while pretending conversion." Nor had it improved already strained relations with the ROK. Syngman Rhee, through Mindan and the Korean Diplomatic Mission to SCAP, was making unreasonable financial demands of the Japanese government, notably for the transfer of Choren's seized assets to the ROK (see below).

As the title of Inoue's report indicated, Ministry bureaucrats worried about the impact of a Korean war on Japanese society. He feared that if the South Korean government fell to the North Koreans, "the Korean Community [in Japan] will either fall into the N. Korean hands, or become the center of S. Korean activities in Japan." Tokyo might then become the home of a ROK government-in-exile like De Gaulle's Free France government-in-exile in London. Should a Korean civil war break out (which did about seven months after his report) and should North Korea claim victory,<sup>119</sup> Japan might be the target of attacks from communist states, particularly North Korea and the Soviet Union.

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claims to the ICRC about Japan's zainichi Korean population as "violent and subversive" so that the government could use the ICRC as a respected international organization to cover the Japanese government's ultimate goal of expelling the country of zainichi Koreans. Morris-Suzuki's interpretation of Inoue's character as a lying, racist, politically connected figure in the late 1950s, however true it might be, is at odds with the report he authored above in November 1949, as I will show.

<sup>118</sup> The following analysis is taken from the following report, available at NDL-GHQ, CPC 3772, folder: "Dissolved League of Koreans," subject: "If Koreans become 5<sup>th</sup> column in Japan," author unknown though probably Inoue Masutarō, 13 November 1949.

<sup>119</sup> After the U.S. "abandoned China" after the conclusion of its civil war, Inoue said influential pro-ROK Koreans in Japan were pessimistic that the U.S. would adequately protect the ROK in the event of an attack.

Inoue did not suggest expelling Koreans from Japan to guarantee its security, as the State Department and G-2 had been trying to do over the past twelve months (see next chapter). Instead, he recommended that the government “take an impartial attitude” towards Koreans in Japan, regardless of their political beliefs, and extend them social assistance if they required it. He underlined that though the political climate in Japan was anti-communist, “We must not be prejudiced against the N. Korean adherents,” particularly as they represented approximately 80 percent of the population of Koreans in Japan.<sup>120</sup> Inoue supported Korean education to allow them the opportunity to take pride in their own culture but he understood that the majority of Koreans were going to stay in Japan and that it was the government’s responsibility to ensure that they integrate and contribute to Japan (and Korea’s) reconstruction. A happy, content, and gainfully employed Korean population in Japan would reduce friction with the Japanese, decrease their support for communism, and stabilize Japanese society. Furthermore, when Japan began negotiations for the resumption of normal diplomatic relations with the ROK, good relations between the Japanese state and its Korean minority population would go far towards normalization.

Inoue argued that though much of GHQ and the government’s attention was directed towards the left-right split among Koreans and the violent and criminal elements within this group, neutrals represented a sizeable proportion of the population. He maintained that they should be nurtured. According to Inoue, the largest group of “neutrals” comprised Koreans who were affiliated with either Mindan or Choren but ideologically uncommitted, while a smaller group of neutrals were completely unaffiliated with either organization. He claimed many had

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<sup>120</sup> NDL-GHQ, CPC 3772, folder: “Dissolved League of Koreans,” subject: “If Koreans become 5<sup>th</sup> column in Japan,” author unknown though probably Inoue Masutarō, 13 November 1949.

joined these organizations only “under duress” and were pleased that Choren’s leaders had been purged. In general, neutrals had been in Japan for a long time, had a relatively stronger economic position than the ideologues, and many were successful entrepreneurs: “they are the people who feel most grateful to this country and are the business men with firmly established position[s] here. They have no racial anti-Japanese thought which prevails in S. Korea.”<sup>121</sup>

Inoue suggested that the government strike while Koreans in Japan were still recovering from the shock of the dissolution and build bridges with sympathetic neutrals. He considered the Chamber of Commerce and Industry (*zainichi chōsenjin shōkō dantai*) a key “neutral” organization with influential members that could implement policy initiatives effectively. The Chamber sought funds to help rebuild factories that would primarily employ Koreans. The Osaka branch of the Chamber suggested opening a technical institute that would train up to 200 Koreans a year so that they could help reconstruct Korea. Inoue supported this idea, which became the basis of MOFA’s plan.<sup>122</sup>

In February 1950, Tanaka Haruhiko, the Civil Affairs Assistant to the Attorney-General, submitted a memo to Government Section on the three Ministries’ plans for the re-distribution of Choren’s seized assets.<sup>123</sup> The Yoshida Cabinet approved MOFA’s plan to use the fund to train

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<sup>121</sup> NDL-GHQ, CPC 3772, folder: “Dissolved League of Koreans,” subject: “If Koreans become 5<sup>th</sup> column in Japan,” author unknown though probably Inoue Masutarō, 13 November 1949.

<sup>122</sup> A similar idea had been proposed to SCAP by GHQ staff member J.L. Kankonen in November 1947 and revived by US Ambassador to South Korea John Muccio in February 1949. Muccio stated that since South Korea was desperate for technicians and physicians that the funds deposited by Koreans repatriating from Japan should be used to fund educational programs. Fulbright funds should also be made available. Koreans would be sent to Japanese universities or American institutions in Japan for university and post-graduate studies. See NDL-GHQ, ESS(D) 1111, file 64, telegram from SCAP to American Mission in Korea, 21 January 1949; ESS(C) 2317, file 3, telegram from CG USAFIK to SCAP, 4 February 1949.

<sup>123</sup> In this memo, “Choren” referred to the seized property of Choren, Minsei, Mindan’s Miyagi Prefecture HQ, Mindan’s Shiogama branch office, and *Chūō Sangyō Kabushiki Kaisha* (Central Industrial Company).

200 Korean students a year in science, engineering, and applied social science in Japanese universities. The Ministry of Education had a similar plan, though they also suggested awarding scholarships to a Korean high school in Japan or to post-secondary students for completing studies at a Japanese institution; priority would go to students in the sciences or engineering. Any leftover money would go towards public schools that enrolled Korean children. This latter proposal became the Cabinet's secondary use of the fund. The Ministry of Welfare did not have a special plan because "Execution of a special relief of the Koreans will be difficult in view of the principle of indiscriminate protection. Koreans in hard living are now being supported under the Living Protection Law on equal footing with the nationals of this country. [... Thus] this Ministry holds that it would be impossible for this Ministry to execute a special relief plan for Koreans, in addition to the present protection."<sup>124</sup> In short, it offered nothing of substance beyond increased welfare payments to needy Koreans.

The Minister of the Korean Diplomatic Mission, Chung Han Pum, requested SCAP hand over Choren's assets to "their lawful owners – Koreans in Japan" via the KDM. Even though the seized assets belonged to Choren members, Chung justified ownership of the seized assets on the grounds that the money had been earned during the colonial period and was donated by repatriates for the use of all Koreans, not just for the use of a few staff members of Choren.<sup>125</sup> If Mindan and the Korean Mission to SCAP were to receive this money, this would raise the profile and prestige of the ROK camp in Japan. It would "facilitate the Ambassador's desire to convert many Koreans in Japan from their false illusion concerning the North Korean puppet state to

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<sup>124</sup> NDL-GHQ, GS(B) 4273, file 12, "Disposal and Operation of Properties of Choren, etc.," memo from Tanaka Haruhiko to GS, 3 February 1950. There was an error in Appendix A. It was headlined "Ministry of Welfare" when it should have read "Ministry of Education."

<sup>125</sup> NDL-GHQ, GS(B) 1661, file 36A, "Korean Mission Request for Title to Properties of Leftist Korean Groups," letter from Chung Han Pum to General Douglas MacArthur, 23 September 1949.

support of the South Korean republic, the only government in Korea recognized by the United States.”<sup>126</sup> Chung planned to use Choren’s seized properties as “schools, churches, and other cultural institutions” operated by the Korean Mission or by Mindan because this would raise “the present low intellectual standard of Koreans in Japan.”<sup>127</sup> Civil Information and Education (CIE) did not object in principle to the idea, but argued that it was “against sound democratic principles” and “a form of extraterritoriality” for a foreign government or its representative association to possess and operate schools not subject to a country’s education law. Moreover, CIE criticized Mindan for violating Japan’s education law as readily as Choren did.<sup>128</sup> After the Yoshida Cabinet supported MOFA’s plan and formed a committee composed of representatives of GHQ, the Japanese government, and the Korean Mission whose objective was to begin proceedings for the distribution of the funds, the Korean Ambassador lodged a protest that “the Korean Mission fears Japanese influence might predominate on such a committee.”<sup>129</sup> He later protested that the education fund was a revival of the colonial era *Zaidan hōjin chōsen kyōiku shōgakkai* (Chosen Educational Foundation). His protests were ignored. The fund went ahead under the same name, which continues today under the English name Korean Scholarship Foundation.<sup>130</sup>

The KDM did not disguise its contempt for leftist Koreans. It congratulated GHQ (and implicitly the Japanese government) for acting against leftist Koreans while assuming that

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<sup>126</sup> NDL-GHQ, GS(B) 1661, file 36A, “Korean Mission Request for Title to Properties of Leftist Korean Groups,” check sheet from G-2 (Willoughby) to DS, CIE, CPC, 13 October 1949.

<sup>127</sup> This comment is more likely to have been Willoughby’s editorializing rather than a verbatim account of Ambassador Chung’s words.

<sup>128</sup> NDL-GHQ, GS(B) 1661, file 36A, “Korean Mission Request for Title to Properties of Leftist Korean Groups,” check sheet from CIE to DS and CPC, 18 October 1949.

<sup>129</sup> NDL-GHQ, CPC 3772, folder 22, “Property of Former League of Koreans Residing in Japan ,” from DS (Sebald) to GS, CPC, CA, G-2, CIE, 10 June 1950.

<sup>130</sup> “*Zaidan hōjin chōsen kyōiku shōgakkai* .” <http://www.korean-s-f.or.jp/> [Accessed 19 March 2010.]

Koreans affiliated with Mindan should be afforded a special status. The KDM, however, proved to have little influence with SCAP or the Japanese government in speaking on behalf of Koreans in Japan. And however imperfect Choren was, it did represent the majority of Koreans in Occupied Japan. With Choren's dissolution, Koreans were weak and vulnerable while remaining politically divided. As they focused their attention towards the Korean War which began in June 1950, they were the targets of a mass deportation scheme being plotted by anti-Korean and anti-leftist forces within GHQ and the Japanese government.

## Chapter 4 – Attempts to Deport Koreans in Japan to the Republic of Korea, 1948-1951

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At the start of the Occupation, GHQ's basic policy towards Koreans in Japan was to ensure, without compulsion, their freedom to repatriate to the Korean homeland. Shortly after the voluntary repatriation program ended in early 1947, elements in both GHQ and the Japanese government sought to rid Japan of its remaining 600,000 Koreans. The violence of the Osaka-Kobe education struggle, which occurred shortly before scheduled UN-supervised elections in South Korea, opened MacArthur's eyes to the presence of a Korean population whose demands ran counter to American goals in Japan and South Korea. The dissolution of Choren, it was believed, would end Korean support for North Korea while strengthening the political legitimacy of South Korea and Mindan. That this did not happen, or not quickly enough, encouraged some within the Japanese government and GHQ to consider more direct measures such as deportation to deal with the Koreans' continued support for leftist politics. The Japanese nationality status of the Koreans was the key obstacle to forcible repatriation and mass deportation, but it did not seem an insurmountable obstacle. Some Americans within GHQ, General MacArthur included, were familiar with both successful and failed attempts to rid the US of its own "alien" populations, particularly Mexicans and Filipinos.

How did Cold War politics and racialization shift the discussion from voluntary repatriation to talk of expelling all Koreans from Japan? And why were the mass deportation plans formulated in 1951 ultimately abandoned? This chapter argues that as Cold War rhetoric and hysteria intensified, GHQ engaged in a discursive shift whereby Koreans, legally defined as

residents of Japan affiliated with Korean household registers, shifted from being “Koreans” (with the term’s racio-ethnic overtones) to being prematurely unilaterally assigned a nationality status – either “Korean” or “North Korean” depending on their presumed ties to South or North, or later ideological labels such as “Communist Koreans” and “subversives” – to justify their expulsion from Japanese territory. Ultimately SCAP abandoned deportation as a strategy for dealing with Koreans because there were problems with execution of the plan would so close to the Peace Treaty conference in September 1951 and because lawyers at Legal Section insisted on strict adherence to the legal status of Koreans as Japanese nationals.

### *Communism and Koreans in Japan, 1945-1948*

As discussed in the previous chapter, until the Osaka-Kobe education riots in April 1948, GHQ paid relatively little attention to Koreans. As part of its regular duties of investigation, G-2 (the Occupation authority’s military intelligence section) collected information on them and produced special reports on their activities. Investigators in 1947 had difficulty gauging the intentions of the Koreans – would they stay in Japan or repatriate upon Korea’s independence? Choren’s representatives had assured them that “In the event of independence in Korea...most of the Koreans would return to their homeland.”<sup>1</sup> G-2 seemed convinced that those who remained would gradually assimilate into Japanese society. This conclusion was based on estimates that only a third of Koreans spoke Korean at home and that over half of the men were married to Japanese women, thus the children were raised in a Japanese language environment. Furthermore, despite the existence of over 500 Choren-sponsored schools, institutions of higher education

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<sup>1</sup> NDL-GHQ, WOR 9725, “Periodical Summary: Korean Minority in Japan,” no. 17 (15 June 1947): SUM 9.

were only available in Japanese.<sup>2</sup> Though Koreans were deemed “one of the most troublesome minority groups in Japan,” GHQ seemed to consider them a low threat to Japan’s burgeoning democracy because of the disorganized state of their organizations, their low population, and various socio-economic factors which indicated eventual absorption in Japanese society. Moreover, in their concluding remarks, the authors made no mention of their ostensible attraction to communist or leftist politics.<sup>3</sup>

Prior to 1948, GHQ’s relatively lax attitude towards communism lacked the urgency and hysteria that characterized the later “Red Purge” period. Both GHQ and the State Department considered communism in Japan a problem but not an alarming one. GHQ generally perceived that, apart from those Japanese prisoners of war whom the Soviets had indoctrinated in communist ideology before releasing them, the real communist threat came from outside Japan. In January 1946, George Atcheson, the Political Advisor to SCAP (POLAD), informed President Harry Truman that however popular the communists in Japan appeared, they were too theoretical, their policies were too drastic for most Japanese, and Japan’s historical dislike for Russia prevented wholesale acceptance of communism.<sup>4</sup> Moreover, many GHQ officials argued that communism in Japan should be defeated within a democratic and legal framework,<sup>5</sup> that efforts

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<sup>2</sup> NDL-GHQ, WOR 9725, “Periodical Summary: Korean Minority in Japan,” no. 17 (15 June 1947): SUM 9-10. While there is good evidence to support the contention that only a third of Koreans spoke fluent Korean, it is unlikely that more than half of male Koreans had a Japanese wife. In the early years of the Occupation, GHQ tolerated Korean language schools on the grounds that they were preparing Koreans for their eventual repatriation.

<sup>3</sup> NDL-GHQ, WOR 9725, “Periodical Summary: Korean Minority in Japan,” no. 17 (15 June 1947): SUM 17.

<sup>4</sup> NDL- State, SDDF(A) 485, letter from US POLAD (Atcheson) to President Harry Truman, 4 January 1946.

<sup>5</sup> “Elimination of Communist activities by either SCAP directive or suppressive government measure is undesirable.” See 3-A-885, “Subversive activities in communication services,” memo from Rizzo to Whitney, 18 February 1949. In *Occupation of Japan, part 2: U.S. and Allied Policy, 1945-1952*. Edited by Makoto Iokibe. (Bethesda, MD: Congressional Information Services, 1989).

to counteract “the infiltration of Communist ideology” would be “much sounder if we insist upon full protection for all and if we accord just treatment to everyone.”<sup>6</sup>

*Richard Finn’s “Staff Study on Koreans”*

GHQ’s hitherto relatively lax attitude towards Koreans and Japanese communism helps to explain the shock of the Osaka-Kobe education riots in April 1948. By spring 1948, the Americans began looking at Koreans through increasingly ideologically tinted glasses. The political (i.e., communist) orientation of Koreans accused of an offence was never raised in the Judge Advocate’s report on the riot; they were simply “the Koreans.” There is only one vague reference to their political orientation, namely that “the accused were closely connected with the Korean nationalists [sic] movement and were persons of considerable influence and leadership.”<sup>7</sup> Ironically, only Horikawa Kazutomo, the lone Japanese tried among the riot’s “ringleaders,” was noted to have a position within the Hyogo Prefecture branch of the Japanese Communist Party (JCP). The timing of the riot, however, closely coincided with the UN-supervised elections in South Korea on 10 May 1948 and a hardening of American suspicion against communists in Japan. The American Consul in Kobe, Douglas Jenkins, in his post-riot report, clearly associated Koreans with criminality and base behavior, as well as highlighting the influence of “a number of communists or quasi-communists” in the city:

There are between 60,000 and 70,000 Koreans in Kobe. The great majority of them were imported by the Japanese during the war for manual labor. They are of a low type generally, poorly educated and include among their number a high percentage of thugs and roughnecks. Moreover, they harbour a virulent hatred of the Japanese who, while

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<sup>6</sup> 3-A-596, “Terrorist activities among repatriates,” memo from GS to G-2, 10 July 1947. In *Occupation of Japan, part 2: U.S. and Allied Policy, 1945-1952*. Edited by Makoto Iokibe. (Bethesda, MD: Congressional Information Services, 1989).

<sup>7</sup> NDL-State, SDDF(B) 32, 894.00/8-1248, enclosure no. 2 to despatch no. 512, “Review of the Staff Judge Advocate,” 7 July 1948, 1.

they had the opportunity, treated the Koreans in a most cavalier manner. This large, boisterous and dissatisfied alien group in the population of the city is an easy prey to organizers and agitators. They are known to include among their leaders a number of communists and quasi-communists who probably receive instructions from Northern Korea or, if not that closely associated, certainly follow the party line.<sup>8</sup>

Four days before South Korea's general election, Major General William F. Dean, the military governor in South Korea, downplayed "the activities of some Koreans" as merely "an unfortunate misunderstanding of the educational rights, privileges, and responsibilities of Koreans living there." Dean would not even describe the Korean protesters as "Communists," referring to them only as "Communist-inspired Koreans in Japan." Like Jenkins, Dean believed the dissatisfied Koreans were easily manipulated by "unscrupulous and irresponsible leaders within the community of Koreans."<sup>9</sup> Indeed, G-2's Counter-intelligence Corps (CIC)'s supported that suggestion by placing responsibility for the violence squarely on the JCP's shoulders rather than on those of the Koreans or Choren, their leading organization.<sup>10</sup>

Suzuki Yoshio, the Japanese Attorney-General, however, used the chaos of the Kobe riot to help convince MacArthur and Government Section (GS) to conceive of the "Korean problem" as more than just a series of localized problems of lawlessness and rather as a larger national and international problem with communism. On 26 April 1948, Suzuki visited GS to discuss the Kobe riot. The crux of the problem, according to Suzuki, was that the Koreans were teaching

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<sup>8</sup> NDL-State, SDDF(B) 223, box 7095C, 894.4016/5-1148, "Korean Demonstrations in Kobe, Japan," despatch no. 270, confidential memo from POLAD in Japan (Sebald) to State Dept, 11 May 1948. Enclosure 1: letter from Douglas Jenkins, Kobe Branch, US POLAD to William J. Sebald, 4 May 1948.

<sup>9</sup> NDL-State, SDDF(B) 223, SDDF(B) 223, box 7095C, 894.4016/5-1248, "Military Governor's Statement on Korean Riots in Japan," enclosure no. 1 to despatch no. 122, from Joseph E. Jacobs, POLAD in Korea (Seoul) to Secretary of State, 12 May 1948.

<sup>10</sup> NDL-GHQ, GII 3003, folder 29, "Periodical Summary: Counter Intelligence – 3. Subversive Activity," no. 29 (15 June 1948): CIC 14-15. "Conclusive evidence that the JCP aided and abetted the recent April Korean disturbances in the Kobe-Osaka area was obtained as a result of CIC investigations 26 Apr – 6 May 48."

communism in their schools and repeatedly ran afoul of Ministry of Education standards. They had little respect for Japanese law and were prepared to use force to maintain their autonomy: “there are about 50,000 Koreans in the Kobe area, and they are all agitators... The leaders of the Koreans reported to the [Hyogo prefecture] governor that they had 50,000 who would rise up and riot if the order [to close Korean schools] was not withdrawn.”<sup>11</sup> He claimed they were better armed than the Japanese police and that in all prefectures except Hokkaido and Aomori, the two northernmost prefectures, Koreans outnumbered local policemen. Indeed, Suzuki questioned their suitability to remain in Japan as “loyal Japanese citizens” since they regarded themselves as “a liberated people” whose “true allegiance is to Korea.” Moreover, “if the Occupation were to end[,] the Koreans in Japan, left with their existing supply of weapons, having in mind their lawless habits, strong-arm tactics and Communist leanings, would constitute a grave threat to the internal stability of the Japanese Government.”<sup>12</sup> In his attached comments, M.E. Nolan of Local Government Division agreed with Suzuki’s claims of under-armed policemen though he said little else about Suzuki’s claims about the Koreans. Nolan’s comments dealt mostly with the strength of the communists in the northern prefectures. He concluded by advocating that “The Koreans...took the law into their own hands” and that “They alone should be punished.”<sup>13</sup>

Suzuki was one of the first Japanese politicians to scare American officials about the threat of communism, but he was not alone. William Sebald, chief of Diplomatic Section, noted in his

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<sup>11</sup> 3-A-791, “Conference held 26 April 1948 on Korean Incident at Kobe,” memorandum from M.E. Nolan to Deputy Chief, Government Section, 26 April 1948. In *Occupation of Japan, part 2: U.S. and Allied Policy, 1945-1952*. Edited by Makoto Iokibe. (Bethesda, MD: Congressional Information Services, 1989).

<sup>12</sup> 3-A-792, “Closing of Korean Schools,” memorandum from C.L.K. [Charles L. Kades] to Chief, Government Section, 26 April 1948. In *Occupation of Japan, part 2: U.S. and Allied Policy, 1945-1952*. Edited by Makoto Iokibe. (Bethesda, MD: Congressional Information Services, 1989).

<sup>13</sup> 3-A-791, “Conference held on 26 April 1948 on Korean Incident at Kobe,” M.E. Nolan to Deputy Chief, GS, 26 April 1948. In *Occupation of Japan, part 2: U.S. and Allied Policy, 1945-1952*. Edited by Makoto Iokibe. (Bethesda, MD: Congressional Information Services, 1989).

memoirs that right after the war ended, “many influential Japanese” worried about the “ruthless and expanding” activities of the JCP. “This theme,” he continues, “runs through the day-to-day diary I kept faithfully at that time, recording conversations Japanese of all political beliefs.”<sup>14</sup> Among them was Terasaki “Terry” Hidenari, one of the diplomats at the Japanese Embassy in Washington the day of the attack on Pearl Harbor.<sup>15</sup> During the Occupation, he was advisor and liaison officer for the Emperor with SCAP. Terasaki argued that at the outset of the Occupation, SCAP had been too tolerant of the communists who had grown to a position of great influence, which they used to castigate the Japanese government and SCAP. Sebald concurred with Terasaki. Though it had been necessary to release JCP’s leaders from jail in late 1945, “Japan’s democracy was too new to withstand the assault of such an experienced and disciplined enemy.”<sup>16</sup>

For SCAP, the real significance of the Osaka-Kobe riots was not specifically related to the violence itself and to who bore responsibility for it, but rather to the failure of American efforts to assimilate the Korean population into Japanese society. MacArthur had expected Koreans to conduct themselves as lawful residents of Japan. Education was expected to be a key tool of assimilation but this had met with violent opposition. MacArthur warned the Department of Army that the almost 600 schools sponsored by Choren produced an “unassimilated group of 600,000 Koreans in Japan [who] constitute a problem for law-enforcing agencies.”<sup>17</sup> Their

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<sup>14</sup> Sebald, *With MacArthur in Japan*, 44-45.

<sup>15</sup> Roger B. Jeans, *Terasaki Hidenari, Pearl Harbor, and Occupied Japan: A Bridge to Reality* (Lanham, MD: Lexington Books, 2011).

<sup>16</sup> Sebald, *With MacArthur in Japan*, 95-97.

<sup>17</sup> NDL-GHQ, AG(C) 3003, box 785-26, file 156, memo from CINCFE [Commander-in-Chief, Far East] to Department of Army, 7 May 1948.

perceived inability or unwillingness to obey local laws and the concomitant drain on police resources concerned MacArthur. Moreover, this characterization of Koreans as an “unassimilated group” represented the first indication that a new phase in Korean-GHQ relations would emerge.

Until the Kobe-Osaka riots, GHQ’s opinion of the Koreans was never flattering but it was not alarmist either. As late as February 1948, the Counter Intelligence Corps declared that “a large portion of the Korean League [Choren] is non-Communist.”<sup>18</sup> Only three months later, CIC raised the alarm and declared that “As long as there is a sizeable Korean minority in Japan it will be a menace to law and order....Law abiding Koreans in Japan are far outnumbered by their more unruly compatriots,” the latter of whom indulged in “Communist urgings for violence.” At this point, CIC acknowledged that Koreans were unlikely to leave Japan voluntarily.<sup>19</sup> DS’s William Sebald concurred with the need “to develop a program designed to remove this potentially dangerous minority from Japan.” Despite the cost of such a program, Sebald urged that “the political importance [of the ‘Korean problem’] must be adequately stressed” to Congress.<sup>20</sup>

In addition, the political situation on the Korean peninsula did much to influence MacArthur’s perception of the Korean situation. An irreconcilable split between the US and the Soviet Union was hardening suspicion over Communists in Japan and southern Korea. The establishment of the Republic of Korea (ROK or “South Korea”) in August 1948 and the Democratic People’s Republic of Korea (DPRK or “North Korea”) in September 1948 forced

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<sup>18</sup> NDL-GHQ, GII 2987, folder 25, “Periodical Summary: Korean League and the Japan Communist Party,” no. 25 (15 February 1948): SUM 17.

<sup>19</sup> NDL-GHQ, GII 3000, folder 28, “Periodical Summary,” no. 28 (15 May 1948): SUM 10.

<sup>20</sup> NDL-State, SDDF(B) 570, 740.00119-Control (Japan)/5-2148, W.J. Sebald (US POLAD for Japan) to Walton W. Butterworth, Jr. (Director, Office of Far Eastern Affairs), 21 May 1948.

GHQ to think about how the existence of the two Koreas would affect its policy towards the Koreans. MacArthur requested Richard B. Finn of Diplomatic Section to complete a staff study on Koreans in Japan.

Finn framed the “Korean problem” as a clash between SCAP’s policy of Korean repatriation and the resistance of Koreans to return to their “homeland.” In general, their resistance to repatriation was due to Korea’s economic and political uncertainty, but he noted that the bigger, more deeply rooted problem was that some Koreans considered Japan their home. Finn thought this was the more difficult problem because “many Koreans have lived all their lives in Japan, have close ties of family and friendship in Japan, and in some cases have acquired considerable financial interests and assets in Japan.”<sup>21</sup> Finn’s frank description of the Korean population in these terms was unusual among American policymakers – and was clearly more accurate in its portrayal. Finn’s views necessitated a rethinking of the moral and political implications of expecting, much less forcing, people comfortably ensconced in their homes to relocate to a land where most had never lived.

Finn insisted that the ROK was the most appropriate, if only, “home” for Koreans. Finn noted a consensus among “all three governments” (the U.S., Japan, and the ROK) that “as many Koreans as possible [should] return to Korea.” The United States had various reasons why Koreans should not remain in Japan, most linked to their ostensible attraction to leftist politics and to their alleged destabilizing effect on Japanese politics and society but also on the wider

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<sup>21</sup> NDL-State, SDDF(B) 223, box 7095C, 894.4016/9-348, "Status of Koreans in Japan," despatch no. 580, from POLAD in Japan (Sebald) to Sec of State George Marshall, 3 September 1948. Enclosure no. 1 to despatch no. 580: "Staff Study Concerning Koreans in Japan," staff study from Richard B. Finn, 16 August 1948, 2; NDL-State, SDDF(B) 223, box 7095C, 894.4016/9-348, "Status of Koreans in Japan," despatch no. 580, from POLAD in Japan (Sebald) to Secretary of State George Marshall, 3 September 1948.

struggle against Communism in Asia.<sup>22</sup> The Japanese government, he noted, “would be only too happy to see all Koreans leave Japan.” There was wide support from Yoshida’s Cabinet to rid Japan of its Korean population. Speaking in a private capacity with Finn, the Foreign Ministry’s Wajima Eiji expressed his idea that “since the Japanese were forcibly removed from places on the continent of Asia, the Koreans in Japan should likewise be forcibly removed from Japan to Korea.”<sup>23</sup> Syngman Rhee championed the cause of Koreans purely for “political expediency;” privately, however, he had no interest in accepting hundreds of thousands of Korean leftists to South Korea.<sup>24</sup> There is no evidence that Finn had asked a single Korean in Japan where he or she would prefer to be. Since, according to Finn, there was, in effect, unanimous agreement on the desirability of ridding Japan of its “troublesome minority,” the task was to convince the Koreans that they should “return home” to Korea. “Forced repatriation” (deportation) was unadvisable principally for the negative image it would project of the Occupying power – after all, they were still Japanese nationals. It was also inadvisable because the sheer number of “deportees” would place an “enormous strain on Korea.”

Whereas previous GHQ policy directives had argued that as residents of Japan, Koreans who had opted to remain in Japan had simply to obey Japanese laws, Finn now justified their expulsion from Japan on the grounds that they had been unable or unwilling to “assimilate” in Japanese society, but he did not define what constituted an “assimilated” group, though he

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<sup>22</sup> Finn’s report painted an international picture of Asian communists moving freely across Asia’s borders. “Koreans moving illegally between Japan and Korea serve as the link between Japanese communists and those on the continent of Asia—Korean, Chinese, and Russian.”

<sup>23</sup> NDL-State, SDDF(B) 223, 894.4016/2-1849, “Status of Koreans,” dispatch no. 111, enclosure no. 2, “Koreans in Japan,” memo of conversation between Richard B. Finn and Wajima Eiji, 3 February 1949.

<sup>24</sup> Sung-hwa Cheong, *The Politics of Anti-Japanese Sentiment in Korea: Japanese-South Korean Relations Under American Occupation, 1945-1952* (Westport, CT: Greenwood Press, 1991), 67-68.

acknowledged that many had spent their entire lives in Japan and had deep residential and economic links in Japan. Finn admitted that, although assimilation “would not be easy in Korea, it would be incomparably simpler than in Japan.” Finn also justified their expulsion by claiming there were “about 200,000 North Koreans in Japan.” This was completely false in terms of either their nationality or their household register address in Korea, but it nonetheless attested both to the degree to which Finn and American officials re-defined the “Korean Communist” problem in Japan, and to how American officials based territorial identity more on political beliefs than on household register affiliation. American policymakers in distant Washington would easily recognize the magnitude of the problem with this Cold War-inspired device of characterizing so many Koreans as “North Koreans,” a usage which magnified the problem of a potential enemy within Japanese gates.

Since “forced repatriation” was politically inadvisable and the relaxation of regulations concerning repatriation was unlikely to significantly decrease Japan’s Korean population,<sup>25</sup> Finn offered a carrot-and-stick approach to repatriation that would play on the Korean sense of ethnic pride and fear of cultural assimilation. First, he suggested that GHQ “sell” the idea of repatriation by appealing to their emotions and patriotism towards Korea. Through press releases and statements, SCAP should encourage them of “their duty to return to Korea”:

It should be emphasized that the opportunity is now being presented to Koreans to overcome the sufferings and handicaps of the long years of oppression and to return to their homeland free; for three years their countrymen have worked unceasingly to lay the

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<sup>25</sup> In a later memo, Finn believed no more than 50,000 Koreans would repatriate by taking advantage of various GHQ financial initiatives. NDL-State, SDDF(B) 223, box 7095C, 894.4016/2-1849, "Status of Koreans in Japan," despatch no. 111, from POLAD in Japan (Sebald) to Sec of State Dean Acheson, 18 February 1949. Enclosure no.1, despatch no. 111: "Status of Koreans in Japan," memo from DS, 10 February 1949.

foundations of an independent Korea and the time has now arrived when all Koreans genuinely eager to advance the welfare of their nation should join in that effort.<sup>26</sup>

Failure to repatriate to the Korean homeland would raise doubts about their “Koreanness”:

“Koreans can show their desire to be Koreans by return[ing] to their homeland. Those who remain in Japan will be treated in the same way as Japanese.” The suggestion that Koreans who failed to return to the homeland became “Japanese” identified the “stick” approach towards getting them out of Japan. GHQ should strive to remind them that remaining in Japan meant not only that they would be treated as “Japanese” in the legal sense and in other key areas, namely education, but, more ominously, that they would again be at the mercy of Japanese.

The nationality issue and the issue of the various rights connected with it loomed large in Finn’s discussion of the problem of Koreans in Japan. On 11 May 1948, the day after the general elections, the South Korean interim government enacted its own Nationality Law which conferred Korean nationality on all whose household registers were in South Korea, regardless of their actual place of residence. Finn and many other American officials incorrectly believed that because of this law, Koreans were now dual nationals or could acquire ROK nationality by a simple act of registration, similar to the way most Formosans outside Taiwan had gained Republic of China (ROC) nationality in 1946. South Korea’s Nationality Law did establish a legal foundation for conferring South Korean nationality to most Koreans in Japan, but to acquire it, particularly as South Korea was a new state entity, they would have to make a positive declaration to acquire it, which presumably was the aim of the registration campaign. However, this was a moot point since Japan had not, and could not officially recognize South Korea – and

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<sup>26</sup> NDL-State, SDDF(B) 223, box 7095C, 894.4016/9-348, "Status of Koreans in Japan," despatch no. 580, from POLAD in Japan (Sebald) to Sec of State George Marshall, 3 September 1948. Enclosure no. 1 to despatch no. 580: "Staff Study Concerning Koreans in Japan," Richard B. Finn, 16 August 1948, 5-6.

its nationals – while SCAP controlled Japan’s sovereignty (and its ability to conduct foreign relations).<sup>27</sup> Official recognition of South Korean nationality in Japan would be the purpose of a 1951 conference on nationality and on state-to-state recognition issues (see Chapter 5).

Nonetheless, for Finn, the problem was that if Koreans in Japan became South Korean nationals, they would expect legal protection and rights which they had not previously had. He feared that they would become “further entrenched in Japan” and refuse to leave. Koreans with both Korean and Japanese nationalities would be untouchable; they would have diplomatic protection from both states. Thus Finn explicitly recommended that a ROK registration campaign be delayed so that no additional benefits or privileges would be conferred upon Koreans.<sup>28</sup> SCAP should advise the ROK government to refrain from recognizing Koreans in Japan as its nationals, with its associated rights and duties. The logic was that if life in Japan remained intolerable for Koreans recognized ostensibly as “Japanese nationals,” they would go to South Korea and obtain ROK nationality.

Though Finn estimated there were “200,000 North Koreans” in Japan, he advised that any discussion of repatriation should make no distinction between putative nationalities since the official policy remained that all Koreans should leave and establish residence in South Korea. There was no thought of encouraging so-called “North Koreans” to “return” to North Korea, presumably because this would have propaganda value for the Soviets and communist Koreans.

In a few short months in 1948, concomitant with the political developments on the Korean peninsula, the scale and the magnitude of the “Korean problem” escalated. They were initially

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<sup>27</sup> Takemae, *Inside GHQ*, 97.

<sup>28</sup> As Japanese nationals, Koreans received basic rations and minimal legal and financial protection.

described in ethnonational terms (“the Koreans”) who were expected to observe local (Japanese) laws. Whereas the smallness of the Korean population was emphasized in 1947 (“less than 550,000 Korean nationals remain in Japan” out of 80 million people), by November 1948, they had become a “large Korean population in Japan.” Since the early days of the Occupation, there was wide consensus within GHQ that “Koreans in Japan” were “a troublesome minority” that would eventually repatriate or assimilate in Japanese society. After August 1948, the standalone term “Koreans” applied to the few deemed politically unaffiliated or, more often, to “good” Koreans, i.e., South Koreans. Enthusiastic supporters of Kim Il-sung’s North Korean regime were clearly identified as “North Koreans.” In this sense, the emphasis was on political orientation whereas in the following example, the emphasis was on ethnicity. In Japan, there were “Korean leftists” and “rightists,” which suggested that “Koreans,” as an “unassimilated” ethnic group in Japan, were the political or ideological enemy, whereas “rightists” were cooperative towards US goals. Three sentences illustrate the point:

Friction between Korean leftist and rightist elements has resulted in fresh outbursts of violence and threats of violence during the past six weeks. Reports indicate that Korean leftists are becoming alarmed over the rising threat of rightist supremacy. The Korean League [Choren] has launched an active anti-rightist campaign to prevent Koreans from affiliating with rightist organizations.<sup>29</sup>

Rhetoric about encouraging or forcing Koreans to observe Japanese law as legal residents gave way to high-level discussions regarding options for their removal from Japan.

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<sup>29</sup> NDL-GHQ, GII 3027, folder 34, “CIS Periodical Summary: Korean Activities in Japan,” no. 34 (15 November 1948): SPA 34, 38.

*Plans for Forcibly Repatriating Koreans, 1948-1949 (1)*

The newly established Republic of Korea opened a Korean Liaison Mission attached to SCAP in January 1949. In the absence of diplomatic ties between Japan and South Korea, the Liaison Mission facilitated political and diplomatic discussions between the ROK and Japanese governments, and between the ROK government and Koreans in Japan. One of the ROK's first goals was to register Koreans so that they could acquire South Korean nationality. GHQ, however, greeted this proposal only lukewarmly. DS's Sebald wrote that "It is the present opinion of this Mission [DS] that all parties and legitimate interests concerned with the problem of Koreans in Japan will be best served by reducing the Korean minority in this country to the lowest possible proportions." However, "it is believed that registration as Korean nationals should be limited to those Koreans in Japan who demonstrate their immediate intention of returning to Korea or who remain in Japan on official Korean purposes."<sup>30</sup> Legal Section's Alva Carpenter doubted that the Korean Mission could simply "give" Korean nationality through a simple registration process. Though registration and the subsequent granting of Korean nationality would facilitate the precise identification and nationality of Koreans, as well as removing legal obstacles to deportation, there was no mechanism to force Koreans who registered as ROK nationals to transfer their residence to the ROK. This would create, in DS's opinion, the problem of dual nationality status (see more in chapter 5 on nationality).<sup>31</sup>

American Ambassador to the ROK John Muccio expressed the opinions of ROK officials but his memo had much information concerning nationality issues and the intentions of the Koreans

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<sup>30</sup> NDL-State, SDDF (B) 223, 894.4016/2-1849, "Status of Koreans in Japan," despatch no. 111, from Sebald to Secretary of State Dean Acheson, 18 February 1949.

<sup>31</sup> NDL-State, SDDF (B) 223, 894.4016/2-1849, "Status of Koreans in Japan," despatch no. 111, enclosure no. 1, "Status of Koreans," memo from DS, 10 February 1949.

to remain in Japan. Muccio supported the widespread notion that most Koreans were troublemakers who had forfeited their opportunity to repatriate so that they could “retaliate against the Japanese who had treated them badly.” The threat of Japanese assimilation was used again to encourage their registration and repatriation to Korea as ROK nationals. If the ROK registration proceeded apace, Muccio assumed that the Communists would not register and that if the threat of being considered “Japanese in all respects” were highlighted, “luke-warm Communists among Koreans will be weaned away from their leftist organizations.”<sup>32</sup> Perhaps Muccio failed to consider the flip-side of his proposal: the “real” communist Koreans, the ones SCAP and the Japanese government targeted for forced repatriation, remained Japanese nationals and thus could not be legally deported or targeted by malicious legislation. Then again, Muccio’s proposal may have been deliberate, since Syngman Rhee had no interest in welcoming leftists or pro-Kim Il-sung Koreans, and such a policy would force the Japanese government itself to deal with its “communist Korean problem.”

Indeed this was the conundrum or paradox that befell GHQ and Japanese politicians in their bid to rid Japan of its Korean population. If SCAP allowed Koreans to obtain South Korean nationality in Japan, it was likely that those supporting the North Korean regime, the very ones the Occupation authorities were keenest on expelling, would remain Japanese nationals and be legally “untouchable” and unlikely to return to Korea. Moreover, it would complicate future matters of nationality status, since it was SCAP policy not to interfere in the right of a sovereign Korea and sovereign Japan to negotiate their own nationality status agreements. Finn warned that, despite the temptation to force a nationality on Koreans, it was “undesirable for SCAP to adopt

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<sup>32</sup> NDL-State, SDDF (B) 223, 894.4016/4-1349, “Status of Koreans in Japan,” despatch no. 216, memo from John Muccio to Secretary of State, 13 April 1949.

any position which will have the effect of forcing Koreans in Japan to assume exclusively Japanese nationality or of prejudicing any future treaty settlement.”<sup>33</sup> Based on past American experience with “aliens” in the US, the task was to further “alienalize” or “radicalize” Koreans so that they might find life in Japan too unbearable and decide to repatriate after all. The legally incorrect designation of Koreans as “North Koreans” was a step in that direction.

In the 1920s and 1930s, the US had faced a similar problem to the one confronting GHQ, namely the task of expelling a population that could not be legally deported. Filipinos were legally “US nationals”<sup>34</sup> owing to the Philippines’ colonial status within the American imperium and thus enjoyed the same freedom of movement to and within the US as American citizens. Furthermore, as US nationals, Filipinos were not bound by the quotas set by the 1924 Immigration Act because they were not legally considered “immigrants.” Filipinos were an anomaly among immigrants from Asia: they were often fluent English speakers, Christians, and knowledgeable about American popular culture. Their high level of American acculturation did not deter nativists from wishing to see them leave. Nativists and their supporters lobbied for the independence of the Philippines, which was granted in the Tydings-McDuffie Act of 1934. Though there was a ten-year “transitional period” to prepare the Philippines for self-rule, the annual immigration quota was immediately set at 50, which was more than other immigrants from Asia (zero) but half the minimum set for European nations. The Filipino Repatriation Act

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<sup>33</sup> NDL-State, SDDF(B) 223, box 7095C, 894.4016/9-348, “Status of Koreans in Japan,” despatch no. 580, from POLAD in Japan (Sebald) to Sec of State George Marshall, 3 September 1948. Enclosure no. 1 to despatch no. 580: “Staff Study Concerning Koreans in Japan,” staff study from Richard B. Finn, 16 August 1948, 2.

<sup>34</sup> The Supreme Court first created the “U.S. national” category specifically for Filipinos. A U.S. national was neither a citizen nor an alien. Like an alien, he or she had neither the right to a trial by jury nor the franchise. Like an American citizen, he or she owed allegiance to the United States and was free to move to and within the United States. Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America, 1924-1965* (Princeton: Princeton University Press, 2004), 100.

of 1935 was the nativists' attempt to deport, at American government expense, Filipinos to their soon-to-be independent country. That plan was a dismal failure, as only 2,064 out of approximately 60,000 Filipinos sailed "home" in five years. Moreover, as Ngai notes, most of the repatriates appeared to be well-educated, middle-class Filipino professionals: the limited economic opportunities available in the Philippines kept poorer Filipinos in the U.S.<sup>35</sup> Since 1935, MacArthur had been the Military Advisor to the government of the Philippines so he would have been very aware of the "repatriation" effort. This kind of post-1948 "repatriation" scheme had equally failed in Japan. Finn expected 50,000 Koreans to sail "home." Despite the establishment of a "new and democratic" ROK, relaxed financial restrictions, abolition of some of the privileges of foreign nationals,<sup>36</sup> emotional and patriotic appeals to (re)build the Korean homeland, more Koreans were trying to (re)enter Japan "illegally" than repatriated.

At the other end of the spectrum of options, American law enforcement officials employed fear tactics to stem the "illegal entry" of Mexicans. In the 1930s, during the depths of the Great Depression, recent immigrants and "non-whites" had faced the wrath of American authorities. Ever since the 1924 Immigration Act introduced tighter border controls on the Mexican border, an increasing number of "undocumented" Mexicans were deemed "illegal

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<sup>35</sup> Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America, 1924-1965*, 100-122.

<sup>36</sup> The supplementary food ration for the approximately 36,000 foreign nationals in Japan (who were mostly "Formosans and Chinese") was abolished in SCAPIN 1987, effective 1 May 1949. There were two key reasons for this. Since Koreans were seeking the legal status of "foreign nationals," SCAP officials felt that by abolishing the supplementary food ration, Koreans would have less incentive to seek this privileged status. The establishment of the Korean Mission to SCAP in January 1949 and the prospect of 600,000 Koreans obtaining South Korean nationality in Japan worried SCAP. This would require an additional 80,287 tons of food imports at a cost exceeding 12 million dollars. The reasons are elaborated in NDL-State, SDDF(B) 223, box 7095C, 894.4016/9-348, "Status of Koreans in Japan," despatch no. 580, from POLAD in Japan (Sebal) to Sec of State George Marshall, 3 September 1948. Enclosure no. 1 to despatch no. 580: "Staff Study Concerning Koreans in Japan," staff study from Richard B. Finn, 16 August 1948, 7; and NDL-State, SDDF(B) 223, 894.4016/2-1849, "Status of Koreans in Japan," despatch no. 111, enclosure no. 1, "Status of Koreans in Japan," memo from DS, 10 February 1949. SCAPIN 1987 is found at NDL-GHQ, ESS(C) 1504, file 53, "Ration for Foreign, United Nations' Nationals, Neutral and Enemy Nationals and Stateless Persons," memo from R.M. Levy to Japanese Government, 28 March 1949.

aliens.” When Americans across the country depended on charity during the Great Depression, the Immigration Service had refused to sanction attempts by nativists and racist law enforcement officials to deport Mexicans simply because they were “public charges.” Yet some law enforcement officials took the law in their own hands. They created a climate of fear by making mass arrests of suspected “illegal aliens” in centres where Mexicans congregated and demanded to see their proof of entry and legal residence. Since many were born in the U.S., and thus were citizens protected by the Constitution, many were released without charges. The climate of fear, however, drove 400,000 Mexicans, approximately 60% of whom had been born in the U.S., to a Mexico that welcomed them with open arms.<sup>37</sup> This was closer to the approach that GHQ, and especially G-2, employed in Japan in 1948 and 1949.

Charles Willoughby of G-2, whom MacArthur referred to as “my lovable fascist,”<sup>38</sup> took the lead in intimidating leftist Koreans. Willoughby spent most of 1949 looking for opportunities to demoralize leftists and disrupt Choren’s activities. He hired Mindan’s Gen Ko-sho (Japanese spelling; Korean: Hyun Ho-sup) as an agent provocateur.<sup>39</sup> He tried to bring SCAP’s attention to the Koreans’ alleged subversive activities and to their financial and smuggling links with North Korea and the Soviet Union,<sup>40</sup> but LS and DS refused to bite on the grounds that Koreans were

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<sup>37</sup> Ngai, *Impossible Subjects*, 72.

<sup>38</sup> William Manchester, *American Caesar: Douglas MacArthur* (New York: Dell Publishing, 1978), 302; David Halberstam, *The Coldest Winter: America and the Cold War* (New York: Hyperion, 2007), 373.

<sup>39</sup> *Records of the U.S. Department of States relating to the Internal Affairs of Japan, 1945-1949*, decimal file 894, reel 3, file 00/14-149, G-2 spot intelligence, Willoughby to Chief of Staff, 14 January 1949; *Records of the U.S. Department of State relating to the Internal Affairs of Japan, 1945-1949*, decimal file 894, reel 3, file 00/2-549, “Assassination of Prominent Korean Rightist Leader in Japan,” W.J. Sebald to Secretary of State, 5 February 1949.

<sup>40</sup> There were frequent rumours that the Soviet Mission in Tokyo was donating money to the JCP and Choren, but G-2’s own investigations always found no evidence to support these allegations. Nonetheless this emboldened G-2 to fund plans for a “full-scale infiltration” of the Soviet Mission and Choren. See NDL-GHQ, GII - 00304, box 268, “080.1: Communist Party activities, July 1949”, file 48, “C/S Soviet Money for Korean and Japanese Communist

Japanese nationals and the responsibility of the Japanese government.<sup>41</sup> Willoughby's fear campaign succeeded when, with Prime Minister Yoshida Shigeru and the Attorney General's approval, he took the initiative, discussed in chapter 3, to dissolve Choren and its sister organization Minsei on the grounds that they were "undemocratic and terroristic" organizations. This politically motivated, legally dubious, and morally reprehensible act disrupted Communist activity in Japan but did not encourage Koreans to move to South Korea. Moreover, the ranks of Mindan, the pro-ROK organization did not swell with ex-Choren members as expected; in fact – and one might think predictably – Mindan's leaders often rejected them precisely because they were or had been "Communists." The Koreans' reluctance or disinterest in repatriation to Korea motivated some GHQ and Japanese officials to consider mass deportation during the last phase of the Occupation.<sup>42</sup>

### *Plans for Forcibly Repatriating Koreans, 1950-51 (2)*

Despite the sweeping effects of the "Red Purge," a wave of mass dismissals of suspected Communists from public service posts which began in earnest in 1949, GHQ and the State Department felt that domestic Communism remained a grave threat to the Occupation's goals.

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Parties," from C.W. Willoughby to Col. Bratton, 11 June 1949; and NDL-GHQ, GII - 00304, box 268, "080.1: Communist Party activities, July 1949", file 48, subject "CIS Conference: Soviet Money for Koreans and Japanese Communist Parties (CAW 591)," memo from L.G.S., 13 June 1949.

Willoughby tried to also demonstrate evidence of a fund-raising front-group for Choren called the Central Industrial Company (*Chūō sangyō kabushiki kaisha*), which sent a portion of its funds to North Korea. The company did appear to exist (the Japanese Attorney-General dissolved it in October 1949) but fund-raising financial links with North Korea were undoubtedly exaggerated, if not outright false. See NDL-GHQ, LS 13415-13416, box 1041, folder 37, "Korean League", subject "Central Industrial Company," memo from G-2 (C.A. Willoughby) to ESS, 10 March 1949; NDL-GHQ, ESS(A) 281, file 6, "North Star Rubber Company," from Willoughby to ESS, 1 April 1949.

<sup>41</sup> NDL-GHQ, ESS(D) 6462, file 104, "Allocation of Rationed Items to Leftist Korean League," check sheet from Sebald (DS) to ESS, G-2, and CIE, 21 January 1949; NDL-GHQ, LS 13415-416, box 1041, folder 37, "Korean League", subject "Central Industrial Company", memo from FIB (C.S. Gregory) to DS (Sebald), 17 March 1949.

<sup>42</sup> NDL-GHQ, GS(B) 1609, folder 19, "Deportation of Korean Criminals," author unknown [probably from the Ministry of Foreign Affairs], 14 November 1949.

Max Bishop, Chief of the Division for Northeast Affairs at the State Department and long one of its harshest anti-Communists, warned Assistant Undersecretary of State Dean Rusk that “The Japanese, like all Asiatics...do not have individual ability or in most instances even a desire to resist a conspiracy such as communism.” It was therefore up to the U.S. to take steps to outlaw Communism in Japan before the Peace Treaty.<sup>43</sup> A meeting chaired by Secretary of State John F. Dulles in early 1951 argued that “it would be futile to expect the Japanese to keep away from Communism,” as if they were children who would not listen once the parents turned their backs.<sup>44</sup>

Choren had been dissolved but another problem, the flow of “illegal entrants,” continued unabated. In early 1950, the governor of Yamaguchi Prefecture warned Colonel Pulliam, head of Public Safety Division (PSD), that South Korea was in a state of political unrest and that many political refugees arriving in Yamaguchi were fleeing because of Syngman Rhee’s Anti-Traitor Law.<sup>45</sup> In a blistering attack against “Koreans and Communists,” he reminded Pulliam of Japan’s new geopolitical reality: “The Amur River is no longer her boundary now and the Korean Channel which can be crossed only in nine hours is the new boundary.... The Prefecture as the foremost line of national defence is struggling day and night against the Koreans and

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<sup>43</sup> NDL-State, SDDF(B) 62, 894.00B/9-2149, memo from Bishop to Rusk, 21 September 1949.

<sup>44</sup> 2-B-429, “Memorandum of conversation,” between Dulles, John M. Allison (State Department), General Lucius Clay, Charles E. Wilson, and Sidney Weinberg (all Office of Defense Mobilization), 18 January 1951. In *Occupation of Japan, part 2: U.S. and Allied Policy, 1945-1952*. Edited by Makoto Iokibe. (Bethesda, MD: Congressional Information Services, 1989).

<sup>45</sup> Approved into law on 7 September 1948, the law defined “national traitors” (*minjok panyökcha*) as people who had opposed independence, had collaborated with Japan, or who had ill-treated fellow Koreans through “evil deeds.” Koen de Ceuster, “The Nation Exorcised: Historiography of Collaboration in South Korea,” *Korean Studies* 25, no. 2 (2001): 212-213.

Communists.”<sup>46</sup> The Amur River had formed part of the border between Manchukuo and the Soviet Union and the governor’s comment was a reference that the “Communists” were now at Japan’s doorsteps. Tighter control on Japan’s borders was necessary to keep the “undesirable aliens” out.

On 20 March 1950, Public Safety Division hosted a conference to discuss the “responsibility for [the] suppression of illegal entry by Koreans.” Seven men from law and enforcement wings of GHQ and sixteen from the Japanese government met to discuss the latter’s responsibility for suppressing, investigating, detaining, and deporting Korean illegal entrants.<sup>47</sup> G-1’s Colonel Erlenbusch, who chaired the conference, was primarily concerned with how the Japanese government was going to deal with deportation responsibilities since it had no centralized administrative mechanism or framework in place to deal with the matter. In 1950, the Immigration Service handled only matters of legal entry, the NRP guarded the detainees and repatriates in the repatriation centres, and the AGO and the prefectural governors ordered the deportations. Yaguchi of MOFA explained that in talks with various GHQ departments, it was agreed that a new Immigration Service should be established to suppress illegal entry and deport those who violated immigration laws; that “as soon as possible, transportation guards should be armed;” and that the police should not handle deportations. Yaguchi added that the Immigration Service’s home should soon be decided, as it was currently under the joint control of the MOFA and the Finance Ministry. Erlenbusch agreed that civil servants, rather than the police, should handle deportations: “[O]nly in a police state would immigration duty be assigned to civil police.

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<sup>46</sup> NDL-GHQ, GII 1269, folder 21, “Korean schools,” report on “The Korean Problems [sic] and the Counter Measures,” from Yamaguchi-ken governor to Pulliam, n.d. [approximately January-April 1950], n.p. [from preface].

<sup>47</sup> PSD, G-1, G-3, and the Civil Affairs Section (CAS) represented GHQ, while MOFA, the National Rural Police, the Attorney-General’s Office, and the Maritime Safety Agency were the principal department representing the Japanese government.

As Japan is a democratic state it is necessary for the Japanese Government to relieve the police of these duties.”<sup>48</sup>

There was then a greater push, which the Korean War accelerated, towards tightening Japan’s borders. In addition to GHQ-defined “illegal entrants” were refugees escaping the war. The Attorney-General’s Office noted the difficulty in distinguishing between those entering illegally and those seeking refugee status. The AGO thought that refugees should not be arrested, punished, or deported as violators of the Alien Registration Ordinance but, until the situation in Korea improved, they should be held in camps such as Hario alongside violators of the ARO.<sup>49</sup> On 8 July 1950, MacArthur ordered Prime Minister Yoshida to establish a centralized immigration agency.<sup>50</sup> Cabinet Order no. 295 established the Immigration Agency in October 1950 and it was initially under the Ministry of Foreign Affairs jurisdiction.<sup>51</sup>

One of G-1’s most significant steps in dealing with “undesirable aliens” was to invite Nick Collaer, recently retired from many years with the US Immigration and Naturalization Service (INS), to draft an immigration bill. He had worked with Border Patrol in the American southwest with the then-Immigration Service in the 1920s,<sup>52</sup> worked as a superintendent for the

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<sup>48</sup> NDL-GHQ, GII 651, folder 5, memo from H.S. Eaton to Chief, Public Safety Division, “Conference,” 21 March 1950.

<sup>49</sup> NDL-GHQ, LS 10251, folder 4, “Alien Registration Law, 1946-1952,” subject: “New State of Affairs in Korea and the Treatment of Illegal Entrants,” unsigned, 8 July 1950.

<sup>50</sup> See 3-D-143, “Establishment of police force in Japan,” press release of letter from MacArthur to Yoshida Shigeru, 8 July 1950. In *Occupation of Japan, part 2: U.S. and Allied Policy, 1945-1952*. Edited by Makoto Iokibe. (Bethesda, MD: Congressional Information Services, 1989).

<sup>51</sup> NDL-GHQ, GII 651, folder 7, “Cabinet Order no. 295: The Immigration Agency Establishment Order,” October 1950.

<sup>52</sup> Ngai, *Impossible Subjects*, p. 294n46.

Crystal City, Texas, World War II internment camp in the early 1940s,<sup>53</sup> and served at INS headquarters in Philadelphia in 1943 as acting commissioner for alien control. After the war, he was promoted to chief of the INS's detention and deportation service.<sup>54</sup> He began his work in Japan in January 1951.

Based on his professional experience along the U.S.-Mexican border and at Crystal City, Collaer believed in the necessity of restrictive immigration controls, on the grounds that subversion of a democratic government resulting from an "invasion by infiltration" (whether of Mexican, Japanese, or in this case, Korean "aliens") was as dangerous as a military invasion. The key task, as he saw it, was to draft constitutional legislation that allowed "desirable aliens" to enter while "prevent[ing] the entry or *continued residence* of those who are undesirable."<sup>55</sup> The gist of Collaer's recommendations was that speed was of the essence – administrative officials should have "considerable discretionary authority" to carry out "quasi judicial proceedings." Collaer saw Japan's "alien" problems through racial lenses: whether they were enemies, like "North Koreans," troublesome allies, like the South Koreans, or American allies, like Chinese (Formosans/Taiwanese) with UN national status, it was better to prevent their entry or deport them rather than conduct resource-draining surveillance on them.<sup>56</sup>

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<sup>53</sup> Karen Lea Riley, *Schools Behind Barbed Wire: The Untold Story of Wartime Internment and the Children of Arrested Enemy Aliens* (Lanham, MD: Rowman and Littlefield, 2002), 62.

<sup>54</sup> Louis Fiset, *Imprisoned Apart: The World War II Correspondence of an Issei Couple* (Seattle: University of Washington Press, 1997), 276n17.

<sup>55</sup> NDL-GHQ, LS 26003, folder 7, "Progress of efforts to have Japan implement SCAPIN no. 2083 of 20 February 1950 through the adoption of 'effective' controls of immigration 'in agreement with generally accepted international practice'," memo from Nick D. Collaer to Lt. Col. Benson (G-1), 12 June 1951, 1. My italics.

<sup>56</sup> NDL-GHQ, LS 26003, folder 7, "Progress of efforts to have Japan implement SCAPIN no. 2083 of 20 February 1950 through the adoption of 'effective' controls of immigration 'in agreement with generally accepted international practice'," memo from Nick D. Collaer to Lt. Col. Benson (G-1), 12 June 1951, 4-6.

Collaer actively collaborated with the Committee on Counter-Measures against Communism in the Far East. This Committee first met on 31 May 1951 in, appropriately enough, the War Room of the Dai Ichi Building (GHQ's building). Twelve representatives, one from every major section within GHQ, attended. The Committee's creation so late in the Occupation, staffed solely by GHQ personnel and established as the U.S. was in the final stages of negotiating the terms of the Peace Treaty, suggests that SCAP urgently sought to eliminate the "Communist threat" from Japan before the Occupation ended. The subject of the first meeting was to recommend appropriate action to outlaw the JCP or to counter its political influence by discrediting it.<sup>57</sup> Committee members considered whether to deal with the Communists by stricter police action, stricter punitive action, or by establishing measures that would diminish the Communist presence in Japan. Regarding "Communist-Koreans," the Committee agreed that deportation was a reasonable solution to the problem. GS's Napier stated that a year earlier, MacArthur had refused to deport Koreans because he considered it equivalent to their death sentence.<sup>58</sup> The Committee did not question the legality of deporting Koreans, whether they were "undesirable" or not. The real difficulties lay in deciding where they should be deported to and ensuring that they were not executed upon arrival.<sup>59</sup> The Committee met on June 7 and 10 to

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<sup>57</sup> High-level discussion on outlawing the JCP was raised as early as 21 September 1949 in the State Department. NDL-State, SDDF(B) 62, 894.00B/9-2149, memo from Max Bishop to Dean Rusk, 21 September 1949.

<sup>58</sup> Bruce Cumings, "The South Korean Massacre at Taejon: New Evidence of US Responsibility and Coverup," *The Asia-Pacific Journal: Japan Focus*, 23 July 2008.

<sup>59</sup> NDL-GHQ, TS 328, file 76, "Counter-measures Against Communism in the Far East," memo for the record from Earl C. Ewert, Chairman, 5 June 1951.

discuss anti-Communist policy and agreed that the disadvantages of outlawing the JCP outweighed those of allowing it to continue under close surveillance.<sup>60</sup>

At its next meeting on 3 July 1951, the Committee agreed that “The deportation of ‘undesirable aliens’ would be a beneficial counter measure against Communism in the Far East.” Thus in light of the upcoming Peace Treaty settlement in September and the ongoing cease-fire negotiations in Korea it was imperative to resolve the deportation issue quickly. In addition, the Committee members agreed that current deportation discussions were “top secret” and no actual deportations should take place until after the cease-fire had been successfully negotiated. The Committee believed that the deportation of aliens was permissible under paragraph 7b of JCS 1380/15,<sup>61</sup> which stated that: “You may intern other civilians as necessary for the achievement of your mission.” The chaos in South Korea and the intervention of U.S.-led UN forces in the Korean War offered the opportunity to circumvent long-standing tricky jurisdictional issues. The Committee considered Koreans in Japan to be “Korean nationals” who could be deported to the custody of the Republic of Korea. The Committee planned that:

Upon arrival of a deportee within the area of jurisdiction of the Commander, United Nations Forces in Korea, that Commander will take such deportee into custody as a potential threat to the security of his Command and will intern the deported as set forth in the attached JA study, i.e., in a UN POW [Prisoner-of-War] camp.<sup>62</sup>

The committee cast an unusually wide net in defining what constituted a “deportable alien.” It directed SCAP to “direct the deportation of aliens, *not otherwise deportable*, who[se]

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<sup>60</sup> NDL-GHQ, TS 328, “Counter-measures Against Communism in the Far East,” memo for the record from E.C. Ewert, Chairman, 7 and 10 June 1951.

<sup>61</sup> Joint Chiefs of Staff 1380/15, Basic Initial Post-Surrender Directive to Supreme Commander for Allied Powers for the Occupation and Control of Japan, 3 November 1945.

<sup>62</sup> NDL-GHQ, TS 328, file 79, “Sentence of Deportation by Occupation Court in Spy Ring Trials,” memo from E.C. Ewert, Chairman, to Chief of Staff, Military Intelligence Section, GS, 3 July 1951, 1.

continued presence in Japan is determined to be undesirable.” An “undesirable” was defined either as a member of the JCP, its affiliates, or another subversive organization that advocated the overthrow of the Japanese government; someone considered undesirable by the diplomatic representatives in Japan of the country of his origin or the country of his nationality; someone considered by the Japanese government to be subversive from a criminal viewpoint; or someone considered subversive by SCAP or GHQ sections “from any standpoint.”<sup>63</sup> A potential deportee was required to meet only one of the above criteria.

The Committee used a pastiche of ethnicity, nationality, and ideological stance to determine whom they would deport. “Known North Koreans,” naturally, would be deported to South Korea as they met all the American qualifications required for “undesirability.” Though the Committee demonstrated a basic understanding of standard deportation procedures according to international law, whereby the deportee was first to be sent back to his country of origin, and if rejected be sent to a country that would accept him, this principle was subverted for so-called “North Koreans.”<sup>64</sup> If the “known North Koreans” were “real” North Koreans with proof of North Korean nationality, they should have been sent to North Korea via the appropriate legal channels, namely through a neutral party. It was more likely that, ever since Finn’s staff study in August 1948, “North Koreans” instead referred to Japanese nationals whose family registers were located in South Korea but who demonstrated visible support for the North Korean regime, especially for leader Kim Il-sung. Such individuals were usually easy to identify. They waved

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<sup>63</sup> NDL-GHQ, TS 328, file 79, “Sentence of Deportation by Occupation Court in Spy Ring Trials,” memo from E.C. Ewert, Chairman, to Chief of Staff, Military Intelligence Section, GS, 3 July 1951, 2.

<sup>64</sup> NDL-GHQ, TS 328, file 79, “Sentence of Deportation by Occupation Court in Spy Ring Trials,” memo from E.C. Ewert, Chairman, to Chief of Staff, Military Intelligence Section, GS, 3 July 1951, 2.

the North Korean flag or pinned a North Korean flag to their lapels, which was not illegal.<sup>65</sup> Over the course of the Occupation, the Japanese Special Investigations Bureau (SIB) and G-2 had kept close surveillance on Japan's leftist and subversive Koreans, and it would not be difficult to find potential deportees. In effect, regardless of the designation of "North Koreans," the Committee's proposed actions strained the conventions of international law, to say nothing of international morality.

The Committee envisioned the creation of a "Deportation Board" staffed with American military officials that would review each case and make recommendations to SCAP.<sup>66</sup> The potential deportees would not have a trial or be entitled to challenge their deportation orders. By staffing the Board with American military officials, the Committee sought to exploit SCAP's control over Japan's sovereignty before the Peace Treaty was signed and ratified, and before Japan regained its sovereignty.

At the request of the Chief of Staff, LS's Alva Carpenter<sup>67</sup> offered his recommendation in regards to the Committee's July 11 proposals to deport "undesirable aliens" and the applicability of the said proposals to existing legal precedents in Japan. All Koreans who were domiciled in "Japan" as defined by the Occupation authorities were regarded as possessing Japanese

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<sup>65</sup> 3-A-1145, "Briefing notes," memo for Rizzo, 26 June 1951. In *Occupation of Japan, part 2: U.S. and Allied Policy, 1945-1952*. Edited by Makoto Iokibe. (Bethesda, MD: Congressional Information Services, 1989). Civil Affairs Section called GS "to ask if there were any SCAP instructions prohibiting the North Korean flag. There [were] no known SCAP instructions." Several months later, there was still no official prohibition: 3-A-1327, "Display of North Korean and Chinese Communist flags," memorandum for Rizzo, 8 October 1951. It is not considered desirable to prohibit the display of either the Communist China flag or the North Korean flag except in "situations in which the local unit commander deems it necessary thereby to forestall violence and public disorder threatening local security."

<sup>66</sup> NDL-GHQ, TS 328, file 79, "Sentence of Deportation by Occupation Court in Spy Ring Trials," memo from E.C. Ewert, Chairman, to Chief of Staff, Military Intelligence Section, GS, 3 July 1951, 2-3.

<sup>67</sup> According to Eiji Takemae, this brief was drafted by LS's Jules Bassin though signed in Alva Carpenter's name, the LS chief. Takemae, *Inside GHQ*, 663n86.

nationality, notwithstanding their treatment as “aliens” under the ARO. SCAP did not have the authority in international law to change their status but had consistently maintained throughout the Occupation that the concerned states (i.e., Japan and “Korea”) would have to determine the legal status of Koreans in Japan by treaty settlements. The provision in the Alien Registration Order (ARO) of 1947 that Koreans residents of Japan would be treated as aliens for the purpose of that law was predicated on the assumption that they retained their Japanese nationality. The ARO was not intended to settle nationality issues but rather to gather residential information on people defined by GHQ/SCAP as “non-Japanese” for repatriation and Occupation purposes. Essentially these were persons whose nationality or territorial affiliations were outside the legal jurisdiction of “Japan” as defined by the Allied Powers. Article 11 of the ARO stated that: “Formosans (*Taiwanjin*) designated by the Attorney General and Koreans (*Chōsenjin*) shall, for the time being (*tōbun no aida*), be presumed to be aliens.”<sup>68</sup> Carpenter emphasized that Koreans with adequate documentation or proof of Japanese residency, usually the ARO card, should not be deported. He lamented that, without LS’s knowledge, SCAP had probably unlawfully deported Koreans “because they neglected to take steps to offer proof of that status.”<sup>69</sup> Carpenter warned that if, by a broad interpretation of the powers conferred to SCAP, Occupation officials decided to intern, expel, or deport Koreans due to the threat they posed to national security, that power would extend to “all ‘undesirables’ of whatever nationality or alienage.”<sup>70</sup>

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<sup>68</sup> NDL-GHQ, GS(B) 1609, folder 19, “Imperial Ordinance no. 207 – Ordinance Relating to Registration of Aliens,” 2 May 1947. For the purposes of the ARO, a “Japanese national” was someone whose family register was located in Japan.

<sup>69</sup> NDL-GHQ, TS 327, file 80, “Deportation of Subversive Aliens,” memo from Alva C. Carpenter to Chief of Staff, 17 July 1951, 9. Underline in original.

<sup>70</sup> NDL-GHQ, TS 327, file 80, “Deportation of Subversive Aliens,” memo from Alva C. Carpenter to Chief of Staff, 17 July 1951, 1-2. Underline in original.

Carpenter rejected the proposed “deportation board” as politically damaging for the United States and the United Nations since it would constitute racial discrimination against people of Korean ethnicity, which ran counter to basic UN policy and the 1948 Universal Declaration of Human Rights.<sup>71</sup> American fingerprints were all over the proposed deportation policy. If it became public knowledge, the Soviets would accuse SCAP of establishing “an American gestapo.” Other states around the world would criticize the US for copying the fascists and the communists in instituting politically motivated deportations without a trial or a conviction. The definition of “undesirables” was so broad that it was inevitable that other states would copy the idea and deport political opponents in the name of fighting communism. In the fight against communism, argued Carpenter, the US needed to uphold the moral high ground. The only ground for legally deporting Korean residents of Japan was failing to register or registering fraudulently, and even in those cases the offender had to be charged and given a fair trial. No criminal offence, no matter how heinous, could result in their deportation.<sup>72</sup> Carpenter appears to have been unaware that eight “Korean nationals,” as they were described in court documents, had been deported for their roles in the Osaka education riots in 1948.<sup>73</sup> Assuming they were legal residents of Japan, as “Japanese nationals” they should not have been deported. In May 1948, DS’s Sebald stated that it was “a general policy, admittedly unofficial...[for] provost courts in Japan to sentence black-marketeters, smugglers, etc. to deportation.” This had

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<sup>71</sup> In a letter to SCAP on 28 September 1950, the Secretary-General of the UN requested information on Japanese legislation or judicial decisions which sought to prevent racial discrimination. See NDL-GHQ, TS 328, file 80, Tab C, “UN letter to SCAP,” 28 September 1950.

<sup>72</sup> NDL-GHQ, TS 327, file 80, “Deportation of Subversive Aliens,” memo from Alva C. Carpenter to Chief of Staff, 17 July 1951, 2-3, 9.

<sup>73</sup> NDL-State, SDDF(B) 32, 894.00/8-1248, enclosure no. 2 to despatch no. 512, “Review of the Staff Judge Advocate,” 7 July 1948, 1.

applied to Koreans and Formosans alike who were not ethnically Japanese but who were supposed to be treated as Japanese nationals.<sup>74</sup>

The sudden urgency of deporting without trial Koreans whose sympathies lay with North Korea puzzled Carpenter. If their political philosophy was considered anathema to Occupation goals and to the Japanese government, would it not also be anathema to the ROK government? Moreover, since MacArthur had rejected calls in 1950 to deport Koreans *en masse* as the equivalent of a death sentence, Carpenter feared for the deportees' lives if they were transferred from a UN POW camp to the ROK's custody.<sup>75</sup> Indeed, during the early months of the Korean War, the ROK military, with American complicity, massacred tens of thousands of "leftist" Koreans, including women and children.<sup>76</sup>

Though cognizant of the American political climate against communism and subversive activities, Legal Section declared the proposals were neither legally justifiable nor politically expedient.<sup>77</sup> In light of this, Carpenter offered some suggestions for dealing with the Committee's problems. First, DS should assist the Japanese and the ROK governments in finalizing the nationality status of Japan's resident Koreans. Japan needed an effective immigration law and a central immigration agency but Collaer's proposed immigration bill should at least be debated in the Diet and not rushed through as a Cabinet Order (which did not

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<sup>74</sup> NDL-State, SDDF(B) 570, 740.00119-Control (Japan)/5-2148, letter from W.J. Sebald to W.W. Butterworth, 21 May 1948.

<sup>75</sup> NDL-GHQ, TS 327, file 80, "Deportation of Subversive Aliens," memo from Alva C. Carpenter to Chief of Staff, 17 July 1951, 12.

<sup>76</sup> Bruce Cumings, "The South Korean Massacre at Taejon: New Evidence of US Responsibility and Coverup," *The Asia-Pacific Journal: Japan Focus*, 23 July 2008. Charles J. Hanley and Jae-Soon Chang, "Summer of Terror: At least 100,000 said executed by Korean ally of US in 1950," *The Asia-Pacific Journal: Japan Focus*, 23 July 2008.

<sup>77</sup> NDL-GHQ, TS 327, file 80, "Deportation of Subversive Aliens," memo from Alva C. Carpenter to Chief of Staff, 17 July 1951, 14.

require a parliamentary vote). Finally, if SCAP determined that “the most dangerous leaders among subversive Koreans of Japanese nationality” posed serious and credible threats, G-2 could be directed, in those cases, to detain them as Occupation prisoners and then transfer them to Japanese jurisdiction when the Occupation ended. They could then be deported once Japan and the ROK agreed on their legal status.<sup>78</sup>

LS’s quashing of the Committee’s proposals did not deter the Committee from pushing ahead. Col. Earl C. Ewert, writing on its behalf, agreed that since Koreans were regarded as Japanese nationals, legal status was now the first criteria the Board would consider when examining a potential deportee’s case. Ewert observed that legal status and nationality, however, were rather difficult to determine through existing records. He suggested that G-2 sample 100 records held by the Japanese government of the worst alien subversives to determine their true nationality. He continued:

If the Japanese authorities can render decisions as to the true nationality status of a majority of these persons and if it appears that the worst of the subversives have not *deliberately retained their Japanese nationality*, which could be the case, thus making it impossible to deport the very ones against whom action should be taken[,] then it appears logical to proceed with the mechanism as recommended originally by the Committee.<sup>79</sup>

The hidden meaning in this passage is that the “true nationality” of the Koreans was supposed to be “(South) Korean” or “North Korean.” G-2 would likely conduct either a closed investigation that would conclude it was impossible to determine administratively that the Koreans it wanted to deport were legally Japanese nationals or, in another possible scenario, would choose Koreans

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<sup>78</sup> NDL-GHQ, TS 327, file 80, “Deportation of Subversive Aliens,” memo from Alva C. Carpenter to Chief of Staff, 17 July 1951, 14-16.

<sup>79</sup> NDL-GHQ, TS 327, file 85, “Deportation of Subversive Aliens,” memo from E.C.E [E.C. Ewert], Chairman, to Chief of Staff, G-2, JA, and LS, 11 August 1951. My italics.

known to have entered illegally, and thus deemed “illegal aliens.” The results of the investigation could then be extrapolated to the entire Korean population, which could permit the Committee to conduct its deportation process without worrying about verifying each potential deportee’s legal status. In effect, the Committee was seeking to shift the burden of proof to the Koreans to prove their “true nationality status” and to explain why they had “deliberately retained their Japanese nationality,” even though it was impossible for them to choose or lose their Japanese nationality. The widespread notion among GHQ circles, especially in the law enforcement sections, of Korean criminality and contempt for Japanese authority had led to this.

However, the Committee’s attempt to racialize Koreans as the undesirable, deportable alien failed again. This time, LS’s Carpenter and the General Counsel for the Judge Advocate (JA), Stephen H. Simon, put their foot down. The term “Korean,” they argued, was not interchangeable with alien, and “while perhaps apt to describe persons of a certain ethnic origin, is defective for the purpose of defining a political status.” They noted that the term “Korean” had been applied over the course of the Occupation to describe “indiscriminately” persons residing in South or North Korea (who were legally either “South Korean nationals” or “North Korean nationals”); persons currently residing in Japan who, whether born in Japan or in “Korea” (*Chōsen*) before the liberation, traced their parentage to Korea when it was under Japanese sovereignty (described as “Koreans in Japan” in this dissertation); or persons who entered Japan from Korea since 2 September 1945, whether born in Japan or Korea before the liberation (deemed by their home governments to be “South Korean nationals” or “North Korean nationals”).<sup>80</sup>

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<sup>80</sup> NDL-GHQ, TS 327, file 85, enclosure no. 2, “Joint Opinion of Legal Section, GHQ, SCAP, and Judge Advocate, GHQ, FEC, on position of Koreans in Japan in relation to deportation of undesirable aliens,” 16 August 1951, 2. Carpenter

Though Koreans classified as “undesirable aliens” could not be immediately deported, this did not prevent the Japanese government from passing a law to that effect. On 2 October 1951, the Japanese Cabinet approved the “Cabinet Order for Immigration Control,” which was promulgated on October 4 and came into effect on 1 November 1951 as the Immigration Control Order. Concerning the Committee’s focus on “undesirable aliens,” the law allowed immigration inspectors to deny entry to those deemed “insane, subversive, incurably diseased, [or] entering to engage in prostitution,” even if they possessed a Japanese visa. Koreans and Formosans, “for the time being,” could only be deported if they violated the ARO; if their status changed to “aliens,” and regardless if their entry to Japan was legal or illegal, they could be deported if they committed a deportable offence, including subversion.<sup>81</sup>

Following the dramatic shifts in the political climate on the Korean peninsula and in Asia in 1948, the post-1950 period saw a further change in the description of the Koreans. At the time of the Kobe-Osaka riots and the establishment of the two Koreas, GHQ began to divide the population into “Koreans” and “leftist Koreans” or “North Koreans.” Discussions on deportation and immigration legislation, though primarily aimed at Koreans, were nonetheless couched in terms which avoided mention of race or nationality (e.g., “undesirable aliens”) and focused instead on their potential for violence against the state (e.g., “subversive elements”). Since the end of World War II, Western opinion had shifted towards the elimination of racial discrimination. In 1947, Article 14 of the Japanese Constitution protected Japanese nationals

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and Simon could have added that, according to its available records, there were 5,000 “Koreans” who had married a Japanese. Based on its racialization of people of Korean descent outlined above, the Occupation authorities had treated them as “Korean.” According to patriarchal norms prevalent in East Asia, women were usually added to their husband’s family register. Thus “Korean” women who married into a “Japanese” family also saw themselves included in a Japanese family register.

<sup>81</sup> NDL-GHQ, LS 26580, folder 9, “Japanese Immigration Law,” memo for the record, 3 October 1951.

(“all of the people”) against racial discrimination and in 1948, the US had approved the Universal Declaration of Human Rights which prohibited racial discrimination.

We are left with the question: Why did SCAP step in and forbid the mass deportation of “subversive” Koreans, as the Committee requested? LS had argued persuasively that Koreans who were legal residents of Japan since 2 September 1945 were considered Japanese nationals and thus not subject to deportation orders. This, however, had not prevented Occupation courts from summarily deporting Koreans for offences against “the interests of the Occupation,” such as those convicted for their participation in the 1948 Osaka education riots. There was a legal precedent in the ARO to label them “aliens for the time being.” Because of the location of their family registers on the Korean peninsula, since 1945, the Japanese government had been treating them as *de facto* “Korean nationals” (*Chōsenjin*) or “aliens” by, for example, revising the Election Law in December 1945 to deny male Koreans the franchise they once held. Though the Yoshida Cabinet viewed its Korean population as *de facto* “aliens,”<sup>82</sup> as did many GHQ officials, others intervened to ensure that the government continue to treat Koreans and Formosans as Japanese nationals.<sup>83</sup> There was room for the Japanese authorities to say that “Japanese nationality” was someone with a family register in “Japan,” as determined by the Potsdam Declaration or the ARO. Moreover, as Alice Yang Murray notes, in the early post-World War II

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<sup>82</sup> In a conversation with Richard Finn, Wajima Eiji stated that the Japanese government thought it proper to treat Koreans as “non-Japanese” in future legislation and “to amend the laws and regulations now in force in such a way to as to give them the status of non-Japanese in every aspect of the administrative field.” NDL-State, SDDF(B) 223, 894.4016/2-1849, “Status of Koreans,” dispatch no. 111, enclosure no. 2, “Koreans in Japan,” memo of conversation between Richard B. Finn and Wajima Eiji, 3 February 1949.

<sup>83</sup> The Yoshida Cabinet attempted to classify Koreans and Formosans as “foreign nationals” in the draft version of its Cabinet Order on the Acquisition of Properties and Rights by Foreign Nationals. The Foreign Investment Board, an Economic and Scientific Section (ESS) administrative body, forced the Yoshida Cabinet to delete references of “Koreans and Formosans” as foreign nationals. See NDL-GHQ, ESS(D) 4174, file 39, “The Cabinet Order to be Issued in Consequence of the Acceptance of the Potsdam Declaration Concerning the Acquisition of Properties and Rights by Foreign Nationals (Draft),” 10 February 1949.

years, the US carried out politically and racially motivated deportations of Latin Americans of Japanese ancestry to Japan. Many were deported to a truly alien land before the courts agreed to suspend deportation proceedings in 1953.<sup>84</sup> These deportations constituted another precedent.

Yet, as shown here, although some GHQ and Japanese government officials wanted to deport some, if not all, Koreans, others were opposed to the idea. The joint statement issued by Carpenter and Simon on 16 August 1951, which authoritatively outlined the legal status of Koreans in Japan, marked the end of the G-2-led plan to deport leftist Koreans. No available document reveals exactly how or why the deportation scheme was abandoned. But it seems probable that SCAP, if not some higher authority, preferred not to let proponents of deportation have their way, not out of concerns for the welfare of the potential deportees, but so as not to antagonize the signatories of the Peace Treaty and Syngman Rhee. The Peace Treaty, which would allow Japan to regain its sovereignty, loomed large in post-1950 policy discussions. The US rushed GHQ to implement policies in Japan which complemented its broader political goals in East Asia. When the Yoshida Cabinet finalized its version of the immigration measure drafted by Collaer, the major sections of GHQ agreed that “The Japanese Government, during SCAP’s remaining tenure, can be guided in such implementation and check-reined as desirable during this period. It must be realized, of course, that with the ratification of the Peace Treaty the Japanese may junk this immigration law and promulgate such laws as they desire.”<sup>85</sup> A massive deportation of hundreds of thousands of Koreans for subscribing to leftist ideology would be difficult to conceal and would result in an embarrassing loss of American global prestige as the

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<sup>84</sup> Alice Yang Murray, *Historical Memories of the Japanese American Internment and the Struggle for Redress* (Stanford: Stanford University Press, 2008), 352-353.

<sup>85</sup> NDL-GHQ, LS 26580, folder 9, file 75, “Japanese Immigration Law,” memo for the record, 3 October 1951.

post-World War II champion of democratic values and freedoms. Such a revelation would likely jeopardize the San Francisco Peace Conference, scheduled three weeks after Carpenter and Simon's statement.

It is not known whether Rhee knew of this plan, but he is unlikely to have supported it. Few, however, approved of plans to expel Koreans in Japan under any circumstance. In April 1949, the American Ambassador to South Korea John Muccio warned that South Korean officials would not look kindly if "the Japanese liquidate, at no inconvenience to themselves, a minority problem which they created for themselves without regard to the plight of their victims."<sup>86</sup> In the summer of 1951, when temperatures over the proposal to deport Koreans soared, Alva Carpenter argued that "it is believed the best interests of the United States would be served in establishing and maintaining [a] peaceful relationship between the Japanese and the Koreans as essential to achievement of United States' objectives in the Far East. The determination of the status of Koreans in Japan is an important factor in the establishment and maintenance of such [a] peaceful relationship."<sup>87</sup> Sending hundreds of thousands of leftists to South Korea in the middle of the Korean War was not a wise idea. Even if they were interned at UN POW camps, as the Committee proposed, prisoner exchanges might have meant North Korea could have gained fresh recruits.

Despite its authority to enact legislation in Japan, the US had less control over the relationship between Japan and South Korea, two antagonistic neighbours. To solve the "Korean problem" to their mutual benefit, in October 1951, the US would step back and, as a first step

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<sup>86</sup> NDL-State, SDDF (B) 223, 894.4016/4-1349, "Status of Koreans in Japan," despatch no. 216, memo from John Muccio to Secretary of State, 13 April 1949.

<sup>87</sup> NDL-GHQ, TS 328, file 80, Tab E, "Legal Status of Koreans in Japan," check note from A.C. Carpenter to G-2 and G-1, 14 July 1951.

towards reconciliation, let the Japanese and South Korean governments hold discussions regarding the nationality status of the Koreans, the subject of the next chapter.

## Chapter 5 – Koreans and the Loss of Japanese Nationality, April 1952

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Most scholars consider Koreans in Japan's loss of Japanese nationality to be one of the most contentious episodes of the Occupation. On 19 April 1952, the Attorney-General's Office notified its former colonial subjects – Koreans and Formosans – residing in Japan that when the San Francisco peace treaty came into effect on April 28, they would lose their Japanese nationality. Historian of the Occupation Takemae Eiji called it “an act of radical denationalization”<sup>1</sup> while legal scholar Iwasawa Yuji condemned the Attorney-General's Office for making “new rules on nationality” without allowing debate in the Diet.<sup>2</sup> Yet Iwasawa also notes that no Japanese politician, scholar or jurist, nor any Korean in Japan, nor anyone from the Republic of Korea (ROK or “South Korea”) or the Democratic People's Republic of Korea (DPRK or “North Korea”), opposed the decision.<sup>3</sup> The arbitrary deprivation of nationality has historically been viewed as an abhorrent act – which the Nazis, the Italian fascists, and the Bolsheviks used for their ideological goals. In light of these wartime abuses, the Universal Declaration of Human Rights (UNDHR), which the United Nations adopted in 1948, included Article 15, which states that “Everyone has the right to a nationality” and “No one shall be arbitrarily deprived of his nationality.” Japan, according to scholars, violated Article 15 of the UNDHR.

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<sup>1</sup> Takemae, *Inside GHQ*, 511.

<sup>2</sup> Yuji Iwasawa, “Legal Treatment of Koreans in Japan: The Impact of International Human Rights Law on Japanese Law,” *Human Rights Quarterly* 8, no. 2 (May 1986): 147. He is referring to the circular the Ministry of Justice issued on 19 April 1952 which confirmed that Koreans in Japan would lose their Japanese nationality upon the restoration of Japan's sovereignty on April 28.

<sup>3</sup> Iwasawa, “Legal Treatment of Koreans in Japan,” 145n66.

Like other issues relating to Koreans in Japan, scholars have tended to put the deprivation in a racial discrimination framework, namely that in the interests of maintaining racial homogeneity, the Japanese government did not want Koreans to have Japanese nationality.<sup>4</sup> Sociologist Chikako Kashiwazaki underlines this point: “The decision [to revoke nationality] reflected the Japanese government’s contention that having ethnic minorities among Japanese nationals was problematic, and that many Koreans were anti-Japanese and should not be included as citizens [sic] without a test.”<sup>5</sup> It is important to note that the governments of the United States, Japan, and the ROK all wanted to avoid statelessness, “the scourge of international law.” This is why GHQ’s Diplomatic Section requested that the governments of Japan and the ROK negotiate the nationality status of Koreans in Japan before Japan regained its sovereignty – an important conference that scholars have so far conspicuously neglected.<sup>6</sup>

This chapter examines the loss of Japanese nationality in its historical geopolitical and legal context, including the ROK’s position vis-à-vis the nationality issue. While the Japanese government had a moral responsibility towards its former colonials and, while the resulting *de*

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<sup>4</sup> David Chapman writes: “[A]t war’s end Japan was claiming its homogeneity, and the political elite were determined to exclude the unwelcome and ‘dissident’ Koreans....Further regulation of nationality was possible by the Japanese authorities under strict naturalization processes through the maintenance of the revised 1950 patrilineal Nationality Law based on the original 1899 Law (number 66) that retained the *jus sanguinis*...system.” David Chapman, *Zainichi Korean Identity and Ethnicity* (New York: Routledge, 2007), 68-69.

<sup>5</sup> Chikako Kashiwazaki, “The Politics of Legal Status: The Equation of Nationality with Ethnonational Identity,” in *Koreans in Japan: Critical Voices from the Margin*, ed. Sonia Ryang (New York: RoutledgeCurzon, 2000), 23.

<sup>6</sup> Most treatments of the denationalization skip straight from the enactment of the 1950 Nationality Law to the AGO’s 19 April 1952 notification. Perhaps the most serious omissions of the 1951 Nationality Conference are found in the works of Eiji Takemae, Chikako Kashiwazaki, and Yuji Iwasawa, all of whom give considerable space to the legal status of Koreans in Japan and the loss of their nationality. By contrast, the only scholar writing in English to have devoted significant space was Sung-hwa Cheong, who wrote about the conference from the South Korean point of view. See Takemae, *Inside GHQ*, 498-499; Kashiwazaki, “The Politics of Legal Status: The Equation of Nationality with Ethnonational Identity,” in *Koreans in Japan: Critical Voices from the Margin*, ed. Sonia Ryang (New York: RoutledgeCurzon, 2000): 20-23; Iwasawa, “Legal Treatment of Koreans in Japan,” 144; Sung-hwa Cheong, *The Politics of Anti-Japanese Sentiment in Korea: Japanese-South Korean Relations Under American Occupation, 1945-1952* (Westport, CT: Greenwood Press, 1991), 99-118.

*facto* statelessness<sup>7</sup> contributed to future hardships, including the tragic migration of some Koreans to the DPRK between 1959 and 1984, it is difficult to lay blame solely – if at all – on the Japanese government for the loss of Japanese nationality. The concluding section considers whether the Japanese government had alternatives other than merely assume that Koreans would recover a “Korean” nationality that lacked a state.

### *Regarding the Nationality of Koreans in Japan*

In November 1946, when General Douglas MacArthur announced the end of the repatriation program, he added that Koreans who remained in Japan would be treated as Japanese nationals. If, as some scholars suggest, MacArthur secretly made this decision in May 1946,<sup>8</sup> it accorded with international legal precedents. As noted above, in cases of partial succession of territories, such as the separation of Korea (*Chōsen*) from the Japanese Empire pursuant to the Potsdam Declaration, the principle of “habitual residence” determined nationality, especially in the absence of treaty agreements between two states.<sup>9</sup> When Koreans in Japan protested their status as “Japanese nationals,” MacArthur insisted that their future nationality status, presumably as Korean nationals, could only be determined by a sovereign Japan and “Korea” (which was then divided and occupied by the US and the USSR). The simple act of exiting Japan for Korea was often sufficient cause for Koreans to lose their Japanese nationality on the grounds that they had abandoned their right of domicile in Japan. For many Koreans, their intention was not to

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<sup>7</sup> Koreans in Japan possessed Korean nationality but they lacked a state officially recognized by Japan, hence my use of the term “*de facto* statelessness.”

<sup>8</sup> Takemae, *Inside GHQ*, 450.

<sup>9</sup> This was the case with former British subjects resident in the newly independent United States. In another example, the British courts determined in 1942 that even though Eire [Republic of Ireland] was completely separated from the British Commonwealth, citizens of Eire residing in the United Kingdom were still legally British subjects. Paul Weis states that “Residence, not domicile, was therefore held to be the decisive test for the question of change of nationality.” Weis, *Nationality and Statelessness in International Law*, 145-6.

“repatriate” in the Occupation government’s sense of the word, but merely to leave and re-enter Japan as they had done before 2 September 1945. Even if Japan was their place of “habitual residence,” Korean residents of Japan trying to re-enter Japan were deemed “illegal aliens” and liable to be deported to Korea.

Even though GHQ/SCAP intended to allow Japan and Korea to determine for themselves the nationality status of Koreans in Japan, this did not stop some GHQ officials from expressing their opinions on the issue. After the establishment of the two Koreas in 1948, GHQ framed its interest in determining the future nationality of Koreans in Japan in the context of regional and global ideological conflicts.

In November 1948, the Military Government Team commander of the Kinki region (which comprised Osaka, Kobe, Kyoto, and three other prefectures) believed that a major cause of unrest among Koreans was their perpetual “alien status,” even for children born in Japan. “Japan is hardly sufficient in natural resources to support two or three different nations,” he argued, and added that adopting the *jus soli* principle of conferring nationality would help solve Japan’s Korean problem. According to him, Koreans in Japan had obligations towards the Japanese government (such as payment of taxes) but none of the privileges of “Japanese citizenship.” Moreover, adopting *jus soli* would facilitate their assimilation in Japanese society.<sup>10</sup> There is no evidence that his opinion was ever debated within GHQ’s higher echelons.

The advent of two Korean states pushed GHQ to ensure that Koreans in Japan did not acquire dual nationality. Though the number of countries allowing dual or multiple nationalities

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<sup>10</sup> NDL-GHQ, CAS(B) 4625, box 2950, file 9518, “Monthly Military Government Activities Report, October 1948,” to Commanding General, 8<sup>th</sup> Army from JBM (Kinki MG region), 15 November 1948.

continues to grow, in the early postwar period, there was a global push to reduce instances of dual nationality. The preamble of the Hague Convention (1930) affirmed that its members recognized “that every person should have a nationality and should have one nationality only.”<sup>11</sup> Neither the Japanese nor the ROK Nationality Laws favoured dual nationality.<sup>12</sup> GHQ’s reasons for avoiding dual nationality between Japanese and Koreans rested on politics rather than on an understanding of East Asian legal culture. Since Finn had expressed the erroneous idea that Koreans already possessed, or could easily possess, dual national status, the fear in American policymaking circles was that the largely pro-North Korea Korean population would use whichever nationality suited its interests and get diplomatic representation.<sup>13</sup>

In the paranoia over communism in Japan, the wholesale dissolution of Choren and its sister organization Minsei on 8 September 1949 was a terrible abuse of SCAP’s power. The dissolution should also be examined within the context of nationality issues, though the ostensible goal of the dissolution was to weaken and discredit leftist Korean organizations in

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<sup>11</sup> “Convention on Certain Questions Relating to the Conflict of Nationality Laws,” *The American Journal of International Law* 24, no. 3, Supplement: Official Documents (July 1930): 192.

<sup>12</sup> Article 13 of Japan’s 1950 Nationality Law allows Japanese nationals who have a foreign nationality to renounce their Japanese nationality (外国の国籍を有する日本国民は、日本の国籍を離脱することができる), pursuant to Article 10 of the 1947 Constitution (“The conditions necessary for being a Japanese national shall be determined by law.”). Under the 1899 Law, until 1924, renunciation of Japanese nationality was not possible. In 1924, under pressure from the United States, which strictly objected to dual nationality among American citizens born to Japanese parents, renunciation of Japanese nationality was codified. See Appendix 1, Article 20, section 2.

The ROK’s 1948 Nationality Law had numerous provisions for preventing dual nationality. Article 5 provided that foreigners who wished to naturalize would have to be able to lose their foreign status, and Article 12 was dedicated to the loss of ROK nationality because of possession or acquisition of foreign nationality, and included a provision for renunciation. Though slightly revised in the 1960s and heavily revised in the late 1990s, both articles have continued to work together to prevent dual nationality – much more specifically than Japan’s laws.

Revisions to be enforced from 2011 in ROK’s law will recognize dual nationality in some cases. Japan’s lawmakers are also likely in the future to enact revisions that will recognize dual nationality in similar cases, some of which Japan already tacitly accepts.

<sup>13</sup> NDL-GHQ, GII 652, folder 8, file 4, “Korean Nationals,” memo from PSD (Mulbar) to CI Division, 23 August 1951.

Japan, and was even possibly use it as a test run for the future dissolution of the Japan Communist Party.<sup>14</sup> The two principal Korean organizations in Japan – Choren, which was pro-North Korea, and Mindan, which was pro-South Korea – acted as unofficial representative organizations for the Korean state they supported. GHQ’s problem was allowing Choren, rather than Mindan, to remain as the self-proclaimed representative organization of Koreans in Japan. If Mindan were “eliminated or emasculated,” the South Korean government would have to deal with Koreans in Japan through an “unofficial agency of the North Korean Government.”<sup>15</sup> This would cause a key problem, namely that, as the state responsible for its overseas Korean nationals, South Korea would have difficulty in controlling its presumptive nationals in Japan, particularly as they had been thoroughly indoctrinated in Choren’s schools. Though GHQ dissolved Choren in September 1949, Mindan’s membership or popular support did not rise measurably. An anonymous Japanese government report, most likely penned by Inoue Masutarō of the Ministry of Foreign Affairs in November 1949, re-assessed the scope of the problem.<sup>16</sup> If the ROK fell to the DPRK, the ROK government might seek exile in Japan. However, the Korean community in Japan could become entirely “North Korean,” in recognition of the new, sole legitimate government of the peninsula. This was fear-mongering and speculation of the highest order,<sup>17</sup> but the report was the first written expression of the potential for a large stateless

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<sup>14</sup> Ogino Fujio, *Sengo chian taisei no kakuritsu* (Tokyo: Iwanami Shoten, 1999).

<sup>15</sup> NDL-GHQ, GII 3044, box 306, “CIS Periodical Summary,” no. 38 (15 March 1949).

<sup>16</sup> Sometimes unsigned drafts of letters and reports found their way in Occupation files, like the report “If Koreans become the 5<sup>th</sup> column in Japan” (discussed in chapter 3). The Ministry of Foreign Affairs official Inoue Masutarō signed the following letter, which suggests that he wrote the report. See NDL-GHQ, CPC 3772, box 3719, folder 22, “Dissolved League of Koreans in Japan,” letter from Inoue Masutarō to Prien, GS, 6 February 1950.

<sup>17</sup> For example, if the ROK government did seek exile, it is unlikely the virulently anti-Japanese Syngman Rhee would seek refuge in Japan. Jiang Jieshi’s Taiwan was a more reasonable suggestion.

population of Koreans in Japan.<sup>18</sup> The dissolution may have solved the anti-Communists' obsession with Choren, but did nothing to relieve the more pressing problem of resolving the nationality issue to the US's or Japan's satisfaction.

Conservative Japanese politicians worried about the political implications of Koreans residing in Japan. In December 1945, the House of Representatives revised the Election Law to enfranchise women and to lower the age for eligibility to vote and hold office. According to Mizuno Naoki, there was a perverse "legal logic" (*hōteki ronri*) in suspending the suffrage rights of Koreans and Formosans on the grounds that their family registers were not considered in "Japan," according to the geographical delineation of the Potsdam Declaration, despite the fact they were legally Japanese nationals. Since 1925, Korean and Formosan males over 25 residing in the Interior had been granted suffrage rights, even though their family registers were in Korea and Formosa. An earlier draft of the revised 1945 Election Law had permitted Koreans and Formosans resident in Japan to retain suffrage rights. Mizuno, however, notes that discussion in the Imperial Diet centered on the fear that allowing left-leaning Koreans to retain their suffrage rights would usher in a large leftist bloc and lead to a decline in public safety (*chian*). Thus, in the supplementary provision to the Election Law, no. 42, passed in the Diet on 17 December 1945, only those whose registers were located in "Japan" were permitted to vote.<sup>19</sup>

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<sup>18</sup> NDL-GHQ, CPC 3772, folder "Dissolved League of Koreans," report "If Koreans become 5<sup>th</sup> column in Japan," report author unknown [probably the Ministry of Foreign Affairs' Inoue Masutarō], 13 November 1949.

<sup>19</sup> Mizuno Naoki, "Zainichi Chōsenjin sanseiken mondai no rekishiteki kentō (1) (2) [The formation of the provision for "suspension" of the rights of political participation of Koreans and Taiwanese residing in Japan: An historical examination of the issue of the rights of political participation of Koreans residing in Japan (Part 1) (Part 2)," *Sekai jinken mondai kenkyū sentaa, Kenkyū kiyō*, Part 1, no. 1 (March 1996): 43-65; Part 2, no. 2 (March 1997): 59-83. Also available on his Kyoto University homepage at: <http://www.zinbun.kyoto-u.ac.jp/~mizna/sanseiken1.html> (part 1) and <http://www.zinbun.kyoto-u.ac.jp/~mizna/sanseiken2.html> (part 2). [Accessed 9 May 2011.]

In the wake of Choren's dissolution in late 1949, Diet members raised the issue of the nationality of Koreans in Japan. In the House of Councillors, Matsui Michio noted that during the colonial period, many Koreans in Japan had come with their children who had received the same education as Japanese children and led a similar way of life to the Japanese. After the war, having lost civil rights and the franchise, among other wrongs, those Koreans were at a serious disadvantage and the Japanese showed no compassion towards them. Matsui wanted these Koreans to remain in Japan as "unconditional Japanese nationals" (*mujōken ni nihon kokumin*).<sup>20</sup> In reply, Attorney-General Ueda Shunkichi stated that such an issue could only be resolved after the conclusion of a peace treaty.<sup>21</sup> He later added that the South Korea only dealt with Koreans affiliated with its territory, indicating that the Japanese government was unlikely to grant Koreans "unconditional" Japanese nationality in the future.<sup>22</sup>

During debates in April 1950, the Diet upheld the principle of *jus sanguinis*; there were no calls to adopt the *jus soli* principle of nationality. Diet discussion focused on items which needed revising to ensure conformity with Constitutional provisions for equality.<sup>23</sup> Mentions of *jus soli* in the Diet were made only in conjunction with the desire to retain Article 4 of the 1899 law and

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<sup>20</sup> Statement of Matsui Michio [松井道夫], *Sangiin honkaigi* [House of Councillors, plenary session], 16 November 1949 [Showa 24], Sixth Diet, session 12. Matsui was elected as a member of the conservative party *Ryokufūkai* (緑風会). [Available online at kokkai.ndl.go.jp; accessed 1 October 2010.]

<sup>21</sup> Statement of Ueda Shunkichi [植田俊吉], Attorney-General, *Sangiin honkaigi* [House of Councillors, plenary session], 16 November 1949 [Showa 24], Sixth Diet, session 12. [Available online at kokkai.ndl.go.jp; accessed 1 October 2010.]

<sup>22</sup> Statement of Ueda Shunkichi [植田俊吉], Attorney-General, *Sangiin hōmuiinkai* [House of Councillors, Legal Affairs Committee], 25 November 1949 [Showa 24], Sixth Diet, session 3. [Available online at kokkai.ndl.go.jp; accessed 1 October 2010.]

<sup>23</sup> Statement of Hanamura Shirō [花村四郎], *Shugiin hōmuiinkai* [House of Representatives, Legal Affairs Committee], 4 April 1950 [Showa 25], Seventh Diet, session 19, 4<sup>th</sup> speaker; Makino Kansaku (牧野寛索), *Shugiin hōmuiinkai*, 4 April 1950, Seventh Diet, session 19, 5<sup>th</sup> speaker. Makino was the Under-Secretary for the Attorney-General's Office (法務政務次官). [Available online at kokkai.ndl.go.jp; accessed 4 May 2011.]

prevent instances of statelessness and dual nationality.<sup>24</sup> The Diet effected revisions so that the law also conformed with current international trends.<sup>25</sup> Postwar changes included the elimination of derivative nationality (whereby the wife and children automatically gained the nationality of the husband) since it did not conform to Article 24 of the Constitution (equal rights for husbands and wives in a marriage). This made the Nationality Law “more democratic” by allowing women and children the right to choose their own nationality. Article 16 of the old law prevented naturalized Japanese from certain positions of authority in government and the military; the new law abrogated restrictions and allowed all nationals, regardless of how they acquired Japanese nationality, equality of opportunity, as per Article 14 of the Constitution (“all of the people [*kokumin*] are equal under the law”). On the issue of naturalization, Hiraga Kenta, who helped draft revisions to the Nationality Law, affirmed that the Japanese government rejected the applications for naturalization of Koreans and Formosans on the grounds that they were still considered Japanese nationals, pending the conclusion of the peace treaty.<sup>26</sup>

In the Diet, Public Prosecutor and Chief of the Civil Affairs Bureau Murakami Tomokazu confirmed that Koreans remained Japanese nationals until Japan concluded a peace treaty.<sup>27</sup> JCP Diet member Kikunami Katsumi asked the government to clarify the legal status of Koreans,

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<sup>24</sup> See for example the testimony of Murakami Tomokazu (村上朝一), Public Prosecutor and Chief of the Civil Affairs Bureau (*Kenji – Minji kyokuchou* 検事・民事局長) in the House of Representatives, Legal Affairs Committee, 5 April 1950, Seventh Diet, session 20.

<sup>25</sup> NDL, Confidential U.S. State Department Central Files, Japan Internal Affairs, 1950-1954, reel 16, 794.08/9-2050, “New Nationality Law of Japan,” from US POLAD (Leo J. Callanan) to Department of State, 20 September 1950.

<sup>26</sup> NDL, Confidential U.S. State Department Central Files, Japan Internal Affairs, 1950-1954, reel 16, 794.08/9-2050, despatch no. 2, “Summary translation of an article appearing in the HOSO JIHO (Lawyer’s Association Journal), Vol. II, No. 6, pages 341-368, published June 1, 1950 – On the Nationality Law,” from US POLAD (Leo J. Callanan) to Department of State, 20 September 1950.

<sup>27</sup> Murakami Tomokazu (村上朝一), House of Councillors, Legal Affairs Committee, Seventh Diet, session 27, 19 April 1950, 36<sup>th</sup> speaker.

many of whom had been forcibly sent to Japan. Attorney General Ueda Shunkichi, who played a central role in the dissolution of Choren, opened his remarks by criminalizing the status of Koreans in Japan. He reminded the Diet that Choren had been dissolved as a terrorist organization and that many Koreans had entered Japan illegally. He tried to confuse the issue by saying that their legal status was vague (*aimai*) and that they were not “pure Japanese” (*junsuina nihonjin dewa nai* 純粋な日本人ではない). Though most Koreans were, in his view, de facto South Korean nationals (*Dai Kankoku no kokuseki* 大韓国の国籍) by virtue of their family registers, many supported North Korea. Therefore, Ueda did not know what nationality they would hold until peace treaty talks began. He requested patience (*in'nin* 隠忍) until this was resolved.<sup>28</sup>

Prime Minister Yoshida Shigeru's views concerning the nationality of Koreans in Japan meshed closely with Ueda's. Yoshida objected to the American desire of having South Korea participate at the Peace Conference so that the international community could confer political legitimacy to the nascent state. Yoshida argued that Korea had not been at war with Japan and was not a founding member of the United Nations in 1942. Moreover, by signing the Peace Treaty, “one million Koreans residing in Japan,” whom Yoshida alleged were mostly communists, would be recognized as Allied nationals and therefore be eligible for property and compensation rights. Yoshida reminded State Department representative John Foster Dulles and DS's Sebald that the Japanese government wished to send most Koreans “to their home.”<sup>29</sup>

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<sup>28</sup> Statements of Kikunami Katsumi [聽濤克巳] and Ueda Shunkichi [植田俊吉], *Shugiin gaimuiinkai* [House of Representatives, Legal Affairs Committee], 19 April 1950 [Showa 25], Seventh Diet, session 16, 82nd-83<sup>rd</sup> speakers.

<sup>29</sup> “Japanese Peace Treaty,” *Foreign Relations of the United States, 1951, Asia and the Pacific*, vol. VI, part 1, memorandum of conversation, by Robert A. Fearey of the Office of Northeast Asian Affairs, 23 April 1951, 1007-1008.

Once again, Japanese politicians had influenced American perceptions of Koreans in Japan. In a meeting with Dulles in Washington concerning Korea's participation in the peace conference, Dr. Yang Yu Chan, Korean Ambassador to the United States, complained that Japan could not be counted among the "peace-loving nations" of the world because it discriminated against the "800 thousand Koreans in Japan." Dulles appeared to have little sympathy with the Koreans in Japan. He claimed that many were communist "undesirables" from North Korea and that Japanese authorities had "a legitimate fear" of them. Dulles concluded that any untoward action towards the Koreans was understandable under the circumstances.<sup>30</sup>

In the San Francisco Peace Treaty, which was signed by 51 nations – but not by South or North Korea, Taiwan, the PRC, or the Soviet Union – on 8 September 1951, Japan recognized the independence of Korea, and renounced all claims to Korea. Since neither North nor South Korea was a signatory, the nationality issue was left for a separate conference that would also settle other outstanding between Japan and the two Koreas.

Even before South Korea was dropped from the list of potential signatories at the peace conference, the South Korean government argued vehemently that Koreans in Japan were its nationals. The KDM's Ambassador to SCAP, Chung Han Pum, used historical examples to support his government's claim that Koreans in Japan should automatically be granted South Korean nationality. Alsace-Lorraine, which had been a German province between 1871 and 1918, returned to French sovereignty after World War I and its residents "reverted to French nationality." When France was liberated from Nazi occupation, French residents also reverted to

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<sup>30</sup> "Japanese Peace Treaty," *Foreign Relations of the United States, 1951, Asia and the Pacific*, vol. VI, part 1, memorandum of conversation by the Officer in Charge of Korean Affairs in the Office of Northeast Asian Affairs (Emmons), 19 July 1951, 1204.

French nationality.<sup>31</sup> Chung was correct that they became French nationals after the two wars but this was because they were already on French territory, the place of their “habitual residence.” Koreans in Japan were still residing in Japan, thus his comparisons were not accurate.

Some Koreans in Japan constantly reminded SCAP and the Japanese government – we are Korean nationals.<sup>32</sup> Whenever the Japanese government introduced legislation that treated them as Japanese nationals, they protested and petitioned to be treated as, if not “Allied nationals,” then at least as “foreign nationals.” For example, in February 1949, the Yoshida Cabinet classified Koreans and Formosans as “foreign nationals” (*gaikokujin*) in the draft version of its Cabinet Order on the Acquisition of Properties and Rights by Foreign Nationals. It stressed this twice in the draft legislation. SCAP’s Foreign Investment Board, an Economic and Scientific Section (ESS) administrative body, and Legal Section (LS) forced the Yoshida Cabinet to delete references referring to “Koreans and Formosans” as foreign nationals.<sup>33</sup> The South Korean government protested to SCAP for the restoration of Koreans’ classification as foreign nationals, but to no avail.

Shortly after its establishment in January 1949, the Korean Diplomatic Mission to SCAP wished to register Koreans in Japan. GHQ nixed that plan, on several grounds. In the first place, it wished to see Koreans in Japan repatriate and get their Korean nationality in ROK. Registration and acquisition of Korean nationality in Japan would remove their incentive to

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<sup>31</sup> NDL-GHQ, LS 13415, folder 37, “Korean League,” letter from Chung Han Pum to Sebald (DS), 3 May 1949.

<sup>32</sup> NDL-GHQ, LS 24688, folder 32 “Korean File,” check sheet to Chief of Staff from author unknown [probably LS], subject: “Status of Koreans in Japan,” n.d. [approximately end of April-early May 1949].

<sup>33</sup> NDL-GHQ, ESS(D) 4174, file 39, “The Cabinet Order to be Issued in Consequence of the Acceptance of the Potsdam Declaration Concerning the Acquisition of Properties and Rights by Foreign Nationals (Draft),” 10 February 1949.

repatriate. In addition, GHQ's Legal Section doubted the legality of acquiring nationality simply by registering and without going through formal bureaucratic procedures. Another reason was that even if GHQ approved the registration process, it might not have been legally recognized since the Japanese government had not officially recognized the ROK – nor could it. Before it regained its sovereignty, the Japanese government had no sovereignty over its foreign relations, which is why the KDM's title was “to SCAP” and not “to Japan.”

On the eve of the nationality conference, Mindan met to discuss the nationality issue. Records of this meeting help give an understanding of the thoughts of some Koreans in Japan on the legal status issue. The Mindan executive held that all Koreans were Korean nationals. This position was based on three facts. First, by signing the Instrument of Surrender on 2 September 1945, Japan lost sovereignty over Korea. Second, in December 1948, the ROK passed a Nationality Law which conferred Korean nationality on all Koreans, even those living abroad. Third, also in December 1948, the United Nations recognized the ROK as the sole legitimate government of the Korean peninsula. Thus Mindan believed there was nothing to resolve regarding the legal status of Koreans in Japan.<sup>34</sup>

### *Nationality Conference, October 1951-April 1952*

On 16 August 1951, Diplomatic Section (DS) invited the Korean Diplomatic Mission (KDM) in Japan to resolve the legal status of Koreans in Japan at a conference with the Japanese government.<sup>35</sup> The KDM accepted and DS invited the Japanese Ministry of Foreign Affairs (MOFA) to participate in a conference with the ROK to discuss – and resolve – only the legal

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<sup>34</sup> NDL-GHQ, GII 651, folder 8, “Statement by Korean Residents League on the Cabinet Order on Koreans entering and leaving Japan,” memo from Matsumoto Hideyuki, Chief, Liaison Section, MPD, to PSD, PMO, and CIC, 17 October 1951.

<sup>35</sup> NDL-GHQ, LS 24687, folder 32, letter from DS to Korean Diplomatic Mission in Japan, 16 August 1951.

status of Koreans, “a problem fundamental to normal relations between Japan and the Republic of Korea.”<sup>36</sup> About two weeks later, however, the Korean Ministry of Foreign Affairs in Pusan requested that the scope of the negotiations be expanded to cover “all outstanding problems between Japan and Korea.”<sup>37</sup> SCAP, true to its policy of non-interference in the right of a sovereign Japan and South Korea to negotiate bilateral ties, passed the Korean MOFA’s message to the Japanese MOFA without comment.

Though SCAP sent a representative from DS to act as an observer, Legal Section’s Alva Carpenter carefully studied the manner in which other countries, such as Poland in 1919, had determined the nationality of peoples from other countries or territories now resident in the host country.<sup>38</sup> LS believed that the treatment of former colonials in the Italian Peace Treaty (1947), discussed below, offered a closer model for the Japanese government to follow. In particular, the idea that Yugoslavs retained Italian citizenship unless they made a positive declaration to the Yugoslav authorities for its nationality caught LS’s attention. This was Carpenter’s preferred solution to the nationality issue: there were similarities in the postwar political development of capitalist nations (Japan and Italy) whose minority populations originated from a neighboring

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<sup>36</sup> NDL-GHQ, LS 24687, folder 32, “Legal Status of Koreans Resident in Japan,” memo from W.J. Sebald to Japanese Ministry of Foreign Affairs, 25 September 1951.

<sup>37</sup> NDL-GHQ, LS 24687, folder 32, “Legal Status of Koreans Resident in Japan,” memo from Charles N. Spinks, Acting Deputy Chief of DS, to Japanese Ministry of Foreign Affairs, 9 October 1951.

<sup>38</sup> In 1795, the Polish-Lithuanian Commonwealth collapsed and the Kingdom of Poland was carved up among its Prussian, Austrian, and Russian neighbours. Article 3 of the 1919 Polish Peace Treaty stated that when the treaty came into effect, “Poland admits and declares to be Polish nationals *ipso facto* and without the requirement to any formality German, Austrian, Hungarian or Russian nationals habitually resident” in the territory of Poland or whose parents were born on Polish territory, even if they themselves did not reside in Poland at the time.” NDL-GHQ, LS 24687, folder 32, draft memo from LS [Carpenter], n.d. [approximately mid-October 1951 and no later than 20 October 1951]. English version of Polish Peace Treaty, 1919, may be found in Edmund Jan Osmanczyk, ed., *Encyclopedia of the United Nations and International Agreements* (New York: Routledge, 2003), 1811-1815.

Communist country (North Korea and Yugoslavia) yet held the nationality of the host capitalist country.

Carpenter lamented that neither the Japanese nor the ROK governments intended to follow other historical examples. In previous treaties, when a former colonial made the former imperial power's home country his primary residence, his nationality status remained intact. In other words, nationality was determined on the basis of the country of his residence, but he was free to reject that nationality in order to acquire the nationality of his ancestral home, if he made the individual choice to do so. Yet in the days before the Japan-ROK conference on nationality, both parties indicated they intended to give Korean nationality unilaterally to Koreans in Japan, regardless of the latter's preference of nationality. Thus they would lose the nationality of their primary residence, which, for the majority of Koreans in 1951, had been Japan for at least ten years or more, and be forcibly naturalized as ROK nationals. Carpenter decried the forced expatriation ("denationalization") of the Koreans, which was against Article 15 of the UNDHR.<sup>39</sup> In the Diet, Japan Communist Party members too raised concerns about this unilateralist policy. Hayashi Hyakurō (林百郎) did not believe the ROK government had the authority to change the nationality of the Koreans in Japan. He wondered why Koreans in Japan could not be trusted to choose their own nationality.<sup>40</sup>

LS's files contain little discussion of either the Japanese or the South Korean Nationality Laws. Japan's 1950 Nationality Law was not substantially different from its earlier 1899

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<sup>39</sup> NDL-GHQ, LS 24687, folder 32, draft memo from LS [Carpenter], n.d. [approximately mid-October 1951 and no later than 20 October 1951].

<sup>40</sup> Statement of Hayashi Hyakurō, [林百郎], Japan Communist Party, *Shūgiin heiwa joyaku oyobi nichibei anzenho* [House of Representatives, Peace Treaty and US-Japan Security Alliance], 20 October 1951 [Showa 26], Twelfth Diet, session 5. [Available online at [kokkai.ndl.go.jp](http://kokkai.ndl.go.jp); accessed 5 October 2010.]

Nationality Law. It reaffirmed the principle of patrilineal *jus sanguinis* but abolished the principle of derivative nationality (“indirect naturalization” or nationality acquired, usually by a child or spouse). Korea had not had a nationality law prior to the annexation, only a vague reference to “the obligations of [Korean] subjects” in the 1899 *Daehankukje* (“System of Great Korea”).<sup>41</sup> Like that of Japan, the 1948 ROK Nationality Law was also based on the principle of patrilineal *jus sanguinis*. Both Japan and ROK had similar family register systems whereby membership in a register affiliated with a village or other local polity, determined one’s state (nationality) affiliation. Since both the ROK and the DPRK claimed to be the rightful government of what the Allied Powers called “Korea,” the two governments also claimed the loyalties of all people affiliated with “Korean” registers, including Koreans in Occupied Japan. Though more than half of Koreans in Japan appeared to support the DPRK, the registers of about 95 percent of them were in localities that, until the Korean War shifted political borders, were under the control and jurisdiction of the ROK.

When Carpenter decried the proposed forced naturalization of the Koreans as a highly racialized act, he was partly correct. Both the ROK and the DPRK embraced Koreans in Japan as members of what they took to be their racioethnic “nation” (民族 Korean: *minjok*, Japanese: *minzoku*). In addition to the ROK and the DPRK governments, Japanese and GHQ officials were also likely to racialize “Koreans” as an ethnonation. In the immediate post-World War II years, this was not an unusual attitude for all the parties involved to take. Territorially defined populations had often been taken to be “nations” in a racioethnic sense. Linking civil nationality

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<sup>41</sup> Hyo Sang Chang, “Nationality in Divided Countries: A Korean Perspective,” in *Nationality and International Law in Asian Perspective*, ed. Swan Sik Ko (Dordrecht: Martinus Nijhoff Publishers, 1991), 260. During its brief period as “the Empire of Korea,” the Korean Emperor promulgated the *Daehankukje*, a constitution-like document of nine articles. The fourth article dealt with the Emperor’s subjects.

with racialized “national origins” was a familiar practice in the United States, as in the Immigration Act of 1924 (the Johnson-Reed Act).

The conference began on 20 October 1951 with DS’s William Sebald in attendance. ROK Ambassador Dr. Yang Yu Chan set the tone for the most important meeting between Korean and Japanese representatives with a volatile opening message.<sup>42</sup> Sebald noted that Yang delivered “a scorching indictment of Japanese actions for the previous forty years” and demanded “an indemnity so huge that it would have bankrupted Japan.”<sup>43</sup> Though Yang declared that both nations were locked in a struggle against communism, Koreans could not forget the injustices they suffered during the years of Japanese rule, and he hoped that the conference would mark the beginning of a new relationship built on trust and security.<sup>44</sup>

The Japanese delegation’s primary interest was to resolve the legal status of Koreans in Japan. As expected, on the first day of the conference, both parties agreed that all Koreans in Japan would be recognized as ROK nationals, regardless of their personal desires. According to the ROK Nationality Law, Koreans in Japan with family registers in South Korea, which accounted for approximately 95% of all Koreans in Japan, were technically already “Korean nationals” and needed only Japanese recognition to make it legal. Chiba Ko, head of the Japanese delegation, asked his Korean counterpart if the ROK would take full responsibility for

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<sup>42</sup> It was not the first high-level meeting between Koreans and Japanese since the end of the war. Prime Minister Yoshida had earlier met the South Korean Foreign Minister in Tokyo.

<sup>43</sup> William J. Sebald, *With MacArthur in Japan*, 287.

<sup>44</sup> NDL-GHQ, LS 24687, folder 32, “Opening statement by Ambassador You Chan Yang at the Korean-Japanese Conference,” 20 October 1951.

Koreans once they lost their Japanese nationality. Yang agreed, and Chiba promised that the Koreans would be granted the same privileges as other aliens in Japan.<sup>45</sup>

Legal Section's Carpenter warned Diplomatic Section that this agreement would constitute the arbitrary deprivation of Japanese nationality and the forced naturalization of the Koreans. Moreover, the extension of Korean nationality to Koreans who were born in Japan or with little connection to Korea other than ancestral ties troubled Carpenter. There were, of course, legal grounds for the deprivation of nationality, but these were usually enacted on a case-by-case basis rather than the wholesale expatriation of an ethnic group, as both sides contemplated. The ROK's proposal to forcibly naturalize all Koreans based solely on their ethnic origin was truly problematic. Carpenter recommended a solution based on the Italian Peace Treaty since this would fall within established legal international norms. Since SCAP was not actively involved in the deliberations of the nationality conference, Carpenter suggested that the State Department be notified of the problem.<sup>46</sup>

After the first day of negotiations, DS's chief William Sebald cabled a report to the State Department. Sebald drafted two telegrams before sending his final version to the State Department. The changes in the different versions offer an interesting view of how Sebald engaged with the problems Carpenter enunciated and help explain why the State Department chose not to intervene in the conference despite Carpenter's appeal. In his first draft, he wrote that "both parties will agree to grant all residents ROK citizenship" but he later changed it to "both parties will agree to recognize all residents as having ROK citizenship." The shift in the

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<sup>45</sup> Sung-hwa Cheong, *The Politics of Anti-Japanese Sentiment in Korea: Japanese-South Korean Relations Under American Occupation, 1945-1952* (Westport, CT: Greenwood Press, 1991), 111.

<sup>46</sup> NDL-GHQ, LS 24687, folder 32, "Japan-Korea Nationality Conference," memo from Alva C. Carpenter to Diplomatic Section, Chief, 22 October 1951.

two phrases aligns with the popular notion at the State Department (as well as in Japan and in the ROK) that Koreans were *de facto* ROK nationals and that the Japanese and ROK governments would officially recognize this at the conference. The more precise language in the final version eliminated any possibility that Koreans might retain dual nationality: “both parties intend, upon coming into force of peace treaty, to consider all Korean residents as divested of Japanese nationality and to recognize ROK nationality without consideration of individual desires.”

Sebald also dealt with the “North Korean” issue. His first draft noted that “recognition of ROK citizenship...would ignore the large segment (perhaps 400,000) Koreans who claim allegiance [to] Kim Il Sung regime and few thousand who desire Jap citizenship.”<sup>47</sup> He altered this to “Koreans who have indicated preference [for] Kim Il Sung regime” in the second draft. The final version was considerably different: “if Korean-Japanese positions become firm, [it is] possible that considerable numbers of Korean residents in Japan who may prefer NK regime will become an irritant group in Japan over whom ROK will exercise little or no influence, although ROK conferees have given informal assurance that ROK will assume responsibility for this group.” Sebald weakened the strength of the so-called “North Korean” population, from 400,000 to “the large segment” to a vague “considerable numbers” with a preference for the North. He did this likely to diminish the potentially violent reaction of the “North Koreans” – whom key GHQ officials had described (see the previous chapter) as a large and violent minority population – upon learning they had become ROK nationals without their consent.

Sebald’s implicit support for the Japanese and Korean proposal aligned with conventional perceptions of American interests in East Asia, in particular the desire to confer ROK nationality

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<sup>47</sup> NDL-GHQ, LS 24687, folder 32, first draft of reply to REMYTEL 708, from DS to State Department, n.d. [approximately mid-October 1951].

on all Koreans in Japan. Though this proposal might cause some violations of international legal precedents, Sebald considered this better than Carpenter's Italian Peace Treaty solution. The latter solution left too much to chance the possibility that Koreans, especially the so-called "North Koreans," would retain Japanese nationality and never leave Japan. Moreover, even if the Koreans in Japan elected ROK nationality, there was unlikely to be any legal mechanism strong enough to force them to leave Japan. The erroneous, yet revealing, idea that Koreans were somehow "deliberately retain[ing] their Japanese nationality" attests to the feeling among American officials regarding Koreans' future nationality status.<sup>48</sup> Furthermore, Sebald had recently informed the State Department that the Japanese Cabinet had approved the Nick Collaer-drafted immigration order. The resultant government order, which would come into effect on November 1, included deportation procedures for aliens guilty of "criminal or subversive acts." If the current conference agreed to revise Koreans' status to aliens, they would be subject to the immigration order and hence be deportable.<sup>49</sup>

Koreans in Japan protested the Cabinet's approval of the Immigration Control Order and its threat of deporting them under the guise of "criminal or subversive" acts. Postcards sent in protest to the Attorney General's Office condemned the "compulsory deportation order." There were straightforward messages of "Opposition to compulsory deportation," a few sent ominous warnings of "Be assured of danger if compulsory deportation is not withdrawn," and some revealing messages asked "Why must we be sent back to Korea?"<sup>50</sup> The Japan Communist Party

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<sup>48</sup> NDL-GHQ, TS 327, file 85, "Deportation of Subversive Aliens," memo from E.C.E [E.C. Ewert], Chairman, to Chief of Staff, G-2, JA, and LS, 11 August 1951.

<sup>49</sup> NDL-GHQ, LS 24687, folder 32, "Re Pusan's 319 Oct 8 Subj Forced Deportation Koreans," telegram from W.J. Sebald to State Department and American Ambassador in Pusan, 12 October 1951.

<sup>50</sup> NDL-GHQ, GII 651, folder 5, memo from Matsumoto Hideyuki (MPD) to PMO, CIC, and PSD, "Protest against the attorney general centering around the compulsory deportation of the Koreans," 23 October 1951.

supported the Koreans by preparing leaflets entitled “Compulsory Deportation of Koreans is a Preparation for War!” According to the leaflet, all 600,000 Koreans would be liable for deportation because those determined by the Japanese authorities to be poor, sick, or opposed to the Yoshida government would be expelled.<sup>51</sup> Even a Korean primary school’s newsletter published a special edition to protest the deportation order. The newsletter summed up the crux of the Korean opposition to the deportation order: “Entirely forgetting historical facts as to how the Koreans came to live in Japan and regarding us as enemies, they have made a new law which is nothing but a declaration of war against us Koreans.”<sup>52</sup>

Demonstrations and protests by the Koreans during the conference caused the Japanese government some discomfort. The Japanese MOFA quickly issued a press release designed to inform the Koreans that, though the Japanese and Korean representatives were discussing questions relating to their nationality and residence, as Japanese nationals presently, they were not subject to the Immigration Control Order, nor to its deportation procedures.<sup>53</sup> Kim Yong-sik, the ROK Consul-General at Honolulu, who acted as the head of the delegation in Ambassador Yang’s temporary absence, questioned a statement in the press release that “the above-mentioned Cabinet Order will not immediately become applicable to Korean residents.” This alerted the

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<sup>51</sup> NDL-GHQ, GII 651, folder 6, file 3, memo from Matsumoto Hideyuki (MPD liaison chief), “Report on moves of Communists over compulsory repatriation of Koreans,” 5 November 1951.

<sup>52</sup> NDL-GHQ, GII 651, folder 6, file 4, memo from Matsumoto Hideyuki (MPD liaison chief) to PSD, CIC, PMO, “Koreans voicing opposition to Deportation of Leftwing Koreans,” 6 November 1951.

<sup>53</sup> NDL-GHQ, LS 24687, folder 32, “Statement by Director of Information Bureau F.O. [Foreign Office],” 30 October 1951.

Korean delegation that the Order's provisions would eventually apply to Koreans. Chiba Ko, head of the Japanese delegation, agreed that it would, pending the results of the conference.<sup>54</sup>

The Japanese government had not played its cards close to its chest, and the protests played into the Korean delegation's hands. Suspicious of Japan's probable poor treatment of future ROK nationals, the Korean delegation asked that agreement as to the treatment of the Koreans be finalized before their legal status was determined. The Japanese agreed to this request. A sub-committee would discuss treatment issues and once it had reached an agreement, the sub-committee would report to the plenary group, who would then set out the legal status principles. SCAP's observer would not be present at the sub-committee but would be in attendance with the plenary group.<sup>55</sup> On November 3, Sebald reported that the two sides had reached the first impasse of the conference. The Korean delegation had requested "special privileges" for Koreans with alien status. The Japanese MOFA refused and warned that the conference might end if the Koreans insisted on treatment which Japan considered extraterritoriality.<sup>56</sup> Though no minutes exist of that sub-committee meeting, it is quite conceivable that the Koreans requested that their nationals charged with a crime be brought to South Korean diplomatic authorities, on the grounds that they would not receive a fair trial in a Japanese court.

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<sup>54</sup> NDL-GHQ, LS 24687, folder 32, "Summary of the Proceedings of the Japan-Korean Conference," unsigned memo, 30 October 1951.

<sup>55</sup> NDL-GHQ, LS 24687, folder 32, telegram from W.J. Sebald to State Department and U.S. Ambassador at Pusan, 30 October 1951.

<sup>56</sup> NDL-GHQ, LS 24687, folder 32, telegram from W.J. Sebald to State Department and U.S. Ambassador at Pusan, 3 November 1951.

It is likely that the Koreans tabled strong demands for “special privileges” as bargaining chips, as they did in other areas under discussion. Indeed, after initially rebuffing “extraterritorial” demands, the Japanese delegation made some concessions because its first priority was a satisfactory resolution of the legal status issue.<sup>57</sup> In December, the sub-committee worked to produce guidelines for the treatment of Koreans, and achieved “considerable agreement in principle.” The Japanese government would provide rights of permanent residency (永住権 *ejūken*), without additional screening or payment of fees to Koreans whom the Korean Diplomatic Mission personally recommended. Based on the premise that all Koreans would have ROK nationality, whether they desired it or not, this was a mutually agreeable solution. This allowed the Japanese government to deny permanent residency to “undesirable” (i.e., Communist) Korean nationals. Syngman Rhee could claim a diplomatic victory over North Korea by claiming that Koreans in Japan were legally his own nationals. This agreement was sent to the Korean MOFA in Pusan on December 22.<sup>58</sup> In December 1951, the *Asahi Shimbun* announced this accord, stressing that Koreans would lose Japanese nationality once the Peace Treaty came into effect.<sup>59</sup>

Although resolving the nationality issue was not high on Syngman Rhee’s agenda, it was the only issue that was settled fairly rapidly at the conference, and its settlement remained

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<sup>57</sup> Diplomatic Section made a point of mentioning they had briefed Yoshida Shigeru on the necessity of offering concessions. See NDL-GHQ, LS 24687, folder 32, telegram from W.J. Sebald to State Department and U.S. Ambassador at Pusan, 3 November 1951.

<sup>58</sup> Cheong, *The Politics of Anti-Japanese Sentiment in Korea*, 106-107.

<sup>59</sup> Quoted in Akihiro Asakawa, *“Zainichi” ron no uso: Shokuzai no jubaku o toku* (Tokyo: PHP Kenkyūjo, 2006), 167. 「在日朝鮮人の国籍問題に関する日韓会談は、国籍、永住権、日本における待遇、引きあげの際携行する荷物と本国送金などの点に就いて原則的に意見の一致」を見、「終戦前から日本に続き在留する朝鮮人は対日講和条約発効と同時に日本国籍を失う」ことなどで韓国政府と日本政府は合意している。

contingent on a global agreement between the two sides. After the conference resumed in the new year after a few weeks' pause, it spiraled downwards. Cognizant that Japan had achieved its main goal and concerned that resolving the nationality issue would weaken his bargaining position on other more politically pressing issues, on 18 January 1952 Rhee proclaimed the "peace line," which extended the ROK's marine sovereignty to areas up to 200 miles beyond South Korea's borders. This infuriated the Japanese and American governments and the Japanese delegation took a hard-line in its subsequent negotiations with the Korean delegation over the issue of Korean claims to Japanese property left in Korea.

The negotiators for both sides agreed that Koreans who had entered Japan prior to 2 September 1945 would be given the permanent right of residence in Japan. They had agreed provisionally on the nationality of the Koreans, pending the approval of their respective governments.<sup>60</sup> However, other items on the agenda, such as reparations, the fishery line, and the repatriation of Korean ships seized by the Japanese government remained unresolved, and the talks ended in acrimony. As a result, the legal status of Koreans in Japan, though approved in principle by the negotiators, lay in limbo as normalization talks were not concluded. On 19 April 1952, with Japan poised to regain its sovereignty in a mere nine days, the Ministry of Justice confirmed that Koreans and Formosans would lose their Japanese nationality.

### *Explaining the Outcome of the 1951 Nationality Conference*

Three major international developments that occurred between 1918 and 1948 help explain the outcome of the 1951 nationality conference. The first was the establishment of bi- and multilateral mechanisms for determining the nationality status of peoples who, often in the

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<sup>60</sup> Cheong, *The Politics of Anti-Japanese Sentiment in Korea*, 111.

aftermath of war and the re-drawing of political maps, were residents of a new political entity. Legal scholar Paul Weis asserts that, in cases of partial succession of territories, such as the separation of *Chōsen* (Korea) from the Japanese Empire pursuant to the Potsdam Declaration, nationality was often determined on the place of “habitual residence,” especially in the absence of treaty regulations between the two states.<sup>61</sup> The end of the two world wars brought the establishment of new sovereign states from the ashes of imperial ruins. Pursuant to President Woodrow Wilson’s principle of the right of self-determination for (European) nations, new sovereign states, such as Poland and Turkey, were established in the wake of the First World War. The nationality issues arising from the creation of these new nations were generally resolved in bi- or multilateral peace treaties and a person’s nationality was often decided on the basis of their place of habitual residence. Article 3 of the 1919 Polish Peace Treaty, for example, stated that when the treaty came into effect, “Poland admits and declares to be Polish nationals *ipso facto* and without the requirement to any formality German, Austrian, Hungarian or Russian nationals habitually resident” in the territory of Poland or whose parents were born on Polish territory,<sup>62</sup> even if they themselves did not reside in Poland at the time.<sup>63</sup> For nationality to have international standing, nationality must be recognized by other countries, especially those whose (new) nationals came from a former, often defeated, country or empire. Thus a clause inserted in

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<sup>61</sup> P. Weis, *Nationality and Statelessness in International Law*, 145-6.

<sup>62</sup> In 1795, the Polish-Lithuanian Commonwealth collapsed and the Kingdom of Poland was subsequently carved up among its Prussian, Austrian, and Russian neighbours.

<sup>63</sup> NDL-GHQ, LS 24687, folder 32, draft memo from LS [Carpenter], n.d. [approximately mid-October 1951 and no later than 20 October 1951]. The full English version of the Polish Peace Treaty, 1919, may be found in Edmund Jan Osmanczyk, ed., *Encyclopedia of the United Nations and International Agreements* (New York: Routledge, 2003), 1811-1815.

the post-World War I peace treaties of the defeated nations stated that they would recognize the new nationality of their former nationals and void the nationality of their birth.<sup>64</sup>

The end of the Second World War brought more issues of nationality related to changes in the political map. As already noted, members of Legal Section paid close attention to the treatment of former subjects in the 1947 Italian Peace Treaty. During World War II, Italy and the Axis Powers invaded Yugoslavia; Italy annexed western regions of what would become Slovenia in 1991. Like Koreans in Japan, “Yugoslavs” residing on post-1945 Italian territory were legally considered Italian citizens pending the Peace Treaty. Article 20 of the Peace Treaty stated that Italian citizens “whose customary language is one of the Yugoslav languages...and who are domiciled on Italian territory may, upon filing a request with a Yugoslav diplomatic or consular representative in Italy, acquire Yugoslav nationality if the Yugoslav authorities accept their request.” If the Yugoslav authorities granted its nationality to an Italian citizen of Yugoslav origins, it would contact the Italian government and that person would lose Italian nationality. The Italian government, in turn, might require such individuals to change their residence to Yugoslavia, which was then under Marshal Tito’s Communist rule. The Italian Peace Treaty reaffirmed the principle of “habitual residence” in determining nationality status, as well as identifying potential Yugoslav nationals on the basis of language and ethnicity. In this case, “habitual residence” was intended to mean that within a defined territory (e.g., within the recognized borders of Italy or Japan), all residents continued to hold the nationality they had held

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<sup>64</sup> Article 213 of the Treaty of Trianon (1920 Peace treaty signed between Hungary and the Allied Powers) states specifically that “Hungary undertakes to recognise any new nationality which has been or may be acquired by her nationals...and to regard such persons as having, in consequence of the acquisition of such new nationality, in all respects severed their allegiance to their country of origin.” Similar articles, but substituted with “Germany,” “Austria,” and “Bulgaria,” were inserted in the following peace treaties: Article 278 of the Treaty of Versailles (Germany); Article 230 of Treaty of St. Germain (Austria); and Article 58 of the Treaty of Neuilly (Bulgaria).

before the end of hostilities until a treaty between two concerned states (e.g., Italy and Yugoslavia, Japan and South Korea) established ties and recognized each other's nationals.

Second, particularly during the interwar period, the world's governments sought to codify international norms for the acquisition and loss of nationality. After the profound changes in territorial boundaries in the aftermath of World War I, the resulting problems of dual nationality and statelessness, and the hundreds of thousands of displaced people (refugees) on the European continent, governments came together to seek universal standards for dealing with these problems. In the 1920s, there had been much optimism, and some success, in trying to solve the world's problems through international bodies, such as the League of Nations and the Permanent Court of International Justice, and through international treaties or pacts, like the Kellogg-Briand pact. In 1930, the Hague Convention on Certain Questions relating to the Conflict of Nationality Laws sought to solve the problem of nationality in international law. In the early twentieth century, when compulsory military service was common and males had suffrage rights, governments sought to remedy dual nationality and the problem of "double" allegiances or "mixed" loyalties.<sup>65</sup>

The Hague Convention conferees wished to reduce and eliminate of statelessness, sometimes called the scourge of international law. Among other objections, the fact is that stateless persons do not enjoy diplomatic protection, and thus there is fear they can be maltreated

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<sup>65</sup> Clement L. Bouvé, "Some Suggestions Concerning the Termination of Dual Nationality at Birth," *Proceedings of the American Society of International Law at Its Annual Meeting (1921-1969)* 22 (April 26-28, 1928): 31-32. The perception of divided loyalties remains strong in contemporary political culture. The so-called "birthers" in the United States have alleged that President Barack Obama was not born in the US and thus cannot legally be President. Underlying this charge is the idea that he has ties or allegiances to a foreign country and cannot be trusted to lead the US. In the 2011 Canadian federal election, the Conservative Party ran TV ads that played on Liberal Party Leader Michael Ignatieff's years of residence in the US and his subsequent return to Canada to run as a Member of Parliament. The key slogan was: "Ignatieff: He didn't come back for you." Ignatieff's Liberals were trounced in the federal election and he lost his own riding.

by the host nation. Cases of statelessness were (and remain) more prevalent in countries where *jus sanguinis* is the norm, since nationality under this principle is based on parentage.<sup>66</sup> Article 1 of the Convention on Certain Questions relating to the Conflict of Nationality Laws (1930) declares that each individual state alone can draft legislation which determines who its nationals are. Though some of the articles recommended areas in which states could reduce statelessness, none touched on the principal causes of statelessness, namely deprivation of nationality due to territorial changes or due to the birth of a child of two foreign parents in a *jus sanguinis* country. The Convention was sent to the League of Nations, but the League did not act upon its recommendations.<sup>67</sup> The Japanese government signed the Convention but did not ratify it because it withdrew from the League of Nations in 1935. As Hosokawa Kiyoshi notes, although Japan did not ratify the Convention, it maintained the principle of determining for itself who its nationals were.<sup>68</sup> Legal scholar Hersch Lauterpacht notes the difficulty in resolving issues of statelessness: states have the right to draft legislation which perpetuates statelessness even as they seek to abolish a condition which causes international friction and “much hardship offensive to the dignity of man.”<sup>69</sup>

After the Second World War, calls grew for basic individual rights. Hersch Lauterpacht’s *An International Bill of the Rights of Man* (1945) recommended that everyone have the basic “right to a nationality.” He was troubled by the persistence of stateless persons who were without

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<sup>66</sup> All countries in Northeast Asia today grant nationality primarily on the *jus sanguinis* principle – Japan, the ROK, Taiwan, and the PRC.

<sup>67</sup> Weis, *Nationality and Statelessness in International Law*, 162-163.

<sup>68</sup> Hosokawa, “Japanese Nationality in International Perspective,” 240.

<sup>69</sup> Hersch Lauterpacht, *International Law: Being the collected papers of Hersch Lauterpacht*, vol. 2: The Law of Peace. Edited by E. Lauterpacht. (New York: Cambridge University Press, 1975), 283-284.

rights, without passports, and were sometimes abused and imprisoned.<sup>70</sup> The United Nations took up the cause of nationality and statelessness. In 1947, the Commission on Human Rights adopted a Resolution on Stateless Persons which urged member states of the UN to conclude a convention on nationality and to work towards helping stateless persons (a definition which now included refugees) obtain legal and social protection until they acquired a nationality. The Universal Declaration of Human Rights (UNDHR), which was adopted by the UN General Assembly and proclaimed in 1948, declared that “Everyone has the right to a nationality” and that “No one shall be arbitrarily deprived of his nationality.”<sup>71</sup> The UNDHR had been adopted to prevent the politically and racially motivated behaviour the Communists and the Nazis demonstrated before World War II. In the 1920s, the Soviet Union denationalized about two million Russian nationals living abroad who had opposed the Bolsheviks. In the 1930s, both the Nazis and the Italian fascists revoked the German or Italian nationality status of their Jewish citizens living abroad.<sup>72</sup> While the UNDHR was championed as a breakthrough document in establishing the foundation for international human rights, it was not legally binding and, as neither Japan, South Korea, nor North Korea were members of the UN, those countries were not technically bound by the provisions regarding nationality during the years of the Allied Occupation.

Third, despite a collective effort to enshrine basic human rights in an international convention, respect for the sacrosanct nature of nationality status suffered dramatically during and after the Second World War. In the immediate postwar years, Canada and the U.S.,

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<sup>70</sup> Philip C. Jessup, *A Modern Law of Nations: An Introduction* (New York: Macmillan Company, 1948), 69.

<sup>71</sup> T. R. Subramanya, “Problem of Statelessness in International Law,” *International Studies* 26, no. 4 (1989): 339.

<sup>72</sup> Weis, *Nationality and Statelessness in International Law*, 119.

victorious nations of the recent global conflagration, could publicly speak about the importance of nationality in affording diplomatic protection to individuals even as they made a mockery of it in the treatment of their own nationals. In the U.S., thousands of American citizens of Japanese descent were interned in camps during World War II. Though the internment order was lifted in December 1944, negative feelings towards Americans of Japanese descent remained high. Starting in October 1945, internees who renounced their American citizenship, often under duress, were deported to Japan. During the war, 2,200 Latin Americans, mostly Peruvians of Japanese descent, were deported to the United States. They were interned at the Crystal City, Texas, camp with other enemy aliens, such as Germans and Italians. After the war, the Peruvian government notified the U.S. government that the political climate in Peru did not permit it to accept its former citizens of Japanese ancestry. The U.S. government would also not allow them to remain in the U.S. on the spurious grounds that they were “illegal aliens.” Thus the State Department pressured 900 Peruvians to “repatriate” to the Japanese ancestral homeland, on the grounds that they were not welcome in Peru or the U.S. The remaining internees, including 25 children born in the camp – and thus legally U.S. citizens – refused deportation to Japan and pressed for a return to Peru.<sup>73</sup> In the postwar settlement of wartime internment cases, nationality issues were front-and-centre, or more precisely, ignored by U.S. authorities.

A similar situation happened in Canada. Patricia Roy highlights the debate which began in the early 1940s in Canada on the future treatment of Japanese Canadians and the meaning of Canadian citizenship. Politicians and their constituents in British Columbia, home to the vast majority of Japanese and Canadian citizens of Japanese ancestry before the start of their

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<sup>73</sup> Greg Robinson, *A Tragedy of Democracy: Japanese Confinement in North America* (New York: Columbia University Press, 2009), 261; Daniel M. Masterson with Sayaka Funada-Classen, *Japanese in Latin America* (Urbana, IL: University of Chicago Press, 2004), 166-175.

internment in 1942, called for all Japanese Canadians, or at least those not born in Canada, to be forcibly “repatriated” back to Japan. Other Canadians, such as the leader of the Co-operative Commonwealth Federation, a social democratic party, and his supporters, thought the arbitrary denationalization of Canadian citizens of a particular racial background were “Nazi tactics” and diminished the value of Canadian citizenship. Prime Minister Mackenzie King outlined his postwar policy in August 1944 by calling for the “voluntary repatriation” of Canadian citizens of Japanese ancestry to Japan or for their resettling east of the Rockies.<sup>74</sup>

Though national politics often interfere in unwelcome ways, sovereign governments alone determine eligibility to nationality. In cases of changes of territory resulting from war or other means, the principle of “habitual residence” was usually upheld in peace treaties or diplomatic agreements between interested parties. The failure of the 1930 Hague Conference attested to the historical, national, and cultural differences in dealing with nationality issues at the international level. As Richard Flournoy, Jr., American delegate to the Committee on Nationality at The Hague observed, it was unlikely that in a world of emigrant and immigrant states, a single basis for establishing nationality could ever be agreed upon.<sup>75</sup> Indeed, even though East Asian and several European nations in the 1930s and 1940s conferred nationality primarily on the basis of *jus sanguinis*, there were differences in the manner in which they issued (or did not) certificates proving nationality or citizenship. The acceptance of “habitual residence” among European nations as a legitimate process for acquiring a new nationality suggests that differences in legal and political culture may have been a stumbling block in the resolution of a

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<sup>74</sup> Patricia E. Roy, *The Triumph of Citizenship: The Japanese and Chinese in Canada, 1941-1967* (Vancouver: UBC Press, 2007), 133.

<sup>75</sup> Richard W. Flournoy, Jr., “Nationality Convention, Protocols and Recommendations Adopted by the First Conference on the Codification of International Law,” *The American Journal of International Law* 24, no. 3 (July 1930): 470-471.

convention to eliminate cases of statelessness. Since all previous cases of determining nationality were based on European experiences, the ROK-Japan Nationality Conference in October 1951 was the first opportunity for two Asian nations to come to an agreement on nationality issues based upon East Asian legal practices.

### *Examining Alternatives to the Loss of Nationality*

Syngman Rhee had built his political capital on his anti-Japanese credentials. In the aftermath of the March 1 (1919) Movement, Rhee became the president-in-exile of the Shanghai-based Korean Provisional Government (KPG). He moved to the United States and established the Korean Commission, which sought to gain American diplomatic recognition for the KPG. While in the U.S., he wrote virulently anti-Japanese tracts, such as *Japan Inside Out* (1941), and articles in the *Washington Post* such as “She’s Japan’s Oldest Enemy” (1943).<sup>76</sup> In 1948, during Rhee’s first term as its first president, the government of the Republic of Korea passed the National Traitor Act, which targeted Koreans who had collaborated with the Japanese. Indeed, anti-Japaneseness was written into the Constitution itself; Article 101 stated that “antinational activities perpetrated prior to 15 August 1945 can be punished.”<sup>77</sup>

The establishment of the ROK Nationality Law in 1948 was a product of both Korean ethnonationalism and the political situation on the peninsula. The Korean Provisional Government enacted a Nationality Act as its first order of business. Despite Rhee’s anti-Japanese attitude, the law was modeled closely on Japan’s 1899 Nationality Law, but also on Qing China’s (and the subsequent Republic of China) nationality laws – which themselves were

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<sup>76</sup> Robert T. Oliver, *Syngman Rhee and American Involvement in Korea, 1942-1950: A Personal Narrative* (Seoul: Panmun Book Company, 1978), 7.

<sup>77</sup> Koen de Ceuster, “The Nation Exorcised: The Historiography of Collaboration in South Korea,” 213.

modeled on Japan's 1899 Nationality Law. The ROK's law allowed virtually anyone with Korean heritage to claim ROK nationality; they could be in the South or the North, in Japan or elsewhere in the world.

ROK's Nationality Law should be placed within the context of the division of the peninsula and of what Shao Dan calls "competing claims of sovereignty."<sup>78</sup> In addition to having similar Chinese- and Japanese-style household registers, the ROK government was seeking to legitimate its authority not only south of the 38<sup>th</sup> parallel, but over all people of Korean ethnicity scattered around the world, including, of course, North Korea. Ethnicity was central to the construction and legitimacy of the new Republic of Korea. The Constitution of the Republic of Korea (1948), unlike the 1947 Japanese Constitution, makes two explicit references to ethnicity (民族 Kr. *minjok*; Jp. *minzoku*) – once in the preamble and once in Article 69.<sup>79</sup> The historical circumstances leading to the establishment of the Republic of Korea meant that the Constitution of the ROK drew heavily on nationalism and the unity of an ethnically homogenous people. In addition, the Nationality Law served to lay claim to the ROK as the home of the Korean people.

Although the DPRK did not enact a Nationality Act until 1963, a necessity which stemmed from the recent influx of Koreans from Japan, the DPRK too asserted that *Choseonin* ("Koreans") and their children who possessed the nationality of *Choseon* ("Korea") before the DPRK's establishment in September 1948 were citizens of North Korea. The DPRK Nationality Act codified the general feeling in both Koreas that because the annexation of Korea in 1910 had

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<sup>78</sup> Dan, "Chinese by Definition," 10.

<sup>79</sup> In the preamble, "We, the people of Korea (國民 Kr. *kŭkmin* Jp. *kokumin*), proud of resplendent history and traditions dating from time immemorial...having assumed the mission of democratic reform and peaceful unification of our homeland and having determined to consolidate national unity with justice, humanitarianism, and brotherly love... (同胞愛として民族 Kr. *dong po ae ro sseo minjok*, Jp. *dōhōai toshite minzoku*). Under Chapter IV – The Executive: Article 69 states that the President swears an oath to "the people" (*minjok*).

been illegal, Koreans had not acquired Japanese nationality between 1910 and 1945.<sup>80</sup> Indeed, in March 1952, when Japanese and South Korean delegates were still trying to negotiate a treaty to establish friendly relations, Rhee insisted that the annexation treaty – and all agreements signed before 10 August 1910 – was signed under duress, one implication of which was that Koreans had never legally been Japanese subjects nor were they now Japanese nationals.<sup>81</sup> Korean nationalists in the U.S. lobbied for measures that would legitimate the Korean national cause. In 1940, Kilsoo Haan of the Sino-Korean League scored a victory for the Korean anti-Japanese cause when he petitioned the U.S. Department of Justice to allow Koreans – who were then legally Japanese nationals – to register with the new Alien Registration Act as “Koreans” rather than as “Japanese.”<sup>82</sup>

The Korean War was still raging on 20 October 1951 when ROK delegates met in Tokyo for the nationality conference. Indeed, only days before the nationality conference opened did Korean peace talks resume, and on 27 November the 38<sup>th</sup> parallel was designated as the line of demarcation. The nationality conference offered the Rhee government the opportunity to burnish its credentials as the defender of Koreans worldwide, even though, as noted in the previous chapter, Rhee had no personal interest in Koreans in Japan except for political expediency at home. Rhee would never compromise in allowing Koreans in Japan to choose a nationality other than ROK nationality. To do so would be political suicide when he needed the support of South Koreans during a time of national emergency. Even a slight compromise to allow Koreans to retain their Japanese nationality, along the international legal principle of “habitual residence,”

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<sup>80</sup> Hyo Sang Chang, “Nationality in Divided Countries: A Korean Perspective,” 260-261.

<sup>81</sup> Cheong, *The Politics of Anti-Japanese Sentiment in Korea*, 114.

<sup>82</sup> Syngman Rhee, *Japan Inside Out*, 143.

would lead to charges that Rhee had “sold out” his people to the enemy in the interests of restoring diplomatic ties.

With the days of colonial rule still fresh in peoples’ minds, most ROK Koreans would have agreed that the Japanese were equal, if not bigger enemies than DPRK Koreans. Moreover, Koreans in Japan had never clamoured to retain their Japanese nationality.<sup>83</sup> Finally, according to the ROK Nationality Law, most Koreans in Japan were already ROK nationals: they just needed the Japanese government to recognize the government of the ROK. Individual Koreans in Japan, however, would still have to make a positive declaration to the ROK authorities to acquire its nationality. It is not clear that the South Korean delegates were aware of this, but Kenta Hiraga, the postwar doyen of Japan’s nationality law and a participant in the talks, would have been knowledgeable on this point.<sup>84</sup>

In light of the collapsing talks, it is unclear why the two sides did not “agree to disagree” on other points and recognize only the status issue, the original purpose of the conference and the only substantive issue that both sides had agreed upon. That spirit of reaching a partial compromise did triumph in 1956, during Soviet-Japanese normalization talks. Territorial issues were, and remain, a major point of contention between the two. Since a key objective of the Japanese government was to repatriate Japanese nationals still in Soviet hands, the government agreed to return to the inconclusive territorial issue at a later date. In signing the Soviet-Japanese

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<sup>83</sup> In 1952, only 232 people naturalized as Japanese and in 1953, 1,326 naturalized as Japanese. In 1954, 2,435 naturalized as Japanese and that figure remained consistent until 1959 when it increased to 2,737 naturalizations and jumped to 3,763 in 1960, the first full year of migration to North Korea. Except for 1961, when the figure returned to 2,710, yearly naturalization figures in the 1960s never fell below 3,222 up to 1968. Though the former nationality or ethnicity of those who naturalized is not disclosed, it is safe to assume most were Koreans. See Yoshio Morita, *Sūji ga kataru zainichi Kankoku Chōsenjin no rekishi* (Tokyo: Akashi shoten, 1996), 181-182.

<sup>84</sup> Hiraga Kenta, *Kokusekihō*, 2 vols. (Tokyo: Teikoku Hanrei Hōki, 1950-1951).

Joint Declaration in Moscow on 19 October 1956, the Japanese delegation endorsed “an agreement not to agree on the territorial issue but to sign a declaration that would that would resolve everything except the ultimate disposition of the islands [the Kuriles] in question.”<sup>85</sup>

In meeting with South Korean representatives in 1951, it was the Japanese government that had sought a conference narrowly focused on nationality and status issues, whereas Rhee insisted on opening the whole can of worms. Rhee was always unlikely to approve only a limited deal centered on status issues when he was not interested enough in the fate of Koreans in Japan. As for Japan, allowing Koreans in Japan to retain Japanese nationality would have come at a high political cost.

Most scholars, such as Chikako Kashiwazaki and David Chapman, argue that the loss of Japanese nationality – which they describe in more violent terms as “the deprivation” or “the revocation of Japanese nationality” – was deliberate and that the absence of a clause in the San Francisco Peace Treaty regarding the nationality status of former colonials encouraged the Japanese government to announce on 19 April 1952 that it had deprived Koreans and Formosans of their nationality.<sup>86</sup> These suggestions are problematic for a number of reasons. First, the 1930 Hague Convention on Nationality had agreed on very little but had affirmed in its first article that each nation had the sovereign right to determine its own nationality laws. The Japanese government originally chose *jus sanguinis* as its principal method of conferring nationality because it aligned well with the household registry system. It retained this principle in the 1950 Nationality Law because states tend to adopt acquisition of nationality procedures which are

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<sup>85</sup> Nimmo, *Japan and Russia: A Reevaluation*, 48.

<sup>86</sup> Kashiwazaki, “The Politics of Legal Status,” in *Koreans in Japan: Critical Voices from the Margin*, 22-23. David Chapman suggests that adoption of *jus soli*, rather than the “strict” *jus sanguinis*, was a possible solution. Chapman, *Zainichi Korean Ethnicity and Identity*, 69.

similar with neighboring countries. The 1899 Japanese Nationality Law became the model for nationality laws across East Asia. Second, *jus soli* would have allowed Koreans born in Japan to acquire Japanese nationality at birth, if and only if they registered. If Japan had applied *jus soli* principles in 1950, especially after the ROK established its own Japanese-style Nationality Act, the Japanese government would have faced a barrage of criticism from Koreans in Japan, as well as from Rhee, of attempting to “assimilate” Koreans, even though it would not have applied retroactively to Koreans already resident in Japan.<sup>87</sup> And it would have greatly complicated matters of nationality issues within families if Korean parents had a “Korean” national status but their children had Japanese nationality. The 1950 law, after all, did not automatically confer nationality to spouses and dependents.

Yuji Iwasawa argues that Japan should not have unilaterally deprived Koreans of their nationality but rather consulted South Korean nationality laws and offered Koreans a choice of retaining their Japanese nationality. According to Article 10 of the Constitution, “The conditions necessary for being a Japanese national shall be determined by law.” Therefore, according to Iwasawa, the Diet could have legislated to allow former colonials to retain their Japanese nationality.<sup>88</sup> Indeed this would have been the best solution, and the Japanese government could have retained the moral high ground. Iwasawa, however, was unaware of the 1951 nationality conference between Japan and the ROK, and so did not know that the Japanese government did not act “unilaterally.” Most importantly, the Japanese government did allow former colonials to

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<sup>87</sup> The idea of an assimilatory Japan still holds much sway today. Discussing the revision of the Nationality Law in 1985 which allowed ambilineality (a child receives Japanese nationality if either one of the parents is a Japanese national, rather than patrilineality, in which only the father can be a Japanese national), David Chapman argues that “the relaxing of the naturalization laws [sic – should be “Nationality Law”] are, however, seen by some quarters of the *zainichi* population as further steps towards the Japanese state’s desired outcome of the assimilation of difference.” Chapman, *Zainichi Korean Identity and Ethnicity*, 131.

<sup>88</sup> Iwasawa, “Legal Treatment of Koreans in Japan,” 146.

acquire Japanese nationality via naturalization procedures. However, few Koreans in the 1950s chose this route. Given this situation, Erin Aeran Chung is correct in noting that among Koreans in Japan, Korean nationality “remain[s] the last vestige of Korean identity.”<sup>89</sup>

### *Conclusion*

It is regrettable, and even tragic, that Koreans whom Japan had regarded as its nationals were not given a personal choice of retaining their Japanese nationality in settlements following the Asia-Pacific War. However, the legal and political positions of all three parties that were to determine the future status of Koreans in Occupied Japan – the Allied Powers in the name of GHQ/SCAP, the governments of Japan, and the Republic of Korea – continued to shift and conflict. By the time GHQ/SCAP brought Japan and ROK to the negotiating table, in the middle of the Korean War, the Allied Powers and Japan had signed a peace treaty in San Francisco on 8 September 1951, which for both political and legal reasons, left out the concerned states of the major territories Japan had lost: Korea (ROK and DPRK); Formosa (ROC and PRC); and Karafuto and the Kuriles (USSR).

The leaders of the ROK, with whom Japan was expected to settle Korean issues, had wrapped themselves in an anti-Japanese nationalist flag and were unable to recognize that Koreans in Japan had ever really been Japanese. Thus, regarding nationality, ROK would not accept a “choice” provision. By October 1951, even though the peace treaty was not yet ratified, Japan realized its legal authority would not allow it to continue to recognize Japanese nationality on the basis of territorial affiliation with “Korea” (i.e., the entire Korean peninsula), since in Article 2 of the Peace Treaty Japan recognized the independence of “Korea.” Other solutions

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<sup>89</sup> Erin Aeran Chung, “Non citizens, Voice, and Identity: The Politics of Citizeship,” *Working Papers*, Centre for Comparative Immigration Studies, University of California, San Diego, no. 80 (June 2003), 5. [Available at <http://escholarship.org/uc/item/3qg355xw>; accessed 9 May 2011.]

were, of course, possible – but neither state was able to put a “choice” alternative on the table, and GHQ, whose officials were divided on the issue, let the two states work things out for themselves. Japan and ROK did, however, agree that qualified Koreans in Japan could be permanent residents, and agreed provisionally on other nationality and status issues. Because they were unable to come to terms over property and territory issues, the conference ended in acrimony, ties were not restored, and nationality issues were left in limbo.

Many writers have condemned Japan’s consideration that Koreans (as well as Formosans) would lose their nationality on 28 April 1952 as “unilateralism” but this ignores the degree to which Japan engaged in – and had to engage in – bi- and multilateral diplomacy. In addition to the working agreements between Japan and the ROK in the nationality conference of 1951-1952, Japan was a party to the San Francisco peace treaty in which it recognized the independence of “Korea” and renounced all claim to its former territory. As well, at the State Department’s urging, the government of Japan concluded a peace treaty with the Republic of China (ROC) regarding Taiwan which came into effect the day Japan regained its sovereignty. In fact, any action regarding the status of Koreans in Japan, whatever Japan did – whether “positive” or “negative” – would have been “unilateral” in the absence of provisions in the San Francisco peace treaty or a formal agreement with the ROK and/or the DPRK. Moreover, the option of enacting a law in Japan to facilitate some form of “choice” or “retention” or “recovery” of Japanese nationality was legally feasible but politically unlikely. Diet members would have been sharply divided. The divisions would probably have been even stronger among Koreans in Japan – divisions which reverberate today, and continue to cause Japanese lawmakers to act cautiously.

# Conclusion

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By using Koreans in Japan as its principal subject, this dissertation has focused on the intersection of nationality as a civil (legal) status and race as an ascribed physical identity during Japan's imperial and Allied Occupation periods. Since all the major actors, including Koreans in Japan themselves, strongly identified Koreans as a distinct ethnic group, who were temporarily Japanese nationals, the Occupation affords a unique opportunity to examine how overlapping factors such as racialization, cultural and political identity, nationalism, diplomacy, and legal precedent influenced the treatment of Koreans in Occupied Japan. In this sense, the nationality "lens" becomes a prism through which political identity was constructed according to various desires. Such clearly defined analytical categories as "ethnic Korean" and "Japanese national" allow a more careful consideration of the socio-political nature of their discrimination. Since nearly all Koreans, whether in Japan or in Korea, and most Japanese and Americans considered Koreans broadly as "non-Japanese," a legal-political lens provides a way of studying how nearly all actors disregarded or manipulated nationality to pursue diverse political or nationalist goals. This meant that certain American or Japanese acts against Koreans which scholars have construed as racially discriminatory, in particular the loss of Japanese nationality, were welcomed – in their own perverse ways by Koreans in Japan – as legitimizing Korean identity as distinct from that of the hated Japanese.

To better understand this phenomenon, it was necessary to explain the demographic composition of the Koreans who remained in Japan after the formal repatriation program ended in early 1947. Before the enforcement of compulsory labour and military laws in the late 1930s

and 1940s, Koreans were largely males from the southern provinces of Korea who came to work in factories and mines. Those who found reason and means to stay brought their families from Korea or created families in Japan. Some Koreans were abducted and forced to work in Japan before the late 1930s, but most migrated to Japan voluntarily. After the spread of hostilities in China in 1937, in 1938 the State Mobilization Law and the 1939 National Labour Conscription Ordinance introduced a compulsory labour system throughout the Empire. By the end of World War II, an estimated one million Koreans were working in Japan as conscript labourers, many against their will, some as virtual slaves. Most of this labour mobilization, however, occurred before the start of the Pacific War (1941-1945). Students who came to study in Japanese post-secondary institutions formed a small component of Koreans in Japan, but some were ardent supporters of national self-determination, and many who remained participated in the formation of Korean organizations in Occupied Japan. Kim Chon-h'ae and Pak Yul, two Korean students jailed for their political activities in the 1920s, emerged after the war as key leaders of ideologically opposite Korean organizations.

After Korea's liberation from Japanese rule, nearly all Koreans in Japan contemplated repatriation. Approximately two-thirds of Koreans repatriated, but about 600,000 remained. Most scholars have posited that these Koreans were "stuck" in Japan, waiting for an eventual return to the Korean homeland when economic and political conditions there improved. Most of those who stayed appear to have had established residential, familial, and economic ties to Japan. Having lived in Japan for as many as thirty years, or being younger, having spent most if not all of their lives in Japan, some explicitly regarded Korea an "alien land" where they would have difficulty adjusting or might not be welcome. Others, feeling that nothing awaited them in occupied Korea, or out of consideration for their families, decided they would be better off

staying in Japan. Some of those who stayed undoubtedly hoped to repatriate in the future, and about 94,000 eventually did migrate to North Korea in a program that began in 1959. The evidence presented here, however, suggests that most who stayed in Japan after World War II knew they would be staying for the long-term. This conclusion is somewhat at odds with the contention – by Japanese like Yoshida Shigeru, who hoped all Koreans would leave, and by Korean nationalists in Occupied and post-Occupation Japan, like the leadership of Choren (and its successor organization Chosen Soren, established in 1955), as well as by present-day scholars who champion the cause of Koreans in Japan – that all aspired to return to Korea, their natural “homeland.”

A significant number of Koreans in Japan, especially children born and raised in Japan, relatives who were or had been in Interior family registers, and even the Korean political prisoners released after the war, faced a common dilemma of choosing between a rock and a hard place. Unwanted or unwelcomed in an “alien” Korea, and facing considerable discrimination in Japan, that Koreans elected to remain in Japan is significant. Since immediate postwar conditions were appalling both in Korea and Japan, adverse political and economic conditions in Korea alone cannot explain why some Koreans failed to repatriate or returned to Japan after a brief sojourn in Korea. Support networks, whether family and friends at the local level, or Korean organizations like Choren and Mindan at the prefectural and national levels, softened the blow of continued residence in Japan.

Korean organizations therefore took on heightened importance. Most Koreans in Occupied Japan old enough to have such sensibilities understandably welcomed Korean national (or ethnic, i.e., *Chōsen minzoku*) organizations through which they could be amongst their own *minzoku* and learn about Korean history, language, and culture in Korean schools. The Korean

nationalism espoused by Choren's leaders attracted many to the ideology of Kim Il-sung, but most seem to have been more interested in the ethnic activities and social benefits of these organizations, a point that even GHQ's military intelligence admitted after Choren's dissolution.<sup>1</sup> Nonetheless, in the spring of 1948, encouraged by conservative, ostensibly anti-Korean politicians like Attorney General Suzuki Yoshio, Prime Minister Yoshida Shigeru, and Terasaki Hidenari, GHQ began to view most Koreans in Japan as communists and "North Koreans." GHQ exploited the dual status of Koreans in Japan as "Japanese" by nationality but aliens ("Koreans") for registration purposes, by suggesting that they were either of mixed Japanese and Korean allegiances or actually possessed North Korean nationality. The result of this characterization was the dissolution of Choren and G-2 efforts to deport tens of thousands of Koreans to UN POW camps in South Korea. GHQ's wider political aim was to eliminate the so-called North Korean presence from Japan, while promoting the international political legitimacy of South Korea and Mindan, its unofficial and unpopular arm in Japan. The tragedy is that without Choren acting as their representative vis-à-vis the Japanese government, most Koreans – legally Japanese nationals – had few politically influential supporters to speak on their behalf outside the Japan Communist Party, which had very little clout. The irony is that, in at least one significant episode, their detested status as Japanese nationals saved them from certain imprisonment, and possibly death, in South Korea. The most deplorable fact, however, is not so much that G-2 and other sections planned a mass deportation of Koreans; it is that they continued to find ways to circumvent legal limits they knew prevented them from carrying out their plan by gradually shifting the term "Korean" to "subversive elements." Nonetheless, the fact that some were

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<sup>1</sup> GS(B) 1611, box 2189, file 36, "Reactions to Dissolution of Leftist Korean Organizations," summary of information from G-2, 25 October 1949.

wrongfully deported to South Korea, such as those convicted for their role in the Osaka-Kobe education riots in 1948, suggests that there was considerable flexibility, if not outright ignorance, in the interpretation of the legal status of Koreans in Japan.

The retention of Japanese nationality after the terms of surrender were enforced from 2 September 1945, and the loss of Japanese nationality when the terms of the San Francisco Peace Treaty came into effect on 28 April 1952, constitute two examples of how occupation law under the Allied Powers, and Japan's domestic law, conspired to create unintended hardships for ordinary people. Because the Allied Powers had never declared Japan's annexation of Korea and its effects null and void, they proceeded to occupy Japan and Korea with a certain regard for the continuing legal effects of the annexation, namely that Koreans had been Japanese subjects and nationals. After the Allied Powers and Japan signed the Peace Treaty in September 1951, GHQ facilitated the start of formal talks between the Japanese and South Korean governments (as well as talks between Japan and the Republic of China). Japan and South Korea discussed issues, largely defined by South Korea, related to the drafting of a normalization treaty (to establish the contours of future diplomatic ties and the settling of past issues) and a status agreement, which concerned the treatment of Koreans in Japan. Japan informed South Korea that, when the Peace Treaty came into effect, Koreans would lose their Japanese nationality and would have to naturalize if they wanted to be Japanese. Japan agreed to accord qualified Koreans in Japan special status, in recognition of how they came to be in Japan, and South Korea accepted this. Once Japan and South Korea normalized their relationship in 1965, South Korean representatives in Japan were permitted to register individuals as South Korean nationals. Negotiations, however, broke down in the normalization treaty sessions of the talks, of which the status agreement sessions constituted one part of the conference, and all status agreement promises were

abandoned, leaving Koreans in Japan without a chance to choose a Korean nationality after the Peace Treaty came into effect.

Japan of course had the right, as a sovereign state, to make provisions for those who had lost their Japanese nationality as a result of the Peace Treaty to return to Japanese nationality, other than through naturalization. That it chose not to offer such an option is a matter that attracts considerable criticism today, especially with regard to Koreans in Japan. But given the attitudes and claims of both South Korea and the Republic of China in the years just after World War II regarding their own nationality in relation to Japanese nationality, and given the belief among Koreans in Japan that they “belonged” to “Korea,” however defined, it is clear that Japan did not unilaterally “strip” Koreans and Formosans of their Japanese nationality. This dissertation has suggested that the potential political backlash among Koreans in Japan and the South Korean government, to say nothing of Japanese nationalists, prevented the Japanese government from extending Japanese nationality until Japan established formal ties with either South or North Korea.

An area which would benefit from further research is the attitudes of Japanese politicians on the place of Koreans in Japanese society. Japan is often portrayed as an insular society which marginalizes foreigners and other ethnic minorities. There was, however, a diversity of opinions in Occupied Japan, and the voices in support or against Korean interests could come from unexpected groups. In the wake of the surprise dissolution of Choren, G-2 reported with glee that “one of the most interesting consequences” of the dissolution was that JCP members were fighting among themselves and with Choren’s leaders over the value of supporting the political goals of Koreans in Japan. Some Japanese communists, it appears, wished to abandon party

support for Koreans in Japan since it reduced their chances of achieving political power.<sup>2</sup> At the other end of the political spectrum, the Ministry of Foreign Affairs's Inoue Masutarō, who seemed to understand the nuances of the history of Koreans in Japan, had a stronger appreciation for their nationalist aspirations. He suggested that for the well-being of Japan and its relations with South Korea (and possibly North Korea) the Japanese government should provide room for expressions of Korean culture. Since Koreans appeared to be staying in Japan,<sup>3</sup> Inoue believed they would be willing to contribute to Japan and Korea's reconstruction if their identity as "Koreans" was recognized. In his view, an "all-or-nothing" approach – (ethnic) Japanese versus everyone else – shared by many in postwar Japan, would clearly not be helpful in dealing with Koreans, let alone other ethnic minorities who made Japan their home. Korean nationality thus became a tool to self-identify as "Korean," a distinct oppositional category from "Japanese," even if for most, little of their daily lives revolved around "Koreanness."

When Koreans lost their Japanese nationality on the day the San Francisco Peace Treaty came into effect, neither left- nor right-wing Korean organizations protested.<sup>4</sup> Koreans and Formosans could apply to become nationals of Japan via naturalization (see Section 1, paragraph 5 of Appendix 3). Until they did so, they would be aliens under the Immigration Control Order. Moreover, very few Koreans applied for Japanese naturalization. But a special law (Law No. 126) promulgated and enforced on 28 April 1952 exempted those who had lost their Japanese nationality when the peace treaty came into effect, and who met continuous residency

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<sup>2</sup> GS(B) 1611, box 2189, file 36, "Reactions to Dissolution of Leftist Korean Organizations," summary of information from G-2, 25 October 1949.

<sup>3</sup> CPC 3772, folder "Dissolved League of Koreans [?]," subj: "If Koreans become 5<sup>th</sup> column in Japan," report, unknown author though probably PH&W, 13 November 1949.

<sup>4</sup> Akihiro Asakawa, "*Zainichi*" ron no uso, 171.

requirements, from the need to acquire a status of residence as an ordinary alien.<sup>5</sup> This was the origin of today's Special Permanent Resident status (特別永住者 *tokubetsueijūsha*) and this exemption became known as “126-2-6” (Law 126, section 2, paragraph 6). They had already been considered aliens for the purposes of the 1947 Alien Registration Order while retaining their Japanese nationality. Under the 1952 Alien Registration Law, also promulgated and enforced on April 28, they became aliens under the law's categorical definition of “aliens.” As such, they became de facto stateless persons – i.e., nationals of “Korea” (meaning the entire peninsula), which had no state. More precisely, it had two states, North and South Korea, both of which were then at war, neither of which Japan recognized. After Japan and South Korea established diplomatic ties in 1965, Koreans in Japan could apply for South Korean nationality through Mindan, and ROK nationals who met certain conditions of continuous residence in Japan could obtain permanent residency there. Those who failed to register with South Korea, usually through the agency of Mindan, remained simply nationals of “Korea” (*Chōsen*), even if they claimed affiliation with North Korea. Since 1991, aliens in Japan who lost their Japanese nationality in 1952, and who had been in Japan since 2 September 1945 (the signing of the Instrument of Surrender), as well as their qualified descendants, have had the status of Special Permanent Resident. Re-entry rules and conditions for deportation are less stringent for SPRs, and SPRs are exempt from port-of-entry biometric scans required of most other aliens.

In 1951, Japan and South Korea had provisionally agreed on status issues related to Koreans in Japan. When both sides terminated the talks in 1952, those provisions were

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<sup>5</sup>Called the “Law concerning Ministry of Foreign Affairs matters related to the acceptance of the Potsdam Declaration.” ポツダム宣言の受諾に伴い発する命令に関する件に基づく外務省関係諸命令の措置に関する法律. *Potsudamu sengen no judaku ni tomonai hassuru meirei ni kansuru ken ni motozuku gaimushō kankei shoremeirei no sochi ni kansuru hōritsu*.

temporarily abandoned. There were serious consequences to that failure. Living as de facto stateless persons, from 1959 to 1984 approximately 94,000 (about 87,000 Koreans, 7,000 Japanese, and a few Chinese) were drawn to Chosen Soren's idea of moving to North Korea. As Tessa Morris-Suzuki revealed, the Japanese government pursued the "migration to North Korea movement" in part because talks with South Korea had stalled in the mid-1950s.<sup>6</sup> It is difficult to imagine that the Japanese government would have initiated such a plan, or that South Korea would have sanctioned it, if ties had been restored, even if most Koreans in Japan had not acquired South Korean nationality.

Morris-Suzuki scratched the surface of this episode in her book, and there are many more issues to explore. If, as argued above, most Koreans in the immediate postwar resigned themselves to a life in Japan, then who chose to migrate to North Korea? Among the Koreans who went to North Korea, representing about 1 in 7 of Japan's Korean population, only about 1 in 20 had family registers in a North Korean province. Early findings suggest that young adults and teenagers were among the most enthusiastic supporters of the migration movement. The easy answer might be attributed to their indoctrination in pro-North Korea schools. The obverse – persistent discrimination and bullying in Japanese schools – may be just as significant. Ho Im-fan said that two families in her neighbourhood left for North Korea. Her eldest son, who was 16 in 1959 and attended Japanese schools, also wanted to go but she forbade it on the grounds the family would be broken up.<sup>7</sup> Chong So-yon, who worked for Chosen Soren, said that many people were confused during the repatriation movement and that a key Chosen Soren recruiting

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<sup>6</sup> Morris-Suzuki, *Exodus to North Korea*.

<sup>7</sup> Oguma and Kang, *Zainichi Issei no Kioku*, 35.

tool was stressing discrimination in the lives of Koreans in Japan.<sup>8</sup> Yi Dal-wan, who worked for Nagano-ken's Chosen Soren branch office, concurred, noting that in the midst of poverty and persistent discrimination against Koreans, it was easy to sell the image of a North Korean homeland where fellow Koreans lived free from want and in security.<sup>9</sup>

### *Nationality in Japan: Revising Conceptual Origins*

The basic mechanism for determining nationality (or subjecthood before nationality laws were enacted) in Japan, Korea, and China has always been by the location of one's family register (*koseki* 戸籍). Before the Meiji Restoration in 1868, there were several variations of the *koseki* method of tracking the Japanese population, such as parish registrations in Buddhist temples. After the Meiji Restoration, the central government modernized its system of governance and legal codes to bring them in line with international (Western) practices. First, through the 1871 Family Registration Law (*Koseki hō* 戸籍法), a family register system was codified to provide an accurate assessment of Japan's population. A uniform family registration system made it considerably easier to make decisions regarding nationality.<sup>10</sup> The Proclamation of the Grand Council of State, No. 103 (1873), the Meiji government's first law on nationality, dealt only with the effect of marriage on nationality, namely that a wife would adopt the nationality of her husband. William Wetherall notes, however, how progressive this Proclamation was in permitting "international marriages, and changes of nationality, without

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<sup>8</sup> *Ibid.*, 208.

<sup>9</sup> *Ibid.*, 740-741.

<sup>10</sup> Wetherall, "Nationality in Japan," in *Japan's Diversity Dilemmas: Ethnicity, Citizenship, and Education*, ed. Soo im Lee, Stephen Murphy-Shigematsu, and Harumi Befu (Lincoln, NE: iUniverse, 2006), 14-15.

regard to race.”<sup>11</sup> The Proclamation was also ground-breaking in regards to gender relations: foreign men could be adopted into Japanese families by marrying the female heir, take their wife’s family name, and be registered as the legal head of the household and thus the principal heir. This “adoption” process was called *nyūfu* (入夫) and the “adopted son” (the incoming husband) was a *mukoyōshi* (婿養子). It was considered unconscionable in Western circles that a male could change his nationality – and his allegiance to his country – by such means. Among the most famous to become *mukoyōshi* was Lafcadio Hearn, a famous writer on Japan and a former British subject who became Koizumi Yakumo (小泉八雲), a naturalized Japanese national in 1896.<sup>12</sup>

In 1899, the same year Britain ended its unequal treaties with Japan, the Imperial Diet passed Japan’s first Nationality Law. The Nationality Law adopted the *jus sanguinis* (right of blood, *kettōshugi* 血統主義) principle for granting nationality to a newborn, but adopted the *jus soli* (right of soil, *shusseichishugi* 出生地主義) principle in instances where the child’s parents were both unknown or their nationality was unknown. The latter stipulation was included to reduce cases of statelessness. Elements of the 1873 Proclamation, such as *mukoyōshi*, were incorporated in the Nationality Law, which also retained the general patriarchal nature of the law, in which a wife gained or lost her nationality depending on her husband’s nationality.

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<sup>11</sup> Wetherall, “Nationality in Japan,” 16. In contrast, from the British colonial period through the 1950s, several American states enacted laws which prohibited marriages between whites and blacks or Asians, even if they were American citizens. Also, before 1922, American citizens could lose their citizenship if they married any alien; after 1922, they could lose it for marrying those “ineligible for citizenship,” which principally meant Asians, who were ineligible for American citizenship from the 1870s until after WWII (1943 for the Chinese).

<sup>12</sup> Wetherall, “Nationality in Japan,” 16.

The key element of the Nationality Law was the absence of race as a condition for naturalization (*kika* 帰化). Generally, naturalization (see Appendix 1, Articles 7-12) was open to all aliens over the age of 20. Joseph Ernest De Becker (1863-1929), a British-born, American-educated attorney who naturalized as a Japanese in 1891 as a *nyūfu* and became Kobayashi Beika (小林米珂), translated the Nationality Law, Japan's Civil Code, and the Code of Civil Procedure into English.<sup>13</sup> Interestingly, he was the father-in-law of William J. Sebald, chief of GHQ's Diplomatic Section.<sup>14</sup> In regards to naturalization, he made a point of commenting on the absence of race in Japan's nationality law:

No line is drawn at either nationality or race. The only question considered is—is the applicant [for naturalization] likely to make a desirable citizen. If the man himself is all right, then his nationality, or race, cuts no figure whatsoever in the matter, and this, I think, is at it should be.<sup>15</sup>

De Becker's comments reveal how race and nationality were often understood to be virtually synonymous. Gilbert Bowles published De Becker's observation in a self-published pamphlet in 1915. Bowles and his wife were American Quaker missionaries and pacifists who moved to Japan in 1901 and remained there until 1941, when war forced them to relocate to Hawaii.<sup>16</sup>

While in Japan, he published articles for the Japan Peace Movement. In his pamphlet, he

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<sup>13</sup> J.E. De Becker, *Annotated Civil Code of Japan*, 4 vols. (Yokohama: Kelly & Walsh, 1909-1910); *The Code of Civil Procedure*. Translated by J.E. De Becker. (Kobe: J.L. Thompson, 1928).

<sup>14</sup> Byung Joon Jung, "William J. Sebald and the Dokdo Territorial Dispute," *Korea Focus* 71 (Jul.-Aug. 2005). [Available online at [www.koreafocus.or.kr/design1/essays/view.asp?volume\\_id=41&content\\_id=202&category=G](http://www.koreafocus.or.kr/design1/essays/view.asp?volume_id=41&content_id=202&category=G); accessed 3 June 2011.]

<sup>15</sup> Gilbert Bowles, *Japanese Law of Nationality* (Tokyo: Gilbert Bowles, 1915), 6. Also available at <http://www.archive.org/details/japaneselawofnat00japarich>.

<sup>16</sup> His son, Gordon T. Bowles, was raised a Quaker in Japan, spoke Japanese fluently, and was an anthropologist and Asia specialist at Harvard. The State Department hired Gordon before Japan's surrender to draft a policy statement on postwar education reform. "Gilbert Bowles – Autobiographical sketch of his formative years in rural Kansas." [http://sanchristos.com/JohnBowles/Gilbert\\_Bowles\\_Early\\_Years.pdf](http://sanchristos.com/JohnBowles/Gilbert_Bowles_Early_Years.pdf) [Accessed 3 May 2011.]; Eiji Takemae, *Inside GHQ*, 348.

highlighted De Becker's passage with the heading "NO RACIAL OR NATIONAL DISCRIMINATION." Bowles does not inform us what specifically motivated him to publish this pamphlet, but, like other progressive Western figures in Japan at this time, he was deeply disturbed by American, Canadian, and Australian laws which denied citizenship to aliens of Asian origin and which circumscribed their entry to these countries. The pamphlet thus served to demonstrate the race neutral nature of Japanese nationality.

Since the Latin word *sanguinis* means "of blood," it is often claimed that the Meiji government adopted *jus sanguinis* to ensure racial purity in granting Japanese nationality. The ideological association between "the Japanese race" and "the Japanese nation" is strong, and the related notions of "the exclusivity" of Japanese nationality and the ethnic homogeneity of the Japanese, remain strong in modern scholarship. Tessa Morris-Suzuki, for instance, writes that Japan's 1899 Nationality Law "adopted a restrictive approach" because it "created a legal framework for 'Japaneseness'" centered on bloodlines and "emphasi[zing]... 'ethnic purity,'" rather than selecting a "citizenship" based on place of birth as exists in Canada and the United States.<sup>17</sup> The Meiji government, she suggests, reluctantly included a "cumbersome and seldom used" naturalization process. Between 1900 and 1949, fewer than 300 people became naturalized Japanese, which further demonstrates its restrictiveness.<sup>18</sup> Yet as the liberal policy for naturalization above illustrates, the Nationality Law cannot be said to have prioritized preserving or emphasizing ethnic Japanese purity. Moreover, when the law came into effect on 1 April 1899, ethnic Japanese, Ryukyuan (Okinawans), Ainu, Formosans (Taiwanese), and *nyufus* like

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<sup>17</sup> Both the US and Canada also have secondary *jus sanguinis* principles for children born abroad of American or Canadian parents.

<sup>18</sup> Tessa Morris-Suzuki, *Re-Inventing Japan: Time, Space, Nation* (Armonk, NY: M.E. Sharpe, 1998), 189; and *Borderline Japan: Foreigners and Frontiers Controls in the Postwar Era* (New York: Cambridge University Press, 2010), 42.

Lafcadio Hearn and Asian Indian Allick Asam (who was adopted in a Japanese family in 1880) automatically became Japanese nationals – irrespective of their ethnic background or their previous nationality.<sup>19</sup> An ever-expanding Japanese Empire would include 20 million Koreans as its subjects and nationals, further stretching the notion of an ethnically pure Japanese nationality. If so few naturalized as Japanese, it was not necessarily because the Nationality Law was “restrictive” towards people of different ethnicities, but for two fundamental reasons. First, by 1910, residents of Japan’s nearest neighbours – Korea and Formosa – were already Japanese nationals, and Japan did not attract many immigrants from outside the region, so the opportunities for naturalization were necessary poor. Most of those who naturalized had strong ties to Japan, such as missionaries and Japanophiles. Second, consider the following requirements for naturalization: “resided continuously for... five years at least,” “behaved as a man of good character,” “has reached the age of eighteen years,” “renounce[s] forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty,” and “the applicant shall state... his occupation.”<sup>20</sup> These were some of the requirements aliens in the US in 1906 faced – no more restrictive, in principle, than the provisions for naturalization in Japan (see Appendix 1, Article 7).

The confusion, therefore, arises from the focus on “blood” in the term *jus sanguinis*, and its inherently tribal associations. The principle of promoting a great German race and a Europe-wide citizenry was at the heart of Germany’s decision to adopt *jus sanguinis*. But the conceptual foundation of nationality in Japan is linked to the family register, and not necessarily to race.

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<sup>19</sup> Wetherall, “Nationality in Japan,” 16.

<sup>20</sup> “An Act to Establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States. Approved June 29, 1906,” *The American Journal of International Law* 1, no. 1, Supplement: Official Documents (Jan. 1907): 31-47.

There was, to be sure, a contradiction in the reality of an ethnically diverse Japanese national population and the rhetoric of Japanese nationalists –then and now – of a homogenous Japanese people, but according to Japan’s family and nationality laws, there was no contradiction. In 1924, Miyaoka Tsunejiro, formerly with Japan’s diplomatic service (1887-1909) explained the conceptual origins of Japan’s Nationality law to the Paris-based *Société de Législation Comparée*. Miyaoka tried to demonstrate how Japan’s Nationality Law was tied very closely to family law; the principles of the 1873 Proclamation and the 1899 Nationality Law reflected existing practices in Japan.

Japanese nationality – like Korean, Chinese, or German nationality, among others – has often been misconstrued as an “ethnonationality,” i.e., a form of nationality that includes only Japan’s dominant ethnic group. This perceived exclusivity allegedly leaves residents of other ethnicities ineligible for political participation in the host country. However, the origins of Japan’s Nationality Law, rooted in the family register system, demonstrate its race neutral character. To be sure, the adoption of patrilineal right-of-blood as the primary criterion of birthright nationality was not without some racist motivation, but it was also rooted in the patriarchal family conventions that were common to most countries in the nineteenth century. Perceptions of the meaning of “being Japanese” shifted according to the temper of imperial and occupation era Japanese ethnic nationalism. Soon after the Meiji Restoration, the metaphor of the Japanese nation as a single extended family, with the Emperor at its head, suggested to some that the nation was, or ought to be, ethnically homogenous. The metaphor manifested itself in misguided attempts to assimilate Koreans and Formosans under the rubric of *kōminka*, so they could become better Japanese subjects. Early twentieth century Japanese nationalists endorsed scientific theories which purportedly “demonstrated” the superiority of the Japanese race (ethnic

nation) vis-à-vis Japan's own colonial subjects and Europeans. The postwar "theory of Japaneseness" (*Nihonjinron* 日本人論) reincarnated the discourse of the superiority and uniqueness of "the Japanese." And it was common practically everywhere in the world to speak of race and nationality synonymously, including in the United States, where "national origins" was used to imply race in discriminatory immigration quotas employed in the Johnson-Reed Act of 1924.

This dissertation, while looking mainly at the treatment of Koreans through a nationality lens, suggests that Koreans were more than just victims of racial discrimination. Some Japanese constructed racial hierarchies where Koreans placed quite low, and some events were clearly racist in nature, like the massacre of Koreans in the aftermath of the Great Kanto Earthquake. The problem this dissertation has tried to raise is that, in the Korean case, race as an analytical category, has been applied perhaps too broadly to explain aspects of a tragic history in which race had a role but in certain respects was an incidental factor.

Understanding the history that frames the nationality status of Koreans – under Japanese rule, during the Occupation of Japan, and after the Occupation – will not in and of itself end social discrimination, whether based on alien status or perceptions of race or ethnicity. Some scholars believe that if Japan had adopted *jus soli* as its principle criterion for birthright nationality in its 1950 Nationality Law, as in Canada and the US, children born in Japan to Koreans would have acquired Japanese nationality and its associated political and other rights.<sup>21</sup> But it is doubtful that this would have necessarily ended so-called "racial" or "ethnic" discrimination against people perceived as Koreans, since such discrimination, by its very nature,

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<sup>21</sup> Chapman, *Zainichi Korean Ethnicity and Identity*, 69.

is not just predicated on law.<sup>22</sup> The treatment in Canada and the United States during World War II of some Canadian and American citizens who were perceived to be partly or fully “Asian” or “Oriental” attests to this point.

The peculiar history of Koreans in Japan suggests they would not have supported a move to *jus soli*. Koreans in Japan form a relatively small population that considers itself ethnically Korean (*Chōsen minzoku*), with ancestral roots in Korea, but without fitting into either North or South Korean society. They retained a “Korean” nationality – either South Korean or “North Korean” (*Chōsen seki*) – in part because Korean law, like Japanese nationality law, allowed them to claim one nationality or the other without ever setting foot in the country concerned. But more importantly, they saw retention of a Korean nationality as a way of distinguishing themselves from the Japanese with whom they live, work, and even marry, even though their histories have been inexorably linked.

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<sup>22</sup> Racial discrimination in pre-1990 South Africa and pre-1960s US, however, was very much predicated on laws.

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## Appendix 1 – Japanese Nationality Law, 1899

The Japanese Nationality Law (Law No. 66 of March 1899) as revised by Law No. 27, of March 1916, and by Law No. 19 of July 1924, effective from December 1, 1924.<sup>1</sup>

Article 1. A child is regarded as a Japanese [*Nihonjin* 日本人] if its father is at the time of its birth a Japanese. The same applies if the father who died before the child's birth was at the time of its death a Japanese.

Article 2. If the father loses his nationality, either by divorce or by dissolution of adoption, before the child's birth, the provisions of the preceding article apply retroactively from the commencement of conception.

The provisions of the preceding paragraph do not apply in cases where both the father and the mother have left the family, except when the mother in such cases returns to the family before the child's birth.

Article 3. In cases where the father cannot be ascertained, or has no nationality, if the mother is a Japanese the child is regarded as a Japanese.

Article 4. If neither the father nor the mother of a child born in Japan can be ascertained, or if they have no nationality, the child is regarded as a Japanese.

Article 5. An alien [*gaikokujin* 外国人] acquires Japanese nationality in the following cases:

- (1) By becoming the wife of a Japanese.
- (2) By becoming the *nyufu* [*nyūfu* 入夫]<sup>2</sup> of a Japanese woman.
- (3) By acknowledgement by his or her father or mother who is a Japanese.
- (4) By adoption by a Japanese.
- (5) By becoming naturalized.

Article 6. For an alien to acquire Japanese nationality by acknowledgement the following conditions must be fulfilled:

- (1) He or she must be a minor by the law of his or her country.
- (2) She must not be the wife of an alien.
- (3) The parent, whether father or mother, who has first made acknowledgement, must be a Japanese.

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<sup>1</sup> Flournoy, Richard W., Jr., and Manley O. Hudson, eds., *A Collection of Nationality Laws of Various Countries as Contained in Constitutions, Statutes and Treaties* (New York: Oxford University Press, 1929), 382-386. All in-text parenthetical references are mine. Footnotes are also taken from Flournoy and Hudson.

<sup>2</sup> A man who marries the female head of a family and becomes the member thereof.

- (4) If the father and mother have made acknowledgement simultaneously, the father must be a Japanese.

Article 7. An alien may become naturalized with the permission of the Minister of the Interior.

The Minister of the Interior cannot permit naturalization, except in the case of persons fulfilling the following conditions:

- (1) Having had a domicile in Japan for five or more years consecutively.
- (2) Being of full twenty years of age or more, and having legal capacity by the law of his or her country.
- (3) Being of good character.
- (4) Having sufficient property, or ability, to secure an independent livelihood.
- (5) Having no nationality, or when he or she would lose his or her nationality in consequence of the acquisition of Japanese nationality.

Article 8. The wife of an alien cannot become naturalized, except in conjunction with her husband.

Article 9. The aliens mentioned below, if they are actually in possession of a domicile in Japan, may become naturalized, although they may not have satisfied condition under number 1 of paragraph 2 of Article 7:

- (1) Those whose fathers or mothers were Japanese.
- (2) Those whose wives were Japanese.
- (3) Those born in Japan.
- (4) Those who have had places of residence in Japan for ten years or more, consecutively.

The persons mentioned in numbers 1 to 3, inclusive, of the preceding paragraph, cannot become naturalized unless they have possessed places of residence in Japan for three years or more, consecutively; but if the father, or the mother, of a person mentioned in number 3 was born in Japan, this rule does not apply.

Article 10. In cases where the father, or the mother, of an alien is a Japanese, if the alien in question is in actual possession of a domicile in Japan, he or she may become naturalized, although he or she may not have satisfied the conditions mentioned in numbers 1, 2 and 4 of paragraph 2 of Article 7.

Article 11. Notwithstanding the provisions of paragraph 2 of Article 7, the Minister of the Interior may, subject to the imperial sanction, permit the naturalization of an alien who has rendered specially meritorious services to Japan.

Article 12. Naturalization must be notified in the "Official Gazette."

Naturalization cannot be set up against a third party who has acted in good faith, until after such notification has taken place.

Article 13. The wife of a person who acquires Japanese nationality acquires Japanese nationality in conjunction with her husband.

The provisions of the preceding paragraph do not apply when the law of the wife's country contains provisions which are contrary thereto.

Article 14. If the wife of a person who has acquired Japanese nationality has not acquired Japanese nationality in accordance with the provisions of the preceding article, she may become naturalized although she may not have fulfilled the conditions of paragraph 2 of Article 7.

Article 15. The child of a person who acquires Japanese nationality acquires Japanese nationality in conjunction with its father or its mother, if it is a minor according to the law of its own country.

The provisions of the preceding paragraph do not apply when the law of the child's country contains provisions which are contrary thereto.

Article 16. A naturalized person, a person who, being the child of a naturalized person, has acquired Japanese nationality, or a person who has been adopted by, or has become the *nyufu* of a Japanese, does not possess the following rights:

- (1) The right to become a Minister of State.
- (2) The right to become the President or the Vice President or a member of the Privy Council.
- (3) The right to become an official of chokunin rank in the Imperial Household [宮内勅任官].
- (4) The right to become an Envoy Extraordinary and Minister Plenipotentiary.
- (5) The right to become a General Officer in the army or an Officer of flag rank in the navy.
- (6) The right to become President of the Supreme Court, President of the Board of Audit, or President of the Court of Administrative Jurisdiction.
- (7) The right to become a member of the Imperial Diet.

Article 17. The restrictions laid down in the preceding article may in the case of a person who has become naturalized in accordance with the provisions of Article 11, after five years have elapsed from the date of his acquiring Japanese nationality, and in the case of other persons after ten years have elapsed, be removed by the Minister of the Interior, subject to the imperial sanction.

Article 18. A Japanese who, on becoming the wife of an alien, has acquired her husband's nationality, loses Japanese nationality.

Article 19. A person who has acquired Japanese nationality by marriage, or by adoption, loses Japanese nationality by divorce or the dissolution of adoption only when he or she thereby recovers his or her foreign nationality.

Article 20. A person who acquires foreign nationality voluntarily loses Japanese nationality.

Section 2 of Article 20. A Japanese who, by reason of having been born in a foreign country designated by Imperial Ordinance,<sup>3</sup> has acquired the nationality of that country, and who does not as laid down by order express his intention of retaining Japanese nationality, loses his Japanese nationality retroactively from his birth.

Persons who have retained Japanese nationality in accordance with the provisions of the preceding paragraph, or Japanese subjects who, by reason of having been born in a designated foreign country before its designation in accordance with the provisions of the preceding paragraph, have acquired the nationality of that country, may, when they are in possession of the nationality of the country concerned and in possession of a domicile in that country, renounce Japanese nationality if they desire to do so.

Persons who shall have renounced their nationality in accordance with the provisions of the preceding paragraph lose Japanese nationality.

Section 3 of Article 20. Japanese subjects who, by reason of having been born in a foreign country other than the foreign countries indicated in paragraph 1 of the preceding article, have acquired the nationality of that country, may, when they possess a domicile in that country, effect renunciation of Japanese nationality by obtaining the sanction of the Minister of the Interior.

The provisions of paragraph 3 of the preceding article shall apply, *mutatis mutandis*, to persons who shall have renounced nationality in accordance with the provisions of the preceding paragraph.

Article 21. If the wife and child of a person who loses Japanese nationality acquire the said person's new nationality, they lose Japanese nationality.

Article 22. The provisions of the preceding article do not apply to the wife and child of a person who loses Japanese nationality by divorce, or by the dissolution of adoption. But cases in which the wife is not divorced when the dissolution of the husband's adoption takes place, or in which the child leaves the family together with the father, do not come under this rule.

Article 23. If a child who is a Japanese acquires foreign nationality by acknowledgement, he or she loses Japanese nationality. But this rule does not apply to a person who has become the wife, the *nyufu*, or the adopted child of a Japanese.

Article 24. Notwithstanding the provisions of Article 19, Article 20, and the preceding three articles, a male of full seventeen years of age or upwards does not lose Japanese nationality, unless he has completed active service in the army or navy, or unless he is under no obligation to serve.

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<sup>3</sup> Imperial Ordinance No. 262 of November 15, 1924, designates the following countries as coming within the meaning of this paragraph: (1) United States of America; (2) Argentina; (3) Brazil; (4) Canada; (5) Chile; (6) Peru.

A person who actually occupies an official post, civil or military, does not lose Japanese nationality notwithstanding the provisions of the preceding eight articles until he or she has lost such official post.

Article 25. A person who has lost Japanese nationality by marriage and who is domiciled in Japan after the dissolution of the marriage, may, with the permission of the Minister of the Interior, recover Japanese nationality.

Article 26. If a person who has lost Japanese nationality in accordance with the provisions of Article 20 to Article 21 inclusive is domiciled in Japan, he or she may, with the permission of the Minister of the Interior, recover Japanese nationality. But this rule does not apply to cases in which the persons mentioned in Article 16 have lost Japanese nationality.

Article 27. The provisions of Articles 13 to 15 inclusive apply *mutatis mutandis* to cases coming under the preceding two articles.

Section 2 of Article 27. The procedure relative to the renunciation and recovery of nationality shall be determined by Order.

## Appendix 2 – Japanese Nationality Law, 1950

The Nationality Law (Law No.147 of 1950, as amended by Law No.268 of 1952, Law No.45 of 1984, Law No.89 of 1993 and Law.No.147 of 2004, Law No.88 of 2008)<sup>4</sup>

### (Purpose of this Law)

#### Article 1.

The conditions necessary for being a Japanese national [*Nihon kokumin* 日本国民] shall be determined by the provisions of this Law.

### (Acquisition of nationality by birth)

#### Article 2.

A child shall, in any of the following cases, be a Japanese national:

- (1) When, at the time of its birth, the father or the mother is a Japanese national;
- (2) When the father who died prior to the birth of the child was a Japanese national at the time of his death;
- (3) When both parents are unknown or have no nationality in a case where the child is born in Japan.

### (Acquisition of nationality by an Acknowledged Child)

#### Article 3.

A child (excluding a child who was once a Japanese national) under twenty years of age whose father or mother has acknowledged paternity or maternity respectively, may acquire Japanese nationality through a notification to the Minister of Justice, if the father or mother who made the acknowledgement was a Japanese national at the time of the child's birth, and such father or mother is presently a Japanese national or was a Japanese national at the time of his or her death.

2. A child who makes notification in accordance with the preceding paragraph shall acquire Japanese nationality at the time of the notification.

### (Naturalization)

#### Article 4.

<sup>4</sup> The Ministry of Justice [Japan], "The Nationality Law [1950]," <http://www.moj.go.jp/ENGLISH/information/tnl-01.html> [Accessed 4 May 2011.]

A person who is not a Japanese national (hereinafter referred to as “an alien” [*gaikokujin* 外国人]) may acquire Japanese nationality by naturalization [帰化によって、日本の国籍を取得することができる].

2. The permission of the Minister of Justice shall be obtained for naturalization.

## Article 5.

The Minister of Justice shall not permit the naturalization of an alien unless he or she fulfills all of the following conditions:

- (1) that he or she has domiciled in Japan for five years or more consecutively;
- (2) that he or she is twenty years of age or more and of full capacity to act according to the law of his or her home country;
- (3) that he or she is of upright conduct;
- (4) that he or she is able to secure a livelihood by one's own property or ability, or those of one's spouse or other relatives with whom one lives on common living expenses;
- (5) that he or she has no nationality, or the acquisition of Japanese nationality will result in the loss of foreign nationality;
- (6) that he or she has never plotted or advocated, or formed or belonged to a political party or other organization which has plotted or advocated the overthrow of the Constitution of Japan or the Government existing thereunder, since the enforcement of the Constitution of Japan.

2. When an alien is, regardless of his or her intention, unable to deprive himself or herself of his or her current nationality, the Minister of Justice may permit the naturalization of the alien, notwithstanding that the alien does not fulfill the conditions set forth in item (5) of the preceding paragraph, if the Minister of Justice finds exceptional circumstances in his or her family relationship with a Japanese national, or other circumstances.

## Article 6.

The Minister of Justice may permit the naturalization of an alien notwithstanding that the alien does not fulfill the condition set forth in item (1) of paragraph 1 of the last preceding Article, provided that the said alien falls under any one of the following items, and is presently domiciled in Japan:

- (1) One who has had a domicile or residence in Japan for three consecutive years or more and who is the child of a person who was a Japanese national (excluding a child by adoption);
- (2) One who was born in Japan and who has had a domicile or residence in Japan for three consecutive years or more, or whose father or mother (excluding father and mother by adoption) was born in Japan;
- (3) One who has had a residence in Japan for ten consecutive years or more.

## Article 7.

The Minister of Justice may permit the naturalization of an alien who is the spouse of a Japanese national notwithstanding that the said alien does not fulfill the conditions set forth in

items (1) and (2) of paragraph 1 of Article 5, if the said alien has had a domicile or residence in Japan for three consecutive years or more and is presently domiciled in Japan. The same rule shall apply in the case where an alien who is the spouse of a Japanese national has been married with the Japanese national for three years or more and has had a domicile in Japan for one consecutive year or more.

## Article 8.

The Minister of Justice may permit the naturalization of an alien notwithstanding that the alien does not fulfill the conditions set forth in items (1), (2) and (4) of paragraph 1 of Article 5, provided that the alien falls under any one of the following items:

- (1) One who is a child (excluding a child by adoption) of a Japanese national and has a domicile in Japan;
- (2) One who is a child by adoption of a Japanese national and has had a domicile in Japan for one consecutive year or more and was a minor according to the law of its native country at the time of the adoption;
- (3) One who has lost Japanese nationality (excluding one who has lost Japanese nationality after naturalization in Japan) and has a domicile in Japan;
- (4) One who was born in Japan and has had no nationality since the time of birth, and has had a domicile in Japan for three consecutive years or more since then.

## Article 9.

With respect to an alien who has rendered especially meritorious service to Japan, the Minister of Justice may, notwithstanding the provision of Article 5, paragraph 1, permit the naturalization of the alien with the approval of the Diet.

## Article 10.

The Minister of Justice shall, when permitting naturalization, make an announcement to that effect by public notice in the Official Gazette.

2. The naturalization shall come into effect as from the date of the public notice under the preceding paragraph.

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## (Loss of nationality)

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## Article 11.

A Japanese national shall lose Japanese nationality when he or she acquires a foreign nationality by his or her own choice.

2. A Japanese national having a foreign nationality shall lose Japanese nationality if he or she chooses the foreign nationality in accordance with the laws of the foreign country concerned.

## Article 12.

A Japanese national who was born in a foreign country and has acquired a foreign nationality by birth shall lose Japanese nationality retroactively as from the time of birth, unless the Japanese national clearly indicates his or her volition to reserve Japanese nationality according to the provisions of the Family Registration Law (Law No.224 of 1947).

## Article 13.

A Japanese national having a foreign nationality may renounce Japanese nationality by making notification to the Minister of Justice.

2. The person who made notification in accordance with the preceding paragraph shall lose Japanese nationality at the time of the notification.

## (Choice of nationalities)

## Article 14.

A Japanese national having a foreign nationality shall choose either of the nationalities before he or she reaches twenty two years of age if he or she has acquired both nationalities on and before the day when he or she reaches twenty years of age or, within two years after the day when he or she acquired the second nationality if he or she acquired such nationality after the day when he or she reached twenty years of age.

2. Choice of Japanese nationality shall be made either by depriving himself or herself of the foreign nationality or by the declaration provided for in the Family Registration Law in which he or she swears that he or she chooses to be a Japanese national and that he or she renounces the foreign nationality (hereinafter referred to as “declaration of choice”).

## Article 15.

The Minister of Justice may, by written notice, require a Japanese national having a foreign nationality who fails to choose Japanese nationality within the period prescribed in paragraph 1 of the last preceding Article to choose one of the nationalities he or she possesses.

2. The notice provided for in the preceding paragraph may be made by means of announcement thereof in the Official Gazette, in the case where the person who is to receive the notice is missing or in any other circumstances where it is impossible to send the notice to the person concerned. In this case, the notice shall be deemed to reach the person concerned on the day following the day when the announcement is made in the Official Gazette.

3. The person to whom the notice has been sent in accordance with the preceding two paragraphs shall lose Japanese nationality at the expiration of one month after the day he or she receives the notice, unless he or she chooses Japanese nationality within such period. This shall

not, however, apply in the case where the person concerned is unable to choose Japanese nationality within such period due to a natural calamity or any other cause not imputable to him or her and he or she has made such choice within two weeks after he or she has become able to do so.

## Article 16.

A Japanese national who has made the declaration of choice shall endeavour to deprive himself or herself of the foreign nationality.

2. In the case where a Japanese national who has made the declaration of choice but still possesses a foreign nationality has voluntarily taken public office in the foreign country (excluding an office which a person not having the nationality of such country is able to take), the Minister of Justice may declare that he or she shall lose Japanese nationality if the Minister finds that taking such public office would substantially contradict his or her choice of Japanese nationality.

3. The hearing concerning the declaration under the last preceding paragraph shall be conducted publicly.

4. The declaration provided for in paragraph 2 of this Article shall be made by public notice in the Official Gazette.

5. The person against whom the declaration has been made under paragraph 2 of this Article shall lose Japanese nationality on the day of the public notice under the last preceding paragraph.

## (Reacquisition of nationality)

## Article 17.

A person under twenty years of age who has lost Japanese nationality in accordance with Article 12 may reacquire Japanese nationality by making notification to the Minister of Justice if he or she has a domicile in Japan.

2. A person who has received a notice under paragraph 2 of Article 15 and has lost Japanese nationality under paragraph 3 of the said Article may reacquire Japanese nationality by making notification to the Minister of Justice within one year after he or she has become aware of the fact that he or she has lost Japanese nationality, if he or she fulfills the condition set forth in item (5) of paragraph 1 of Article 5. However, in the case where he or she is unable to make notification within the period due to natural calamity or any other cause not imputable to him or her, such period shall be one month after he or she becomes able to do so.

3. The person who has made notification in accordance with the preceding two paragraphs shall acquire Japanese nationality at the time of the notification.

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**(Notification, etc., by legal representative)**

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**Article 18.**

In the case where the person who intends to acquire, choose or renounce nationality is under fifteen years of age, notification of the acquisition of nationality under Article 3, paragraph 1 or Article 17, paragraph 1, the application for naturalization permission, the declaration of choice or the notification of renunciation of nationality shall be made by the person's legal representative on his or her behalf.

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**(Ministerial ordinance)**

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**Article 19.**

Except as provided for in this Law, the procedures concerning the acquisition or renunciation of nationality as well as other rules necessary to enforce this Law shall be prescribed in the Ordinance of the Ministry of Justice.

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**(Penal provisions)**

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**Article 20.**

Any person who has made a false notification when filing a notification pursuant to the provision of Article 3, paragraph 1 shall be punished by imprisonment with work for not more than one year or a fine of not more than 200,000 yen.

2. The crime set forth in the preceding paragraph shall be governed by the provision of Article 2 of the Penal Code (Act No. 45 of 1907).

## Appendix 3 – Concerning the Disposition of Nationality and Family Register Matters, 19 April 1952

Dated 19 April 1952

Civil Affairs A No. 438

Attorney General's Office, Civil Affairs Bureau, Director-General Notification<sup>5</sup>

Concerning the disposition of nationality and family register matters regarding Koreans [*Chōsenjin*],<sup>6</sup> Taiwanese [*Taiwanjin*], and others, associated with the effectuation of the [1951] Treaty of Peace [with Japan]

### No. 1 Concerning Chosen and Taiwan

(1) As for Chosen and Taiwan, because from the day of the effectuation of the treaty they will be separated from the territory of Japan, associated with this, Koreans and Taiwanese, including those who are living in the Interior [*naichi*], all will lose the nationality of Japan [*subete Nihon no kokuseki o sōshitsu suru* すべて日本の国籍を喪失する].

(2) Though [they be] persons who were former Koreans or [former] Taiwanese [*moto Chōsenjin mata ha Taiwanjin de atta mono demo* もと朝鮮人又は台湾人であった者でも], those for whom cause occurred to enter into a family register of the Interior due to a status action such as a marriage [*kon'in* 婚姻] or an alliance [*engumi* 縁組] with a person from the Interior [*naichijin* 内地人] before the effectuation of the treaty, being a person of the Interior, shall after treaty effectuation continue to hold the nationality of Japan without need of any procedure.

(3) Though [they be] persons who were former people of the Interior, those for whom cause occurred to be removed from an Interior family register due to a status action such as a marriage or an adopted son alliance [*yoshi engumi* 養子縁組] with a Korean or a Taiwanese, being a Korean or a Taiwanese, will lose the nationality of Japan [concomitant] with treaty effectuation [*jōyaku hakkō totomo ni Nihon no kokuseki o sōshitsu suru* 条約発効とともに日本の国籍を喪失する].

(4) After treaty effectuation, treatment prior, in which due to a status act such as an alliance, marriage, dissolution, or divorce an Interiorite was able to directly enter a family register of

<sup>5</sup> It is difficult to find a copy of this notification. Independent scholar Dr. William Wetherall has compiled the Attorney General's notification from books and internet sites but warns that "the accuracy and completeness have not been confirmed by comparison with a facsimile of the original notification." Translation from Japanese is Wetherall's.

[[http://members.jcom.home.ne.jp/yosha/yr/empires/Postwar\\_registration\\_immigration.html#1952notification](http://members.jcom.home.ne.jp/yosha/yr/empires/Postwar_registration_immigration.html#1952notification)]

<sup>6</sup> Wetherall employs the term "Chosenese" to refer to Koreans with the legacy status of Chosen subnationality, i.e., after Korea's liberation from Japanese rule, they had neither ROK nor DPRK nationality but their family registers were located on the Korean peninsula (*Chōsen*). I am using "Koreans" to remain consistent with my own nomenclature.

Chosen or Taiwan, or a Korean or a Taiwanese due to a notification [of a status act] [below] was able to directly enter an Interior family register from a family register of the said place [i.e., Chosen or Taiwan], will not be recognized.

(5) After treaty effectuation, Koreans and Taiwanese, in acquiring the nationality of Japan, shall be required to do so through procedures of naturalization in accordance with provisions of the Nationality Law, as with aliens in general.

In addition, in cases of naturalization [in accordance with the provision below], Koreans and Taiwanese – (excluding former Interiorites reported [in the Official Gazette] on the day [of treaty effectuation].) – will not come under "one who was a Japanese national" of Article 5 paragraph 2 or "One who has lost Japanese nationality" of Article 6 paragraph 4 of the [1950] Nationality Law.

## **No. 2 Concerning Karafuto and Chishima**

Karafuto and Chishima also will be separated [*bunri* 分離] from the territory of Japan [concomitant] with treaty effectuation, and it is a matter of course [*mochiron de aru* 勿論である] that those who possess principal registers in these regions will not lose the nationality of Japan due to the effectuation of the treaty.

However for these persons, because after treaty effectuation as a consequence of the said regions [i.e., Karafuto or Chishima] becoming external to the territory of Japan they will become persons who do not possess a principal register it shall be necessary to do a procedure of establishing a register [*shūseki* 就籍] [in a municipality within the jurisdiction of Japan] in accordance with the Family Registration Law.

## **No. 3 Concerning the Nansei Islands south of the 29th parallel of north latitude, the Ogasawara Islands, the Iou Islands and Minami-torishima**

Persons who possess principal registers [*honseki* 本籍] in a region of the subject islands, as well as not losing Japanese nationality after the effectuation of the treaty, shall be able to continue to possess a principal register in the said region.

Among the above islands, family registration matters of those who possess a principal register in the Nansei Islands south of the 29th parallel of north latitude, shall after the treaty effectuation as prior [to it] be dealt with by the Office of Family Registration Matters Related to Okinawa Amami Oshima, which is a branch of the Fukuoka Legal Affairs Bureau; and, regarding family registration matters of those who possess a principal register in the Ogasawara Islands, the Iou Islands or Minami-torishima, from the day of treaty effectuation an Office of Family Registration Matters Related to Ogasawara shall be established as a sub-branch of the Tokyo Legal Affairs Bureau, and [their matters] shall be dealt with at this office (Refer to this bureau's notification, Civil Affairs A No. 416 dated the 14th of this month.).

**Appendix 4 – Basic Initial Post Surrender Directive to Supreme Commander for the Allied Powers for the Occupation of Japan and Control of Japan (JCS 1380/15)<sup>7</sup>**

**Basic Initial Post Surrender Directive to Supreme Commander for the Allied Powers for the Occupation and Control of Japan (JCS1380/15)**

J.C.S 1380/15

3 November 1945

Pages 134 - 168, incl.

JOINT CHIEFS OF STAFF

BASIC DIRECTIVE FOR POST-SURRENDER MILITARY GOVERNMENT IN JAPAN PROPER

References: a. J.C.S. 1380/5

b. J.C.S. 1380/8

c. J.C.S. 1380/12

d. J.C.S. 1380/14

Note by the Secretaries

The enclosed basic directive for post-surrender military government in Japan proper which has been approved by the State-War-Navy Coordinating Committee and concurred in by the Joint Chiefs of Staff is being forwarded to the Supreme Commander for the Allied Powers with information copies to the Commander in Chief, U.S. Pacific Fleet; Commander in Chief, U.S. Army Forces, Pacific; and the Commanding General, U.S. Forces, China Theater.

A. J. McFARLAND,  
C. J. MOORE,  
Joint Secretariat.

ENCLOSURE

BASIC INITIAL POST SURRENDER DIRECTIVE TO SUPREME COMMANDER FOR THE ALLIED POWERS FOR THE OCCUPATION AND CONTROL OF JAPAN

<sup>7</sup> "Basic Initial Post Surrender Directive to Supreme Commander for the Allied Powers for the Occupation and Control of Japan (JCS 1380/15)." Available at <http://www.ndl.go.jp/constitution/e/shiryō/01/036/036tx.html>. Accessed 3 June 2011.

### 1. The Purpose and Scope of this Directive

a. This directive defines the authority which you will possess and the policies which will guide you in the occupation and control of Japan in the initial period after surrender.

b. Japan, as used in this directive, is defined to include: The four main islands of Japan: Hokkaido (Yezo), Honshu, Kyushu and Shikoku and about 1,000 smaller adjacent islands including the Tsushima Islands.

c. This directive is divided into Part I: General and Political; Part II: Economic and Civilian Supply; and Part III: Financial.

## PART I GENERAL AND POLITICAL

### 2. The Basis and Scope of Military Authority

The basis of your power and authority over Japan is the directive signed by the President of the United States designating you as Supreme Commander for the Allied Powers (SWNCC 21/6 (J.C.S. 1467)) and the Instrument of Surrender (SWNCC 21/6 (Annex "A" to J.C.S. 1380/5)), executed by command of the Emperor of Japan (SWNCC 21/6 (Annex "B" to J.C.S. 1380/5)). These documents, in turn, are based upon the Potsdam Declaration of 26 July 1945 (SWNCC 149/1 (Annex "C" to J.C.S. 1380/5)), the reply of the Secretary of State on 11 August 1945 to the Japanese communication of 10 August 1945 (SWNCC Memo for Info. No. 19 (Annex "E" to J.C.S. 1380/5)), and the final Japanese communication on 14 August 1945 (SWNCC Memo for Info. No. 19 (Annex "F" to J.C.S. 1380/5)). Pursuant to these documents your authority over Japan, as Supreme Commander for the Allied Powers, is supreme for the purpose of carrying out the surrender. In addition to the conventional powers of a military occupant of enemy territory, you have the power to take any steps deemed advisable and proper by you to effectuate the surrender and the provisions of the Potsdam Declaration. It is contemplated, however, that unless you deem it necessary, or are instructed to the contrary you will not establish direct military government, but will exercise your powers so far as compatible with the accomplishment of your mission through the Emperor of Japan or the Japanese Government. In the exercise of your powers you will be guided by the following general principles.

### 3. Basic Objectives of Military Occupation of Japan

a. The ultimate objective of the United Nations with respect to Japan is to foster conditions which will give the greatest possible assurance that Japan will not again become a menace to the peace and security of the world and will permit her eventual admission as a responsible and peaceful member of the family of nations. Certain measures considered to be essential for the achievement of this objective have been set forth in the Potsdam Declaration. These measures include, among others, the carrying out of the Cairo Declaration and the limiting of Japanese sovereignty to the four main islands and such minor islands as the Allied Powers determine; the abolition of militarism and ultra-nationalism in all their forms; the disarmament and demilitarization of Japan, with continuing control over Japan's capacity to make war; the strengthening of democratic tendencies and processes in governmental, economic and social

institutions; and the encouragement and support of liberal political tendencies in Japan. The United States desires that the Japanese Government conform as closely as may be to principles of democratic self-government, but it is not the responsibility of the occupation forces to impose on Japan any form of government not supported by the freely expressed will of the people.

b. As Supreme Commander for the Allied Powers your mission will be to assure that the surrender is vigorously enforced and to initiate appropriate action to achieve the objectives of the United Nations.

#### 4. The Establishment of Military Authority over Japan

d. You will take appropriate steps in Japan to effect the complete governmental and administrative separation from Japan of (1) all Pacific islands which she has seized or occupied under mandate or otherwise since the beginning of the World War in 1914, (2) Manchuria, Formosa and the Pescadores, (3) Korea, (4) Karafuto, and (5) such other territories as may be specified in future directives.

f. You will require the Emperor to abrogate all laws, ordinances, decrees and regulations which would prejudice the achievement of the objectives set forth in the Potsdam Declaration or which conflict with the instrument of surrender or with directives which may be issued to you through the Joint Chiefs of Staff. You will, in particular, assure the abrogation of all laws, orders and regulations which established and maintained restrictions on political and civil liberties and discriminations on grounds of race, nationality, creed or political opinion. Agencies or parts of agencies charged specifically with the execution of legislation abrogated or to be abrogated shall be abolished immediately.

g. You will establish such military courts as may be necessary with jurisdiction over offenses against the forces of occupation and over such other matters as are consistent with the implementation of the surrender. You will, however, except as otherwise deemed necessary by you assure that Japanese courts exercise an effective jurisdiction over cases not of direct and predominant concern to the security of your troops.

h. Representatives of civilian agencies of the United States Government or of other United Nations governments shall not participate in the occupation or function independently within Japan except upon your approval, and subject, as to purpose, time and extent, to decisions communicated to you by the Joint Chiefs of Staff.

#### 7. Arrest and Internment of Japanese Personnel

a. The following will be arrested as rapidly as practicable and held as suspected war criminals, pending further instructions concerning their disposition:

- (1) All members of the Supreme Military Council, the Board of Field Marshals and Fleet Admirals, the Imperial General Headquarters, and the Army and Navy General Staffs;
- (2) All commissioned officers of the Gendarmerie (Kempei), and all officers of the Army and Navy who have been important exponents of militant nationalism and aggression.
- (3) All key members of ultra-nationalistic, terroristic and secret patriotic societies; and

(4) All persons who you have reason to believe are war criminals or whose names or descriptions are contained in lists of suspected war criminals which have been or may be furnished to you.

b. All persons who have played an active and dominant governmental, economic, financial or other significant part in the formulation of execution of Japan's program of aggression and all high officials of the Political Association of Great Japan, the Imperial Rule Assistance Association, the Imperial Rule Assistance Political Society and their agencies and affiliates or successor organizations will be interned pending further disposition. You may intern other civilians as necessary for the achievement of your mission.

c. You may, however, for a brief period of time, utilize the closely supervised services of those persons within the categories enumerated in subparagraphs 7 a (1) and (2) above, who are absolutely required by you to insure the demobilization of the Japanese armed forces.

d. You will receive further instructions concerning your responsibility with relation to war criminals, including those who have committed crimes against peace and crimes against humanity.

e. No differentiation shall be made or special consideration be accorded to civilian or military personnel arrested as war criminals either as to manner of arrest or conditions of detention, upon the basis of wealth, or political, industrial, or other rank or position.

f. All nationals of countries except Japan with which any of the United Nations are or have been at war in World War II (Bulgaria, Finland, Germany, Hungary, Italy, Roumania, and Thailand) will be identified and registered and may be interned or their activities curtailed as may be necessary under the circumstances. Diplomatic and consular officials of such countries will be taken into protective custody and held for further disposition.

g. Property, real and personal, owned or controlled by persons who have been detained or arrested under the provisions of paragraph 7 will be taken under your control pending directions as to its eventual disposition.

#### 8. Prisoners of War, United Nations Nationals, Neutrals, and Other Persons

a. You will insure that prisoners of war and displaced persons of the United Nations are cared for and repatriated.

b. Nationals of neutral countries will be required to register with the appropriate military authorities. They may be repatriated under such regulations as you may establish. However, all nationals of neutral nations who have actively participated in any way in the war against one of the United Nations will be arrested for dispositions in conformity with later instructions. Nationals of neutral nations will be accorded no special privileges of communications or business relationships with their home countries or people resident outside Japan. The persons, archives and property of diplomatic consular officials of neutrals will be accorded full protection.

c. All civilians who are nationals of the United Nations, resident or interned in Japan will be identified, examined closely, and if you deem it advisable, may be placed in custody or restricted residence. All such nationals who fall within the provisions of paragraph 7 b above shall be arrested and held as suspected war criminals. All other United Nations nationals who have actively participated in any way in the war against one or more of the United Nations will be arrested and held for later disposition. Thereafter, they will be dealt with in accordance with instructions to be furnished you. In general, practical measures will be taken to insure the health and welfare of United Nations nationals.

d. You will treat Formosan-Chinese and Koreans as liberated peoples in so far as military security permits. They are not included in the term "Japanese" as used in this directive but they have been Japanese subjects and may be treated by you, in case of necessity, as enemy nationals. They may be repatriated, if they so desire, under such regulations as you may establish. However, priority will be given to the repatriation of nationals of the United Nations.

e. Within such limits as are imposed by the military situation, you should take all reasonable steps necessary to preserve and protect the property of the United Nations and their nationals.

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\*SWNCC 58/9 (J.C.S. 1328/5)

## Appendix 5 – Potsdam Declaration, 26 July 1945<sup>1</sup>

### Potsdam Declaration

Proclamation Defining Terms for Japanese Surrender

Issued, at Potsdam, July 26, 1945

1. We-the President of the United States, the President of the National Government of the Republic of China, and the Prime Minister of Great Britain, representing the hundreds of millions of our countrymen, have conferred and agree that Japan shall be given an opportunity to end this war.
2. The prodigious land, sea and air forces of the United States, the British Empire and of China, many times reinforced by their armies and air fleets from the west, are poised to strike the final blows upon Japan. This military power is sustained and inspired by the determination of all the Allied Nations to prosecute the war against Japan until she ceases to resist.
3. The result of the futile and senseless German resistance to the might of the aroused free peoples of the world stands forth in awful clarity as an example to the people of Japan. The might that now converges on Japan is immeasurably greater than that which, when applied to the resisting Nazis, necessarily laid waste to the lands, the industry and the method of life of the whole German people. The full application of our military power, backed by our resolve, will mean the inevitable and complete destruction of the Japanese armed forces and just as inevitably the utter devastation of the Japanese homeland.
4. The time has come for Japan to decide whether she will continue to be controlled by those self-willed militaristic advisers whose unintelligent calculations have brought the Empire of Japan to the threshold of annihilation, or whether she will follow the path of reason.
5. Following are our terms. We will not deviate from them. There are no alternatives. We shall brook no delay.
6. There must be eliminated for all time the authority and influence of those who have deceived and misled the people of Japan into embarking on world conquest, for we insist that a new order of peace, security and justice will be impossible until irresponsible militarism is driven from the world.
7. Until such a new order is established and until there is convincing proof that Japan's war-making power is destroyed, points in Japanese territory to be designated by the Allies shall be occupied to secure the achievement of the basic objectives we are here setting forth.
8. The terms of the Cairo Declaration shall be carried out and Japanese sovereignty shall be limited to the islands of Honshu, Hokkaido, Kyushu, Shikoku and such minor islands as we determine.
9. The Japanese military forces, after being completely disarmed, shall be permitted to return to their homes with the opportunity to lead peaceful and productive lives.

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<sup>1</sup> National Diet Library, "Potsdam Declaration – Text of the Consitution and Other Important Documents." <http://www.ndl.go.jp/constitution/e/etc/c06.html> [Accessed 7 July 2011.]

10. We do not intend that the Japanese shall be enslaved as a race or destroyed as a nation, but stern justice shall be meted out to all war criminals, including those who have visited cruelties upon our prisoners. The Japanese Government shall remove all obstacles to the revival and strengthening of democratic tendencies among the Japanese people. Freedom of speech, of religion, and of thought, as well as respect for the fundamental human rights shall be established.
11. Japan shall be permitted to maintain such industries as will sustain her economy and permit the exaction of just reparations in kind, but not those which would enable her to re-arm for war. To this end, access to, as distinguished from control of, raw materials shall be permitted. Eventual Japanese participation in world trade relations shall be permitted.
12. The occupying forces of the Allies shall be withdrawn from Japan as soon as these objectives have been accomplished and there has been established in accordance with the freely expressed will of the Japanese people a peacefully inclined and responsible government.
13. We call upon the government of Japan to proclaim now the unconditional surrender of all Japanese armed forces, and to provide proper and adequate assurances of their good faith in such action. The alternative for Japan is prompt and utter destruction.

## Appendix 6 – San Francisco Peace Treaty (selected portions)

Signed at San Francisco on September 8, 1951; came into force on April 28, 1952.

WHEREAS the Allied Powers and Japan are resolved that henceforth their relations shall be those of nations which, as sovereign equals, cooperate in friendly association to promote their common welfare and to maintain international peace and security, and are therefore desirous of concluding a Treaty of Peace which will settle questions still outstanding as a result of the existence of a state of war between them;

WHEREAS Japan for its part declares its intention to apply for membership in the United Nations and in all circumstances to conform to the principles of the Charter of the United Nations; to strive to realize the objectives of the Universal Declaration of Human Rights; to seek to create within Japan conditions of stability and well-being as defined in Articles 55 and 56 of the Charter of the United Nations and already initiated by post-surrender Japanese legislation; and in public and private trade and commerce to conform to internationally accepted fair practices;

WHEREAS the Allied Powers welcome the intentions of Japan set out in the foregoing paragraph;

THE ALLIED POWERS AND JAPAN have therefore determined to conclude the present Treaty of Peace, and have accordingly appointed the undersigned Plenipotentiaries, who, after presentation of their full powers, found in good and due form, have agreed on the following provisions:

### Chapter I. Peace

#### Article 1

(a) The state of war between Japan and each of the Allied Powers is terminated as from the date on which the present Treaty comes into force between Japan and the Allied Power concerned as provided for in Article 23.

(b) The Allied Powers recognize the full sovereignty of the Japanese people over Japan and its territorial waters.

### Chapter II. Territory

#### Article 2

(a) Japan recognizing the independence of Korea, renounces all right, title and claim to Korea, including the islands of Quelpart, Port Hamilton and Dagelet.

- (b) Japan renounces all right, title and claim to Formosa and the Pescadores.
- (c) Japan renounces all right, title and claim to the Kurile Islands, and to that portion of Sakhalin and the islands adjacent to it over which Japan acquired sovereignty as a consequence of the Treaty of Portsmouth of September 5, 1905.
- (d) Japan renounces all right, title and claim in connection with the League of Nations Mandate System, and accepts the action of the United Nations Security Council of April 2, 1947, extending the trusteeship system to the Pacific Islands formerly under mandate to Japan.
- (e) Japan renounces all claim to any right or title to or interest in connection with any part of the Antarctic area, whether deriving from the activities of Japanese nationals or otherwise.
- (f) Japan renounces all right, title and claim to the Spratly Islands and to the Paracel Islands.

### **Article 3**

Japan will concur in any proposal of the United States to the United Nations to place under its trusteeship system, with the United States as the sole administering authority, Nansei Shoto south of 29° north latitude (including the Ryukyu Islands and the Daito Islands), Nanpo Shoto south of Sofu Gan (including the Bonin Islands, Rosario Islands and the Volcano Islands) and Parece Vela and Marcus Island. Pending the making of such a proposal and affirmative action thereon, the United States will have the right to exercise all and any powers of administration, legislation and jurisdiction over the territory and inhabitants of these islands, including their territorial waters.

### **Article 4**

- (a) Subject to the provisions of paragraph (b) of this Article, the disposition of property of Japan and of its nationals in the areas referred to in Article 2, and their claims, including debts, against the authorities presently administering such areas and the residents (including juridical persons) thereof, and the disposition in Japan of property of such authorities and residents, and of claims, including debts, of such authorities and residents against Japan and its nationals, shall be the subject of special arrangements between Japan and such authorities. The property of any of the Allied Powers or its nationals in the areas referred to in Article 2 shall, insofar as this has not already been done, be returned by the administering authority in the condition in which it now exists. (The term nationals whenever used in the present Treaty includes juridical persons.)
- (b) Japan recognizes the validity of dispositions of property of Japan and Japanese nationals made by or pursuant to directives of the United States Military Government in any of the areas referred to in Articles 2 and 3.
- (c) Japanese owned submarine cables connection Japan with territory removed from Japanese control pursuant to the present Treaty shall be equally divided, Japan retaining the Japanese terminal and adjoining half of the cable, and the detached territory the remainder of the cable and connecting terminal facilities.

## Chapter VII. Final Clauses

### Article 23

(a) The present Treaty shall be ratified by the States which sign it, including Japan, and will come into force for all the States which have then ratified it, when instruments of ratification have been deposited by Japan and by a majority, including the United States of America, as the principal occupying Power, of the following States, namely Australia, Canada, Ceylon, France, Indonesia, the Kingdom of the Netherlands, New Zealand, Pakistan, the Republic of the Philippines, the United Kingdom of Great Britain and Northern Ireland, and the United States of America. The present Treaty shall come into force of each State which subsequently ratifies it, on the date of the deposit of its instrument of ratification.

(b) If the Treaty has not come into force within nine months after the date of the deposit of Japan's ratification, any State which has ratified it may bring the Treaty into force between itself and Japan by a notification to that effect given to the Governments of Japan and the United States of America not later than three years after the date of deposit of Japan's ratification.

### Article 24

All instruments of ratification shall be deposited with the Government of the United States of America which will notify all the signatory States of each such deposit, of the date of the coming into force of the Treaty under paragraph (a) of Article 23, and of any notifications made under paragraph (b) of Article 23.

### Article 25

For the purposes of the present Treaty the Allied Powers shall be the States at war with Japan, or any State which previously formed a part of the territory of a State named in Article 23, provided that in each case the State concerned has signed and ratified the Treaty. Subject to the provisions of Article 21, the present Treaty shall not confer any rights, titles or benefits on any State which is not an Allied Power as herein defined; nor shall any right, title or interest of Japan be deemed to be diminished or prejudiced by any provision of the Treaty in favour of a State which is not an Allied Power as so defined.

### Article 26

Japan will be prepared to conclude with any State which signed or adhered to the United Nations Declaration of January 1, 1942, and which is at war with Japan, or with any State which previously formed a part of the territory of a State named in Article 23, which is not a signatory of the present Treaty, a bilateral Treaty of Peace on the same or substantially the same terms as are provided for in the present Treaty, but this obligation on the part of Japan will expire three years after the first coming into force of the present Treaty. Should Japan make a peace settlement or war claims settlement with any State granting that State greater advantages than

those provided by the present Treaty, those same advantages shall be extended to the parties to the present Treaty.

### **Article 27**

The present Treaty shall be deposited in the archives of the Government of the United States of America which shall furnish each signatory State with a certified copy thereof.

IN FAITH WHEREOF the undersigned Plenipotentiaries have signed the present Treaty.

DONE at the city of San Francisco this eighth day of September 1951, in the English, French, and Spanish languages, all being equally authentic, and in the Japanese language.

[Signatures omitted.]