

Some Insights on 18 Jeju 4.3 Survivors' Retrial cases in 2018 from Consequences of 1984 Korematsu Coram Nobis Case Decisions and Civil Liberties Act of 1988.

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Abstract

We are currently considering to write a paper on the potential of using U.S. courts to push for U.S. participation in Jeju 4.3 reconciliation, similar to how reopening the Korematsu case tied into a broader reparations movement for the wrongful mass incarceration of Japanese Americans during World War II. For this paper, it plans to include some of the survivor testimony featured in the book *Jeju 4.3 Grand Tragedy during 'peacetime' Korea: The Asia Pacific Context (1947-2016)*. The book contains a transcript of survivor testimonies given in Seoul on May 30, 2015. Some of the survivors whose testimony is included in the *Jeju 4.3 Grand Tragedy* book are petitioning to have their cases reopened. I would like to connect the petition to the importance of U.S. participation in Jeju 4.3 reconciliation. To do this, we would like to specifically incorporate parts of the petitioners' testimony recorded in the *Jeju 4.3 Grand Tragedy* book into Hawaii team's paper. We think including the testimony would powerfully emphasize the continuing need for social healing and would strengthen the argument for U.S. participation. If we can do it collaboratively, we can do a lawsuit or other such action in the US may help draw attention to the case in 2019.

Key words :

U.S. courts to push for U.S. Participation in Jeju 4.3 reconciliation, The Korematsu case, Jeju 4.3 Grand Tragedy during 'peacetime' Korea, the Asia Pacific Context, Testimony, Lawsuits.

Introduction

The author, Ko Chang Hoon attended at first session of 18 Jeju 4.3 Survivors' Retrial in 2018 on February 5, 2018 at Jeju District of Korean Court. Chapter 2: "Testimonies of Jeju 4.3 : Regaining Honor (May 30, 2015 in Seoul)" of Jeju 4.3 Grand Tragedy during 'peacetime' Korea : The Asia Pacific Context, introduces life stories of 11 people during the Jeju 4.3 Grand Tragedy. It says that "these people were wrongfully arrested, imprisoned, and in some cases tortured, by armed police, military and security forces as a part of the 4.3 incident without legitimate justification, proper hearings, or trial.(Ko. st. al, 2016. p.47)." At the bottom of session, judge, Mr. Jae, Gal-chang asks the author to submit one of similar world case for reference of retrial of Jeju 4.3 Survivors because he says that "he failed to find meaningful world cases for giving relevant some suggestions for us to compare Jeju 4.3 survivors with other cases. Even though he has tried to find some similar cases for Jeju 4.3 survivors' trial from both Jeju 4.3 Research Institute and professors from Law School of Jeju National University for last one year, it was so difficult for me to do it. That's the reason why I ask relevant data from you." I respond to him that 984 Korematsu coram nobis case decisions including Civil Liberties Act of 1988 -- apology, reparations and public education fund may be helpful for you to compare 2018 Jeju 4.3 survivors' and 1984 Korematsu coram nobis case even though they have some culrural differences between two ones.

In the end, I got permit from professor Eric Yamamoto : " I'm following up my email earlier this afternoon. I'm attaching key excerpts from the book " Eric K. Yamamoto, Margaret Chon, Carol Izumi, Jerry Kang and Frank Wu, RACE, RIGHTS AND REPARATION: LAW AND THE JAPANESE AMERICAN INTERNMENT (2nd ed. 2013) (Wolter Kluwer/Aspen Publishing)... The following excerpts (contained in the attached file) may be relevant.

Pp. 1-19: Context for WWII Japanese American Incarceration, including general description of 1944 Korematsu Supreme Court decision and the 1984 Korematsu coram nobis case reopening (pp. 3-6, 15-16),

Pp. 221-223, 257-262: Korematsu coram nobis case background and Petition (partial petition)

Pp. 267-279: Korematsu coram nobis case opinion (by U.S. District Judge Marilyn Hall Patel 1984)

Pp. 318-323: Consequences of coram nobis case decisions (including Civil Liberties Act of 1988 -- apology, reparations and public education fund).

This information may enable a judge, lawyers and others with detailed knowledge about the specific

petitions filed in the South Korea courts to draw any appropriate and possibly helpful comparisons.

1) The lawyer can submit a photocopy of the book excerpts on the Korermatsu coram nobis case to the court as part of the lawyer's legal filing.

2) The lawyer can say that these are excerpts from an academic publication that might be helpful to the judge. (It's the same as when a lawyer submits any excerpt from any academic publication).

3) I am not submitting anything to the court. Nothing should say or indicate that I am submitting anything to the court. This is important! (I am not licensed to practice law in South Korea).

4) In his submission to the court, the lawyer should cite all five authors of the book and cite its full title and date (Second edition 2013).

5) In his submission to the court, the lawyer can argue to the judge the relevance of the Korematsu coram nobis case based on his comparison with the 18 cases filed in the Jeju court.

6) Your Institute has permission to use the excerpts as part of its workshop on Feb. 18th to discuss the coram nobis cases. But the excerpts can only be used in that workshop.

7) The excerpts cannot be otherwise photocopied, electronically copied or distributed or disseminated for any other purpose. This would require prior approval by the publisher, Aspen/Wolter Kluwer. And that approval has not been given.

8) Please indicate that these conditions of usage are understood and will be strictly followed by the lawyer, Institute and others.

The aim of this article is to think about some implications of the Korermatsu coram nobis case of 1984 bringing to 18 Jeju 4.3 Survivors' Retrial cases of 2018. For example, we can look at responses of judges to their retrial cases. In order to explore some similarities and differences of meanings, implications and contexts of two cases from perspective of cross cultural comparative analysis.

Context for WWII Japanese American Incarceration, including general description of 1944 Korematsu Supreme Court decision, the 1984 Korematsu coram nobis case reopening and its consequences of coram nobis case decisions

First of all, we look at background, situation, and content of WWII Japanese American Incarceration.

"A similar act of injustice capped by willed forgetting occurred on the United States home front during World War II: military removal of over 110,000 West Coast Japanese Americans from their homes during spring 1942, to transport and confine them to federally administered and euphemistically termed relocation centers—essentially involuntary prison or American-style concentration camps—referred to throughout this book as incarceration or internment camps. As the war progressed,

an increasing number of newspaper editors, civil rights activists and ordinary citizens questioned this policy. And a handful of U.S.-born citizens of Japanese ancestry (sometimes referred to as Nisei, or second generation) contested the military orders based upon Executive Order 9066 in federal court. Eventually, the U.S. Supreme Court heard the separate cases of Gordon Hirabayashi, Minoru Yasui, Fred Korematsu and Mitsuye Endo. In a series of decisions in these Japanese American internment cases during 1943 and 1944, the Court sanctioned the official sequestering and dislocation of citizens on a racial basis—although it adroitly avoided a direct constitutional ruling on the mass confinement that resulted. (Eric Yamamoto. 2013. Chapter 1. Prologue, pp.3-4).”

Secondly, we need to know response of the U.S. Supreme Court and lower federal courts to 1944 dissent in the central case, *Korematsu v. United States*.

“...Most frighteningly, the U.S. Supreme Court and lower federal courts took no action to reverse their discredited wartime decisions, although most jurists of repute eventually distanced themselves from the results. As Justice Robert Jackson predicted in his 1944 dissent in the central case, *Korematsu v. United States*, the precedent has continued to lie “about like a loaded weapon ready for the hand of any authority that can bring forward a plausible claim of an urgent need...” (*ibid.* p.4).

Thirdly, we try to observe consequences of *coram nobis* case decisions including Civil Liberties Act of 1988 — apology, reparations and public education fund.

“...Despite the government’s opposition to the 1980s *coram nobis* petitions, lower federal courts, in differing ways, agreed with these assertions of governmental misconduct.¹¹ Several courts made critical factual findings of “manifest injustice” in the original convictions of the three wartime internment challengers. These judicial victories also underscored the injustice of the overall wartime government policy for all other Japanese American internees. Combined with the CWRIC Report these judicial decisions provided a vital legal cornerstone for the Congressional enactment of historic reparations legislation. The Civil Liberties Act of 1988,¹³ signed into law by President Ronald Reagan, mandated a presidential apology and \$20,000 reparations payments to each surviving internee. It also created a public education fund. This legislation not only promoted healing for some Japanese Americans, but also raised prospects of reparatory justice for others in the United States and potentially worldwide...” (*ibid.* p.6).

Some Insights on 18 Jeju 4.3 Survivors’ Retrial in 2018

Forgotten stories of 18 Jeju 4.3 Survivors’ Retrial Asked to Be Reviewed at the Korean Court in April of 2017.

18 Jeju 4.3 Survivors’ Retrial Asked to Be Reviewed at the Korean Court in April of 2017.

“...In April of 2017, 18 Jeju 4.3 victims asked the Korean court to review and set aside their abusive 4.3 trials and unlawful convictions arising out of false accusations. The current actions of these Jeju islander survivors and their families symbolize the continuing damage of the 4.3 Tragedy and reveal their immense courage in still fighting for their innocence and that of the many thousands harmed by 4.3...” (PETITION FOR A JOINT SOUTH KOREA AND UNITED STATES JEJU 4.3 INCIDENT TASK FORCE TO FURTHER IMPLEMENT RECOMMENDATIONS AND FOSTER COMPREHENSIVE AND ENDURING SOCIAL HEALING THROUGH JUSTICE March 27, 2014. The 1st Revision edition : March 27, 2018).

Let me introduce untold life stories of 11 Jeju 4.3 survivors was introduced in August of 2016 into a book “ Jeju 4.3 Grand Tragedy during ‘peacetime’ Korea : The Asia Pacific Context : (1947–2016) by Chang Hoon Ko et. al 2016. Chapter 2 : Testimonies of Jeju 4.3: Regaining Honor (May 30, 2015 in Seoul) of Part 2 : Testimonies from Jeju, and the Concept of “Han” and “Arirang” tell overview of their life stories during the Jeju 4.3 Grand Tragedy”:

“These people were wrongfully arrested, imprisoned, and in some cases tortured, by armed police, military and security forces as a part of the 4.3 Incident without legitimate justification, proper hearings, or trial. It is a primary theme that they spent their time in jail without committing any crime during the Jeju 4.3 Grand Tragedy. It is a second theme that they have suffered pain, trauma, and sorrow from the Tragedy, then and now. These eleven cases represent desperate situations that are violations of human rights of Jeju people during the Jeju 4.3 Grand Tragedy. (*ibid.* pp. 47–77).”

The World Environment and Island Institute of Jeju National University make a video tape titled as 4 Shackled : Untold stories of Dong-su Park and Won-hyu Boo were imprisoned to Korean prison¹ (*ibid.* pp. 47–77) :

“Dong-su Park: (Male : Birthday: March 10,1933: Sogil village of Jeju City): “I was caught during

1) Mr. Hyung, Sang-yong, Film maker make a video tape (16 minutes and 10 seconds) in March of 2018 by support of the institute.

working days in the field in July 1949. Because my hair was long and made me look like an armed guerrilla, police captured me. When policemen arrested me, they said they caught the worst of the armed guerrillas. Policemen asked me, "Why do you go to Mt. Halla?, What are you doing at Mt. Halla? Why did you attack the police station?". I responded that I had never done these things. I was arrested only for working in my father's field. They beat me with a stick many times. I was sentenced to 7 years by a judge through the reading of a paper only, without any questions or statements to me in the military court. I served my time in the Incheon Prison. The only regrettable thing is that I didn't attend school because of the Jeju 4.3 incident. I could learn Hangul (Korean language) at prison." After he reported his damages to the Korean government in 2003 according to the Jeju 4.3 Special Law, he was registered to the government as one of the victims. He now receives a life subsidy of 250 USD per month.

"Won-hyu Boo (Male: Birthday : August 13, 1929 : Hwabuk village of Jeju City). He was 19 at the time and in fifth grade of Jeju Agricultural School. In November of 1948, he was at home and suddenly soldiers broke into his house and arrested him. "I was tortured many times by military men. During the investigation, they asked me 'why did you cooperate with the guerilla of Mt. Halla?' and 'why did you put flyer on the wall?' I responded negatively to those accusations. They beat me with a stick." He was sentenced to one year in prison without a proper trial. After that he spent 10 months in the Incheon prison. In October 1949, he was released and returned to Jeju He regreted he didn't become a veterinary surgeon because he didn't graduate Jeju Agricultural School because of an illegal arrest. "I did work as a bureaucrat for the local government for a while, but I had but to stop my job due to Guilt by Association of the Jeju 4.3 Tragedy." After he reported his damages to the Korean government in 2003 according to Jeju 4.3 Special Law, he was registered to government as one of the victims. He receives a life subsidy of 250 USD per month."

Witness of Park Dong-su: I was living in Sogil-ri, Aewol-myeon, a mid-mountainous village. It was an outback town. One had to pass through Hagwi, Susan, and Jangjeon village to reach Sogilri. During the Jeju 4·3 Incident, I was 16 and later turned 17 years old. My father didn't allow me to go to school because he didn't want me to be educated in the Japanese colonial system. I am uneducated, but my father taught me Chinese classics at home. When the Jeju 4·3 Incident broke out, I ran away from here to there in order to survive. I was caught in the meantime only because my hair was long and that made me look like an armed guerrilla. When they

arrested me, they said they caught the worst of the armed guerrillas. I was sentenced to seven years in prison and served my time in the Incheon Prison. I am sincerely grateful to the 4·3 Jeju People's Solidarity group and other people for organizing this testimony.

Witness of Mr. Boo Won-hyu: Originally, I lived in Hwabuk 2-dong. I was 19 at the time and in the fifth grade at Jeju Agricultural School. I was at home and suddenly soldiers broke into my house and arrested me. I was sentenced to one year in prison without a proper trial. After 10 months in the prison, in October 1949, I was released and returned to Jeju. Boo Won-hyu: I was 19 and in fifth grade at Jeju Agricultural School. In 1948, my house was located near Ohyun High School, 2.5km away from the downtown of Jeju City. One day, two soldiers of the martial law army dropped by my house. They were taking a kind of census. They asked me what I was doing and took me with them. We were carried on an army truck to a military base near the former Korean Broadcasting System building, today's near Samdam Elementary School. There I was tied to a cot and tortured by electricity. Later, it may have been December 13 or 15, I can't remember the exact date, I attended the trial as I was told to do. There were about 40 to 50 people like me at the trial. My name was called, but no other questions were asked to me. After the trial, I returned to the military base. At the end of December, we were transported to the harbor and boarded a freighter to Mokpo. In Mokpo, we took a train and arrived in Incheon. Those who were sent to Incheon Prison were 15 to 19 years old. What could such young men know? We assembled in the yard of the prison and one policeman in the prison gave us sentences like "A is one year, B is five years, C is seven years...".

Kim Yeong-ran: You said people were given sentences in the prison. What were their charges? Let's think about the reason you were arrested and sent to the prison?

Boo Won-hyu: What I did wrong...was, I think, being a student.

Kim Yeong-ran: Where were you caught?

Boo Won-hyu: At home.

Kim Yeong-ran: Who took you to the military base?

Boo Won-hyu: Two soldiers of the martial law army.

Kim Yeong-ran: At the time, Mr. Boo was in the fifth grade at Jeju Agricultural School and dreaming about becoming a veterinarian after graduating one year the next. Mr. Boo says that he was taken by two soldiers during the Jeju 4·3 Incident and wrongly accused and imprisoned.

According to related materials, the first court marital hearings was held from December 3rd to

December 29th , and the second court martial hearings was held from June 21st to July 7th 1949. There were 15 trials during the first court martial hearings and 11 trials during the second court martial hearing.

Now, let's hear from Mr. Park Dong-su about how he was tried during the court-martial hearing.

Kim Yeong-ran: Mr. Park Dong-su, were you tried at the time?

Park Dong-su: You want me to talk about how I was tried?

Kim Yeong-ran: Yes, tell us whether you were tried or not. If you were tried, tell us how was your trial carried out.

Park Dong-su: I'm sorry I can't hear well because of my old age. As I said earlier, I can't

remember the date of my arrest and some other things. There was an evacuation order. We were told to move to coastal villages. However, my father delayed moving to coastal villages because he thought he needed to bring some grains to feed his family. But when he was ready, he couldn't move because of the curfew. He had no choice but had to hide in the mountains. My father was killed by the army, and my older brother was killed, too. I was left alone in the mountain. I became an orphan overnight. I was caught by the police while wandering around the mountainous area. I will not talk about the torture because other grandfathers and grandmothers already talked about it. But one thing I would like to mention is that I was tortured severely. The trial was held at the Gwandeokjeong Plaza. There were more people who were tried on the day than people are in this room now. (There was an audience of more than 100 people in the room.) My trial was carried out there but I was given my sentence at Incheon Prison. A man titled section chief of prison affairs guided us from Jeju to Incheon. In the yard of the Incheon Prison, they gave us sentences. They called each of us and gave sentences ranging from 15 years to 5 years. That's the process in which I was arrested, tried, and served my time. Now I think that

it was really unfair to prosecute a person who didn't know anything on a charge of violating the national security law and given a 7-year sentence. I don't know how to describe my feeling.

Kim Yeong-ran: Mr. Park Dong-su remembers being tried. But he also said that he was given his sentence after being sent to prison. This doesn't quite make sense to me.

Yang Dong-yun: Wait a minute! What was the date of Mr. Park Dong-su's trial? December 1948? What was the exact date of your trial?

Park Dong-su: I can't remember that. It was the same day on which Mr. Yang Il-hwa was tried.

Kang Mi-gyeong: Grandfather Park Dong-su was tried on July 5th, 1949. The dates are different.

Yang Dong-yun: I need to check one important fact here. They say they were tried but didn't know the sentences they were given at the trials. They say uniformly that they were tried on Jeju but given their sentences at Incheon Prison. What does this mean?

In fact, this is the part that makes us confused while we were carrying out the investigation and arranging the data we've collected.

Kim Yeong-ran: You (Mr. Park Dong-su) said that later you realized that was the trial.

Park Dong-su: Ah! They gave each of us a postcard. The reason they gave it to us was that they wanted us to contact our family and make them send some medicine to the prison because we were infected with the itch badly. The prison governor said, "We can't afford to pay the price of your medicine. I'll give out postcards to you. Write to your family and make them send you scabicide or underwear." That's why he gave each of us a postcard. I remember that now.

18 Jeju 4.3 Survivors want fair and open retrial at the Korean Court to nullify illegal sentence by Korean military court

18 Jeju 4.3 Survivors want fair and open retrial at the Korean Court to nullify illegal sentence by Korean military court at the first session of retrials at Jeju District of Korean Court on February 5, 2018, because 18 Jeju 4.3 Survivors' Retrial cases Asked to Be Reviewed at the Korean Court in April of 2017. In a word, military authorities sentenced them a summary of a sentence illegally without proper procedures. These people were wrongfully arrested, imprisoned, and in some cases tortured, by armed police, military and security forces as a part of the 4.3 Incident without legitimate justification, proper hearings, or trial. So, they asked Korean Court opens retrials about their wrong decisions by Korean military authorities in 2018. 18 people is representative cases among 2,530 innocent people sentenced by Korean military court from December of 1948 to July of 1949. They spent a lot of years at Incheon, Tae-gu, Cheon-joo, Mokpo prison because illegal sentences by Korean military authority.

It represents forgotten and untold stories of the Jeju 4.3 Grand Tragedy. Paragraph 9, 10, and 11 of the Petition 2014 how their life was suppressed under by the government's martial law during 1948 to 1949 in Jeju Island Korea.

"The Jeju 4.3 Incident 9: According to the 2013 English Translated Report, at the end of World War II following Japan's occupation of South Korea, and during the emerging Cold War, South Korea entered peacetime under U.S. military supervision.

In March 1947, many Jeju residents demonstrated against harsh government policies and violent police practices and commemorated National Liberation Day. Under U.S. supervision, the national police killed and injured protestors, leading to general strikes in Jeju and the subsequent imprisonment of strike organizers. Despite advice by U.S. military officials that the main cause of the uprising was opposition to police brutality and food policies and not an incitement to communism, the U.S. military commander falsely characterized the resistance as a broadscale communist uprising. The police began to characterize Jeju as an “island of Reds” even though U.S. investigators found few communists among Jeju residents. Once labeled an “island of Reds,” the U.S. anti-communist policy opened doors to sustained violence. Paragraph 10: On April 3, 1948, some residents with bamboo spears and farm tools confronted police and government officials in an effort to stop police violence, protest the upcoming election and support a unified Korea. U.S. military leaders sent additional armed forces. High-level U.S. officials also authorized South Korean army and police to act against Jeju citizens and widespread violence erupted. 11. After the Republic of Korea was established in August 1948, with U.S. military leadership supervising and overseeing South Korean military and national police actions, and with U.S. military personnel still in place to support the new government, suppression of the Jeju people accelerated. The government declared martial law in November 1948 and indefinitely detained many and summarily tried and executed thousands. Many others were killed in their villages or in the fields.” (The Petition. 2014).

Conclusion

Even though two cases have some differences that Japanese American Internment cases were influenced by the USA military action based upon Executive Order 9066 in federal court at the first part of 1940’s and Jeju 4.3 survivors’ retrial cases were affected by illegal decisions of the Korean military court upon illegal Korean martial law at the latter part of 1940’s.

We can think about some similarity between two cases from perspective of cross cultural comparative analysis. It happened historical influence of prejudice about race issue of Japanese American Internment by American military power and region (Jeju residents) issue of Jeju 4.3 Grand Tragedy by Korean and American military power:

Professor Eric Yamamoto et. al describe historical influence as the first U.S. Supreme Court pronouncement of a more searching judicial review of government classifications based upon race (Eric

Yamamoto et.al. 2013.p.14).

“...For all its historical influence as the first U.S. Supreme Court pronouncement of a more searching judicial review of government classifications based upon race, the Korematsu decision had no immediate impact on the position of incarcerated Japanese Americans. Instead, it was a retrospective confirmation of actions already taken. By contrast, the Endo ruling, while largely forgotten today, dramatically changed the lives of Issei and Nisei by ordering the government (and providing consequent cover) to open the camps and allow the vast majority of internees to resettle without restriction.

In the end, the government’s cumulative decisions to exclude, remove and indefinitely detain West Coast Japanese Americans were comprised of many hypocrisies and ironies. As Eugene V. Rostow, who had served in the State Department during wartime and eventually became dean of Yale Law School, wrote soon after the conclusion of World War II, “[t] here was no reason to suppose that the 112,000 persons of Japanese descent on the West Coast, less than 2 per cent of the population, constituted a greater menace than such persons in Hawai’i, where they were 32 per cent of the population.” Yet no mass internment of Japanese Americans occurred in Hawai’i, the site of the initial attack by the Japanese on the United States in Pearl Harbor.”

In case of Jeju 4.3 survivors, because of their living in Jeju Island characterized Jeju residents as an “island of Reds” by USA government, they were sentenced and jailed in prison. I hope we can review right interpretation about some kinds of a more searching Korean judicial review of government classifications based upon regional prejudice about Jeju residents at that time in the Petition:

“According to the 2013 English Translated Report, at the end of World War II following Japan’s occupation of South Korea, and during the emerging Cold War, South Korea entered peacetime under U.S. military supervision. In March 1947, many Jeju residents demonstrated against harsh government policies and violent police practices and commemorated National Liberation Day. Under U.S. supervision, the national police killed and injured protestors, leading to general strikes in Jeju and the subsequent imprisonment of strike organizers. Despite advice by U.S. military officials that the main cause of the uprising was opposition to police brutality and food policies and not an incitement to communism, the U.S. military commander falsely characterized the resistance as a broadscale communist uprising. The police began to characterize Jeju as an “island of Reds” even though U.S. investigators found few communists

among Jeju residents. Once labeled an “island of Reds,” the U.S. anti-communist policy opened doors to sustained violence.” (The Petition. 2014. Paragraph 9). Secondly, it is another point they try to find their rights through endless struggles against injustice done by military power.

“...the United States deprived petitioners of their rights to Fifth Amendment to fair judicial proceedings guaranteed by the the United States Constitution. Although successful to date, this fundamental and egregious denial of civil liberties cannot be permitted to stand uncorrected. Wherefore, petitioner Fred Toyosaburo Korematsu respectfully prays:

1. That judgment of conviction be vacated;
2. That the military orders under which he was convicted be declared unconstitutional;
3. That his indictment be dismissed;
4. For costs of suit and reasonable attorneys' fees;
5. For such other relief as may be just and proper.

Dated: January 19, 1983

Respectfully submitted,

By: Peter Irons

By: Dale Minami

Minami, Tomine & Lew (Eric Yamoto et al .2014. p.261).”

We also suggest our idea to Jeju District of Korean Court on March 14, 2018 as same as the case of Fred Toyosaburo Korematsu did in 1983 that 1. That judgment of conviction be vacated; 2. That the military martial law orders under which he was convicted be declared unconstitutional; 3. That his indictment be dismissed; 4. For costs of suit and reasonable attorneys' fees; 5. For such other relief as may be just and proper.

The Petition describes it :

“In April of 2017, 18 Jeju 4.3 victims asked the Korean court to review and set aside their abusive 4.3 trials and unlawful convictions arising out of false accusations. The current actions of these Jeju islander survivors and their families symbolize the continuing damage of the 4.3 Tragedy and reveal their immense courage in still fighting for their innocence and that of the many thousands harmed by 4.3(The Petition. 2014. Paragraph 30).

President Ronald W. Reagan announce to pass the Civil Liberties Act of 1988 relating to reparation of Japanese American Internment.

“The coalescing of all of these factors— mainstream elective politics, grass-roots organizing and public education, the CWRIC's investigation and report as well as the coram nobis and H ohri cases—

culminated in the passage of the Civil Liberties Act of 1988 signed the Act into law. The Act created the Office of Redress Administration to administer the reparations program. It also committed the President to a formal apology and authorized reparations in the amount of \$20,000 for each surviving internee who was a U.S. citizen or legal resident alien at the time of internment. (Eric Yamamoto. 2013.p.319).”

We hope Korean National Assembly will pass the 4.3 Special Act in 2018:

“For instance, in December of 2017, Jeju people and supporters proposed that the Korean government revise the 4.3 Special Act to authorize meaningful reparations for Jeju 4.3 victims and families.”(The Petition. 2014. Paragraph 30).

Professor Timothy Webster points regarding responsibility of USA and Jeju 4.3 Grand Tragedy North Carolina Jeju 4.3 Reconciliation conference on May 22, 2017.

“As regards the US, I would just reiterate my points this afternoon: (1) More public awareness of the issue in the US is probably needed; (2) A government administration more sympathetic would be helpful; (3) A lawsuit or other such action in the US may help draw attention to the case.

Regarding (1), there are many strong Korean NGOs in the United States. For example, comfort women statues have been erected in at least 8 different parts throughout the US. Perhaps the Jeju 4.3 group could work with them.

Regarding (2), I cannot stress the importance of a sympathetic administration (or a member of the administration who is sympathetic). During the 1990s, Stuart Eizenstat of the Clinton Administration) played a critical role in persuading the German government to negotiate for Holocaust Reparations. On the other hand, the Bush Administration (2001–09) was quite unsympathetic to similar calls for reparations brought by comfort women and victims of Japanese aggression during World War II.

Regarding (3), many reparations issues first gain public attention in the US from a lawsuit. The comfort women statues gained public attention from a lawsuit, as did the Holocaust litigation I mentioned in the paragraph above.”²

2) He raised the author a few questions. First, how widely known is Jeju 4.3 right now in Korea? Is Jeju 4.3 widely known among the public, especially the youth? Is it possible President Moon will raise the issue, or put it on his foreign policy agenda? Secondly, do we have a clear sense of the role that the US military played in the massacre/uprising? I know much of this took place under US military occupation, but it sounds as if the South Korean military police were the ones holding the guns.

Eric Yamamoto of Hawaii Law School and Ko Chang Hoon research team have discussed about possibility how we prepare for Jeju 4.3 lawsuits in the Court of USA. Two research teams are currently considering to write a paper on the potential of using U.S. courts to push for U.S. participation in Jeju 4.3 reconciliation, similar to how reopening the Korematsu case tied into a broader reparations movement for the wrongful mass incarceration of Japanese Americans during World War II. For this paper, it plans to include some of the survivor testimony featured in the book *Jeju 4.3 Grand Tragedy during 'peacetime' Korea: The Asia Pacific Context (1947–2016)*. The book contains a transcript of survivor testimonies given in Seoul on May 30, 2015. Some of the survivors whose testimony is included in the *Jeju 4.3 Grand Tragedy* book are petitioning to have their cases reopened. I would like to connect the petition to the importance of U.S. participation in Jeju 4.3 reconciliation. To do this, we would like to specifically incorporate parts of the petitioners' testimony recorded in the *Jeju 4.3 Grand Tragedy* book into Hawaii team' paper. We think the testimony would powerfully emphasize the continuing need for social healing and would strengthen the argument for U.S. participation. If we can do it collaboratively, we can do a lawsuit or other such action in the US may help draw attention to the case in 2019.

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