

**UNITED STATES-REPUBLIC OF KOREA ALLIANCE:  
AN ALLIANCE AT RISK?**

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**HEARING**  
BEFORE THE  
**COMMITTEE ON**  
**INTERNATIONAL RELATIONS**  
**HOUSE OF REPRESENTATIVES**

ONE HUNDRED NINTH CONGRESS

SECOND SESSION

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## UNITED STATES–REPUBLIC OF KOREA ALLIANCE: AN ALLIANCE AT RISK?

WEDNESDAY, SEPTEMBER 27, 2006

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON INTERNATIONAL RELATIONS,  
*Washington, DC.*

The Committee met, pursuant to notice, at 2:35 p.m., in room 2172, Rayburn House Office Building, Hon. Henry J. Hyde (Chairman of the Committee) presiding.

Chairman HYDE. The Committee will come to order.

This is quite probably our last meeting as a Committee for this Congress, and I want to express my profound respect and admiration for the Members of the Committee, both Democrat and Republican.

This Committee is an important one that deals with important issues, and every Member has been serious and made a contribution, especially Mr. Lantos, the ranking Democrat, who someday maybe in the future will make a great Secretary of State. I hate to anticipate him changing parties, but—he would be welcomed. But he has been a great asset to this Committee, and all of the Members have. And so I want to thank you for your cooperation and your contribution. This Committee has been a custodian of democracy, and I am very proud of it.

Let me offer a warm welcome to our expert witnesses today, and sincere congratulations to the people of South Korea as they prepare to celebrate next month's National Foundation Day, and their Chusock Thanksgiving Day holidays.

There are few alliances that have stood the test of time through such a series of major transitions as that of the United States and the Republic of Korea. Born of blood ties of shared conflict, matured in a tense period in the Cold War, having transited through the birth of democracy in South Korea, further forged in Vietnam and Iraq.

The alliance now faces new challenges. Seoul's concern for its downtrodden brethren in the North and for maintaining the peace on the Korean Peninsula must be balanced with Washington's heartfelt concerns over Pyongyang's egregious human rights abuses, and, in a post-September 11th environment, overproliferation of weapons of mass destruction by a dictatorial state.

I am by nature an optimist, and my recent visit to Seoul, in addition to a meeting this month with the South Korean President in Washington, lead me to believe that the differences we face are just bumps in the road on the path to a more mature equitable alliance.

The Congress can certainly take concrete steps to enhance this alliance. These will include ratification of a free trade agreement with Seoul, once it is negotiated, which promotes both free and fair trade. In addition, Members can urge the Departments of Homeland Security and State to include South Korea in the Visa Waiver Program as soon as it meets all of the legal requirements.

While accentuating the positive, we must remember that significant challenges exist in the alliance and they cannot be papered over. A recent article published by the Council on Foreign Relations, entitled the "Fragile U.S.-South Korea Alliance" underscores this.

Some of the issues to be addressed today involve basic nuts-and-bolts matters; the resolution of these, however, will be key to the resiliency of this alliance. The first involves the relocation of United States Forces-Korea out of Seoul and a reduction of America's highly visible footprint in South Korea.

I received a very encouraging letter in this regard from the Governor of Kyunggi Province, which will play host to new the USFK headquarters. The Governor pledged his full cooperation and support in this endeavor. Observers of the alliance, however, are fully aware that the target relocation date of the end of 2007 cannot be realistically met and that there are burden-sharing issues that have not yet been adequately addressed.

The second issue involves the provision of a training range for our Air Force pilots stationed in Korea. They have had to travel as far away as Thailand for training, due to the lack of provision for an adequate range in South Korea. I am happy to report that President Roh assured our congressional delegation last month that this problem would be satisfactorily addressed. Recent South Korea news reports indicate that the training issue is now resolved. I hope our witnesses can confirm this.

A third issue involves operational control of South Korean forces in wartime. As I stated during my visit to Seoul, I have concluded that enough time has passed for Seoul to be up to speed in terms of providing for its own defense. I support a transfer of wartime operational control of the forces of the Republic of Korea to their own command at the earliest possible moment. The American people welcome Seoul's expressed desire to take charge of its own defense in wartime.

President Harry Truman certainly never suspected that over half a century after the Inchon landing, Americans would still be playing the leading role in the defense of South Korea. After more than half a century of preparation under an American command, the South Korean military is ready to leave the nest and fly high into the heavens. As I mention Inchon, where I laid a wreath this summer, I note that the September 15th anniversary of that heroic landing has just passed, and I hope we can recall favorably those who fell to preserve South Korean sovereignty.

A fourth alliance issue involves the environmental cleanup of bases previously occupied by American forces. This issue has been underscored in the South Korean public's mind by Seoul film makers. They produced a film called *The Host*, which was this summer's South Korean blockbuster, drawing over 13 million viewers from a population of 50 million, in a loose take-off of the traditional

monster movie, *Creature from the Black Lagoon*. The plot involves a hideous monster who emerges from the Han River to run amok in Seoul, devouring women and children, but this time the creature is painted with the stars and stripes. The source of its incarnation is given as pollutants poured into the river by the United States military.

Artistic freedom is a wonderful thing. In promoting our alliances in the Second World War, however, Hollywood film makers understood it was vital to present our allies—Great Britain and free China—as the good guys, and the German Nazis and the Imperial Japanese as the bad. This very basic premise seems to have been lost by those in Seoul who seek a quick profit by stirring up blatant anti-American feelings.

I have now come to the heart of the matter: An alliance must be based on two peoples' shared interest, of course. More importantly, however, the two peoples must share good feelings toward each other. Without that, an alliance is just an empty piece of paper.

As I noted last month when I visited General MacArthur's statue in Inchon, I am well aware that there are those in South Korea today who take a different view of this battle site and this monument. I ask the people of South Korea to recall what the statue of General MacArthur symbolizes. It stands for more than just one man, great though he was. It stands for fidelity. In times of war and in times of peace, the American people have stood with you. In times of tension and in times of calm, in times of want and in times of plenty, fidelity is the key to an enduring alliance.

I turn now to my good friend, Mr. Lantos, for his opening remarks.

Mr. LANTOS. Thank you very much, Mr. Chairman.

Before I say a few words on the subject of the hearing, I would like to say on behalf of all Members of this Committee and all Members of the Congress, and indeed on behalf of the American people, our deepest thanks for an extraordinary lifetime of unique public service. We are deeply in your debt, sir.

Mr. Chairman, as I read some articles discussing the demise of the United States-South Korea alliance, I am reminded of Mark Twain's quote: "Reports of my death have been greatly exaggerated."

Washington and Seoul may no longer be best friends, but the myriad economic, political, and security ties we share and the range of common interest between us remain very much alive.

Just 2 weeks ago, Mr. Chairman, you and I had the opportunity to meet with the President of South Korea, to discuss the future of the South Korea alliance. Our encounter was serious and substantive, and I remain convinced that far more unites two nations than what divides us.

Our mutual commitment to freedom and democracy is unshakable. South Korea has become one of our country's largest trading partners, and we are exploring areas for yet greater economic cooperation.

Seoul dispatched troops to Iraq, despite public opposition. And tens of thousands of American troops are in Korea, standing ready to defend the Korean people should there be a crisis. And not least, Mr. Chairman, the United States and South Korea share the com-

mon goal of a denuclearized North Korea at peace with its neighbors.

Without question, the United States-South Korea alliance is in a period of transition. American forces in the South are being realigned. South Koreans are increasingly desirous of their government maintaining foreign and defense policies independent of the United States. And perhaps most importantly, the South Korean Government has a fundamentally different vision on how to obtain a denuclearized Korean Peninsula. While we favor diplomacy coupled with intense pressure in the North, the South prefers a lighter touch: Negotiations with liberal economic sweeteners for Pyongyang.

Despite these differences, the Bush Administration must make every effort—including at the highest levels—to coordinate new North Korean initiatives with all of our partners in the Six-Party Talks, including South Korea; otherwise, our key allies will blame the United States for the talks' failure, should it come to that, instead of the real and enduring source of difficulties: North Korea.

With the North Korea missile test in July still fresh on everyone's mind, and amid the current debate in Washington over how to respond to these destabilizing tests by Pyongyang, this is precisely the moment to demonstrate to Tokyo, Seoul, Beijing and Moscow that we are capable of working and playing well with others.

Despite our hopes for a tougher resolution from the UN Security Council, we did manage to achieve a resolution that strongly condemned the North Korea missile test and called for a new missile and WMD-related sanctions on Pyongyang. This was a good first step. In the eyes of the world, it is now the North Koreans who have rejected peaceful negotiations in favor of destabilizing acts.

There have been reports that the Administration is contemplating a new round of sanctions against North Korea as a belated response to the missile test. In particular, some have argued for reimposing the trade and investment ban on North Korea, lifted by President Clinton in 1994.

Unlike the Japanese reaction to these tests, these new American sanctions would be far beyond anything authorized by the recent Security Council resolution. My message to Ambassador Hill today is simple: Let the Administration think long and hard before taking this dramatic step. If the South Koreans, Chinese, and Japanese will not follow suit, a unilateral United States trade and investment ban will be ineffective and counterproductive to the prospect for a negotiated solution on the Korean Peninsula.

Unless we in fact consort with our allies, the United States will lose the moral high ground on North Korea. Pyongyang will undoubtedly cite these new sanctions as evidence of hostile intent and strengthen its refusal to return to the Six-Party Talks. The focus will turn from Pyongyang's destabilizing missile tests to Washington's unilateral sanctions.

This shift in focus and blame will further complicate the already difficult job of managing relations with our key allies in the region, including South Korea and Japan, particularly in the court of public opinion.



New sanctions will not even hurt Pyongyang. Having traveled to North Korea on two occasions within the past 20 months, I am confident in saying that the United States has almost no trade and investment in North Korea, so this is not much of a leverage. I would urge caution at this juncture, Mr. Ambassador, not out of any love for Pyongyang, but out of a deep-seated conviction that the Administration must continue to make every effort to bring about a negotiated solution with North Korea, in cooperation with the other participants in the Six-Party Talks.

Mr. Chairman, the United States and South Korea do not see eye to eye on North Korea. There is no point in trying to pretend that we do. But there is also no point in dwelling on the differences. We share the goal of ridding the Korean Peninsula of nuclear weapons, and America's diplomats should be working over time with their counterparts in Korea and throughout the region to find new and creative ways to achieve that common objective.

Thank you, Mr. Chairman.

Chairman HYDE. At the last hearing we had, we tried something where we gave every Member time for an opening statement. That consumed 2 hours and was quite a burden on our witnesses. I am loath to repeat that. On the other hand, some have asked for time to make an opening statement, and so if you don't mind, we will compromise at a 1-minute statement, and then we will get to the witnesses.

So, first, Mr. Leach for 1 minute.

Mr. LEACH. Mr. Chairman, I have a long opening statement that I would like submitted for the record. I would only like to assert at this point one total agreement with the attitude of this Committee and appreciation for your leadership.

Secondly, extraordinary, agreement with the statement of Mr. Lantos about the danger of sanctions. I can think of nothing more foolhardy or dangerous at this time or more counterproductive to the United States' national interest.

My statement is about a relationship with South Korea, which is of a very different nature. But thank you very much.

Chairman HYDE. Thank you very much.

[The prepared statement of Mr. Leach follows:]

PREPARED STATEMENT OF THE HONORABLE JAMES A. LEACH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF IOWA, AND CHAIRMAN, SUBCOMMITTEE ON ASIA AND THE PACIFIC

I welcome today's timely hearing on relations between the United States and our esteemed ally, the Republic of Korea.

The people of South Korea are deservedly proud of their nation's emergence as a global actor in recent years—economically, militarily, and culturally. The United States not only welcomes those changes without reservation, we celebrate them together with the Korean people. Perhaps uniquely in the world today, America is committed to a strong, independent, reunified Korea. Having sacrificed blood and treasure in defense of freedom for the people of South Korea, we understand that freedom necessarily implies independence of judgment.

But in wanting to assert psychological independence, Seoul would be wise not to casually eschew alliance structures in the 21st Century, especially when those structures have proven so critical to developing South Korea's political and economic stability in the 20th Century. There may always be short-term political gain to any government's distancing itself from another government in the name of self-reliance. But whether this is wise long-term policy or a thoughtful relational approach in general is open to question. Alliances, after all, involve the profound self-interest of societies and are designed to precede and supersede particular administrations. In-

deed, strong alliances do not infringe national sovereignty; they presuppose strengthening it in the most elemental sense.

These cautions hold parallel lessons for the United States. One of the issues of the last several years that has caught Washington off-balance is the growth in critical South Korean attitudes toward the United States. We should have been more cognizant that real or perceived expectations of gratitude for past acts sometimes lead to social friction. With respect to both Koreas, there is also an historical concern for big-power chauvinism, whether from its neighbors China, Russia and Japan, or even from across the Pacific. Ironically, attitudes about American policy may be more generous today among the youth of former enemies, Japan and Vietnam, than among those of historical allies, South Korea and France.

In this context, it must be admitted that the emergence of differing national security priorities, generational change of political leadership in the South, contrasting attitudinal judgments toward North Korea as well as other countries in the region, and rapid shifts in America's global defense posture have led some in both countries to question the future viability of our alliance.

I emphatically reject this view. While tensions do exist, as long as leaders in the Blue House and the White House are able to balance the political immediacies of the present with attention to long-term national interests, issues of concern can and should remain eminently manageable.

Here it is perhaps worth restating why the US–ROK alliance remains profoundly in America's national interest. In broad terms, of course, our two vibrant democracies remain tightly bound through a deep and long-standing security relationship, ongoing political and cultural affinities, extensive economic bonds, and extraordinary people-to-people ties, cemented in many instances by a common educational experience and led by the million-and-a-half strong Korean-American community here in the United States. It should be underscored that the United States is extraordinarily proud of its Korean population, which is the largest in the world outside of Northeast Asia.

It should also be noted that despite substantial public controversy, the government of South Korea was one of the early contributors to the U.S.-led operations in Iraq and currently has about 2,300 troops in country. As I am often reminded by my constituents, while the American people are divided as to the wisdom of our Iraqi intervention, they are united in deep appreciation for the assistance the United States has received from others in this endeavor to bring stability and to help forge a new democracy.

More concretely, the US–ROK alliance helps deter North Korea and preserve a free and open society in the South; it reduces the prospect that other powers will once again compete for undue influence on the peninsula; and it lays the basis for regional economic and security cooperation.

American critics of the US–ROK alliance should perhaps ask themselves whether U.S. nonproliferation and counterterrorism policies in Northeast Asia would be more effectively advanced if our security relationship with Seoul were in tatters. Likewise, South Koreans who advocate a fully self-reliant national defense posture must ponder whether a traditionally conflict-prone Northeast Asia, in which great power interests have often clashed in the past, would be more stable and peaceful without U.S. security guarantees. Indeed, is it likely that any country other than the United States would be prepared to defend South Korea's strategic interests?

From a Congressional perspective, America's commitment to South Korea has to be steadfast and our alliance unquestioned as the unpredictable unification process with the North proceeds. The North must not be allowed to drive a wedge between the U.S. and South Korea. The United States must take the long view, and the tone of our public and private diplomacy must give voice to our inner conviction that, as a vibrant democracy committed to economic and personal freedoms, the Republic of Korea is a nation the dignity of which deserves our deepest respect.

If our policies are informed by that spirit, there is every reason to be confident that Washington and Seoul will succeed in forging a new strategic framework for the alliance, not only for the purpose of managing a range of complex contingencies related to North Korea, but to cement a common democratic partnership well into the 21st Century.

A good place to start a revitalized relationship is to advance a free trade agreement and complement it with a flexible visa waiver approach.

Thank you.

Chairman HYDE. Mr. Lantos we have heard from. Mr. Ackerman.

Mr. ACKERMAN. Mr. Chairman, let me first echo Mr. Lantos' expression of admiration for you. Indeed, it has been a great honor

to serve with you in the Congress and especially on this Committee. We thank you for your many years of service.

Mr. Chairman, 5 years into the Bush Administration I can only conclude that the President is not simply mismanaging policy toward South Korea, but is actually pushing a close ally away. The Administration's unresolved internal conflict on how to deal with North Korea has made it impossible for the United States to have a consistent policy toward either North or South.

The President's schizophrenic policy began with the public humiliation of former President Kim Jong Il in a 2001 meeting and has continued up until the most recent summit, which avoided actual public humiliation of President Roh but left some of us asking, where is the kimchee.

Further evidence of the Administration pushing away our Korean friends and allies comes with the proposed redeployment and draw-down of United States forces, as well as the change of command structure. Again, these changes make some policy sense, but in the context of the Administration's policy toward South Korea, it looks more like punishment than a mutually agreed decision arrived at by allies.

Chairman HYDE. Your time has expired.

Mr. ACKERMAN. I would ask unanimous consent to put my entire statement in the record.

Chairman HYDE. Without objection, so ordered. And I thank you for your warm remarks.

[The prepared statement of Mr. Ackerman follows:]

PREPARED STATEMENT OF THE HONORABLE GARY L. ACKERMAN, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF NEW YORK

Mr. Chairman, five years into the Bush Administration I can only conclude that the President is not simply mismanaging policy towards South Korea but is actively pushing a close ally away.

The Administration's unresolved internal conflict over how to deal with North Korea has made it impossible for the United States to have a coherent, consistent policy towards either the North or the South. The President's schizophrenic policy on Korea began with the public humiliation of former President Kim Dae Jung during their 2001 meeting and has continued up until the most recent summit, which avoided actual public humiliation of President Roh, but left some of us asking, where's the kimchi?

Similar schizophrenia was on display last fall when the Administration imposed sanctions on Banco Delta Asia in Macau. While a legitimate law enforcement move, the sanctions gave the North Koreans an additional reason to continue their boycott of the six party talks. I have the distinct impression that the timing and potential impact on overall Korea policy of imposing sanctions was simply not discussed within the Administration, or worse, that resulting continued derailment of the six-party talks was, in fact, the desired outcome. Now, there are press reports that the Administration wants to reinstate the sanctions regime as it was before the Agreed Framework.

The practical effect would be largely symbolic, but in this context the symbolism is precisely the point. In neither instance, is South Korea supportive of U.S. policy.

Further evidence of the Administration pushing away our Korean friends and allies comes with the proposed redeployment and draw down of U.S. forces as well as the change in command structure. Again, these changes may make some policy sense, but in the context of the Administration's policy towards South Korea it looks more like punishment than a mutually agreed decision arrived at by allies.

I'm left wondering where the good news is in this relationship. Where's the close coordination that should accompany an alliance that is a cornerstone of U.S. policy in Asia?

Unfortunately, we have an indication of the outcome of the Administration's incompetence when it comes to South Korea. Just look at the trade statistics. At a time when we are negotiating a free trade agreement with South Korea, China has

displaced us as Korea's largest trading partner. And when it comes to policy towards North Korea, Seoul is closer to Beijing than to Washington.

I think its time to try and put U.S.-South Korea relations back on a sound footing and I can think of no better way to start than to expedite South Korea's entry into the Visa Waiver Program. I know there are still some issues to work through, but I can think of no clearer way to send a message of support to good friend and an important ally.

Thank you, Mr. Chairman.

Chairman HYDE. Mr. Rohrabacher.

Mr. ROHRABACHER. Thank you very much, Mr. Chairman.

It was my honor to visit Korea with you as part of a delegation recently and just watch you as you placed a wreath at the foot of Douglas MacArthur, in appreciation for the struggle of Americans to keep Korea free.

My father was one of those who came there six decades ago to help save Korea. Unfortunately, the Korean Government to date, South Korean Government, does not seem to appreciate that sacrifice, and I took that very personally. The South Korean Government doesn't even bring up the issue of human rights when discussing issues with North Korea, nor will they even try to help the people who are escaping the dictatorship in the North. I think that is a betrayal of the blood that was shed by Americans six decades ago, and I would hope that the people of Korea who do not support that will stand with America and make you sure that we stand together for freedom and liberty for all, and that will bring about peace. That is the conference that will bring about peace.

Unfortunately, we are again hearing criticisms of our current Administration in our inability to solve the problems that were handed to us by the last Administration.

So thank you very much, Mr. Chairman.

Chairman HYDE. Thank you.

Mr. Berman.

Mr. BERMAN. Other than saying that I can actually think of things more foolhardy than sanctions on North Korea, I agree with the comments of the Chairman in both the Full Committee and the Subcommittee and our Ranking Member, Mr. Lantos.

Thank you, Mr. Chairman.

Chairman HYDE. Thank you. Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. It has been a privilege serving with you, Chairman Hyde. Sad that it is going to be our last Committee hearing under your leadership. Thank you.

Chairman HYDE. This sounds like it was all arranged. Thank you very much.

Mr. Chandler.

Mr. CHANDLER. I just want to echo what everybody else said, Mr. Chairman, about you.

Chairman HYDE. I am prepared to give you a lot of time.

Mr. Tancredo.

Mr. TANCREDO. There is a radio commentator that has his callers shorten their opening comments that are laudatory by saying, ditto. And so, Mr. Chairman, dittos.

Chairman HYDE. Thank you. Mr. Flake.

Mr. FLAKE OF ARIZONA. The same.

Chairman HYDE. Mr. Boozman. Mr. Wilson.

Mr. WILSON. Thank you, Mr. Chairman.

Indeed, I want to echo what an honor it has been to serve with you.

One point in regard to the relationship with Korea. I have had the extraordinary opportunity, as Congressman Lantos, to visit Pyongyang, to visit Seoul. I have never been so impressed by visiting a country as the Republic of Korea. What wonderful people live—and you are able to live freely in democracy in Korea. I can't even imagine how there can be differences between South Korea and the United States. There should be a great affinity, and there certainly is on the part of my constituents, a great love and an appreciation for the people of Korea who have fought with us in every war since the Korean War.

Thank you, Mr. Chairman.

Chairman HYDE. Thank you. Mr. Chabot.

Mr. CHABOT. Thank you, Mr. Chairman, I will be brief. I just want to say that one of the greatest honors that I had in the 12 years that I served in the U.S. House of Representatives has been the 6 years serving under your leadership as the Chairman of the Judiciary Committee, and the many important things that were accomplished during those 6 years, and then to have been able to serve under you for 6 years on this Committee, International Relations Committee. And those 12 years under your leadership will be ones that I will treasure for the rest of my career, wherever it is that I am involved, whether it is here or elsewhere.

So thank you very much for allowing me to serve under you, Chairman Hyde. You are truly a great American and will be long remembered not only in this institution, but by this Nation. So thank you.

Chairman HYDE. Well, I am very moved, and I thank you very much.

Assistant Secretary Christopher Hill was a career Foreign Service Officer who served as Ambassador to Poland and to Macedonia and as Special Envoy during the Kosovo crisis. He was part of a diplomatic team which negotiated the Dayton Peace Accord in the 1990's which ended the war in Bosnia. Ambassador Hill served as a U.S. Peace Corps volunteer in Cameroon before joining the Department of State.

Mr. Richard Lawless became the Deputy Under Secretary of Defense for Asia and Pacific Affairs in October 2002. Within the Office of the Under Secretary of Defense, he is responsible for the formulation of United States security and defense policy in the Asia-Pacific region.

We thank you for joining us today, Mr. Lawless.

Prior to his current position, he worked at the U.S.-Asia Commercial Development Cooperation and the CIA.

Ambassador Hill, would you proceed with with a 5-minute summary of your prepared testimony? Your full statement, of course, will be made a part of the record.

Ambassador Hill.

**STATEMENT OF THE HONORABLE CHRISTOPHER R. HILL, ASSISTANT SECRETARY, BUREAU OF EAST ASIAN AND PACIFIC AFFAIRS, UNITED STATES DEPARTMENT OF STATE**

Mr. HILL. Thank you very much, Mr. Chairman.

Members of the Committee, I am very pleased to have been invited here to testify before the Committee to give you an overview of the alliance between the United States and the Republic of Korea.

First, Mr. Chairman, I hope it will not seem presumptuous of me as a witness to join your colleagues in wishing you the best in your future endeavors. You are a World War II combat veteran from the Pacific theater, serving in the House of Representatives, and you have brought a unique and important level of insight and understanding to our relations with East Asia.

I know your colleagues have benefited greatly from your lifetime experiences. And in fact, I read very carefully the speech you recently gave at the MacArthur Memorial at Inchon. Indeed, I read it again this morning, and I believe that really should be required reading for anyone working on South Korea.

You know, an Inchon landing today refers to what happens every couple of minutes when a 747 arrives at the Inchon International Airport. But what the Inchon landing meant that September day, some 56 years ago, was really quite different. And it behooves us all to remember it, think about it, and pass it on to future generations. So I thank you for doing that.

Chairman HYDE. Thank you.

Mr. HILL. Mr. Chairman, the Republic of Korea is a key friend and a key ally of the United States and Asia and around the world. Like us, the Republic of Korea is dedicated to maintaining regional security, to promoting peace and stability. There is no better example of this commitment than the fact that Korea deploys some 3,000 troops in Iraq, the third largest foreign contingent. It is an important contribution to the Global War on Terror, and it reflects a clear recognition by Koreans that Korea, as the 11th largest economy in the world, should be part of all international efforts.

As we construct a new partnership, however, it is important that we not lose sight of the cornerstone of our alliance over the years, which is the security of the Republic of Korea. North Korea remains a very real threat, with over a million troops, possibly several nuclear weapons, and a propensity to export danger and instability.

Looking more broadly, developments in the U.S.-ROK military alliance could also evolve toward a new cooperative structure of security in Northeast Asia. The ultimate destination is not yet clear, but it could be a formal institution or perhaps a set of informal relationships.

I believe that there may be opportunities to create new multilateral mechanisms in Northeast Asia that would help promote cooperation among the countries there, and such a mechanism requires that the United States and the ROK move very—work very, very closely together.

At the core of assuring regional security and stability in Northeast Asia has been to confront the security threat posed by North Korea, the DPRK. The Republic of Korea has been a critical partner in this effort to end North Korea's nuclear ambitions, and of course the ROK's relationship with its neighbors is an exceptional case.

But our concerns about the behavior and attitude of the Pyongyang regime extend well beyond just denuclearizing. The DPRK's economic failures, its totalitarian behavior, create another set of problems. The United States has sought to address the plight of North Korean refugees, to implement the 2004 North Korean Human Rights Act, and in doing so we have an active dialogue with the Republic of Korea on what are the most effective ways to assist.

The ROK has resettled some 8,700 North Korea asylum seekers, including just 1,387 asylum seekers last year. We are continuing to work with the ROK.

In addition, the United States and the ROK are focused on the conditions faced by North Koreans inside North Korea. In particular, we remain concerned about serious human rights abuses in North Korea. The Republic of Korea worries about the situation facing North Koreans in North Korea, but while it shares the same goal of freedom in the North, its approach to the issues has at times differed with ours, and we need to keep working with the ROK.

In other areas, we are currently working with the Government of the Republic of Korea to negotiate a free trade agreement that would be the largest United States trade agreement in more than a decade. Korea is already our seventh-largest partner. I know that USDR is consulting closely with Congress on these negotiations, and we need your support and your input to assure that we reach a solid agreement that meets both our needs.

In addition, Mr. Chairman, you mentioned the idea of a Visa Waiver Program. South Korea has become a leader in developing modern border controls. It is developing a new prototype biometric passport that when it is issued to its citizens will be one of the most advanced type of passports in the world. In addition, we work very closely, our law enforcement officials work very, very closely with the South Koreans, we share data, we cooperate regularly. And meanwhile, the refusal rate, that is the number of South Koreans that who are not eligible for visas, has fallen precipitously in recent years, it is now on the order of three and a half percent. In short, Korea is very close to where we could consider having Korea enter the Visa Waiver Program. And as President Bush assured President Roh just 2 weeks ago, we will work together to see if we can't get this issued resolved as quickly as possible. This will help bring Korea and the United States even closer together. It will help us; it will help Korea.

Of course there are anti-American sentiments sometimes in Korea, but I think it is worth understanding that all opinion surveys continue to show a vast majority of Koreans support the alliance with the United States. A vast majority of Koreans continue to support close relations with the United States. And I think we can see in Koreans, we can feel with Koreans a kindred spirit and a closeness that we need to maintain.

I think in particular we need to work with the new generation of Koreans. We need to remind them of the past, but we cannot just inspire them by the past, we need to reach them by focusing on the future of the relationship, how it is changing, how it is going to meet the needs of our two countries. Korea is a technologically

sophisticated society, and Koreans in fact have a great deal of confidence about their future. Our message should be to them that we also share in this confidence. Our Embassy in Seoul is working very hard to get that message out, and we believe that we can have a very good relationship with Korea as we move forward.

Finally, our relationship with the Republic of Korea is one with a very long and honorable past, but more important or as importantly, an even more promising future. It is blossoming into a mature global partnership, and we are at a point where we can start to translate those exciting ideas into actions that will benefit both countries in a close relationship. I look forward to working with you to seize this opportunity. Thank you very much, Mr. Chairman.

Chairman HYDE. Thank you, Ambassador Hill.

[The prepared statement of Mr. Hill follows:]

PREPARED STATEMENT OF THE HONORABLE CHRISTOPHER R. HILL, ASSISTANT SECRETARY, BUREAU OF EAST ASIAN AND PACIFIC AFFAIRS, UNITED STATES DEPARTMENT OF STATE

#### INTRODUCTION

Mr. Chairman, members of the Committee, I am very pleased to have been invited to testify before the Committee again to give you an overview of the alliance between the United States and the Republic of Korea (ROK).

First, Mr. Chairman, let me wish you the best in your retirement. As the last World War II combat veteran from the Pacific theater serving in the U.S. House of Representatives you are taking with you into retirement a valuable and important perspective on our relations with East Asia. I know your colleagues have benefited greatly from your substantial experience as have so many of us at the Department of State.

I would like to focus my remarks on the U.S.–Korean Alliance; on the many important issues which we have been able to make essential progress as we update it for the 21st Century. An alliance as important as this one is really a living and growing entity that needs tending and nurturing.

The Republic of Korea is a key ally of the United States in Asia and around the world. Like us, the ROK is dedicated to maintaining regional security and to promoting peace and stability around the globe. But our alliance represents more than a defensive balance of power. It is also a positive force for progress. We now have a historic opportunity to transform our alliance to meet the challenges of the 21st century—including both traditional and new security, economic, and transnational challenges. We are working very closely with the Department of Defense, including my colleague Richard Lawless, to adapt our partnership with the ROK to meet those challenges on the Korean peninsula, in Northeast Asia and around the globe.

The mature global partnership we are forging together now reflects the combined capabilities we bring to bear not just in the military sphere, but also in the political, economic and cultural areas. Today, we view that partnership as a chance to pool our shared goals in the face of new challenges and opportunities, from terrorism to the tsunami relief efforts to HIV/AIDS to our new Asia-Pacific Partnership on Clean Development and Climate.

We want to look ahead and begin to identify further ways in which our two countries can work together to realize our goals and face shared challenges based on the strong bonds of friendship, common political values and economic interdependence.

#### SHARED SECURITY CONCERNS

As we construct a new partnership, however, it is important we not lose sight of the cornerstone of our alliance over the years: the security of the Republic of Korea. North Korea remains a very real threat—with over a million troops, possibly several nuclear weapons, and a propensity to export all kinds of dangerous things.

But how we do these things is undergoing a tremendous change. For one thing, it is no longer solely the U.S. that dictates the terms of this relationship. It has evolved into a more balanced partnership. Working in concert with Seoul, we are realigning our troops, consolidating our bases, and shifting more responsibility to the ROK's armed forces—all while enhancing our capacity to defend the Peninsula in time of crisis.



We continue to face a number of challenging issues in our military alliance, which I know my colleague, Deputy Undersecretary Lawless, will discuss in greater detail. Our military partnership is no longer the dominant feature of our bilateral relationship but it still remains an important foundation.

The current issue animating both our political and military relationship, one which I am sure Mr. Lawless will cover in greater depth, is the question of transitioning the operational control of Republic of Korea forces in war-time to an independent command structure in contrast to today's Combined Forces Command arrangement. This stems from a key platform position President Roh Moo-hyun promoted during his campaign for President in 2002. We are now working out the details to fulfill that request, because it makes sense in the context of our 21st Century partnership.

This is an issue that has excited a number of public protests and engendered press comment. I realize that for many Koreans contemplating the end of this arrangement is difficult. It is important for Koreans to understand that it is the United States' enduring commitment to the defense of the Republic of Korea—not a military headquarters—that has safeguarded their country for more than fifty years. At the same time, we don't accept the view that this arrangement, which has worked well, has somehow diminished the ROK's sovereignty or made it less of a country.

There has also been significant discussion on the timing of the transfer. When President Bush and President Roh met at the White House on September 14 they agreed that it should not become a political issue. Decisions about the placement of our troops and the size of our troops will be made in consultation with the South Korean government. We will work in a consultative way at the appropriate level of government to come up with an appropriate date. We will also be looking to the government of South Korea to provide an adequate share of the extra costs associated with stationing U.S. troops there.

While I am discussing our security strategy in the context of our modernizing alliance, I think it is also noteworthy that the ROK's national security strategy is consistent with the U.S. effort to pursue strategic flexibility in the region. We respect the Korean position that it won't be drawn into a conflict in Northeast Asia against the will of the Korean people. In turn, Korea has demonstrated its respect, given the range of challenges from the war on terrorism to humanitarian operations in response to natural disasters, for U.S. forces to be flexibly deployed across regions and different parts of the globe.

Looking further into the future, these developments in the U.S.-ROK military alliance could evolve toward a new cooperative structure of security in Northeast Asia. The ultimate destination is not yet clear; it could be a formal institution, or perhaps just a series of informal relationships. However, I believe that there may be opportunities to create new multilateral mechanisms in Northeast Asia that would help promote cooperative relations among China, Korea, Japan, and the United States. Such a mechanism could also help address the inevitable regional frictions that can and will arise and provide a forum for improving mutual understanding.

The six-party talks have demonstrated that when there are common interests, the major players in Northeast Asia can work together to address problems. I believe this framework has the potential to develop into a mechanism that can cooperatively manage change on the Korean Peninsula, as well as usefully address a range of functional issues in the sub-region from energy and environment to economic and financial cooperation.

Meanwhile, we are also working with Koreans as a force for peace in the global community. Koreans have participated alongside Americans in UN peacekeeping missions around the world and Korea has been a reliable partner in the war on terror. With a contribution of 2,300 troops, the ROK is the third largest coalition partner in Iraq. We hope Korea will continue to make a strong and positive contribution toward building stability and democracy beyond its borders. Indeed, we can work in partnership with Seoul to promote new forms of security cooperation in Northeast Asia as a way of dealing with common threats and overcoming historically-based tensions between Korea and its neighbors.

#### CHALLENGES TO THE NORTH

At the core of assuring regional security and stability in Northeast Asia has been confronting the security threat posed by both the strengths and weaknesses of the DPRK. The ROK has been a critical partner in the multilateral effort to end North Korea's nuclear program. Of course, the ROK's relationship with its neighbor to the north is an exceptional case. On the one hand, there is the aspiration of the South Korean people to see their nation made whole once again. On the other, they have

first-hand experience—beginning with the outbreak of the Korean War through the present—of the threat posed by North Korea’s ideological hostility and its considerable arsenal of conventional and—as the North continues to boast—nuclear weapons. The U.S.-ROK alliance was formed as an explicit response to these threats. We remain committed to the fundamental mission of defending the Republic of Korea.

In that vein, as I mentioned earlier, the United States and the ROK have embarked on a major modernization of our alliance that will enhance our ability to fulfill our mission by better exploiting our respective strengths and capabilities. At the same time, we are working with the ROK to end the nuclear threat posed by North Korea. As the U.S., ROK, DPRK, China, Japan, and Russia all agreed in last year’s September Joint Statement, North Korea’s denuclearization would open the path to a permanent peace treaty on the Peninsula and mark a profound contribution toward a more stable and secure Northeast Asia. We support the ROK’s hope that such a peace treaty would lay the foundations for reunification and extend the peace, prosperity, and freedom that the South enjoys to the rest of the Peninsula.

But our concerns about the behavior and actions of the Pyongyang regime extend beyond denuclearization. The DPRK’s economic failings and totalitarian behavior create another set of problems. The U.S. has sought to address the plight of North Korean refugees and implement the 2004 North Korean Human Rights Act, and in doing so we have forged an active dialogue with the ROK on the most effective ways to assist this vulnerable population. The ROK has dedicated significant energy and resources to assisting North Korean asylum seekers. The ROK has resettled more than 8,700 North Korean asylum seekers within its borders, including 1,387 just last year. As you are aware, the U.S. has recently resettled some North Korean refugees in the U.S., and we continue to work with international organizations and countries in the region to look for additional opportunities to assist and resettle North Koreans in need. Even as we move forward with our own program, the ROK will continue to be the primary resettlement destination for North Korean asylum seekers. We will continue to work closely with the ROK on this important Congressional and Administration priority.

In addition to our concerns about North Koreans outside the DPRK, the U.S. and ROK are both focused on the conditions facing North Koreans inside the DPRK. In particular, the U.S. remains concerned about the serious human rights abuses in the DPRK. The ROK also worries about the situation facing North Koreans in the DPRK, but while it shares the same goal of freedom in the North, its approach to the issue has at times differed from our own. We continue to urge the ROK to take a more active stance against DPRK human rights abuses, and to support international measures aimed at addressing the North’s abuses.

#### A COMMON INTEREST IN FREE TRADE

You know well that while we are still military allies, we now have a more mature, multi-faceted relationship that features a healthy and strong economic partnership based on a common interest in free trade. It is that partnership that is becoming the driver of our relationship.

We are currently working with the Government of Korea to negotiate a free trade agreement (FTA) that would be the largest U.S. trade agreement in more than a decade. Korea is already our seventh largest trading partner. Through July of this year we exchanged more than \$45 billion worth of goods, and we have a healthy trade in services as well. The United States is the largest foreign investor in Korea, and Korean investment in the United States is growing rapidly. We have never before been so economically vested in each other’s well being than we are today. An FTA would further strengthen this economic relationship, bringing benefits to both countries and providing a new pillar for the alliance.

These negotiations will not be easy, as no undertaking of this magnitude is. There are powerful interests lined up on both sides. We are trying to bring down both tariff and non-tariff barriers including in Korea’s highly protected agricultural markets and in the automotive sector. Polls in Korea show opinion is about evenly split over the FTA. In a way it has become a proxy for attitudes toward the alliance and for Korea’s place in the world in general. Opponents assert it will impoverish Korean farmers and turn Korea into a U.S. economic colony. Others see the FTA as a historic opportunity for Korea to undertake needed reforms to modernize its economy and become a dynamic economic hub for Northeast Asia.

President Roh has unambiguously aligned himself with the latter, more confident point of view. I too am confident that in the end, that point of view will prevail in Korea, and our commercial relationship will move to a new level, bringing our societies closer together. A successful US-ROK FTA would also have a regional impact. It could become part of a network of FTAs in the Pacific as we have already con-

cluded agreements with Australia and Singapore and are negotiating with Thailand and Malaysia. It might also spur Japan to begin move in this direction.

I know USTR is consulting closely with Congress on these negotiations, as required by Trade Promotion Authority legislation. We need your support and your input to assure that we reach a solid agreement that meets the needs of both parties and will win approval from both legislatures.

#### GLOBAL CONCERNS

The Alliance has also changed to encompass shared political values. As South Korea has evolved from a military dictatorship to a fully democratic society, the United States and the Republic of Korea have become a more natural pairing, sharing a common respect for human rights, rule of law, and freedom of speech. This, I believe, should provide the foundation for our efforts—in tandem with our joint work within the Six Party Talks—to overcome the division of the Korean Peninsula and bring about genuine reform and respect for human rights in the North.

Furthermore, our common political values have opened the way for the United States and Korea to work together, side-by-side, on an unprecedented number of global issues of common concern. Trafficking in Persons is an excellent example. Our countries stand together in opposing trafficking as an flagrant violation of human rights and as a form of modern-day slavery. Last year, the South Korean National Assembly unanimously passed anti-prostitution and anti-trafficking laws aimed at ending the commercial sexual exploitation of women and girls. In our annual Trafficking in Persons Report, the State Department held up your law as model legislation that the rest of the world should regard as a “best practice.”

The ROK is also a key partner in a number of multilateral efforts to meet the challenges of the 21st century. It is a founding member of the Asia-Pacific Partnership of Clean Development and Climate. South Korea is also actively participating in a host of multilateral efforts to develop and deploy transformational technologies able to rise to the challenge of generating adequate and affordable supplies of clean, sustainable energy that will benefit the environment and could reduce greenhouse gas emissions (GHG). These include the Carbon Sequestration Leadership Forum (CSLF), the International Partnership for a Hydrogen Economy (IPHE), Methane-to-Markets partnership, and the International Thermal Experimental Reactor (ITER) project which seeks to develop clean fusion energy.

#### THE TIES THAT BIND

Our Alliance has also expanded to include ties of education, culture and family. Koreans continue to flock to the United States to study. There are over a million Korean-Americans living in the United States. They have had a huge positive impact on our country and continue to provide a vital and unique link between the two nations.

There is little doubt that lifting U.S. requirements for Korean visitors to obtain visas for tourism or business travel will provide a tangible boost to a closer bilateral relationship. It is certainly one of our biggest public outreach challenges in Korea. The Koreans are aware of their status as our seventh-largest trading partner, one of our strongest military allies, and one of our primary sources of tourists and foreign students. Korea is also the third-largest contributor of troops to Iraq, after the U.S. and Great Britain, and has been a participant in peacekeeping operations in Afghanistan, East Timor and Africa. So Koreans look at all of this and wonder why they aren't included with Japan and the twenty-six other countries whose people can visit the U.S. without a visa under certain circumstances.

There are a number of requirements to be allowed in the Visa Waiver Program, including, for example: plans to issue an electronic passport; a program to ensure effective border security and law enforcement cooperation with the U.S.; and, a visa refusal rate of less than 3%. The Koreans are developing an electronic passport and expect to have it ready for their general public sometime next year. They've made great efforts to work closely with us on law enforcement and border security, and we have very active cooperation with them. Then there's the refusal rate. It looks as though their refusal rate this year will likely be somewhere around 3.5 percent—a half of one percent too high.

So the Koreans feel some frustration on this issue, particularly since their refusal rate has been under 4% for the past four years. Entry into the Visa Waiver Program is something that would hold tangible benefits for many ordinary Koreans. This administration understands that and President Bush assured President Roh at the summit last week that we intend to work together to see if we can get this issue resolved as quickly as possible once Korea meets the statutory requirements to participate in the program. As a part of this, we are exploring the possibility of com-

mening the administrative review process for Korea's possible inclusion in the Visa Waiver Program, so that we can promptly move forward on this issue, just as President Bush committed us to doing at the summit. We regularly point out to the Koreans, though, that the law has no wriggle room in it and that there's only so much we can do as long as they're above that three percent.

Fifty years ago, the blood that bound our countries was the blood spilled on the battlefield. Now it is the living blood of families that stretch from Seoul to San Francisco that unites us. Korean culture and American culture are increasingly coming together. Our role as government should be to remove as many obstacles as we can and encourage these exciting and dynamic cultural ties.

#### PUBLIC DIPLOMACY

At the same time we are coming together, persistent displays of anti-American sentiments sometimes seem to be a regular feature of the political landscape in Korea. I don't believe that across the general population feelings against the United States have actually grown in any significant way. It was, however, something that I took very seriously during my time there as Ambassador—and I still take it very seriously—but I think this is something that is, frankly, somewhat misunderstood here in the U.S. The number of Koreans who are truly anti-American is very small. However, the number of people who care about what America does and how we interact with the Republic of Korea is very large—just about everyone in South Korea, really. And Koreans like to express their opinions. They live in a free society and they have that right and they exercise it. Yes, sometimes they protest against the U.S. or one of our policies but they also protest against real estate taxes, education reforms, fishing regulations, labor laws and a whole range of issues wholly unrelated to the alliance.

Our two countries have a tremendous connection, encompassing the tens of thousands Korean of students who have studied here, the many Koreans who have relatives living here, or the personal relationships forged between members of the two militaries. Many Koreans have a great affection for the U.S. even if they don't always agree with us and I was reminded of that often when I was ambassador there.

I would say though, that there is something that we could do better in talking to Korea and that is to focus even more on the future. The Korean war and the alliance of the last fifty years are very important and we should not forget them, but older Koreans already understand and appreciate that history. We also need to make our case to the younger generation of Koreans—especially those in their twenties and thirties—and I don't think bringing up the war is the most effective way to reach them. How many of you have ever tried to convince a twenty-year old that something was important by citing something that happened in 1951? I can tell you that it isn't any more likely to work with Korean twenty-year olds than with American twenty-year olds.

We have to focus on the future of the relationship and how its changing and is going to meet the future needs of our two countries. Korea has become a very technologically sophisticated society and Koreans, very rightly, have a lot of confidence about their future. Our message to them should be that we share this confidence. Ambassador Vershbow and our embassy in Seoul are working hard to get that message out; the good news is that we have already made significant progress on telling this very compelling story.

I would add that Congress has an important role to play in communicating with the Korean public. When members travel to Korea or meet visiting Korean legislators or officials here in the U.S. it sends a strong signal that the relationship is important to us, so I would like to acknowledge the role you have also played. Notably, your recent visit, Mr. Chairman, to Korea generated a lot of attention there. Visits such as those have an enormous impact on Korean perceptions of U.S. priorities and policies.

In this respect, a key goal of our public outreach efforts is to encourage continued direct contact between Korean citizens and U.S. officials and to help advance our foreign policy interests in Korea and strengthen our alliance. One new way we hope to do this is by establishing a diplomatic presence in Korea's second largest city, Busan. By inaugurating what is called an "American Presence Post" (APP) there, we hope to reach out to an under-targeted segment of the Korean population that has experienced a significant and generational shift away from the traditionally positive feelings towards the U.S. Furthermore, an additional diplomatic post in Korea would demonstrate an expanding commitment to a critical ally in a region where the rise of China and instability of North Korea create a possibly unfavorable geopolitical outlook. Finally, the establishment of an APP in Korea's largest port

and main transport center for U.S. imports will benefit our growing business and commercial and contribute to the success of our Free Trade Agreement negotiations.

In response to our Secretary's call for new ways to make diplomatic inroads into under-represented regions, we have already begun preliminary logistical investigations for the opening of an APP in Busan, Korea that is required before we can formally submit the proposal to Congress for approval. I look forward to your future support in what I fully expect to be a rewarding foreign policy project.

#### CONCLUSION

Our relationship with the Republic of Korea is one with a long and honorable past; but more importantly, an even more promising future. It is blossoming into a maturing global partnership, and we are at a point in time where we can start to translate those exciting ideas into actions that will benefit both countries and our close relationship. I look forward to doing what I can to work with you to seize this historic opportunity.

I would be pleased to answer any questions you may have.

Chairman HYDE. Mr. Lawless.

#### **STATEMENT OF MR. RICHARD P. LAWLESS, DEPUTY UNDER SECRETARY OF DEFENSE, INTERNATIONAL SECURITY AFFAIRS—ASIA PACIFIC, UNITED STATES DEPARTMENT OF DEFENSE**

Mr. LAWLESS. Yes. Mr. Chairman, Mr. Ranking Member, and the distinguished Members of this Committee, I paid very close attention to the eloquent opening statements, and I would just like to begin by stating that to those of us who work every day in the Executive Branch of the Government, DoD, State Department, wherever, it means a lot to us, as we work very hard every day to make this alliance work and make it stronger, that we have the attention and the attention to detail and the interest that is exhibited by this Committee. So again, we deeply appreciate that.

Thank you for providing this opportunity to talk about our alliance relationship with the Republic of Korea. This opportunity to discuss this topic with you today comes at a key juncture in the half-century partnership that we have had. It is indeed a partnership, an alliance which has stood the test of time.

For several years now, as you are aware, the United States and the Republic of Korea have been engaged in a process to evolve the alliance to meet the demands of the future security environment. Beginning in 2002 with a process that we called the "Future of the Alliance Talks," the Department of Defense, State Department, and our other partners in the United States Government, along with the respective ministries of the Republic of Korea, have conducted an ongoing dialogue on the realignment of United States Forces in Korea, the transfer of conventional defense missions from the United States to the Republic of Korea, and the enhancement of our combined defense and deterrence capabilities on the peninsula. These agreements reached with the Republic of Korea have now entered the implementation phase. The ROK has committed sufficient resources to acquiring land for the relocation of Yongsan Garrison and the 2nd Infantry Division.

When this relocation and facility consolidation is complete, our forces will be much better positioned to support the Republic of Korea defense and the United States national interests, and our servicemembers and families will enjoy a significantly increased quality-of-life improvement.

This process of discussion is also allowing us, very importantly, to return vacated facilities and land to the Republic of Korea Government. When negotiated—when we negotiated the Yongsan relocation plan and the 2nd Infantry Division redeployment, we dramatically accelerated this camp return—land return process. When completed in 2009, we will have returned 59 facilities to the Republic of Korea control. Much of this is very high-value property. To date, we have returned 19 facilities. We are on schedule, and we are meeting our obligations.

In this same process the Republic of Korea agreed to take on new missions, missions that were traditionally the responsibility of United States forces. Again, the Republic of Korea is meeting its obligations in this mission transfer process; we are on schedule, and will continue the mission transfer exercise.

When the future of the alliance dialogue began with the need to address certain legacy issues, it focused primarily on those issues. But we were also able to turn very quickly to the future of the alliance, and we are now at a point where we can seize certain opportunities to set a new vision for this important partnership.

Korea, indeed, has changed, particularly in the last decade. And there are new pressures, as you have mentioned today, on the U.S.-ROK security relationship and on our military alliance. The younger generation of Koreans seeks a different relationship with the United States, a relationship that would be perceived to be more equal. Alliance issues have become more of a political concern than in previous years. This is not to say that this generation is in any way anti-American or calling for an end to the alliance, but this is a generation that is not bound by the memories of the Korean War, and it is therefore not bound and not knowledgeable of much of the American sacrifices. For this reason, perhaps, it is more assertive of its desires and its concerns than perhaps previous generations of Koreans have been.

With the continued development of a free, democratic, and prosperous nation, our Korean partners have, quite understandably, set new goals for themselves. We are responsive to that requirement.

In recent years, President Roh Moo Hyun and his government have increasingly expressed the desire to take the lead role in the conventional defense of Korea and, in particular, to exercise operational control, OPCON, over Korea's own forces in a contingency situation.

The Republic of Korea forces have developed, we should note, into a world-class military power, and South Korea's economic capability and national infrastructure empower that country to bring capabilities to bear in a military conflict.

Naturally, Republic of Korea predominance in its conventional defense is a reasonable next phase in the maturation of the U.S.-ROK relationship. The United States fully supports this fundamental change. Indeed, the two sides have been discussing this change for many years.

This is an important point I would like to emphasize. The discussion of a change in our alliance military structure and in particular in the command relationship, is not new. We have seen this as a natural next step in the evolution of the alliance for some time, as have our Korean counterparts. It is unfortunate that some in the

Republic of Korea have chosen to define the issue as one of sovereignty versus alliance, with an emphasis on division. Change of this nature is difficult, and there are other voices in South Korea expressing concerns that this transition may signal a United States abandonment. Let me assure you, the way that we are going about this, nothing could be farther from the truth. The fact remains, however, that this is a natural evolution and one whose time has come both militarily and politically.

We have committed to achieving the goal of an ROK-led defense structure in this alliance. Doing so requires a reshaping of the U.S.-ROK military partnership in a manner that strengthens the critical U.S.-ROK relationship while facilitating the Koreans' predominant role in their own conventional defense. This will require that we transition our relationship from a system of shared operational control under a combined headquarters to a system of independent parallel national commands, where the United States plays a supporting role to the ROK lead. In basic terms, this means the disestablishment of a Combined Forces Command.

Let me be clear on one point. While the United States forces will support the ROK commander, U.S. forces will remain under the command and operational control of an American commander; no other option has been discussed. We are confident that the adjusted overall United States security posture in the Asia-Pacific region, coupled with improvements in ROK capabilities as well as significant and continuing U.S. capabilities on the peninsula, will permit this transition to occur at low risk, with no degradation of deterrence, and with minimal adjustments in the overall U.S.-ROK relationship.

The U.S.-ROK alliance and the United States military presence in Korea remain a critical element of the security architecture of Northeast Asia. The maintenance of that relationship and the United States presence in Korea are of strategic importance to the United States. We plan to remain in Korea with a major national security presence as long as we are welcomed there by the people of Korea.

As we transition to a new security structure, the United States will continue to provide U.S. unique capabilities. These are life of alliance capabilities, such as sustained abilities to execute air campaigns, strategic intelligence, and other such capabilities. These are central to the U.S. support of the ROK defense and will remain in place post the transition.

Additionally, the United States is committed to continue to provide specific U.S. capabilities currently embedded with the CFC. These will be provided to the new ROK joint operational commander for an extended period beyond the transition. We refer to these capabilities as "bridging capability"; in other words, we will not leave the Republic of Korea absent critical capabilities that that alliance now exists.

These continuing U.S. capabilities are tangible and demonstrate the long-term United States commitment to the Republic of Korea security. The key point here is that we are focused on maintaining a proper capability on the peninsula. Our assessment is that the Republic of Korea forces are capable of defending the Republic of Korea, but that United States support in key areas such as air

power are critical enablers to that defense. Our focus must remain on capabilities and not numbers. The U.S. presence will continue to adjust itself as we move forward.

Much attention in recent days, and particularly during the recent visit with President Roh and other exchanges, have been on the issue of when. The President has stated that he will not discuss specific dates for the transition and will leave this to be worked out between the two governments at an appropriate level. General Bell, the commander of ROK Combined Forces Command, the United Nations Command, and the U.S. Forces-Korea assesses that we can accomplish this transition within the next 3 years at low risk.

While 2009 may appear ambitious, it is achievable we believe. As we make these changes to strengthen the alliance, we must have strengthened burden-sharing support, as has been noted here today, from our ROK partner, and we must have a continued provision of appropriate training facilities. These two elements are critical to ensure our ability to bring all that we can bring to the warfight. These two issues are very much before us today. In order to avoid a degradation of our capabilities and consequent impairment of the alliance, we need near-term resolution of these two issues.

One observation taken from all this is that this is an alliance with many moving components that requires constant attention and fine-tuning. I assure you today that we are giving this bonded and blood alliance our full attention.

In closing, my only regret is to say that time has not permitted me in this statement to explain in detail all that we have accomplished in the past 4 years in advancing this relationship. It is strong, and it is getting better every day. Thank you very much.

Chairman HYDE. Thank you, Mr. Lawless.

[The prepared statement of Mr. Lawless follows:]

PREPARED STATEMENT OF MR. RICHARD P. LAWLESS, DEPUTY UNDER SECRETARY OF DEFENSE, INTERNATIONAL SECURITY AFFAIRS—ASIA PACIFIC, UNITED STATES DEPARTMENT OF DEFENSE

Mr. Chairman, Mr. Ranking Member, and distinguished Members of the Committee:

Thank you for providing this opportunity to talk about our Alliance relationship with the Republic of Korea (ROK). The opportunity to discuss this important topic with this Committee comes at a key juncture in our half-century old partnership, a partnership that remains important to both countries' national interests.

#### EVOLVING THE ALLIANCE

For several years now the United States and Republic of Korea have been engaged in a process to evolve the Alliance to meet the demands of the future security environment. Beginning in 2002 with the Future of the Alliance (FOTA) Talks, the Department of Defense and ROK Ministry of National Defense, along with our partners from the Department of State and the Ministry of Foreign Affairs and Trade, have conducted an ongoing dialogue that has led to agreements on the realignment of U.S. forces in Korea, the transfer of conventional defense missions from U.S. to ROK forces, and the enhancement of our combined defense and deterrence capabilities.

These agreements have now entered the implementation phase. The ROK has committed significant resources to acquiring land for the relocation of Yongsan Garrison and the Second Infantry Division (2ID). This has not been easy politically, and the efforts of the Ministry of National Defense and the ROK government deserve recognition. While we are approximately one year behind our original, but admittedly ambitious, schedule, we continue to work with the ROK and expect to complete the realignment of U.S. forces by 2009. When this relocation and facility con-



solidation is complete, our forces will be in a much better position to support the ROK defense and U.S. national interests and our service members and their families will enjoy a greatly increased quality of life. This process is also allowing us to return vacated facilities and land to the Republic of Korea government. When we negotiated the Yongsan Relocation Plan and the 2ID redeployment in 2003–2004, we dramatically accelerated this camp return process. When completed in 2009, we will have returned 59 facilities to the Republic of Korea control, much of this high value property. To date we have returned 19 facilities.

At the same time, the ROK agreed to take on new mission areas, missions that have traditionally been carried out by U.S. forces. The transfer of these missions has unencumbered the 2ID forces, greatly increasing their flexibility and facilitating their relocation from the Demilitarized Zone (DMZ) and bases north of Seoul to a consolidated base south of Seoul. The ROK is meeting its commitments under this agreement, and the transfers are on schedule.

During the FOTA talks, both nations committed to increasing our combined capabilities. With the help of Congress, U.S. forces in Korea and in the region have greatly increased their capabilities since 2003. The \$11 billion investment by the Department of Defense in the past three years provides U.S. forces in Korea and the region increased agility and lethality. During this same period, the Republic of Korea developed its Defense Reform Plan, a complementary program, and invested over \$10 billion in capabilities modernization. These investments have resulted in the highest level of combined deterrence and defense posture in the history of the Alliance.

While the dialogue began with the need to address “legacy” issues, it has focused primarily on the future and has brought the Alliance to a point where we can seize opportunities to set a new vision for the U.S.–ROK partnership.

#### A CHANGING ROK

Korea itself has been changing significantly, bringing new pressures to bear on the U.S.–ROK relationship and on the military Alliance. A younger generation of Koreans seeks a different relationship with the United States, a relationship that is perceived to be more equal. Alliance issues have become more of a political concern than in previous years. This is not to say that this generation is anti-American or calling for an end to the alliance, but it is not bound by memories of the war and of American sacrifices and is therefore much more assertive of its desires and its concerns than perhaps previous generations have been.

With continued development as a free, democratic and prosperous nation, our Korean partners have, quite understandably, set new goals for themselves. In recent years, the Roh Moo-hyun government has increasingly expressed its desire to take the lead role in its conventional defense, and in particular, to exercise operational control (OPCON) of its own forces in a contingency. ROK forces have developed into a world class military power and South Korea’s economic capability and national infrastructure empower the country to bring civilian production capacities to bear in a military conflict, something its neighbor to the North cannot do effectively. Naturally, ROK predominance in its conventional defense is the reasonable next phase in the maturation of the U.S.–ROK relationship and the United States fully supports this change. Indeed, the two sides have been discussing such a step for nearly two decades.

This is an important point that I would like to emphasize. The discussion of a change in our Alliance military structure and command relationships—OPCON—is not new. We have seen this as the natural next step in the evolution of the Alliance for some time. It is unfortunate that some in the ROK government have chosen to define the issue as one of sovereignty versus Alliance, with an emphasis on division. Change of this nature is difficult and there are other voices in South Korea expressing concerns that this transition might signal US abandonment. The fact remains, however, that this is a natural evolution, one whose time has come both militarily and politically. Transitioning the Alliance to a new military and command structure now will establish a relationship that better serves both nations’ interests and is sustainable for the long-term.

#### A CHANGING STRUCTURE

We have committed to achieving the goal of a ROK-led defense structure. Doing so requires a reshaping of the U.S.–ROK military partnership in a manner that will strengthen the critical U.S.–ROK relationship while facilitating the Koreans’ predominant role in their own conventional defense.

This will require that we transition our relationship from a system of shared operational control under a combined headquarters to a system of independent, parallel

national commands where the U.S. plays a supporting role to the ROK lead. In basic terms, this means the disestablishment of the ROK–U.S. Combined Forces Command (CFC). While CFC’s replacement has not yet been fully decided, the evolved system will be one of a continued combined defense and mutual support that is fully capable of defending the Republic of Korea.

Let me be clear on one point here—while United States forces will support the ROK commander, U.S. forces will remain under the command and operational control of an American commander. No other option has been discussed.

We are confident that the adjusted overall U.S. security posture in the Asia Pacific region, coupled with the improvements in ROK capabilities as well as significant and continuing U.S. capabilities on the peninsula, will permit this transition to occur at low risk with no degradation of deterrence and with minimal adjustments in the overall U.S.–ROK bilateral relationship.

#### AN ENDURING U.S. PRESENCE

The U.S.–ROK Alliance, and the U.S. military presence in Korea, remains a critical element of the security architecture of Northeast Asia. The maintenance of that relationship and the U.S. presence are of strategic importance to the United States. We plan to remain in Korea as long as we are welcomed by the Korean people.

As we transition to a new structure, the United States will continue to provide U.S.-unique capabilities. These “life-of-the-Alliance capabilities” (e.g., sustained air campaign execution and intelligence) are central to the U.S. support for the ROK’s defense. Current DoD planning calls for maintaining the existing ground combat brigade, Army combat support elements, and air combat power.

Additionally, the U.S. has committed to continue providing specific U.S. capabilities embedded in the current CFC structure to the ROK joint operational commander for an extended period beyond the transition. A prime example of these “bridging capabilities” is continuing the current U.S.-provided CFC command and control system support as part of the new military construct. These continuing U.S. capabilities clearly demonstrate the U.S. long-term commitment to ROK security.

A key point here is that we are focused on maintaining the proper capabilities on the peninsula. Our assessment is that the ROK forces are capable of defending the Republic of Korea, but that U.S. support in key areas, such as airpower, is a critical enabler to that defense. The United States is committed to maintaining the proper capabilities for supporting the ROK defense, and for conveying clearly to the North the strength and credibility of the alliance’s deterrent.

The focus must remain on capabilities, however, not numbers. The U.S. presence will continue to adjust itself, and overall troop numbers may decline slightly once the new command relationships are established and U.S. requirements to support ROK defense are clarified. Such adjustments will likely be small and will be made with a view to maintaining the proper deterrent and defense capabilities on the peninsula to complement the very capable ROK force. The makeup of this presence will evolve over several years as we transition to new command relationships and new plans to support the ROK’s defense.

#### A QUESTION OF WHEN

Much attention has been focused on the question of when this transition should occur. The President has stated that he will not discuss specific dates for the transition and will leave this to be worked out between the two governments at the appropriate level. General Bell, the Commander of the ROK–U.S. Combined Forces Command, United Nations Command, and United States Forces Korea assesses that we can accomplish this transition within the next three years with low risk, as long as we execute an appropriate training and exercise plan, while establishing necessary coordination centers and providing access to important command and control and intelligence capabilities. We are in the process of working with our partner to develop such a training regimen and the necessary coordination structures.

Raised expectations among the ROK public and in the region must be addressed. We will soon agree on what the replacement for the current military structure will be. With the decision to disestablish CFC, both partners will naturally begin investing in the new structure. For CFC—our legacy warfighting mechanism—this will mean dwindling resources, in terms of money and personnel. Lengthening the transition or implementation period beyond three years only increases risk and degrades deterrence. Conversely, demonstrating our Allied ability to transition the command relationship arrangement on an expedited schedule will send a signal of strength regarding the Alliance.

While 2009 may appear ambitious, it is readily achievable. The Commander of CFC, working with the ROK Chairman of the Joint Chiefs of Staff, will establish

an Implementation Working Group that will report directly to the two of them and manage the implementation process. This group, for example, would implement a theater exercise cycle to allow a validation of ROK capabilities before 2009. The key elements that make a 2009 transition possible are the enduring U.S. support presence and our provision of "bridging" capabilities.

As we make these changes to strengthen the Alliance, we must have strengthened burdensharing support from our ROK partner and the continued provision of appropriate training facilities. These two elements are critical to ensure readiness for the warfight. These two issues are now very much in front of us. In order to avoid degradation of our capabilities and consequent impairment of the Alliance, we need near term resolution of these two issues. One observation to be taken from this is that this is an Alliance with many moving components requiring constant attention and fine tuning. I assure you that we are giving this bonded-in-blood Alliance our full attention

#### CONCLUSION

The U.S. and ROK have stood side by side on "Freedom's Frontier" for more than 50 years. We have shed blood together in freedom's cause, both on and off the peninsula. This relationship, forged on the battlefield and sustained through the years by the efforts of Korean and American soldiers, sailors, airmen and marines, can and should continue. But it must change to meet the current realities of a prosperous, democratic and independent Republic of Korea. Both sides are committed to instituting this next phase of our Alliance history in a way that ensures our future generations will still enjoy the unique friendship that is the U.S.-ROK Alliance.

We know that the support of our Congress and of the American people is essential to achieving that objective. I welcome your questions.

Chairman HYDE. And we will now entertain questions of the panel by the Members. If they would limit themselves to 5 minutes, it would be appreciated. And Mr. Lantos will be first.

Mr. LANTOS. Thank you very much, Mr. Chairman. I want to thank both of our distinguished witnesses for very substantive and informative testimony.

Ambassador Hill, there are a number of interrelated issues with respect to North Korea I would like to ask you to comment on, so I will just quickly list them and you take your time to respond to these.

First, on sanctions, what is the status of Administration deliberations with respect to sanctions? What sanctions may be considered by the Administration? And will you commit to consulting with Congress prior to the imposition of any sanctions?

With respect to the Six-Party Talks that you have been in charge of on behalf of the United States—and I want to commend you for your very fine work—but will you give us a candid appraisal of where these talks are at the moment?

There are periodic reports, Mr. Ambassador, that North Korea may be planning to test a nuclear device. I would like to get your appraisal of how Japan, China, and South Korea would react to such an unfortunate eventuality.

And finally, as you know, our Department of Treasury took action against a bank in Macao, the former Portugese colony, because that bank was laundering counterfeit United States currency from North Korea as well as other North Korean funds obtained through illegal means.

How much money did North Korea lose as a result of our action? And can you tell us what banks in other countries, how they have reacted to this? What has been the impact on North Korea of this action by our Treasury Department?

Mr. HILL. Thank you very much, Mr. Lantos. I will do my best to answer as much of those as I can.

First of all, with respect to sanctions, as you know, the United States has looked into the question of North Korean abuse of financial—the international finance system, and this bears on the issue of this bank in Macao, this Banco Delta Asia. And with respect to Banco Delta Asia, the United States did take the action, pursuant to section 311 of the PATRIOT Act, to warn United States banks of the possibility that we would designate Banco Delta Asia as a money-laundering concern and it would therefore require those banks to not do business with Banco Delta Asia. So that action was taken about a year ago, so that is one action we have taken.

We have also—and this is not a sanction, but rather it is in respect to our obligations against—to work against proliferation—we have designated several North Korean companies—we have also designated other companies through an executive order, other companies in other countries as companies who we have identified as engaging in proliferation and materials or finances for weapons of mass destruction, and we have taken actions against those companies. So that is another action that we have actually taken.

That latter action, that is, action against known proliferators, is something that is called for in the UN Security Council Resolution 1695; that is, all countries are required to exercise vigilance, consistent with our laws and the international laws, to prevent the financing and transfer of technology of weapons of mass destruction.

Since we have already taken some of those actions, it was other countries that have, to some extent, have been catching up with us. And indeed, with respect to implementation of 1695, the Australians and the Japanese announced certain measures on September 19th—that is just a week ago—to follow up on essentially—to bring them up to where we are in terms of designating proliferators.

With respect to additional sanctions, we are of course looking at the issue, and we are looking at the issue particularly in light of the fact that the North Koreans had a missile moratorium. Some sanctions were relaxed in the context of their imposing the self-moratorium, and then they violated the moratorium. So we have to look in terms of what additional measures we might take.

I can assure you, though, that any additional measures will be done in consultation with our partners. And indeed, we have looked at some of these and we have inquired about what other partners are doing, but we have not really—we have not begun any real formal consultative effort with other partners at this point. And we will be consulting with with the Congress on that.

So with regard to sanctions, I want to draw a clear distinction between sanctions and efforts—defensive measures, that is, efforts to protect us against money laundering and other activities.

With regard to the status of the Six-Party Talks, alas, I do not have much new to report on this. We have just passed the 1 year anniversary—a rather sad anniversary, because 1 year ago we reached an agreement in the six parties. It was an agreement on a set of measures which, if implemented, I think would really transform Northeast Asia. It would involve a denuclearized North Korea, it would involve, really, the opening up of North Korea to the world.

And so to date, the North Koreans have not agreed to come to further sessions of the Six-Party Talks, further sessions that are necessary in order to implement this agreement. This is a set of principles, and the principles need to be implemented, and to date the North Koreans have not come. They said they have not come because of the action I described a few minutes ago against Banco Delta Asia; but I would remind people that, although this time it is with respect to the action against Banco Delta Asia, previously it was with respect to comments made by our President, comments made by our Secretary of State, in which the North Koreans said that their feelings were hurt, said that this was somehow a sign of a hostile policy, and therefore they would not come to the Six-Party Talks. In short, Mr. Congressman, if it is not one excuse, it is another.

Let me come back to the issue of testing a nuclear device, and first mention—or go to your last question, which was how much money is involved in BDA. We estimate there are some 50 North Korean accounts that have been frozen not by us, but by the Macao Monetary Authority in respect of our action to tell or to warn us banks that we may be telling them not to deal with Banco Delta Asia. They stopped doing business with them; that caused obviously some cash problems for that bank. The bank went into receivership for a while, and the Macao authorities froze North Korean accounts. How much—about 50 accounts. How much money? Something on the order of \$24 million.

We estimate that if you implemented the agreement that was reached in the Six-Party Talks in September, there are some provisions there that would give to North Korea some electricity, which we estimate would be about \$24 million per week.

So you really have to ask yourself the question, why would they stay away from the talks for 1 year, when, by implementing that agreement, they could make that same amount of money per week?

Finally, you asked about a nuclear device. Obviously this is something that we are concerned about. We have been in close contact with our partners. We have tried to work—we are working with our partners on what our responses are. At this point I cannot say with certainty how each party would respond, except to say that all parties have made it very clear that that would be a very, very serious matter indeed, a very serious matter for China, Japan, South Korea and, by the way, for the Russian Federation.

So we have all reacted very clearly, and really in unison, to this. The question is how we would put together actions, together with these partners, which would first deter, and if we were not successful to deter this action by North Korea, ways that would further isolate North Korea.

I must say, if you look at the Korean Peninsula, it is a very small piece of land in the world. There are some 70 million people living in the Korean Peninsula. Just from an environmental point of view, it is, frankly speaking, rather shocking that anyone would think of exploding a nuclear weapon on the soil of the Korean Peninsula.

We hope, obviously, that this would not happen; that this would have terrible effects, possible terrible effects environmentally, possible terrible effects in the region generally in making sure that we

have tranquility in the region. So this would be a very serious matter.

Chairman HYDE. Mr. Leach.

Mr. LEACH. Thank you, Mr. Chairman.

I think everyone in Congress is thoroughly supportive of the Six-Party process. But the Six-Party process is just a technique, it is not a goal unto itself. So one of the great questions is should it be supplemented by bilateral discussions, and why not?

I realize the Administration has a firm perspective on this, and I don't want to get exactly into that. We have discussed this before. But I would suggest that the North Koreans are clearly looking into issues, they are delaying, and they are looking at issues in American politics. Everyone does. It is my very strong view that they make an enormous mistake to delay further not only the cost in terms of keeping North Koreans impoverished for an extended period of time, but also the advantages in dealing with a pretty stiff, pretty tough administration, because dealing with a tough Administration means that agreements made will not be challenged, and that has real advantages for them as well as for us. So my advice to the North Koreans is to move rapidly and forthrightly.

But we also have a problem with the South. Many of our problems with the South are truly difficult in terms of attitudes for new generations. As you know, we are moving our force structure from one place to another, and in a timing sense is going to be involved in a political election.

Do you see any difficulties emerging from this in terms of passions of South Koreans to set a more dispassionate time frame than being tied, exactly, to a political process? Mr. Lawless.

Mr. LAWLESS. I think we are very mindful of that concern. In fact, many of us lived through a very bad period back in 2002, which was a period of heightened tension. A lot of damage, perceived damage, was done to the alliance. This was a Presidential campaign ongoing in the Republic of Korea.

One of the things we have done in a negotiating process over the last 4 years is trying to get ahead of those issues and resolve the legacy issues and remove a lot of the irritants that were then in place.

So my feeling is moving into a volatile election period, a democracy, in the Republic of Korea in the next 2 years, that we have made significant progress. I believe that President Roh has acknowledged or made mention to our President and to other Members that the agreements that we have reached over the last 3 years have—at least four, possibly five, significant agreements in the restructuring of the alliance, probably would not have been predictable or thought possible by most of the folks coming into his Administration.

I think we have made terrific progress in detuning a lot of those legacy issues, including the issues of just the way the alliance is physically arranged in the Republic of Korea.

Mr. LEACH. Thank you.

Mr. ACKERMAN. Thank you, Mr. Chairman.

Ambassador Hill, since 2001, North Korea restarted its nuclear installations in Yongbyon, which we shut down during the Clinton Administration. North Korea claims to have reprocessed over 8,000

nuclear fuel rods, providing additional material for nuclear weapons, and they have also moved forward with their long-range missile program.

The question that a lot of people are asking with regard to other places in the world are applicable here, too, and the key question is are we any safer now with respect to the North Korean threat than we were 5 years ago?

Mr. HILL. Mr. Congressman, there is no question that the North Korean threat remains today. North Korea has posed a threat for some years. Its ballistic missile programs—

Mr. ACKERMAN. With all due respect, is it more of a threat now than it was previously, 5 years ago?

Mr. HILL. I think what I can say is we have taken some additional measures, working with other countries, to contain the North Korean threat. We have a proliferation security initiative where we worked very closely with other countries. We are sharing data as never before. We are working on the North Korean financing of these programs, working to identify North Korean companies that have been involved in procuring the technology as never before.

We have really been able to make some progress in that area. So I think those are all positives. But I acknowledge your point, which is that we have a situation where North Korea is continuing to operate a plutonium—a reactor and producing weapons-grade plutonium. We have to deal with that.

Mr. ACKERMAN. So it has gotten worse?

Mr. HILL. Overall we have done some things to ameliorate the problem by working more closely with allies, but also the North Koreans.

Mr. ACKERMAN. Are we working more closely with South Korea?

Mr. HILL. On balance—I am not prepared to say on balance that the growth in the amount of plutonium is greater than the growth of cooperation that we have had in other countries in proliferation security initiatives, in shutting down—getting access to money accounts and shutting down some known North Korean trading companies which are proliferators. So overall I think it is a mixed picture, but all that I can tell you is we are continuing to work on this every day.

Mr. ACKERMAN. We appreciate your hard work, but it seems we are not even marching in place, we are kind of slipping backwards as far as where we were vis-a-vis our security issues.

Mr. HILL. I believe our security is best enhanced when we work with other nations, and I think—

Mr. ACKERMAN. Why are we pushing the South Koreans away? It seems, as the most casual of observers, we are mucking up this relationship. I agree with Secretary Lawless that we have had 50 great years, if you look at the long picture, but the last 5 years have been less than happy. It seems people who are married 50 years and decide to get divorced, it is not because of the first 50 years, it is because of the last 5.

We are kind of in a precarious spot here in our relationship with somebody who is supposed to be our friend and ally. I assume South Koreans are one of the good people you are implying we are working closely with, and it doesn't seem that we are working too closely with them.

Mr. HILL. Why don't you answer, then I will come back.

Mr. LAWLESS. With all due respect, I believe that the situation that we came into in 2002 in particular was one where the alliance was under considerable strain, and I believe in many ways it was because of, again, some unresolved legacy issues.

Mr. ACKERMAN. When you say legacy issues, you mean it was President Clinton's fault?

Mr. LAWLESS. No, absolutely not.

Mr. ACKERMAN. What are legacy issues?

Mr. LAWLESS. Legacy issue means we were simply arranged a certain way or postured in a certain way on the peninsula that really didn't take due notice and didn't adapt ourselves to a very dynamic economy and a changing society.

For example, we reached an agreement with the Republic of Korea in, I believe, 1990, and again, I believe, in 1992, to remove Yongsan from the center of Seoul, a very tangible irritant in the center of their country and in the center of their capital. We had not executed on that agreement over that intervening 12-, 13-, 14-year period. So one of the things we set ourselves to do was resolve that issue, get out of Seoul, and return Yongsan to the control of the Republic of Korea, where it belongs.

There are other issues related to how our 2nd Infantry Division was organized and positioned north of the Han River. In many cases what we had were situations where just a growth of—economically had encroached upon those camps and created situations where we couldn't even move our forces around. So we had no choice but to relocate. That should have probably occurred prior to the time that we did it, but now we have got a plan to do it, and we have agreement to do so.

So when I talk about legacy issues, these are the issues I am talking about resolving. If we don't resolve the legacy issues, we will not be positive in creating an enduring alliance.

Chairman HYDE. Mr. Rohrabacher.

Mr. ROHRABACHER. Thank you very much, Mr. Sherman. First of all, I would like to note that when we are asked whether or not we are safer in the last 5 years than we were, let us note that the safety factor of the last 5 years was determined by the policy of the previous 5 years to that. I mean, it takes a while for the dynamics of any government's policy to take effect.

Usually what we suffer in the United States or the democratic countries is that the policy that was actually in place 10 years ago is what we have to try to deal with today. Let me note that that is not any different on the Korean Peninsula, nor is it any difference than it is in the war against radical Islam, which we are now having to deal with based on what was handed to us by the policy set in place 10 years ago.

I would like to ask you a little bit, when we talk about that safety, and what we have done, didn't we, in our attempts to stabilize the Korean Peninsula, actually save the North Korean regime from falling apart?

Mr. HILL. Sir, are you referring to our efforts?

Mr. ROHRABACHER. We actually moved forward, I remember, 10 years ago, sitting in this hall, with a program that actually transferred funds and food to North Korea at a time when there was



hunger and instability, and their agreements were made about nuclear weapons, et cetera, which don't seem to have panned out—did we not save them from, perhaps, their own disintegration?

I can't speak to issues that took place 10 years ago, but I will say that with respect to food and humanitarian assistance, we provide that regardless of political conditions when people and children are starving.

Mr. ROHRABACHER. Now, that is ridiculous.

Mr. HILL. We do our best to address suffering of civilians.

Mr. ROHRABACHER. So they are spending all of their money, Saddam Hussein is spending all of their money on weapons to murder us, so we feed their children so they don't have to divert their resources toward that end; is that right?

Mr. HILL. Well, as I understand it, in North Korea at the time there were conditions of famine, and we responded to that.

Mr. ROHRABACHER. Let me ask you, was that famine caused by the policies of the North Korean Government, or was it caused by some change in the weather that made it different between North and South Korea where they had an abundance of food?

Obviously it was created by the policies of the North Korean Government, which was a Stalinist dictatorship, and so by feeding the people of North Korea, we permitted that dictatorship to do what? Have they invested in the last 5 years? Have they invested more of their money in nuclear weapons, for example?

So what you are describing is a subsidy by the United States of North Korea's nuclear weapons program and other building up of their weapons capacity in the name of helping starving children. Well, I will have to tell you, this Congressman thinks that that is totally illogical, and it may make sense when we are dealing with democratic countries. It does not make sense when we are dealing with the type of dictatorship that we are faced with in North Korea.

Let me ask you, in terms of that North Korean nuclear weapons capability, which has been expanding and expanding as we have fed their children, did not much of this weapons technology that has permitted them to expand their program, didn't that derive from Pakistan?

Mr. LAWLESS. Sir, if I may, I think one of the things we have to keep in mind is that the North Koreans have been beavering away on their nuclear program for something like 40 years.

Mr. ROHRABACHER. Right.

Mr. LAWLESS. So the investment in thousands of people and hundreds of millions, if not billions, of dollars has been going on for some time.

I believe, to my knowledge, the Pakistan issue is related to one subset, the enriched uranium program, which, frankly—as a complement to their plutonium program, which was moving along very well on its own, thank you.

Chairman HYDE. The gentleman's time has expired.

Mr. ROHRABACHER. Thank you very much.

Chairman HYDE. Ms. Watson.

Ms. WATSON. Thank you, Mr. Chairman. Before I raise the questions with Ambassador Hill, let me thank you for your evenhandedness as you administer this Committee, and I guess

maybe this might be your last hearing. So let me thank you with a sincere deep appreciation for allowing us to have time to have our input on this Committee.

Chairman HYDE. You are welcome.

Ms. WATSON. With that said, I would like to address this to Ambassador Hill. I represent Los Angeles and Koreatown, California, and probably I have the largest South Korean population in the country. Korea is now California's fifth largest trading partner. My questions take a little different tone now.

The South Koreans have not been included in the Visa Waiver Program, and it is an issue of great importance to my Korean-American constituency. So my question is, I think it might have been you, Ambassador, that said Washington hopes to see South Koreans traveling to the United States without visas, and we would certainly hope they could do that.

So, the question is should we interpret the comment to mean that Korea's entry into the Visa Waiver Program is imminent, and are you aware of what the process will be for a country like South Korea entering the VWP once it meets all the statutory requirements?

Mr. HILL. Thank you very much. In my statement I made a couple of points on this issue. The first was that Korea has begun to—has worked on a prototype passport that will have a biometric. It will really be a state-of-the-art passport. This is very important to us, because the first issue we are all concerned about is the security of our borders.

A second very important issue to us is the fact that we have very good relations with Korean law enforcement officials. Our law enforcement officials communicate very closely with theirs. Again, this is important to develop good border controls.

In addition, and meanwhile, the numbers, as the Republic of Korea's income goes up, more and more people are eligible for visas. That is, in the judgment of the consular officers who are interviewing them and determining whether they are likely to return to their country as stated, more and more are doing so.

So Korea is getting close to the requirement that they should have a 97 percent eligibility rate. They are getting very close. So it is time to begin consideration of this issue.

You recall perhaps 2 weeks ago when President Bush met with President Roh Moo-hyun, they discussed this issue of the Visa Waiver Program. President Bush said at the conclusion of the meeting to the press that we will work together to see if we can't get this issue resolved as quickly as possible.

So I think you see there a desire to get this issue done. It does involve an interagency process. It does not just depend on the State Department. Certainly it does not just depend on the Bureau of East Asia Affairs, it depends on our Consular Affairs Bureau and, of course, very importantly in consultation with Congress.

We believe that we can move, as the President asked us to do, as quickly as possible, but I can't preordain the outcome or tell you precisely when that will be, except to say we see value in this for the United States, for your constituents, and we believe there is value in it for Korea. And there is also value in it for the relationship between Korea and the United States.

So I want to assure you, Madam Congresswoman, that we are on this one.

Ms. WATSON. I really appreciate that, because we estimate that we have over 10,000 Korean students in our colleges and graduate schools at the current time.

I do have another question, and I will probably run out the clock on this one, but a few weeks ago the House International Relations Committee unanimously reported out unanimously H.R. 759, a resolution calling on the Government of Japan to formally acknowledge and accept responsibility for its sexual enslavement of young women known as "comfort women."

You might have addressed this prior to my arrival, but a short response will do. During its colonial occupation of Asia and the Pacific islands from 1930 through World War II, it was estimated that over 80 percent of the comfort women were Koreans.

So my question is, we have 2 days left before we will see the House adjourn, and H.R. 759 has not come up for a vote. I have read that the Government of Japan has put a full-court press to stop this resolution. So I would be interested to hear your opinion about H.R. 759 and, in particular, why the Government of Japan is so steadfastly set against it.

Either one of you two gentlemen, if you could respond, I would appreciate it. If you know.

Mr. HILL. Secretary Lawless has asked that I respond.

Ms. WATSON. You are on the hot seat.

Mr. HILL. Look, let me, Madam Congresswoman—it has been our firm policy to encourage the Republic of Korea and Japan to improve their relationship. We want them to have a good relationship. It is very important to our interests that Republic of Korea and Japan have a good relationship. If we tried to tell them how to do that, and if we try to enter into a sort of mediating relation, mediating role, I don't think it will help, and, in fact, I think it will probably hurt. So I have to dodge this one, except to say that we want them to resolve this.

Ms. WATSON. Let me direct this to the Chair and our Ranking Member, or our Members, we passed that bill out, that resolution out unanimously. I would hope that we could have it voted on before we leave here this week. Otherwise I think the Japanese Government would have succeeded in trying to stop it. But we think it is time for us to go on the record with regard to the comfort women.

Chairman HYDE. The gentelady's time has expired.

Ms. WATSON. I knew it.

Chairman HYDE. Mr. Tancredo.

Mr. TANCREDO. Thank you, Mr. Chairman. Ambassador Hill, there is a speculation that South Korea Foreign Minister Ban Ki-moon could be elected as the Secretary General of the United Nations. I think that there are many in Tokyo and certainly here in Washington who are troubled by the possibility of Mr. Ban's election because of his very pro-China views. When he was the ROK Foreign Minister, he rejected a visa application from the Dalai Lama to attend a summit of Nobel laureates, so Beijing asked him not to issue a visa. He went on to say that future visa decisions would be made only after consultation with Beijing.

In addition, the news reports indicate that under Ban's leadership, Seoul has resisted a U.S. plan to move United States forces stationed in Korea to the Taiwan Strait in the event of a Chinese military assault on the island.

First, are you concerned about the possibilities of Secretary Ban's election to—as Secretary General of the United Nations and what that would mean for Chinese influence at the UN, as well as United States support of his election?

Second, do you think we should be concerned about what appears to be a gradual shift by Seoul toward Beijing and, of course, away from Tokyo? Of course, this has been discussed before in Washington. If so, what do you think we can do to reverse it?

Third, there are reports of Korean resistance to deploy plans of United States troops on the Korean Peninsula to Taiwan Straits in the event of an attack. If that is true, has any progress been made in overcoming these objections, and have they looked at stationing our military assets and soldiers and assets in a more friendly area nearby such as Taiwan itself, for example?

Mr. LAWLESS. Let me take the last first, if I might, sir.

Mr. TANCREDO. Sure.

Mr. LAWLESS. I think part of the process of what we call our global posture, indeed worldwide, looking at all of our basing arrangements and what we call access arrangements, part and parcel of that is to look at wherever we are stationed and to decide whether we have the flexibility necessary to use those forces where we have to use them.

Part of the process, and part of the discussions that we have had with the Republic of Korea in the past, has involved an issue called strategic flexibility.

We just say that we are satisfied currently with the understanding that we have with the Republic of Korea with regard to the United States forces that are currently stationed in the Republic of Korea.

Mr. TANCREDO. I see.

Mr. HILL. With respect to Foreign Minister Ban Ki-moon, because I want to be clear that I am the Assistant Secretary for East Asia Affairs, I am not the person in the U.S. Government responsible for determining our views on the next Secretary General. I will say to you, however, as someone who has been in frequent contact with Mr. Ban Ki-moon, especially on the Six-Party process, that he is someone that we have worked with very closely throughout this process. We know his views very well on this process, and I would not characterize his views as pro-Chinese, I would characterize them as pro-Republic of Korea. We find him a very, very professional diplomat.

My own suggestion is—my suggestion to you, Mr. Congressman, if you were concerned about him, I would suggest you contact him, and I think you would find him most willing to respond to any contact you have. He is a very professional diplomat. He has had a great deal of experience serving in the United States, and we have worked with him very, very closely on some very tough issues.

I might add, too, that I have found him a person who is very interested in the overall situation in Northeast Asia, working on issues relating to Japan, as well as China and other countries. He

is a very, very consummate professional. I would be happy to have him contact you, if you would like that.

Mr. TANCREDO. That would be fine with me. We would look forward to that opportunity. I simply want to express my deep concern about the Department of State's position on this. So you can give the message to whomever is responsible for hearing it, or should hear it, I should say, in response to making decisions about that, in terms of especially his actions.

I totally understand that there are concerns, especially at State, about Taiwan, its relationship to the United States and to China, and I am worried about the degree to which we would further do something that would damage the relationship with a country, I believe, a country, a nation, I call Taiwan, that is a dear friend and has never wavered from that in the hopes that we would get—I mean, in lieu of the possibility that we would get Mr. Ban as the Secretary.

Chairman HYDE. The Chair would note that your time has expired. We have two votes. Both are important issues on the Floor. Two of our Members have not asked questions yet. We have another panel. So if you will stand by, we will rush over and vote and rush back.

So this Committee stands in recess for such time as it may take to get over and vote.

[Recess.]

Mr. ROYCE [presiding]. We want to thank you, Ambassador Hill and Mr. Lawless, for waiting for two lonely Members who didn't have a chance to ask their questions to do so. I appreciate you coming down to Congress today.

I see some of our desk officers here from the Department of State Korean desk. We want to thank you. You expedited some visas for *Yoduk Story*, the musical, which was actually performed by North Korean actors and directors who survived in Camp 15, I think they call it. And as the *New York Times* or *L.A. Times* calls this, they say it is the *Les Miserables* of North Korea, and to actually now have the performers, these actresses and actors, who survived that experience in North Korea and the director come here in order to perform in Washington and in Los Angeles, we appreciate your swift response to that request that we had for those interviews.

Let me also commend the U.S. Embassy in Seoul as well.

I was just going to make the observation that we have had this relationship with Korea for over 50 years now, and I think that the love of democracy, the appreciation of freedom, the economic ties, all of this has bound these countries, the United States and Korea, together. I think with the nuclear ambitions of Korea and the regime's cruel disregard of human rights, with the North Korean cruel disregard in the North, that this makes the alliance all the more important, but I am a little concerned that with the younger generation, the alliance is not as strong as it once was, or with some, I should say, with some people in the younger generation.

I think some of that is natural, as memories of the Korean War fade, but I think it could be that anti-Americanism is spreading among the youth, and that is one of the questions I wanted to ask of you.

I wonder if this upcoming free trade negotiation, where we try to liberalize trade, build on the mutual advantages to trade with South Korea, if that might help bolster our relationship. If we get that through, I think we are somewhat cognizant of the problem that many of us have on the United States side with respect to the case on provision because of the perception that that would be waste labor, but the part of that concept of liberalizing trade with South Korea as opposed to North Korea presumably would help the relationship. I wanted to ask you about that.

Then the other question I was going to ask about is whether your assessment for the potential of this anti-Americanism among young people might grow during the South Korean Presidential election. I have noticed there is a pretty close pattern here with elections as people get excited, and as political movements use issues in order to galvanize their supporters, and I was just going to ask Ambassador Hill for any observations on how that might play out.

The last question, burden sharing, in terms of the negotiation with the Republic of Korea on troop realignment, how that might play out, in your opinion.

So, let me just ask for your response.

Mr. HILL. Thank you very much. I think—let me draw on not only my experience in my current role in the State Department, but also as the U.S. Ambassador to the ROK until 18 months ago. There is no question there are people in the Republic of Korea who are critical to the United States. There is no question those people are there.

Frankly, the ROK is a very pluralistic society. I mean, there are people with a lot of different views. The ROK people have a tradition of expressing those views. Any time you would drive down Sejong-No near the U.S. Embassy, chances are you would see a demonstration on some subject. Now, in the U.S., the demonstrations that we are aware of tend to be demonstrations in which the U.S. is somehow planning a role.

By the way, there are often pro-U.S. demonstrations as well. Every day there is a demonstration on something. This is a country where they lawfully assemble, and they demonstrate. They often lawfully assemble, and they often demonstrate. So that in itself I don't think should be worrisome to us.

I think what we need to do is make sure that the overall nature of the bilateral relationship is sound. I believe it is. I do think we do need to reach out to young people. I am very pleased that if you look at the foreign student population in the United States, for example, the country which is in third place—I think first is China, then India, and then the Republic of Korea.

If you look at the population of Korea compared to India or China, it is very small. So a much higher percentage of Koreans than Indians or Chinese are studying in the United States. I think that is something we have done over the years. We have kept our doors open, and I think that has been very important, because many of these people come back to jobs in the Republic of Korea, and they have a much better idea of what is going on in the United States, which is not to say that they like everything or have to like everything, but they understand us better. I think we have been able to do a pretty good job of that.

I think the Embassy in Seoul plays a key role in reaching out to people. We are able to put this Internet portal on our Web site in order to have these chat rooms and whatnot, which tended to be with the younger Koreans. I think that type of outreach is very important. Plus we have a—you know, an active Embassy, an active Ambassador there. We are getting out, talking to people, all important.

I think the FTA will be—when we get through the FTA, and when the various demonstrators who don't like the FTA—in the final analysis, I think an FTA will be very good for Korea, very good for the United States, and I think especially in Korea, where they look at these issues very closely, it will have a very positive effect.

The other positive effect, earlier we were discussing the Visa Waiver Program, I think we can get that. That will also play very positively.

Mr. Congressman, I cannot tell you how distressing it was, as American Ambassador there, to drive up to the Embassy in the morning and see a line of Koreans around the Embassy lining up to get visas, of whom, by the way, some 97 percent got their visas, so they went away happy after waiting in line a long time. Sometimes the weather wasn't very nice. If we can get to a Visa Waiver Program, that will have a positive effect.

Another thing we are looking at, in fact we have made a decision in principle, we want to make it in fact, is to open up an American presence approach in Pusan. Many Koreans lament the fact that we are no longer present in Pusan. We would like to open something up there.

We are also doing other forms of outreach in other parts of South Korea. I am not expecting everyone in South Korea to like us. It is a pluralistic society. People are entitled to their views. But I can assure you, we are on this issue, and we follow it very closely.

I would like to ask my colleague Secretary Lawless not only in his current position, but also as someone who has worked in Korea over the years, who knows Korea very well, maybe to follow up on some of these comments.

Mr. LAWLESS. Thank you. I do believe it is a challenge, particularly to make the alliance relevant and realistic and understandable to the next generation that we are dealing with. I will echo Ambassador Hill's comments that we recognize that we are dealing with a democratic, pluralistic society that has many ways of demonstrating its concerns and its attitudes.

I personally was very distressed in 2002 during the Presidential election cycle there, which you have referred to, to see the deterioration, the tangible deterioration, on the street, the candlelight vigils and other things. I think one of the issues there was that there were issues that were unresolved between the two countries, particularly in the alliance relationship.

We just had a very sad incident the past June, as you are aware of, and that was, in part, because of the way we were arranged in Korea and the way we were positioned in Korea. But that very sad death of the two schoolgirls in June of 2002, I believe it was, coupled with the candlelight vigil, and the other demonstrations, really brought home to us the fact that we had some serious issues

that needed to be addressed in the alliance. That is, I think that is one of the reasons we took such an aggressive attitude toward trying to resolve some of these issues in 2003 once we had a President and his Administration seated.

The other issue that you raised was the issue of burden sharing. It is a challenge to the alliance. The reason that it is a challenge to the alliance—and here I should be deferring to the Department of State, because the Department of State does have the lead role in negotiating the burden-sharing agreements, so-called SMA agreement. But I would like to offer some comments from the standpoint of the United States military posture in Korea.

The situation is that we simply cannot sustain ourselves as we want to sustain ourselves with the current level of Republic of Korea burden sharing. We are now at a level of burden sharing for our so-called nonpersonnel stationing costs in the range of about 38 percent. This is far below an appropriate level of support.

In last year's agreement we were compelled to accept a very large reduction, and, in fact, it represented a shortfall of over \$60 million, translated into about a 10 percent shortfall on our requirements. Some people have asked, how does USFK sustain itself in an environment where you have a shortfall of that magnitude? The answer is if there is fat, you cut the fat. We have done that. Then you cut the meat, and you cut into the bone. We have now reached the point where we are cutting into the bone.

We are now negotiating the 2007 and beyond SMA burden-sharing arrangement with the Republic of Korea, and we absolutely need to get the level of support in that agreement that we have to have.

The last question that I believe you asked was how does this impact on the command relationship issue. I would say this: Every time that we have engaged publicly or privately with our Korean counterparts, we have said we will make all the adjustments that we plan to make in the future without any substantial reduction in the American presence, combat presence in Korea. We have now reached the point where that issue is being effected because our plans assume an appropriate level of ROK support; if we fail to see an increase in the next burden sharing agreement, then we may be forced to take forces off the peninsula in order to ensure readiness.

Mr. ROYCE. Thank you, Deputy Under Secretary Lawless. I appreciate that.

Mr. LEACH [presiding]. Mr. Flake.

Mr. FLAKE OF ARIZONA. Thank you, Mr. Chairman.

Back to visa waiver, if I will, for a minute, Ambassador Hill. It is my understanding that DHS doesn't have a formal process, haven't since 9/11, for countries to actually go through. Are we going to see an interim developed, or is this kind of ad hoc?

We have had commitments, obviously, we want. We have stated a number of times that we want it moved as quickly as possible. But what procedures do we have to go through? Is there a timeline? Is it just when they come under the 3 percent rejection rate? What is your understanding there in the—

Mr. HILL. First of all, I want to stress my role as East Asia Assistant Secretary.



Mr. FLAKE OF ARIZONA. Yes, I understand that.

Mr. HILL. I say that because I don't want to get in trouble with people who are much more central to the process than I am.

Obviously, it is important how our consular bureau handles this. I know that Secretary Hardy is very much following this issue.

What we have done with the Republic of Korea is to form a road-map and to see them reach certain benchmarks. We are not quite there yet, as my 3.5 percent suggested to you.

As I understand, the next step is to inform the Department of Homeland Security and to achieve a consensus with them. We want to do this in a collegial way and to lay out the various benchmarks that the Koreans have been able to achieve.

I am going to have to take, though, your question, and get back to you on precisely what type of procedures they follow.

Mr. HILL. You are quite right in saying we have not had a case in several years now, actually since 9/11. But I think there is an interest in doing that, in following up on this, because the Koreans have done so well in producing this new passport, which is of great interest to the people who are concerned about the protection of our borders.

They have done very well to work together with our security people, and we want to be responsive here because we feel that a Visa Waiver Program would be helpful to us as well. So I am going to have to take your question with respect to the details.

Mr. FLAKE OF ARIZONA. Thank you. My concern is I think we need to move as quickly as we possibly can. What I would hate to have happen is for the ROK to hit those benchmarks in a timely manner and then for us to have to go back and go through a procedure that takes longer. If we can establish this procedure if we need to and save ourselves some time, that would be great.

Mr. HILL. Thank you very much. We believe that the Visa Waiver Program has played a role in the Republic of Korea in being interested and working with us across the board on some of these immigration issues. We feel we have a lot of cooperation there. That is one of the reasons, that is probably one of the prime reasons, we want to move ahead. I know the President is very interested, as his comments suggested.

I think what I should do, Mr. Congressman, is maybe take this back and get you a memo to lay this out and show you that we are moving ahead on this.

Mr. FLAKE OF ARIZONA. Thank you. Also, Ambassador Hill, if I might just quickly, with the FTA, our authority runs out here July of next year. Realistically when do negotiations have to be finished with the ROK in order to give us time here to go through the process?

Mr. HILL. Well, I think, again, I would defer to Susan Schwab and her colleagues at the STR. I know that they are looking to make substantial progress in the next round. I know that it is their conviction that they can do it in time for this fast-track authority, and this issue was front and center during the recent meeting in the White House between President Roh Moo-hyun and President Bush. And both Susan Schwab and Trade Minister Kim reported on this and felt that they could make the deadlines.

Mr. FLAKE OF ARIZONA. Secretary Lawless, just quickly, in the broader context of our drawdown on troops, transfer of operational control, how does this affect our security position in Asia itself? How does—when we look at Japan, for example, where we have a huge presence, how will our drawdown—and then things go badly if this alliance fractures, how will that affect our relationship with Japan? Does Japan—does our relationship benefit by having such a large presence in South Korea; and if we don't have that anymore, how will that affect Japan?

Mr. LAWLESS. I think, perhaps, to correct a misperception, the transfer of operational control, or the so-called restructuring and the way that we are reorganizing ourselves vis-a-vis the Republic of Korea on the peninsula, does not inherently call for us to make an additional drawdown. In fact, we have said we do not intend to draw down significant combat capabilities, and that is our intention.

More specifically to answer your question, the Japanese have been keenly interested in what we are doing on the peninsula. We have spent a lot of time explaining to them that we are actually not reducing capabilities, we are increasing them. That, I think, has been a constant theme as we have made the adjustments we have made over the past 2 years. You recall we went from 37,500 to 25,000. We will reach that 25,000 level in about 2 years.

At the end of that process, the 25,000 people that we have on the peninsula will be more capable and have a greater deterrent capability than the 37,500 that were there 2 years ago. We have demonstrated that in great detail to both the Koreans and to Japan, to their satisfaction, I believe.

Mr. LEACH [presiding]. Thank you. I would just like to end with two quick observations. One, in a visit to North Korea, their military made it very clear that they accepted the notion that we had a much stronger presence in the South than we did prior to this period of time.

The second point is of a little bit different nature. We have been discussing a little bit of politics in South Korea, but there could be some political change in the United States in this November's election. If that is the case, it may have ramifications for this discussion, particularly on free trade, and people in South Korea, in their government, should be on very real notice that they might want to negotiate quite rapidly in relationship to dealing with the United States Congress.

With that, let me just say that we are very appreciative of your testimony, appreciative of your public service, and I can't think of two Americans who are serving our country with greater thoughtfulness and fortitude. Thank you all.

Our second panel consists of Balbina Y. Hwang, who is a senior policy analyst for Northeast Asia in the Asian Studies Center of The Heritage Foundation. Hwang, a native of Korea, is editor of U.S.-Korea Tomorrow.

Joining Hwang will be L. Gordon Flake, who was appointed executive director in February 1999 at the Mansfield Foundation. Prior to joining the foundation, he was a senior fellow and associate director of the Program on Conflict Resolution at the Atlantic Council

of the United States, and served as director for research and academic affairs, at that time, Korea Economic Institute of America.

Our third panelist is Joshua Stanton, Esquire, who was a Judge Advocate Officer in the U.S. Army, U.S. Forces Korea, from 1998 to 2002. Mr. Stanton left Active Duty in 2003 and is currently an attorney practicing in Washington. He is also a Webmaster of One Free Korea, which focuses on political, economic, diplomatic and legal, as well as military issues.

To my knowledge, this is the first time as a Chairman I have ever introduced a Webmaster, so we are pleased that you are with us, Mr. Stanton.

We will begin in the order of introductions with Dr. Hwang. Please proceed.

**STATEMENT OF BALBINA Y. HWANG, PH.D., SENIOR POLICY ANALYST, ASIAN STUDIES CENTER, THE HERITAGE FOUNDATION**

Ms. HWANG. Thank you very much, Mr. Leach. It is really a pleasure and an honor for me to be here today, and I appreciate very much your kind invitation to testify.

For the sake of efficiency and clarity I would begin—well, first I would like to point out that my extended comments have been submitted for the record

Mr. LEACH. Without objection, extended comments of all three of the parties will be placed in the record. And I would be appreciative if we could summarize as well as we can.

Thank you. Please proceed.

Ms. HWANG. I will certainly try my best.

For the sake of efficiency and clarity, I will begin with my conclusion, and then provide a brief supporting explanation.

When asked the question, Is the alliance at risk?, my response is yes, it is. But I must also state that it is an alliance worth saving because the maintenance of a strong United States-Korea alliance is absolutely in the short, mid-, and long-term strategic interests of the United States. Why? Well, a premature end to the alliance will have devastating consequences for America's future, not just in Asia but around the globe.

Now, the reasons are inherent in why the alliance was created to begin with. Countries form alliances in the face of a common external enemy, which was clearly the initial and immediate rationale for the U.S.-ROK alliance in 1953. But beyond creating the means to directly meet the North Korean threat, the alliance with South Korea has always served two broader purposes: To provide a framework for cooperation to increase regional stability, and to provide a framework to contribute to global security.

What has profoundly changed, however, is that the two allies are no longer unified in their strategic perceptions of the primary threat to South Korea; that is, the North. This divergence in threat perception has led to serious strategic dissidence between the allies that threatens the very existence of the alliance.

Now, Americans tend to believe that South Koreans simply no longer view North Korea as a threat, and indeed this was an argument that I myself made on the record several years ago. But I will admit to you today that I was wrong. South Koreans—and by the

way, both young and old—and with all due respect, I think we need to get out of this framework of sort of assigning this new sentiment just to the younger generation. So South Koreans, broadly speaking, do feel a palpable threat from North Korea. It is just that it is not the same kind of threat that Americans feel today.

For us, for the United States, North Korea poses the same and continuous threat that it has for the last half century during the Cold War. It is due to the strength of the North Korean regime, which we believe is largely unchanged. Its military-first policy, its million-man army, its nuclear weapons programs, its missile proliferation, even its illicit activities and human rights abuses all stem from the strength of that regime.

Now, the problem is for the South Koreans the greatest imminent threat that the North imposes today does not reside in that regime's strength, but rather its weaknesses. What South Koreans fears most today is a sudden collapse of the regime, whether through implosion or explosion, which will lead to devastating consequences, including perhaps even an armed conflict. Any sudden collapse of the regime would undoubtedly threaten everything the South Koreans have worked so hard to achieve in the last half century, including a thriving economy, stable society, and a vibrant democracy.

So the very examples of strength that threaten America—and I point out also other allies in the region, in particular Japan and Australia—are perceived to be precisely the opposite in South Korea.

So how and why has this strategic dissidence occurred? It is too easy and, frankly, incorrect to dismiss this as simply a naive or foolish-thinking Government of Seoul, or to relegate this to a generation that is too young to remember the horrific experiences of the Korean War. The profound shift in South Korean perceptions of North Korea were reinforced by the Sunshine Policy, but this was not the cause.

The real shift began in the early 1990's with the collapse of the Soviet Union, the opening of China, and, most profoundly, the shocking images of starving skeletal children and the epic human suffering of the North Korean people that began to emerge after the famines and the floods. These images suddenly humanized the North Korean enemy for the first time in South Korean history. And it became impossible for South Koreans to believe that these poor, starving, desperate people could possibly pose the same invincible and immediate threat to the South that they had done during the Cold War.

The significance of this psychological mind shift cannot and should not be underestimated, nor is it reversible. This chasm, I believe, is the single most important—though by no means the only—cause of growing tensions between the two allies, including an important contributing factor in rising anti-American sentiment in the broad Korean public. South Koreans are now fearful that the strong stance taken by the United States against North Korea to limit that regime's strengths are the very policies that will actually have exactly the opposite South Korean goal of mitigating that regime's weaknesses. And while it is true that both Washington and Seoul share overall interests regarding North Korea, the elimi-

nation of nuclear programs, the reduction of the military threat, improvement of human rights, the prioritization of achieving these goals are at odds. For the United States, it is very obvious that WMD and proliferation must and are the top priorities, while for South Korea, preventing conflict—military conflict and a collapse of the North are the overwhelming objectives.

Thus, the alliance is increasingly seen as a burden by both sides, and both are resentful of responding to demands from the other, which has moved the focus of the alliance away from a military one to a political one.

Now, South Korea's rapid democratization, which we all agree is a very, very positive development, ironically has actually contributed or exacerbated the politicization of alliance management issues such as environmental and labor impacts on local communities.

Now, this may lead you to logically conclude, then, that the alliance can no longer be sustained, and perhaps that it should not. But this, in fact, would be the wrong conclusion. In fact, we must consider the future of the United States grand strategy in Asia beyond the immediate problems of North Korea.

Many more profound challenges lie ahead, including the eventual unification of the peninsula, and what will that mean for the balance of power in the region; the rise of China; and the resurgence of Japan. Implicit in these trends is the question: Do we, the United States, intend to be a positive and active influence in the region, or will we retreat back across the Pacific? Our decision will not be a trivial one. It will have a direct impact on the future shape of East Asia.

To me it is clear that the United States goal for the mid- to long-term future is to play an active and positive role in maintaining stability in East Asia as we have done for the last half century. The promotion of prosperity, freedom, and cooperation in the region are beyond a doubt integral to America's national interests.

The best and perhaps only way for the United States to maintain its influence in the region—

Mr. LEACH. If I could ask you to—

Ms. HWANG. I am finishing up.

With its key partners—and the U.S.-ROK alliance has always served to do more than just effectively deter North Korea, it has been a symbol and a physical reminder of our commitment to the region.

It will be a very difficult task to maintain this alliance and to rebuild it into a strong one, but it will not be impossible if the leadership of both countries rise to the occasion.

The U.S.-ROK alliance is a worthy and necessary cause, both in the present and the future. Thank you.

Mr. LEACH. Well, thank you very much, Dr. Hwang.

[The prepared statement of Ms. Hwang follows:]

PREPARED STATEMENT OF BALBINA Y. HWANG, PH.D., SENIOR POLICY ANALYST,  
ASIAN STUDIES CENTER, THE HERITAGE FOUNDATION

Chairman Hyde and distinguished Members of the Committee, thank you for your kind invitation to testify today. I am honored to have the opportunity to share with you my views on the topic of the U.S.-ROK alliance. I feel especially privileged to be here today, because I understand that this will be the last hearing under the

leadership of Chairman Hyde. I would like to take this opportunity to express to you my personal gratitude for your incredible service in Congress and for our country. Your leadership, dedication, and passionate interest in East Asia have and will continue to inspire many, both in this Congress and in our nation.

For the sake of efficiency and clarity, I will begin with my conclusion and then provide an explanation: *the maintenance of a strong U.S.-ROK alliance is absolutely in the short, mid, and long-term strategic interests of the United States.*

Every few years, usually in response to public disagreements between Washington and Seoul, vocal critics of the alliance call for an end to the U.S.-Korea alliance and American disengagement from the Korean peninsula. While such views are not new in the half-century of the alliance, they have increasingly gained credence in recent months, with headlines on both sides of the Pacific predicting the imminent end of the formal relationship.

The American supporters for ending the alliance make an argument akin to the following: we should withdraw all U.S. forces from the peninsula and abrogate the U.S.-ROK Mutual Defense Treaty due to rampant anti-Americanism in South Korea; a growing tendency by the government in Seoul to appease Pyongyang; and the Korean penchant for blaming the United States for blocking unification. This logic continues: by ending the alliance, we would be able to walk away from North Korea because the problems that the Pyongyang regime poses—nuclear and missile proliferation; conventional military provocations and threats; illicit activities; and even human rights abuses—are too difficult and challenging for the United States to handle.<sup>1</sup>

On the Korean side, those who cry “Yankee Go Home” are increasingly confident in their national sovereign abilities; find the hosting of U.S. troops intrusive; fear that U.S. policies towards North Korea will cause instability or even a war; and are overall resentful of Korean dependence on the United States.

Our response to these arguments should not be to end the alliance but precisely the opposite: we should strengthen our bilateral relationship with South Korea by confronting these issues directly and forthrightly. Legitimate differences about the function, purpose, and utility of the alliance have arisen due to dramatic shifts in the domestic, regional and global environment.

But just as the alliance is not the cause of tensions in the bilateral relationship, we should also not allow it to become the victim. Rather, both governments must endeavor to reassess the current configuration and create a new alliance that meets the needs of both allies. If we do not invest energy in renewing the alliance it will end sooner rather than later. And this would have devastating consequences for America’s future, not just in Asia but around the globe.

America has bitterly experienced the devastating consequences of choosing isolation from the troubled world after World War I, and as a nation, we have chosen not to repeat that mistake. After the attacks on Pearl Harbor, and more than a half-century later after September 11, 2001, we could have again chosen the path of isolation, but we did not. Instead, we made the difficult choice to engage the world and troubled regions with even greater vigor. We must meet the current and future challenges in East Asia with similar fortitude and energy.

#### THE ALLIANCE: THE PAST

Any discussion about the future of the alliance must begin with a proper understanding of its past history. There is no doubt that the Korean peninsula has been one of the most challenging issues confronting every major power in the East Asia region in the 20th century, including the United States. It continues to be so in the 21st century despite being eclipsed by other pressing issues in the Middle East and the global war on terror.

Yet, what makes Korea both so profoundly challenging and interesting is that ironically, it has been more often than not overlooked, underestimated, and even completely ignore until too late. Korea was at the fulcrum of all the major wars engulfing the East Asia in 20th century, beginning with its first “modern” war: the *Sino-Japanese War* (1894) in which influence over the Korean peninsula was the prize between one great declining power (China) and an “upstart” emerging one (Japan); the *Russo-Japanese War* (1904) in which Japan gained world stature by being the first Asian country to defeat a great Western imperial power; *World War II* in which Korea was the foothold for Japanese ambitions to control mainland Asia. Then the *Korean War*, the first real “hot” war of the Cold War era, and even the

<sup>1</sup>Proponents of this view include: Richard Halloran (see: “Time for U.S. To Disengage Itself From Korea,” *Korea Herald*, February 18, 2005); Ted Galen Carpenter and Doug Bandow, *The Korean Conundrum*.

Vietnam War, in which the United States arguably became entrenched because it had failed to thwart the spread of communism on the Korean peninsula.

In each of the first four cases, great powers fought over the Korean peninsula not due to the *intrinsic* value of Korea—its people, its culture or its heritage—but rather for its *strategic* value. In large part due to its geographic fate, Korea has always been a pawn for Great Power games. Yet today, there is no doubt that Korea (at least the Southern half) has managed to forge a new place for itself in Asia and indeed the world. Today, South Korea is the tenth largest economy in the world, and perhaps East Asia's most vibrant democracy. The North has tragically chosen the opposite path to become a desperate, failed industrial state, led by a cruel dictator and closed off from the world.

Undoubtedly, the United States played a pivotal role in creating the opportunity for South Korea to achieve its current status today. Without American intervention in June 1950, North Korean forces would have easily overwhelmed the South. But America's interest in Korea was late (some believe too late). It was January 1950 when Secretary of State Dean Acheson famously excluded Korea from the U.S. defense perimeter, which served to embolden North Korean ambitions to invade the South.<sup>2</sup>

For South Korea the alliance was borne out of desperate necessity after the Korean War, for without American commitment the precarious armistice agreement would surely not have lasted long. For the United States, the alliance was a product of the regional and global context of the Cold War and its geo-strategic rationale of containment and deterrence. The bilateral Mutual Defense Treaty was a pointed effort of reversing Acheson's miscalculation by declaring to the region and the world that the United States was going to be involved and present in Asia.

Over the decades, the U.S.–ROK relationship has far exceeded expectations, proving to be one of the best in America's history and often touted as an exemplary model for other alliances. It has successfully served not only to deter North Korean aggression but as one of the pillars of U.S. security strategy in East Asia: to promote stability and prosperity in the region. The alliance has also been the basis for direct and indirect U.S. economic assistance to South Korea by reducing its security expenditures which facilitated continuous and rapid economic growth. Furthermore, creating a stable security environment has allowed foreign investors and trade partners to have greater confidence in the economic future of Korea.

South Korea has contributed its share to the alliance. The ROK has been a staunch American ally in numerous military operations throughout the decades, including contributing more to the U.S. war effort in Vietnam than any other American ally: 50,000 South Korean troops fought and more than 4,400 sacrificed their lives in the jungles of Vietnam to pay back the debt they owed to America.

More recently, the ROK contributed to Operation Desert Storm during the first Gulf War, peace-keeping operations in Somalia, Operation Enduring Freedom in Afghanistan, and the current War in Iraq. South Korea's force presence in Iraq of 3,600 has been the second highest contribution of any other coalition partner after Great Britain.

Despite the remarkable success of the U.S.–ROK alliance—or perhaps because of it—we often forget that this half-century relationship has weathered serious periods of tension in the past.

For example, the Nixon Doctrine declared on July 25, 1969 laid out a new direction for the U.S. role in Asia as that of supporter, and placed the primary responsibility for defense on the countries directly involved. As a result, in early 1971 Washington withdrew the 7th Infantry Division from South Korea, reducing the American military presence from 62,000 troops to 42,000. Combined with President Nixon's efforts at rapprochement with China, and the withdrawal of American forces in Vietnam, South Korea was shaken by fears of abandonment and insecurity.

In response to these changes, the South Korean leadership shifted its strategy away from a singular focus on economic development towards equal weight on creating a self-reliant national defense structure including restructuring the military, improving the armed forces, fostering a viable domestic defense industry, and acquiring modern weapons. In 1974, the Korean government launched its first Force Improvement Plan, and by the 1980s, the “Koreanization” of Korean defense was well underway resulting in positive changes for the USFK role.

Another crisis in the alliance erupted in 1977, when President Carter announced that he would unilaterally withdraw the Second Infantry Division from Korea. As a result, the two governments began serious talks to combine the operational command system in order to effectively enhance the defense capability of Korea. While

<sup>2</sup>Dean Acheson, “Crisis in China: An Examination of U.S. Policy,” in Speech before the National Press Club, Washington, D.C. January 12, 1950.

the withdrawal would eventually be scrapped, the plans led to the establishment of the U.S.–ROK Combined Forces Command (CFC) in 1978, in which the responsibility of defending South Korea was ceded from the United Nations Command (UNC).

More recently, tensions in the alliance once again came to the fore with the U.S. decision to redeploy 3,600 members of the Second Infantry Division to Iraq as part of an overall plan to draw down 12,500 of the U.S. Forces Korea (USFK) by the end of 2006. Along with the efforts currently underway to dismantle the CFC, these troop reductions and redeployment of existing troops away from the DMZ were met with suspicions that these decisions were retaliation or punishment against the South Korean government for encouraging rampant anti-Americanism and for its sharp criticism of U.S. policy towards North Korea.

I do not believe these accusations to be true, but of greater relevance is that these questions of American motives reveal the extent to which strategic dissonance has pervaded the alliance. While this condition qualifies as a bona-fide crisis in the alliance, it does not necessitate a termination of the formal relationship. It does, however, require a careful examination of the sources of diverging strategic priorities.

#### THE PRESENT: PURPOSE OF THE ALLIANCE

When faced with common external threats, countries form alliances in order to provide mutual security through a formally binding commitment that ensures military and political cooperation. The initial rationale for the U.S.–ROK alliance was no different, and was comprised of three specific key elements: to meet direct threats to the peninsula; to provide a framework for cooperation to increase regional stability; and to provide a framework to contribute to global security.

What has profoundly changed, however, is that the two allies are no longer unified in their strategic perceptions of the primary threat to South Korea: the North. This divergence in threat perception has led to serious political and public developments that question and even threaten the very existence of the alliance.

Most Americans tend to attribute the strategic dissonance in the alliance to the dissipation of the “North Korean threat” altogether in South Korea. They cite the Sunshine Policy, the emergence of a younger generation with no first-hand experience of the Korean War, and a government in Seoul seemingly limitless in its willingness to accommodate the Pyongyang regime, including the omission of the official label “enemy” from its national Defense White Paper and even the refusal to discuss human rights abuses.

But as many South Koreans (both young and old) are quick to point out, they *do* feel threatened by the North, only the threat has metamorphosed into a completely different kind of peril than that perceived by Americans. Today, the majority of South Koreans no longer view North Korea as an invincible, evil enemy intent on conquering the South. Rather, the greatest threat posed by the North is the instability of the regime which could lead to a collapse (whether through implosion or explosion), thereby devastating the South’s economic, political and social systems. What explains South Korea’s sudden shift to fearing the North’s weakness rather than that regime’s strengths?

The Sunshine Policy and the ensuing historic summit between the two Korean leaders in June 2000 marks the proximate symbol of a profound shift on the Korean peninsula, but the true causes are more complex and lie in the previous decade. They include the collapse of the Soviet Union and the opening of China in the early 1990s, as well as the devastating floods and famines of the 1994–1995 which produced shocking pictures of starving, skeletal North Korean children.<sup>3</sup> These images “humanized” a traditional enemy and caused South Koreans to feel a connection to what they see as poor, starving, and weak brethren, who at best are victims of a bad regime and at worst are misguided, but certainly have neither the capability nor intent to truly harm their Southern relatives. Most importantly they were viewed as fellow *Koreans*.

The significance of this psychological mind-shift cannot and should not be underestimated. After all, who can blame South Koreans both young and old? They are tired of being the last remaining victims of the Cold War, and they too want to reap the “peace dividend” that the rest of the world enjoyed. South Koreans now want the freedom to not fear that their very way of life is in constant danger, a life that is built on prosperity, material well being, physical comfort and freedom.

<sup>3</sup>For further discussion, see: Victor D. Cha, “Key Trends on the Korean Peninsula After September 11 and the June 2000 Summit,” Testimony before the United States House Subcommittee on East Asia and the Pacific, House International Relations Committee, November 15, 2001.



The problem is that for the United States and many others in the region (including Japan and Australia), North Korea largely remains an unchanged Cold War threat based on: its continued pursuit of a military-first policy despite mass starvation and a failed economy; its pursuit of nuclear weapons, missile proliferation and illicit activities including counterfeiting; its record of state-sponsored terrorism; its continued hostile stance towards the South and other countries in the region; and even its continued brutality towards own people through wide-spread human rights violations.

For the United States, the source of the threat lies in the *strength* of the North Korean regime, while for South Korea, the threat now lies in the regime's fundamental *weakness* and its potential for collapse. Given this vastly different assessment, the divergence in policy prescriptions is predictable. Seoul wants to mitigate the potential for greater instability by engaging the Pyongyang regime in the hope of coaxing it gradually towards positive regime transformation. Washington, in contrast, views engagement efforts as part of the problem if it contributes to augmenting the regime's existing strengths rather than seeking ways to further weaken it.

This chasm between the American and South Korean perceptions of the North Korean threat and how to address it is at the heart of rising tensions between the two allies. It is also an important contributing factor to anti-American sentiment in South Korea because the uncompromising U.S. stance towards North Korea is seen as the cause of instability on the peninsula and a primary barrier to inter-Korean reconciliation.

While nothing could be further from real U.S. interests and intentions—after all, peaceful reconciliation and unification of the two Koreas is the ultimate solution to preventing future conflict and instability on the peninsula—this is a dilemma that is embedded in larger strategic differences confronting the alliance today. For the United States, the ROK alliance has always been one critical piece of a broader regional and global perspective, while for South Korea the alliance serves more limited peninsular goals. These two objectives while discrete were not openly contradictory during most of the alliance's history because the Cold War dynamic caused local and regional views to converge. In other words, the immediacy of the communist threat along with a near convergence between the two allies' classification of the sources of that threat—the strength of the North Korean regime—allowed disparities in security interests to be suppressed.

Today, changes on the peninsula, in the region, and around the globe are accelerating faster than our ability to manage them. Vigorous inter-Korean exchanges, China's dynamism and the revitalization of Japan, and the new and urgent threat of global terrorism have allowed the differing strategic priorities of the two allies to emerge and even conflict in the public arena. Moreover, these rapid changes raise profound questions about the utility of U.S. regional alliances in their existing configuration.

The current structure of the U.S.–ROK alliance presents a confounding dilemma for both allies: extended deterrence provided by the United States allows for South Korea to pursue engagement with the North, but at the same time is considered a hindrance to what Seoul wants to achieve vis-à-vis the North. Moreover, Washington can no longer utilize the alliance to leverage Seoul to fully cooperate on policies towards the North. While the Washington and Seoul share overall interests regarding North Korea—elimination of nuclear programs, reduction of the military threat and improvement of human rights—their prioritization of achieving these goals are at odds; for the United States, WMD and proliferation clearly are the top priorities, while for South Korea, preventing military conflict and a collapse of the North are the overwhelming objectives.

Thus, the alliance is increasingly seen as a burden by both sides, and both are resentful of responding to “demands” from the other, moving the focus of the alliance from a military to a political one. South Korea's rapid democratization, in particular the boisterous expansion of its civil society, has exacerbated the politicization of alliance management issues such as environmental and labor impacts on local communities. While creating more tensions for the alliance in the short-term, these developments should be assessed in the proper positive context, and do not necessarily signal the end of the alliance. Moreover, if properly managed, the end result will be an alliance that is more mature and equitable. More importantly, much-needed credibility in the alliance will be restored, sending a strong message not just to North Korea but the rest of the region.

## THE FUTURE: LONG-TERM STRATEGIC INTERESTS

At the heart of our discussion about the state of the U.S. alliance with the ROK today must be a broader consideration of future U.S. grand strategy in Asia. Beyond the immediacy of the seemingly intractable North Korean "problem" of today lie more profound challenges for the United States, including the eventual unification of the Korean peninsula, the rise of China and the resurgence of Japan.

It is clear that the U.S. goal for the mid- to long-term future is to play an active and positive role in maintaining stability in East Asia. The promotion of prosperity, freedom, and cooperation in the region are beyond a doubt integral to the American national interest. The best and perhaps only way for the United States to maintain its influence in the region is through its alliances with key partners.

While the primary goal of the U.S.-ROK alliance was and is to deter North Korea through the American commitment to the Armistice, its broader objective has always been to maintain regional stability. It has done so by contributing to the strength of the U.S.-Japan alliance, not only by dispersing the U.S. force presence beyond Japan, but also by alleviating the Japanese burden of managing instability on the Korean peninsula. The alliance has also mitigated hostilities between the ROK and Japan and served to counter China's growing regional influence and dissuade any precipitous action on the peninsula.

But perhaps most importantly, maintenance of a U.S.-ROK alliance will continue to serve as a bedrock for America's commitment in the region. An end to the alliance would undoubtedly jeopardize our credibility with all our allies and partners in the region from Mongolia to Australia. And it will send the wrong message to China, whose ambitions are to create a regional multilateral structure of nominal equality but underlying Chinese dominance; the strength of America's alliances with the ROK and Japan is the single greatest factor thwarting Chinese regional hegemony. But sole U.S. reliance on Japan will be problematic given the level of mistrust for that country in the region.

Maintenance of a strong U.S.-ROK alliance will not be an easy task given the immense challenges that will inevitably confront the relationship. Strong domestic support in both countries will be critical in order to sustain any type of formal relationship but especially one involving U.S. military forces which require sacrifices of those at home and in the host country. This is not an impossible task if the leadership of both countries rise to the occasion.

As such, Washington should work even more closely with the current and future governments in Seoul to reach a deep understanding that continuation of the alliance serves the mutual strategic interests of both countries. This should then be communicated clearly and unequivocally not only to the American and South Korean publics, but to the regional audience as well.

Today, there is strategic mistrust in the region, and our alliances are contributing to, rather than alleviating this dynamic. As a result, we find ourselves in perhaps the worst possible strategic configuration on the peninsula: the U.S.-ROK alliance is increasingly being held hostage to the North-South relationship, with North Korea ultimately gaining the most. Thus, the United States must work to create a new relationship with South Korea but also with the North.

Any relationship that has endured for over a half-century inevitably experiences periods of turbulence and crisis. The U.S.-ROK alliance has weathered its share, but the immense value it has provided to both countries has made the investment mutually worthy. It certainly deserves careful consideration and preservation in the future.

Mr. LEACH. Mr. Flake.

**STATEMENT OF MR. L. GORDON FLAKE, EXECUTIVE DIRECTOR, THE MAUREEN AND MIKE MANSFIELD FOUNDATION**

Mr. FLAKE. Thank you, Mr. Chairman.

The namesake of the Mansfield Foundation, Mike Mansfield, is best known in these halls as a former Congressman, our longest serving Senate majority leader, and our longest serving Ambassador to Japan. But what is probably less well known is in 1934 he wrote his master's thesis on United States-Korea bilateral relations. And at the time, he was addressing the end of the previous century at a time when the United States had abandoned Korea to colonial Japan. And in his conclusion he wrote quite poetically:

“We had no imperialistic designs in Korea. We had no class clamoring for a commercial or political foothold. We had no real and vital interest in the country. Therefore, the Treaty of 1882 notwithstanding, we had no business there. Thus, we departed and left Korea to her fate.”

Over 100 years later from the period of time that the Senator was evaluating, the situation in Korea and our interests in Korea could not be more different. Korea is the seventh largest trading partner in the United States, by most accounts the 12th or 11th largest economy in the world. It is home to nearly 100,000 United States citizens, a treaty ally, which for over 50 years has served the United States and South Korea well.

Both the United States and Korea have fought together and shed blood together, not only in the Korean Peninsula but also in Vietnam and the Middle East. And significantly, Korea now has the third largest contingency of troops in Iraq, after the United States and Great Britain. So I would concur with Dr. Hwang that this is certainly an alliance worth saving.

However, I must differ with the previous panel in my assessment of the current status of the alliance. And therein I have the freedom of being in a nonprofit think-tank sector and being able to express, quite frankly, my alarm over the current directions.

And in this, I think it is very important to distinguish between the tactical, you know, government-to-government, agency-to-agency cooperation and the broader political climate, and it is really that political climate that concerns me most.

I would focus—and there is a long litany of issues that demonstrate the tensions in the alliance, but I would focus really on the issue of wartime operational control as being symbolical of the current tensions in the alliance right now.

I think it is important to call the transfer of wartime operational control what it is. It essentially represents a divorce, albeit a friendly divorce, of the U.S.-ROK alliance. At this time the United States and the ROK have the only truly joint, only truly combined force in the world, and at the end of this process we will no longer have a Combined Forces Command. So essentially what this is is a friendly divorce, where we say we still like each other, we are still friends, and we are still going to take care of the kids; and yet, ultimately, it is a sad day because something that was once integral and tied together is no longer so. And I think that, on a political level, resonates deeply throughout the relationship.

The fact that the transfer of wartime operational control is now opposed by over 70 percent of the South Korean public in most recent polls tells you how this is playing out politically. And so however justified the individual commander control decisions may be, the way it has been played out politically in South Korea I think really highlights the underlying trend.

Given the sparsity of time here, I would propose just to, rather than talk about the specific examples of problems in the alliance, look at some of the underlying trends that I think better help us understand why we are in the situation we are today.

The first one is, of course, the rapidly diverging threat perceptions of North Korea, and Dr. Hwang has addressed this in great detail and I agree pretty much with what she says. But the reality

is that since our alliance has long been based on a common-threat perception in North Korea, you cannot now have, for the last 5 years, such rapidly divergent perceptions and not have that impact on your alliance and your political relationship at large.

The second is a bit more complex; and that is, I believe that the rapidly divergent perceptions are the asymmetry in the relationship. And here I think you can make a strong case that for the better part of 50 years our alliance relationship was characterized by United States attempts to address South Korean insecurities. Every South Korean is well versed in the Taft-Katsura Agreement of 1905, which was related to the area that Senator Mansfield was writing about, a period of time when the United States essentially recognized the Japanese claim to Korea. They are also very familiar with the Acheson line. So as a result, our defense treaty itself, our troops' position, where they are positioned on the Korean Peninsula, the trip-wire ideology, the notion that our troops were in the line of the invasion routes into South Korea, were all about addressing South Korean insecurities. And those insecurities manifested themselves in the 1960's and 1970's as President Carter threatened to pull out troops.

And yet something dramatic has happened in the last few years. South Korea, in a very natural way, has become increasingly confident as their economy has grown, as they join the OACD. They have, you know, wanted a more equal relationship with the United States. And again, I think that is a very natural and laudable goal in that process. Unfortunately, when you combine that newfound confidence with the newfound nationalism that was evidenced in the Red Devils during Korea's successful hosting of the World Cup, with some ambivalence about the United States and that relationship, what you get is the anti-Americanism that Secretary Lawless expressed his concern about in 2002. And unfortunately, this comes at a time when the United States is in a post Cold War era, where our view of the importance of proximity, our view of the necessity of the peninsula at large is declining, when you can run bombing runs to Missouri, to Kosovo and back.

You know, the historic importance of Korea in the Cold War context is shifting inevitably. And when you put those two trends together, you have a situation where Koreans have more confidence and are making greater demands than ever before. And you have a generation in power that views the United States as needing Korea, wanting Korea, and never being willing to let go of control of Korea at a time when the United States is, at least on some level, increasingly disinterested in Korea. And I think that is a recipe for some of the tensions we see right now.

The last two points I will make very briefly. One is that we have a real divergence with South Korea on nontraditional issues. The last 3 years have seen, particularly in this body, the emergence of issues that were not part of our dialogue with North Korea—or with South Korea in regards to North Korea; that is, the focus on human rights, the focus on the kidnapping issue in Japan, and the focus on illicit activities such as counterfeiting, drug smuggling, smuggling of cigarettes, et cetera. Each of these issues now are issues that with every passing year gain increasing prominence here and in the relationship, and are issues where we have very

different approaches with South Korea in terms of how to address them. And that, again, forms an underlying tension in the relationship.

And the final point, very briefly, is that there are fundamental regional trends which are also impacting upon the alliance: The Sino-Japan rivalry; concerns, again, already expressed today in this room with South Korea's relationship with China; worries that South Korea might be returning to a more traditional orbit in its relationships with China; and, of course, the deterioration of relations between South Korea and Japan, in an era where United States-Japan relations are stronger than ever before, have deeply impacted on how we perceive the United States-South Korea alliance politically.

I make two recommendations in my comments. One is that South Korea clearly needs to reach an independent strategic decision about the alliance, and it is going to have to move into a very different phase that is not simply supporting the existing alliance relationships but actively courting the United States. In an era where the War on Terror has sapped United States attention from the region, I think you can make a very strong case that the only countries in Asia that have strong vibrant alliance relationships with the United States are Japan, Singapore, and Australia, all countries that came to their own independent strategic determinations that they wanted that alliance and have been actively courting the United States. And right now, even the more conservative political opposition in South Korea is pretty much in the mode of we are willing to support the way it was, and then not yet made that fundamental transition to look at their strategic interests.

And the final point is that I think the United States very importantly needs to look at Korea in a regional context and work very hard to support this alliance that is very much worth saving. You can see our Defense Department on a high level—on the civilian level, focusing very much on global posture review and our global needs, and on the local level in South Korea, the frustration that is embodied in the alliance maintenance.

What we really need to do is look at it in terms of its impact on our relationships with Japan, how it impacts on the emergence of China, and in an Asian regional context. And if we do that, I think we will double our commitment to the alliance. Thank you.

Mr. LEACH. Thank you, Mr. Flake.

[The prepared statement of Mr. Flake follows:]

PREPARED STATEMENT OF MR. L. GORDON FLAKE, EXECUTIVE DIRECTOR, THE  
MAUREEN AND MIKE MANSFIELD FOUNDATION

#### I. INTRODUCTION

Mike Mansfield is known in these halls as a former Congressman, our nation's longest serving Senate Majority Leader, and our longest serving Ambassador to Japan. What is less well known is that while a student at the University of Montana in 1934 he wrote his Master's thesis on "American Diplomatic Relations with Korea." In what was one of a select few studies of a country at the time still under Japanese colonial rule, Mansfield examined the period from 1866 to 1910. Addressing the United States' willingness to turn a blind eye to Japan's annexation of Korea, he concluded "we had no imperialistic designs in Korea; we had no class clamoring for a commercial or political foothold; we had no real and vital interests in the country; therefore, the treaty of 1882 notwithstanding, we had no business there. Thus, we departed and left Korea to her fate."

A full century after Mansfield drew his conclusions, our interests in Korea could not be more different. South Korea is by some accounts the twelfth largest economy in the world, the United States' seventh largest trading partner, home to nearly 100,000 U.S. citizens, and the recipient of billions of dollars in U.S. investment. Treaty allies for over 50 years, the U.S. and Korea have fought and shed blood together, not only on the Korean Peninsula, but also in Vietnam and the Middle East. Significantly, Korea now has the third largest contingent of troops in Iraq after the U.S. and Britain.

And yet, despite this illustrious history and such a plethora of shared interests, just a few years after officials celebrating the 50th anniversary of the alliance proclaimed the alliance solid for the next fifty years, there are some who question whether the alliance will last until the end of the decade. Official reassurances and genuine tactical cooperation between our two governments aside, the political relationship appears to be fractured and there is now deep and growing concern in both Seoul and Washington about the state and the direction of the alliance.

## II. TRIAL SEPARATION OR FRIENDLY DIVORCE?

While strong, our alliance relationship has never been smooth. Testy relations with past military dictators—"Koreagate" in the 1970s, sharp trade disputes in the 1980s, and differing approaches to North Korea—have all strained relations in the past. Stanford University scholar Dan Sneider recently wrote an article in the *Washington Post* reminding us of past woes in the alliance and urging a more measured view of current difficulties.<sup>1</sup> While useful, this more realistic view of the past ignores some fundamental differences from past and current tensions. Perhaps most importantly, current challenges are taking place in a post 9–11 environment and without the safety net of the Cold War structures that underpinned much of U.S. interests on the Peninsula.

The past several years have seen a litany of events that have raised questions about the state of the alliance, each meriting close attention. However, this testimony will focus primarily on the recent, very public debate over the transfer of wartime operational control since this is an issue that appears to strike at the very nature of the U.S.–ROK alliance.

This is not a new issue and has been the subject of quiet working-level discussions and negotiations for quite sometime. In principle, the transfer of wartime operational control to Korea is a logical and laudable goal. However, the issue entered the political arena this summer when the Roh administration cast this issue as "taking back" such control from the Americans and publicly pushed for a transfer date of 2012 by which few military analysts think Korea can be ready, particularly given currently budgeted levels of spending in Seoul. The real surprise came when the U.S. apparently counter-proposed with an even earlier date of 2009, leading many to question U.S. motives. One hopeful explanation for the U.S. acceleration was that the U.S. had given up on the Roh administration as a negotiating partner on this issue and decided to take its case directly to the Korean public, fomenting a debate that has already seen 16 former defense ministers and numerous others in Seoul call for a reconsideration of the issue. Unfortunately, that does not appear to accurately reflect U.S. intentions.

A more alarming interpretation of U.S. intent in advancing such an aggressive counter proposal is sufficient, despite official assurances to the contrary, to raise concern regarding declining U.S. support for the alliance. The original Korean proposal for the transfer of control has been described as "pushing on an open door" with the U.S. already having decided that it wanted to enact the transfer and now seeking to carry it out as soon as possible. There is ample evidence that the top-level civilian leadership in the Pentagon primarily views Korea in the context of our Global Posture Review (GPR.) In this broad context it is not surprising that we would seek to free ourselves a 1950s-era posture that continues to tie down significant numbers of U.S. forces in a time of worldwide shortages. Add to this the declining threat perceptions of North Korea, at least as articulated by our South Korea allies, resistance towards the strategic flexibility that the U.S. wants for its troops in the region, and the political difficulties surrounding base redeployment, and you have a leadership in the U.S. that is inclined to give Korea "what it wants." What is frightening, however, is how much the situation today echoes the situation in the Philippines in 1992 when the U.S. withdrew so precipitously, albeit encouraged by a volcano.

<sup>1</sup> Sneider, Daniel, "The U.S.-Korea Tie: Myth and Reality" *The Washington Post*, Tuesday, September 12, 2006; Page A23

In and of themselves, the transfer of wartime operational control and even the redeployment and reduction of U.S. troop levels on the peninsula do not necessarily speak of declining commitment to the alliance. Military officials are correct to point out that we should focus on capability, which may in fact be enhanced, rather than structure or numbers. However, if enacted as envisioned, particularly in the current political environment, it is easy to see the transfer of wartime operation control as tantamount to a divorce. The current joint command in Korea represents the only truly “joint” force in the world. The clear delineation of roles and reduced exposure to the increasingly suspect political will in Seoul for a potential conflagration that seems to be the objective in the U.S. support for transfer of wartime operation control would suggest at best a trial separation if not an amicable divorce. True, both the U.S. and the ROK proclaim unwavering support for the alliance and for the defense of the peninsula, but this support seems to be the equivalent of the assurances of separating parents that they are still “friends” and that they will still work together for the good of the child. The inevitable outcome appears to lay the groundwork for a much reduced U.S. presence on the Peninsula and, capabilities aside, a downgrade in the political perception of the alliance. In the end, as with the case with many divorces, this change may be for best, but it remains sad.

It would be a mistake, however, to assume that this process is only being driven by the civilian leadership of the Defense Department. Traditionally the bastion of support for the U.S.–ROK alliance, the defense establishment both in Washington and in Korea now arguably gives Capitol Hill a run for its money as being the leading skeptic, if not detractor, of the alliance, at least in the context of current leadership in Seoul. Sensitive issues, such as anti-American incidents, the vilification of the USFK in blockbuster movies, and questions about environmental standards and basing, have all taken their toll. However, the most influential factors on U.S. military perceptions have likely been related to questions of preparedness. The last-minute withdrawal of South Korean support for joint Operations Plan 5029 left U.S. planners feeling exposed. In addition, the question of bombing ranges and whether the U.S. will have to travel to Alaska or Thailand to train appears to have been solved only by an unprecedented threat to withdraw the U.S. Air Force from Korea. Coupled with base relocation issues and the growing difficulty of coordinating plans and policies regarding North Korea (a nation the ROK Ministry of Defense no longer designates as its primary enemy), and of course the question of wartime operational control, these issues combine to challenge longstanding military support.

### III. UNDERLYING CAUSES OF THE CRISIS

Rather than continue to catalog the many indications of tensions and try to assign blame for individual statements, incidents, and misunderstandings between the U.S. and South Korea, it may be more helpful to explore some of the underlying trends that now pose a challenge to our political relationship and thus to our alliance.

- *Diverging Threat Perceptions of North Korea*

Even while framed by the broader Cold War, the foundation of the U.S.–ROK alliance has always been a common threat perception of North Korea. Given the current divergence in U.S. and ROK perspectives on the North, it is useful to recall that the first such divide emerged when the Clinton administration began actively engaging North Korea as part of its efforts to address the crisis surrounding the North Korean nuclear program. In almost a mirror image to the situation today, when the U.S. and the DPRK reached the Geneva Agreed Framework in October of 1994, it was South Korea that remained deeply suspicious of North Korean intentions and attempted to check what the ROK perceived to be an overly forward U.S. approach to the North.

The election of Korea’s first opposition candidate, Kim Dae-Jung, in 1997 solidified South Korea’s dramatic transition to democracy, and brought U.S. and ROK approaches to the North into close parallel. In his inaugural address in early 1998 President Kim Dae Jung declared his objective of “peaceful co-existence” with the North and outlined the policy of engagement that would become the hallmark of his administration. While there remained serious challenges, such as a North Korean missile test and the discovery of what was thought to be an underground nuclear facility at Kumchangri, the approaches of the Kim and Clinton administrations remained in close sync, and following the historic North-South Summit of June 2000, the Clinton administration continued its efforts to reach some type of reconciliation with the North.

The election of President Bush in late 2000 brought about a fundamental shift in the U.S. approach to North Korea, a development that from the very start affected U.S.–ROK relations. Eager to secure U.S. support for his policy of engaging the North and in particular for his plans for a hoped-for follow-up summit with Kim

Jong Il, President Kim Dae Jung pushed for and received an early meeting with President Bush. Unfortunately, when the summit was held in March of 2001, President Bush's key Asia policy advisors had not yet been confirmed and were not in place. In fact, given how politicized the issue of North Korea policy had become in the waning days of the Clinton administration, with efforts to arrange a visit for President Clinton to Pyongyang, Secretary Albright declaring what some saw as a premature declaration of victory on the missile issue, and a pivotal op-ed in the *New York Times*<sup>2</sup> the very morning of the summit calling for the Bush administration to continue the "Clinton" approach, it is not surprising that the initial Bush administration reaction was also seen to be political in nature, with even Secretary of State Colin Powell backing away from his assertion made just a day earlier that the new administration would follow its predecessor's approach on missiles. Regardless of the justification, while other aspects of the summit went well, President Bush's expression of his distrust for Kim Jong Il and his declared intent to conduct a review of U.S. policy towards the North, rather than provide a blanket endorsement of an engagement policy towards the North, disappointed President Kim Dae Jung and marked what many analysts see as an important turning point in U.S.–ROK relations.

The divergence marked by that first Bush-Kim meeting was only accelerated by the fateful events of September 11, 2001. Not only did these events fundamentally alter the U.S. worldview, but in a declared "War on Terror," North Korea was still on the list of state sponsors of terror. In an era of growing concern about weapons of mass destruction, North Korea was a prime candidate for suspicion, and by President Bush's January 2002 State of the Union speech, North Korea had been branded a member of the "Axis of Evil." At the same time, President Kim Dae Jung continued to push forward with his "sunshine policy" of engaging North Korea. The decision of South Korea to de-emphasize the security threat from North Korea and emphasize the positive aspects of growing North-South interaction contributed to a rapid divergence of relative threat perceptions as seen by Washington and Seoul.

This trend has continued as the Roh Mu Hyun administration has doggedly maintained the basic approach of engaging North Korea, despite such seminal events as North Korea's withdrawal from the nuclear non-proliferation treaty, declaration of its status as a nuclear weapons state, intransigence in the six party talks and most recently, test firing multiple missiles. While the U.S. response itself has been admittedly heavy on rhetoric and light on action, the respective characterization of each of these events has served to highlight the growing divide between Seoul and Washington to the point where in response to North Korea's July missile test, South Korea openly opposed the Japanese- and U.S.-backed sanctions resolution at the United Nations and openly announced their support for a much milder Chinese and Russian response that even the Chinese and Russians would ultimately abandon.

- *Diverging Perceptions of the Asymmetry in the Relationship*

A similar diverging trend has to do with perceptions of the relative importance of the Korean Peninsula to the United States. A fundamental role of the alliance itself over the past five decades has been to address and reassure South-Korean insecurities. Koreans are acutely aware of the 1905 Taft-Katsura Agreement by which Koreans saw themselves as being abandoned to Japan and the infamous Acheson line which excluded Korea from the United States' area of strategic interest and thus was a factor in the North Korean invasion that started the Korean war. In response, the U.S.–ROK security alliance itself, the presence of significant numbers of U.S. troops on the Peninsula, and even the forward positioning of those troops in the presumed North Korean invasion corridor to serve as a "tripwire" which would guarantee a U.S. involvement in any conflagration can all be viewed as, in addition to their fundamental deterrent properties, intended to reassure our South Korean allies.

With the miraculous success of their economy, joining the OECD, growing international prominence, and the end of any real competition with North Korea, South Korean confidence has naturally and appropriately risen. This newfound confidence became a factor in 2002 when President Roh Mu Hyun, supported primarily by a younger generation for whom the defining event was not the Korean War but the 1980 Kwangju Incident, rose to power on a wave of anti-Americanism provoked by the unfortunate death of two schoolgirls in a U.S. military accident. The "386"<sup>3</sup> generation embodied by the Roh administration understandably demanded a more

<sup>2</sup>"Talking to the North Koreans" by Wendy R. Sherman, *New York Times*, Editorial Desk, March 7, 2001, Section A, Page 19.

<sup>3</sup>A moniker used to describe the generation in Korea that were at the time in their 30s, went to college in the 80s, were born in the 60s and cut their teeth on Pentium 386 computers.



“equal” relationship with the United States. This demand was based not only on Korean accomplishments, but the presumption that the U.S. as the world’s sole remaining superpower the United States wants to control everything and “needs” Korea. Coupled with the heady nationalism embodied in the “Red Devil” supporters of Korea’s national soccer team during Korea’s successful hosting of the World Cup, and what may prove to have been a miscalculation of the depth and intensity of U.S. interest in the Peninsula, this newfound confidence appears to have fundamentally altered South Korea’s approach to the U.S. The Roh Mu Hyun approach to the alliance was no longer simple alliance maintenance based on South Korean security concerns, but rather a reflection of a desire for a transformed relationship based on Korean confidence and assumptions about U.S. interests.

The unfortunate irony is that during the same period of time, it is arguable that United States interest in Korea has declined. Korea is often referred to as the last bastion of the Cold War, but the Cold War is indeed over and the global interests that drove U.S. involvement on the Peninsula during the Cold War are fundamentally transformed. Secondly, in a post 9–11 environment the attention paid by the United States to Asia as a whole has diminished with our focus on the War on Terror and the Middle East. On the security front, with the U.S. ability to make bombing runs from Missouri to Kosovo and back, the pre-eminence of proximity is inevitably challenged. Furthermore, the considerable strengthening of the U.S.-Japan alliance in recent years has certainly impacted views in Washington of the comparative importance of the U.S.-ROK alliance.

This is not to say that the alliance is not important, but that there are again divergent trend lines. With Korea more confident and less insecure than ever before, and the U.S. increasingly distracted and perhaps disinterested, conditions are ripe for alliance maintenance issues that would normally be manageable to cause real damage to the relationship.

- *Political Frictions*

Much of the concern over political relations between the U.S. and the ROK has been exacerbated by the poor quality of the political discourse between Washington and Seoul, which is deemed hardly appropriate for two long-term allies. In recent months it seems that almost every utterance coming out of the Blue House further undermines perceptions of South Korean support for the alliance. President Roh Mu Hyun has always been an independent voice, expressing some understanding for the North Korean pursuit of nuclear weapons and categorically ruling out the use of force on the Peninsula in a November 12, 2004, speech in Los Angeles, shortly before meeting President Bush at an APEC meeting. That speech was followed by a trip to Europe during which he criticized his political opponents in Seoul as being “more American than the Americans.” The North Korean missile test in July has proven to be another area of divergence. Following the launch, the Roh administration openly criticized the draft Japanese resolution at the UN and expressed its support for a Chinese alternative, which even the Chinese ultimately abandoned. When Roh’s National Security Advisor told the Korean National Assembly Member Lee Jong Seok that the U.S. had “failed the most” in not stopping the North Korean missile test, President Roh responded to the opposition lawmaker’s criticism by lauding Mr. Lee’s comments and saying he wanted all of his ministers to “speak the truth” even in the face of U.S. policy—something to be anticipated in internal sessions, but not in public. Such issues cannot of course be divorced from the complexities of Korea-Japan relations in an era of closer than ever U.S.-Japan relations. President Roh’s decision, while downplaying the North Korean missile test, to go ballistic in response to the declaration of Japanese political leaders that they had a right to consider a preemptive strike in response to the same missile tests certainly raised eyebrows in Washington.

- *Emergence of Non-traditional Issues*

For the better part of fifty years the U.S. approach towards North Korea was defined entirely by deterrence. While we assumed the worst about North Korea’s human rights record and its illicit activities, since the U.S. had no interaction with North Korea, such issues did not factor into the relationship. A decade of minimal engagement in the 1990s, however, opened the door, and in recent years three very important non-traditional issues have been gaining considerable traction on U.S. perceptions of and interaction with North Korea: human rights, illicit activities and the Japanese kidnapping cases. With greater contact with North Korea have come greater information flows and there are now sizable and growing interest groups paying particular attention to these non-traditional issues. The North Korea Freedom Coalition and other organizations sponsor an annual North Korea Freedom Week in Washington D.C. and have cultivated growing interest in the issue of North

Korean human rights on Capitol Hill. The War on Terror has cast a new light on the international trade in weapons of mass destruction and weaknesses in the international financial system that might be exploited by terrorists. Armed with new tools, the U.S. Treasury Department has begun to pay particularly close attention to North Korea's counterfeiting and smuggling activities and Pyongyang is also firmly in the sights of the Proliferation Security Initiative. Finally, the failure of Prime Minister Koizumi's attempt to solve the issue of Japanese citizens kidnapped by North Korea has focused attention on an issue that is often linked in the U.S. with questions of human rights and which will almost certainly get more play under its chief champion, the newly elected Prime Minister Abe Shinzo.

The emergence of these issues becomes an issue in the alliance inasmuch as the U.S. response has been so much at odds with the South Korean policy of engagement and its predilection to place a lower priority on these issues as it attempt to reduce tensions on the Peninsula. This contrasting approach has had a particular impact on congressional views of South Korea, for example when over 30 South Korean National Assembly members from the Woori Party wrote a letter denouncing the passage of the North Korean Freedom Act in November of 2004. Given the emotional nature of all of these issues it is not difficult to see why charges of "appeasement" have been so readily leveled against Seoul. In its effort to head off what it perceives to be negative pressure on the North, the South has been seen as acting as North Korea's lawyer. Given North Korea's pariah status and the rapidly declining political space in Washington for proactively engaging North Korea, South Korea's advocacy has not won it any friends in Washington.

- *Implications of the Emerging Sino-Japan Rivalry*

While polls show that most South Koreans are deeply ambivalent about the rise of China and even alarmed at the growing Chinese influence in North Korea, there is a growing if inaccurate perception in Washington that South Korea is reverting to more historical cultural orbit around China. This view has been furthered by Korea's cooperation with China in its attempts to resist pressure on North Korea, and by the sharp decline in Korea-Japan relations that has closely matched rising tensions in China-Japan relations. Coming as it has in the context of closer than ever U.S.-Japan ties, such trends have clearly affected U.S. perceptions of Korea

#### IV. CONCLUSIONS

- *The ROK needs to make own sovereign strategic decision on the alliance*

It is possible to make a strong case in that in East Asia today, the only countries that have been able to maintain strong alliances with the United States are Japan, Singapore and Australia. These are arguably all countries that independently assessed their own strategic interests, decided that a strong alliance with the United States was in that interest, and as a result have "courted" the U.S. This marks a sharp contrast with the Cold War era which placed the initiative in the hands of the U.S. With Iraq, Afghanistan, Iran and the global war on terror demanding most of the United States' attention, good intentions aside, Asia continues to get short shrift.

It is in this context that Korea needs to conduct a fundamental evaluation of its national interest, particularly given its position between a rising China and a potentially resurgent Japan and make its own strategic decision as to whether it wants to not just maintain, but strengthen its relationship with the U.S. This is a decision that must of a necessity look beyond the current crisis with North Korea, since such short-term concerns seem likely to have much longer term implications for a post-unification Korea and its relations with the U.S. and the region. Koreans may have smirked when former Japanese Prime Minister Koizumi during his last visit to the U.S. channeled Elvis to express his approach to the U.S.: "I love you, I need you, I want you." However, whether Koreans believe it or not, the U.S., particularly in the post-Cold War era, will not long remain in a country where it is not wanted.

This is not just a message for President Roh and the ruling party. While there is still considerable time before the November 2007 presidential elections in Korea, there is some expectation that with the current unpopularity of Roh and near collapse of the Woori Party, the next government will be conservative. However, if recent events are any indication, even the conservative opposition party does not fully grasp the nature of the transformation in U.S. views. In the current era, it will likely not be sufficient to express support for past structures and perceived U.S. wants. Instead, Korea will, like Japan, Singapore and Australia, need to articulate why it wants the U.S. to stay, why it is in Korea's interest, and more importantly, why the U.S. presence is in the U.S. interest. In short, they will need to "court" a distracted and distant America.

- *U.S. needs to assess the U.S.-ROK alliance in a regional context*

The United States' interests are not served by evaluating the U.S.-ROK alliance from solely a broad global (GPR) perspective. Nor are they served by viewing the alliance solely in the context of the Korean Peninsula. Instead, the U.S.-ROK alliance should be seen squarely in the context of U.S. interests in the Asia-Pacific region.

Even while recognizing the primacy of the U.S.-Japan alliance and the unprecedented close U.S.-Japan political relations; it is a folly to view the U.S.-Korea and the U.S.-Japan alliances as truly separate. At a minimum they are deeply symbiotic. The best support for a strong U.S.-Japan alliance is a strong U.S.-Korea alliance. Not only does the U.S.-Korea alliance provide the fig leaf for public support in Japan, but perhaps more importantly, given Japan's difficult relations with China, it is the U.S.-Korea alliance that keeps the U.S.-Japan alliance from being primarily framed in the context of the rise of China.

The U.S. also needs to look beyond the short-term emotional issues currently challenging the alliance and undermining its perception of South Korea as a trustworthy alliance partner. This means not just looking beyond the current administration in Seoul, but even beyond the resolution of the current crisis with North Korea. For the sake of both Korean and U.S. interests in the region, the value of the U.S.-Korean alliance should be viewed not just in the context of the Korean Peninsula, but how it is viewed by China, and by other U.S. allies in the region. The withdrawal of U.S. troops from the Peninsula, or even a significant reduction would doubtless be interpreted in the region as evidence of declining U.S. commitment. To once again borrow from the works of Mike Mansfield, "We must not forget our future lies in large part, in the Pacific."

Mr. LEACH. Webmaster Stanton, If you could pull your microphone close, and also put it on.

**STATEMENT OF JOSHUA STANTON, ESQ., FORMER UNITED STATES ARMY JUDGE ADVOCATE ASSIGNED TO UNITED STATES FORCES KOREA (1998-2002)**

Mr. STANTON. It is my first time here; I guess that is apparent. Thank you very much.

First, some administrative notes. I should say that I speak only for myself here today, and not for the Army or any agency of the government or anyone but myself. I am here solely in my capacity as a citizen. I will publish a more detailed version of my statement on a public Web site which is actually the Korea Liberator at [www.Korealiberator.org](http://www.Korealiberator.org) where anyone is welcome to check the facts that I assert. They are all linked to what I hope we will agree are reliable accounts.

Normally this site focuses on regional security issues and on the human rights of the North Korean people who suffer, I believe, as much as any people have suffered since the fall of the Khmer Rouge. I hope that you will join me on October 4th to remember their suffering when the musical, *Yoduc Story*, opens.

But I am here to talk about several specific problems. And I think it is more from a microlevel than from a macrolevel. From the perspective of a person who served with the Army in Korea for 4 years, from 1998 to 2002, that is a disturbing rise in violence against American servicemembers and installations, and the Korean Government's inadequate response to that violence.

Second, a creeping advance of Korea's own version of apartheid primarily directed toward our servicemen. And I would note that I lived in South Africa during the last days of apartheid, so I believe I have some basis to make the comparison.

And finally, a very controversial issue has been the Status of Forces Agreement and criminal jurisdiction, and I have some basis

to say that the Korean system is not capable of giving the minimum guarantees of fairness necessary to assure that our soldiers have fair trials. And I am joined in my criticism of the Korean system by no less compelling a critic than the Supreme Court Chief Justice of Korea.

First, violence against American personnel. My written statement contains a chronology of dozens of such incidents, but in the interest of time, I will simply say our soldiers have been murdered, they have been stabbed, attacked by mobs, spat upon; the U.S. Chamber of Commerce was ransacked. American soldiers have been kidnapped off trains, taken to universities and forced, North Korea-style, to read confessions. Radical groups have cut the fences around their installations and entered to attack our personnel.

On September 11th of 2005, radical protesters attempted to tear down the statue of General MacArthur, and they did so forearmed with iron pipes, bamboo poles, stones and eggs. This resulted in 20 injuries. And the date certainly could not have been entirely coincidental.

This May, there have been extremely violent protests, in large part backed by the largest labor organization in Korea, the Korean Confederation of Trade Unions, and the violent student group Hanchongryon which have left hundreds of people injured, have resulted in 13 serious injuries. There were also 500 protesters arrested.

But this leads me to the next point that I am to make, which is, what happened to those who were arrested? Now certainly in no way do I advocate suppressing peaceful speech; this is exactly what we were there, putting ourselves on the line to protect. I am talking about violence and stopping that with the rule of law.

Finally—well, to make my point quickly, it is difficult to prove the negative, but the widespread perception among our personnel—and my research found no evidence to the contrary—is that the Korean Government is not prosecuting the people who are hurting our soldiers. Worse yet, there is a recent Korean newspaper report suggesting that some of the groups may have actually received Korean Government funding. There is much more detail about that in my statement. And I urge the Committee to look into whether some of these groups are getting funding from the Korean Government.

Finally, I want to address the thing that I have been waiting for years to tell you about, which is discrimination against our soldiers in public accommodations in Korea. I brought exhibits. After the accident in 2002, which was of course a terrible and tragic situation, the apartheid that had been understated but widespread in Korea came out into the open, and we began to see signs like these appearing in coffee shops and bars and restaurants and other businesses in Korea.

An alliance is not simply about a piece of paper that says that we agree on certain interests, it is about values that we share as well. These are not the values of the United States. These are not the values that we supported, and it is wrong for our sons and daughters to be treated with indignity like this; and in violation, I would add, of the National Human Rights Commission Act of the Republic of Korea. The law must be enforced, and our soldiers must be permitted essential and fundamental human dignities.

Now, I will tell—this last picture, by the way, is from August 2005. This is from a stadium in Taegu, where a soccer match was going on. And these two gentlemen, who are evocative of the storm troopers that used to stand in front of Jewish shops in the 1930's, have signs that say, "No American military allowed."

So the problem hasn't simply passed, the problem goes on, and usually it is very understated. And it is well enough known so that this is in travel guide books to Seoul. They will tell you that there are certain areas where you are not welcome, and usually they will tell you that by putting a doorman in front of the place. And if you try to go in, they will shoo you away from the door.

Now, you may be tempted to suggest that this was a misunderstanding, but I assure you, sir, it was not a misunderstanding. My Korean is not fluent, but it is adequate for me to have asked the fellows why, and they were simply telling me that Americans are not allowed.

It is not right that those who protect the rights and freedoms of the Republic of Korea are treated as *persona non grata* in so many parts of it, notwithstanding the contents of their character.

One last note on discrimination. I personally brought these matters to the attention of South Korea's National Human Rights Commission, submitted them with a photograph, told them the place and the time, and their response was, "You didn't provide enough specific information." So I don't believe that the South Korean Government is interested in hearing what the soldiers have to say.

Finally, with all the time you will permit me, I often interacted with the Korean court system during my time there, and I will tell you that the court system cannot guarantee our soldiers fair trials. Reliable information is that judges sleep during trials. There are almost no procedural guarantees against hearsay evidence. The statements are almost always very brief and perfunctory, maybe three or four lines. When I would follow up with the witnesses, inevitably the story was not as advertised in the statement.

Police use methods that we would consider coercive. Police do not give Miranda warnings, in spite of the fact that they are supposed to do so. And I would add that under the SOFA, the Korean Government has expanded authority to hold our soldiers in Korean custody for a wider range of crimes. Often they are not even given the minimal access to a nonlegal SOFA representative.

The justices, I would only have to refer you to an example of a recent case where I think soldiers were treated unjustly. The bottom line is that there was a fight, the judge found that a Korean man had started the fight, and he walked away from the proceedings \$4,000 richer; while the American who was brought before the court was whacked on the side of the head with an iron pipe, hurt quite badly, and ended up paying out \$9,000 in settlements to the other Koreans who were present. This, Mr. Chairman, does not sound like equal justice. And in the political climate, and with the extensive anti-Americanism in Korea today, it is more difficult to say that the Korean judiciary can be independent of politics.

Finally, I would just ask to—there is a war going on right now over the history of Korea, and we are getting a very—we have a big public relations problem. We are roundly criticized over our failure to raise human rights objections to past military regimes.

Some of those accusations are true and some are distorted. But the bottom line is that there has never been a greater human rights crisis in Korea than there is today, and future generations will not forgive us if we don't raise the issue of the gulags and the gas chambers and the horrific human rights abuses that are going on in North Korea. This is a part of the values that should unite our alliance and that made our mission just.

Perhaps the greatest, most fulfilling moment I have had since I left Korea was meeting a former North Korean soldier at the Korean War Memorial last April. Had we met years ago, we would have been shooting at each other. We were able to shake hands as friends and comrades. And I look forward to the time when our values are realized, and that Korea will be whole and free.

I believe that the alliance can be saved, and I believe that it is worth saving, but we need to participate in the conversation or lose that debate by default. Thank you.

Mr. LEACH. Thank you, Mr. Stanton.

[The prepared statement of Mr. Stanton follows:]

**Testimony of Joshua Stanton  
Before the House Committee on International Relations  
United States House of Representatives, 109<sup>th</sup> Congress**

**U.S.-Republic of Korea Relations: An Alliance at Risk?**

**September 27, 2006**

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**Testimony of Joshua Stanton  
Before the House Committee on International Relations  
United States House of Representatives, 109<sup>th</sup> Congress**

**U.S.-Republic of Korea Relations: An Alliance at Risk?**

**September 27, 2006**

**Introduction and Disclaimer**

Distinguished members of this Committee, good afternoon.

My name is Joshua Stanton. I come here today to speak my own views on my own behalf. Nothing in this statement or my verbal testimony should be construed as reflecting the views of the Army or any of its components or units, or of any branch, agency, or department of the U.S. government. I am here solely in my capacity as a citizen.

The views I will state are based on personal experiences during my military service, facts related by people I trust, and published reports that I consider reliable. This statement is a more detailed version of my summarized statement, and I will also publish it a public Web site, the [Korea Liberator](#). I maintain that site on my own time and at my own expense, along with two other bloggers with whom I am privileged to share that space. Our site ordinarily focuses on the human rights of the North Korean people, whose suffering exceeds that of any other people on this earth since the fall of the Khmer Rouge. I hope that as many of you as possible will join me in remembering them when the musical "[Yoduk Story](#)" opens at Strathmore Hall on October 4th.

I served in Korea with the United States Army Judge Advocate General's Corps between July 1998 and July 2002, first as a Trial Counsel, or prosecutor, later as a Trial Defense Counsel, and finally, as a Senior Defense Counsel. During my four years in the Republic of Korea, I was assigned to Yongsan Garrison in Seoul for two non-consecutive years, to Camp Henry in Taegu for 18 months, and to Camp Humphreys, in Pyeongtaek, for seven months.

My duties in Korea brought me into frequent interaction with its criminal justice system. I read countless Korean police statements and reports, prosecuted and defended administrative separation actions based on Korean convictions, and represented dozens of clients who faced the possibility of prosecution in either or both the U.S. military and Korean legal systems. I have also represented clients who had been convicted of crimes in Korean courts. My duties also gave me considerable experience with off-post misconduct by U.S. military personnel.



### **Background**

I am here today to talk about anti-Americanism in the Republic of Korea, and what I believe to be its significant impact on the morale, mission, and the safety of our service members there. Our soldiers, airmen, Marines, and sailors have done, and are doing, far more to secure the rights and freedoms of the South Korean people than many South Korean people and their government seem to be willing to recognize. I believe that many of them take the protection of our service members for granted. Many believe that we are in Korea primarily to serve hegemonic U.S. interests. Others consider our presence to be a necessary evil. Certainly, not all South Koreans espouse those views, but the many who do have forgotten how the sacrifices of our military have contributed to their open society, advanced state of development, and prosperous way of life. As those views propagate, the alliance's base of political support among the Korean population continues to decline.

Below, I quote extensively from polling data in an effort to quantify and analyze Korea's sentiment about America. Those polls generally confirm what is obvious to most U.S. military personnel in Korea: that anti-Americanism is pervasive, palpable, and often at odds with a recognition by a bare and dwindling majority that the U.S. presence also brings considerable economic and security benefits. Restated in plain English, Koreans' view of the U.S. military presence is a potent and complex cocktail of love and hate.

I concede that I was not always proud of the behavior of my fellow soldiers, and later, I will recommend some specific measures that U.S. Forces Korea may consider for reducing friction with the local population. Nor do I defend every policy decision the United States has made during its sixty-year presence in Korea. I only place my country's flaws in their greater historical context, which is that millions of Koreans owe their lives, and their potential to live long and fulfilling lives, to the U.S. presence in Korea.

The new Korean War is a political battle that is being waged over history and moral legitimacy, mostly without our participation. The United States must participate in that debate or forfeit it, even at the cost of confronting less comfortable aspects of its history, and yes, even at the cost of giving offense to those we remain in Korea to defend it against. Above all, Koreans who seek to preserve the alliance must eschew censorship and defend the U.S.-Korea relationship in the area of ideas, with scholarship, reason, and debate.

What, in my view, are the alliance's greatest problems? Simply stated, they are political problems, not military problems:

- The United States and the Republic of Korea cannot articulate a common vision of what the alliance should be or do.
- The U.S. presence in Korea has a severe image problem. Korean society is becoming less tolerant of misbehavior by U.S. personnel, and radical views of Korean history and nationhood are gradually prevailing in the mainstream of Korean society. Younger Koreans are far more likely to espouse anti-American views than their elders, which means that the alliance faces a demographic deadline.

- The Korean government and ruling party members are exacerbating anti-Americanism with words and actions that sometimes seem calculated to have precisely that effect. At other times, they seem to be made with reckless disregard for their effect on bilateral relations. The Korean government has abandoned mature, quiet diplomacy and lodges its disagreements with the United States in the newspapers.

#### **Anti-Americanism: The Statistical Record**

Detailed demographic evidence of Koreans' attitudes toward the United States is difficult to find and track. U.S.-commissioned polls are rare, Korean newspapers only started polling Koreans on their views of America recently, subtle differences in the phrasing of questions influence poll results, and newspapers seldom repeat identical questions from year to year. Results tend to be volatile because of small sample sizes that seldom exceed 1,000 respondents, and due to the tendency for sensational headlines to drive voters to sudden bursts of temper. For example, here are the results of a recent JoongAng Ilbo [poll](#):

- 54 percent of respondents wanted U.S. forces to leave Korea, although the question did not specify a timeline. The proportion of Koreans opposed to a U.S. military presence had increased steadily over the past three years;
- 4 percent wanted a quick, complete withdrawal, while approximately 25% favored a more gradual withdrawal;
- 16 percent of the respondents want U.S. troops to stay in Korea permanently;
- 30 percent want U.S. to stay in Korea "for a considerable period of time."

Yet later, in May 2006, at the height of violent protests over the expansion of Camp Humphreys, the results of another [poll](#), by the official Yonhap News Agency, seemed more favorable. On closer inspection, however, not all of the results were necessarily inconsistent:

- 74.5 percent said it was soon to demand that U.S. troops withdraw from Korea; 22.2 percent favored an immediate U.S. withdrawal.
- More than 84 percent of those polled said that U.S. troops play an important role in ensuring security on the peninsula.

Either finding represents a significant, and probably steady, decline in political support for the U.S.-Korea alliance since [polling data](#) have been gathered in Korea in the 1980's.

Other findings are more profoundly disturbing. I share them in a spirit of raising an important problem to your attention, rather than provoking an emotional reaction that may not advance the interests of either nation. For example, in June 2003, a [Pew Global](#)

Attitudes Project survey of 719 Korean adults, conducted in partnership with Gallup Korea, produced the following results:

- 58% of South Koreans were disappointed that the Iraqi Army did not fight harder outside Baghdad, more than twice the number (26%) who said they were “happy” with the quick Iraqi collapse. This result was within the “moderate” range of opinion in the Muslim world, but far outside results in Europe or North America. In France, for example, the results were very near the opposite.
- The Iraq and Afghan wars had little measurable effect on Korean public opinion. The “favorable” view of the United States dropped from 58% in 1999-2000, to 53% in summer 2002, to 46% in summer 2003, which probably means that about half of the difference can be attributed to the June 2002 accident. Furthermore, of those with unfavorable views of the United States, more than 80% thought the “problem” was not just President Bush, but was at least partly because of the American people themselves. This latter figure was an outlier among nations surveyed.
- To further underline the complexity of Korean sentiment, during the same period, South Korean views of Americans actually increased from 61% to 74% favorable.
- 22% of Koreans had started boycotting U.S. goods, and 29% had considered it. This was the highest number outside the Muslim world.
- Just 24% supported the U.S.-led War on Terror, also a result that fit within the statistical range in the Muslim world.

Most disturbing of all were surveys indicating that many South Koreans, particularly the young, would prefer to take North Korea’s side in the event of hostilities between the North and the United States. In November 2004, a Frontier Times / National Policy Research Center poll found that in the event of war between the U.S. and North Korea, 20% of South Koreans would want their country to take North Korea’s side. Another 30% were undecided. There were significant differences in results according to both age and region (in traditionally left-leaning Kwangju, for example, as many people would side with the North as with the U.S.). In May 2005, a Munhwa Ilbo /KSOI poll (translated by the invaluable blogger Robert J. Koehler)<sup>1</sup> asked Koreans with whom their country should side with if the United States “unilaterally” attacked North Korea. Almost half, 47.6% chose North Korea; just 31.2% chose the United States. By a narrow margin, even supporters of South Korea’s “conservative” Grand National Party believed that the South should side with the North against the United States in such an event.

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<sup>1</sup> Mr. Koehler, a seasoned observer of Korea who reads the Korean language fluently, is skeptical of some of these results, perhaps for some of the reasons I cite. I believe that the results, despite their variations, have sufficient statistical depth to be cause for concern, and that they raise a legitimate force protection issue for U.S. Forces Korea.

Young South Koreans – who make up most of South Korea’s conscript military – were much more anti-American, or pro-North Korean, than their elders. An August 2005 [poll](#) of 833 Koreans born between 1980 and 1989 found that in the event of war between the United States and North Korea, nearly two-thirds, 65.9%, would side with North Korea. Just one-fifth, 21.8%, would side with the United States. Another 12.3% were undecided. The survey was taken by the conservative Chosun Ilbo daily newspaper, in cooperation with Gallup Korea. This evidence suggests that demographics are not on the alliance’s side. If present trends continue, and as older voters die and younger voters register, South Korea will continue to become more anti-American.

### **The Rise of Anti-Americanism in South Korea, 1998-2002**

Anti-Americanism in Korea is partially, but not exclusively, a function of politics. Anti-Americanism also results from misunderstandings caused by the language barrier; the inevitable result of Koreans and Americans coming into contact after drinking to excess; Korean sensitivities relating to past occupations by foreign armies; the failure of many young Americans to behave as deferentially toward older Koreans as is expected in Confucian cultures; and the tendency of Koreans to be distrustful of foreigners, unfamiliar with Western notions of "personal space," and sometimes, deeply xenophobic.<sup>2</sup>

Yet those factors did not strain our alliance to the breaking point for 50 years; the mainstreaming of radical, ultra-nationalist politics did that. Many of these radical views are based on spurious historical revisionism that often goes unchallenged in Korean schools and in "progressive" media. This means that radical views, including views that sometimes closely reflect North Korean ideology, have a demographic advantage as new generations come to accept them as fact.

- The South Korean government and many of its people studiously avoid any discussion of human rights in North Korea today, and many of them have little idea about conditions there. The heavy-handed and unbalanced government propaganda of previous regimes has immunized many of them to objective reports of genuine horrors in the North. Today, the heavy-handed suppression is more likely to fall on [refugees](#) and [defectors](#) from North Korea, and on others who would criticize its regime; more subtle pressure is put on opposition [media](#). It is not possible to place the U.S. presence in Korea into a security, political, or moral perspective without an understanding of North Korea’s selective [famine](#), its smothering repression, its gargantuan concentration camp system, or its alleged chemical experiments on political prisoners (which, allegedly, include the use of a [gas chamber](#), according to British press reports and a 2004 BBC [documentary](#)).
- Progressive and radical Koreans generally blame the United States for sustaining South Korea’s military dictatorships between the 1950’s and the 1970’s. There is

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<sup>2</sup> The American missionary and South Korean citizen Horace H. Underwood, who recently left Korea and ended his family’s four-generation relationship with Korea, [used](#) the terms “insular” and “narrow minded” in his farewell address.

much truth – but little context – to these arguments, which alternatively criticized the United States for interfering in Korean affairs too much and not enough. As Korea became more prosperous and secure from invasion, the United States became more assertive in restraining the excesses of South Korean dictators. For example, few South Koreans know that the United States saved the life of Kim Dae Jung – who would later become South Korea's president – three times. Few acknowledge America's role in creating pressure for Korea's transition to full democracy in the late 1980's. The results of that pressure eventually led to Kim Dae Jung's presidency.

- Many Koreans believe that the United States was complicit in the massacre at Kwangju in 1980, the toll from which is still in dispute, but which is probably in the hundreds. A 1988 survey by Seoul National University's Center for International Studies found that 95% of the students surveyed said the United States had some degree of responsibility for the bloodshed in Kwangju. The United States should indeed apologize for the slowness of its response to the South Korean military's actions at Kwangju; arguably, a quick, forceful, and decisive U.S. objection could have spared lives. Unfortunately, it was not immediately clear what was happening in Kwangju, the U.S. government was preoccupied by Iran's seizure of the U.S. Embassy in Tehran, and the Carter Administration's relationship with military dictator Chun Doo-Hwan was strained. At the same time, reliable eyewitness accounts and a detailed U.S. government inquiry contraindicate any reasonable basis to believe that U.S. officials encouraged, approved, or participated in the terrible events at Kwangju. It is also true, and frequently forgotten, that Kwangju was precipitated in part by violent radicals who attacked police stations and seized weapons (which in no way excuses the ROK Army's excesses against peaceful pro-democracy protestors and innocent bystanders). One additional note on placing Kwangju in context: if one agrees that the victims of Kwangju should be remembered – and I certainly agree – then one should also remember that the human toll from North Korea's famine was, at a bare minimum, the equivalent of one Kwangju per day for six years, and that those victims are no less worthy of recognition and remembrance, in approximate proportion to their suffering and loss of life.
- Many young Koreans hold the United States responsible for Korea's occupation by Japan in 1905, an allegation that has been repeated by senior Korean government officials in the media. There is little basis to this charge, and I will address it below.
- I was present in Korea when the No Run Ri massacre allegations emerged, and those allegations had a substantial impact in fanning anti-Americanism. A lengthy Pentagon inquiry, conducted in cooperation with the Korean government, was unable to determine what actually happened at No Gun Ri, because Korean and American witness accounts differed among themselves and from each other. Although overwhelming evidence exists that North Korean forces intentionally infiltrated refugee columns, disguised themselves as noncombatants, and then attacked U.S. forces, witnesses could not agree on whether this happened at No Gun Ri. Documentary evidence later proved that some of the witnesses who made the original

allegations were not present at the time. Most Koreans appear to have assumed the worst, and fewer of them place the issue in context of confusion on the battlefield, North Korea's unlawful tactics, the soldiers' inexperience, or the widespread and deliberate mass slaughter by North Korean forces.

- Finally, a radical new view challenges the very legitimacy of the U.S. intervention in Korea, arguing that Korea would have been better off had Kim Il Sung's army reunified Korea by force in 1950.

The Korean government, the mainstream Korean media, and the U.S. government have been absent to mostly-absent from this new war over Korea's history. North Korean refugees and defectors have much to contribute to this debate, but according to a recent [survey](#) sponsored by South Korea's National Human Rights Commission, 19% of those who criticized the South or North Korean governments claimed to have received warnings or threats from South Korean officials.

By 2002, anti-Americanism seethed, mostly below the surface. In June 2002, however, a U.S. armored vehicle accidentally struck and killed two teenage girls, and the accident and its legal consequences soon triggered the largest outpouring of anti-Americanism in Korean history. Of most of the protests that occurred after the verdict, I will say little beyond the fact that they brought hundreds of thousands of people into the streets. Most were non-violent, and they have been adequately covered elsewhere.

Neither Korean nor American authorities appear to have handled the incident well, at least from my outsider's perspective. In the midst of an election campaign, the opposition candidate capitalized on anti-American sentiment, while no one felt safe to point out that it had been an accident. The Korean street dismissed apologies from the soldiers, their comrades, their commanding generals, and the President of the United States. For reasons that I still do not completely understand, the unit charged the driver and commander with negligent homicide, and the Commanding General referred the case to a General Court-Martial. The trial concluded in two verdicts of not guilty shortly before Election Day, 2002. I have spoken with one person who has reliable knowledge of the incident, and read the written account of one eyewitness. The incident was unquestionably an accident, and I know that it still haunts the soldiers who were there that day. Yet the exploitation of the incident paid great political dividends; it is probably responsible for Roh Moo-Hyun's narrow presidential election victory.

The accident also had other lasting effects, effects that have harmful to the morale, dignity, and safety of U.S. personnel. I will elaborate on these in other portions of my statement.

#### **The Ruling Party's Public Statements Undermine the Alliance**

Shortly after Roh Moo Hyun won the 2002 election as the candidate of the Millennium Democratic Party (MDP), the MDP split. Most of the pro-Roh MDP representatives in the

National Assembly left to join what is now the Ruling Uri Party.<sup>3</sup> The much smaller rump MDP still exists as the Democratic Party.

The ruling party cannot conceal its deep ambivalence about the alliance and its ally. What the Uri Party tells Americans is often at odds with what it tells its constituents. At times, its statements seem calculated to inflame anti-Americanism for political gain, even at the cost of undermining political support for the alliance.

Chung Dong-Young served as South Korea's Unification Minister from April 2004 to December 2005, and as the leader of the Uri Party until June 2006. He was once the ruling party's most popular politician and a rumored presidential candidate. In October 2005, Chung wrote an op-ed for the Korea Times that winched up the baseless charge that America was responsible for Japan's occupation of Korea in 1905, for brokering the Treaty of Portsmouth. That treaty ended the Russo-Japanese War, and with that treaty came an exchange of understandings between the United States and Japan that the former would not challenge the latter's dominion over Korea, with Japan correspondingly promising not to challenge the United States in the Philippines. Chung's most embarrassing historical error was his confusion of Theodore Roosevelt with Franklin Roosevelt, but the charge itself was spurious: the U.S. Pacific Fleet could not have blocked Japan's ambitions in Korea. Neither the United States nor the Korean kings themselves could foresee the ruthlessness with which Japan would dominate Korea. Historical arguments notwithstanding, Chung's article was grandstanding demagoguery against an ally to advance his personal political ambitions. More recently, Chung publicly and conspicuously snubbed Amb. Jay Lefkowitz, the U.S. Special Envoy on Human Rights in North Korea, stating that Lefkowitz was "not in the same league" as himself.

This year's Free Trade Agreement negotiations have also shown the ruling party's anti-American instincts. President Roh nominally supports the FTA, but is given to characterizing it as a burden that Korea must endure rather than a benefit for both countries. In the face of rising opposition, Roh has conspicuously failed to defend the proposed treaty before the Korean people. Roh's former Presidential Secretary for Economic Affairs, Chung Tae-In, was less ambivalent, calling the FTA "a second Eulsa treaty," after the treaty in which a Korean king ceded Japan suzerainty over his country in 1905. The comparison between Japanese colonial occupation and trade was risible, but another example was simply bizarre. In April 2006, as Korean negotiators prepared to meet their U.S. counterparts, Korea invited the news media to a workshop for the negotiators. The Chosun Ilbo reported that Korean presenters warned team members to be wary of CIA microphones hovering around their confidential discussions, disguised as insects.

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<sup>3</sup> Technically, Korea's executive branch is supposed to be distinct from the partisan politics in the National Assembly, but to observers of Korean politics, this is a transparent legal fiction. The Roh Administration clearly draws all of its legislative support from the Uri Party and has participated in the party's leadership contests. That said, the Uri Party and the Roh Administration both contain a diversity of "progressive" and "radical" views, meaning that it can be difficult to distinguish the actual views and policies of either from public dissent.

On issues relating to North Korea, the Unification Ministry carves out a limited primacy on foreign affairs at the expense of the Foreign Ministry. The views of the two ministries occasionally appear to be at odds. This is particularly true when North Korea's relations with other nations – particularly with the United States – cause either ministry to make a public comment. The current Unification Minister, Lee Jong-Seok, was reportedly a key architect of South Korea's shift to a quasi-neutralist "balancer" policy as National Security Advisor. A spokesman for Korea's National Security Council bluntly elaborated on that policy: "Washington needs to forget its obsession that South Korea has to take sides if the U.S and China are involved in a conflict."

Since Lee succeeded Chung Dong-Young as Minister of Unification, Lee has shown little reticence to express his pro-North Korean and anti-Bush Administration views publicly, resulting in a series of gaffes. Lee has objected to the U.S. government's recent enforcement actions against the North Korean regime's counterfeiting and money laundering. Speaking of the President of the United States, Lee recently stated, "The Bush administration of the U.S. is fundamentalist in nature, and it has been raising questions about drugs and human rights abuses since it took office." Lee's description of North Korean tyrant Kim Jong Il during the very same interview was much more diplomatic:

[Kim Jong Il is] one of the figures in the North we can get [an] agreement from and who can make proper decisions. . . . The two [Kim and South Korean President Roh Moo-Hyun] could produce significant results since Pyongyang is well aware that President Roh is a decisive man who is able to see the big picture, and Kim is always being portrayed as broad-minded in the North Korean media.

Although the Korean government has been nominally supportive of USFK restructuring and the movement of its headquarters of Camp Humphreys, near the city of Pyeongtaek, the ruling party and the Roh Administration both betray much ambivalence about it. The Ministry of National Defense appears to be the only branch of the Korean government that strongly supports the move; the Roh Administration has failed to prosecute those who engaged in or organized the protests' large-scale violence. The highly experienced and perceptive reporter Donald Kirk, now the Christian Science Monitor's Korea Correspondent, took note of the government's timid response to the protests' violence, and noted that one Uri Party lawmaker, Im Jung-In, appeared to be playing a leading role in the protests, sharing a rooftop with the radical and anti-American protest leader Father Moon Chung-In, and frequently speaking with Uri Party officials on his mobile telephone. According to Kirk, Moon stated that the Korean authorities had promised not to arrest him, despite the fact that the protests had turned violent. This raises uneasy questions about an implicit partnership between the Korean ruling party and the Korean radical movement, a movement that is responsible for a wave of violent protests at Camp Humphreys and other acts of anti-American violence.



On the 8th of September 2006, ruling Uri Party lawmaker Jung Chung-Rae walked out of the new anti-American film "The Host"<sup>4</sup> and penned a [column](#) for the progressive-to-radical news site, OhMyNews, entitled, "We Must Look at the United States, the Real 'Monster' of This Land." Here is one quotation from that column:

As represented by USFK's illegal release of formaldehyde into the Han River, the tragedy on the Korean Peninsula began with the unclean sperm of the United States fertilizing the egg of the Han River. The monster's outrages and its eating of people shows the similar tyranny displayed by the United States toward the Korean Peninsula.

Other senior Uri members have shown sympathy for violent anti-American protests. Shortly after a violent 9/11/2005 demonstration, in which radical students tried to tear down the statue of General MacArthur at Incheon, Assemblyman Chang Young-Dal, a member of the Uri Party's standing committee, said that this was "not the time" to "amplify clashes" over the statue. He then [said](#),

It's no longer desirable to amplify clashes and tension over the statue issue... Now is the time to focus our racial purity as energy to bring about intra-Korean reconciliation and cooperation and peaceful reunification."

Chang also commissioned a survey which found that 53% of South Koreans hold America responsible for the division of Korea.

In December of 2005, U.S. Ambassador Alexander Vershbow publicly accused North Korea of the crime of counterfeiting U.S. currency, a fact which is not in serious dispute. Uri Party lawmaker Kim Won-Ung took extreme exception to that statement, called for Ambassador Vershbow's expulsion, and [said the following](#) on a radio talk show:

If I were told to choose between peace on the peninsula and our allies, I would say that we need to give up our alliances.... It seems to me the neocons in the U.S. are not aware of what is going on."

Ignorance is an odd accusation for Kim Wong-Ung to make. His reaction to President Bush's meeting with North Korean Holocaust survivor Kang Chol-Hwan was to [blame](#) America for the famine that killed two million North Koreans.

Please permit me to stray briefly from the subject at hand to illustrate what someone should be telling the Korean people to refute this lie by a senior member of an allied nation's

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<sup>4</sup> "The Host" is loosely based on an incident in 2000 when a USFK civilian employee at a Yongsan Garrison mortuary ordered [a](#) of diluted formaldehyde to be poured down a drain. An investigation later showed that the fluid passed through two water treatment facilities before it entered the Han River in a form too dilute to have harmed the city's water supply. This incident caused considerable public outrage and more controversy over questions of criminal jurisdiction, but there was no corresponding outcry when several Korean timber companies were found to have dumped large amounts of formaldehyde into the Han River upstream from Seoul's water supply. In "The Host," a USFK employee's dumping of toxic chemicals into a drain creates a monster that plucks pedestrians off Han River bridges.

ruling party. Between 1998 and 2005, the World Food Program's annual appeals to feed approximately 6.5 million North Koreans have ranged between \$170M and \$205M. Numerous scholars and respected charitable organizations have accused North Korea of diverting food aid or distributing it according to perceived loyalty to the regime. During and since the famine's worst years, North Korea's annual defense budget was over \$5 billion. Recently, it has purchased 1,000 artillery pieces, 18 submarines, and at least 46 MiG fighters, an estimated \$260 million in missiles (with an additional \$400M on order), and continued work on two nuclear weapons programs. All of these weapons are a direct threat to Kim Won-Ung's South Korean countrymen and constituents. More gravely, they killed two million innocent North Koreans by the slow agony of starvation before they were ever fired. We repeat what some would prefer to forget -- that the United States has consistently been the largest donor of food aid to North Korea.

Finally, I note the very recent example of former President Kim Dae Jung, the man whose life the United States saved three times – once from a North Korean firing squad, and twice from South Korean military rulers while he was a left-of-center dissident. This month, Kim compared North Korean nuclear weapons to “children's toys” and accused American “neoconservatives” of exaggerating the gravity crisis and negotiating in bad faith. Kim suggested that the United States did this so that its defense contractors could sell more weapons.

We are entitled to ask: do the United States and South Korea exist in the same reality? Do we still share the same interests, and the common values on which those interests are based? If the Korean government intentionally and cynically inflames anti-Americanism, how can bilateral relations do anything but continue to deteriorate? The South Korean government cannot have it both ways. It must choose anti-American demagoguery or sincere partnership with the United States. Partnership is not a euphemism for servility. Allies do not always agree, but when they disagree, they resolve those disagreements with maturity, diplomacy, and mutual respect.

#### **South Korea's Radical Movement**

South Korea's radical movement, though associated with the political left, is not a traditional leftist movement that focuses on issues of economic or social justice. Its main appeal is nationalism, it often thinks in ideological sympathy for the North Korean regime, and it tends to express its views violently. Though not adverse to anti-capitalist and anti-globalization rhetoric, Korean radicalism is more concerned with opposing of any policies it can associate with the United States, and to a lesser extent, Japan. To a degree, this may reflect the radical movement's sympathy with the North Korean regime, which the Russian North Korea expert Andrei Lankov persuasively argues has effectively ceased to be Stalinist or socialist.

Korean radicalism has found a strong core of support in several large and influential groups, including labor, students, and teachers. The three most important radical groups are the Korean Federation of University Student Councils, or Hanchongryon; the Korean

Confederation of Trade Unions (KCTU); and the Korean Teachers' Union (KTU), also known as the Korean Teachers' and Educational Workers' Union.

Hanchongryon was a banned illegal organization until recently,<sup>5</sup> in part because of its responsibility for the murder of a suspected police spy in 1997. In April 2006, Hanchongryon posted a draft statement on unification, co-written with a North Korean student group, on its Web site:

The youth should play a spearheading role in carrying out the movement to achieve a unified national spirit under the slogan of "Koreans tackle Koreans' tasks." It is a duty of young people," the draft stressed. "We will also work hard to strengthen our movement that is set to attack any move for nuclear war threatening Korean people's lives by colluding with outside invaders."

The following month, during a visit to Pyongyang, a Hanchongryon member said, "Let us eliminate anti-unification pro-war forces which intend to cast fire clouds of a nuclear war on the heads of Koreans."

Hanchongryon has not abandoned violence. Last May, according to the Chosun Ilbo, seven members of Hanchongryon detained nine Korea University professors on campus for 16 hours. This quasi-terrorist act provoked a backlash by other students and led several student groups to cut their ties to Hanchongryon.

During my own service in Korea, military personnel were always warned of the potential for violence against U.S. personnel at demonstrations where Hanchongryon was expected to participate. In at least one case I describe below, the authorities issued arrest warrants for Hanchongryon members after a violent attack on a U.S. installation. Other incidents appear consistent with Hanchongryon's methods, but show no direct known evidence of Hanchongryon involvement. It is my strong belief that further investigation would reveal evidence that Hanchongryon has engaged in a pattern of violence against U.S. personnel in Korea.

South Korea's largest labor organization is also its most radical, anti-American, and violent: the Korean Confederation of Trade Unions, or KCTU. I recall one day in Seoul when I passed a KCTU protest of the General Motors takeover of the bankrupt Daewoo motors. Feeling particularly brave, I asked one protestor for one of the union's signature red headbands with "struggle" written on the side in Korean. The protestor obliged, and also gave me a leaflet with a classically radical caricature of a top-hatted Uncle Sam manipulating a globe. I was fortunate that day. The KCTU is so violent that its members recently attacked several mothers of riot policemen, who were themselves demonstrating against the union's violent attacks against their children. The KCTU's methods, which often include the use of crude weapons made of pipes or bamboo poles, frequently injure Korean riot police, who are mostly young conscripts fulfilling their mandatory service.

<sup>5</sup> My research did not clarify whether Hanchongryon is still technically banned, although the organization now operates openly. It is possible that the South Korean government has simply stopped enforcing the ban.

KCTU members pushed one of the mothers to the ground and seriously injured her in front of her son. When the newspaper's report of the incident was written, she was lying in a hospital bed and having difficulty communicating.

Although the planned Camp Humphreys expansion might not appear to be a matter of concern to a labor union, the KCTU has been a major presence at recent protests against the expansion. As KCTU President Kim Tae-Il, said, "During the May 1 North-South Workers' Rally in Pyongyang, the workers of North and South agreed to unify to carry out the anti-American struggle.... The center of that struggle with the United States is Daechuri, Pyeongtaek." One leaflet found after a protest by the KCTU (and other groups) said, "We will unite with the workers of the North to fight against the U.S."<sup>6</sup>

The KCTU recently acquired Korean Government Employees' Union (KGEU), a union which has also flirted with North Korean-inspired ideology.

If the KCTU is South Korea's largest labor organization, the Korean Teachers' Union its best-financed. In November 2005, shortly before President Bush visited the city of Busan for an Asia-Pacific Economic Cooperation summit, the KTU created a crudely animated "educational" video for schoolchildren. The video was laced with profanities and harangued its audience about American corporate conspiracies to dominate other nations. The video also showed images of the 9/11 attacks, with the Louis Armstrong song "What a Wonderful World" as background music. Let me be clear that I would strongly oppose any attempt by the state to censor or non-violent speech, offensive as that speech may be. Yet one may oppose censorship and still question the appropriateness of such materials for young children, their educational value, the objectivity, what other and more academically meritorious material they crowded out of the classroom, and what future a U.S.-Korea alliance could possibly have if its children are subjected to this kind of indoctrination.

The KTU also recently sponsored a series of extracurricular public high school lectures in opposition to the Free Trade Agreement, by the actor Choi Man-Shik. At one such lecture, Choi stated, "Hollywood movies like 'Spider-Man' and 'Batman' will dominate our movie industry and we will be brainwashed by American ideology." The lecture materials, which the KTU hopes to distribute nationally, contain no opposing viewpoint. Korea's Ministry of Education has oversight authority over educational materials taught in Korean classrooms, and warned the KTU that its materials should reflect a balanced point-of-view. I should also note that I am aware of no evidence of the KTU's involvement in any violent protests.

The larger radical groups often operate in concert with a dizzying array of organizations, including Uriminjokiri (our race only), Peoples' Solidarity for Participatory Democracy, and the Pan-Korean Alliance for Unification. Of the latter, one of its members, age 77, was recently caught trying to slip a loyalty oath to Kim Jong Il to a visiting North Korean official.

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<sup>6</sup> I am unaware of any evidence that the KCTU has raised any questions about pay and working conditions at the Kaesong Industrial Park in North Korea.

Universities are the traditional bastions of radical thought in Korea, but I do not have sufficient evidence to quantify the radical presence in South Korean academia. South Korea's National Intelligence service recently arrested [Professor Song Du-Yul](#) after he returned to Korea from a lengthy exile in Germany. The South Korean National Intelligence service believes that Professor Song was a member of the North Korean Workers' Party who frequently traveled to Pyongyang under the pseudonym [Kim Chul Soo](#). Professor Song denies this. A more openly pro-North Korean [professor](#) is Kang Jeong-Koo, who wrote the following [statement](#) in the guest book at "Great Leader" Kim Il Sung's birthplace in North Korea: "Let's achieve unification by succeeding to the spirit of Manyondae [the name of the village where Kim Il Sung was born]." Recently, Kang attracted much media attention with his argument that General MacArthur was not South Korea's savior, but a war criminal who stopped North Korean forces from unifying Korea. Kang strung his argument together from demonstrable falsehoods, but the Korean government, instead of challenging Kang's dubious assertions, charged that Kang's speech violated Korea's National Security Law. The government appears to have been embarrassed by the adverse attention Kang attracted. Although questions about Kang's academic credentials might have been appropriate, the government's censorship of Kang probably only made him more popular. Ultimately, it may have contributed to one of the ugliest chapters in the recent history of U.S.-Korean relations.

The media attention paid to Professor Kang popularized radical views of General MacArthur in particular and the American intervention in Korea in general. The radical song-writer Yun Min-Seok,<sup>7</sup> who wrote a cult hit called "[Fuck'n USA](#)," and the less successful "Go to Pyongyang" after the June 2002 accident, wrote "[Kick Them Out](#)," which accused General MacArthur of authorizing his soldiers to rape Korean women at will when they recaptured Seoul. One amateur reporter tracked down the historical basis for this blood libel and found it, in a [North Korean textbook](#) that was still being cited by radical Korean professors.

On September 11, 2005,<sup>8</sup> radical demonstrators carrying eggs, rocks, bamboo poles, and metal pipes marched on the bronze statue of General General Douglas MacArthur that overlooks the port of Incheon, declaring their intention to tear it down. I remember my visit to that statue with a fellow soldier in 1999. General MacArthur's risky landing at Incheon saved South Korea from the North Korean invasion. It almost completely destroyed the combat effectiveness of the North Korean Army until Chinese forces intervened three months later. Thus, the demonstration was implicitly a challenge to the legitimacy of the South Korean government itself. The 9/11 demonstrators used their weapons to attack police who had been deployed to defend the statue, and to separate them from counter-demonstrators, many of whom were ex-ROK Marines who had brought

<sup>7</sup> This Chosun Ilbo [report](#) identifies the performer of both "Fuck'n USA" and "Kick Them Out" as Park Seung-Hwan. I cannot explain this inconsistency.

<sup>8</sup> The anniversary of the Incheon landings is September 15th. September 11th was a Sunday; September 15th was a Thursday. Nonetheless, and in light of the radicals' history of trivializing or glorifying the 9/11 attacks on the United States, the date should not be viewed as entirely coincidental.

weapons of their own. News photos of that day show radical demonstrators vandalizing and climbing on police buses, commonly known as "chicken cages" for the heavy steel-mesh grilles on their windows. The police fought back, and 20 people were injured. President Roh, to his credit, denounced this violence, but as noted previously, another senior member of Roh's party seemed more supportive of the protestors' cause, if not necessarily their timing or methods.

There is some direct and publicly available evidence of direct North Korean influence over radical organizations. In November 2005, South Korea's National Intelligence Service reported to the National Assembly that North Korea sent up to 670 known or suspected dispatches to the South between 2001 and 2005. The report quoted unnamed analysts who believed that the actual number of such dispatches was probably much higher. It also quoted an unnamed representative of the National Assembly Intelligence Committee, who said, "There were around 80,000 messages that we assume to be North Korean orders to spies and pro-North underground groups." At the same time, the Dong-A Ilbo reported that during the same four-year period, the National Intelligence Service had arrested 13 North Korean spies. This number presumably includes a man identified alternatively as "Ryu" or Yoo Young-Hwa, whom a South Korean convicted and sentenced to ten years in prison in 2006 for the kidnapping of a U.S. lawful permanent resident, the Rev. Kim Dong-Shik. Rev. Kim was last seen while assisting North Korean refugees in Jilin Province, China in January, 2000. At the time of the indictment, the authorities speculated that other members of Ryu's ten-person kidnapping cell might also be at large, inside South Korea.

#### **Violent Attacks Against U.S. Personnel, Questions About the Korean Government's Diligence in Prosecuting Offenders**

The most disturbing trend to follow the June 2002 accident was a wave of violent assaults against U.S. personnel in Korea. Some of these incidents may have been the acts of deranged individuals. These include the July 2000 stabbing death of Major David Berry, a doctor and father of five, a November 2003 incident in which a Korean truck driver identified as Jung hit and ran two U.S. soldiers, seriously injuring one, and a 2006 arson attack by a Korean woman who wanted to punish the United States for its "terrorism," and which badly burned several Korean workers. Other attacks were more deliberate, and appear to have been the work of organized radical groups. I have catalogued some of these incidents here:

- The February 2002 ransacking of the U.S. Chamber of Commerce in Seoul (video). This video was posted online by the radical Web site, "Voice of the People."
- A July 2002 incident in which radical protestors broke into the Yongsan Garrison in Seoul and assaulted American soldiers.
- A September 2002 incident in which Private John Murphy and two other soldiers were confronted by protestors, including former National Assembly Member Suh Kyung-Won, while riding on a commuter train. When the soldiers refused to accept an anti-American leaflet from Suh, Suh struck Murphy, who hit Suh back. The

students then separated Murphy from his friends, kidnapped him, brought him to a university campus, where they forced him to read a North Korean-style "confession" to "crimes." Incredibly, Korean authorities considered charging Murphy for assault, notwithstanding that Suh and the students appear to have deliberately staged the incident.

- Two November 2002 firebombing incidents: one incident at Camp Page, near the city of Chuncheon; and another at Camp Grey, in Seoul.
- A November 2002 incident in which Colonel Peter Champagne, Commander of the 8th Military Police Brigade, had just finished addressing a group of students of Kyunghee University, accompanied by his wife. Radical students converged around Colonel and Mrs. Champagne as they left the classroom, surrounded the car, and damaged it. Colonel Champagne and his wife escaped without injury.
- A December 2002 incident in which protestors broke into Camp Market, at Incheon.
- The December 2002 knife attack on USFK spokesman Lieutenant Colonel Steven Boylan at the entrance to a subway station near the Yongsan Garrison in Seoul. The attack appears to have been an ambush. Lieutenant Colonel Boylan was treated for minor cuts, but was not seriously injured.
- A December 2002 incident in which an angry crowd, including at least one television cameraman, assaulted and spat on American soldiers at Seoul Station. Circumstances suggest that this incident was spontaneous.
- An August 2003 assault by radical students on U.S. soldiers in the middle of a military exercise, at the Rodriguez Range Complex. The news media had been tipped off that the incident was to occur, and a photographer snapped the first photo that appears at Appendix B. After the incident, U.S. authorities denounced the break in as a "violent crime" and demanded that the Korean authorities take appropriate action. Korean police later stated that they had issued 12 arrest warrants for Hanchongryon members, but I could find no information about the final disposition of the cases.
- A March 2006 incident in which radical student demonstrators again illegally entered a military training facility, interrupted an exercise, and tackled several U.S. Marines. The Marines behaved with admirable restraint; their commanders had clearly anticipated such an incident. Media reports quoted a police officer on the scene as saying that they were considering charging the protestors with "obstruction of officials," rather than assault. A photograph of that incident, taken by a reporter for the Chosun Ilbo, is the second photograph at Appendix B.
- A series of violent protests in May 2006 against the expansion of Camp Humphreys. During just one of these protests, on May 4th, 117 policemen and 93 protesters were injured, and police made more than 500 arrests. The injuries to six policemen and seven protesters were serious. During another demonstration, protestors tried to cut

through the camp's perimeter fence, but riot police blocked them. As previously, those arrested for violent crimes appear to have escaped significant punishment.

- A June 2006 incident in which members of the Korean Confederation of Trade Unions hastily organized a raucous demonstration and blocked U.S. Ambassador Alexander Vershbow from appearing for a media interview. The interview was scheduled to take place at the same building where KCTU headquarters is located.

There is a widespread perception among Americans in Korea that the Korean authorities have been dilatory in prosecuting those who engage in politically motivated violence, but since a failure to prosecute is seldom a newsworthy event, and since it is never easy to prove a negative, the perception will remain unproven unless the Korean Ministry of Justice provides further information about the outcome of individual cases.

I believe that the degree of the Korean government's diligence in prosecuting those who violently attack U.S. personnel and installations is a matter that merits further inquiry by this Committee. American parents must have complete confidence that the Korean government will invoke the rule of law to protect the safety of our sons and daughters.

#### **Korean Government Support for Radical or Violent Groups**

In May of 2006, the JoongAng Ilbo reported that during the previous year, the Korean government had provided a total of 180 million won, equivalent to approximately \$192 million dollars at that time, to 10,000 different civic and labor groups. The report suggested, but did not directly state, that one of the recipient groups was "Pan South Korea Solution Committee Against U.S. Base Expansion," an umbrella organization for different groups protesting the expansion of Camp Humphreys. This group's Web site prominently features photographs of the radical, anti-American protest leader Father Moon Chung-In, who had stood on the rooftop with the Uri Party lawmaker at the violent Camp Humphreys protests.

According to the JoongAng Ilbo report, the government also refused to publicly identify which groups had received taxpayer funds, and how much each group had been granted. A government committee in charge of allocating the grants also reportedly voted down a proposal to deny grants to groups that engage in violence.

I respectfully suggest that this matter also merits further inquiry by the Committee. The American people are entitled to know whether the Korean government gives public funds to organizations that have been knowing participants in violence, including violence against American installations and personnel. An answer in the affirmative would be further evidence of the Korean government's ambivalence about preserving Korea's alliance with the United States and its commitment to the rule of law.

#### **Discrimination Against U.S. Personnel in Public Accommodations**

The Korean government's persistent demands for more criminal jurisdiction over U.S.



personnel come with the implicit reassurance that our personnel will be afforded equal justice under Korea's laws, but the prevalence of discrimination against U.S. personnel undermines that claim.

Discrimination against U.S. personnel would appear to violate South Korean law. South Korea's National Human Rights Commission Act defines the term "discriminatory act violating the right to equality," to include –

Any act of favorably treating, excluding, differentiating, or unfavorably treating a particular person in the supply or use of goods, services, transportation, commercial facilities, land, and residential facilities;

The Act further lists the suspect classifications under Korean anti-discrimination law. These include, *inter alia*,

gender, religion, disability, age, social status, region of birth (including place of birth, domicile of origin, one's legal domicile, and major residential district where a minor lives until he/she becomes an adult), national origin, ethnic origin, appearance . . . , race, [or] skin color . . . .

Thus, the existence of open discrimination against U.S. personnel would appear to result from an inadequacy of enforcement, in addition to a fundamentally deep-rooted problem of Korean society itself. The problem of enforcement is also partly a result of how Korea enforces the Act, through complaints to its National Human Rights Commission. In practice, however, this is unrealistic. Soldiers will not file such complaints that might embarrass their commanders or involve them in disputes with a host nation government. Instead, the Korean government must take responsibility for enforcing the equal protection of law, just as it is responsible for enforcing its other laws.

When I left Korea at the end of my four years of service, a soft form of apartheid applied to American service members there. I remember my first experience with this, in Pusan, on Christmas Day, 1998, when I was shooed away by a waiter who said, "U.S.A., no." This was a sobering experience for me, and not just because that business happened to be a bar. Later, I discovered that this was far from an isolated practice, and the staff in other businesses would either stop me at the door or ask me to leave after I entered, and always explicitly because I was American (I always asked). At this point, I will quote from a popular travel guide to Seoul; its description of such practices in the neighborhood of Itaewon, in Seoul, could just as well apply to other areas, particularly those near U.S. installations:

**For Members Only**

The midnight curfew is not the only factor that can limit your late-night activities in Seoul. There is also a kind of unspoken, unenforced, yet palatable apartheid. There are numerous clubs that are for Koreans only, and in some cases foreigners are turned away. A convenient face-saving

excuse is for the management to claim that the club is “members only,” but if the point is pushed this will quickly give way to “Koreans only.” Foreign residents are quick to point out that foreigners probably wouldn’t want to visit such places, as they are usually overpriced and unfriendly. But it’s still depressing to be turned away from a bar because you’re not Korean.

One of the main reasons for this segregation of watering holes, especially in the It’aewon area, is the presence of the huge Yongsan military base nearby. Korean feelings about the US military presence in South Korea are extremely complex, and might be best described as intense ambivalence. Some Korean men, especially after a few beers, can become quite hostile toward foreigners. Small scuffles can quickly grow into brawls where there are groups of Korean men and military personnel. Consequently, in It’aewon, bouncers are employed to keep foreigners out of the Korean bars and Koreans (the men at least) out of foreigner’s bars.

This may seem rather grim, but It’aewon is a particularly eccentric neighborhood. There are plenty of other places where foreigners and Koreans mix without antagonism.<sup>9</sup>

Indeed, U.S. personnel learn that a doorman outside a business, especially a bar or club, usually means “no Americans allowed.” In other places, it was possible to walk in and seat yourself, but no one would come to wait on you. This is in spite of the fact that I had already taught myself enough Korean to carry on a simple conversation. African-American soldiers told me that these problems were worse for them, while some foreigners who are clearly not with the military report fewer such problems.

Until 2002, I never saw signs posting establishments’ segregation rules, with the exception of the city of Tongduchon, near Camp Casey, not far from the DMZ. At Tongduchon, in areas near the Army post, there were signs in front of some bars that said “foreigners only” or “Korean only.”<sup>10</sup> After the June 2002 traffic accident, however, signs such as those in Appendix A – “Americans Are Not Welcome Here;” “American Don’t Enter;” “U.S. Army Not Allowed” – appeared in the windows of bars, as well as coffee shops, restaurants, and at least one antique shop in Seoul. Apartheid extended its reach another more step and met with no legal or societal objection.

I have personally brought these matters to the attention of South Korea’s National Human Rights Commission (HRC), with the assistance of a friend who meets the jurisdictional prerequisite of being “resident” in the Republic of Korea. My friend completed and submitted the HRC’s complaint form, along with a copy of one of the photographs at Appendix A, depicting radical students at an August 2005 sporting event in Taegu, holding

<sup>9</sup> ROBERT STOREY, SEUL: A LONELY PLANET CITY GUIDE 192 (2d ed., 1996).

<sup>10</sup> This was actually a more blatant form of segregation than I commonly saw during the final days of South African apartheid in 1990. There, the signs’ wording was usually, but not always, a cryptic “Right of Admission Reserved.”

signs saying, "No U.S. Military Allowed." In October 2005, the HRC responded that my friend's complaint was not sufficiently specific and closed the matter without further action.

I have also raised these matters directly to a senior South Korean diplomat at a social gathering; he merely acknowledged that this was "a sensitive issue." Since 2003, with the above exception, most of these signs disappeared, and South Korea returned to the more understated form of apartheid that existed before 2002.

U.S. personnel assigned to Korea must rely on their own government, including their elected representatives, for recourse. I respectfully urge this Committee to ask the South Korean Ministry of Justice and National Human Rights Committee to work together to enforce anti-discrimination laws. When our service members are made *persona non grata* in a nation whose freedom they defend, notwithstanding the content of their character, their morale suffers and they harbor hostility toward the Korean population.

#### **Inadequacy of Legal Protections and the SOFA**

The Korean judicial system, which is based on a model imposed by fascist Japan, does not provide adequate protections for the rights of American service members, and I strongly urge this Committee to carefully inquire into that procedure. The fairness of a nation's criminal justice system is a human rights issue, and the United States, through its SOFA negotiations, should not miss the opportunity to move Korea further toward the perfection of its liberal democracy by reforming a system does not afford fair legal procedure to either Americans or Koreans. As a recent Korea Herald editorial (registration required) illustrates, the Korean people are aware of the problem:

Democracy loses much of its meaning when police grill a citizen without the presence of a lawyer, bail is virtually blocked and the court passes its verdict on the basis of the police record, rather than on the facts confirmed in the courtroom, even if he or she is free at the polling booth. . . .

Korea has taken great strides in promoting participatory democracy, . . . [b]ut in the area of law enforcement, the legacy of the repressive colonial rule, and that of successive dictatorial governments after liberation, has not been completely removed.

Unfortunately, the modern criminal procedure was introduced by the Japanese colonialists who had few concerns about the human rights of the people of the area they occupied.

Unfortunately, after the June 2002 accident, the issue of the SOFA and Korean jurisdiction over U.S. personnel became a nationalist issue. All discussion of the fundamental fairness of the Korean legal system was lost amid the shouting, which further damaged the system by politicizing the criminal justice process. As a result, the U.S. government, which had just recently expanded the range of crimes over which Korean courts may take jurisdiction

over U.S. personnel, was forced to make further concessions. In my personal opinion, those concessions add to an already unacceptable risk that U.S. personnel will be treated unjustly. I will simply list the primary problems worthy of your attention; I will then follow them with the discussion of an ongoing case, as reported by the Stars and Stripes, which illustrates many of these points.

- On two separate occasions, witnesses in legal proceedings I personally participated in testified under oath that Korean judges were asleep in court. One of those witnesses, testifying at an administrative separation board in 1998, was the Inspector General of the Eighth United States Army. The other was a company First Sergeant.
- The Korean system provides very limited rights to confront and cross-examine one's accusers in court. Police generally take very brief statements from witnesses, perhaps three to four lines in length. On several occasions, in the course of defending my clients, I re-interviewed witnesses who had given these statements, only to learn that they either mischaracterized what the witnesses said or omitted important information. At times, I suspected that subtle police intimidation may have played a role, and one former Korean prosecutor, who became a suspect himself, substantiated that this intimidation is not always subtle. The Chosun Ilbo quotes the witness and adds an instructive comment:

"I had to make statements that differed from the truth because the prosecution threatened to detain me in the course of investigation." We can imagine how ordinary citizens are treated when subjected to questioning by prosecutors.

- Korean courts have much lower standards for the admission of hearsay evidence than most American attorneys would consider minimally fair to a criminal accused.
- Korean criminal investigators are employed by the prosecution; they are not, strictly speaking, impartial. Recently, Korea's Supreme Court Chief Justice raised this issue when he urged the nation's legal system to "[t]hrow away investigation records prepared by prosecutors." The remarks drew an angry response by Korean Bar Association and prosecutors, who called on the Chief Justice to resign and threatened to impeach him. The controversy is now taking on partisan overtones.
- The aforementioned example also illustrates that Korea cannot guarantee that its judiciary is independent of political pressures. Such concerns are heightened when U.S. personnel are on trial, as those proceedings inevitably attract disproportionate attention from the Korean media and anti-American organizations that demand severe punishment notwithstanding the merits of the evidence.
- In Korea, those accused of crimes often pay cash settlements to alleged victims in exchange for the dropping of criminal charges. This creates a financial motive for witnesses to incriminate accused.

- The Korean standard for proof of guilt “beyond a reasonable doubt” falls substantially short of our own understanding of that standard.
- In Korea, the accused has a right to remain silent, but as South Korea’s National Human Rights Commission recently noted, in practice, the police seldom inform accused of that right. New SOFA revisions since the 2002 accident permit the Korean police to hold U.S. personnel in custody for days for a much wider range of crimes. During that time, the accused will have no access to a lawyer and no rights warning. Although the SOFA requires Korean police to provide immediate access to an American SOFA representative, the Korean police do not always observe that requirement. SOFA representatives have no legal training and should not give legal advice on such essential matters as the right to remain silent. Korean methods of interrogation, though generally more restrained with U.S. service members than with Korean or third-country accused, are aggressive, and potentially coercive.
- Legal representation for U.S. personnel is not always adequate. According to a new poll by the Korean Consumer Protection Board, 72% of Koreans are dissatisfied with the quality of legal services. In my personal experience, U.S. personnel are equally, if not more, dissatisfied with the Korean contract attorneys the Army retains for them. My clients uniformly reported that their lawyers were apathetic, inaccessible, did not seem to care about defending their innocence, and generally sought to negotiate quick guilty pleas. Because the Korean system assigns much stiffer sentences to clients who plead not guilty, a soldier facing a plea decision must choose between exposure to substantial time in a Korean prison or mandatory processing for separation from the Army. Army Regulation 635-200, chapter 14-7, mandates processing for separation for soldiers convicted of serious crimes in foreign courts; it does not permit inquiry into the respondent’s guilt or innocence. Finally, even during the trial, the accused and counsel do not sit together, which means that they are not able to exchange notes about the proceedings or testimony.
- The U.S. military does not appoint counsel for service members until Korean authorities indict them. Unfortunately, an accused who is indicted by a Korean court is statistically almost assured of conviction. The innocent or unjustly accused’s best chance at exoneration is before indictment, and a young American soldier who speaks no Korean, does not understand the Korean system, and has no legal representation misses that opportunity. As Army defense counsel, we were not instructed that we were not competent to advise our clients matters of Korean law, and of course, that is true.
- Translation at Korean trials, which is provided by Korea’s Ministry of Court Administration, is often adequate. My own clients and witnesses who were present at their trials also reported that the quality of in-court translation was sometimes poor. The case summarized below illustrates this.
- South Korea has no prohibition on double jeopardy. If the prosecution fails, the prosecutor can ask to introduce additional evidence or appeal an acquittal.

- Disparate treatment -- As the Senior Defense Counsel at Yongsan in 2001 and 2002, I read the military police blotters daily. When Korean police apprehended American soldiers, typically in traffic accident cases, responding MP's frequently refused to "title" U.S. personnel because of specific and substantial deficiencies in the findings of the Korean police. They often implied anti-American bias in the findings of the Korean police. The case summarized below may be another illustration of this point.
- Excessive police force – Several of my clients reported that police used inappropriate force against them when they were cooperative with the police. One young African-American client, who admitted running from the police, wrote a sworn statement claiming that when the police caught him, they made him lie on the ground and held a pistol to the side of his head.

The Stars and Stripes recently reported extensively on a case that was in many ways typical of off-post incidents and how the Korean legal system handles them. Like so many other cases, this case began with some soldiers who drank excessively and exercised poor judgment, thus placing themselves in a situation they should not have faced, but where the final result appears to be unjust.

In April 2006, four American soldiers assigned to the Second Infantry Division at Camp Casey were involved in an altercation with a larger group of Koreans. The incident began when one Korean and one American bumped shoulders in a stairwell. The dispute escalated, and one of the Koreans struck Private Nicholas Acosta in the head with an iron pipe (see photo of the injury). The soldiers ran and fled into a nearby taxi, but the taxi driver fled his cab on foot. The soldiers then stole the taxi and drove it for one mile, until Korean police stopped them.

The soldiers claim that they immediately surrendered to the Korean police, showed their identification and SOFA cards, and asked the police to call an ambulance for Pvt. Acosta. Instead, they claim, the police threw their cards on the ground, fired a blank round into the air, and beat them with nightsticks. One police officer spoke to the Stars and Stripes and denied this, although he also offered the apparent justification that he and his partner were outnumbered, asking, "What would you do?" Although the Stars and Stripes quoted an attorney as stating that Korean courts do not recognize a defense of self-defense, the police officer claimed that he was acting – how, it is not clear – to defend himself and his partner.

At trial, the quality of the translation was so poor that the Korean Judge actually relieved one translator of his duties in the middle of the proceedings, and the defense attorney had to translate some of the proceedings for his clients. At one point, the judge asked Private Acosta whether he *admitted* to certain facts, but this was translated as asking if he *understood* certain facts alleged by the prosecution. Private Acosta answered in the affirmative. The Korean defense counsel did not ask for a new translator in the hearings to follow, so the International Law representative for the Second Infantry Division made the request.

(A second American soldier was also on trial in the same courtroom that day, represented by the same counsel, and experienced the same translation discrepancy. That soldier admitted to pushing a Korean man during an unrelated altercation. He claims that he then fled, chased by ten Korean men, was caught, and then bit one of his pursuers who was about to strike him. The report suggests, but does not state, that the soldier was charged for biting one of his assailants. That soldier also agreed to pay an \$18,000 settlement. The prosecutor has recommended that this soldier be imprisoned for one year.)

Private Acosta, who was struck in the head with an iron pipe, had to negotiate a settlement under which he paid the person who allegedly started the fight a \$6,000 payment, plus \$3,000 to other Korean men involved in the incident. On September 15, 2006, the Korean court found Pvt. Acosta guilty of assault, property damage, drunken driving, and driving without a license, and sentenced him to eight months in prison. The court suspended the sentence, contingent on Pvt. Acosta's good behavior. The other three U.S. soldiers involved were fined.

Lee Young-Won, the Korean man who received the \$6,000 settlement, paid a fine of just \$2,000. Although his sentence did not include prison time, he appealed the \$2,000 fine, claiming that it was excessive. The judge rejected the appeal; in doing so, he told Lee in open court that he was the one who had started the fight. If so, the court's sentences seem unjust. On one hand, Pvt. Acosta took a hard hit to the head, received a suspended sentence to prison, lost several months' pay, and will probably be separated from the Army. Lee, who started the fight, emerges from the situation \$4,000 richer.

The reports do not say whether the person who struck Private Acosta with the pipe was identified, or whether he faces prosecution.

#### **Addressing Misconduct by U.S. Military Personnel**

Koreans cannot realistically expect that U.S. Forces Korea personnel, who are overwhelmingly young and male, will *never* commit crimes. Some crime is a statistical certainty, and those who seek to exploit every incident involving a U.S. soldier<sup>11</sup> will continue to have incidents to exploit. Nor is boorish behavior after excessive drinking an exclusively American flaw.

South Koreans do, however, have every right to expect that the U.S. military will hold its personnel accountable for their actions. It is also unquestionably true that some American service members, especially those who drink too much of the alcohol that is available at low cost just off post, embarrass the rest of us. I sometimes intervened when I saw soldiers behaving boorishly, and I believe the Army could do more to reduce the friction between our soldiers and Korean nationals, and to improve the image of our armed forces personnel.

<sup>11</sup> Recently, anti-American "vigilante" groups have begun lurking in areas frequented by U.S. personnel with video cameras. One Korean man who became involved in a brawl between U.S. soldiers and Korean men claimed that he was making a documentary on crimes by American soldiers and just happened to be carrying video camera at that place and time.

- Individual units should be more aggressive in their restrictions on the leave and pass privileges of service members who cannot comport themselves with maturity.<sup>12</sup> All too frequently, I saw that the same problem soldiers habitually embarrassed the rest of us. Restrictions should be based on a service member's disciplinary record, duty performance, and military bearing. This could also serve to partially contain problems within the limits of our installations, where supervision is easier and alcohol is more expensive.
- The U.S. military must learn the power of apology in Korean culture. Although apology can be an admission of guilt and should never be required unless the soldier's attorney advises it, Koreans can be surprisingly forgiving of soldiers who acknowledge their wrongs, including unruly behavior that may not merit criminal punishment. If commanders and noncommissioned officers escort their soldiers to apologize to those against whom they have misbehaved, it demonstrates the command's acceptance of responsibility for its soldiers. In two of my cases, I firmly believe that swift and sincere apologies saved my clients from serving jail time.
- We can increase the number of "courtesy patrols" in areas our service members frequent. The Air Force has been more effective than the Army in this regard.
- Korean police should be required to contact U.S. military or security police immediately when they apprehend a U.S. service member. Most MP companies are well-staffed with ROK Army augmentees called KATUSAs, who can help reduce misunderstandings.
- The USFK should consider an off-post dress code.<sup>13</sup> Although this would be highly unpopular among some soldiers, it might reduce friction with socially conservative Koreans, who tend to dislike some of the immodest clothing that some that soldiers wear during non-duty hours.
- AAFES and MWR facilities should be required to notify a soldier's First Sergeant if he or she – or his or her spouse -- cashes more than \$1,000 in checks in one week. Such behavior is often a sign of a greater problem: substance abuse, compulsive gambling, excessive spending at "hostess" establishments, theft, or insufficient funds checks. Unit officers and NCO's can prevent more severe behavior problems through early intervention and a referral to a substance-abuse program. Too often, I found that as an attorney, it was left to me to identify the problem in a soldier's life and bring it to the attention of those who could provide help and counseling.

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<sup>12</sup> In accordance with USFK Command Policy Order No. 7, dated June 4, 2006, curfew hours are between 0100 hours and 0500 hours on Saturday and Sunday mornings, and from 2400 hours to 0500 hours on other days.

<sup>13</sup> For force protection reasons, soldiers are discouraged from wearing their uniforms off post.



### **Conclusion**

Korea's Anti-American sentiment is eroding the U.S.-Korea alliance's base of political support in both countries. If present trends continue, they will soon make the alliance politically unsustainable. Preserving the alliance will require engaging both governments, but particularly the Korean government, to engage their people in a national conversation about America's role in Korea. Both governments must commit themselves to a more mature resolution of their differences, even if they ultimately decide that the military alliance has now accomplished its objectives.

One problem that deserves much more attention is the Korean government's duty to protect the legal and human rights of American service members on its soil. South Korea is a modern, developed nation at peace, and the American people have a right to expect this. At a minimum, South Korea should take the following steps at the earliest opportunity possible:

- The enforcement of anti-discrimination laws;
- Immediate reforms to the judicial process to address serious deficiencies in judicial and police competence, including: the adequacy of legal representation, equality under the law, higher standards for judicial and police competence, and safeguards against the use of unreliable evidence;
- Prosecution and punishment of those who harm U.S. personnel or suppress the peaceful speech of others, to the full extent of the law;
- An end to government funding for or collusion with groups that encourage or engage in violence against U.S. personnel and installations;

Second, the U.S. and Korean governments must reevaluate the purposes of the alliance, and to the maximum extent possible, they must explain those purposes in clear and realistic terms to their own populations.

- If South Korea cannot publicly state that North Korea is a potential threat to its security, people are entitled to ask why 29,500 American service members are stationed on its soil, at great cost to U.S. taxpayers. No wonder support for the alliance declines. No one can agree on why it exists.
- South Korea's stated interest in preserving the alliance is often at odds with the words and actions of its leaders. Alliances, like all policies, dissolve when immersed in ambivalence. Allies do not always agree, but when they do disagree – as President Kim Young Sam disagreed with President Clinton's proposed strike on the North Korean reactor at Yongbyon – they should not exacerbate their differences with inflammatory public statements. Allies resolve their disagreements with mature diplomacy.

- Alliances between democracies are not solely agreed between diplomats, and preserving an alliance requires more than a unity of interests: it is also about two nations' shared values and their historical relationship. Consistent with the protection of all peaceful expression – including anti-American speech, when peaceful – the Korean government must play a positive and constructive role in the public debate about America's role in Korea. Americans tend to underestimate the value Koreans place on history. As history is wrenched from its context, it becomes distorted into unmitigated grievance rather than what it really is – a mixed collection of contradictory facts.
- As an ordinary person with no special expertise, I can see how a U.S.-Korean military alliance potentially advances the interests of both nations. Our air and naval forces in Korea would allow us to project power in the region, conduct humanitarian relief operations when the North Korean regime falls, and sufficiently compliment the militaries of our allies, and forestall an arms race between them. A new, post-Cold War cost-benefit analysis may be overdue, however. America may lack the political will to participate in another Korean War, which could be almost incalculably brutal. We may conclude that having so many Americans in scattered, forward-deployed locations in Korea makes them an inviting target for a North Korean strike. The American and Korean people should be brought into this discussion.
- Finally, those North Koreans who are able to join this conversation freely have an important role to play in answering its existential questions. Last spring, I experienced one of my life's most rewarding moments when I met a former North Korean soldier who recently escaped from his homeland. As I spoke in my best fractured Korean, we realized that we had both served in the military in Korea at the same time, but on opposite sides of the DMZ. Although my position was certainly not on the front lines, as his was, had we met just a few years before, we might have shot at each other. That day, at the Korean War Memorial, we shook hands as friends and comrades. Two years ago, the President signed Public Law Number 108-333. Two sections of that law, now codified at 22 U.S.C. § 7813 & 7814, authorize the appropriation of funds for expanding broadcasts to North Korea and for finding new ways to disseminate that information into North Korea. As members of this Committee already know, the Congress has yet to appropriate funding for those two sections. Meanwhile, in South Korea, refugees and dissidents from the North are starting to find their voice, and to broadcast that voice back to those they left behind in North Korea. Groups like Radio Free North Korea and Open Radio for North Korea defy threats from radical thugs. Some of their employees work without pay. We should be doing more to encourage them. Their messages could plant the seeds of a better society in North Korea, one with a greater respect for tolerance, equality, freedom, and the rule of law.

Thank you for this opportunity to present my views.

**Appendix A: Photographic Exhibits of Anti-American Discrimination in Seoul**



(Above: Associated Press photo, via the BBC, 2002; Below: source unknown, 2003 or 2003.)





(Above: Korea Herald photo from the Hongik University area of Seoul, 2004; Below: source unknown)



(The image below was taken at a sporting event at Taegu, North Kyongsan Province, August 2005. The signs say, "no American military allowed.")



**Exhibit B: Violent, Organized Assaults on U.S. Personnel in Korea**



(Above: Protestors assault U.S. Marine during an amphibious landing exercise in Kangwon Province, March 2006, source unknown; Below: Protestors try to tear U.S. flag away from soldiers of the Second Infantry Division at the Rodriguez Range Complex, Kyonggi Province, August 2003; source unknown.)



Mr. LEACH. Mr. Flake.

Mr. FLAKE OF ARIZONA. Thank you, Mr. Chairman.

Dr. Hwang, with regard to threat perceptions, I appreciated your analogy and how you described it. But with regard to nuclear weapons that the North is developing, does that not—I mean, I understand that the South fears instability more than anything, but how does that apply to development of nuclear weapons? It would apply to, you know, invasion or conventional or whatever else, but how does that apply in that context?

Ms. HWANG. Well, two things. I think that is a very important question—

Mr. FLAKE OF ARIZONA. Or why doesn't it apply, I guess is the question.

Ms. HWANG. Right. Well, what it comes down to—and this to me is one of the most disturbing arguments that you hear out of many Koreans, including current government officials, which is quite distressing to me, but what you will hear them say is rather dismissive about the nuclear program. In many ways they are really repeating the North Korean argument which is, the only reason they are pursuing nuclear weapons is because they are forced to, because of the United States, due to its sanctions, due to all these other pressures that have forced North Korea—it is the only way they can defend themselves. And they will sort of bring up the example of President Bush labeling the "Axis of Evil" and invading one of them, and now we are about to invade North Korea. So North Korea has no other option but to defend itself.

And from the South Korean perspective, this then fits in with the argument because it is a weak regime, a weak regime that is so desperate to save itself that it has to resort to something as desperate as nuclear weapons.

Now, I don't find this argument palatable myself, but I think that is the psychology of the way the South Koreans view it.

Mr. FLAKE OF ARIZONA. Thank you.

Mr. Flake, you mentioned that three countries in Asia pursued a relationship with us when it was to their advantage: Singapore, Japan and Australia. It is kind of the old song, "I Want You to Want Me," I guess. How do we have that relationship with South Korea? How do we get them to want to have us, if they are not right now?

And in terms of the alliance, you mentioned it would be seen as kind of a divorce if we transfer operational control, wartime control. What constitutes an alliance? Can we still have an alliance without operational wartime control? I guess two questions there for you.

Mr. FLAKE. Thank you. You know, the Koreans all kind of mocked when former Prime Minister Koizumi came here channeling Elvis and saying to the United States, "I need you, I want you, I love you." And the reality is in a post-9/11 war I think that probably plays pretty well here in the U.S. We value loyalty very highly, and we also value the fact that, again, in the case of Japan and Australia and Singapore, they have come to that conclusion.

Unfortunately, I don't think we can do this for the South Koreans. I think right now what you see in South Korea with the alarm over the wartime operational control issue is the beginning of a rec-

ognition that the alliance is in jeopardy. And part of the problem, to be honest, is that we still have these official-level statements that are in complete incongruity with what the political trend lines are, which is that the alliance has never been stronger, things are great, we are going to have another 50 years; and meanwhile everyone, after making the statements, turns and badmouths the other part of the alliance in their private conversations. So there is a deep political divide.

And again, with what you saw in the last couple of weeks was some 16 former South Korean defense ministers coming out against operational wartime control transfer, some thousand academics assigned to two foreign ministers. And yet even that group there is somehow missing the picture, because what they are doing is they are viewing the alliance with the United States within a very Cold War context, where it is a situation where we, due to our interest in the region, wanted to be there and needed to be there. And so what they are saying is we support the way the alliance used to be.

And yet U.S. Government officials have described South Korea setting up a very early unrealistic date of 2012 for the transfer of wartime operational control as pushing an opening door, that the United States wants to be out of there. So the fundamental question is, why is it that we want to make this transfer now? And I realize there are kind of systemic reasons too, but the fundamental reason why the United States has this open door to South Korea's request for the transfer of wartime operational control is that we no longer trust the South Koreans. We see our joint command as a situation where we have in name a leader of the Combined Forces Command who had only 27,000 United States troops under his command, and yet has to rely on an increasingly unreliable South Korean political environment to get the remainder.

And so really what you are talking about is cutting our losses, a bifurcation of our responsibilities where we have got our role, they have got their role; we still have the capability, we still have the commitment to the defense of South Korea, and yet we are hedging our bets. And that deeply concerns me.

The second question I forgot—

Mr. FLAKE OF ARIZONA. I think that was it, you got them both. Thank you, Mr. Chairman.

Mr. LEACH. Well, thank you.

Before turning to Mr. Sherman, I would like Dr. Hwang and Mr. Stanton to answer the really profound family dilemma

We are facing. That is, who is wiser; Mr. Flake the scholar, or Mr. Flake the public official?

Mr. FLAKE. That is easy.

Mr. LEACH. It is an impressive family.

Mr. FLAKE OF ARIZONA. I can tell you, I gave a speech, a very inadequate speech last night at an event, a lot of Korean nationals, Korean-Americans, and there I am simply Gordon's cousin. That is what I am known as, so I am getting used to it.

Mr. LEACH. Fair enough.

Mr. Sherman.

Mr. SHERMAN. The testimony here raises the real question of why we have 20,000 troops in a place that doesn't want us, doesn't



treat us well, and isn't really cooperating on the one security problem that is relevant to the American people, and that is North Korea's nuclear weapons.

The two things that I focus on in virtually every hearing are the two things that really pose the greatest threat to the United States. The first is our trade deficit, which could lead to an economic meltdown; and the second is our proliferation policy, which has been an utter failure and could lead to the loss of one or more American cities.

Let's talk about the trade balance. I would like either of the first two witnesses to tell me what is the trade balance between the United States and South Korea?

Ms. HWANG. Well, it is in deficit. I don't know the exact numbers.

Mr. FLAKE. I am afraid I don't have the exact numbers.

Mr. SHERMAN. There is no louder testimony that we could ever have as to why the United States has the largest trade deficit: Nobody cares. Trust me, if there was a hearing anywhere in Korea, they would know to the dollar. There is not an official in France or Spain or Italy or Brazil that couldn't answer that question with regard to anything they—any country about which they claimed any expertise whatsoever.

And when I say the United States is headed for an economic meltdown due to a trade deficit, this is not the first time. Every time experts come into this room with genuine expertise, they are utterly unaware of the size of the trade deficit because—and they know, like everybody comes in here, they have like 10,000 pages of information in their brains about the country of which they have expertise, and nowhere in those 10,000 pages of information is the trade balance. Obviously it is an enormous deficit, I don't know what it is, I don't have 10,000 pages of information in my brain about North Korea. But clearly no country—

Mr. LEACH. Will the gentlemen yield?

Mr. SHERMAN. Yes.

Mr. LEACH. Our stellar staff suggests slightly under 20 billion, but by perspective that means it is more per populace than the trade deficit with China.

Mr. SHERMAN. Oh, clearly more.

Mr. LEACH. And by the way, Korea is running a \$100-million-a-day surplus with China. South Korea, that is.

Mr. SHERMAN. Yes. I was not so much interested in the answer as interested in whether experts who are at the core of the foreign policy establishment in this country with expertise on Korea would bother to know the answer. And I think we have seen why the United States has the largest trade deficit. I could have just e-mailed my staff and gotten the numerical answer. But then I wouldn't know what I think has been illustrated here, and that is that our foreign policy establishment is not terribly interested in trade. And that is so dramatically different from every other country.

The second issue is—and by the way, it is a \$20 billion deficit. I don't know if staff has the answer as to what is the total size of the trade relationship, but I think that it is a \$20 billion deficit. The deficit portion of the trade relationship is a very large percentage of the total relationship.

But let's now focus on North Korea's nuclear program. I think it is clear that North Korea needs about 12 nuclear weapons to defend themselves from Dick Cheney, and the 13th goes on eBay. Those who buy the first surplus North Korean nuclear weapon will not use it against South Korea. Of all the wealthy and well-organized terrorist states and terrorist organizations, Seoul is not their target: New York, Los Angeles, and Washington are.

And we shouldn't be surprised to see South Korea utterly unconcerned about North Korea's nuclear weapons program. The fact that we are relatively unconcerned, or not nearly as concerned as we should be, is the real question.

But you say that the reason that South Koreans justify the North Korean nuclear program is Mr. Bush's speech. How many years before Mr. Bush's speech did North Korea begin its nuclear weapons program?

Ms. HWANG. Of course I didn't say that was a logical argument; I am just stating what is a popular but, as far as I am concerned, completely illogical argument that is put forth.

Mr. SHERMAN. How would it impair our ability to prevent North Korea from developing nuclear weapons if we withdrew all 27,000 of our troops as quickly as we could?

Mr. FLAKE. It certainly wouldn't impair their ability. I mean, ultimately the current approach of this Administration is exactly the right one. It is the clear recognition that unilaterally we do not have the capacity to negotiate away North Korean nuclear weapons or to force it. Now, we have—

Mr. SHERMAN. We don't have the ability to do it unilaterally, either with implied military force—which I think, as you are pointing out, would be insufficient—or with economic embargo. The only way we could possibly deal with North Korea is to force a change in Chinese and South Korean policy. The only way we could do that is to threaten to close our markets, and the only way we would even begin thinking about that is if we first focus more on trade in our foreign policy discussions.

As long as China and South Korea subsidize North Korea, why would they think of giving up their nuclear weapons? So I will ask either of the first two panelists to answer that.

Ms. HWANG. First of all, I beg to differ. I think trade is absolutely one of the priorities of this Administration and this Government. We have just heard the testimony from the previous panel. The FTA is one of the biggest priorities right now—in fact, we are trying to push it through by the end of the year, so there is absolutely recognition of the trade—

Mr. SHERMAN. Enriching American corporations at the expense of American working families is a major objective of the Administration. I understand that.

Ms. HWANG. I don't believe that—the fact that this Government, this Administration, is willing to take a lot of political risk in order to further an FTA I think speaks for itself, and frankly speaks exactly to the point that we are trying to expand the bilateral relationship beyond just a military one, which is critical.

Mr. SHERMAN. As I made comment, the billions of dollars that can be made by U.S. corporations by firing American workers and importing goods from abroad is not lost on this Administration. The

point I am making is we are willing to give South Korea FTA, even while they commit the atrocities that the third witness identified, and even when they subsidize North Korea that is developing nuclear weapons that may well destroy American cities. So——

Mr. FLAKE OF ARIZONA. Will the gentleman yield?

Mr. SHERMAN. Yes, I will.

Mr. FLAKE OF ARIZONA. I just point out, the FTA—actually, right now Korean tariffs—and correct me if I am wrong—are about three times the effective rate of United States tariffs. So if you want to address the trade imbalance, the best thing to do is to enact——

Mr. SHERMAN. Reclaiming my time. I am sure that South Korea can put up enough illegal “sub-rosa” barriers to United States exports that if they got rid of all their tariffs we would still have an ever increasing—the distortion we have here in the United States is the belief that published laws are the way in which government and society limits the objectives of profit-making corporations. That is true in the United States. Wal-Mart will do anything that is legal and profitable. And they are governed, restricted, only by published laws.

In South Korea I assure you, this Administration may well get FTA through, our trade imbalance will increase, and it will increase because of the ability of other societies to control their economic entities without publishing the statutes.

Mr. FLAKE. Sir, if I might put that in a broader context, I think—there is no one that I am aware of that is openly advocating using the cutting off of our trading relationships with South Korea, Japan or China as a tool of solving the nuclear program——

Mr. SHERMAN. Well, threatening is such a harsh term, sir, but the slightest hint to either of those two countries that their access to the United States market might be slightly impaired a little bit if they continue to subsidize those building nuclear weapons that may destroy American cities is not an argument you have ever heard, because you have never heard anything I have said. But if you have been listening to anything I ever said in the last 5 years, you would have heard it quite often.

The fact is that we have an Administration absolutely worshipping at the altar of free trade and in a position to leave its office with Iranian and North Korean nuclear weapons programs expanding. And next decade, when those weapons are smuggled in, we will go visit the advocates of the current policy and ask them why American cities were destroyed. But don't let me be alarmist; just let me say that al-Qaeda wants to get nuclear weapons, and North Korea has sold anything it didn't have a use for to the highest bidder.

Mr. FLAKE. If I could strongly agree with you on one point, however, is that our success in solving this nuclear program will rely almost entirely on our ability to get the Chinese and the South Koreans to put their pressure to bear. We do not have the leverage, and ultimately this will require the patient diplomacy of people like Assistant Secretary Hill; but, really, a clear recognition in China and South Korea that the North Korean actions are inimical to their interests. And I think that is probably likely to happen——

Mr. SHERMAN. I think that China and South Korea are quite capable of discerning their interests themselves, that they don't need

an education, they don't need American scholars, they don't need American persuasion, and they have made the calculation that those weapons being built in North Korea will not be used against them; that they are a problem for the United States, which may bring a little joy to some people in South Korea and more people in China, and that instability in North Korea is a greater concern.

The other thing that they have determined is that American markets will be open to them regardless of how their foreign policy endangers the lives of millions of Americans. So they are free to do what is in their own interest, and they are not going to change their definition of their own interest just because we send them a postcard saying, gee whiz, you probably don't want North Korea to have nuclear weapons.

Beijing and Seoul understand the situation very well. And the only element that we can control is access to the American markets. There is no—as you pointed out—our 27,000 soldiers are not going to march north. As you pointed out, we cannot possibly affect North Korea without affecting Beijing and Seoul. And if you think that mere persuasion, merely keeping the situation as it exists now and convincing them that they mis-evaluated it, that they didn't understand the situation, is the height of arrogance.

The fact is they do understand the situation, and they are not going to change the policy just because of persuasion. They will change their policy if the situation changes. And the only aspect of the situation that we are able to change is United States trade policy, because there, as you point—you know, toward South Korea and toward China.

So I look forward to someday a change in U.S. policy in the only way that we can be effective. And until then, Assistant Secretary Hill will go there, he will be persuasive, he will be diplomatic in ways that were never really applied to myself, and he will try to convince them that they haven't thought it through. And if anybody can do that, it is Assistant Secretary Hill.

And I look forward to seeing the results of his work, and I yield back.

Mr. LEACH. Well, thank you for that very thoughtful contribution.

Ladies and gentlemen, thank you for your contributions; they are very appreciated. Unless, Mr. Flake, you have anything you want to add to this?

Mr. FLAKE OF ARIZONA. Thank you.

Mr. LEACH. The Committee is adjourned.

[Whereupon, at 5:54 p.m., the Committee was adjourned.]

