

Racism, Canadian War Crimes, and the Korean War: Shin Hyun-Chan's Quest for Justice

人種差別、カナダの戦争犯罪、シン・ヒョンチャンの正義追求

John Price

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Scholars and journalists in Korea and the United States have worked hard over the past 15 years to bring to light the mass killings of civilians that occurred during the Korean War. These stories, including that of the strafing of civilians at *No Gun Ri*, have challenged the hegemonic narrative of the 'good war' that has dominated south Korean and US accounts of this tragic past. In the following revised excerpt of a chapter from his new book, *Orienteering Canada: Race, Empire and the Transpacific* (Vancouver: UBC Press, 2011), Canadian historian John Price documents the story of Mr. Shin Hyun-Chan, a survivor of a Canadian war crime committed during the Korean war. In investigating the Shin case the author uncovered numerous other war crimes committed by Canadian forces in Korea, including rape and murder. In almost all cases where the perpetrators faced court-martials, they were found guilty but then exonerated upon return to Canada. Reporters in Korea at the time pointed to racism as endemic and a contributing factor. But the Canadian military, supported by religious leaders, refuted the accusations and buried the stories. The case reveals much about the politics of impunity as practiced by both the American and Canadian military during and after the war. And of the politics of impunity wherever Status of Forces Agreements protect foreign military forces

from prosecution on the ground. As in the US, the Canadian military continues to refuse to accept responsibility for this and other war crimes. Sixty years later, however, the truth is finally coming out. Mr. Shin has recently retained legal counsel to press his case with the Canadian government. The case illustrates the importance of expanding research on war crimes committed during the Korea War beyond the US and South Korean archives. It also raises important dimensions of law and justice in an era in which Status of Forces Agreements (SOFA) insulate US and other foreign military forces from domestic courts where soldiers are stationed on foreign soil, whether in war or peace.

The Story of Shin Hyun-Chan

The journey that brought me to the small village of Hwangbang-Ri in South Korea began in 2001 when I first visited Korea to conduct research on Canada's role in the Korean War. Professor Han Hong-Koo of Sungkonghoe University informed me that a war crimes case involving a Canadian soldier was on file at the Ministry of Defence. Later, Professors Suh Sung and Kim Gwi-ok kindly helped track down the file. Finally, in the spring of 2004, Kim Gwi-ok, myself, and Yu Chong-Ae, a graduate fellow and interpreter, left Seoul by car heading north to interview Shin Hyun-Chan, the man who filed the claim against the Canadian military.

We soon entered Uijongbu, a suburb to the north of metropolitan Seoul. In the ancient past, it was a centre of officialdom in the Korean kingdoms. Today it is the site of a large

army base, a reminder that, despite the democratization of South Korea in the late 1980s, the country remains highly militarized, with both Korean and US forces in place. The military presence was particularly pronounced along the winding Imjin River, not far from the border dividing South Korea from North Korea. There young soldiers stand at attention in sentry posts erected every thousand metres or so. Between each of the elevated, wooden lookouts is a large chain fence topped with razor wire. The shadows of war are not far from the small village of Hwangbang-ri in Yangju county, Gyeonggi province.

As we approached this small town, we stopped to ask a man for directions. It turned out to be Shin, who had come looking for us. He escorted us to his house and there, sitting on the warm floor, he recounted the story of how his father came to be buried in a grave nearby.¹



Shin Hyun-Chan stands besides his

father's grave. Photo: J. Price

Shin displays a petition that he submitted to the Ministry of Defence. It is signed and dated, with the names, dates of birth, and seals of eleven others from the village verifying his story. Shin recounted the moment that changed his life and that of his family forever. It was September 1951. Armistice talks between the warring antagonists had begun, but fighting continued. A UN engineer unit was stationed two or three hundred metres from Shin's old house, constructing roads and support facilities for the war effort. Shin's family farmed, growing rice and beans on their land until the war came. The UN troops were living in tents in an adjacent field, and some Korean soldiers were staying in a house nearby. He recalled: "It was the middle of the night; I remember because there was a full moon, and it must have been the eighth month [according to the lunar calendar] and he came into our house and told us to come out. The soldier first asked my father something, but he had no idea what he was talking about because he couldn't speak the language, so my father called me to help with communication, and that's when the shooting started ... the soldier had this machine gun in his hands, and there must have been about thirty bullets in it ... and so we went out, and then he starts shooting." The soldier was standing in the middle of the courtyard, a common feature of Korean houses of the era. Shin's younger siblings and mother were in their respective rooms at the time. Shin doesn't remember much after being shot but he did recall the weapon that was used: "You could see the bullets," he said, "about thirty bullets that go into the cartridge and you feed it from the bottom." His only other recollection was that other soldiers came into the courtyard and that he was transported somewhere with his father. He was sure the shooter was a Canadian: "The way he was dressed, the

uniform and all, was Canadian.”

In the middle of the interview an elderly women joined us. This was Shin’s mother, Park Chong-Soon, eighty-eight and crippled by age and a life of hardship. She recalled:

“The soldier shot towards the room so that the bullet skinned my ten-year old daughter in the neck. I ran out of the room and saw my husband lying down covered with blood on his stomach area. I tried to cover his stomach but others came and said it wasn’t going to do any good. My son was also bleeding ... Soldiers came in after my husband and my son got shot, and they took them to the hospital. The next day soldiers came and took me to where my husband was, but by the time I got there he had already died. I then looked for my son but he was transferred to another hospital. So my situation ... of course it was horrible.”

Park said that she had no photograph to remind her of her husband Shin Yong-Dok, that she was left with nothing: “When I came home [from the hospital] they brought my husband’s body back. He was totally stripped, he had nothing on, and was just wrapped in a blanket. The next day I went to look for my son again, and so the villagers and friends came in and just took [my husband] and buried him.”



In 2004, Park Chong-Soon recounted the murder of her husband, Shin Yong-Dok. She died in 2007 without seeing any restitution. Photo: J. Price

The younger Shin was hospitalized for twenty-five days, twenty days in a Norwegian field unit at Tuk Kye-Ri and then another five days in a Red Cross hospital in Seoul. Shin found out later that a soldier accused of the crimes was to be court-martialed. He and his sister attended the trial. A translator told him afterwards that the perpetrator had been sentenced to ten years and sent back to Canada: “But we didn’t really know and there was no way to verify it.”

Life was not easy for the family after losing their father. They tried to eke out a living from farming but eventually had to sell the farm. In 1956, Shin served an obligatory three years in

the military, but his disabilities from the shooting were such that he was incapacitated much of the time. After recounting his ordeal, Shin displayed the scars from his wounds, an entry scar on his abdomen and an exit wound on his back, as well as another scar near his elbow.

Shin might have taken his tragic story to his grave had it not been for the fact that a political revolution in 1987-88 toppled the repressive juntas that had ruled South Korea from 1948 until the end of the 1980s. The flowering of democracy released spirits that had long been repressed. Kim Dong-choon, an associate professor of history at Sungkonghoe University in Seoul at the time, informed me that hundreds of victims of atrocities committed during the war have come forth to tell stories of atrocities by American and South Korean forces not unlike those of Shin, and in every part of the country, regional advocacy groups for the victims were established with the assistance of local NGOs.²

War crimes were committed by all sides during the war, but after forty years of only hearing allegations of North Korean atrocities, the new stories dramatically changed the portraits of the past.³ Indeed, what prompted Shin to go public with his own story, and to file a claim for redress, were the 1998 revelations of a massacre that had taken place at *No Gun Ri*.⁴ It took a team of dedicated reporters with a supportive editor to track down and verify the events at No Gun Ri. As it turns out, it was possible to verify Shin's story much more easily when I returned to Canada. Canadian Press, the national news agency, kindly gave me access to their archives and their extensive clipping files not only substantiated Shin's claims, they provided a new perspective on Canadian involvement in the war.

On 6 December 1951, Canadian army headquarters in Ottawa announced that John Murray Steeves, a sapper with the 57th

Independent Field Squadron of the Royal Canadian Engineers, would be tried for the murder of Shin's father.⁵ Army headquarters had appointed Brigadier A.B. Connelly, commander of the Canadian military mission in Tokyo, as court president, and he arrived in Seoul on 13 December. The court martial began the following day. According to press reports, those who had found Steeves testified that he had appeared incoherent and complained that "a Korean had stolen his watch."⁶ The watch had been recovered, but the two soldiers who produced it and the investigating warrant officer were, according to the press reports, both undergoing psychiatric treatment in Japan. Another witness testified that Steeves had left his bed muttering, "Unless I get my wife back tonight somebody's going to die." Steeves had been drunk going to work on 16 September and was even more drunk upon arriving back from work around 4:00 PM, when he was put to bed. He had been assigned guard duty beginning at 3:00 AM the next morning. Two other sappers testified that they had accompanied Steeves into the village where they had taken over an unoccupied house so they could have a party where they "couldn't bother anybody."⁷

According to Shin's testimony at the trial, three soldiers had visited their home seeking "women and liquor."⁸ According to a medical officer, a third victim was a sapper of the Republic of Korea's 1st Division. On 16 December, a Canadian army psychiatrist testified that Steeves had a mild form of "repressed hostility" that might cause him to "explode" if intoxicated. Steeves himself testified on 17 December, during his court martial in Seoul, that he could not remember anything about the incident. The following day, the court convicted Steeves of manslaughter in the death of Shin's father and sentenced him to fifteen years in prison. The field commander arbitrarily reduced the sentence by five years. Steeves had not been charged or tried for the wounding of young Hyun-Chan or for the shooting of the

ROK soldier.

The court martial seemed to have produced a semblance of justice. However, on 13 June 1952, Canadian Press reported that a Canadian “found guilty of manslaughter in the death of a Korean civilian and sentenced to 15 years in prison ha[d] been freed by the Defence Department.”⁹ John Steeves was freed “some time ago,” after Judge Advocate General Brigadier W.A. Lawson ruled that he had been wrongfully convicted at the December court martial, basing his ruling on the law involving “circumstantial evidence.” In other words, Steeves didn’t even serve six months of his fifteen-year sentence. News of this development never reached the Shin family. Was the court martial really that flawed? Was Steeves really innocent? We may never know the answers to those questions.

What is striking in the press reports, however, is the number of war crimes reported.

For example, six months prior to the Shin murder, Glen Blank, Alan Davis, and Donald Gibson of the Princess Patricia Regiment left their camp near the village of Chung Woon Myon.¹⁰ They had just come back from the front for a two-week rest period and had been partying. They came across a farmhouse and decided to stop. Inside they found a farmer, several South Korean soldiers, and two women, one of whom was the sister of one of the soldiers. The Canadian soldiers demanded that the women have sex with them. The women were beaten when they refused, then they were dragged off and raped. The South Korean soldiers tried to intervene but were beaten senseless at gunpoint. On their departure, Glen Blank tossed a grenade into the farmhouse, and, for good measure, the Canadian troops fired their weapons into the building as they left the scene. Local authorities complained and rumours started, attracting the attention of Bill Boss, a Canadian Press correspondent. Ten days after the crimes, Boss pieced the story

together and sent it to his head office. It never arrived.

A few months later, *MacLean’s* magazine revealed what had happened to Boss’s story, written nearly half a year earlier. It had been censored by American occupation officials in Tokyo who forwarded it to Canadian army headquarters where it languished. To add insult to injury, Boss himself “was subjected to a campaign of vilification from United Nations public relations officers. He was branded ‘subversive’ and an abortive attempt was made to oust him from the Korean theatre.”¹¹ On 1 August 1951, Canadian defence headquarters announced that Blank, Gibson, and Davis would be court-martialed that fall. After a week of trials, military judges found Blank guilty of manslaughter, and Gibson and Davis of attempted rape. Blank received a sentence of life imprisonment, while Gibson and Davis received two years less a day and eighteen-month terms, respectively. They were shipped home to Canada to serve their sentences. Yet, on 8 July 1952, Blank was released, and Gibson and Davis saw their sentence set aside by Canada’s Judge Advocate-General.¹²

In another example, two soldiers, Vincent Francis Carlisle and Donald James Ferrier, were convicted of raping a Korean woman and sentenced to ten and fifteen years, respectively, in 1951. The court-martial appeal board ordered a new trial for these men on 4 September 1952.¹³ There were hundreds and perhaps thousands of such violent crimes committed by UN forces. Of the sixty or so Canadian cases that actually came to trial and resulted in convictions, most of those convicted, like Steeves and Blank, were released upon their return to Canada.¹⁴

Not only had newspaper accounts verified Shin’s story they had brought to light a pattern of conviction in Korea and exoneration in Canada that makes a mockery of the military justice system at the time.

With Shin Hyun-Chan's consent, I wrote the Canadian government in the fall of 2004 informing the departments of defence and foreign affairs of Shin's case and suggesting redress might be in order. The government asked for further documentation, which I provided. Officials appeared sympathetic and there were indications that the government might address the issues. However, suddenly I received by mail an official letter from the legal claims section of the Department of Defence repudiating any responsibility in the matter. With the help of professor Kim Gwi-Ok, I communicated this information to Shin.

By this time, the Roh government had come to power in South Korea and established the Truth and Reconciliation Commission. Shin decided to pursue redress in that venue while I continued to research matters on the Canadian side.

Racism, War, and Crimes against Humanity

Much of the resulting research, published in previous articles and in chapter ten of *Orienting Canada*, documents how the US government, with Canadian support, manipulated the United Nations to create a separate republic in south Korea and examines the subsequent events that led to full-scale war on June 25, 1950.¹⁵ Lester Pearson, Canada's foreign minister at the time (and later prime minister), afterwards conceded that the war had nothing to do with defending democracy. The Canadian decision to send military forces reflected the determination of Pearson and the prime minister, Louis St. Laurent, to cement their continental alliance with the United States and their belief that East Asia was a US 'sphere of influence.' As a result Canada sent the third largest military contingent to Korea (after the US and United Kingdom) despite initial reservations.¹⁶



Canadian soldiers on patrol in Korea, December 1952. Photo: Library and Archives Canada. Photo: Library and Archives Canada, PA 166881



The Canadian destroyer HMCS Nootka arrested Korean fishermen off the west coast of Korea, May 1951. Photo: Library and Archives Canada, PA 151996

Researching the Shin story, however, uncovered an additional dimension that challenged conventional cold war narratives about the Korean conflict.

On 21 August 1951, the day before the first Canadian court martial began in Seoul, the American journalist George Barrett sent a dispatch to the *New York Times* outlining the crimes, concluding: "Details of the crime of which the Canadians are accused are particularly shocking. The greatest ill effect from this crime is its seizure by the Koreans as a symbol of the widespread contempt held by many United Nations soldiers for the people of this country, a contempt emphasized every day in the way the Koreans are pushed around."¹⁷ Bill Boss and George Barrett were not the only journalists who pointed to the problem. Pierre Berton, a fledgling correspondent who later became one of Canada's major literary figures, was sent to Korea in the spring of 1951 to report for *Maclean's* magazine. At that time, the US-led forces were pushing northward once again, "moving back up the peninsula through villages roasted by our napalm and cities crumbled by our shells."¹⁸ Berton later recalled:

"I have some vivid memories of Korea and many of them I wish I could forget. There is the memory of the old Korean who stumbled unloading a crate from a C-54 in Pusan, and the little pipsqueak of a GI private who seized him by the faded coat lapels and shouted in his face: "You sonofabitch if you do that again I'll punch you in the nose!" There is the memory of the wretched young man with his feet half eaten away, dying of gangrene and refused medical assistance by a succession of MOs because he was a Korean and didn't count. There is the memory of the Canadian private who emptied his Bren gun into a Korean grave and the memory of the GI in the bus at Pusan who shouted loudly at a comrade about how much he hated

the gooks and the look on the face of the Korean bus driver who overheard him."¹⁹

Berton continued: "There is above all the memory of the serious young Korean university graduate gazing solemnly and sadly at me across the remnants of a chow mein dinner that had cost the equivalent of two months' wages in Korea, and saying: 'You Americans are so stupid. You have made prostitutes of our women and beggars of our children. Surely you are not going to make the mistake of thinking the Koreans love you?'"²⁰ Berton had tried to take this Korean colleague, with two others, to an American mess hall, but they ended up "eating in a native restaurant because this young man could not eat with [him] in the officers' mess where all the other war correspondents [ate]. Yet he was an accredited war correspondent, too, who wore the United Nations patch and uniform. But he was a Korean. Sorry."

Bill Boss, on leave from his reporting duties in Korea, told Ottawa's Canadian Club in September 1951: "Canadian soldiers have shared in a general Western contempt for the Korean people that stems from a superiority complex."²¹ Syndicated columnist Elmore Philpott also took up the criticism: "The terrible truth is that in the battle for men's minds and souls, the Western leadership is losing out everywhere in Asia and Africa mainly because it, so far, has nothing solid and well reasoned to offer anybody but the white man."²²

The persistent reports of racism and war crimes committed by Canadian forces obliged the Canadian government to take action. The government responded by ordering an internal inquiry and by sending a delegation of church leaders to Korea to investigate relations between Canadian troops and the Korean population. On 15 October 1951, Defence Minister Brooke Claxton announced that

Maurice Roy, archbishop of Quebec; W.F. Barfoot, primate of the Church of England and Canada; C.M. Nicholson, moderator of the United Church; and N.D. Kennedy, moderator of the Presbyterian Church, would be going to Korea at the minister's invitation.²³ Upon landing back in Montreal, Roy was quoted as being convinced "that reports of Canadian troops 'mistreating and looking down on Koreans' [were] incorrect."²⁴ Roy acknowledged that Korea was ravaged almost beyond description by the war but that the Koreans were a proud and versatile people whose houses, although made of mud and straw, had heating in the floor. According to the religious leaders, reporters such as George Barrett, Bill Boss, and Pierre Berton were exaggerating isolated incidents. Shortly afterwards, acting chief of the General Staff, Major General H.A. Sparling, reported that an internal inquiry showed that Canadian soldiers were friendly towards Koreans and gave them food, clothing, and medical attention.²⁵ The combination of military denial backed up by clerical testimony was enough to bury the crimes perpetrated by Canadian soldiers and the associated racism noted by war correspondents.

Many progressive researchers in Korea and abroad now consider the Korean War a civil conflict that was then exacerbated by US and UN intervention.



All sides committed atrocities during the war. Thousands gather to commemorate the victims of war crimes on Jeju Island, 2004. Photo: J. Price

All sides committed atrocities during the war and, as documented by Korea's Truth and Reconciliation Commission, war crimes committed by Koreans were extensive. However, with outside intervention, racism also became an important factor during the war.

Retired Canadian parliamentarian Margaret Mitchell, who worked in Korea in 1953-54, recalls: "[Many of the soldiers] hated the country and the people, and counted the days and hours until they could either go home or go on leave to Japan. I hated their racist attitudes, and cringed when they called the Koreans 'gooks.'²⁶

Training manuals used by Commonwealth forces to educate troops in Korea were rife with racist caricatures in which Korean civilians were portrayed as having a propensity for thievery, a 'foul-smelling' body odor, and a 'very perverted sense of humor.'²⁷

The Canadian Army's official history of its participation in the Korean War, published in 1966, reinforces how racism persisted in the military. A decade after the events themselves, the author, army historian Lt.-Col. Herbert Fairlie Wood, recounts the capture of a number of Chinese troops: "Three days later the platoon captured three more Chinese and in the words of the platoon commander 'it was rumoured at the time ... that the poor fellows had heard that there was a laundry in the vicinity and had merely come in looking for a job.'²⁸ Here we see how the history of racism in Canada, expressed through the stereotype of Chinese as lowly "laundry workers," persisted even long after the armistice in Korea was

signed.

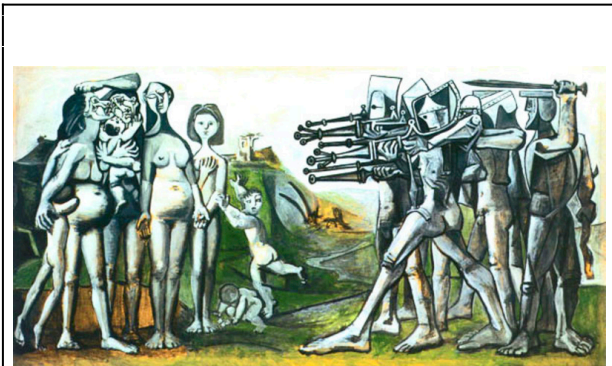
Sixty years later, the number of war crimes committed by Canadian and other UN forces during the Korean War remains unverified but the number was substantial and exceeded anything seen during the fighting in Europe in WW II.²⁹ This is not to say most Canadian soldiers were war criminals. Many Canadian soldiers conducted themselves with discipline and integrity while in Korea and the Korean Veterans Association has had to overcome serious impediments to have their sacrifices remembered.³⁰ Indeed, some of the Canadian soldiers displayed a sense of humanity towards the Korean people.³¹ But such should not be counter-posed to acts of criminal behaviour, as if one offsets the other.

A Canadian military historian recently concluded that the record of remission and release described above was a travesty of justice and “another example of the institutional racism that seems to have permeated the upper echelons of the Department of National Defence.”³² However, the problem of racism war hardly confined to the upper echelons of the Canadian defence establishment.

For example, American General Mathew Ridgeway, shortly after taking command of UN forces in Korea wrote to his church: “[Is the issue not] truly whether some day our women, our babies, our sick and our aged are to be driven forth by Asiatic masters, or now while yet there’s time, this America and our Allies may extinguish all petty issues and unite with all they have to destroy the greatest peril we have ever known.”³³ Even at the time, Canadian diplomat Herbert Norman reacted to the press reports regarding Ridgeway’s letter, inquiring whether Ridgeway was not espousing a “yellow peril” argument. The matter was brushed aside as simply a ‘gaff’.³⁴

US General Curtis Lemay, one of the architects

of the campaign of indiscriminate bombing first in Japan in 1944-45 and then in Korea was also girded with a racist contempt for Koreans not to mention the Japanese and Chinese.³⁵ The indiscriminate bombing and first extensive use of napalm led to the deaths of hundreds of thousands of Korean civilians. Reports on the gruesome deaths caused by these bombings by George Barrett and other journalists led the Canadian ambassador to the United States, Hume Wrong, to conclude: “Nearly all Koreans, North and South, must now rue the day on which they became the victims of collective security.”³⁶



Pablo Picasso expressed his horror at the atrocities in Korea in his 1951 painting Massacre in Korea. It hangs in the Musée National Picasso, Paris.

The leading scholar on Korea, Bruce Cumings, has taken the question of racism in the war seriously, arguing that “like the Japanese before them, Americans saw Koreans as a dehumanized ‘other’—an inferior race where the highest Korean ultimately counts less than the lowest American.”³⁷ The Americans, however, were not alone in this contempt as the evidence from even this limited exploration of Canadian involvement in war crimes suggests.

Conclusions

Shin Hyun-Chan and his family are survivors of war crimes. In 2009, the Truth and Reconciliation Commission in South Korea finally began to investigate Shin's claim. However, the Commission was terminated by a new government before the investigation could be concluded. With the assistance of Canadian legal counsel, Mr. Shin decided to once again petition the Canadian government for restitution. It has been sixty years since his father was murdered and twelve years since he first filed a petition in the case. His mother died four years ago, never having seen restitution for the murder of her husband.

The struggles for redress for Shin and other survivors of war crimes in Korea are not only a question of human rights and natural justice—they also offer important historical lessons with contemporary relevance.

Further research is necessary but it may well be that in Korea as in the Pacific War "racism, dehumanization, technological change, and exterminationist policies became interlocked in unprecedented ways."³⁸ That journalists and others exposed atrocities and racism in Korea is testimony to the fact that the "double victories" over fascism and for racial equality during and after World War II did have an impact. However, as I argue in the conclusion of *Orienting Canada*, racism remained a potent force in postwar Asia where the United States and its allies appropriated the victory in the Pacific War and excluded from the peace process the Asian peoples who had fallen victim to Japanese aggression.

The Shin case and the associated documentation from Canadian sources suggests it is time to expand and coordinate the research on war crimes beyond the US archives, remember that the war effort, though led by US command, was a UN action, and that Canada, Britain, Australia, South Africa, New Zealand and others joined the UN forces. Even conventional military narratives from the

British Commonwealth, when examined in light of the recent revelations from South Korea, contain important insights that complement critical scholarship. For example, in his book *Deadlock in Korea*, Ted Barris recounts how Canadian private Wayne Mitchell gazed into the valley near Kapyong on 24 April 1951 and saw "hundreds of thousands of people, mostly refugees" streaming towards his position: "Orders were to stop them, because the enemy was in there among them. I felt horrible, but I set up ... and fired low."³⁹ Mitchell was soon relieved of his gruesome task when "three American fighter aircraft swooped down over his position and began strafing and bombing the people in the valley." Mitchell's account has serious implications because it suggests that American jets continued to strafe and bomb civilians even a year after *No Gun Ri* and that infantry units were also being ordered to fire on refugees. Such revelations have important repercussions in further substantiating the work of scholars and journalists in both Korea and the US.

Shin's case is one of many thousands of cases in Korea, the legacy of a bitter war. Even after the 1953 armistice, the US established a network of bases in South Korea. Ever since, local communities have fought against these bases and the effects of military colonization. In 1992, the murder and mutilation of a south Korean woman working in a bar near a US base sparked the creation of a community coalition against US military violence.⁴⁰ Ten years later, protests in South Korea exploded after two US soldiers killed two Korean schoolgirls while driving an armored car.⁴¹ South Korean demands to try the soldiers for criminal negligence in Korea were rebuffed and a US court later acquitted the men of any wrongdoing.⁴² This sparked further protests and demands to revise the US - South Korea Status of Forces Agreement (SOFA).

In a broader sense, Shin's quest for redress is part of a global struggle for accountability of

foreign military personnel by local communities. The Korean War was part of the largest military buildup in the postwar era. The US government, with the support of allies such as Canada, built up a system of bases in East Asia and elsewhere that endures. By 2008, the US alone had 150,000 troops and 95,000 civilian personnel stationed on 837 military facilities in 45 countries, excluding Iraq and Afghanistan.⁴³

The US established and maintained a string of bases in Japan (particularly Okinawa), South Korea, the Philippines and into the islands of the south Pacific. In most countries where the US has troops stationed the government has negotiated a SOFA. In many cases these agreements were simply a shield and gave “US soldiers broad immunity from prosecution for crimes committed and environmental damage created.”⁴⁴ By providing impunity to military personnel, the SOFA were similar to colonial ‘unequal treaties’ that formerly provided extra-territorial privileges to foreigners in countries such as China.

Struggles waged by local communities over the years have made it more difficult for US troops to avoid prosecution in host countries. However, even today, SOFA agreements globally reflect what Catherine Lutz suggests are racialized environmental and judicial standards with European agreements ‘better’ than agreements in the Philippines and other Asian countries.⁴⁵ In that sense, anti-base struggles are a continuation of the quest for decolonization. Women are often in the forefront of these struggles, often focusing “on the sexism and racism involved in US military violence in Asian communities, and the sexism of East Asian governments who are complicit in allowing such violence.”⁴⁶ These struggles continue around the world as does Shin’s search for justice in Korea and Canada.

John Price is associate professor of Japanese history at the University of Victoria and director of the [E.H. Norman Digital Archive project](#). His new book, [Orienting Canada: Race, Empire and the Transpacific](#) (Vancouver: UBC Press, 2011) will be the subject of discussion and debate at H-Diplo in early 2012.

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Notes

¹ Interview with Shin Hyun-can and Park Chong-Soon, Hwangbang-Ri village, Yangjun County, Gyonggi Province, Korea, 6 April 2004. My deepest appreciation to Kim Gwi-Ok and Yu Chong-Ae for their assistance in locating Shin’s family, in travelling to the village, and in interpreting during the interview.

² Interview with Kim Dong-choon, Seoul, Korea, October 2003. Kim would go on to become a standing commissioner of the Truth and Reconciliation Commission in South Korea from 2005 to 2010. [Kim Dong-choon](#), The Truth and Reconciliation Commission of Korea: Uncovering the Hidden Korean War; [Kim Dong-choon and Mark Selden](#), South Korea’s Embattled Truth and Reconciliation Commission.

³ . For recent developments related to the massacres during the war see the compendium of articles in *Critical Asian Studies*, 4, 2 (December 2010).

⁴ The Pulitzer Prize-winning book about this

war crime is Sang-hun Choe, Martha Mendoza, and Charles J. Hanley, *The Bridge at No Gun Ri: A Hidden Nightmare from the Korean War* (New York: Henry Holt, 2001).

⁵ Bill Boss, wire copy, Canadian Press Archives (hereafter CPA), Korea War File 155 [3]-85.

⁶ Bill Boss, "Local Soldier on Trial for Murder of Korean Civilian," *Moncton Transcript*, 15 December 1951 (CPA, Korea War File, 155 [3]-84).

⁷ Bill Boss, *Saint John Telegraph Journal*, 18 December 1951 (CPA, Korea War File, 155 [3]-85).

⁸ Bill Boss, "Contradictory Evidence Heard at Court Martial," *St. John Telegraph*, 17 December 1951 (CPA, Korea War File 155 [3]-84).

⁹ "Convicted Soldier Freed by Ottawa," Canadian Press, 14 June 1952.

¹⁰ CP Files, 155 (3)-17, "Court Martials Planned under Canadian Board."

¹¹ "The Censorship That Helps the Enemy," *Maclean's*, 15 October 1951.

¹² See Chris Madsen, *Another Kind of Justice: Canadian Military Law from Confederation to Somalia* (Vancouver: UBC Press, 1999), 109-10.

¹³ Canadian Press files, 155 (4) 84.

¹⁴ Brent Watson, *Far Eastern Tour: The Canadian Infantry in Korea, 1950-1953* (Montreal and Kingston: McGill-Queen's

University Press, 2002), 171-74.

¹⁵ On Canada's early and controversial involvement see "The Cat's Paw: Canada and the United Nations Temporary Commission on Korea," *Canadian Historical Review* 85, 2 (2004), 297-324. Pearson's later views can be found in Lester Pearson, *Mike: The Memoirs of the Right Honourable Lester B. Pearson. Vol. 2: 1948-1957*, 188.

¹⁶ The Canadian forces usually had over 6,000 members in the field at any one time; a total of 26,000 Canadians would participate in the Korean War of whom 516 lost their lives.

¹⁷ See George Barrett, *Globe and Mail*, 21 August 1951, Canadian Press file, 155 (3)-18.

¹⁸ Pierre Berton, "The Real War in Korea," *Maclean's*, 1 August 1951, 2. Berton recounts his experiences in more detail in his autobiography *My Times: Living with History, 1947-1995* (Toronto: Seal Edition, 1996), 78-103.

¹⁹ *Ibid.*, 96.

²⁰ *Ibid.*, 100.

²¹ "Correspondent Raps Integration of Army," *Vancouver Sun*, 7 September 1951.

²² Elmore Philpott, "Bill Boss Warns West," *Vancouver Sun*, 6 September 1951.

²³ For individual reports on the trip, see LAC, MG 32, B5, vol. 97, 25CDN Infantry Brigade.

²⁴ Frank Lowe, "Reports Koreans Mistreated by

Canadians Declared False," *Montreal Daily Star*, 22 November 1951.

²⁵ As cited by Watson, *Far Eastern Tour*, 50.

²⁶ See Margaret Mitchell, *No Laughing Matter: Adventure, Activism and Politics* (Vancouver: Granville Island Publishing, 2008), 22.

²⁷ As cited in Watson, *Far Eastern Tour*, 49.

²⁸ Lt.-Col. Herbert Fairlie Wood, *Strange Battleground: Official History of the Canadian Army in Korea* (Ottawa: Queen's Printer, 1966), 101.

²⁹ Madsen and Watson both cite over 60 courts martial held in the field in Korea yet that number seems to apply only to the army. A statistical summary by Madsen of all courts martial in the 1950-1998 period indicates over 1000 courts martial in the 1950-1953 period alone. Madsen, *Another Kind of Justice*, Appendix 2, 164-165; The British held 1103 courts martials in Korea during the war, see Madsen, fn 75, 187. Not all courts martial were the result of war crimes and therefore cannot be used as a proxy. On the other hand, it is also conceivable that some war crimes were never reported and that the number exceeds the number of related courts martial.

³⁰ The veterans organized to construct a wall of remembrance in 1997. See Ted Barris, *Deadlock in Korea: Canadians at War, 1950-1953* (Toronto: Macmillan, 1999), 290-97.

³¹ For example, Sergeant-Major Maurice Juteau of the Royal 22nd Regiment was distraught at the pitiable conditions he found in a Korean hospital and decided to take matters into his own hands. He organized what became known

as the "khaki charities." Juteau asked his comrades to donate clothes and food that had come from Canada. Not only did soldiers respond, they also began to donate part of their rations and were able to provide thousands of supplementary meals for Koreans. Donations were being picked up twice a day in the wake of the overwhelming response. Based on a Bill Boss report, Canadian Press file, 135-3-36.

³² Watson, *Far Eastern Tour*, 172.

³³ "Ridgeway Claims US Doesn't Know What War Is," *Montreal Gazette*, 14 May 1951.

³⁴ Norman to Menzies, 18 May, 1951 and Menzies to Norman, 4 June 1951 (LAC, RG 25, 92-92/002, Vol. 7 7-1-3-1, pt. 1).

³⁵ M. Kantor and Curtis E. Lemay, *Mission with LeMay: My Story* (Garden City, NY: Doubleday, 1965), 460-464.

³⁶ Hume Wrong to Lester Pearson, 7 March 1951, LAC, MG 26 N1, vol. 17, Wrong, HH 1948-1953, 1.

³⁷ Bruce Cumings, *Parallax Visions: Making Sense of American-East Asian Relations at the End of the Century* (Durham, Duke University Press, 1999), 63.

³⁸ John Dower, *War without Mercy: Race & Power in the Pacific War* (New York: Pantheon, 1986), 93.

³⁹ Ted Barris, *Deadlock in Korea: Canadians at War, 1950-53* (Toronto: Macmillan, 1999), 84.

⁴⁰ Gwyn Kirk, Margo Okazawa-Rey, "Women

Opposing US Militarism in East Asia," *Peace Review*, 16:1 (March 2004), 59-60.

⁴¹ See Murakami Naoko, "Solidarity in South Korean Civil Movement against the U.S. Forces: The case of the death of two schoolgirls in June 2002," *Peoples Power* 21, [on-line discussion paper](#), accessed January 10, 2012.

⁴² See "Korean anger as US soldiers cleared," *BBC News World Addition*, 22 November, 2002, [accessed](#) January 10, 2012.

⁴³ Catherine Lutz, "US Military Bases on Guam in Global Perspective," *The Asia-Pacific Journal*, 30-3-10, July 26, 2010, 4.

⁴⁴ Catherine Lutz, "US Military Bases on Guam in Global Perspective," 11.

⁴⁵ Catherine Lutz, "US Military Bases on Guam in Global Perspective," 18.

⁴⁶ Gwyn Kirk, Margo Okazawa-Rey, "Women Opposing US Militarism in East Asia," *Peace Review*, 16:1 (March 2004), 62.