

REPORT OF LEE HO, PROSECUTOR OF THE SEOUL
COURT OF REVIEW, AS TO THE CASE OF PAK
KYUNG MOON (CHEJU-DO)

The outline of the case in which PAK KYUNG MOON and three others were accused of violation of Proclamation No. 2, CG, USAFGAC, is as follows:

PAK KYUNG MOON and three others are the Directors of the Executive Committee of the Democratic National Front in Cheju-Do. About the end of July, 1947, in connection with the collection of signatures to a petition which would be sent to the US-USSR Joint Commission in Seoul, they met with KIM YONG BAE, Chief of the Detective Section of the Cheju Police Station, and got authorization to secure signatures of members of the Democratic National Front.

Although no authorization for collecting signatures of the general public was given, they composed the paper so as to show that they had authorization from the police to get signatures from the general public and that the police agreed with the opinion which is advocated by the communists, namely, that the title of the state should be Korean People's Republic and that the administrative organ should be the People's Committee. They then had executive members collect signatures from the general public to their petition.

For this, they were accused of disturbing the public peace. The Prosecutor's Office of Cheju District Court received the report of the case from the Detective Section of the Cheju Police Station on 15 September 1947, and the Chief Prosecutor handled the case. He filed an indictment, charging the crime of disturbance of the public peace, but the trial was cancelled on 8 November 1947, by firm objection of the American Governor and the Legal Officer of Cheju-Do, and the case was dismissed on 12 November 1947.

Everyone is free in South Korea to express his opinion to the US-USSR Joint Commission and to seek the realization of his political ideal in the United Government which will be established. Also, a political party is free to assist in the preparation of a petition of the people who have similar ideals with it. Such acts cannot be regarded as violation of Proclamation No. 2 in disturbance of the public peace and obstructing Military Government. Thus, it is clear that it is not necessary to get permission from the police for the collection of such signatures. So it would not be proper for the Chief Prosecutor to prosecute them on such a charge, and I think it is appropriate for him to cancel such trial on the advice of the Americans.

But in this case, although the Chief of the Detective Section gave approval for obtaining signatures of only the members of the Cheju Democratic National Front, they represented to the executive members of every city and myun that the Chief of the Detective Section gave permission to secure signatures also from the general public. Thus, they had the said executive members tell the general public that they should sign the petition, as permission had been given by the Chief of the Detective Section. In doing so, they gave the ignorant

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people the false idea that the police agreed with the opinion advocated by the communists, namely, that the state title should be Korean People's Republic and the administrative organ, the People's Committee.

This seems to be a crime falling under Article 105-2 of the Criminal Law Code, which prohibits the spreading of false statements with the aim to disturb the minds of the people. I think it would have been better to follow the regular procedure in this case and to have held a trial on the indictment even if the accused should be acquitted. And I think it is proper for the Prosecutor to explain this point to the American Advisers. I also think the American Advisers should understand this and give their advice with reasons and not so firmly as was done in this case.

/s/ LEE HO

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