



US-KOREA 2012
YEARBOOK

JOHNS HOPKINS
UNIVERSITY

SAIS | US-KOREA 2012 YEARBOOK

Published by the U.S.-Korea Institute at SAIS
www.uskoreainstitute.org

Copyright © 2013 by the U.S.-Korea Institute at SAIS (www.uskoreainstitute.org)
The Paul H. Nitze School of Advanced International Studies, Johns Hopkins University
Printed in the United States

The views expressed in this publication are those of the authors and do not necessarily reflect the views of individual members of the U.S.-Korea Institute at SAIS or its Advisory Council Members.

All rights reserved, except that authorization is given herewith to academic institutions to reproduce articles herein for academic use as long as appropriate credit is given both to the authors and to this publication.

American Legal Dilemmas and Korean Elections

By Mark Kulish

I. INTRODUCTION

Choosing a nation's highest leader is the supreme exercise of popular sovereignty in an electoral democracy. When one partner in a close and multifaceted bilateral alliance holds a general or presidential election, the alliance's long-term viability rests on both the reality and the perception of non-interference in the alliance partner's elections. Regardless, circumstances may arise where events apt to have an influence on elections in one alliance partner pose legal issues that demand decisions by officials in the other alliance partner. Although there may be no intent to interfere—and indeed pains are taken not to interfere—influence, whether or not decisive, may nonetheless be exercised simply by making decisions the legal process demands. Even if one of the options before decision makers is to delay final resolution of the issue until after the alliance partner's election is over, a decision to delay resolution still constitutes a decision and could still have an impact.

Over the past 60 years, a complex web of ties has grown around the core Republic of Korea–United States (ROK-U.S.) security alliance, beginning with the post-Korean War stationing of U.S. forces in the ROK, then expanding immigration (predominantly of ROK citizens to the U.S., many of whom acquired U.S. citizenship), and a wide array of trade and economic ties. The alliance is now a multifaceted relationship regulated by an array of bilateral rules and legal regimes. Relevant here, in 1966, the prolonged stationing of U.S. forces in the ROK gave birth to a status of forces agreement (SOFA), amended in 1991 and again in 2001. In 1998, the large numbers of ROK immigrants to the U.S. gave rise to an extradition treaty.

In both 2002 and in 2007, the operation of legal regimes in place to regulate the various facets of this complex bilateral relationship came to have a direct bearing on the outcome of presidential elections in the ROK. This paper describes both chains of events, focusing on the critical junctures where U.S. officials made decisions demanded by a legal process. In 2002, the operation of the ROK-U.S. Status of Forces Agreement (SOFA), which triggered, in turn, the body of laws and procedures governing the U.S. military justice system, placed the U.S. in a position where its resolution of a legal issue could affect, and likely did affect, the outcome of a ROK presidential election. Once U.S. officials made the decision to exercise “official duty” jurisdiction under the SOFA over two U.S. soldiers allegedly responsible for the deaths of two Korean middle school girls, resolution

of the issue lay with the U.S. military justice system. Decision makers in the U.S. legal process, even though attempting to appease host-nation public opinion in advance of the election, likely, and ironically, contributed decisively to the election of the candidate perceived as less favorably disposed to the U.S. and the alliance.

In 2007, the operation of the ROK-U.S. extradition treaty again placed the U.S. in a position where its resolution of a legal issue appeared to have the potential to sway the outcome of yet another ROK presidential election. In October of that year, an alleged former business associate of then-candidate Lee Myung-bak suddenly placed himself on the precipice of extradition from the U.S. to the ROK after years of petitions and appeals. In 2007, U.S. decision makers deliberately chose to allow the extradition process to operate in a normal fashion, in spite of considerable pressure to do otherwise and even risking an election outcome (Lee's defeat) widely perceived as unfavorable to U.S. interests. What U.S. decision makers (and various actors in Korea) could not anticipate in 2007 is that these decisions, unlike the decisions made in 2002, would have no discernable effect on the election outcome in any case.

The very fact that in 2007 U.S. decision makers assumed a risk that did not eventuate (the defeat of a candidate perceived as more favorable to U.S. interests) helps answer the question of what made one set of decisions (those in 2007) superior to another (those in 2002). This paper argues that legal decisions in such charged and volatile circumstances should hew to three criteria: (1) consideration of the intrinsic merits of a case, without regard to external consequences; (2) following settled procedures; and (3) ensuring the maximum level of transparency warranted by those procedures. Decisions made according to these tenets may still influence an election outcome in an alliance partner, but such influence will be muted because the decision is based on intrinsic facts, not fear of alliance partner perceptions; because the press and public in the alliance partner are well-informed about the intrinsic facts on which that decision was based; and because they know that settled procedures were followed in reaching the decision.

II. 2002: THE DEATHS OF SHIM MI-SUN AND SHIN HYO-SOON

The ROK-U.S. SOFA

In 1965, some twelve years after the end of the Korean War, the U.S. and ROK concluded their SOFA. The agreement entered into force in 1966. The two sides first amended the agreement in 1991. In the more extensive 2001 revision, the two sides amended the agreement to afford the ROK the right, depending upon the seriousness of the offense at issue, to assume custody of the U.S. service

member over whom it was exercising jurisdiction at earlier points in the process than had previously been authorized. Namely, the ROK could assume custody upon indictment by ROK authorities for certain serious crimes and upon arrest by ROK police for certain more serious (or “heinous”) offenses. The 2001 SOFA revisions altered only the criteria governing which country would have custody of a service member once the ROK exercised jurisdiction. The 2001 revisions did not alter the criteria governing the exercise of criminal jurisdiction itself. As under the U.S. SOFA with NATO countries and the U.S. SOFA with Japan, if an offense occurred between U.S. personnel with SOFA status (i.e., a U.S. alleged perpetrator and a U.S. alleged victim), the U.S. would have the primary right to exercise jurisdiction. If a U.S. SOFA status individual were accused or suspected of committing an offense against a ROK citizen (or, for that matter, a person in the ROK without U.S. SOFA status), the ROK would have the primary right to exercise jurisdiction, *unless* the U.S., through one of its general officers stationed in the ROK, certified that the U.S. SOFA status individual had been acting in the pursuit of “official duty” at the time of the offense. In that case, the U.S. would retain the primary right to exercise jurisdiction.

The “understandings” reached by the two sides when the SOFA was amended in 2001 provide that the U.S. general officer’s

...[official duty] certificate will be conclusive unless modification is agreed upon. However, the Republic of Korea authorities may discuss, question or object to any United States armed forces official duty certificate. The United States authorities shall give due consideration to any opinion which may be raised by the Republic of Korea authorities in this regard.

With regard to all SOFAs to which the U.S. is a party, U.S. authorities are under a Congressional mandate to “maximize” jurisdiction over U.S. personnel. That is, once it is determined the U.S. has the primary right to exercise jurisdiction (because the offense was committed by one U.S. SOFA status person upon another or because the offense, though allegedly committed against a non-SOFA status alleged victim, was committed in the pursuit of “official duty”), the U.S. will, without exception, assert its primary right to retain jurisdiction. In such a case, the ROK authorities may register objection but have no authority under the SOFA to retain or to seek custody of the service member pending a trial. The 2001 SOFA amendments, which expanded the rights of the ROK to seek or to retain custody in cases where *the ROK* had the primary right to exercise jurisdiction, would simply not apply. Instead, the service member remains under U.S. control, and the offense is resolved (if the alleged perpetrator is a service member rather than a civilian stationed with U.S. forces) under the U.S. military justice system.

The U.S. Military Justice System

As it stood in 2002, the U.S. military justice system bore a strong resemblance to civilian criminal justice systems in the U.S. state and federal courts, but also retained important differences. Among the differences, the initial charging decision, though made with the advice of uniformed prosecuting attorneys, was (and today still is) made by the suspected service member's commanders rather than the prosecuting attorneys. Commanders are free to exercise a range of options, from no action at all, to what is known as "non-judicial punishment" (where rank, pay, extra duty, and restriction to certain limits on base are at stake, but confinement is not), to court-martial (where rank and pay are at stake, confinement is possible, and punishments may include the stigma of a bad-conduct discharge or a dishonorable discharge from military service). There are various levels of courts-martial, corresponding roughly to "misdemeanor court" or "felony court" in civilian systems.

Upon referral to general court-martial—the highest level of court-martial—the maximum possible punishment is limited only by the maximum punishments specified by Congress in the Uniform Code of Military Justice (UCMJ), or, where Congress has not specified a maximum punishment, by the maximum punishments specified by the President (under a statutory delegation of authority) in the Manual for Courts-Martial. Only a "general court-martial convening authority" (normally, the first general officer in the service member's chain of command) may refer a case to a general court-martial. The general officer may refer a case to a general court-martial only after there has first been a pretrial investigation, known as an "Article 32 investigation," by virtue of the statute in the UCMJ that mandates and authorizes it, before a "neutral and detached" officer.

An Article 32 proceeding's chief purpose is to provide the chain of command a more in-depth picture of the circumstances of the alleged offense and a considered recommendation regarding whether the case should indeed be referred to a general court-martial, should be resolved by a lower level of court-martial, or should be dismissed. During the proceeding, the Article 32 investigating officer hears sworn testimony and examines, if admissible, documentary evidence, all in the presence of the accused service member, his defense counsel, and prosecutors. At the hearing's conclusion, the Article 32 officer finds whether the evidence warrants the charges against the accused service member and, if so, recommends an appropriate level of court-martial or other disposition. The Article 32 officer's recommendation is not binding. Although the Article 32 proceeding is often compared to a grand jury in the U.S. civilian federal criminal justice system, it is more analogous to the preliminary hearing common in many U.S. state criminal justice systems.

The U.S. Court of Appeals for the Armed Forces, the highest appellate court in the U.S. military justice system (and composed entirely of civilian judges), has held since 1997 that Article 32 proceedings, like courts-martial themselves, are federal criminal proceedings which, unlike federal grand juries, must be open to public view, absent compelling reasons to close them. Compelling reasons may include the discussion of classified information or to protect the privacy of child witnesses, but even if such interests exist, only such portions of the Article 32 hearing should be closed as are necessary to protect those interests. In other words, the presumption is in favor of keeping these hearings, like courts-martial trials themselves, open to public view and public access.

If, after receiving the report of the Article 32 officer, the general officer in command decides to refer the case to a general court-martial, the matter then falls within the jurisdiction of a U.S. military judge, that is, a uniformed judge advocate officer whose sole function is to preside over courts-martial. The military judge is responsible for conducting any necessary hearings prior to trial to dispose of pretrial motions (for example, motions to suppress evidence or motions to obtain evidence the prosecution has not disclosed to the defense), and, most pertinently here, is responsible for setting the actual dates of trial. The military judge is insulated from command pressures. He or she is not answerable to, or rated by, anyone in the chain of command. Uniformed defense counsel represent service members, though they have the option to hire a civilian lawyer at their own expense.

Accused service members may choose to have their guilt or innocence, and, if found guilty, their sentence, decided by the military judge alone, by a panel of officers, or, if the accused is an enlisted member, by a panel of both officers and enlisted service members. The same general officer who referred the case to a general court-martial chooses the panel, but its members are subject to challenge, just as civilian jury members are. Once the panel has heard the evidence and received instructions from the military judge on the applicable law, the panel conducts its deliberations in a closed setting. The military judge instructs the members that the influence of superiority in rank cannot be brought to bear by any member of the panel upon any other member. Even after the trial has concluded, the members are prohibited from discussing their deliberations with anyone. This rule serves to further insulate the members from any command pressures, subtle or otherwise.

Early Selection of Major Party Candidates in Korea, 2002

As Korea's 2002 presidential election year began, the Millennium Democratic Party (MDP), the party of the incumbent president, Kim Dae-jung, decided to choose its presidential candidate by a party primary process. The opposition

conservative party, the Grand National Party (GNP), reluctantly followed suit. In April 2002, after eleven rounds of regional primaries, Roh Moo-hyun, a former National Assembly member, former Kim administration cabinet member, and former human rights lawyer, won the MDP nomination. In May 2002, GNP Chairman Lee Hoi-chang, whom Kim Dae-jung had defeated in the 1997 presidential election, won the GNP primary by a wide margin.

At the end of May, the 2002 World Cup, co-hosted by the ROK and Japan, began in Seoul. By June 10, the ROK team had secured one victory (over Poland) and one tie (against the U.S.). On June 13, the ROK held local elections, which the GNP swept. Most schools in Korea were closed for these local elections, including schools in and near the city of Yangju, mid-way between Seoul and the city of Dongducheon, where the bulk of the U.S. Second Infantry Division was stationed.

June 13, 2002

On June 13, 2002, two Yangju area middle-school girls, Shim Mi-sun and Shin Hyo-soon, excused from school for the day, were walking on the roadside between two villages in the Yangju area to a friend's birthday party. The road consisted of two lanes, one running in each direction. Company B of the 44th Engineer Battalion, part of the Second Infantry Division's Engineer Brigade, was engaged in a field exercise in the vicinity. As part of the exercise, Company B's commander led a vehicle convoy, including a large tracked vehicle (an M48A5 AVLM), to link up with an infantry unit.

The company commander assembled the convoy on short notice, and he occupied the convoy's lead vehicle. As the company commander's lead vehicle rounded a curve, the company commander was preoccupied with a radio conference regarding the exercise. The company commander and his driver passed the two girls walking in the same direction as the convoy, their backs to the approaching vehicles, on the right edge of the paved road. Soon after, the occupants of the second vehicle (being the vehicle immediately in front of the AVLM) also spotted the girls, who were now in a single file with their hands over their ears due to the noise of the convoy.

The AVLM, the large tracked vehicle, was driven by Sergeant Mark Walker. Due to the positioning of the driver's seat deep inside the left side of the vehicle and the outer shell of the AVLM, Sergeant Walker could not see the right side of the road. Also in the AVLM was Sergeant Fernando Nino. Sergeant Nino was serving as the track commander (TC) of the AVLM. Among his duties was to alert the driver, Sergeant Walker, of any hazards. His standard means of communicating with Sergeant Walker was via an intercom system controlled by a switch. Turned

in one direction, the switch would activate the intercom. Flipped in the other direction, the switch would enable Sergeant Nino to communicate with other vehicles via radio.

Meanwhile, a convoy of five Bradley Fighting Vehicles from an infantry unit approached the engineer unit's convoy from the *opposite* direction, and began to pass them in the opposite lane of the one-lane-each-way road. As the AVLM rounded the curve, Sergeant Walker saw the oncoming Bradley Fighting Vehicles in the opposite lane. Given the width of his AVLM, and in order to avoid a collision with the Bradleys, Sergeant Walker edged the AVLM to the right. A non-commissioned officer (NCO) in one of the Bradley Fighting Vehicles, approaching in the opposite lane, seeing the girls and the approaching AVLM, rose up from his seat and gave a standard hand signal to Sergeant Walker, the AVLM's driver, to stop. At the same time, one of the occupants of the vehicle immediately in front of the AVLM also gave the AVLM a hand signal to stop.

However, due to a large t-shaped metal fixture (a "t-bar") affixed to the AVLM in front of Sergeant Walker, he could not see the hand signal from the NCO in the opposite lane. For the same reason he could not see the two girls, Sergeant Walker also could not see the hand signal from the soldier in the vehicle travelling directly in front of him. Meanwhile, Sergeant Nino, seeing the two girls as the AVLM rounded the curve, using the intercom, immediately attempted to tell Sergeant Walker to stop. On at least two attempts, Sergeant Walker did not respond. Either the intercom system failed or Sergeant Nino did not operate the switch properly. (After the accident, investigators tested the intercom. Operating the switch properly, they found that it was not functioning.) With one more attempt, some seven seconds after the two girls had first come into his view as the AVLM had rounded the curve, Sergeant Nino reached Sergeant Walker via the intercom. Sergeant Walker brought the AVLM to a stop. By then, it was too late. The right track of the vehicle had knocked down Ms. Shim and Ms. Shin, instantly crushing them to death.

The 2002 World Cup, Demonstrations, and a Naval Clash

Meanwhile, the Korea-Japan World Cup continued, with the Korean team winning victories over Portugal (June 14), Italy (June 18), and Spain (June 22), advancing to a semi-final match against Germany (June 25). The Korean team's performance had exceeded all expectations, even though it lost the semi-final match to Germany. Mass demonstrations of popular support for the team throughout the ROK, peaceful and friendly in nature, were broadcast throughout the world.

Some demonstrations, however, targeted U.S. forces in Korea. On June 20, demonstrators penetrated the perimeter of Camp Red Cloud in Uijeongbu, the headquarters of the Second Infantry Division north of Seoul. In a further demonstration on June 26, nine U.S. military police were injured as demonstrators again breached the camp's perimeter. On June 29, during yet another demonstration outside Camp Red Cloud, ROK and Democratic People's Republic of Korea (DPRK) vessels engaged in a firefight in the West Sea, resulting in one lost ROK vessel with five ROK sailors killed and twenty-two wounded.

Investigation and U.S. Assertion of SOFA Jurisdiction, June-July 2002

On June 14, 2002, the day after the deaths of Ms. Shim and Ms. Shin, the U.S. Army Criminal Investigation Command and ROK Army Criminal Investigation Command initiated a joint investigation of the incident. On June 20, a U.S. general officer signed an official duty certificate under the ROK-U.S. SOFA pertaining to Sergeant Walker. That is, the U.S. general officer certified that, at the time of the accident, Sergeant Walker had been acting in the course of his official duties. Accordingly, the U.S. would have (and, implicitly, would assert) the primary right to exercise jurisdiction over any criminal proceedings against Sergeant Walker.

On July 3, 2002, court-martial charges were preferred against both Sergeant Walker and Sergeant Nino. Each NCO was charged with two specifications of negligent homicide; that is, causing the deaths of Shin Hyo-soon and Shim Mi-sun by failing to exercise such care under the circumstances as would have been exercised by a reasonable person under the same or similar circumstances. Although the mere preferral of court-martial charges did not foreclose a later waiver of U.S. jurisdiction prior to trial, the U.S. intent to exercise jurisdiction was clear.

On July 10, the ROK Ministry of Justice (MOJ) requested that the U.S. waive its primary right to exercise jurisdiction over the two soldiers. On July 11, a U.S. general officer signed another official duty certificate, this one pertaining to Sergeant Nino.

Nevertheless, U.S. authorities continued to cooperate with the ROK prosecutor, making Sergeants Walker and Nino, as well as numerous other witnesses to the accident, available for questioning, providing witness statements and photographs from the Criminal Investigation Command's investigation, and permitting ROK prosecutors and their assistants to inspect the AVL. Meanwhile, demonstrations, some including over 900 participants, continued outside USFK installations, particularly in the Second Infantry Division area

north of Seoul. On August 7, USFK officials informed the ROK MOJ that the U.S. would not waive its primary right to exercise jurisdiction, noting that a U.S. waiver of jurisdiction in an official duty case would have been unprecedented.

U.S. Court-Martial Proceedings Prior to Trial

Court-martial charges having been preferred, an Article 32 officer was appointed to hear testimony, to examine other available and admissible evidence, and to make a recommendation whether the two cases should be disposed of by a general court-martial. The Article 32 officer held three hearings pertaining to both cases on July 13, July 19, and August 2, 2002. It is unclear whether these hearings were expressly declared open to the public, as required by law absent a compelling reason to close them. In any event, in contrast to the later courts-martial trials, the command did not invite Korean media to attend. Even *Stars and Stripes*, the independent U.S. newspaper with on-base civilian reporters, did not report on them until after they were concluded.

On August 8, 2002, the Article 32 officer completed his written recommendation. Although his recommendation was not made public at the time, the officer recommended that Sergeant Walker's charges be dismissed and Sergeant Nino's go forward, stating only that Nino "could have done more" to prevent the accident. Finally, the officer recommended that court-martial charges be lodged against Company B's commanding officer, who had been in the convoy's lead vehicle, and that those charges be forwarded to a general court-martial. The Article 32 officer's findings and recommendations were not binding on the command.

After examining the Article 32 officer's report and recommendations, the Second Infantry Division's commanding general nevertheless decided, on September 11, 2002, to refer the negligent homicide charges in the cases of both Sergeant Walker and Sergeant Nino to separate trials by general court-martial. From that point forward, authority over the scheduling of the trials was in the hands of the military judge, an officer independent from any command.

On September 24, 2002 the military judge arraigned both service members. On or after the day of those arraignments, the military judge set Sergeant Nino's trial to begin on November 18 and Sergeant Walker's on November 21. To all appearances, the military judge treated the scheduling as he would any other. He likely set the two cases to be tried in November based on trials in other cases already scheduled on his docket; representations by the prosecution, the defense, or both, regarding their readiness for trial; the number of witnesses each side intended to call; and the necessity of bringing any witnesses from the U.S. to Korea to testify. He likely set the two cases to be tried in immediate succession

based on representations from the defense, the prosecution, or both, that testimony from the same witnesses, many of whom would have to be brought to Korea from the U.S. or elsewhere in the world, would be required in both cases.

There is no indication that the prosecution raised the impending ROK presidential election or that the ROK election had any bearing on the military judge's decision regarding trial dates. For any commander or other U.S. official, including the U.S. ambassador to the ROK or anyone acting on his behalf, to approach the military judge regarding the scheduling of the two trials, save by way of the prosecuting attorneys in the two cases, would have been, at best, improper. Even if they had done so, it is unlikely that the military judge would have considered the election so compelling a factor as to require delaying the trials until after the ROK Election Day (December 19). A holiday season would immediately follow, when it would be much more difficult to secure the presence of numerous witnesses. Moreover, Sergeant Walker or Sergeant Nino or both could lodge objections to delay, and each had a right to a speedy trial.

***Presidential Politics, SOFA Protests, and Nuclear Crisis,
October-November 2002***

Following the MDP's poor showing in the June 13 local elections, MDP candidates suffered further defeats at the hands of the GNP in the August 2002 by-elections. Some party members questioned Roh Moo-hyun's candidacy. In September 2002, Chung Mong-joon, a member of the National Assembly, son of Hyundai founder Chung Ju-yung, and controlling shareholder of Hyundai Heavy Industries, seeking to capitalize on his role in the successful hosting of the World Cup, announced his independent candidacy for the presidency.

In October 2002, the U.S. State Department announced that it had confronted DPRK officials with evidence that the DPRK was engaged in a highly enriched uranium production program. The 1994 U.S.-DPRK Agreed Framework began to unravel. Meanwhile, taking a cue from the mass peaceful demonstrations of support for the Korean World Cup soccer team in June, a series of candlelight vigils was held to protest the U.S. exercise of jurisdiction under the SOFA in the cases of Sergeant Walker and Sergeant Nino.

On November 16, 2002, Roh Moo-hyun and Chung Mong-joon reached an agreement under which one or the other would alone stand for president against the GNP's Lee Hoi-chang, based on the results of an opinion poll after a televised debate between Roh and Chung. The debate was held on November 23, and the poll results, won by Roh, were released on November 25, 2002. Chung withdrew his candidacy and started to campaign for Roh.

The Courts-Martial of Sergeant Walker and Sergeant Nino, November 18-22, 2002

Prior to the trials of Sergeant Nino and Sergeant Walker, USFK made arrangements for a large contingent of Korean and American reporters, as well as representatives of Korean NGOs and family members of Ms. Shim and Ms. Shin, to attend the trials. The reporters were permitted to enter the base where the trial was held (Camp Casey in the city of Dongducheon) and afforded the use of a separate room adjacent to the courthouse equipped with a live closed-circuit video feed and staffed by an interpreter. These efforts by USFK to accommodate news media coverage stood in contrast to the command's treatment of the Article 32 proceeding in July. Though the Article 32 hearing may not have been formally closed to the public, it was held on the same installation, Camp Casey, without invitations having been extended to any ROK media outlets. Even U.S. media were apparently unaware the Article 32 proceeding was underway on until it was already completed in August. Thus, the news media were not fully exposed to the facts of the incident until five months after the deaths of the two girls, by which time opinions had already hardened and, in many cases, judgments had already been made.

On November 18-20, Sergeant Nino was tried before a court-martial panel (jury) of seven officers and non-commissioned officers. The prosecution called eight witnesses, and the defense four. On the afternoon of November 20, the panel acquitted Sergeant Nino. On November 21-22, Sergeant Walker was tried before a panel of eight officers and non-commissioned officers, none of whom sat in Sergeant Nino's case. The prosecution called eight witnesses, the defense one. Late in the evening of November 22, the panel found Sergeant Walker not guilty.

Unlike in most U.S. civilian criminal courts, these verdicts need not have been unanimous. In each case, the prosecution was required to convince two-thirds of the panel members (five members in the case of Sergeant Nino, and six in the case of Sergeant Walker) that the accused service member was, beyond a reasonable doubt, guilty of negligent homicide. Thus, for either of the two to be acquitted, at least three members need to have voted for acquittal.

The Aftermath and the Election

A firestorm of protests followed the announcement of the acquittals. On November 27, the U.S. ambassador met with the victims' families to convey President Bush's apology for their daughters' deaths. Protests and candlelight vigils nevertheless continued. The largest protests invoked the choreography of the June World Cup celebrations. Most spectacularly, in Seoul's City Hall Plaza on December 14, a massive demonstration attended by as many as 50,000

people (surrounded by approximately 23,000 riot police) culminated with huge American flags being unfurled over the heads of the attendees, much as huge ROK flags had been unfurled over the heads of soccer match attendees during the World Cup—only now, once they had fully unfurled the American flags, the demonstrators tore each of them to shreds. This huge protest took place only a day after President George W. Bush telephoned President Kim Dae-jung to convey a direct apology.

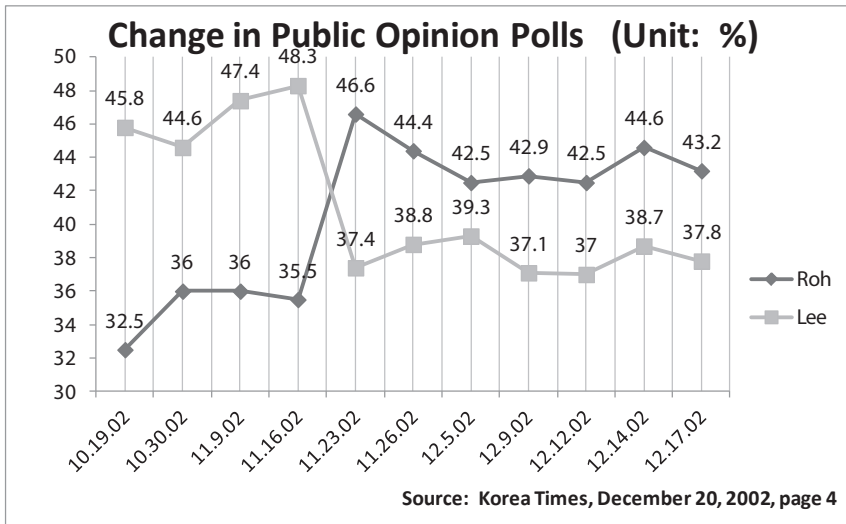
The presidential campaign, with Roh Moo-hyun now alone in the contest against Lee Hoi-chang, concluded amidst both these post-verdict demonstrations and growing unease regarding the collapse of the 1994 U.S.-DPRK Agreed Framework. On December 12, the DPRK demanded that IAEA inspectors deactivate monitoring devices at the Yongbyon nuclear reactor, and announced its intention to put the reactor, dormant since 1994, back into service. Meanwhile, the Bush administration continued to make its case that Iraq's alleged development and possession of weapons of mass destruction warranted a change in its regime, by force if necessary.

On December 17, two days before the election, a USFK spokesperson revealed that the Second Infantry Division Commanding General had issued only an administrative letter of reprimand to the Company B commander, who had been in the lead vehicle of the convoy, and had done so well before the trials of Sergeants Walker and Nino in November.

Chung Mong-joon's withdrawal of his candidacy on November 25, only three days after the announcement of the second of the two verdicts of acquittal, may obscure or cause to be understated the effect of the acquittals on the election results. On December 18, the eve of the election, Chung abruptly withdrew his support of Roh's candidacy (whether because of certain campaign rally remarks by Roh he regarded as anti-American, or other Roh remarks he regarded as anti-Chung, or both, is not entirely clear) and declared his November pact with Roh at an end. From the evening of December 18 into Election Day, December 19, Chung's announcement provoked a last-minute campaign to get out the vote for Roh via cell phone text messaging and internet social media.

However, opinion polls released immediately after the election, where the pollsters posed a choice only between Roh, the MDP candidate, and Lee Hoi-chang, the GNP candidate, show a remarkable shift between November 16 (three days before the start of the first court-martial) and November 23 (the day after the second verdict of acquittal on November 22, but *before* Chung Mong-joon withdrew his independent candidacy on November 25). On November 16, Lee led Roh by a nearly 13-point margin (48.3 percent to 35.5 percent), a margin he had maintained for nearly a month. Suddenly, on November 23, not only had Lee's previously stable

and solid lead disappeared, but the tables were turned altogether: Roh led Lee by a 9-point margin (46.6 percent to 37.4 percent), a deficit from which Lee Hoi-chang never recovered. In the end, Roh Moo-hyun won the election with 49.9 percent of the popular vote to Lee Hoi-chang's 46.6 percent.



If a sense of injustice among the ROK populace and electorate did, as argued here, contribute decisively to the outcome of the December 2002 election, it was not because the U.S.-ROK SOFA process, and then the U.S. military justice system, were unable to do justice. Rather, as will be further detailed in the conclusion, it was because U.S. decision makers, in the pretrial phase, did not focus on the intrinsic factual merits of the case, and did not ensure the transparency called for by the rules of the military justice system. As fate would have it, another U.S. legal process, this time extradition, again took center stage in the run-up to the following ROK presidential election in 2007.

III. 2007: THE "BBK SCANDAL" AND THE EXTRADITION OF KIM KYUNG-JOON

The ROK-U.S. Extradition Treaty and Process

The ROK-U.S. Extradition Treaty, concluded in 1998, went into force in 1999. Prior to its ratification by the U.S. Senate, the U.S. Justice Department cited—among other factors warranting the negotiation, conclusion, and ratification of the treaty—"the increase in Korean immigration to the United States, increased

business and commercial ties, and a general close relationship between the two countries,” further noting that the ROK and the U.S. had “reach[ed] a point where it was clear that Korea was one of the countries where both governments would benefit from an improved ability to secure the extradition of fugitives. That, coupled with the democratic reforms [in the ROK], made this a logical step in the expansion of [ROK-U.S.] relations.”

Regarding “democratic reforms” in the ROK, the Justice Department official was referencing the possibility that under the treaty a U.S. citizen could be extradited to the ROK, and a ROK citizen to the U.S. The U.S. judgment was that the ROK criminal justice system afforded adequate procedural protections should a U.S. citizen be extradited to the ROK and face a criminal trial there. Article 3 of the treaty stated that even if extradition were otherwise authorized by the treaty, the ROK or the U.S., at their discretion, could still decline to extradite their own nationals. This provision was included to comply with ROK domestic law. The U.S., for its part, as a matter of longstanding policy, does not regard a fugitive’s U.S. citizenship as a reason to withhold extradition.

The extradition process, controlled in part by the treaty and in part by U.S. statutes and procedures, begins with a request by either side for extradition of a fugitive. The requesting state forwards supporting documentary evidence and a specification of the laws the fugitive is suspected of having violated, along with a charging document. The receiving state, after initial review of the request, issues a warrant for the arrest of the fugitive. After arrest, a fugitive in the U.S. may contest his extradition before a U.S. magistrate (a federal judicial official inferior to a U.S. district judge), though the grounds he may offer, under the treaty and U.S. statutory law, are very narrow. The fugitive may not contest the essential facts alleged by the requesting state, though he may raise other objections. Should the U.S. magistrate find that the extradition request is proper, the magistrate will certify that the fugitive is extraditable.

At this point, the fugitive may continue to contest his extradition by lodging a petition for a writ of habeas corpus in a U.S. district court. In effect, by petitioning for a writ of habeas corpus, the fugitive is appealing the magistrate’s decision. Should the U.S. district judge deny the petition, the fugitive may then appeal that decision to a U.S. circuit court of appeals. While this writ of habeas corpus procedure is underway, and so long as the fugitive remains in U.S. federal custody, the original magistrate’s order certifying the extraditability of the fugitive is normally stayed.

Should the fugitive exhaust all these avenues without success, by U.S. statute, the Secretary of State (or the standing designee, the Undersecretary of State for Political Affairs) must, within two calendar months, decide whether to surrender

the fugitive to the authorities of the requesting state. Should the Secretary of State fail to act within that two-month period, under U.S. law the fugitive may then petition for his release from U.S. custody. Under Article 11 of the ROK-U.S. extradition treaty, the Secretary of State must, in any event, promptly notify the requesting state (the ROK) of the U.S. decision regarding the fugitive's surrender.

Kim Kyung-joon's Activities and Flight from the ROK

In late 2000 and early 2001, Kim Kyung-joon, a U.S. citizen, induced 14 investors to invest approximately 33 billion won (\$27 million) in a Korean venture capital firm known as BBK. Kim then forged the corporate charters of 19 non-existent U.S. companies. He used these falsified corporate charters to establish a number of bank accounts and deposited the BBK funds into those accounts. Kim used the funds from those accounts to buy a controlling number of shares in another venture capital firm, Optional Ventures Korea. Kim then used Optional Ventures to attract further potential investors, claiming that the non-existent U.S. firms had already made initial investments. In the latter half of 2001, Kim transferred the funds from Optional Ventures' bank accounts to other accounts he or members of his family controlled in the U.S. Korean authorities arrested Kim in late 2001. He fled to the U.S. after posting bail.

Lee Myung-bak, a former Hyundai Engineering and Construction CEO and former two-term National Assembly member, had become acquainted with Kim Kyung-joon prior to Kim's launch of the BBK venture capital firm. The extent to which Lee was involved in encouraging investment in BBK, much less whether he was aware of Kim's fraudulent conduct (or in fact was one of the victims of it), is a matter of much dispute. In 2002, Lee Myung-bak returned to politics and won election as mayor of Seoul, a position in which he served until 2006.

The Extradition Request, February 2004-January 2007

On February 12, 2004, the ROK Ministry of Foreign Affairs and Trade submitted a request to the U.S. that Kim be extradited to face counterfeiting, forgery, embezzlement, and securities fraud charges. U.S. authorities arrested Kim, and Kim then contested the extradition request before a U.S. magistrate. On October 21, 2005, the magistrate certified that Kim was extraditable to the ROK. By U.S. statute, the U.S. then had two months within which to surrender Kim to ROK authorities, failing which, Kim could apply to a U.S. district judge for release. Kim, for his part, had two months within which to seek a stay of the certification of extraditability and file a petition for a writ of habeas corpus, which would permit him to continue to contest the extradition at two higher levels of court (a U.S. district court and a U.S. court of appeals). A U.S. district court granted Kim's request for a stay on November 14, 2005, to remain in effect until December 21.

In December 2005, Kim still had not filed a habeas petition. Accordingly, the U.S. Undersecretary of State for Political Affairs, acting under a standing delegation of authority from the U.S. Secretary of State, executed a warrant authorizing the surrender of Kim to ROK authorities in the event Kim failed to file his habeas petition by the December 21st deadline. Then, on December 19, 2005, the U.S. district court granted Kim an extension. He finally filed a habeas petition on March 23, 2006. On January 18, 2007, the U.S. district judge denied Kim's petition, and on February 12, 2007, Kim filed a notice of appeal in the U.S. Court of Appeals for the Ninth Circuit. The U.S. district judge further extended the stay of the magistrate's order certifying Kim's extraditability, pending resolution of Kim's appeal. The State Department would not be able to further act on Kim's extradition until this appeal was resolved.

In April 2007, some of the defrauded investors initiated a civil damages suit against Kim in a California state court. Among the plaintiffs was Kim Paik-jun, an associate of Lee Myung-bak. After Lee became president in 2008, Kim Paik-jun served as senior secretary to the President for administrative affairs.

Presidential Politics in the ROK, May-October 2007

In May 2007, former Seoul mayor Lee Myung-bak declared his presidential candidacy. He ran for the GNP's presidential nomination against current President Park Geun-hye, the daughter of the late President Park Chung-hee. In August 2007, Lee defeated Park by a razor thin margin. Much later, in October 2007, Chung Dong-young secured the nomination of President Roh Mu-hyun's Democratic Party. Lee and Chung went on to contest the December 2007 presidential election along with two other candidates from minor parties, including Lee Hoi-chang of the Liberty Forward Party, whom President Roh had defeated in the 2002 presidential contest.

An Appeal Withdrawn, a Decision Required, October 2007

As Kim Kyung-joon's appeal in the U.S. Ninth Circuit Court of Appeals remained pending, Kim was summoned to give deposition testimony for the civil suit lodged against him. After testifying for a few days, Kim refused to be deposed further. On October 3, 2007, Kim filed a motion to withdraw his appeal (regarding his extradition) in the Ninth Circuit. On October 9 and 12, 2007, Kim Paik-jun, one of the plaintiffs in the civil suit and, as noted above, an associate of Lee Myung-bak, filed motions before the Ninth Circuit requesting that the appeals court defer ruling on Kim's motion for ninety days so that Kim Paik-jun and the other plaintiffs could seek an order from the California state court compelling Kim Kyung-joon to resume his deposition testimony. As a private party, Kim Paik-jun did not have standing to intervene in an extradition

proceeding. The Ninth Circuit did not formally accept Kim Paik-jun's motion, noting only that it had been "received." On October 18, 2007, the Ninth Circuit granted Kim Kyung-joon's request to withdraw his appeal and denied Kim Paik-jun's motion to delay its decision on Kim Kyung-joon's request as "moot." At long last, the original certification of Kim's extraditability, issued by a federal magistrate almost exactly two years prior, took full effect.

Now the Undersecretary of State for Political Affairs had to make the final decision regarding Kim Kyung-joon's extradition. Article 11 of the extradition treaty required the Secretary of State to "promptly notify [the ROK], in writing through the diplomatic channel, of its decision on the request for extradition." Also, under U.S. statutory law, the Secretary of State was required to surrender Kim Kyung-joon to ROK authorities no later than two calendar months from the date of the last judicial action (October 18, 2007), that is, by December 18, 2007, or else Kim would be entitled to request release from U.S. custody altogether. Ironically, on the evening of December 18 in the U.S., citizens in Korea would begin casting their ballots in the December 19 presidential election.

Kim Paik-jun, undeterred, rushed to the U.S. federal district court (a court inferior to the Ninth Circuit Court of Appeals), asking that court to reimpose its stay on the magistrate's 2005 order certifying Kim's extraditability. Justice Department attorneys opposed this motion. Kim Paik-jun's motion was extraordinary in that he was asking a lower court to effectively reverse a higher court's binding decision. On October 24, 2007, the U.S. district court denied Kim Paik-jun's motion.

Korean Coverage of the Kim Kyung-joon Extradition Matter

On October 15, 2007, both the Chosun Ilbo (the primary ROK conservative newspaper) and the Hankyoreh (the primary ROK progressive newspaper) published editorials regarding Kim Kyung-Joon's extradition. Both papers noted that Lee himself told an interviewer from MBC television that Kim should promptly be returned to the ROK to face the criminal process, and both expressed puzzlement that Lee nevertheless was permitting his surrogates to take legal action to delay the extradition. Within four days after the Ninth Circuit granted Kim Kyung-joon's motion to withdraw his appeal and denied Kim Paik-jun's motion that it defer any ruling (October 18, 2007), the *Korea Times* reported unambiguously (and more or less correctly) that "when Kim will be extradited is totally dependent on U.S. Secretary of State Condoleezza Rice." In other words, by October 22, 2007, the Korean press and public were fully aware that the timing of Kim's surrender to the ROK depended solely on the U.S. Secretary of State, or her designee regarding the execution of surrender warrants, the Undersecretary of State for Political Affairs.

The State Department's Dilemma

The Undersecretary of State for Political Affairs now had to decide whether to surrender Kim Kyung-joon to the ROK immediately or wait until the statutory two-month period expired, effectively on the day of the ROK presidential election. On the one hand, the ROK press and public would likely perceive a U.S. delay of Kim Kyung-joon's extradition as U.S. complicity with the efforts of Kim Paik-jun—clearly regarded by ROK opinion-makers of all stripes as a Lee surrogate—to delay the extradition.

On the other hand, the ROK press and public could perceive an immediate surrender of Kim Kyung-joon to ROK authorities as complicity with Kim Kyung-joon, who himself had sought to control the timing of his return to the ROK by withdrawing his appeal. Furthermore, immediate surrender of Kim could be perceived as undue interference in the ROK presidential election process and could cause unpredictable political instability. If Lee Myung-bak was in fact an innocent victim of or an innocent bystander to Kim's fraudulent conduct, any allegations Kim might make against Lee could be unfairly manipulated by Lee's opponents in the weeks before the election.

Yet if Kim Kyung-joon offered damning and credible testimony, Lee Myung-bak might have to withdraw his candidacy, or might have to resign his candidacy after having formally registered as the GNP's candidate. Lee might instead refuse to resign in the post-registration and pre-election period (November 25-December 18) even if the GNP asked him to do so. Should Lee become president-elect upon winning the December 19 election and then be charged with criminal offenses prior to his inauguration (February 25), under Article 68 of the ROK constitution he might be deemed "disqualified" to assume office and a special presidential election would have to be held within 60 days.

The State Department's Decision and the Aftermath

As noted above, the Undersecretary of State for Political Affairs had signed the surrender warrant for Kim Kyung-joon in December 2005, but the U.S. district court had stayed the magistrate's October 2005 certification of Kim's extraditability from December 2005 until the Ninth Circuit Court of Appeals granted Kim's request to withdraw his appeal on October 18, 2007. On October 30, 2007, the State Department—having decided to extradite Kim as soon as ROK authorities were prepared to take him into custody rather than waiting until December 18, 2007, the eve of the presidential election—delivered that surrender warrant to the ROK embassy in Washington, D.C.

On November 15, 2007, ROK authorities received custody of Kim in Los Angeles and escorted him to Seoul. On December 5, 2007, ROK prosecutors announced that they had found no evidence that Lee Myung-bak was involved in Kim Kyung-joon's criminal activities in 2000-2001 and that they would not seek to prosecute Lee. A few days before the election, an individual approached the Lee campaign with a purported video clip of Lee stating that he was a co-founder of BBK and attempted to extort money from the campaign. That individual was arrested. Two days before the election, the National Assembly, voting along party lines and boycotted by the GNP, passed a bill requiring a special prosecutor to investigate whether Lee was involved with BBK (as well as other unrelated allegations). Regardless, on December 19, 2007, Lee prevailed in the election by a record margin. Clearly, the October 30, 2007, surrender of Kim Kyung-joon did not sway the results.

On February 21, 2008, the special prosecutor announced his finding that there was "not a shred of evidence" that President-elect Lee was involved in Kim Kyung-joon's criminal activities. Lee Myung-bak was inaugurated President of the Republic of Korea on February 25, 2008.

IV. CONCLUSION

A neutral legal process has at least three major characteristics. First, the intrinsic factual merits of the case or issue should control the outcome. Second, the procedural rules governing the process, whether in the form of written rules or settled practice, should be followed without regard to the impact of the legal process on extrinsic events. Third, unless prohibited by the procedural rules themselves, the legal process should be open to public and, in the case of a legal dispute between two friendly countries, allied partner scrutiny. Openness does not absolutely ensure that the legal process is understood or its results accepted by those standing outside the process. But openness at least makes that understanding and acceptance more likely, and in any case, lessens suspicion that the process is being manipulated and deprived of its neutrality.

By this measure, the initial 2002 SOFA process passes muster. Given the long-standing U.S. policy to "maximize jurisdiction" over its own personnel, USFK's decision to certify that Sergeants Nino and Walker had been acting in the course of official duty when the AVL M they were operating struck and crushed Shim Mi-sun and Shin Hyo-soon, and USFK's decision not to waive the U.S. primary right to exercise jurisdiction, were inevitable. The "official duty" rule is not unique to the U.S.-ROK SOFA. The same scheme is found in the U.S.-Japan and U.S. NATO SOFAs. Although the assertion of "official duty" jurisdiction was a

foregone conclusion, the results and raw materials of the initial joint investigation were made available to ROK prosecutors. ROK prosecutors were provided all witness statements, and given access to all witnesses and to the AVL M itself.

However, the 2002 court-martial process after the U.S. assertion of its primary right to exercise criminal jurisdiction under the SOFA does not fare as well. The various actors in the U.S. military justice system had to resolve, not only the cases of Sergeants Walker and Nino, but also the question of whether responsibility for the victims' deaths in fact lay elsewhere. The military justice system's preliminary process functioned well, providing commanders the information and recommendations they needed to make sound decisions regarding who, among those present at the scene of the accident, should be exposed to a court-martial. The Article 32 officer tried to warn the command that they had, in his view, charged at least one individual without sufficient evidence of guilt (Sergeant Walker) and had failed to charge another whose responsibility was more clear under the facts (the commander of B Company, who was in the first convoy vehicle). Under the intrinsic facts of the case, the company commander had been in the best position to get the two girls off the road before the AVL M rounded the curve.

However, the next responsible decision maker in the process, the Second Infantry Division commanding general, discounted the results of those preliminary proceedings, instead opting to pursue two courts-martial with weak evidence in one case (Sergeant Nino) and practically no evidence in the other (Sergeant Walker). Notwithstanding the Article 32 officer's recommendations, the commanding general gave the company commander in the lead convoy vehicle only a written letter of reprimand. The commanding general's reasoning is unknown. Possibly he concluded that the company commander's failure to stop his lead convoy vehicle and take action to remove the two girls from looming danger lacked a sufficiently close causal link to their deaths. However, causation in such cases is always judged under the particular facts and circumstances at issue. In order to convict a service member of negligent homicide, it is sufficient that the deaths were a natural, foreseeable, and probable result of the acts, or failure to act, of the person prosecuted. The company commander's own lead vehicle had just rounded a curve on a narrow road and the company commander knew the AVL M was about to do the same. Regardless of whether the company commander knew of any problems with the AVL M's intercom, he was, or certainly should have been, aware that a huge tracked vehicle under his command, just rounding a curve directly behind him, was suddenly bearing down on two pedestrians.

It is also possible that the commanding general reasoned that there was little hope of convicting Sergeant Nino of causing the deaths without having

Sergeant Walker, the AVL M's driver, "stand in the dock" beside Nino, even if the pretrial investigation had clearly absolved Walker of negligence. If that was the commanding general's reasoning, he wrongly subjected Sergeant Walker to a criminal prosecution merely in order to bolster a weak case against Sergeant Nino. The theory behind Sergeant Nino's guilt, presumably, was that Nino caused the fatalities by failing to operate the intercom switch properly in the seven or so seconds after the girls came into view. However, from early in the investigation, there was ample reason to doubt whether the intercom, even if operated properly, was functioning reliably. If the commanding general, whether explicitly or tacitly, envisioned the process as a means of appeasing ROK popular sentiment by exposing the two individuals in the AVL M (i.e., those in direct control of the vehicle and thus the most responsible from a visceral point of view) rather than others whose responsibility, though less obvious, was more amenable to factual proof, his decision backfired. Distracted by the extrinsic consequences of his decisions, he failed to focus on the intrinsic factual merits of the case.

Finally, had the responsible commanders more scrupulously and proactively followed military justice system's rules and opened its preliminary proceedings to public access and scrutiny, the ROK press and public would have had more time to absorb and to process information about the accident. Though the November trials themselves were open and accessible to ROK media, similarly proactive measures were not taken to afford the ROK media access during the preliminary Article 32 hearings in July and August 2002. Likely the almost daily and sometimes violent demonstrations on the perimeter of Second Infantry Division installations led commanders to discount the ability of the wider ROK press and public to absorb and process information.

Nevertheless, had the command taken the initiative to afford such access, rather than permitting the Article 32 hearings to take place quietly and unobserved, then possibly the ROK press and public would have gained a better understanding of the facts of the case at a much earlier time. Indeed, if, by virtue of such earlier transparency, the commanding general had been confident that his decision would find greater acceptance among a well-informed ROK press and public, he might have been less hesitant to expose the company commander to a court-martial.

Although American commentators on alliance and security affairs later criticized the military judge for scheduling the trials in the way that he did, the judge was treating the two cases in the same fashion as he would any cases competing for space on his docket as the holiday season approached. While the judge hewed to the tenets of legal neutrality by following settled practice and ignoring

extrinsic consequences, the process by which the cases had been referred to his jurisdiction (over which he had no control) had already breached the tenets of legal neutrality and had set the stage for a calamity.

Taken together, these departures from the tenets of legal process neutrality had a profound, if not decisive, impact on the 2002 ROK residential election results. If the political implications of putting the two sergeants on trial in 2002 had been more studiously ignored and if the preliminary process of sifting the facts of the case had been more open to public view and had been afforded more weight, at least one more factually culpable individual might have been held to account within the view of a better informed host nation public with far less explosive consequences.

In the Kim Kyung-joon extradition matter in 2007, the U.S. decision making process was, by the very nature of the extradition process itself, schematically much simpler. Once the issue was effectively released back to the State Department by the federal courts in California on October 18, 2007, State alone could address the matter, rather than the array of officials (commanders, military judge advocate prosecutors, a military judge, and court-martial panel members) making decisions in the 2002 court-martial case. Faced with a clear choice between, on the one hand, surrendering Kim Kyung-joon immediately to the ROK and, on the other hand, delaying his surrender until the beginning of election day in the ROK, the State Department opted for immediate surrender.

In so doing, the State Department, though pressured to do otherwise, made a politically neutral decision, treating Kim's extradition as it would have treated the extradition of any other fugitive and ignoring extrinsic consequences. The press and public in the alliance partner knew that settled procedures were followed and were more fully informed in advance of polling day than they would have been if the U.S. had held Kim Kyong-joon until after the election.

If the State Department instead had acceded to the desires of candidate Lee as expressed through his surrogates and decided to defer its decision regarding the surrender of Kim Kyong-joon until the morning of election day, without question the U.S. would have become the focus of the Korean presidential campaign. Precisely the kind of heated speculation candidate Lee and his surrogates sought so strenuously to avoid would have called into question, fairly or unfairly, his fitness for the nation's highest office. More likely than not, this would have steadily eroded his support up until the ballots were cast. "What is Lee hiding?" was the question asked in both the conservative and progressive press in October, and it would have been the question incessantly asked in Korean press and broadcast media of all stripes through December 19, 2007, along with the additional question, "Why is the U.S. helping candidate Lee hide the truth?"

The ultimate lesson of the events in 2002 and 2007 can be stated in very pragmatic terms. If decision makers, acting in fear of extrinsic consequences, fail to make legal decisions as openly as established procedures permit or require, in accordance with settled procedures, and based on the intrinsic merits of a case, they are apt to conjure exactly that which they fear.



JOHNS HOPKINS
UNIVERSITY



U.S.-Korea Institute at SAIS
1717 Massachusetts Avenue NW, 6th Floor
Washington, DC 20036
www.uskoreainstitute.org