

GEORGE KATSIAFICAS
Plaintiff

vs.

U.S. CENTRAL INTELLIGENCE AGENCY
Defendant

I. Preliminary Statement

1. This is an action under the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), seeking an Order for the disclosure and release of agency records improperly withheld from Plaintiff, George Katsiaficas by Defendant U.S. Central Intelligence Agency (“CIA”), injunctive relief, and other appropriate relief.
2. In March of 2010 the Plaintiff, Dr. Katsiaficas, submitted two FOIA requests to the CIA for information concerning, in one case, all documents related to the assassination of the Republic of Korea (“ROK” also known as South Korea) President Park Chung-hee on October 26, 1979 and about his assassin (Korean Central Intelligence Agency (“KCIA”) chairman Kim Jae-kyu), to US persons’ meeting with both individuals, and to any other materials referring to President Park’s assassination. In the second letter the Plaintiff requested access to and copies of records related, describing, and/or concerning the coup d’etat of May 16, 1961 in South Korea through which General Park Chung-hee seized power, including all agency communications in this matter with US Army officer James Hausman and all US government documents related to

Park Chung-hee's meetings with US government personnel, and any materials referring to the May 16, 1961 coup d'etat.

3. FOIA requires a response from the agency receiving the request within 20 days. Although three (3) years have passed since the Plaintiff filed the FOIA request, the CIA has not produced the requested information.
4. The CIA sent a Final Response to Dr. Katsiaficas's requests in March of 2010, over one year later, on March 29, 2011. The Final Response consisted of twenty-nine (29) pages of various bulletins, summaries & weekly reviews from 1961. This Final Response contained no CIA documents at all.
5. Dr. Katsiaficas, through counsel on May 9, 2011 appealed the March 29, 2011 Final Response, stating it was unresponsive and insufficient in that it did not include any reports or documents that were actually generated by the CIA, concerning the events subject to the FOIA request. Specifically excluded was:

Any response to the request for all agency communications between US Army officer James Hausman and General Park; any response at all to the request concerning the 1979 assassination of General Park.
6. The CIA acknowledged the appeal and on July 20, 2012 sent another Final Response consisting of ten (10) pages, including a two page (heavily redacted) report dated 20 May 1980 concerning the situation in South Korea at that time, and three daily reports. All this

information could be found in newspapers at that time. This second Final Response continued to evade the substantive requests made by the Plaintiff, in his initial FOIA request.

7. Dr. Katsiaficas is entitled to the record he seeks. The information received by Dr. Katsiaficas is insufficient and unresponsive. The record of interaction between the members of the US and South Korean governments, the military, and the intelligence agencies of both countries, show it to be impossible that the documents provided in either of the CIA's Final Requests, represent all of the information the CIA has in relation to the substantive matters contained in Dr. Katsiaficas' FOIA Request.
8. There is no legal basis for Defendants' refusal to disclose the records sought, nor for their refusal to timely respond to Plaintiffs' March 2010 Request.
9. The Plaintiff, Dr. Katsiaficas, seeks an injunction requiring the Defendant, CIA, to process Plaintiffs' March 2010 request and release all records that have been unlawfully withheld. Dr. Katsiaficas also seeks an order enjoining the CIA from assessing fees for the processing of this request. The documents should be delivered within 90 days.
10. Looking at the history of the CIA there is a clear pattern of the CIA working to remove leaders foreign governments that were not implementing policies deemed acceptable to the U.S. For example, the CIA played a significant role in forcibly removing the leaders of Iran in 1953, Guatemala in 1954, and Brazil in 1964. The South Korean events, which are the subject of Dr. Katsiaficas's FOIA requests, are consistent with this pattern.

11. The Plaintiff, Dr. Katsiaficas, asserts based on the facts stated below that there has to be much more information obtained and documented by the CIA concerning the requested information based on the agency's relationship with the ROK and the KCIA.

II. JURISDICTION AND VENUE

12. This action arises under the laws of the United States, including the Freedom of Information Act (5 U.S.C. § 552, as amended by Public Law no. 104-231, 110 Stat. 3048). This Court has subject matter jurisdiction under 28 U.S.C. §1331 and 5 U.S.C. § 552(a)(4)(B). Venue is proper in this District under 5 U.S.C. § 552(a)(4)(B). The Plaintiff resided in Cambridge, Massachusetts, which is in the District of Massachusetts – Boston Division.

III. PARTIES

13. Plaintiff George Katsiaficas is an U.S. citizen. Dr. Katsiaficas is a professor at Wentworth Institute of Technology in Boston, MA.
14. Dr. Katsiaficas has written extensively about Korea, and is researching South Korea during the time Park Chung-hee was President of South Korea. Dr. Katsiaficas' research and writing has, and will continue to, serve the public interest by addressing the history of South Korea and the relationship between United States and South Korea. As Korea continues to be a 'hot spot' it is important that the information Dr. Katsiaficas has requested be released to improve the public's understanding of South Korea, where the daughter of Park Chung-hee has recently been elected President.

15. Defendant CIA is a department of the Executive Branch of the United States Government. The CIA is an agency within the meaning of 5 U.S.C. § 552(f)(1).

IV. **STATEMENT OF FACTS**

A. Historical Background

16. Immediately after World War II, a United States military government (USAMGIK) came into power in southern Korea. Within a year, local opposition to its policies (which many people blamed for widespread hunger, a cholera epidemic, and continuing repression at the hands of former Japanese loyalist police) produced a series of uprisings, which required massive force to quell.
17. In 1948, the ROK was created with support and under the direction of the United States, with Syngman Rhee installed as president.
18. During the early post-World War II period in South Korea a US army officer, Captain James Hausman (“Hausman”), became the US combat coordinator on the ground in South Korea and became one of the chief US military liaisons with the ROK—eventually becoming the self-described “father of the South Korean army.”
19. Rhee’s administration initiated a “scorched earth” policy of repression against opposition to his rule. In 1948 the Rhee dispatched the ROK’s 14th Regiment to put down rebels on Jeju Island. Before they boarded ship, the men of the 14th mutinied and then took control of much of southernmost Korea, beginning with the city of Yeosu.

20. So serious was the situation in 1948 that USAMGIK headquarters sent a letter to Hausman, telling him, “The fledgling ROK government is tottering and Yeosu must be retaken immediately at all cost.”¹ Hausman personally directed ten of the ROK’s fifteen Constabulary regiments (i.e. the fledgling ROK’s army) to encircle and retake the insurgent cities one at a time—no matter what the cost to the population.
21. Through superior firepower provided and supervised by Hausman and an elite group of US officers, the ROK prevailed. Their military was comprised, with only one exception, of Korean commanding officers who had served in the Japanese military. Most were graduates of Manchurian Bong-Chun Military Academy, where they were specifically trained to hunt down Korean partisans.²
22. United States operatives were aware of the importance of the Japanese trained police and army officers to U.S. rule in South Korea. These police and officers worked with the U.S. to form the core of the ROK’s political infrastructure for decades to come. Park Chung-hee (later to become president of South Korea from 1961 to 1979) was one such former Japanese officer.³ However, in 1948, President Park sided with the Yeosu rebels, and was captured and sentenced to death.

¹ Letter from headquarters to Hausman cited in “My Earliest Memories in Korea,” Harvard University Hausman archive, Yenching Library, Box 9.

² Lee Young-il, “The Truth about ‘Yo-Sun Incident’ and ‘Massacre of Civilians,’” in *Forum: Civilian Massacre*, Program of the 24th May Commemorative Event (Gwangju: May 18th Memorial Foundation, 2004) p. 180.

³ Bruce Cumings, *The Origins of the Korean War*, Vol. 2 (Princeton University Press, 1981) p. 264.

23. On August 2, 1948, Hausman personally intervened with Syngman Rhee to save the life of future president Park Chung-hee. Park had been an intelligence officer in the Japanese Army and sought to capture or kill Kim Il-Sung. In 1948, although involved in the Yeosu Uprising, he turned on his former comrades. His subordinate officer, Kim Jeong-sok, captured at the same time as Park, was executed.
24. For the next three decades, Hausman remained the most important U.S. military liaison in South Korea.
25. In 1960, a popular movement overthrew Syngman Rhee, and a democratic government was established.
26. On May 16, 1961, General Park Chung-hee led a coup d'état and overthrew the democratic government. The coup began at midnight on May 16, 1961, when the army moved into cities with force. At 3:30 a.m. on May 17, 1961, Prime Minister Chang Myon telephoned U.S. Commanding General Magruder for US troops to put down the coup, but the U.S. refused the government's request.
27. James Hausman claimed to have had advance knowledge of the coup.⁴
28. Hausman was pleased when Park Chung-hee, his protégé, became military dictator of the ROK in 1961. For his "efficiency" in "planning and execution of the suppression of Yeosu Uprising," Hausman received the US Legion of Merit citation.

29. Twenty years after the coup, Hausman was honored by US military commander General John Wickham with a “Meritorious Civilian Service Award.” The citation carried the following words: “Through his close personal relationship with President Park, he was able to persuade the military junta to take actions which eased the apprehensions of US officials, and his comprehensive understanding of the background and aspirations of newly emerged military leadership enabled him to convince US officials at a national level that under this leadership, the Republic of Korea would move forward in a manner that would enhance the United States position in Asia.”⁵ Remembering that Hausman had personally intervened with Rhee to save Park’s life in 1948, Park was indebted to him in 1961.
30. In June 1978, the CIA compiled a secret report that maintained: “The present government [under Park Chung-hee] is obsessed with acquiring a weapons system with which it can threaten P’yongyang...”⁶
31. Later in October of 1978 U.S. CIA station chief Robert Brewster and U.S. Ambassador William Gleysteen met with Kim Jae-kyu.⁷ Ambassador Gleysteen, Richard Holbrooke and US cabinet officials raised human rights concerns with KCIA Director Kim Jae-kyu.⁸

⁴ Bruce Cumings, *Korea’s Place in the Sun: A Modern History* (New York: Norton, 1997) p. 349.

⁵ Harvard University Yenching Institute, Hausman archive, Box 7, p. 3 of the citation.

⁶ CIA, “South Korean Nuclear Development and Strategic Decision-making: An Intelligence Assessment,” June 1978 (approved for public release in October 2005).

⁷ Gleysteen, p. 36.

⁸ Gleysteen, p. 34.

32. On September 26, 1979 Ambassador Gleysteen and US CIA station chief Robert Brewster met with Kim Chae Kyu “in the midst of rising tension between Park and his many critics.”⁹
33. On October 4, 1979 Park expelled elected opposition leader Kim Young-sam from the National Assembly. In response the U.S. embassy released a statement that “the United States publicly criticizes Park’s action against Kim Young-sam and recalls the ambassador for consultations.”¹⁰
34. In mid-October student and labor protests began in Busan and spread to nearby Masan. On October 18, 1979 Martial Law was declared in Busan and tanks were deployed to put down the disturbances. On October 20, 1979 Martial Law was declared in Masan
35. Also on October 18, 1979 Ambassador Gleysteen and US Secretary of Defense Harold Brown came from Washington and met President Park. “Brown cautioned Park about the costs of political repression.” U.S. Military Commander General John A. Wickham, Jr. also attended this meeting.¹¹
36. General Wickham dedicated his memoirs to James Hausman, “the architect of the Republic of Korea army,” who after his retirement from the military served as special assistant for policy and development to the Commander in Chief, United Nations Forces and ROK-US Combined Forces.¹²

⁹ Gleysteen, p. 59.

¹⁰ Gleysteen, p. xvi.

¹¹ Gleysteen, p. 52; John A. Wickham Jr., *Korea on the Brink: A Memoir of Political Intrigue and Military Crisis* (Washington D.C.: Brassey’s, 2000) p. 5.

¹² Wickham, p. ix.

37. In late October 1979, General Wickham asked Hausman about the situation. He later wrote that Hausman was “on a first-name basis with virtually all of the senior ROK officers...and he could also be engaged when necessary to convey unvarnished views back to the Korean leaders.”¹³
38. Park ruled until October 26, 1979, when he was assassinated by his own KCIA Director, Kim Jae-kyu (a.k.a. Kim Chae Kyu).
39. On October 27, 1979 General Wickham and Ambassador Gleysteen met in the US embassy. Gleysteen said, “CIA station chief, Bob Brewster, had gathered enough knowledge to conclude that the plot had been hatched by the KCIA director.” According to Wickham, Chun was “a longtime friend of Brewster’s.”¹⁴
40. Also on October 27, 1979, in a tense meeting, General Chun Doo-hwan took charge of an investigation into Park’s assassination. “He mentioned that his friend, Bob Brewster, the [U.S.] CIA station chief, had told him the United States would be increasing its presence in the region.”¹⁵
41. In late November 1979, Ambassador Gleysteen received a military intelligence report stating that Kim Chae Kyu alleged during his interrogation that “a former American ambassador” related to him that President Park “had been in power too long.”¹⁶

¹³ Wickham, p. 29.

¹⁴ Wickham, p. 34.

¹⁵ Wickham, p. 33.

¹⁶ Gleysteen, p. 58.

42. On December 12, 1979, General Chun Doo-hwan led a military coup. Chun ordered the execution of Kim Jae-kyu after a secret tribunal convicted him, and on May 24, 1980 Kim Jae-kyu executed by hanging.
43. In 1981, Hausman received a medal of recognition for his years of service to the ROK from Chun Doo-hwan. The same year Hausman was honored by General Wickham with a "Meritorious Civilian Service Award." The citation carried the following words: "Through his close personal relationship with President Park, he was able to persuade the military junta to take actions which eased the apprehensions of US officials, and his comprehensive understanding of the background and aspirations of newly emerged military leadership enabled him to convince US officials at a national level that under this leadership, the Republic of Korea would move forward in a manner that would enhance the United States position in Asia."¹⁷
44. There were widespread allegations that the US was involved in the Park assassination. Then U.S. Ambassador William Gleysteen spent a considerable part of his memoirs discussing these allegations.¹⁸ Mr. Gleysteen noted that "Many Koreans, and some Americans, suspected U.S. complicity in President Park's death. The most prevalent view was that U.S. criticism contributed significantly to his demise...in early November, I found Representative Clement Zablocki, chairman of the House International Relations Committee, transfixed by this

¹⁷ Harvard University Yenching Institute, Hausman archive, Box 7, p. 3 of the citation.

¹⁸ See Gleysteen, especially pages 57-62.

issue....Despite firm reinforcement from [Cyrus] Vance [then U.S. Secretary of State], our senior intelligence representative, and others, Zablocki said, "I don't believe it."¹⁹

45. In 2011, Peter Hayes and Chung-in Moon reported in a South Korean daily newspaper, *Hankyoreh*, that "It is worth noting here there is a "widespread rumor in South Korea that the [U.S.] CIA might have orchestrated his [Park's] assassination on October 26, 1979, in order to stop his nuclear ambitions."²⁰
46. As a product of the widespread belief in U.S. and CIA involvement, several Korean novels depict US encouragement and even organization of the murder, as does one in English, the bestseller by Steve Shagan, *The Circle* (Bantam Books, 1982).

V. CAUSE OF ACTION

First Cause of Action: violation of the FOIA for Failure to make a reasonable effort to search for records

Defendants' failure to make a reasonable effort to search for records responsive to the March of 2010 request violates the FOIA, 5 U.S.C. §§ 552(a)(3)(A), 552(a)(3)(C) and the corresponding agency regulations.

VI. REQUESTED RELIEF

WHEREFORE, Plaintiff prays that this court Order:

¹⁹ Gleysteen, p. 57-58.

²⁰ Peter Hayes and Chung-in Moon, "Park Chung Hee, the CIA & the Bomb," *Hankyoreh*.
http://english.hani.co.kr/arti/english_edition/e_national/497897.html Accessed on October 24, 2011.

1. Defendant CIA to immediately conduct a thorough search for the requested documents;
2. Defendant CIA to process all requested documents as they are found and copy and deliver said records in their entirety to the Plaintiff;
3. Award Plaintiff his costs and reasonable attorney's fees incurred in this action; and
4. Grant such other relief as the Court deems just and proper.

Respectfully submitted,
George Katsiaficas, Plaintiff,
by his attorney,

/s/ Neil J Berman
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