



Article

Surveillance and Anti-Communist Authoritarianism in South Korea

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Abstract

In this essay, I argue that anti-communist authoritarianism has still survived into the 21st century South Korean public sphere, having been intensified in the idea of *jongbuk*. *Jongbuk* combines *jong* (to follow) and *buk* (North Korea) ideologically labeling people who are presumed to blindly follow, or be willfully serve North Korea's totalitarian regime. People who are labeled *jongbuk*, pro-North Korea followers, are not only stigmatized and marginalized socially, but they are also subject to legal sanctions in their civic participation under the National Security Law. Especially under Park Geun-hye, daughter of military dictator and former President Park Chung-hee (1961-1979), I present how *jongbuk* has served as continued politicized commitments to national security and public safety used to justify the illegitimate and indiscriminate online surveillance and censorship of civilians and artists, as well as Park's political opponents, to safeguard her regime.

1. "Commies Must Be Exterminated!"

At a right-wing conservative rally in central Seoul in January 2017, I observed activists mostly in their 60s or over were holding up signs reading the above phrase, while shouting "Save the country from leftists! Save President Park Geun-hye from pro-North Korea followers!" in anger. Park—elected president of South Korea in December 2012—whose presidential powers were suspended on 9 December 2016 by the National Assembly's vote to impeach her, was finally removed from office on 9 March 2017 by the Constitutional Court's unanimous decision ruling her action unconstitutional and illegal. She had been charged with bribery, extortion, and abuse of power in conspiracy with her confidante, Choi Soon-sil. Choi has been under arrest since she returned to Seoul from Germany in October 2016. Choi is accused of collecting more than 30 million US dollars in bribes from conglomerates including Samsung (The Special Prosecutor's Office 2017). On 31 March 2017, the nation watched as Park was placed under arrest and taken to solitary confinement, live on television and through social media. In the meantime, Park's supporters, waving South Korea's national flags in front of her private house, the courthouse, and the jail complex south of Seoul, continued to assert Park's innocence arguing that her only fault was being swayed by the selfish Choi, and she had been swept away by pro-North Korea followers' manipulative political campaigns. Therefore, in those supporters' minds, Park could only be saved by exterminating the "commies" that masterminded the leftist conspiracy to oust the president.

I argue this sort of anti-communist authoritarian rhetoric has still survived into the 21st century South Korean public sphere, having been intensified in the idea of *jongbuk*. *Jongbuk* combines *jong* (to follow) and *buk*

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(North Korea) ideologically labeling people who are presumed to blindly follow, or be made to wilfully serve North Korea's totalitarian regime. People who are labeled *jongbuk*, pro-North Korea followers, are not only stigmatized and marginalized socially, but they are also subject to legal sanctions in their civic participation under the National Security Law.

Especially under Park Geun-hye, daughter of military dictator and former President Park Chung-hee (1961-1979), I present how *jongbuk* has served as continued politicized commitments to national security and public safety used to justify the illegitimate and indiscriminate online surveillance and censorship of civilians and artists, as well as Park's political opponents, to safeguard her regime.

2. The Evolution of Anti-Communism in Contemporary South Korea

A brief survey on the historical context of anti-communism/North Korean-ism in contemporary South Korea may help. South Korean political antagonism towards communism and North Korea can be traced back to the ideological turmoil to the point when the Korean nation was divided along the ideological lines of pro-US liberalism in the South and pro-Soviet Union communism in the North, immediately after liberation from Japanese colonial occupation (1910-1945) (Cumings 1990). At the time, South Korea's alleged anti-communist denomination of the nation situated communist/pro-North Korea followers in the caesura between the right to life and the right to death, to borrow from Agamben (1998). The tragic ideological divide was justified in the mass murder of three hundred thousand members of the *Goongmin bodo yeonmaeng* (the Korean Federation of Protecting and Guiding the Public) committed by the South Korean Rhee Syngman regime based on the imagined fear that the members collaborated with North Korean communists shortly before and after the outbreak of the Korean war (1950-1953). One year after Rhee's dictatorship was overthrown by civilian protesters in the April 19 Uprising in 1960, Park Chung-hee took power in a military coup on 16 May 1961, and launched anti-communist/North Koreanist policies on an even more massive scale than his predecessor in the multi-year economic development plans implemented over his twenty-year rein (Park 2007).

As in the aforementioned mass murder case, the Park Chung-hee regime anxiously ferreted out political dissidents labeled as pro-North Korea followers, as the pro-US Vietnam finally surrendered to the communist Vietnam in April 1975. South Korea's juridical order was suspended substantially. On 9 April 1975, eight college student activists and opposition party leaders arrested under the suspicion of pro-North Korea espionage were sentenced to death and hastily executed less than eighteen hours shortly after the Supreme Court ruled on charges of treason, rebellion, and cooperation with North Korea. Until the 1990s, South Korean society remained under this type of draconian anti-communist social order where anti-communism was a tool wielded to conveniently stomp out dissent. Two inter-Korea summit talks held in Pyongyang (the first in 2000 and the second in 2007) during the Kim Dae-jung (1998-2002) and Roh Moo-hyun (2003-2007) administrations appeared to usher in a detente of post-Cold War inter-Korea relations. The decade-long, inter-Korea cooperation initiatives enacted by these two liberal left regimes, however, ended in a political scandal that the Kim administration made a secret payment of 450 million US dollars to North Korea during the 2000 summit. Anti-communism/North Korean-ism began to once again gain traction rapidly in the public sphere, as conservative Lee Myung-bak (2008-2012) came to power and took advantage of the secret payment scandal.

3. *Jongbuk* at the Forefront of National Security

Jongbuk became the driving force at the outset of the Park Geun-hye administration (2013-2016). First, ahead of the presidential election scheduled on 19 December 2012, agents from the National Intelligence Service's (NIS) Department of Counter-Psychological Cyberwarfare and the military's Cyberwarfare Command 530 Division mass-circulated more than a million Twitter messages to sway public opinion in favor of the governing, conservative Saenuri Party's presidential candidate, Park Guen-hye. Both of those

two agencies at the time defended their online efforts as being part of routine psychological warfare operations against North Korea's online hacking threats to national security and public safety. The Seoul District Prosecutor's Office and military investigators, however, found unlawful massive resource mobilization in the agencies' online smear campaigns deployed to stigmatize Park's opposition rivals as *jongbuk*. Second, the number of NIS reports suspecting South Koreans of conducting espionage for North Korea increased dramatically to more than 47,000 in the first year (2013) of the Park's administration alone; in comparison, the number of reports for the entire five years (2008-2012) of the conservative Lee Myung-bak administration was 86,332 (Lee 2013).

It is worth noting that the drastic increase in reports in 2013 was driven by two key national security concerns: (1) In January 2013, a civil servant working for the Seoul City municipal government, Yu Woo-sung, was arrested by the NIS on espionage charges. Yu, an ethnic Chinese from North Korea who defected to the South in 2004, was accused of gathering intelligence on North Korean defectors settling in South Korea and relaying it back to North Korean intelligence agencies. In February 2014, however, an independent non-profit investigative journalism agency, Newstapa, reported that the NIS faked Chinese-government-issued immigration documents, which they had submitted as evidence to the court as evidence of Yu's spying (Choi 2014). In October of the same year, the Seoul High Court ruled that the NIS had fabricated evidence and coerced confessions in order to concoct the espionage case, thereby clearing Yu of charges; (2) In September 2013, Lee Seok-ki, a lawmaker from a minor left-wing opposition party, the Unified Progressive Party, was arrested by the NIS on charges of plotting and inciting an insurrection to overthrow South Korea's liberal democratic regime. In August 2014, the Seoul High Court, on appeal, cleared him of treason charges but found him guilty of inciting his Revolutionary Organization members to stage a pro-North Korea rebellion. In December 2014, the Constitutional Court decided to disband the political party due to members' alleged *jongbuk* traits, citing threats to public safety. This series of national security and public safety incidents provoked a quasi-wartime state of emergency that didn't seem to target threats from North Korea, per se, but rather served as justification for ratcheting up surveillance of private citizens.

4. Cyber-Exile under Surveillance and Censorship

Park Geun-hye's complaint that "criticisms of my leadership and government policies have gone too far," which she aired during a cabinet meeting at the presidential Blue House, was broadcast on national television and social media on 16 September 2014. After the Sewol ferry sank in waters 12 miles off the southern coast of South Korea on 16 April 2014, the South Korean public demanded a thorough investigation into the government's terribly poor response to the sinking, which tragically resulted in the loss of 304 lives, including 250 high school teenagers on a field trip. The public was enraged at Park's "missing seven hours," her unexplained whereabouts, and complete lack of action during the critical early hours of the sinking, during which time her leadership could have made all the difference in what ended up being failed rescue operations. In May of the same year, for example, a group of teachers who were members of a teacher's union chatted in their private online space, demanding Park to step down. A top South Korean online conglomerate, Naver, who hosted their chat room funneled the subscribers' information to law enforcement agencies who were able to pore over their private chats with a search warrant. As the public's criticisms of Park reached new heights in online forums in the wake of the Sewol ferry incident, Park's complaint to her cabinet that the public's disapproval of her presidential leadership and policies had "gone too far" prompted the Supreme Prosecutor's Office to organize meetings with top online services companies including Naver, Daum, and Kakao Talk to illicit cooperation with law enforcement agencies in monitoring citizens' activities on the internet. According to a news report (Lee 2014), the prosecutor's office pushed hard, arguing that citizens' online posts containing slander or defamation of public figures should be deleted when requested by law enforcement agencies for the sake of securing public safety.

It was revealed in June 2014 that the NIS had already wiretapped online conversations on Kakao Talk, a

mobile messaging service used by more than 90 per cent of mobile phone subscribers in South Korea. The NIS had eavesdropped on the private Kakao Talk conversations of Jeong Jin-woo, vice president of a minor leftist group, the Labor Party, with a court-issued warrant. Jeong was only informed of the search and seizure of the contents of his conversations afterwards. This incident gained particular attention as it made the public aware that the NIS had expanded wiretapping—without a warrant—into 2,368 personal accounts on Jeong’s smartphone conversation list, conversations and contacts that were seemingly unrelated to *jongbuk* (People’s Solidarity for Participatory Democracy 2014). In addition, public concern grew over the likelihood of real-time NIS smartphone eavesdropping using Deep Packet Inspection technology, which can allow the agency to scan Internet Protocol packets in their entirety, making data interception, retention, and substantially unlimited access to private communications possible (Mueller 2010). In the aftermath of these issues that heightened concerns over invasion of privacy, more than a million Kakao Talk users expressed their willingness to be *cyber-exiled* to Telegram, an encrypted mobile messenger service with servers in Germany, in order to avoid government snooping online.

After a year of surveillance turmoil, evidence showed in July 2015 that the NIS had purchased a controversial hacking software from an Italian company, Hacking Team, and was allegedly running the software “Remote Control System” (RCS) for domestic, real-time wiretapping operations without warrants, which apparently violates the Communication and Privacy Protection Act. The NIS defended their actions stating that because their RCS-enabled wiretapping operations on Kakao Talk services had been conducted on North Korean spies using Kakao Talk outside of the country, the software purchase and use were completely lawful. The NIS also claimed that the wiretapping equipment purchase was not subject to government approval as the Government Radio Management Regulations do not apply to *software* but only computer *hardware*, which exempts the intelligence agency’s purchase. However, the NIS’s public response exposes serious technical and legal flaws (Shim 2015). First, the NIS’s interpretation of the RCS as software not applicable to be categorized as wiretapping equipment belies that the software requires hardware to run and operate. Second, the technical mechanism that the software operates on, online wiretapping “through phishing,” goes against the Clause 2 of Article 49 in the Information and Communications Network Protection Act, which bans any collection and acquisition of individuals’ private information and data by deception. Third, the NIS contended that the RCS wiretapping operations did not require a court warrant because they only targeted North Korean spies abroad—not domestic citizens within the South Korean territory. However, Article 8, Clause 8 of the Communication and Privacy Protection Act requires that law enforcement agencies obtain the president’s posterior approval within 36 hours, when they do not expect to be pre-approved from the president, and thus, decide to operate immediate wiretapping to investigate imminent or urgent criminal activities involving foreign nationals outside of the country. The NIS did not prove that the agency had conformed to, and fulfilled, the legal procedures and requirements. As Park Kyung-shin warns, online surveillance performed with hacking software tools for law enforcement would eventually sabotage the juridical system itself by impairing the legal validity of evidence collected through such those tools (Park 2015). Despite public concern over privacy, the NIS hacking surveillance controversy became a precursor to the expansion of the NIS’s discretionary powers when Park Geun-hye and her ruling Saenuri Party finally passed an anti-terrorism bill that would grant the NIS greater power to spy on South Korean civilians classified as *jongbuk* in March 2016, despite opposition parties’ nine-day filibuster.

5. Surveillance and Censorship as a Means of Neo-Liberal Political Warfare

In tape-recorded tripartite phone conversations with her confidante Choi Soon-sil and Blue House staff secretary Jeong Ho-seong, broadcast on a cable news network JTBC on 12 January 2017, Park Geun-hye remained resolute in having classified her political opponents as “commies” or “*jongbuk*” as part of her 2012 presidential campaign strategy (Shim 2017). It was when Park recruited her political mentor Kim Ki-choon (currently under arrest) as her presidential chief of staff in August 2013 that *jongbuk* hunts began to escalate into a full-scale surveillance and censorship scheme. As former Korea CIA (the forerunner of the NIS) senior staff under Park’s father, Park Chung-hee, Kim had ordered the then cabinet members to

“monitor *jongbuk* networks in their cultural and art circles,” calling for a “combative response” to *jongbuk*, according to the former senior presidential secretary for civil affairs, Kim Young-han’s journal entry dated on 2 January 2015. One of Park Geun-hye’s cronies, the Culture Minister Cho Yoon-sun, who served as senior presidential secretary for political affairs under Kim Ki-choon, was arrested in January 2017 on charges of ordering her staff at the Ministry of Culture, Sports and Tourism to “blacklist” more than 9,000 singers, filmmakers, novelists, poets, painters, and other artists deemed critical of Park Geun-hye, and exclude them from government grants and financial support for years.

In conclusion, the surveillance and censorship operations under Park Geun-hye, more concretely revealed through the Choi Soon-sil corruption scandal, not only harken back to the egregious abuses of power under the Park Chung-hee regime in the 1960s and 1970s, but have also equipped right-wing conservatives in their neo-liberal political warfare against *jongbuk*. Under this regime of surveillance and censorship, activist groups affiliated to right-wing conservatives, including the Korea Parents Federation and North Korean Defectors Federation, have been funded by the Federation of Korean Industries, a corporate-billionaire-owned organization whose members include Samsung and Hyundai Motors after the Blue House promised pro-business policies in exchange for financial support.

On 9 May 2017, South Korea elected, as the new president of the country, Moon Jae-in, a former human rights lawyer who has declared, since his presidential candidacy, that his new leadership promises to bring reform to wipe out “rampant, systemic, deep-seated corruptions” that have taken root over the past decades throughout the previous conservative Lee and Park administrations. The Moon administration’s newly appointed NIS director promises to reform the NIS by backing away from domestic surveillance politics. No one, however, is yet sure of how and whether the mandate to enact drastic reforms will resonate in the face of the resilience of the historically, materially, culturally deep-rooted yet evolving *jongbuk*.

References

- Agamben, Giorgio. 1998. *Homo Sacer: Sovereign Power and Bare Life*. Translated by Daniel Heller-Roazen. Stanford, CA: Stanford University Press.
- Choi, Seung-ho. 2014. “The Chinese Government Confirmed that South Korea’s Seoul Central Prosecutor’s Office Had Tampered with the Government Records.” *Newstapa*, February 15. Accessed February 15, 2014. <http://newstapa.org/7350>.
- Cumings, Bruce. 1990. *The Origins of the Korean War, vol. 2: The Roaring of the Cataract, 1947-1950*. Princeton, NJ: Princeton University Press.
- Lee, Kyung-mi. 2014. “Meeting Minutes Show Gov’t Moving to Monitor Cyber Communications in Real Time.” *The Hankyoreh*, October 13. Accessed March 7, 2017. http://english.hani.co.kr/arti/english_edition/e_national/659503.html.
- Lee, Myung-seon. 2013. “North Korea Spy Reports under Park Geun-hye.” *Pressian*, November 21. Accessed March 31, 2017. http://www.pressian.com/ezview/article_main.html?no=109800.
- Mueller, Milton L. 2010. “Convergence of Control? Deep Packet Inspection and the Future of the Internet.” *Communications & Convergence Review* 2 (2):92-103.
- Park, Tae-gyun. 2007. *Wonhyung gwa Byeonyong: Hankuk Gyeongje Gyeobalgyehoik eui Giwon (Archetype and Metamorphosis: The Origins of South Korea’s Economic Development Plans)*. Seoul, Korea: Seoul National University Press.
- Park, Kuung-shin. 2015. “Constitutional Limits to Hacking Software Tools for Law Enforcement.” Paper presented at The OpenNet Forum for the Resolution to the NIS’s Hacking Software Surveillance Operations. Seoul, South Korea, July 30.
- People’s Solidarity for Participatory Democracy. 2014. “Labor Party Jeong Jin-woo’s Kakao Talk Wiretapping Case.” Accessed April 1, 2017. <http://www.peoplepower21.org/CaseDB/1247139>.
- Shim, Woo-bin. 2015. “Legal Comments on the NIS’s Use of the Remote Control System.” Paper presented at The OpenNet Forum for the Resolution to the NIS’s Hacking Software Surveillance Operations. Seoul, South Korea, July 30.
- Shim, Su-mi. 2017. “Tape-Recorded Phone Conversations Reveal How President Park Was Swayed by Choi.” *JTBC*, January 13. Accessed January 14, 2017. http://news.jtbc.joins.com/article/article.aspx?news_id=NB11398558.
- The Special Prosecutor’s Office. 2017. “Final Report on the Special Investigation of Wrongdoing by Choi Soon-sil and Her Cronies in the Park Geun-hye Administration.” Seoul: The Special Prosecutor’s Office of Republic of Korea.