

**DECONSTRUCTING THE DECOLONIZING PLOT OF THE
TYDINGS-McDUFFIE ACT:
A REVIEW OF AMERICA’S INTERNATIONAL RELATIONS
IN ASIA IN THE EARLY TWENTIETH CENTURY**

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ABSTRACT

The Tydings-McDuffie Act was enacted in 1934 to establish a designated path for the Philippines, then an American colony, to become independent after a ten-year transition period. This article looks into the macro-environment of the Asia-Pacific region in the 1930s regarding the impact of the Soviet Union, the Republic of China, the *Shōwa* empire of Japan, and its puppet state “Manchukuo” in China, embedded within the innumerable socio-political and economic conflicts between the U.S. and the Philippines. The Tydings-McDuffie Act is critically examined to assess its underlying decolonizing plot of the political and economic relationship between the U.S. and the Philippines in the early twentieth century.

Keywords: *Tydings-McDuffie Act; the Philippines; decolonization; international relations*

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INTRODUCTION

A time frame of forty-four years, from 1902 to 1946, can make an enormous difference, especially when this period includes two world wars and the Great Depression. The opportunity to exploit inexpensive natural resources in the Philippine colony in the 1900s transformed from a lucrative asset into a socio-political liability during the Great Depression in the 1930s. At the later stage of this period, the natural resources and agricultural products from the Philippines, instead of selling to other countries such as China, were mainly exported to the U.S. mainland, competing directly with American farmers and merchants. At the same time, Philippine labor was migrating in considerable numbers to the U.S. to compete directly with American workers with the weapon of the willingness to accept a lower wage in American farms and factories. The Great Depression made things even worse. While the demand for consumer goods drastically declined and American workers had a very high unemployment rate, the people and goods imported from the Philippines kept flowing into the U.S. market. Given this unmatchable situation of economic conflicts between the U.S. and the Philippines, many American politicians, especially those from California and many southern states, were eager to get rid of this colony in the Asia-Pacific region.

While the Philippine Bill of 1902 is considered to be the prelude to the independence of the Philippines by establishing a modern legislature in preparation for the decolonization process,¹ the real milestone of the decolonization of the American colony is the Philippine Independence Act of 1934, commonly known as the Tydings-McDuffie Act, which was passed to path a designated track

¹ See E. W. Thornton, *The Origins of Our Philippine Policy*, 40 SOC. STUD. 197, 197–201 (1949) (“[T]he constitutional provisions of 1902 . . . appear virtually as a replica of the Old Colonial System of Great Britain.”).

for the Philippines to become an independent nation after a ten-year transition period. Academic studies of the Tydings-McDuffie Act of 1934 can be broadly grouped into two major streams. The first stream is basically related to how American legal scholars perceive the rationale of the enactment process based on a study of the implications of the import of Philippine labor and goods, especially sugar, to the U.S. market and the impending need to sanction and reduce the inflow of people and products from the Philippines into the U.S.² The other stream, with most of the research conducted by scholars in the Philippines, focuses on the power struggles among Filipino politicians that led to the rejection of an earlier version of the Act, the Hare-Hawes-Cutting Act of 1932, as well as its socio-political implications to the people of the Philippines before and after the enactment of the law.³ What seems to be given less attention is the international politics in the Asia-Pacific region and American foreign policy, which might significantly account for the colonization and subsequent decolonization of the Philippines based on the need to maintain an American strategic military base in this region.

This article attempts to integrate these two streams of legal studies of the Act into a broader perspective of international relations in the first four decades of the twentieth century, emphasizing the need to protect and preserve American interests in the Asia-Pacific region. By taking an international perspective along with a socio-legal-based analysis of the background, struggles, underlying reasons, and aftermaths of the enactment of the Tydings-McDuffie Act, this

² See, e.g., Harry B. Hawes, *The Philippine Independence Act*, 168 ANNALS AM. ACAD. POL. & SOC. SCI. 142, 149–50 (discussing the implications of limiting the exportation of free sugar); James Sobredo, *The 1934 Tydings-McDuffie Act and Filipino Exclusion: Social, Political and Economic Context Revisited*, in STUDIES IN PACIFIC HISTORY 155, 164–65 (2002) (criticizing scholarship that focuses primarily on economics as the driving force behind the Tydings-McDuffie Act); MAE M. NGAI, *IMPOSSIBLE SUBJECTS: ILLEGAL ALIENS AND THE MAKING OF MODERN AMERICA 125–28* (William Chafe et al. eds., 2004) (discussing the Tydings-McDuffie Act in the context of immigration).

³ See, e.g., MANUEL V. GALLEGO, *THE PRICE OF PHILIPPINE INDEPENDENCE UNDER THE TYDINGS-MCDUFFIE ACT (AN ANTI-VIEW OF THE SO-CALLED INDEPENDENCE LAW)* 80–85 (1939) (highlighting the division among the Filipino population on whether to accept the Hare-Hawes-Cutting Act and the eventual Tydings-McDuffie Act); Dean Kotlowski, *Independence or Not? Paul V. McNutt, Manuel L. Quezon, and the Re-examination of Philippine Independence, 1937–9*, 32 INT'L HIST. REV. 501, 501–02 (2010) (re-examining Philippine independence with a focus on Filipino politics).

article looks into the macro-environment of the Asia-Pacific region regarding the vanishing market opportunity available in the newly established Manchukuo (1934–1945) and the Republic of China with the gradual withdrawal of the colonial power of European nations, amid the rising economic and military challenges of the *Shōwa* empire of Japan and the Soviet Union's ambition in enlarging its socialist regime, the turbulent internal environments within the societies of the U.S. and the Philippines, and the innumerable socio-political and economic conflicts between these two nations. An international perspective is essential in studying the Tydings-McDuffie Act because it provides a broader view of the laws, history, cultures, and traditions of regions, nations, and societies beyond the U.S. and the Philippines.

This article commences by setting the scene with an outline of the brief history of the independence process of the Philippines, followed by a narrative of the struggles for establishing a final version of the Tydings-McDuffie Act of 1934 with sights on developing a ten-year plan for independence. In the context of an international perspective, the background and underlying rationale of the Tydings-McDuffie Act are analyzed by using a panorama view and a socio-legal-based investigation. This article concludes by highlighting the analytical process's contributions and providing a recommendation of a possible direction for further legal research regarding the American colonial era of the Philippines. The analysis of the incubation and developmental process of the Tydings-McDuffie Act will enable legal researchers to gain a more vivid interest in and appreciation of the involvement of the U.S. and the sacrifice of the people of the Philippines in the colonization regime in the Asia-Pacific region in the mid-twentieth century.⁴

I. A BRIEF HISTORY OF THE PHILIPPINE INDEPENDENCE

The history of the Philippines as an American colony (1898–1946) can be traced back to the last year of its Spanish colonial era (1565–1898). On June 12, 1898, Emilio Aguinaldo, the *de facto* Filipino revolutionary leader, proclaimed the Philippine Declaration

⁴ See Herbert P. Bix, *Some Long-term Effects of U.S. Control of the Philippines*, 1 BULL. CONCERNED ASIAN SCHOLARS 53, 53 (1969) (observing that review of the long-term effects of American colonialism in the Philippines will enable a stronger appreciation of the record of the Philippines).

of Independence, which started the Philippine Revolution as well as the subsequent conflicts between the Philippine people and the Spanish colonial armed forces.⁵ The Philippine-Spanish conflict ended when the U.S. offered help to the Filipino revolutionists and later intervened by staging a mock battle with the Spanish forces, resulting in the latter's surrender without a real fight.⁶

After decisively winning the Spanish-American War,⁷ instead of allowing the Philippines to obtain independent status in the same way as allowed for Cuba, the U.S. became the new colonizer of the Philippines in 1898 upon signing the Treaty of Paris.⁸ All Filipinos were rejected from participation in the negotiation of the treaty.⁹ Under this treaty, the U.S. agreed to pay \$20 million to Spain in exchange for the possession of the archipelagos, and by doing so, the Americans effectually bought a colony that had already declared itself independent.¹⁰ People in the Philippines objected to American colonization, and the Philippine-American War broke out in 1898, lasting more than two years.¹¹ During this period of bloody armed conflict, a military government (1898–1902) was set up in the new colony under the authority of the American president.¹² From the perspective of some researchers, the Philippine-American War, in

⁵ See Reynaldo C Iletto, *The Road to 1898: On American Empire and the Philippine Revolution*, 49 J. IMPERIAL & COMMONWEALTH HIST. 5050, 505–26 (2021).

⁶ See FRANK FREIDEL, *THE SPLENDID LITTLE WAR* 11–15 (2002) (discussing the history of the Spanish-American War); STANLEY KARNOW, *IN OUR IMAGE: AMERICA'S EMPIRE IN THE PHILIPPINES* 12–13 (1990) (detailing the Philippine-American War).

⁷ See HENRY CABOT LODGE, *PREFACE TO THE WAR WITH SPAIN* 23–24 (1899). The Spanish military force were reluctant to surrender to Filipino regime and would like to cooperate with the American soldiers for a direct transfer of sovereignty.

⁸ See Merlin M. Magallona, *The Treaty of Paris of 10 December 1898: History and Morality in International Law*, 75 PHIL. L.J. 159, 159–60 (2000) (observing that the Treaty of Paris ceded to the United States the Philippine Islands).

⁹ See *id.* at 161 (recognizing that customary international law did not give room for “uncivilized” nations to participate in the law-making processes).

¹⁰ See *generally id.* (comparing the U.S. treatment of the Philippines to the Palmas).

¹¹ See A.B. FEUER, *INTRODUCTION TO AMERICA AT WAR: THE PHILIPPINES, 1898–1913*, at xix–xx (Dominic J. Caraccilo et al. eds., 2002) (detailing the timeline of the Philippine-American War).

¹² Virginia Frances Mulrooney, *No victor, no vanquished: United States military government in the Philippine Islands, 1898–1901* vii–ix (1975) (Ph.D. dissertation, University of California, Los Angeles) (ProQuest).

contrast with the Spanish-American War, was considered a typical race war.¹³

After the passage of the Philippine Bill of 1902, an insular civilian government in the Philippines was established to symbolize the colony as an unincorporated territory of the U.S. from 1902 to 1935, with the launch of a bicameral legislature.¹⁴ The Jones Law was enacted in 1916 to grant the Philippines territorial status and promise independence as soon as a stable Filipino government was established.¹⁵ From 1919 to 1934, a series of missions were organized by Filipino activists to lobby the American government for independence.¹⁶ After the visit of the third mission, the Fairfield Bill, an administrative alternative to the independence measure, was introduced in 1924 to enable the Filipinos to form a constitutional government to prepare for complete independence within twenty-five years.¹⁷ However, the bill was later abandoned due to disagreement among American and Filipino political leaders.¹⁸ Following the passing of the Tydings-McDuffie Act of 1934, which designated a ten-year path to independence, the Commonwealth of the Philippines was put in place, and a Philippine presidential election was held in 1935.¹⁹ It is a marginally revised version of the Hare-Hawes-Cutting Act of 1932, which was vetoed by the U.S. President but repassed by

¹³ See Paul A. Kramer, *Race-Making and Colonial Violence in the U.S. Empire: The Philippine-American War as Race War*, 30 *DIPLOMATIC HIST.* 169, 171 (2006) (arguing that race was essential to the organization of the war).

¹⁴ See generally Thomas Misco & Megan Stahlsmith, *What Should Become of the Territories? Teaching the Problematic Past and Present of the “Unincorporated” Territory*, 111 *SOC. STUD.* 11 (2020) (observing that the Philippines represents one of the five unincorporated and insular territories).

¹⁵ See generally John A. Eadles, *The Debate in the United States Concerning Philippine Independence, 1912–1916*, 16 *PHIL. STUD.* 421, 435–38 (1968) (discussing the reasons why the eventual passage of the Jones Law did not grant the Philippines immediate independence).

¹⁶ See generally Bernardita Reyes Churchill, *The Philippine Independence Missions to the United States 1919–1934* (July 1981) (Ph.D. dissertation, The Australian National University) (on file with the Australian National University) (detailing the history of the Philippine independence missions).

¹⁷ Michael P. Onorato, *Independence Rejected: The Philippines, 1924*, 15 *PHIL. STUD.* 624, 625–26 (1967) (observing that the Fairfield Bill was one of many proposing for Philippine independence).

¹⁸ See *id.* at 626–31 (observing that resistance among Filipino leaders led to the abandonment of the bill).

¹⁹ See *Tydings-McDuffie Act*, *CORPUS JURIS* (Sept. 29, 2023), <https://thecorpusjuris.com/legislative/commonwealth-acts/> [<https://perma.cc/Y3GZ-PFQK>] (observing that one effect of the Jones Law and Tydings-McDuffie Act was to pave the way for a transition government).

Congress. However, the Philippine legislature eventually rejected the proposed Act due to people's objections.²⁰

After the Japanese invasion in 1941 and subsequent occupation of the Philippines, the U.S. and Philippine Commonwealth military forces recaptured the Philippines in 1945.²¹ The U.S. Congress offered \$800 million to set up post-World War II rebuilding funds in exchange for ratifying the Bell Trade Act of 1946 by the Philippine Congress on July 2, 1946.²² The U.S. formally recognized the independence of the Republic of the Philippines on July 4, 1946, which became the national day of the Philippines for decades.²³ Later, through Republic Act No. 4166 in 1964, President Diosdado Macapagal declared June 12 as the Philippine Independence day to commemorate the act of declaration in 1898.²⁴

The history of the independence of the Philippines as an American colony portrays an intriguing profile of a non-typical decolonization process. Both Cuba and the Philippines were ceded to the U.S. in the Treaty of Paris²⁵ but faced different fates. While Cuba was given immediate independence,²⁶ the Philippines struggled for more than forty years by going through the stages of three colonial governments, military (1898–1902), insular (1902–1935), and commonwealth (1935–1946), before complete independence took place.²⁷ In the struggle for independence, there were different types

²⁰ See Theodore W. Friend, *Veto and Repassage of the Hare-Hawes-Cutting Act: A Catalogue of Motives*, 12 PHIL. STUD. 666, 671–77 (1964) (detailing the different groups of people that opposed the proposed Act).

²¹ See generally Ronald King Edgerton, *The Politics of Reconstruction on The Philippines: 1945–1948* (1975) (Ph.D. dissertation, The University of Michigan) (on file with the University of Michigan) (detailing Filipino leaders' activity from 1945 to 1948).

²² See *id.* at 342–56 (detailing the proposed measures for Congress to assist the Philippines).

²³ *Id.*

²⁴ Office of the President, *Declaring June 12 as Philippine Independence Day*, Pres. Proc. No. 3, § 1962 (May 12, 1962) (Phil.), <https://www.officialgazette.gov.ph/1962/05/12/proclamation-no-28-s-1962/> [<https://perma.cc/4UZH-TDK9>].

²⁵ Michael Mulligan, *Treaty of Paris and the End of Spanish Title*, in GLOBAL ENCYCLOPEDIA OF TERRITORIAL RIGHTS 1–7 (Kevin W. Gray ed., 2022).

²⁶ Antonio Gonzalo Perez, *The Independence Of Cuba*, 76 THE CONTEMP. REV. 118, 118–131 (1899).

²⁷ See generally Edward Loring Forness, *The History of the Philippine Quest for Independence* (1950) (B.A. thesis, The University of Wyoming) (on file with the University of Wyoming) (detailing the history leading up to Philippine independence).

of socio-political forces, domestic and international, that acted in favor and against the decolonization of the Philippines. An in-depth study of the Tydings-McDuffie Act of 1934 will provide legal researchers with a better comprehension of the rationale, implications, and underlying political power game in the U.S. and the Philippines and thus can facilitate their further research in this field.

II. MOTIVATION FOR AMERICAN COLONIZATION

The American colonization of the Philippines was a painful and expensive endeavor, which is considered even more dreadful and agonizing than what was described in the poem “The White Man’s Burden: The U.S. and the Philippine Island” by Rudyard Kipling (1865–1936),²⁸ published in the McClure’s Magazine (1893–1926) in 1899.²⁹ The proclamation of “benevolent assimilation” proposed by President William McKinley on December 21, 1898 regarding the intended American policy to modernize the Philippines never really delivered any “benevolence” nor “assimilation” to both the societies of the U.S. and the Philippines.³⁰ On the one hand, the Philippine-American War (1899–1902) resulted in the death of more than four thousand American soldiers and over 250,000 civilians in the Philippines.³¹ This form of “burden” and sacrifice of human lives, in addition to the nominal amount of \$20 million paid to Spain by American colonists, seems to outweigh the possible “benevolence” that could be gained from the possession of the Philippine colony.³² On the other hand, in the entire colonial era (1899–1946), Filipinos were never actively allowed to be “assimilated” into American

²⁸ See CHARLES CARRINGTON, RUDYARD KIPLING: HIS LIFE AND WORK 257–80 (1955) (detailing the events leading up to the writing of the poem).

²⁹ Rudyard Kipling, *The White Man’s Burden*, 12 MCCLURE’S MAGAZINE 1, 2 (1899); LEWIS H. GANN & PETER DUGNAN, COLONIALISM IN AFRICA, 1870–1960, at 23–24 (1969).

³⁰ See generally Maria Serena I. Diokno, “Benevolent Assimilation” and Filipino Responses, in MIXED BLESSING: THE IMPACT OF THE AMERICAN COLONIAL EXPERIENCE ON POLITICS AND SOCIETY IN THE PHILIPPINES 75–88 (Hazel M. McFerson ed., 2011) (discussing the contradictory effects of the stated policy of benevolent assimilation).

³¹ See DAVID J. SILBEY, A WAR OF FRONTIER AND EMPIRE: THE PHILIPPINE-AMERICAN WAR, 1899–1902, at 3–29 (2008) (noting that the casualty rates for both sides were high); Phillip Ablett, *Colonialism in Denial: US Propaganda in the Philippine-American War*, 23 SOC. ALTS. 22, 25 (2004).

³² See Forness, *supra* note 27, at 70 (observing that one argument in favor of Philippine independence was the amount of sacrifice the Filipinos had suffered at the hands of the United States).

society.³³ A series of acts, including the Johnson-Reed Act of 1924,³⁴ prohibited Filipinos and other Asians from migrating to the U.S. in the early twentieth century.³⁵ This is consistent with the various versions of the Jim Crow laws³⁶ and Alien Land Laws³⁷ enacted explicitly to exclude Asians and other non-white immigrants. If “assimilation” means the acculturation of Filipinos through the American way of socialization through Western education, legislature, and administrative system,³⁸ it marginally benefited only the elites in the upper social class of the colony.³⁹

³³ See generally ARISTIDE ZOLBERG, *A NATION BY DESIGN: IMMIGRATION POLICY IN THE FASHIONING OF AMERICA* 382–431 (2006) (discussing the history of Filipino immigration policy).

³⁴ See STEVEN G. KOVEN & FRANK GÖTZKE, *AMERICAN IMMIGRATION POLICY: CONFRONTING THE NATION’S CHALLENGES* 123–28 (Ali Farazmand ed., 2010) (noting that the Immigration Act of 1924 limited the number of immigrants allowed entry into the United States through a national origins quota which provided immigration visas to only 2% of the total number of people of each nationality in the U.S. based on the 1890 national census when there were few immigrants from Asia).

³⁵ See MICHAEL ROBERT LEMAY & ELLIOTT ROBERT BARKAN, *U.S. IMMIGRATION AND NATURALIZATION LAWS AND ISSUES: A DOCUMENTARY HISTORY* 148–51 (1999) (citing the text of the Johnson-Reed Act).

³⁶ See CATHERINE A. BARNES, *JOURNEY FROM JIM CROW: THE DESEGREGATION OF SOUTHERN TRANSIT* 62–68 (1983) (discussing the history and implementation of Jim Crow laws in the U.S.). Jim Crow laws were state and local laws that enforced racial segregation in the Southern states to disenfranchise and remove political and economic gains made by black people during the Reconstruction period. These laws were upheld in 1896 in the case of *Plessy v. Ferguson*, in which the U.S. Supreme Court laid out its “separate but equal” legal doctrine for facilities for African Americans. The Jim Crow laws were enforced until 1965.

³⁷ See Eric J. Pido, *Property Relations: Alien Land Laws and the Racial Formation of Filipinos as Aliens Ineligible to Citizenship*, 39 *ETHNIC RACIAL STUD.* 1205, 1208 (noting that the alien land laws, first enacted in California and later came into force in other states, officially characterizes Filipinos as Asians); the Alien Land Laws (1913–1952) were a series of legislative measures to exclude Asian immigrants from settling permanently in the U.S. by limiting their ability to own land and property. They were ruled unconstitutional by the Supreme Court in 1952.

³⁸ See Mark Maca, *American Colonial Education Policy and Filipino Labor Migration to the U.S. (1900–1935)*, 37 *ASIA PAC. J. OF EDUC.* 310, 316–17 (2017) (noting that while the U.S. colonization of the Philippines brought about improvement in public education accessible to all, this education policy alone is insufficient for positive social changes as the Filipino elites occupied important socio-political positions through their personal relationship with U.S. officials).

³⁹ See STUART CREIGHTON MILLER, *BENEVOLENT ASSIMILATION: THE AMERICAN CONQUEST OF THE PHILIPPINES, 1899–1903* 192–201 (1982) (noting that the American economic and socio-political development in the Philippines empowered the Filipino elites while leaving the “internal class, ethnic, and religious strife” unresolved).

From the perspective of the U.S. foreign and domestic policies, the colonization and subsequent decolonization of the Philippines were determined by a series of internal and external determinants mediated by several time-sensitive factors.⁴⁰ The socio-political and socio-legal aspects are essential to the analysis of various domestic and international factors attributing to the American colonization of the Philippines. These factors are related to the exploration of the vast Chinese market, political and military interests in the Asia-Pacific region, and exploitation of the natural resources in the Philippines, supported by an American mentality of territorial expansion in the Progressive Era (1896–1916).⁴¹ The discussion of these factors and determinants needs to be put into the context of the domestic rhythm of this period and the drastic changes in the macro-environment in the Asia Pacific region, especially regarding the China factor.

At the outset, the U.S. had already ensured national security by releasing Cuba from the colonial rule of Spain in the Spanish-American War.⁴² Other territories, such as the Philippines, Guam, and Puerto Rico, were collateral gains from winning the war.⁴³ The natural resources and plantations such as cane sugar, banana, and coconuts in the Philippines were considered an attractive asset to gain for American consumers' benefit.⁴⁴ While economic factors such as natural resources were attractive to the U.S., there were other motives for the colonization of the Philippines.⁴⁵

⁴⁰ Jose Veloso Abueva, *Filipino Democracy and the American Legacy*, 428 ANNALS AM. ACAD. POL. & SOC. SCI. 114, 114–33 (1976). For more details about the foreign policies of the U.S. after WWII, see Dennis Merrill, *Shaping Third World Development: U.S. Foreign Aid and Supervision in the Philippines, 1948–1953*, 2 J. AM.-E. ASIAN RELS. 137, 137–59 (1993).

⁴¹ See generally William E. Leuchtenburg, *Progressivism and Imperialism: The Progressive Movement and American Foreign Policy, 1898–1916*, in *THE PROGRESSIVE ERA IN THE USA: 1890–1921*, at 363 (2017) (assessing the imperialist nature of American Foreign Policy in the Progressive Era).

⁴² See ALBERT A. NOFL, *THE SPANISH-AMERICAN WAR, 1898 168–89* (1996) (discussing the presence of Spanish soldiers on Cuba).

⁴³ See Gustavo A. Gelpí, *The Insular Cases: A Comparative Historical Study of Puerto Rico, Hawai'i, and the Philippines*, 58 FED. LAW. 22, 22(2011); CHARLES BEARDSLEY, *GUAM PAST AND PRESENT 191–206* (1991).

⁴⁴ See generally FRANK HINDMAN GOLAY, *FACE OF EMPIRE: UNITED STATES-PHILIPPINE RELATIONS, 1898–1946* (2004) (discussing the American government of the Philippines).

⁴⁵ Johansen Christopher Pico, *Colonization of the Philippines: An Analysis of US Justificatory Rhetoric* (May 1, 2021) (M.A. Thesis, University of Nevada, Las Vegas) (on file with Digital Scholarship@UNLV, University of Nevada, Las Vegas).

In the late nineteenth century, under the influence of the ideology prevalent in the Progressive Era, the U.S. needed a bridgehead in the Asia-Pacific region for the possible advance into and participation in the vast Chinese market as well as the consolidation of its military base in the Asia-Pacific region.⁴⁶ Since the 1840s, China, under the weak but autocratic ruling of Manchu emperors, was forced to accept a series of so-called “unequal treaties,” including the Treaty of Nanking (1842), the Treaty of Tientsin (1858), and the Convention of Peking (1860),⁴⁷ through which China was forced to open new trading ports, including Canton, Amoy, and Shanghai, to foreign powers.⁴⁸ These treaties resulted in the establishment of international settlements and concession territories in major Chinese cities and ports that were then under the control of foreign powers.⁴⁹ China was required to provide free movement to foreign ships in Chinese rivers, allow European regulation of Chinese tariffs, and open the inner regions to Christian missionaries.⁵⁰ Numerous regions of China, such as Taiwan, Outer Manchuria, Outer Northwest China, and Macau, were ceded to Japan, Russia, and Portugal through a series of “unequal treaties” imposed on China after her defeat in various wars with these nations.⁵¹ These “unequal treaties” have been a centerpiece of Chinese grievances against the West for over a century.⁵²

After signing the Treaty of Wanghia on July 3, 1844, the U.S. was given the right to obtain concession territory in Shanghai,

⁴⁶ RICHARD E. KILLBLANE, *DELIVERING VICTORY: THE HISTORY OF U.S. MILITARY TRANSPORTATION* 31–56 (2019).

⁴⁷ For a general review of China’s unequal treaties see DONG WANG, *CHINA’S UNEQUAL TREATIES: NARRATING NATIONAL HISTORY* 484–95 (2005).

⁴⁸ KILLBLANE, *supra* note 46, at 12–13.

⁴⁹ P. Dudin, *The Boundaries, Sovereignty and Legal Status of Concessions in China in the Late 19th and Early 20th Centuries*, in *THE HULUNBUIR AND TRANSBAIKALIA PLAYGROUND. MICROPHYSICS OF POWER ON THE SINO-RUSSIAN BORDER* 11–20 (Ivan Peshkov ed., 2019).

⁵⁰ COLIN MACKERRAS, *CHINA IN TRANSFORMATION: 1900–1949*, at 3–9 (3d ed. 2014).

⁵¹ Ingrid Detter, *The Problem of Unequal Treaties*, 15 *INT’L & COMPAR. L.Q.* 1069, 1073 (1966). Further information about the concession of land can be found at Wikipedia, especially from its references. https://en.wikipedia.org/wiki/Foreign_concessions_in_China [<https://perma.cc/N68T-FMV2>] (last visited Nov. 24, 2023).

⁵² See generally Dong Wang, *The Discourse of Unequal Treaties in Modern China*, 76 *PAC. AFFS.* 399 (2003) (discussing the dissatisfaction of Chinese nationals in relation to “unequal treaties”).

China.⁵³ The U.S. also maintained a permanent garrison at Tianjin, provided from January 1912 until 1938 by the 15th Infantry, U.S. Army, and then by the U.S. Marine Corps until December 8, 1941,⁵⁴ when the U.S. entered the Second World War, and all territories of the U.S. and the British Empire in Asia and the Pacific faced the threat of attack by the Empire of Japan.⁵⁵ Keeping the Philippine colony as a strategic military base to support these concession territories in China was considered critical in the Asia-Pacific region from a military point of view.⁵⁶

Another important event, the Boxer Rebellion (1900–1901) in China, has been given much less attention than it deserves in studying the significance of the Philippine colony to the U.S.⁵⁷ The American annexation of the Philippines resulting from the Spanish-American War stimulated a growing American interest in China for both commercial and political reasons. The Philippines served as a convenient strategic bridgehead for doing business and trade with Qing China and would be of use to protect American interests in the Asia-Pacific region.⁵⁸

In 1901, the suppression of the Boxer Rebellion by foreign powers was successfully led by the China Relief Expedition of the U.S.⁵⁹ This provided an opportunity for the U.S. to act as a *de facto* leader of the Western powers during the Boxer Rebellion and Boxer

⁵³ See Ping Chia Kuo, *Caleb Cushing and the Treaty of Wanghia, 1844*, 5 J. MOD. HIST. 34, 37 (1933); Richard E. Welch, Jr., *Caleb Cushing's Chinese Mission and the Treaty of Wanghia: A Review*, 58 OR. HIST. SOC. 328–57 (1957).

⁵⁴ ROBERT NIELD, *THE CHINA COAST: TRADE AND THE FIRST TREATY PORTS* 221–54 (2010). For a more detailed description, see Kevin M.A. Zhang, *Stars and Stripes Over the Orient: U.S. Occupation of China 1900–1932* 21–25 (May 2021) (M.A. Report, University of Texas at Austin) (On file with the University of Texas).

⁵⁵ K. M. PANIKKAR, *ASIA AND WESTERN DOMINANCE, 1498–1945*, at 310–22 (1953).

⁵⁶ See PETER W. STANLEY, *A NATION IN THE MAKING: THE PHILIPPINES AND THE UNITED STATES, 1899–1921* 89–92 (1974); Carles Braso Broggi and David Martínez-Robles, *Beyond Colonial Dichotomies: The deficits of Spain and the peripheral powers in treaty-port China*, 53 MODERN ASIAN STUDIES 1222, 1222–47 (2019).

⁵⁷ See Michael H. Hunt, *The American Remission of the Boxer Indemnity: A Reappraisal*, 31 J. ASIAN STUD. 539–59 (1972); Teresita Ang See, *Shared History, Shared Heritage, Shared Destiny: Discovering New Narratives On Philippines-China Relations*, 14 CHINESE STUD. J. 27, 28, 44–46, <https://www.pacs.ph/wp-content/uploads/2015/10/02-Teresita-final.pdf> [https://perma.cc/S3AY-KW9T].

⁵⁸ *Id.*

⁵⁹ See Eric Ouellet, *Multinational counterinsurgency: the Western intervention in the Boxer Rebellion 1900–1901*, 20 SMALL WARS & INSURGENCIES 507, 507–27 (2009).

Protocol in 1900 and 1901, respectively.⁶⁰ The U.S. played a significant role in suppressing the Boxer Rebellion, mainly due to the presence of American forces deployed in the Philippines since the annexation and colonization by the U.S. after the Spanish-American War in 1898.⁶¹ After the suppression of the Boxer Rebellion, the Boxer Protocol was signed on September 7, 1901,⁶² between the Qing Empire of China and the Eight-Nation Alliance⁶³ that had provided military forces.⁶⁴

The U.S. was a latecomer in the colonial game in the Asia-Pacific region in the late nineteenth century. In the early 1900s, most territories in this region, except China, were colonized by Japan and European powers.⁶⁵ In East Asia, Korea, and Taiwan were colonies of Japan.⁶⁶ In Southeast Asia, Vietnam, Laos, and Cambodia were colonies of France,⁶⁷ and Macau was a colony of Portugal.⁶⁸ Other parts of East and South Asia, such as India, Burma, Ceylon, Malaya, Singapore, and Hong Kong, were colonies of Britain.⁶⁹ The colonization of the Philippines became an opportunity for the U.S. to

⁶⁰ See generally PETER HARRINGTON, PEKING 1900: THE BOXER REBELLION (2001) (illustrating the leadership of forces during the Boxer Rebellion).

⁶¹ See Trevor K. Plante, *U.S. Marines in the Boxer Rebellion*, PROLOGUE MAGAZINE, <https://www.archives.gov/publications/prologue/1999/winter/boxer-rebellion-1.html> [<https://perma.cc/RL4Z-A36U>] (last visited Oct. 17, 2023) (proposing that the United States was able to have a significant role in the suppression of the rebellion because it was able to quickly deploy Marines from the Philippine colony).

⁶² Xiaoyu Joy Zhang, *The Eight-Nation (Non-) Alliance: Emergence, Coordination, and Lasting Mark on the Chinese Imagination* 39 (Apr. 27, 2023) (B.A. thesis, Vanderbilt University) (on file with the Vanderbilt University Institutional Repository).

⁶³ These eight nations included Austria-Hungary, France, Germany, United Kingdom, Italy, Japan, Russia, and the U.S. as well as Belgium, Spain, and the Netherlands. *Id.* at n.1.

⁶⁴ T.G. Otte, *The Boxer Uprising and British Foreign Policy*, in *THE BOXERS, CHINA, AND THE WORLD* 157 (Robert Bickers & R.G. Tiedemann eds., 2007). See also Zhang, *supra* note 62, at n.1.

⁶⁵ See generally PANIKKAR, *supra* note 55, at 98–120.

⁶⁶ See generally JINGZHI ZHEN, *THE JAPANESE COLONIAL EMPIRE, 1895–1945* (1984) (discussing the history of Korea and Taiwan as Japanese colonies).

⁶⁷ See generally Caroline Ford, *Nature, Culture and Conservation in France and Her Colonies 1840–1940*, 183 *PAST & PRESENT* 173 (2004) (discussing the history of Vietnam, Laos and Cambodia as French colonies).

⁶⁸ See generally Richard Louis Edmonds & Herbert S. Yee, *Macau: From Portuguese Autonomous Territory to Chinese Special Administrative Region*, 160 *CHINA Q.* 801 (1999) (discussing the history of Macau as a Portuguese colony).

⁶⁹ See generally Matthew K. Lange, *British Colonial Legacies and Political Development*, 32 *WORLD DEV.* 905 (2004) (discussing the history of India, Burma, Ceylon, Malaya, Singapore, and Hong Kong as British colonies).

participate in this regional power game. This colonization opportunity was met with a ready mindset and ideology of progressivism prevalent in the U.S. towards the end of the nineteenth century in a period labeled as the Progressive Era (1896–1916).⁷⁰ This period of widespread social activism and political reform across the U.S. spanned from the 1890s to the 1920s.⁷¹ Such ideology further enhanced the territorial expansion ambition, which has been ongoing since the Declaration of Independence of the U.S. in 1776.⁷²

By paying a sum of \$20 million to Spain in exchange for the colony of the Philippines in the Treaty of Paris in 1898, the U.S. political leaders thought this could avoid the possibility of being labeled as a colonizer by adopting the idea of fair dealing, which would be in line with the principle of *ex aequo et bono*.⁷³ The same principle had been used repeatedly in the cases of the purchase of the territories of Louisiana and Alaska. The Louisiana Purchase was the Louisiana territory's acquisition⁷⁴ by the U.S. from France in 1803 for \$15 million.⁷⁵ The purchase of Alaska for \$7.2 million from Russia was made in 1867, initiated by Secretary of State William H. Seward, slightly more than thirty years before signing the Treaty of Paris.⁷⁶ It was a deal that critics sarcastically called the deal "Seward's folly."⁷⁷ The Philippines' purchase was considered legitimate and in line with all these precedent cases.⁷⁸

⁷⁰ See generally STEVEN J. DINER, *A VERY DIFFERENT AGE: AMERICANS OF THE PROGRESSIVE ERA* (1998) (discussing the rise of Progressivism in the U.S.).

⁷¹ See John D. Buenker, *Sovereign individuals and organic networks: Political cultures in conflict during the Progressive Era*, 40 *AMERICAN QUARTERLY* 187, 187–204 (1988).

⁷² GEORGE C. HERRING, *FROM COLONY TO SUPERPOWER: US FOREIGN RELATIONS SINCE 1776*, at 340–41 (2008).

⁷³ See generally Brian McCormack, *A Historical Case for the Globalisation of International Law: The Chaco War and the Principle of Ex Aequo et Bono*, 13 *GLOB. SOC'Y* 287, 287–312 (1999) (generally discussing the principle of *ex aequo et bono*, literally meaning "from fair and right," that is rooted in equity and has a flexible application).

⁷⁴ In the 18th century, territories of Louisiana included most of the Mississippi River basin from what is now the Midwestern United States, south to the coast of the Gulf of Mexico.

⁷⁵ CHARLES ROBERT GOINS & JOHN MICHAEL CALDWELL, *HISTORICAL ATLAS OF LOUISIANA* 21–24, 31 (1995).

⁷⁶ Thomas A. Bailey, *Why the United States Purchased Alaska*, 3 *PAC. HIST. REV.* 39, 47 (1934).

⁷⁷ See LEE A. FARROW, *SEWARD'S FOLLY: A NEW LOOK AT THE ALASKA PURCHASE* xi, 178–80 (2016) (highlighting the secretive and backdoor procedure of the Alaska Purchase between Russia and the Seward administration).

⁷⁸ See HAZEL M. McFERSON, *MIXED BLESSING: THE IMPACT OF THE AMERICAN COLONIAL EXPERIENCE ON POLITICS AND SOCIETY IN THE PHILIPPINES* 2 (2001) (noting that

With the incentive of readily available natural resources, plus the need for an economical entry point to support the penetration of the China market and a strategic military base in the Asia-Pacific region, the ambition of territorial expansion of the U.S. in the Progressive Era was fulfilled by the colonization of a densely populated Asian nation—the Philippines.

III. FROM PROGRESSION TO DEPRESSION

Time is relevant and essential to most significant events, international or domestic.⁷⁹ The colonial era of the Philippines went through several critical stages in American history from 1898 to 1946. These stages include Progressive Era (1896–1916),⁸⁰ World War I (1917–1919),⁸¹ Roaring Twenties (1920–1929),⁸² Great Depression (1929–1941),⁸³ and World War II (1941–1945).⁸⁴ Of particular importance are the “Progressive Era,” in which the colonization began,⁸⁵ and the “Great Depression,” when the Tydings-McDuffie Act was enacted to plan for decolonization.⁸⁶

The colonization of the Philippines took place in the Progressive Era due to the American ambition for territorial expansion, but when the U.S. subsequently entered into the era of the Great Depression in the 1930s, all the contributing factors that accounted for the motivation to colonize the Philippines dramatically

only a “small minority” of Filipinos view the U.S. colonization as a disaster while the majority not only welcomed the economic benefits but also accepted the U.S. socio-political and cultural influence as a result of the colonization).

⁷⁹ See BARBARA ADAM, *TIME AND SOCIAL THEORY* 10, 22–24 (1990) (noting “the centrality of time for the subject matter of social sciences”).

⁸⁰ David M. Kennedy, *Overview: The Progressive Era*, 37 *HISTORIAN* 453, 459–66 (1975).

⁸¹ S. L. A MARSHALL, *WORLD WAR I* 7–12, 450–54 (2001).

⁸² See LUCY MOORE, *ANYTHING GOES: A BIOGRAPHY OF THE ROARING TWENTIES* 3, 48–50 (2015) (noting that the 1920s in the U.S. before the Great Depression was characterized by emerging technologies, consumerism, celebrity, financial wealth as well as political corruption and lingering poverty in a large section of the society).

⁸³ See generally MURRAY N. ROTHBARD, *AMERICA’S GREAT DEPRESSION* 9–19 (2008).

⁸⁴ C. L. SULZBERGER, *WORLD WAR II* 6–9, 25 (1985).

⁸⁵ See JOHN WHITECLAY CHAMBERS, *THE TYRANNY OF CHANGE: AMERICA IN THE PROGRESSIVE ERA 1890–1920* 11–19 (2d ed. 2000); DIETMAR ROTHERMUND, *THE GLOBAL IMPACT OF THE GREAT DEPRESSION 1929–1939* 120–22 (Routledge 2010).

⁸⁶ See generally DAVID RYAN & VICTOR PUNGONG, *THE UNITED STATES AND DECOLONIZATION: POWER AND FREEDOM* 24–40 (2000).

vanished almost simultaneously.⁸⁷ China's rights to own and manage concession territories disappeared when the Qing Dynasty collapsed in 1912.⁸⁸ China was in a long period of civil war with a highly turbulent business environment.⁸⁹ Together with labor from the Philippines, the agricultural products were directly competing with the local products and farm workers in the U.S.⁹⁰ Worst of all, the economic and political interests in the Asia-Pacific region were no longer lucrative enough when there was a global recession in the 1930s.⁹¹

From the perspective of the American colonizer, the exploitation of inexpensive natural resources and agricultural products had changed from an asset to a liability in the Great Depression era.⁹² Instead of exporting to other countries such as China, these natural resources and agricultural products were exported to the U.S. mainland.⁹³ The Payne-Aldrich Tariff Act of 1909 provided free trade with the Philippines.⁹⁴ In 1894, 13% of the foreign trade of the Philippines was with the U.S., which grew to 32%

⁸⁷ See RANDALL E. PARKER, REFLECTIONS ON THE GREAT DEPRESSION 1–9 (discussing the economic effects of the Great Depression in the U.S., including a drop in domestic consumer spending and a spike in unemployment) (2002); Thomas B. Pepinsky, *Trade Competition and American Decolonization*, 67 *WORLD POL.* 387, 402 (discussing the “heightened agricultural protectionism” during the Great Depression largely disincentivized the continuous colonization of the Philippines).

⁸⁸ Wen Cao, *The Early Development of Foreign Concessions in the Late Qing Dynasty and the Origins of Consular Jurisdiction*, 3 *QING HIST. J.* 107, 108 (2018).

⁸⁹ See *id.* at 110 (discussing how the outburst of Taiping Movement interrupted important trade routes in China).

⁹⁰ See Yen Le Espiritu, *Colonial oppression, labour importation, and group formation: Filipinos in the United States*, 19 *ETHNIC & RACIAL STUD.* 29, 29–48 (1996); James A. Tyner, *The Global Context of Gendered Labor Migration from the Philippines to the United States*, 42 *AM. BEHAV. SCIENTIST* 671, 683 (1999) (noting that in the 1970s, increased imports from Asia, and the Philippines in particular, affected the U.S. economy).

⁹¹ See Efraim Benmelech et al., *Financial Frictions and Employment during the Great Depression*, 133 *J. FIN. ECON.* 541, 541 (2019) (generally discussing the influence of the Great Depression on the political and “macroeconomic thinking” of the U.S.).

⁹² RICK BALDOZ, *THE THIRD ASIATIC INVASION: EMPIRE AND MIGRATION IN FILIPINO AMERICA, 1898–1946*, at 21–44 (N.Y.U. Press 2011).

⁹³ See Norman G. Owen, *Philippine Economic Development and American Policy: A Reappraisal*, in *SOUTH EAST ASIA COLONIAL HIST.* V3 396, 399 (Paul H. Kratoska ed., 2021) (noting that there had been minimal restrictions on Filipino imports throughout the late 1920s and 1930s).

⁹⁴ Stanley D. Solvick, *William Howard Taft and the Payne-Aldrich Tariff*, 50 *MISS. VALLEY HIST. REV.* 424, 442 (1963).

in 1909.⁹⁵ Trade with the U.S. had increased to 66% in 1920 and 61% in 1921.⁹⁶ These exports were hemp, sugar, tobacco, and coconut products.⁹⁷ The import of inexpensive Philippine goods and labor into the U.S. threatened American farmers and business operators. The stakeholders who lobbied for the exclusion of such Filipino imports evolved into a political regime that started to demand the decolonization of the American colony with a view to cutting down these Asian imports and people.⁹⁸

The Great Depression caused American farmers and workers to look desperately to the government for economic relief.⁹⁹ Those who considered themselves suffering from the competition of Philippine products sought to exclude these imports. For instance, facing the challenge of importing inexpensive Philippine cane sugar, which competed directly with domestically-produced beet sugar, the sugar union organized a pro-independence legislative coalition that promoted independence for the Philippines.¹⁰⁰ In other words, the initial attempt to lobby for an increase of the import tariff or quota on Philippine imports later evolved into the advocacy of separating the entire Philippines through the independence of this colony.¹⁰¹

While physical products imported from the Philippines were a concern for American farmers, the migration of a large number of Filipino workers into the U.S. was another big problem. Demographically, the Philippine colony's population was significant

⁹⁵ JOSE S. REYES, LEGISLATIVE HISTORY OF AMERICA'S ECONOMIC POLICY TOWARD THE PHILIPPINES 192 (1967).

⁹⁶ *Id.*

⁹⁷ Daniel Immerwahr, *Philippine Independence in U.S. History: A Car, not a Train*, 91 PAC. HIST. REV. 220, 220–48 (2022).

⁹⁸ *See id.* at 225 (giving the examples of beet farmers, West Coast labor unions, and agricultural interests groups who lobbied for Philippine independence in the hope of “mak[ing] the Philippines foreign [and] locking out its workers and produce”).

⁹⁹ JEFF SINGLETON, THE AMERICAN DOLE: UNEMPLOYMENT RELIEF AND THE WELFARE STATE IN THE GREAT DEPRESSION 1–26 (2000).

¹⁰⁰ *See* Immerwahr, *supra* note 97, at 225, 336 (discussing how the American beet farmers, West Coast labor unions, and other interest groups pushed for a pro-independence agenda in the face of faltering U.S. economy and noting the gradual raise of the Philippines' import tariffs as a consequence of independence).

¹⁰¹ *See id.* at 220–48 (highlighting the proximity in time during which the lobbying for an increase in the Philippines' import tariff and for the Philippines independence took place respectively); *see also* Onorato, *supra* note 17, at 631 (1967) (noting that the Great Depression was one of the significant driving forces behind the U.S. decolonization of the Philippines).

in relation to the U.S. population as a whole. The population of the archipelago was about 6.5 million people in the 1900s, and the U.S. had a population of about 76 million in the same period.¹⁰² According to the 1920 Census of the U.S., there were 10,314,310 people in the Philippines,¹⁰³ and based on the 1939 census, undertaken in conformity with Section 1 of Commonwealth Act No. 170, the Philippine population figure was 16,000,303.¹⁰⁴ By contrast, the indigenous Hawaiian population succumbed to foreign diseases, declining from 300,000 in the 1770s to 60,000 in the 1850s to only about 24,000 in 1920.¹⁰⁵ Puerto Rico, an unincorporated territory of the U.S. located in the northeast Caribbean Sea, had a population of around 1, 1.2, and 1.5 million in the 1900s, 1920s, and 1930s, respectively.¹⁰⁶ In the early twentieth century, under the provisions of the Immigration Act of 1917, Asians were restricted from migrating into America, except for Filipinos, who were given the green light to come to the U.S. as American nationals.¹⁰⁷ This wave of immigration is described as the “manong generation.”¹⁰⁸ This wave was well received in the 1900s but was subsequently treated as undesirable competitors for American farm jobs in the era of the Great Depression.

¹⁰² Campbell Gibson & Kay Jung, *Historical Census Statistics on Population Totals By Race, 1790 to 1990, for Large Cities and other Urban Places in the United States 19–20* (U.S. Census Bureau, Working Paper No. 76, 2005), <https://www.census.gov/content/dam/Census/library/working-papers/2005/demo/POP-twps0076.pdf> [<https://perma.cc/S6LL-A5GV>].

¹⁰³ DEP’T COM., U. S. BUREAU OF THE CENSUS, FOURTEENTH CENSUS OF THE UNITED STATES 11 (1920).

¹⁰⁴ Lloyd S. Millegan, *Census of the Philippines: 1939*, 2 FAR E. Q. 77, 77–79 (1942).

¹⁰⁵ ROBERT C. SCHMITT, DEMOGRAPHIC STATISTICS OF HAWAII, 1778–1965, at 41, 69 (1968).

¹⁰⁶ See PEDRO A. CABÁN, CONSTRUCTING A COLONIAL PEOPLE: PUERTO RICO AND THE UNITED STATES, 1898–1932, at 122–197 (Routledge ed., 2018); Press Release, SPECIAL COMMITTEE ON DECOLONIZATION CALLS UPON UNITED STATES TO EXPEDITE PUERTO RICO’S SELF-DETERMINATION PROCESS, U.N. Press Release GA/COL/3160 (June 14, 2007).

¹⁰⁷ See Monica Boyd, *Oriental Immigration: The Experience of the Chinese, Japanese, and Filipino Populations in the United States*, 5 INT’L MIGRATION REV. 48, 49–51 (noting that in the 1920s, there were no legal restrictions on Filipino immigrants to the U.S. while their Chinese and Japanese counterparts were respectively subject to the limitations imposed by the Chinese Exclusion Act of 1904 and the Gentlemen’s Agreement of 1908).

¹⁰⁸ See Stacey Anne Baterina Salinas, *The Manang Generation: The Radical Origins of the Peminist Pinays of the Central Coast* (2023) (Ph.D. dissertation, University of California, Davis), <https://escholarship.org/content/qt69w0b6n9/qt69w0b6n9.pdf> [<https://perma.cc/MXM3-TW45>]; REBECCA STEOFF & RONALD T. TAKAKI, IN THE HEART OF FILIPINO AMERICA: IMMIGRANTS FROM THE PACIFIC ISLES 42–44 (1994).

While Filipino products and labor were no longer welcomed in the Great Depression era, the strategic location of the Philippines as a strategic military also lost its luster in the 1930s. Most of the concession territories obtained by foreign powers in the era of the Qing Dynasty were no longer legitimate after the establishment of the Republic of China in 1912.¹⁰⁹ While the Chinese market was still open, there was a significant decline in demand for foreign goods due to the Chinese civil war.¹¹⁰ Furthermore, the establishment of the empire of Manchukuo (1932–1945) in Northeast China and Inner Mongolia under the direct control of the Japanese empire made the entire northeastern territory of China unattractive for the economic penetration of Western powers due, in part, to anti-western sentiment in the Japan-dominated territory.¹¹¹

IV. THE STRUGGLES OF THE PHILIPPINE LOBBYING EFFORTS

Filipinos were eager to have political independence from the beginning of the American colonial era. The Jones Law of 1916 is supposed to be a veritable pact between the American and Filipino peoples.¹¹² The U.S. promised to recognize the independence of the Philippines as soon as a stable government was established.¹¹³ After

¹⁰⁹ See KAVALAM MADAHAVA PANIKKAR, *ASIA AND WESTERN DOMINANCE, A SURVEY OF THE VASCO DA GAMA EPOCH OF ASIAN HISTORY 1498–1945*, at 200–28 (1953) (noting that after the downfall of the Qing Dynasty and establishment of the Republic of China in 1912, the prolonged negotiation between China and Japan over the concession of certain Chinese territories, and China's victory during WWI, Chinese delegates to the Versailles Conference unequivocally demanded for territorial sovereignty in the international arena for the first time).

¹¹⁰ See TOMOKO SHIROYAMA, *CHINA DURING THE GREAT DEPRESSION: MARKET, STATE, AND THE WORLD ECONOMY, 1929–1937*, at 79 (2008) (discussing how the demand in the inland markets in China suffered from the great depression and the civil war).

¹¹¹ See Errol MacGregor Claus, *The Roosevelt Administration and Manchukuo, 1933–1941*, 32 *HISTORIAN* 595, 599–610 (1970) (discussing Japan's control of the economic structure of Manchukuo and the decline of Western business interests due to both market forces and official discrimination).

¹¹² The Jones Law, Pub. L. No. 64-240, § 1, 39 Stat. 545, 545 (1916) is also known as the Jones Act, the Philippine Autonomy Act, or the Act of Congress of Aug. 29, 1916.

¹¹³ See KATHLEEN NADEAU, *THE HISTORY OF THE PHILIPPINES* 56 (2d ed. 2020) (discussing the varied approaches taken by Harrison and Wood in administering the Philippines and the different positions taken by the Democrats and Republican on Philippine independence).

the end of WWI in 1918, a more sustained effort to decolonize the Philippines was undertaken through parliamentary missions to Washington sent by the Philippine Legislature and later through independent missions initiated by political parties. On March 17, 1919, the Philippine Legislature passed a “Declaration of Purposes,” which stated the uncompromising desire of the Filipino people to be free from colonization, and the Commission of Independence was created to study ways and means of attaining liberation ideals recommended sending lobbying missions to the U.S.¹¹⁴ The “Declaration of Purposes” referred to the Jones Law as a veritable pact, or covenant, between the American and Filipino peoples whereby the U.S. promised to recognize the independence of the Philippines as soon as a stable government was established.¹¹⁵

Encouraged by the Jones Law of 1916, the Filipino leaders concluded that independence from the U.S. could be obtained through increased political pressure and an active campaign in favor of their course of action.¹¹⁶ The official channel required the demand for independence to be submitted as a formal resolution of the Philippine Assembly (later renamed the Philippine Legislature).¹¹⁷ It was delivered to the U.S. Congress through the Filipino Resident Commissioners in Washington.¹¹⁸ Thus, several parliamentary and independence missions from the Philippines were sent to the U.S. almost yearly for fifteen years, from 1919 to 1934.¹¹⁹ Unfortunately,

¹¹⁴ See SONIA M. ZAIDE, *THE PHILIPPINES: A UNIQUE NATION* 313 (1994) (discussing the establishment of the Commission of Independence to examine and analyze how best for the Filipino public to attain independence).

¹¹⁵ See Churchill, *supra* note 16, at 34–35 (stating the remarks Quezon made to the Secretary of War, Newton Baker, on the Declaration of Purposes and Instruction from the Commission of Independence to the Philippine Mission).

¹¹⁶ See generally Ifor B. Powell, *The Commonwealth of the Philippines*, 9 PAC. AFF. 33, 33–43 (1936).

¹¹⁷ See Alfred W. McCoy, *The Philippines: Independence without Decolonization*, in *ASIA—THE WINNING OF INDEPENDENCE* 23, 54 (Robin Jeffrey ed., 1981).

¹¹⁸ Sixth Philippine Legislature, Concurrent Resolution Confirming the Action Taken by The Commission of Independence in Its Resolution Adopted on November Twelfth, Nineteen Hundred and Twenty-Three, Cong. Res. No. 24, 22: 51 O.G. 1127, 1127 (Apr. 26, 1924) (Phil.); In a letter to Congressman John G. Cooper dated Nov. 14, 1923, Quezon introduced Roxas, “who is commissioned by the Legislature to secure from the United States the final settlement of the Philippine Question.” Manuel L. Quezon Papers (hereinafter *QP*), Ser. No. V. Unless otherwise specified all citations of letters, wires, and the like are taken from series V of QP.

¹¹⁹ There were ten independence missions sent to the United States (1919–1934), which include the First Independence Mission (1919–20), the First Philippine Parliamentary Mission (1922), the Roxas Special Mission (1923–1924), the Third Parliamentary Mission

most of these missions were not seriously considered by the U.S. Congress, except for the third and the final two missions.¹²⁰

The conflict between the American colonial administrator and the Filipino legislators encouraged the eagerness to strive for independence. This was particularly imminent when Leonard Wood was the Governor-General of the Philippines (1921–1927).¹²¹ His style of governance was characterized by the tension between himself and key Filipino officials.¹²² In his first year, Wood vetoed sixteen laws that the Philippine Legislature had already passed.¹²³ By contrast, his predecessor, Francis Burton Harrison (Governor-General, 1912–1921), had vetoed only five measures during his nine years of governorship.¹²⁴ The tension between Wood and Filipino political leaders became extremely intense in 1923 when Wood refused to dismiss Ray Conley, a Manila Police detective accused of misconduct in office.¹²⁵ All Filipino members of the Wood cabinet resigned to protest Wood’s action of protecting the accused. This incident is known as the “Cabinet Crisis of 1923.”¹²⁶ The Independence Commission decided to send the Roxas Special Mission (1923–1924) to bring to Washington’s attention what the

(1924), the Osmena Legislative Committee (1925–1926), the Quezon-Osmena Mission (1927), the Tariff and Parliamentary Missions (1929–1930), the OsRox Mission (1931–1933), and the Last Independence Mission (1933–1934). *See generally* Churchill, *supra* note 16 (detailing the missions from the Philippines to the United States).

¹²⁰ *See generally id.* (discussing how the missions were generally neglected by the U.S. Congress other than when the Democrats has a majority in Congress and when the Philippines became a political burden to the U.S.).

¹²¹ *See* Michael Onorato, *Leonard Wood as Governor General: A Calendar of Selected Correspondence*, 12 PHIL. STUD. 124, 125 (1964) (stating that the manuscript materials used in the article is restricted to the years of Wood’s term of office).

¹²² *See id.* at 131–33 (describing Barrows correspondence to Bernard Moses stating the Filipinos’ extremism against Wood and Quezon and Roxas’ correspondence to Guevara on their dislike of Wood’s way of administering).

¹²³ *See* MARIA CHRISTINE N. HALILI, PHILIPPINE HISTORY 185 (2004) (stating that Wood vetoed sixteen bills passed by the legislature in his first year of administration, while the former Governor, Harrison, only vetoed five bills in his whole term of eight years).

¹²⁴ *See* Michael Onorato, *Leonard Wood: His First Year as Governor-General*, 41 ASIAN STUD. 57, 62 (2005) (discussing that Wood was accused by opinion pieces on newspapers of destroying the Jones Act through his misuse of the veto power when compared with his predecessor).

¹²⁵ *See* HALILI, *supra* note 123, at 185 (discussing that Filipino cabinet members resigned in protest of Wood’s handling of Ray Conley case).

¹²⁶ *See* MICHAEL P. ONORATO, LEONARD WOOD AND THE PHILIPPINE CABINET CRISIS OF 1923, at 52–54 (1988) (illustrating how Wood’s action regarding Conley gradually led to the Philippine cabinet members’ resignation in 1923).

Filipino leaders perceived as the autocratic acts of Governor-General Leonard Wood and to request Wood's recall.¹²⁷

The Cabinet Crisis was not given sufficient attention by President Calvin Coolidge, who informed the mission that the Filipinos did not appreciate the value of checks and balances in a democratic-republican government that could prevent the encroachment of the Legislature upon the powers of the executive.¹²⁸ Despite a lack of support from the U.S. president, the Roxas Special Mission (1923–1924) met with several members of Congress to protest against Wood's veto power and actions.¹²⁹ Consequently, six bills proposing planned steps toward independence were submitted between December 1923 and March 1924.¹³⁰ But the lawmakers, backed by a negative propaganda campaign designed to curb Philippines' autonomy and led by U.S. business interests, remained committed to maintaining American control over the islands.¹³¹

The OsRox Mission (1931) was the second last, led by former Senate President Sergio Osmeña and House Speaker Manuel Roxas.¹³² With the support of local lobbying groups initiated by American farmers, they managed to secure the Hare-Hawes-Cutting

¹²⁷ See generally Vicente Angel S. Ybiernas, *Governor-General Leonard Wood's neoliberal agenda of privatizing public assets stymied, 1921–1927*, 8 SOC. SCI. DILIMAN 63 (2012); Bonifacio S. Salamanca, *Quezon, Osmena and Roxas and the American Military Presence in the Philippines*, 37 PHIL. STUD. 301, 301–16 (1989) (discussing the positions taken by different presidents on U.S. military presence in the Philippines).

¹²⁸ See 65 CONG. REC. 4617–19 (1924) (mentioning the congressional discussions as to whether Attorney General Daugherty should stay in office); Churchill, *supra* note 16, at 169 (stating that President Coolidge indicated that the presence of the Mission in Washington showed that “they did not appreciate ‘the fundamental ideals of democratic republican government,’ especially that of checks and balances”).

¹²⁹ See Churchill, *supra* note 16, at 183 (detailing the meetings between the Mission and Congressman Frear and Senator Ladd).

¹³⁰ These six bills are: 68th Congress: H.R. 2817 (1923); H.R. 3924 (1923); H.J. Res. 127 (1924); H.J. Res 131 (1924); S. 912 (1923); and S. Res. 35 (1923). Congressman Henry Allen Cooper introduced H.J. Res. 131 on Jan. 9, 1924, authorizing the Filipino people to draft a constitution and form a government. Senator William H. King prepared an independence bill in the Senate. A compromise bill prepared by the War Department and New York financiers was introduced by Louis Fairfield in the House on Apr. 23, 1924, as H.R. 8856 in lieu of the Cooper resolution. The compromise bill would enable the Filipinos to form a constitutional government for 25 years after which they would determine to go on with it or become completely independent. Churchill, *supra* note 16, at 74–91.

¹³¹ Calvin Coolidge, *President Coolidge's Statement On Filipino Independence*, 20 CURRENT HIST. (1916–1940) 158, 158–60 (1924).

¹³² See T. Inglis Moore, *Manuel Roxas, Philippine Leader*, 2 AUSTL. OUTLOOK 88, 88–97 (1948) (introducing Manuel Roxas's life and achievement as a leader, along with the other two of the “big three,” Quezon and Osmeña).

Act of 1932.¹³³ The U.S. Congress passed the Hare-Hawes-Cutting Act on December 30, 1932.¹³⁴ President Herbert Hoover vetoed the bill in January, 1933.¹³⁵ Congress overrode the veto on January 17, and the Hare-Hawes-Cutting Act became US law.¹³⁶ The law promised Philippine independence after twelve years but reserved several military and naval bases for the U.S. and, at the same time, imposed tariffs and quotas on Philippine imports into the U.S.¹³⁷ Despite the efforts of Congress to secure the enactment of the Hare-Hawes-Cutting Act, it was unfortunately rejected by the Philippine Legislature under the leadership of Manuel Quezon.¹³⁸ The Act was rejected because the provision of the military, naval, and other reservations stipulated in the Act was inconsistent with true independence and likely subject to misinterpretation.¹³⁹

In November 1933, Quezon led the last Independence Mission to the U.S. to secure a better independence bill for the Philippines.¹⁴⁰ He successfully obtained the Tydings-McDuffie Act, which removed the provision of U.S. military reservations in the Philippines and substituted it with an agreement to settle, subject to negotiation, the U.S. military bases and fueling stations.¹⁴¹ It was signed by U.S. President Franklin Roosevelt and was passed by the Philippine Legislature.¹⁴² The last governor-general, Frank Murphy,

¹³³ The Hare-Hawes-Cutting Act was authored by South Carolina Representative Butler Hare, Missouri Senator Harry Bartow Hawes and New Mexico Senator Bronson M. Cutting.

¹³⁴ See Friend, *supra* note 20, at 666–80 (discussing the underlying motivations and behind the scenes discussions that President Hoover had for vetoing the Hare-Hawes-Cutting Act).

¹³⁵ *Id.*

¹³⁶ Hare-Hawes-Cutting Act (Pub. L. No. 89-273, 47 Stat. 761, 761 (1933)) was eventually passed on Jan. 17, 1933. It was criticized heavily by Filipino researchers. See *id.*; see e.g., Jorge Bocobo, *Traps in the Hawes-Cutting-Hare Law*, 12 PHIL. L.J. 307, 313 (1932).

¹³⁷ *Id.* See also Friend, *supra* note 20, at 666–80.

¹³⁸ See generally KANTUTAN LISA H. KALIBUGAN, *INDEPENDENCE MISSIONS: AN EFFORT FOR SELF-GOVERNMENT*, NATIONAL HISTORICAL COMMISSION OF THE PHILIPPINES (2012).

¹³⁹ See Foster Rhea Dulles, *The Philippines and the Hare-Hawes-Cutting Act*, 9 FOREIGN POL. ASS'N. 246, 253 (1934) (discussing the heated discussions in the Philippine Legislature following the enactment of the Hare-Hawes-Cutting Act into U.S. law as to whether the approve or reject the law in the Philippines).

¹⁴⁰ See HALILI, *supra* note 123, at 187 (discussing the final independence mission to Washington which successfully negotiated for a better independence measure, the Tydings-McDuffie Law).

¹⁴¹ Gerald E. Wheeler, *The Movement to Reverse Philippine Independence*, 33 PAC. HIST. REV. 167, 167–81 (1964).

¹⁴² *Id.*

became the first high commissioner, with more of a diplomatic than a governing role.¹⁴³ The Commonwealth was inaugurated on November 15, 1935, and Manuel L. Quezon was elected the president of the Commonwealth.¹⁴⁴

While the efforts of the missions sent by the Philippine legislature helped pave the route to the independence of the colony, the tipping point that triggered the actual process of decolonizing the Philippines was the Great Depression which began with the stock market crash of 1929 and was made worse by the 1930s Dust Bowl.¹⁴⁵ President Franklin D. Roosevelt responded to the economic calamity with programs known as the New Deal.¹⁴⁶ Between 1929 and 1932, worldwide gross domestic product (“GDP”) fell by an estimated 15%.¹⁴⁷ At this point, the Philippines effectually became America’s burden as the U.S. Congress was facing internal pressures from domestic farmers, and facing external pressures from the independent missions from the Philippines that were lobbying for the colony’s independence.¹⁴⁸ There was a need to control Philippine export to the U.S., including tangible goods such as sugar and dairy products, as well as labor services.¹⁴⁹

Yet, at the same time, the U.S. government exerted a counteracting force to maintain the Philippines as an American colony and military base in the Asia-Pacific region, which, to some extent, can explain why the immediate and complete independence of the Philippines was not granted in this period of economic

¹⁴³ Frank Murphy was the last Governor-General of the Philippines (1933–1935), and the first U.S. High Commissioner of the Philippines (1935–1936). The change in form was more than symbolic: it was intended as a manifestation of the transition to independence.

¹⁴⁴ HALILI, *supra* note 123, at 188 (discussing the events on the initial days of the Commonwealth).

¹⁴⁵ See DONALD WORSTER, *DUST BOWL: THE SOUTHERN PLAINS IN THE 1930S* 3–8 (1979) (discussing the Dust Bowl as a period of severe dust storms that greatly damaged the ecology and agriculture of the American temperate grassland regions during the 1930s, when the drought came three times in 1934, 1936 and 1939, and some regions experienced drought conditions up to eight years).

¹⁴⁶ Harold L. Cole & Lee E. Ohanian, *New Deal policies and the persistence of the Great Depression: A general equilibrium analysis*, 112 J. POL. ECON. 779, 779–816 (2004).

¹⁴⁷ Roger Lowenstein, *Economic History Repeating*, WALL ST. J. (Jan. 13, 2015), <https://www.wsj.com/articles/book-review-hall-of-mirrors-by-barry-eichengreen-1421192283> [<https://perma.cc/NZ6H-NRCB>].

¹⁴⁸ McCoy, *supra* note 117, at 54 (discussing the economic and political pressures the U.S. Congress faced to place restrictions and quotas on Philippine immigration and imports, and Quezon’s rivalry with Osmena).

¹⁴⁹ *Id.*

recession.¹⁵⁰ In 1927, Henry L. Stimson¹⁵¹ (Governor-General of the Philippines, 1927–1929; Secretary of State, 1929–1933¹⁵²) opposed the immediate and complete independence of the Philippines because of his view that, similar to the case in Nicaragua, the country was not fitted for the responsibilities of independence and still less fitted for popular self-government.¹⁵³ Stimson was determined against Philippine independence because he believed the Philippines would need to be kept as a military and economic base for American politico-economic influence in the Asia-Pacific region.¹⁵⁴ According to Stimson, national interest in the Asia-Pacific region was far more important than in the Occident¹⁵⁵ and the withdrawal of American sovereignty from the Philippines would irreparably damage American influence in the region.¹⁵⁶

The importance of the Philippines as a military base in the Asia-Pacific region was overshadowed by Hawaii, where the U.S. built the headquarters of its Navy.¹⁵⁷ In 1908, the U.S. Congress approved funding to build the shipyard in Hawaii and a naval station was immediately planned in the same year.¹⁵⁸ The building of the Navy Yard at Pearl Harbor was completed in 1919, and Pearl Harbor

¹⁵⁰ Exhibition, Edward Weber and Kathryn Beam, *American Involvement in the Philippines 1880–1930: An Exhibition* (1998) (on file with the University of Michigan Library).

¹⁵¹ See ELTING E. MORISON, *TURMOIL AND TRADITION: A STUDY OF THE LIFE AND TIMES OF HENRY L. STIMSON 280–98* (1960) (detailing Stimson’s two-year tenure as Governor General of the Philippines).

¹⁵² Henry L. Stimson served the state under seven of the eight Presidents from Theodore Roosevelt to Harry S. Truman. He held many important positions in the U.S. government, such as Secretary of War, Secretary of State, Governor General of the Philippines, close contender for the governorship of New York.

¹⁵³ See DAVID F. SCHMITZ, *HENRY L. STIMSON: THE FIRST WISE MAN 70* (2001) (arguing that Stimson enabled the U.S., with its military and economic might, to exert paternalistic control of the Philippines).

¹⁵⁴ *Id.*

¹⁵⁵ Occident represents the countries of the West, especially those in Europe and America.

¹⁵⁶ See HENRY L. STIMSON, *THE FAR EASTERN CRISIS: RECOLLECTION AND OBSERVATIONS 203* (1936) (noting Stimson’s belief that a U.S. House of Representatives bill for Philippines independence would relinquish American influence in the Asia-Pacific region).

¹⁵⁷ Denise Cruz & Erin Suzuki, *America’s Empire in the Asia-Pacific: Constructing Hawai’i and the Philippines*, in *THE CAMBRIDGE COMPANION TO ASIAN AMERICAN LITERATURE 16, 16–28* (Crystal Parikh & Daniel Y. Kim eds., 2015).

¹⁵⁸ *Id.*

became the headquarters of the U.S. Pacific Fleet.¹⁵⁹ Establishing a military base in Pearl Harbor reduced the importance of the Philippines as a military base in the Asia-Pacific region. Yet when the threat from the Soviet Union and Japan became more imminent, a military base in the Philippines was considered indispensable.¹⁶⁰

V. THE THREAT FROM THE SOVIET UNION AND JAPAN

While American labor unions and political leaders from the Philippines were striving for the colony's independence, the primary counteracting momentum came from the Department of State, especially from Henry Stimson.¹⁶¹ He claimed that the U.S. needed a strategic military base in the Asia-Pacific region, in addition to Pearl Harbor, to counteract the threat from the Soviet Union and Japan.¹⁶²

A. Soviet Union

The Union of Soviet Socialist Republics ("USSR," also known as the Soviet Union) was established in 1922.¹⁶³ In these years of political upheaval, followed by the entrenchment of the Soviet social system under Joseph Stalin (1924–1953), relations between the Soviet Union and the U.S. were fluctuating and uncertain.¹⁶⁴ The Communist International ("Comintern",¹⁶⁵ also known as the Third International, 1919–1943), an international organization advocating world communism,¹⁶⁶ was controlled by the

¹⁵⁹ See Willis E. Snowbarger, *Pearl Harbor in Pacific Strategy, 1898–1908*, 19 HISTORIAN 361, 382 (1957) (capturing the House Committee of Naval Affairs' 1908 evaluation of Pearl Harbor as a crucial operating base to be established).

¹⁶⁰ William E. Berry Jr., *The Effects of the U.S. Military Bases on the Philippine Economy*, 11 CONTEMP. SE. ASIA 306, 320 (1990).

¹⁶¹ See Maximo M. Kalaw, *Governor Stimson in the Philippines*, 7 FOREIGN AFFS. 372, 378–80 (1929).

¹⁶² *Id.*

¹⁶³ HAROLD HENRY FISHER, *THE COMMUNIST REVOLUTION: AN OUTLINE OF STRATEGY AND TACTICS* 70 (1955).

¹⁶⁴ ROBERT LEGVOLD, *RUSSIAN FOREIGN POLICY IN THE TWENTY-FIRST CENTURY AND THE SHADOW OF THE PAST* 409–10 (2007).

¹⁶⁵ See *THE COMMUNIST MOVEMENT AT A CROSSROADS: PLENUMS OF THE COMMUNIST INTERNATIONAL'S EXECUTIVE COMMITTEE, 1922–1923*, at 1 (Mike Taber ed., John Riddell trans., 2019) (noting the beginning of the Comintern on January 1, 1919).

¹⁶⁶ See KEVIN McDERMOTT & J. AGNEW, *THE COMINTERN: A HISTORY OF INTERNATIONAL COMMUNISM FROM LENIN TO STALIN* 212–13 (1996) (discussing Comintern objective of promoting socialism around the world).

Soviet Union.¹⁶⁷ The Comintern resolved at its second Congress in 1920 to “struggle by all available means, including armed force, for the overthrow of the international bourgeoisie and creating an international Soviet republic as a transition stage to the complete abolition of the state.”¹⁶⁸

These sentiments, to some extent, are a possible explanation for the commencement of the “Red Scare,” a period of anti-Communist fervor in America. The first Red Scare took place during and after the First World War and second Red Scare occurred after the Second World War.¹⁶⁹ In the U.S., the first Red Scare manifested Americans’ fear of creeping revolution as a form of anxiety that led to compromises in civil rights to contain the perceived threat.¹⁷⁰ In 1917, as a response to the First Red Scare, Congress passed the Espionage Act of 1917 to prevent any information relating to national defense from being used to harm the U.S. or aid its enemies.¹⁷¹ However, in 1921, Vladimir Lenin emphasized the importance of economic development and proposed the New Economic Policy (“NEP”), a temporary measure that would include a capitalist free market system subject to state control and operate all the Soviet state enterprises on a profit basis.¹⁷² That year, Lenin sought trade, loans, and recognition, and the Comintern was ordered to stop organizing revolts.¹⁷³ European states reopened trade lines and recognized the

¹⁶⁷ See E.H. CARR, *TWILIGHT OF THE COMINTERN, 1930–1935*, at 3–6 (1982) (noting Soviet authority among Comintern members).

¹⁶⁸ FISHER, *supra* note 163, at 13.

¹⁶⁹ For the first “Red Scare” during WWI, see Ronald Clark Brooks, Jr., *Red Scare rhetoric and composition: Early Cold War Effects on University Writing Instruction, 1934–1954*, at 1–11 (2004) (Ph.D. dissertation, University of Oklahoma) (ProQuest). For the second “Red Scare” after WWII, see LONDON R. Y. STORRS, *MCCARTHYISM AND THE SECOND RED SCARE* (2015).

¹⁷⁰ See ROBERT K. MURRAY, *RED SCARE: A STUDY IN NATIONAL HYSTERIA, 1919–1920*, at 18–32 (1955).

¹⁷¹ See Geoffrey R. Stone, *Judge Learned Hand and the Espionage Act of 1917: A Mystery Unraveled*, 70 U. CHI. L. REV. 335, 336 (2003) (discussing the Act’s purpose of preventing Americans’ false statements in interference with U.S. military goals or in support of military enemies’ success).

¹⁷² See Vladimir Lenin, *The Role and Functions of the Trade Unions Under the New Economic Policy*, 33 LENIN COLLECTED WORKS 184, 186 (1973) (outlining the Soviet government’s 1922 decision to pursue state capitalism under the New Economic Policy).

¹⁷³ See BARBARA JELAVICH, *ST. PETERSBURG AND MOSCOW: TSARIST AND SOVIET FOREIGN POLICY, 1814–1974*, at 56–58 (1974) (analyzing the diplomatic strategies pursued by the Tsarist Russian and Soviet administrations illuminates a sustained and intricate entente with the majority of Western European nations.).

Soviet government.¹⁷⁴ When Franklin D. Roosevelt initiated diplomatic relations with Russia, he built on ties carefully constructed over the previous fifteen years.¹⁷⁵ The U.S. moved towards official diplomatic recognition of the Soviet Union in 1933, and both nations sought economic recovery and political stabilization in the wake of World War I and the Great Depression, especially after the Soviet Union's entry into the League of Nations.¹⁷⁶ Political tensions and fear became more subdued. The Philippines, as an American colony, would be essential for balancing power against the possible intervention of the Soviet expansion in the Asia-Pacific region.¹⁷⁷

B. *Japan*

Japan was another threat to the power balance in the Asia-Pacific region in the 1930s. After the Meiji Restoration started in 1868, Japan rapidly industrialized and became more powerful by adopting Western militarization and modes of production.¹⁷⁸ In the early era of Emperor Shōwa (1901–1989), Japan expanded its power through two means, battles and alliances.¹⁷⁹ Japan won a series of battles with China in from 1894 to 1895 and with Russia from 1904 to 1905, and formed alliances with Great Britain and the U.S. in 1902.¹⁸⁰

After World War I, Japan declared war on the German Empire and quickly seized the possessions of the German colonies in the Pacific Ocean (the Northern Mariana Islands, the Caroline Islands,

¹⁷⁴ See *id.* at 317–22 (discussing Soviet government's efforts to obtain trade agreements and loans and how it improved trade with Germany and made reparation arrangements with Britain, France, Poland).

¹⁷⁵ See GEORGE F. KENNAN, *RUSSIA AND THE WEST UNDER LENIN AND STALIN* 28–30 (1961) (discussing a succession of discourses pertaining to Soviet policy and its ramifications for Western entities).

¹⁷⁶ *Id.* at 293. The USSR joined the League of Nations 1934 and had achieved legitimacy in the international arena but was expelled in December 1939 for aggression against Finland.

¹⁷⁷ See ADAM B. ULAM, *EXPANSION AND COEXISTENCE: SOVIET FOREIGN POLICY, 1917–1973*, at 519 (2d ed. 1974) (describing U.S. and Soviet rivalry in Asia).

¹⁷⁸ See MARIUS B. JANSEN, *The Meiji Restoration*, in *THE CAMBRIDGE HISTORY OF JAPAN, VOLUME 6: THE TWENTIETH CENTURY 275–77* (Peter Duus ed., 1989) (recounting Japan's nineteenth century industrialization and the country's military expansion from the late nineteenth century to the early twentieth century).

¹⁷⁹ *Id.*

¹⁸⁰ *Id.*

and the Marshall Islands) with virtually no resistance.¹⁸¹ The Treaty of Versailles formally recognized the Japanese occupation of former German colonies in Micronesia, north of the equator.¹⁸² During the 1930s, the Imperial Japanese Navy began constructing airfields, fortifications, ports, and other military projects on the South Seas Mandate islands to defend the Japanese home islands against potential invasion by the U.S.¹⁸³ Since 1931, the Japanese empire had been promoting the idea of “The Greater East Asia Co-Prosperity Sphere” to the Asian countries it occupied.¹⁸⁴ The underlying meaning of this slogan promoted the building of a new Asia “under the leadership and ruling of the Japanese empire.”¹⁸⁵ The Japanese occupation of Chinese territory in Manchuria was formalized in 1931, when the Japanese army used a provoking local incident, commonly known as the Mukden Incident,¹⁸⁶ as an excuse to subjugate all Japanese territory in Manchuria under its military control. Japan established a puppet regime called Manchukuo, or the State of Manchuria, in 1932¹⁸⁷ and another puppet state in Inner Mongolia called Mengjiang in 1936.¹⁸⁸

¹⁸¹ See E. C. Weitzell, *The Marianas, Caroline, and Marshall Islands*, 63 *SCI. MONTHLY* 218, 218–226 (1948).

¹⁸² See MARK R. PEATTIE, *NAN’YŌ: THE RISE AND FALL OF THE JAPANESE IN MICRONESIA, 1885–1945*, at 34–62 (1988) (Exploring the Japanese presence in Micronesia, stemming from the author’s broader research in modern Japanese history, particularly in colonial expansionism and the imperial history of Micronesia.).

¹⁸³ See Kyle P. Bracken, *The Pacific War*, in *THE OXFORD HANDBOOK OF WORLD WAR II* 342–60 (G. Kurt Piehler ed., 2023).

¹⁸⁴ See Charles A. Fisher, *The Expansion of Japan: A Study in Oriental Geopolitics: Part II. The Greater East Asia Co-Prosperity Sphere*, 115 *GEOGRAPHICAL J.* 179, 183 (1950) (“Numerous references in their war-time periodicals to the doctrine that ‘he who controls the tropics controls the world’ strongly suggest that the Japanese concept of empire was still, at least in part, rooted in a belief in the inescapable inter-dependence of temperate and tropical regions. To them, the Southern regions . . . appeared the obvious complete to Japan proper.”).

¹⁸⁵ SADAKO N. OGATA, *DEFIANCE IN MANCHURIA: THE MAKING OF JAPANESE FOREIGN POLICY, 1931–1932*, at 37–50 (1964).

¹⁸⁶ See Robert H. Ferrell, *The Mukden Incident: September 18–19, 1931*, 27 *J. MOD. HIST.* 66, 66–72 (1955) (detailing events of the 1931 Mukden Incident).

¹⁸⁷ See YOSHIHISA TAK MATSUSAKA, *THE MAKING OF JAPANESE MANCHURIA, 1904–1932*, at 385 (2003) (noting Japan’s formal recognition of Manchukuo in September 1932).

¹⁸⁸ See Christine Moll-Murata, *The Industrialization of Inner Mongolia In The Mengjiang Phase (1937–45): Diverging Japanese Accounts From Tumultuous Years*, in *NORTHEAST ASIA IN FOCUS: LIFE, WORK AND INDUSTRY BETWEEN THE STEPPE AND THE METROPOLES, 1900–2020*, at 29–44 (Working Papers on E. Asian Stud. No. 131, Christine Moll-Murata ed., 2022); Jianing Tuo, *Between Colonialism and Despotism: Sinophone*

As a rising power since the beginning of the twentieth century, Japan became dissatisfied with the lack of recognition of its increasing military and economic capabilities by most Western nations' powers.¹⁸⁹ This form of national status immobility effectually transmogrified the nation's fight against racial discrimination by the Western powers.¹⁹⁰ National status mobility was believed to be one of the critical reasons for the military expansion of the Japanese empire in the Asia-Pacific region.¹⁹¹ The Immigration Act of 1924 (a.k.a. "the Johnson-Reed Act") excluded all immigrants from Asia, including Japan.¹⁹² To some extent, this Act was considered an insult to the Japanese empire and allowed the militarists' contention to dominate domestic politics.¹⁹³

The conflict between Japan and the U.S. intensified when the latter implemented the Stimson Doctrine, the policy of nonrecognition of states created due to aggression.¹⁹⁴ The U.S. proposed the policy in a memorandum sent to the Empire of Japan and the Chinese government on January 7, 1932, in relation to the non-recognition of international territorial changes executed by force.¹⁹⁵ In particular, the U.S. objected to the establishment of Manchukuo, the puppet Manchuria empire controlled by the Japanese military in 1932.¹⁹⁶ The doctrine was an application of the principle

Nationalist Literature in Japanese-Occupied Inner Mongolia, 1936–1945, 18 PRISM: THEORY & MOD. CHINESE LITERATURE 538, 538–53 (2021).

¹⁸⁹ See generally WILLIAM G. BEASLEY, *THE RISE OF MODERN JAPAN: POLITICAL, ECONOMIC AND SOCIAL CHANGE SINCE 1850*, at 112–20 (3d ed. 2000) (explaining the historical events that the international community did not accept as making Japan a world power).

¹⁹⁰ *Id.*

¹⁹¹ See Steven Ward, *Race, Status, and Japanese Revisionism in the Early 1930s*, 22 SEC. STUD. 607, 624 (2013) (proposing revisionist challenges from Japan can be explained by the dissatisfaction some Japanese leaders felt by continued status immobility).

¹⁹² NGAI, *supra* note 2, at 26.

¹⁹³ *Id.* at 48.

¹⁹⁴ See Richard N. Current, *The Stimson Doctrine and the Hoover Doctrine*, 59 AM. HIST. REV. 513, 513–42, 534–37 (1954) (explaining that the Stimson Doctrine announced the United States refusal to recognize territorial changes and claims that violated American treaty rights).

¹⁹⁵ *Id.* at 524.

¹⁹⁶ See Przemysław Sieradzan, *Japanese Puppet State of Manchukuo in Northeast China and its Contemporary Legacy*, in PECULIARITIES OF CHINA'S POLITICS AND CULTURE 114–39 (Joanna Marszałek-Kawa & Kamila Rezmer-Plotka eds., 2019); PHILIP S. JOWETT, *RAYS OF THE RISING SUN: ARMED FORCES OF JAPAN'S ASIAN ALLIES 1931–45 VOLUME 1: CHINA AND MANCHUKUO* 97–100 (2005) (providing background to the creation of Manchukuo that the Stimson Doctrine refused to acknowledge as a territory).

of *ex injuria jus non oritur*.¹⁹⁷ In 1931, the League of Nations entrusted the Lytton Committee to investigate Japan's seizure of Manchuria in the Mukden Incident.¹⁹⁸ The Lytton Report concluded that since Japan had wrongfully invaded Manchuria, Manchukuo should not be recognized in the international community¹⁹⁹ and recommended that Manchuria should be returned to China.²⁰⁰ Japan responded by opposing the recommendations and thereafter withdrawing from the League of Nations on March 27, 1933.²⁰¹

VI. TYDINGS-MCDUFFIE ACT OF 1934

Facing the threats from Japan and the Soviet Union, the policymakers of the U.S. and Filipino elites attempted to promote the Philippines as a model colony to become an anti-communist and anti-imperialist endeavor, transforming local political struggles in the Philippines into sites of resistance against global communist revolution and imperialist expansion.²⁰²

In a nutshell, three driving forces influenced the master plan for the Philippines' independence in the 1930s. There were outcries from American farmers and businessmen to decolonize the Philippines to sanction and cut off the import of goods and

¹⁹⁷ *Ex injuria jus non oritur* (Latin for "law (or right) does not arise from injustice") is a principle of international law. The phrase implies that "illegal acts do not create law." *Ex injuria jus non oritur*, WIKIPEDIA, https://en.wikipedia.org/wiki/Ex_injuria_jus_non_oritur [<https://perma.cc/A2N5-WTZD>] (last visited Oct. 21, 2023).

¹⁹⁸ See generally David Wen-wei Chang, *The Western Powers and Japan's Aggression in China: The League of Nations and "The Lytton Report,"* 10 AM. J. CHINESE STUD. 43 (2003) (explaining the contextual background that led to the League of Nations decision to investigate).

¹⁹⁹ See Arthur K. Kuhn, *The Lytton Report on the Manchurian Crisis,* 27 AM. J. INT'L L. 96, 99 (1933) (explaining the commission's view that Japan was wrong to invade Manchuria without a justification of self-defense and the commission's proposition that Japan restore autonomy to China).

²⁰⁰ See Chang, *supra* note 198.

²⁰¹ See THOMAS W. BURKMAN, *JAPAN AND THE LEAGUE OF NATIONS: EMPIRE AND WORLD ORDER, 1914–1938* at 165–94 (2007) (examining Japan's deliberations within the League of Nations concerning its activities in China during the 1930s, with a particular emphasis on the Manchurian issue).

²⁰² See generally COLLEEN WOODS, *FREEDOM INCORPORATED: ANTICOMMUNISM AND PHILIPPINE INDEPENDENCE IN THE AGE OF DECOLONIZATION* (2020) (noting that both U.S. policymakers and Filipino elites intended to capitalize on U.S. decolonization to promote anti-communism).

labor from the American colony.²⁰³ On the other side of the Pacific Ocean, people in the Philippines had been struggling for their independence since 1898, when the nation declared for the first time its independence but was stopped by American colonization.²⁰⁴ However, there was a counteracting force from the U.S. State Department under the leadership of Henry Stimson. Stimson insisted on keeping the Philippines as a strategic military base in the Asia-Pacific region for national security against the threat from Japan and the Soviet Union.²⁰⁵ By 1934, these three forces prompted the passage of the Tydings-McDuffie Act.

Under the provisions of the Tydings-McDuffie Act, the Philippines became a commonwealth, and the Philippines Constitution provided a presidential system of government with a unicameral legislature.²⁰⁶ The legislature had the power to enact laws for the Philippines, known as Commonwealth Acts, through the National Assembly.²⁰⁷ The decisive legal provisions for the designated path of the independence of the Philippines were only made possible after the enactment of the Tydings-McDuffie Act, officially known as the Philippine Independence Act.²⁰⁸ This American federal law established the process for the Philippines to become independent after a ten-year transition period.²⁰⁹ The Act was proposed in the seventy-third U.S. Congress by Senator Millard E. Tydings (Democrat) of Maryland and Representative John McDuffie (Democrat) of Alabama.²¹⁰ It was signed by President

²⁰³ Sobredo, *supra* note 2, at 155–60.

²⁰⁴ See Andrew Yeo, *12 Philippine National Independence, 1898–1904*, in *EAST ASIA IN THE WORLD: TWELVE EVENTS THAT SHAPED THE MODERN INTERNATIONAL ORDER* 206–22 (Stephan Haggard & David C. Kang eds., 2020)).

²⁰⁵ See GODFREY HODGSON, *THE COLONEL: THE LIFE AND WARS OF HENRY STIMSON, 1867–1950*, at 67–70 (2020) (providing background to Stimson’s strategy for the Philippines as Secretary of State and later Secretary of War).

²⁰⁶ Surabhi Chopra, *The Constitution of the Philippines and Transformative Constitutionalism*, 10 *GLOB. CONSTITUTIONALISM* 307, 307–30 (2021).

²⁰⁷ See Leon M. Bower, *The Philippine Commonwealth*, 12 *INT’L SOC. SCI. REV.* 445, 445–62 (1937) (analyzing the jurisprudential structure and political stratagems of the Philippines during its nascent colonial era).

²⁰⁸ Philippine Independence Act of 1934 (Tydings-McDuffie Act), Pub. L. 73–127, § 1394, 48 Stat. 456, 456 (1934) [hereinafter *Tydings-McDuffie Act*].

²⁰⁹ *Id.*

²¹⁰ Wheeler, *supra* note 141, at 167–81; DONALD M. SEEKINS, *LIBRARY OF CONGRESS, RESEARCH DIVISION, PHILIPPINES: A COUNTRY STUDY* 27–34 (Ronald E. Dolan ed., 4th ed. 1993).

Franklin D. Roosevelt on March 24, 1934 and approved by the Philippine Senate on May 1, 1934.²¹¹

Under the Tydings-McDuffie Act, there were two primary directives. First, the new Constitution of the Philippines was to be written in 1935,²¹² and second, the Commonwealth of the Philippines was to be established along with the election of the first President of the Philippines.²¹³ On May 5, 1934, the Philippines legislature passed an act setting the election of convention delegates.²¹⁴ The convention endorsed the draft constitution on February 8, 1935 and was approved by President Franklin Roosevelt on March 23, 1935.²¹⁵ The first election under the new constitution was held on September 17, and the newly formed Commonwealth, still considered an American territory, was established on November 15, 1935.²¹⁶

A review of the Tydings-McDuffie Act indicates the need to satisfy three primary stakeholders: the political elites in the Philippines, the American farmers, and the American politicians.²¹⁷ While the Philippines controlled domestic economic and socio-political matters, all foreign affairs issues, defense, and monetary policies remained under U.S. jurisdiction until the nation was decolonized entirely.²¹⁸ The Act allowed the U.S. to sustain naval bases, maintain military forces in the Philippines, and call the Philippine government military forces into U.S. military service before independence took place.²¹⁹ Even after independence, as expected in ten years' time, the Act empowered the U.S. President to negotiate matters relating to U.S. military bases in the Philippines.²²⁰ The Act stipulated that:

²¹¹ Wheeler, *supra* note 141, at 167; LEODIVICO CRUZ LACSAMANA, PHILIPPINE HISTORY AND GOVERNMENT 154 (2d ed. 1990).

²¹² LACSAMANA, *supra* note 211, at 154.

²¹³ *Id.*

²¹⁴ See ZAIDE, *supra* note 114, at 315 (deliberating upon the inception of the Commission of Independence, tasked with scrutinizing and formulating optimal strategies for the Filipino populace to achieve self-governance).

²¹⁵ Sobredo, *supra* note 2, at 155–69.

²¹⁶ *Id.*

²¹⁷ *Id.* at 155–69.

²¹⁸ *Id.* at 162–63.

²¹⁹ McCoy, *supra* note 117, at 23–65.

²²⁰ See H.W. BRANDS, BOUND TO EMPIRE: THE UNITED STATES AND THE PHILIPPINES 102–33 (1992) (exploring the historical relationship between the U.S. and the Philippines,

All citizens of the Philippine Islands . . . recognizes and accepts the supreme authority of and will maintain true faith and allegiance to the United States . . . Acts affecting currency, coinage, imports, exports, and immigration shall not become law until approved by the President of the United States . . . Foreign affairs shall be under the direct supervision and control of the United States . . . All acts passed by the Legislature of the Commonwealth of the Philippine Islands shall be reported to the Congress of the United States.²²¹

Before this Act, Filipinos were classified as U.S. nationals, not U.S. citizens.²²² While Filipinos were allowed to migrate relatively freely to the U.S., they were denied naturalization rights unless they were citizens of the U.S. mainland by birth.²²³ The Tydings-McDuffie Act reclassified all Filipinos, including those living in the U.S., as “aliens” for immigration to America unless they were born in the U.S. based on the principle of *jus soli*.²²⁴ An annual quota of fifty immigrants from the Philippines resulted in a substantial reduction to the inflow of Filipino labor into the U.S.²²⁵ All Filipinos were thus effectually excluded from the U.S. based on the provisions of the Tydings-McDuffie Act.²²⁶

In addition to the exclusion of Filipinos from U.S. citizenship, another primary purpose of the Tydings-McDuffie Act was to limit Philippine exports to the United States. First, the Act imposed a limited number of duty-free quotas for Philippine imports, including sugar, coconut oil, tobacco products, and cordage.²²⁷ After independence, all Philippine imports would be subject to a percent of the normal import tariff and progressively increase until the final

encompassing political, economic, and socio-cultural dimensions from the late nineteenth to the mid-twentieth century).

²²¹ Tydings-McDuffie Act, *supra* note 208, § 2.

²²² *Id.*

²²³ Filomeno V. Aguilar Jr., *The Riddle of the Alien-Citizen: Filipino Migrants as US Nationals and the Anomalies of Citizenship, 1900s–1930s*, 19 ASIAN & PAC. MIGRATION J. 203, 203–06 (2010).

²²⁴ *Jus soli* is the Latin for “right of soil,” commonly referred to as birthright citizenship, is the right of anyone born in the territory of a state to nationality or citizenship. *Jus soli*, WIKIPEDIA, https://en.wikipedia.org/wiki/Jus_soli [<https://perma.cc/UMC6-4PPV>] (last visited Oct. 19, 2023); *see also* ANDREW VINCENT, NATIONALISM AND PARTICULARITY 336–38 (2002).

²²⁵ Tydings-McDuffie Act, *supra* note 208, § 8(a)(1).

²²⁶ *Id.*

²²⁷ *Id.* § 6(a).

years of the Commonwealth, when an export tax equal to 25% of the entire American tariff would be assessed.²²⁸ After the independence in 1946, Philippine goods would be subject to the entire American tariff, an effective four-fold increase in the tax on Philippine imports to the U.S.²²⁹ In addition to the restrictions imposed by the Tydings-McDuffie Act, a series of tariff and quota laws were passed to impose various constraints on Philippine imports to the U.S.²³⁰ In an amendment to the Revenue Act of 1934, a special excise tax was imposed on coconut oil from the Philippines and on any oil made in the U.S. from the Philippine copra²³¹. The Jones-Costigan Sugar Act of 1934 imposed an excise tax on sales of Philippine sugar in the U.S.²³² The 1934 Sugar Act reduced the quota for Philippine sugar by converting the duty-free quota into an absolute quota.²³³ The Cordage Act of 1935 doubled the duty-free quota for cordage in the Tydings-McDuffie Act of three million pounds but converted it to an absolute quota.²³⁴

The Tydings-McDuffie Act limited the Philippines' ability to control imports. The U.S. retained direct control over Philippine tariffs, and American exporters were guaranteed unlimited and duty-free access to the Philippines until its independence, despite the quotas and taxes applied to Filipino goods going to the U.S.²³⁵ The

²²⁸ *Id.* § 13.

²²⁹ Hawes, *supra* note 2, at 149–50 (discussing how the Act impacted the Philippine independence and trade relations after that).

²³⁰ See generally C. R. Whittlesey, *Import Quotas in the United States*, 52 Q. J. ECON. 37 (1937) (discussing the quotas and tariffs on Philippine imports imposed by the U.S. in the 1930s).

²³¹ See generally Roy G. Blakey & Gladys C. Blakey, *The Revenue Act of 1934*, 24 AM. ECON. REV. 450 (1934) (illustrating how the Revenue Act of 1934 was expected to increase the tax income of the U.S.).

²³² Kent Hendrickson, *The Sugar-Beet Laborer and the Federal Government: An Episode in the History of the Plains in the 1930's*, 3 GREAT PLAINS J. 44, 44–52 (1964).

²³³ See Anne Krueger, *The Political Economy of Controls: American Sugar* 12–16 (Nat'l Bureau of Econ. Rsch., Working Paper No. 2504, 1988), https://www.nber.org/system/files/working_papers/w2504/w2504.pdf [<https://perma.cc/JD3L-6JLF>].

²³⁴ See Steve MacIsaac, *The Struggle for Economic Development in the Philippine Commonwealth, 1935–1940*, 50 PHIL. STUD. 141, 154 (2002) (“A quota of three million pounds was imposed on Philippine cordage exports in the Tydings-McDuffie Act . . . American cordage makers had Congress impose an absolute quota of six million pounds in the Cordage Act of 1935.”).

²³⁵ See Tydings-McDuffie Act, *supra* note 208, § 6 (describing the tariff scheme imposed upon Philippine imports during the transition phase to independence); Shinzo

U.S. reserved control over the foreign and monetary affairs of the Philippines.²³⁶ The Commonwealth government was prohibited from conducting independent trade negotiations with third-party countries.²³⁷ In addition, the Philippine peso was pegged to the dollar at a rate of two-to-one and was to remain convertible for the entire duration of the Commonwealth.²³⁸

It was argued that the Tydings-McDuffie Act was designed to protect American agricultural products from the competition of Philippine commodities and to preserve the position of American manufacturers in the Philippine economy until independence.²³⁹ These goals could not be achieved without restricting Philippines' ability to make needed economic adjustments. In the Commonwealth era, which began in the middle of a global depression, the Philippines had restricted access to foreign markets.²⁴⁰ The depression substantially curtailed global trade as nations erected import barriers to protect domestic producers.²⁴¹ Furthermore, the Philippines could not control exports and imports without the approval of the U.S.²⁴² As a result, cutting tariffs for imports in exchange for export expansion and all materials used to produce exports was not an option.²⁴³ The worst condition for international trade was in place

Hayase, Tribes, Settlers, and Administrators on a Frontier: Economic Development and Social Change in Davao, Southeastern Mindanao, the Philippines, 1899–1941, at 57–89 (1984) (Ph.D. dissertation, Murdoch University) (on file with Murdoch University) (discussing the activities of the settlers in the Philippines and how the locals reacted).

²³⁶ See Tydings-McDuffie Act, *supra* note 208, § 2(a)(10) (describing the U.S.'s retaining of control and supervision of Philippine foreign affairs).

²³⁷ See *id.* (providing the U.S. with the power to control Philippine foreign affairs, coinage, imports, exports, and other powers); LACSAMANA, *supra* note 211, at 112–23.

²³⁸ LACSAMANA, *supra* note 211, at 112–23.

²³⁹ See GRAYSON KIRK, PHILIPPINE INDEPENDENCE 127–29 (1936) (discussing how the U.S. congress was trying to preserve American economy by cutting down imports).

²⁴⁰ See Tydings-McDuffie Act, *supra* note 208, § 2(a) (providing the U.S. power to supervise and control Philippine actions relating to foreign economic relations); Michael Paul Onorato, *The Philippines Between 1929 and 1946*, 13 PHIL. STUD. 859, 859–65 (1965).

²⁴¹ Jakob B. Madsen, *Trade barriers and the collapse of world trade during the Great Depression*, 67 S. ECON. J. 848, 848–68 (2001).

²⁴² See Tydings-McDuffie Act, *supra* note 208, § 2(a)(9)–(10) (providing the U.S. approval power and control over imports, exports, and foreign affairs of the Philippines); Richard Hooley, *American Economic Policy in the Philippines, 1902–1940: Exploring a Dark Age in Colonial Statistics*, 16 J. ASIAN ECON. 464, 464–88 (2005).

²⁴³ See generally *id.* (suggesting policies on trade is disabled for Filipinos due to the U.S. control over the land).

during a time when the Philippines could not negotiate trade treaties with other countries.²⁴⁴

While the Act was passed in the Philippine Congress, not everyone in the colony was happy to wait another ten years for independence. The Philippine Sakdalista movement was founded by Benigno Ramos in 1930, striving for immediate independence and other demands such as estate redistribution, taxation reductions, and greater governmental transparency.²⁴⁵ An active uprising was organized by the Sakdalista leaders in 1935 but failed abruptly, causing the party to dissolve.²⁴⁶

The Tydings-McDuffie Act was just the beginning of a series of laws to exclude the import of goods and labor from the Philippines. Immediately after the enactment of the Tydings-McDuffie Act, the Filipino Repatriation Act (“FRA”) of 1935 was passed to encourage the repatriation of Filipino nationals in America back to the Philippines, offering free travel to the islands at the expense of the American government.²⁴⁷ If they wished to return to the U.S., the Filipinos were restricted under the quota system established by the Tydings-McDuffie Act, limiting the number of Filipinos entering the U.S. to fifty per year.²⁴⁸ If any members of a Filipino family living in the U.S. were repatriated under this Act, it would be challenging to return to their family if they could not be included in the quota.²⁴⁹

²⁴⁴ See Steve MacIsaac, *The Struggle for Economic Development in the Philippine Commonwealth, 1935–1940*, 50 PHIL. STUD. 141, at 147–49 (discussing the theoretical and historical aspects of economic adjustment, examining Philippine Commonwealth policies limiting such adjustment, analyzing the negative impact of American policies on key export industries, suggesting that earlier independence could have expedited industry adjustment, identifying barriers to domestic industry development, and presenting evidence of increased dependence and underdevelopment.)

²⁴⁵ See generally David Sturtevant, *Sakdalism and Philippine Radicalism*, 21 J. ASIAN STUD. 199 (1962) (explaining the purpose and history of Sakdalism as in the sentence).

²⁴⁶ See Ma Mercedes G. Planta, *Sakdalistas’ Struggle for Philippine Independence, 1930–1945 [Book Review]*, 63 HIST. & ETHNOGRAPHICAL VIEWPOINTS 589, 589–93 (2015) (book review); Motoe Terami-Wada, *The Sakdal Movement, 1930–34*, 36 PHIL. STUD. 131, 131–50 (1988).

²⁴⁷ See Bruce E. Johansen, *Filipino Repatriation Act of 1935*, IMMIGRATIONTOUNITEDSTATES.ORG (Sept. 20, 2023, 10:18 PM), <https://immigrationtounitedstates.org/498-filipino-repatriation-act-of-1935.html> [<https://perma.cc/U7WG-PLG8>] (introducing the significance and the background of the Filipino Repatriation Act of 1935).

²⁴⁸ Tydings-McDuffie Act, *supra* note 208, § 8(a)(1).

²⁴⁹ Johansen, *supra* note 247.

This repatriation Act, together with the Tydings-McDuffie Act, forced many Filipino families to remain separate for several years.²⁵⁰ On June 14, 1935, the American Congress passed the Cordage Act that modified the Tydings-McDuffie Act's trade provisions and limited cordage shipments from 1935 onwards.²⁵¹ The duty-free quota on Philippine cordage of three million pounds provided for in the Tydings-McDuffie Act was increased to an absolute quota of six million pounds.²⁵²

Given all the challenges of a massive deterioration of the terms of trade with the U.S., coupled with a need to help protect American national interests by defending against the aggressive advances of the Japanese imperial military force, the political leaders of the Philippine Commonwealth had to accept a task, within ten years, to oversee a program of massive economic and social adjustment in the Philippines, in time for independence expected to come in 1946.²⁵³

AFTERMATH AND CONCLUSION

The enactment of the Tydings-McDuffie Act was intended to satisfy three primary demands: the petition for political independence by the Filipino political leaders, the control of Filipino import of goods and labor initiated by American farm unions, and the need for a strategic base in the Asia-Pacific region to protect American national interest. Filipino leaders got the timetable for the independence of their nation. The American farm union got the quota and tax to be implemented on Philippine imports in stages, and the American interest in the Asia-Pacific region was guaranteed by the promise of a military base in the Philippines. What remains unclear is whether the Philippines would ensure economic development by

²⁵⁰ This act was deemed unconstitutional by the United States Supreme Court in 1940. It was succeeded by the Nationality Act of 1940. *See id.*

²⁵¹ *See* MacIsaac, *supra* note 234, at 141–67; Frank Golay, *Economic Consequences of the Philippine Trade Act*, 28 PAC. AFFS. 53, 54–55 (1955).

²⁵² *Id.* at 54 (discussing the trade provisions and context of the Bell Trade Act). For the number under the Tydings-McDuffie Act, see also MacIsaac, *supra* note 244, at 147 (discussing the provisions of the Tydings-McDuffie Act and the Bell Trade Act).

²⁵³ McCoy, *supra* note 117.

diverting trade from the U.S. and developing new industries to replace American imports.²⁵⁴

Unfortunately, by satisfying the demands of the three primary stakeholders, the Tydings-McDuffie Act restricted the power of the Commonwealth government to initiate any changes in the economic structure, and the provision of appropriate incentives to the business sector helped them pass through the transition period smoothly.²⁵⁵ Colonial preferential treatment by the U.S., including duty-free trade in the era of the Insular government from 1902 to 1934, led the Philippines to sell most of its commodity and labor exports to American consumers and thus became overly attached to the U.S. market and American-made products.²⁵⁶ This free-trade relationship would end with the colony's independence. After independence, Philippine products would be subject to full U.S. duties, which would be detrimental to the exports.²⁵⁷ The ten-year transition period does not offer much help to the economic development of the Philippines.

Moreover, the transition period of independence was partially interrupted by the Japanese invasion from 1941 to 1945. This is another disastrous incident that illustrates how the Tydings-McDuffie Act has caused severe damage to the economy of the Philippines. Suppose the Philippines had obtained a complete and immediate independence status in 1934 instead of a ten-year transition period. In that case, the archipelago could have escaped the enormous damage due to the Japanese invasion. In the few years before World War II, the Philippines attempted a defense plan that was explicitly modeled on Switzerland's approach to neutrality in the conflicts that took place in the Asia-Pacific region.²⁵⁸ The plan could not materialize because of the Tydings-McDuffie Act, which stipulated

²⁵⁴ See MacIsaac, *supra* note 234, at 141 (discussing the incentives for Filipinos to invest in new industries to fill in for American imports).

²⁵⁵ Sobredo, *supra* note 2, at 155–69.

²⁵⁶ Hooley, *supra* note 242, at 464–88; Nicolas Zafra, *A Review of American's Colonial Desk and The Philippines: 1898–1934*, 24 PHIL. STUD. 352, 352–56 (1976).

²⁵⁷ See DANIEL B. SCHIRMER & STEPHEN ROSSKAMM SHALOM, *THE PHILIPPINES READER: A HISTORY OF COLONIALISM, NEOCOLONIALISM, DICTATORSHIP, AND RESISTANCE* 88 (1987) (discussing the situation of the Philippine-U.S. trades after the independence).

²⁵⁸ See Stephen Rosskamm Shalom, *The Implications of the Pre-War Philippine Experience for Peace Research*, 26 J. PEACE RSCH. 19, 19 (1989) (introducing the background of the Filipino defense plan drafted by MacArthur in 1935 which was modeled on the Swiss neutrality).

that all foreign affairs of the commonwealth should be placed under the direct supervision and control of the U.S.²⁵⁹

On the one hand, the Philippines needed to defend America's interest against the aggressive Japanese military power. On the other hand, the Philippines were under-equipped with American military resources because of their impending independence and separation from the U.S.²⁶⁰. Although the Philippines' government declared Manila an "open city"²⁶¹ before December 1941 to avoid its destruction, the Philippines' Commonwealth was seriously devastated by the Japanese forces on December 8, 1941.²⁶² The occupation by the Japanese military force in the Philippines from 1941 to 1945 resulted in the death of tens of thousands of Filipino civilians.²⁶³ This disaster, along with the U.S. tariffs on Filipino imports after 1946, made the economic recovery of the Philippines an uphill battle.²⁶⁴

In conclusion, it is proposed that the delay in the independence of the Philippines, together with the restrictions on imports and exports of the colony, the enactment of the Tydings-McDuffie Act in 1934 needs to be seriously considered and reviewed by researchers. This article attempts to shed light on the need to reconsider the merits of the colonial and foreign policies of the U.S. regarding the Philippines in the American colonial era from an international perspective. The Tydings-McDuffie Act portrays a clear picture of how the U.S. took full advantage of the independence

²⁵⁹ Tydings-McDuffie Act, *supra* note 208, § 2(a)(10).

²⁶⁰ See Colin Minor, *Filipino Guerilla Resistance to Japanese Invasion in World War II*, 15 LEGACY 43, 43–45 (establishing the disparity between Filipino resources and Imperial Japanese resources in the war, especially after the departure of MacArthur).

²⁶¹ During the time of a possible war, an open city is a settlement which has announced the abandon of all its defensive efforts to avoid possible destruction. Peaceful occupation is expected once a city has declared itself an open city to protect the city's people and cultural landmarks.

²⁶² See Elmer Lear, *The Japanese Occupation of the Philippines: Leyte, 1941–1945*, at 18–29 (Cornell Univ. Dep't Far E. Stud., Working Paper No. 42, 1961) (noting the looting of properties, abuse of women, and killing of civilians regardless of age, sex, rank, and education in the Japanese administration).

²⁶³ See TEODORO A. AGONCILLO, *THE FATEFUL YEARS: JAPAN'S ADVENTURE IN THE PHILIPPINES, 1941–1945*, at 18–23 (1965) (illustrating generally the Japanese occupation in the Philippines); see also A. V. H. HARTENDORP, *THE JAPANESE OCCUPATION OF THE PHILIPPINES* 64–71 (1967) (comparing the Japanese occupation of the Philippines with those by several other countries).

²⁶⁴ Miguel Antonio Jimenez, *Views on the Philippine Economy through the Nationalist Lens: 1945–1992*, 1 TALA: ONLINE J. HIST. 39, 39–57 (2018).

of the Philippines in favor of American domestic economic interests and the preservation of national security.