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

TABLE OF CONTENTS

ABSTRACT ..............................................................................................141
INTRODUCTION ...................................................................................142
I. A BRIEF HISTORY OF THE PHILIPPINE INDEPENDENCE ..........144
II. MOTIVATION FOR AMERICAN COLONIZATION .....................148
III. FROM PROGRESSION TO DEPRESSION .................................155
IV. THE STRUGGLES OF THE PHILIPPINE LOBBYING EFFORTS .....159

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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, 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

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. 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. 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

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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

of Independence, which started the Philippine Revolution as well as the subsequent conflicts between the Philippine people and the Spanish colonial armed forces. 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.

After decisively winning the Spanish-American War, 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. All Filipinos were rejected from participation in the negotiation of the treaty. 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. People in the Philippines objected to American colonization, and the Philippine-American War broke out in 1898, lasting more than two years. 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.

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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.
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).
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).


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).


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

23 Id.


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), published in the McClure’s Magazine (1893–1926) in 1899. 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. 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. 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. On the other hand, in the entire colonial era (1989–1946), 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).
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

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).
36 See CATHARINE 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).
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. 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). 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. Other territories, such as the Philippines, Guam, and Puerto Rico, were collateral gains from winning the war. 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. While economic factors such as natural resources were attractive to the U.S., there were other motives for the colonization of the Philippines.

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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. 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), through which China was forced to open new trading ports, including Canton, Amoy, and Shanghai, to foreign powers. 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. 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. 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. These “unequal treaties” have been a centerpiece of Chinese grievances against the West for over a century.

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

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. 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.

In 1901, the suppression of the Boxer Rebellion by foreign powers was successfully led by the China Relief Expedition of the U.S. 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

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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).
58 Id.
Protocol in 1900 and 1901, respectively. 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. After the suppression of the Boxer Rebellion, the Boxer Protocol was signed on September 7, 1901, between the Qing Empire of China and the Eight-Nation Alliance that had provided military forces.

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. In East Asia, Korea, and Taiwan were colonies of Japan. In Southeast Asia, Vietnam, Laos, and Cambodia were colonies of France, and Macau was a colony of Portugal. Other parts of East and South Asia, such as India, Burma, Ceylon, Malaya, Singapore, and Hong Kong, were colonies of Britain. The colonization of the Philippines became an opportunity for the U.S. to

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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 (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).
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.
65 See generally Panikkar, supra note 55, at 98–120.
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).  

This period of widespread social activism and political reform across the U.S. spanned from the 1890s to the 1920s. Such ideology further enhanced the territorial expansion ambition, which has been ongoing since the Declaration of Independence of the U.S. in 1776.

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*. 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 acquisition by the U.S. from France in 1803 for $15 million. 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. It was a deal that critics sarcastically called the deal “Seward’s folly.” The Philippines’ purchase was considered legitimate and in line with all these precedent cases.

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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.


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”).
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).
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%

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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).


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


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.).


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).

in 1909.\textsuperscript{95} Trade with the U.S. had increased to 66\% in 1920 and 61\% in 1921.\textsuperscript{96} These exports were hemp, sugar, tobacco, and coconut products.\textsuperscript{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.\textsuperscript{98}

The Great Depression caused American farmers and workers to look desperately to the government for economic relief.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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

\textsuperscript{95} J OSE S. REYES, LEGISLATIVE HISTORY OF AMERICA’S ECONOMIC POLICY TOWARD THE PHILIPPINES 192 (1967).
\textsuperscript{96} Id.
\textsuperscript{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”).
\textsuperscript{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).
\textsuperscript{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. According to the 1920 Census of the U.S., there were 10,314,310 people in the Philippines, 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. 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. 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. 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. This wave of immigration is described as the “manong generation.” 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.

103 Dep’t Com., U. S. Bureau of the Census, Fourteenth Census of the United States 11 (1920).
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).
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. While the Chinese market was still open, there was a significant decline in demand for foreign goods due to the Chinese civil war. 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.

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. The U.S. promised to recognize the independence of the Philippines as soon as a stable government was established. After

109 See KAVALAM MADAHABA 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).


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. 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.

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. The official channel required the demand for independence to be submitted as a formal resolution of the Philippine Assembly (later renamed the Philippine Legislature). It was delivered to the U.S. Congress through the Filipino Resident Commissioners in Washington. Thus, several parliamentary and independence missions from the Philippines were sent to the U.S. almost yearly for fifteen years, from 1919 to 1934. Unfortunately,

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).
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 commissionedit 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.\textsuperscript{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).\textsuperscript{121} His style of governance was characterized by the tension between himself and key Filipino officials.\textsuperscript{122} In his first year, Wood vetoed sixteen laws that the Philippine Legislature had already passed.\textsuperscript{123} By contrast, his predecessor, Francis Burton Harrison (Governor-General, 1912–1921), had vetoed only five measures during his nine years of governorship.\textsuperscript{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.\textsuperscript{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.”\textsuperscript{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). \textit{See generally} Churchill, \textit{supra} note 16 (detailing the missions from the Philippines to the United States).

\textsuperscript{120} \textit{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.).

\textsuperscript{121} \textit{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).

\textsuperscript{122} \textit{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).

\textsuperscript{123} \textit{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).

\textsuperscript{124} \textit{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).

\textsuperscript{125} \textit{See Halili, supra} note 123, at 185 (discussing that Filipino cabinet members resigned in protest of Wood’s handling of Ray Conley case).

\textsuperscript{126} \textit{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

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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, Osmeña 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. The U.S. Congress passed the Hare-Hawes-Cutting Act on December 30, 1932. President Herbert Hoover vetoed the bill in January, 1933. Congress overrode the veto on January 17, and the Hare-Hawes-Cutting Act became US law. 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. 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. 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.

In November 1933, Quezon led the last Independence Mission to the U.S. to secure a better independence bill for the Philippines. 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. It was signed by U.S. President Franklin Roosevelt and was passed by the Philippine Legislature.

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.


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).


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

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. President Franklin D. Roosevelt responded to the economic calamity with programs known as the New Deal. Between 1929 and 1932, worldwide gross domestic product (“GDP”) fell by an estimated 15%. 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. 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.

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).


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.
In 1927, Henry L. Stimson (Governor-General of the Philippines, 1927–1929; Secretary of State, 1929–1933) 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. 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. According to Stimson, national interest in the Asia-Pacific region was far more important than in the Occident and the withdrawal of American sovereignty from the Philippines would irreparably damage American influence in the region.

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. 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. The building of the Navy Yard at Pearl Harbor was completed in 1919, and Pearl Harbor

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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.


154 Id.

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


158 Id.
became the headquarters of the U.S. Pacific Fleet. 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.

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 countering momentum came from the Department of State, especially from Henry Stimson. 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.

A. Soviet Union

The Union of Soviet Socialist Republics (“USSR,” also known as the Soviet Union) was established in 1922. 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. The Communist International (“Comintern,” also known as the Third International, 1919–1943), an international organization advocating world communism, 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).


162 Id.


Soviet Union. 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.”

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. 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. 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. 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. That year, Lenin sought trade, loans, and recognition, and the Comintern was ordered to stop organizing revolts. European states reopened trade lines and recognized the

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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. When Franklin D. Roosevelt initiated diplomatic relations with Russia, he built on ties carefully constructed over the previous fifteen years. 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. 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.

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. In the early era of Emperor Shōwa (1901–1989), Japan expanded its power through two means, battles and alliances. 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.

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, etc.).

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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).


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.


179 Id.

180 Id.
and the Marshall Islands) with virtually no resistance. The Treaty of Versailles formally recognized the Japanese occupation of former German colonies in Micronesia, north of the equator. 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. Since 1931, the Japanese empire had been promoting the idea of “The Greater East Asia Co-Prosperity Sphere” to the Asian countries it occupied. The underlying meaning of this slogan promoted the building of a new Asia “under the leadership and ruling of the Japanese empire.” 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, 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 1932 and another puppet state in Inner Mongolia called Mengjiang in 1936.

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.”).
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

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\(^{189}\) 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.


\(^{195}\) Id. at 524.

of *ex injuria jus non oritur*. In 1931, the League of Nations entrusted the Lytton Committee to investigate Japan’s seizure of Manchuria in the Mukden Incident. The Lytton Report concluded that since Japan had wrongfully invaded Manchuria, Manchukuo should not be recognized in the international community and recommended that Manchuria should be returned to China. Japan responded by opposing the recommendations and thereafter withdrawing from the League of Nations on March 27, 1933.

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.

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

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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)].


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.


labor from the American colony.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{206} The legislature had the power to enact laws for the Philippines, known as Commonwealth Acts, through the National Assembly.\textsuperscript{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.\textsuperscript{208} This American federal law established the process for the Philippines to become independent after a ten-year transition period.\textsuperscript{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.\textsuperscript{210} It was signed by President

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\textsuperscript{203} Sobredo, supra note 2, at 155–60.

\textsuperscript{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)).


\textsuperscript{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).


\textsuperscript{209} Id.

Franklin D. Roosevelt on March 24, 1934 and approved by the Philippine Senate on May 1, 1934.\textsuperscript{211}

Under the Tydings-McDuffie Act, there were two primary directives. First, the new Constitution of the Philippines was to be written in 1935,\textsuperscript{212} and second, the Commonwealth of the Philippines was to be established along with the election of the first President of the Philippines.\textsuperscript{213} On May 5, 1934, the Philippines legislature passed an act setting the election of convention delegates.\textsuperscript{214} The convention endorsed the draft constitution on February 8, 1935 and was approved by President Franklin Roosevelt on March 23, 1935.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{220} The Act stipulated that:

\begin{footnotesize}
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\item \textsuperscript{211} Wheeler, \textit{supra} note 141, at 167; \textit{Leodivico Cruz Lacanana, Philippine History and Government} 154 (2d ed. 1990).
\item \textsuperscript{212} Lacanana, \textit{supra} note 211, at 154.
\item \textsuperscript{213} \textit{Id.}
\item \textsuperscript{214} See \textit{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).
\item \textsuperscript{215} Sobredo, \textit{supra} note 2, at 155–69.
\item \textsuperscript{216} \textit{Id.}
\item \textsuperscript{217} \textit{Id.} at 155–69.
\item \textsuperscript{218} \textit{Id.} at 162–63.
\item \textsuperscript{219} McCoy, \textit{supra} note 117, at 23–65.
\item \textsuperscript{220} See \textit{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).
\end{itemize}
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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

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

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

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

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

238 See Grayson Kirk, Philippine Independence 127–29 (1936) (discussing how the U.S. congress was trying to preserve American economy by cutting down imports).

239 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).

240 See 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.)


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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{253}

\section*{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...

\begin{footnotesize}
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\item This act was deemed unconstitutional by the United States Supreme Court in 1940. See id.
\item See MacIsaac, supra note 234, at 141–67; Frank Golay, Economic Consequences of the Philippine Trade Act, 28 PAC. AFFS. 53, 54–55 (1955).
\item 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).
\item McCoy, supra note 117.
\end{itemize}
\end{footnotesize}
diverting trade from the U.S. and developing new industries to replace American imports.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{258} The plan could not materialize because of the Tydings-McDuffie Act, which stipulated

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

\textsuperscript{255} Sobredo, supra note 2, at 155–69.


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