

The Political Uses of Ambiguity:
Statecraft and U.S. Empire in the Philippines, 1898-1946

By

Katrina Quisumbing King

A dissertation submitted in partial fulfillment
of the requirements for the degree of

Doctor of Philosophy
(Sociology)

at

UNIVERSITY OF WISCONSIN – MADISON

2018

Date of final oral examination: 08/17/2018

The dissertation is approved by the following members of the Final Oral Committee:

Mara Loveman, Professor, University of California – Berkeley

Pamela E. Oliver, Professor, Sociology

Myra Marx Ferree, Professor, Sociology

Jenna E. Nobles, Associate Professor, Sociology

Cindy I-Fen Cheng, Associate Professor, History

Michael M. Cullinane, Faculty Associate, History

ABSTRACT

This dissertation is about how U.S. state actors and elites managed the tensions of being a nation state with imperial ambitions in the Philippines. I trace the conflict over expanding territorially and limiting the rights of colonial subjects through U.S. conquest, rule, and decolonization of the archipelago. The point of departure for this project is *Downes v. Bidwell* (1901), in which the U.S. Supreme Court decided that the Philippines and other colonies were “foreign in a domestic sense.” This phrase meant that the territories belonged to, but were not part of, the United States. In a second decision, *Gonzales v. Williams* (1904), the Court ruled that colonial subjects would be classified as nationals, blending responsibilities of citizens with the exclusions applied to aliens. These legal ambiguities allowed U.S. state actors to manage imperial tensions of claiming sovereignty over new territories while not extending the reciprocal rights for inhabitants.

Drawing on data from over fifteen archives, I show how U.S. took advantage of ambiguity. First, state agents interpreted “foreign in a domestic sense” in competing forms, producing co-existing classifications of Filipinos as citizens, nationals, and aliens. Second, drawing on the possibility of defining Filipinos as “foreign,” U.S. Congress revoked social and juridical citizenship from over 200,000 Filipino veterans of WWII. Third, U.S. Congress continued to treat the Philippine territory as “domestic” by securing a fifty-year lease on military bases and natural resources rights for U.S. investors (equaling those of Philippine citizens).

Overall, I show how institutionalized ambiguity enabled the persistence of inequality in citizenship, social welfare benefits, and geopolitical arrangements in the first half of the twentieth century. I argue that institutionalized ambiguity, alongside legibility projects, enables state actors to negotiate the tensions of empire in the rule of colonial territories and peoples.

ACKNOWLEDGEMENTS

Despite my heritage and knowing how my *lola* (Lourdes Reynes Quisumbing) and *lolo* (Carlos Emilio Corrales Quisumbing) lived and lost through World War II in the Philippines, I did not begin graduate school with this project in mind. Yet, we often find ways back home, or home finds its way to us. I am thankful for all those who came before me, not only my family, but the generations of Filipin@s who lived under U.S. colonial rule so that I might have the opportunity to tell this story.

Questions of immigration, national belonging, and racial exclusion have persisted in my personal and professional life. For that, I am especially grateful to my mother, Ma. Socorro (Cora) R. Quisumbing-King, ever the self-proclaimed nationalist and family genealogist, who instilled in me pride for my culture and her homeland. I did not realize it when I was younger, but my maternal family loves to tell stories and relay history. I have many memories of returning home to the Philippines and sitting around my *lola's* kitchen table as she relived the past. I cannot help but think I was influenced by her, not only for her story-telling—to which I hope to live up—but also for the great legacy she left our family. She was an independent, strong, knowledge-seeking, loving, and just woman, who encouraged her daughters and granddaughters to be the same. She passed away this past fall—at the age of 96—as I completed work on this dissertation. When I went back home for her funeral, my cousin Carla Selena (Carlene) Quisumbing Baybay remarked that she wished *Lola* could have seen us now as we complete our PhDs.

Over the course of seven years of graduate study, I have benefitted from and enjoyed the support from a great number of people. Without them, this work would not have been possible. At the University of Wisconsin – Madison, I was fortunate to have two incredibly thoughtful advisors. The story begins with another committee member, Jenna Nobles, with whom I took a migration seminar in my first semester of graduate school. Jenna encouraged my reflections and critiques throughout the course. Throughout my time in graduate school, I have benefitted from her

insightful engagement with work beyond her subfields. Jenna was the one who suggested I ask Mara Loveman to be my advisor, remarking that Mara could challenge me in ways others could not. Jenna was right.

Mara has proven to be the one who pushes me in ways I know I need to be pushed. She respects and honors my voice. Although she departed for Berkeley at the end of my second year, Mara stayed on as my dissertation advisor. I cannot imagine developing this project without her careful and keen guidance. As I embarked on brainstorming a dissertation project, I remained interested in Latin American history and migration (from my own previous experience working in Latin America). In thinking through practices of racial classification and immigration policy, I shared personal anecdotes and experiential knowledge of Filipin@s in the United States. Mara encouraged me to think more seriously about this a potential empirical study.

As Mara left for Berkeley, she asked Pamela Oliver to co-advise me. I was TA-ing for Pam at the time, and the fit seemed natural. Pam has challenged me to think about how my work speaks more broadly across the discipline and how it might be received by people outside my subfields. I have appreciated Pam's blunt honesty and approachability—something we both often riff about. In light of her great honesty, I am grateful for her encouragement and increasing interest as I developed this project. With Mara and Pam, I have received a distinct combination of deep and broad advising. And after these many years, I also profoundly enjoy their company and look forward to “advising” sessions, which have increasingly become catch-up sessions.

Other UW – Madison faculty have been central in the completion of this project. I thank Myra Marx Ferree, not only for her famous, incisive critiques, but also for how she has seen and encouraged my growth as an independent scholar, with my own goals and priorities. Special thanks are also due to Myra and Don Ferree for generously sharing their Maine home with me as I completed the final edits to the dissertation. It was indeed restorative, as promised. I am also

grateful to Francisco Scarano for his guidance on historical research and U.S. colonial history early in this project. Franco also introduced me to Mike Cullinane, who, the first time I met him, quizzed me about my own family. A historian of the Philippines (in fact, of the island from where my family hails), Mike has proved to be a bibliographic and encyclopedic blessing as I learned the related secondary literature. I have enjoyed the hours spent talking about Filipino elite and missing archival materials. I must also thank Mike for suggesting that I apply for a FLAS in Tagalog. I also express gratitude to Cindy I-Fen Cheng for joining my committee relatively late in the game. As an Asian Americanist, she has been a much needed addition, sharing her insights on immigration and citizenship with great enthusiasm. Special thanks to Chad Goldberg, Jess Gilbert, Alice Goffman, Joan Fujimura, John DeLamater, Christine Schwartz, and Josh Garoon for their interest, guidance, and support of my work at various stages. As I transitioned away from ethnography to historical methods and found myself squarely in the field of political sociology, Chad's generous attention to my development as a scholar was especially helpful.

As isolating as it seems sometimes, graduate school has been largely a communal effort. I am grateful to have shared these years and grown in the company of such insightful and incredible scholar-friends as Daanika Gordon, Casey Stockstill, Esther HsuBorger, Johanna Quinn, Amanda McMillan Lequieu, Michelle Robinson, Heather O'Connell, Emma Shakeshaft, Aliza Luft, Annabel Ipsen, and Katie Fallon. Daanika, Johanna, Esther, and Casey have formed part of a self-made community of (women) scholars of color. If not for writing groups, self-led courses, and general "life support," this would have been a lonely path to walk indeed. I am also thankful to Michelle, Heather, Emma, Casey, Esther, and Daanika for their years of dedication to the Minority Recruitment and Retention Committee. Along the way, outside of sociology, I also found the consistent support of Linda Marie Pheng and Tony Tran over many shared meals and now cities. Beyond the walls of UW – Madison, I have enjoyed the friendship and historical insights of Mark

Sanchez, Anna Skarpelis, and Sunmin Kim. Many of these dear friends also read versions of this project and helped sharpen my ideas. Julian Rowand also read and discussed earlier versions of this work.

I am grateful to many historians, area specialists, and historical sociologists across the country. Thanks to the History faculty of MIT, especially Jeffery Ravel and Chris Capozzola, for welcoming me as Pre-doctoral Scholar. Special thanks are due to Chris, my mentor at MIT, who was always excited to talk big conceptual, sociological ideas as well as get into the nitty-gritty of archival material. Thanks to Tom Guglielmo, Paul Kramer, Katherine Benton-Cohen, and Colleen Woods for stimulating discussions and insightful critiques on earlier versions of the work presented here. I am both heartened and honored to have been welcomed into the circles of these historians. Cybelle Fox, Rick Baldoz, Julian Go, and Christopher Muller also provided intellectual support and guidance for this project.

No amount of appreciation can repay the support of my friends and family, especially during the big transitions that transpired in my final months of graduate school. I cannot detail all they gave of themselves. In addition to many of those already thanked above Sophia Hasenfus, Yejin Lee, Eric Ares, Benjamin Fuller Googins, my T1 friends, have been my family outside of academia. Thanks also to Elizabeth Genovese and Samson Akinloye Awosan for providing home and reflection at various stages of this process. My mother (Cora) and father (Walter King) have always encouraged me to be my own person, even if they do not always agree the decisions of their *hija única* (or sometimes *única hija*). I thank them for their generosity and honesty as I traveled across states and countries these last years. I am also grateful for my many *titas*, *titos*, and cousins, who provided home, meals, and company throughout the graduate school and fieldwork experience. Thanks especially to Agnes Quisumbing, Jesus Noel (Joel) Villaseñor, Ma. Lourdes (Marilou) Quisumbing

Baybay, Angelo (Gelo) Baybay, Ma. Visitacion (Vising) Quisumbing, Deborah Lourdes (Debbi) Quisumbing Baybay, Raphael Francis (Rafi) Quisumbing, and Victor King.

In addition to all those who provided intellectual and emotional support over the last seven years, this project most certainly would have never taken off without the guidance and practical help of archivists and librarians. Thanks to Eric Vanslander, Charles Miller, William Greene, Randy Sowell, Edwin Alberto, Rowena Mahinay, Eimee Lagrama, John Cahoon, Simon DeLeon, James Zobel, William Creech, Robert Cruthirds, and Robert Spindler.

Finally, this material is based upon work supported by the National Science Foundation under Grant No. 1519125. Any opinions, findings, and conclusions or recommendations expressed in this material are those of the author and do not necessarily reflect the views of the National Science Foundation. This research was also supported by an MIT School of Humanities, Arts and Social Sciences Diversity Predoctoral Fellowship, a Foreign Language and Area Studies Fellowship in Tagalog, University of Wisconsin Graduate School Dissertation Research Travel Grants, the Harry S. Truman Library Institute, the Franklin D. Roosevelt Institute, the Association of Centers for the Study of Congress.

August 2018

TABLE OF CONTENTS

Introduction.....	1
Chapter 1 Competing Interests and Institutionalizing Ambiguity	29
Chapter 2 Ambiguity and Polysemous Classification.....	58
Chapter 3 Ambiguity as a Tool of Exclusion: The Revocation of Military Benefits from Filipino Veterans.....	84
Chapter 4 Ambiguity and Informal Empire	123
Conclusion	155
References.....	164
Appendix A: Archival Sources.....	178
Appendix B: Comparison of Citizen and National Status According to 8 U.S. Code § 1401	180
Appendix C: New Deal Era Social Policies and Tools of Exclusion.....	182

LIST OF TABLES

Table 1: Legal Definitions of Citizen, National, and Alien.....	21
Table 2: Polysemous Classification of Filipinos, 1934-1946	64
Table 3: U.S. Acts relating to Veteran Status of Filipinos.....	93
Table 4: Benefits Available to Filipino Veterans, Compared to Eligibility Rules.....	105
Table 5: U.S.–Philippine Arrangements at the end of World War II.....	138

LIST OF FIGURES

Figure 1: Sources of Ambiguity	12
Figure 2: Definition and Etymology of Ambiguity.....	14
Figure 3: The Emergence of Ambiguity within an Empire State	16

INTRODUCTION

Just over 70 years ago, in 1946, President Truman signed an act that revoked a path to citizenship and social welfare benefits from Filipinos veterans. According to an Act of May 19, 1918 “any native born Filipino...with service in U.S. Army, National Guard, Naval Militia, USN, USMC, USCG with 3 years of service” could be naturalized (Sohoni and Vafa 2010). Between 1918 and 1946, this promise of citizenship in exchange for service was affirmed many times over. And under the well-known 1944 G.I. Bill, all those who served in the U.S. military, including over 200,000 Filipino veterans, were promised job training, educational opportunities, home ownership loans, insurance, medical care, and more. The 1946 Rescission Act took all this away from these Filipino veterans. There was not a murmur in the U.S. or Philippine media at the time. In fact, no one beyond the Senate Appropriations Committee knew this was coming. This is the only time in U.S. history that Congress revoked military benefits. How and why did the United States go back on this promise?

My research journey began with this puzzle. I came across the case of Filipino veterans as I began preliminary archival research on how the United States classified subordinated racial minorities. I found cases of contested naturalization to be a promising entry point into how various state actors debated and classified those who did not so easily fit into preexisting bureaucratic categories of race and citizenship. One such case was the 1975 San Francisco District Court petitions of 68 Filipino veterans of World War II. According to these veterans, they were eligible for naturalization in exchange for their military service. According to the Immigration and Naturalization Service (INS) and the District Court, however, these Filipinos were ineligible for naturalization. As I delved into this case, I found in the 1946 Rescission Act that Congress reclassified over 200,000 Filipino veterans as having *not* served in active duty, thus making them

ineligible for the benefits of the G.I. Bill and an expedited path to naturalization. In the Act, it read that:

“service...in the organized military forces of the government of the Commonwealth of the Philippines, while such forces were in the service of the Armed Forces of the United States...shall not be deemed to have been active military, naval, or air service for the purposes of any law of the United States conferring rights, privileges, or benefits...”

In other words, Filipino veterans who had served in an army under the command of the U.S. military were reclassified as having not served in or for the U.S. military, thus making them ineligible for any benefits associated with this service. This revocation of benefits reveals how notions of martial obligation, social welfare, citizenship, and race intersect with the management of colonial minorities.

I also found that at the time President Truman signed the 1946 Rescission Act, he declared that the United States had a “moral obligation to provide for the heroic Philippine veterans who sacrificed so much for the common cause during the war.”¹ This presented yet another puzzle: not only were Filipinos singled out as the only case of a federal reclassification and denial of military benefits, also, at the time, the U.S. president had an ambivalent position on this revocation.

Scholars have studied several ways that U.S. state actors exclude racial minorities from social welfare benefits in the United States. To understand how the Rescission Act passed, I turned first to the historiography. I found only two sources that documented how Congress passed the act. In one, Frank Golay spends three pages discussing the Rescission Act in light of settling back pay and equal pay for Filipino veterans (1997:468–70). In the second, Rick Baldoz uses Congressional records to discuss political responses to the Rescission Act (2011:231–36). While these accounts place the Rescission Act in the context of other post-war legislation about the Philippines, they do not directly address my questions of how and why the act passed.

¹ Statement by the President Harry S. Truman. February 20, 1946. WHCF : OF 1055H Box 1737, 1945-1946 Philippine Veterans Affairs; Truman Papers, Truman Library, Independence, MO.

I thus turned to primary sources, asking: (1) How did government officials deploy the category of “active military service” in revoking benefits from Filipinos? (2) Was there a logic organizing these policies? If so, what was it? And (3) how did they invoke the concepts of race and nation in making these decisions? I found that while the U.S. government extracted the obligation of military service from Filipinos, they took away the reciprocal rights. These findings make up Chapter 3 of this project.

Military service—as an obligation of citizens to a state and also a path through which aliens have gained citizenship—became a window into broader questions of citizenship in imperial rule. In addressing my original questions, I saw a pattern of ambiguous state definitions not only of Filipino veterans, but also of the Philippines and Filipinos more generally. I began to wonder where ambiguity came from and what purpose it served for the state?

This project aims to answer these questions with the case of U.S. conquest, rule, and decolonization of the Philippines. The Philippines was a colony of the United States from 1898 to 1946. When the U.S. acquired the Philippines from Spain, the media, politicians and elites hotly debated the so-called “Philippine Question,” akin to the “Negro Question,” asking what could be done with these people deemed to be inferior? They asked: Could Filipinos be educated and civilized (Hoganson 1998:134–35)? If white settlement of the tropical islands was unrealistic, what should be the political status of the millions occupying the archipelago, who could not be removed as were American Indians (Go and Foster 2003:9; Hoganson 1998:134; Kramer 2006:124; Thompson 2010:128)? Would Filipinos, island inhabitants across the Pacific, become citizens? Would they be able to migrate to the United States? Would they mix with native white populations upon arrival (Baldoz 2011:29–30, 94–102; Harris 2011:65–78; Kramer 2006:315, 416)? These questions were important for U.S. race relations at the time and state actors mediated the debate over the Philippine Question by institutionalizing ambiguity.

Overall, I show that the institutionalized ambiguity of Philippine legal status enabled the persistence of inequality in citizenship, social welfare benefits, and geopolitical arrangements in the first half of the twentieth century. When I talk about institutionalized ambiguity, I'm referring to decisions, classifications, or legal statuses that have double meaning or are equivocal (of equal voice). U.S. state actors not only used ambiguity to exclude colonial subjects from social and juridical citizenship, but to define territory and membership in seemingly contradictory ways and to secure territorial sovereignty over the archipelago. Ambiguous definitions of the Philippines and, by extension, of the U.S. state facilitated the expansion of an empire state in denial.

More broadly, in this project, I discuss the functions of ambiguity for empire states that conceive of themselves as nation states. Such states can use ambiguity to rule over their populations in hierarchical ways. By intentionally incorporating inexact classifications or definitions into the legal systems and institutions of the state, state actors can blend two positions to defer a clear decision, leaving options open. Other examples of this in U.S. history include the classification of American Indians as “domestic dependent nations,”² the decision that facilities for Black Americans and then other U.S. racial minorities could be “separate, but equal.”³ And today, the Deferred Action for Child Arrivals (DACA) program is another case of institutionalized ambiguity in legal status. Institutionalized ambiguity can increase a state's ability to pursue its interests.

There is a large body of scholarship in the literature on state formation that pays special attention to how states rule and expand their capacity to do so. One stream of this literature focuses on the techniques—such as map-making and census-taking—state actors use to govern, make visible, rationalize, build state capacity, and expand infrastructural power (Emigh 2002; Emigh, Riley,

² *Cherokee Nation v. Georgia* (1831).

³ *Plessy v. Ferguson*. (1896).

and Ahmed 2015; Eyal 2006; Goldberg 1997; Hacking 1986; Loveman 2007; Mann 1984; Mukerji 2009). These techniques have been called legibility projects (Scott 1998).

Alongside these projects, state actors also rule through techniques that evade legible definitions of territory and people. The study of these evasive activities has been given less attention in the sociological literature on modern state formation. Scholars documenting the “tensions” of imperial rule (Deleuze and Guattari 1987:392; Stoler and Cooper 1997), however, have pointed to hybrid, liminal, and ambiguous state practices. They highlight the contradictory ways that state actors claim authority over marginal and subordinated territories and people, including an “arbitrariness and intrinsic unconditionality” in the use of violence (Mbembe 2001:26), “undecidability” in racial classification (Fujitani 2011), and “clamorous ambiguity” in the extension of rights (Fradera 2009:40). State actors use such strategies to manage rule over territory and people.

Considering ambiguity and what it does for an empire state not only allows us to move beyond the entrapping narrative of states as nation states but allows us to analyze another technique of state rule. Taking a definitive position to make territory or people univocally legible (as citizens or aliens, for example) does not always align with the diversity of imperial state interests—to exploit natural resources, expand military control, and limit citizenship rights of inhabitants of claimed territories. In terms of defining the boundaries of the “nation” state, state actors frequently equivocate over what and who should be included or excluded (Benton-Cohen 2009, 2011; Brubaker 1992; Daniels 2004; FitzGerald and Cook-Martín 2014; Glenn 2002; Haney-López 2000; Motomura 2006; Ngai 2004; Smith 1997; Wimmer 2012).

The under-theorization of ambiguous state techniques in the United States is, in part, due to the predominating amnesia of the United States’ imperial projects. In much contemporary sociology of the state, modern states are commonly framed as nation states⁴ in which the boundaries of

⁴ See, for example, the work of Wimmer and colleagues (2010; 2006).

territory enclose the population.⁵ It is a historical fact, however, that several putative nation states are empire states (Chatterjee 1993; Fradera 2009; Go 2007, 2011; Jung 2015; McCoy, Scarano, and Johnson 2009; Rana 2010). The United States is, of course, one such example. In the case of the United States, “colonialism was a crucible that plunged Washington’s raw bureaucracy into the white heat of nationalist revolution and great power rivalry, forging new, heretofore unimagined state capacities” (McCoy et al. 2009:3). Although many scholars do not consider United States an empire state, U.S. projects of conquest and expansion are indeed activities of an empire.

In this project, I frame the United States as an empire state and show how, through the use of evasive techniques, state actors attempt to mediate the tensions of conquering new territories and denying rights to the inhabitants. At its core, this study of ambiguity is part of the history of how the United States became the United States—of how elites and state actors conquered and purchased new territory,⁶ expanded administrative capacity overseas, and ruled over new populations. Activities such as conquering American Indians and expanding westward defined the territory and membership of the United States. When the United States signed the Treaty of Paris in 1898 and took colonies from Spain, it embarked on a new project of expansion. It is this overseas empire—and its place in the history of U.S. state formation—with which I am concerned.

I use the case of U.S. conquest, rule, and decolonization of the Philippines, which lasted from 1898 through 1947, to demonstrate how the United States expanded its capacity to rule over new territories and populations. I argue that institutionalizing ambiguity facilitated this expansion of U.S. sovereignty. Drawing on primary sources collected from over fifteen libraries and archives, I

⁵ Another avenue of research that challenges the correspondence of territory and membership focuses on the 1948 Declaration of Human Rights as a turning point in which territory and membership were decoupled (Basch, Schiller, and Blanc 1994; Fox 2005; Guarnizo, Portes, and Haller 2003; Itzigsohn 2000; Itzigsohn et al. 1999; Schiller, Basch, and Blanc 1995; Soysal 1994). Another set of scholars emphasize that although territory and membership may be decoupled post-1948, the state continues to define territorial boundaries and membership through new legal barriers, categories, and frameworks in migration, citizenship, and asylum policies (Bloemraad 2004:421; Joppke 1998; Menjívar 2006:1005; Waldinger and Fitzgerald 2004:1179).

⁶ For example, from the British, Spanish, French, and Russian.

chart the institutionalization and consequences of ambiguity in legal status. My contention is that institutionalized, legal ambiguities in the political status of racialized or subjugated others emerge from competing interests and conflicting dictums inherent to empire states.

I build on and extend the existing literature on state rule, empire, and race. I offer three major contributions. First, adding to the literature on state rule, I emphasize that conflicting interests, and thus political fragmentation, are *inherent* to empire states that maintain myths of being a nation state and thereby reject, in name, their “empire-state-ness.” Second, institutionalizing ambiguity can be useful in particular historical moments when dealing with tensions and competing interests of empire states. Ambiguity helps manage the tension between subordinating new or different populations while claiming new territory and labor sources. Third, institutionalized ambiguity remains useful for state actors as they continue to sort out the competing interests of the state. This is especially true as states decolonize but continue to compete for economic and political power. In this sense, ambiguity has “productive” consequences for excluding political subjects and expanding territorial sovereignty.

How States Rule: Legibility Projects

Those scholars perennially interested in activities of state rule have paid special attention to projects that rationalize and build administrative capacity. These are known as legibility projects. State officials engage in legibility projects when they take “exceptionally complex, illegible, and local social practices” and simplify them into “a standard grid whereby [these practices or customs] could be centrally recorded and monitored” (Scott 1998:3).⁷ Activities like the creation of last names, the collection of demographic statistics, taxation, conscription, mapping, the standardization of language, and city planning are attempts by the state to simplify, manipulate, and build state power

⁷ Michael Rodríguez-Muñiz (2017) has recently argued that non-state actors also enable legibility.

(Anderson 1991; Foucault [1976] 1997; Scott 1998). In the opening of his book, Scott gives the example of beekeeping:

“In premodern times the gathering of honey was a difficult affair. . . . The arrangement of brood chambers and honey cells followed complex patterns that varied from hive to hive—patterns that did not allow for neat extractions. The modern beehive, in contrast, is designed to solve the beekeeper’s problem. . . .the wax cells are arranged neatly in vertical frames, nine or ten to a box, which enable the easy extraction of honey, wax, and propolis. . . .From the beekeepers’ point of view, the modern hive is an orderly, “legible” hive.” (1998:3)

In regard to state activities, scholars have paid special attention to projects which put complex reality into uniform grids that are quantifiable and standardized. Through counting the population and mapping, states make visible and knowable that which and those whom they rule.

Counting and defining the population and territory represents the state’s capacity to represent and govern. These activities serve administrative, symbolic, and productive functions. First, through these activities, state actors count the population, register subjects or citizens, rationalize state revenue and military strength (Carroll 2006; Centeno 2011; Curtis 2002; Downing 1992; Ertman 1997; Mann 1993; Porter 1994; Starr 1987; Tilly and Ardant 1975). State categories also serve a symbolic purpose of creating imagined communities and concepts of race (Anderson 1991; Appadurai 1993; Hacking 1986; Jung and Almaguer 2004; Lee 1993; Loveman 2014; Morning 2008). Not only do state categories serve administrative and symbolic purposes, but how state actors count and parse the population creates and advances the formation of ideas and policies about citizenship and rights (Anderson 2015; Anderson and Fienberg 1999; Enloe 1981; Goldberg 2007:200; Lee 2008; Loveman 2014; Loveman and Muniz 2007; Nobles 2000; Prewitt 2013; Snipp 2003).

In essence, the state, by counting individuals within its territorial boundaries, not only registers its members, but also standardizes the relationship of these people to the state. By way of illustration: in regard to citizenship rights, those who were born within the territorial boundaries of

the state or to parents considered of the state, are typically classified as citizens. Others, in the United States, for example, are called aliens. By parsing the population into discrete cells, state actors define from whom they can expect taxes, military service, and other allegiances and to whom they must, in exchange, give benefits and rights.

These bureaucratic categories of citizen and alien are not natural but constructed by officials like the material frames that hold modern, simplified beehives. There is variation in and between de jure practices of according rights and responsibilities to individuals (Brubaker 1992; Smith 1997). For instance, some countries define the legal status of citizen according to the principle of *jus soli* (meaning “right of the soil,” or born within the territorial boundaries of the nation), while others adhere to *jus sanguinis* (meaning “right of blood,” or born to a citizen). *Jus soli* and *jus sanguinis* are two different ways of simplifying reality. They represent ideas about who belongs to the state and who does not. They set boundaries of insider and outsider—determining who fits into which cell. Although there are many ways to count the population, in the act of creating and defining categories of citizenship, state actors make the population legible. These legibility projects are one way of building state power.

Another Tool of State Rule: Ambiguity, Its Sources and Functions

While most scholarship on state rule has identified and analyzed projects that standardize the relationship of the state to its subjects, less attention has been given to state practices that embrace and codify ambiguous classifications. It is important to study these aspects of state rule because they too have implications for whom and how states include or exclude. Thus, rather than asking how states make reality uniform, this project is concerned with how states embrace contradiction, conflict, and ambiguity in their practices of rule. Paying attention to these aspects of state rule encourages us to ask: Where does ambiguity come from? What purposes does it serve for the state, especially states that are empire states?

The term ambiguity has many valences across a wide array of scholarship.⁸ Ambiguity sometimes refers to anomaly (Douglas 2003),⁹ ambivalence (Bauman 1991), polyvocality or multiplicity (Bell and Hartmann 2007; Griswold 1987; Panofsky and Bliss 2017; Zuckerman 2004),¹⁰ abstraction or flexibility (Bell and Hartmann 2007; Mora 2014b, 2014a), hybridity (Stoler and Cooper 1997), or liminality (Menjívar 2006).

The existing literature on states as well as the few sociological discussions of ambiguity suggest possible answers to the question of where ambiguity comes from. I elaborate the sources and consequences of practices, policies, laws, and classifications that are created with a double meaning or are ambiguous. Several scholars have suggested that ambiguity is itself a byproduct of rationalization and bureaucracy. For Douglass (2003), the perception that something is ambiguous comes from it being anomalous or new to a given context. For Bauman (1991)—writing on genocide as an order-making activity of the state—ambivalence is a consequence of how modern states ultimately fail to impose a social and symbolic order. Ambivalence, in the sense of polysemy and contingency, arises as an unintended consequence of assimilation. Bauman (1991) gives the example of Jews in Germany: as they approached assimilation, the more the German state saw them as different, as Other. Levine (1985) reading Weber (1922), also argues that rationalization is a source of ambiguity. He writes that “even within the spheres of bureaucratic authority and capitalist economy...rationalization promotes situational freedom” (Levine 1985:166). In these accounts, ambiguity is an inadvertent result of the state’s attempt to order.

⁸ Levine argued that modern social science has neglected the study of ambiguity, and encouraged attention to the “constructive possibilities of ambiguity in theory and analysis” (Levine 1985:8).

⁹ While not the focus of this paper, it is worth mentioning, for the sake of clarity, that another common use of the term ambiguity, especially in the field of race and ethnicity, refers to the phenotype of multiracial people because they do not easily fit into common sense ascriptions or existing bureaucratic racial classifications (Ferla 2003; Peery and Bodenhausen 2008; Rockquemore, Brunson, and Delgado 2009; Root 1995; Villarreal 2010). In this sense, ambiguity in phenotype is viewed as something anomalous or aberrant. These scholars, like Douglas (2003), are concerned with how society treats anomalies.

¹⁰ See also Star and Griesemer (1989) on how “boundary objects” enable cooperation in heterogeneous, complex institutional settings.

In addition to being a byproduct and rationalization, ambiguity stems from competition and contention. Within bureaucracies, conflict is unavoidable and “the ambiguities inherent in institutionalized rationalization in any sphere enhance situational freedom by opening up options in any situation of action” (Levine 1985:167). Ambiguity can emerge from competing interests within the state bureaucracy which result in a struggle over classification (Goldberg 2007), contention among social movement and state actors (Mora 2014b; Piven and Cloward 1979; Snow and Moss 2014), or a federalist or fragmented state (Fox 2012; Katznelson 2005; Lieberman 2005; Morgan and Orloff 2017; Novak 2008; Steinmetz 2008). Ambiguity, by these accounts, stems from conflict within bureaucratic organizations, including tensions among formal, substantive, and instrumental rationality, contradictory politics, and divergent interpretations among officials (Levine 1985: 168).

The existing literature on the state not only suggests institutional, but cultural sources of ambiguity. On the one hand, language, itself unstable, is a source of ambiguity (Derrida 1967, 1978; Levine 1985:20–21). On the other, ambiguity may stem from the “conflicting visions of citizenship” (Smith 1997). The liberal, republican, and ascriptive traditions of U.S. citizenship have enabled state actors to simultaneously advance and pursue democracy and inequality. Ambiguity, then, can be seen as generated by the “competing ideals of individualism and communalism, liberalism and radicalism, negative freedom and positive freedom” of a democratic polity (Connolly 1987:xi).

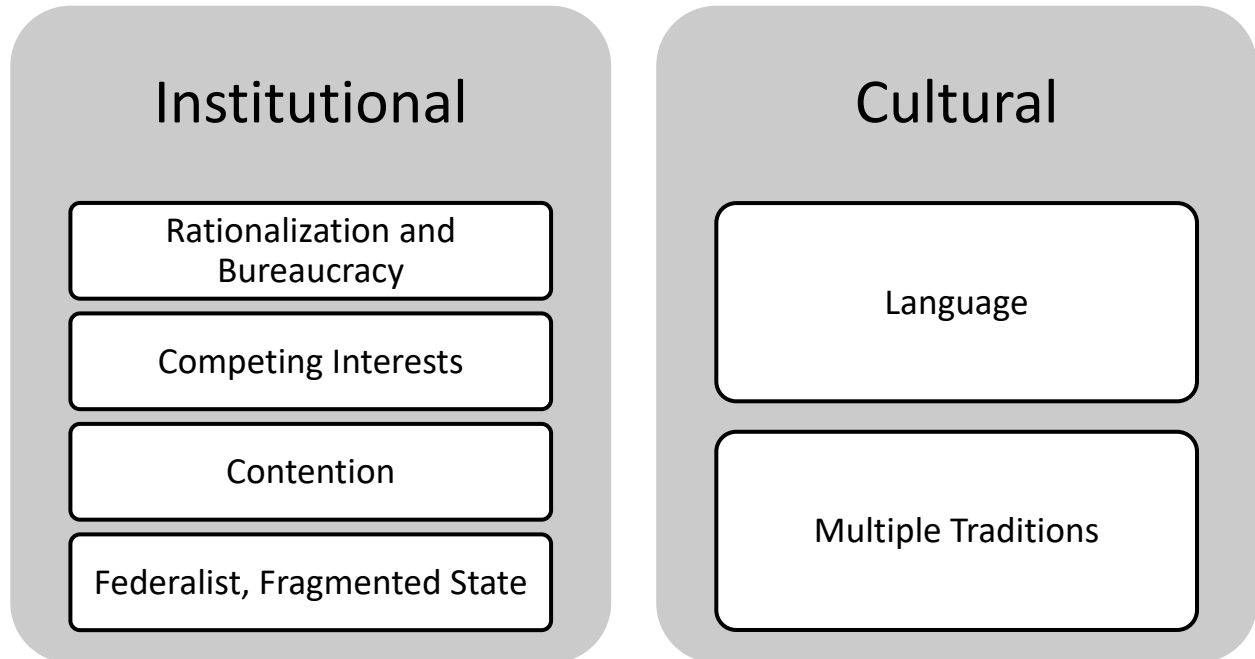


Figure 1: Sources of Ambiguity

While the field of political sociology offers some insight into possible sources of ambiguity, it has less to say about what ambiguity allows actors to accomplish. A recent exception is Mora's (2014b, 2014a) work on the construction of the "Hispanic" category. In her account, ambiguity, defined as a vague, broad, flexible, fluid, and evasive definition, can be used as a compromise and then institutionalized as a legal category. Levine (1985) argues that ambiguous terms or speech can serve four functions: to illuminate external realities, to express inner realities, to protect or conceal intentions, and to socially bind (29). In these accounts, ambiguity can both clarify reality and obscure it.

Sociologists of science have dealt more directly with the study of ambiguity (albeit in another institutional setting). They offer useful propositions on the productive functions of ambiguity, which include coordination, accountability, and authority. Defined as multiple, coexisting, hybrid labels, ambiguity enables coordination, resists oversight, builds accountability with the public, and produces authority among experts (Panofsky and Bliss 2017). Relatedly, ambiguity, defined as multivocality, allows individuals "scope for exercising their interpretive skills" (Griswold 1987:1111) and is

associated with greater cultural power (as in the capacity of a work or idea to linger and be upheld) (ibid: 1105). Ambiguity, defined as vague or multiple definitions, facilitates collaboration and compromise among parties from different institutional settings, such as the media, politicians, social movement activists (Mora 2014b) or geneticists and ancestry test clients (Panofsky and Bliss 2017). And ambiguity, defined as multiple interpretations or labels, increases the authority of those who make the definitions (Panofsky and Bliss 2017) as well as the durability and relevance of the text or object across time and space (Griswold 1987).

Even with the existing literature on ambiguity, the questions remain of how state actors have been able to manage conflicts that emerge from competing interests and contention? How, with these tensions of empire, have state actors accomplished the joint pursuit of democracy and inequality? And with what consequences or to what productive ends? I posit that through institutionalizing ambiguous legal statuses, state actors can temporarily resolve the immediate conflicts over expanding sovereignty and limiting rights.

While Bauman (1991) argues that ambivalence or ambiguity is a byproduct of the modern state's attempt to order, my research points to a different conclusion: that ambiguity is not a byproduct of state rationalization, but a means to address the competing interests of state actors as they construct the apparatus of imperial rule.

Building on the existing definitions of ambiguity (themselves multivocal), and for the purposes of studying ambiguity relation to state rule, I specifically focus on ambiguity in legal status. I define this as decisions, classifications, or statuses that have double meaning or are equivocal (of equal voice). (The roots of the word ambiguity mean to be driven in two directions.) I emphasize how ambiguity in a legal status blends two (or more) definitions in one, managing competing interests. Juxtapose this with Mora's (2014b) definition of ambiguity. She calls the category of Hispanic ambiguous in that the definition is evasive and vague:

“Ambiguity was a critical element of this new Hispanic field. Activists, media executives, and census official never really defined who Hispanics were, nor did they argue definitively that characteristics like language, place of birth, or surname made Hispanics Hispanic. Instead, they reiterated that, above all, Hispanics were Hispanic because they shared a common set of values and a common culture. The stakeholders used descriptors like *hardworking*, *religious*, and *family-oriented*—adjectives that could be applied to any group—to describe unique characteristics uniting Hispanics.” (156)

Here, ambiguity is a “vague cultural definition” that is “broad” (ibid). Broad or vague are not the same as equivocal. When I refer ambiguity in this project, I am emphasizing not just that the definitions or legal statuses are broad and evasive, but especially that they have a dual nature that blends two or more competing positions.

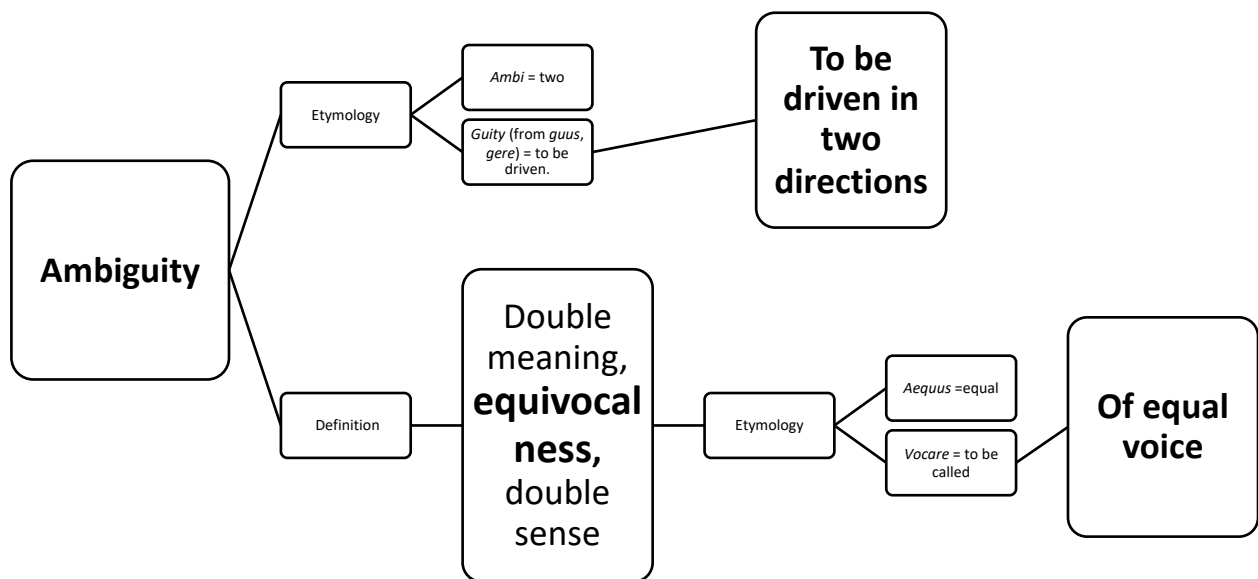


Figure 2: Definition and Etymology of Ambiguity

I am interested in how classifications and definitions are encoded with equivocal or double meaning. Such a classification, by virtue of being institutionalized, becomes “legible” as a state category. Nevertheless, it is not a simplification or standardization of reality. Whereas ideal typical legible classifications, like that of citizen and alien create a *de jure* uniform relationship between the

state and people, legal ambiguous classifications leave room for interpretation.¹¹ Institutionalized ambiguity can be used by state actors to embrace heterogeneity and competing definitions. By incorporating ambiguous classifications or definitions into the legal systems and institutions of the state, state actors can blend two positions to temporarily defer a clear decision, leaving options open. Ambiguous classifications solve an immediate conflict. Ambiguity, in turn enables future politicians to change how they treat and classify people and territory depending on the issue at hand. I am not arguing that there is an intentionality by earlier state actors in defining terms ambiguously for future use, but that they settle present conflict through ambiguity. Nevertheless, state actors can interpret ambiguous decisions or classifications in a variety of ways. And in this way, institutionalized ambiguity can increase a state's ability to pursue its interests. Taken together, projects of legibility and ambiguity are two techniques of imperial rule, part of the “peculiar array of distributive technologies of state action” that are “foundational of infrastructural governmental strength” (Novak 2008:767).

An additional point on the use of the term ambiguity in this project: ambiguity and polysemy are not synonyms. Because I define institutionalized ambiguity in relation to an equivocal definition, I am focusing not on multiple, coexisting interpretations or ideas about a concept, as in Panofsky and Bliss (2017) and Griswold (1987). Instead, I refer to ambiguity as having two (or more) meanings or interpretations. According to how I use the term ambiguous—invoking an equivocation—when ambiguity is institutionalized in a legal status, it can *give rise* to multiple, coexisting interpretations, which I discuss in greater detail in Chapter 2. As I'll show, what others refer to as multivocality or polysemy is a product of an equivocal definition. (See Figure 3.)

¹¹ As has been well-documented, however, ideal-typical, *de jure* citizenship has not translated into a full extension of *de facto* rights, especially, in the U.S. context, for women and racial minorities. See, for example, the work of Smith (1997), Glenn (2002), Goldberg (2002), and Fox (2012).

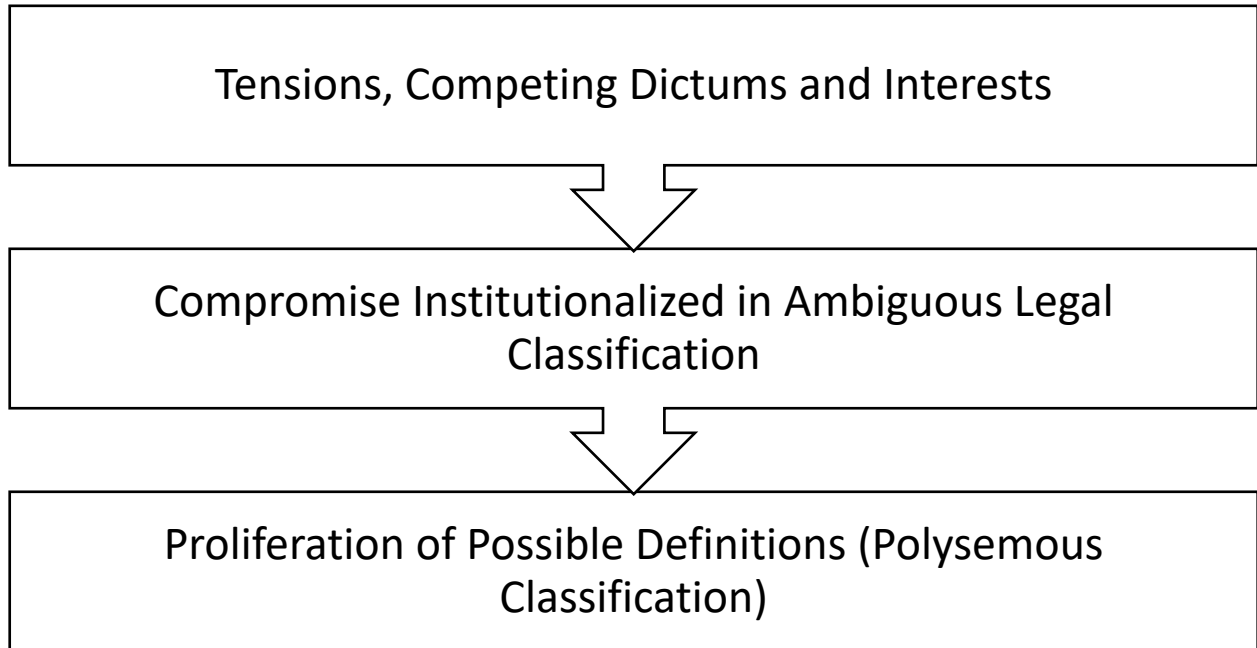


Figure 3: The Emergence of Ambiguity within an Empire State

Territorial Expansion and Circumscribed Rights in U.S. Imperial State Rule

What the existing accounts of ambiguity tend to overlook is how it works in, and indeed makes possible, activities of an *empire* state, like those of the United States in the Philippines. That states use ambiguity to rule comes into greater focus when analyzing the imperial activities of states that define themselves as nation states. “The concept of the ‘nation-state’ assumes a complete correspondence between the boundaries of the nation and the boundaries of those who live in a specific state. This, of course, is virtually everywhere a fiction” (Yuval-Davis 1997:11)¹²

In U.S. history, the geographic and demographic definitions of the state have not cohered. Arendt ([1951] 1973) writes of the “inner contradiction” (151) of imperialism and nationalism, attributing it to the fact that “what imperialists actually wanted was an expansion of political power without the foundation of a body politic” (135). Empires claim territory while expelling or limiting the rights of people deemed to be unfit for citizenship. Definitions of U.S. citizenship, and by implication the nation, reflected tensions between the territorial and population-based definitions of

¹² See also Kivisto and Faist (2007:4)

the United States. Implicated in the definition of purported nation states, like the United States, are the three distinct, but inter-related, ideas of “community, polity, and territory,” which “became so interlinked that the distinctions ceased to be apparent to the average citizen” (Jacobson 1997:127). U.S. law defines the United States both in terms of its geographical limits and in demographic terms.

State actors navigate these contradictions and tensions in myriad ways. For example, in regard to racial classification, colonial subjects exist in “zones of indifferences,” in which they “might be allowed to languish, starve, or even die—or, conversely, through which a few might pass into the inside” (Fujitani 2001: 38). In governing activities, state actors equivocate between political sovereignty (as in rules, laws, contracts) and war (as in lawless extraterritorial expansion) (Deleuze and Guattari 1987). They variously employ “the power of qualification” and “indiscriminate force,” stemming from a characterization of colonized people as sympathetic creatures on the one hand and as alien animals on the other (Mbembe 2001: 24-26). Imperial rule is rife with tensions of claiming territory and limiting citizenship.

The history of U.S. politics, in particular, can be understood as “a constitutional and political experiment” in “settler empire,” in which liberty and suppression, free citizenship and control of subjects were inextricably linked (Rana 2010:3).¹³ The United States, like many other modern states, is an empire state (Glenn 2015; Go 2008; Go and Foster 2003; Hixson 2013; McCoy et al. 2009). In the claiming of new territory and extension of rights to new inhabitants, nineteenth century U.S. and European state actors both created expectations of political equality and liberalism whilst limiting rights for nonwhites in new territories (Fradera 2009; Goldberg 2002; Rana 2010). Policies of settler colonialism, labor exploitation and restriction, and exclusion from citizenship mark but three ways that white state elites expanded the U.S. empire into new territories and expelled or limited the rights of people deemed to be unfit for citizenship.

¹³ See also Glenn (2015, 2002).

Since the founding of the United States, state actors have implemented policies of settler colonialism, dismissing American Indian claims to land and personhood and explicitly constructing the United States as a white-state in relation to the exclusion of American Indians and the enslavement of Africans and those of African descent. The 1789 Constitution excluded American Indians and made chattel slavery legal.¹⁴ The Naturalization Act of 1790 gave the right of naturalization to freeborn whites. This founding principle was then reinforced through *Dred Scott v. Sandford* (1857) which held that the word “citizens” in the Constitution did not, and did not intend to, include emancipated slaves.¹⁵

As the United States expanded westward, politicians claimed territory and only gave citizenship to those deemed white. The terms of the 1848 Treaty of Guadalupe Hidalgo, by which the United States annexed half of Mexico (what would become Texas, California, Nevada, Utah, as well as much of New Mexico and Arizona, and parts of Colorado and Wyoming) defined the new territory of the United States. It also stipulated:

“Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of the United States, as defined by the present treaty.... may either retain the title and rights of Mexican citizens, or acquire those of citizens of the United States.”¹⁶

After the United States’ conquest of Northern Mexico, in law, the government gave many rights to inhabitants of the conquered territory, including the right to vote, own land, and naturalize as “free White persons” (Fox and Guglielmo 2012:352–53). Mexicans were defined as white and therefore made citizens, but American Indians were not. With the 1871 Indian Appropriations Act and the

¹⁴ In the Constitution, while the term “chattel slavery” is not mentioned, it does say: “No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, But shall be delivered up on Claim of the Party to whom such Service or Labour may be due.” (U.S. Constitution. Article IV. Section 2)

¹⁵ The exclusion of enslaved Africans from citizenship was superseded by the 13th Amendment. Even then, however, the U.S. government continued to severely limit the rights of citizens classified as Black, as is evident in the 1896 ruling of *Plessy v. Ferguson*, in which the Supreme Court ruled that facilities for whites and Blacks could be “separate but equal.”

¹⁶ Treaty of Guadalupe Hidalgo, 1848. Article VIII.

1887 Dawes Act, the United States asserted sovereignty over Indian lands, by ending treaties and dividing reservations (Dunbar-Ortiz 2014; Horsman 1981). Notably, American Indians, who at the time, were (and still are) considered “domestic dependent nations” by the ruling of *Cherokee Nation v. Georgia* (1831),¹⁷ were not made citizens in the 1924 Indian Citizenship Act.

In addition to coupling territorial expansion with providing rights only to those deemed white, U.S. state actors have both recruited and restricted labor migration and the rights of non-white laborers. This is especially evident in the aforementioned history of U.S. slavery and the denial of full citizenship rights to Black people. In another example, to keep up with the labor demands of the westward expansion, U.S. state actors recruited new populations as laborers. In keeping the nation white, however, they first restricted naturalization and then migration of foreign laborers. The first wave of Chinese came to the United States as laborers during the 1848 Gold Rush (Jung 2006; Shah 2001). They were employed building railroads and also, later, tending farms. In the 1870s, California was the first state to pass a series of Chinese exclusion laws. In 1882, the federal government followed California’s example, passing the Chinese Exclusion Act, which ended Chinese labor immigration for ten years.¹⁸ Two years later, Congress expanded the act to apply to all Chinese. After restricting Chinese migration, the United States recruited more Japanese laborers. This ended with the Gentlemen’s Agreement in which Japan and the United States agreed to cease Japanese migration to the United States. The exclusion of Chinese, Japanese, and others from the Asian region was affirmed when Congress created the “Asiatic Barred Zone” and again in 1924 with the National Origin Act, which barred Asian migration and naturalization. In this early twentieth century, the courts also ruled that Japanese and Asian Indians were ineligible for citizenship, affirming that Chinese, Japanese, and Asian Indians were “Asian” and unassimilable aliens (Haney-

¹⁷ *Cherokee Nation v. Georgia*, 30 U.S. 1, 17 (1831)

¹⁸ Chinese exclusion also provided a precedent for using race as a gatekeeping function (Lee 2004, 2003).

López 2006; Ngai 2004). Thus, at the turn of the twentieth century, local and federal actors limited migration of people classified as Asian and prohibited their naturalization. The construction of the United States as a white state was made possible, in part, through the rejection of Asian bodies as citizens.

Not only did U.S. state actors both rely on the labor of and expel East Asian bodies, so too did they encourage Mexican and Filipino migration as a source of cheap labor whilst limiting their rights. This was, in part, to replace East and South Asian labor (Benton-Cohen 2009; Ngai 2004). During the Depression, in the 1930s, the United States attempted to repatriate Mexicans and Mexican Americans. Relief officers, cooperating with the Immigration and Naturalization Service, tried to forcibly deport Mexicans who attempted to claim assistance (Fox 2012). Under the New Deal, social security provisions excluded agricultural and domestic workers, explicitly meant to deny benefits to Mexicans and African Americans (Fox 2012; Katznelson 2005; Lieberman 1998). In the 1940s, as WWII efforts grew, the United States made agreements with Mexico to import workers under the Bracero program. After the war, the federal government began Operation Wetback, again deporting Mexican workers. Through conquest, dispossession, and deportation, local actors and the federal government again managed the competing goals of territorial expansion and limiting the rights of non-white people. They defined the United States as a white nation.

In addition to projects of settler colonialism, exploitation, Asian exclusion, and conquest on the continental United States, the United States managed the competing goals of expansion and limiting the rights of citizens as it expanded its reach overseas. The conquest, rule, and decolonization of the Philippines is the focus of this project and will be detailed in the following four chapters. In 1898, the United States declared war on Spain, conquering and claiming the territories known as Cuba, Guam, the Philippines, and Puerto Rico (Rana 2010; Thompson 2010). The United States, like other empire states, to this day defies univocal classifications of its colonial

subjects, calling them nationals, rather than the pre-existing legible categories of citizens or aliens. (See Table 1.) The category of “national” is ambiguous in that it equivocates between definitions of citizen and alien. It incorporates aspects of both. In classifying colonial subjects as neither citizens nor aliens, but as nationals, state actors blend the allegiance and martial responsibility expected of citizens with the barriers to social inclusion applied to aliens.

Regardless of its form, empires rely not only on incorporation of territory but also on exclusion of people. “American imperialism has also consisted of efforts to impose limits on expansion: to draw lines around what counts as properly ‘national’ territory (as opposed to, say, territory ‘belonging’ to the nation but not fully part of it)” (Burnett 2005: 781). Referring to the exclusionary and inclusionary aspects of nationalism, Brubaker wrote: “the study of nationhood and nationalism has been marked by deep ambivalence and intractable ambiguity” (Brubaker 1999:55). While Brubaker demonstrates how there has been *analytical* ambiguity in the sociological definitions of the nationalism, I show how *institutional* ambiguity is a feature of law that helps state actors manage the tensions of expansion and exclusion.

Classification	U.S. Code	Definition
Alien	8 U.S. Code § 1101 (a) (3)	The term “alien” means any person not a citizen or national of the United States.
Citizen	8 U.S. Code § 1401	A person born in the United States, and subject to the jurisdiction thereof.
National	8 U.S. Code § 1101 (a) (22)	The term “national of the United States” means (A) a citizen of the United States, or (B) a person who, though not a citizen of the United States, owes permanent allegiance to the United States.

Table 1: Legal Definitions of Citizen, National, and Alien.

(8 U.S. Code ; For more details on the distinction between citizen and national, see Appendix B)

Specific Contributions

I develop the concept of ambiguity to analyze how state actors attempt to manage tensions inherent to empire states that masquerade as nation states. By accepting the premise that the United States is an empire state, scholars can interrogate the types of techniques (in addition to legibility projects) that make possible imperial rule. Some strategies may be general to empire states, while others may be unique and specific. Scholars should neither presume that legibility projects are the only answer to the question of how states rule nor that the strategies used in the United States are unique.

I rely on the empirical case of U.S. empire in the Philippines. I assert that for empire states, ambiguity is an important tool of statecraft as it allows political elites to deal not only with conflicting views of citizenship (Smith 1997), but also with the non-congruence of territorial boundaries and citizenship rights of the population.

To the existing discussions of state rule and ambiguity, I add that ambiguity is a way of managing tensions inherent to empire states. It permits state actors to leave open their options for inclusion and exclusion from rights for new and disparate populations. I offer the following contributions to the existing literature on state rule, empires, and race.

First, I argue that conflict of interest is inherent to empire states that refuse to recognize their “empire-state-ness.” As previously mentioned, competing interests within the state bureaucracy (Goldberg 2007), contention between social movement and state actors (Mora 2014b; Piven and Cloward 1979), a federalist or fragmented state (Fox 2012; Katznelson 2005; Lieberman 2005; Morgan and Orloff 2017; Novak 2008) are all sources of ambiguity. At the same time, cultural explanations suggest that ambiguity can stem from language itself (Derrida 1967:19, 1978; Levine 1985) as well as competing visions of citizenship (Smith 1997:199). I argue and demonstrate (especially in Chapter 1) that there is another, more foundational source of ambiguity—defining the

polity as a nation state but acting as an empire state. This involves the expansion and claiming of territory without the reciprocal extension of rights.

Second, institutionalizing ambiguous classifications can be useful, in particular historical moments, for managing and temporarily resolving competing interests within the state and among state actors. As I detail in Chapter 1, this happened in the U.S. rule over its territories. In 1901, the U.S. Supreme Court declared the territories to be “foreign in a domestic sense,” sanctioning colonization and partial incorporation to the United States (Burnett and Marshal 2001). The Court deferred making a clear, legible decision over the nature of the relationship of the colonies to the United States

Third, after ambiguity is institutionalized, ambiguous definitions remain useful for state actors. In this sense, it has “productive” consequences. Equivocating, in the form of an institutionalized ambiguous legal status, can create the possibility for future state actors, with different interests to interpret the status in competing ways, to different political ends. As I show in Chapter 2, 3, and 4, this is precisely what happened in the case of U.S. rule and decolonization of the Philippines. Specifically, ambiguity persisted and facilitated a prolonged struggle over classification of the Philippines and Filipinos. Ambiguity resulted in simultaneous, coexisting definitions of the territory and its people. Studying ambiguity also reveals another path to racialized exclusion from social and juridical citizenship. Finally, ambiguity facilitated the continuation of imperial relations between a former metropole and its colony.

Research Design

I ground my analysis in political debates over the status of the U.S. colonies. I show how the Supreme Court decision in *Downes v. Bidwell* (1901) institutionalized an ambiguity that U.S. and Filipino state actors would wrestle with for almost another half century. Different state agents and agencies interpreted the legal ambiguity of “foreign in a domestic sense” in competing forms,

highlighting how colonial classifications could be used toward myriad ends. I explore how state actors interpreted the Philippines and Filipinos as foreign, domestic, both, or neither in relation to U.S. citizenship and sovereignty.

This project relies on the original sources of various state agencies, elites, and petitioning Filipino veterans. Due to the institutional isolation of these records, the few analysts who have explored the 1934-1947 period primarily relied on the electronically available records of Congress. The documents of other state agencies, memos between Presidents and their staff, and the records of the Philippine government are underutilized. This story of U.S. imperial rule and decolonization of the Philippines is not contained to one particular archive, but spans states and nations. Thus, I put the records of the Philippine Commonwealth in Exile and the newly independent Philippines in conversation with those of U.S. state agencies, and the offices of the U.S. Presidents Roosevelt and Truman.

I visited over fifteen libraries and archives in the United States and the Philippines, including the National Archives in San Bruno, CA, College Park, MD, and DC, the Franklin D. Roosevelt Presidential Library, the Harry S. Truman Presidential Library, the National Library of the Philippines, and the University of the Philippines – Diliman. (See Appendix A for a list of archival sources.) I read and thematically organized the primary documents with attention to how U.S. and Filipino elites navigated colonial responsibility and notions of inclusion and exclusion. I looked for the types of legal and political distinctions made in practice, exploring the justifications for and consequences of these distinctions.

I gathered information on the discourse constructing Filipinos and the Philippines as belonging, or not, to the United States. I analyzed how Filipinos' geographic origin, occupational status in the military, and notions of allegiance were invoked. I explored how colonialism, citizenship, and sovereignty intersected for the Philippines and Filipinos in the broader context of

incorporation of racial minorities in the United States. Specifically, I asked: how did U.S. state actors debate the conquest of the Philippines? How did they settle conflicts over whether the colony would be incorporated into the United States? How did they classify the territory and people of the Philippines? How did state actors interpret and use ambiguous classifications in imperial rule? And what were the consequences of these debates for the Philippines and Filipinos at the end of formal U.S. rule?

When I began this project, I drew heavily on scholarship by U.S. historians and scholars of American Studies, who ask: what were the consequences of U.S. colonial rule? And what legacy did empire leave for the United States' emergence as a world power? Work of historians primarily focuses on the political projects between 1898 and 1917. These scholars studied how colonial projects of policing, education, and public health shaped U.S. state formation in the early 1900s. The policies after 1934 through the end of World War II, meanwhile, remain underexplored. From a scholarly foundation in History and American Studies, I offer a sociological analysis of the United States' colonial legacy. I not only reconstruct the history of the end of the formal colonial relationship to the Philippines, I also offer insight into how we understand current imperial projects, sovereignty, and responsibility to colonial subjects.

Overview of Chapters

In this project, I explain the sources and functions of ambiguity for putative nation states with imperial ambitions. The first chapter focuses on why and how state actors institutionalized ambiguity. The next three chapters look at what ambiguity allowed future politicians to accomplish.

In Chapter 1, I argue that by institutionalizing ambiguous classifications of the Philippines and Filipinos, U.S. state actors deferred making a clear decision on the nature of the U.S. polity. They managed the tensions over whether the United States would be an empire state and incorporate overseas racial others or a nation state in which membership matched the territorial

boundaries of the polity. This chapter covers the period from 1898-1933. I draw primarily on Supreme Court cases, legal scholarship of the time, and secondary sources to show how the Court equivocated over the place of the Philippines and Filipinos in the United States. The Court managed two competing positions on the newly acquired territories, classifying the Philippines as “foreign in a domestic sense,” and Filipinos as “nationals,” a status between citizen and alien. Ambiguity allowed the state to preserve its legitimacy and manage new lands and people.

After explaining the institutionalization of ambiguity, I show how ambiguity allowed U.S. state actors to define territory and membership in seemingly contradictory ways (Chapter 2), to exclude colonial subjects from social and juridical citizenship (Chapter 3), and also to secure territorial sovereignty over the archipelago (Chapter 4). Through these empirical examples, I develop the concept of ambiguity to explain how state actors manage tensions inherent to empire states that masquerade as nation states.

In Chapter 2, I describe one consequence of institutionalized ambiguity: polysemous classification. Using records of Congress, I show how between 1934 and 1946, Congress expanded its definitions of the Philippines and Filipinos and decoupled geographic definitions of the United States from demographic ones. Congress defined Filipinos as citizens of the United States, Filipinos as alien, the Philippines as a foreign territory, the Philippines as a domestic territory, and the Philippines as neither foreign nor domestic. Members of Congress, with different interest could all legitimately classify the Philippines (as a territory) and Filipinos (as an ethnicity or nation) in polysemous ways.

In Chapter 3, I demonstrate how ambiguity allowed U.S. state actors to exclude Filipinos from social and juridical citizenship. During World War II, the United States offered a path to naturalization and veteran benefits to all those—citizens, foreign nationals, and colonial subjects alike—who served in the U.S. military. This was particularly significant given the 1944 G.I. Bill, well-known for expanding

social citizenship among returning veterans. After the war, however, in the 1946 Supplemental Surplus Appropriation Rescission Act, the United States Congress reclassified over 200,000 Filipinos as having *not* served in active duty. This is the only time in U.S. history that the federal government revoked military benefits. Using records of Congress and other federal government correspondence, I show how state actors broke the promise of citizenship by claiming that the (not-yet-independent) Philippines was a foreign nation responsible for its own citizens. The shifting, ill-defined, and ambiguous status of Filipinos under U.S. law gave them no clear rights and allowed U.S. Congress to break its promise.

In the fourth and final empirical chapter, I argue that ambiguity allowed U.S. state actors to abandon formal sovereignty over the Philippines while maintaining U.S. global influence. Drawing on records of Congress, government correspondence, and secondary sources, I show how the United States secured territorial control (in the form of natural resource rights and military bases) over the Philippines in an era in which formal empire was no longer politically necessary and also disfavored in global public discourse after WWII. By continuing to treat the Philippines as an extension of the United States' territory, U.S. state actors maintained territorial sovereignty over the archipelago and expanded U.S. geopolitical influence in Asia. The option of defining the Philippines in this way—as domestic to the United States—dates back to the ambiguous classification of the Philippines in 1898.

My contention is that institutionalized, legal ambiguities in the political status of racialized or subjugated others creates opportunities for discretionary decision making about inclusion and exclusion. And this discretion can be used at different political junctures to different ends. I show that the institutionalized ambiguity of Philippine legal status enabled the persistence of inequality in citizenship, social welfare benefits, and geopolitical arrangements in the first half of the twentieth century. Taken together, these three moments demonstrate how state actors manage colonized

territory and population. Institutionalized ambiguity permits the extraction of labor and resources from subordinated people and territories without the reciprocal exchange of rights that would be expected for ideal-typical citizens. States actors use ambiguity to rule over their populations in hierarchical ways.

In this project, by focusing on the U.S. rule over the Philippines, I recenter empire as a key U.S. political formation. On the one hand, by focusing on U.S. imperial rule, I complement and expand existing standard social scientific scholarship of race, citizenship, and migration in the United States. I foreground the state's authority to manage populations and am particularly interested in the ways state actors conceive of and make decisions around race and citizenship. In the ideal typical formulation of the nation state, scholars do not think about degrees of citizenship or variations in sovereignty. There are, however, many variations in practice. I focus especially on how the state defines colonized populations and how these people fit into the U.S. racial order and legal classifications of citizen and alien.

On the other, I suggest that studying imperial rule helps us understand how states manage variation beyond legibility projects. Ambiguity brings the study of the politics of empire, citizenship, and race into the same frame. Because state actors use it to justify claiming territory and limiting rights, studying ambiguity encourages us to look beyond the presumed territorial or national boundaries of states. Ambiguity helps us see how international and imperial policies shape racial inequality. The types of racial domination and inequality that we see domestically are the outcomes of policies that often go beyond our continental borders, as this case shows. Domestic inequality is tied to the fact that United States is an empire state.

CHAPTER 1 | COMPETING INTERESTS AND INSTITUTIONALIZING AMBIGUITY

Can the United States of America ever include a State erected on islands off the coast of Asia, and having no possible tie of connection with the American continent? ...Can they, then, annex such islands to a union into which they can never enter on equal terms? This question cuts deeper than the one propounded to the Supreme Court of the United States in the Dred Scott case.

– Simeon E. Baldwin, 1899

In 1898, the United States intervened in Cuba’s war for independence from Spain, launching the country into a new phase of overseas imperial expansion. Signing the Treaty of Paris, the United States acquired Spain’s island territories of Cuba, Guam, Puerto Rico, and the Philippines. At the time, politicians, legal experts, and media hotly debated the war, territorial expansion, rule over colonial subjects, and colonial citizenship. Many saw the potential benefits of maintaining the Philippine Islands for resource development and extraction, trade, and military security in Asia. Others were concerned with the so-called “Philippine Question,” asking what could be done with these people deemed to be inferior. Among the prominent positions taken on these issues, no one argued that the Philippines should become a state or that its people should be treated as equal to U.S. citizens. Virtually everyone agreed that Filipinos were racially unsuitable for incorporation into the United States. At base, these debates were over the tensions inherent to U.S. empire—between the desire for territorial expansion and the concern about integrating and extending rights to non-white inhabitants of the claimed territory. These conflicts were about the nature and scope of U.S. sovereignty and the implications for citizenship. How could the United States legally claim the islands, but not incorporate the people?

In this chapter, I show how U.S. state actors addressed this tension. Legal scholars and professionals managed expanding sovereignty and limiting citizenship by institutionalizing ambiguity. Analyzing the period in which the United States became an overseas empire, I answer the following questions: (1) how did U.S. state actors debate the acquisition of these territories, and by

extension the people in them? (2) what kind of conflicts emerged? and (3) how were these conflicts settled? I analyze the circumstances under which the United States went to war with Spain and continued to fight insurgents in the Philippines, discussing the emerging interests and political positions of U.S. state actors.

The debates over the Philippines and Filipinos not only raised questions about the definitions of U.S. territory and membership, sovereignty and citizenship, they also created an opening institutionalizing ambiguity. In *Downes v. Bidwell*, the U.S. Supreme Court decided that the territories acquired from Spain were “foreign in a domestic sense.” Burnett and Marshall, analyzing this case, write:

“foreign in a domestic sense...describes the constitutional status of the ‘territories’ of the United States....This was one of the series of decisions known as the *Insular Cases*, which in 1901 gave legal sanction to the colonization of the islands taken by the United States at the close of the Spanish-American War...: in the words of Justice Edward Douglass White, whose concurrence in *Downes* would eventually be adopted by a unanimous Supreme Court, they were ‘foreign to the United States in a domestic sense.’ They had not been, he explained, ‘incorporated into the United States upon their acquisition from Spain, but were, in the phrase the Court would later be adopted, ‘unincorporated territories,’ belonging to—but not a part of—the United States” (Burnett and Marshal 2001:1).

With this decision, the Court institutionalized ambiguity as a strategy for managing the tensions inherent to the U.S. empire state.

I argue that one way that empire states that masquerade as nation states mediate the expansion of territory without the accompanying extension of rights—their imperial and liberal dictums—is by institutionalizing ambiguity. I show how the U.S. imperial project of the late 19th Century created new contradictions and conflicts for the settler colonial-cum-imperial state, how elites constructed new, ambiguous definitions, and how ambiguity permitted the pursuit of imperial self-interest with contradictory logics.

Although this debate about overseas colonies has largely disappeared from American political discussions about race and citizenship and national identity, its mark can still be found. In

fact, the decisions from these cases not only broke with the existing legal precedents, as I'll show, but the Supreme Court's decisions regarding the nature of the United States' relationship to its colonies, as codified in the *Insular Cases*, remain the rule of law for the United States' colonies today (Sparrow 2006:7).

Going to War

With the acquisition of the overseas territories from Spain, the United States faced with an imperial problem unlike before. State actors had to reconcile these new territories and people with existing definitions of citizenship and sovereignty (Burnett and Marshal 2001; McCoy et al. 2009; Sparrow 2006). Before 1898, when the United States acquired the territories of Cuba, Guam, the Philippines and Puerto Rico (and conquered Hawaii),¹ territories acquired by the United States were annexed for eventual statehood and, for the most part, the non-indigenous people within them were eventually admitted as citizens. In this way, it was said that the Constitution followed the flag (both geographically and temporally). (Hawaii is an important exception to this, as Native Hawaiians gained the right to naturalize in 1900 with the passing of the Organic Act before Hawaii became a state.²) While the Constitution had followed the flag, it is also important to note that this shift in how the United States managed territories “did not suddenly inject racism into a hitherto nonracial practice of empire-state formation. Rather it laid bare the white supremacist underpinnings” (Jung 2015: 63). The acquisition of and rule over the 1898 territories simply represent another strategy through which the U.S. empire state managed expansion and racial rule.

The United States' conflict with Spain began when the United States involved itself in Cuban revolutionaries' battle for independence from Spain. While the president of the time, McKinley,

¹ The United States also formally acquired Hawaii in 1898, though not from Spain. According to Thompson (2010), neither Hawaii nor Cuba were an imperial problem. Despite the native population and migrant Asian laborers, Hawaii was deemed by authors of new possessions books as a white settler colony set for annexation (Thompson 2010:109–13). The racial make-up of Hawaii, however, was not so easily settled. (See, for example, Dominguez (1998)). State actors defined Cuba as a white-led country capable of self-rule for independence (at least nominally) (Thompson 2010:90–98).

² PL 56–339. 1900. *Hawaii Territorial Act*. Section 100.

initially supported a plan for Cuban autonomy (in which Cubans could control their domestic relations, but Spain would maintain sovereignty), he did not want to be directly involved in the Cuban struggle. This changed when—after Cubans rioted against Spanish autonomy—McKinley sent the battleship *Maine* to Cuba, thus involving the United States in the Cuban-Spanish conflict (Hoganson 1998; Love 2004). On February 15, 1898, the *Maine* exploded in the Havana Harbor, and the United States held Spain responsible. The United States set down the path of war. On April 25, 1898, Congress passed a resolution for war, which included an amendment that became known as the Teller Amendment that gave the United States the responsibility to protect Cuban sovereignty.

Initially, the war only seemed to be contained to the Caribbean, but since Spain had territories in the Pacific, the Navy entered the islands of the Philippines, battling with the Spanish. Although the Navy and War Department saw claiming these islands as part of a coherent military strategy, McKinley actually did not want to take the Philippines. Nevertheless, on August 13 U.S. soldiers captured Manila, the main city in the largest northern Philippine Island of Luzon. Spain surrendered and signed the Treaty of Paris, which was ratified by the U.S. Senate in January 1899. By this treaty, the United States gained the former Spanish territories of Cuba, Guam, the Philippines, and Puerto Rico. Although the treaty brought an end to the war with Spain, the United States was now embroiled in a bloody war with Filipinos, who sought their independence. The United States continued to fight in the Philippines until 1902 in what is known as the Philippine–American War (or to many, in the United States, as the Philippine Insurrection).

Debating War and Territorial Expansion

The wars and U.S. territorial expansion, especially in the Philippines, raised new questions for the United States' interpretations of sovereignty and citizenship. As the United States launched itself into conflict with Spain and the Philippines, two camps emerged. The first, nativists and anti-expansionists, argued that the United States should not acquire the Philippines. The second,

imperialists and expansionists, were in favor of taking the island territories. Neither of these groups thought that Filipinos were worthy of civic inclusion.³ They did, however, debate the value of claiming the overseas territory, and if these benefits could outweigh the potential cost of managing Filipinos, generally regarded as a “savage” people. In the legal field, scholars also debated these issues as well as the constitutionality of taking the Philippine territory. If the Constitution would follow the flag as it had with the acquisition of all territories prior to 1898, how could the United States legally take the islands but not incorporate the people? The issues in question, then, were: (1) the constitutional basis for claiming the islands; (2) the potential material benefits of claiming the territory of the Philippines; and (3) racial fitness of Filipinos and the consequences for citizenship.

Constitutionality

Two competing legal views initially prevailed in addressing the constitutional aspects of the “Philippine Question.” One set of scholars, representing nativist and anti-expansionist views, took a position known as *ex proprio vigore* (by its own force). A second set of scholars held that the Constitution did not apply and the United States could claim the islands.

Originally argued in the *Harvard Law Review* by Randolph (1898) and Baldwin (1899), the position of *ex proprio vigore* held that if the United States were to incorporate the Philippines, it would break with the Constitution. Scholars argued this on the basis that the Constitution follows the flag and the United States is only composed of states.⁴ If the Constitution followed the flag, then the

³ See Thompson (Thompson 2010) for analysis of how travelogues and elites of the time constructed colonial subjects as different and suitable for rule. He also notes that although the United States already had experience ruling nonwhite Others, the acquisition of these territories presented a new problem because these territories were not, at the time of acquisition, organized as European American settler territories.

⁴ By the precedent of the Louisiana purchase and the Dred Scott case—in which the Court ruled that the Constitution and its amendments would hold in U.S. territories—the Constitution followed the flag. The Constitution also followed the flag when the United States took the territories of Florida, California, and New Mexico, admitting them on a path toward statehood. If the United States took the Philippines and if the Constitution followed the flag, then, legal scholars argued, the territories of Alaska, Arizona, Hawaii, New Mexico, Oklahoma, and DC (among others) would not be subject to the Constitution. In the view of these legal scholars, today’s lawmakers could not arbitrarily apply the Constitution, but “must take the Constitution as it is” (Baldwin 1899:416). Congress had the power to administer the territories, “but not of a right to deal arbitrarily with persons and property therein...” as the “Supreme Court recognizes

Constitution would hold in the Philippines, which these legal scholars and nativists thought unreasonable. Scholars thought that the Constitution should apply to the Philippines because they believed that the archipelago was not appropriate for statehood. In their opinion, the United States was composed only of states, territories destined for statehood, or places with a “meagre population” (such as Alaska⁵ or the Guano Islands). The Philippines was not suitable as a state owing to its large native population. The Philippines, as was “one of the greatest archipelagos” (Randolph 1898:305), was unlike places with what scholars thought of as a smaller and relatively insignificant native population.

According to the terms of *ex proprio vigore*, then, U.S. territory and citizenship were viewed as coextensive. The only viable option according to these legal scholars was to “rule the Philippines without annexing them...by authority of the President”(Randolph 1898:313). In essence, scholars argued that Congress should not be involved, but the territory ruled under a temporary despotic rule that was made possible through the results of war (Baldwin 1899:411). To take the islands and not set them on a path toward statehood would be unconstitutional. In the view of these scholars, territory and membership, sovereignty and citizenship must be coextensive. Because Filipinos were racially unsuitable as members of the United States, the United States should not claim sovereignty over the Philippines. The downside to this perspective was that it did not give the United States a justification for claiming the colonies, which it already had. Essentially, in this view, although the United States had previously claimed territory on the North American continent, it should behave more like a nation, rather than an empire, state.

the Territories as part of the United States for most important purposes, and confirms to their people the great constitutional guarantees” (1898:296). In short, the Constitution, not Congress is what guides the United States.

⁵ Randolph (1898) called Alaska a “sparsely peopled territory that will probably become a veritable waste when the fur-bearing animals are exterminated and the gold is carried away (305).

A second set of scholars, aligned with imperialist and expansionist views, proposed the doctrine of extension. By this doctrine, scholars argued that Congress had plenary powers and could legislate territories as necessary, and without constitutional restriction, for the Constitution only applied to states. In this view, the United States was only the states and the Constitution was written for the thirteen original states, and so the Constitution was for only the United States, meaning “the collective name of all the states” (Langdell 1899:368).⁶ The United States was only *territorially* the aggregate of the states and its members were the citizens of each state (371). They argued that the Constitution need not apply to new territories and the United States could extend its rule to territories, such as the Philippines, acquired in the war.

While the term “United States” only referred to the states, the U.S. state also had sovereignty over territories. Territories, in the opinion of legal scholars subscribing to the Doctrine of Extension, were either “virtually a wilderness” or “material out of which new states were to be carved just as soon as there was sufficient population to warrant the taking of such a step” (Langdell 1899: 371). The Philippines was not a state, it was also not a territory. Territories had no constitutional guarantee, and “its [the Philippines] rights, in these respects, are what Congress or the treaty-making power thinks it well to allow. It has no right to become a State unless it shall have been so stipulated with the former owner when ceding it” (Thayer 1899:473). According to this perspective, the Constitution did not apply to territories like the Philippines because it had not been written in the Treaty of Paris.⁷

⁶ According to Langdell (1899), the United States, at the time of the writing of the Constitution only referred to the thirteen colonial states that made the Declaration of Independence and the Articles of Confederation. While the term “United States” only referred to the states, it also had sovereignty over territory. Philippines was not a state, it was also not a territory.

⁷ Scholars of the Doctrine of Extension also claimed that the Philippines was unlike other territories in that it was not contiguous to the United States (“with the unimportant exception of Alaska”), differed environmentally and climatically, had inhabitants, was not expected to be formed into a state, produced dutiable articles, could not easily receive the import of foreign goods (Langdell 1899:390–91).

Another central claim in this perspective was that the term “annexed” “has no constitutional or legal meaning,” so Congress can do what it wills with new territories (Langdell: 388). While legal scholars who argued for this position did favor the incorporation of the Philippines, they believed it could be done in a way where the territory was treated as subordinate to the United States.

The territories acquired from Spain, like the Philippines, were unlike those at the founding of the United States and unlike other territories in U.S. history, and on this basis, scholars argued that contemporary law makers need *not* interpret the Constitution as if “the authors of the instrument were either less successful in saying what they meant, or else were less sagacious and far-sighted, than they have the reputation of being” (Langdell 1899:392). Rather politicians of the day should adapt it to the current times. In this view, the Constitution could apply only to English places. Extension of it to “to ancient and thickly settled Spanish colonies would furnish as striking proof of our unfitness to govern dependencies, or to deal with alien races, as our bitterest enemies could desire” (Langdell 1899:386). These legal scholars did not disguise or disavow expansion and the merits claiming territory and limiting rights.

In regard with how to treat the Philippines, then, scholars argued that the United States could treat the territories as England had its colonies. They emphasized that the United States has always had colonies, so it was not unconstitutional or un-American to take these islands. Overseas empire was acceptable. The islands could be ruled as “more stringent and less free” than the District of Columbia (Thayer 1899:483). By the doctrine of extension, unlike *ex proprio vigore*, the rights of citizenship under the U.S. Constitution did not have to coincide with the United States’ territorial expansion. According to these thinkers, because the Constitution did not apply to the colonies, the United States need not consider the membership, responsibilities, or rights of the island inhabitants. The downside to this perspective was that it suggested Congress could arbitrarily bestow and take powers outside the terms of the constitution.

Neither of these legal perspectives on the territories gave the United States judicial sanction to annex some territories as states, as the United States had done with Texas, New Mexico, California, for example, and to take others as simply subordinated territories. Even with these two perspectives, legal scholars and professionals were still faced with addressing the merits and costs of overseas empire and with the differing opinions on what and who belonged to the United States.

Material Benefits of Expansion

Legal scholars adhering to *ex proprio vigore* argued that the Philippines should not be acquired because of the limits it would place on U.S. trade. If the Philippines were incorporated into the United States, as was constitutionally required, then the United States could not levy tariffs. Although the Philippines would open trade possibilities with Great Britain and China, it would not necessarily bring in profitable and good trade. Congress would be unable to “adopt a customs policy peculiar to the Philippines” (Randolph 1898:308), but have to treat the Philippines as part of the United States. If the Philippines were part of the United States, then all duties, imposts, and excises would be the same. Filipino goods would compete with goods from the continental United States. If the United States wanted to profit from Philippine trade, then it would be better to collect tariffs on imported goods. This issue of trade was central to the later Supreme Court decision that determined the territories to be “foreign in a domestic sense,” which I discuss below.

The second camp believed that territorial expansion would bring material and cultural benefits to the United States. The imperialists claimed that the promise of economic growth, military control in the Pacific, trade with Asia, and the possibility of exchanging the Philippines for islands closer to the United States outweighed the costs emphasized by nativists and proponents of *ex proprio vigore*. Some claimed that overseas expansion could allow the United States, emerging from the 1893 depression, to “overcome the limitations of U.S. markets” (Charles C. Conant (1901) quoted in Sparrow 2006:65). The United States, in possession of the Philippines, was also “at the

epicenter of an international struggle over position in East Asia,” competing for access to China’s markets (Love 2004:167). Senator Henry Cabot Lodge, a Republican from Massachusetts, though initially hesitant at taking the Philippines “wanted the East Asian markets opened for the benefit of the nation, his party, and his Massachusetts constituents—industrialists, merchants, missionaries, and the state’s working classes” (Love 2004:159–60). The islands were “desired for their minerals, timber resources, and fertile soils. The Philippines could also supply the U.S. domestic market with hemp and unrefined sugar” (Sparrow 2006:67). In the view of some, such a desire for increased foreign investment and trade necessitated military protection. Even before the war, Grover Cleveland “emphasized America’s commercial and strategic interests in Cuba and the Caribbean and his country’s humanitarian desire to see an end to the barbarous war [with Spain]” (Golay 1997:9).⁸ Others argued for military bases in northern island of Luzon (Love 2004:174). These U.S. state actors were encouraged by material aspirations to go beyond the continental boundaries of the United States.

Racial Fitness and Citizenship

As scholars and politicians debated the constitutionality and material benefits of acquiring the Philippines, they also discussed the racial fitness of Filipinos. These cultural concerns were crucial in how scholars and politicians of the time considered the potential material benefits of the islands. The coalition of anti-imperialists and nativists held that the United States should not keep territories from Spain. They were concerned about and opposed to the migration and inclusion of non-white people in their imagined nation. According to this perspective, the cost of claiming the Philippines was too great: the “character of its people” and the “climatic conditions” would prohibit both assimilation and American migration to administer the Philippines as a state. Nativists held that the United States should remain a white nation (Love 2004:182). According to Samuel Gompers of

⁸ Involvement in the Philippines could also create evangelical and humanitarian opportunities (Love 2004:174–75).

the AFL, imperialism was the enemy of labor, as it would introduce “semi-barbaric laborers” into the United States (Love 2004:184).

At the same time, even if Filipino migration to the United States could be barred, and the territory claimed by white settlers, many thought this near impossible (Thompson 2010:194–95). Legal scholars aligned with this view also argued against the acquisition of the Philippines on the basis that it could not be settled by white Americans, and therefore would not become a state. One legal scholar wrote:

“The United States, therefore, ought not to annex a country evidently and to all appearances irredeemably unfit for statehood because of the character of its people and where the climatic conditions forbid the hope that Americans will migrate to it in sufficient numbers to elevate its social conditions and ultimately justify its administration as a State.” (Randolph 1898:304)

In other words, while the Philippines was like Hawaii (in that it was a place with a majority of non-white inhabitants), the Philippines was unlike Hawaii in that its inhabitants had not successfully been brought under the rule of white settlers. Finally, because the Philippines was not “appurtenant to the American continent,” as was the case for Puerto Rico, Cuba, and even Hawaii, it could not be seen (geographically) as an American island (Baldwin 1899:405). Ideas about the harsh, tropical Philippine climate and its unsuitability for white Anglos also helped determine that the Philippines would not become a settler colony, but a civil government under U.S. empire

Just as adherents to *ex proprio vigore* argued against the United States’ acquisition of the Philippines because it broke with precedent, they also drew on notions that Filipinos were racially unsuitable to the U.S. “nation” state. The native Filipinos could not be trusted in self-governance. Scholars argued that whereas the United States Constitution “was made by a civilized and educated people,” “[t]o give the half-civilized Moros even the ordinary Filipino of Manila, the benefit of such immunities from the sharp and sudden justice or injustice which they have been hitherto accustomed to expect, would, of course, be a serious obstacle to the maintenance there of an

efficient government” (Baldwin 1899:415). Neither those constructed as savage, wild, non-Christians—the Moros—nor the educated descendants of the Spanish in the northern city of Manila,⁹ could be trusted to run a state.

Leading nativist and anti-imperial intellectuals and lawmakers of the time were also convinced that Filipinos were not white. Although not white, lawmakers were unsure of the racial status of Filipinos. Could they be treated as “wards like American Indians,” and not subject to the 14th and 15th Amendments? Or were they to be treated like the Chinese, who were unable to naturalize and whose migration was limited (Randolph 1898:309)? At the time, both American Indians and Chinese were excluded from citizenship. The justification for excluding American Indians was that “the constitutionality of our discrimination against the Indian is based on the fact that he owes allegiance to a political organization other than, though inferior, to the United States” (Randolph 1898:309). These legal scholars argued that Filipinos, unlike American Indians, had no allegiance to a legitimate political organization, as Spain had transferred sovereignty to the United States. (Never mind that, at the time, Filipinos were engaged in a multi-year war against both Spain and the United States for independence.) U.S. lawmakers also argued that they should have learned their lesson from the Chinese and set up restrictions to migration and citizenship from the outset. Additionally, because the 14th and 15th Amendments would require treating Filipinos equally, scholars argued that the United States should not acquire the Philippines.

Whereas nativists primarily argued for outright exclusion, imperialists argued that Filipinos could be treated as a subject people. In this view, ruling over Filipinos could strengthen the political capacity of young American men. Congressmen argued that an honorable man was brave and courageous—one who wielded power and was willing to fight. In these newly acquired tropical territories, young American men could train in the “strenuous life,” as popularized by Theodore

⁹ See Paul Kramer (Kramer 2006:67–71, 219–320, 341) on definitions of Moros as wild.

Roosevelt. Anti-imperialists could not object lest they be viewed as unmanly (Hoganson 1998).¹⁰

Although these rationales did not figure into McKinley's original reasons for taking the islands, they did become important justifications.

While this group believed that U.S. expansion would strengthen masculinity at home, they did not easily come around to this position, as they contended with the racial unsuitability of Filipinos to the United States. Legislators worried that by allowing Filipinos into the United States, they would have to extend rights to even more non-white racial Others. If Filipinos remained in the Philippines, however, then the Philippines could be managed, and its people educated. U.S. officials in the Philippines both saw Filipinos as racially distinct and promoted them as capable of being educated, civilized, and uplifted in what McKinley referred to as "benevolent assimilation" (Go 2000, 2004).¹¹ In this view, imperialists argued that the tropical, "primitive" Philippine climate was evidence of the early evolutionary state of Filipino who could evolve toward a more civilized type.¹² Nativists remained dedicated to the position that the Philippines should not be taken. Imperialists argued for claiming the territory. Neither side resolved the conflicts of claiming the new territory and limiting rights.

¹⁰ Some scholars, however argue that, for all the salience of race and racism in the United States of the late nineteenth and early twentieth centuries, race does not itself explain why the United States acquired these Caribbean and Pacific islands in the first place. For if race and racism were decisive, then the McKinley administration, Congress, and the American public would have had no interest in annexing tropical islands already well-populated by non-Anglo inhabitants" (Sparrow 2006:64).

¹¹ Thompson (2010) notes that Love argues that racism had little to do with the justification for the imperial project. He argues that Love does not distinguish between the expressed reasons for expansion and the underlying rationale and that Love's argument "cannot explain the variegated systems of political control or the rationale for ruling the new possessions" (178).

¹² Both Go (2004) and Thompson (2010) refer to this perspective as Lamarckian. Go argues that military officials in the Philippines relied on notions of race as biology, whereas bureaucratic officials thought of race as the product of environmental-historical factors. This scheme created an intellectual justification for McKinley's "benevolent assimilation" Thompson (2010) notes that sociologists, Albion Small, Franklin Giddings, and William I. Thomas (of the early Chicago school) were Lamarckian evolutionists in this vein (90).

A Compromise

A third position emerged that attempted to resolve the tension of territorial expansion and limitation of rights. This third view, known as the doctrine of incorporation, set the foundation for the legal ambiguities in the status of the colonies, including the Philippines. While the author of this position, Abbott Lawrence Lowell, agreed that the Philippines was unsuitable as a state, he also challenged the assumptions in both *ex proprio vigore* and the doctrine of extension. The primary objection to *ex proprio vigore* was the assumption that new territories are like the old, which has “no judicial sanction” (Lowell 1899:157). The point of contention with the doctrine of extension was that in addition to contradicting many judicial opinions, it allowed Congress to *arbitrarily* bestow and take powers. Lowell suggested that some territories could be annexed to become part of the United States, while others could be acquired “as not to form part of the United States” (Thompson 2010:190). Lowell proposed a legal definition of the United States as composed of territories prior to and after the writing of the Constitution. The territories organized before the Constitution followed the constitution. Those organized after followed treaties. In essence, it didn’t matter if the Constitution followed the flag. According to some treaties, some territories (such as Florida and those once forming Mexico) were to become states (Thompson 2010:190), while others—like the Philippines—could be managed as colonies. In suggesting this, Lowell created a legal argument for how the United States could restrict citizenship but expand sovereignty.

Distinguishing between the earlier “organized” territories and the ones newly acquired from Spain meant differentiating two types of territories not only temporally in relation to the Constitution, but also by the perceived race of the population. The first type of territory acquired after the constitution—those to be annexed as states—were essentially territories with European American settlers or settlers that members of the U.S. government could justify as white. Examples in this model include: the Louisiana Purchase, the acquisition of the Mexican territory by the treaty

of Guadalupe Hidalgo, and the annexation of Alaska (“with the exception of the uncivilized native tribes” (Lowell 1899:171). The second type of territory was those occupied by “alien races” (ibid). These lands were not entitled to the protections of the Constitution, since they were ignorant to it and modern development (Thompson 2010:190–95). According to Lowell’s doctrine of incorporation, new territories need not be treated as old ones. He provided the example of how, in U.S. reign over the guano islands (beginning in 1856), the Secretary of the Treasury allowed for the use of slave labor despite their location north of the Mason-Dixon line. In this view, Lowell elevated Congress’s power to make treaties and to determine what becomes of the territories. Because the recent treaty with Spain made no promises toward statehood or for the rights of citizens, Congress was not bound to offer these rights to the inhabitants of the Philippines.

Another argument for the doctrine of incorporation emphasized the political authority of educated, intelligent members of the U.S. government (in comparison to the presumably unintelligent inhabitants of the territories). Charles Magoon, the law officer for the Division of Insular Affairs of the War Department, argued that the legal status of Filipinos and the Philippines depended on the agreement reached by the United States and Spain in the Treaty of Paris (Aguilar 2010:211). Magoon (1900) wrote that “the guarantees of political independence and rights of citizenship” did not necessarily extend to the inhabitants of the territories, “but were to be bestowed upon them, the bestowal to be made upon those only who possessed the ability and determination to properly exercise them” (46). According to this opinion, Congress had the power to determine rights of colonial subjects. How the United States would treat overseas populations should be determined by treaties, which were levied by Congress. U.S. foreign relations and domestic race relations were directly linked through Congress’s treaty making power.

Institutionalizing the Compromise as Ambiguity

These debates over the constitutionality of taking colonies and the definitions of U.S. territory and membership were settled when the Supreme Court heard several cases, known as the *Insular Cases* on constitutional issues in Puerto Rico, the Philippines, and Hawaii. Most of the *Insular Cases* centered on the status of Puerto Rico and the rights of Puerto Ricans vis-à-vis the United States, but the decisions extended to other territories and were informed by aforementioned debates over the Philippines. These cases went before the Supreme Court, and “aroused more political passion than any action by the Supreme Court since its decision in *Dred Scott v. Sanford* (1857)” (Sparrow 2006:5). The decisions from these *Insular Cases* “creat[ed] the constitutional underpinnings” of what Erman (2008) calls “the newly self-conscious U.S. empire” (6). Conversely, I would argue that these decisions are part of remaining an empire state in denial.

In the most famous case, *Downes v. Bidwell*, 1901, the Court decided that the territories would be treated as “foreign in a domestic sense,” meaning that they belonged to but were not part of the United States. The fact that the case was about tariffs is material to understanding how the United States Supreme Court justified rule for the territories. *Downes v. Bidwell* was about whether or not the United States could collect taxes (per the Foraker Act)¹³ on an import of oranges from Puerto Rico. Its implications would extend to other imports, including sugar.¹⁴ American Sugar actively opposed free trade for Puerto Rican imported sugar and therefore did not want the United States to annex the territories as states and give them free trade. If Puerto Rico were annexed and considered domestic, then the Foraker Act could not hold, meaning that imports would *not* be taxed. If it was foreign, imports would be taxed. In the 5-4 decision, the court upheld that imports from Puerto

¹³ PL 56-191. 1900. *Foraker Act*. Section 3.

¹⁴ Although Puerto Rican sugar production did not threaten domestic sugar (as Cuban and Filipino industries did, as the first and third largest in the world), if the imports were not taxed, then Puerto Rico would be treated as a state (Sparrow 2006:70–76).

Rico would be taxed. This decision also came with important specifications about the status of Puerto Rico and the other territories.

One opinion in *Downes v. Bidwell* drew on ideas from the *ex proprio vigore* position. The author of this opinion, Justice Brown, held that the Constitution did not extend to the territories, that the Foraker Act would apply to the imports from the territory, and that the people of Puerto Rico were not people of the United States. In this lead opinion, written solely by Justice Brown, he argued for the exclusion of Puerto Rico (the territory) on the basis Congress had the authority to govern the territories, and he concluded:

“the Constitution was created by the people of the United States, as a union of States, to be governed solely by the representatives of the States.... In short, the Constitution deals with the States, their people, and their representatives.”¹⁵

Brown emphasized that “it can nowhere be inferred that the territories were considered part of the United States.”¹⁶ By this opinion, the United States did not include territories.

As Justices emphasized the ethnic dimensions of the membership in the United States,¹⁷ they also focused on questions of territory. Justice White, writing the concurring second opinion, drew on Lowell’s third view that the Constitution gave Congress the power to decide what becomes of territories (considered to be property of the United States). Citing Justice Marshall’s opinion in *American Insurance Company v. Canter* (1828), Justice White emphasized that:

“if it [conquered territory] be ceded by the treaty, the acquisition is confirmed, and the ceded territory becomes a part of the nation to which it is annexed, either on the terms stipulated in the treaty of cession, or on such as its new master shall impose” (as quoted in *Downes v. Bidwell*).¹⁸

In White’s opinion, then, the terms of treaties determine the relationship of rule between the United States and its territories. On this basis, he classified Puerto Rico as “foreign in a domestic sense,”

¹⁵ 182 U.S. 244. 1901. *Downes v. Bidwell*.

¹⁶ 182 U.S. 244. 1901. *Downes v. Bidwell*.

¹⁷ In White’s opinion, he argued that U.S. citizenship would be too much for the inhabitants of the territories to take on.

¹⁸ 182 U.S. 244. 1901. *Downes v. Bidwell*.

and as “belonging to—but not part of—the United States” (Burnett and Marshal 2001). The territories were “neither ‘foreign’ countries nor ‘part of the United States.’ Instead they were something in between” (ibid: 1). White’s, not Brown’s, interpretation gained traction in part because it was flexible: “The Incorporation Doctrine was by no means a hard-and-fast guide for territorial policy” (Sparrow 2006:208). The media was unsure of how to interpret the decision of *Downes v. Bidwell*. At the time, headlines of the newspapers read “Constitution Follows the Flag,” while others read “The Constitution Does Not Follow the Flag” (Sparrow 2006: 99).

According to the *Downes* decision, the United States could claim the territory as its own but need not treat it as a state. The Constitution would apply to the colonies, but only insofar as been dictated by the treaties levied by Congress. Although there was dissent over the decision, what prevailed was the ability of the United States to “eat its cake and have it: to indulge in territorial expansion yet maintain the tariff wall against such insular products as sugar and tobacco, as foreign” (Samuel Eliot Morison as quoted in Sparrow 2006: 105).

Although the case was about whether or not the territory of Puerto Rico would be considered part of the United States for the purposes of tariffs, Justices also deployed ethnic definitions of the United States, mostly notably stating that the current “possessions are inhabited by alien races,” which would mean that “the administration of government and justice, according to Anglo-Saxon principles, may for a time be impossible.”¹⁹ The decision to exclude Puerto Rico and other island territories from the United States was not only constitutionally, but racially motivated.

The Supreme Court Justices, faced with two competing positions on overseas empire, did not unequivocally decide whether the territories would be foreign or domestic. They deferred the issue by ambiguously defining the territories as “foreign in a domestic sense.” As I show in subsequent chapters, these decisions allowed the United States to pursue seemingly contradictory

¹⁹ 182 U.S. 244. 1901. *Downes v. Bidwell*.

policies toward the Philippines and Filipinos, make and break promises, and maintain empire across the globe even after formal empire fell out of favor on the world stage.

Tensions in Ruling the Philippines

After having settled that the Philippine territory would be taken by the United States, and considered “to belong to, but not form part of” the United States, legislators continued to struggle with the tensions of keeping the Philippines and ruling over the population, seen as uneducated and uncivilized. In Congressional debates over what system of rule they would give to the Philippines, members of Congress continued to reflect the tensions over the acquiring the Philippines, the material benefits, and the racial suitability and citizenship of Filipinos. In the 1902 Organic Act, U.S. Congress equivocated over whether the Philippines was foreign or domestic. In citizenship, Congress treated Filipinos as foreign, citizens of their own country, but in the same act, Congress also treated the Philippine territory as under the sovereignty of, and domestic to, the United States.

On one side of the tension, debates over racial fitness shaped policy about the colonies, determining if and how they would be incorporated. U.S. politicians put the colonies on a racial evolutionary scale, comparing them to one another, arguing over if they could be civilized, how western they were, if they could be taught anything. Republican President Roosevelt consistently referred to Filipinos as “ savages,’ ‘barbarians,’ ‘a savage people,’ ‘a wild and ignorant people,’ ‘Apaches,’ ‘Sioux,’ ‘Chinese boxers.’”²⁰ Racialized and gendered public discourse and representations of the colonies “were a means to conceive, mobilize, and justify imperial rule” (Thompson 2010:11).

Drawing on the idea that Filipinos were racially unsuitable for U.S. citizenship, Democratic Senator Simmons of North Carolina, opposed the extension of the Constitution to the Philippines. He argued that the United States “can not [sic] govern them as colonies without trampling under

²⁰ As noted by Democratic Senator Edward Carmack. (Senator Carmack, speaking on S. 2295. 1902. “Civil Government for the Philippine Islands,” in *Congressional Record* 57 Congress, 1st Session, April 25: 4673.)

foot [sic] the fundamental principles of our Constitution.” He also said that “we can not [sic] admit these people many of them only half civilized and only a part of them with any just comprehension of the principles of self-government, as citizens of the Republic without degrading the citizenship of the nation and inviting countless dangers.” Citing the education of “an inferior race” in the United States, by which he meant Black Americans, Simmons argued that by trying to educate lesser people, the United States would gain little and improvement in the population would be “slight.” He would “rather see them and their trade gone from us forever than to have the American flag, the emblem of our sovereignty, float over and give its countenance to the conditions which exist....” The cost, Simmons argued, of keeping the Philippines was greater than giving them up. By keeping the Philippines, the United States would have to educate the uncivilized, subdue warring people from various islands, maintain an army for “an indefinite period of time,” and develop and industrialize labor. Simmons argued that whereas previous continental expansion under Democrats “brought safety, not danger,” the current acquisition of the Philippines would threaten U.S. republican institutions.²¹

In codifying a limited form of self-government, U.S. Congress outlined that Filipinos were foreign. They were not U.S. citizens, but citizens of the Philippines, marking them as not belonging to the United States. In the debate over the 1902 Organic Act, Senators equivocated over what it meant to be a citizen of the Philippines, given that the Philippines belonged to the United States. Senator Lodge, a Republican, argued that just as in the 1900 Organic Act for Puerto Rico, people of the Philippines are considered “citizens of the islands where they live, entitled to the protection of the United States.” In Lodge’s account, Filipinos would not be considered citizens of the United

²¹ Senator Simmons, speaking on S. 2295. 1902. “Civil Government for the Philippine Islands,” in *Congressional Record* 57 Congress, 1st Session, April 28: 4759.

States “by the principle of exclusion.”²² Racial ideas motivates some senators in excluding Filipinos from U.S. citizenship.

Whereas some senators saw the Philippines as clearly foreign and Filipinos as alien to the United States, others argued that Filipinos could not be citizens of the Philippines on the grounds that the Philippines had no sovereignty. Republican²³ Senator Teller (who authored the so-called Teller Amendment that gave the United States reason to intervene in Cuba, justifying the Spanish-American War) suggested that Philippine citizenship was essentially meaningless because “there must be sovereignty before there can be a citizen,” and the Philippines had no sovereignty.²⁴ Democratic Senator Bacon also argued that the classification of Filipinos as citizens of the Philippines was “absolutely indefensible and without any logical justification.”²⁵ Bacon, like Teller, raised the issue of how citizenship could not exist without sovereignty. Rather than consider them citizens of a non-sovereign, Bacon emphasized that these people “shall be ‘subjects’ of the United States” and that Congress should “be frank and say so in plain language.”²⁶ Despite the queries from Senators Teller and Bacon, in the 1902 Organic Act, Filipinos were deemed citizens of the Philippines, foreign to the United States.²⁷ That Filipinos were not citizens of the United States meant that their rights were limited. Congress granted rights of “life, liberty, property, due process of law, religious freedom, and freedom of speech and of the press” (Thompson 2002:559) to Filipinos. Unlike their Puerto Rican counterparts, however, the newly deemed citizens of the Philippines did not gain the rights guaranteed to U.S. citizens by U.S. statutes.

²² Senator Lodge, speaking on S. 2295. 1902. “Civil Government for the Philippine Islands,” in *Congressional Record* 57 Congress, 1st Session, April 21: 4477.

²³ Teller, in 1903, switched parties.

²⁴ Senator Teller, speaking on S. 2295. 1902. “Civil Government for the Philippine Islands,” in *Congressional Record* 57 Congress, 1st Session, April 21: 4477.

²⁵ Senator Bacon, speaking on S. 2295. 1902. “Civil Government for the Philippine Islands,” in *Congressional Record* 57 Congress, 1st Session, April 21: 4477.

²⁶ Ibid.

²⁷ PL 57-235-1. 1902. *Philippine Government Act*.

On the other side of the tension, many legislators believe the Philippines was domestic to the United States in that the metropolitan government should still maintained control over Philippine institutions. They continued to struggle with how to claim the material benefits of the Philippine territory. According to the terms of the Organic Act, Philippine judiciary, legislative, military, defense, trade, and natural resources matters were subject to oversight by members of the U.S. federal government. And crucially, all three branches of government were under the control of U.S. imperial administrators who were viewed as “tutors in the art of self government” (Thompson 2002:559). The U.S. President would “continue to regulate and control commercial intercourse with and within said Islands [sic] by such general rules and regulations as he, in his discretion, may deem more conducive to the public interests and the general welfare.”²⁸ The Philippine Commission (which was under the U.S executive branch) ultimately had control of the courts in the Philippines.

Although the terms of the 1902 Organic Act specified that the archipelago would, in many ways, be treated as domestic, Congress also defined the Philippines as foreign. The Philippines was designated not as a domestic, but a foreign, port. The colony had its own currency, and the archipelago was excluded from the federal court system. These classifications stand in contradistinction to what Congress established in the Organic Acts for Hawai’i and Puerto Rico, in which the ports were domestic, currency was in the U.S. dollar, most U.S. statues did apply, and they were included in the federal court system.²⁹

The 1902 Organic Act treated the Philippines as both foreign and domestic to the United States. While many in Congress had no objection to this equivocal act, some voiced dissent. Senator Rawlins emphasized that the near-complete control over the Philippines by the executive was

²⁸ PL 57-235-1. 1902. *Philippine Government Act*. Section 3.

²⁹ See Thompson’s (2010) table summarizing differences among the acts on pages 204-205.

“despotic.”³⁰ Comparing the bill for the 1902 Organic Act to American Indian policy, Senator Rawlins, a Democrat, continued over the next several days, saying:

“This bill inaugurates a colonial policy. It sets up a despotism. It provides for exploitations, for spoliations and plunder. It is to be the foundation of new insurrections, new deaths. It means, in all probability, if we are to follow it out in all its consequences, what is implied in the declaration of the former chairman of the Philippine Commission—the extinction of that race of people.

When you have followed to the end the road upon which you are now about to enter, after you have achieved the results which knowingly you thus set out to accomplish, what will they be? An extinct race, who will remain, like the Huron tribe of Indians, as a tradition of history: a race of people who have not wronged us.”³¹

To enact this bill, Rawlins argued, would be to make extinct “a race of people who have not wronged us; a race of people indigenous to the soil and the climate in which they live, a climate to which we can not [sic] be inured, a land which can not be made the home of our people.”³² To the authors and supporters of the bill, Senator Rawlins said:

“You want to exterminate those people—in order to supplant them? No; you never can supplant them. You never will go there for the sake of a home, for the sake of the establishment of a permanent abode. You annihilate those people for revenge, because you do not like them, because their color is different from yours, because they are an alien race, because they have a different religion, because their habits and customs are not your habits and customs. You want to go there as if you were carrying out the edict of some inscrutable fate, to annihilate a race of men who never have injured us, while we have gone and ruthlessly assaulted them and their institutions.”³³

Concluding, Senator Rawlins then asked for an explanation as to “what useful and humane purpose” his fellow lawmakers had in drafting this policy.³⁴ He received no answer.

Despite Rawlins’s protestations, according to the 1902 Organic Act, the Philippines had virtually no sovereignty over its territory, making Filipinos “citizens of a non-state” (Aguilar

³⁰ Senator Rawlins, speaking on S. 2295. 1902. “Civil Government for the Philippine Islands,” in *Congressional Record* 57 Congress, 1st Session, April 22: 4523.

³¹ Senator Rawlins, speaking on S. 2295. 1902. “Civil Government for the Philippine Islands,” in *Congressional Record* 57 Congress, 1st Session, April 24: 4623

³² *Ibid.*

³³ *Ibid.*

³⁴ *Ibid.*

2010:217). As citizens of a non-state who were entitled to the protection of the United States, the question remained, “were these people now citizens of the United States?” (2009:332)

Debating Citizenship

Even after the 1902 Organic Act, U.S. state actors were still unclear on what rights Filipinos had vis-à-vis the metropolitan state. Likewise “after *Downes*, Puerto Ricans [and Filipinos, by extension] lived in institutional limbo, uncertain whether they held U.S. citizenship or remained alien to their new sovereign” (Erman 2008:7). The question up for debate, then, was what rights and responsibilities would Filipinos have to the metropolitan state?

The 1904 U.S. Supreme Court case, *Gonzales*³⁵ v. *Williams* settled, at least temporarily, this debate with yet another ambiguous definition. While this case was about the citizenship status of a Puerto Rican woman,³⁶ it applied to the status of all inhabitants the U.S. territories acquired from Spain. In the arguments before the court, there were three opinions: first that Puerto Ricans (and by extension, other island inhabitants, were alien; second that they were to be treated as full, white citizens; and third that they could be treated as something akin to a second-class citizen.

First, as before, many saw inhabitants of the island territories as foreign aliens to the United States. For example, during the trial, Solicitor General Hoyt, arguing for the United States, emphasized that the purpose of U.S. immigration law was to keep out undesirables, such as the “Chinese, prostitutes, idiots, insane persons, paupers, etc...” (as quoted in Erman 2008:15). Hoyt considered Puerto Ricans and Filipinos among these undesirables. Second, others suggested that inhabitants of the territories should be treated as domestic with the rights of citizens. Degetau, the Resident Commissioner from Puerto Rico, who supported U.S. statehood for the island, argued that Puerto Ricans were citizens of the United States. Puerto Ricans, in Degetau’s portrayal, were self-

³⁵ The plaintiff’s name was actually González, but the court case is written as Gonzales.

³⁶ The U.S. Supreme Court heard the case of a Puerto Rican woman, Isabel González, who arrived to Ellis Island from Puerto Rico and was not admitted to the United States on the grounds that she was an alien.

governing, civilized people (unlike according to him, Filipinos and Alaskans). Puerto Ricans in his account had freely given “a plain renunciation of all foreign allegiance and an explicit acceptance of the duties of citizenship” (as quoted in Erman 2008:22).

While both those who argued against and for Puerto Rican citizenship drew on notions of civility, based in racial suitability, others argued that because U.S. citizenship was already gradational and ambiguous, Puerto Ricans and island inhabitants could be treated as citizens. Frederic R. Coudert Jr., the lawyer who argued the earlier *Insular Cases* in which the court decided that the territories would be considered “foreign in a domestic sense,” argued this case in favor of Puerto Ricans being considered like U.S. citizens. Coudert himself coined the term “national”³⁷ as akin to the term “subject,” to capture a status that was not alien but also not a full citizen. As Duffy Burnett notes “in the ambiguity of the concept of citizenship, Coudert saw an opportunity. The lack of a clear definition, he argued, left room for ‘various gradations or subdivisions of subjection’” (2009:335).³⁸ In justifying this ambiguous gradation, Coudert argued that U.S. law already gave citizenship to people that had been or were subordinated, such as free Black people, American Indians, women, and children. In other words, “Coudert portrayed a U.S. citizenship which generally accompanied U.S. nationality and that, similar to nationality in other empires, was widespread and largely inconsequential” (Erman 2008:16). Coudert distinguished between citizenship and full rights, highlighting the already existing lack of clarity in definitions of citizenship in the United States at the time. Previous doctrines that limited the citizenship for some Americans could be applied to those in the territories. Coudert’s arguments demonstrated how territory and rights were not coextensive.

³⁷ Justice William Day, like Coudert, proposed a new term, “liegeman” as something in between alien and citizen (Erman 2008:20).

³⁸ This language is like that described by Patricia Hill Collins (2001) in referring to how the United States has navigated the tensions between liberal individual rights and racial exclusion of Black Americans. She uses the experience of Black women as domestic workers who are “like one of the family” to demonstrate the subordination of rights to racial Others.

The court did not agree with any of the opinions argued, and its justices again provided an ambiguous answer on the status of Puerto Ricans and other inhabitants of the territories. In the ruling of this case, the Supreme Court decided that, in terms of U.S. citizenship law, colonial subjects were not aliens (so González could be admitted to the United States free of regulation by the Immigration and Naturalization Service). Still, the Court said that the inhabitants of the territories while not aliens, were “something in between”³⁹ citizen and alien. This new legal category helped justify the U.S. colonial project of creating an ambiguous political subject that could not fully belong to the nation, but was also not alien (Ramos 1996).

“...the Court in its vagueness facilitated U.S. imperialism by neither denying the widely held belief that U.S. citizenship and U.S. nationality were coextensive nor interfering with congressional and administrative control of new territorial acquisitions” (Erman 2008:7).

As Erman argues, through this “strategic silence” the Supreme Court Justices did not have to resolve the vagueness, but could, in fact, accommodate, the incoherence of empire and democracy (Erman 2008:23). Nor did the justices resolve the different arguments about what or who belong to the United States. Instead, they blended aspects of citizen and alien into the category of national.

Ongoing Ambiguity in Rule

The U.S. Supreme Court used ambiguous definitions to temporarily resolve conflicts over the territorial and membership-based definitions of the United States. Ambiguity was a temporary solution to competing positions on the foreign or domestic nature of the Spanish territories and their inhabitants. By institutionalizing ambiguity, the Court deferred settling a debate over the definitions of U.S. sovereignty and citizenship. This is clear in the ongoing equivocation of the 1902 Organic Act. Similarly, ambiguity persisted in the 1916 Jones Act (not to be confused with the 1917 Jones Act that pertained to Puerto Rico. The Philippine act promised eventual independence and

³⁹ 192 U.S. 1. 1904. *Gonzales v. Williams*.

giving Filipinos more control over domestic Philippine affairs (Hayden 1925:42).⁴⁰ The law specified that “it is desirable to place in the hands of the people of the Philippines as large a control of their domestic affairs as can be given them without in the meantime impairing the exercise of the rights of sovereignty by the people of the United States, in order that by the use and exercise of popular franchise and governmental powers they may be the better prepared to fully assume the responsibilities and enjoy all of the privileges of complete independence.”⁴¹ Seemingly, U.S. Congress, now controlled by Democrats, had moved toward classifying the Philippines as increasingly foreign. Congress changed the Philippine legislature to a body of elected Filipino people.

While the 1916 Jones Act set the Philippines on a path to independence, the U.S. still maintained authority over its colony, treating it as domestic. The governor-general of the Philippines remained the supreme executive authority of the government, representing American sovereignty in the Philippines, and he had control over the legislature and the executive functions of the Senate. Furthermore, the act was intended to protect the “fundamental rights of individuals and natural resources of the [United States]” (Hayden 1925:34). In other words, Philippine sovereignty over domestic affairs was acceptable to U.S. Congress, but they did not want this to interfere with the rights of citizens of the United States. Filipino elites accepted this as “a temporary government under American sovereignty’...” (ibid: 42).⁴² The Philippines, even as it moved toward independence, remained foreign in a domestic sense.

Just as legislators could claim that the Philippines was both foreign and domestic, the ambiguous definition of the Philippines and Filipinos continued to raise confusion. From *Gonzales v.*

⁴⁰ It won out over another version of the bill, which would have given a republic in 1920 because Congressional representatives thought that the Philippines needed more “training in self-government” (Beadles 1968: 441).

⁴¹ PL 64-240. 1916. *Organic Act of the Philippine Islands*.

⁴² It won out over another version of the bill, which would have made the Philippines a republic in 1920 because Congressional representatives thought that the Philippines needed more “training in self-government” (Beadles 1968:441).

Williams, it would seem clear that Filipinos were U.S. nationals, owing allegiance to the United States. And this status as nationals meant that despite the de jure exclusion of Chinese (and later others from the Asian region), Filipinos could freely migrate from 1898 until 1934 and held some rights given to citizens. Nevertheless, what this meant in practice was unclear. In 1932, debating an act for eventual Philippine Independence, two Senators quibbled over the status of Filipinos:

Mr. TYDINGS. The Senator, of course, claims that the Filipinos are citizens of the United States at present?

Mr. COPELAND. Not in the sense as are the citizens of Puerto Rico.

Mr. TYDINGS. If they are not citizens of the United States, of what country are they citizens?

Mr. COPELAND. Of the Philippines.

Mr. TYDINGS. Are the Philippines a part of the United States?

Mr. COPELAND. They are.

Mr. TYDINGS. Then, are not the Filipinos citizens of the United States?

Mr. COPELAND. They are technically.

Mr. TYDINGS. What I can not [sic] understand is: If Filipinos have the right to come to this country and the immigration laws do not bar them from coming to this country, why they do not have more right in the voice of the Government if they are a part of the citizenship of the United States of America.⁴³

In this period, then, although the Court ruled on a conflict between the nativist and imperialist interests, and exclusionary and expansionist aspects of U.S. rule, Filipinos were neither simply foreign or domestic, nor citizen or alien.

The Institutionalization of Ambiguity

The Supreme Court's decisions in *Downes* and *Gonzales* attempted to manage competing perspectives about U.S. sovereignty and citizenship through the institutionalization of ambiguous legal statuses. Faced with ruling a new overseas territory and people, U.S. state actors and legal thinkers of the time debated their visions of the U.S. "nation." Some advocated for expansionism while others maintained isolationist positions. These positions reflected conflicting ideas about the

⁴³ Senators Tydings and Copeland, speaking on H.R. 7233. "Philippine Independence," in *Congressional Record* 72 Congress, 2nd Session, December 8. 186

spatial and symbolic boundaries of the United States. Not only that, the tensions over incorporating or excluding the territory and its people came down to competing dictums of empire—territorial expansion alongside the subordination and exclusion of subjects living in those conquered territories. In its decision, the Court defied earlier interpretations of the Constitution and definitions of the territory and membership of the United States. The colonies were not and would not become states. They were foreign in a domestic sense. And the people were not citizens, but nationals. The Justices avoided committing the United States to one, clear policy toward the territories. Rather than classify the Philippines foreign or domestic or Filipinos aliens or citizens, then, the Court used new, ambiguous terms.

The Court gave Congress the legal justification for both including and excluding the territories and their inhabitants, putting them in what Fujitani (2011) refers to as a “zone of indifference” or “undecidability” (38). Yen Lê Espiritu refers to the coupling of separation and inclusion as “differential inclusion,” which she defines as “the process whereby a group of people is deemed integral to the nation’s economy, culture, identity, and power—but integral only or precisely because of their designated subordinate standing” (2003:43).⁴⁴ This kind of undecidability, or intentional, institutionalized ambiguity, created new possibilities to defy foundational tenets of the state (as written in the Constitution) as the state expanded its territorial reach. In the following three chapters, I demonstrate the productive elements of ambiguity.

⁴⁴ While Espiritu develops the term “differential inclusion” in relation to Filipinos, she also applies the definition to other racialized people in the United States, including those incorporated by enslavement and conquest.

CHAPTER 2 | AMBIGUITY AND POLYSEMOUS CLASSIFICATION

The institutionalized ambiguities of the *Insular Cases* did not conclusively settle the tensions of empire but deferred a clear decision on the relationship of the territories to the United States, which U.S. and Philippine state actors continued to navigate throughout the colonial period. After the 1901 *Downes v. Bidwell* and 1904 *Gonzales v. Williams* Supreme Court decisions—which institutionalized ambiguity in legal classification of the Philippines (as “foreign in a domestic sense”) and Filipinos (as nationals)—members of Congress remained divided over how to interpret the status of the Philippines and Filipinos. The core question of this period changed from *how* to claim the Philippines without giving rights to its inhabitants to managing *when* the Philippines was foreign and when it was domestic. Addressing this tension had implications for the scope of U.S. sovereignty in the archipelago, Philippine migration to the United States, trade relations, domestic wartime security, the martial responsibilities of Filipinos, and Filipino naturalization for U.S. citizenship. The questions that Congress faced were: (1) when is the Philippines foreign, domestic, or both (or neither)? And (2) when are Filipinos to be treated like citizens, aliens, or both (or neither)?

Taking a definitive position to make territory or people univocally legible (as citizens or aliens, for example) did not align with the conflicting interests of the U.S. empire state. In the years leading up to World War II, the United States Congress simultaneously classified the Philippines and Filipinos in multiple ways—as citizens who had both obligations and rights vis-à-vis the state, as nationals who has obligations but limited rights, and as aliens who neither had formal obligations nor rights.

These classifications of the territory and its people also defined the geographic and demographic boundaries of the United States. In the years between 1934 and 1936, Congress tended to primarily classify Filipinos as foreign aliens to the United States, highlighting their racial

ineligibility and unsuitability for citizenship. When it came to the geographic definitions of the United States, especially as relevant to geopolitical and trade interests in Asia, Congress classified the Philippines as part of, or domestic to, the United States, and therefore its inhabitants as citizens. These seemingly contradictory definitions of the Philippines and Filipinos reflect struggles over the spatial and membership-based boundaries of the United States. Overall, in this period, as it served the tension between territorial expansion and circumscription of rights for non-white colonial subjects, there was a flexibility in defining both the territory and people of the United States.

These multiple, co-existing classifications, or polysemy, reflect not only the competing interests on the part of different U.S. state actors, but the tensions of empire. That Congress classified Filipinos as citizens, nationals, and aliens could be interpreted as “wartime schizophrenia” or “a series of arbitrary edicts from the federal government regarding their standing vis-à-vis the nation state” (Baldoz 2011:198). The co-existence of these three citizenship statuses for Filipinos, however, was not arbitrary. Rather, it reflects how ambiguous classifications can be useful in allowing state actors to control and manage new territories and populations. Those concerned with the un-assimilability of Filipinos and competition with white labor tended to view Filipinos as aliens. When it came to geopolitical security concerns and protecting U.S. sovereignty, however, Congress saw Filipinos as citizens or nationals, owing allegiance to the United States. As Baldoz (2011) notes, there was a rationale to the competing classifications of Filipinos:

“When it came to exacting maximal loyalty and martial sacrifice from Filipinos, U.S. authorities considered them to be citizens, with the requisite obligation to defend the nation and provide military service to the state during war. When it came to the state’s reciprocal obligation to extend the full spectrum of rights and protections accorded to citizens, then Filipinos were classed as aliens or nationals, with a limited claim to civic benefits and privileges.” (199)

Colonial classifications could be used toward myriad ends. The ongoing ambiguity in and conflict over defining the Philippines and Filipinos allowed different U.S. special interest groups and government actors to pursue competing and contradictory policies toward the islands and their

people. This polysemous classification also emerged from a challenge faced by empire states that masquerade as nation states: how to expand territorial sovereignty while limiting rights to subjects seen as unassimilable outsiders.

In this chapter, I show how the possible definitions of the Philippines and Filipinos proliferated between 1934 and 1946. In general, Filipinos tended to be classified as foreign, while, the Philippine territory was more frequently seen as domestic. Legislators tended to exclude people and include territory. Even still, there were ambiguities in the classification of both the territory and people of the Philippines. The status of Filipinos as foreign and the Philippines as domestic to the United States did not crystallize until after World War II, which I document in the two subsequent chapters.

Classification Struggles

Struggles over classification of the Philippines and Filipinos reflect the tensions of empire. By creating classifications, such as citizen, national, and alien, people—ordinary individuals, social movement actors, experts, legislators, judges—create and define reality, making it legible. Bourdieu calls this the work of representation, which individuals constantly perform “in order to impose their view of the world or the view of their own position in this world” (Bourdieu 1985:727). Naming and representing create common sense ideas about the social world, about the meaning of citizenship and who is a citizen, for example. At the same time, systems of classification, even state classifications are not uniform.

Those studying classification have given special attention to struggles over classification. On the one hand, scholars emphasize the power behind official state categories. In these accounts, the state is “the holder of the *monopoly of legitimate symbolic violence*,” which permits state actors to “impose their vision of the divisions of the social world and their position within it” (Bourdieu 1985:732). State actors have special power, “not simply the power to set the rules of the game, but the power to

‘enframe’ (Mitchell 1990) the game itself, establishing the practices, categories, and cognitive schemes through which the game is understood and experienced” (Loveman 2005:1656). These practices of state classification can be called “legitimate classification” (Starr 1992:265). They are legitimate because the state circumscribes the universe of possible classifications and groupings. One way that state actors create classifications is through law, which “represents the quintessential form of authorized, public, official speech which is spoken in the name of and to everyone” (Bourdieu 1987:838). The law, in this estimation, creates a situation in which the category can become universally recognized and imposed (ibid).

On the other hand, while the state may have the power to legitimately classify, people also struggle over classification. These struggles are consequential for rights, such as those belonging to people defined as citizens, for example. “What is at stake in the struggles about the meaning of the social world is power over the classificatory schemes and systems which are the basis of the representations of the groups and therefore of their mobilization and demobilization...” (Bourdieu 1979:479). In part, people engage in struggles over the terms of classification because classifications have not only symbolic but also material consequences.

That state actors struggle over legitimate classification, like that of Filipinos, raises the question of why states classify in particular ways and how state actors come to define populations in certain terms. Acknowledging that “the politics of official classification can be broken down into a series of choices, each a potential source of conflict,” (Starr 1992:278–79) prompts us to analyze these moments of choice and conflict. There is not but one way to classify a population, but different ways of lumping and splitting (Zerubavel 1996), as well as different “motives and methods” (Loveman 2014:47) for systems of classification. As Bourdieu (1985) notes, “the objects of the social world can be perceived and uttered in different ways because, like objects in the natural world, they always include a degree of indeterminacy and fuzziness” (728).

In the scholarship on classification struggles, scholars have focused primarily on top-down and bottom-up processes of classification, analyzing especially the struggles among state and civilian actors over legitimate classification. Consider, for example: how early 20th- century struggles over who was a deserving citizen versus who was a pauper determined what material benefits these individuals received (Goldberg 2007:11); how 1970s state recognition of the category Hispanic was consequential for Mexican Americans, Puerto Ricans and others from the Latin American region facing discrimination (Mora 2014b:11); or how struggles to define human rights at the supranational level post-WWII has impacted the rights of citizens within nation-states (Jacobson 1997:4). Mobilization from below can change not only the names of boundaries or classifications, but culture and social structure (Starr 1992:265). Through struggles, people can change classifications.

At the same time, classification struggles may lead to “inconsistent, contradictory classificatory practices that undermine state authority” (Goldberg 2007:16). Some of the scholarship on contradictory classificatory practices emphasizes that contradiction from extra-state entities can challenge state definitions undermine state authority (Enloe 1981; Goldberg 2007; Jacobson 1997; Schiller, Basch, and Blanc 1995; Soysal 1994). Less attention has been paid to how states maintain authority and manage inconsistency and contradiction. The work of scholars writing on conflicts between supranational and national definitions of citizenship suggests that contradictory classificatory practices need not undermine state authority (Bloemraad 2004; Joppke 1998; Menjívar 2006; Mora 2014b; Waldinger and Fitzgerald 2004).

Internal struggles about legitimate classification are reflective of multiple and conflicting interests of an empire state. In the case of the U.S. empire state, as I’ll show, state actors use ambiguity to evade clear definitions and manage the tensions of empire. They reflect different ideas about the definitions of territory and people and whether these are coterminous. Struggles over how to define territorial and membership boundaries shed light on the tensions inherent to empire states

as they expand territorially but circumscribe membership. Taking a definitive position to make territory or people univocally legible (as citizens or aliens, for example) does not always align with the diversity of imperial state interests—to exploit natural resources, expand military control, and limit citizenship rights of inhabitants of claimed territories.

Foreign or Domestic?

In what follows, I focus on an especially confusing part of a 48-year battle over where the geographic and demographic boundaries of the United States laid. These are not just battles over what or who a Filipino is, what an alien, national, or citizen is, but also battles over what the United States is. Between 1934 and 1946, the United States Congress classified the Philippines and Filipinos in multiple, seemingly contradictory ways, navigating the tensions of imperial rule. No classification of Filipinos as citizen, alien, or national overturned a previous one. Rather, various definitions of Filipinos and the Philippines coexisted. (See Table 2.) In 1934, Congress changed the 40-year precedent of classifying Filipinos as nationals. Filipinos were now foreign aliens ineligible for citizenship. The 1934 Philippine Independence Act read:

“For the purposes of the Immigration Act of 1917, the Immigration Act of 1924 (except section 13(c)), this section, and all other laws of the United States relating to the immigration, exclusion, or expulsion of aliens, citizens of the Philippine Islands who are not citizens of the United States shall be considered as if they were aliens.”¹

When it came to protecting U.S. security and trade in Asia, however, Congress considered the Philippines as a territory under U.S. sovereignty. Responding to concerns of enemy aliens within the U.S. borders, Congress classified the Philippines as a foreign territory, and its people aliens in need of registration. Representatives also relied on different criteria—both martial and racial—for the naturalization of Filipinos, who were still variously considered aliens or nationals. Congress created a path for *some* Filipinos to become domestic via naturalization based on military service. After the

¹ PL 73-127. 1934. *Philippine Independence Act of 1934*. Section 8(a)1.

war, Congress lifted the racial bar to Filipino naturalization and expanded the paths for naturalization of Filipinos, not just those who had served in the military.² In the span of twelve years, Congress shifted in defining Filipinos first as nationals, to aliens, to citizens, to aliens again, to nationals again, and then finally as aliens.

Act of U.S. Congress	Issue	Classification
1934 Tydings McDuffie Act	10-year trial period toward independence	Aliens
1939 Neutrality Act	Security and peace of the United States	Citizens
1940 Alien Registration Act	Documenting foreigners in the United States	Aliens
1940 Selective Service Act	Military draft	Nationals
1940 Nationality Act	Naturalization of aliens	Aliens
1946 Luce-Cellar Act	Naturalization of Filipinos (and Asian Indians)	Aliens (eligible for citizenship)

Table 2: Polysemous Classification of Filipinos, 1934-1946

Defining the Philippines as Foreign, on the Path toward Independence

In a seeming step toward the unambiguous clarification of Filipinos' citizenship status, Congress passed the 1934 Tydings–McDuffie Act.³ Through negotiations over the act, U.S. nativists also secured a new avenue to pursue exclusionary interests (Baldoz 2011). The main stated purpose of the act was to promise and define terms of independence for the Philippines after a 10-year period as a Commonwealth. The act also reclassified Filipinos as aliens, foreign to the United States. By the terms of the Act, the Philippines, though still a colony, “shall be considered a separate

² In the following chapter, I explain the shifting requirements and exclusions to Filipino naturalization, especially as it relates to military service.

³ Congress approved the first act, known as the Hare–Hawes–Cutting Act, in 1933 over the veto of President Hoover. (Representative Hare and Senator Hawes were Democrats. Senator Cutting was a Republican.) The Philippine legislature, however, did not accept the bill, as the President of the Philippine Senate, Manuel Quezon wanted to be the one to bring independence to the Philippines (rather than his political competition, Sergio Osmeña). Quezon brought a new bill of independence to the Philippines, known as the 1934 Tydings–McDuffie Act (almost identical to the earlier Hare–Hawes–Cutting Act).

country” and “citizens of the Philippine Islands, who are not citizens of the United States shall be considered as if they are aliens.”⁴ The act both defined the territory and the people of the Philippines as foreign to the United States.

Filipino leaders, the U.S. labor lobby, and members of Congress (primarily Democrats) all promoted classifying the Philippines as foreign and Filipinos as alien. First, classifying the territory of the Philippines as foreign was in the interest of Filipino leaders who had long professed desires for independence. In 1929, delegates from the Philippines began to negotiate the Philippine Independence Act. Sergio Osmeña and Manuel Roxas, two prominent Filipino politicians who would, respectively, go on to become the first Vice President of the Philippine Commonwealth and first President of the Third Philippine Republic (founded in 1946) were instrumental in early hearings for the Act. In a hearing in the House, Osmeña testified:

“Our desire for independence is age-long. It is an informed, intense, and sincere desire. It has been attested in the course of our unhappy history throughout our many struggles for freedom against Spain. It comes to us from our forebears. It will go down to our children and those who come after them.”⁵

While Osmeña and Roxas expressed desire for Philippine independence, they also noted the ambiguity of the proposed legislation:

“The approval of the proposed amendment [on free trade in the Philippine Independence Act] would make the Philippines a domestic territory for one purpose and a foreign territory for another. It would make the Philippines a part of the United States in so far as it is to America’s advantage to make it so, but a foreign country, outside your tariff walls, when its interests may in any way, real or imaginary, conflict with the interests of American producers and investors.”⁶

The terms of the Act, purportedly for the independence of the Philippines (making it a foreign country) maintained aspects of U.S. sovereignty over the archipelago.

⁴ PL 73-127. 1934. *Philippines Independence Act of 1934*.

⁵ Mr. Osmeña, speaking on H.R. 7233. 1932. “Statement of the Hon. Sergio Osmeña [sic], Acting President of the Senate of the Philippine Islands.” *Hearing before the Committee on Insular Affairs*. House of Representatives. 72nd Congress, 1st session. January 22:4-5.

⁶ Statement by the Philippine Commission (Sergio Osmeña and Manuel Roxas), read by Senator Hawes, on H.R. 7233. 1932. “Philippine Independence” in *Congressional Record* 72nd Congress, 1st session. May 23: 10883.

Although negotiated by two Philippine political giants, debate over the acceptability of the 1931 version of the Philippine Independence Act raged in Philippine political circles. Manuel Quezon, then a Senator who set out to challenge Osmeña for control over the nationalist party, publicly spoke out against the law and formed a mission to discredit it. Quezon publicly declared that it did not bring independence soon enough and that the Philippines would have to compromise too much.⁷ On April 1, 1933, Quezon wrote Roy Howard⁸ of Scripps-Howard Newspapers in New York with his estimation of the Act:

“It is, in my opinion, a disgraceful piece of legislation. Enacted ostensibly to give freedom to the Filipino people, it only gives freedom to the United States—freedom to be selfish, freedom to be arbitrary, freedom to be relieved of every moral and legal obligation, which America has voluntarily assumed, to the people of the Philippine Islands....In other words, an Act which purports to free the Filipino people, denies them rights which every free people should have, except the right to surrender these rights.”⁹

In short, in Quezon’s letter to Howard, he argued that the law would not bring independence to the Philippines as promised in the earlier 1916 Jones Act. On the same day, together with other members of the mission, Quezon wrote that the Act, in its economic provisions and reservations allowed the United States “to exercise practical suzerainty over the Philippine Islands without corresponding obligations, moral or legal, to and for the Filipino people.”¹⁰ In a letter to the periodical *Tiempo Times*, he called this a “nominal independence, if even that much.”¹¹ In part due to Quezon’s public dismissal and organizing, the bill was rejected by the Philippine legislature. Quezon traveled to Washington to negotiate a new deal known as the Tydings-McDuffie Act (also known as

⁷ “The problem for the Filipinos was to gain both economic concessions and independence” (Perkins 1962:248).

⁸ Howard wrote Quezon regularly, familiarly addressing him as “Casey.”

⁹ Manuel Quezon to Roy Howard. 1933, April 1. Reel 16, Manuel Luis Quezon papers, Bentley Historical Library, University of Michigan, Ann Arbor, MI.

¹⁰ Manuel Quezon. 1933. April 1. Reel 16, Manuel Luis Quezon papers, Bentley Historical Library, University of Michigan, Ann Arbor, MI.

¹¹ Manuel Quezon to the *Tiempo Times*. 1933. June 29. Reel 16, Manuel Luis Quezon papers, Bentley Historical Library, University of Michigan, Ann Arbor, MI.

the Philippine Independence Act).¹² In 1934, Quezon secured the Tydings-McDuffie Act. This act was virtually the same as the previous act, known as the Hare–Hawes–Cutting Act.

Even as Quezon, arguably the most influential and powerful Filipino politician, sought independence for the Philippines, he pushed for a more ambiguous relationship between the metropole and colony. Quezon heralded the paternalistic relationship between the United States and the Philippines, comparing the Philippines to a grown child that still maintained ties to its parents:

“...in emancipating himself from parental authority changes[,] his status and is given his person a independence, but, as in all cases, in the course of time, the parents as well as the child realize that such state cannot forever last and sooner or later they must have to get tighter for their common good.”¹³

For Quezon, the Philippines, a child of the United States, would be improved through an ongoing relationship under the authority of the United States. In other words, Quezon, though publicly denouncing a limited sovereignty, actually positioned “his” Philippines as a bound to the United States, ceding control over international affairs. For Quezon, a fully independent Philippines, “foreign” to the United States, was not ideal.

Second, part of the impetus for classifying Filipino as aliens and foreign to the United States came from West Coast labor. Dating back to the 1920s, lobbyists representing West Coast labor interests pressured the U.S. federal government to bar the entry of Filipinos (as the Congress did for others from the Asian region in the 1882 Chinese Exclusion Act, 1917 Immigration Act, and 1924 Johnson Reed Act). As Ngai (2004) notes, “The perception of widespread job competition was, in fact, fueled by longstanding racial animus towards Asiatics,” including Filipinos (109). White laborers regularly referred to Filipinos as “invaders” who were after white women and threatened

¹² Both Senator Tydings and Representative McDuffie were Democrats.

¹³ Manuel Quezon. 1934, December. Reel 18, Manuel Luis Quezon papers, Bentley Historical Library, University of Michigan, Ann Arbor, MI.

white jobs (Baldoz 2011; Ngai 2004; Tiongson et al. 2006).¹⁴ The first documented case of racial violence against Filipinos in California happened in 1926 (Ngai 2014). The efforts of nativists to bar Filipinos from entry to the United States fell short in the 1920s and Filipinos continued to work in West Coast agribusiness. In the early 1930s, however, as Filipino leaders negotiated the 1934 Philippine Independence Act as a path toward Philippine Independence, nativists secured a new avenue to pursue exclusionary interests (Baldoz 2011).

Third, in Congress, those arguing in favor of Philippine Independence also defined the Philippines as foreign for both ideological and material reasons. They argued that making the Philippines foreign would allow the United States to collect greater tariffs on trade and making Filipino aliens would stop the migration of laborers.¹⁵ In regard to the first concern over territory, Representative Gilbert, a Democrat, referred to other politicians' material interests for classifying the Philippines as foreign:

“I fought for Philippine independence when it had few supporters. Like the gentleman from Wisconsin, I see our ranks augmented by those who feel that our commercial policy would be stronger if independence were granted, tariff imposed, and embargo enforced, but my stand is now as it has been from the beginning—possibly idealistic, yet based on principle. I regret that in this bill the materialistic considerations are so prominent.”¹⁶

Making the Philippines independent, foreign to the United States, would serve the interests of U.S. agriculture by imposing tariffs on imported Filipino goods. Defining the Philippines as foreign was both ideologically and materially motivated.

In regard to the concern over Filipinos eligibility for migration, some members of Congress not only expressed concern over labor migration, but also eligibility for citizenship. Classifying

¹⁴ Notably, “despite the agitation against Filipino employment, the white laborers who attacked Filipino farmworkers often did not actually want the jobs in question.” (Ngai 2014:108).

¹⁵ H.R. 7233“Philippine Independence” *Congressional Record* 72nd Congress, 1st Session, June 29: 14272-14274.

¹⁶ Representative Gilbert, speaking on H.R. 7233.1932. “Philippine Independence,” in *Congressional Record* 72nd Congress, 1st Session, April 4: 7410.

Filipinos as alien would limit the potential for children of Filipino descent to become citizens.

Referring to Filipinos' racial (in)eligibility for citizenship, relative to other racial groups, Republican Senator Shortridge said:

“In the case of any race, the parents being ineligible to citizenship, their children born here are, under the Constitution, citizens. That is one reason why I and many others have opposed the coming to this country of races not eligible to citizenship.”¹⁷

Members of Congress, like Senator Shortridge, attempted to make Filipinos univocally and unambiguously legible to the U.S. empire state through classification not as nationals, but as aliens ineligible for citizenship.

While they succeeded in formal classification of Filipinos as aliens in 1934, Congress continued to classify the Philippines and Filipinos in ways that reflected ambiguity. In regard to territorial sovereignty over the Philippines, the United States did not relinquish sovereignty. Some members of Congress emphasized the ongoing sovereignty of the United States over the Philippines, which were set on the path toward independence. For example, Democratic Representative Hare, one of the authors of the original Philippine Independent Act stated that by the terms of the act, “We [the United States government] retain certain privileges and rights during the eight years]¹⁸ (later changed to ten years) of the Commonwealth period. Key parts of the bill maintained that the United States would still be the supreme authority; foreign affairs would still be under the supervision and control of the United States; any acts passed by the Philippine Commonwealth legislature would still be reported to U.S. Congress. The United States still had rights to expropriate property for public use, maintain military and other reservations, and the President of the United States would have the right to call into service Armed Forces of the

¹⁷Senator Shortridge, speaking on H.R. 7233. “Philippine Independence,” in *Congressional Record*. 72nd Congress, 1st Session, June 29: 14273.

¹⁸ Representative Hare, speaking on H.R. 7233. 1932. “Philippine Independence,” in *Congressional Record* 72nd Congress, 1st Session. April 4:7404.

Philippines. The United States could also exercise “the right to intervene for the preservation of the government of the Commonwealth of the Philippine Islands and for the maintenance of the government...for the protection of life, property, and individual liberty.”¹⁹ Additionally, U.S. citizens and corporations of the US could enjoy all the civil rights of citizens and corporations of the Philippines. In the section stipulating the withdrawal of American sovereignty, the bill declared that this would happen provided several amendments to the Commonwealth constitution, including adjustment of property rights for U.S. citizens and corporations; that land be granted to the United States for military bases; and that debts and liabilities would still be valid.

In regard to their citizenship status, Congress’s treatment of Filipinos reflected ambiguity in two primary ways. On one hand, although Filipinos were aliens, they continued to owe allegiance, like citizens or nationals, to the United States. In the act, it read:

“All citizens of the Philippine islands shall owe allegiance to the United States. Every officer of the government of the Commonwealth of the Philippine Islands shall before entering upon the discharge of his duties, take and subscribe an oath of office, declaring, among other things, that he recognizes and accepts the supreme authority of and will maintain true faith and allegiance to the United States.”²⁰

On the other hand, Congress limited Filipino migration to a quota of fifty people per year. Fifty was more than other Asians were allowed in a year (zero), but also less than the minimum one-hundred-person quota allowed by INS for non-Asian countries.²¹ Filipinos occupied a unique status as aliens that was between Asian and non-Asian. Ambiguity persisted.

Responding to Racial Threat and Protecting U.S. Economy from the Filipino Alien

While the Tydings–McDuffie Act reclassified the Philippines as its own country and limited Filipino migration to the United States, Congress also passed acts, known as the Repatriation Acts, to reduce the labor and racial threat of Filipinos by funding the outmigration of those already living

¹⁹ PL 73-127. 1934. *Philippines Independence Act of 1934*.

²⁰ PL 73-127. 1934. *Philippines Independence Act of 1934*; Section 2a1-2.

²¹ Senator Shortridge suggested changing the quota from 100 to fifty. (H.R. 7233. 1932. “Philippine Independence” *Congressional Record* 72nd Congress, 1st Session, June 29: 14274.)

in the metropole. Beginning with the 1935 Filipino Repatriation Act,²² passed on July 10, and three subsequent extensions of the Act in 1936, 1937, and 1939, U.S. Congress attempted to repatriate Filipinos (Anon 1938; Bogardus 1936; Catapusan 1940; Coloma, Casiano Pagdilao 1939; Ngai 2004). In the original act (74 H.R. 6464), “any native Filipino residing in any State or the District of Columbia on the effective date of this Act, who desires to return to the Philippine Islands, may apply to the Secretary of Labor.” The Secretary of Labor would then approve the application and the United States would pay for transportation. Notably “[n]o Filipino who receives the benefits of this Act shall be entitled to return to the continental United States,” except by the provisions of the Philippine Independence Act (meaning that only fifty per year could come and they had to have already been in the United States before 1934). The repatriation program was voluntary, and Congress referred to the payment for “emigration” as “benefits,”²³ as in social welfare benefits.

In the Repatriation Acts, Congress constructed Filipinos as foreign (alien) wards of the state who were distressed and no longer wanted to live in the United States. In the hearings for the 1936 extension, the Chairman of the Joint Committee on Immigration Dickstein (a Democrat) noted that “There are here 40,000 or 50,000 Filipinos who are stranded, unfortunately, some of whom are walking the streets, some are in jails, and none of them has anybody to take care of him, and these Filipinos have indicated a great desire to go back to the Philippine Islands.”²⁴ Dickstein argued that it would be good for the United States to “get 40,000 Filipinos off the relief rolls of the communities

²² According to ProQuest Congressional, there is no available history for this law. From my research at NARA-San Bruno, I discovered that files related to the Repatriation were destroyed. Notes at San Bruno for Case Files of Repatriated Filipinos, 1935-1941. “This series consisted of individual investigation files of Filipinos who requested repatriation to the Philippine Islands at US government expense under authority of the Act of July 10, 1935, and the superseding Act of July 27, 1939. The program terminated as of December 31, 1940. Ten cubic feet of records appear to have been destroyed by the INS under the authority of National Archives disposal job 347-258, item 55, Feb 24, 1948 (House Report 1278, 80th Congress, 2nd session.) A parallel general correspondence file related to Filipino repatriation appears to have been destroyed at the same time (job 347-258, item 49).”

²³ PL 74-645. 1936. *Filipino Emigration to Philippine Islands Extension*.

²⁴ Representative Dickstein, speaking on H.J. Res 71. 1935. “Extending the Time for Voluntary Return of Unemployed Filipinos to the Philippines,” Hearings Before the Committee on Immigration and Naturalization. House of Representatives. 74th Congress, 1st session. February 6: 1.

of California, New York City, and Chicago.”²⁵ By classifying Filipinos as alien, the U.S. government could not only expel them from the country, but limit welfare expenditures.

While U.S. politicians argued that Filipinos were distressed wards, Filipino elite also favored the bills. Resident Commissioner of the Philippines at the time, Pedro Guevara, was in favor of the 1936 extension of the Repatriation program, and said he supported the original bill, citing the hardships Filipinos experience in the United States. He also said the effort would “help the Philippine Islands to profit by the labor of these young men now in the United States.”²⁶ Although Filipinos were aliens of the United States at the time, the Chairman of the Committee and Resident Commissioner Guevara cited the strange classification of Filipinos as “quasi aliens” of the United States.²⁷ In short, because Congress reclassified Filipinos as foreign aliens in the 1934 Tydings–McDuffie Act, they could mobilize Filipinos’ “foreignness” to repatriate them, minimizing nativist concerns about Filipino labor competition and racial threat. And yet, Filipinos were still curiously classified as aliens owing allegiance.

Securing Peace and Trade for U.S. Citizens in all U.S. Territories

After the Tydings–McDuffie Act and the Repatriation Acts, not only did ambiguity persist within seemingly clear, legible definitions (like that of alien), so too did the number of classifications expand. In the 1939 Neutrality Act, during the rising tide of World War II and in relation to geopolitical security concerns, U.S. Congress considered Filipinos as citizens of the United States. In the debates over this act, members of Congress and President Roosevelt expressed a desire to maintain the safety of U.S. citizens and preserve U.S. economic interests. In the act, the Philippines

²⁵ Representative Dickstein, speaking on H.J. Res 71. 1935 .“Extending the Time for Voluntary Return of Unemployed Filipinos to the Philippines,” Hearings Before the Committee on Immigration and Naturalization. House of Representatives. 74th Congress, 1st session. February 6: 2.

²⁶ According to Ngai (2004), “The post–World War I recession, however, left many Filipinos were destitute after the WWI recession” (102).

²⁷ Representative Dickstein, speaking on H.J. Res 71. 1935 .“Extending the Time for Voluntary Return of Unemployed Filipinos to the Philippines,” Hearings Before the Committee on Immigration and Naturalization. House of Representatives. 74th Congress, 1st session. February 6.

was considered part of the United States:

“The term ‘United States,’ when used in a geographical sense, includes the several States and Territories, the insular possessions of the United States (including the Philippine Islands), the Canal Zone, and the District of Columbia.”²⁸

Congress included the Philippines in the United States in the territorial sense.

While there is no explicit statement that Filipinos are citizens, the language of the bill suggests that those within the U.S. territory are to be treated as citizens. The bill provided that in a state of war, the President or Congress could issue proclamations to “promote security or preserve the peace of the United States or to protect the lives of citizens of the United States,” defined to include the Philippines.²⁹ Among the many provisions of the bill, citizens were unable to travel on vessels of belligerent states, purchase, sell, or exchange bonds, securities, etc., to receive contributions from organizations or people from hostile governments, trade arms unless registered with the Secretary of State, or import or export arms.

Not only was Congress concerned with protecting its citizenry, they also wanted to secure the United States’ economic interests in Asia. In the hearings over the 1939 Neutrality Act, Representative Alexander, a Republican from Minnesota, considered the inevitability of the coming war. He was especially concerned with United States–Asia relations, stating:

“Another aspect of this whole matter of war and peace is entirely left out of consideration in this bill, and it seems to me that it is a much more important and serious matter as far as we are concerned. That is the situation in the Orient—the Far East—where we need to watch our step, not only because of our interest in China, but also because of our interest and stake in the Philippines. Apparently, the sponsors of this bill are contemplating only the European aspects.... Any neutrality legislation to be worth while [sic] must attack and solve the Japanese problem. We need never become involved in Europe—but we are already involved in the Pacific with our \$840,000,000 of investments in the Philippines and our sovereignty over those very rich islands, which, under present law is to continue until 1946.”³⁰

²⁸ PR 76-54. 1939. *Neutrality Act of 1939*, Section 16a.

²⁹ PR 76-54. 1939. *Neutrality Act of 1939*.

³⁰ Representative Alexander, speaking on 76 HJRes 306. 1939. “Our Real Problem Not Considered,” in *Congressional Record*. 76th Congress, 1st session. June 28: 8150,

Because of U.S. investment and prospects for Asian trade relations, some members of Congress viewed the Philippines as worth protecting and, therefore, worth including in the definition of the United States. In the Neutrality Act, as it came to protecting the U.S. territory, Congress considered the Philippines as domestic to the United States. Filipinos were therefore treated as citizens to be protected from the threats of war.

Protecting the United States from Enemy Aliens

Whereas by geographic definitions, the United States included the Philippines, by demographic ones, U.S. Congress considered Filipinos as aliens. When it came to documenting and tracking those considered foreign to the United States, U.S. Congress again considered Filipinos as foreign. In the Alien Registration Act, or the Smith Act (introduced by Representative Smith of Virginia, a Democrat), passed on June 28, 1940, the Philippines was not considered part of the United States: "...the term 'United States,' when used in a geographical sense means the States, the Territories of Alaska and Hawaii, the District of Columbia, Puerto Rico, and the Virgin Islands."³¹ Filipinos were considered aliens. Congress required that any alien residing in the United States register before a federal court official. There was little discussion over how the Philippines and Filipinos should be considered in the law. This is likely because this definition of Filipinos was already consistent with the 1934 Tydings-McDuffie Act that granted the Philippines Commonwealth status and made Filipinos aliens.

By the 1940 Alien Registration Act, an alien was considered any person "who is not (1) a native-born or naturalized citizen of the United States, (2) a citizen of an island under the jurisdiction of the United States, or (3) an accredited official of a foreign government or a guest or a

³¹ PL 76-670. 1940. *Alien Registration Act*. Section 37b1.

member of the family or staff of such an official.”³² Compare this to the definition of alien in the Tydings–McDuffie Act, which referred to the 1924 Immigration Act for its definitions:

“The term ‘alien’ includes any individual not a native-born or naturalized citizen of the United States, but this definition shall not be held to include Indians of the United States not taxed, noncitizens of the islands under the jurisdiction of the United States.”³³

Both the 1940 Alien Registration Act and the 1934 Tydings–McDuffie Act defined Filipinos (as islanders under the jurisdiction of the United States) as alien. The notable difference is that the 1940 Alien Registration Act referred generally to all citizens of islands as alien, whereas the Tydings–McDuffie Act’s express purpose was to reclassify Filipinos as alien, although still owing allegiance to the United States. In the 1940 Alien Registration Act, their allegiance was not taken as given, hence including them in the registration of aliens. In this act, Congress equivocated less on whether Filipinos were foreign aliens.

The demographic exclusion of Filipinos from the definition of the United States did not imply that the territory of the Philippines no longer belonged to the United States. Although Filipinos were classified as aliens, in the hearings for a related Senate bill, Senator Herring, a Democrat, noted that the Philippines was, in fact, under the U.S. flag when considering possible deportations of aliens to the islands.³⁴ Even when Filipinos were legally considered aliens, then, some in the U.S. government still saw the Philippine territory as under U.S. control.

Treating Filipinos like Citizens for their Martial Sacrifice

While Congress considered the Philippines as a foreign territory when it came to domestic concerns about wartime security, less than three months later, Congress passed a bill that considered the Philippines to be neither foreign nor domestic. The Selective Service Act, passed September 16,

³² PL 76-670. 1940. *Alien Registration Act*.

³³ PL 68-139. 1924. *Immigration Act*.

³⁴ Senator Herring, speaking on “Deportation of Aliens.” Hearings before a Subcommittee of the Committee on Immigration. United States Senate. 76th Congress, 1st Session. March 23: 174.

1940, read: “it shall be the duty of every male citizen of the United States, and of every male alien residing in the United States...to present himself for and submit to registration” for the training of the armed forces of the United States. In the bill, the “United States when used in a geographical sense, shall be deemed to mean the several States, the District of Columbia, Alaska, Hawaii, and Puerto Rico.”³⁵ Because the United States was not defined to include the Philippines, Filipinos were not considered citizens.

While Filipinos were not citizens, whether Filipinos were aliens was unclear. In the act, it said that “quotas of men to be inducted” will be determined for each State, Territory, and the District of Columbia. In this way, the Philippines could have been considered as a territory from which induction could happen. In a version of the bill only seven days before, however, the United States was defined to include the States, the District of Columbia, the Territories, and the possessions, except the Philippine Islands.³⁵ This suggests that the authors of the bill intended for Filipinos to be defined as non-citizens. Yet, members of Congress did not clearly define Filipinos as aliens in the signed act.

The passing of a special December 20, 1941 amendment to the act, however, authorized military service by “citizens of the Philippine Commonwealth.”³⁵ And on January 3, 1942, the Selective Service System issued a directive stating that “[a]ll registrants who are citizens of the Philippine Commonwealth are deemed nationals of the United States and shall be reclassified in the same manner as citizens of the United States.”³⁵ This suggests that by the aforementioned 1940 Selective Service Act, Filipinos were not considered citizens or aliens, but again nationals akin to their pre-1934 status. By issuing a special statement ensuring enrollment of Filipinos into the U.S. military, the Selective Service demonstrated the military’s interest in taking advantage of all people

³⁵ PL 76-783. 1940. *Selective Training and Service Act of 1940*.

who could fight on behalf of the United States in World War II. Filipinos were not quite foreign and not quite domestic. Citizenship was contingent on military service

Creating Opportunities for Filipino Naturalization in Exchange for Military Service

While the 1940 Selective Service and Training Act considered Filipinos to be neither foreign nor domestic, in the 1940 Nationality Act, Congress again considered Filipinos as foreign aliens. The express purpose of this act was to consolidate the laws about U.S. citizenship, naturalization, and expatriation.³⁶ In the signed version of the act, Filipinos were not classified as citizens or nationals of the United States, as Congress defined the United States to only include Alaska, Hawaii, Puerto Rico, and the Virgin Islands.³⁷ Congress defined nationals of the United States as: “(1) a citizen of the United States, or (2) a person who, though not a citizen of the United States, owes permanent allegiance to the United States. It does not include an alien.”³⁸

The signed version of the act excluded Filipinos from being classified as nationals. In the discussions over the bill, however, Representatives Rees and Austin, both Republicans, and Richard W. Flournoy, Assistant Legal Adviser of the State Department, debated Filipinos’ status, determining that they were actually nationals:

“Mr. Flournoy: A Filipino could not take advantage of this [naturalization of residents of the United States].³⁹

Mr. Rees: A Filipino would not be a national.

Mr. Flournoy: Yes, he would.

Mr. Rees: Yes; that is right. He would. All right.”⁴⁰

³⁶ Representative 1940. “Report to Accompany H.R. 9980,” Report 2396. Committee on Immigration and Naturalization. 76th Congress 3rd Session. June 5.

³⁷ PL 76-853. 1940. *Nationality Act*. Section 101d.

³⁸ PL 76-853. 1940. *Nationality Act*. Section 101b.

³⁹ From Section 321 of the signed act “A person not a citizen who owes permanent allegiance to the United States, and who is otherwise qualified may, if he becomes a resident of any State, be naturalized upon compliance with the requirements of this Act, except that in petitions for naturalization filed under the provisions of this section, residence within the United States within the meaning of this Act shall include residence within any of the outlying possessions of the United States.”

⁴⁰ Speaking on HR 6127 superseded by HR 9980. 1940. “To Revise and Codify the Nationality Laws of the United States into a Comprehensive Nationality Code.” Hearings before the Committee on Migration and Naturalization of House of Representatives. 76th Congress, 3rd Session. February 28: 102

Also:

“Mr. Rees: For example, Filipinos are nationals, because they are persons born in an outlying possession of the United States.

Mr. Austin: They may be nationals but not citizens of the United States. It may mean a person who, though not, a citizen of the United States, owes permanent allegiance to the United States.”⁴¹

Representatives referred to Filipinos as nationals, meaning they owed allegiance by the terms of the 1934 Tydings–McDuffie Act. At the same time, they were also considered aliens from Asia (ineligible for citizenship), as was true in the 1940 Nationality Act.

While the Act was seemingly clear on Filipinos’ status as Asian aliens, martial service trumped racial ineligibility for naturalization. This has, at times, been true for other Asian aliens. Their eligibility for citizenship, however, was the subject of debate. I explain this in greater detail in Chapter 3. For now, suffice it to say that at this point in 1940, Congress saw Filipinos’ martial sacrifice as trumping their ineligibility as aliens from Asia. According to the 1940 Nationality Act:

“The right to become a naturalized citizen...shall extend only to white persons and persons of African nativity and persons of African descent, and descendants of races indigenous to the Western Hemisphere: *Provided*, that nothing in this section shall prevent the naturalization of native-born Filipinos having the honorable service in the United States Army, Navy, Marine Corps, or Coast Guard...”⁴²

This special provision for Filipino eligibility for naturalization is unique. No other colonial, ethnic, or racial category is mentioned in this way. Moreover, this act was consistent with previous legislation from May 9, 1918, that stated: “a native born Filipino with service of 3 years in the United States Navy, Marine Corps, or United States Coast Guard” could be naturalized after honorable service.⁴³ Senator King, a Democrat, spoke in favor of including this clause on Filipinos saying:

“Filipinos, however, regardless of their loyal service to the Government, are discriminated against and are denied the opportunity of becoming American citizens... to deny them citizenship means to cast them out of the positions which they occupy,

⁴¹ Ibid. p. 298

⁴² PL 76-853. 1940. *Nationality Act*. Section 303.

⁴³ Filipinos serving in the Army were added because under an act of June 1935.

and to prevent them from obtaining any position whatever in the Government.”⁴⁴

To King, Filipinos, with martial sacrifice, should have the opportunity for citizenship. He cast this as an effort to *not* discriminate, especially in light of Filipino loyalty through the war. Although Congress and the INS classified Filipinos as alien and foreign to the United States, they did, with martial sacrifice have the opportunity to gain citizenship. There was very little opposition to this in the debates over the Nationality Act.⁴⁵ This right for Filipino military to naturalize, however, was revoked in the 1946 Rescission Act, signed into law on February 18, which I discuss in detail in the subsequent chapter.

Amending Racial Eligibility for Filipino Aliens to Naturalize

Whereas the 1940 Nationality Act demographically defined the United States to exclude non-military Filipinos from naturalization, this changed when Congress loosened the racial restrictions for naturalization. In the 1946 Luce-Cellar Act, signed into law on July 2, Congress still constructed Filipinos as foreign, but departed from defining eligibility of Filipinos for citizenship by military service and explicitly used concepts of race. This act amended the aforementioned 1940 Nationality Act to provide for “the admission into the United States of persons of races indigenous to India,⁴⁶ and persons of races indigenous to the Philippine Islands, to make them racially eligible for naturalization, and for other purposes.”⁴⁷ Up until this point, only Filipinos who were in the United States prior to 1934 and those who served in the U.S. military were eligible for naturalization. As of 1940, there were 45,321 non-citizen Filipinos in the continental United States and 38,735 in

⁴⁴ Senator King, speaking on H.R. 9980. 1940. “Revision and Codification of Nationality Laws—Conference Report,” in Congressional Record, 76th Congress, 3rd session, October 4: 13184.

⁴⁵ “To Revise and Codify the Nationality Laws of the United States into a Comprehensive Nationality Code.” 1940. Hearings before the Committee on Immigration and Naturalization. House of Representatives. 76th Congress First Session on H.R. 6127 superseded by H.R. 9980. 76th Congress, 3rd session. Feb 20.

⁴⁶ Indians were included because, as Baldoz notes, their political standing “as British imperial subjects paralleled the situation of Filipinos in some important ways. Both populations were called into military service by colonial authorities during the war, and both Indians and Filipinos earned praise from Allied leaders for their valor on the battlefield” (Baldoz 2011:227)

⁴⁷ PL.79-483. 1946. *Luce-Cellar Act*.

the U.S. possessions, mostly in Hawaii.⁴⁸ According to the amended act, under section 303, those eligible for naturalization were: whites, people of African ancestry or descent, people who are descendants of races indigenous to North or South America or adjacent islands, and Filipinos, Chinese, Indians, and people who were of mixed heritage of any of the above categories.⁴⁹ Newly arrived Filipinos were no longer required to provide certificates of arrival, and Filipinos already residing in the United States, prior to May 1, 1934 no longer had to provide a declaration of intent.

Although they classified Filipinos as foreign aliens eligible for naturalization, Representatives still invoked the ambiguous status of Filipinos. In a report to accompany the bill, Representative Dickstein, a Democrat of the Committee on Immigration and Naturalization, noted the “peculiar political status”⁵⁰ of Filipinos, citing that they have been nationals of the United States, something between alien and citizen. He also wrote, “the committee is of the opinion that the country owes to these people—our own nationals—who have been loyal to us in every respect and who have fought so courageously against a common enemy, the Japanese, the right to become citizens of the United States.”⁵¹ Representative Dickstein constructed Filipinos as belonging to the United States.

Not only did Representatives acknowledge the ambiguity of Filipinos vis-à-vis U.S. immigration law, they also called for Filipino naturalization to combat international opinion that the United States was discriminating against non-whites. Representative Johnson, a Republican, voiced his support of the bill because he thought that it would combat the Japanese “racial program to build up the black man and the yellow man and unite him against the white man.” He argued that

⁴⁸ “Authorizing the Naturalization of Filipinos.” 1945. Committee of the Whole House. House Committee on Immigration and Naturalization. Report of the House of Representatives. 79th Congress First Session. March 6.

⁴⁹ One could be a mix of anything, but there were specifications for those of Chinese and Indian descent, that they could be a mix of Chinese in Indian singly or with as much a “one-half blood of those classes and some additional blood” of one of the other classes.

⁵⁰ Representative Dickstein. 1945. “Report to Accompany H.R. 776.” Report 252. Committee on Immigration and Naturalization. House of Representatives. 79th Congress, 1st Session. March 6: 1.

⁵¹ Representative Dickstein. 1945. “Report to Accompany H.R. 776.” Report 252. Committee on Immigration and Naturalization. House of Representatives. 79th Congress, 1st Session. March 6: 2.

the law would help avoid the coming of a “great racial war” by “plant[ing] the seed of friendship among 450,000,000 people in India, among 400,000,000 people in China, among several hundred million people in the islands out in the Pacific.” “By allowing a very small quota to enter our country,” he said that the United States can demonstrate “that we are not discriminating against people because of their color, that we have no hostility toward them on account of their race...”⁵²

Despite these changes to U.S. immigration law, representatives were not in favor of the wholesale naturalization of Filipinos or Asian nationals. One of the sponsors of the bill, for example, Representative Luce, a Republican, made statements of measured support, invoking nativist tropes:

“I hope I made it clear that I would be the first to protest against people from any nation, of any color, coming here in such numbers, as to lower our living standards and weaken our own culture....We are utterly justified in controlling and keeping our low oriental immigration in terms of numbers, because of the fact that they in too great numbers may undermine our way of life, our living standards, our form of religion. But we are not justified in discriminating against orientals in toto, simply because they have skins of a different color. The proper reason for keeping orientals out in great numbers is because of those economic facts, but it is certainly improper to keep them out altogether, simply because they are orientals.”⁵³

For the most part, however, Representatives, such as Mason and Philipps, both Republicans, did not object to the naturalization of Filipinos. They and the directors of the INS and the Budget, as well as the Secretary of the Interior cited Filipinos’ status as nationals, as well as their close associations and loyalty to the United States as reasons for allowing the admittance.⁵⁴ Loyalty and colonial status were invoked as criteria for eligibility in being considered domestic.

⁵² Representative Johnson of California, speaking on. H.R. 3517. 1945. “Immigration and Naturalization of Persons Indigenous to India” in *Congressional Record*. 79th Congress, 1st session. October 10: 9536,

⁵³ Representative Luce, speaking on. H.R. 3517. 1945. “Immigration and Naturalization of Persons Indigenous to India” in *Congressional Record*. 79th Congress, 1st session. October 10: 9529-9530.

⁵⁴ “Immigration and Naturalization of Persons Indigenous to India” in *Congressional Record*. 79th Congress, 1st session. October 10; “Naturalization of Filipinos.” 1944. Hearings Before the Committee on Immigration and Naturalization. House of Representatives. 78th Congress, 2nd Session. November 22.

Ambiguity and Polysemous Classification

The institutionalized ambiguities of “foreign in a domestic sense” and Filipinos’ initial status as nationals permitted a deferral in defining both the territory and membership of United States. U.S. state actors—particularly those in Congress who created legislation on the Philippines—never had to resolve the competing interpretations of the colonies as foreign or domestic. They could continue to expand the boundaries of territorial sovereignty without also expanding the full rights of citizenship to match. Ambiguity not only allowed the federal government to differentiate between territorial and national belonging, but to exert control without extending obligations and benefits that would typically be expected in the contract between those who owe allegiance and the state.

In navigating the tensions of empire, members of Congress classified Filipinos as citizens, nationals, and aliens. While the categories of citizen, national, and alien on their own certainly clarify the relationship of individuals to the state and vice versa, the co-existence of these three systems of classifications for Filipinos (together with the exceptions to these classifications written into the various acts), point to how an evasive, equivocal classification, as in “foreign in a domestic sense” can facilitate polysemy.

Rather than serving as evidence of state weakness, struggles over classification facilitated the expansion of U.S. sovereignty over the Philippine archipelago and its people. Citing rising concerns about Filipino labor migration, wartime security, and economic interests, from 1934 until 1946, U.S. Congress primarily classified Filipinos and the Philippines as foreign to the United States, both in terms of ethnic and territorial definitions. Congress classified Filipinos as foreign aliens ineligible for citizenship (unless they migrated before 1934 or served in the U.S. military) and in need of repatriation. In relation to domestic geopolitical concerns, Members of Congress classified the Philippines as a foreign territory, and its people aliens in need of registration. When Congress considered U.S. sovereignty in the Philippines, representatives created a path for *some* Filipinos to

become domestic via naturalization based on military service. Later, after the war, and two days before Philippine Independence, citing concerns about the reputation of the United States on racial equality, Congress expanded the paths for naturalization of what they considered *foreign* Filipinos.

Despite the four times that Congress classified the Philippines and Filipinos as foreign, other classifications co-existed. At the outbreak of the war, when it came to protecting U.S. investments in Asia, Congress considered the Philippines as a territory under U.S. sovereignty. In relation to military enlistment and service, in what seems like an oversight owing to the ambiguity of Filipinos status, Congress did not include the Philippines as either part of or foreign to the United States. Filipinos, unlike citizens and aliens, were not drafted into the U.S. military.

The increased availability of classifications reflects the conflicting interests of empire states that seek to construct themselves as (in this case, white) nation states in a demographic sense while they also extend control over an expanded territory in a geographic sense. U.S. state actors managed the material and racial boundaries of an empire pretending it was a nation state. The proliferation of these polysemous classifications is attributable to the fact that the United States is an empire state. Not only is the state composed of different bodies—the War Department, the Immigration and Naturalization Service, as well as different parties and members of Congress—each who have their own interests that they are trying to realize through law, so too do empire states that masquerade of nation states have conflicting interests. Each of these state actors, some with expansionist impulses, and others exclusionary, nativist ones, could achieve their goals at the same time. The coexistence of these multiple definitions of the Philippines and Filipinos also highlights how there was not a coherent, centralized, intentional strategy for ruling the colonies. In subsequent chapters, I demonstrate how polysemy allowed the United States to skirt its political obligations to the Philippines while still extracting resources and labor from the emerging nation state.

CHAPTER 3 | AMBIGUITY AS A TOOL OF EXCLUSION: THE REVOCATION OF MILITARY BENEFITS FROM FILIPINO VETERANS

At the end of World War II, U.S. state actors were still managing the tensions of empire. In this period, Congress especially wrestled with the challenges of having relied on the labor and martial sacrifice of colonial subjects and limiting their social welfare benefits. Ambiguity facilitated the exclusion of colonial subjects from social and juridical citizenship. Congress cast Filipinos as foreign.

During the war, the United States offered a path to naturalization and veteran benefits to all those—citizens, aliens, and colonial subjects alike—who served in the U.S. military. This was particularly significant given the 1944 G.I. Bill, well-known for expanding social citizenship among returning veterans. After the war, however, in the 1946 Supplemental Surplus Appropriation Rescission Act, the United States Congress reclassified over 200,000 Filipinos as having *not* served in active duty. Veterans were retroactively stripped of the right to benefits promised to them at the time of their enlistment. This is the only such case in U.S. history. The United States was able to go back on a promise to these veterans because, as I document in Chapter 1, the Supreme Court (in *Downes v. Bidwell*, 1901 and *Gonzales v. Williams*, 1904) never clearly defined the relationship of the United States to the Philippines and Filipinos.

Although the United States has a precedent of rewarding military service by non-citizens with social welfare benefits and citizenship, the 200,000 Filipino veterans of World War II were stripped of this right. Military service is frequently understood as both a right and responsibility of citizenship (Mettler 2005; Segal 1989; Skocpol 1997). Whereas other countries have set up systems of common welfare for all citizens, the United States has distinguished between civilians and soldiers—suggesting that the military deserve special rights as citizens of the nation (Canaday 2009:143; Skocpol 1995, 1997). The expansion of social citizenship on the basis of military service applies not

only to U.S. native-born individuals, but also to foreigners serving in the U.S. military. Dating back to the Revolutionary War, foreigners serving in the U.S. military have been granted benefits (Sohoni and Vafa 2010:119). During World War II, under the G.I. Bill, the U.S. Congress and the Veterans Administration (VA) again privileged veterans as citizen soldiers,¹ creating expansive opportunities for all veterans, regardless of ethno-racial classification or national origin (Segal 1989:78–79).² The language of the bill itself was “comprehensive and universalistic,” making “all veterans eligible without any further official reference to demography or need” (Katznelson and Mettler 2008). People of Native American, Puerto Rican, Hawaiian, Mexican, Chinese, Filipino, and Japanese descent, who according to Mettler’s estimate, made up 1.6% of the U.S. military in WWII, were, on the books, eligible for benefits (Mettler 2005:29).

According to U.S. historical precedent and by the terms of the G.I. Bill, all Filipino veterans should have been eligible for social welfare benefits and an expedited path to naturalization. At the time of the war, there were four classes of Filipino World War II veterans, not including those who, after the amendment to the 1940 Selective Service Act that allowed for the enlistment of Filipinos, were recruited and served in the United States. These individuals are known as the “First and Second Fil.”³ First, the Old Scouts, the unit from the Spanish-American and Philippine-American Wars, were

¹ For analysis of the political debate surrounding the G.I. Bill, see Chapter 1, “Creating the G.I. Bill,” in Mettler (2005). In particular, she cites an official from the American Legion as saying “We recognize that the burden of war falls upon the citizen soldier, who has gone forth, overnight, to become the answer and hope of humanity; we seek to preserve his rights, to see that he gets a square deal” (as quoted in Mettler 2005: 22).

² Non-white veterans (including citizens of the United States, colonial subjects, and foreign nationals) were eligible for the benefits under the G.I. Bill. For example, Japanese Americans, while classified as enemy aliens by Congress, the War Department, and Immigration and Naturalization Services, could still enlist in the military and were recognized for their service. Black veterans made up 8.5% of the U.S. military at the time (Mettler 2005:29). Approximately 500,000 Latinos fought in World War II (Allsup 1982), of whom about 15,000 were citizens of Mexico. According to the War Department, about 80,000 Puerto Ricans served for the U.S. Armed Forces (G.B. Walker, Jr. to Assistant Chief of Staff, G-1. 1944, August 24. RG 165. Entry 43. 14.32 Aliens and Naturalization. National Archives II, College Park, MD.). 62,000 Puerto Ricans were inducted into the U.S. Army between July 1, 1940 and August 31, 1945 (1948, Dec 2. Edward Witsell to Dorothy Gordon. RG 407 201 Puerto Rico. National Archives II, College Park, MD.)

For a discussion of Puerto Rican military service for the United States, see Paralitici (1998).

³ The First Filipino Infantry Battalion was formed in San Luis Obispo, CA in January 1942, and expanded to include a second regiment (Baldoz 2011:211–13).

composed of about 12,000 individuals. Second, there was the Philippine Commonwealth Army—composed of approximately 120,000 individuals—which was incorporated into the U.S. military as the United States Armed Forces in the Far East (USAFFE) in 1941. The majority of Filipino WWII veterans were members of this military body. Third, the recognized guerillas served on behalf of the United States in World War II, and were, by order of the Philippine Commonwealth President, incorporated into USAFFE. Fourth, and finally, the U.S. Army recruited the New Scouts after October 1945. Together the count of guerillas and the New Scouts were composed of about 70,000 individuals (Nakano 2002:208). Congress revoked military benefits from the last three classes of Filipino veterans. The Old Scout Filipino veterans are an exception to the Rescission Act. For my analysis, I refer to Filipino veterans to include all those from the Philippine Commonwealth Army (later USAFFE), the guerillas, and the New Scouts.

Despite the promises made to Filipino veterans, this is the only time in U.S. history that Congress revoked military benefits from veterans. When President Truman signed the Rescission Act, he also declared that the United States had a “moral obligation to provide for the heroic Philippine veterans who sacrificed so much for the common cause during the war.”⁴ It is puzzling that Truman signed the Rescission Act and that Filipinos were singled out in this way. The treatment of Filipinos’ military service illuminates how, by using ambiguity, state actors promise and then deny rights, welfare, and citizenship to racialized colonial minorities. In doing so, they enact racialized exclusion and erase colonization from national memory.

Since 1946, all three branches of the U.S government have tried to mitigate the effects of the Rescission Act. In 1990, Filipino veterans of WWII were given the right to naturalize, “including those who had served honorably in the U.S. Armed Forces, or within the Philippine Army, or the

⁴ Statement by President Truman Concerning Provisions in Bill Affecting Philippine Army Veterans. February 20, 1946. Statement 38. Public Papers of the President, Truman Library, Independence, MO.

Philippine Scouts (limited applications for naturalization to 2-year period from passage of Act).” (Sohoni and Vafa 2010). They did not need a period of residency in the United States.⁵ In 2009 Congress promised the payment of a one-time lump sum of \$198 million to Filipino veterans. Eligible U.S. citizens were able to claim \$15,000 and non-citizens, \$9,000.⁶ Then, on November 30, 2016, the U.S. House of Representatives approved the Senate bill awarding Filipino WWII veterans the Congressional Gold Medal.⁷ The struggle, however, is not over. Filipino veterans are still marching for full recognition of their service. The Filipino veteran community claims that while 18,800 people have received payment from the 2009 act, 25,000 people have been denied (Guillermo 2014).

Given that Congress re-wrote the history of Filipino military service for the United States with the 1946 Rescission Act, it is unsurprising that this unique federal reclassification of Filipinos remains understudied. There are two existing scholarly, empirical sociological or historical analyses of the Rescission Act. In his uncompleted work (later finalized and published by University of Wisconsin Southeast Asian publications program) Frank Golay, relying on papers from the Truman Library, documented the passing of the 1946 Rescission Act (1997:468–70).⁸ Rick Baldoz, using Congressional records, discusses the Rescission Act in the last six pages of his book, *The Third Asiatic Invasion: Empire and Migration in Filipino America, 1898-1946* (Baldoz 2011:231–36). Other scholars, mostly in legal studies, focus on Congressional attempts, primarily in the 1990s and 2000s to rectify the exclusions of the Rescission Act (Cabotaje 1999; Gonzalves 1995; Honda 2009; Iletto 2007; Nakano 2000, 2004; Pimentel 1999; Priagula 2010; Raimundo 2010; Rivera 2010; Sherman 1985;

⁵ See 101 H.R. 525. *Filipino World War II Veterans Naturalization Act of 1989* and PL 101-649. 1990. *Immigration Act of 1990*. Section 405.

⁶ PL111-5. 2009. *American Recovery and Reinvestment Act of 2009*.

⁷ PL 114-265. 2016. *Filipino Veterans of World War II Congressional Gold Medal Act of 2015*

⁸ Golay’s coverage of the Rescission Act is primarily in relation to the settling of back pay and equal pay for Filipino veterans.

Vergara 1997). No scholar has yet published on the social and political context in which Congress and other members of the U.S. government debated post-war policy towards Filipino veterans.

Moreover, documentation of World War II veterans often neglects Filipinos who served on behalf of the United States in the Philippines. For example, Mettler (2005) estimates that the veterans of Native American, Puerto Rican, Hawaiian, Mexican, Chinese, Filipino, and Japanese descent who served in World War II made up 1.6% of the military at the time. By this estimate, she does not include the 200,000-300,000⁹ Filipino veterans of World War II who were incorporated into USAFFE in the Philippines. They alone constituted approximately 1.4% of the armed forces serving in World War II.¹⁰

In this chapter, I answer overlooked questions in U.S. colonial, military, citizenship, and welfare state history: how and why did U.S. federal actors revoke military benefits from these Filipino veterans? Based on the historical record, the federal government has used three primary approaches to rescind benefits: (1) Congress and VA officials used race, nation, or ethnicity-based exclusions to citizenship to deny access to social welfare benefits; (2) Congress created occupational restrictions; and/or (3) local Veteran' Administration (VA) officials, capitalizing on the decentralized administration of the G.I. Bill, denied military benefits to certain veterans, as they did for Black and Mexican Americans.

How Congress revoked military benefits also sheds light on the question of *why* they did it. For example, the use of race-based criteria as a means for excluding certain veterans from receiving benefits may be motivated by ethnic or racial reasons. State actors also justify revoking juridical citizenship from citizens by questioning their allegiance, appealing to the need to maintain the civil order, and by allowing individual citizens to voluntarily abandon their citizenship (Herzog 2011).

⁹ Estimates vary, but range between two and three hundred thousand. See Cabotaje (1999).

¹⁰ Omar N. Bradley to Harry S. Truman. 1945, October 31. WHCF: OF 1055; Truman Papers, Truman Library, Independence, MO.

Glenn (2002) suggests that local practices and daily relations inform the boundaries of substantive citizenship. She argues that citizenship is composed of three aspects: standing, nationality, and allegiance. Her distinction is useful in parsing the different rationales of U.S. state actors on the social location and eligibility of Filipino veterans in relation to military benefits.

It is possible that the U.S. Congress questioned the allegiance of Filipino veterans, believing that they diverged from shared U.S. principles and norms. Second, Congress may have believed that Filipinos had no standing, as in they were not responsible citizens or broke the social contract between themselves and the U.S. state.

Existing accounts have focused on race and decentralized administration as ways that benefits and citizenship were revoked and race, allegiance, and standing as rationales; my research of state agents' discussions about Filipino veterans suggests additional motivations and interests played an important role. These include geographic exclusions, high cost, administrative challenges, and the eligibility for benefits of the military unit in which Filipino veterans served. Exploring these means and rationales of exclusion help illuminate both how and why Filipino veterans had their benefits revoked.

Nevertheless, as I'll show, none of these explanations are satisfactory. While interrogation of state actors' means and stated rationales illuminates how the Rescission Act was justified, none of these proximate justifications sufficiently explain what happened. Instead, I argue that the explanation lies in a longer history of defining the U.S. relationship to the Philippines in ambiguous terms. Specifically, I argue that the immediate justifications were only possible and resonated due to the particular history of U.S.–Philippine relations, including the institutionalization of ambiguity (documented in Chapter 1), the polysemous classification (documented in Chapter 2), and the competing interests at the end of WWII and pre-independence (documented in Chapter 4).

Analyzing the history of U.S.–Philippine relations helps explain how and why the United States excluded these veterans from social welfare benefits and a path to citizenship.

The Promise of Benefits

Congress’s decision to revoke military benefits from Filipino veterans at the close of World War II is puzzling given the precedents and promises made by federal state actors for compensation of military service. In the history of the U.S. colonization of the archipelago, the War Department and the VA saw Filipinos as colonial subjects both owing allegiance and deserving of compensation for military service. Since the early 1900s the United States compensated Filipino veterans, suggesting that, at least in the realm of compensation for military service, they would be seen as equal to U.S. veterans.

The service of first Filipino units that served for the United States were and remain fully recognized. Originally formed in 1901, before any formal plan for Philippine independence, the Regular Philippine Scouts (Old Scouts) fought on the side of the Americans in the Spanish-American and Philippine-American wars. They were considered part of the U.S. Army throughout their existence.¹¹ Beginning in 1902, the United States Congress recognized and rewarded veterans (and later widows and dependents) of the Spanish-American and Philippine-American Wars.¹² Other Filipino veterans serving in the U.S. military gained a path to naturalization under an act passed at the close of World War I. This Act of May 19, 1918 provided that “any native born Filipino,” with service in the USN/USMC/Naval Auxiliary Service or “any alien or any Porto Rican, with service in U.S. Army, National Guard, Naval Militia, USN, USMC, USCG with 3 years of service” could be naturalized (Sohoni and Vafa 2010).

Members of the U.S. federal government also consistently and repeatedly acted in ways that

¹¹ For more information see Department of Veterans Affairs. (2008) *VA Benefits for Filipino Veterans*. Washington, DC.

¹² PL57-205-1. 1902. *An act making appropriations for the support of the Army for the fiscal year ending June thirtieth nineteen hundred and three*.

suggest that Filipino veterans should have been eligible for benefits under the G.I. Bill. There are at least nine specific historical reasons that Filipino veteran eligibility for G.I. Bill benefits seemed a foregone conclusion. First, the United States required that citizens of the Philippine Commonwealth (1934-1946), a colony of the United States, pledge their allegiance to the United States. Second, General Douglas MacArthur organized the Philippine Commonwealth Army (PCA) beginning in 1935. While the PCA was not formally under the command of a paid Army official, as General MacArthur had recently retired from the U.S. military, the PCA did belong to the Commonwealth. And the Commonwealth was ultimately under control of the War Department and the Executive Office of the United States.

Third, and related, in 1940, Congress considered the Philippines as part of the United States. In preparation for the War in the Pacific, Congress debated two national defense bills, as requested by President Roosevelt. One would mobilize the U.S. National Guard in the Western Hemisphere and U.S. possessions, including the Philippines, while the other would exclude the Philippines. The former won out (Jose 1992:167–69). Fourth, stemming from this decision, on July 26, 1941, under a provision of the 1934 Tydings–McDuffie Act, President Roosevelt called the Philippine Commonwealth Army to service under the United States Armed Forces in the Far East (USAFFE) for the purposes of defending the archipelago.¹³ This formal incorporation of the PCA into the U.S. military was, alone, enough to make Filipino veterans eligible for benefits. Roosevelt’s Executive Order again required that citizens of the Philippine Commonwealth, a colony of the United States, pledge their allegiance to the United States.

A fifth factor suggesting that all Filipino veterans would be eligible for U.S. military benefits is General Douglas MacArthur’s command of the PCA throughout the war. Returning to work for the

¹³ According to Jose, “the Philippine Army was called into the service of the United States, but it was not federalized: it was side by side with, but not an official part of the U.S. Army” (1992:193).

War Department, he maintained his command of the PCA, now USAFFE. After USAFFE surrendered to the Japanese in May 1942, MacArthur also maintained command of the guerrilla units that formed in the absence of USAFFE. Sixth, the 1942 Second War Powers Act,¹⁴ which provided for the expedited naturalization of non-citizens (Nakano 2004; Salyer 2004), reaffirmed the promise of citizenship and benefits for Filipinos. Seventh, General MacArthur also promised equality to Filipino service people in his radio announcement at Bataan in 1942: “War is the great equalizer of men. Every member of my command shall receive equal pay and allowances based on the U.S. army pay scale, regardless of nationality”.¹⁵ Eighth, memos from the Secretary of War, Robert Patterson also suggest that as of 1944, the War Department still considered Filipinos eligible for benefits. On October 28, 1944, President of the Philippine Commonwealth (in exile),¹⁶ Sergio Osmeña, formally recognized the guerrillas in Executive Order No. 21 inducting recognized and qualified individuals into the Commonwealth Army, still considered part of the U.S. Armed Forces. This order was recognized by the War Department without contest.¹⁷ And, ninth, in September 1945, four months before Congress revoked their promise to Filipino veterans, the VA stated that Filipino veterans were eligible for the same benefits as American soldiers.¹⁸ (See Table 3.)

It is peculiar, then, that at the close of World War II, Congress shifted the position of the U.S. government toward Filipinos. Leading up to and throughout World War II, the Philippine Commonwealth Army, USAFFE, and the guerrillas, were—by the accounts of Roosevelt,

¹⁴ PL 77-507. 1942. *Second War Powers Act of 1942*. Sections 701 and 702 provided for expedited naturalization of noncitizen veterans.

¹⁵ According to Paul V. McNutt. (Paul V. McNutt to Harry S. Truman. February 11, 1947. WHCF: OF 1055. Truman Papers, Truman Library, Independence, MO.)

¹⁶ After the surrender of USAFFE to the Japanese, the Japanese set up what Americans and Filipinos refer to as a puppet government. President Quezon and Vice President Osmeña were taken out of the Philippines by MacArthur via submarine, and they set up offices of the U.S. recognized Philippine Commonwealth in Washington, DC until Osmeña’s return to the Philippines in 1944 with MacArthur and the “liberation” forces.

¹⁷ Robert P. Patterson to Harry S. Truman. December 29, 1945. WHCF: OF 1055. Truman Papers, Truman Library, Independence, MO.

¹⁸ Paul V. McNutt to Harry S. Truman. February 11, 1947. WHCF: OF 1055. Truman Papers, Truman Library, Independence, MO.

MacArthur, the War Department, and the VA—eligible for benefits and an expedited path to naturalization. What, then, accounts for the revocation of military benefits?

Act	Summary	Status of Filipinos
Act of May 9, 1918	For the naturalization of WWI soldiers	Nationals eligible for naturalization through military service
1934 Tydings McDuffie Act	Contains a provision by which the U.S. president can call to service the Philippine Army	Aliens
1941 Executive Order	Roosevelt calls the Philippine Commonwealth Army to service under the U.S. Armed Forces in the Far East	
1942 Second War Powers Act	For the expedited naturalization of non-citizens	Eligible for naturalization through military service
1944 Executive Order 21	Incorporates guerrilla forces into the Philippine Commonwealth Army	
1945 Supplemental Surplus Appropriation 1945 Rescission Act	Vetoed Post-war budget bill	Veteran aliens ineligible for naturalization due to reclassification as having not served in active military duty
1946 First Supplemental Surplus Appropriation Rescission Act	Post-war budget bill	Veteran aliens ineligible for naturalization due to reclassification as having not served in active military duty

Table 3: U.S. Acts relating to Veteran Status of Filipinos

How Benefits and Citizenship Have Been Revoked

Race-based Exclusions

The history of the United States shows that government officials have used race-based criteria as a means to deny social and juridical citizenship to racialized minorities. After World War I, local naturalization officers, judges, and U.S. Supreme Court justices held that Asian origin was a bar to naturalization for veterans (Salyer 2004:856). Although the Act of May 9, 1918, granted an expedited path to naturalization to “any native-born Filipino and to “any alien or any Porto Rican [sic],” after 3 years of service,¹⁹ the Supreme Court held that Asian exclusion in U.S. immigration and naturalization law also applied to citizenship in exchange for military service. The Court ruled in 1923 that Asians were not white, when they decided that Bhagat Singh Thind, a Sikh Indian veteran

¹⁹ Sohoni and Vafa (2010) say Congress’s “continued use of the term ‘any alien’ was ambiguous as to the eligibility of other Asian groups for military naturalization.” This “vague-ness,” they say, citing Salyer, led to divergent interpretations. While the use of “any alien” by Congress in the 1918 Act is unclear, I distinguish this from legal, institutionalized ambiguity, as in the case of “foreign in a domestic sense” and “national.” Whereas these terms in their definition and origin equivocate between two competing positions, “any alien” is not a third category intended to capture aspects of two other categories.

of the United States could not naturalize (*United States v. Bhagat Singh Thind*). Although the Court did not refer to the 1918 Act, their decision suggests that Asian origin trumped military service in determining eligibility for naturalization. Decisively, in the 1925 case *Toyota v. United States*, the Court ruled that the May 9, 1918 act was *not* intended to include any soldier.

This moment provides important insights and contrasts to the later Filipino case. First, although the U.S Supreme Court used race as a criterion to deny citizenship to those of Asian origin, Congress passed the Nye-Lea Act of 1935 which guaranteed all alien veterans the right of naturalization. When Congress passed the Act without debate or opposition, it settled a debate between local naturalization officials and the Supreme Court on one side and those who thought that all veterans should have the right to naturalize on the other. Asian veterans succeeded in their demand for citizenship by demonstrating their willingness to fight and die for the United States, thus, appealing to militaristic patriotism (Salyer 2004; Sohoni and Vafa 2010).

Second, even prior to the passing of the Nye-Lea Act, Filipinos were *not* excluded from military benefits on the basis of their race or nationality. Quite the contrary, their status as Filipinos granted them an expedited path to naturalization. In *Toyota v. United States* (1925), the Court argued that there was a separate clause intended for Filipinos and upheld that they could naturalize as colonial subjects, nationals, of the United States. Colonial subjects, Filipinos and Puerto Ricans alike, were in a strange position. Serving in the metropole's military, they had an obligation as if they were full members of the country and were remunerated in the same way as foreign nationals and citizens (Paralatici 1998). At the same time, however, outside of the military, they did not have the same rights as citizens. By the time of the 1946 Rescission Act, veterans of Asian origin—whether considered aliens or colonial subjects—were entitled to naturalization.

Decentralized Administration and Occupational Restrictions

While local officials and the Supreme Court used race, for a time, to bar Asian (non-Filipino) veterans from accessing an expedited path to naturalization, Congress and local VA officials found other ways to deny military benefits to Black and Mexican veterans. In the literature on New Deal Era social welfare policies, scholars have documented how Congress excluded racial minorities from access to programs intended to expand social citizenship, while also privileging whites. Lieberman (1998), Katznelson (2005), and Fox (2012) show that although the New Deal programs had no formal exclusion on the basis of race (for this would be illegal under the 14th Amendment), Congress, under the influence of Southern Democrats, created opportunities for race-based exclusion in practice.

Based on the patterns of exclusion Congress applied to U.S. continental minority veterans, one way that Congress could have denied military benefits and a path to citizenship to the Filipino veterans in question was through decentralized administration of the G.I. Bill. Although the majority of the New Deal Era programs had explicit mandates from Congress to *not* discriminate, Congress also legislated that the programs would be administered in a decentralized fashion, leaving eligibility and access to benefits in the hands of local and state officials. At the time of the Jim Crow South (which began in the late 1800s after Reconstruction and lasted through the mid 1960s) decentralization translated into discrimination against Black Americans.

Scholars debate the balance of inclusion and exclusion in the allegedly universal G.I. Bill. Onkst (1998) argues that the VA discriminated against Black veterans by denying equal opportunity in education and training entitlement. This discrimination at the local level was possible because, as Katznelson (2005) powerfully documents, southern Democrats demanded that the VA administer the G.I. Bill in a decentralized fashion, as was the case for many other New Deal Era social welfare policies. They “[wrote] provisions that, in Robert Lieberman’s language, were racially laden,”

administered the laws at the local level, and prevented any explicit anti-discrimination provisions for social welfare programs (Katznelson 2005:20–21). Discrimination experienced at the local level in the segregated South prevented many legally eligible Black veterans from full use of the G.I. Bill. General Omar Bradley, Administrator of the VA wrote that “it was clear to all of us the best way to prepare the VA for the oncoming onrush of veterans was on a decentralized basis,” which left control over VA benefits in the hands of racist southerners (as quoted in Katznelson 2005: 127).

Similarly, local and state administrators could have excluded Filipino veterans from benefits on the basis of their status as aliens or nationals. Although the New Deal Era programs had no formal citizenship-based exclusions, and some even explicitly *included* aliens,²⁰ local and state administrators of the programs excluded Mexicans and sometimes even Mexican Americans in ways that they did not European immigrants (Fox 2012). Many Mexican veterans also faced challenges in accessing benefits under the G.I. Bill (Rosales 2011). These existing accounts of the administration of the G.I. Bill and other New Deal Era social welfare policies illuminate how local and state officials accomplished racial exclusion of U.S.-based Black and Mexican Americans without explicit, on-the-books discrimination.

Government officials also created and regulated new categories as a basis for exclusion. Canaday (2009) demonstrates how, in the increasing bureaucratization during and after WWII, the VA produced, clarified, and regulated the category of homosexuality. By taking advantage of the limbo between honorable and dishonorable discharge (known as a “blue discharge”), the VA denied benefits to veterans suspected of homosexuality. The limbo Canaday refers to is different from ambiguity. The former is more akin to liminality, an uncertain or intermediate state, that may be

²⁰ In the context of the New Deal Era policies, federal exclusion on basis of national origin or citizenship was rare. (See Appendix C for a summary of the terms of exclusion from New Deal Era social welfare policies.)

between two statuses or unrecognized. Ambiguity, on the other hand, is a state of having two (or more than two) interpretations.

In addition to decentralized administration and the regulation of new categories, another way that Congress created the opportunity for race-based exclusion from social welfare benefits was through occupational restrictions. Of the major New Deal Era programs, the only programs that were not administered in a decentralized fashion had such restrictions on eligibility, namely that agricultural and domestic workers were ineligible. At the time, Black and Mexican workers primarily held these positions. Racially laden categories of exclusion, such as occupation, and the decentralized administration (or “institutional parochialism,” in Lieberman’s (1998) terms) franchised local and state authorities and excluded Black Americans, Mexicans, and Mexican Americans from equal access to the benefits reaped by white Americans as well as white non-citizens.

Just as Asian-exclusion does not explain how Filipino veterans were eventually excluded from the benefits of the G.I. Bill, neither do decentralized administration nor occupational restrictions account for how Congress revoked benefits. The experience of U.S. continental minorities, Asian, Black, and Mexican, shed light on three approaches Congress has used to deny benefits. Nevertheless, these were not the means used to excluded Filipinos from social and juridical citizenship. First, Filipinos were not considered like other Asians in regard to martial citizenship. Second, while veterans’ benefits were administered in a decentralized fashion throughout the United States and its territories, Congress, in passing the Rescission Act, went above and beyond the already existing mechanism of exclusion (relying on local and state administrators) to deny Filipino veterans. Third, no such occupational restrictions written into the G.I. Bill applied to the Filipino veterans.

Why Benefits and Citizenship Have Been Revoked

Race, Nationality, and Ethnicity

The history of the United States shows that not only have government officials used race-

based exclusions to citizenship, so too have they justified the revocation of benefits and citizenship on the basis of race. Race has served both as a means and rationale for exclusion. As discussed in Chapter 1, in the 1920s, state and local governments racialized Mexicans and Mexican Americans as non-American and illegal, passing laws to restrict the settlement of Mexicans and Mexican Americans and deny them welfare benefits (Fox 2012:124–55; Ngai 2004:71–74). Not only did state actors use race to deny social citizenship, so too did they advance programs to revoke juridical citizenship on the basis of Mexican ancestry. In the depression, workers and state actors (including the U.S. Secretary of Labor) cited immigrants as the source of the depression (Guerin-Gonzales 1994:79). Laws that restricted access to benefits escalated in the 1930s into repatriation programs, which included voluntary return, deportations by the Immigration and Naturalization Service, and repatriations by local welfare agents.²¹

Just as local actors and state officials used Mexicans' alienage and race as a rationale for repatriation, the U.S. president and Congress revoked citizenship rights from Japanese Americans on the basis of their national origin. In interning Japanese Americans during WWII, the U.S. federal government nullified their rights as citizens (Azuma 2005:209; Ngai 2004:333–36). By the Act of July 1, 1944, Congress created an opportunity to exclude and deport Japanese Americans by allowing for renunciation of citizenship within the United States' borders during war (Herzog 2011:95). Japanese Americans were considered enemy aliens. In both the case of Mexican repatriation and Japanese interment, state actors rarely explicitly justified the revocation of citizenship on the basis of race. Instead "the generality of the law was intended to obscure the specific aim of its legislators – to find and establish a measure that would enable the American government to expatriate and deport as many native-born American citizens of Japanese descent as possible without interference by the

²¹ For more on Mexican Repatriation, see Hoffman (1979), Sánchez (1993), Guerin-Gonzales (1994), and Balderrama and Rodríguez (2006).

United States Supreme Court” (ibid).

In the cases of Mexican and Japanese deportation, Congress created a race-based precedent for revoking citizenship. As it pertains to Filipino veterans, it is possible that Congress similarly viewed Filipinos as threats to the United States’ interests and justified excluding veterans on the basis of their Filipino heritage. Veterans of Filipino heritage in the First and Second Fil and the Old Scouts, however, remained fully eligible for benefits after the 1946 Rescission Act. Race, ethnicity, or national origin do not fully explain why the U.S. Congress revoked benefits from Filipino veterans.

Allegiance

In addition to race, nation, or ethnicity-based justifications for denying benefits and citizenship, U.S. state actors may have other reasons for excluding Filipino veterans. The United States has revoked citizenship from people suspected of deviating from shared national principles or who are seen as threats to national security (Glenn 2002:54). Such acts have included: “subversive political stance, desertion from the army during war time, serving in a foreign army, departing from the United States to avoid the draft, and bearing arms against the United States” (Herzog 2011:100). For example, the first expatriation laws were intended to punish citizens for lack of allegiance to the Union during the American Civil War (Herzog 2011:89–92). Since then, exclusion laws have not only kept out so-called undesirables, such as sex workers, anarchists, communists, and convicted criminals, but also the Chinese and other Asians (FitzGerald and Cook-Martín 2014; Ngai 2004). As in the case of Chinese laborers in the late 1800s and then Japanese Americans in World War II, Congress relied both on notions of nationality and allegiance to revoke substantive and literal citizenship. In regard to the Filipino veterans, then, Congress may have questioned their allegiance, or whether they were honest and “loyal member[s] of the community” (Glenn 2002:54). This, however, would not constitute a complete account of why Filipinos lost their benefits and a path to juridical citizenship. Filipinos, unlike other Asians, were still colonial subjects of the United States,

bound to allegiance. And, as I will show in this and the subsequent chapter, members of Congress repeatedly referred to Filipinos unwavering loyalty to the United States.

Standing

Finally, it is possible that members of the U.S. government questioned the standing of Filipino veterans or whether or not these veterans were “full adult[s] capable of exercising choice and assuming responsibilities” (Glenn 2002:54). This basis for revoking citizenship has primarily been applied to (white) citizen women, who while they are considered loyal members of the nation, lack standing. Herzog (2011) also notes, the United States has revoked citizenship from people who “breach...the voluntary contract between the individual and state,” such as people who obtain citizenship by fraud or women who married foreign men (93, 100). Congress drew on this contractual understanding of citizenship (and also one based on race) in the 1907 Expatriation Act. The act “designated marriages between American women and foreign citizens as acts of voluntary expatriation,” which implied that “women derived their status as citizens from their American husbands rather than from their own individuality” (Herzog 2011:92–93).²² In the early 1900s, members of the U.S. government did portray Filipinos as effeminate children and beasts who lacked the proper training for democratic civil participation (Thompson 2010). It is possible that this rationale carried over into the post-WWII period and that members of Congress drew on notions of Filipinos as infantile.

The history of the United States’ treatment of racial minorities in relation to social and juridical citizenship reveals several precedents for the methods of and reasons for excluding categorically defined individuals of different types. State actors have revoked citizenship through

²² See also Catherine Lee’s (2013) *Fictive Kinship: Family reunification and the meaning of race and nation in American immigration*.

race-based exclusions, decentralized administration, and occupational restrictions. Similarly, they have justified their decisions on the basis of race, nationality, or ethnicity, allegiance, and standing.

While the methods and reasons applied to Asian, Black, and Mexican individuals provide insights into how and why Congress may have revoked benefits from Filipino veterans, the story is more complicated. How and why Congress revoked promises of social welfare benefits and a pathway to citizenship for these Filipino veterans shines light on additional facets of the U.S. history of racialized exclusion. Some means and rationales, such as what happened in the 1946 Rescission Act, stem specifically from the United States' extra-territorial, imperial history.

The Loss of Benefits

Despite the historical momentum up until 1946 that Filipino veterans would be eligible for the benefits provided under the 1944 G.I. Bill, they were reclassified and denied military benefits. By-and-large Congress and the Courts viewed Filipinos as loyal colonial subjects of the United States, entitled to military benefits. How and why, then, did Congress revoke benefits? I argue that this outcome was possible because of the ambiguity of the status of Filipinos in relation to the United States, an ambiguity that dated back to U.S. colonial policy of treating the archipelago and its people as “foreign in a domestic sense.” The lack of clarity in U.S. colonial policy, which also spurred polysemous interpretations of the Philippines and Filipinos lasted through the end of the war.

Ambiguity had serious material consequences for Filipino veterans (other than Old Scout and First and Second Fil veterans, who remained unaffected by the Rescission Act). At the time, the U.S. government was demobilizing, balancing the budget, and preparing for Philippine Independence. In October 1945, President Truman sent letters to several government officials²³

²³ Truman sent letters to the Attorney General, the Secretary of War, the Secretary of the Treasury, the Surplus Property Administrator, the Administrator of Veterans Affairs, the President of the Export-Import Bank of Washington, the Administrator of the War Shipping Administration, the Chairman of the Reconstruction Finance Corporation, the Administrator of the Federal Security Agency, the High Commissioner, and the Alien Property Custodian. While both Patterson and Bradley reference Truman's October 1945 request to study veterans' issues, there is a silence in the

requesting that each department submit recommendations for a U.S. program of assistance to the Philippines. Truman asked that the VA “make a careful analysis of all phases of past and current benefits payable in the Philippine Islands to American and Filipino veterans” with “recommendations for any new legislation.”²⁴ Around the same time, the War Department was circulating policy notes on the “Acceptability of Aliens for Service in the Army.” One such memo stated that, “until national policy crystallizes with respect to the status of the Commonwealth of the Philippines, it is deemed inadvisable to permit wholesale enlistments in the Regular Army of citizens thereof.”²⁵

In passing the 1946 Rescission Act, Congress clarified the stance of the U.S. federal government toward Filipino veterans, determining that they would be treated not only as foreign to the United States, but also unlike other aliens. In October of 1945, Congress began hearings for the Act. The first version of the bill was vetoed for reasons unrelated to Filipino veterans.²⁶ When the bill passed in February 1946, it was 40 pages and had one paragraph revoking military benefits from Filipino Veterans. In the 1946 Rescission Act, Congress revoked military benefits from Filipino veterans in stating:

“That service in the organized military forces of the Government of the Commonwealth of the Philippines, while such forces were in the service of the Armed Forces of the

records on whether or not Truman asked anything similar of the Philippine Government or High Commissioner of the Philippines, Paul V. McNutt.

²⁴ Harry S. Truman to General Omar N. Bradley. 1945, October 25. OF 1055, Truman Papers, Truman Library, Independence, MO.

²⁵ Notably, in these files, the War Department also states that “in the case of soldiers who are aliens, [the War Department policy] is not to order such personnel to the United States for the sole purpose of obtaining citizenship. However, there are no restrictions against the assignment of aliens to the United States for duty” (1945, November 23 AGO to Commanding General, Africa-Middle East Theater. RG 165, Entry 43. 14.32 Aliens and Naturalization. National Archives II, College Park, MD.) In other words, although Congress permitted for the naturalization of alien veterans, the War Department did not see it in their duty to send said veterans to the U.S. for naturalization. R.W. Berry. 1945, August 21. RG 165, Entry 43. 14.32 Aliens and Naturalization. National Archives II, College Park, MD.

²⁶ Although a variety of lobbyists and government agencies (The American Jewish Congress, the American Federation of Labor, the NAACP, United Federal Workers of America, State, County, and Municipal Workers of America, American Federation of the Physically Handicapped, Office of War and Mobilization, and the Bureau of the Budget) opposed the bill, there are no formal records of any opposition related to the revocation of benefits from Filipino Veterans. The veto was primarily in response to lobbyists and the recommendation of the Direction of the Bureau of the Budget, Harold D. Smith, on another issue—the returning of the Employment Service to the States.

United States pursuant to the military order of the President of the United States dated July 26, 1941, *shall not be deemed to be or to have been service in the military or naval forces of the United States or any component thereof for the purposes of any law of the United States conferring rights, privileges, or benefits upon any person by reason of the service of such person or the service of any other person in the military or naval forces of the United States or any component thereof...* [Italics by author]²⁷

In essence, Congress declared retroactively that the military service of the Philippine Commonwealth Army (which later became USAFFE), the guerrillas, and the New Scouts would not be considered service for the United States.

While the Senate Appropriations Committee considered Filipino veterans foreign, those in the Philippines had a different interpretation of the United States' obligation to its colonial subjects. In a letter dated February 11, 1946, High Commissioner of the Philippines, Paul V. McNutt informed Truman that neither he nor anyone in the Philippines knew of the legislative rider attached to the bill that would bar Filipino veterans from benefits until the vetoed bill arrived in Manila "very recently" (only a week before the second bill was signed). McNutt objected to this legislative rider in a meeting with Congress and in letters to Truman. He emphasized that this was "a matter of simple justice"²⁸:

"[Benefits for Filipino veterans] cannot be considered a special grant to the Philippines as a nation, but is rather part of our national obligation to all our veterans who served so nobly in this war, Philippine Army veterans."²⁹

In his letter to the President, McNutt acknowledged that nothing could be done about the Rescission Act, but he asked for a G.I. Bill of Rights for Filipino veterans. McNutt raised the issue of the actual amount of disbursement—\$1,500,000,000 over the next 50 years. This amount was less than one percent of the total obligation of the United States for all veterans' benefits over the next fifty years. The Philippine Army forces made up about 2% of the total Armed Forces of the U.S.

²⁷ PL 79-301. 1946. *First Supplemental Surplus Appropriation Rescission Act, 1946*.

²⁸ Paul V. McNutt to Harry S. Truman. February 11, 1947. WHCF: OF 1055. Truman Papers, Truman Library, Independence, MO.

²⁹ *Ibid.*

during the War. McNutt argued that this was a part of the U.S. Veterans' bill and not a special grant to the Philippines as a nation, which contrasts with Bradley's framing of the issue, documented below. According to McNutt, paying these benefits to veterans would give them a preferential position in the Philippine economy and ensure that the "United States keeps a powerful hold on an important segment of the Philippine public."³⁰ In short, McNutt was concerned with securing geopolitical relations in the Philippines and for making good on a commitment to a colony. For him, the budgetary issue was miniscule. McNutt favored an interpretation of colonial policy and responsibility that emphasized U.S. sovereignty over the Commonwealth.

The bill passed on February 18, 1946 despite McNutt's protestations, cementing that these Filipino veterans of USAFFE, the guerillas, and the New Scouts, and only them, would be excluded from the social welfare benefits of the G.I. Bill. According to the 1946 Rescission Act, members of the Philippine Army, the recognized guerillas, and the New Philippine Scouts received only service-connected disability compensation, contract National Service Life Insurance, and hospital and outpatient treatment for service-connected disabilities, all paid at only half the rate for American veterans. Unlike American veterans, Filipino veterans did not receive non-service connected disability or death pensions, vocational rehabilitation and education, and VA medical care (Cabotaje 1999)³¹ Granted, according to the Rescission Act, families of Filipino veterans could still claim life insurance and pensions for disability or death, to be paid at a rate of one Philippine peso per U.S. dollar, which at the time was valued at half the price of the dollar. (See Table 4.)

³⁰ Paul V. McNutt to Harry S. Truman. February 11, 1947. WHCF: OF 1055. Truman Papers, Truman Library, Independence, MO.

³¹ Note also that in 1948 Congress did approve construction of a veteran hospital in Manila. The Philippine government and Congress do provide their own benefits at reduced rates under the Philippines G.I. Act. In 1951, veterans received funeral benefits and burial flags. See Nakano (2002). "Nation and Citizenship in the Filipino World War II Veterans Equity Movement, 1945-2011." Pp. 205-28 in *"We the People" in the Global Age: Re-examination of Nationalism and Citizenship*. Osaka: The Japan Center for Area Studies. Despite the slow rolling out of benefits, inflation in the Philippines devalued the peso to the dollar, resulting in decrease in pensions (ibid).

	Exclusive to U.S. Citizen?	Exclusive to U.S Territory?	Old Scouts	Other Filipino Vets
Pension	X	X	✓	1/2 rate
Insurance	X	X	✓	1/2 rate
Insurance Premium Guaranty	X	✓	✓	X
Retirement	X	X	✓	X
Out-patient Treatment, appliances, etc.	X	X	✓	1/2 rate
Burial allowances	X	X	✓	X
Vocational rehabilitation, education, or training	X	✓	✓	X
Guaranty of loans for purchases of homes, farms, or business	X	✓	✓	X
Readjustment allowances	X	✓	✓	X
Hospital and domiciliary care	X	✓	✓	X
Non-service connected disability Compensation	X	X	✓	X
Death Pension	X	X	✓	X

Table 4: Benefits Available to Filipino Veterans, Compared to Eligibility Rules

(Sources: Servicemen's Readjustment Act of 1944, 78 S. 1767, 58 Stat. 294, Chap: 268 (1944); Omar N. Bradley to Harry S. Truman. October 31, 1945. WHCF: OF 1055; Truman Papers, Truman Library, Independence, MO.; United States Retraining and Reemployment Administration. 1944. Your Rights and Benefits: A Handy Guide for Veterans of the Armed Forces and Their Dependents. Washington, DC: Office of War Mobilization.)

Despite considering Filipino veterans as foreign military ineligible for U.S. benefits, ambiguity persisted in U.S.–Philippine relations. Upon signing the 1946 Rescission Act, President Truman remarked on the special relationship between the United States and the Philippines. At the urging of McNutt, Truman took “exception to a legislative rider attached to the transfer of \$200,000,000 item for the pay of the Army of the Philippines.” In this statement, Truman said that the piece of legislation “do[es] not release the United States from its moral obligation to provide for the heroic Philippine veterans who sacrificed so much for the common cause during the war,” and that he “consider[s] it a moral obligation of the United States to look after the welfare of Philippine

Army veterans.”³² Truman concluded by remarking that he set up an Interdepartmental Committee on Philippine Veterans’ Affairs, to be staffed by the Secretary of War, the Administrator of Veterans’ Affairs, and the United States High Commissioner to the Philippines.³³ On February 12, 1946, Truman, heeding McNutt’s suggestion, wrote to the Secretary of War and the Administrator of Veterans’ Affairs requesting a study “of a program of benefits for Philippine Army veterans, following in general along the lines of our G.I. Bill of Rights benefits, but adapted to the special conditions found in the Philippines.”³⁴ Although McNutt and Truman (at McNutt’s urging) affirmed the duty of the United States to provide for Filipino veterans, the Rescission Act did pass and reclassify Filipinos, excluding them from accessing benefits available to other veterans. In the debate over the bill, different federal agencies and state actors asserted competing interpretations of U.S. colonial policy toward the Philippines, which reflect the ambiguities of the original Supreme Court definition of the Philippines as “foreign in a domestic sense.”

Geographical Exclusions

The shifting, ill-defined, and ambiguous status of Filipinos under U.S. law gave them no clear rights and allowed U.S. Congress to abrogate its promise. In revoking military benefits, members of the VA and Congress drew on the ambiguous classification of the Philippines to argue that the Philippines was its own, independent country, responsible for its citizens. On October 31, 1945, General Omar Bradley, Administrator of Veterans’ Affairs, replied to Truman’s request for recommendations on legislation pertaining to American and Filipino veterans in the Philippines. In his statement on the payment of benefits, Bradley emphasized that under current laws, Filipinos in

³² Statement by the President Harry S. Truman. February 20, 1946. WHCF : OF 1055H Box 1737, 1945-1946 Philippine Veterans Affairs; Truman Papers, Truman Library, Independence, MO.

³³ For this statement, Filipino veterans and heads of state thanked Truman for championing Filipino rights. It was not Truman, however, who initiated support for Filipino Veterans. Rather, McNutt suggested the formation of this Committee and provided a draft statement for the President.

³⁴ Harry S. Truman to Robert P. Patterson. February 12, 1946. WHCF: OF 1055; Truman Papers, Truman Library, Independence, MO.
Harry S. Truman to Omar N. Bradley. February 12, 1946. WHCF: OF 1055; Truman Papers, Truman Library, Independence, MO.

active service would be eligible for benefits.³⁵ Although Filipinos were entitled to equal benefits,³⁶ in a section titled “Effect of Complete Independence of Philippine Islands Upon Various Types of Benefits Now or Hereafter Awarded to Philippine Nationals,” Bradley emphasized that after independence certain benefits “would no longer be available to veterans, or to veterans not American citizens, residing in the Philippine Islands after independence is established.” Thus, Bradley suggested that the United States and the Philippines should reach an agreement where the *soon-to-be independent Philippines* would take responsibility for these benefits. Bradley did not make a similar recommendation for any other colonial subjects or foreign nationals. He only constructed the Philippines as responsible for its citizens.

Later, in hearings over the Second Supplemental Appropriation Rescission Act, Senator Hayden also emphasized that the Philippines was, at the time of debate over the First Rescission Act, its own, independent country: “It was the view of the [Appropriations] committee that the approximately 200,000 Filipinos who first and last served in that army [USAFFE] did so because they fervently desired freedom for their country and not with the idea of acquiring the right to go to another country,” by which Hayden meant the United States. In this view, Filipinos fought to serve their country, which Hayden cast as independent from the United States.

Budgetary and Administrative Considerations

Because the VA and Congress interpreted U.S. colonial policy in a way that constructed the Philippines as independent, or foreign to the United States, U.S. officials were then able to assert

³⁵ Bradley referred to a proposed amendment in H.R. 3522-S.1203. For this amendment, the VA already provided related data to the Congressional committees on Appropriations and Territories and Insular Affairs. This bill would “liberalize and clarify the laws pertaining to hospital treatment, medical care, domiciliary care, and related services, and for other purposes; to the Committee on World War Veterans' Legislation.” Omar N. Bradley to Harry S. Truman. 1945, October 31. WHCF: OF 1055; Truman Papers, Truman Library, Independence, MO.

³⁶At this time, Filipinos, as nationals of the United States, serving in the US military (under the Scouts or USAFFE) were eligible for a multitude of benefits under the G.I. Bill, including: pension; insurance; retirement; hospital and domiciliary care; out-patient treatment, appliances, etc.; burial allowances; vocational rehabilitation, education or training; guaranty of loans for purchases of homes, farms, or business property; insurance premium guaranty; readjustment allowances (Cabotaje 1999:77).

that the United States had, at best, a charitable duty, and at worst, no obligation to the Philippines. For example, Bradley concluded his aforementioned letter to Truman by suggesting that the United States unburden itself from the financial obligation to “the large number of Filipinos who are serving in the armed forces of the United States during the present war.” The “large number of Filipinos” amounted to 1.4 percent of the total number serving in WWII. According to these numbers, the total cost of the Philippine cases was estimated at \$3 billion over the next fifty years. Bradley offered a second option if the Philippine government would not take responsibility for these veteran benefits. He suggested that the United States could pay nationals of the Philippines on a different basis, other than the dollar, such as the peso. This could amount to P40 million for 75 years, which would be \$20 million 1946-dollars.³⁷ (Notably, Bradley’s first estimate does not correspond with the amount of the second: \$3 billion for the United States over 50 years versus \$20 million at the peso rate over 75 years.) Later, in a letter to Truman, High Commissioner to the Philippines, Paul V. McNutt stated that this reduced rate of paying benefits would be acceptable to Filipinos.³⁸ They, however, did not receive this rate.

If the Philippines was foreign to the United States, then the expenditure for Filipino veterans could be constructed as unnecessary foreign aid. Senator Carl Hayden on the Senate Appropriations Committee also argued the expenditure would be too great, saying:

“There may be sound political reasons for keeping the Philippine Army and the guerillas on the American pay rolls. The money that they receive may also be needed as a means of relieving poverty and distress. Upon the other hand, if members of either of those organizations are entitled to the full benefits of the existing pension laws and the G.I. bill of rights, the American Government has assumed a very large obligation payable over the next 30 or 40 years.”³⁹

³⁷ Omar N. Bradley to Harry S. Truman. October 31, 1945. WHCF: OF 1055; Truman Papers, Truman Library, Independence, MO.

³⁸ McNutt to Truman. February 11, 1946. WHCF: OF 1055; Truman Papers, Truman Library, Independence, MO.

³⁹ Senator Hayden, speaking on H.R. 5604. 1946. “Letter From Senator Hayden to Secretary of War on Enlistment of Filipinos as Philippine Scouts, October 9, 1945.” *Hearings before the Subcommittee of the Committee on Appropriations Senate*. 79th Congress, 2nd session. March 25: 36..

Hayden also went on the record as saying that although the United States' does have a moral obligation to Philippine Army veterans, the G.I. Bill was "intended to benefit an American who served in the armed forces and who, upon his discharge from the service, returned to civil life in the United States, where American standards of living prevail." According to Hayden, a Filipino veteran did not need as much as an American. The U.S. government should adjust for the difference in cost of living and "help the Filipino people to help themselves," as in the money would be better spent somewhere else. Hayden argued:

"Where there was a choice between expenditures for rehabilitation of the economy of the Philippine Islands and payments in cash to Filipino veterans, I am sure it is better to spend any equal sum of money, for example, on improving roads and port facilities. What the Filipino veteran needs is steady employment rather than to depend for his living on a monthly payment sent from the United States."⁴⁰

Hayden claimed to support the national reconstruction that would put Filipinos to work, rather than sending them money for promised social welfare benefits. Like politicians who argued against Black and Mexican people receiving New Deal era domestic social welfare benefits (Fox 2012; Katznelson 2005), Hayden saw Filipinos like potential (non-white) dependents.

While the Philippines was constructed as foreign, and Filipino veterans as undeserving of benefits, Congress and the VA continued to treat the Philippines unlike other foreign nations. In response to Truman's request for a special program for Filipino veterans, Bradley submitted a report on March 16, 1946. Bradley maintained his earlier position that administering benefits to the Filipinos would be cumbersome and costly. Although the Philippines was still a colony, he again emphasized the forthcoming independence, which would place veterans in a class of those residing in foreign countries.⁴¹ He did not, however, mention the colonial status of the Philippines. Given

⁴⁰ Senator Hayden, speaking on H.R. 5604. 1946. "Means of Aiding Filipino Veterans." *Hearings before the Subcommittee of the Committee on Appropriations Senate*. 79th Congress, 2nd session. March 25: 61.

⁴¹ Bradley emphasized that as veterans residing abroad, they would no longer be entitled to education and training, or readjustment allowances. On the matter of hospital care, Bradley noted that even if H.R. 5158 did not pass, hospital care would not have been given to the veterans of the Philippine Army because they were not citizens and do not live in the

their location in a foreign country, Bradley estimated that the Veterans' Administration would have administrative problems in granting benefits to Philippine Army Veterans because not all veterans have been properly certified by the War Department and the VA could not send enough American citizens to the Philippines to work in U.S. hospitals. However, the VA already had offices in the Philippines, and, together with the Department of State, worked to provide benefits in other locations abroad.⁴² Bradley counted these among the "impossible burdens," making it "physically unable" for the VA to provide benefits. He told Truman that providing for the Philippine veterans in addition to the nearly 20 million veterans of all wars under the provisions of the G.I. Bill would be a burden. Rather than (re)extend the G.I. Bill to the Philippines, Bradley recommended easing the restrictions on confirming service for disability and death pensions, which was already provided for under H.R. 5158. He also advocated for hospitalization and medical treatment at the expense of the U.S. government and provisions for burial allowances and a U.S. flag for burial, both of which were not provided for under H.R. 5158.⁴³ Although Bradley portrayed the Philippines as a foreign country, he conceded that Filipinos could receive certain benefits, including being buried with a U.S. flag, which suggests a partial acknowledgement of their service for the United States. Nevertheless, by casting the Philippines as an independent country, U.S. politicians were able to argue that the expenditure of veterans' benefits for Filipinos was too high and cumbersome.

Questioning the Nationality and Status of Filipino Veterans

In regard to military benefits and citizenship, members of Congress not only saw the Philippines as a foreign territory undeserving of assistance, they also did not see Filipino veterans as citizens or subjects of the United States. This contrasts with how in an earlier period, Filipinos were

United States nor would insurance premium guaranties apply to the soldiers in the Philippine Islands. (Omar N. Bradley to Harry S. Truman. October 31, 1945. WHCF: OF 1055; Truman Papers, Truman Library, Independence, MO.)

⁴² RG 59 CDF 103.9992, National Archives, College Park, MD.

⁴³ Omar N. Bradley to Harry S. Truman. October 31, 1945. WHCF: OF 1055; Truman Papers, Truman Library, Independence, MO.

counted as nationals when it came to their military service. While Omar Bradley and Senator Hayden viewed the Philippines in light of its forthcoming complete independence, the Senate Appropriations Committee interpreted Filipino veterans as non-citizens and non-military. Senator McKellar, President pro tempore of the Senate, Chair of the appropriations committee, and acting Vice President for Truman after President Roosevelt died, was responsible for the attachment of the legislative rider that revoked military benefits from Filipinos. In October 1945, McKellar asked General Richards of the War Department to account for the appropriation of \$200 million for the pay and supplies of the Army of the Philippines, “who fought the Japanese during the period of their occupation of the Philippines.”⁴⁴ Richards drew on the classification of Filipinos as both colonial subjects and active military, by highlighting that these troops were called to service under the U.S. Armed Forces by the President of the United States under the Military Order of July 26, 1941. At this point in the hearing, Senators McKellar, Ball, and Hayden stated concerns about the nature of the appropriation, and Hayden asked to go off the record. What happened in this off-the-record portion of the meeting is unclear.

What is clear, however, is that McKellar and the Senate Appropriations Committee distinguished Filipino veterans from citizen soldiers. Although the War Department honored the classification of Filipinos under the Military Order of 1941 (which would entitle them to benefits), in the Congressional Record for October 30, 1945, McKellar rejected the War Department’s classification of Filipino veterans. When discussing activities of the U.S. Army in Germany (not related to the Philippines), Senator McKellar digressed from the topic at hand. He explained his caution toward expenditures in relation to costs of the Philippine Army, noting that the Army asked

⁴⁴ General Richards noted that the War Department needed \$363 million to cover the liability owed by the War Department to the Philippine Army for “the cost of pay, supplies, food, and other things, indebtedness which they incurred while fighting against the Japanese.” The War Department was allocating \$163 million of their own free cash, and requesting a transfer from Ordnance to the Philippine Army of \$200 million to cover the rest of the cost. (Hearing before the Subcommittee of the Committee on Appropriations United States Senate 1945, October 29).

for \$200 million to pay “Filipino Scouts, and it is estimated it will cost us before we get through something between two and three billion dollars.” McKellar also remarked that the United States is “paying them the same salaries as the Americans. They are not American citizens at all. They are Filipinos. They have never been sworn into service, but we are paying them at the Regular Army⁴⁵ rates.” He continued:

“We have to feed them and clothe them and everything else. I don’t know whether that is for all time, as long as they live, or not. We haven’t got the total yet, but it may cost us 20 billion before we get through. So it is incumbent upon those of us who are Americans and who have a regard, and some of us have the highest regard for the American Government and the American people, to look after their [the American people’s] interests.”⁴⁶

In effect, on the basis of their status as non-U.S. citizens and by calling into question their contract with the U.S. military, McKellar argued that Filipinos were not deserving of U.S. support in exchange for their service.

To justify the exclusion of Filipino veterans, McKellar relied on half-truths about the status of the Philippine Army: that Filipinos were not citizens, that they were paid the same as Americans, and that they were not sworn into service.⁴⁷ First, while Filipino veterans’ status as American citizens was ambiguous, they were certainly colonial subjects who were promised the same benefits as American G.I.s. Second, Filipinos were not paid the same as Americans.⁴⁸ Third, McKellar’s

⁴⁵ The Regular Army is composed of enlisted military (not drafted). They are permanent and on active duty.

⁴⁶ Senator McKellar, speaking on H.R. 4407. 1945. “Present Information Activities Of the Army in Germany.” *Hearing before the Subcommittee of the Committee on Appropriations*. Senate. 29th Congress, 1st session. October 30: 185

⁴⁷ *Ibid.*

⁴⁸ Prior to this point, the issue of pay rates surfaced when the Philippine Army was called to service (July 26, 1941). At that time, the Philippine Army was paid less than the Philippine Scouts and the U.S. Army. Then-President Quezon increased the scale for officers in the Philippine Army to that of the U.S. Army and increased the pay of enlisted men to that of the Philippine Scouts. In February 1942, General Douglas MacArthur recommended to the War Department that this legislation be honored by the United States. Accordingly, the War Department submitted a draft of this legislation to Congress on March 19, 1942. While the bill passed in the Senate, it dropped in the House of Representatives. In the Philippines, these pay rates were still in effect when MacArthur returned to the Philippines in October 1944. President Osmeña issued Executive Order 22, attempting to increase the pay of Philippine Commonwealth soldiers to a rate equal to U.S. soldiers. The War Department rejected this however. Nevertheless, since rescinding Executive Order 22, President Osmeña stated that he hoped for the full equalization of pay and asked for a rate of one peso per dollar. The Secretary of War replied citing the inflationary results this could have. In response, Osmeña, on August 19, 1945, asked that the Philippine Army receive the same percentage increase as those received by the men of the U.S. Army in the

statement that Filipinos were not sworn into service is also false, as they were sworn in as the Philippine Commonwealth Army, under the service of the United States, and then called to service by Roosevelt in 1941. McKellar's interpretation of Filipinos' status emphasized their status as non-citizens over their colonial status.

In addition to using the Philippine's status as a (soon-to-be) foreign country and casting Filipinos as foreign, Congress relied on the ambiguous status of the Philippine Army in order to revoke military benefits. In a hearing over the Second Supplemental Appropriation Rescission Act of 1946 Hayden (falsely) asserted that "[t]he assumption adopted by the War Department has been that the Philippine Army and the Philippine guerrillas were serving with but actually were not a part of 'the armed forces of the United States,'" and were thus not entitled to benefits. Hayden again invoked the costliness of paying these Filipino veterans in his claim that members of the Philippine Army were not U.S. military:

"Three billion dollars is a substantial sum of money.... But no one could be found who would assert that it was ever the clear intention of Congress that such benefits as are granted under the Servicemen's Readjustment Act of 1940, as amended—the G.I. bill of rights—should be extended to the soldiers of the Philippine Army. There is nothing in the text of any of the laws enacted by Congress for the benefit of veterans to indicate such intent."⁴⁹

Like Senator McKellar before him, Senator Hayden argued that there were no grounds under which the United States Congress ought to consider these Filipino veterans as active military of the United States. Senators McKellar and Hayden called into question the contract that bound Filipino veterans to service for the United States, casting them not only as non-citizens, but also as non-military. In

1942 pay adjustment. The Secretary of War responded by saying that in March 1942, the Philippine Army received "a much greater percentage increase than were received by the enlisted men of the US Army in June 1942," and again pointed to the inflationary aspects of the proposed increase.

⁴⁸ MacArthur said that the War Department will need an expenditure of \$383,000,000 during the current fiscal year to pay the Philippine army on the basis of the March 1942 pay scale established by then President Quezon. Of this, \$287,000,000 would be for personnel of the Philippine Commonwealth Army and \$96,000,000 for the guerrilla forces.

⁴⁹ Senator Hayden, speaking on H.R. 5604. 1946. "Intent of Congress as to Benefits Under 1940 Act." *Hearings before the Subcommittee of the Committee on Appropriations* Senate. 79th Congress, 2nd session. March 25: 57.

this view, Filipino veterans were serving, but not *part* of, the United States, echoing back to the 1901 Supreme Court Decision, *Downes v. Bidwell*, in which Justice White opined that the territories belonged to but were not part of the United States.

While U.S. state actors denied the citizenship rights and colonial status of Filipino veterans, the nationality of Filipinos was about to change. Given that Philippine independence was a few months away, it is also possible that the Senate Appropriations Committee opposed benefits and a path to naturalization because Filipino politicians did not want Filipino veterans to leave the Philippines. In the only piece of scholarship attempting to address why benefits were revoked, Nakano (2002) suggested that Filipino politicians opposed the naturalization of Filipino veterans. The only claim to this possibility appears in court decisions that determined that Filipino veterans of USAFFE were not eligible for naturalization. Nakano cites one such court decision, writing that “the Philippine Government allegedly expressed ‘its concern’ to the Department of State regarding the risk of a mass emigration to the United States, which would be harmful to its postwar reconstruction efforts” (2002:209). In the decision of *Matter of Naturalization of 68 Filipino War Veterans*, the court wrote that “apparently fearful that large numbers of Filipinos would be naturalized and emigrate to the United States on the eve of independence, an unidentified official of the Philippine Government conveyed to the United States Department of State the Philippine Government’s concern that Filipinos who had always been domiciled in the Philippines were being naturalized by Vice Consul Ennis....” (1975). As the same decision notes, “the concern of the Philippine Government was not made a fact of record. Indeed, neither the President of the Philippine Commonwealth nor his Government expressed any official opinion on the subject” (ibid). Consistent with this, in my archival research, I found no such document. As High Commissioner McNutt wrote Truman, no one in the Philippines was aware of the legislative rider on the Philippine Army attached to the 1946 Rescission Act. In later correspondence, after the passing of the Act, Filipino elites are relatively

silent on the issue of benefits.⁵⁰ Although coming Philippine independence may have figured into the decision to revoke military benefits, there is no clear record that this was motivated by Filipino concerns.

Filipino Loyalty

These were not the only views on Filipino veterans. Although members of Congress, supported by the VA, revoked military benefits and a path to naturalization from these Filipino veterans, they also made statements on the loyalty and bravery of Filipino soldiers. On March 25, 1946, in the hearings for the Second Supplemental Surplus Appropriation Rescission Bill, Senator Hayden made a statement on the financial obligations of the United States to the Philippine Scouts. Although he was primarily concerned with the status of the (Old) Philippine Scouts,⁵¹ he also mentioned the Philippine Army and the guerrillas. Hayden emphasized that there has been a “long-standing friendship between the American and the Filipino people,” and that he had “no doubt about the intention of the Congress of the United States to recognize the loyalty of the Filipino people during the war with Japan.” He went on to say:

“[Filipinos] remained loyal to the Government of the United States” and that “the active assistance rendered by soldiers of the Philippine army and members of the organized Philippine guerillas greatly facilitated the reoccupation of the islands with material saving of lives of American soldiers and a reduction in the cost of war. The Filipino people had faith in the American promise that they would have freedom and independence; and therefore wholeheartedly joined with us in fighting our common enemy.”⁵²

Later, in hearings over the Luce-Cellar Act, Congressman Judd also noted that Filipinos “stood by us in one of the finest demonstrations of loyalty the world has ever seen.”⁵³

⁵⁰ President Quezon, however, did express his concern that the War Department was pressuring the 1st and 2nd Filipino Infantry Regiment to naturalize. (Memo from R.N. Young to the A.C. of S., G-1 on January 9, 1943, RG 165 Entry 43 14.31 14.32 Aliens and Naturalization, National Archives, College Park, MD.)

⁵¹ Hayden was in favor of the enlistment of Filipino citizens into the Scouts as well as an increase in pay, as he believed that not only would it be an honorable employment, but these men could be incorporated into the newly independent Philippine military establishment.

⁵² Senator Hayden, speaking on H.R. 5604. 1946. “Loyalty of Filipino People.” *Hearings before the Subcommittee of the Committee on Appropriations* Senate. 79th Congress, 2nd session. March 25: 45.

⁵³ Representative Judd, speaking on H.R. 3517. 1945 “Minorities Views on H.R. 3517,” in *Congressional Record*. 29th Congress, 1st session, October 10: 9541

Although no one explicitly questioned the loyalty of Filipino veterans, the treatment of the Old Scouts puts the situation of the other veterans into relief. As of 1946, legislation specifically rewarding the Old Scouts was already on the books. In contrast, Congress had no such special legislation for other Filipino veterans. To this day, the VA maintains that “Regular Philippine Scouts, or ‘old scouts,’ were members of a small, regular component of the U.S. Army that was considered to be in regular active service. The reduced payment to the non-Old Scout Filipino veterans suggests that the United States did not equally value the sacrifices and loyalty these Filipino units in comparison to the Old Scouts (who originally sided with the U.S. in the turn of the century Philippine-American war).

Despite Filipino veterans’ loyalty to the United States, Congress did not uphold its part of the “reciprocal obligations bind[ing] citizens and government” (Mettler 2005:166). The U.S. government did not “invest in citizenship, incorporating individuals as full members of the polity who have a stake in its existence” (ibid). Instead, the administrator of the VA vocalized that the U.S. should not pay benefits to the Philippines and the Senate Appropriations Committee added a legislative rider to a large omnibus bill in an off-the-record meeting. Owing to ambiguity, no one was able to contest the rider with an irrefutable legal argument about the responsibility of the United States to the Commonwealth.

How to Break a Promise

As I discussed at the outset of the chapter, there are several historical precedents for how the United States revoked social and juridical citizenship. First, Congress and VA officials could have used race, nation, or ethnicity-based exclusions to citizenship to deny access to social welfare benefits. Second, local Veterans’ Administration officials capitalizing on the decentralized administration of the G.I. Bill, could have denied military benefits to Filipino veterans, as they did

for Black and Mexican Americans. Third, Congress could have created occupational restrictions as they did with some New Deal programs.

In revoking military benefits from Filipino veterans, Congress did not rely on race, nation, or ethnicity-based restrictions to citizenship. As of 1935, Asian veterans secured their right to claim benefits from military service. Not only that, throughout U.S. history prior to 1946, special provisions existed for Filipino service people to claim social and literal citizenship. Related to race-based exclusions, it is possible that Congress may have employed exclusions on the basis of citizenship status. Since Filipinos were colonial subjects of the United States, Congress may have excluded them on this basis. The United States, however, awarded benefits to approximately 80,000 Puerto Rican veterans for their service. (Puerto Ricans were citizens at the time, under the 1917 Jones Act.) Chamorros and Samoans,⁵⁴ although not citizens, also were eligible for benefits.⁵⁵ The case of the Old Scouts also clarifies the type of exclusion used by Congress. Even in passing the Rescission Act, Congress maintained full benefits for Filipino veterans who were enlisted as members of the Old Philippine Scouts, the unit that originally fought together with the U.S. in the Spanish-American War and the subsequent Philippine-American War. Asian, Puerto Rican, Chamorro, Samoan, and Filipino Old-Scout veterans received military benefits under the G.I. Bill. Exclusions based on race, nation, or ethnicity, then, do not account for how Congress revoked benefits.

Unlike other methods of excluding racial minorities from the G.I. Bill or other New Deal era social welfare policies, namely decentralized administration and occupational exclusions, Congress went above and beyond relying on decentralized administration to exclude Filipino veterans. While

⁵⁴ American Samoans are, in fact, still U.S. nationals.

⁵⁵ The available primary sources on Chamorro, Samoan, Hawaiian and other Pacific Islander enlistment and service by way of ethnicity are quite lacking. The materials in U.S. archives have no coherent system with regard to Pacific Islanders. As such, searching for data on said populations is rather difficult. The VA and the Center for Military History were not able to provide these numbers, nor could the researcher find them in consultation with archivists from NARA.

there were no formal occupational restrictions to receiving the benefits of the G.I. Bill, Congress relied on exclusions based on military unit. Before the 1946 Rescission Act, the federal government did consider the service of Filipino veterans to be active service for the United States. Under the leadership of the Senate Appropriations Committee, Congress instituted a federal reclassification of these Filipino veterans as having not served in active duty, in effect changing their occupational status.

While Filipinos did actively serve, it is around this definition of active service that their exclusion hangs. Reclassifying these Filipino veterans as having not served in active duty for the U.S. military was facilitated by the fact that in the United States, there are no set standards for “active military service.”⁵⁶ Instead, there are five possible considerations, as suggested by 38 U.S.C. §106:⁵⁷ critical to success; subject to military justice, discipline, and control; permission to resign; susceptibility to assignment for duty in a combat zone; and reasonable expectations that their service would be considered to be active military service (Cabotaje 1999:80). According to the Adjutant General’s office, “the Department of the Army cannot undertake to define the term ‘active duty’ except when required to administer or interpret a law in which the expression is used as a governing factor, and then only when all the relevant facts and circumstances are known.”⁵⁸ Relatedly, there are no set standards for what constitutes a veteran.⁵⁹ The lack of clarity in defining active duty and veteran allowed Congress to decide what active duty meant for these Filipino veterans.

⁵⁶ Less than 7% of U.S. Veterans of World War II participated in extended combat. 25% never served overseas (Mettler 2005:35).

⁵⁷ “The notes to 38 U.S.C. §106, which codified Title IV of the G.I. Bill Improvement Act of 1977, provide some guidance. In determining whether one has completed “active military service,” the Secretary of Defense may take into consideration the extent to which (A) such group received military training and acquired a military capability or the service performed by such group was critical to the success of a military mission, (B) the members of such group were subject to military justice, discipline, and control, (C) the members of such group were permitted to resign, (D) the members of such group were susceptible to assignment for duty in a combat zone, and (E) the members of such group had reasonable expectations that their service would be considered to be active military service” (Cabotaje 1999:80).

⁵⁸ Bergin, WM. E. to H. Alexander Smith. 1952, February 14. RG 407 Entry 390A. 350 Active Duty, National Archives II, College Park, MD.

⁵⁹ See Witsell, Edward to Edgar A. Sharp. 1946, February 19. RG 407. Entry 390A 472 Veterans, National Archives II, College Park MD: “I regret to inform you that the War Department cannot undertake to state what constitutes a

Just as the definitions of service for the regular U.S. Army, active duty, and veteran were (and remain unclear), the ambiguous classification of the Philippines as “foreign in a domestic sense” and Filipinos as nationals and the resulting polysemy by which they were considered citizens, nationals, and aliens were the means by which Congress could exclude Filipino veterans from military benefits. Although the original G.I. Bill was open to all veterans, U.S. officials went back on a promise and expelled Filipino veterans of World War II from the compact of social citizenship. They did so not by amending the G.I. Bill, nor imposing restrictions on the basis of geography or colonial status, but by attaching a legislative rider to a large budget bill, restricting a category of people from access. Congress and the VA were able accomplish this reclassification because the federal government never clearly defined regular Army service or the relationship of the U.S. to the Philippines and Filipinos.

Why Break a Promise

Answering the question of how Congress revoked military benefits also sheds light on the question of *why* they did it. The fact that Congress used ambiguity as a means to exclude Filipino veterans does not fully explain their explicit and implicit reasons for doing so. In revoking military benefits from these Filipinos, Congress did not rely on their status as Asians, colonial subjects, or racial minorities. Although Congress did not explicitly use Filipinos’ race as a means of or rationale for exclusion, racialized concerns about Filipino migration may have factored in. Senator Hayden did express concern over Filipino migration to the United States. As I mentioned earlier, Nakano

‘Veteran of World War II’ except when required to administer a law in which the term is defined and used as a governing factor. Moreover, the word, ‘veteran’ is not an exact term, but is used in various specific and technical uses. For example, Title IV, Sec. 607 of the Servicemen’s Readjustment Act of 1944, commonly known as the ‘G.I. Bill of Rights’ states: ‘The term ‘veteran’ as used in this title shall mean a person who served in the active service of the armed forces during a war in which the United States has been, or is, engaged, and who has been discharged or released therefrom under conditions other than dishonorable’; whereas Title II, Sec. 400 (f) of the same act provides that ‘Any person who served in the active military or naval forces on or after September 16, 1940, and prior to the termination of hostilities in the present war, shall be entitled to vocational rehabilitation....’

This same evasion was used to define Women’s Army Auxiliary Corps (WAACs) and Women Accepted for Volunteer Emergency Service (WAVEs as non-veterans), ineligible for the G.I. Bill.

(2002), citing records from *Matter of Naturalization of 68 Filipino War Veterans*, suggested that Filipino politicians opposed the naturalization of Filipino veterans. The original documents, however, were not “made a fact of record,” as the court noted. I also found no evidence in the historical record.

Congress did not justify their decisions to revoke benefits by questioning if Filipinos subscribed to U.S. principles or doubting Filipino loyalty to the United States. Members of Congress and the U.S. executive branch rather than believing that Filipinos diverged from common goals referred to how Filipinos fought for “common cause,” to use President Truman’s phrase during the war. Members of the U.S. government also cited Filipinos’ loyalty and bravery in the face of the Japanese invasion. Nevertheless, Congress did question the standing of Filipino veterans, refusing to see them as U.S. military.

Congress and the VA also thought of the Philippines as a foreign, distant nation. And related to this, members of Congress may have believed that it would be too costly or challenging to administer benefits abroad. Congress and General Bradley mobilized the status of the Philippines as a soon-to-be independent nation-state to single out and deny these Filipino veterans their benefits. Although budget was used as a justification, the actual costs of paying benefits to Filipino veterans was miniscule, just 1% of the VA budget for G.I. benefits. Not only that, as I detail in the following chapter, the \$3 billion estimate of G.I. benefits for Filipino veterans over fifty years (\$60 million per year) pales in comparison to the \$800 million appropriation for various war damages to the Philippines and the \$70 million for budgetary assistance (Golay 1997:483). Members of Congress had these and other U.S.–Philippine matters on their minds. Ultimately concerns over rehabilitation, trade, natural resource investment, and military security, outweighed the concerns over social welfare benefits for these 200,000 Filipino veterans.

While I uncovered a number of proximate means and justifications for excluding Filipino veterans from military benefits and a path to citizenship, they need to be interpreted in relation to

the longer history of how the United States managed its relationship with the Philippines. Geographic, budgetary, and administrative justifications for exclusion as well as questioning the nationality of Filipinos resonated because of the institutionalized ambiguity of “foreign in a domestic sense” and Filipinos’ equivocal status as nationals. Ambiguity proved useful as a tool for managing the tensions of empire. The contrast between the benefits denied to the Filipino veterans and the payments made to the soon-to-be independent Philippine government highlight how Congress used the ambiguity of “foreign in domestic sense” to myriad ends. In the case of military benefits, Congress saw the Philippines and these Filipinos especially as foreign.

Ambiguity as a Tool of Exclusion

In considering Filipino military service in World War II, I reveal another path to racialized exclusion from citizenship, enacted within the realm of military service. The ambiguous classification of Filipinos and the resulting polysemy by which they were considered citizens, nationals, and aliens allowed U.S. officials to treat Filipinos as citizens of the Philippines. By imagining the Philippines as an independent country, U.S. state actors could justify excluding Filipinos from social and juridical citizenship. The status of the Philippines as not a colony like Puerto Rico (whose inhabitants were considered U.S. citizens by the 1917 Jones Act), but also not yet a foreign nation, like Mexico, for example, left the Philippines in another unclear state.

Coupled with the ambiguous definition of the relationship of USAFFE to the U.S. military, U.S. officials were able to deny the benefits and promises made to other colonial subjects, including those originally considered loyal to the United States, and foreign nationals. Unlike other continental and colonial minorities, and even other Filipinos, their martial sacrifice did not trump their status as racialized colonial minorities. Congress questioned their standing as deserving members of the United States.

In short, although the original G.I. Bill was open to all veterans, U.S. officials went back on a

promise and expelled 200,000 Filipino veterans of World War II from the compact of citizenship. Congress and the VA were able to accomplish this reclassification, in a part, because of the strategic refusal to make legible a category of people. What happened to these Filipino veterans reflects a history of competing and contradictory classifications that resulted in retrenchment, legislated at the federal level.⁶⁰ And while the revocation of military benefits from Filipino veterans is unique to the history of exclusions from the G.I. Bill, ambiguity as a tool of exclusion wielded by the state is not. This is part of a larger legacy of constructing a white national identity that erases the history of colonial racial domination by denying the experience of those who deserve compensation.

⁶⁰ C.f. Smith (1997)

CHAPTER 4 | AMBIGUITY AND INFORMAL EMPIRE

At the end of formal U.S. rule over the Philippines, the United States was faced with managing a new tension: how to maintain economic and military control whilst abandoning formal sovereignty? Ambiguity not only allowed the United States to revoke promises of citizenship, it also permitted U.S. state actors to maintain structures of empire. The option to define the Philippines as domestic, facilitated the continuation of U.S. control over the Philippines. As I argued in Chapters 1 and 2, the United States maintained and expanded political and economic control in Asia. These years of ambiguous colonial rule—in the form of control over trade and military operations, especially—set the foundation for continued imperial control over the archipelago. As the United States decolonized the Philippines at the end of World War II, politicians continued to grapple with the ambiguous definition of the Philippines.

Whereas the U.S. Congress revoked military benefits from over 200,000 Filipino veterans (as discussed in Chapter 3), considering them “foreign,” members of Congress, on the whole, continued to view the Philippine territory as “domestic.” The legislative rider that reclassified Filipino veterans only took up 4 pages in the transcripts from Congressional Records and Hearings, while debates over other post-war legislation related to the Philippine territory spans over 1100 pages over the course of 8 months.¹ In Congressional debate over a post-war rehabilitation act, Representative McCormack used Truman’s statement accompanying the Rescission Act (that the U.S. had a “moral obligation...to look after the welfare of the Philippine Army veterans”) to argue for rehabilitation funds.² U.S. state actors concerned with the Philippines focused on geopolitical material concerns

¹ This number does not include debates over military bases because that was not discussed in Congress.

² Representative McCormack, speaking on S. 1610. 1946 “Philippine Rehabilitation Act, 1946,” in *Congressional Record* 79th Congress, 2nd session, April 10: 3440.

more than the debts owed to soon-to-be former colonial subjects. There was more political and financial support for setting up an informal empire than with the rights, social welfare benefits, and citizenship of Filipinos. In the previous chapter the questions were, “how and why did U.S. state actors revoke benefits from colonial subjects?” Correspondingly, this chapter answers the question of how state actors used institutionalized ambiguity to facilitate the maintenance of empire in an era of decolonization.

After 48 years of U.S. rule, the Philippines gained its independence in 1946. The decolonization of the Philippines was framed by U.S. and Filipino politicians alike as a new model for democracy. Representative Bell, who negotiated the 1946 Philippine Trade Act, remarked on this period of decolonization, saying:

“For the first time, perhaps in all the history of the world a great and powerful Nation (sic) had taken a subject nation and had given the people of that nation roads, education, liberty, freedom, a government of their own. Those people are grateful to this country.”³

Keeping with the opinion that the United States was not an empire, politicians, like Representative Bell, argued that U.S. decolonization of the Philippines was exceptional. Even if the United States had been an empire, it was an empire unlike others. Moreover, at the end of World War II many politicians were quick to point out that the United States was one of the first metropolises to decolonize. U.S. politicians, especially Republicans in Congress, saw themselves as bringing democracy and freedom to the rest of the world.

Nevertheless, 1946 does not mark the end of U.S. control and the beginning of Philippine sovereignty, but rather is part of an evolution of U.S. empire in the Philippines. U.S. rule continued in the form of informal empire. Informal empire relies on economic and military power over the subordinated territory. As discussed in Chapter 1, U.S. state actors both created the foundations of

³ Representative Bell, speaking on H.R. 5856. 1946. “Philippine Trade Act of 1946,” in *Congressional Record* 79th Congress, 2nd session, March 28: 2764.

independence and constrained Philippine sovereignty in the early years of colonial rule over the archipelago. The 1902 Organic Act shows how in these early years, U.S. Congress equivocated over the foreign or domestic nature of the U.S.–Philippine relationship. In the years that followed, although there were setbacks and the exact date of Philippine independence remained unclear, U.S. state actors and Filipino politicians negotiated that the Philippines would move toward a protectorate-like status (as Cuba had). By these terms, the Philippine government gained more control over domestic affairs. The 1916 Jones Act built on the definitions and limitations of sovereignty laid out in the 1902 Organic Act in which the U.S. maintained control over Philippine international affairs and permitted limited Philippine control over domestic affairs.⁴ After the Jones Act, the next major milestone on the path to formal Philippine Independence was the Philippine Independence Act, also known as the 1934 Tydings-McDuffie Act. This act promised Philippine independence after a 10-year trial period as a Commonwealth. Although the Philippines finally gained independence in 1946, U.S. politicians built on the foundations of colonial rule to continue informal empire in the archipelago.

When the Philippines finally gained independence in 1946, after almost half a century of U.S. rule, the Philippine Congress amended the Constitution to give Americans equal rights to Filipinos in natural resource ownership and development (known as “parity”). U.S. Congress tied to this deal a package for rebuilding the war-damaged Philippine economy. The Philippine government also agreed to allow U.S. military bases in the Philippines on a ninety-nine year⁵ lease. These arrangements—the Philippine Trade Act, the Philippine Rehabilitation Act, and the Military Bases Agreement—demonstrate *how* (as in what were the approaches or strategies) U.S. state actors maintained geopolitical influence (in the form of informal empire) over the island. Importantly,

⁴ With the exception of non-Christian tribes, who the U.S. and Filipino elite continued to view as unassimilable.

⁵ In 1966, this was amended to a shortened lease that ended until 1991 (Schirmer and Shalom 1987:97).

these deals were negotiated when the Philippines was still a colony of the United States. As such, they do not represent agreements between sovereign nations, but between the metropole and its colony. “These provisions are notable because they enabled the United States to use the Philippines as it always had when it exercised direct colonial rule—namely for capital accumulation and as a nodal point in its network of national security” (Go 2011:123). As other scholars, primarily historians, have demonstrated, although the United States no longer had formal control over the territory, they maintained empire through economic deals, financial assistance, and military presence. Even before it gained independence from the United States, the Philippine Republic ceded a great deal of territorial sovereignty to the United States.

Why (as in the justification) U.S. and Filipino officials would secure these deals is another, though related, question. Of course, the approaches to maintaining empire in the Pacific also reveal the motivations. And as scholars have documented, the express purpose of the deals (as is clear in their titles) promoted free trade, economic security, and military strongholds against the rising threat of Communism (Berry 1989; Friend 1965; Golay 1997; Schirmer and Shalom 1987; Shalom 1986). U.S. state actors saw this as a way to continue control in Asia and professed it to be a new model. The material benefit of such deals sheds light on why some U.S. state actors would want to maintain empire abroad. This explanation, however, is not satisfactory.

U.S. politicians justified continued U.S. control over the archipelago in two main ways. First, that Filipinos were wards. Second, that Filipinos were family. And as wards or brothers, something was owed to Filipinos for their loyalty. The construction of Filipinos as wards and family dates back to the ambiguities of the early 1900 *Insular Cases*. Over 40 years after the Supreme Court ruled that the territories acquired from Spain were “foreign in a domestic sense” and that Filipinos were nationals, U.S. actors still had the option to treat the Philippines as domestic. This was part of how the United States justified maintaining empire abroad.

The arrangements struck by U.S. politicians as they decolonized the Philippines stand in stark contrast to how they treated Filipino veterans who served for the United States in the Philippines. When it came to remunerating colonial subjects for their martial service, U.S. Congress and other members of the government decided that the United States owed nothing to these individuals. When it came to maintaining the territory of the Philippines in the United States, however, U.S. Congress kept their promises of economic and geopolitical support. Thus, while material interests explain part of why the United States kept empire in the Philippines, the possibility of defining the Philippines as domestic and the vestiges of imperial arrangements also created the opportunity for the preservation and expansion of U.S. geopolitical control in Asia.

Forms of Empire and Uncertain Sovereignty

Although the United States formally decolonized, the deals struck with the Philippines represent the continuation of empire. What does it mean for a metropole to decolonize and give independence to its colony, but to still be an empire? And why do empires grant independence to their former colonies? Grappling with the decolonization of the Philippines requires acknowledging that empires take many forms.

Some would argue that decolonization, like that which happened in the Philippines in 1946, marks an end to empire. According to Cooper (2005), in the post-WWII era, major empires decolonized:

“Empire was an ordinary fact of political life as recently as 1935, much as slavery had been in the eighteenth century. By 1955, the legitimacy of any colonial empire was very much in question. By 1965, the colonial game was over. The two most important competitors for global power represented their power in other terms and exercised power by other means.” (232)

Cooper also writes that “...the very category of empire came undone in the two decades after World War II” (240). While emphasizing the decline of empire, Cooper also notes that empire came undone, however, does not mean that world power went away.

This assertion, however, relies on a narrow definition of empire that some would refer to as formal (Go 2011) or direct (Mann 2013) empire—such as political control by one state over the political and economic affairs of their colonies and/or territorial holdings. The inhabitants of these colonies are subjects (often called nationals) who have fewer or circumscribed rights compared to citizens. In this form of empire, “the imperial state annexes foreign land, declares official control over it, and subordinates the local population”(Go 2011:9). The metropole has what is thought of as a complete sovereignty over the colonies.

Not all empires are formal, direct empires, however. Indirect empire is “the claim of political sovereignty by the imperial core, while rulers of the periphery retain autonomy and in practice negotiate the rules of the game with the imperial authorities” (Mann 2013:214). In other words, colonial elites participate in rule and have some claim to sovereignty. Mann writes:

“Americans attempted this in the Philippines from 1898, but massive resistance forced a partial climbdown. Badly burned, the United States did not subsequently attempt indirect empire other than in strictly temporary circumstances.” (ibid)

Arguably, however, although the United States faced resistance as they continued to fight in the Philippine–American War, they continued to claim direct and formal political sovereignty over the Philippines until 1946 (and continues to do so in places like Puerto Rico, Guam, and Samoa).

Another term used to describe the complex and diverse practices of empire—perhaps better suited to describing most of the United States’ imperial activities, especially those in the period after Philippine independence—is informal empire. For some scholars, informal empire should be distinguished from indirect empire. Where indirect empire involves colonies, informal empire does not. Informal empire “occurs when peripheral rulers retain sovereignty but with their autonomy constrained by intimidation from the imperial core” (Mann 2013:214). For others (Go 2011), however, informal empire is a broad definition that also captures indirect empire. Whereas formal

empire involves direct territorial rule, informal empire often takes the form of military interventions and economic control:

“[The notion of indirect or ‘informal’ empire] refers to the exercise of power over the internal or external affairs of nominally independent states through a variety of methods falling shy of annexation. The imperial state keeps these nominally independent territories in line or compels them to meet its interests, but does not declare sovereignty over them. It offers money, protection, access or other resources in exchange for deference. It might also employ threats of force or actually use force. The methods are thus multiple, the tactics nefarious. They include financial aid or market control, temporary military occupation or deployments of military power, covert operations to topple recalcitrant regimes, or just the threat of military assault. The point is that any or all of these tactics fall short of declarations of sovereignty, even as they facilitate influence.” (Go 2011:11)

Informal empire, in other words, does not rely on complete political control, but on economic and military power over the subordinated territory. Informal empire has taken many forms, including treaties; political support and financial incentives; clientelist relationships, characterized by manipulation, bribes, other forms of support; the use of force; and trusteeships post WWII (Go 2011). In informal empire, the formal locus of sovereignty may lie in the subordinated territory, but *informally* the metropolitan power retains much control.

Empires take many forms. An imperial power, like the United States, can decolonize and give independence to a colony, such as the Philippines, and still remain an empire. As Go (Go 2011) writes, “we must not be too stark in our distinctions. Formal and informal empire might be better thought of two ends of a blurry continuum” (11). Why might state actors shift from one form to another, as they did in the Philippines? “Empires were challenged from within and without, from below and above, and their ultimate demise reflected a reconfiguration of norms of power across an entire system, not just the reversal of a particular state”(Cooper 2005:241). Although Cooper would argue that empires died, others would simply see decolonization as a reconfiguration, not simply of power, but of imperial arrangements.

Scholars attribute decolonization and colonial independence to anticolonial nationalism (Babou 2010) and the costs of territorial control (Go 2011). (Former) metropolises often keep ties to colonies so that they can maintain economic control and interests in light of this anticolonial nationalism. In this light, granting independence should not necessarily be seen as something outside the scope of imperial activities or a relinquishment of sovereignty. Seeing empire in this way challenges the notion that empire ended post World War II.

That informal empire exists raises questions about the workings of sovereignty. Although “transfer of sovereignty” is a phrase that connotes a finite act of decolonization,” “semblances of sovereignty were not annulled by such transfers” (Stoler 2006:195). Independence and the end of (formal) empire does not mean the conclusion of imperial entanglements. As Stoler (2006) notes, in practice, sovereignty is often more complicated than the Weberian definition, in which, “‘sovereignty’ is accepted as the essential attribute of the modern state, conceived as a ‘unity’” (Weber [1922] 1968:670).⁶ Some have argued that sovereignty is better defined as the “state of exception” to the law, which is most often the rule (Agamben 1998, 2005; Schmitt 1922).⁷ “The exception marks the process by which the sovereign ruler [or rulers] decides ‘what is included in the juridical order and what is excluded from it’” (Rifkin 2014:177). In this view, sovereignty is defined by the decisions to include or exclude.

U.S. sovereignty can be defined by the geographic and demographic boundaries that U.S. state actors draw. In practice, sovereignty is not clear cut. Like empire, sovereignty is not either/or:

“...ambiguous zones, partial sovereignty, temporary suspensions of what Arendt called ‘the right to have rights,’ provisional impositions of states of emergency,

⁶ Classical definitions of sovereignty presume the coherence of the modern state, often in the form of a nation state. For Weber, the state has the “monopoly of the legitimate use of physical force in the enforcement of its order” (54). Thus, the state, under a sovereign, has absolute power over a territory and polity that are generally thought of as unified.

⁷ In contrast to the classical definition of sovereignty, Schmittian definitions emphasize sovereignty as a decisional moment (or, perhaps, better yet, a series of decisional moments) about what is inside the law and what is exceptional to it. “Sovereign is he who decides on the state of exception” (Schmitt 1922), as in what stands outside the law. Agamben, building on Schmitt, argues that the state of exception is between the realms of politics and law (From Peters 2014:330).

promissory notes for elections, deferred or contingent independence, and ‘temporary’ occupations—these are conditions at the heart of imperial projects and present in nearly all of them” (Stoler 2006:195).

Insofar as the practice of sovereignty is ambiguous and partial, “sovereignty is still a concept that, for all its apparent indivisibility, is very much compromised and uncertain” (Cooper 2005:240).

Sovereignty, or rule over a territory, is not always complete or absolute in the terms we think of for a unified, cohesive nation state.

There have been many ways that empire states, the United States included, have claimed or maintained partial sovereignty. Throughout U.S. history, dating back to settler colonialism through today, “the legal and political fuzziness of dependencies, trusteeships, protectorates, mandates, and unincorporated territories were all part of the deep grammar of partially restricted rights in the nineteenth-century and twentieth-century imperial world that were contested again and again” (Stoler 2006:192). We cannot understand sovereignty without thinking about colonialism. Not only do the “exceptions” to the law, such as the treatment of American Indians, Cuba, and the Philippines, reveal how sovereignty works, so too have scholars emphasized the variations in (imperial) sovereignty. A few illustrative, but not comprehensive, examples follow.

First, in early U.S. history, U.S. state actors claimed American Indian territory, warred with tribes, and made treaties. These activities defined both the territorial borders and terms of sovereignty of the United States. American Indians only had a conditional sovereignty, characterized by “subordinate legal status” (DeLay 2015:936). Such a divided, civilizational hierarchy is marked by a division between what stands within and outside the law, on the “frontier” (Rifkin 2014:176). As Derrida argued, from the perspective of the metropole or the sovereign rulers, what stands outside the frontier is not another humanity, but a bestiality (Derrida 2010:30). Defining outsiders as beasts not only clearly demarcates the boundaries of rule, but also affirms that those within the borders are

human, sovereign, rulers. In U.S. history, claiming lands and colonizing American Indians helped define the terms and boundaries of U.S. sovereignty.

Second, early in U.S. overseas imperial history, the U.S. gave “independence” to Cuba, excluding it from formal imperial rule. Independence, however, came with a catch known as the Platt Amendment, which allowed the U.S. government to intervene in Cuban affairs not only to “preserve Cuban independence,” but also “life, property, and individual liberty” (Ferrer 1999:42). In name, Cuba was independent, but the United States maintained political sovereignty over the island’s military and economic affairs (Kaplan 2005:136). Cuba’s sovereignty at independence was partial and limited by the extensions of U.S. rule.

Third, as it pertains to the topic of this chapter, in the transition to independence, the Philippines, like Cuba, did not have a monopoly over the legitimate use of force. Scholars have acknowledged “the way that non-Western communities [such as the Philippines] finally got treated as formally sovereign equals and rights-bearing subjects during wartime was by simply adopting the modern Westphalian state after independence” (Rana 2014:174). Most notably, this came in the form of “replicating the institutions of a standing army and thus the national security state (complete with hierarchy, discipline, and a separate military class of experts to make key decisions about the use of force)” (ibid). The Philippines did move on this path toward a Westphalian state model, proving themselves as groomed in the image of the West. This, however, did not mean unconditional sovereignty for the new republic, as I show in this chapter.

At the same time, the process of decolonization, rather than dismantling European colonialism, relied on its structures. As Go (2011) demonstrates in regard to the British and U.S. empires, state actors no longer needed formal empire because they have both this economic control and webs of earlier empires. In other words, state actors could and did decolonize, relinquishing formal sovereignty over territories while maintaining control. In this way they could “avoid

sovereignty's burdens" (Burnett 2005:798). Compromised sovereignty is the norm. Ambiguity in legal definitions and classifications, like that of "foreign in a domestic sense," were and remain part of the tools by which U.S. state actors compromise national sovereignty of subordinated territories. In the case of the Philippines, again, the state of exception is a nearly continual state.

A New Model

At the close of World War II, responding to pressures for decolonization and the unfavourability of empires, the United States professed a new model for democracy in Asia. The Philippines was still a colony of the United States, and not all U.S. politicians were ready or willing to let go of the Philippines. Filipinos and the territory played a major role in the United States' Pacific battles. The islands were ravaged and major cities destroyed. In a 10-month period—from when the war ended on September 2, 1945 to the date for Philippine independence, July 4, 1946—U.S. and Philippine state actors were faced with strengthening the Philippine territory not only for independence, but also from the damages of war. Also, at the time, the United States still maintained control over much of the world economy. Thus, U.S. politicians no longer saw the need for overseas colonies and began the transition to an indirect, informal empire (Go 2011:21, 25).

U.S. state actors justified this informal empire on the basis of three interrelated goals, which they achieved through two pieces of legislation and an inter-state agreement. First, the United States wanted to maintain favorable trade and investment relations in Asia. Some saw the Philippines as central to this program. Second, U.S. state actors wanted to secure political influence through economic support. While the Japanese had been defeated, there were new and mounting concerns of communism in Asia. In the face of these threats, the United States wanted to maintain its political influence on democracy in the East. Third, and finally, some believed, in part based on the strategic role of the Philippines in World War II, that the island would continue to be crucial to U.S. military strategy in Asia. While the express purpose of each deal (act or agreement) was to address trade and

economic issues, war damages and rehabilitation, and military security, in each of the Philippine Trade Act, the Philippine Rehabilitation Act, and the Military Bases Agreement, U.S. politicians saw opportunities to create a model for post-war, post-colonial inter-state relations between a former colony and the U.S. state. This “new” order would be aimed at maintaining and spreading U.S. democracy in Asia, with the help of economic and military support.

In professing this model, and as throughout U.S.–Philippine relations, U.S. state actors invoked the “special,” or exceptional, nature of the U.S. conquest and colonialism in the Philippines. Representative Robertson, a Democrat, in debates over the Philippine Trade Act said: “For the first time in our national history we are granting complete independence to a former possession. That is a unique situation and there is no precedent for us to follow in providing for the transition.”⁸ U.S. Congress viewed arrangements like the Trade Act as setting “a new pattern” in history.

Not only were U.S. relations with the Philippines special, so too did some U.S. politicians see arrangements between the metropole and colony as a demonstration of United States’ unique anti-colonial mandate that would set an example for other European powers. High Commissioner McNutt stated: “We have boasted long of our enlightened policy in the Philippines and we have assumed that the example of their independence will serve to destroy European imperialism in Asia.”¹⁰ U.S. state actors argued that the United States was different from other colonial powers, as the harbinger of democracy. They promoted this image of the United States despite the fact that their decolonization efforts relied on imperial structures and formations,

While professing that U.S. actions could represent an end to (European) imperialism, U.S. state actors thought the plans for Philippine independence would be crucial for maintaining

⁸ Representative Robertson, speaking on H.R. 5856. 1946 “Philippine Trade Act of 1946,” in *Congressional Record* 79th Congress, 2nd session, March 28: 2764.

⁹ Representative Lynch, speaking on H.R. 5856. 1946 “Philippine Trade Act of 1946,” in *Congressional Record* 79th Congress, 2nd session, March 28: 2774

¹⁰ The United States High Commissioner in the Philippines (McNutt) to Mr. Richard R. Ely, of the Office of the United States High Commissioner, 1946, January 18. U.S. Department of State, *Foreign Relations* Vol. 8: 865

“Western” control in Asia. At what was seen to be a critical juncture of the war’s end and formal colonialism, how the United States comported itself was crucial. Part of maintaining control in Asia meant spreading the Philippine model. The Secretary of State noted that in negotiations with Ho Chi Minh, both he and the French government cited the Philippine model for independence as something they would be amenable to.¹¹ In European decolonization efforts, U.S. state actors believed that “[t]he eyes of the world are wanting to know how we [the United States] treat the Philippines.”¹² For example, Democratic Senator Tydings said:

“I believe very strongly that in the Far East our whole prestige and the future opinion of the people of Far East of the United States will depend, as it has in the past so successfully on our treatment of the Philippine Islands....I feel very strongly that throughout the Far East we shall receive from our contribution, because of our accomplishment in finishing the great job we have done in the Philippine Islands, a credit which will amount to far more than any money which we are called upon to spend under this bill.”¹³

For Senator Tydings, the success of Philippine Trade and Rehabilitation would be taken as proof by other Asian countries of U.S. good will. Representative Bell, a Democrat, argued in the House, adding:

“the teeming millions of China want to know that; the people of Burma want to know that; the little countries of Europe want to know how the United States treats the people of the Philippines. They want to know whether our boasted words of brotherhood for all men and of fairness in international dealings, the good-neighbor policy, are sincere, and whether we mean those things or whether we do not. If we mean them, let us pass this bill which, I believe, is a constructive bill and means prosperity to everybody.”¹⁴

¹¹ According to the State Department, this model was also favored by the Vietnamese: Referring to the situation in Vietnam, “In General Gallagher’s opinion the Annamese are not yet ready for self-government and in full-fledged competition with other nations they would ‘lose their shirts.’ However, the demand for independence is widespread and even in the villages the peasants refer to the example of the Philippines” (Memorandum of Conversation by Mr. Richard L. Sharp of the Division of Southeast Asian Affairs 1946, January 30. U.S. Department of State, *Foreign Relations* Vol. 8: 17 on French Indochina; The Secretary of State to the Embassy in China at Chungking. 1946, January 30: 22; also in The Assistant Chief of the Division of Southeast Asian Affairs (Langdon) to the Secretary of State. 1946, February 5.)

¹² Representative Bell, speaking on H.R. 5856. 1946. “Philippine Trade Act of 1946,” in *Congressional Record* 79th Congress, 2nd session, March 28: 2763.

¹³ Senator Tydings, speaking on S. 1610. 1945. “Rehabilitation of the Philippine Islands,” in *Congressional Record* 79th Congress, 1st session, December 5: 11469.

¹⁴ Representative Bell speaking on H.R. 5856. 1946. “Philippine Trade Act of 1946,” in *Congressional Record* 79th Congress, 2nd session, March 28: 2763.

Representative Johnson, a Republican, also echoed these sentiments, saying “Millions of people in that part of the world are looking hopefully toward the day when they may, like the Philippines, become free and independent. No one knows how far-reaching or important our conduct may be today.”¹⁵ According to these politicians, by placing the Philippines in a strong economic position, it (and an alliance with the United States) would become the envy of other Asian countries. Moreover, supporting the Philippines would set a model not only for European decolonization, but for continued Western control in Asia.

U.S. state actors saw the Philippines as an outpost of democracy in the East, and so too did Filipino elite cast themselves this way. The second President of the Philippine Commonwealth, Osmeña—who was at the time trying to secure a continuation of free trade relations between the United States and the Philippines after independence—highlighted the legacy of western influence in the Philippines. He said, Filipino people participated in World War II as “free people making a free decision to join in the defense of the free way of life your country represents.”¹⁶ Osmeña emphasized the “unique and unparalleled” nature of the relationship between the United States and the Philippines, saying:

“Though of different races and environment, our two peoples have a common faith and common ideals, have fought side by side against a common enemy, and have committed themselves to pool their resources for mutual protection through the establishment of American air, naval and military bases in the Philippines.”¹⁷

Similarly, in his inaugural address, Roxas highlighted how American values have become Filipino:

“We have clasped to our bosom her great system of government, her language, her institutions, her historical traditions. We have made them ours. We cannot forget this fact and this great truth. We are to be a free nation largely because we were aided in that direction by the love of liberty and the good will of the American people.”¹⁸

¹⁵ Representative Johnson speaking on H.R. 5856. 1946. “Philippine Trade Act of 1946,” in *Congressional Record* 79th Congress, 2nd session, March 29: 2829.

¹⁶ Sergio Osmeña to Harry Truman. 1945, October 30. PSF Box 162. Harry S. Truman Presidential Library. Independence, MO.

¹⁷ Sergio Osmeña to Harry Truman. 1945, November 8. PSF Box 162. Harry S. Truman Presidential Library. Independence, MO.

¹⁸ Manuel Roxas. 1946, May 28. Inaugural Address.

According to both U.S. and Filipino politicians, the Philippines had learned from the United States—learned how to be democratic, civilized, and western. And this made the archipelago a good model for the rest of Asia and former colonial subjects.

This new model is an example how U.S. state actors continued to view their empire as well as their decolonization efforts as exceptional. As Go (2011) notes: “[b]esides pointing to America’s reluctance to colonize, traditional exceptionalism insists that the United States supported national self-determination around the globe” (105-106). U.S. state actors saw the end of U.S. rule in the Philippines as a way to demonstrate America’s good spirit and magnanimity to the world—a world in which racism and empire were now viewed as unfavorable.

Imperial Continuity

As state actors pushed the U.S. model of decolonization, these efforts entrenched the unequal relations between former colonial ruler and subject state. Shalom (1986) notes, “as formal sovereignty changed hands in the Philippines, U.S. strategic and economic interests remained intact” (66-67).¹⁹ U.S. state actors secured a post-colonial relationship with the emerging independent nation through the 1946 Philippine Trade Act, the 1946 Philippine Rehabilitation Act, and the 1947 Military Bases Agreement. The Philippine Trade Act primarily addressed the economic concerns of U.S. politicians. The Rehabilitation Act was aimed at strengthening the Philippine economy and combatting the spread of communism. The Military Bases Agreement became part of the U.S. military strategy in Asia and proved to be a model for future post WWII and postcolonial interventions. (See Table 5.)

¹⁹ Shalom (1986) also argues that the neocolonialism did not simply replace colonialism. Neocolonialism gave the Philippines more freedom to maneuver and places greater constraint on the United States. So, even if the difference is a legal one (i.e. the specific locus of sovereignty), the difference can have important implications for the behavior of nation states (183).

U.S. state actors argued that these deals would constitute a new model, characterized by free trade, military security, and the expansion of western democratic ideals in Asia. In fact, these deals represent the continuation of U.S. empire. The Philippines, in its debut as a nominally sovereign nation, remained in many ways under the control of the United States. Material interests explain part of why the U.S. kept empire in the Philippines (Friend 1965; Golay 1997; Schirmer and Shalom 1987; Shalom 1986). In addition to these explanations, I emphasize the ideological justifications for keeping the Philippines, which draw on notions of dependency.

In addition to professing a new model, U.S. politicians justified interstate arrangements by mobilizing the definition of the Philippines as belonging to the United States, invoking language all-too-similar to colonial justifications for rule. U.S. state actors referred to Filipinos as wards of the United States, highlighting Filipino loyalty and deservingness as well as the promises made to Filipinos by the United States. Similarly, U.S. and Filipino politicians—paralleling the discourse of earlier eras—also drew on the notion of U.S.–Philippine friendship and reciprocity. The possibility of defining the Philippines as domestic, which dated back to the 1901 *Downes v. Bidwell* decision, created the opportunity for the preservation and expansion of U.S. geopolitical control in Asia.

Act of U.S. Congress	Major Provisions	Material Justifications	Ideological Justifications
1946 Philippine Trade Act	Free trade (for a period of 8 years, followed by a 25-year phase out period in which preferences would be reduced by 4%/year) and equal rights for U.S. citizens and corporations in natural resource investment and development	Trade Military Security Democracy in Asia	Dependency Loyalty Deservingness Fraternity
1946 Philippine Rehabilitation Act	Payment of war damages and restoration of Philippine industry and infrastructure	Economic Support Democracy in Asia	Dependency Loyalty Deservingness
1947 Military Bases Agreement	99-year lease on over 150,000 acres of the Philippine territory for U.S. military bases	Military Security	Fraternity

Table 5: U.S.–Philippine Arrangements at the end of World War II

The Philippine Trade Act

The Philippine Trade Act passed two months before the set date of Philippine Independence and encouraged trade between the United States and the Philippines as well as capital investment in the archipelago.²⁰ It was the most publicly debated piece of post-war legislation about the Philippines. Advocating for this legislation, U.S. and Filipino politicians made arguments that it served U.S. trade interests and contribute to military security and democracy in Asia. They also used language invoking a sense of family, in which Filipinos were dependent, loyal, and deserving. In this view, helping the Philippines would be to the mutual benefit of the United States and the emerging nation.

Through this act, U.S. state actors encouraged trade by treating the Philippines as if it were not a foreign country, but domestic: U.S. business could invest in the Philippines as if it was the United States; trade between the two countries was equivalent to trade within the United States in that there were no export taxes.²¹ In this bill, U.S. Congress deviated from standard international trade relations and treated the Philippines as domestic to the United States. A final key aspect of the bill was the parity agreement, which gave Americans equal rights to Filipinos in natural resource ownership and development.

To pass the bill with the parity agreement, a great deal of political maneuvering on the part of U.S. politicians was required so as to not make it seem that they were not coercing the Philippines. U.S. politicians worked with the Philippine leadership to amend the Philippine constitution.²² As a memo relaying information to the State Department about the High Commissioner noted:

²⁰ Key provisions of the act in addition to the parity clause included: duty free exports between the two countries until 1954; absolute quotas on select Philippine products imported into the United States; option for the United States to establish new quotas if Philippine products compete with U.S. ones; no export taxes for either country; and a fixed currency exchange rate.

²¹ PL79-371. 1946. *The Philippine Trade Act*.

²² See Philippine Constitution Art. 12, sec. 1, Art 13, sec. 8.

“President Roxas was afraid that the Philippine Supreme Court might construe the executive agreement as a treaty, since there was nothing in Philippine law or the Constitution about trade agreements. If the agreement were so construed, its ratification would require a vote of three-fourths (he must have meant two-thirds) of the Philippine Senate. President Roxas was sure that he could command a majority of the Philippine Congress, but was doubtful whether he could carry a three-fourths vote in the Senate. Therefore, both Mr. McNutt and President Roxas felt that the best way to handle the matter was to present it to the Congress before July 4.”²³

Both Roxas and McNutt worked on the parity agreement. To pass the amendments to the Philippine constitution—which Roxas, as President-elect of the Philippine’s Third Republic,²⁴ successfully completed only 2 days before Philippine independence—Roxas’s political party barred nine representatives from being seated. These nine, who Roxas cast as possible communist sympathizers, would have voted against the amendments. Roxas’s party claimed that “there had been fraud and terror in Central Luzon [the region where these Representatives were from] (Shalom 1986:53). Without their presence in the house vote, the amendments for parity passed.

When writing on the question of parity, Roxas invoked notions of Philippine dependence as part of the U.S. family. He claimed:

“[The United States] realizes that her obligation was to liberate our country and help insure the security of our freedom. America realizes just as a good man should realize when he raises a child to age and maturity that he has some obligations to that child and that he does not discharge that obligation by turning him out of doors into the cold without any assurance of a livelihood for him.”²⁵

Roxas also argued that parity is not “an abridgment of sovereignty,” but “an exercise of sovereignty by the Filipino people.”²⁶ He wanted a 28-year relationship in which U.S. investors would receive equal natural resource investment rights as Filipino investors. Roxas cast the Philippines as a

²³ Memorandum of Telephone Conversation, by the Chief of the Division of Commercial Policy (Brown). 1946, June 25. U.S. Department of State *Foreign Relations 1946, Vol 8*: 890.

²⁴ The Third Philippine Republic began in 1946 after independence from the United States. The first was founded in 1899 after the Spanish–American War. And the second was the Japanese-sponsored government founded in 1943.

²⁵ Manuel Roxas. 1947. “The Case for Parity.” *The Parity Question: A Presentation of Arguments for and Against This Momentous Issue in Our national Life*. January: 7-26.

²⁶ Manuel Roxas. 1947. *Message of His Excellency Manuel Roxas, President of the Philippines to the Filipino People Urging Approval of the Constitutional Amendment on Parity at the Plebiscite*. March 11.

dependent of the United States, in line with the notion that the Philippines could still be defined as domestic post-independence.

For such Filipino elite, given the constraints and systems of colonial rule, referring to their emerging nation as a child is not merely a belittling gesture. Rather, these political leaders appealed to the United States for recognition of their growth. They were no longer savages, as was thought to be the case when the United States first colonized the archipelago, but well-trained children of the United States, ready to take on more responsibility. And Filipinos were still teachable, and thus attractive participants in on-going reciprocal economic and military relations. Being a child of the U.S., then, was not oppositional to independence, and in fact could provide material benefits, as other scholars have emphasized.

On the U.S. side, in debates over the bill, state actors repeatedly cited the importance of these deals to U.S. interests in Asia. Citing the crucial role that the Philippines played against Japan, Representative Bell stated: “Because without a strong financial basis upon which to stand the Philippines will not be strong either from a military standpoint, a political standpoint, or any other standpoint.”²⁷ Representatives Bell and Cooper (a Democrat) argued that through this trade deal, the Philippines would “be our spearhead for the accomplishment of the future security of the world.”²⁸ The War Department—concerned about Japan and the Soviet Union—favored the Philippine Trade Act, especially the parity clause, to encourage the Philippines to align with the United States militarily.²⁹ U.S. politicians viewed the 1946 Philippine Trade Act as central to maintaining U.S. interests in Asia.

²⁷ Representative Bell, speaking on H.R. 4185, H.R. 4676, H.R. 5185. 1945. “Philippine Trade Act of 1945.” *Hearings Before the Committee on Ways and Means*. House of Representatives. 79th Congress, 1st session. October 16: 21.

²⁸ Representative Cooper, speaking on H.R. 4185, H.R. 4676, H.R. 5185. 1945. “Philippine Trade Act of 1945.” *Hearings Before the Committee on Ways and Means*. House of Representatives. 79th Congress, 1st session. October 16: 21.

²⁹ Robert P. Patterson to William L. Clayton, 4 June 1945, ECEFP D-84-85, June 12 1945. ECEFP M-25/45, 26 June 1945 in RG 165 093.5. National Archives II, College Park, MD.

U.S. state actors also repeatedly invoked the imagery of the Philippines as an outpost of western ideals in Asia. In conversations over the Philippine Trade Act, High Commissioner of the Philippines, McNutt, called the Philippines “a branch bank of democracy, an outpost of western idealism” that would be pivotal in “the preservation of peace in the world,” “set[ting] a new pattern of thinking...and of acting throughout the world.”³⁰ By his estimation, the act would increase not only Philippine, but widespread Asian, fealty to the United States: “On July 4, when our flag comes down in the Philippines, it will fly actually higher in the hearts and minds of the people of the Philippine and of the entire Far East than ever before in history.”³¹ In the Congressional Hearing for the bill, Representative Lefevre, a Republican, made a similar point: “This piece of legislation should help this first trial of democracy in the Orient and we must back this effort to the limit.”³² U.S. politicians saw the trade act as essential for encouraging a new model of democracy (and Western control) in Asia.

U.S. politicians argued that the Philippines was dependent on the United States. In the debate over the Trade Act, for example, one Congressman said:

“The United States is deeply concerned in the welfare of the Islands. It is to our advantage as well as to the advantage of the Philippines that our trade relations be placed upon a sound basis as provided for in this bill.”³³

These deals were not simply about providing for the welfare of an independent nation, however, but about providing for a dependent of the United States. Representative Robertson said:

³⁰ McNutt was in favor of U.S. empire throughout his career. Senator Tydings even remarked that McNutt was “opposed to Philippine independence, and if you would ask him he would tell you so.” (Senator Tydings, speaking on H.R. 4185, H.R. 4676, H.R. 5185. 1945. “Philippine Trade Act of 1945.” *Hearings Before the Committee on Ways and Means*. House of Representatives. 79th Congress, 1st session. October 17: 90.) McNutt’s position on U.S. sovereignty in the Philippines not only led him to support the parity act, but also, as I mention in the above section, was the source of his defense of benefits for Filipino veterans.

³¹ Radio Address by McNutt 1946, March 30.

³² Representative Lefevre, speaking on H.R. 5856. 1946. “Philippine Trade Act of 1946,” in *Congressional Record* 79th Congress, 2nd session, March 29: 2833.

³³ U.S. Congress. Senate. Committee on Finance. Report (to Accompany Philippine Trade Act H.R. 5856). 79th Congress, 2nd session, April 10: 6.

“In this bill for a reciprocal trade program between a former ward and ourselves, we shall undertake to restore the Philippine Islands.... That situation differentiates this measure from all our other trade treaties and agreements. We are dealing not with foreigners, but those who for many years have been our wards.”³⁴

Filipinos were not outsiders (not beasts), but part of the United States, albeit in a subordinated position.

In addition to casting the Philippines as dependent, and therefore in effect unable to exercise full sovereignty over its territory and people, U.S. politicians also argued that Filipinos were loyal.

For example, Representative Douglass, referring to U.S. trade policy toward the Philippines stated:

“There were many Europeans in the Orient and some Americans at home who called us soft for acting in such an idealistic fashion. But these policies were not only right, but they also proved their worth in the years of crisis. The Filipinos fought with us as true comrades in arms. By so doing, they paid off any debt they may have owed us and places us instead greatly in their debt. Generosity of treatment has therefore proved to be a sound policy. We should never forget this as we decide on the policies we are to follow toward the Philippines in the future.”³⁵

Some also acknowledged how Filipinos’ dedication to the United States served the U.S. goals of expanding democracy: “The loyalty and sacrifice of the Filipinos in the war which was more ours than theirs gave us the opportunity to create an era of good feeling and outpost of Americanism in the Far East.”³⁶ In part, because they were loyal, Filipinos were deserving of the promises made to them as faithful dependents. Arrangements such as the Trade Act were constructed as payment of debt owed to loyal Filipinos. For example: “Gentlemen, I ask your support for the Philippine Trade Act of 1946—the first forward step on the road to true liberty for a brave and an honorable people.”³⁷ U.S. politicians argued for the Trade Act on the basis that Filipinos were loyal subjects of

³⁴ Representative Robertson, speaking on H.R. 5856. 1946. “Philippine Trade Act of 1946,” in *Congressional Record* 79th Congress, 2nd session, March 28: 2763.

³⁵ Representative Douglas, speaking on H.R. 5856. 1946. “Philippine Trade Act of 1946,” in *Congressional Record* 79th Congress, 2nd session, March 28: 2767.

³⁶ The United States High Commissioner in the Philippines (McNutt) to President Harry S. Truman, 1946, January 18. U.S. Department of State, *Foreign Relations* Vol. 8: 866.

³⁷ Representative Stefan, speaking on H.R. 5856. 1946. “The Philippines—Mercy and Justice for our Friends,” in *Congressional Record* 79th Congress, 2nd session, March 29: 2830.

the United States, to whom something was owed. Nevertheless, it was only in the context of acts that would strengthen the United States' economic position in the Philippines and Asia—rather than acts about the social welfare benefits and citizenship owed to actual, individual Filipinos—that Congress people invoked the dependence and welfare of Filipinos as a rationale for helping them.

As U.S. state actors invoked the notion that Filipinos were dependents owed a debt, so too did they call on ideals of fraternity and friendship. Speaking in favor of the Bell Trade Act, Representative Stefan, a Republican, said:

“Our bond of friendship with the Filipino people does not alone extend deep into our common yesterdays, but through today and into our common tomorrow. We need this brotherhood in peace as we have needed it in war. We need it for the sake of the Filipinos. We need it for our own sake.”³⁸

In the view of many politicians of the time, the United States and the Philippines were reciprocally, but hierarchically, bonded as a family, albeit with Filipinos in a subordinated position. U.S. and Filipino state actors of the time justified the trade act not only in relation to the material benefits it would bring, but also on the basis that the Philippines belonged to the United States. The Philippines was still dependent.

The Rehabilitation Act

In this post-war, pre-independence period, Congress also debated the Rehabilitation Act, which, together with the Philippine Trade Act, was a part of a package to assist the Philippines on the road to economic security and independence. U.S. and Filipino politicians argued that the Rehabilitation Act would improve the economic stability of the islands and support democracy in Asia. As in the case of the Trade Act, in arguing for the bill, they invoked language of Philippine dependency, loyalty, and deservingness. At the same time, whereas in debates over the trade bill, politicians drew on familial imagery, in arguing for the Rehabilitation Act, members of Congress

³⁸ Representative Stefan, speaking on H.R. 5856. 1946. “The Philippines—Mercy and Justice for our Friends,” in *Congressional Record* 79th Congress, 2nd session, March 29: 2830.

were caught in the tension of how the Philippines was both dependent and also now mature and ready to be a nominally autonomous nation.

The act encouraged economic development, but at a cost. In his statement upon signing the act into law, President Truman said:

“We are making provision for war damage payments to those who suffered war losses in the Philippines, and for the reconstruction and rehabilitation of public property. We are also undertaking to rehabilitate and develop those technical skills and services which will be essential for the survival and growth of the Philippines as an independent nation.”³⁹

The bill provided terms for the compensation of war damage, the disposal of U.S. surplus property to help with repairs, the restoration and improvement of public property and public services, training of Filipino workers, and the oversight of these projects by the U.S. High Commissioner.⁴⁰

Congress tied the passing of the Rehabilitation Act to the Trade Act. If Filipinos wanted to receive war damage payments and infrastructural support, they would need to agree to the parity clause. In the law for the Rehabilitation Act, under section 601, it said “no payments under title I of the Act in excess of \$5000 shall be made until an executive agreement shall have been entered into between the President of the United State and the President of the Philippines, and such agreement shall have become effective according to its terms, providing for trade relations between the United States and the Philippines....”⁴¹ In other words, Congress would not allow any substantial war payments until the Philippine Constitution was amended to allow for parity. Senate allocated \$330 million for the bill—a notably higher sum than the estimated costs for providing benefits to Filipino veterans⁴²—\$30 million of which was for war surplus construction, \$120 million for public services (Golay 1997:472).

³⁹ Statement by the President Upon Signing Bills Providing for Philippine Rehabilitation and Trade. 1946, April 30. Public Papers. Truman Papers, Truman Library, Independence, MO.

⁴⁰ PL79-370. 1946. *The Philippine Rehabilitation Act of 1946*.

⁴¹ PL79-370. 1946. *The Philippine Rehabilitation Act of 1946*.

⁴² \$20 million, see footnote 34 in Chapter 3.

In discussions over the bill, U.S. politicians emphasized that rehabilitation would keep the Philippines, as an emerging politically mature nation, allied with the United States. For example, Senator McCormack, a Democrat, said: “We must and we will help the Filipinos regain their economy so that they may, in justice, take their place as a healthy, strong, free, and liberty-loving democracy in accordance with the principles we have taught them for 50 years.”⁴³ And Senator Judd added:

“...will the peoples of Asia be given the chance to develop more nearly along the truly democratic pattern worked out and established in the Philippines through the joint efforts of Filipinos and Americans over this 50-year period of friendly relationship? It began as overlordship [sic], moved rapidly to trusteeship and on July 4 will become full-fledged partnership. All Asia watches eagerly this transition, unprecedented in all of human history. There is no question but that it is the general pattern which other Asiatics want, too.”⁴⁴

For some members of Congress, the Philippines should be an independent nation. By entering into a pact of equals, then the Rehabilitation Act, together with the Philippine Trade Act, would bring and secure Western ideals of democracy in Asia.

Filipino elite wrestled with the tension of the Philippines as mature nation in its own right and as a dependent. They thought the Rehabilitation and Trade Acts could maintain democracy in Asia. In his inaugural address, Roxas highlighted how American values have become Filipino:

“We have clasped to our bosom her great system of government, her language, her institutions, her historical traditions. We have made them ours. We cannot forget this fact and this great truth. We are to be a free nation largely because we were aided in that direction by the love of liberty and the good will of the American people.”⁴⁵

⁴³ Representative McCormack, speaking on S. 1610. 1946 “Philippine Rehabilitation Act, 1946,” in *Congressional Record* 79th Congress, 2nd session, April 10: 3340.

⁴⁴ Representative Judd, speaking on S. 1610. 1946 “Philippine Rehabilitation Act, 1946,” in *Congressional Record* 79th Congress, 2nd session, April 10: 3442.

⁴⁵ Manuel Roxas. 1946, May 28. Inaugural Address.

The Philippines was free and ready for independence because of its reliance on the United States. Moving forward, the Rehabilitation Act, like the Trade Act, would be crucial in maintaining and expanding U.S. political influence in Asia.

Filipino elite in control at the time also echoed notions of mutual benefit, especially in the form of fraternity and friendship. For them, the colonial relationship with the United States was not simply one of exploitation. Rather, for most, like in the earlier colonial period, it meant mutual exchange and dependence, like the relationship between *Datu* Sikatuna and the explorer Legazpi (Go 2011:116–17). The elite drew on notions of blood bonds. Calls for complete Philippine independence were tempered by ongoing beliefs in reciprocal relations. For example, on October 30, 1945, president of the Philippine Commonwealth, Osmeña wrote to President Truman, enclosing a speech he delivered entitled “Responsibility of Victory.” The speech was an appeal to the American people, at the close of World War II, to support trade relations, war damage claims, and rehabilitation in the Philippines. For Osmeña, the relationship between the United States had been “sealed in blood during war,” he said, “and will continue now that the war is ended, and even after independence.” The reference to “blood” harkens back to the reciprocal bond between colonizer and colonized. It also invokes a sense of familial ties as well as shared martial sacrifice. Osmeña added: “There is a very special American feeling for us, just as there is a very special Filipino feeling for you. Nowhere in the world is there a relationship between two peoples that resembles the relationship between the American people and the Filipino people.”⁴⁶ Filipinos may have been brothers in blood, but they were still little brothers.

In arguing for the act, U.S. actors also continued to see the Philippines as dependent. They called upon the promises made and debts owed to loyal Filipino subjects. In their ideological

⁴⁶ Sergio Osmeña to Harry Truman. 1945, October 30. PSF Box 162. Harry S. Truman Presidential Library. Independence, MO.

justifications for rehabilitation, they acknowledged both Filipino loyalty and U.S. material trade interests in their arguments. For example:

“So while it is a thing that we owe the Filipinos because we promised it to them, it is also a moral obligation and it is a thing that we ought to do for our own selfish interest as well. If we do not pass this bill we will be depriving this country of vast amounts of trade. We will not only be failing in our duty to a gallant little country whose people fought with unflinching loyalty and courage in the recent conflict, but if you vote down this bill you will dry up a golden stream of commerce that will bring wealth and welfare to both countries.”⁴⁷

When it came to the U.S. economic and political interests in the Philippines and Asia, U.S. politicians were not only willing to lend support to the emerging nation, but also continued to see them as integral to the United States.

In debating the Rehabilitation Act, members of Congress faced tensions between constructing the Philippines as a dependent family member in need of aid and as having matured enough through U.S. tutelage to enter the world stage as an independent nation. They relied on both constructions. If the Philippines were dependent, then U.S. state actors could more easily justify the inequality of the acts and how they maintained U.S. imperial interests whilst ending the formal terms of empire. On the other hand, if the Philippines had matured to an “adult” nation, then it was capable of entering into contracts between sovereign nations.

The Military Bases Agreement

A third important arrangement between the United States and the Philippines helped secure U.S. informal empire: The Military Bases Agreement of 1947 (MBA). As with the Trade and Rehabilitation Acts, in the MBA, U.S. politicians continued to cast the Philippines as domestic to the United States. As with the Rehabilitation Act, U.S. state actors nominally emphasized the Philippines and the U.S. as two equals, two mature nations, entering into agreement whilst maintaining an

⁴⁷ Representative Bell, speaking on S. 1610. 1946 “Philippine Rehabilitation Act, 1946,” in *Congressional Record* 79th Congress, 2nd session, April 10: 3438.

underlying political subordination of the Philippines to U.S. interests. According to the terms of the Military Bases Agreement, the Philippines could be treated as an extension of the United States in Asia. Although the agreement passed in 1947, after formal Philippine independence, plans date back to June 1944 when the Philippines was still a colony. Two years before independence, the U.S. Congress passed a resolution allowing the U.S. president to acquire military bases (Shalom 1986:60). Rather than a deal between sovereign nation states, then, the Military Bases Agreement, like the parity clause and the Rehabilitation Act, was negotiated between an imperial power and its colony. In arguing for this agreement, many U.S. state actors believed that the bases would prove useful in Asia with the rising threat of communism. Not only that, they justified the deal on the basis of U.S.–Filipino fraternity.

This deal was not the first of its kind, but it was a watershed moment for U.S. empire, as the United States gained major military bases in Asia to serve as launching points in future wars (Berry 1989; Lutz and Enloe 2009; Man 2018; Woods 2012). The MBA was partially based on the British Base Agreement.⁴⁸ In addition to granting land to the United States, the Military Bases Agreement maintained aspects of U.S. sovereignty abroad, most notably in the jurisdiction of U.S. courts. High Commissioner McNutt argued for bases, saying that they would support “supply, repair, and staging activities for all our armed forces in the Far East...Committed as we are to a long-time occupation of Japan, to a strong policy in Asia, the Philippines are designed to play a major role in our diplomacy in the Orient.”⁴⁹ In effect, the MBA granted sovereignty to the United States and limited Philippine control (Reyes 2015a). According to the agreement, the United States had both legal and territorial authority to construct bases, exercise jurisdiction over civil and criminal offences, and

⁴⁸ Outline of Course of Informal Discussions with Philippine Representatives Concerning the Provision on Jurisdiction to be Included in the Agreement Concerning Military Bases in the Philippines, Washington, May 1946 Volume III p. 885

⁴⁹ Appendix to *Congressional Record*. 1946, 3 July: 3922

extract natural resources.⁵⁰ The United States gained 100s of thousands of acres of military bases (Shalom 1986:63). The Philippine government could not “grant, without prior consent of the United States, any bases or any rights, power, or authority whatsoever, in or relating to bases” to a polity other than the United States.⁵¹

Those in favor of the bases agreement continued to view the Philippine territory as a colonial outpost. The Joint Chiefs of Staff, for example, considered Philippine bases as “spring boards from which the United States armed forces may be projected.”⁵² The War and Navy Departments believed this to be “essential that even in time of peace....They assert that this position is justifiable under international practice, and they also claim-apparently without strong conviction-that the exercise of such jurisdiction is necessary to their military program and position in the Islands.”⁵³ The Philippines, at least these tens of thousands of acres, still belonged to the United States.

Whereas some saw the Philippines as a colonial outpost, others emphasized the Philippines as a full-fledged nation. McNutt echoed the material benefits to the MBA and emphasized mutual benefit. “In order to counteract growing impression in articulate Philippine circles that the United States is demanding base rights and other special privileged here and that the Philippine Government is yielding, although unwillingly, to U.S. demands,” McNutt proposed framing the U.S. and Philippine agreement as one of between equals for mutual protection. He suggested a speech along these lines: “The United States will not impose its will upon another nation, the United States will not ask concessions from a weaker power against the will of the people and the government of

⁵⁰ “Military Bases: Agreement Between the United States and the Republic of the Philippines, March 14, 1947” in U.S. Senate, *A Decade of American Foreign Policy: Basic Documents, 1941-49*.

⁵¹ 1947 Military Bases Agreement Article XXV.

⁵² JCS 1027/5, 20 September 1945, “Negotiations for the Retention of American Bases in the Philippines After Independence,” annex A to appendix A: “Special instructions Regarding Selection of U.S. Military Bases in the Philippines,” RG 218, File: CCS 686.9 Philippine Islands, (11-7-43) sec 1.

⁵³ *Memorandum by the Director of the Office of Far Eastern Affairs (Vincent) to the Secretary of State*. 1946, June 6: 881.

that power. The United States and the Philippine Governments have entered into a solemn compact for the mutual defense of the Philippines believing such defense to be in the interest of both nations. Negotiations based upon this fundamental premise are in progress.”⁵⁴ McNutt emphasized the MBA, a politically unequal deal, as an arrangement among equals.

While the McNutt and the War and Navy Departments were in favor of the MBA, the State Department believed that the United States “should not force the Philippines to grant this Government such extensive jurisdiction in time of peace.”⁵⁵ The State Department thought that the agreement would be “regarded not merely by the Filipino people but by other friendly Far Eastern peoples as a revival of extraterritoriality.”⁵⁶ This, however, was not so much a revival of extraterritoriality as the continuation of U.S. rule.

As the war ended and formal empire became increasingly unfavorable, U.S. state actors saw these deals as a way to continue control in Asia through informal empire. As U.S. and Filipino politicians of the time justified these acts and agreements. They wrestled with definitions of the Philippines as dependent and as a nation in its own right. They drew on the idea that the Philippines was domestic to the United States, invoking old colonial language of dependence, loyalty, deservingness, and fraternity. But for these agreements to have legitimacy, state actors needed to appeal to Philippine sovereignty, even as the deals eroded it. The Philippines may have been gaining

⁵⁴ From McNutt to the Secretary of State. 1946, November 7.. U.S. Department of State *Foreign Relations 1946 Vol. 8*: 924-925.

⁵⁵ Initially, the War Department did not see the Philippines as central to an Asian strategy. Secretary of War Patterson wrote the Secretary of State ““I also point out that it is of prime importance that the War Department responsibilities should not be greater than our means in manpower and money. Our commitments in occupied areas, Japan and Germany, to say nothing of Korea, Austria, and Italy, are of a character that will take practically all of our resources at present and for the foreseeable future. These commitments are of predominant importance. We cannot afford, in my opinion, to waste our strength by maintenance of a force of any considerable size in the Philippines.” (*Memorandum by the Director of the Office of Far Eastern Affairs (Vincent) to the Secretary of State*. 1946, June 6: 881.)

⁵⁶ Memorandum, Director of the Office of Far Eastern Affairs to Secretary of State. 1946, June 6. U.S Department of State *Foreign Relations of the United States, 1946* (Washington D.C. 1971), June 6: 81.

formal independence, but the major economic, political, and military arrangements reflected imperial entanglements. As Go (2011) notes:

“In short, rather than controlling the islands by the threat of direct force or an imposed foreign colonial governor, the United States offered Filipino leaders money and military support. Colonial subjects became free citizens of their own sovereign nation, but they also became allies and dependent clients, propped to help fulfill America’s post-World War II imperatives.” (124)

With these deals, U.S. state actors no longer needed formal empire, but could achieve goals of U.S. economic, military, political, and territorial control abroad through agreements among states rather than through formal empire.

Ambiguity and Geopolitical Supremacy

Before the Philippines gained independence it already ceded a great deal of its sovereignty to the United States. The United States’ decolonization of the Philippines was less the end of an empire than the transition from formal to informal empire. In this transition to informal empire, U.S. state actors relied on formal arrangements in trade, rehabilitation, and military bases. These arrangements not only helped the United States maintain unequal relations between itself and its former colony but manage the tensions of relinquishing and maintaining sovereignty. How the U.S. decolonized reveals how empires maintain their control (through trade agreements, rehabilitation support, and military bases). Of course, that metropolitan politicians see the economic and military benefits to such deals is obvious.

It was not only the material benefits, however, that facilitated the transition to U.S. informal empire. Dating back to the 1901 Supreme Court decision—which determined that the territories would be treated as “foreign in a domestic sense.... belonging to, but not part of” the United States—U.S. state actors, primarily in Congress, had the option of defining the Philippines as domestic to the United States. In the arrangements they secured at the end of WWII—as the Philippines transitioned to formal independence—U.S. state actors and Filipino elites continued to

draw on notions of Filipino dependency. They constructed the Philippines as part of the U.S. family. At the same time, so that these deals could be viewed as agreements among equals, U.S. state actors were faced with the challenge of promoting the image of a politically mature and independent Philippines. U.S. politicians were caught in the contradiction of framing the subordination of Philippine sovereignty to U.S. interests as mutually beneficial deals among equals. Even as the Philippines became independent, ambiguity persisted in the nature of rule and the terms of independence.

What happened in the Philippines is not an aberration to the workings of sovereignty. It is a case of how on-the-ground negotiations among states (in this case a former metropole and its colony) are more complex than our classical social scientific definitions often capture. Politicians in empire states equivocate over how to draw boundaries and how to define the scope of their control. In the case of the Philippines, ultimately, U.S. state actors decided that the territory and resources of the Philippines would continue to be (at least partially) under U.S. control even if the Philippines had nominal independence. Ambiguous classifications, like “foreign in a domestic sense” from *Downes v. Bidwell*, allowed U.S. state actors to expand territorially and circumscribe rights to people. People don’t belong, territory does.

Informal empire has become typical in U.S. geopolitical arrangements post World War II. At the same time, what happened in the post-war transition of the Philippines from colony to “nation-state,” marked a shift in how U.S. state actors exerted rule and influence in Asia. As Go (2011) noted, “Decolonizing the Philippines, the American state simply recolonized the rest of the Pacific” (121). As the United States relinquished formal control over its one Asian colony, it also created a mandate over Japan and its former colonies, including Korea. By the end of the war, “the Greater United States expanded through occupations—the Japanese, South Korean, German, and Austrian

occupations all extended into the postwar period” (Immerwahr 2016:388). And as Immerwahr emphasizes:

“it is worth pointing out that a full census of all the people who lived under U.S. jurisdiction at the war’s end—residents of the states, colonies, and occupied zones—reveals the astonishing fact that the majority (51%) lived outside of the continental United States. In other words, if you looked up in late 1945 and saw the stars and stripes waving overhead, it was more likely that you lived in a colony or occupied country than that you lived on the mainland.” (ibid)

In short, although the nature of U.S. empire changed in the post-war, post-colony period, the United States still maintained control over a vast territory, and by extension, the inhabitants of those territories.

Studying this transition is especially important in light of how U.S. extraterritoriality impacted global politics post-World War II. For example, the United States continued to fight wars in Asia, notably the Korean and Vietnam Wars and related secret wars in Southeast Asia. These wars were made possible by the “empire of bases” that the United States secured beginning with the Philippine Military Bases Agreement (Cumings 2009; Friedman 2007; Man 2012:14). Not only that, the Military Bases Agreement had lasting effects in unequal power relations between U.S. and Philippine citizens residing in and around the bases (Reyes 2015a, 2015b). By continuing to treat the Philippines as an extension of the United States’ territory, U.S. state actors maintained territorial sovereignty over the archipelago and expanded U.S. geopolitical influence in Asia. The option of defining the Philippines in this way—as domestic to the United States—dates back to the ambiguous classification of the Philippines in 1898.

CONCLUSION

Institutionalized, legal ambiguity allowed the United States to manage relations with its largest colony, the Philippines. State actors use ambiguity to rule, and this comes into greater focus when analyzing at the imperial activities of states that define themselves as nation states. Ambiguous definitions can help manage the tensions inherent to empire states, namely territorial expansion and the limiting the rights of inhabitants of newly claimed lands.

The project of overseas empire is a crucial part of U.S. history. I put the case of U.S. colonial rule of the Philippines in the context of literature that asks how states rule and expand their capacity to do so. Most of the literature pays attention to state projects that make territory and people visible, simplify heterogeneity, and make the unknown knowable. These techniques have been called legibility projects. Through projects like the collection of demographic statistics, taxation, mapping, and city planning, states make visible and knowable that which and those whom they rule. For example, people born in the territorial boundaries of the state or to parents considered of the state, are typically classified as citizens. Those that are not are generally classified as aliens. By parsing the population into discrete cells, state actors define from whom they can expect taxes, military service, and other allegiances and to whom it must, in exchange, give rights.

Alongside these legibility projects, state actors also use a technique given less attention: institutionalized ambiguity. Both are crucial tools of statecraft, but they serve different purposes. Legibility helps the state clearly define the territory and population. By institutionalizing ambiguity, state actors can manage conflicts over the geographic and demographic definitions of the state. Ambiguity allows for the simultaneous and future pursuit of different agendas, and this is especially important in an imperial state such as the United States.

Drawing on primary sources collected from over fifteen libraries and archives, I charted the institutionalization, political uses, and various consequences of ambiguity in legal status. My analysis began in 1898, when the United States went to war with Spain. Having intervened in Spanish territories in both the Caribbean and the Pacific, the United States laid claim to the island colonies of the Philippines, Puerto Rico, Cuba, and Guam. Thus, the United States was faced with new questions of how to rule and how to define its territory and people. Out of the debates, emerged two competing positions over what to do with the islands. One set of legal scholars and politicians argued that the United States could not take the territories because not only were there people unfit for incorporation, but it would also be unconstitutional. These scholars believed that geographic and demographic boundaries of the United States should coincide. The second set of legal scholars and politicians, focusing on the potential trade, economic, and military benefits of claiming new overseas territory, argued that Constitution did not apply to the colonies. In their opinion, the United States could expand territorially without regard to the rights of inhabitants of the newly occupied territories. Neither of these legal perspectives on the territories gave the United States judicial sanction to annex some territories as states, as the U.S. had done with Texas, New Mexico, and California, for example, and to take others as simply subordinated territories.

These debates over the constitutionality of taking colonies and the definitions of U.S. territory and membership were settled when the Supreme Court heard several cases, known as the *Insular Cases*. In *Downes v. Bidwell*, 1901, the Court decided that the territories would be treated as “foreign in a domestic sense,” meaning that they “belonged to but were not part of” the United States. The United States could claim the territory as its own but need not treat it as a state.

While the Court had already decided the United States could claim sovereignty over the islands, another Supreme Court case institutionalized a second ambiguity. In *Gonzales v. Williams*, 1904, the court clarified that Congress need not grant the corresponding rights to inhabitants of the

territories it claimed. Per the terms of the ruling, inhabitants of the territories were neither citizens nor aliens. After this point, Congress treated Filipinos as U.S. nationals who owed allegiance to the United States. The Supreme Court's decisions in *Downes* and *Gonzales* managed conflicting perspectives about U.S. sovereignty and citizenship. This kind of intentional, institutionalized ambiguity created new possibilities to defy foundational tenets of the state (as written in the Constitution).

The ambiguous decisions not only allowed the United States to sideline the tensions of empire, the decisions also created possibilities for future political moves. Politicians continued to draw on the possibility of defining the Philippines as foreign, domestic, or neither and Filipinos as like citizens or aliens or neither. This not only created polysemy in classification, but also allowed Congress to exclude Filipino veterans from social and juridical citizenship and maintain territorial control abroad.

First, in the years leading up to World War II, the United States Congress faced the challenges of figuring out when the Philippines and Filipinos were foreign and when they were domestic. Congress simultaneously classified the Philippines and Filipinos in multiple ways, pursuing competing and contradictory interests. Between 1934 and 1946, Congress's definitions of the Philippines and Filipinos expanded from nationals to include: Filipinos as citizens of the United States, Filipinos as alien, and as neither foreign nor domestic, or as nationals. No classification overturned a previous one. Rather, these definitions of Filipinos and the Philippines coexisted.

Second, at the end of World War II, state actors faced the tension of relying on the martial service of colonial subjects while also circumscribing their rights. Ambiguity permitted U.S. officials to incorporate Filipinos into the United States military during World War II, promise them veterans' benefits and a path to citizenship, only to then revoke these promises in 1946. The revocation of benefits from Filipino veterans is unique in U.S. history. No other veterans were federally

reclassified as having not served in active duty. The ambiguous status of Filipinos under U.S. law gave them no clear rights. As a result, U.S. Congress was able to claim that Filipinos were foreign and thus abrogate the U.S. promise to over 200,000 Filipino veterans.

Third, Congress faced new tensions of decolonizing and maintaining territorial control. Ambiguity not only allowed the United States to classify the Philippines in Filipinos in multiple, coexisting ways and to revoke promises of citizenship, it also permitted U.S. state actors to abandon formal sovereignty while maintaining political and economic control in the Philippines. Although the U.S. Congress viewed Filipinos as “foreign,” in regard to citizenship, Congress continued to treat the Philippine territory as “domestic,” specifically in the form of natural resource rights for U.S. citizens and a fifty-year lease on military bases. As the Philippines claimed its formal independence, U.S. state actors drew on definitions of the Philippines as part of the United States to maintain territorial sovereignty over the archipelago.

By institutionalizing ambiguity in the legal status of the Philippine territory and the Filipino people, U.S. state actors managed the tensions of empire. Ambiguity enabled the persistence of inequality in citizenship, social welfare benefits, and geopolitical arrangements in the first half of the twentieth century. State actors used ambiguity in managing the tensions over expanding sovereignty and limiting citizenship.

These findings support three theoretical claims about the nature of imperial rule. First, conflicting interests are inherent to empire states that maintain myths of being a nation state. Second, institutionalizing ambiguity, as a way of deferring a decision, can be useful for managing the tensions and competing interests of empire states. Third, and finally, institutionalized ambiguity remains useful for state actors in the future.

First, while other scholars have highlighted institutional and cultural sources of conflict within the state, I add that empire states that masquerade as nation states have an inherent conflict.

The United States, as one such state, has been faced with maintaining myths of liberal citizenship and equality under the law while also limiting the rights of people contained in newly claimed territories. This conflict was especially clear in the debates over the acquisition of the Philippines. Although early twentieth century politicians and legal scholars agreed that Filipinos and the other newly-acquired colonial subjects were racially unfit, the debate over the incorporation of the Philippines draws attention to two conflicting visions of the United States. In the first, territory and membership are co-extensive, and in the second, the country can expand its territorial reign without expanding rights. The first perspective upholds the myth of the United States as a nation state, while the second embraces expansionist projects of empire. Both of these perspectives are foundational to the United States' self-understanding—as a *nation* of (white) settlers expanding westward.

Second, institutionalizing ambiguity is a way of managing the tensions and conflicts of the U.S. empire state. Ambiguity may function as a provisional solution to competing dictums. In the decisions of “foreign in a domestic sense” and Filipinos' status as nationals, the Court equivocated between the imperialist and liberal tendencies of the United States—to expand territorially and to extend rights to inhabitants living within the boundaries of the state. These ambiguities permitted the extraction of labor and resources from subordinated people and territories without the reciprocal exchange of rights that would be expected for ideal-typical citizens. Rather than ruling in favor of a correspondence between the geographic and demographic definitions of the United States, the Supreme Court facilitated the claiming of territory and the limiting of rights for non-white colonial others. Institutionalized ambiguity, like legibility projects, is a crucial tool of state craft for managing tensions. State actors can defy their own legal systems and definitions, such as those in the Constitution.

State actors' use of ambiguity to mediate conflicting interests is not confined to the U.S. rule of the Philippines. Ambiguity shows up in the management of other racialized populations and

territory. For example, the United States mediated the tension of claiming continental U.S. territory, expanding sovereignty, and denying citizenship to American Indians in the case of *Cherokee Nation v. Georgia* of 1831. In this case, the state defined American Indians as domestic dependent nations. An equivocal, ambiguous decision also showed up in the case of *Plessy v. Ferguson* (1896), in which the United States Supreme Court decided that facilities for whites and Blacks could be “separate, but equal.” In both cases, the Court’s decisions allowed state actors to temporarily resolve tensions over incorporation and integration of racial others. Of course, they left the problems for future actors to solve, as the enduring struggles over these issues demonstrate.

In a more contemporary example, President Obama instituted an ambiguous, provisional status in managing conflicts over the naturalization or deportation of undocumented immigrant children. The Deferred Action for Childhood Arrivals (DACA) program was a temporary measure that promised a deferral from deportation. Importantly, although DACA did offer a measure of security to the DREAMers, DACA did not unambiguously grant permanent residence or citizenship. Seeing ambiguity as a temporary compromise or an equivocation, highlights how state actors manage the tensions and competing interests of the state.

When put in a historical perspective, we can see that ambiguous decisions like “foreign in a domestic sense” are political compromises. Ambiguity allows state actors to temporarily resolve competing interests, multiple traditions, and imperial and liberal dictums. In contradistinction to Bauman (1991) an equivocal position (in the form of ambivalence or ambiguity) was not a byproduct of the modern state’s attempt to order, but a solution to the competing traditions of a fragmented, imperial state.

Third, because institutionalizing ambiguity in a legal or political status can be useful when political debates cannot be resolved quickly, it also leaves future possibilities open. Ambiguity allows for the simultaneous and future pursuit of different agendas, and this is especially important in an

imperial state such as the United States. In the case of U.S. rule of the Philippines, politicians and legal thinkers of the time reached a political impasse when determining how to rule new territories and populations that were deemed to be racially other. To deal with these challenges and the tensions of empire, state officials ambiguously defined the Philippines and other colonies as foreign in a domestic sense and Filipinos as nationals. These classifications left options open for future politicians to make decisions about the territory and people on a case-by-case basis.

Institutionalized ambiguity had consequences for people's lives for decades to come. As the U.S. empire state maintained territorial control, state actors did not reciprocally extend the rights and benefits of citizenship. Not only were Filipino veterans denied social welfare benefits well-known for expanding the U.S. (white) middle class, the newly independent Philippines ceded control over natural resources and military bases for half a century. Furthermore, the decisions from *Downes* and *Gonzales* hold today. "Foreign in a domestic sense" is still the rule of law for the U.S. colonies, and American Samoans are still considered U.S. nationals.¹ Ambiguity and the possible decisions that flow from it are part of the history of colonial racial domination.

Analysis of U.S. rule and decolonization of the Philippines has several implications for the future study of state rule. As this study makes clear, it is important to unmask imperial states that imagine themselves as nation states. Scholars should scrutinize the sources, institutionalization, and productive functions of imperial state activities that embrace ambiguity, heterogeneity, and equivocality. The analytical framework I provided here may serve as an entry point for analysis on the activities that make imperial state rule possible. Scholars may ask questions such as: when else have state actors used ambiguous decisions or classifications and to what ends? When does ambiguity produce polysemy and how do state actors manage it? Are there moments in which

¹ While Puerto Ricans and Chamorros are technically considered U.S. citizens, they cannot vote for the U.S. President. They too maintain an ambiguous status even as they are formally classified as U.S. citizens.

ambiguity is abandoned as a strategy for managing tensions of empire? What differentiates these from moments in which state actors continue to rely on ambiguity? Addressing these questions will contribute to broadened understanding and can lead us to rethink what we know about how modern so-called nation states organized themselves as empire states, how imperial rule is embedded in state laws and practices, the kinds of strategies that state actors use to create and affirm commitments to empire, and how these activities facilitate territorial expansion and subordination.

The study of ambiguity points to another implication for scholarship on states: the need to bring the politics of empire, citizenship, and race into the same frame. Because state actors use ambiguity to justify claiming territory and limiting rights, studying it encourages us to look beyond the presumed territorial or national boundaries of states. Analyzing the sources and consequences of ambiguity in state rule encourages attention to how international and imperial policies shape racial inequality. For example, in the case of U.S. rule of the Philippines, the 1898 war with Spain and the Treaty of Paris raised new questions for U.S. state actors about what kind of people were fit for citizenship. Not only that, in claiming sovereignty over new territories elites, U.S. corporations and labor, intellectuals, and politicians faced the tensions of relying on the labor of colonial racial minorities whilst trying to limit their migration and potential assimilation. As U.S. formal empire came to an end, Congress and others in the U.S. government wrestled with how colonial martial obligation to the metropole ought to be compensated, which had consequences not only for paths to juridical citizenship, but also wealth accumulation of colonial minorities. Scholars can bring together the “interconnections between internal liberty and external subordination—the two faces of American freedom” (Rana 2010:13). They can ask questions such as: How have political and economic exploitation abroad shaped possibilities of citizenship and liberty within the territorial boundaries of the purported nation state? How has imperial rule been racially configured? And, complementary to this, how has domestic racial rule been shaped by imperial projects?

Analysis of U.S. rule of the Philippines adds precision to the study of how empire states that masquerade as nation states rule. By offering the concept of institutionalized ambiguity, I help explain the maintenance of state authority amidst competing interests and conflicting dictums. By institutionalizing ambiguity, state actors manage the conflict over expanding sovereignty and limiting citizenship. Today, state actors continue to institutionalize and rely on ambiguity in legal status. From the ongoing colonial rule of Puerto Rico, Guam, Samoa, and other island territories to the Deferred Action for Childhood Arrivals program, politicians defer making decisions about the nature of incorporation of ethnoracial minorities into the polity. The case of U.S. conquest, rule, and decolonization of the Philippines makes clear the centrality of ambiguity in managing the tensions of empire.

REFERENCES

- Agamben, Giorgio. 1998. *Homo Sacer: Sovereign Power and Bare Life*. Palo Alto, CA: Stanford University Press.
- Agamben, Giorgio. 2005. *State of Exception*. Chicago: University of Chicago Press.
- Aguilar, Filomeno V. 2010. "The Riddle of the Alien-Citizen: Filipino Migrants as US Nationals and the Anomalies of Citizenship, 1900s–1930s." *Asian and Pacific Migration Journal* 19(2):203–36.
- Allsup, Carl. 1982. *The American G.I. Forum: Origins and Evolution*. Austin, TX: University of Texas Press.
- Anderson, Benedict. 1991. *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. New York: Verso Books.
- Anderson, Margo and Stephen E. Fienberg. 1999. *Who Counts? The Politics of Census-Taking in Contemporary America: The Politics of Census-Taking in Contemporary America*. New York: Russell Sage Foundation.
- Anderson, Margo J. 2015. *The American Census: A Social History*. New Haven, CT: Yale University Press.
- Anon. 1938. "RACES. Philippine Flop." *Time*, October 3.
- Appadurai, Arjun. 1993. "Number in the Colonial Imagination." Pp. 314–39 in *Orientalism and the Postcolonial Predicament: Perspectives on South Asia*. Philadelphia: University of Pennsylvania Press.
- Arendt, Hannah. [1951] 1973. *The Origins of Totalitarianism*. New York: Harcourt, Brace and Company.
- Azuma, Eiichirō. 2005. *Between Two Empires: Race, History, and Transnationalism in Japanese America*. New York: Oxford University Press.
- Babou, Cheikh Anta. 2010. "Decolonization or National Liberation: Debating the End of British Colonial Rule in Africa." *The Annals of the American Academy of Political and Social Science* 632(1):41–54.
- Balderrama, Francisco E. and Raymond Rodríguez. 2006. *Decade of Betrayal: Mexican Repatriation in the 1930s*. Albuquerque: University of New Mexico Press.
- Baldoz, Rick. 2011. *The Third Asiatic Invasion: Migration and Empire in Filipino America, 1898-1946*. New York: NYU Press.
- Baldwin, Simeon E. 1899. "The Constitutional Questions Incident to the Acquisition and Government by the United States of Island Territory." *Harvard Law Review* 12(6):393–416.

- Basch, Linda, Nina Glick Schiller, and Christina Szanton Blanc. 1994. *Nations Unbound: Transnational Projects, Postcolonial Predicaments, and Deterritorialized Nation-States*. New York: Routledge.
- Bauman, Zygmunt. 1991. *Modernity and Ambivalence*. Cambridge, MA: Polity Press.
- Beadles, John A. 1968. "The Debate in the United States Concerning Philippine Independence; 1912-1916." *Philippine Studies* 16(3):421-41.
- Bell, Joyce M. and Douglas Hartmann. 2007. "Diversity in Everyday Discourse: The Cultural Ambiguities and Consequences of 'Happy Talk.'" *American Sociological Review* 72(6):895-914.
- Benton-Cohen, Katherine. 2009. *Borderline Americans: Racial Division and Labor War in the Arizona Borderlands*. Cambridge, MA: Harvard University Press.
- Benton-Cohen, Katherine. 2011. "Other Immigrants: Mexicans and the Dillingham Commission of 1907-1911." *Journal of American Ethnic History* 30(2):33-57.
- Berry, William E. 1989. *US Bases in the Philippines: The Evolution of the Special Relationship*. Boulder, CO: Westview Press.
- Bloemraad, Irene. 2004. "Who Claims Dual Citizenship? The Limits of Postnationalism, the Possibilities of Transnationalism, and the Persistence of Traditional Citizenship." *International Migration Review* 38(2):389-426.
- Bogardus, Emory S. 1936. "Filipino Repatriation." *Sociology and Social Research* 21(1):67-71.
- Bourdieu, Pierre. 1979. *Distinction: A Social Critique of the Judgement of Taste*. Cambridge, MA: Harvard University Press.
- Bourdieu, Pierre. 1987. "The Force of Law: Toward a Sociology of the Juridical Field." *Hastings Race & Poverty Law Journal* 38:805.
- Bourdieu, Pierre. 1985. "The Social Space and the Genesis of Groups." *Information (International Social Science Council)* 24(2):195-220.
- Brubaker, Rogers. 1992. *Citizenship and Nationhood in France and Germany*. Cambridge, MA: Harvard University Press.
- Brubaker, Rogers. 1999. "The Manichean Myth: Rethinking the Distinction between 'Civic' and 'Ethnic' Nationalism." Pp. 55-71 in *Nation and National Identity: The European Experience in Perspective*. Zurich: Verlag Ruediger.
- Burnett, Christina Duffy. 2009. "Empire and the Transformation of Citizenship." Pp. 332-41 in *Colonial Crucible: Empire in the Making of the Modern American State*. Madison, WI: University of Wisconsin Press.
- Burnett, Christina Duffy. 2005. "The Edges of Empire and the Limits of Sovereignty: American Guano Islands." *American Quarterly* 57(3):779-803.

- Burnett, Christina Duffy and Burke Marshal. 2001. *Foreign in a Domestic Sense: Puerto Rico, American Expansion, and the Constitution*. Durham, NC: Duke University Press.
- Cabotaje, Michael A. 1999. "Equity Denied: Historical and Legal Analyses in Support of the Extension of US Veterans' Benefits to Filipino World War II Veterans." *Asian LJ* 6:67.
- Canaday, Margot. 2009. *The Straight State: Sexuality and Citizenship in Twentieth-Century America*. Princeton, NJ: Princeton University Press.
- Carroll, Patrick. 2006. *Science, Culture, and Modern State Formation*. Berkeley, CA: University of California Press.
- Catapusan, Benicio T. 1940. *The Social Adjustment of Filipinos in the United States (Thesis)*. Los Angeles: University of Southern California.
- Centeno, Miguel Angel. 2011. "Who Counts, Rules?": Comment on Ritajyoti Bandyopadhyay, "Politics of Achieving: Hawkers and Pavement Dwellers in Calcutta." *Dialectical Anthropology* 35(3):323–26.
- Chatterjee, Partha. 1993. *The Nation and Its Fragments: Colonial and Postcolonial Histories*. Vol. 11. Princeton, NJ: Princeton University Press.
- Collins, Patricia Hill. 2001. "Like One of the Family: Race, Ethnicity, and the Paradox of US National Identity." *Ethnic and Racial Studies* 24(1):3–28.
- Coloma, Casiano Pagdilao. 1939. *A Study of the Filipino Repatriation Movement (Thesis)*. Los Angeles: University of Southern California.
- Connolly, William E. 1987. *Politics and Ambiguity*. Madison, WI: University of Wisconsin Press.
- Cooper, Frederick. 2005. *Colonialism in Question: Theory, Knowledge, History*. Berkeley, CA: University of California Press.
- Cumings, Bruce. 2009. *Dominion from Sea to Sea: Pacific Ascendancy and American Power*. New Haven, CT: Yale University Press.
- Curtis, Bruce. 2002. *The Politics of Population: State Formation, Statistics, and the Census of Canada, 1840-1875*. Toronto: University of Toronto Press.
- Daniels, Roger. 2004. *Guarding the Golden Door: American Immigration Policy and Immigrants since 1882*. New York: Farrar, Straus and Giroux.
- DeLay, Brian. 2015. "Indian Politics, Empire, and the History of American Foreign Relations." *Diplomatic History* 39(5):927–942.
- Deleuze, Gilles and Félix Guattari. 1987. "1227: Treatise on Nomadology: The War Machine." Pp. 351–423 in *A Thousand Plateaus: Capitalism and schizophrenia*. Minneapolis, MN: University of Minnesota Press.

- Department of Veterans Affairs. 2008. *VA Benefits for Filipino Veterans*. Washington, DC.
- Derrida, Jacques. 1967. *Of Grammatology*. Baltimore, MD: Johns Hopkins University Press.
- Derrida, Jacques. 2010. *The Beast and the Sovereign*. Chicago: University of Chicago Press.
- Derrida, Jacques. 1978. *Writing and Difference*. Chicago: University of Chicago Press.
- Dominguez, Virginia R. 1998. "Exporting US Concepts of Race: Are There Limits to the US Model?" *Social Research* 65(2):369–99.
- Douglas, Mary. 2003. *Purity and Danger: An Analysis of Concepts of Pollution and Taboo*. Routledge.
- Downing, Brian M. 1992. *The Military Revolution and Political Change: Origins of Democracy and Autocracy in Early Modern Europe*. Princeton, NJ: Princeton University Press.
- Dunbar-Ortiz, Roxanne. 2014. *An Indigenous Peoples' History of the United States*. Vol. 3. Boston: Beacon Press.
- Emigh, Rebecca Jean. 2002. "Numeracy or Enumeration?" *Social Science History* 26(4):653–98.
- Emigh, Rebecca Jean, Dylan Riley, and Patricia Ahmed. 2015. "The Racialization of Legal Categories in the First U.S. Census." *Social Science History* 39(4):485–519.
- Enloe, Cynthia. 1981. "The Growth of the State and Ethnic Mobilization: The American Experience." *Ethnic and Racial Studies* 4(2):123–36.
- Erman, Sam. 2008. "Meanings of Citizenship in the US Empire: Puerto Rico, Isabel Gonzalez, and the Supreme Court, 1898 to 1905." *Journal of American Ethnic History* 27(4):5–33.
- Ertman, Thomas. 1997. *Birth of the Leviathan: Building States and Regimes in Medieval and Early Modern Europe*. Cambridge University Press.
- Espiritu, Yen Le. 2003. *Home Bound: Filipino American Lives across Cultures, Communities, and Countries*. Berkeley: University of California Press.
- Eyal, Gil. 2006. *The Disenchantment of the Orient: Expertise in Arab Affairs and the Israeli State*. Palo Alto, CA: Stanford University Press.
- Ferla, Ruth La. 2003. "Generation E.A.: Ethnically Ambiguous." *The New York Times*, January 11.
- Ferrer, Ada. 1999. "Cuba, 1898: Rethinking Race, Nation, and Empire." *Radical History Review* 1999(73):22–46.
- FitzGerald, David Scott and David Cook-Martín. 2014. *Culling the Masses*. Cambridge, MA: Harvard University Press.
- Foucault, Michel. [1976] 1997. "*Society Must Be Defended*": *Lectures at the Collège de France, 1975-1976*. Vol. 1. New York: Picador.

- Fox, Cybelle. 2012. *Three Worlds of Relief: Race, Immigration, and the American Welfare State from the Progressive Era to the New Deal*. Princeton, NJ: Princeton University Press.
- Fox, Cybelle and Thomas A. Guglielmo. 2012. "Defining America's Racial Boundaries: Blacks, Mexicans, and European Immigrants, 1890–1945." *American Journal of Sociology* 118(2):327–79.
- Fox, Jonathan. 2005. "Unpacking 'Transnational Citizenship.'" *Annual Review of Political Science. Polit. Sci.* 8:171–201.
- Fradera, Josep M. 2009. "Reading Imperial Transitions: Spanish Contraction, British Expansion, and American Irruption." *Colonial Crucible: Empire in the Making of the Modern American State* 34–62.
- Friedman, Hal M. 2007. *Governing the American Lake: The US Defense and Administration of the Pacific, 1945-1947*. East Lansing, MI: Michigan State University Press.
- Friend, Theodore. 1965. *Between Two Empires: The Ordeal of the Philippines, 1929-1946*. New Haven, CT: Yale University Press.
- Fujitani, Takashi. 2011. *Race for Empire: Koreans as Japanese and Japanese as Americans during World War II*. Berkeley, CA: University of California Press.
- Glenn, Evelyn Nakano. 2015. "Settler Colonialism as Structure: A Framework for Comparative Studies of US Race and Gender Formation." *Sociology of Race and Ethnicity* 1(1):52–72.
- Glenn, Evelyn Nakano. 2002. *Unequal Freedom: How Race and Gender Shaped American Freedom and Labor*. Cambridge, MA: Harvard University Press.
- Go, Julian. 2008. *American Empire and the Politics of Meaning: Elite Political Cultures in the Philippines and Puerto Rico during US Colonialism*. Duke University Press.
- Go, Julian. 2000. "Chains of Empire, Projects of State: Political Education and U.S. Colonial Rule in Puerto Rico and the Philippines." *Comparative Studies in Society and History* 42(2):333–62.
- Go, Julian. 2011. *Patterns of Empire: The British and American Empires, 1688 to the Present*. New York: Cambridge University Press.
- Go, Julian. 2004. "'Racism' and Colonialism: Meanings of Difference and Ruling Practices in America's Pacific Empire." *Qualitative Sociology* 27(1):35–58.
- Go, Julian. 2007. "The Provinciality of American Empire: 'Liberal Exceptionalism' and U.S. Colonial Rule, 1898–1912." *Comparative Studies in Society and History* 49(1):74–108.
- Go, Julian and Anne L. Foster. 2003. "Introduction: Global Perspectives on the U.S. Colonial State in the Philippines." *The American Colonial State in the Philippines: Global Perspectives* 1–42.
- Golay, Frank Hindman. 1997. *Face of Empire: United States-Philippine Relations, 1898-1946*. Quezon City, Philippines: Ateneo de Manila University Press.

- Goldberg, Chad Alan. 2007. *Citizens and Paupers: Relief, Rights, and Race, from the Freedmen's Bureau to Workfare*. Chicago: University of Chicago Press.
- Goldberg, David Theo. 1997. "Taking Stock: Counting by Race." Pp. 27–58 in *Racial subjects: Writing on race in America*. New York: Routledge.
- Goldberg, David Theo. 2002. *The Racial State*. Malden, MA: Blackwell Publishers.
- Gonzalves, Theo. 1995. "'We Hold a Neatly Folded Hope': Filipino Veterans of World War II on Citizenship and Political Obligation." *Amerasia Journal* 21(3):155–74.
- Griswold, Wendy. 1987. "The Fabrication of Meaning: Literary Interpretation in the United States, Great Britain, and the West Indies." *American Journal of Sociology* 92(5):1077–1117.
- Guarnizo, Luis Eduardo, Alejandro Portes, and William Haller. 2003. "Assimilation and Transnationalism: Determinants of Transnational Political Action among Contemporary Migrants." *American Journal of Sociology* 108(6):1211.
- Guerin-Gonzales, Camille. 1994. *Mexican Workers and American Dreams: Immigration, Repatriation, and California Farm Labor, 1900-1939*. New Brunswick, NJ: Rutgers University Press.
- Guillermo, Emil. 2014. "Filipino Veterans Seek Formal Recognition for WWII Roles." *NBC News*, November 11.
- Hacking, Ian. 1986. "Making Up People." Pp. 222–36 in *Reconstructing individualism: Autonomy, individuality, and the self in Western thought*, edited by T. C. Heller, S. Morton, and D. Wellbery. Stanford, CA: Stanford University Press.
- Haney-López, Ian. 2000. *The Social Construction of Race*. edited by R. Delgado and J. Stefancic. Philadelphia: Temple University Press.
- Haney-López, Ian. 2006. *White by Law: The Legal Construction of Race*. New York: NYU Press.
- Harris, Susan K. 2011. *God's Arbiters: Americans and the Philippines, 1898-1902*. New York: Oxford University Press.
- Hayden, Ralston. 1925. "The United States and the Philippines: A Survey of Some Political Aspects of Twenty-Five Years of American Sovereignty." *The Annals of the American Academy of Political and Social Science* 122(1):26–48.
- Herzog, Ben. 2011. "Revocation of Citizenship in the United States." *European Journal of Sociology / Archives Européennes de Sociologie* 52(01):77–109.
- Hixson, Walter L. 2013. *American Settler Colonialism: A History*. New York: Palgrave Macmillan.
- Hoffman, Abraham. 1979. *Unwanted Mexican Americans in the Great Depression: Repatriation Pressures, 1929-1939*. Tucson: University of Arizona Press.

- Hoganson, Kristin L. 1998. *Fighting for American Manhood: How Gender Politics Provoked the Spanish-American and Philippine-American Wars*. New Haven, CT: Yale University Press.
- Honda, Michael. 2009. "Justice for Filipino Veterans, at Long Last." *Asian American Law Journal* 16:193–96.
- Horsman, Reginald. 1981. *Race and Manifest Destiny*. Cambridge, MA: Harvard University Press.
- Ileto, Reynaldo C. 2007. "World War II: Transient and Enduring Legacies for the Philippines" edited by D. K. Wee Hock. *Legacies of World War II in South and East Asia* 74–91.
- Immerwahr, Daniel. 2016. "The Greater United States: Territory and Empire in U.S. History *." *Diplomatic History* 40(3):373–91.
- Itzigsohn, José. 2000. "Immigration and the Boundaries of Citizenship: The Institutions of Immigrants' Political Transnationalism." *International Migration Review* 1126–54.
- Itzigsohn, José, Carlos Dore Cabral, Esther Hernández Medina, and Obed Vázquez. 1999. "Mapping Dominican Transnationalism: Narrow and Broad Transnational Practices." *Ethnic & Racial Studies* 22(2):316–39.
- Jacobson, David. 1997. *Rights across Borders: Immigration and the Decline of Citizenship*. Baltimore: Johns Hopkins University Press.
- Joppke, Christian. 1998. *Challenge to the Nation-State: Immigration in Western Europe and the United States*. New York: Oxford University Press.
- Jose, Ricardo Trota. 1992. *The Philippine Army: 1935-1942*. Quezon City, Philippines: Ateneo de Manila University Press.
- Jung, Moon-Ho. 2006. *Coolies and Cane: Race, Labor, and Sugar in the Age of Emancipation*. Baltimore: JHU Press.
- Jung, Moon-Kie. 2015. *Beneath the Surface of White Supremacy: Denaturalizing U.S. Racisms Past and Present*. Palo Alto, CA: Stanford University Press.
- Jung, Moon-Kie and Tomás Almaguer. 2004. "The State and the Production of Racial Categories." *Race and Ethnicity: Across Time, Space, and Discipline* 2:55.
- Kaplan, Amy. 2005. *The Anarchy of Empire in the Making of US Culture*. Cambridge, MA: Harvard University Press.
- Katznelson, Ira. 2005. *When Affirmative Action Was White: An Untold History of Racial Inequality in Twentieth-Century America*. New York: W.W. Norton.
- Katznelson, Ira and Suzanne Mettler. 2008. "On Race and Policy History: A Dialogue about the G.I. Bill." *Perspectives on Politics* 6(3):519–37.

- Kivisto, Peter and Thomas Faist. 2007. *Citizenship: Discourse, Theory, and Transnational Prospects*. Malden, MA: Blackwell Pub.
- Kramer, Paul A. 2006. *Blood of Government: Race, Empire, the United States, and the Philippines: Race, Empire, the United States, and the Philippines*. Chapel Hill, NC: University of North Carolina Press.
- Langdell, Christopher Columbus. 1899. "The Status of Our New Territories." *Harvard Law Review* 12(6):365–92.
- Lee, Catherine. 2013. *Fictive Kinship: Family Reunification and the Meaning of Race and Nation in American Immigration*. New York: Russell Sage Foundation.
- Lee, Erika. 2004. "American Gatekeeping; Race and Immigration Law in the Twentieth Century." Pp. 119–44 in *Not Just Black and White: Historical and Contemporary Perspectives on Immigration, Race, and Ethnicity in the United States*, edited by N. Foner and G. M. Fredrickson. New York: Russell Sage Foundation.
- Lee, Erika. 2003. *At America's Gates: Chinese Immigration During the Exclusion Era, 1882-1943*. Chapel Hill, NC: University of North Carolina Press.
- Lee, Sharon M. 1993. "Racial Classifications in the US Census: 1890–1990." *Ethnic and Racial Studies* 16(1):75–94.
- Lee, Taeku. 2008. "Race, Immigration, and the Identity-to-Politics Link." *Annual Review of Political Science* 11:457–78.
- Levine, Donald N. 1985. *The Flight from Ambiguity: Essays in Social and Cultural Theory*. Chicago: University of Chicago Press.
- Lieberman, Robert C. 2005. *Shaping Race Policy: The United States in Comparative Perspective*. Princeton, NJ: Princeton University Press.
- Lieberman, Robert C. 1998. *Shifting the Color Line: Race and the American Welfare State*. Cambridge, MA: Harvard University Press.
- Love, Eric T. L. 2004. *Race over Empire: Racism and US Imperialism, 1865-1900*. Chapel Hill, NC: University of North Carolina Press.
- Loveman, Mara. 2007. "Blinded like a State: The Revolt against Civil Registration in Nineteenth-Century Brazil." *Comparative Studies in Society and History* 49(1):5–39.
- Loveman, Mara. 2014. *National Colors: Racial Classification and the State in Latin America*. New York: Oxford University Press.
- Loveman, Mara. 2005. "The Modern State and the Primitive Accumulation of Symbolic Power." *American Journal of Sociology* 110(6):1651–83.

- Loveman, Mara and Jeronimo O. Muniz. 2007. "How Puerto Rico Became White: Boundary Dynamics and Intercensus Racial Reclassification." *American Sociological Review* 72(6):915–39.
- Lowell, Abbott Lawrence. 1899. "The Status of Our New Possessions: A Third View." *Harvard Law Review* 13(3):155–76.
- Lutz, Catherine and Cynthia Enloe. 2009. *The Bases of Empire: The Global Struggle against US Military Posts*. New York: NYU Press.
- Magoon, Charles Edward. 1900. *Report on the Legal Status of the Territory and Inhabitants of the Islands Acquired by the United States During the War with Spain: Considered with Reference to the Territorial Boundaries, the Constitution, and Laws of the United States*. Vol. 234. US Government Printing Office.
- Man, Simeon. 2012. *Conscripts of Empire: Race and Soldiering in the Decolonizing Pacific (Ph.D. Dissertation)*. New Haven, CT: Yale University.
- Man, Simeon. 2018. *Soldiering Through Empire: Race and the Making of the Decolonizing Pacific*. Oakland: University of California Press.
- Mann, Michael. 1984. "The Autonomous Power of the State: Its Origins, Mechanisms and Results." *European Journal of Sociology/Archives Européennes de Sociologie* 25(2):185–213.
- Mann, Michael. 2013. "The Recent Intensification of American Economic and Military Imperialism: Are They Connected?" Pp. 213–44 in *Sociology and Empire: The Imperial Entanglements of a Discipline*, edited by G. Steinmetz. Chapel Hill, NC: Duke University Press.
- Mann, Michael. 1993. *The Sources of Social Power: Volume 2, The Rise of Classes and Nation-States, 1760-1914*. New York: Cambridge University Press.
- Mbembe, Achille. 2001. *On the Postcolony*. Berkeley, CA: University of California Press.
- McCoy, Alfred W., Francisco A. Scarano, and Courtney Johnson. 2009. "On the Tropic of Cancer: Transitions and Transformations in the US Imperial State." Pp. 3–33 in *Colonial Crucible: Empire in the Making of the Modern American State*, edited by McCoy, Alfred W. and Scarano, Francisco A. Madison, WI: University of Wisconsin Press.
- Menjívar, Cecilia. 2006. "Liminal Legality: Salvadoran and Guatemalan Immigrants' Lives in the United States." *American Journal of Sociology* 111(4):999–1037.
- Mettler, Suzanne. 2005. *Soldiers to Citizens: The GI Bill and the Making of the Greatest Generation*. New York: Oxford University Press.
- Mitchell, Timothy. 1990. "Everyday Metaphors of Power." *Theory and Society* 19(5):545–77.
- Mora, G. Cristina. 2014a. "Cross-Field Effects and Ethnic Classification: The Institutionalization of Hispanic Panethnicity, 1965 to 1990." *American Sociological Review* 79(2):183–210.

- Mora, G. Cristina. 2014b. *Making Hispanics: How Activists, Bureaucrats, and Media Constructed a New American*. Chicago: University of Chicago Press.
- Morgan, Kimberly J. and Ann Shola Orloff, eds. 2017. *The Many Hands of the State: Theorizing Political Authority and Social Control*. Cambridge: Cambridge University Press.
- Morning, Ann. 2008. "Ethnic Classification in Global Perspective: A Cross-National Survey of the 2000 Census Round." *Population Research and Policy Review* 27(2):239–72.
- Motomura, Hiroshi. 2006. *Americans in Waiting: The Lost Story of Immigration and Citizenship in the United States*. New York: Oxford University Press.
- Mukerji, Chandra. 2009. *Impossible Engineering: Technology and Territoriality on the Canal Du Midi*. Princeton University Press.
- Nakano, Satoshi. 2002. "Nation and Citizenship in the Filipino World War II Veterans Equity Movement, 1945-2011." Pp. 205–28 in *"We the People" in the Global Age: Re-examination of Nationalism and Citizenship*. Osaka: The Japan Center for Area Studies.
- Nakano, Satoshi. 2000. "Nation, Nationalism and Citizenship in the Filipino World War II Veterans Equity Movement, 1945-1999." *Hitotsubashi Journal of Social Studies* 32(2):33–53.
- Nakano, Satoshi. 2004. "The Filipino World War II Veterans Equity Movement and the Filipino American Community." Pp. 1–34 in *International Philippine Studies Conference*.
- Ngai, Mae M. 2004. *Impossible Subjects: Illegal Aliens and the Making of Modern America*. Princeton, NJ: Princeton University Press.
- Nobles, Melissa. 2000. *Shades of Citizenship: Race and the Census in Modern Politics*. Palo Alto, CA: Stanford University Press.
- Novak, William J. 2008. "The Myth of the 'Weak' American State." *The American Historical Review* 113(3):752–72.
- Onkst, David H. 1998. "First a Negro... Incidentally a Veteran?: Black World War Two Veterans and the G. I. Bill of Rights in the Deep South, 1944-1948." *Journal of Social History* 31(3):517–43.
- Panofsky, Aaron and Catherine Bliss. 2017. "Ambiguity and Scientific Authority: Population Classification in Genomic Science." *American Sociological Review* 82(1):59–87.
- Paralitici, Ché. 1998. *No Quiero Mi Cuerpo Pa'tambor: El Servicio Militar Obligatorio En Puerto Rico*. San Juan, PR: Ediciones Puerto.
- Peery, Destiny and Galen V Bodenhausen. 2008. "Black+ White= Black: Hypodescent in Reflexive Categorization of Racially Ambiguous Faces." *Psychological Science* 19(10):973–77.
- Perkins, Whitney T. 1962. *Denial of Empire: The United States and Its Dependencies*. Leydin, Holland: AW Sythoff.

- Pimentel, Kevin. 1999. "To Yick Wo, Thanks for Nothing: Citizenship for Filipino Veterans." *Michigan Journal of Race and Law* 4:459, 472–77.
- Piven, Frances Fox and Richard A. Cloward. 1979. *Poor People's Movements: Why They Succeed, How They Fail*. Vol. 697. New York: Vintage Books.
- Porter, Bruce D. 1994. *War and the Rise of the State: The Military Foundations of Modern Politics*. New York: The Free Press.
- Prewitt, Kenneth. 2013. *What Is "Your" Race?: The Census and Our Flawed Efforts to Classify Americans*. Princeton, NJ: Princeton University Press.
- Priagula, Citadelle B. 2010. "Examining Race-Conscious Remediation Through the Pilipino/a American Experience." *Asian Pacific American Law Journal* 15:135–59.
- Raimundo, Antonio. 2010. "The Filipino Veterans Equity Movement: A Case Study in Reparations Theory." *California Law Review* 98(2):575–623.
- Ramos, Efren Rivera. 1996. "The Legal Construction of American Colonialism: The Insular Cases." *Revista Jurídica UPR* 65(2):225–328.
- Rana, Aziz. 2014. "Settler Wars and the National Security State." *Settler Colonial Studies* 4(2):171–75.
- Rana, Aziz. 2010. *The Two Faces of American Freedom*. Cambridge, MA: Harvard University Press.
- Randolph, Carman F. 1898. "Constitutional Aspects of Annexation. Part First." *Harvard Law Review* 12(5):291–315.
- Reyes, Victoria. 2015a. "Global Borderlands: A Case Study of the Subic Bay Freeport Zone, Philippines." *Theory and Society* 44(4):355–84.
- Reyes, Victoria. 2015b. "Legacies of Place and Power: From Military Base to Freeport Zone." *City & Community* 14(1):1–26.
- Rifkin, Mark. 2014. "The Frontier as (Movable) Space of Exception." *Settler Colonial Studies* 4(2):176–80.
- Rivera, Paul Daniel. 2010. "We've Been Waiting a Long Time-The Struggle to Pass the Filipino Veterans Equity Act and a Bittersweet Ending to a Sixty-Three-Year Battle." *Hastings Race & Poverty Law Journal* 7:447–82.
- Rockquemore, Kerry Ann, David L. Brunnsma, and Daniel J. Delgado. 2009. "Racing to Theory or Rethorizing Race? Understanding the Struggle to Build a Multiracial Identity Theory." *Journal of Social Issues* 65(1):13–34.
- Rodríguez-Muñiz, Michael. 2017. "Cultivating Consent: Nonstate Leaders and the Orchestration of State Legibility." *American Journal of Sociology* 123(2):385–425.

- Root, Maria P. P. 1995. *The Multiracial Experience: Racial Borders as the New Frontier*. Thousand Oaks, CA: Sage Publications.
- Rosales, Steven. 2011. "Fighting the Peace at Home: Mexican American Veterans and the 1944 GI Bill of Rights." *Pacific Historical Review* 80(4):597–627.
- Salyer, Lucy E. 2004. "Baptism by Fire: Race, Military Service, and US Citizenship Policy, 1918–1935." *The Journal of American History* 91(3):847–76.
- Sánchez, George J. 1993. *Becoming Mexican American: Ethnicity, Culture, and Identity in Chicano Los Angeles, 1900-1945*. New York: Oxford University Press.
- Schiller, Nina Glick, Linda Basch, and Cristina Szanton Blanc. 1995. "From Immigrant to Transmigrant: Theorizing Transnational Migration." *Anthropological Quarterly* 68(1):48–63.
- Schirmer, Daniel B. and Stephen Roskamm Shalom. 1987. "Independence with Strings." Pp. 87–103 in *The Philippines Reader: A History of Colonialism, Neocolonialism, Dictatorship, and Resistance*. Boston: South End Press.
- Schmitt, Carl. 1922. *Political Theology: Four Chapters on the Concept of Sovereignty*. Chicago: University of Chicago Press.
- Scott, James C. 1998. *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*. New Haven, CT: Yale University Press.
- Segal, David R. 1989. *Recruiting for Uncle Sam: Citizenship and Military Manpower Policy*. Lawrence, KS: University Press of Kansas.
- Shah, Nayan. 2001. *Contagious Divides: Epidemics and Race in San Francisco's Chinatown*. Berkeley, CA: University of California Press.
- Shalom, Stephen Roskamm. 1986. *The United States and the Philippines: A Study of Neocolonialism*. Quezon City: New Day Publishers.
- Sherman, David W. 1985. "Naturalization of Filipino War Veterans." *San Diego Law Review* 22:1171–92.
- Skocpol, Theda. 1995. *Protecting Soldiers and Mothers*. Cambridge, MA: Harvard University Press.
- Skocpol, Theda. 1997. "The GI Bill and US Social Policy, Past and Future." *Social Philosophy and Policy* 14(02):95–115.
- Smith, Rogers M. 1997. *Civic Ideals: Conflicting Visions of Citizenship in US History*. New Haven, CT: Yale University Press.
- Snipp, C. Matthew. 2003. "Racial Measurement in the American Census: Past Practices and Implications for the Future." *Annual Review of Sociology* 29(1):563–88.

- Snow, David A. and Dana M. Moss. 2014. "Protest on the Fly: Toward a Theory of Spontaneity in the Dynamics of Protest and Social Movements." *American Sociological Review* 79(6):1122–43.
- Sohoni, Deenesh and Amin Vafa. 2010. "The Fight to Be American: Military Naturalization and Asian Citizenship." *Asian American Law Journal* 17:119.
- Soysal, Yasemin Nuhoglu. 1994. *Limits of Citizenship: Migrants and Postnational Membership in Europe*. Chicago: University of Chicago Press.
- Sparrow, Bartholomew H. 2006. *The Insular Cases and the Emergence of American Empire*. Lawrence, KS: University Press of Kansas.
- Star, Susan Leigh and James R. Griesemer. 1989. "Institutional Ecology, 'Translations' and Boundary Objects: Amateurs and Professionals in Berkeley's Museum of Vertebrate Zoology, 1907–39." *Social Studies of Science* 19(3):387–420.
- Starr, Paul. 1992. "Social Categories and Claims in the Liberal State." *Social Research* 263–295.
- Starr, Paul. 1987. "The Sociology of Official Statistics." Pp. 7–57 in *The Politics of Numbers*. New York: Russell Sage.
- Steinmetz, George. 2008. *The Devil's Handwriting: Precoloniality and the German Colonial State in Qingdao, Samoa, and Southwest Africa*. Chicago: University of Chicago Press.
- Stoler, Ann Laura. 2006. "On Degrees of Imperial Sovereignty." *Public Culture* 18(1):125–46.
- Stoler, Ann Laura and Frederick Cooper. 1997. "Between Metropole and Colony: Rethinking a Research Agenda." Pp. 1–56 in *Tensions of Empire: Colonial Cultures in a Bourgeois World*, edited by A. L. Stoler and F. Cooper. Berkeley, CA: University of California Press.
- Thayer, James Bradley. 1899. "Our New Possessions." *Harvard Law Review* 12(7):464–85.
- Thompson, Lanny. 2010. *Imperial Archipelago: Representation and Rule in the Insular Territories under US Dominion after 1898*. Honolulu: University of Hawai'i Press.
- Thompson, Lanny. 2002. "The Imperial Republic: A Comparison of the Insular Territories under US Dominion after 1898." *Pacific Historical Review* 71(4):535–74.
- Tilly, Charles and Gabriel Ardant. 1975. *The Formation of National States in Western Europe*. Princeton, NJ: Princeton University Press.
- Tiongson, Antonio T., Edgardo V. Gutierrez, Ricardo Valencia Gutierrez, and Ricardo V Gutierrez, eds. 2006. *Positively No Filipinos Allowed: Building Communities and Discourse*. Temple University Press.
- Vergara, V. 1997. "Broken Promises and Aging Patriots: An Assessment of US Veteran Benefits for Filipino World War II Veterans." *Asian American Policy Review* 7:163–82.

- Villarreal, Andrés. 2010. "Stratification by Skin Color in Contemporary Mexico." *American Sociological Review* 75(5):652–78.
- Waldinger, Roger and David Fitzgerald. 2004. "Transnationalism in Question." *American Journal of Sociology* 109(5):1177–95.
- Weber, Max. [1922] 1968. *Economy and Society*. Berkeley, CA: University of California Press.
- Weber, Max. 1922. *Gesammelte Aufsätze Zur Wissenschaftslehre*. Tübingen: Mohr.
- Wimmer, Andreas. 2012. *Waves of War: Nationalism, State Formation, and Ethnic Exclusion in the Modern World*. New York: Cambridge University Press.
- Wimmer, Andreas and Yuval Feinstein. 2010. "The Rise of the Nation-State across the World, 1816 to 2001." *American Sociological Review* 75(5):764–90.
- Wimmer, Andreas and Brian Min. 2006. "From Empire to Nation-State: Explaining Wars in the Modern World, 1816–2001." *American Sociological Review* 71(6):867–97.
- Woods, Colleen P. 2012. *Bombs, Bureaucrats, and Rosary Beads: The United States, the Philippines, and the Making of Global Anti-Communism, 1945–1960 (Ph.D. Dissertation)*. Ann Arbor, MI: University of Michigan.
- Yuval-Davis, Nira. 1997. *Gender and Nation*. Thousand Oaks, CA: SAGE Publications.
- Zerubavel, Eviatar. 1996. "Lumping and Splitting: Notes on Social Classification." *Sociological Forum* 11(3):421–33.
- Zuckerman, Ezra W. 2004. "Structural Incoherence and Stock Market Activity." *American Sociological Review* 69(3):405–32.

APPENDIX A: ARCHIVAL SOURCES

- Asian American Collection, University of California - Los Angeles, Los Angeles, CA
Anti-Martial Law Movement Special Collection
- Bentley Historical Library, University of Michigan, Ann Arbor, Michigan
Manuel Luis Quezon Papers
- Filipinas Heritage Library, Ayala Museum, Makati, Philippines
Carlos P. Romulo Papers
- Franklin D. Roosevelt Presidential Library, Hyde Park, New York
Charles Tauissg Papers
Ernest Cuneo Papers
Franklin D. Roosevelt's Official File
Franklin D. Roosevelt's President's Personal Files
Franklin D. Roosevelt's President's Secretary Files
Harold Smith Papers
Harry L. Hopkins Papers
Isador Lubin Papers
Louis M. Howe Papers
Oscar Cox Papers
Samuel Rosenman Papers
- Harry S. Truman Presidential Library, Independence, Missouri
Dean G. Acheson Papers
Emmet O'Neal Papers
Frank A. Waring Papers
Harry S. Truman's Official File
Harry S. Truman's President's Personal Files
Harry S. Truman's President's Secretary Files
J. Weldon Jones Papers
RG 51: Records of the Bureau of the Budget
White House Records Offices Files
- Hornbake Library, University of Maryland – College Park, College Park, Maryland
Millard E. Tydings Papers
- Lilly Library, University of Indiana, Bloomington, Indiana
Paul V. McNutt Papers
- MacArthur Memorial Archives, Norfolk, Virginia
RG 1: Records of the U.S. Military Advisor to the Philippine Commonwealth, 1935-1941
RG 2: Records of Headquarters, U.S. Army Forces in the Far East (USAFFE), 1941-1942
RG 5: SCAP files
RG 9: Radiogram Messages
RG 10: Personal Correspondence
RG 16: Whitney Papers, 1938-1948, 1950, 1956-65
RG 146: Papers of Lee Telesco
- National Archives and Record Administration, College Park, Maryland
RG 59: Department of State
RG 107: Records of the Office of the Secretary of War
RG 126: Office of the Territories, Classified Files, 1907-1951

- RG 165: Records of the War Department General and Special Staffs
- RG 350: Records of the Bureau of Insular Affairs
- RG 407: Records of the Adjutant General's Office
- RG 496: USAFFE
- RG 554: Philippines Command
- National Archives and Record Administration, San Bruno, California
 - RG 21: Records of District Courts of the United States District of San Francisco
 - RG 85: Records of the Immigration and Naturalization Service
- National Archives and Record Administration, Washington, DC
 - RG 15: Records of the Veterans Administration
 - RG 85: Records of the Immigration and Naturalization Service
- Center for Legislative Archives
 - RG 46: Records of the U.S. Senate
 - RG 233: Records of the United States House of Representatives
- National Library of the Philippines, Manila, Philippines
 - Sergio Osmeña Papers
- Seaver Center, Museum of Natural History, Los Angeles, California
 - Philippines Veterans Claims Collection
- Sterling Library, Yale University, New Haven, Connecticut
 - Henry Lewis Stimson Papers
- The Roxas Foundation, Quezon City, Philippines
- University of the Philippines Main Library, University of the Philippines – Diliman, Quezon City, Philippines
 - Manuel A. Roxas Papers

APPENDIX B: COMPARISON OF CITIZEN AND NATIONAL STATUS ACCORDING TO 8 U.S. CODE § 1401

Conditions of Citizen/National Status	Citizen or National	National
Place of Birth within U.S. or Possessions	<p>A person born in the United States, and subject to the jurisdiction thereof;</p> <p>A person born in the United States to a member of an Indian, Eskimo, Aleutian, or other aboriginal tribe: Provided, That the granting of citizenship under this subsection shall not in any manner impair or otherwise affect the right of such person to tribal or other property;</p>	<p>A person born in <i>an outlying possession of the United States on or after the date of formal acquisition of such possession</i>;</p>
Place of birth outside U.S. and Possessions	<p>A person born outside of the United States and its outlying possessions of parents both of whom are citizens of the United States and one of whom has had a residence in the United States or one of its outlying possessions, prior to the birth of such person;</p> <p>A person born outside of the United States and its outlying possessions of parents one of whom is a citizen of the United States who has been physically present in the United States or one of its outlying possessions for a continuous period of one year prior to the birth of such person, and the other of whom is a national, but not a citizen of the United States;</p> <p>A person born in an outlying possession of the United States of parents one of whom is a citizen of the United States who has been physically present in the United States or one of its outlying possessions for a continuous period of one year at any time prior to the birth of such person;</p>	<p>A person born outside the United States and its outlying possessions of parents both of whom are <i>nationals, but not citizens</i>, of the United States, and have had a residence in the United States, or one of its outlying possessions prior to the birth of such person;</p>
Unknown parentage	<p>A person of unknown parentage found in the United States while under the age of five years, until shown, prior to his attaining the age of twenty-one years, not to have been born in the United States</p>	<p>A person of unknown parentage <i>found in an outlying possession of the United States</i> while under the age of five years, until shown, prior to his attaining the age of twenty-one years, not to have been born in such outlying possession</p>
U.S. parentage	<p>A person born outside the geographical limits of the United States and its outlying possessions of parents one of whom is an alien, and the other a citizen of the United States who, prior to the birth of such person, was</p>	<p>A person born outside the United States and <i>its outlying possessions of parents one of whom is an alien, and the other a national, but not a citizen</i>, of the United States who, prior to the birth of such person, was physically present in the</p>

	<p>physically present in the United States or its outlying possessions for a period or periods totaling not less than five years, at least two of which were after attaining the age of fourteen years: Provided, That any periods of honorable service in the Armed Forces of the United States, or periods of employment with the United States Government or with an international organization as that term is defined in section 288 of title 22 by such citizen parent, or any periods during which such citizen parent is physically present abroad as the dependent unmarried son or daughter and a member of the household of a person (A) honorably serving with the Armed Forces of the United States, or (B) employed by the United States Government or an international organization as defined in section 288 of title 22, may be included in order to satisfy the physical-presence requirement of this paragraph. This proviso shall be applicable to persons born on or after December 24, 1952, to the same extent as if it had become effective in its present form on that date;</p>	<p>United States or its outlying possessions for a period or periods totaling not less than seven years in any continuous period of ten years— during which the national parent was not outside the United States or its outlying possessions for a continuous period of more than one year, and at least five years of which were after attaining the age of fourteen years. The proviso of section 1401(g) of this title shall apply to the national parent under this paragraph in the same manner as it applies to the citizen parent under that section.</p>
<p>Born before May 24, 1934 to an alien father and citizen mother</p>	<p>A person born before noon (Eastern Standard Time) May 24, 1934, outside the limits and jurisdiction of the United States of an alien father and a mother who is a citizen of the United States who, prior to the birth of such person, had resided in the United States.</p>	

APPENDIX C: NEW DEAL ERA SOCIAL POLICIES AND TOOLS OF EXCLUSION

	Exclusions/Eligibility written into bill	Decentralized Administration
Federal Emergency Relief Administration	– Explicit nondiscrimination (via a memo sent to state relief administrators) ¹	Yes
National Labor Relations Act	– Occupational exclusion	No
Fair Labor Standards Act	– Occupational exclusion	No
Civilian Conservation Corps	– Excluded women, non-citizens/aliens	Yes
Public Works Administration	– Set quotas requiring black workers be employed in proportion to their representation in the occupation census for each city – Preferences for citizens and declarants (after ex-servicemen with dependents)	Yes
Civil Works Administration	– Set quotas requiring black workers be employed in proportion to their representation in the occupation census for each city – Preferences for citizens and declarants (after ex-servicemen with dependents)	Yes
Works Progress Administration	– Explicit nondiscrimination (via a memo sent to state relief administrators) ² – Over time, Congress added harsher restrictions, first barring illegal aliens in 1936 and then all non citizens in 1939. In 1936 the preferences were: first for veterans, then for American citizens, then for aliens who had taken out papers by the date the act became law, fourth for aliens who had done so after	Yes
(Social Security) Old Age Insurance	– Occupational exclusion – Inclusion of aliens – Territory restrictions (in 1939 amendment) that work must be performed in US or on US vessel	No
Unemployment Insurance	– Occupational exclusion – Inclusion of aliens	Mixed
Old Age Assistance	– Mostly means-tested categorical assistance (classifying beneficiaries by class and labor market attachment) – States were allowed to adopt citizenship requirements (but there was no federal restriction) ³	Yes
Aid to Dependent Children	– Mostly means-tested categorical assistance (classifying beneficiaries by class and labor market attachment)	Yes
GI Bill⁴	– Some geographic restrictions on use of specific benefits	Yes

(Sources: Lieberman (1998), Katznelson (2005), and Fox (2012).)

¹ See Fox (2012: 190).

² See Fox (2012: 215).

³ See Fox (2012:266-267)

⁴ Note that the G.I. Bill was not a part of FDR's New Deal Program, but I am including here as other scholars, such as Katznelson, have discussed in light of the FDR era expansion of the social welfare system.