

# Folly in the Pacific: How America's Interventionist Policy in China Provoked the Japanese Attack on Pearl Harbor

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*World War II decisively altered the world order. This essay explores the roots of America's involvement in that conflict. Describing itself in clear opposition to the American Founders' views of neutrality and diplomacy, the late nineteenth-century progressive view of foreign policy directly led to America's involvement in the Philippines, China, and the Far East. Those interventions ultimately led to Pearl Harbor by placing American projects for global uplift on a collision course with Imperial Japanese geopolitical interests in their near abroad. In what is meant to be a provocative and original argument, this article makes the case that by following the Founders' foreign policy the United States could have avoided the War in the Pacific altogether.*

World War II represents a decisive turning point in the structure of the international order. The conflict reduced the once-dominant imperial European powers to secondary players. Out of the ashes rose a new and radically different international arrangement characterized in the West by American hegemony, free trade, mass immigration, international mediating institutions, and the elevation of democracy, ethnic self-determination, and colonial liberation as guiding principles. This new international regime has been called, in turn, "globalism," "liberal democracy," or "neoliberalism."<sup>1</sup> Regardless of the name, this new unipolar world order, in the decades since the collapse of the Soviet Union, has come to dominate the planet culturally, economically, and politically. In order to understand the true nature of this new global regime it is necessary to return to its origin. The birthplace of this American hegemony is World War II. The birthplace of American involvement in World War II was the surprise attack on Pearl Harbor. That attack was the fruit of decades of the United States' Far East policy. It could have been prevented. Had Franklin Delano Roosevelt and his cabinet followed the foreign policy of the American Founders, as enshrined by the Declaration of Independence, they could have avoided war with the Empire of Japan altogether without jeopardizing national security.

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<sup>1</sup> David Harvey, *A Brief History of Neoliberalism* (New York: Oxford University Press, 2005), 2.

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By intervening in the Far East to protect Chinese sovereignty under the Open Door Policy from 1899 onward, the United States sacrificed the freedom of action inherent in the Founders' foreign policy. By dedicating themselves to the enforcement of the Open Door Policy, FDR and his fellow liberal internationalists chose to go to war against Japan. From the standpoint of the Founders' principles, therefore, the United States' involvement in the Pacific War was unnecessary and unjust.

The consensus view today is that the Pacific War was a righteous crusade against evil. Victor Davis Hanson, in his book *The Second World Wars: How the First Global Conflict Was Fought and Won*, gives a good summary of this contemporary historical consensus. Hanson holds that Adolf Hitler and Nazi Germany were the central actors in the conflict. He argues that the global war began with the German invasion of Poland in 1939, as opposed to the Japanese invasion of China in 1937, the Japanese invasion of Manchuria in 1931, or the German invasion of the Soviet Union in 1941, all of which could plausibly lay claim to the moment when the series of conflicts that make up the war either began or began to be truly global.<sup>2</sup> Hanson argues that WWII was a typical western war that was fought by men “who went to war, fought, and forged a peace according to time-honored precepts.”<sup>3</sup> He criticizes neutrality as a political policy: “Being neutral is by design a choice, with results that either harm or hurt the particular belligerents in question—with neutrality almost always aiding the aggressive carnivore, not its victim.”<sup>4</sup> For Hanson, the cause of WWII was Axis aggression, and American involvement was both justified and good. His condemnation of American neutrality is a condemnation of the America First movement and of the older American orientation against intervention in European and Asian conflicts.

H.P. Willmott, in his book *The Great Crusade*, gives another mainstream account of WWII.<sup>5</sup> Willmott, more than Hanson, stresses that the war was a break with the older order; it was not simply another conflict in the tradition of western war. Willmott identifies the break but believes it to be justified and good. He concludes that even though the aftermath of the war in the Pacific was brutal, the wars of liberation birthed in the trail of the conflict

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<sup>2</sup> Victor Davis Hanson, *The Second World Wars: How the First Global Conflict Was Fought and Won* (New York: Basic Books, 2017), 19.

<sup>3</sup> Hanson, *The Second World Wars*, 19.

<sup>4</sup> Hanson, *The Second World Wars*, 35.

<sup>5</sup> H.P. Willmott, *The Great Crusade: A New Complete History of the Second World War*, rev. ed. (Williamsport, MD: Potomac Books, 2008).

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would have been infinitely crueler had they taken place under Japanese, as opposed to American, occupation.

Hanson's criticism of neutrality as a policy shows that he misunderstands the western way of war as it was understood by the Founders and by European international law jurists from the seventeenth through the early twentieth centuries. Willmott more accurately understands that WWII and the view of justice embodied by the victors represents a decisive break with the older order. His claim that this break was good and justified, however, is open to serious criticism. The rise of the Soviet Union and global communism in the aftermath of the war should give pause to those who view WWII as a simple morality play. Contra Hanson and Willmott, the Pacific War was not a righteous crusade of good against evil but the result of FDR's administration becoming deeply involved in a complex geopolitical situation that had no direct bearing on American national security. The Japanese believed they had serious national interests in the Far East. The United States, had it adhered to its Founding principles, would have declined any role in adjudicating those interests.

America's involvement in the Pacific in World War II came at a cost. The crusade against the Japanese Empire required an alliance with the ideological tyranny of the Soviet Union which intentionally killed and imprisoned the innocent on a massive scale both at home and abroad. At the end of war, the Soviet empire stretched from Sakhalin Island in the Pacific to the Elbe River in Germany. China, on whose behalf America had originally antagonized Japan, fell to communist hands. American liberal democracy, in the end, became just another faction in the global conflict between the global Right and the global Left in what James Burnham called the "struggle for the world."<sup>6</sup>

The mythology of WWII as a righteous moral crusade ignores the dramatic departure from the nation's Founding principles present in FDR's foreign policy in the Far East. The Declaration of Independence contains a succinct overview of this older tradition. The Declaration argues that America deserves, like other countries, a "separate and equal station" among the powers of the earth. Each nation is sovereign unto itself, not subject to the whims of others. Nations have a right to this freedom not by human convention, but by the "Laws of Nature." The Founder's understanding of the proper orientation of nations to one another

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<sup>6</sup>James Burnham, *The Struggle for the World* (London: Jonathan Cape, 1947), 1.

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is contained in the document's penultimate paragraph, in which the Americans declare that at the conclusion of the Revolutionary War, they will hold the British "as we hold the rest of mankind, Enemies in War, in Peace Friends." American foreign policy, in the view of the Declaration, is fundamentally non-interventionist. America has no more right to deny another power a "separate and equal station" than the British had to deny America such a right. As John Quincy Adams noted in his Fourth of July address in 1821, America's principles prevented her from going abroad in search of monsters to destroy. America would be the "well-wisher to the freedom and independence of all" but "is the champion and vindicator only of her own."<sup>7</sup> Adams makes clear that it is not America's job to defend the rights or sovereignty of other nations:

She well knows that by once enlisting under other banners than her own, were they even the banners of foreign independence, she would involve herself beyond the power of extrication, in all the wars of interest and intrigue, of individual avarice, envy, and ambition, which assume the colors and usurp the standard of freedom.

Adams's warning predicted the outcome of American policy toward China in the early twentieth century.

Elite opinion by the end of the nineteenth century had distanced itself from the Founding's older framework.<sup>8</sup> The emerging consensus of the progressive era embraced the view that America should act as a benevolent hegemon with a central role in managing world affairs. The end of the Spanish-American War in 1898 provided an opportunity to put this new understanding into practice. It was then that the United States acquired colonies for the first time. Chief among these new territories were the Philippines. America now had a decisive interest in the Far East. The Philippines could serve as a "hitching post" on the way to the real goal: China.<sup>9</sup> American interest in China developed slowly. At first, most American interest in China was religious: missionaries came there to spread the Gospel. Later, this interest became increasingly commercial. The American Asiatic Association formed in June

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<sup>7</sup> John Quincy Adams, "July 4, 1821: Speech to the U.S. House of Representatives on Foreign Policy," *Presidential Speeches*, millercenter.org, University of Virginia.

<sup>8</sup> See John Grant, "Theodore Roosevelt, Imperial Uplift, and the Transformation of American Foreign Policy," *Pietas* 2, no. 2 (Fall 2023): 51-80.

<sup>9</sup> John Taliaferro, *All the Great Prizes: The Life of John Hay, from Lincoln to Roosevelt* (New York: Simon & Schuster, 2013), 331.

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of 1898 to argue for increased access to Chinese markets for American industries, especially steel, textiles, and oil. At an Association dinner in January, 1900, Charles Denby Jr., the former American minister to China, gave a speech in which he lauded China as an “Eldorado of commerce.”<sup>10</sup> He noted that American imports to China were doubling yearly under the McKinley administration. But for Denby, America shouldn’t just embed herself more deeply in the Far East to make money. Western civilization and Christianity would also benefit from increased ties. In Denby’s formulation, “teach a Chinaman English and you make him a new man.”<sup>11</sup> Denby tied his call for more American intervention to national pride. America, he claimed, was a “great nation” and it was “not for us to stand aside like a poor boy at a frolic when international questions are on the tapis.”<sup>12</sup> Denby’s speech concluded by tying America’s China policy to the colony in the Philippines. Forty years later, Henry Stimson, FDR’s Secretary of War, would do the same in a letter to the *New York Times* demanding an embargo of Japan.<sup>13</sup> As Denby’s comments illustrate, America’s involvement in the Far East was a product of a longing for new markets, Christian evangelization, and a newfound sense that America was a great power with a right to help settle international questions, especially those relating to China.

The Open Door Policy, which Denby praises implicitly, was the beginning of American management of affairs in the Far East. China’s decline throughout the nineteenth century, culminating in defeat in the First Sino-Japanese War (1894–95), caused a scramble among the Great Powers to seize newly available Chinese territory and assets for their own ends. This is the “frolic” that Denby did not want to “stand aside” from. China had been in collapse for a long time. In the mid-nineteenth century, she had lost the two Opium Wars to the combined might of Britain and France.<sup>14</sup> In the 1860s, the nation suffered through the brutal ravages of the Taiping Rebellion in which scholars estimate at least some 20–30 million

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<sup>10</sup> “American-Asiatic Dinner: Wu Ting-Fang, Chinese Minister Guest of Association,” *New York Times*, January 27, 1900, 3.

<sup>11</sup> “American-Asiatic Dinner: Wu Ting-Fang, Chinese Minister Guest of Association,” 3.

<sup>12</sup> “American-Asiatic Dinner: Wu Ting-Fang, Chinese Minister Guest of Association,” 3.

<sup>13</sup> “STIMSON ASKS CURB ON ARMS TO JAPAN: Extension of ‘Moral Embargo’ Urged to Impress on Tokyo the Sentiment in U.S.,” *New York Times*, January 11, 1940, 1.

<sup>14</sup> SCM Paine, *The Japanese Empire: Grand Strategy from the Meiji Restoration to the Pacific War*. (London: Cambridge University Press, 2017), 3.

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died.<sup>15</sup> The result of China's defeats at the hands of the European powers resulted in the British and French imposing a "treaty port" system to benefit their own trade with China and establish privileged footholds within the Chinese political order. They also imposed tariffs on China, which they collected and managed themselves.<sup>16</sup> Buried in these treaties were provisions for the extra-territoriality of certain foreigners.<sup>17</sup> These treaties stripped China of the key marker of sovereignty: the ability to enforce the rule of its own laws within its borders. China's decline was in full swing.

At the end of the nineteenth century, China lost both the Sino-French War (1883-85) and the First Sino-Japanese War (1894-95). Foreign powers rushed to fill the void with ever greater energy. In 1891, Russia announced plans to build a Trans-Siberian railway through Manchuria. This railway would allow the mass movement of troops into China that no other power could hope to match.<sup>18</sup> In addition to constructing new rail lines, the Russians tightened their grip on the Liao-tung Peninsula and leased the Talienwan and Port Arthur naval bases from the Chinese.<sup>19</sup> The Germans took over the port of Tsingtao in the South and secured railroad and mining rights. The British, in addition to the dozen treaty ports it had established in China in the mid-nineteenth century, also carved out a base at Weihaiwei. France moved northward from Indochina by leasing the Kwangchow port on the Luichow Peninsula.

American elites, guided by the widely shared sentiments of men like Charles Denby, wanted similar access to China's resources. But America lacked the imperial will to take them outright. President William McKinley, historian John Taliaferro writes, was uncertain about America's role in China: in McKinley's view, "to join in the gluttony for territory seemed demeaning and in some respects more badly colonialistic than annexation of the Philippines."<sup>20</sup> The chords of restraint tying McKinley to America's older international tradition were frayed but still retained some hold over American policy. The history of the early twentieth century is the story of the Progressive effort to finally snap them all together.

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<sup>15</sup> Stephen Platt, *Autumn in the Heavenly Kingdom: China, the West, and the Epic Story of the Taiping Civil War* (New York: Alfred A. Knopf, 2012), xxiii.

<sup>16</sup> Paine, *The Japanese Empire*, 3.

<sup>17</sup> Paine, *The Japanese Empire*, 7.

<sup>18</sup> Paine, *The Japanese Empire*, 7.

<sup>19</sup> On foreign interventions in China, see Taliaferro, *All the Great Prizes*, 353-54.

<sup>20</sup> Taliaferro, *All the Great Prizes*, 356.

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McKinley, for his part, left the task of forming a China policy to his Secretary of State, John Hay. Hay's attitude toward China was heavily influenced by four men: Charles Beresford, a British member of Parliament and former Admiral in the Royal Navy; Jacob Schurman, the President of Cornell University; Alfred Hoppin, a British customs inspector in China; and his old friend William Woodville Rockhill.<sup>21</sup> Rockhill, the most important of the four, had studied Sanskrit, Chinese, and Tibetan, had a long running interest in Buddhism, and had spent extensive time in the Far East. Beresford was the first to pitch to Hays the idea that America should adopt an "open door policy" toward China that would guarantee free and equal trade for all great powers along with Chinese independence. Rockhill, at Hay's direction, took these ideas, along with input from Hoppin and Schurman's travels on the continent, and he included it in the memorandum that eventually became the first Open Door Note.<sup>22</sup> In September 1899, Hay took the document Rockhill had written and issued it to the British, Germans, Russians, Japanese, French, and Italians.<sup>23</sup> This first note insisted only on equal trading rights for all powers operating in China. Hay made no mention of Chinese sovereignty.

This small clique had set in motion a monumental shift in American foreign policy. America had fully inserted itself into the question of a foreign nation's internal and external trade. Though the Open Door Note did not have the force of law, it bore moral weight. Hay engaged in significant diplomatic maneuvering to ensure other powers with an interest in China signed on. Regardless of immediate effects, the note signaled the United States' interest in the region. America, which had grown to power staying out of the international fray, had finally joined it. China, it should be noted, had had no role in shaping this policy. Wu Ting-fang, the Chinese minister in Washington, learned about the note in the newspaper.<sup>24</sup> American benevolent hegemony did not involve consent.

The American role in China expanded dramatically after the Boxer Rebellion. In late 1899, shortly after the release of the First Open Door Note, Chinese reactionaries began attacking foreigners, especially missionaries, in an attempt to restore China to pre-eminence. The Legation Quarter, home to numerous foreigners in Peking, was put under siege by the

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<sup>21</sup> Taliaferro, *All the Great Prizes*, 356

<sup>22</sup> Taliaferro, *All the Great Prizes*, 360.

<sup>23</sup> Taliaferro, *All the Great Prizes*, 360.

<sup>24</sup> Taliaferro, *All the Great Prizes*, 364.

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Boxers in June 1900. In response, the United States dispatched some six thousand Marines to help the other foreign powers lift the siege and rescue their citizens trapped within the Legation. Hay feared this incident might be used by the other powers to increase their territories in China, break it up completely, and afterward bar America from the equal trade emphasized in the first Open Door Note. In response, he crafted the Second Open Door Note, again with the help of William Rockhill. This time, Hay explicitly promised that America would honor, protect, and “preserve Chinese territorial and administrative” integrity.<sup>25</sup> That promise to protect Chinese sovereignty became the bedrock principle of American policy toward China. It was later codified in Article I of the Nine-Power Treaty signed in Washington, D.C., in 1922.<sup>26</sup>

Secretary Hay had, without knowing it, set America on a collision course with Japan. Like China, Japan had spent much of its history isolated from the West. In 1854, Commodore Perry of the US Navy forced Japan out of its self-imposed isolation after Japan's mistreatment of America sailors had reached the point, in the minds of American policymakers, of requiring a response.<sup>27</sup> The opening of Japan made clear to the Japanese leadership class that their own social order was no longer capable of meeting foreign challenges. Perry's expedition unintentionally set off a cultural revolution in Japan the consequences of which would radically alter the Japanese political position in the Far East. Confronted with the possibility of being conquered by the West due to its technological backwardness (much like its neighbor China), Japanese leaders embarked on a program of westernization. This included a military build-up and an expansion into neighboring territories such as the island of Formosa.

Japanese leaders feared they would be conquered without an empire of their own to rival that of European powers in the region.<sup>28</sup> In Korea in the late 1880s, internal dissension among the ruling class caused destabilization of the regime. The Japanese dispatched troops to protect their investments (much as the British had already done) in order to set up a treaty

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<sup>25</sup> “Hay's Second ‘Open Door’ Note,” in *Selected Readings in American History*, ed. Theodore Calvin Pease and A. Selwew Roberts (New York: Harcourt, Brace and Company, 1928), 632.

<sup>26</sup> “Nine-Power Treaty,” United States Treaties and Other International Agreements, Library of Congress, <https://www.loc.gov/law/help/us-treaties/bevans/m-ust000002-0375.pdf>.

<sup>27</sup> Paine, *The Japanese Empire*, 3.

<sup>28</sup> Paine, *The Japanese Empire*, 3.



port and tariff collection system.<sup>29</sup> An unstable or conquered Korea was a historical threat to Japan. The short distance across the straits of Tsushima made it an ideal location for launching attacks on the main islands. Indeed, it was from Korea that the Mongol invaders in 1281 had launched their ultimately thwarted attack on the Japanese main islands.<sup>30</sup> The First Sino-Japanese War and the Russo-Japanese War both occurred due to perceived threats to the Japanese defensive foothold on the Asian mainland. By the 1930s, the Japanese once again perceived their national security and economic position to be at risk unless they conquered deeper into China. An inability to feed its growing population, the international economic collapse in the 1920s, and growing militarism among the young all played significant roles in Japan's decision in 1931 to invade Manchuria.<sup>31</sup> As Paul Johnson points out, Japan simply followed the example set by the European powers already active on the continent by conquering more territory.<sup>32</sup> The question before us is not whether Japanese actions was justified, but whether America had any meaningful interest in the Far East that demanded intervening in this dispute.

There was yet another cause that impelled Japan to war with America. After WWI, liberal internationalists in both Europe and America worked to implement their vision of a world governed by international institutions and diplomacy, not force. To this end, they sought to create international arms control agreements regarding naval vessels. Most important of these was the Washington Naval Treaty of 1922. That agreement, signed between the United States, Great Britain, Japan, France, and Italy, limited capital ship construction for all of the signatories. Crucially, that treaty embraced a 5:5:3 ratio between the capital ships of the US, the UK, and the Empire of Japan. Japan, though an ally of the United States during WWI, was not treated as an equal of the other two great powers. One faction of Japanese naval war planners, led by Vice Admiral Kato Kanji, an ardent follower of American naval strategist Alfred Thayer Mahan, believed that Japan needed at least 70 percent of American naval power in order to deter an American attack in a hypothetical

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<sup>29</sup> Paine, *The Japanese Empire*, 10.

<sup>30</sup> Stephen Turnbull, *The Mongol Invasions of Japan 1274 and 1281* (New York: Osprey, 2010), 71.

<sup>31</sup> Paul Johnson, *Modern Times: The World from the Twenties to the Nineties* (New York: HarperPerennial, 1992), 190.

<sup>32</sup> Johnson, *Modern Times*, 190.

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war.<sup>33</sup> Another faction, led by Kato Tomosaburo, both the Japanese Prime Minister and Naval Minister at the time, held that Japan could not hope to defeat the United States militarily and therefore needed to seek diplomatic solutions to potential conflict.<sup>34</sup> On that ground, Tomosaburo was willing to accept the 5:3 ratio of naval power proposed by the Americans. Tomosaburo was able to get the treaty under the 60 percent ratio signed, but anger among Japanese naval officers eventually culminated in a series of assassinations and internal political turmoil which undid his diplomatic work.<sup>35</sup> The attempt to implement arms controls in order to prevent war ended up having the exact opposite effect. By interfering with Japanese internal affairs, the liberal internationalists provoked long-lasting anger among Japanese leaders. Kato Kanji called the treaty an “unbearable humiliation” that was a product of “Anglo-American oppression” that posed a “most serious threat” to Japanese security.<sup>36</sup> The aftermath of the Washington Naval Conference was an entrenchment of naval opinion that the United States—and not Russia—was the primary enemy of Japan. The Imperial National Defense Policy of 1923, adopted by the Japanese high command just one year after the Washington Conference, stated that:

The United States, following a policy of economic invasion in China, menaces the position of our Empire and threatens to exceed the limits of our endurance.... The longstanding embroilments, rooted in economic problems and racial prejudice [discrimination against Japanese immigrants], are extremely difficult to solve.... Such being the Asiatic policy of the United States, sooner or later a clash with the United States will become inevitable.<sup>37</sup>

This sharp negative turn in Japanese military policy was the direct byproduct of America's liberal elites seeking to impose their vision of a new internationalist world order on foreign powers.

Neither Japan's possession of 70 percent instead of 60 percent of America's naval strength nor its taking more territory in China threatened the rights of Americans to live in peace and freedom in their own country. That 10 percent difference in naval power and the

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<sup>33</sup> Sado Asada, “The Revolt against the Washington Treaty: The Imperial Japanese Navy and Naval Limitation, 1921–1927,” *Naval War College Review* 46, no. 3 (Summer 1993): 86.

<sup>34</sup> Asada, “The Revolt against the Washington Treaty,” 86.

<sup>35</sup> Asada, “The Revolt against the Washington Treaty,” 89.

<sup>36</sup> Asada, “The Revolt against the Washington Treaty,” 87.

<sup>37</sup> Asada, “The Revolt against the Washington Treaty,” 90.

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changes in control of Chinese territory were not important to the security of the American regime. Most ordinary Americans during the 1920s and 1930s acknowledged these facts, even as Japan went to war with China and began conquering more territory in the south of the country. In January 1938—after the USS Panay Incident, in which a Japanese aircraft accidentally attacked a US gunboat carrying American personnel—70 percent of American citizens polled favored a complete withdrawal from China.<sup>38</sup>

American elites had different ideas. In 1937, before an audience of business leaders in Chicago, FDR gave his Quarantine Speech. In it, he called for “positive endeavors” to preserve global peace from the “contagion” of war.<sup>39</sup> Using the language of disease and treatment, FDR called for America to intervene explicitly in world affairs to prevent an outbreak of lawlessness:

It is true that the moral consciousness of the world must recognize the importance of removing injustices and well-founded grievances; but at the same time it must be aroused to the cardinal necessity of honoring sanctity of treaties, of respecting the rights and liberties of others and of putting an end to acts of international aggression.<sup>40</sup>

Putting an end to acts of international aggression meant, in the end, the use of force. While FDR deplored war in the speech, he did not say America would only protect the international order through pacifism. America, in FDR’s new formulation, would no longer be the defender and champion of her own liberties as John Quincy Adams had called for. Instead, she had taken up the banners of “foreign independence.”<sup>41</sup>

Henry Stimson, FDR’s Secretary of War, in a January 1940 letter to *The New York Times*, showed what “quarantining” a foreign power meant practically for American policy in the Far East.<sup>42</sup> Stimson argued that America ought to embargo Japan from purchasing oil and steel from the United States as a way of choking her imperial ambitions. He claimed that America’s official neutrality was immoral because it allowed the Japanese to purchase raw goods that allowed them to “facilitate acts of unspeakable cruelty” toward Chinese civilians

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<sup>38</sup> Samuel Elliot Morrison, *The Rising Sun in the Pacific 1931-1942* (Boston, MA: Little, Brown and Company, 1965), 18.

<sup>39</sup> Franklin Delano Roosevelt, “Quarantine Speech (October 5, 1937),” *Presidential Speeches*, millercenter.org, University of Virginia.

<sup>40</sup> Roosevelt, “Quarantine Speech.”

<sup>41</sup> Adams, “July 4, 1821: Speech to the U.S. House of Representatives on Foreign Policy.”

<sup>42</sup> “Text of Stimson Letter Asking Ban on War Exports to Japan,” *New York Times*, January 11, 1940, 4.

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and “assist unprovoked acts of aggression.”<sup>43</sup> America taking such a decisive step against another power was part of her civilizing role on the world stage: “We have been active and potent in spreading the influence of our civilization as a moral and cultural force among our neighbors on the opposite shore of the ocean.”<sup>44</sup> For Stimson, the American people had a moral interest in mediating the conflict between China and Japan. The Open Door policy, in his mind, should be defended by acts of economic strangulation against violators.

This meant, however, under the older understanding of international law, a declaration of war. Emer de Vattel, in Book III of his *Law of Nations*, specifies the meaning of neutrality: “Neutral nations are those who, in time of war, do not take any part in the contest, but remain common friends to both parties, without favouring the arms of the one to the prejudice of the other.”<sup>45</sup> He goes on to describe what this means in practice: “As long as a neutral nation wishes securely to enjoy the advantages of her neutrality, she must in all things shew *a strict impartiality towards the belligerent powers*: for, should she favour one of the parties to the prejudice of the other, she cannot complain of being treated by him as an adherent and confederate of his enemy.”<sup>46</sup> Economic embargos, in other words, are an act of war. Stimson’s demand for an embargo on Japan represented a provocation under international law that could justly be met by force.

Stimson was not alone in his antagonistic view, however. The insistence that America ought to cut off Japanese oil supplies because of their aggression in the Far East ultimately came to dominate within the highest levels of the FDR administration. Irvine H. Anderson carefully reconstructs American policy toward Japan in 1940 and 1941; he points out that cooler heads than Stimson’s in the Far East division of the State Department acknowledged in December of 1938 that “any attempt by the United States, Great Britain, and the Netherlands to cut off from Japan exports of oil would be met by Japan’s forcibly taking over the Netherlands East Indies.”<sup>47</sup> If America were to press the Japanese hard enough to submit to American ideas about how the international order should operate then war would almost

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<sup>43</sup> “Text of Stimson Letter Asking Ban on War Exports to Japan,” *New York Times*, January 11, 1940, 4.

<sup>44</sup> “Text of Stimson Letter Asking Ban on War Exports to Japan,” 4.

<sup>45</sup> Emer de Vattel, *The Law of Nations: Or, Principles of the Law of Nature, Applied to the Conduct and Affairs of Nations and Sovereigns*, sixth American ed., trans. Joseph Chitty (Philadelphia, PA: T & JW Johnson, Law Booksellers, 1844), 332.

<sup>46</sup> Vattel, *The Law of Nations*, 332.

<sup>47</sup> Irvine H. Anderson, “The 1941 De Facto Embargo on Oil to Japan: A Bureaucratic Reflex.” *Pacific Historical Review* 44, no. 2 (May 1975): 203.

certainly result. FDR's cabinet ignored such warnings. When America began negotiating in earnest in April of 1941 with Japan over her presence in China, the fundamental demand was simple: total withdrawal of all Japanese troops from China and the protection of the integrity of Chiang Kai-Shek's government.<sup>48</sup> America never moved from this position. The Japanese, on the other hand, believed that to abandon their foothold in China would mean a loss of national autonomy they were unwilling to accept.<sup>49</sup>

Yet, as Anderson shows, the total embargo of oil sales to Japan in mid-1941, though critically important, was not made by American lawmakers or even, as far as the historical record shows, by Roosevelt himself. Instead, it was a product of bureaucratic inertia and factions within the Roosevelt administration asserting dominance. What mainstream American scholars have called the "double government" and Americans now term the "deep state" has existed for a long time.<sup>50</sup> Ambassador to Japan Joseph Grew, Chief of Naval Operations Admiral Harold Stark, Secretary of State Cordell Hull, and FDR himself were all wary of taking a hardline stance against Japan. State Department Political Advisor (and supposed Asia expert) Stanley Hornbeck, Secretary of War Henry Stimson, and Treasury Secretary Henry Morgenthau took the opposite view by arguing that Japan would submit to economic pressure in the form of an oil embargo.<sup>51</sup> Both sides agreed that Japan should *not* be able to establish a sphere of influence in China, however. That tacit agreement on the fundamental question led inexorably to war.

After the collapse of the 1911 Treaty of Commerce and the passage of the National Defense Act in 1940 giving power to the President to regulate the export of "war materials," Japan had to apply directly to the American government to acquire resources that she needed.<sup>52</sup> In July of 1940, the President of Standard-Vacuum Oil Company, George Walden, informed the State Department that Japan was trying to corner the market on aviation gasoline.<sup>53</sup> Secretary of the Treasury Henry Morgenthau argued that this would be the perfect time to ban Japan from buying *any* oil at all from the United States in order to pressure Japan

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<sup>48</sup> Togo Shigenori, *The Cause of Japan*, trans. and ed. by Togo Fumihiko and Ben Bruce Blakeney (New York: Simon & Schuster, 1956), 65.

<sup>49</sup> Shigenori, *The Cause of Japan*, 206.

<sup>50</sup> Michael J. Glennon, *National Security and Double Government* (Oxford: Oxford University Press, 2014).

<sup>51</sup> Anderson, "The 1941 De Facto Embargo on Oil to Japan," 204.

<sup>52</sup> Anderson, "The 1941 De Facto Embargo on Oil to Japan," 205.

<sup>53</sup> Anderson, "The 1941 De Facto Embargo on Oil to Japan," 207.

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to leave China. Morgenthau, in conversation with the British Ambassador Lord Lothian, argued that America could cripple Axis oil supplies by conspiring with the Dutch in Indonesia, directing the British to bomb German oilfields, and cornering the rest of the world market.<sup>54</sup>

Roosevelt himself balked, but the plans to take America to war were already in motion. Even though America was ostensibly a “neutral power” and though the constitutionally required means of going to war—a Congressional declaration—had not been implemented, elements within the American bureaucracy were already conspiring with other powers to cripple the Axis. These bureaucrats had effectively gone to war with the Constitution in order to get their war with Japan. While Roosevelt in 1940 only wanted to embargo “excessive” oil shipments to Japan for fear of accidentally forcing the Japanese onto a war footing, Morgenthau wasn't willing to accept no for an answer. In July of 1940 he presented a memo requiring FDR's signature that would have placed controls on all oil supplies and not just aviation gasoline. FDR signed it, believing it had gone through the State Department process. That was incorrect. Sumner Welles, the Undersecretary of State, caught the memo before it was released, however, and had it retracted.<sup>55</sup>

Conspiracy would characterize other dimensions of American policy toward the Japanese ability to acquire oil supplies. The British and the Americans, prior to America entering the war, were already working behind the scenes to wage economic warfare against the Axis. This underhanded dealing demonstrated contempt for the opinion of the people and their right to understand the actual foreign policy of their own country. In July 1940, the American Maritime Commission pulled all American oil tankers out of the Pacific oil trade with Japan in order to prevent Japan from being able to ship oil that it had purchased.<sup>56</sup> British officials proposed to Secretary of State Cordell Hull later in the year that the United States should pressure foreign carriers to do the same. Even though Japan could still purchase oil from the United States, she wouldn't be able to stockpile resources without foreign tankers. In early 1941, Hull agreed to the British proposal and ordered the Maritime

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<sup>54</sup> Anderson, “The 1941 De Facto Embargo on Oil to Japan,” 207.

<sup>55</sup> Anderson, “The 1941 De Facto Embargo on Oil to Japan,” 207.

<sup>56</sup> Anderson, “The 1941 De Facto Embargo on Oil to Japan,” 213.

Commission to put pressure on American oil companies operating foreign vessels in the Pacific to stop doing business with Japan.<sup>57</sup>

Bureaucratic momentum in the American government by mid-1941 was toward economic sanctions against Japan. Treasury Secretary Morgenthau proposed in late 1940 to freeze Japanese assets. Secretary of War Stimson had working groups in the State Department churn out papers on *how* an embargo might be best accomplished—without asking whether such a policy *should* be implemented.<sup>58</sup> When Japan negotiated with the Vichy French regime to station troops in Indochina to help cut off the flow of supplies to China through the southern trade routes, Roosevelt and Hull’s resistance to a full embargo simply could no longer maintain itself. Roosevelt ordered all Japanese assets frozen in July of 1941. He still left open the possibility, however, that Japan could purchase oil and resources—just not necessarily with money already present in US banks.<sup>59</sup> FDR did not, even at that late stage, want a full embargo on Japanese oil. He got one anyway. Morgenthau simply did not allow the Japanese to use funds located outside the United States to purchase oil in August of 1941.<sup>60</sup> He ensured the paperwork the Japanese filed to purchase necessary oil and scrap metal simply did not get approved. The *de facto* result of FDR’s order was to allow bureaucratic factions within his regime to assert themselves against the Japanese. When FDR eventually discovered what had been done, he made no effort to rectify the situation.<sup>61</sup>

Unable to purchase oil for herself on the open market, Japan chose to seize it by force from the Dutch East Indies. The Japanese believed they had been backed into a corner and that their very national survival was at stake. The Japanese naval high command believed the only way they could successfully seize the Dutch East Indies was by attacking the American fleet at Pearl Harbor to prevent them from interfering. Would America have gone to war to protect this foreign territory? It is not clear that FDR would have. The American people would have been unlikely to clamor for war because a different European power’s territory had been attacked. Japan did not know this, however. Cut off from needed national resources

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<sup>57</sup> Anderson, “The 1941 De Facto Embargo on Oil to Japan,” 214.

<sup>58</sup> Anderson, “The 1941 De Facto Embargo on Oil to Japan,” 216.

<sup>59</sup> Anderson, “The 1941 De Facto Embargo on Oil to Japan,” 220.

<sup>60</sup> Anderson, “The 1941 De Facto Embargo on Oil to Japan,” 220.

<sup>61</sup> Anderson, “The 1941 De Facto Embargo on Oil to Japan,” 229.

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and fervent in their belief that a position in China was necessary to their national security, the Japanese chose to go on the offensive in a last-ditch effort to preserve their autonomy.

Pearl Harbor could have been prevented had FDR embraced the Founders' foreign policy. Had the United States never issued the Second Open Door Note guaranteeing Chinese sovereignty then America would have had no reason to go to war with Japan in 1941. The insistence that Chinese sovereignty had to be maintained because America had a right to enjoy the "Eldorado" of commerce in the Far East and spread civilization had ruinous consequences. 400,000 Americans were killed and 600,000 were wounded fighting in WWII. America was sucked into that conflict by commercial and political interests in the Far East that had nothing to do with preserving the rights of American citizens within their own borders. In fact, the policies that led to the war ended up costing hundreds of thousands of Americans their right to life in order to protect Chinese sovereignty. Asking such a sacrifice runs counter to the fundamental principle at the heart of the American Founding. America may have won the Pacific War but at enormous cost.