

Imperial Unilateralism in United States Foreign Relations Proclamations

Daniel Margolies*

<Abstract>

One of the most blatant expressions of unilateral presidential power in the history of U.S. foreign relations came in the assertion of federal jurisdiction over offshore spaces into what had been state lands or ungoverned international space. In September 1945, President Harry S. Truman claimed jurisdiction and control over the subsoil resources of the continental shelf. This article examines the effort to secure American interests in the submerged lands of the offshore continental shelf after 1945 as part of an unilateralist approach at the heart of American empire. The article argues that unilateralism was a core continuity in United States foreign policy and the pursuit of U.S. power in the global system. The U.S. has over time created sustainable global hegemony through often unilateral assertion of territorial and extraterritorial dominance as a means of governance. This article highlights the arc of presidential unilateralist action as a way of emphasizing continuities over time and puncturing false pieties.

[Keywords] *unilateralism, U.S. foreign relations, U.S. empire, sovereignty, space*

* Daniel Margolies (E-mail: dmargolies@vwu.edu)

Acquisition: University of Wisconsin-Madison(Ph.D)

Affiliation: Professor of History, Virginia Wesleyan University

Received: June 1.2018, Revised: July. 28.2018, Accepted: Aug.1.2018.

미국 외교 관계 선언문에서의 제국주의 일방주의

<국문초록>

미국 외교사 역사에서 일방적인 대통령 권력을 가장 명백하게 표현한 것 중 하나는 근해를 주정부의 토지 또는 비통치 국제적 공간이었던 것으로 하는 연방관할권에 대한 단언이었다. 1945년 9월 Harry S. Truman 대통령은 대륙붕의 토양 자원에 대한 관할권과 통제권을 주장했다. 이 논문은 미국 제국의 중심부에서 일어난 일방 주의적 접근의 일부로 1945년 이후에 해외 대륙붕의 침수지에서 미국의 이익을 확보하려는 노력을 검토한다. 이 논문은 일방주의가 미국 외교 정책의 지속된 핵심요소이며 세계 체제에서 미국의 권력의 추구를 드러낸다고 주장한다. 미국은 종종 통치의 수단으로서 영토와 외교적 우위를 일방적으로 주장함으로써 지속적으로 세계 헤게모니를 창출했다. 이 논문은 시간이 지나면서 연속성을 강조하고 그릇된 경건함을 강조하는 한 가지 방법으로 대통령의 일방주의적 행동의 호(弧)를 강조한다.

[주제어] 일방주의, 미국의 대외 관계, 미국 제국, 주권, 공간

I. Introduction

Some of the more lasting and consequential actions in the history of U.S. foreign relations have been pursued through unilateralist means in the form of the announcement of expansive doctrines or proclamations. This article examines one of the most significant of unilateralist efforts in order to argue that a core continuity in United States foreign policy has been a unilateralist approach as both a policy end and as a basic stance of American empire. The emergent emphasis on multilateralism rarely disturbed the unilateralist sensibilities or imperial objectives of U.S. presidents as policymakers even if it indicated a significant shift in rhetoric and added a new strategic choice coloration to the pursuit of U.S. power in the global system. The American presidency harnesses a large apparatus in the executive branch for the exercise of a remarkably expansive foreign affairs power within a globally expansive empire. This executive power is vast and often expressed in unilateralist rhetoric and unilateralist action. However, it is not, in fact, entirely unconstrained power (Goldsmith 2012).

This article examines how the unilateralist exercise of the foreign relations power to secure American interests in the submerged lands of the continental shelf after 1945 was produced by a rather astonishingly expansive presidential proclamation. The U.S. has over time created sustainable global hegemony through often unilateral assertion of territorial and extraterritorial dominance as a means of governance. Novel U.S.-led governance patterns were thus established through jurisdictional fiat. Policymakers and scholars alike have called such imperial edicts doctrines and proclamations, which has served to mitigate their apparent sovereigntist origins and imperial effect. Nevertheless, these doctrinal assertions have remained available for application in other arenas of U.S. foreign policy. Possibly one of the most important aspects of the U.S. imperial system is the way in which rhetoric has served to obscure the policy realities of sovereigntist unilateralism in the policymaking of modern American presidents (Aune 2008).

This article is not intended to provide a complete history of presidential sovereigntist action, but instead designed to highlight the arc of presidential unilateralist action as a way of emphasizing continuities over time and puncturing false pieties. While the focus here is on one presidential proclamation, similar patterns can be viewed in foreign policy doctrines, in the unilateral abrogation of treaties, or in the assertion of the right of extraterritorial assassination. All of those topics provide essential aspects of the same issues of unilateralism.

Another motivation behind this article is rooted in the goal of more accurately understanding the nature of U.S. foreign policymaking over time in service of producing a more usable past. It is ironic (though unfortunate) that contemporary overt imperial unilateralism has newly attuned scholars to the realities of it in the postwar period. In the era of Donald Trump as president, the dangers of American unilateralism are laid bare. Official ignorance of Constitutional limits, historical precedent, and national interest has become melded with a Trumpist autocratic approach in increasingly destabilizing and dangerous ways, such as through unilateral threatening of military action or war, abrogation of treaties, exclusion of refugees, and deportation of people. Understanding the ways in which Trump's policies have disrupted decades of practice while drawing on established but overlooked unilateralism is more than a scholarly or historiographical issue. It is a profound issue of national security and democratic governance.

II. Unilateralism, Sovereignty, Hegemony, Empire

This article is less concerned with the origins of American unilateralism than with the policy utilities of sovereigntist unilateralism and their connections to the main arc and objectives of U.S. foreign relations. But some consideration of the roots and contexts of American unilateralism is worthwhile. The U.S. has in fact occasionally utilized contradictory ends (unilateralism and multilateralism) simultaneously in pursuit of one overarching goal, which is hegemonic imperial control on a global scale. The seeming paradox is in the end not one at all. There is a single imperial project, and numerous ways to realize it.

Over the span of the history of United States foreign policy, the nation has assembled a system internally responsive to unilateralist policy and a military-dominated political economy within a peaceful world joined in multilateral subordination to U.S. objectives. As a direct consequence, U.S. foreign relations power has operated performatively through an elaborated and politically expedient multilateralism even as unilateralism remained a core style of governance. This has helped to produce a major paradox within the self-conception of interdependent multilateralism in the exercise of modern United States foreign relations power. The paradox has been obscured by two related aspects. The first is that the core policy modalities rooted in sovereigntist unilateralism have had a striking consistency despite the rather strident and consistent embrace of the rhetoric and legal utilities of

multilateralism. This continuity has persisted from the clearly evident sovereigntism of the nineteenth century into the contemporary globalized era when sovereignties are far more in flux. The second obscuring aspect of the paradox is the unwillingness, or perhaps inability, of many scholarly and journalistic observers to grasp the true depth of this unilateralism in terms of both the objectives and operations of U.S. foreign policy. An exception might be the "aggressive unilateralism" described by Jagdish N. Bhagwati as an alternative approach in trade policy to "conventional unilateralism" (Bhagwati 1991; Bhagwati 2002). Policymakers have often successfully obscured unilateralism rhetorically while consistently pursuing it as a function of American imperial governance. Since the Cold War was first inaugurated in the mid-twentieth century as a major component of the pursuit of U.S. imperialist hegemony, U.S. foreign policy has coalesced around a project of sovereigntist unilateralism with a pragmatic multilateralist sheen. As Bastiaan Van Apeldoorn and Nan de Graaff write, "the paradox of the extensive multilateralism of the postwar era was that it was made possible precisely because the United States could create much of these institutions and write its rules rather unilaterally" (Van van Apeldoorn and Nan de Graaff 2016).

The dominant mode of modern U.S. foreign relations has been imperial in scale, implementation, and ambition. At heart, the imperial mode has been sovereigntist unilateralism. Unilateralist assertions of jurisdictional over people, resources, as well as territorial and extraterritorial spaces, provide historians a key means of examining unilateralism in policy articulation and realization. The necessity to place analysis of the pursuit and operations of this imperial U.S. hegemony has been well established by scholars like Thomas J. McCormick, Christopher Layne, and others (McCormick 1995; Layne 2006; Baker 2016). McCormick's innovative application of world systems theory explored U.S. efforts to dominate world capitalism as "global workshop and banker, umpire and policeman, preacher and teacher," with "economic supremacy [as] the indispensable base of hegemony" (McCormick 1995, 4-5, 33-51). Layne, a political scientist, presents a traditional emphasis on the formation and pursuit of grand strategy which also argues for placing U.S. policy in a framework of hegemon. John Agnew, who takes a strongly spatial approach to questions of state sovereignty and territoriality, defines hegemony as "the mix of coercion and consent that allows a state or group of actors to set the rules for political, economic, and military interaction and movement over space and through time." He states conclusively that "the new geography of power... would never have happened without U.S. hegemony. This created a different global political environment by projecting political and economic practices and understandings developed previously in the United States into world

politics" (Agnew 2005, 37, 54).

Understanding unilateralism requires an understanding of the concept of sovereigntism, a term first developed to identify a particular approach to unimpeded action coalescing at the heart of late U.S. imperial governance. The new attention to sovereigntists was first presented by the legal scholar Peter Spiro, who stridently restored state self-interest to central consideration in U.S. policy amongst a group of scholars, jurists, and policymakers (Spiro 2000). This desire for unrestricted latitude includes sidestepping or downplaying considerations of other nations' interests, other cultural or ideological norms, and constraints for scope, scale, and impact of actions in areas such as trade or human rights (Rubinfeld 2004; Merry 2016).

The politics of sovereigntism runs very powerfully and deeply in U.S. political and policy circles. This is not to say that U.S. policy brooks no constraints, only that unadulterated sovereigntism has been an especially potent force in U.S. policymaking. Some scholars have argued that Americans are especially sensitive to impositions on sovereignty or unilateral action. "Americans are famously defensive of their sovereignty. All nations, of course, value independent decision making and freedom of action. But in no other country do domestic sovereignty debates carry such symbolic weight or elicit such emotional intensity. The tenacity with which Americans cling to sovereignty and resist symbolic incursions on their constitutional prerogatives has had -- and continues to have -- a profound influence on national political life, U.S. foreign policy, and prospects for international cooperation" (Patrick 2018, 28). Patrick twists a motivating American exceptionalism into "exemptionalism" (Patrick 2018, 103) by which the country seeks to sidestep many of the multilateral treaties it itself created.

Unilateralism was a key theme that is overlooked possibly because it tended to be less often emphasized and propagandized at the time. A presumption against unilateralism is simply belied by the record of U.S. policy and imperial objectives. It can be a difficult issue for policymakers and historians alike to assimilate because it challenges established (and comforting) narratives of idealistic Wilsonian internationalism, multilateralism, and, potentially, exceptionalism (as described by Mabee 2013, 55-60; Skidmore 2011). A clear-eyed view of unilateralism seems to contradict more wishful claims about the supposedly liberal nature of the emerging U.S. hegemonic order. For example, Robert Latham has drawn deliberate connection between the "social and ideational fabric" of "liberal modernity" and the connections to militarization and the "basic dilemmas and paradoxes of international agency" (Latham 1997, 4-8). If anything, multilateralism coexisted with unilateralism depending on a shifting assemblage of interest, ambition, region, and other salient factors.

Greg Grandin has contrasted the multilateralism rolled out for the European diplomatic and political economic context with, for example, that for the western hemisphere. "In its own hemisphere, where its power after World War II quickly grew unrivaled, Washington first diluted and then, in all but name, dispensed with the multilateralism that made U.S. ascension possible in the first place, opting for a unilateralism that an odd coalition of idealists, religionists, and militarists today dares to replicate on a global scale" (Grandin 2006, 50).

Clearly it is useful for historians and scholars in other disciplines to question the received assumptions which have served to recapitulate some of the core justifications of the exercise and ends of U.S. power. As Hilde Eliassen Restad has written, "the story of economic multilateralism is usually assumed, rather than explicated" (Rested, 172), while this effort reflected the furtherance of particularistic U.S. national interests.

Unilateralism has sometimes been portrayed and often deemphasized as something foreign and antithetical to the exercise of U.S. power (Brooks and Wohlforth, 2005). Sensing the rise of unilateralism in the post-Cold War 1990s, Charles Wilson Maynes called it "diplomatic vandalism" (Maynes 1999, 518). Indeed, typically the evidence of some kind of revival of unilateralist thinking has been tied to transformative events, such as the end of the Cold War or the 9-11 terrorist attacks (Skidmore 2011). As an ironic result, one of the most common methods of criticizing foreign policy choices has been to skewer them as unilateralist in nature. To describe a policy as unilateralist was to (usually successfully) strip it of connection to the core of U.S. foreign relations. Such was the approach during the chaotic and unsuccessful regime of President George W. Bush, when it became common to characterize U.S. foreign policy actions, especially in the Middle East, as the result of some sort of aberration in the history of the exercise of U.S. power. In this largely wishful and ideologically motivated narrative, the blunt unilateralism of Bush was a sign that his policy ends and policy execution lay *outside* of the mainstream of U.S. policy choices. This sentiment was widely shared both by journalists reacting to events and by scholars attempting to contextualize the Bush presidency (Patrick and Forman 2002; Brooks and Wohlforth 2005; Plattner 2005; Fabbrini 2004). For example, this reading of history led James Chace to see the Bush administration in terms of a "robust rebirth of American unilateralism" signaling a reversal of "the American internationalist commitment that came out of the Second World War and that lasted throughout the 45 years of the Cold War" (Chace 2003, 1-5), which is a facile reading encompassing so many decades of unilateralist practice in U.S. empire, including right at the end of the war in the formative postwar moment in 1945. This type of understanding and approach,

blinkered by well-meaning but limiting political understandings, has failed to grapple directly with the legacies of American unilateralism.

The defense of unilateralism has historically been tied in with the very robust sense of sovereignty which underscores the American concepts of order and power and of empire. One place where unilateralist stance might be seen most clearly has been in the legal aspects of U.S. foreign relations, where a strident unilateralism has served as critical and complex counterpoint to the multilateralism evident in diplomatic resolutions and in global economic agreements.

III. Executive Authority, Unilateralism, and Legal Constraint

Article II of the U.S. Constitution grants the foreign affair power to the presidency and separates it from domestic politics, but the nature and extent of this power remained in a relatively fluid state for some time in U.S. history. The domestic-foreign jurisdictional divide in policy, in law, and, frankly, too often in scholarship became a familiar frame for studying the operation of U.S. power, policy, law, and ideology. In sovereigntist terms it has been best enshrined in doctrine and practice by the crucial *United States v. Curtiss-Wright Export Corp.* decision of the U.S. Supreme Court in 1936 (Fischer 2017). It is a case "so often quoted," in Harold Koh's famous description, "that it has come to be known as the 'Curtiss-Wright so I'm right cite' -- a statement of deference to the president so sweeping as to be worthy of frequent citation in any government foreign-affairs brief" (Koh 1990, 94). The broader significance of a case turning on the illegal sale of machine guns in Bolivia has been on the promulgation of the "sole-organ doctrine." The Curtiss-Wright case approvingly quoted John Marshall's "great argument of March 7, 1800, in the House of Representatives, 'The President is the sole organ of the nation in its external relations, and its sole representative with foreign nations'" (*United States v. Curtiss-Wright Export Corp.* 1936).

Curtiss-Wright came to serve as the principal statement of the sovereigntist position of U.S. foreign relations in general, and the role of an unconstrained, unilateralist executive in particular, in its claim that "Not only... is the federal power over external affairs in origin and essential character different from that over internal affairs, but participation in the exercise of the power is significantly limited. In this vast external realm, with its important, complicated, delicate and manifold problems, the President alone has the power to speak or listen as a representative of the nation" (*United States v. Curtiss-Wright Export Corp.* 1936). It illuminated the idea of unrestrained

foreign affairs power that came to define the second half of the twentieth century. This approach clarified and powerfully articulated in 1936 came to underlie much of the imperial presidency, the presidential reliance on the sovereign exception (Agamben 2005), and the unilateralism at the core of U.S. foreign relations.

But, as Peter Irons noted, "although Sutherland's sole-organ doctrine was patently false and received powerful critiques from scholars starting in 1938, the error remained in place decade after decade, eagerly cited by the executive branch and the judiciary to promote independent presidential power in external affairs." Irons correctly described *Curtiss-Wright* as the "birth of the imperial presidency" (Irons 2005, 120). As Walter LaFeber memorably put it, "Sutherland allowed presidential power in foreign affairs to float as freely from its constitutional moorings as was possible short of doing away with the moorings altogether" (LaFeber 1987, 711).

IV. The Presidential Proclamation as Revolution

One of the most blatant expressions of unilateral presidential power in foreign relations came in the assertion of federal jurisdiction over offshore spaces in what had been state lands or ungoverned international space. In September 1945, with a Proclamation issued in the manner of an imperial fiat, President Harry S. Truman claimed "jurisdiction and control" over the subsoil resources of the continental shelf (United States Proclamation 1946). This submerged territory, declared to be "appertaining to the United States," covered an area nearly the size of the Louisiana Purchase, and contained mineral wealth of potentially even greater value. As one of the most important, continent-sized extensions of the national territory in U.S. history, the Truman Proclamation should arguably rank alongside other foreign policy pronouncements such as the Monroe Doctrine or Truman Doctrine as period-defining expressions of a systemic approach to structuring U.S. global power. But it is little discussed in the history of U.S. foreign relations and its astonishing unilateralism has therefore been obscured.

The unilateralist submerged lands claim asserted jurisdiction over the resources of the whole entire offshore continental shelf. In June 1943, Secretary of the Interior Harold Ickes wrote to President Franklin Roosevelt that "the war has impressed us with the necessity for an augmented supply of natural resources. In this connection, I draw your attention to the importance of the Continental Shelf not only to the defense of our country, but more particularly as a storehouse of natural resources. The extent

of these resources can only be guessed at and needs careful investigating." Ickes' proposal was not at all limited, and seemed in fact to encompass both the domestic political economy and the war effort: Ickes fully embraced the "advisability of laying the ground work now for availing ourselves fully of the riches in this submerged land and in the waters over them." While he recognized that "the legal and policy problems involved both international and domestic, are many and complex," Ickes noted that "in the international fields, it may be necessary to evolve new concepts of maritime territorial limits beyond three miles, and of rights to occupy and exploit the surface and subsoil of the open sea." Ickes noted, rather dryly, that "in the domestic field, one of the perplexing questions would be that of the respective sovereign and proprietary roles of the Federal Government and of the several coastal States." In short, he recognized and mentioned the host of potentially enormous problems at stake, but took a unilateralist approach that essentially ignored this enumeration (Ickes to FDR 5 June 1943). Roosevelt ultimately approved this unilateralist approach. Ickes happily informed the State department that FDR "had approved his suggestion that a study be initiated of the question of 'availing ourselves of the natural resources of the Continental Shelf extending from our Shores.'" Following up thereafter, Ickes wrote "we recommend unilateral proclamations" (Ickes to Stettinius, Jr. 7 December 1944). It was this unilateral policy that was continued when Harry Truman became president in 1945 after Roosevelt's death.

Unilateral jurisdictional assertion into new sovereign spaces of the continental shelf was the foundation upon which future governance and diplomatic questions about the oceans could be constructed. Unsurprisingly, in January 1945 no other nations were fully consulted: "with respect to the resources of the subsoil and sea bed there have as yet been no corresponding discussion with other governments" (Memorandum for the President 22 January 1945). As Truman moved closer to his strident announcement, it became clearer that there would be very few concessions to international niceties aside from the rather limited and incomplete notice given to a handful of countries.

A State Department analysis of this silence undertaken shortly after the Proclamation was released in November, 1945, mused that "unilateral action was taken and as yet those four countries [Canada, the still separate British dominion of Newfoundland, Mexico, and Great Britain] have expressed neither their attitudes toward the extension of American jurisdiction nor the courses of action which they may pursue as the result of that extension. The likeliest conclusion to be drawn is that foreign nations are being completely non-committal and are giving no indication of their

probable courses of action so as not to prejudice their right to protest at a later date should policy developments prove such protest to be to their interest" (Memorandum for the President: Resources of the Continental Shelf and Coastal Fisheries 1945). It is possible that this expressed an earnest belief. But even if that were the case, this was not the language of a government interested in fostering multilateral liberal regimes for the governance of these newly conceptualized spaces offshore. Quite the opposite, in fact.

What mattered in 1945, in other words, is what American policymakers said mattered. The limits were where they pronounced them to be. Elizabeth Spalding captured this aspect of Truman foreign policy quite accurately in her description of the ways in which it "deliberate[d] at the level of grand strategy. Truman did not view the tools of unilateralism and multilateralism as part of an either/or proposition" (Spalding 2006, 231). The administration depended on shifting interpretations of circumstances to choose among unilateralism, bilateralism, and multilateralism. As Spalding argues, Truman did not hesitate to emphasize tactics over ideals in the recourse to unilateralism.

Given that the assertion over the seabed was an extremely novel (and possibly even a revolutionary one), it might be equally significant for the U.S. then to disclaim all other aspects of its actions. It is why the U.S. insisted on acting without any agreement or connection to any other country except for relatively banal, diplomatically toothless, and legally meaningless synchronized publicity campaigns with Canada. It is why the executive branch chose to act without anything but last minute and minimal notice to the other branches of government.

The extension of jurisdiction was an unalloyed act of sovereign assertion by an executive highly aware of its sovereign authority and unafraid to use it to disrupt the global oceanic legal order and the whole conceptual and practical basis of territorial jurisdictional frameworks. This was a deliberate, unilateral disruption of the existing regimes at the core of international commerce, transportation, and order. This was one of the most revolutionary aspects of the American jurisdictional policy in terms of its transformative impact and especially in term of its bald assertion of the raw power of law. This was not the application of a legal framework so much as the generative effort yielding a whole new regime of it. The Truman administration was not afraid to assert the kind of power in the world system that was fundamentally imperial. American empire was constructed by law and it was articulated in jurisdictional assertion into spaces of its own creation.

The "Proclamation by the President with Respect to the Natural Resources of the

Subsoil and Sea Bed of the Continental Shelf" was released on September 28, 1945 along with the "Policy of the United States with Respect to Coastal Fisheries in Certain Areas of the High Seas" and executive orders implementing the new policies (Proclamation 2667 and 2668 1945). The stated rationale for the Proclamation was straightforward. The U.S. was "aware of the long range world-wide need for new sources of petroleum and other minerals" and understood that its own continental shelf had large reserves accessible. Truman asserted that "with modern technological progress their utilization is already practicable or will become so at an early date." Therefore, it was

the view of the Government of the United States that the exercise of jurisdiction over the natural resources of the subsoil and sea bed of the continental shelf by the contiguous nation is reasonable and just, since the effectiveness of measures to utilize or conserve these resources would be contingent upon cooperation and protection from the shore, since the continental shelf may be regarded as an extension of the land-mass of the coastal nation and thus naturally appurtenant to it, since these resources frequently form a seaward extension of a pool or deposit lying within the territory, and since self-protection compels the coastal nation to keep close watch over activities off its shores which are of the nature necessary for utilization of these resources; the Government of the United States regards the natural resources of the subsoil and sea bed of the continental shelf beneath the high seas but contiguous to the coasts of the United States as appertaining to the United States, subject to its jurisdiction and control. In cases where the continental shelf extends to the shores of another State, or is shared with an adjacent State, the boundary shall be determined by the United States and the State concerned in accordance with equitable principles. The character as high seas of the waters above the continental shelf and the right to their free and unimpeded navigation are in no way thus affected (Proclamation 1945).

This statement tied together a wide array of conceptualizations of space, domestic political framings and foreign policy interests. Truman linked utilization and conservation of resources with the need for direct state involvement, and blandly called the extension of jurisdiction "reasonable and just." The proclamation affirms that this offshore submerged land was properly a state interest "since the continental shelf may be regarded as an extension of the land-mass of the coastal nation and thus naturally appurtenant to it." Indeed, the resources might properly be conceptualized as mere

extensions of land-based resources. The Proclamation enshrined "equitable principles" to resolve conflicts, which signaled a whole range of future diplomatic discussions.

Truman fused sovereigntist claims over the resources in offshore space with hoary territorial jurisdictional claims first rolled out to claim unilateral sovereignty over the guano islands in the 1850s, when strategic insular guano deposits were declared territory appertaining to the United States, with national security assertions and strong support for free and unimpeded navigation in the high seas of the waters *above* the continental shelf. In the text of the Proclamation, by neatly severing jurisdictional assertion from a full extension of sovereignty, Truman captured the complicated and contradictory spatial assertions of American foreign policy with great precision.

Michael P. Scharf called the Truman Proclamation "a radical departure from the existing approach" in his study of major moments in the history of customary international law. The Truman Proclamation meets the definition of what Scharf defines as a "Grotian Moment," a transformative historical event "marked by a context of fundamental technological or social change and recognition that the rule has acquired customary law status despite a dearth and short period of state practice." The Proclamation, Scharf argues, "set the stage for a radical change in the customary law of the sea.... We can conclude, then, that the Truman Proclamation has all of the hallmarks of a legitimate Grotian Moment" (Scharf 2013, 121). It triggered a worldwide jurisdictional revolution as well as decades of diplomatic and legal dispute over oceanic spaces, territorial rights, and resource exploitation and protection.

The United States' enclosure of the subsoil resources of the submerged land of the continental shelf in its marginal seas was a critical aspect of the imperial hegemonic state project inaugurated in 1945. The unilateralist push to create sovereign jurisdictional frameworks offshore was a key component of the development of the postwar U.S. global political-economic system. This system fused interests in governance of critical strategic resource regimes with careful calibration of federal jurisdiction in marginal sea and extraterritorial spaces. It was a hegemonic project to achieve global projection of U.S. legal concepts into international norms.

The imperial core of the Truman Proclamation, which its central emphasis on the unilateralist organization of offshore sovereignties, was accepted almost without controversy. As enormous and heated as the submerged lands in marginal seas issue became, there was no corresponding attempt to disrupt the massive expansion of the size and scope of the imperium on a global scale in U.S. politics. There was almost no voiced domestic opposition to the expansion of U.S. authority into the previously unclaimed areas of the world ocean and no related critique of the emerging

hegemonic system. This effectively served as a reification of the expanded global U.S. position, and of the logic of jurisdictional expansionism. The Truman Proclamation was a powerful unilateral expression of imperial sovereign authority. Drawing on historical patterns of unilateralist assertions of jurisdiction over territorial space, the Truman Proclamation pushed unilateralism into new resource regimes and more abstract spaces of sovereign authority. In recapitulating and reimagining the advantages of unilateralism, the Proclamation became an opening salvo in an effort to jurisdictionally reshape space in ways amenable to exploitation and continued assertion of U.S. hegemonic power.

References

- Agamben, Giorgio. 2005. *State of Exception*, trans. Kevin Attell. Chicago: University of Chicago Press.
- Agnew, John. 2005. *Hegemony: The New Shape of Global Power*. Philadelphia: Temple University Press.
- Aune, James Arnt. 2008. "The Econo-Rhetorical Presidency." In *The Prospect of Presidential Rhetoric*, edited by James Arnt Aune and Martin J. Medhurst, 46-68. College Station: Texas A&M University Press.
- Baker, Andrew. 2016. *Constructing a Post-War Order: The Rise of US Hegemony and the Origins of the Cold War*. London: I.B. Tauris.
- Bhagwati, Jagdish N. 1991. *The World Trading System at Risk*. Princeton: Princeton University Press, 1991.
- . 2002. *Free Trade Today*. Princeton: Princeton University Press.
- Brooks, Stephen G. and William C. Wohlforth. 2005. "International Relations Theory and the Case against Unilateralism." *Perspectives on Politics* 3 (3): 509-524.
- Chace, James. 2003. "Present at the Destruction: The Death of American Internationalism." *World Policy Journal* 20 (1): 1-5.
- Fisher, Louis. 2017. *Supreme Court Expansion of Presidential Power: Unconstitutional Leanings*. Lawrence: University Press of Kansas.
- Goldsmith, Jack L. 2012. *Power and Constraint: The Accountable Presidency After 9/11*. New York: Norton.
- Grandin, Greg. 2006. *Empire's Workshop: Latin America, the United States, and the Rise of the New Imperialism*. New York: Metropolitan Books.
- Ickes to FDR. 5 June 1943. Letter of Harold Ickes to Franklin Delano Roosevelt, 811.0145/11-2844; 811.0145/377, box 3500 National Archives and Records Administration (NARA), United States, Diplomatic.
- Ickes to FDR. 18 April 1944. Letter of Harold Ickes to Franklin Delano Roosevelt, 811.0145/4-1844, box 3500 NARA RG 59 Decimal File, 1940-1944.
- Ickes to Hull. 23 May 1944. Letter of Harold Ickes to Cordell Hull, box 3500 National Archives and Records Administration (NARA), United States, Diplomatic.
- Ickes to Stettinius, Jr. 7 December 1944. Letter of Harold Ickes to Edward Stettinius, Jr. 811.0145/11-2844, box 3500 NARA RG 59 Decimal File, 1940-1944.
- Irons, Peter. 2005. *War Powers: How the Imperial Presidency Hijacked the*

- Constitution*. New York: Metropolitan Books.
- Koh, Harold Hongju. 1990. *The National Security Constitution: Sharing Power After after the Iran-Contra Affair*. New Haven: Yale University Press.
- LaFeber, Walter. 1987. "The Constitution and United States Foreign Policy: An Interpretation." *Journal of American History* 74 (3): 695-717.
- Latham, Robert. 1997. *The Liberal Moment: Modernity, Security, and the Making of Postwar International Order*. New York: Columbia University Press.
- Layne, Christopher. 2006. *The Peace of Illusions: American Grand Strategy from 1940 to the Present*. Ithaca: Cornell University Press.
- Mabee, Bryan. 2013. *Understanding American Power: The Changing World of US Foreign Policy*. Basingstoke UK: Palgrave Macmillan.
- Maynes, Charles William. 1999. "U.S. Unilateralism and Its Dangers." *Review of International Studies* 25 (3): 515-518.
- McCormick, Thomas J. 1995. *America's Half-Century: United States Foreign Policy in the Cold War and After*. Baltimore: The Johns Hopkins University Press.
- Memorandum for the President 22 January 1945. 811.0145/1-2245, Box 4465, NARA RG 59 decimal files, 1945-9.
- Memorandum for the President: Resources of the Continental Shelf and Coastal Fisheries April 30, 1945. 811.0145/4-3045; Truman to Grew, 811.0145/5-445, Box 4465, NARA RG 59 decimal files, 1945-9.
- Merry, Sally Engle. 2016. "Human Rights in the Imperial Heartland." In *Rethinking America: The Imperial Homeland in the 21st Century*, edited by Jeff Maskosky and Ida Susser, 49-65. New York: Routledge.
- Patrick, Stewart. 2018. *The Sovereignty Wars: Reconciling America with the World*. Washington: Brookings Institution Press.
- Patrick, Stewart and Shepard Forman. 2002. *Multilateralism and U.S. Foreign Policy: Ambivalent Engagement*. Boulder, CO: Lynne Rienner.
- Proclamation 2667 and 2668 at Proclamations, Harry S. Truman, 1945-1953., <https://www.trumanlibrary.org/proclamations/index.php?month=09&year=>.
- Records of the Department of State, Record Group 59 Decimal File, 1940-1944.
- Rested, Hilde Eliassen. 2015. *American Exceptionalism: An Idea that Made a Nation and Remade the World*. New York: Routledge.
- Rubinfeld, Jed. 2004. "Unilateralism and Constitutionalism." *New York University Law Review* 79 (6): 1971-2028.
- Scharf, Michael P. 2013. *Customary International Law in Times of Fundamental Change: Recognizing Grotian Moments*. New York: Cambridge University

- Press.
- Skidmore, David. 2011. *The Unilateralist Temptation in American Foreign Policy*. New York: Routledge.
- Spalding, Elizabeth. 2006. *The First Cold Warrior: Harry Truman, Containment, and the Remaking of Liberal Internationalism*. Lexington: The University Press of Kentucky.
- Spiro, Peter. 2000. "The New Sovereignists: American Exceptionalism and Its False Prophets." *Foreign Affairs* 79 (6): 9-15.
- United States Proclamation. 1946. United States: Proclamation by the President with Respect to the Natural Resources of the Subsoil and Sea Bed of the Continental Shelf, *The American Journal of International Law*, 40: 1, Supplement: Official Documents (Jan., 1946), 45-48.
- United States v. Curtiss-Wright Export Corp.* 1936. 299 U.S. 304 (1936), 318-319.
- Van Apeldoorn, Bastiaan and Naná de Graaff. 2016. *American Grand Strategy and Corporate Elite Networks: The Open Door since the End of the Cold War*. New York: Routledge.