

Emperor Gwangmu's Diplomatic Struggles to Protect His Sovereignty before and after 1905

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Abstract

Due to the negative assessment of the ill-fated Emperor Gwangmu, many scholars of modern history in Korea and especially a few historians of Korean-American relations frequently lampooned him and even disgraced him as a traitor who sold his own empire. A cross-examination of diplomatic records of the U.S. State Department with new evidence recently recovered since 1993, however, reveals that the Emperor consistently and systematically explored diplomatic measures to protect the sovereignty of the Empire from Japanese military aggression. These measures proceeded as follows: 1) preemptive measures against foreign aggression, 2) proclamation of the forced treaty as null and void, and 3) public denouncement.

Dennett was not right in his presumptuous claim that the Emperor's actions were a play at some sort of crooked diplomacy, and his reasoning is flawed in stating this in his defense of Roosevelt's betrayal of a treaty obligation to the Emperor. American strategic diplomacy focused on maintaining the balance of power for the "peace" of the Far East, conceived and well executed by the President, led to the passing of Korea into colonial rule and to Roosevelt's being the first American to win a Nobel Peace Prize.

Keywords: good offices, Emperor Gwangmu, Japanese invasion, Theodore Roosevelt, the 1882 treaty, Homer Hulbert, imperial letters, Korean-American diplomatic relations

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Introduction

Emperor Gwangmu (frequently referred to as Emperor Gojong) of the Great Han Empire consistently and systematically explored diplomatic approaches to protect the sovereignty of the Empire from Japanese military aggression.¹ These efforts have not been properly recognized due to the negative assessment of the ill-fated Emperor. One such extreme view is that of American diplomatic historian Tyler Dennett, who presumptuously claimed that:²

Korea was betrayed not by President Roosevelt but by her own Emperor and for the most sordid of motives. With even less character and ability he had essayed the role of a Tsar in the 20th Century.

In contrast to this claim, a number of historians have criticized President Theodore Roosevelt, saying that he not only failed to fulfill his obligations, but also betrayed the fledgling Empire in the diplomatic treaty signed in May 1882 between Great Joseon and the United States. Nonetheless, Dennett pointed his finger at the Emperor, arguing that such a historical view could not be justified. He lampooned the Emperor, and further even disgraced him as a traitor who sold his own empire. In this regard, it is necessary to scrutinize the factual basis for Dennett's claim, to determine whether it has validity. According to the 1882 treaty, if other powers (implying Japan and Russia) impinge on either government's sovereignty, the other will exert its good offices to bring about an amicable agreement. This is the so-called "good offices" article, a controversial issue in the study of diplomatic history.³ There is little consensus among scholars as to whether the good offices clause implies any treaty obligation or not. As revealed below, the Emperor of Korea had literally counted on it.

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1. For more on the Emperor's diplomatic approaches to protect Korea's sovereignty, see Kim Ki-Seok (1995a, 2004, 2005). For the Japanese translation of this article, refer to Kim Ki-Seok (1995b).
 2. Dennett (1959, 305).
 3. Dennet (1924:84-108); Chay (1968, 321-326).

In contrast, his American counterpart, Theodore Roosevelt, did not carry out this agreement in earnest, and thus helped Japan absorb the Great Han Empire.

In June 1906, the Emperor of Korea sent imperial letters to the leaders of nine treaty Powers, proclaiming to the international community that the forced protectorate treaty was null and void. He chose the word "forced" for the treaty with a clear conscience and knowledge of international law to emphasize its illegality from the start. He also expressed his intention to bring the case to the International Tribunal Court in order to punish Japan for its infringement of Korea's sovereignty. The Emperor's letters came to light first in 1993, in the Yong-Jeung Kim Papers.⁴ At the end of the letters, which were written in Chinese and English, the Emperor's name was printed along with his imperial seal. The Emperor's emissary, Dr. Homer Hulbert, had kept the nine letters for many years. Thereafter they were transferred to the chairman of the Korean Affairs Institute in America, where they came into the possession of Dr. Yong-Jeung Kim. Since Dr. Kim's death in 1975, Mrs. Mary Kim, his widow, kept the letters until she donated them to Columbia University in 1989. The Emperor's original letter to the King of the United Kingdom and photocopies of the other letters have been transferred and preserved at the Korean Education Archives (KEA) at Seoul National University (SNU). Yet, much of the detailed background of this episode, such as when and how the Emperor managed to covertly send these letters to the leaders of foreign powers, remains to be studied. Such details were absent in Dr. Hulbert's unpublished drafts of "Echoes of the Orient: A Memoir of Life in the Far East" and "History of Japanese Invasion in East Asia," which were found together with the imperial letters.⁵ Dr. Hul-

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4. Yong-Jeung Kim Papers, Rare Book and Manuscript Library, Columbia University. Refer to Korean Education Archives (KEA) (1994).
 5. The title of the memoir is "Echoes of the Orient: A Memoir of Life in the Far East" (hereafter Memoir). The other manuscript remained unknown until its discovery in 1993. The cover and chapter 1 of it are missing so we do not know the title. The manuscript illustrates the brutal Japanese military invasions in Joseon, Manchuria, and China. To better reflect on its contents, a tentative title was given as "The History of Japanese Invasions in East Asia" (hereafter Invasion History).

bert testified later that he was given the letters upon his return to the capital of the Empire in April 1906.

The Emperor's letter incident was neither a random nor an isolated event. Rather, it was a part of Emperor Gwangmu's highly organized plan, which he began even before 1905, of sending various kinds of diplomatic letters and documents, including imperial letters, to foreign countries, as a measure to protect Korea's sovereignty from hostile Japan. The Emperor made desperate efforts to protect the monarchy in the tumultuous period from the eve of the Russo-Japanese War in early 1904 until he was forced to abdicate the throne to his son in 1907 and became the Greater Emperor, a mere nominal title, one without any real power. The Emperor's diplomatic moves had become so refined over time, with accumulated experience, both in content and in formality, that when it comes to documentary content, we can find virtually no defect in terms of international law. In particular, for the three years following 1904, the Emperor's diplomatic measures proceeded in the following manner: 1) preemptive measures against Japanese aggression, 2) proclamation of the forced treaty as null and void, and 3) public denouncement.

Preemptive Measures against Japanese Aggression

In January 1904, as the Russo-Japanese War became imminent, the Emperor dispatched an emissary to Chefoo, China, to declare Korea's neutrality in the name of his minister of foreign affairs.⁶ Major

6. The declaration of Korea's neutrality was prepared by French teacher A. Martel and a Belgian advisor, based upon Yi Yong-ik's proposal to the Emperor. Hyeon Sang-geon was dispatched to Yi Hak-gyun in Chefoo, China. At the time, the French Consul to Chefoo also served as Honorary Consul of the Great Han Empire, thus the declaration was delivered to Western powers through diplomatic channels with the cooperation of the French consul. During the period of January 21 through 29, the consuls of Great Britain, Germany, France, and Italy gave supportive replies to Korea under the instruction of their countries. For the full text of the declaration of Korea's neutralism, refer to "Diplomatic Documents for Korea," in NIKH (1970, 1:25-26; 34:6-9); "On the Declaration of Korea's Neutralism," in *The*

national powers acknowledged and expressed their support to Korea for her neutrality. The declaration was aimed at dissolving Japan's ambition to coax Korea to make alliance with Japan. Although surprised by the Emperor's timely move, Japan simply ignored the declaration and sent her troops in two divisions to the peninsula, provoking a war with Russia. With saber-rattling diplomacy, Japan managed to conclude the Korea-Japan protocol with the Great Han Empire in February 23, 1904. In the protocol, it was confirmed that "the Imperial Government of Japan definitively guaranteed the independence and territorial integrity of the Korean Empire," in Article II, but, at the same time, allowed Japan, in Article V, to station her forces on the Korean peninsula.

During the war, Japan blatantly revealed her ambition to take over the Empire. In the winter of 1904, the alarmed Emperor Gwangmu ordered an envoy to the U.S.; Jo Min-hui, while on his way to his new host country, Japan, detoured to consult Washington on ensuring its cooperation to protect Korea's sovereignty. Washington indirectly showed that it would assist Korea.⁷ Months later, in March 1905, Acting Minister Yi Han-eung of the Korean Legation to London conducted similar diplomatic transactions with Great Britain to ask for a confirmation about the independence of Korea.⁸ Two months later, however, he committed suicide in London to protest against Japanese's intrusion.⁹ He was the first senior official of the Empire who sacrificed his own life to join Emperor Gwangmu's struggle against Japanese

Diplomatic Documents of the Japanese Foreign Ministry (vol. 37, no. 1, 331-367, 310-322).

7. As ordered by Emperor Gwangmu, Envoy Jo held a meeting with Secretary Hay. The Emperor was quite satisfied with its outcome, and expressed his appreciation in his letter to C. W. Needam, an American advisor at the Korean Legation to Washington. For details of that letter, see Allen to Hay, September 30, 1904, Dispatches, No. 799, National Archives (hereafter NA). Allen became aware of the situation when he was asked to translate the letter. He reported to the U.S. State Department with a copy of the letter.

8. Memorandum, March 6, 1905, FO17, No. 1695, Public Record Office London (hereafter PRO).

9. *The Times*, May 13, 1905.

invasion for the independence of Korea. On the advice of former Minister Yi Yong-ik, Emperor Gwangmu clandestinely had the ex-envoy Pavlov and General Dessimo in Shanghai deliver an imperial letter to the Russian Czar in March 1905. To this, the Czar gave an affirmative letter to the Emperor through General Dessimo.

Although Japan won some military victories in some areas of Manchuria, she was not capable of further waging war due to financial burdens. Consequently, Japan wanted to hold peace talks with Russia to end the war through the good offices of the U.S. To cope with Japan's secret request for help, President Theodore Roosevelt volunteered to arrange the peace talks at a naval base in Portsmouth, a small port city in the eastern U.S. Theodore Roosevelt's actions are surely the best example of his good offices in foreign affairs. With both parties' consent, he became deeply involved, and intervened in the peace process by acting himself as his own the Secretary of State.¹⁰ When informed of the meeting, the Emperor of Korea eagerly wanted to have his representatives participate in the negotiations, as it was obvious that the fate of Korea's independence was subject to the outcome of the talks. Arranged by Min Yeong-hwan and Han Gyu-seol, a young emissary, Syngman Rhee, was dispatched to the U.S. However, Washington declined the Korean envoy's request to take part in the talks, under the pretext that he was not duly entitled to represent the Emperor. Theodore Roosevelt did an excellent job in playing the "good offices" host for Japan but turned his back on the same request from Emperor Gwangmu.

In the fall of 1905, it was only a matter of time before Japan invaded the Great Han Empire. The Empire's loyal ministers, who were familiar with international affairs, such as Min Yeong-hwan, held a meeting to prepare a contingency plan.¹¹ The ministers loyal

10. Chay (1990, 134).

11. In March 1, 1942 at the Korean Liberty Conference, Dr. Hulbert made some confidential remarks as to how he became selected as Emperor Gwangmu's secret emissary. See Appendix 1, *Korean Liberty Conference* (1942). In the remarks, he mentioned the role Minister Min and other ministers faithfully royal to Emperor Gwangmu and the Empire as well.

to the Emperor advised him to send an imperial letter to the U.S. President, asking for Washington's cooperation in protecting Korea's fragile sovereignty, based on the first article of the 1882 Treaty between the United States and Korea, which had been ratified in the ensuing year, and contained the good offices clause.¹² However, under the circumstances, delivering even this kind of request was no longer possible through normal diplomatic channels, because major foreign legations in Korea had been under the surveillance and control of Japan since the fall of 1905. Secret diplomatic contacts were considered the only means to reach the outside.¹³ If the fact that the Emperor had ordered his ministers to carry imperial letters had been known to the Japanese, it would have meant certain death for the Korean officials holding them if caught by Japanese soldiers.¹⁴ Hence, they decided to dispatch a foreign emissary. At the time, Dr. Phillip Jaisohn (Seo Jae-pil) and ex-U.S. envoy to Korea, Horace Allen, went to the United States. An American educator, Dr. Homer Hulbert, who had taught at the Imperial High School, was recommended as an emissary.

The Emperor had known Dr. Hulbert personally for a long time, who was the Korean Court's direct invitee recommended by the U.S. government. He was appointed as a teacher at the Royal College (often referred as Yugyeong Gongwon) for young governmental officials upon his arrival in Korea in 1885, and he was transferred to the National Normal School. He was a high school teacher in that turbulent time. During the aftermath of Queen Min's assassination by Japanese gangsters in August 1895, he personally volunteered with other American missionaries to guard the Emperor, protecting him in that crisis. Thereafter, Dr. Hulbert became the Emperor's close confidant, and the monarch remembered his dedication during the crisis.

12. Korea, no date, Roosevelt Manuscript, Library of Congress (hereafter called TR MSS). Dr. Hulbert translated the letter and made it publicly available to the Korean people by submitting it to a Korean paper. *Dongnip sinmun* (Independent News), December 15, 1919 (Shanghai, China).

13. Hulbert, *Memoir*, 259-269; Hulbert, "Invasion History."

14. Hulbert, *Memoir*, 263.

Emperor Gwangmu selected him as emissary. With help from Minister Edwin V. Morgan, he entrusted the imperial letter to the American diplomatic mail pouch, left for the U.S., and tried to hand the letter over to Theodore Roosevelt after picking it up in America. As he later confessed, asking for help from Minister Morgan was surely “a mistake,”¹⁵ for, as a consequence, the American Minister reported in advance to the State Department about the dispatch of a secret agent. With advance knowledge of the emissary and his mission, American diplomats in Washington were well prepared to support Theodore Roosevelt’s anti-Korean, pro-Japanese foreign policies.

It was more than obvious that Japan, as she flexed her military muscles, would force the Emperor and his subjects to accept the protectorate treaty in the name of diplomatic negotiations. Dr. Hulbert hurried to the U.S. to call for Washington’s support for the Emperor prior to the conclusion of the treaty, counting on the Emperor and his loyal ministers to strongly resist Japanese saber-rattling and bullying. At worst, he thought, they would protract the signing process as long as possible. Unfortunately, just before Dr. Hulbert arrived in Washington, the Korean Foreign Minister’s seal was snatched and pressed on the document, which had been arbitrarily prepared by the Japanese, and the “protectorate treaty” between Korea and Japan was forcibly signed.¹⁶

Theodore Roosevelt’s Asian diplomacy was intended to maximize America’s national interests by sustaining a balance of power in the Far East. Washington acknowledged a trade-off between the Philippines and Korea so that it could avoid any possible military confrontation with Japan. In July 29, 1905, the so-called “the Taft-Kasura Secret Memorandum” was exchanged. It gave Japan a free hand in Korea and likewise to the U.S. in the Philippines.¹⁷ Right

15. Hubert, *Memoir*.

16. Hubert, *Memoir*, 267-269.

17. The secret agreement was delivered to U.S. Secretary of State Root through coded telegram by U.S. Army Secretary Taft. He also reported this directly to the President. See Taft to Root, Tel. July 29; Taft to Roosevelt, July 31, 1905, TR MSS.

after seeing the diplomatic note on July 31, Theodore Roosevelt cabled from his summer camp in Oyster Bay to Taft in Manila that the agreement between the U.S. and Japan was “absolutely correct in every aspect,” and said that he would “confirm every word you have said,” and ordered Taft’s Japanese counterpart, the Japanese Prime Minister, to be notified of his confirmation.¹⁸ Theodore Roosevelt bypassed not only the Secretary of State in exchanging the secret pact, but also a Senate confirmation through his own ratification of the pact. Not knowing of this shrewd memorandum, which ran counter to the spirit of the U.S.-Korea treaty, the Emperor continued to call repeatedly on the U.S. President’s good offices for the sake of Korea. The United States, as per the secret pact with Japan, turned down the Emperor’s last-ditch appeal, and gave notice that it would not take any measures in regard to the Emperor’s secret diplomatic approaches. But Theodore Roosevelt covered up his own secret diplomatic approaches to Japan in making the memorandum. It was not until the mid-1920s, years after Theodore Roosevelt’s death, that the fact of the existence of the pact became known to the American public, thanks to Dennett’s archival work with the Roosevelt’s manuscripts. There was no way for American diplomats and the public to know about changes in regard to Theodore Roosevelt’s pro-Japanese and anti-Korea positions, let alone for Emperor Gwangmu and a great number of senior officials loyal to him. The imperialist ambitions of the two powers, the United States and Japan, to protect their national interests was clearly revealed in that secret pact, which was forged at the expense of small and weak nations like Korea.

Since Theodore Roosevelt was the President-Diplomat in the summer of 1905, it is very important to understand his concerns and thoughts in setting foreign policy in the Far East. In his brilliant historical analyses of Korean-American relations, Chay identifies a number of important conceptual components, which are essential to understanding Theodore Roosevelt’s foreign policies. They include the concepts of power, race, and peace and, most of all, the balance

18. Roosevelt to Taft, Tel., July 31, 1905, TR MSS.

of power.¹⁹ For Theodore Roosevelt, power was military power. As many biographers have amply demonstrated, the President's military experiences in the Navy Department, as well as his strong belief in the superiority of the U.S., shaped his foreign policies.²⁰ For him, peace was a very special kind of peace; it was rather the peace of justice and righteousness. It should be noted that when he spoke of peace, he did so "in the vocabulary of a warrior."²¹ He was convinced that the U.S. should adopt a leadership role in the world. A range of presidents who followed him would later embrace this internationalism, or American hegemony in its earliest form, first invented by Theodore Roosevelt at the turn of the century.²² His idea of race did not have anything to do with physical makeup but rather concerned the character and achievement of the country. As was well known among his senior officials in the State Department and the public, Theodore Roosevelt looked up to the Japanese, but down on the Chinese and Koreans. To him, these people had now shown less evidence of courage. His often-quoted prejudice against Korean people was best expressed in his handwritten remarks on a letter in January 1905: "We can not possibly interfere for the Korean against Japan. They could not strike one blow in their own defense."²³

Among the conceptual components of Theodore Roosevelt's philosophy of foreign policy, what mattered most in shaping foreign policy at the very critical moment of Emperor Gwangmu's repeated appeals to him for assistance was his concept of the balance of power in the East. It was Theodore Roosevelt who most wanted to preserve a balance of power in Asia. His concept of a balance of power could well be expressed in his firm beliefs that the balance would be good for Japan and Russia, and most importantly, for the U.S. When he exerted his good offices by inviting the delegates of Russia and Japan

19. Chay (1968, 134).

20. Lansford (2004, 81).

21. Chay (1968, 136).

22. Dalton (2003, 4).

23. TR to Hay, January 28, 1905, TR MSS.

to Portsmouth to end the war, he never lost sight of the fact that American national interests could be best guaranteed if neither Russia nor Japan became too powerful in the region. Arguably, Theodore Roosevelt seemed to weigh the maintenance of Korean independence against the preservation of the balance of power and, thereafter, peace. Due to his spectacular intervention as one of the first and best President-Diplomats in American history, Theodore Roosevelt finally brought about what was thought to be an impossible peace in the Far East: the conclusion of the Portsmouth Treaty. He became the winner of a Nobel Peace Prize, the first American awardee in any of the categories, in 1906. At about the time that Emperor Gwangmu was struck down harshly by Japanese military aggression, Theodore Roosevelt rose as a world peacemaker and gave a timely push to Japan in her joining the club of world imperialist. While there still remains a good deal of controversy as to whether Theodore Roosevelt's peace-making was in accord with the 1882 treaty obligation, "there can be no doubt whatever that the Koreans looked upon it as a distinct act of treachery."²⁴

Proclamation of the Forced Treaty as Null and Void

The Emperor, not knowing anything of Theodore Roosevelt's betrayal and breaching of the treaty, dispatched Dr. Hulbert and expected U.S. assistance, but to no avail, in the winter of 1905-1906. In making his judgment of Emperor Gwangmu as a traitor, Dennett referred to the fact that "it would indeed be difficult to pick a flaw either in Mr. Root's or President Roosevelt's reasoning from the facts before them." But new evidence emerging in 1993 is not consistent with Dennett's claim. On the contrary, there were a good number of flaws in Theodore Roosevelt's handling of Korean affairs. The U.S. State Department had knowledge of the arrival of the imperial letter and, moreover, of what Emperor Gwangmu might want Theodore Roo-

24. Chay (1990, 450).

sevelt to do as well,²⁵ before Japan made the forced treaty in the late night of November 17. On November 21, Morgan reported to the State Department what had really happened that night by describing the situation as “Japanese Commander-in-Chief joined Marquis Ito, Japanese Minister and staffs,” [and the] “building[s] in which negotiation [was] conducted were surrounded by Japanese gendarmes and police,” and stating that “the member[s] of Cabinet cannot be considered to have acted entirely as free agents.”²⁶

Purposely delaying the receipt of the letter from Emperor Gwangmu, the State Department refused to meet with Dr. Hulbert until it was notified by the Japanese Legation, not by the Korean Legation, in Washington around November 23, 1905, that the treaty had been signed.²⁷ Two days later, the Secretary of State sent a letter to Dr. Hulbert stating that the U.S. would not lend its good offices for the doomed Empire, based on the 1882 treaty. This letter was written at Theodore Roosevelt’s order on the same day. The President ordered the Secretary not to provide any help for Korea, albeit Theodore Roosevelt had already “read carefully” the imperial letter.²⁸

Late in November, Emperor Gwangmu, by urgently instructing the Korean Acting Minister to France, Min Yeong-chan (a cousin of Min Yeong-hwan), to move to the U.S., reinforced his diplomatic measures in Washington to restore the Empire’s sovereignty. Acting Minister Min asked for a meeting with Secretary Root.²⁹ In that meeting, Mr. Root refused to accept the unofficial request by Min, as he had not been “legally entitled.”³⁰ To reinforce Dr. Hulbert’s and Min’s efforts, the Emperor wired a telegram, in which he proclaimed that the plundered treaty was null and void, to Dr. Hulbert via

25. Morgan to Root, October 19, 1905, Dispatches, NA.

26. Morgan to Root, November 21, Dispatches, NA.

27. Japan also notified the conclusion of the “treaty” to other Powers. For the message to England, see Hayashi to Foreign Office, November 23, 1905, FO881, No. 10428, PRO.

28. Roosevelt to Root, November 25, 1905, TR MSS.

29. Min to Root, December 7, 1905, Notes from the Korean Legation, NA.

30. Babcock to Min, December 7, 1905, Notes to the Korean Legation, NA.

Chefoo, China, so that he could submit it to the U.S. government and Theodore Roosevelt. In the wired message, the Emperor made it clear that, although Japan insisted that they had concluded the so-called treaty, the treaty had been forcibly signed under Japanese military threat, and was therefore null and void. This imperial telegram was received by the U.S. State Department on December 12 and 14, and the Assistant Secretary of State also read it.³¹ The cabled message read:

I declared that the so-called treaty of protectorate recently concluded between Corea and Japan was extorted at the point of the sword and under duress and therefore is null and void. I never consented to it and I never will. Transmit to American Government.

The Emperor of Corea

Nonetheless, the U.S. President turned a cold shoulder to the Emperor’s desperate telegram message. Theodore Roosevelt did not take any measures in regard to the Emperor’s letters and telegrams. On December 16, the State Department was officially notified that the Korean Legation in Washington would change hands with Japan in compliance with Acting Foreign Minister Yi Wan-Yong’s instructions. Three days later, the State Department handed its official document to Min, in which it said that the U.S. government would no longer take on its treaty obligations of good offices.³² However, on November 24, just one week after the forced “treaty” was made, the State Department had ordered the U.S. Legation in Korea to withdraw and to transfer U.S. envoy Molgan from Korea to Cuba, even before the Empire formally notified it. Obviously without consulting with Emperor Gwangmu as to the truth of the statements, Theodore Roosevelt recognized as valid Japan’s claim for the conclusion of the

31. For the full text, refer to Assistant Secretary, December 12 and 14, Notes from the Korean Legation, NA.

32. Root to Min, Memorandum, December 19 and Root to Min, December 23, 1905, Notes to the Korean Legation, NA; for a report from the American newspaper, see “Prince Min Turned Down,” *Washington Post*, December 12, 1905.

treaty.³³ By doing that, he made the so-called treaty a *de facto* reality in the Far East. The withdrawal of the American Legation took place only a week after Ito started to propagandize that the so-called treaty had been concluded³⁴ and it was the U.S. that made the first move to withdraw its legation from Korea. Ironically, it was the U.S. that had first established the Legation in Korea with the resident Minister among the Western powers. At the time of the withdrawal, the foreign diplomatic corps in Seoul satirically viewed the U.S.'s pre-arranged prompt reaction as runaway rats from a wreck.

The treaty was illegally signed under force of Japanese bullying; all the diplomatic approaches to the U.S. government turned out to be of no avail. The Emperor quietly began another secret mission³⁵ to hire "prestigious" lawyers, in order to file a complaint against Japanese encroachment on Korea's sovereignty at a Senate hearing, aiming at altering Roosevelt's pro-Japanese diplomacy. At the end of November 1905, the Emperor sent two of his close confidants, Nam and Kunsang Lee, to an American company, known as the Collburan and Bostwick Development Company, in Seoul, so that they could send a new imperial message to former Minister Horace Allen (1858-1932). The company's lawyer, E. A. Eliot, after consulting with his boss, S. L. Seldon, encoded the message from Shanghai and wired it to Mr. Harry R. Bostwick, at the head office in San Francisco.³⁶ The message, along with other supporting documents, was immediately sent to Allen.³⁷ The other documents included: 1) a detailed account of the negotiation; 2) encoded diplomatic instructions for the Korean Legations to the U.S., Russia, France, and Great Britain, together with

33. Hulbert, *Memoir*, 264; Lee and Song (1908, 450).

34. For Ito's one-way propaganda, see *Japan Chronicles*, November 30 and December 1, 1905.

35. For the secret imperial order to Allen, refer to "Correspondence and documents relating to the attempt of the Emperor of Korea to enlist the aid of the United States Government against the Japanese," Allen Papers, Manuscript Division, New York Public Library (Hereafter Allen Papers).

36. Elliot to Bostwick, December 10, 1905, Allen Papers.

37. Bostwick to Allen, January 6, 1906, Allen Papers.

blank letters stamped with the Imperial Seal; and 3) the Korean Foreign Minister Bak's draft of an unofficial request for the cooperation of the U.S. Secretary of State. The encoded messages, which would be decoded at each destination country, were illegible. However, the 37 words cabled to Mr. Bostwick from Emperor Gwangmu suggested that the imperial messages proposed a framework of co-protectorship with two additional powers—the U.S. and Great Britain—instead of Japan's sole protectorship. For weeks, Allen tried to hire former Ambassadors, former U.S. senators, or lawyers, but failed to find someone who was influential enough to persuade Theodore Roosevelt. Furthermore, having prejudice against the Emperor regarding his character and decision-making ability, Allen³⁸ feared for his own safety in the event that all these secret diplomatic efforts failed. In February 1906, he resigned from his role as an emissary and returned the balance of the \$10,000 he had received for the operation.³⁹ With this, all the desperate efforts by the Emperor after the forced treaty with Japan failed due to Washington's breach of trust.

During this period of continued diplomatic efforts with the U.S.,

38. The character of Emperor Gwangmu was often described as "wishy-washy," "feeble," or "incompetent." Allen was solely responsible for the prejudicial accounts. Professor Fred Harvey Harrington, who had only referred to Allen's records to the State Department, rewrote Allen's prejudiced opinion in his book, *God, Mammon and The Japanese: Dr. H. N. Allen and Korean American Relations, 1884-1905* (Madison: The University of Wisconsin Press, 1943). He went so far as to say, regarding Emperor Gwangmu and Allen, that "the beaming countenance of His Korean Majesty masked only cowardice and confusion. Allen, on the other hand, possessed both courage and decision, enough for two" (Harrington 1943, 43). On the other hand, Judge Owen N. Denny, who, in 1886, helped the Emperor protect Korea sovereignty from China's impingement when he served the monarch as an advisor at the Ministry of Interior, had quite the opposite view: According to his memory, the Emperor maintained a strong, optimistic, and persistent character. In his work, *China & Japan* written 1898, he depicted Emperor Gwangmu, saying "The King's character for universal kindness may have been mistaken for weakness. . . . His habits are those of perfect sobriety and industry, and being progressive in his nature," and added that "All the King has shown a firmness, cheerfulness and patience worthy of a ruler of a great nation." For Denny's evaluation, refer to Swartout (1980, 58-60).

39. Allen to Bostwick, February 12, 1906, Allen Papers.

the Emperor's emissaries, such as Yi Yong-ik, Yi Hak-gyun, and Hyeon Sang-geon, who had been agents of Emperor Gwangmu acting secretly and seeking refuge in Shanghai, happened to meet Mr. Douglas Story, a war correspondent for Great Britain's *The Tribune*. These political exiles advised the reporter to go to Seoul and dig deeply into the whole truth about the so-called treaty hidden by Japan's aggressive publication of the news. After having met with key informants such as John McLeavy Brown, and Morgan on his way to Korea, and having heard from them the true story of what really happened on the nights of November 17 and 18, Mr. Story finally arrived at Seoul, met immediately with the Emperor's emissary, and came to know of the truth behind the plundered treaty. On January 29, 1906, the Emperor prepared a document for use by the British reporter to announce the fact to the outside world. The Japanese got wind of the plan and tried to assassinate the reporter. Mr. Story narrowly escaped from Seoul, and upon returning to China, he handed the State Letter stamped with the Empire's Seal to the British Legation to Beijing. Thus, the truth that the Emperor of Korea did not agree to the treaty with Japan was revealed to foreign news reporters. However, Japan repeatedly denied the report, and the truth was still obscured from the world. On December 1, 1906, Story ran the full text of the State Letter in *The Tribune*, and he also included a photograph of a copy of the document⁴⁰ in his book, *Tomorrow in the East*,⁴¹ published in the following year. On January 16, 1907, a vernacular newspaper, *Daehan maeil sinbo* (Korea Daily News), ran the document; thus, the Korean people came to learn the hidden facts as well. According to the imperial document, the Emperor's diplomatic measures to restore sovereignty could be summarized in the following three points: 1) The Proclamation of the Forced 1905 Treaty as Null and Void; 2) Opposition to the Japanese Military Presence, in the Name of the so-called "Resident-General" (Tonggambu in Kore-

40. Story (1907).

41. The book was photocopied and kept in the *Book of Historical Documents*, published by the KEA, Seoul National University.

an), on His Soil; and 3) Acceptance of Maximum 5-Year Co-Protectorship by the Imperialist Powers. The document succinctly revealed the Emperor's firm opposition to the establishment of Japanese Resident-General in Korea in early 1906.

Public Denouncement

As all of his clandestine diplomatic efforts to preserve Korea's sovereignty with U.S. aid had been of little avail up to early 1906, the Emperor now turned his attention to publicly impeaching Japan's infringement in order to restore his plundered diplomatic rights. One move in this effort was to send the imperial letters of June 22, 1906, claiming the illegality of the treaty. In 1907, the emperor dispatched a delegation, headed by Yi Sang-seol and his deputy, Yi Jun, to the International Peace Conference held at The Hague in the summer of that year. As it turned out, unfortunately the Korean delegation failed to achieve its goal due to the skillful intervention and blocking by the Japanese. However, with the help of the international news media, the Koreans were able to publicly impeach the Japanese aggression into Korea, in a manner outside of formal diplomatic channels. To date, the struggles of the Korean delegation are recorded in modern history as one of the most dramatic—and the only diplomatic—measure, taken by the Empire to reclaim its sovereignty. In this dedicated cause, the public outrage against the injustice committed by Japan was demonstrated by Deputy Yi Jun's sudden death of unknown causes. As previously explained, the dispatch of the delegation to the conference at The Hague was one of a series of secret diplomatic attempts by the Emperor to recover the nation's sovereignty.⁴² Actions of the Delegates Extraordinary and Plenipotentiaries led by Mr. Yi Sang-seol in The Hague have been relatively well publicized and even vividly memorized among the people, so only the events

42. Ye We Chong (1907, 423-426). In it, the full text of his speech and the imperial warranty of attorney were included.

unknown so far related to the 1906 imperial letters are referred to in the remainder of this paper.

Having recognized the cause of failure in the process of diplomatic negotiations with the U.S. as the issue of “unauthorized” emissaries, the Emperor entrusted Dr. Hulbert with full diplomatic power and appointed him as “Special Envoy.” This fact was recorded in the Emperor’s warrant of attorney as well as in imperial letters. The Emperor appealed to the nine heads of Powers that the special commissioner be allowed to present Japan’s invasion into Korea to them in detail. The arrangement had no defect in view of the international diplomatic standard, in that the Emperor had entrusted his emissary with full power of attorney and had the envoy carry the imperial letter. Still, there may be some room for controversy, as the document was stamped with the imperial seal, one that was not registered.⁴³ However, there was a reason behind the use of the unregistered imperial seal. Since the Korean Foreign Ministry was forced to hire D. W. Stevens, a Japanese puppet, as foreign advisor in late 1904, the Ministry had been under the strict control of Japan. In April 1905, the Telegram Office fell into Japanese hands, and so did the Post Office thereafter. Thus Korea’s communications with the outside world came under Japanese surveillance. Japanese officials were appointed in many other major government organs, and the imperial Court was no exception. Under these circumstances, it was virtually impossible for Korean officials to send any diplomatic documents with registered seal through normal diplomatic channels.

Although the formality of the letter might not fully meet the documentary requirements, as it did not display a registered seal, the seal was identical with seals in other imperial letters that were written for the same diplomatic purposes. In order to verify the authenticity of the 1906 imperial letter, it is not enough to merely check the formal requirements. Even more important is the Emperor’s intention in his letters, as well as his position on the plundered treaty. In this

43. The Emperor’s signature and seals for official use had been duly registered at the official record.

regard, the Emperor’s stance toward the treaty was firm and consistent, as shown in his letters and diplomatic documents, from the 1906 imperial letter to the 1907 warranty for the Korean delegation to The Hague. The Emperor made it clear that the plundered 1905 treaty had been signed without his consent or his ratification, and thus it was devoid of legality as an international treaty. Therefore, it is obvious that the forced treaty was illegal according to international law, and was declared null and void from the start. Consequently, the ensuing so-called “transfer of diplomatic rights” was illegal, as the Emperor had never agreed to or ratified it. One of the most vivid pieces of evidence that Japan had forcibly invaded Korea was the imperial letter dated June 22, 1906. The Emperor’s diplomatic struggle to protect his sovereignty is in strong contrast to the historical fact that Japan annexed Korea with gunboat diplomacy. The Emperor of Korea by no means sold his empire to the Japanese. In the Emperor’s diplomatic approaches to preserve Korea’s independence, there was no trace of “the most sordid motives” as was falsely testified by Dennett. Only his undying loyalty, risking his own life for the independence of the Empire, and his dedication were then, and even now, as publicly testified by Dr. Hulbert on March 1st of 1941 with the following words to the Korean people:⁴⁴

The Emperor of Korea never surrendered to the Japanese. Never did he soil the sanctity of his regal office by voluntary consent. He bent but he never broke. At the risk of his life, he appealed to US for aid—without effect. At the risk of his life, he approached the Peace Conference at The Hague—without effect. At the risk of his life, he sent appeals to every chancellery in Europe but enforced abdication prevent their delivery.

The Emperor’s diplomatic struggle to protect his empire is not merely a past event. First of all, the various diplomatic approaches provide clues used by international law experts to make the decision that the

44. *Korean Liberty Conference* (1942, 97).

forced 1905 treaty was illegal. Such a legal evaluation is still valid now. Secondly, the Emperor's diplomatic efforts to maintain sovereignty bore fruit in the independence movement among Korean people across the nation. The abdicated Emperor's assassination by poison in early 1919 triggered the March First Independence Movement. Later, the Independence Movement served as a spiritual foundation in the making of the modern Korea.

Having learned of the forced 1905 treaty from the various news reports, for example, in *The Times* of London,⁴⁵ French international law professor Francis Rey contributed his article "The International Legal Status of Korea" to an international journal in early February 1906.⁴⁶ In the article he substantiated his crystal-clear conclusion that the 1905 treaty was "*d'une nullite absolue* (absolutely null)" in its inception by analyzing "*deux causes de nullite* (the two causes for nullification)." He described how the treaty was concluded as follows:

The November Treaty was a physically and mentally shameful act (*une violence morale et physique*) on the part of a civilized country like Japan and was forced unto the Korean government. The treaty was signed by the Korean Emperor and Ministers under the pressure of Ito and Hayashi and the Japanese imperial army led by General Hasegawa. . . . The Korean emperor sent emissaries to the Western Powers, especially Washington D.C., to demonstrate his strong opposition to the forced treaty (Rey 1906, 50).

Since then, Rey's legal commentary and interpretation have never been challenged. Two follow-up measures, as shown below, draw our particular attention. In 1927, the American International Law Association assigned the faculty of Harvard Law School to codify international laws. The faculty of the Law School organized a group of prestigious scholars in international law to carry out the assign-

45. Detailed descriptions of the use of military forces by Japan in the negotiation of the treaty were well reported all over the world. The best example was: *The Times*, December 12, 1905 and January 13, 1906.

46. Rey (1906, 40-58). For the Korean version, refer to Rey (1986, 188-201).

ment. In 1935, when they announced the codified treaty law, the experts reconfirmed that any treaty that is signed "under duress" is thus null and void, specifically referring to the 1905 Korea-Japan treaty as a good example.⁴⁷ Professor Rey's pioneering article surely provided the legal basis for that decision. Later in 1963, when the United Nations worked on a similar project, it revised the treaty law that the Harvard team had codified, and the term "under duress" was replaced with the more specific "personal coercion against the representatives of state," and for a typical example, the case of the 1905 Korea-Japan treaty was presented again.⁴⁸ More importantly, the exemplary procedures to nullify such illegal treaties were consistent with those of Korea's Emperor. To summarize, Emperor Gwangmu's spirit of struggle to preserve and protect Korean sovereignty has survived in Rey's commentary on treaty law, in the Harvard Law School's code of laws, and in the UN's revision of the code. By now, the fact that the forced 1905 treaty was illegal, hence null and void, has been universally accepted among concerned scholars of international law.

By 1919, the Emperor's assassination had become almost unavoidable. With the end of World War I, the political situation around the world dramatically changed. As a result, U.S. President Wilson's idealistic diplomatic policy, "the principle of national self-determination," gained greater momentum in the international community. In this new diplomatic stance, Theodore Roosevelt's realistic approach based on the balance of power was hardly seen. Rather, a Copernican turnabout in diplomacy emerged. Sensing a change in American diplomatic policies, the Greater Emperor had secretly made an additional attempt to send an emissary to the 1918 Paris Peace Conference right after the end of World War I. On the other hand, a scheme to wed the Crown Prince to a Japanese bride had been brewing, despite the abdicated Emperor's stubborn opposition. In early 1919, the change in the political environment both at home and

47. Harvard Law School (1935).

48. United Nations (1963).

abroad was enough to bring about a catastrophic end to Japanese military occupation on the Korean peninsula. It was then that the Greater Emperor was suddenly murdered by unknown assassins. Before seeking political refuge in Shanghai in 1919, King Ui (the second son of Emperor Gwangmu) described the incident as follows: "The Japanese evil hand of a most vicious villain of our time assassinated His Majesty with poison."⁴⁹ On March 1, the Korean people, who had been suffering from Japanese colonial exploitation and oppression, rose up. Triggered by the ex-Emperor's assassination, the popular uprising turned the empire's diplomatic struggle for sovereignty, which had been unsuccessful due to lack of domestic political support, into the nation's independence movement, and then into the people's resistance against Japanese rule to date. Emperor Gwangmu's undying loyalty is still alive even today.

Conclusion

In this paper, I have made an attempt to interrogate Dennett's arrogant charge against Emperor Gwangmu. He referred to Mr. Root and President Roosevelt as promising lawyers in order to defend their actions, which eventually paved the way for Japanese invasion of the Empire, claiming that there was not a single flaw in Theodore Roosevelt's dealings with Emperor Gwangmu's diplomatic measures. But new evidence that has emerged since 1993 shows many flaws in the diplomatic transactions between Theodore Roosevelt and Emperor Gwangmu. Dennett further displayed his bigotry by asserting that "the Emperor of Korea, in his last effort to play one Power against another, had been entangled in his own crooked ways and there was no help for him." Although he was correct in that the Emperor did often play national powers against each other, he was not correct in his assumption that this was an attempt at some sort of crooked diplomacy. The

49. Kim J. (1967).

Emperor, like other Kings for many centuries before him, used these methods for the protection and safeguarding of his country and its people. Furthermore Theodore Roosevelt's diplomatic measures to direct the balance of power in the Far East were in fact an American style of playing one power against another. If Theodore Roosevelt cannot be said to have used crooked diplomacy, neither can Emperor Gwangmu. The only difference between the two is the use of economic and military power for the benefit of national interests.

In short, Dennett was not so successful in his defense of Theodore Roosevelt, actually deepening Theodore Roosevelt's culpability not only for betraying Korea but also for denying a treaty obligation to the Korean Emperor. Theodore Roosevelt's foreign policy was to "speak softly but carry a big stick." This became particularly true when he exerted his good offices to Japan as well as Russia to maintain the balance of power in the Far East. But it was not true for Korea, for there, what Theodore Roosevelt did was to "speak secretly but carry a betrayal stick." As history shows us, President Roosevelt's diplomacy in maintaining the balance of power in Asia led to his personal glory in becoming the first American winner of a Nobel Peace Prize, but resulted in the unprovoked attack on Pearl Harbor in Honolulu, Hawaii by the Japanese in 1941. It took less than four decades or so for Japan to ruin the peace of Asia brokered by Theodore Roosevelt at the sacrifice of Korean independence in 1905.

REFERENCES

- Chay J. 1968. "Taft-Kasura Memorandum Reconsidered." *Pacific Historical Review* 37: 321-326.
- _____. 1990. *Diplomacy of Asymmetry: Korean-American Relations to 1910*. Honolulu: University of Hawaii Press.
- Dalton, Kathleen. 2003. *Theodore Roosevelt: A Strenuous Life*. Knopf.
- Dennett, Tyler. 1924. "American 'Good Office' in Asia." *American Journal of International Law* 16: 84-108.
- _____. 1959. *Roosevelt and the Russo-Japanese War*. MA, Gloucester:

- Peter Smith.
- Harrington, Fred H. 1943. *God, Mammon and The Japanese: Dr. H. N. Allen and Korean American Relations, 1884-1905*. Madison: The University of Wisconsin Press.
- Harvard Law School. 1935. "Research in International Law." *American Journal of International Law* (supplement) 29.
- Kim, Jeong-myeong, ed. 1967. 「韓國獨立運動」(The Korean Independence Movement). 『明治百年史叢書』(The Book of the 100 Years of Meiji Restoration). Vol. 1. Tokyo: Harashobo.
- Kim-Ki-Seok. 1995a. "Gwangnuje-ui jugwon suho oegyo, 1905-1907—Eulsa neugyak muhyo seoneon-eul jungsim-euro" (The Emperor Gojong's Diplomacy to Protect His Sovereignty, 1905-1907: Focusing on the Imperial Letters Proclaiming the Plundered 1905 Treaty Null and Void). In *Ilbon-ui daehan jeguk gangeom* (Japan's Occupation of the Great Han Empire), edited by Yi Tae-Jin. Seoul: Kkachi.
- _____. 1995b. 「光武帝の主權守護外交」(The Emperor Gojong's Diplomacy to Protect His Sovereignty). 『日韓協約と韓國併合—朝鮮植民地支配の合法性を問う』(The Japan-Korea Treaty and the Annexation of Korea—Questioning the Legality of the Colonial Rule on Joseon), edited by F. Unno. Tokyo: Akashi Shoten.
- _____. 2004. "Hulbert, daehan jeguk-ui majimak milsa" (Dr. Hulbert, the Last Secret Emissary of the Korean Empire). *Hankuksa simin gangjwa* 34.
- _____. 2005. "President Roosevelt's Betrayal and the Passing of Korean Empire in 1905." Paper presented at the international symposium on Reconsideration and Proposals for Genuine Reconciliation between Korea and Japan, Kintex, June.
- Korean Education Archives, Seoul National University. 1994. *Gojong hwang-je-ui jugwon suho oegyo* (The Emperor Gwangmu's Diplomacy to Protect His Sovereignty). In *Jaryo chongseo* (Historical Material Book) 1.
- Lansford, Tom. 2004. *Theodor Roosevelt: A Political Life*. NY: Nova History Publication.
- Lee, S. S. and J. H. Song. 1908. "Japan's Action in Korea." *The Empire Review* Vol. XIV January No. 84.
- National Institute of Korean History (NIKH). 1970. *Hanguk dongnip undongsa* (The History of Korean Independence Movement). Vol. 1. Gwacheon: NIKH.
- _____. 1970. *Hanguk dongnip undongsa* (The History of Korean Independence Movement). Vol. 34. Gwacheon: NIKH.

- Rey, Francis. 1906. "La Situation Internationale de la Coree." *Revue General de Droit International Public* 13: 40-58.
- _____. 1986. "Daehan jeguk-ui gukjebeopjeok jiwi" (Legal Status of the Great Han Empire in View of International Law). *Beophak* (Seoul Law Journal) 27.2/3: 188-201.
- Story, Douglas. 1907. *Tomorrow in the East*. London: George Bell & Sons.
- Swartout, R. S. 1980. *Letters of O. N. Denny; and Mandarins, Gunboats and Power Politics: Owen N. Denny and the International Rivalries*, 58-60. Hawaii: Univ. of Hawaii Press.
- United Nations. 1963. *UN Yearbook*. UN Document A/5509. New York: United Nations.
- Ye, We Chong (Yi, Wi-jong). 1907. "A Plea for Korea." *The Independent* LXIII (August): 423-426.