

THE
STATE OF
EXCEPTION

Part I

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WAR BODIES

During the summer and fall of 1944, the U.S. Marine Corps and U.S. Navy established several intelligence and police units in Guam. Although relatively new in their makeup and sometimes disorganized in their objectives, these agencies subjected the indigenous and settler populations of the island to the logics of the U.S. carceral state. In this chapter, I show how the American military drew from its histories of discipline and punishment in its efforts to classify the disloyal from the loyal, the criminal from the noncriminal, and the ally from the enemy among the peoples of Guam. The purpose was threefold: first, to detain and segregate the criminal, disloyal, and enemy subjects; second, to generate a public image of emasculated Japanese and Japanized subjects; and, third, to lend moral credence to the American legal apparatuses by casting suspicion and, hence, guilt upon suspected war criminals and other deviant types. Chamorros from Guam, especially individuals with backgrounds in the military and the police, likewise incarcerated anybody deemed a threat by the U.S. military. This process exacted native forms of retribution and violence; here, Guamanians often portrayed themselves and Americans as the virtuous *ko'ko*, thereby vilifying the Japanese, Rotanese, and Saipanese as the cunning *hilitai*. In doing so, the American military colluded with Guamanians to create bodies of war criminality—bodies that invoked the carceral and colonial logics of modernity in the Pacific.

Bodies of Military Intelligence

The U.S. Navy's military intelligence units partly created the juridical language, moral landscape, and racialized sphere through which indigenous and settler bodies were classified, segregated, and incarcerated in the

Mariana Islands. Unlike its more secretive, expansive, and increasingly invasive manifestations of the post-9/11 era, the U.S. Navy of the late 1930s and early 1940s lacked a structure to effectively organize “intelligence” across its war-waging campaigns in the Pacific.¹ Even the Office of Naval Intelligence (ONI), an agency responsible for negotiating legislative funds for and sharing administrative information about its intelligence apparatuses, found little support at the national level. As the military historian Alan Harris Bath reveals, “ONI lacked direct access to naval policy makers, a situation that continued throughout the Second World War. Although it was consulted from time to time, it was unable to convince leaders in the Navy Department of the need for intelligence or of its significance in decision making.”² The demand for trained personnel, the concern to censor dissent, the uneven interpretation of military laws, and the effort to form an indoctrinated workforce plagued the rise and spread of the navy’s intelligence units. The U.S. Navy ONI knew this well.

Lamenting the disorganized direction of naval intelligence, Captain Ellis M. Zacharias of the U.S. Navy reflected on this state of affairs in a letter dated January 27, 1942, to the commander in chief of the U.S. Pacific Fleet. His letter was a call to action. “The greatest single weakness of our Naval Intelligence today,” he wrote, “lies in the fact that our officers are selected for reasons other than special fitness for this kind of work.”³ In his estimation, the navy assigned officers to intelligence work for “trivial and irrelevant reasons,” with some individuals being recruited because “they were of foreign extraction or could speak, sometimes haltingly, in a foreign tongue.”⁴ As a result, Captain Zacharias opined, naval intelligence “became inferior in quality.”⁵ This inferiority stemmed from three factors: first, the navy’s general reluctance to train officers with a rigorous academic knowledge of “foreign” societies; second, the navy’s failure to indoctrinate its personnel about the importance of military intelligence; and, third, the navy’s hesitation to treat seriously matters of espionage as they pertain to shore bases and establishments. He exclaimed, “Ranking officers belittle the thought of spies or the suggestion of dangerous sabotage from within, they laugh at the possibility of subversive threats to our morale, they have spoken disparagingly of the Intelligence service . . . and resent and even combat efforts aimed at effecting security.”⁶ While Captain Zacharias offered thin examples by way of justifying these claims, his comments still illustrated the kinds of predicaments military intelligence units faced at the onset of the war.

As a solution for addressing the “inferior” standards of military intelligence, he urged the navy to create intelligence officers whose training and objectives would make for a more capable, willing, and offensive global military. In an appendix attached to his letter, titled “The Standards of a Good Intelligence Officer,” Captain Zacharias characterized the ideal intelligence officer as possessing “a mental alertness which will enable him to cope with agile and clever opposition, fortified by ample financial resources.”⁷ An officer must also be suspicious, aggressive, and imaginative enough to “visualize the possible plans of enemy agents and at the same time be sufficiently analytical to properly evaluate the information which comes to him.”⁸ Like their “foreign” intelligence counterparts, the naval officers needed to be knowledgeable about the geography, history, language, policy, and warfare of enemy countries, as much as they should be cognizant of espionage and counterespionage tactics. Captain Zacharias’s suggestions thereby reflected an effort to produce knowledge about the Pacific Islands.

At the onset of the war, the navy organized all classified materials under the aegis of “Combat Intelligence” and “Radio Intelligence,” military units that developed tactical information for the navy. During that period, there was no centralized agency through which military intelligence could easily be shared across the armed forces in the Pacific. The navy soon realized that a central organization was needed to transmit information across various military commands, especially since the U.S. campaign to invade Japanese-occupied territories in Guam and the Pacific demanded reliable networks of communication. On September 7, 1943, the Joint Intelligence Center Pacific Ocean Areas (JICPOA), was formed in response to these needs. Although its formation was deemed a success, the fact that its ranks consisted largely of reservists or part-time military personnel indicated that full-time military intelligence staff had yet to be realized in the then burgeoning organization. In light of these challenges, JICPOA “grew with the war until it could supply all types of the most detailed information on every phase of Japanese military, Naval, industrial, agricultural, political, and social development.”⁹ Reflecting a middle-class sensibility in the recruitment of intelligence officers, the reserve officers consisted of “lawyers, forest rangers, architects, newspapermen, geologists, engineers, scholars and teachers—[who became] qualified linguists and experts in the short space of two and three years.”¹⁰ As the largest producer of intelligence material, JICPOA evolved into the “only U.S. agency in which military and naval intelligence are formed into a single comprehensive organization servicing all the needs of ground, air, and naval forces of a theater commander.”¹¹

By intelligence, JICPOA meant “information of the enemy, his organization, equipment, capabilities, and intentions. . . . In brief, intelligence must be clarified, centralized and professionalized, and so constituted and situated in relation to the top command and to those responsible for national policy.”¹² Based in Pearl Harbor (Pu‘uloa), O‘ahu, JICPOA had grown to nearly five hundred officers and eight hundred enlisted personnel by 1944. Among their tasks, the most notable included the development of propaganda in the forms of leaflets and broadcasts; the creation of aerial maps and photos of Japanese civilian and military populations; the imprisonment and interrogation of Japanese prisoners of war; and the translation and interpretation of Japanese military documents. By being located in Pearl Harbor, the closest military base to the western continental United States, JICPOA stressed its reach to military units during their forays into the Pacific. As one official report noted, JICPOA’s “geographical coverage for briefing was impressive. During the months of June and July 1945, members of the staff were in such widely separated places as Ie Shima, Okinawa, Iwo Jima, the Marianas, the Philippines, Hawaiian Islands, the Aleutians, and with the British Pacific Fleet in Sydney.”¹³

In the summer of 1944, JICPOA claimed to have saved many lives in the Mariana Islands based on its distribution of approximately 400,000 propaganda leaflets that urged the indigenous and settler populations of the archipelago to surrender to the invading U.S. military forces. As a crucial component of these forces, JICPOA “lent assistance to the island commands in their mopping-up campaigns in Guam, Tinian [and] Saipan.”¹⁴ The U.S. Marine Corps, for example, established “Intelligence Collecting Teams” to “follow closely in the rear of assault units and gather documents and material of intelligence value. . . . All personnel were instructed to turn over intelligence material to the collection teams or to the intelligence sections, who then forwarded it to higher headquarters.”¹⁵ As the Intelligence Section of the Third Marine Division reported in May 1944, “All individuals must be impressed with the fact that no item is too insignificant to be of intelligence value. A document or article which, at first glance, may appear to have no importance whatsoever may well be the vital link in a chain of intelligence information which a higher echelon is attempting to complete.”¹⁶

Preparing the Marine Corps for its assault in the Japanese-occupied islands, the Intelligence Section emphasized, “Every man should be made to realize that his failure to turn in immediately any intelligence information in the form of documents or material found by him could easily result in the deaths of many of his comrades due to the proper authorities not receiv-

ing the information in time.”¹⁷ In addition to notebooks and other written items, these objects included automatic weapons with ammunition, communication equipment, dog tags, electronic and power plant equipment, and radar apparatuses, to name a few. With these considerations in mind, the Intelligence Section warned that the failure to heed these instructions would result in Marines “aiding the enemy and betraying their comrades”; all manner of collecting wartime “souvenirs” was likewise discouraged.¹⁸ The Joint Intelligence Center Pacific Ocean Areas thereby contributed toward the criminalization of bodies, ideas, and activities in Guam, the Mariana Islands, and other Pacific islands. In turn, the U.S. Navy’s War Crimes Tribunals Program later treated such classification as lawful.

Classifying War Bodies

In *Discipline and Punish: The Birth of the Prison*, Michel Foucault argued that the spectacle of public execution, or the sovereign imposition of power onto a suffering violator of monarchial law, no longer held prominence in Europe by the late nineteenth century. The public torture of criminal bodies was on the decline; since that period, sovereign entities began to transfer punishment from the bodies of criminals to the bodies of populations. As Foucault observed, “Physical pain, the pain of the body itself, is no longer the constituent element of the penalty. From being an art of unbearable sensations punishment has become an economy of suspended rights.” Referring to the white, rights-bearing body of colonial modernity, he said this of the body: “The body now serves as an instrument or intermediary: if one intervenes upon it to imprison it, or to make it work, it is in order to deprive the individual of a liberty that is regarded both as a right and as a property.” He continued, “If it is still necessary for the law to reach and manipulate the body of the convict, it will be at a distance, in the proper way, according to strict rules, and with a much ‘higher’ aim. As a result of this new restraint, a whole army of technicians took over from the executioner, the immediate anatomist of pain.”¹⁹ These technicians included chaplains, doctors, educationalists, psychiatrists, psychologists, and wardens, as well as military intelligence officers and enlisted personnel.

While Foucault’s general treatment of punishment resonates with the ways in which the navy crafted its intelligence apparatuses in Guam and the wider Mariana Islands, his notion that modern punishment deprives the body of rights and property can only go so far when considering the indigent and settler peoples of the Pacific—that is, the non-European societies

of modernity. In Guam, individuals under Japan's empire became subject to the U.S. rule of law, as evidenced in the military's classification of their bodies. The intelligence briefs, administered by the military intelligence units and distributed to sailors and soldiers, are instructive in this regard. As one Marine report noted, "The military importance of Guam is great. When you capture Guam, we shall have advanced to within 1300 miles of Tokyo and shall be only some 800 miles from Japan's main bases. . . . Guam is an American territory and the people are American nationals. We will be welcomed as liberators, not as enemies."²⁰

After reclaiming Guam as an "American territory," the brief identified Guamanians as Christian, peaceful, and good-natured. However, if they ignored the threats of military physical punishment, as the Marine intelligence form warned, they will, as a "law abiding" society, react favorably to the mere mention of the word "law." Even as so-called loyal natives, the threat of the law always placed Chamorros outside of it, never fully a part of the polity yet often subjected to its violence. Marines and other military personnel in Guam thus fashioned themselves as a liberating and lawmaking invading force. Of particular relevance were the ways in which the military intelligence briefs further categorized indigenous and settler bodies in Guam.

Whereas Guamanians were generally perceived as both liberated and loyal subjects of the United States, military intelligence units sometimes instructed military personnel to suspend their preconceived prejudices about the Japanese nationals, many of whom, the brief stated, were "really loyal Chamorros."²¹ Clearly, the report described Chamorro-Japanese families on the island, of which there were 326 Japanese nationals who had intermarried with Chamorro clans. As the memo indicated, "This information is given to you [the Marine] in order that you may guard yourselves against hasty conclusions when a person with oriental features is found. . . . A great number of those classed as Japanese are really loyal Chamorros and it is well that you leave the screening of all these people to the Intelligence Section, which is best fitted to do it."²² While this brief provided working definitions of indigenous and settler identities for the Marines, military police officers and military intelligence officers primarily "screened" these categories, refined the "criminal" hierarchies, and segregated the bodies. Another military police memo declared, "Our job is to give every possible aid and assistance to the loyal and to confine the disloyal. . . . This will mean that many loyal people will be confined while awaiting individual examination. All concerned must use great tact and resourcefulness. This applies particularly to

Military Police who will come in contact with the people.”²³ Wary of the international implications of their tasks, the brief emphasized, “It is imperative that this be done. Failure to treat our own loyal people well would give the enemy valuable propaganda to influence the people of the Philippines against us. . . . On the other hand, it is imperative that all disloyal persons be seized and segregated from the loyal.”²⁴ With the war still being waged, the American intelligence and police units knew about the legal and political stakes in repossessing Guam.

Drawing on *The Penal Code of Guam* and military proclamations, especially the laws that upheld interrogation and imprisonment, the military police became “the only police force available to see that the civilians comply with the Military Government and local laws.”²⁵ As one report revealed, police personnel became “empowered to arrest violators of both type of laws.”²⁶ They likewise exercised “discretion in carrying out that power.”²⁷ With the military police having jurisdiction over all civilians, one of its first duties included the processing of Chamorro interpreters and police officers from Rota and Saipan. As the military police and intelligence units prepared for these investigations, the Rotanese and Saipanese sought refuge from the reinvading American forces. Sometime in July 1944, for example, nearly three hundred civilians employed by the Minseibu, the entire Kempeitai police force, and other Japanese military and police officials left Hagåtña. By that time, the American military had been bombing the island’s capital for several weeks. As the Saipanese Nicholas T. Sablan recalled, “We were trying to escape danger” from the bombs of American airplanes and the shells of American ships.²⁸ The Rotanese and Saipanese interpreters, including their family members and one Guamanian prisoner, thus accompanied the Japanese contingent to seek shelter from the Americans.

At first, they traveled to the villages of Etton, Fonte, and Otdot. The Japanese officials then allowed the Rotanese and Saipanese to bring their relatives to Manengon, an area where the Japanese military had congregated most of the Guamanian population. According to Sablan, the Japanese police forces followed them to Manengon, where the group remained for two days. The remaining Japanese civilians and military personnel departed for the agricultural unit in Tai. But because the American Marines had already landed on the island and were fast approaching, the group traveled to the northern village of Upi. Once there, the Japanese civilians left the military and police forces, at which point the Japanese Imperial Army ordered the Rotanese and Saipanese to accompany the army to the coastal village of Tarague. Fearing for their lives, the Saipanese Pedro Sablan Leon Guerrero

said, "We, the remaining interpreters following the Japanese police force, decided to get away from the danger that was then going around the Japanese group. We waited until our Japanese companions had left and then proceeded to Santa Rosa mountain."²⁹ He continued, "One of our companions had some food with him and we decided that as soon as that food was exhausted, we were to go out and surrender ourselves. At the end of five days and five nights, we decided early in the morning that because one of our Saipan boys by the name of Henry Pangelinan understood the English language and also a native of Guam going with us by the name of Pedro Zamora, that these two men go out first to where the Americans were and to inform them that we were then in the woods."³⁰

Afraid of the American military, the Rotanese and Saipanese prayed among themselves and cautiously planned for their surrender, knowing that they might be tied up as a group, laid on the ground, and crushed under the weight of American tanks.³¹ On August 15, 1944, Henry Pangelinan and the Guamanian prisoner Pedro Zamora left the group for the Americans, that is, the direction where the "nearest gunfire was heard."³² "On our way to surrender," stated Pangelinan, "we prepared a white flag. While we were fixing that white flag, we heard an American whistle at us. So when we heard the whistle, we got so scared, we held up our hands and [Pedro Zamora] called out, 'Chamorros, we are Chamorros.'"³³ Pangelinan and Zamora then escorted the military police to their group. Disavowing their affiliation with the Japanese due to their fear of the Americans, the other Rotanese and Saipanese similarly approached the Marines. As Pedro Sablan Leon Guerrero explained, "As soon as we got out of the woods, one of the guards asked if anyone of us was a Japanese. We replied that we were all natives. . . . The guards went toward us and patted us on the back and told us we were already liberated."³⁴

The military police then processed the Chamorro interpreters and police officers, with the exception of Luis C. Crisostomo, who was alive but missing from the group.³⁵ Everybody was fed as well. On the following day, August 16, 1944, the military police transferred them to a building in the village of Tomhom with other "surrendered" individuals. As Guerrero recalled, the military police "came over and gave us soap and water and told us to get out of the building, stretch ourselves, and wash our clothes but not go far."³⁶ He felt much relief and gratitude, especially since the military police treated him better than his stripped and handcuffed Japanese counterparts. Whatever forms of "liberation" the Rotanese and Saipanese experienced, however, were quickly diminished when the military police re-

located them to the Island Command Prisoner of War Camp the next day. Attentive to the American military's racism, Saipanese Manuel Borja Tudela understood that since "the beginning we were segregated."³⁷

In a joint effort to classify the indigenous and settler populations of Guam, the American military's intelligence and police units thus segregated the wartime populations along two signifying axes: the civilian and the prisoner of war. The American military "believed that interpreters (unless accompanying the Japanese armed forces), civil policemen, or wardens of jails who served the Japanese Military Government in Guam stand in the position of civilian employees of that government and should be interned as civilians."³⁸ Therefore, the navy interned numerous Chamorros from Rota and Saipan under the civilian subcategories of "civilian detainee" and "civilian internee." As the Marine captain and intelligence officer Nick Savage explained, "The term civilian detainee is applied to persons locked up because he or she may represent a dangerous element in society, locked up under military law against whom no formal charges have been lodged."³⁹ On the other hand, he stated that the "term civilian internee applies to persons who had been charged and sentenced for a crime or who had been formally recorded as representing an enemy country or holding sympathy toward an enemy country."⁴⁰ As Savage's comments reveal, the navy had wide latitude in arbitrarily determining who constituted the "dangerous" members of society.

In everyday and official discourse, the military likewise used these terms interchangeably in its screening and detaining of civilians in "protective compounds"; hence, civilians were incarcerated without any formal criminal charges levied against them. Once they were interned, the military created a census of "civilians" as per four identities: "(a) Chamorros believed loyal [to the United States] (b) Chamorros believed disloyal or whose loyalty is in doubt (c) Other civilians (d) Apprehended violators of Military Government, proclamations, orders or notices, and of local criminal laws, until such time as local jails and prisons are opened."⁴¹ Detailing these categories further Captain Savage recalled that the "major job" of classifying civilians produced "Okinawan fishermen in one category and the Japanese women comfort troops in another category, and the Saipanese and Tinianese and the Chamorros as another category, and the allegedly disloyal half Japanese and half Chamorro Guamanians in another category."⁴²

Commenting on the role of the protective compounds, Major General Roy S. Geiger of the U.S. Marines informed the interned that the compounds protected them from incurring injuries due to the ongoing conflicts on the

island. "It is necessary," he said, "to remain in the compound . . . because there may be some enemy civilians among you and there may be others who sympathize with the enemy. These will be sent to the prison stockade as soon as discovered."⁴³ He added that the "Marines that are on guard around the compound are there to protect [civilians] as well as to prevent the disloyal from escaping. The Marines in the compound are here to assist you. They will show you how to make your shelters and have tools which you may use in making places of protection for you and your families."⁴⁴ Once interned in August 1944, the indigenous Chamorro and Asian settler populations, numbering 18,000 and 1,250, respectively, received food and medical supplies.⁴⁵ These camps were located in the villages of Hågat, Tamuning, Tutuhan, Yigo, and Yoña. Many individuals thanked the U.S. military for the much-needed assistance; Guam Chamorros felt especially relieved to witness the demise of the Japanese empire.

Yet the act of detaining these peoples represented more than a measure of population control and racialized classification. As the sociologist Orlando Patterson would put it, the camps in Guam partly invoked the "symbolic instruments" of enslavement. In fact, Patterson identifies "capture in warfare" and "punishment for crimes" as two of the eight means by which slaveholders have historically acquired slaves.⁴⁶ Slave masters all over the world, he expressed, "used special rituals of enslavement upon first acquiring slaves: the symbolism of naming, of clothing, of hairstyle, of language, and of body marks."⁴⁷ While military officials never described interned civilians as "slaves," the protective compounds nevertheless drew from the carceral history of the United States. By describing these individuals as "enemies," the American military rationalized interning them, much like how the U.S. penal state exists to shield civil society from so-called criminals and outcasts.⁴⁸

The navy further illustrated this parallel in its incarceration of prisoners of war. Comparable to its treatment of civilian detainees and civilian internees, the military categorized prisoners of war under the vague premise that they served the Japanese armed forces in some way. According to one Marine account, the captured prisoners of war "were, or professed to be, extremely stupid, having no knowledge of any units or activity other than their own. Nearly all tactical information obtained from Prisoners of War proved to be thoroughly unreliable. With a few exceptions the documents captured were of no value to the conduct of operations."⁴⁹ On the contrary, though, the Marines tempered their dismissive and racist views of prisoner agency by stating that the "lack of information from Prisoners of War and the ab-

sence of valuable documents may reflect a growing security consciousness on the part of the enemy.”⁵⁰ Japanese military officers, for example, were often less cooperative in interrogations, indicating reluctance on the part of some men to disclose information.⁵¹ Other prisoners of war included businessmen, dentists, doctors, and teachers, as well as any Asian employed by the military. If soldiers were identified as prisoners of war, the U.S. military then transferred them to the Island Command Prisoner of War Camp, also known as the “prisoner stockade,” in Hagåtña. Intelligence officers later determined if they participated in war crimes. The prisoners of war also engaged in training and disciplinary drills.⁵² Their labor was utilized as well.

As with the detained civilians, the military also exploited the labor of prisoners of war, with civilians working for “any military project consistent with military security.”⁵³ Organized by the Civilian Affairs section of the re-established U.S. military government, the civilian laborers included “able-bodied” men over fourteen years of age, Koreans, “non-military Asiatics,” and “enemy nationals.”⁵⁴ The elderly, the sick, and women, including the religious, medical, and political elites, were excluded from the military’s labor pool. Specifically, the military targeted individuals who could build stockades and related facilities, thereby engendering a masculine yet ultimately emasculated labor force. For this reason, interned civilians and prisoners of war, including Chamorro volunteers, sometimes participated in similar projects. As one naval memorandum declared, prisoners of war “may be used to perform work that is essential—i.e. work that would have to be done whether or not prisoners of war are available.”⁵⁵

Yet the military largely placed its “essential” labor demands on prisoners of war in construction work and, to a lesser extent, agricultural production (figure 1.1). Other forms of labor involved “handling of stores, repair of motor vehicles, laundry work, and up-keep of buildings and grounds.”⁵⁶ On the other hand, the military discouraged prisoners of war from “work that directly contributes to the war effort, work that is unhealthful or dangerous, or work of a classified nature that might offer an opportunity for sabotage.”⁵⁷ Otherwise, an armed guard received instructions to ensure that “all members of his detail are within sight and control”; guards were forbidden, as well, from delivering derogatory remarks to and fraternizing with the prisoners of war.⁵⁸ The military likewise informed these guards to “show a POW what is to be done, be sure they understand it, then keep them moving. An Oriental cannot be rushed. If pushed and hurried he will quit.”⁵⁹

The compounds then segregated the prisoners of war and other laborers, already racialized as loyal and disloyal subjects, by issuing cloth armbands



1.1. Japanese prisoners being searched at a POW camp on Guam. The original caption reads, "At Jap PW camp on Guam, prisoners are seen under surveyance of camp officials. Prisoners being searched at gate as they return from work" (no photo number, Rec. September 11, 1945). U.S. National Archives, College Park, Maryland.

to allow the guards to better identify and supervise their duties. As the military instructed, "Arm bands will be red for Japanese, red and white striped for Koreans, and white for all other nationalities." Further, English-speaking laborers and interpreters for the military wore a plain armband beneath their respective colored bands. In these circumstances, the color red may have signified political danger. And whereas red and white may have meant political ambivalence, white may have symbolized neutrality or loyalty to the United States. Although the military did not explain the reasons for choosing these colors, its treatment of laborers clearly followed carceral and militarized routines. These activities included attaching letters and numbers to the armbands; assigning military enlisted men as supervisors to the laborers; maintaining daily record books on laborer responsibilities; organizing eight-hour work shifts over a six-day period; and appointing armed guards to monitor Asian laborers.

Explaining the relationship between labor and imprisonment, the scholar Angela Y. Davis writes that "in the philosophical conception of

the penitentiary, labor was a reforming activity. It was supposed to assist the imprisoned individual in his (and on occasion her) putative quest for religious penitence and moral re-education. Labor was a means toward a moral end.”⁶⁰ For the navy, its personnel sought to reestablish a legal and political hierarchy that was temporarily usurped by the former Japanese occupational military government in Guam. Toward this goal, the navy subjected prisoners of war to “hard labor” that exceeded “the physical exertion required of troops,” a process by which the navy disciplined the prisoners into subjects of U.S. colonial law.⁶¹ As in other cases, the navy was not alone in its endeavors to punish any prisoner of war.

Chamorros who resisted the navy’s demonization of the Japanese became the objects of local ridicule all the same. Silvina Charfauros-Cruz Taumomoa, for example, provided the following account of how her grandmother of the Gutgohe clan assisted the Japanese prisoners of war in the village of Hågat when the men were tasked to clean debris and collect the skeletal remains of their comrades. As Taumomoa observed, “Only my grandmother would give cold water, pull the fainting under a shade and apply cold compress.” The native women of the village condemned Taumomoa, one of the few elders to help the prisoners of war, for these actions. Continued Taumomoa, “The women would then make remarks like, ‘These men killed your son and ours. Why are you helping them to live? They should die as they deserved!’ My grandmother would simply answer that, ‘The war is over, and my son is dead. No amount of bitterness would raise him from the dead.’” Stressing solidarity for Japanese and Asian women, Taumomoa’s grandmother said, “‘But let me tell you, these men have mothers and wives. And somewhere in Japan, they are crying as I cried, wishing as I wished that my sons would all come home safely.’”⁶²

Elsewhere, Guamanian forms of retribution complemented the web of native gossip and spite that made critiques of the navy’s laws difficult and dangerous. In this respect, some members of the navy utilized native labor, racism, and violence to develop their intelligence and police units, just as some Guamanians appropriated the military’s logics to their own ends. Created by the U.S. military government in November 1944, for example, the Guam Combat Patrol captured any “Japanese stragglers” who had yet to surrender to the Marine Corps and navy. Consisting of Chamorros from Guam, the native police force ranged from as few as eight men to as many as twenty-four individuals during its existence from 1944 to 1947. Describing its mission, the editors for the *Guam Gazette* reported, “‘Surrender or die,’ was the order given Guam’s Combat Patrol to deliver to the remaining Japa-

nese Armed Forces hiding in the hills.” As Staff Sergeant Juan U. Aguon, a Chamorro, noted, “We always get them—dead or alive!”⁶³ Further elaborating upon their role, the editors for the *Navy News* disclosed that “continuous small reconnaissance patrols must be used at present to ferret out the renegades because the Japs quickly go into hiding when they encounter large searching parties.”⁶⁴ As the Intelligence Section of the Third Marine Division in Guam put it, Guamanian men were chosen for their “knowledge of trails, water points, and caves . . . in hunting down small groups in hiding.”⁶⁵ Describing the Japanese as stragglers or animals to be preyed upon, the *Navy News* thus understood them as “desperadoes [who are] shot down at sight if they attempt to resist when they are apprehended.”⁶⁶ By April 1946, the American military estimated that the Guam Combat Patrol had killed “174 Japanese guerillas,” with only twelve being captured and detained.⁶⁷

In principle, the American military charged the Guam Combat Patrol to locate and arrest any remaining Japanese individuals in the island (figure 1.2). But that seldom proved the case, as illustrated in the racist coverage by the military’s media and as evidenced in the racist actions by Guamanians. According to Adolf Sgambelluri, the son of the former police officer Adolfo Sgambelluri, the American military wondered why the patrol had not captured any Japanese civilians or prisoners of war three months into its operation. As Adolf Sgambelluri recalled, the Marine captain Nicholas Savage said to Adolf’s father, Adolfo Sgambelluri, “What the hell? How come you haven’t caught any stragglers?”⁶⁸ Suspicious of the Guam Combat Patrol’s activities, Savage then instructed Adolfo Sgambelluri to investigate this case and to apprise him thereafter. The latter eventually concluded that the Guam Combat Patrol had murdered all the Japanese stragglers three months into its operations. As his son explained, the patrol “hated the Japanese so bad, they would make the [surrendered] guy run. . . . So when the guy runs down the road they shoot him in the back and kill him.” He continued, “My father found out who these guys [in the Guam Combat Patrol] were, wrote the report, and it went to [Captain Nicholas Savage], and [he] took it up to the commanding general of the landing force.”⁶⁹

Knowing that murder was illegal and grounds for naval punishment, Sgambelluri’s “father put in a caveat that the Chamorros have suffered for the last two years, been tortured, and they’re ‘getting even now.’”⁷⁰ Unsurprisingly, the American military failed to arrest the unidentified members of the Guam Combat Patrol responsible for murdering anybody they classified as “Japanese stragglers.” The collusion between military classifications



1.2. The Guam Combat Patrol discussing stolen food. The original caption reads, “The Native Military Gov. patrol fighters scouring the jungles of Guam, for Japs. The day’s hunting starts as members of the Native Military patrol hears a native explain that during the previous night chickens, eggs and produce had been stolen by Japs from his farm on the edge of the jungle. L-R Sgt. Juan Aguon, patrol leader, Pedro San Nicholas, Jesus Yosida, Ignacio Riverin and Antonio Manibusan, members of the patrol” (photo number 01204 CINCPAC, Rec. June 1, 1945). U.S. National Archives, College Park, Maryland.

of *zoē*, animal life, and native retribution coalesced here; this political nexus thrived, as well, in the circulation of native rumors and hearsay, the interrogations of suspected war criminals, the solicitation of witness testimonies, and the development of court proceedings. Rather than hold these Guamanians accountable for their actions, the military instead awarded the men of the Guam Combat Patrol, including those who perished during their missions. They received the Bronze Star Medal, the Purple Heart, and the Silver Star Medal for attempting, as one periodical noted, to “eradicate” Japanese stragglers from the island.⁷¹

Although the final death and capture statistics for the Guam Combat Patrol are unknown, various monthly reports indicate that numerous Japanese died under the vigilante efforts of these Chamorro men.⁷² While a few Japanese survived, it is clear that the Guam Combat Patrol shored up the navy’s racism in ways that supported the broader incarceration of Japanese, Rotanese, Saipanese, and other suspected individuals in Guam. As

Vicente M. Diaz and Laura Marie Torres Souder argue in their critiques of the war, providing Chamorros with limited positions of power in the form of the Guam Combat Patrol, monitoring the state of hygiene in the camps, and introducing medical aid and canned foods produced a series of cultural and historical processes. In other words, these foundational events of the war generated economies of dependence among the interned populations, reified the carceral state by which the U.S. military governed indigenous and settler subjects in the Pacific, and created Chamorro cultural systems of obligation and reciprocity to the U.S. nation that problematically persist to this day.⁷³

Bodies of War Criminality

Largely unbeknownst to the indigenous and settler populations, the establishment of protective compounds and the Island Command Prisoner of War Camp merely constituted the first stage in the making of the War Crimes Tribunals Program. Although numerous Chamorro clans eventually returned to their respective villages throughout the island, and although many Asian settlers reconnected with their displaced communities, the gestures of supposed humanitarianism provided by the internment camps belied the carceral aspects of these sites. As the military commission came to fruition in December 1944, the intelligence and police units invented new bodies of war criminality that speak to Giorgio Agamben's homo sacer as the original foreclosure of political life that the sovereign claims in the name of democracy.

The making of the protective compounds in Guam thereby limited the political life, bios, of the interned Japanese settlers and indigenous Chamorros, similar to Foucault's perception of the function of prisons in modern society. As he astutely observed, these war bodies constituted "the organization of a field of prevention, the calculation of interests, the circulation of representations and signs, the constitution of a horizon of certainty and proof, the adjustment of penalties to ever more subtle variables; all this also leads to an objectification of criminals and crime."⁷⁴ As the navy attempted to control the fields of signification by which war criminality was made legally meaningful, Agamben's sacred man surfaced in the navy's calculations of criminality. As an appendage of the U.S. polity, homo sacer emerged via the navy's reinvasion of Guam because his image as an "American" law-abiding subject was suppressed during the Japanese occupation from 1941 to 1944.

That is to say, the U.S. military reduced the interned individuals to biological life, *zoē*, or a restricted sense of political life, *bios*, so as to impose its categories of war criminals and other deviant types. That Guamanians often dehumanized their Chamorro counterparts from Rota and Saipan as the proverbial *hilitai* reflected both indigenous notions of reciprocity and retribution as much as they illustrated the American military's erasure of Japanese political life, *bios*, among the Rotanese and Saipanese. The incarceration of these subjects in American-made compounds and prisoner stockades thus established a landscape wherein all things Japanese were eliminated and remade in criminal terms. As Mbembe reminds us, the "subject in the colony . . . is nothing but an appearance. He/she has a body. The colonizer can seize, harass, lock up the native, compel forced labor, make him or her pay taxes or serve as cannon fodder."⁷⁵

As the navy understood it, war criminality involved people who committed "murders, atrocities and other violations of the laws of war against members of the armed forces of the United States or against other Americans, including the peoples of any dependency such as the Philippines."⁷⁶ With the establishment of the national War Crimes Office in December 25, 1944, Secretary of the Navy James Forrestal instructed all military units in the Pacific to "arrange for the immediate or eventual apprehension, trial and sentence of such war criminals."⁷⁷ As the War Department emphasized, "Personnel performing investigative, intelligence, police, photographic, or medical functions will during the normal course of their duties make every effort to detect and develop information regarding war crimes and to prepare and report evidence."⁷⁸ Failure to heed these orders, the War Department forewarned, could enable "many of the persons responsible for outrages against humanity . . . to go unpunished because of the failure to preserve evidence or to obtain essential information at the time of discovery and at the scene of the crime."⁷⁹ As the negotiating agency between the State and the Navy Departments, the War Department coordinated matters concerning war crimes against U.S. military personnel and "other Americans" in Asia, Europe, and the Pacific Islands. Given the navy's governance of several Pacific islands since 1898, the secretary appointed the judge advocate general of the navy with cognizance over legal issues relating to war crimes.⁸⁰

Specifically, the secretary referred to the "Navy's Pacific" as the U.S. territory of Guam and the former Japanese-mandated islands of the western Pacific; other Pacific branches included "China, India-Burma, Japan, the Malay Section, Netherland East Indies, the Philippines, the Ryukyu Section,

and the Solomon Islands Section, areas where Australia, the United States, and other allied countries conducted war crimes investigations.”⁸¹ Under its wartime jurisdiction, the navy consequently examined allegations of war crimes in the Bonin Islands, the Caroline Islands, the Gilbert Islands, the Mariana Islands, the Marshall Islands, and the Palau Islands.⁸² Intelligence materials about war crimes gathered by military commands in these areas were forwarded to the judge advocate general of the navy, who furnished legal information upon request and made “recommendations with regard to procedure and personnel.”⁸³

Advancing the now official mandate to investigate war criminals among the interned populations in Guam’s protective compounds and in the prisoner stockade, the navy also created the Advance Intelligence Center (AIC) on the island to assist the Office of the Judge Advocate General, JICPOA, the military police, and other related intelligence units in the criminalization of indigenous and settler bodies. Formed in January 1945, and based in Guam at the Advance Headquarters of the commander in chief, U.S. Pacific Fleet (CINPAC), the AIC held responsibility for “photographic reconnaissance, target selection, geography, interrogation and translation, escape and invasion, psychological warfare, flak intelligence, reference library, aviation charts and photo laboratory, and distribution.”⁸⁴ Although AIC’s main task was to support U.S. war efforts in Asia and the Pacific, its “interrogation and translation” section played a central role in interrogating prisoners of war in Guam.

Erecting a Quonset hut near the Island Command Prisoner of War Camp, the AIC screened and identified potential war criminals among the nearly seven hundred prisoners of war interned in the stockade. In the process, the AIC often encountered prisoners of war who said little about their wartime pasts, if not altogether resisted the agency’s interrogation methods. As one intelligence report indicated, the military’s “investigations are progressing slowly because of the well organized efforts being made by the Japanese involved to conceal these crimes to avoid implication.”⁸⁵ “At the end of the war,” the memorandum continued, “many of them were instructed as to what to say in case they were questioned by the allied forces concerning disappearances of [American] prisoners of war. At present many of them are still conspiring to keep their activities secret.”⁸⁶ Whether the AIC questioned prisoners of war as to the locations of missing Americans or the manner in which they died, the intelligence unit adhered to several goals in making its evaluations.

The first purpose of the interrogations was to “perpetuate all available evidence as to permit trial of the accused at a later date”; the second objective aimed to “collect evidence which, when properly combined with evidence from other sources, may fix responsibility at levels above that of the immediate perpetrator.”⁸⁷ As these parameters illustrate, the investigations employed a vertical hierarchy by which to ascertain bodies of war criminality, from the low-ranking soldiers to the high-ranking commanders of the Japanese military. If the AIC determined a war crime was committed or witnessed by a prisoner, then AIC cross-checked with administrative officers in various intelligence units to gauge if said war crime was already being investigated. If that was the case, then AIC added information to that ongoing investigation (e.g., personal statements). Otherwise, files were opened whenever new allegations of war crimes emerged. Each file identified the name(s) of the accused war criminal(s), with subheadings for the name(s) of the alleged victim(s), as in this prescribed format: “TANAKA, Juichi; alias ‘The Bug-Eye’/MOTO, Taro;/1st Lt. John J. Doe—Victim.”⁸⁸

While these and other files often listed “victims” as white military men, war crimes investigating officers were also trained to imagine their “victims” as “white, female, adult, housewife.”⁸⁹ Predictably, the American military gendered its victims as domestic, vulnerable, and white in its war crimes investigations, as if to signify a feminine and violated nation. The defense and prosecution teams of the military court later invoked these tropes of innocence, albeit in differently situated ways for colonial, indigenous, and settler bodies alike. Furthermore, individuals suspected of war crimes were not segregated from the wider prison population “so as to avoid disclosure that individuals are being held for future trial.”⁹⁰ It was not until the military court summoned the accused prisoners for trial that their identities as war criminals were publicly exposed; they either remained in the Island Command Prisoner of War Camp in Hagåtña or were transferred to the new War Criminals Stockade in the village of Tomhom. In fact, none of the interned Japanese, Rotanese, and Saipanese individuals accused of war crimes ever received their charges until one to three months before they faced their trials. In this secretive environment, the navy’s intelligence units identified their suspected war criminals among a pool of nearly 135,000 civilian and military personnel examined in Guam and the western Pacific up to the end of the War Crimes Trials Program in 1949.⁹¹

In these interrogations, the navy intelligence units clearly subjected interned civilians and prisoners to the surveillance mechanisms of a police

state. Whereas the U.S. Constitution theoretically prevented the military from engaging in police activities without the consent of Congress or the president, as reflected in the Posse Comitatus Act of 1878, the navy had historically employed police logics in its colonization of indigenous peoples in the Pacific and elsewhere.⁹² Since the act no longer applies today given its repeal during the Reagan administration's war on drugs in the 1980s, and especially due to Reagan's endorsement of military training and warfare tactics among the police, some critics now argue that the lines that distinguish the military sphere from the police sphere have altogether disappeared.⁹³ Those domains, however, coexisted intimately in the military colony of Guam. As a central component of the navy's carceral and intelligence apparatuses, the policing of war criminals began with the identification of individuals allegedly involved in war crimes. This was the process by which AIC, JICPOA, and others compared their respective files on war crimes. Once individuals were targeted as "war criminals," military intelligence units examined their *modus operandi*. As naval commander George H. Brereton explained, in "police investigation the 'M.O.' of an unknown criminal is often of considerable value in connecting him with a particular type of crime."⁹⁴

With the identities of the accused and the victim established, and with a *modus operandi* on which to draw, naval intelligence units meticulously created a context to produce the "guilt" of the war criminal in question. When describing the accused beyond his or her name, for example, Commander Brereton urged investigators to "make every effort to get an accurate and complete description of the suspect, his service connections, relations, friends, prior occupation, hometown, habits and personal characteristics."⁹⁵ Second Lieutenant Ralph De Vries confirmed this tactic, as intelligence officers like himself frequently asked an accused individual when "he came to Guam, what he did here, just so we could get his life history."⁹⁶ In these cases, De Vries "investigated the people who were suspected of beatings and murder with reference to Guam citizens."⁹⁷ In the process, the phenotype of the nonwhite war criminal emerged. His age, build, and height mattered, as did his eye, hair, and skin color. Other racialized attributes—from his body amputations to his scars and from his tattoos to his gold teeth—were recorded in police notebooks.

Further reifying the body of the war criminal, intelligence officials used six interrogation techniques that charmed, forced, or intimidated the accused war criminal into providing information. The first method confronted the accused with "overwhelming evidence"; the second tactic employed a

“harsh” interviewer and a “friendly” interviewer; the third style suggested immunity for the accused; the fourth approach exaggerated the offense; the fifth strategy applied hypnotism; and, finally, the sixth procedure utilized a polygraph.⁹⁸ For the investigators, the accused individuals revealed their guilt by their twitching hands, refusal to cooperate, declarations of innocence, sweating, changed facial skin color, or dry mouths (as indicated by their request for a drink).⁹⁹ Additionally, investigators aimed to retain the personal statements of any witnesses under oath, as prepared and written by the witnesses, the investigators, and, in some cases, the assigned interpreters. As one memorandum on war crimes interrogations asserted, “It is most desirable that the [investigator] examine under oath all witnesses who have or purport to have knowledge of such atrocity or crime.”¹⁰⁰ Eventually, Chamorro, Chamorro-Japanese, and Japanese men and women constituted the court’s witnesses not because of their knowledge of wartime events *per se* but because of their deep hatred of and, in a few cases, sincere sympathy for the accused war criminals in Guam. Investigators thus turned to these witnesses, notably Guamanians, to provide “personal knowledge” of criminal activities, even exploiting their antagonisms toward the accused war criminals.¹⁰¹ But if said information came from another person, the investigators requested the identity and whereabouts of the individual in case their main witness could not attend the trial.¹⁰²

Using cameras, investigators also took photos “wherever possible” of the alleged crime scene and, if possible, of the alleged victim.¹⁰³ If a body was found, which sometimes occurred, investigators photographed it, assisted a medical officer in examining any wounds, gathered evidence from the body (e.g., bullets, clothes), and searched it for any kind of personal identification. Other than using the victim’s body as evidence, investigators likewise searched for fingerprints “on smooth surfaces, such as highly polished desks, window panes, light bulbs, drinking glasses, polished surfaces of weapons, glassware, cookery, etc.”¹⁰⁴ While finding fingerprints proved difficult given the poor conditions of the investigation sites, as many homes, graves, and buildings were damaged or obliterated during the war, the related objective of creating casts and molds of footprints, tire tracks, and other physical markers seemed nearly impossible. Given these circumstances, many war crimes investigators resorted to locating written evidence, as in a diary or a memo, in order to substantiate their claims about the guilt of war criminals. These methods likewise applied to the interrogations of civilians in the protective compounds where the issue of Chamorro complicity with the Japanese empire surfaced.

Knowing that few Chamorro interpreters for the Japanese spoke English, all of whom came from the “Japanized” islands of Rota and Saipan, the navy enlisted Guamanians to translate the Chamorro and English languages. Along with personnel associated with AIC, JICPOA, and other intelligence units, the navy sought the help of Guamanians because of their intimate knowledge of the people, the island, and, above all, the suspected war criminals. The police officer Adolfo Sgambelluri was one such individual who, disguised as a civilian detainee in the camps, investigated “Chamorros that were collaborating with the enemy.”¹⁰⁵ Another Guamanian by the name of Pedro Dueñas Camacho performed similar duties for the American military. As he recalled, “I had the position of being one of the important men . . . helping the Government and at the same time trying to locate all these natives who are Japanese collaborators, that is my job. I got their names and arrested some of them and sent them to the stockade.”¹⁰⁶

As a Marine who supervised the conditions of interned Chamorros in the protective compounds, Captain Charles H. Kraus praised these Guamanians for their “familiarity with the people, language and so on.”¹⁰⁷ In his view, “the most important assistance of the native police was in the intelligence field.”¹⁰⁸ Unlike the interrogations of prisoners of war, which immediately categorized them as disloyal subjects, the first tier of interrogations in the protective compounds attempted to segregate the disloyal from the loyal. Quite often, the disloyal civilians were described as “Japanese, Saipan natives, and natives with Japanese sympathies.”¹⁰⁹ Commenting on the politically charged relations among the Chamorros of the Mariana Islands, Kraus noticed the “strong antagonisms that existed between Saipan and Guam Chamorros. Apparently this was caused by the fact that a large number of the Saipan civilians had been imported by the Japanese as interpreters and labor supervisors. They, doubtless, were selected because of their strong pro-Japanese feelings.”¹¹⁰ “Upon discovery of a questionable character,” he continued, the accused “and his family, if possible, were sent to the [Hagåtña prisoner] stockade.”¹¹¹ With the aid of the Guamanian police, then, the navy identified “300 civilians [who] were confined by [the navy] under charges or suspicion of being collaborators in some way.”¹¹²

At this point, civilians accused of participating in war crimes were transferred to the Island Command Prisoner of War Camp, where they, along with their families, were segregated among the prisoner of war population. This second removal varied from camp to camp as the navy conducted its interrogations of civilians. Contrary to the prisoners who knew little or nothing about the navy’s separation of war criminals among them, thereby

retaining their relative anonymity as accused subjects until summoned by the military court, the civilians removed from the protective compounds to the prisoner of war stockade were immediately subjected to public exposure and humiliation. For the accused Chamorros from Rota and Saipan, they became objects of cultural ridicule and shame—what Captain Kraus called “spite”—as much as they became subjects of the military’s carceral apparatuses.¹¹³

Guamanians affiliated with Japan’s empire found themselves in a similar predicament. The American military, for example, incarcerated the Franquez family because of their wartime association with Samuel Takekuna Shinohara, a Japanese national and the senior interpreter for the Minseibu in Guam. As Rita T. Franquez recalled, her mother, Maria, was the sibling of Shinohara’s wife, Carmen, by virtue of their ties to the Torres clan. The military consequently interned both families, deemed “guilty by association,” in a camp “with a double barbed wire fence and machine guns placed at the corners and along the fence at regular intervals.”¹¹⁴ Describing the interior of the facility, Franquez said, “The crowded Japanese POW camp we were imprisoned in was flooded when the monsoon rain started. The rectangular canvas that served as a roof was strictly a rooftop cover but open on all sides which did not keep wind or rain out. The floor, of course, was dirt and flooded.”¹¹⁵ Rita T. Franquez, who had been a young girl at the time, also remembered how the elders and parents took turns holding their babies to keep them dry from the “the mixture of mud and feces” that sloshed beneath them.¹¹⁶

But whereas Shinohara was imprisoned for war crimes he allegedly committed, a rumor that had become widespread among the camps, the Franquez family disputed having participated in any kind of criminal activity directed against U.S. citizens and nationals. Seeking to rectify this situation, Maria T. Franquez requested to meet the unidentified commandant of the camp. Rita summarized their meeting as follows: “She finally got to see the Commandant of the prison. She demanded we be charged with: 1) a civil crime, 2) religious crime, 3) a military crime, or 4) some kind of international crime immediately as we had been prisoners for a very long time there already.”¹¹⁷ Maria T. Franquez “threatened that in the absense [sic] of a crime we could be charged with, we were going to climb the fence and they would have to machine gun us down.”¹¹⁸ Given that the interned individuals were suspects of various types, the elder Franquez utilized the military’s language of war criminality as a means to clarify their legal statuses. While such efforts partly conceded to the power of the military,



1.3. Chamorro women doing laundry. The original caption reads, “Suspected Jap sympathizers interned in a prison camp on Guam” (photo number NAVAER-452A, Rec. arch 20, 1945). U.S. National Archives, College Park, Maryland.

Maria T. Franquez’s attempt to climb the barbed wire fence with her family at great peril to their safety signaled a stronger opposition to colonizing forces in Guam (figure 1.3). The matter of militarized incarceration was not lost on the Chamorro mother. Explaining her insights, Rita said, “She commented no matter who our captors were, whether Japanese, Spanish or American, they had one thing in common. They all seemed to have hated the Chamorro people with a very arrogant and disparaging attitude without any respect to our humanity nor our rights as victims of super power struggles.”¹¹⁹ With the assistance of the Chamorro educator Agueda Iglesias Johnston and other friends and relatives, the military eventually heeded the Franquez family’s request and released them from the prisoner of war camp at an undisclosed time. While a few Guamanian families escaped the military’s confinement, that was not the case for the Rotanese and Saipanese.

The War Criminals Stockade

The intelligence and police units interned numerous Japanese, Rotanese, and Saipanese individuals and families, once deemed a threat to society, in the protective compounds or the Island Command Prisoner of War Camp.

But only men accused or convicted of war crimes resided in the War Criminals Stockade in the village of Tomhom, as with Tadao Igawa, Samuel T. Shinohara, Akira Tokunaga, and Juan Villagomez. Describing its environment, Rear Admiral John D. Murphy, the war crimes director, wrote, "The detention building in which the prisoners are housed are [sic] located within an area enclosed with a double fence of barbed wire. The area is lighted with flood lights, and an auxiliary generator is kept in working order and available to be put on the line in case of main power failure. Armed sentries patrol outside the barbed wire enclosure."¹²⁰ Alongside the detention building stood two barracks that sheltered the forty-eight Marine officers and enlisted men assigned to the War Criminals Stockade. Private First Class Hubert R. Brinkley, a Marine, had this to say about the incarcerated individuals: "Personally I would not trust a P. O. W. that close to me due to the fact that they had been charged with assault, cannibalism, murder, and general mistreatment of American P. O. W. Some of them had already been tried, and sentenced according to their various charges." Concerned about the welfare of the guards, he said, "I had the security of the stockade and the safety of the other guards on my mind . . . while I was on duty."¹²¹

Outside, the prisoners shared a pit latrine. If they wished to use the toilet or the shower, they had to run to and from each location. As part of their exercise regimen, they also cut grass, dug ditches, or performed sit-ups for up to thirty minutes each day; the military used their labor for minor construction and repair tasks as well. In terms of resources, the navy provided medical assistance, offered recreational time, screened movies, and loaned library books to the prisoners. Clergy representing the Buddhist, Christian, and Protestant faiths often visited the stockade and counseled the prisoners. Inside the detention building, the prisoners slept in cells secured by padlocks. Only basic toiletries, clothes and linens, items of worship, and reading materials were allowed in the cells. Otherwise, the military indicated that their "quarters should be devoid of unnecessary comforts, conveniences, decorations, particularly photographs and pictures of 'pin-up girls,' Japanese officials or so called heroes."¹²² Without protection from mosquitoes, the navy also sprayed the toxic insecticide DDT in the cells, where, supposedly, the prisoners suffered "very little."¹²³ As per the navy's policy, at least one Marine guard was posted in front of the cells at all times.

With the exception of witnesses who temporarily dwelt in a separate part of the facility, the accused and convicted war criminals abided by a strict set of rules.¹²⁴ The first order required that each man "come to attention whenever an officer approaches your hut and when you are spoken to by a

member of the guard.”¹²⁵ Other rules demanded that the prisoners maintain clean cells, request permission to speak and use the toilet, concede to having their letters censored, and refrain from touching any part of the barbed wire gates and fences. Their only semblance of protection came in the form of a rule that forbade any guard from assaulting them; the rule “pertained to the mistreatment of Japanese and Native P.O.W.”¹²⁶ If “struck or punished” by a sentry, for example, the prisoner had the right to contact a senior officer about said allegations.¹²⁷

Sometime in May or June 1946, seven Japanese prisoners of war took advantage of this regulation by claiming that the guards had abused them during their stay in Guam (figure 1.4). Of these Japanese men, only Vice Admirals Kaoru Arima, Masashi Kobayashi, and Kunizo Mori identified their purported assailants as, respectively, Marine privates Donald W. Purcell, Raymond L. Romero, and Rocco L. Piacente. The others—all lower-ranking personnel formerly employed by the Japanese Imperial Navy—failed to identify the guards despite being able to recall their beatings. Whereas they argued that the guards had forced them to eat their meals within one minute, a few separately charged that they had extracted their gold teeth for a guard, masturbated a guard’s penis, performed oral sex on a guard’s penis, participated in excessive drills, or received hits and spit to the face, back, or stomach.¹²⁸

In his statement dated July 2, 1946, Vice Admiral Kaoru Arima argued that the guards had assaulted them for having caused World War II in Asia and the Pacific Islands. As he put it, several unidentified guards approached him on May 27, 1946, and accused him of being “responsible for the happenings of the Death March of Bataan, attack on Shanghai, Hong Kong, Canton, and the attack of Pearl Harbor.”¹²⁹ One sentry then hit Vice Admiral Arima “with the broom on the seat of my pants for about 15 times, slapped me about 15 or more times, and finally grabbed my head with both hands and twisted my neck several times. In doing the last act another guard helped the first guard. The others stood by and watched.”¹³⁰ By physically, sexually, and verbally assaulting the prisoners, the guards conveyed ownership over them as subhuman and nonhuman bodies, *zoē*, that now fell under the reach of the U.S. penal state in Guam. Corporal Tsugio Asanuma relayed this sentiment when three guards demanded his four gold teeth as souvenirs on May 24, 1946. As he explained, the unidentified Marine sentries attempted to “jab” his gold teeth with a club, but failed in releasing the teeth from Asanuma’s mouth. Having “no other alternative,” the Japanese corporal “found and used a nail to pry loose my gold teeth.”¹³¹



1.4. War Criminals Stockade. The original caption reads, “Japanese War Criminals Stockade Area, Guam, M. I. I. 1. The stockade gates. 2. The stockade guard house. 3. The emergency generator can be seen in the background” (photo number 406888, Rec. September 27, 1949). U.S. National Archives, College Park, Maryland.

In its investigation of these allegations, the navy collected statements from the guards, revealing that “no one admitted to such acts, or to seeing them performed.”¹³² As David N. Morris, a Marine private, claimed, “To the very best of my knowledge, there was not at any time orders given to abuse or mistreat the Nips. Neither was there ever homosexual acts imposed upon them.”¹³³ Donald Purcell, another Marine private, stated, “I neither saw nor heard of homosexual or abusive acts.”¹³⁴ Captain John N. Rentz, the commanding officer of the First Battalion, Third Marines, defended the guards. As he observed, “During the period of my command, no sentry ever spit upon a prisoner. No sentry ever forced a prisoner into a homosexual act. No prisoner was ever forcibly awakened in the middle of the night.”¹³⁵ Even the American corpsman and the Japanese medical officer agreed that no Japanese prisoner had been harmed by the sentries; drawing from their daily records of “sick calls,” they found no evidence of abuse at the War Criminals Stockade. As Lieutenant Tsutomu Ogawa stated, “I hereby certify that it has never been brought to my attention that any Japanese prisoners have received injury as a result of mistreatment by the guards.”¹³⁶

Taking these factors into consideration, the navy concluded its investigation of the War Criminals Stockade on July 22, 1946. It determined that the Japanese prisoners had fabricated every charge except for one regarding excessive drills. In this respect, only Private Raymond L. Romero was found guilty of forcing Vice Admiral Masashi Kobayashi “to stand at attention while holding heavy stone.”¹³⁷ When asked to rationalize his actions, Romero argued that “the Jap prisoner kept bothering me all during my watch by wanting to go to the head. I took him to the head about six times, and then I told him if he bothered me once more, I’d make him stand there all night. He gave me a big smile and asked me to give him a light as he wanted to smoke, in the middle of the night. So I took him out of the cell and made him stand outside at attention [for a few minutes] with a rock in his hands.”¹³⁸ By way of summary court-martial, Romero then received five days of confinement in the military’s brig with bread and water. The navy deemed its investigation complete. As Captain J. A. Moriarty Jr. proclaimed, “Since this investigation, with a view to assuring proper treatment of all Japanese prisoners, Commander Marianas has directed the Commanding Officer, Marine Barracks, to make regular periodical inspections, interrogate the prisoners relative to mistreatment and take all steps necessary to prevent any violation of international law relative to persons held captive by the United States.”¹³⁹

As with Guamanian forms of retribution directed against the Japanese, Rotanese, and Saipanese, however, several Marine guards continued to assault the prisoners in the War Criminals Stockade. Like their native counterparts from Guam, the sentries rarely received punishment for their actions. At least this was the impression given by another set of Japanese prisoners. Commenting on this new round of allegations, Captain Moriarty wrote, “Well, the fat is in the fire again. The ten persons who returned to Tokyo with Lieutenant Tremayne have brought a very unfavorable report of conditions in the War Crimes Stockade at Guam since last August, 1947.”¹⁴⁰ Unlike the previous group of Japanese men who were prisoners when the navy called for an investigation, the ten Japanese men who filed the new report were recently released prisoners at the War Criminals Stockade. That is, the military acquitted them of all charges in the summer of 1947. No longer bound by the navy’s laws, these men identified fifteen Marine guards as their supposed assailants, as well as offered detailed descriptions of said abuses.

As with the case in 1946, the Japanese prisoners were reduced to objects of sexual desire and revulsion. They alleged having incurred various beat-

ings from March 1946 to July 1947. Former prisoner Eigo Chiba, for example, witnessed the guard by the name of “Morris” order “hygiene-officer ensign Yoshizawa to get down on his hands and knees. He got on top of him and made him say ‘I am a horse’ while [Morris] shouted ‘I’m Hirohito’ and made him walk on his hands and knees.”¹⁴¹ Chiba himself also performed excessive drills; several guards physically attacked him as well. Elsewhere, Hideo Hataoka, a medical petty officer first class in the Japanese navy, had an unidentified sentry shove “a considerable quantity of toilet paper into my anus. As a result I suffered from constipation for about 12 days and the pain I had to endure during those days was beyond explanation.”¹⁴² On May 30, 1946, two guards then entered his cell and kicked his back and chest. As Hataoka recalled, “Being unable to stand the pain I crumbled. They urinated on my back and made me lie in the water. Then they forced me to lick the urine on the floor.”¹⁴³ The next day the guards returned. “One of them held me tight,” explained Hataoka, “and the other forced his penis into my mouth and emitted semen and made me drink it. After it was over they would not even let me wash my mouth.”¹⁴⁴ Another prisoner, Mayuki Ijima, expressed this form of same-sex rape in Japanese terms. As he put it, “I was forced to carry out an act called ‘Shakuhachi’ (homo-sexuality using the mouth) by one of the guards. I stubbornly refused at first, but on being threatened with a pistol, I was obliged to perform the act.”¹⁴⁵

Indeed, the manner by which the Marine sentries exacted homoerotic control over the prisoners was widespread. As the former warrant officer mechanic Yoshio Fujino claimed, a Marine corporal by the name of “Lokey” often greeted him in the morning with the saying “hubba, hubba,” a popular flirtatious phrase of the 1940s.¹⁴⁶ In early September 1947, Fujino described how another guard called “Choeki” then “threw dentifrice all over my head and with shaving cream he painted by [sic] eye-brows, nose, eyes and chin. He made me say ‘I am a cute boy’ and visit each cell in every ward.”¹⁴⁷ Feminized in drag attire, Yoshio Fujino relented to such torture. Anybody who resisted the guards found little respite, as Shigeru Yatsunashi realized when he refused to “lick” the testicles of Private Morris. As a result, Morris assaulted him a “dozen times,” leaving Yatsunashi with “great insult and physical pain.”¹⁴⁸

In light of these allegations, the navy conducted an investigation on the “three main instigators in acts against the prisoners.”¹⁴⁹ They included an unidentified Marine sergeant and two Marine privates. Yet the navy did not pursue the investigation further for fear that the supreme commander for the Allied powers (SCAP) would reprimand the senior officers at the War

Criminals Stockade. With one case of prisoner abuse already proved in 1946, the navy appeared reluctant to make public another round of military assaults against Japanese prisoners. As Captain Moriarty elaborated, “At our request, no letter will be written through official channels regarding these incidents.”¹⁵⁰ He emphasized that “if this bit of information reached SCAP, they too would be very unhappy. I believe it will be possible to keep the latter information from SCAP officials, providing some action is taken in Guam.”¹⁵¹

The Men of Colonial Modernity

A year later, in March 1948, the War Criminals Stockade had not received any new reports regarding its prisoners. Perhaps the living conditions improved for them. Perhaps the guards ceased all forms of racial and sexual violence. But if we take seriously the comments by Captain Moriarty, we can infer that the navy censored other Japanese allegations of torture. It was as if no harm could befall the guards and prisoners of the War Criminals Stockade, a place where senior military officials often maintained the relative secrecy of their activities, if not delighted in the prisoners’ moral transformations. The navy chaplain H. W. Buckingham reported in the same month, for example, that “many prisoners are reading Japanese New Testament.”¹⁵² “It is recommended,” the lieutenant commander continued, “that regular visits be made by both Protestant and Catholic chaplains to administer consolations and sacraments of their faith.”¹⁵³ Rear Admiral John D. Murphy, the war crimes director, similarly reveled in the ideological utility of the prison. As he expressed, “Not one single complaint or even a suggestion of a complaint was indicated. . . . It was obvious to the inspecting officer that the morale of the prisoners was high and that their discipline was excellent.”¹⁵⁴ According to Rear Admiral Murphy, they never conducted “a jail break or attempted jail break”; instead, “the greatest concern to stockade personnel is the likelihood of prisoners committing suicide. Special instructions are given guards . . . and all reasonable precautions are taken.”¹⁵⁵

That numerous military officials affirmed the War Criminals Stockade’s promotion of “high” prisoner morale yet did not underscore their contradictory concern that prisoners might commit “suicide” merely illustrated the power and reach of the U.S. carceral state in Guam. By the time Rear Admiral Murphy had declared the supposedly beneficial qualities of this prison, the U.S. Navy’s War Crimes Tribunals Program had already been in existence for nearly four years. But without its usage of intelligence and

police units and without its reliance on Guamanian forms of retribution and violence, the military tribunal would have lacked the legal and political force to try its subjects, speak its truths, and mete out its sentences. Combined, the Marine Corps, the navy, and the Guam Combat Patrol subjected indigenous and settler peoples in Guam to the disciplinary logics and tactics of colonial modernity. In these hypermasculine, emasculated, and homoerotic spheres of racial classification and confinement, the U.S. military created and managed new bodies of war criminality, a double exclusion wherein deviant and disloyal bodies—natives and nonnatives alike—can be killed but not sacrificed by the nation.