

THE BIRD
AND THE
LIZARD

Part II

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NATIVE ASSAILANTS

As per its carceral dimensions, the military tribunal apprehended and prosecuted individuals who violated the sanctity and sovereignty of the United States. Chamorros who breached the rule of law thus became subjected to the U.S. Navy's brand of imperial judgment, as much as they became implicated in the political spectrum of the *ko'ko* and the *hilitai*. Because Chamorros were neither American nor Japanese citizens, the military tribunal also exploited their nonsubject statuses in order to justify its rulings. How the tribunal came to legally enact and morally uphold cases concerning "assault" and "assault and battery" charges is the topic of this chapter. By examining nine trials, I discuss how the commission homogenized the cultural, legal, and political differences among the accused Chamorros, remade them into "American" wards, and expunged them from the nation as nonsacrifices. Notwithstanding one assault case wherein the accused was a Guamanian, the other eight assault cases involved Rotanese and Saipanese, all of whom the Office of the Judge Advocate General deemed as having no "nationality of their own."¹ Drawing primarily from section 240 of *The Penal Code of Guam*, the tribunal defined "assault" as "an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another." The related charge, "battery," was construed as "any willful and unlawful use of force or violence upon the person of another."²

Establishing a Precedent

The tribunal entertained its first assault case on March 22, 1945. Miguel A. Cruz, a former *sonchō*, or Japanese-appointed commissioner, for the village of Dedidu, faced trial for allegedly assaulting Luis Cruz Camacho and

Vicente San Augustine on separate occasions in 1942. Presumably, Cruz, a Chamorro born and raised in Guam, struck Camacho on or about September 1, 1942, and choked, kicked, and abused San Augustine in the middle of 1942. As with all the cases, the tribunal never focused on a specific date; instead, the court provided the prosecution with much flexibility in determining the time of any alleged offense. As the Office of the Judge Advocate General declared, “When a date is unknown and the offense is such that it occurred at a fixed time rather than continuously over a period of time it is suggested that the date be, when possible, placed as follows: ‘between the dates of about 21 December 1941 and about 15 January 1942, exact date unknown.’”³ With respect to Miguel A. Cruz, the commission assigned Lieutenant Alexander Akerman Jr. as his legal counsel.⁴ The lieutenant, a member of the U.S. Naval Reserve, argued that the court held no jurisdiction over Cruz’s case because the alleged offense occurred before the issuing of Proclamation No. 4 on July 21, 1944. Further, the charge had already passed the two-year limit on the statute of limitations.

Yet the tribunal overruled these claims, leading Cruz to plead “not guilty.” Given his duties as a *sonchō*, Miguel A. Cruz carried out the tasks administered by the Japanese civil government, the *Minseibu*. As the Chamorro historian Pedro C. Sanchez observed, the *sonchōs* and *kuchōs* (district chiefs) “had no real commitment nor dedication to their leadership position and the roles imposed upon them by what they and the people felt was a temporary government. These leaders were caught between the Japanese authorities on the one hand and the local people on the other, who were resisting them in their own way.”⁵ In this manner, *sonchō* Cruz acknowledged having assaulted Luis Cruz Camacho and Vicente San Augustine in 1942. According to *sonchō* Cruz, the former caused a family dispute that led to a Japanese police investigation, and the latter failed to bow to Japanese officials during a sanitation inspection. For these reasons, *sonchō* Cruz punished these men, both of whom contested these allegations. Luis Cruz Camacho, for instance, testified that *sonchō* Cruz beat him for parking his bull cart on the side of a road. Vicente San Augustine also said that the district chief had slapped him for encouraging a laborer to quit working in a field. In turn, *sonchō* Miguel A. Cruz disputed these counterclaims, but he did not refute the charge that he had assaulted these men for violating Japanese rules. As a *sonchō*, he took orders from the Japanese officials, as well as sought their advice in village matters. Because this was the first assault trial and civil crime assigned to the court, the defense and the prosecution anticipated high stakes in determining its outcome. As the national and

international debates on war criminality had already revealed, the tribunal knew that its decision would set a precedent in the assault and battery war crimes cases regarding the Japanese, Rotanese, and Saipanese. As defense counsel Lieutenant Akerman warned, “The decision today will have a far reaching effect on justice on this Island, because during the Japanese occupation many people took positions under the Japanese, and as a result received orders to slap.”⁶ He continued, “The question which must be decided by this commission is, is it an assault, where a person, acting under orders of the Japanese officials, slaps another person? The answer will decide not only the fate of the accused, but many others, as there are a number of Guamanians in the same position as the accused.”⁷ Yet the prosecution, led by Judge Advocate and Lieutenant Colonel Teller Ammons, stated that this question held no bearing in the court. He surmised that if the tribunal were to excuse Cruz for the reason that he followed Japanese orders, then “it would be impossible to bring anyone charged in a like manner to trial.”⁸

Heeding the prosecution’s position, the court found Miguel A. Cruz guilty of all charges on March 26, 1945, thereby sentencing him to a one-year prison term in the Guam civil jail. But unlike the war crimes cases on assault that followed, Cruz did not petition the court to afford him the rights of a prisoner of war. As a U.S. national and Chamorro from Guam, he fell under the sovereignty of the tribunal even though he was considered an official for the Japanese government because of his previous duties as a *sonchō*. In the succeeding cases, however, the tribunal dismissed every attempt on the part of Chamorros from Rota and Saipan to categorize themselves as prisoners of war. During the span of their trials from March 1945 to October 1945, a majority of the Rotanese and Saipanese requested to be treated as personnel formerly affiliated with Japanese civil and military units in Guam.⁹

In refuting these petitions for prisoner of war status, the tribunal did not engage the Geneva Conventions (humanitarian laws of combat) or the Hague Conventions (laws of warfare) in ways that could have offered greater protections for the accused.¹⁰ Nor did the U.S. government seek Japan’s legal assistance for the Chamorros and Japanese located in Guam at that time.¹¹ The Marine Corps captain Nicholas Savage, an intelligence officer, expressed this uncertainty. As he observed, “It is my understanding that in the case of an internee as well as a prisoner of war, the Japanese Imperial Government or protecting power has been notified, but that is carried out by [the U.S. Army Provost Marshal General’s Office] who took their information from us and acted upon it. I am not positive of that, but we may

assume they did.”¹² Although Japan eventually became involved in the tribunals, especially regarding Japanese atrocities toward American military personnel, Japan did not know that its colonial subjects were being tried for war crimes in the early months of 1945. This is not to say that the court did not take seriously the principle of discrimination between combatants (e.g., prisoners of war) and noncombatants (e.g., civilians).¹³ It very much did.¹⁴ For the tribunal, the Rotanese and Saipanese were not combatants. They were noncombatant “civilian detainees” and “civilian internees,” classifications developed by military personnel in August 1944.

Captain Savage clarified the principle of discrimination as such: “Chamorros from Saipan or Rota, who do not wear uniforms, who were not officially members of the Japanese police but were acting as interpreters and informally as investigators, those individuals have been classified as civilian detainees.”¹⁵ As he emphasized, they were “wards of the Japanese Government and not citizens and they were certainly not theologically Japanese.”¹⁶ By characterizing Rotanese and Saipanese as not having “uniforms,” Savage represented them as noncombatants in the classical sense of the term. Yet this definition does not account for indigenous laborers and soldiers, among other roles assigned to or forced upon them, in the colonial militaries of World War II.¹⁷ Despite Savage’s failure to acknowledge Chamorros as having comparable “combat” statuses to segregated Japanese American battalions in the U.S. Army or Navajo code-talker units in the Marine Corps, he nevertheless portrayed the Chamorros as having militarized positions in the Japanese empire. As he surmised, Chamorros from Rota and Saipan “were employed or paid by the civil administration, assigned miscellaneous jobs, sometimes to the police department, civil police, sometimes to the military police, sometimes in unloading or loading ships at Piti and Sumay, and sometimes as civilian construction workers at Agana or Orotu airfield.”¹⁸ But the adjective “military” was not the same as the phrases “military conscription” or “military employment,” positions no Chamorro could confirm as having, since they had lost all relevant documents during the American reinvasion of Guam.

Being classified as civilian detainees and civilian internees also served other purposes rather than simply rejecting the prisoner of war status afforded to combatants. As Savage implied, the law of armed conflict is gendered so as to construct masculinity in terms of the “male warrior, the defender of the security of the State.”¹⁹ Those who do not subscribe to this broad notion, as with noncombatants, are equated with “the female.”²⁰ By rendering Chamorros from Rota and Saipan as civilian detainees or civilian

internees, the military tribunal thus treated them as feminine and female, a material and symbolic process that rendered them as nonmale properties of the U.S. state. Signified as such, these Chamorro men could be made into bare life—that is, feminized natives without politics—in the racial hierarchy of the combatant/noncombatant distinction.²¹

As the cases in this and other chapters reveal, the Rotanese and Saipanese became bare life, “morphing” from political subjects to biological objects “that can be enslaved, tortured or killed with impunity.”²² As the theorist Helen M. Kinsella argues, “When the difference of combatant and civilian is legitimated by reference to putatively biological differences of men and women, sexual difference is established not only as a natural fact but as an ontological basis for political and social differences as well. In other words, discourses of gender produce the distinctions of sex and sex difference we are now accustomed to identifying as the *ground* of those differences.”²³ The categories of civilian detainees and civilian internees had little to do, then, with drawing distinct lines about who could be judged for assaulting or killing on the basis of what actions they committed in the past.²⁴ Instead, the gendered, ontological, and racialized connotations of the “civilian” feminized the Chamorro men as biological objects, *zoē*, and as newly acquired properties of the United States.

Of Thieves and Rapists, Liars and Slackers

With the civil crime trial of the Guamanian Miguel A. Cruz established as a precedent, the military tribunal proceeded to address four assault cases from March 30, 1945, to September 26, 1945. The accused individuals, all of whom were Saipanese, were Jose C. Cabrera, Pedro Sablan Leon Guerrero, Henry S. Pangelinan, and Nicholas T. Sablan. The first person up for trial was Nicholas T. Sablan. Described by a military report as “notoriously cruel,” Sablan arrived on Guam on January 23, 1942, to work for Kaigon Keibeita, a naval unit, in the village of Sumay.²⁵ In the island, he married Antonia Taitingfong and had one child. Sablan then received orders to transfer to a Japanese police station in Sinajaña. Occasionally, he served as an interpreter for other police officials, including the Kempeitai (military police), in the villages of Dedidu, Hagåtña, and Piti. As he explained, “During all the Japanese time I was under the Minseibu; I was placed to help the Navy but was getting paid by the Minseibu.”²⁶ On March 30, 1945, Sablan faced the tribunal’s charges of four specifications of assault, all against men, and two specifications of assault with intent to commit rape, all against women.

As in the majority of war crimes trials concerning Rotanese and Saipanese, the Chamorro men and women who pleaded as “victims” came from Guam. Jesus B. Rodriguez, a police officer previously employed by the Minseibu and a former colleague of Sablan, was one such person. Accused by Sablan and police chief Kedira of locking up a “certain Japanese” and throwing away the key at the Sinajaña jail, Rodriguez claimed that they tortured him. Recalling an evening in 1942 when Sablan arrested him, Rodriguez said, “When we got to the office, he hit me, kicked me and made me kneel down.”²⁷ Disputing the accusation, Rodriguez reported that he “did not lock any Japanese.” At that point, Sablan placed a tangantangan stick—that is, a local wood branch—on top of Rodriguez’s calves. As Rodriguez noted, “He stepped on the two ends and kept working it until my legs were swollen.”²⁸ “After he did that he ordered me to go outside and kneel. Later on he called me in, took some twine, tied my hands in the back, and had the twine run up my neck. He took me out and tied me against the flagpole all night. The next morning around nine o’clock he took me to jail and I was locked up.”²⁹

Whether or not Jesus B. Rodriguez participated in the locking up of a “certain Japanese,” the mere possibility of this event warranted punishment so as to suppress any form of native resistance against Japan’s empire. As such, it was not a coincidence that Sablan tied Rodriguez to a flagpole for one evening, an act that severely bruised his arms and neck. Although Rodriguez did not confess to committing a crime, the confession was a central node of inquiry for Sablan and other interpreters and police officers.³⁰ This was the case for Jose G. Salas, the second Chamorro in the trial who accused Sablan of assault. Salas recalled that, in January 1942, Sablan approached him, tied him to a *camachile* tree, and beat him for no reason. Afterward, Sablan asked Salas if he broke into Maria Brunton’s home, which was located near the *camachile* tree, and stole unspecified items. Salas remarked, “In order to stop the punishment, I said, ‘I did.’ After that the accused took me to Sinajana and turned me over to the Japanese chief by the name of Kedira.”³¹ According to Salas, Kedira investigated him, released him that evening, and ordered him to return the following day.

As instructed, Salas returned to the Japanese police station in Sinajaña, only to be escorted by Chief Kedira to Maria Brunton’s house, where Sablan again tied him to the *camachile* tree and beat him for a second time. As a bystander to the assault and as a witness for the prosecution, Brunton took the stand and relayed that neither Kedira nor Sablan allowed her to give Salas a cup of water and that Salas was innocent of any accusations of theft.

As Brunton explained, “I knew that he did not steal at all for he referred to many items which were not included among the missing things in my house.”³² But she kept these thoughts to herself at the time of the interrogation for fear of not knowing how Sablan and Kedira would respond. Eventually, they released Salas, the confessor of guilt.

Jose L. Mangloña, the third person presumably assaulted by Nicholas Sablan, likewise experienced a “slapping” by him. Like Rodriguez, sometime in 1942, he, too, had a *tangantangan* branch placed on his legs, with Sablan pressing his weight against it. But unlike the previous testimonies, Mangloña did not share much information other than to state that Sablan let him go when the police believed Mangloña did not commit a crime. His comments were very brief, as if to signal his hesitation in retelling the past. In contrast, the last Chamorro man from Guam to testify as a victim had more to say. Pedro Dueñas Camacho, another resident of Sinajaña, detailed the reason for his punishment, ensuring that the “Saipanese” be labeled as responsible for the assault. Camacho informed the court that Sablan arrested him in September 1942 on the suspicion that he was hiding two Americans, Radioman First Class A. J. Tyson and Machinist First Class C. B. Johnson. Given the high-profile nature of this case, the Japanese police drove Camacho to the police jail in Hagåtña, where, as Camacho put it, there “were five Saipan natives at this time.”³³ Once there, Camacho refused to admit sheltering the American men, even though he purportedly helped them. But upon hearing his refusal to reveal their whereabouts, Camacho said, “everyone started to strike me, kick me, slap me. Nicholas Sablan came over with a lash made of No. 8 steel flexible wire and told me to get down on the floor with only my hands and feet touching the floor. He began striking me with . . . forty or fifty lashes. At this time my body was bleeding all over.”³⁴ Sablan and other police officers then placed Camacho, unconscious and unable to speak, in a “dark cell.” Not able to cull information from him, Sablan discharged Camacho. As for Tyson and Johnson, the police found them a month later at Mount Machanao, where they were “shot on the spot.”³⁵

Another person placed within a violent context was Dolores Santos Cruz, the first woman to testify against Nicholas Sablan regarding the intent to commit rape specification. Section 220 of *The Penal Code of Guam* defined the charge as such: “Every person who assaults with intent to rape, an infamous crime against nature, mayhem, robbery, or grand larceny, is punishable by imprisonment in the Island prison for not less than one nor more than fourteen years.”³⁶ As part of their investigation concerning sto-

len goods from Maria Brunton's residence, Sablan and police chief Kedira approached Cruz at her home. They met early in the morning sometime in January 1942. When Cruz denied stealing anything from Brunton's house, Sablan and Kedira warned her about the potential consequences for lying. But Sablan had other intentions, even asking Cruz when her siblings would return home from work. Satisfied with her response, Sablan and Kedira left. At ten o'clock, Sablan then returned by himself, declined Cruz's invitation to eat lunch in the outside kitchen, and walked to the second floor of her home. From there, he called Cruz to follow him. As she observed, "When I got upstairs he had already taken off his shirt, undershirt, and his pants were open. After that the accused told me to sit down and not to leave the house. When he stretched himself down on the floor, I got up from the chair and went over to the house of my other brother, Juan."³⁷ Sablan then rushed after her, finding her on the second floor of Juan's home. According to Cruz, "He held me with his two hands and pulled me down to the floor. I ran away from him. When I did not want to comply with his wishes, he slapped me on the face and knocked me down the stairs."³⁸

Fearful that she might get killed if she did not have "sexual intercourse" with him, Dolores Santos Cruz yelled for her brother, who, upon entering the home, noticed Sablan. Acknowledging his presence as a figure of authority, Juan Cruz then asked Sablan to "take good care" of his sister and to not harm her. Sablan replied, "I'll take care of her better than you can," a reference to how Cruz, a brother and a man, had been emasculated by a Japanese-appointed interpreter and police officer. As the feminist scholar Zillah Eisenstein asserts, women and men are feminized in the process of rape; everyone is shamed.³⁹ Without any physical resistance, Sablan then escorted Dolores Santos Cruz to the police headquarters in Sinajaña, but let her return home. Later that day, Kedira and Sablan investigated Cruz once more about Burton's stolen goods. They chose not to incarcerate her.

Whereas Dolores Santos Cruz did not receive any jail time, the second woman to testify against Nicholas Sablan did so as a "civilian detainee" in the Island Command Prisoner of War Camp. Presumably incarcerated for "keeping house" with a Japanese police chief by the name of Shimada, Agueda Dueñas Diego discussed how Sablan nearly raped her.⁴⁰ Although she knew Sablan "like a brother," given their mutual interactions with the Japanese police, she supported the prosecution's interrogation of him for reasons not disclosed to the court.⁴¹ On the stand, Diego, also known as Ida, recounted an evening in April 1944 when she was sleeping at the home of Tomas Oka in the village of Sinajaña. As she expressed, "The accused

came around at 12:30 midnight and woke me up. He called my name. . . . I got up, put on my dress and went to the door.”⁴² When Sablan explained that Chief Shimada wanted her for something “important,” Diego grudgingly put on her wooden clogs and left with him on a bicycle, even though her stomach ached. On the way to the police station in Tutujan, Sablan took a detour to an uninhabited ranch. Realizing that they were not headed to meet the police chief, Diego tried to get off the bicycle, but Sablan restrained her. When they parked, Diego scolded Sablan, saying, “I don’t want to get in the ranch and why are you telling a lie? You told me that I was wanted at the jail and why did you bring me to this place?”⁴³

Adjusting his rationale, Sablan told Diego to enter the ranch house and wait for Chief Shimada, who was scheduled to arrive soon. In her testimony, Diego recounted, “When I refused to get in he held me and tried to carry me into the ranch. I struggled with him and tried to get away. He held me and threw me down on the grass among some rocks. My back got hurt from that fall.”⁴⁴ Diego continued with her testimony: “When I asked him why he was doing this to me, he replied that he wanted to have sexual intercourse with me because he had always wanted. I said, ‘No.’” Sablan then repeatedly assaulted Diego, even choking her and attempting to lift her dress. Diego described how she defended herself: “I pulled his hair with one hand and his ear with the other and pushing him at the same time so I could get up. . . . I kicked him and he kicked me. He got on top of me again and lifted my skirt. At this time he opened his pants and had his organ out. . . . All during the struggle I had my legs crossed in order not to give him any chance to do anything.”⁴⁵ Reminding Sablan that he had a wife and a child, Diego admonished him for his actions, at which point Sablan became enraged. At that point, she informed Sablan that she was going to tell Chief Shimada about the assault. Immediately, Sablan “calmed down and apologized.”⁴⁶ Diego then agreed to not say anything if Sablan would let her return home, and he agreed. On the next day, Diego reported Sablan’s attempted rape to Chief Shimada.

Satisfied with Diego’s testimony, army Lieutenant Colonel Teller Ammons of the prosecution excused her from the stand. With sufficient evidence to portray Nicholas Sablan as an assailant and attempted rapist, the prosecution sought no further information about how Chief Shimada responded to Sablan’s violence. The defense counsel’s sole witness, Grace Taitano Flores, briefly appeared next, only to confirm that Sablan knew Diego. Nor did Lieutenant Alexander Akerman Jr., the defense attorney, ask Flores if she could vouch in any way for Sablan’s innocence. All the defense could

muster was that Sablan was under “duress” during said beatings; with respect to the two specifications on assault with the intent to rape, Lieutenant Akerman claimed that Sablan never assaulted Dolores Santos Cruz. As for the second specification, he informed the court that Sablan had a sexual relationship with Diego. In his court statement, for example, Sablan wrote, “I admit, I asked her to have sexual intercourse with me. Before this time, Ida and myself were very friendly and having sexual intercourse. . . . The night Ida stated that she refused to have sexual intercourse with me, her reason for which was that she did not want Shimada to know about it, but I did not force her to have sexual intercourse with me.”⁴⁷ Following this premise, Lieutenant Akerman attempted to defend Sablan with a logic akin to the act of rape itself. As he reasoned, Sablan was innocent because “there is a presentation of law that when a man has had sexual intercourse with a woman on one occasion, that on a subsequent occasion it will not be his intent to rape but merely to renew this relationship.”⁴⁸ Not heeding these positions, the military tribunal sentenced Nicholas Sablan to ten years’ imprisonment on April 5, 1945.

Nearly two months later, on May 23, 1945, the commission entertained the trial of Henry S. Pangelinan. Although Pangelinan was born and raised in Saipan, his parents were originally from Guam. For nine months in 1930, he even visited the island, where he learned the English language; in 1932, he then left for Yokohama, Japan, where he pursued an elementary education, worked at the Helms Corporation, and met his wife, Hideko Koyama. They returned to Saipan in 1937. On January 13, 1942, Pangelinan received an order to work in Guam. Educated in Guam, Saipan, and Yokohama, he earned the position of master at arms at the Japanese jail in Hagåtña. Despite his affiliation with the Japanese police, however, he befriended prominent Guam Chamorros and informed them of impending danger during the war period. The Chamorro educator Agueda I. Johnston, for example, favorably portrayed Pangelinan as somebody who “had been friendly to the Johnston family, telling them of the times when the Japs intended to raid the natives for American money or radios, or reporting news favorable to the Americans that he had heard over Japanese radios.”⁴⁹ His relationship with relatives in Guam and Saipan, coupled with his educational and travel experiences, may have led Pangelinan to move beyond the racialized polarities of the war and to assist Agueda Johnston and others.

Despite Pangelinan’s extensive educational background for the time, his responsibilities may have been more mundane than expected. As he recalled, “My duties were to look after the prisoners in the main cell. What-

ever the prisoners need I had to report to the authorities. When the prisoners went out to work I had to check them, and when they came back I did the same.”⁵⁰ He continued, “I was also in charge of sanitation. I had the prisoners go out on trucks. I took them to collect garbage and trash. That is about all I did every day.”⁵¹ Given his relatively high status, perhaps Pangelinan chose to supervise the prisoners; he may have even been relieved, as well, from having to torture others. As he expressed, “Other kinds of work were handled by other members of the force.”⁵² Consequently, only one resident accused Pangelinan of assaulting him.

The other men who purportedly received beatings from Pangelinan were three prisoners who were previously incarcerated by the U.S. Naval Government for burglary or theft. After the establishment of the Minseibu, they continued their sentences under the Japanese police of Hagåtña. Because the Japanese government recognized their sentences, the tribunal assumed that “the Japanese acknowledged the Penal Code of Guam as being in effect.”⁵³ The commission likewise detailed how these men became “trusties” for the Japanese police, otherwise known as individuals who had “free rein” in assisting the interpreters and officers with daily tasks.⁵⁴ For the court, what mattered was proving what constituted Pangelinan’s reputation for being “viciously cruel to the inmates of the prison,” an image that tainted the trust between him and the four Chamorro men.⁵⁵ Facing one assault charge and one assault and battery charge, Henry Pangelinan reengaged them not as three prisoners and one civilian. Instead, he met them as newly employed people under the U.S. Naval Government in Guam.

Antonio Toves Atoigue, a driver and the first witness for the prosecution, characterized Pangelinan as insensitive to the labor involved in finding, cutting, and transporting firewood. During one trip to the jungle in February 1943, Atoigue asked Pangelinan to find another person to help him carry a large log, but Pangelinan refused. Not able to transport the “very heavy” log, Atoigue returned to the Hagåtña jail only to realize that Pangelinan had reported him to the Japanese police for disobeying work orders. As Atoigue recalled, “After I was questioned the accused tied my hands behind me with a rope backwards and the rope was run across my neck holding my hands up and a piece of wood was run through my back and the accused started kicking it and the other Japanese did the same.”⁵⁶ Already imprisoned by the Japanese police, Atoigue returned to a “dark cell,” where his hands remained “tightly tied” behind his back for twenty-four hours.

Another former “trustee” and a newly commissioned patrol sergeant by the name of Juan Blas Manibusan entered the court next to cast suspicion

on Pangelinan's wartime conduct. Of all the men in the trial, though, Manibusan viewed Pangelinan and his family with high regard. On the stand, he said that Pangelinan "was, and always" is a friend.⁵⁷ Pangelinan also saw Manibusan as a "very good man," even convincing the Japanese authorities to grant him parole on April 8, 1942.⁵⁸ He then invited Manibusan to live, as a farm hand, with his family at his ranch in Maite. As Pangelinan expressed, "I treated him like my son."⁵⁹ Why, then, did Manibusan suddenly turn on Pangelinan? Perhaps Manibusan's postwar role as a police officer under the U.S. Navy compelled him to express gratitude to a "liberator" by way of criminalizing a Saipanese. To this effect, Manibusan described an incident from sometime in October 1942 when Pangelinan punished him for "stealing clothes and sugar from his ranch."⁶⁰ As he stated, "He started beating me with his closed fist and clubbed me with a material used in fencing, which lasted for about half an hour. Then the accused went to the kitchen in his ranch, took out a kitchen knife and started towards me and his wife intervened and spared me."⁶¹

Juan Flores Flores, another former prisoner and a chauffeur, alleged that Henry Pangelinan tortured him sometime in July 1942. As Flores put it, "He wanted to exchange his old clothes for my good clothes and when I didn't want to, he punished me."⁶² Flores then received beatings from Pangelinan for one week. The last person to testify was Jose Diaz Cruz, the only civilian and another police officer under the navy. As with the previous testimonies, Cruz briefly recounted his encounter with Pangelinan. For him, punishment came as the result of his of ignorance rather than disobedience. Sometime in March 1942, he met Pangelinan in one of the prison rooms at the request of an unidentified Chamorro police sergeant. When Cruz failed to explain the purpose of his summons, Pangelinan assaulted him. As Cruz explained, Pangelinan "said that when a man comes there he should know why he came there and then he started slapping me with the palm of his hand and after several slaps told me to kneel down." Not afforded the opportunity to refute these allegations, Henry Pangelinan was found guilty on May 29, 1945. The tribunal sentenced him to two years in prison.

On July 2, 1945, the court then entertained its fourth case on assault and battery. Confined for allegedly beating eleven individuals, Pedro Sablan Leon Guerrero, a Saipanese, originally arrived in Guam on January 23, 1942. Although he occasionally assisted the Japanese police in Hagåtña, he primarily investigated crimes with naval officials based in Yoña. Recalling his assignment, Leon Guerrero stated "that any order given by a superior officer to me must be considered by me as an order and must be complied with,

otherwise it will be too bad for me.”⁶³ Kanzo Kawachi, a former assistant chief of police in Guam and a prisoner in one of the island’s stockades, explained the purpose of orders in his capacity as a defense witness for Guerrero. As he said, “The interpreters received orders from the higher authority as to whether they will punish the accused or not, unless the interpreter has some bitter argument with the accused, then the interpreter usually uses his own discretion in punishing the accused, without the orders of the higher authority.”⁶⁴ One order concerned the interrogation and torture of Chamorros suspected of harboring American military personnel or engaging in U.S.-related activities.

Joaquin A. Limtiaco, a farmer, came forward as the first witness for the prosecution. From August 26, 1942, to October 20, 1942, he stated, Leon Guerrero had assaulted him on the suspicion of sheltering U.S. Navy enlisted men. To this accusation, Limtiaco remarked, “I was asked whether I had some Americans in hiding and I replied in the negative.”⁶⁵ Unconvinced by Limtiaco’s response, Leon Guerrero and four other police officials beat Limtiaco at least three times a week during his nearly three-month imprisonment at the Hagåtña jail. As Limtiaco recalled, Leon Guerrero “said to me, ‘I have never punished any Chamorro but this time I will come near killing you,’ and he started beating me with a bull whip after he made me take the position of crawling with the tips of my toes and the palms of my hands touching the floor.”⁶⁶ Limtiaco continued, “After they got through beating me up, they took me over to the bathroom, wet a towel over my face, took off my pants, and started pouring water over my nose.”⁶⁷ Unable to cull any “truth” from Limtiaco, a Japanese naval officer by the name of Kimura then allowed Limtiaco to leave the jail on two conditions. They included searching for the missing Americans and providing updates to the police in Hagåtña once every three days.

While it is not clear if Joaquin Limtiaco played a role in the arrest of Chamorros suspected of knowing the whereabouts of Americans in Guam, the court transcripts reveal that the *sonchō* of Yoña, Jose Salas Terlaje, identified the men and escorted them to the village police station. They included Ramon S. Baza, Juan B. Cruz, Juan L. G. Mesa, and Jesus P. Quitugua, all of whom recalled being assaulted by Pedro Sablan Leon Guerrero and Japanese naval officials on October 16, 1942. During the beatings, *sonchō* Jose Salas Terlaje was “told to sit on the side and listen to the answers given by the people.” Afterward, the men stood before Terlaje and informed him “that they were not going to commit the acts that they had already committed and that from thereon they will abide with all the rules and regulations.”⁶⁸

A month later, Manuel B. Cruz and Jesus C. Borja separately reported to the Hagåtña police station, where Leon Guerrero questioned them. For failing to confess their knowledge of the missing Americans, Leon Guerrero beat them on two different occasions. Cruz described his torture as such: Leon Guerrero “tied my two hands with an electric wiring and then tied me up to the beam of the building and then he took the whip, commonly called *Chilin Guaka*, and started striking me. . . . When I felt the handle being struck against my face and was about to be unconscious, Pedro, the accused, said, ‘Probably he is dead,’ and then the accused loosened the electric wire and he pushed me to the left hand side.”⁶⁹ As a witness for the prosecution, Cruz then indicated how he received more lashings from Leon Guerrero, a form of punishment also imposed upon Jesus Borja and others from Yoña. After their beatings, they were released.

The three remaining Chamorro men who testified against Pedro Sablan Leon Guerrero were Ramon S. N. Camacho, Jose E. Espinosa, and Arturo C. Hines. They argued that Leon Guerrero falsely accused them of stealing a chicken owned by Francisco Taitano, a resident of the San Ramon district in Hagåtña sometime in December 1943. Inocencio Aflague, the *sonchō* of San Ramon, informed the men of this allegation, as well as accompanied them to the Hagåtña jail for further questioning. Upon arrival, Camacho, Espinosa, and Hines insisted that they were cooking pork earlier that evening, even claiming that Inocencio Aflague found no “chicken feathers around” their residence.⁷⁰ As Ramon Camacho noted, “I found the accused sitting on his desk. He called me over and . . . asked me whether I stole the chickens and I told him I did not. He told me that he will beat me up. He made me take the crawling position and started beating me up. After the 13th time that he struck me, I fainted and that was all I remember.”⁷¹ Jose Espinosa and Arturo Hines were also tortured in this manner.

As with the previous investigation in 1942, *sonchō* Inocencio Aflague—like *sonchō* Jose Salas Terlaje of Yoña—witnessed the beatings and forced confessions of Camacho, Espinosa, and Hines. Knowing that Espinosa was “sickly,” Aflague, when called to the stand, even said that he tried to prevent Leon Guerrero from lashing the young man.⁷² Yet he failed in his attempt, a risky intervention that may have represented him as an American man of courage and innocence before the tribunal. On the other hand, Leon Guerrero testified to the contrary in describing what may have been Inocencio Aflague’s undesirable position as a *sonchō*. When examined by the judge advocate, Leon Guerrero claimed that *sonchō* Aflague urged “me to punish them a little so that they can have something to fear.”⁷³ After the two-hour

lashing session, Leon Guerrero released the men from the jail. Whether or not *sonchō* Aflague participated in these violent acts, his attendance—coupled with the awe and fear expressed by the incarcerated men—had already established the sanctity and sovereignty of imperial Japan. As the legal theorist Paul W. Kahn explains, torture is a “form of sacrifice that inscribes on the body a sacred presence. Faith, politics, and torture were conjoined in a spectacle of sacrifice designed to produce in the audience a kind of terror—a combination of dread and awe before the sacred mystery of sovereign power.” As he asserts, “Political power was stabilized by the transformation of torture from mere fear of violent injury to awe before the sacred character of the sovereign.”⁷⁴

But now under the reins of the U.S. Navy, Pedro Sablan Leon Guerrero had lost his symbolic and material association with the Japanese empire. Stripped of his ties to Japan, he was constructed by the tribunal as *zoē*, a feminized war criminal whose pleas lacked any legal basis. For one thing, the court dismissed the defense’s use of a Chamorro translation of Japanese police orders from December 27, 1941, as well as failed to locate Japanese-language equivalents of this and other regulations. Further, the tribunal did not entertain his request to contact Spain as his “protecting power,” the only such inquiry made by any of the Rotanese and Saipanese interpreters and police officers. In response to these actions, Leon Guerrero called the court “highly prejudicial.” Seeking legal support to address this bias and consequently delaying the proceedings for nearly a month, he argued that “the test of what petitioner should know, and what was proper for him to do in carrying out his assigned duties, must be what he had learned under Japanese rule.”⁷⁵ Denied these requests, Leon Guerrero admitted to having punished seven of the men. But he did not assault four individuals, specifically Juan B. Cruz, Manuel B. Cruz, Pedro D. Perez, and Jesus C. Borja. On July 24, 1945, the tribunal sentenced Pedro Sablan Leon Guerrero to a prison term of five years and six months.⁷⁶ Judge Advocate and Lieutenant Colonel Teller Ammons described him as an assailant who followed a “custom of cruelty.”

Two months later, on September 26, 1945, the military commission entertained its fifth case on assault. But unlike the previous Chamorro defendants, who were born on Guam or Saipan, Jose C. Cabrera, though Saipanese, was initially raised in Palau. As a series of atolls and islands located south of Guam, the capital of Palau, Koror, served as the location for Japan’s civil administration. Cabrera lived there since 1916, later moving to Saipan at the age of eleven. He then became a manager at a soap factory. And, on December 8, 1941, the Japanese police ordered him to invade

Guam. For the next three years, he served as an interpreter and police investigator for Japanese officials in the village of Talo'fo'fo, often with the assistance of Miguel Quitugua, the kuchō, or district chief. Now faced with eleven specifications of assault and battery, Cabrera pleaded “not guilty” to the charges.

The first witnesses for the prosecution—Jose Delgado and Juan S. Salas—portrayed Jose Cabrera as a man who did not follow the rule of the law, American or Japanese. They separately argued that Cabrera tortured them for “singing” around six o'clock in the evening, nearly three hours before the curfew time of nine o'clock.⁷⁷ They alleged that this incident occurred sometime in January or February 1944 prior to fetching *tuba*, an alcoholic beverage or vinegar made from fermented coconut sap. As they noted, Cabrera apprehended them, took them to his ranch, and instructed them to kneel on the ground; Cabrera then slapped Salas and scorched Delgado. As Delgado remembered, “The accused took a piece of wood [from Cabrera's kitchen fire] which was glowing and burned me on the stomach.”⁷⁸ In his defense, Cabrera testified that these men were drunk rather than sober, perhaps having left an evening *tuba*-drinking session in early January 1944. He also clarified that Delgado and Salas were singing “an indecent song,” one that should not have been shared “on the street.” As Cabrera explained, “I told them that it was all right to drink and sing but there was a certain place where that kind of song should be sung.”⁷⁹ Although the court did not inquire as to the nature of the song, Cabrera stated that he warned them about its indecency. He emphasized, as well, that punishment was not warranted on account that the men were walking outside, before curfew, around seven thirty in the evening. But a few days later, Cabrera found the men singing the same song in the same place after nine o'clock at night. Taken aback by their failure to recognize his authority, he recalled the encounter in these terms: “I spoke to Juan Salas and said, ‘Have you forgotten that about two or three nights ago I warned you something similar to this and why are you repeating it?’ He said, ‘I am happy.’ I said, ‘Didn't I tell you not to be out after nine o'clock and not to sing indecent songs?’”⁸⁰ Cabrera then acknowledged having slapped the men for being “fresh” and for violating the curfew, but he refuted the claim that he burned Jose Delgado; as Cabrera expressed, “I only meant to scare him.”⁸¹

As in this episode of vulgar songs and singers, other witnesses similarly represented Jose Cabrera as a police officer who had no patience for “slackers.” Six specifications of assault allegedly stemmed from what was Cabrera's disregard for easygoing, irresponsible, and lazy individuals. Vicente R.

Ulloa, a farmer from Talo'fo'fo, testified that Cabrera assaulted him in September 1943 for "being a slacker."⁸² Ulloa argued that this attack occurred at a Japanese ranch, Kaigon Tai, at a time when Ulloa was plowing the land with his water buffalo in preparation for the planting of seeds. Another witness, Juan R. Mesa, said that Cabrera slapped his face for missing a meeting with the Seinendan, the Chamorro Young Men's Association. Others like Pedro S. N. Chargualaf, Albert T. Meno, Juan Tedtaotao, and Jesus A. Unpingco received beatings for, respectively, failing to send a message, "fooling too much," reporting late to work, and forgetting to repay a loan.⁸³ It was then alleged that Cabrera assaulted the remaining two witnesses—Theresa Pablo Reyes and Jose A. Pablo—for stealing items.

For these reasons, the Judge Advocate and Lieutenant Colonel Ammons characterized Cabrera as a "sadistic" person who subjugated the people of Guam "into slavery by fear and force and to break their will to resist."⁸⁴ Acknowledging Cabrera as a mere creature of U.S. law without the rights of a citizen or prisoner of war, Ammons continued, "None of these people had a trial and it appeared as though the accused had unlimited power to deal with these American subjects according to his own dictates and that the accused's attitude was an absolute disregard for the right of the people and for the existing laws of Guam."⁸⁵ In response to these allegations, the defense counsel, Lieutenant Henry P. Bakewell of the U.S. Naval Reserve, noted that Cabrera was "a nice appearing fellow, and there is nothing wrong with him that a little education will not fix."⁸⁶ The first American "educational" session began with the court's sentencing of Jose Cabrera to five years and six months' imprisonment, effective September 28, 1945.

"They Treated Me There Just as They Treated Me Here—Like an Animal"

As these war crimes trials demonstrate, the tribunal treated the Rotanese and Saipanese interpreters and police officers as *homines sacri*, animals without any legal or political rights. On the other hand, Guamanian testimonies of "loyalty" to the American state upheld the tribunal's prosecution and eventual incarceration of the remaining four individuals accused of assault and battery, namely, Fritz Angocio Mendiola, Domingo S. Quintanilla, Francisco P. Sablan, and Jose P. Villagomez. This was also the context that compelled the military tribunal to ask the first defendant, Domingo Quintanilla, if the Japanese government in Rota and Saipan was "nice" to him during the war. To this question, Quintanilla responded, "No. They

treated me there just as [the U.S. Naval Government] treated me here—like an animal.”⁸⁷

Originally from Rota, Quintanilla arrived in Guam on April 31, 1942, and had been employed at a charcoal plant, a papaya business, and a military airstrip. As with many of the interpreters and police officers, he was forced into militarized labor for the Japanese. As Quintanilla expressed, “I didn’t leave voluntarily. A Japanese policeman came over and notified me that I was going to leave.”⁸⁸ As one of the four remaining trials on assault and battery, his case involved eight specifications, many of which involved disputes in labor. In this regard, Quintanilla claimed that he tortured individuals who did not meet the labor expectations of the Japanese government. As he opined, “I was only told to see that they worked hard. . . . Sometimes the Japanese decide and sometimes they punish the people themselves. If I informed them that some natives were ill and couldn’t perform any work, they would tell me that I was siding with the Chamorros” from Guam.⁸⁹ Quintanilla’s trial commenced on October 15, 1945. Eight witnesses—mostly farmers and laborers from the villages of Dedidu, Inahålan, and Malesso’—testified as to how he supported the Japanese empire.

Jose P. Aguon and Juan B. Rosario alleged, for example, that Quintanilla assaulted them, respectively, for being sarcastic to a laborer and for seeking monetary compensation. These separate incidents occurred at the charcoal plant in Dedidu sometime in January and April 1944. The Hagåtña airfield was another site where, in the summer of 1944, four men—Juan C. Benavente, Jose R. Gomez, Jesus A. Quinata, and Jose Espinosa Tedpago—each received beatings from Quintanilla for, according to Quintanilla, the infractions of laughing and joking, arriving late to work, arguing with laborers, and providing wrong work schedules. Yet none of these men incurred a sentence in one of the island’s Japanese jails. As this and related cases on militarized labor illustrate, punishment was often swift, as the Japanese officials needed men to hastily construct airfields, bunkers, and gun placements in 1944. But while the tribunal focused on the violence of Quintanilla’s physical beatings, the court sidestepped the question of his sexual assaults—that is, his “crime against nature”—in two allegations. The *Penal Code of Guam*, section 286, defined “crime against nature” as a person who commits same-sex activities with mankind or with any animal that “is punishable by imprisonment not less than one nor more than ten years.”⁹⁰ Unlike the related charge, “sexual perversion,” which targeted the “mouth” as a site of same-sex deviance, crime against nature construed “any sexual penetration, however slight.”⁹¹

While neither of the prosecution's two witnesses revealed anything that could have resembled "sexual penetration," they offered seemingly matter-of-fact testimonies of same-sex intimacies that could have likewise criminalized them had it not been for their "loyal" struggles in the imperial presence of Domingo Quintanilla. The first witness, Ricardo T. Mantanona, explained, "One day I was sick and the accused came over to our camp. He went directly to my cot and sat beside me. He started fingering my testicles. Then he began rubbing it for a matter of 20 minutes."⁹² With no reference as to how they may have pleased or displeased each other, he simply described how Quintanilla punished him for not working at the Hagåtña airfield in May 1944. As Mantanona said, "After that he started hitting me, combined with kicking. What I received as a result of this beating were blood coming out of my mouth and my face was all swollen."⁹³ Refusing to labor further for Japan's empire, Mantanona accepted the beating by Quintanilla even though his "sickness became worse." His loyalty and resistance were self-evident; after all, he "never reported to work" until the Americans had reoccupied Guam.⁹⁴ The second witness, Ramon C. Garrido, was less candid. As he noted, "In June 1944, I was sick. The accused, Domingo Quintanilla, came over to my tent to find out why I didn't report to work. I told him I was sick. The accused said, 'Let me feel you.' When he touched me he said I had a fever. He told me however to go to work."⁹⁵ When Garrido disobeyed Quintanilla's order to work, Quintanilla then hit him with a stick below the waist while Garrido was "lying in bed."⁹⁶

Comparable to how naval officials would later censor Japanese prisoner allegations of same-sex rape at the War Criminals Stockade in 1946 and 1947, the tribunal remained silent in 1945 on how these homoerotic assaults or exchanges could be construed as "crimes against nature." This was a telling omission given that the U.S. military had already begun to incarcerate individuals accused of homosexual acts during World War II.⁹⁷ Nevertheless, the court's refusal to acknowledge same-sex intimacies supported its juxtaposition of native "sacred men" against their native "American" counterparts in Guam. As expected, Judge Advocate and Lieutenant Colonel Ammons drew on this carceral logic to characterize Quintanilla's actions as "slave labor tactics" and his duties as "contrary to the laws of civilization."⁹⁸ The defense counsel, led by Lieutenant Commander Henry P. Bakewell, then represented Quintanilla as a "child" who knew nothing about the politics of law, American or Japanese. As Bakewell exclaimed, "While ignorance of the law is normally no defense, it is a defense in the case of children. While the accused is not a child, he had no more opportunity to learn of the laws

of Guam than would a child. . . . He was not a free agent. He was himself a victim.”⁹⁹ The court then sentenced Domingo Quintanilla to four years imprisonment.

In the next trial, another Chamorro interpreter, Fritz Angocio Mendiola, confronted fourteen specifications of assault and battery on October 18, 1945. Originally raised in Rota, Mendiola received four years of elementary schooling there, as well as drove a truck for a Japanese sugar mill called Nanyo Kohatsu Kabushiki Kaisha. He then arrived in Guam primarily to assist the Japanese police on February 19, 1942. But, as Mendiola recounted, his duties shifted to supervising Chamorro laborers at the Piti navy yard and the Sumay air base, two important military sites for the Japanese government. Linking authority with punishment, he described his role as such: “I was told that I could punish anyone that was fooling during working time or left the place without asking. The boss told us, Japanese and interpreters from Rota, that we were to boss the laborers and that if anything that was disobeyed we were to go ahead and punish them.”¹⁰⁰ Jose Santos Sablan, a former laborer and witness for the prosecution, stated that farmers and previously enlisted U.S. Navy personnel constituted the workforce of these areas. The men came from the villages of Asan, Barrigada, Mongmong, Piti, and Sumay, among others. Whereas most laborers were paid with modest food rations, Sablan claimed that U.S. military personnel earned one yen and twenty-five sen for performing fourteen to sixteen hours of work per day. As a steward’s mate first class for the U.S. Navy, he said that the Japanese military treated him as a “prisoner of war.” His partially embellished claim attempted to bolster his masculine image as a loyal American native before the tribunal. But Sablan’s comment lacked official endorsement, as the Japanese transported white American prisoners of war to Japan in January 10, 1942. Chamorro enlisted men like Sablan were left with their families in Guam and were not interned in prisoner of war camps in Japan or elsewhere.

Jose Santos Sablan believed that Fritz Angocio Mendiola should be punished for having tortured him, an American military man, in March 1943. Another witness even said that Mendiola delighted in his punishments, at times “laughing” at the injuries and insults he inflicted upon others.¹⁰¹ Recalling having been assaulted by Mendiola from November 1942 to December 1943, a total of twelve witnesses for the prosecution affirmed the violent nature of this young man from Rota. With no witnesses to complicate this one-sided characterization of Mendiola, the tribunal featured the testimonies of Vincent Afleje, Rafael C. Crisostomo, Jose B. Cruz, Nicolas

Cruz, Celestine B. Damian, Francisco S. Dueñas, Fecundo B. D. Garrido, Francisco Manibusan, Joaquin M. Muña, Jose Santos Sablan, Jesus M. San Nicolas, and Francisco M. Tajalle over a two-day period. These men variously claimed that Mendiola had assaulted them for these and other reasons: attending a Catholic mass; breaking the handle of a pick (a digging tool); disobeying a work order; drinking water during a rest session; failing to perform a strenuous task; stealing a rice ration; and welcoming a newborn baby.

Jesus M. San Nicolas, for example, argued that Mendiola instructed him to lift a heavy item at the navy yard in Piti sometime in November 1942. Not having the strength to fulfill this objective, San Nicolas refused to follow Mendiola's order. As San Nicolas noted, "The accused ordered me to pick up a box which was very heavy. I told him I couldn't do it because it weighed somewhere around 350 pounds. He said, 'What happened to all the nourishment you have been eating?' I told him it was too heavy for one person to carry. He got angry and took a piece of board, 1" by 6" about three feet long and hit me four times; then with closed fist he hit me twice on the jaw. He told me I could not perform my work well because I was still waiting for the Americans."¹⁰² As in this and other instances, the signifier "American" demonstrated disloyalty to Japan or loyalty to the United States. Taking advantage of this politicized dualism, Judge Advocate and Lieutenant Colonel Ammons revealed that the Guamanians "never gave up hope . . . that American justice would return."¹⁰³ In response, the defense counsel repeated the tired trope of Rotanese and Saipanese ignorance, equating their presumed legal naïveté with childlike appearances and tendencies.¹⁰⁴ As for Mendiola, he admitted punishing the laborers but only because Joya, Sasak, and Wada—three partially identified Japanese officials—had ordered him to do so. With another poor defense, the tribunal found Fritz Angocio Mendiola guilty of all charges on October 19, 1945. As a result, he received five years and six months' imprisonment in the island stockade.

Three days later, on October 22, 1945, the Saipanese Jose P. Villagomez came before the military commission on account of seven specifications of assault and battery. Originally found guilty of murder in an earlier trial on March 15, 1945, a topic explored in the next chapter, he appeared before the court once again. Having worked in Saipan as a police officer since 1935, he had acquired extensive experience in conducting interrogations for the Japanese government before coming to Guam. Cognizant of his subordinate but authoritative position, Villagomez understood his responsibilities as a police officer. As he expressed, "The punishment was according to the

orders given. If my superior told me to slap, then I slap, if to whip, then I whip.”¹⁰⁵ When Villagomez arrived in Guam in December 8, 1941, he abided by these rules in his capacity as “a civilian, army, or navy man.”¹⁰⁶ As an interpreter and police officer stationed at the Hagåtña jail, Villagomez sometimes dealt with offenses committed in the neighboring villages of Anigua and Sinajaña. These included accusations of espionage and theft, as well as suspicions of assisting the American military. Assaulted for being a spy, for example, Felipe Aguon Unpingco testified that Villagomez periodically clubbed him with a baseball bat at the Hagåtña jail over a period of five days in October 1942.

At the trial, Unpingco, a farmer, stressed the long-term effects of these torture sessions: “I have continuous pain on the neck and I cannot raise my arms.”¹⁰⁷ The remaining witnesses for the prosecution—that is, Juan Flores Flores, Jesus Mantanona Chiguina, Luis Cruz Camacho, and Joaquin Aflague Limtiaco—similarly testified about having been assaulted by Villagomez in 1942. Among these men, Luis Cruz Camacho indicated having the longest sentence at the Hagåtña jail. Imprisoned for eighteen days, he described one of Villagomez’s most favored forms of punishment. As Camacho revealed, “The accused took two benches and then made me stretch my hands on one bench and my feet on the other forming a bridge. Then he got on my back and started jumping. When I fell, he made me take the same position; then he took a club about 4 feet long by one inch diameter and started hitting me with it until it broke. After that he took a whip and whipped me from my legs all the way up to my neck until I was numb.”¹⁰⁸ When asked by the tribunal if he punished Camacho in these ways, Villagomez replied, on the stand: “No. I saw him for the first time this morning.”¹⁰⁹ In fact, he said, he never met Felipe Aguon Unpingco nor did he punish any of the men, claims eventually dismissed by the commission. As such, the tribunal found Jose Villagomez guilty of all the charges and sentenced him to three years’ imprisonment on October 22, 1945, the first and only day of his trial.

The last case regarding the Saipanese Francisco P. Sablan differed no less in terms of how the military commission repeatedly espoused its notion of “justice”—that is, white supremacist punishment and statecraft—as morally superior to its Japanese counterpart. With Pearl Harbor as his national reference for American valor and triumph, Judge Advocate and Lieutenant Colonel Ammons proclaimed, “As the world knows, there is a difference in the concept of justice between the Americans and the Japanese; that has been fully demonstrated before and since the 7th of December 1941.”¹¹⁰

With twenty-four specifications of assault and battery, seventeen witnesses for the prosecution, and two witnesses for the defense, Francisco Sablan may have very well understood “American justice” as heavily favoring the views of the prosecution, if not the majority. Or he may have drawn parallels between the military tribunal and the Japanese police system, viewing both as equally authoritative, masculine, and punitive. These are the kinds of issues the Rotanese and Saipanese men may have contemplated.

In Sablan’s trial on October 29, 1945, three separate parties came forward to incriminate him for his role as a police officer at the Hagåtña jail. The first, Juan Santos Tenorio, alleged that Sablan had assaulted him sometime in October 1942 for stealing a *fusinós* (hoe). He was then released after one day of questioning. Whereas this incident involved only one person, the other two events involved larger groups in the fall of 1943. Yet nobody testified as to Sablan’s supposed violent character from his arrival in Guam on December 8, 1941, to his arrest by the U.S. Navy in August 1944, a point lost on the part of his defense counsel. And notwithstanding the testimonies of Tenorio and one police officer, the remaining witnesses identified themselves as former prisoners of the Hagåtña jail. These witnesses were thus taken as legitimate sources of evidence in such trials, with little criticism as to the composition of their character. For this reason, attempts to escape prison and play dice—activities deemed illegal by the American and Japanese penal codes—were valorized as heroic efforts to subvert the authority of the Japanese police.

In October 1943, for example, Jose A. Concepcion, Jose Mafnas Mendiola, and Enrique Rabago left the Hagåtña jail for an undisclosed location in the nearby village of Otdot. As Mendiola explained, “We ran away from jail because we were hungry.”¹¹¹ As the second party to accuse Francisco Sablan for his violence, these men claimed that Sablan had tortured them over a three-day period. With little focus on why they were imprisoned in the first place, they diverted attention to Sablan’s cruelty. As Concepcion put it, the “accused took the three of us upstairs and lashed me with a bull whip and clubbed me with a baseball bat.”¹¹² Afterward, they remained imprisoned. The third and final group to levy allegations against Sablan consisted of one Guamanian police officer, Felix Wusstig, and thirteen prisoners: Juan Borja, Ignacio T. Castro, Vicente R. Cruz, Vicente Sablan Cruz, Jose M. Eclevea, Juan F. Flores, Miguel Garrido, Ignacio Nededog, Vicente Pangelinan, Juan N. Perez, Manuel L. Rosario, Juan C. Tedtaotao, and Dorotheo Zamora. With the exceptions of Eclevea and Rosario, all of them were released from the Hagåtña jail under the American occupation. The men

then took on responsibilities as farmers and laborers, with a few becoming bartenders, commissioners, or nurses. As a group, they pleaded their innocence for playing dice on the evening of December 31, 1943, an activity that many thought was legal under the Japanese occupation. Only Jose Eclevea and Juan Tedtaotao—individuals who were originally sentenced by the U.S. Navy for their respective crimes of theft and attempt to commit rape—admitted that gambling was illegal under the American government. As Eclevea announced, “Before the Japanese time, we knew [gambling] was against the law, but not during the Japanese time. We were not informed about it.”¹¹³ Gambling and any “banking or percentage game played with cards, dice, or any device, for money, checks, credit, or other representative of value” were considered misdemeanors under *The Penal Code of Guam*.¹¹⁴

Exaggerating their ignorance about the laws on gambling, a few of the prisoners implicated Sablan for supporting the New Year’s celebration. As Vicente Reyes Cruz clarified, the “accused lined up the boys and told them they were going to have a happy time” on the eve before January 1, 1944. By “happy time,” the prisoners assumed that Sablan had condoned the act of playing dice. They also observed that Sablan may have used this moment to remind them of their “right” to be Japanese and to celebrate their newfound identity over anything American. As the Guamanian police officer Felix Wusstig recounted, “There were about 60 inmates and the accused made us get in line and questioned us if we were still thinking of the Americans and then he said that up to that time we were still thinking of bacon and ham and there isn’t one single American ship to help us.”¹¹⁵ He continued, “Then he said that he still could not understand why we had that American feeling, American hearts, and that we should be by right, Japanese.”¹¹⁶ But rather than take this cue as a warning, the Guamanian prisoners and lone police officer embraced the “happy time” of playing dice. They were wrong.

As Juan Tedtaotao observed, “On the night of December 31, 1943, we thought we would have a nice time, so we decided to shoot craps. We were in the toilet shooting craps when the accused came and found us. I was the first one he slapped. Then we all managed to run to the main cell. He followed us and started slapping and whipping in there.”¹¹⁷ The other prisoners claimed that Sablan, branding a machete by his side, had entered the jail drunk, after having consumed sake with the other police officers at a nearby building. In his defense, Sablan said that gambling was illegal under Japanese laws, a point reiterated by Henry S. Pangelinan, a defense witness and former interpreter for the Japanese.¹¹⁸ And while Francisco Sablan acknowledged having assaulted many of the men, he denied hurting

seven of them. All actions emanated from orders given by his Japanese supervisors, Churoka and Shinaga. As with all of the cases on assault, Sablan faced a vengeful court. He was a child, if not property, before U.S. law. As Judge Advocate and Lieutenant Colonel Teller Ammons opined, any “child knows it is wrong to assault his playmate, and each adult knows that he is not permitted to assault his fellow men without justifiable cause. I do not believe the accused’s mind was perverted to such a degree that he could not distinguish between what was right and what was wrong.”¹¹⁹ As a sacred man of the war, Francisco Sablan received the guilty sentence of six years’ imprisonment, with all charges proved. On October 30, 1945, he became a native war criminal.

Guaho Lokue Chamorro Yo

In becoming “war criminals,” the Rotanese and Saipanese may not have fully comprehended their role in the making and remaking of U.S. colonial law in Guam. Without having the legal and political resources to mediate the court’s allegations, let alone not having the capacity to understand the English language, many of them apologized for their actions. Utilizing the refrain of cultural solidarity, “Guaho lokue Chamorro yo,” as in “I am also Chamorro,” they urged the tribunal to reduce or dismiss their sentences. As Henry S. Pangelinan remarked, “Gentlemen, I, myself, am a Chamorro. And had in mind the betterment and welfare of the people of Guam and the constant desire to save my own people from falling into the pitfall which the Japanese had in store.”¹²⁰ Jose P. Villagomez similarly expressed, “Even though I had an official position and order, I have considerations and sympathies toward humans since I am a Chamorro and a Catholic.”¹²¹ Others did not know the Americans. As Nicholas Sablan pleaded, “I pray that the court consider that I am a humble Chamorro and ever since my birth was under the Japanese Government and for that matter I do not understand the Americans and its customs.”¹²²

A few interpreters and police officers also emphasized the restrictive conditions under which they performed their duties in colonizing the Guam Chamorros. As Domingo S. Quintanilla disclosed, “I am sorry it happened. I was ordered to do it. If disobeyed I would be punished. In fact, I myself was punished for not driving them hard enough. . . . I heard it was wrong, and asked Boss. The Boss said it was Japanese time, not American time. . . . I promise it will never happen again.”¹²³ Should a Rotanese or Saipanese refuse an order, he was tortured by a Japanese police supervisor. Describing

this environment where violence begets violence, Fritz Angocio Mendiola said, “I was more than once threatened with a sword. I was beaten many times for refusing to oppress the Guam Chamorros. . . . I always tried to avoid striking the Guam Chamorros, and did so only after I was ordered and threatened. I was beaten so many times myself that I honestly believe that I felt worse than the Guam natives did.”¹²⁴ Himself apologetic for his actions, Francisco P. Sablan clarified what may have been a shared view among the men. As he stated, “In 1941, I came to Guam under orders of the Governor of Saipan. I never was instructed on Guam law and acted at all times under orders of my superiors. I did not know I was doing wrong. . . . I am sorry this happened, and it will never happen again.”¹²⁵ As Henry S. Pangelinan put it, “It is difficult for you to understand what one must do when they have to serve under Japanese masters. I ask that you take that into consideration in judging my case.”¹²⁶

As their cases reveal, the military commission found every Chamorro man from Rota and Saipan guilty of “assault and battery.” Following the civil crime trial of Miguel A. Cruz, a former *sonchō*, the court set a precedent in determining what constituted this crime and its various specifications in the context of Japanese-occupied Guam. That the tribunal began with this Guamanian *sonchō* is telling not only because Cruz had the shortest sentence of one year’s imprisonment among the nine men accused of these charges. As the making of the U.S. Navy’s War Crimes Program had already demonstrated, cases such as these were meant to renew and “test” the thresholds of constitutional, military, and international law in Guam. While Cruz may not have fully taken on the dimensions of a “sacred man,” given that he was an American national and subject to U.S. laws, his trial showed the degree to which the tribunal practiced impartiality. His case represented the military commission as nonpartisan in its apprehension and prosecution of any violator—Guamanian, Rotanese, or otherwise—of U.S. laws.

Remade into “civilian detainees” and “civilian internees,” the Rotanese and Saipanese men lost any right to prisoner of war statuses under international law, as well as any protection afforded by the U.S. Constitution. As *homines sacri*, their bodies now constituted the thresholds of the state and its laws on crime in Guam. As Michel Foucault would argue, their cases represented the modern shift in punishment from being a public spectacle of mutilation and death to an institutional “economy of suspended rights.”¹²⁷ This erasure of rights pertained, moreover, not simply to the sacred men in question. Rather, the carceral and colonial character of the tribunal was fur-

ther revealed in its disregard for American crimes presumably committed by Guam Chamorros during the Japanese occupation. That the court failed to address other charges—notably, the stealing of clothes, hens, money, and sugar and the playing of dice—illustrated the tribunal’s selective application of *The Penal Code of Guam* and the careful construction of acceptable and deviant native types. Neither the defense nor the prosecution addressed these blatant omissions; at the very least, these efforts can be read as the tribunal’s reshaping of its laws so as to accommodate its political objectives in expunging any Japanese threat from the nation. Instead, the tribunal portrayed Rotanese and Saipanese as criminals of the state, whereas the court affirmed Guamanians as noncriminal and loyal wards.

By also referring to Rotanese and Saipanese “war criminals” as harbingers of “slavery,” the tribunal appropriated the “world’s master trope for imperial forms of domination.”¹²⁸ Not even the apologies and lamentations on the part of the men could alleviate the navy’s use of this metaphor, one that was likewise imposed upon Rotanese and Saipanese accused of committing murders in Guam. As with the condemnation of “blackness” in early twentieth-century America, wherein black criminality became a tool to measure black fitness for citizenship, the court’s treatment of Rotanese and Saipanese “customs” as being akin to “slavery” excluded these Chamorros from the nation, on the one hand, and protected the tribunal’s jurists from the charge of racism in the colony, on the other.¹²⁹ The tribunal had constructed a brand of native criminality that made its laws appear as benign and lawful rather than as racist and unlawful.