

JAPANESE MILITARISTS

With Samuel T. Shinohara represented as a traitor to the United States, punished as a nonsacrifice to the nation, and reformed as an ethnic minority in Guam, the tribunal addressed the remaining seven trials concerning allegations of Japanese atrocities in the islands of Guam and Rota. The cases involved only Japanese defendants, as the court never jointly prosecuted Chamorros and Japanese from the police and military units. Instead, the tribunal segregated them because of their perceived national, political, and racial identifications. In this chapter, I examine seven trials wherein the court understood the accused Japanese as treacherous and violent, akin to its systematic portrayal of Rotanese and Saipanese as practitioners of modern slavery and torture. This is especially notable in the first four cases on assault and battery, wherein the wartime actions of Akiyoshi Hosokawa, Kanzo Kawachi, Kyomon Miwa, and Hirose Ogawa came under the judgment of white American jurists and native Guamanian witnesses alike. In the next two trials, the court accused Tadao Igawa and Matsukichi Kobayashi of murdering Chamorros in Guam. At stake for these Japanese nationals was whether or not they assaulted or murdered Guamanians believed to have known or assisted George Tweed, the last surviving American sailor on the island. The Japanese military and police viewed Tweed, a radioman, as a threat to their daily operations. Matters of espionage and the possession of weapons—allegations said to have challenged the authority of the Japanese empire—also came under consideration. In these respects, these six cases on assault, battery, and murder demonstrate how white supremacist punishment and statecraft colluded with native retribution in the shaping of the military colony in Guam.¹

In the seventh and final murder case, the tribunal addressed the question of Japanese military violence in Rota, an island under the sovereignty

of Japan. Despite the fact that American laws did not apply there, the tribunal prosecuted three Japanese men accused of murder. Faced with potential death sentences, Shigeo Koyama, Yoshio Takahashi, and Akira Tokunaga confronted the commission's allegation that they organized the executions of five men in Rota, an island located north of Guam and another home to Chamorro clans. But unlike the previous rulings that focused solely on Guam, the court defined these men's war criminality as a militarized brand of the "yellow peril" that had to be eliminated from the territory of Rota.

Japanese Militarism in Guam

With the exception of Samuel T. Shinohara, the tribunal uniformly treated the Japanese nationals as "prisoners of war," a classification that accorded them the agency of male combatants. At the same time, every Japanese national was made into "an inhabitant of Guam," as if to demonstrate their familiarity with *The Guam Penal Code* and other U.S. laws. In this sense, the court employed the principle of discrimination between combatants and noncombatants in seemingly paradoxical terms. By codifying and making punishable native and Japanese war criminality, the tribunal thus upheld the political order of the military colony.²

In the four assault and battery cases that follow, Kyomon Miwa was a teacher and the only man to plead guilty. On the other hand, Akiyoshi Hosokawa, Kanzo Kawachi, and Hirose Ogawa were officers and enlisted men in the Japanese Imperial Army or Japanese Imperial Navy who asserted their innocence. They likewise refuted the jurisdiction of the United States in Guam. Whatever their rank, the military personnel also saw their authority as superseding decisions made by civilian officials during the U.S. invasion of Guam in the summer of 1944.³ How the tribunal perceived this chain of responsibility amid a collective and among individuals likewise mattered in these trials.

In the first case on assault and battery, for example, the tribunal revoked Sergeant Major Akiyoshi Hosokawa's claim that his superior officer Tosin Koda was responsible for torturing the Guamanians Manuel Q. Lizama and Joaquin Santos Salas in early June 1944. Opined Hosokawa, "The orders that I received from the lieutenant in charge of the military police [Tosin Koda] were that to question these fellows, and also to stress punishment if necessary if I find them telling a false statement."⁴ Despite his efforts, the prosecution maintained that Hosokawa, a member of the Military Police and the Twenty-Ninth Infantry Division, had unjustly punished these two men.

When he was called to the stand, Manuel Q. Lizama, a gardener, argued that Sergeant Major Hosokawa arrested him on June 7, 1944, for possessing a rifle and knowing the whereabouts of George Tweed, the last American sailor in hiding. Lizama denied both accusations. Not believing him, the military police officer beat Lizama on two separate occasions at the Kempeitai headquarters in Tutuhan, a small mountain located directly above the capital of Hagåtña. On the day of his arrest and first interrogation session, Lizama recalled, “the accused started whipping me with an automobile fan belt and then started hitting my head with a book and also he hit me with his closed fists.”⁵ Two days later, Sergeant Major Hosokawa jumped on the thighs of Lizama while he was in a kneeling position; the military officer also threatened to take his life with a sword. Afterward, Hosokawa detained Lizama in the Hagåtña jail. On June 13, 1944, the American military then bombed and destroyed parts of the police facility, thereby allowing Lizama to escape the prison. Ultimately holding Akiyoshi Hosokawa responsible for said assault, the tribunal eventually found him guilty on September 13, 1945, and sentenced him to one year in prison.

The second trial began shortly thereafter, on September 17, 1945. Charged with fourteen specifications of assault and battery, the forty-year-old naval police officer Kanzo Kawachi reconnected with his alleged victims in the space of the courtroom. They included the Guamanians Baltazar J. Bordallo, Pedro Dueñas Camacho, Isabel Taitano Cruz, and Joaquin Limtiaco. Of these witnesses, only Joaquin Limtiaco appeared in the earlier cases concerning the Rotanese and Saipanese police officers and interpreters.⁶ In the trial, he accused Kanzo Kawachi of arresting him on the suspicion of assisting Americans during Japan’s occupation of Guam. Recalling his beating at the Hagåtña jail in April 1944, Limtiaco said, “The accused questioned me about Americans. I told him I did not know anything about the Americans so he told me to open my mouth and he took his revolver and pointed it to my mouth and then he started pulling the trigger. After that he commenced kicking me, then he took his revolver again and placed it to my ear.”⁷

Another witness for the prosecution, Pedro Dueñas Camacho, confirmed Kawachi’s history of torturing individuals associated with the missing American sailor. After being summoned, Camacho and his wife, Mabel, arrived at the Hagåtña jail, where they were instructed to sit and wait for Kawachi. It was a Sunday in April 1944. Two hours later, they met Kawachi and the Saipanese interpreter Pedro Sablan Leon Guerrero. Aware of the new allegations against him, Camacho immediately confessed to having assisted other Americans in September 1942, a crime for which he had already

been punished. Camacho also insisted on having no relationship whatsoever with George Tweed. Along these lines, he recalled, perhaps with some irony, how the naval police officer used an “American made” gun as a way to extract information about the American.⁸ As Camacho observed, “I told him I did not know anything about Tweed; then . . . he kicked me, hit me with his pistol and finally he stopped and told me that he would take me to the Army Military Police to be killed because I was telling a lie.”⁹ Given that military executions emerged after the American bombing of Guam in February 1944, Kawachi’s threat was legitimate. But before the naval police officer could continue, Mabel Camacho intervened. “I got up,” she remarked, “and told the accused that my husband didn’t know anything about Tweed and that if he kept on [beating my husband with the pistol] that I will report him over to the military police. Then the accused told me that my husband was telling a lie and that he knew about the Americans but would not say it.”¹⁰ Now standing, she continued with her account: “Then I said to him that he did not know anything about it and made him understand that I knew some of the officers in those days and that if he kept on with the punishment, I will report him.”¹¹ In response to this counterthreat, Kanzo Kawachi “quit” the interrogation.¹²

Whereas Mabel Camacho protected her husband, Pedro, from further punishment, other Chamorro women lacked the political capital to challenge the authority of the naval police officer. Isabel Taitano Cruz was one such person. On June 3, 1944, Kanzo Kawachi arrested her for wearing a hat that supposedly belonged to George Tweed. Initially, Cruz asserted that she never knew anything about Tweed, at which time Kawachi tortured her with a bullwhip and a ruler over a three-day period, causing bruises to Cruz’s back, legs, and shoulders. Kawachi also sexually assaulted Cruz in the presence of other police officers. As she noted at the trial, “He asked me if I was pregnant and I said, ‘No,’ then he said, ‘Come over here’ and so I went over to him and he was feeling me over my breast, pressed my stomach and feeling my—I can’t say that—and so he was laughing with the others. There was Pedro Leon Guerrero and a couple more Japs. All acted as if they were having lots of fun.”¹³

Perhaps fearing rape or death, Cruz relented to Kawachi’s interrogation. Admitting her knowledge of Tweed’s hat, she confessed, “A lady friend of mine gave me a hat. The sun was hot and she asked me if I would like to wear Tweed’s hat and I said, ‘I don’t care if it’s anybody’s hat, it was so hot, and I will wear it.’ So I took the hat home and threw it away. It was worn out.”¹⁴ Afterward, Kawachi showed a picture of “Mr. and Mrs. Tweed and baby” to ascertain if Cruz truly knew the man. She did. As Cruz admitted, “He had

been around my place and . . . I cannot help knowing him, because I was around his house,” indicating a potential relationship between the two.¹⁵ Whatever the case, she promised to help the Japanese civilian and military police locate the missing American sailor. If she had succeeded, she would have received an award in the amount of two hundred yen and government support for her family. She would have never had to work another day in her life.

It is doubtful, of course, if Kanzo Kawachi would have rewarded Isabel Taitano Cruz or others for locating George Tweed. Instead, the converse proved true. That is to say, such interrogation tactics culled what the sociologist Lisa Hajjar describes as “forward-looking information of security value” from various individuals.¹⁶ In this way, the logics of security and insecurity orchestrated everyday life in the Japanese colony. The last witness for the prosecution and a prominent Chamorro politician affirmed this truism. Baltazar Jerome Bordallo, also known as “B.J.” among Guamanians, testified that Kanzo Kawachi and two unidentified Saipanese men kidnapped him on August 17, 1943. Taken from his residence around one o’clock in the morning, he was led to the Hagåtña jail, where Kawachi and other police officers tortured him for five days. As Bordallo recounted, “The routine was to ask me questions about the whereabouts of Tweed; and I would answer every question that I did not know where Tweed was, and then the beatings begins. Sometimes they beat me up standing, and sometimes the two Japanese would tell me to get down on my fours and hit me on my back. I remember the last beating I received and that was to tie both my limbs and hang me to a beam, and I received . . . at least 40 lashes on my back.”¹⁷

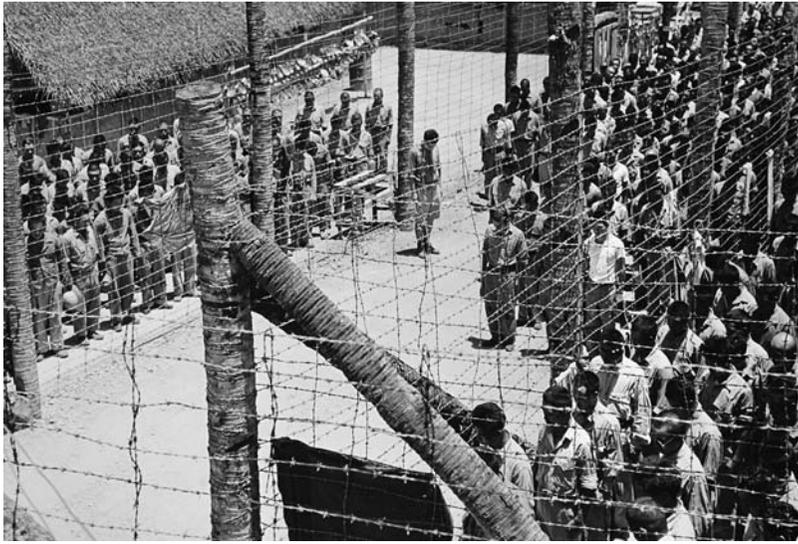
When he could no longer bear the pain, he thought about the safety of his wife and their thirteen children, at which point he made an agreement with Kawachi.¹⁸ “The essence of the contract,” said Bordallo, “was that if I don’t find Tweed within 20 days I was to turn myself over to the Japanese authorities and forfeit my life. The contract was written in Japanese.”¹⁹ Yet neither Kawachi nor other Japanese officials executed Baltazar Jerome Bordallo after he failed to locate the American sailor nearly three weeks later. Because Bordallo did “not break under torture,” Kawachi believed he was innocent.²⁰ The defense attorney Lieutenant Henry P. Bakewell hoped that the tribunal would feel the same way about his client.

In his case, the naval police officer blamed “Kimura,” the chief of the Naval Police, for ordering Kawachi to abuse the Chamorro men and women suspected of knowing George Tweed. Further, Kawachi knew nothing about two of his purported victims, Pedro Dueñas Camacho and Joaquin

Limtiaco, let alone Mabel Camacho's story of wartime resistance. As his defense counsel asserted, the "accused maintains unshakenly that he has never seen them before."²¹ Nor did the naval police officer strike Isabel Taitano Cruz, the Chamorro woman accused of wearing a hat owned by an American. As Kawachi put it, "I did not have anything to do with the punishment of Isabel Taitano Cruz."²² He also assured the court that no sexual molestation took place. "Since I noticed that lots of these women in Guam have big stomach, I think I asked her whether she was conceived or not."²³ Kawachi merely followed orders.

As evidenced in other trials, the U.S. Navy's War Crimes Tribunals Program rejected efforts on the part of the defense to levy responsibility on higher-ranking Japanese officials. By denying Lieutenant Bakewell the opportunity to question Kanzo Kawachi's chain of command, the tribunal found Kawachi guilty of assault and battery, except for one specification concerning Baltazar Jerome Bordallo. The court then sentenced Kawachi to a prison term of six years and six months at the Island Command Stockade in Guam. These carceral logics also applied to Japanese nationals who expressed remorse (figure 6.1). As the only person to plead guilty, for example, Kyomon Miwa accepted the consequences for hitting Maria C. Siguenza in November 1942.

As the defendant in the third trial on assault and battery, Miwa explained how he deeply regretted punishing Siguenza for failing to follow his instructions as a teacher. The incident took place outside the classroom, in the village of Asan. As he stated at the trial, "We were out in the rice paddies cleaning up the parasites. So during working hours, I told half of the children to go on the right and the other half to the left side. Work had started already, and I happened to notice that they were not doing their work. Some of them were giggling, some were talking and doing some eating."²⁴ After repeating his orders four times, he turned to Maria C. Siguenza, a child who happened to be near his side. As Miwa remarked, "I told her twice to stop eating. I think she was eating a mangoe [sic], but she did not take my word. So I hit her on the head lightly, then I asked her whether that would make her listen to my orders. Much to my surprise I saw that her head was bleeding."²⁵ He then brought Siguenza to the hospital, where she received medical treatment; afterward, he returned her home. Miwa also reported his actions immediately to the education superintendent at the Menseibu. Seven days later, the Army Medical Department reprimanded him for beating a child, an act that violated the rules and regulations of teachers.²⁶ As such, an unidentified soldier then struck the back of Miwa's head, causing



6.1. Japan's surrender to the United States. The original caption reads, "Japanese POW at Guam, with bowed heads after hearing Emperor Hirohito make announcement of Japan's unconditional surrender" (photo number 490313, Rec. August 15, 1945). U.S. National Archives, College Park, Maryland.

it to bleed. Now under trial with the military tribunal, he continued to share his guilt and accept whatever consequences may come his way. Because of his frank confessions under both regimes of rule, the court sentenced Kyomon Miwa to six months imprisonment at the Island Command Stockade in Guam. His trial began and ended on September 20, 1945.

The fourth and last case on assault and battery was just as brief. At the end of a trial held on October 12 and 13, 1942, the tribunal found another Japanese national guilty of torturing seven Guamanians: Joaquin A. Charfauros, Manuel B. Cruz, Joaquin Limtiaco, Pedro Q. Sanchez, Vicente S. Sanchez, Jose F. Topasna, and Jose Q. Topasna. As witnesses for the prosecution, the men variously claimed that Hirose Ogawa, a naval police officer, clubbed, kicked, punched, or whipped them at the Hagåtña or Humåtac jail in September 1942, October 1942, or September 1943. In each allegation, very little context was provided with regard to how the naval police officer investigated these cases. The court represented him as a Japanese militarist, a racialized caricature that complemented its native Rotanese and Saipanese counterparts. Now subjected to the American empire, Japanese nationals like Hirose Ogawa became "American" by federal,

international, and military laws that recognized them as threats to society, on the one hand, and by court rulings that banned them from political life in the colony, on the other.

Executing the Ko'ko of Guam

The last three murder trials focused on the Japanese military executions of Chamorros in Guam and Rota. In this section, I examine the military commission's separate treatments of Tadao Igawa and Matsukichi Kobayashi, two Japanese nationals charged with murdering, respectively, the Guamanians Vicente Lizama and Vicente Sablan Baza in June 1944. Although the court addressed related atrocities in subsequent years, its rulings on Igawa and Kobayashi concluded its assessment of Japanese militarism in Guam. That the court ended with the spectacle of execution demonstrated its efforts to present a range of Japanese war criminalities across the tribunal's threshold of *zoë* and *bios*. In the construction of these deviant types, Japanese war criminality meant alien, traitor, and minority, as with Samuel T. Shinohara; it also signified a militarized brand of the "yellow peril" that was to be expunged from the nation.²⁷

On April 10, 1945, the tribunal began its proceedings with Matsukichi Kobayashi, a cook and mechanic for the *Kempeitai*.²⁸ The court accused him of executing the Guamanian farmer Vicente Sablan Baza in June 1944. Along these lines, the prosecution called on Baza's daughter, Beatrice, to explain how Matsukichi Kobayashi came to murder him. She said, "My father was taken by the Japanese twice. The first time he was taken, I went to find out because I understood he was going to be locked up."²⁹ After receiving information from the Saipanese Nicolas T. Sablan, Beatrice Cepeda Baza found out that her father was imprisoned at the Hagåtña jail on suspicion of possessing a gun. She then requested to bring food to her father every day, which she did at the discretion of the Japanese police. But when the American bombings increased in June 1944, Baza noted that her "father escaped from jail because the jail had been bombed already."³⁰ "On that same day," she continued, "the Japanese came to get him."³¹ Yet neither Beatrice Cepeda Baza nor her mother, Teresa, knew what happened to Vicente Sablan Baza. Whether this was a genuine or staged observation, Teresa Baza could only say, "I do not know."³²

The testimony provided by the Saipanese Jose P. Villagomez may have been a surprise for the Baza family. On behalf of the prosecution, he said that Matsukichi Kobayashi and other members of the *Kempeitai* arrested

Vicente Sablan Baza at his home in Yoña. They then returned to the Kempeitai headquarters at Tutuhan. Around six o'clock in the evening, they departed for Fonte, a nearby valley. The police officers and interpreters also dug two graves. One was for Baza, another was for Vicente Lizama, a fellow escapee. Initially, the Japanese police officer Kamitani intended to execute Baza, but Kobayashi intervened. As the witness Nicolas T. Sablan observed, "Kamitani held his sword with his two hands and said to the accused, 'Let me strike him because my sword is new; it has not been used.' Then the accused asked to do it himself and he used the sword of Kamitani. Vicente Baza was the man who was beheaded at this time."³³ Kobayashi said, "Let me kill him."³⁴ Remembering the execution, Jose P. Villagomez concurred, explaining, "The accused was facing north and raised up his hands like this. Baza was kneeling like this and sort of stooping forward facing the hole, when he was struck. The head was not entirely separated from the body. . . . [The sword] went through his throat completely except for the skin of the front part of the throat."³⁵ The execution party then covered the bodies with dirt.

When he had the opportunity to speak, Matsukichi Kobayashi admitted to murdering Baza but only because he was ordered to do so. Rather than express a willingness to kill the fifty-nine-year-old farmer, he revealed his commitment to upholding "an order to decapitate" given by First Lieutenant Koda of the Kempeitai.³⁶ Kobayashi understood his interaction with Kamitani at the execution site as such: "On the way out, I said to Kamitani, 'Please, lend me your sword,' Kamitani said, 'My sword is new, I do not know whether it will cut or not,' then Kamitani said, 'This is my sword so I will like to try it,' then I said to Kamitani, 'Since I have been ordered to do this execution, I will do it.'³⁷ Now feeling remorse for his actions, Kobayashi stressed that he did not work for the Kempeitai at his "own request."³⁸

In his defense, Lieutenant Alexander Akerman did very little to examine the chain of command responsibility in the murder of Vicente Sablan Baza. Simply urging the commission to "vote for acquittal," the defense attorney claimed that Matsukichi Kobayashi showed "no malice aforethought."³⁹ He was not guilty for this reason, a position refuted by the prosecution. Eventually found guilty of murder, Kobayashi was sentenced to imprisonment for life.⁴⁰ But whereas Kobayashi received a relatively quick trial, one that disclosed few details about the execution of Vicente Sablan Baza and Vicente Lizama at Fonte, the case regarding Tadao Igawa proved otherwise. Unlike Baza, who had no ties to the American military, Lizama previously worked for the U.S. Navy, a fact not lost on the American members of the

tribunal, who saw him as “property” of the United States. Hence, more attention was accorded to Lizama’s trial. On February 8, 1946, the military court consequently addressed Igawa’s violation of American sovereignty by charging him with the murder of Vicente Lizama sometime in June 1944. Originally employed as a police officer for Japan’s South Seas Government in Tinian, Igawa received orders from the Japanese navy to work in Guam. He arrived at the island on September 9, 1942, where he assumed the responsibilities of an officer in the Kaigon Kebetai or the Naval Intelligence Police. With an impending American invasion in June 1944, police officers like Tadao Igawa then fell under the jurisdiction of the Kempeitai headquarters in Tutuhan.

At the time, the Guamanian Vicente Lizama was imprisoned at the Hagåtña jail because of his affiliation with the U.S. Navy. The Japanese police believed that Lizama, a former enlisted man with twenty-five years of service, posed a security threat to them. As his wife, Vicenta Q. Lizama, explained, “He was suspected of being a spy for being a long time in the U.S. Naval service and that because he had a gun. The gun, however, was turned over to the Japanese during the early occupation.”⁴¹ Testifying for the prosecution, she said that her husband had fled the jail when the American military bombed and destroyed parts of the building. When Vicente Lizama returned to his family in the village of Yoña, he did not fear the Japanese police. As his wife disclosed, “He told me this: ‘I do not have to hide because I have done nothing wrong.’”⁴² This reassuring remark provided only temporary comfort for Lizama’s family, as the Kempeitai search party, led by inspector Tadao Igawa, found him in June 1944. The Saipanese interpreter Jose P. Villagomez made the arrest.⁴³

The search party then met another group of civilian and military police officers, who had recently captured Vicente Sablan Baza. The two cases merged here. The group then delivered the Chamorro prisoners to Sergeant Major Akiyoshi Hosokawa at the Kempeitai headquarters in Tutuhan. According to Villagomez, he left the police station to have lunch around eleven o’clock in the morning. When he returned at around five o’clock, he found Vicente Lizama and Vicente Sablan Baza tied to a camachile tree. The Kempeitai then released them, at which point the execution party was formed. The thirteen-member squad consisted of Antonio Camacho, Antonio R. Camacho, Vicente Camacho, Pedro Sablan Leon Guerrero, Hirata, Akiyoshi Hosokawa, Tadao Igawa, Kamitani, Kato, Matsukichi Kobayashi, Kowachi, Nicolas T. Sablan, and Jose P. Villagomez, all of them personnel assigned to police units in the army and navy. A few were instructed to carry picks and

shovels. All were preparing to walk to Fonte, a valley located approximately five hundred meters from the Kempeitai headquarters.

As a member of the execution party and as a witness for the prosecution, Sergeant Major Akiyoshi Hosokawa argued that Lieutenant General Takeshi Takashina ordered Tadao Igawa to behead Vicente Lizama.⁴⁴ With Igawa designated as the executioner for Lizama, the thirteen-man squad left for Fonte. Once there, several of the Chamorro and Japanese police officers dug two graves, one for Lizama and one for Vicente Sablan Baza. Two meters apart from each other, Lizama's grave lay north-south, whereas Baza's grave lay east-west. The men stood above their graves. A coconut tree separated them, with a mango tree nearby as another marker of the site. Igawa adorned a formal Japanese naval uniform, with a sword dangling by his side, whereas Lizama wore the navy dungaree shirt and pants of an enlisted man. The contrast between authority and subjugation could not have been more stark: while Vicente Lizama appeared haggard and rankless with his older American navy attire and slippers, Tadao Igawa dressed in a naval uniform with his rating of one star and one anchor attached to his collar.

At the trial, Sergeant Major Akiyoshi Hosokawa described the moments leading to the execution. As he recalled, "We just dug the grave and asked the deceased if he had anything to say. He said, 'I would like to have a cigarette.' That is all."⁴⁵ But Vicente Lizama, now blindfolded, did have something to say for the Saipanese. As the interpreter and witness Nicholas T. Sablan noted, "Before he was made to kneel, Lizama said these words: 'Farewell, Saipanese . . . we will meet in front of God.'"⁴⁶ By not faulting the American or the Japanese colonial governments for his execution, Lizama implied that Chamorros from Rota and Saipan were responsible for his death, an action that only Yu'us, or God, could forgive or condemn. The naval police officer Tadao Igawa then swung his sword at the neck of Vicente Lizama, severing it in one stroke. Matsukichi Kobayashi also executed Vicente Sablan Baza, but because this trial focused solely on the murder of Lizama, the court only confirmed the death of the two men. The Japanese officers then ordered the Saipanese interpreters to straighten the bodies of Baza and Lizama. The men filled the graves with dirt and said a prayer. Afterward, the group returned to the Kempeitai headquarters, where Tadao Igawa reported to their supervisor, Lieutenant Koda, and informed him of the successful execution.⁴⁷

More than a year later, in October 1945, eight members of Vicente Lizama's family, the Guamanian police officer Juan Fejeran, and the Saipanese interpreter Nicolas T. Sablan arrived at the grave site in Fonte. After Lizama's

body was exhumed, his wife, Vicenta, identified the false teeth and clothing as belonging to him. At the trial, their daughter, Soledad Lizama Concepcion, also related, “We first found the skull, next the upper limbs, then the back bones and the lower limbs, and a pair of home made sandals.”⁴⁸ “I recognized,” she said, “the false tooth, the gold tooth and the initials [V.L.] on the sandals which the deceased was wearing.”⁴⁹ With the death of Vicente Lizama established and with the four men claiming to have witnessed his execution, the military tribunal then called Tadao Igawa to the stand. When asked if he knew the name of Vicente Lizama, he replied, “I have forgotten the name of the person but I think that was the man I killed.”⁵⁰ Expressing amnesia about his violence, Igawa simply sketched a scene of military order and obedience in the colony. Stressing that the execution was “legal,” he said, “The reason why I believed it was a legal execution was because it was a general’s order, and I was told also by our company commander [Lieutenant Koda].”⁵¹ Igawa commented, “In my mind this is not murder.”⁵² Further, Igawa observed that Lizama had to be killed because he posed a security threat to the Japanese military. For this reason, Lieutenant Koda was “rather happy” with Igawa’s arrest and execution of Lizama.⁵³ But a few minutes into his cross-examination by the prosecution, Igawa expressed remorse: “Since this was the first execution I had known I never heard of any objection or anything said of not doing the thing as told. . . . Not that I wanted to decapitate the native but the orders came from the higher authorities and I had to do it.”⁵⁴

Tadao Igawa’s defense counsel, consisting of Second Lieutenant Edmund S. Carpenter and Sergeant Calvin W. Dunbar, similarly asserted that Igawa received orders to kill Vicente Lizama. As homo sacer, Igawa ultimately represented the bios of Japanese militarism and war criminality, acts that existed outside the “civilized” laws of war. As the defense counsel stated, “It is difficult for the western mind to understand the exact position of the Kempetai [sic] because we have never had a similar unit in our armed forces.”⁵⁵ They concluded that “although the method of execution may first appear both frightful and unpleasant to the English mind, yet that is not true of the Oriental who sees in it a religious and cultural significance.”⁵⁶ Comparable to the tribunal’s portrayal of the Rotanese and Saipanese as masters of slavery, water torture, and other atrocities, the court similarly recognized nationals like Tadao Igawa as “Orientals” whose capacities for violence exceeded anything familiar to the United States.⁵⁷

Tadao Igawa’s criminality only mattered to the court insofar as his execution of Vicente Lizama constituted what the judge advocate called a “cruel

and dastardly act” to be punished and expunged from the nation.⁵⁸ As Judge Advocate and Lieutenant William A. Buckles queried, “Could any civilized man, as we know a civilized man, draw back a large sword with both hands and then viciously, brutally, cruelly, with one powerful and crashing blow slash down on the helpless and defenseless figure before him with such force and violence as to completely sever the head from the body, without having enmity of heart?”⁵⁹ On Igawa’s premeditation, the judge advocate asserted that Igawa apprehended Lizama, submitted the prisoner to his superiors, wore a formal naval uniform, traveled with the execution party, and used a sword to kill Lizama. With his superiors Lieutenant General Takeshi Takashina and Lieutenant Koda believed to have passed away, on February 18, 1946, the tribunal sentenced the sixty-year-old naval officer Tadao Igawa to hanging by the neck “until dead.”

Imprisoned at the War Criminals Stockade, Igawa was allowed to smoke cigarettes, write letters, and meet a Buddhist priest. The prison guards also inspected his cell in case he possessed an instrument with which he could “take his life.”⁶⁰ On July 23, 1947, the acting secretary of the navy approved his death sentence. The tribunal then prepared his execution at the Joint Communications Activity Area in the village of Finegayan. On September 23, 1947, Marine Corps and U.S. Navy security officers informed Igawa that he was to be hanged the following day. When asked if he had any final words to share, Igawa replied, “I will speak here. I know no English, and during my trial I did not know what was said. My lawyer hardly talked to me. I have not so far received a copy of my trial. Due to these facts I cannot reconcile my self with the sentence of the court.”⁶¹ The Marine Corps officer in charge of the execution, Lieutenant Colonel George R. Newton, described Igawa’s face as having a “worried, puzzled look” upon receiving notice of his execution. “After returning to his cell,” wrote the lieutenant colonel, “IGAWA chewed his fingernails, picked at his arms and rubbed his legs. He conversed with the Priest fifteen (15) to twenty (20) minutes, showing excitement at this time. At 1600 he began to write, tore up his letter several times before finishing. From 2000 until 2230, when he retired, he read his prayer book and paced in his cell. He slept well, occasionally talking in his sleep, and was awoken at 0500.”⁶² In the afternoon and evening, Tadao Igawa wrote a few letters to his family and friends. To his father and mother, he said, “I would like to thank you for what you did for me while I was living and ask for your care for the others.”⁶³

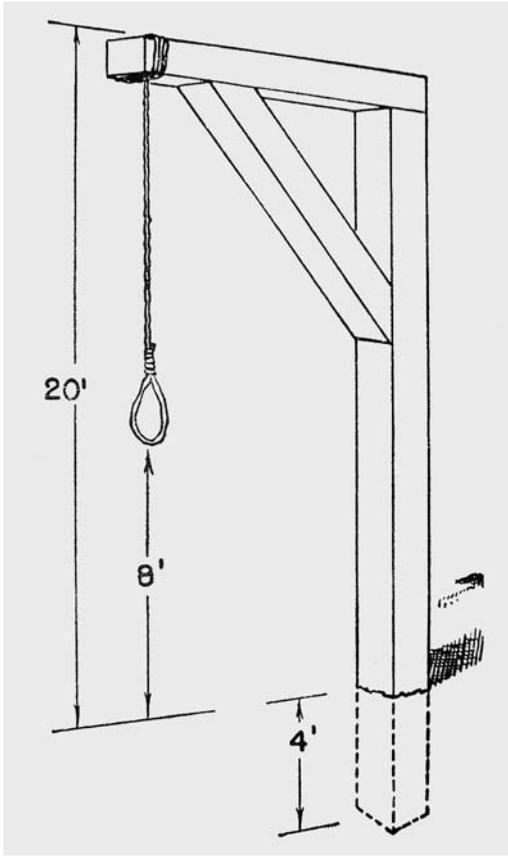
To his wife, Yukiko, he remarked, “Since our marriage I have troubled you all the time without a moment of happiness and now with the ending

of this day I am to climb the steps to be hanged. I greatly appreciate your service to me. Please take good care of our parents and children. This is all I ask of you.” Regretful, he apologized to his partner, “I am very sorry to make you bear this great responsibility, but please think this is our fate and take care of yourself. Please give my best regards to our relatives and to the mother of Miyamoto. The weather is very good this morning. The leaves of the palm trees are shaken by the cool breeze that is blowing.” To his children, Hiromi, Kohiko, and Ryuhide, Igawa stated, “Your father will be back home before you get this letter. But the life at home is very hard; so the 3 of you please help your mother and take good care of your grandmother and grandfather.”⁶⁴ Refusing to submit to the tyranny of the tribunal, Igawa concluded with a poem:

Being a person to be sacrificed
I have nothing to say,
I will ride the wind of the God
And be purified today

Here, Igawa understood himself as a sacrifice for Japan, a telling contrast in terms of how the American military commission judged him as a war criminal and nonsacrifice.

In an act that resembled the execution of the U.S. Navy sailor Vicente Lizama, the tribunal then stripped Tadao Igawa of his military uniform, dressed him in a plain shirt and trousers, and handcuffed him at six o'clock on the evening of September 24, 1947. The Officer in Charge of Executions, Lieutenant Colonel George R. Newton, summarized Igawa's last steps as follows: “Accompanied by the Buddhist Priest IGAWA was led past the witnesses to the foot of the gallows. Immediately thereafter he mounted the scaffold; leg shackles, hood, and noose were placed, and IGAWA was dropped through the trap at 1951. Prayers were said by the Buddhist Priest. He was declared dead by the two (2) official Medical Observers at 2002, 24 September, 1947.”⁶⁵ The official hangman was First Lieutenant Charles C. Rexroad of the U.S. Army.⁶⁶ But, according to the son of the Guamanian police officer Adolfo Sgambelluri, three police officers pulled the lever for the trapdoor (figure 6.2). Whereas one hangman was usually an American official like First Lieutenant Rexroad, the two other hangmen were often Guamanians like Adolfo Sgambelluri and Joe Gutierrez.⁶⁷ As the younger Sgambelluri explained, “All three would pull simultaneously the trap [to hang the accused], but nobody knew who really pulled to release the trap door.”⁶⁸ Thus, these Guamanians may have executed Tadao Igawa. Whoever



6.2. Diagram of equipment for execution by hanging. Image from Record Group 125, Records of the Office of the Judge Advocate General, War Crimes Branch.

committed the act is irrelevant. Their participation in the gallows merely illustrated the nexus of law, torture, and retribution.

The American Military Colony in Rota

In the final trial, on January 26, 1949, the tribunal accused three Japanese military personnel of murdering four Chamorros and one Spanish national in Rota, an island located immediately north of Guam. The Japanese nationals were Shigeo Koyama, Yoshio Takahashi, and Akira Tokunaga, former soldiers of the Imperial Japanese Army. Originally demobilized in October 1946, these men returned to their homes in Japan and found employment there. Whereas Tokunaga worked at a construction company in Kumamoto prefecture, Koyama and Takahashi labored, respectively, at a family farm and a public health center in Tokyo. Without the issuing of warrants and the

disclosing of charges, the Japanese police then separately arrested the men in 1948: Takashi on May 2, Koyama on July 31, and Tokunaga on September 25. After processing the men at local jails, the American military police turned them over to the Sugamo prison. On November 17, 1948, they arrived at the War Criminals Stockade, Guam, where they resided in solitary cells. Nearly a month later on December 7, 1948, the navy's intelligence personnel at the War Criminals Stockade coerced Koyama, Takahashi, and Tokunaga into providing "statements" without having access to legal representation.

On December 10, 1948, the tribunal issued the four specifications of murder. The first specification alleged that Akira Tokunaga, then a captain and commanding officer of the First Battalion, shot "two unarmed native inhabitants of said Rota Island" on or about June 25, 1944.⁶⁹ One native was presumed to be Bonifacio Esteves, whereas the identity of the other native was "unknown." The second specification alleged that all three men—Koyama, Takahashi, and Tokunaga—bayoneted the Spanish national and Catholic brother Miguel Timoner on or about July 5, 1944. The third specification alleged that Takahashi and Tokunaga administered cyanide of potassium to a native believed to be Ignacio de la Cruz, thereby causing his death on or about July 5, 1944. Finally, the fourth specification alleged that Akira Tokunaga shot "one unarmed native inhabitant of said Rota Island, names to the relator unknown," on or about July 8, 1944.⁷⁰ Having established legal precedents in the previous trials on assault, battery, murder, and treason, the prosecution now turned to Japanese military atrocities committed in Rota, an island once administered by the Japanese colonial government.

As with the American occupation of Japan and its former colonies, the U.S. Navy's War Crimes Tribunals Program addressed the Japanese execution of five individuals in Rota not because of its supposed altruism for the Chamorro victims. Rather, as the historian Yukiko Koshiro asserts, the United States utilized its postwar regimes of governmentality to "make the Japanese comply with the American victors in the remaking of Japan and Asia."⁷¹ At stake for the military tribunal was the sovereign future of Rota, a geographic, moral, and political template from which the court sought to assert American laws in Asia and the Pacific. As with the neighboring islands of Guam and Tinian, the U.S. military had seized these sites for the purpose of launching aerial assaults on Japan, with the atomic bombings of Hiroshima and Nagasaki in August 1945 being the most notable.⁷² With Rota, the Japanese killing of one foreigner and four natives suggested that the Japanese government failed in its "civilized" efforts to rule its subjects and lands. Hence, the trial aimed to eliminate Japanese governance, on the



Map 6.1. Rota

one hand, and to assert white American claims to property, on the other.⁷³ As the political theorist Carl Schmitt explained, “In every case, land-appropriation, both internally and externally, is the primary legal title that underlies all subsequent law.”⁷⁴

In defending the Americans’ right to jurisdiction and land appropriation in Rota, the prosecution cited a memo authored by Rear Admiral Charles A. Pownall on January 19, 1949. Reiterating the legal reach of the tribunal originally outlined by Admiral C. W. Nimitz’s Proclamation No. 4 on July 21, 1944, the prosecution argued that the commission “shall have jurisdiction over all Japanese nationals and others who worked with, were employed by or served in connection with the former Japanese Imperial Government, in the custody of the convening authority at the time of trial, charged with offenses committed against United States nationals . . . and white persons whose nationality has not prior to ordering of the trial been established.”⁷⁵ In this manner, the tribunal appropriated international laws of conquest and possession. The establishment of the Trust Territory of the Pacific Islands (TTPI) in 1947, for example, demonstrated the “lawful” ways by which American sovereignty extended into former Japanese colonies like Rota. As a charter of the United Nations, the TTPI terminated Japan’s sovereign rule over its colonies in favor of the American construction of military bases and the American development of wage economies in these sites.⁷⁶ As the historian David Hanlon argues, “The veil of legitimization provided by internationally sanctioned treaties or arrangements often can be used to hide or even help promote the subordination of others. The 1947 Trustee-

ship Agreement between the United States and the United Nations over the postwar status of the Caroline, Mariana, and Marshall Islands served just this purpose.”⁷⁷ In short, the United States utilized the TTPI to replace Japanese militarization in these islands with its own brand of empire.

Moreover, by 1949 the tribunal had already sentenced Japanese nationals for murdering Americans and Pacific Islanders in the Chuuk and Marshall Islands, areas once administered by the Japanese South Seas Government.⁷⁸ By asserting that various Japanese nationals murdered individuals suspected of “espionage” or spying, the court relied on the laws and customs of war as per the Hague Convention of 1907. Under these circumstances, the Japanese execution of suspected spies in Rota constituted violations of war between combatants, with little legal and political emphasis on and protection for civilians.⁷⁹ Knowing that the U.S. Constitution, the *Naval Courts and Boards*, and *The Penal Code of Guam* lacked judicial force in Rota, the prosecution therefore selectively applied Proclamation No. 4, the TTPI, and the Hague Convention to justify its jurisdiction over the accused Shigeo Koyama, Yoshio Takahashi, and Akira Tokunaga.

But the defense counsel differed on these matters of personhood and property. Consisting of Commander Martin E. Carlson, Junjiro Takano, and Sadamu Sanagi, the defense argued that the United States held no jurisdiction over the foreign, national, and native inhabitants of Rota. Citing the League of Nations’ mandate that granted Japan’s establishment of laws over the island, the defense counsel reasoned that Rota was an “integral part of the Japanese Empire.”⁸⁰ As such, every person was subjected to the laws of Japan from 1914 to 1944, with the laws of the Japanese Imperial Army taking effect in the summer of 1944. These laws included the Criminal Code, an Ordinance for the Treatment of Judicial Affairs, Japanese Army Regulations, Law for Criminal Procedure, Law Relating to the Application of the Criminal Code, and Regulations Governing the Security of Military Secrets in the South Sea Islands, among others.⁸¹

In response, Judge Advocate and Lieutenant Commander Joseph A. Regan objected to the introduction of these “foreign laws” because they lacked relevance.⁸² The military commission concurred. The defense counsel then urged the tribunal on January 20, 1949, to consider separate trials for Shigeo Koyama, Yoshio Takahashi, and Akira Tokunaga. They realized that because the defendants had provided statements to American intelligence personnel on December 7, 1948, these materials would have incriminated one or all of them. Take, for instance, the petition by Yoshio Takahashi, a surgeon in the army and a graduate of the Medical Department at the Kyoto

Imperial University. As he expressed, “These affidavits made at the request of American Naval Officers while I was being held in confinement without charge being preferred against me and without benefit of Counsel, if offered into evidence and proved, will if accepted, tend to implicate my co-defendants, one of whom was my superior and the other a subordinate.”⁸³ Shigeo Koyama and Akira Tokunaga provided similar remarks to the court.

Further, the defense counsel motioned for a change of venue because “the action is brought in the wrong place or district, and because a military court here on Guam cannot legally try them for the offenses charged and alleged to have been committed on Rota Island.”⁸⁴ On January 20, 1949, six days before the onset of the trial, Commander Martin E. Carlson asserted, “We are of the opinion that Rota Island is not a part of the military command of Commander Naval Forces Marianas. There is no inherent authority in the convening authority, a commander of naval forces only, to appoint this military commission to try three Japanese civilians for alleged offenses said to have been committed on Rota Island during the period from June 25, 1944 to July 8, 1944.”⁸⁵ In lieu of holding their trial in Guam, the defense counsel preferred “a change of venue to Tokyo, Japan, Rota Island, or Honolulu, Territory of Hawaii.”⁸⁶

While the defense counsel did not fully elaborate on why it chose Honolulu, Rota, and Tokyo as potential venues for the cases, its rationale proved futile given that the military commission had conceded to the prosecution’s claims and counterclaims. Yet in each case, the defense counsel and prosecution erased Chamorro land stewardship and political power in Rota. This treatment became apparent in their disagreements over jurisdiction and in their avowal of the Rotanese as noncitizen subjects of Japan. For example, the prosecution understood them as a “tranquil, and presumably obedient” population.⁸⁷ On the other hand, the defense utilized euphemisms to conceal the exclusion of Chamorros from the national polity. As the defense stated, the “Native inhabitants of Rota Island were not foreigners according to domestic laws of Japan. They were generally treated in the same manner as Japanese nationals.”⁸⁸ Equally problematic, two of the accused Japanese nationals—Akira Tokunaga and Yoshio Takahashi—remembered the Rotanese as if they were mutual friends and partners in the Japanese empire. As Tokunaga explained, “The native population of Rota Island was approximately 800. . . . Their intelligence surpassed those of the resident Koreans and Okinawans, and they willingly volunteered to cooperate with the Japanese Forces.”⁸⁹ Stressing that he had formed a “strong bond of friendship” with the Chamorros, he expressed, “I was overwhelmed with

gratitude whenever I observed these people in my tours of inspection working side by side with the soldiers with sweat streaming down their muddy faces.”⁹⁰ Yoshio Takahashi similarly observed, “As our relationship became closer, I came to know that they were like the Japanese who were willing to do their best for their country without knowing the tragic destiny awaiting them.”⁹¹

As these comments reveal, Takahashi and Tokunaga subscribed to what the anthropologist Renato Rosaldo calls “imperialist nostalgia,” or “a mood of nostalgia that makes racial domination appear innocent and pure.”⁹² By underscoring their supposed amicable relations with the Rotanese, they attempted to demonstrate their generosity and innocence to the military tribunal. As Rosaldo asserts, much of “imperialist nostalgia’s force resides in its association with (indeed, its disguise as) more genuinely innocent, tender recollections of what is at once an earlier epoch and a previous phase of life.”⁹³ Contrary to the romanticized memories of Rota, then, the Rotanese recalled a different set of circumstances than those described by the Japanese. Manuel M. Ogo, for example, labored for the Japanese military at a time “when friendships between Japanese soldiers and Chamorros were illegal and severely punished, even by beheading.”⁹⁴

With rumors circulating about their impending deaths at the hands of either the Americans or the Japanese, many Rotanese thus feared for their lives. With food shortages and the conscription of male laborers, they suffered greatly. As Ogo put it, “We all lost weight . . . even the Japanese who, of course, had first claim to the food that was produced.”⁹⁵ Albert Toves, another Rotanese, likewise experienced the hardships of war, but from the lens of a native intermediary. Identified by his Japanese name of “Kondo Akira,” he worked as a supervisor for a company that cultivated castor beans from 1936 to 1944. He also advised Chamorro, Korean, and Taiwanese harvesting crews in Rota and received a salary that “conformed to the standard salary for high-grade Japanese supervisors.”⁹⁶ That status then changed dramatically when the American military began bombing Rota on June 11, 1944.

With the imposition of military law, Toves lost his job as a supervisor and became a cook for the Japanese Imperial Army. In the process, he witnessed the forced relocation of Chamorros from the village of Songsong to the village of Tatachuk. As a privileged person, however, Toves remained in Songsong with his family because of his culinary responsibilities for the army. But that was not the case for most Chamorros. As he stated, “Other

Chamorros had previously been evicted from Songsong and sent to live in [Tatachuk], a newly-created, apartheid-type village.⁹⁷ Toves then interacted closely with nineteen field commanders on a daily basis as he was their primary cook. At one meeting, he overheard them talking about how the war “was failing on all sides of us.”⁹⁸ As he revealed, “I didn’t have to listen very closely to what they were saying, for just looking at their faces told me all I needed to know. . . . It made me remember the signs that Japanese war-protestors used to put up along the highways in Japan that showed a ferocious fighting cock (America) shaking a baby chick (Japan) to death, and that had a sign printed under it that said ‘a chick must not attack a rooster.’”⁹⁹

As the remarks by Ogo and Toves demonstrate, Chamorros from Rota interpreted the war as disruptive and destructive. As a result, neither the defense counsel nor the prosecution took seriously the collective and contradictory notions of “America” held by the Rotanese. Unlike their portrayal of “loyal” Chamorros who often welcomed the return of the Americans to Guam, the court possessed no comparable caricature from which to present Americans as “liberators” in Rota. The Rotanese notions of Americans were too anticolonial, racially charged, or politically subversive. As Ogo disclosed, he and many native men were prepared to resist the American military: “Each one was ordered to equip himself with a sharp bamboo spear which he must keep constantly by his side so that when invasion occurred he could join in a banzai charge that would repel the American invaders.”¹⁰⁰

Casting the Americans as imperial aggressors, he added, “Under the direction of our honchos, we practiced our attack on imaginary hordes of American barbarians coming through the surf, who, if we failed, would surely cut off our ears and tongues and who knows what else, for that was their purpose in coming to Rota!”¹⁰¹ To entertain these volatile memories of the war would have thus questioned what Aileen Moreton-Robinson theorizes as the “moral high ground” of national and international laws on possession.¹⁰² By not including these Rota Chamorro narratives of place and by adhering to international laws on jurisdiction and land acquisition, the tribunal thereby presented itself as a virtuous and morally legitimate apparatus of wartime justice. How, then, did the final murder trial manifest the court’s application of domestic laws on jurisdiction and international laws on espionage and land possession? In the next section, I discuss how the commission imposed these laws on three soldiers of the Imperial Japanese Army in Rota without knowing who, exactly, they executed.

The Five Unknown Victims of the War

In his opening statement on January 26, 1949, Judge Advocate and Lieutenant Commander Joseph A. Regan summarized the four specifications of murder levied against Shigeo Koyama, Yoshio Takahashi, and Akira Tokunaga. He explained that “while there were five individuals killed, there were three different incidents.”¹⁰³ Representing the prosecution, Lieutenant Commander Regan said, “The killing of two natives on the 25th of June 1944 for which in this trial Tokunaga, alone, is being held responsible. On the 5th of July the Spanish brother Miguel Timoner was killed as a result of the activity of all three of the accused. On the same date, Ignacio de la Cruz was executed and for this Tokunaga and Takahashi, but not Koyama are accused. A few days later, namely on the 8th of July the fifth person was executed and for this Tokunaga alone is accused.”¹⁰⁴ Yet the prosecution did not discern the identities of the men who died, that is, the four Chamorros and the one Spanish national. With the exception of the priest Miguel Timoner, the tribunal’s charges did not divulge the names and occupations of the victims. At best, the Chamorros were “believed to be” Bonifacio Estabes and Ignacio de la Cruz; the “exact names” of the other two men were “unknown.” Unofficially, however, American investigators contemplated whether anybody actually murdered Miguel Timoner. As one intelligence report revealed, American military personnel “have been unable to get a single Japanese to admit that he knows about the execution of the priest on Rota. . . . The Japanese insist all the people executed were natives.”¹⁰⁵

For these reasons, none of the accused Japanese soldiers ever claimed to have murdered Miguel Timoner, let alone a Spanish national. Nor did any of the Japanese witnesses recall or document the names of the Chamorro men. Without disclosing the names of the five victims, the tribunal then premised its proceedings on the dubious nature of their identities. This questionable position was likewise compounded by the court’s failure to attract a large pool of Chamorro witnesses from Rota. Lacking the conflicts of the birds and lizards in Guam, the commission found no “loyal” Chamorros from which to merge their white racisms with native vengeance and retribution. And because the Rotanese could have levied criticisms against the Americans and Japanese, therefore jeopardizing the court’s legitimacy, the tribunal remained relatively silent on the matter of native testimonies from Rota. With a few exceptions, the trial mainly focused on the knowledge and experiences of Japanese soldiers in the Imperial Army.

For the prosecution, establishing the role of espionage proved vital given the court's reliance on international laws of war and land possession. One of its key witnesses, Major Shigeo Imagawa, emphasized how the militarized environment of Rota created the conditions for spying. As he expressed, "After the U.S. forces landed on Saipan on June 15th [1944], what affected the Japanese Army and residents on Rota was the approaching of U.S. ships and there were frequent false reports which were spread around the island saying that the United States forces had landed on Rota and this resulted in confusion."¹⁰⁶ Anybody accused of spying was thus arrested by the military police. In Imagawa's estimation, espionage meant "a person detecting military secrets and disclosing them to the enemy, and who commits subversive activities."¹⁰⁷ Although he did not know the number of people detained and executed by the military police, he did indicate how Chamorro gossip informed the Kempeitai in its apprehension of spies among the native population.

What especially troubled the Japanese military was the Chamorro rumor that "in the event of a landing by the United States forces, they would at once run over to them and ask for their protection, by disclosing information of the Japanese units, and persuade and incite others to follow them."¹⁰⁸ With respect to the five unknown men, Major Shigeo Imagawa believed they were killed for possessing a notebook of army positions, "waving flags at planes or spreading cloths on the ground during daytime in an attempt to signal to the American planes."¹⁰⁹ As this soldier's testimony revealed, the Japanese military and police sought to suppress any form of native espionage. The circulation of anti-Japanese rumors—that is, marginal and covert perspectives—likewise demonstrated the range by which Chamorros variously understood the Japanese military occupation. But because the prosecution argued that the five men were killed as spies without trials, the prosecution determined that the court was obligated to evaluate the actions of Shigeo Koyama, Yoshio Takahashi, and Akira Tokunaga.

Regarding the first specification, the prosecution relied on its first witness, Yukio Yasui, to discuss the execution of two natives on or about June 25, 1944. As a former warrant officer and platoon commander stationed in Rota, he identified Captain Akira Tokunaga as the person responsible for delivering the order to shoot these men, one of whom was believed to be Bonifacio Estebes. As Yasui stated, Captain Tokunaga instructed him to "execute" two natives accused of espionage. In explaining how he attempted to refuse the order, Yasui remarked, "As I had no experience in executions by firing squad, I requested the battalion commander on receipt of

this order, that he, the battalion commander take the natives elsewhere.”¹¹⁰ But Tokunaga dismissed Yasui’s request on the grounds that the execution should occur immediately for he feared being bombarded by another American air raid. Eventually, Warrant Officer Yasui conceded to Captain Tokunaga’s wishes and organized the execution in the village of Tatachuk. “I ordered six men,” he said, “to be members of the firing squad. . . . After the preparations had been completed at the scene of the execution the battalion commander brought two natives to the scene and read to them their sentences of execution.”¹¹¹ As with every Japanese witness, Yasui did not know the names of the men; he only recalled that they were handcuffed.¹¹² He continued, “I received the two prisoners and blindfolding them I stood them in front of the hole, ordering the three men on the firing squad on the right-hand side to aim at the victim on the right hand side and the three on the left to aim at the victim on the left side. I gave the order to fire.”¹¹³

Other soldiers offered more intimate accounts of their roles as executors. For example, army Superior Private Kenichi Hosoya remarked, “No matter what kind of crimes these two men had committed, in my heart I thought it very sad to imagine the surprise and sorrow of the wife [sic], children, and aged parents who would be left behind when the families heard that these two men had been shot and had died.” As a soldier lacking “the power to control these things,” Kenichi Hosoya then said, “Up to that time there hadn’t been a moment during which the gun I held felt heavy. I closed my eyes, and from the bottom of my heart I fervently prayed for the repose of their souls. . . . I vaguely remember the voice of Platoon Leader YASUI giving the order to shoot and the fact that my arms, hands, and fingers were all trembling.”¹¹⁴ Corporal Yoshimaro Sato, another member of the firing squad, observed, “We could not bear to execute those holding the same citizenship as ourselves and carried it out in a very solemn manner.”¹¹⁵ Taken from investigative records, these statements did not enter the court records as evidence. Yet the American intelligence officials presumed that Hosoya and Sato participated in the murder of two Chamorros, a point verified by their affidavits. But because the court had apprehended their commanding officers, Hosoya and Sato did not incur any charges.

With regard to the second and third specifications of murder, the prosecution enlisted the support of the only two Rotanese witnesses available to the tribunal. They included the former field laborers Ramon B. Blanco and Tomas Cruz Manglona, both of whom worked as messengers for the Kempeitai headquarters in the village of Tatgua. Along with other Japanese witnesses, they detailed the arrest and execution of Ignacio de la Cruz, a

Chamorro, and Miguel Timoner, a Spanish priest, on or about July 5, 1944. According to Tomas Cruz Manglona, the Kempeitai police ordered him to summon Timoner and de la Cruz. Although he did not know where the order originated, he acknowledged having seized the fifty-year-old Spanish brother and the seventy-year-old Chamorro artisan. Whereas Manglona characterized Timoner as “on the whole, white,” he said nothing about the physical appearance of de la Cruz.¹¹⁶ But he did note that the priest was an “energetic” Spaniard “always dressed in that habit.”¹¹⁷ On the other hand, Manglona described de la Cruz as a “man of many trades. He could make shoes and he could also make rings.”¹¹⁸

The Kempeitai then escorted Igancio de la Cruz and Miguel Timoner to two execution sites, with the former being led to a jungle area beside the headquarters and the latter being directed to a nearby shelter with chairs and tables. Approximately 150 meters separated the two locations. What linked the second and third specifications of murder, then, was not only the simultaneous arrest of de la Cruz and Timoner but the manner in which they were meant to die. Following Captain Akira Tokunaga’s order to execute these men, Second Lieutenant and surgeon Yoshio Takahashi attempted to kill them with poison. A witness for the prosecution and a former staff member of the medical unit, Yoshizaki Tokuichi identified the poison as “potassium cyanide.”¹¹⁹ He also saw Takahashi place the poison in coffee cups at the execution sites. Another witness, Corpsman Sergeant Major Takashi, recalled, “I left my work and went to the scene of the execution. There were one native and several soldiers. The native was made to sit down and Second Lieutenant Takahashi was saying something to him. In a little while some coffee was poured in a cup and a small portion of some kind of powder was put into the coffee and mixed.”¹²⁰ Identifying Takahashi as the person who placed powder in the coffee, Corpsman Sergeant Major Takashi then stated, “This native drank this coffee but he spilled some from his mouth and he didn’t drink very much. The native who drank this coffee pressed his stomach with his hand and fell backwards. In a little while this native who fell down got up and seemed to be in agony and the native was in this condition for a little while.”¹²¹

Realizing that the “native” did not immediately die from the poison, Second Lieutenant Yoshio Takahashi sent a runner to Captain Tokunaga, requesting directions for the botched execution. When the messenger returned, the surgeon was informed to order Private Shigeo Koyama, one of the accused, to stab the native. The tribunal thus charged the soldier Koyama, the surgeon Takahashi, and the commander Tokunawa with mur-

dering, by “bayonet,” the priest Miguel Timoner. Several Japanese suspects and witnesses in Guam and Tokyo confirmed that these three Japanese nationals killed a man. Yet none of them referenced a foreigner. The second and final Rotanese witness, Ramon B. Blanco, then argued that Koyama “stabbed” Ignacio de la Cruz, a Chamorro who did not initially die from the poison.¹²² But specification 3 insisted that de la Cruz expired from potassium cyanide poisoning and not from a bayonet wound. Despite the convoluted nature of these charges and testimonies, the prosecution ultimately asserted that Second Lieutenant Yoshio Takahashi staged the two murders of Ignacio de la Cruz and Miguel Timoner on or about July 5, 1944.

Shortly thereafter, Tokunaga ordered the execution of the last unknown native and suspected spy on July 8, 1944. As per specification 4, only Tokunaga was charged with killing this man at Tatgua. Suekichi Yoshimura, a former engineering warrant officer with the Imperial Japanese Army, followed the order. Now testifying for the prosecution, Yoshimura said, “I was ordered to execute a native by the company commander.”¹²³ A clearing was then made in the jungle near the Kempeitai headquarters. After forming a firing squad of two men, Yoshimura instructed them to shoot the unknown native. The Kempeitai officers then buried the three men in unmarked graves near their headquarters.

As the only Japanese national accused of all five specifications of murder, former battalion commander Akira Tokunaga approached the stand first. In discussing his history as a military officer, he explained that he received his training at army military academies in 1936 and 1939, after which he was transferred to the First Regiment, First Division, in Manchuria. In March 1944, he then moved to Rota, where he led the First Battalion, Tenth Independent Mixed Regiment. At the young age of twenty-six, he supervised the operations of the army unit from March 1944 to September 1945, the latter date signifying his surrender to the Americans. But by June 1944, Tokunaga noted, Rota had become a “field of battle,” with its civil administration barely operating because of the American assaults in Rota and Saipan.¹²⁴ As a result, he said, “There was no other way but for the army to take over the maintenance of peace and order of the civilians because Saipan Branch Office of the South Seas Government Office had ceased to function and the branch office on Rota had been demolished by bombing and it was almost impossible for it to function.”¹²⁵ Given the collapse of the civil administration, Captain Tokunaga became the senior official among the civilians and military personnel in Rota. Reflecting on his challenges, he said, “It was my first experience since I entered the army in which I was

placed in contact with the navy as well as the civilians. I felt that I was unequal to carry such an enormous burden of responsibility when I realized that I had to stand above all and direct matters concerning defense, liaison, and coordination work of the whole island, but I exerted all my efforts in that direction.”¹²⁶

In his new role as the military commander of Rota, Captain Akira Tokunaga then convened the island’s leadership on June 14 to 15, 1944, to discuss this shift in governance. At these meetings, he emphasized that everybody had to follow military laws, natives had to provide laborers for the construction of fortifications, and nonmilitary personnel had to reside in newly created “safety zones” designated for the Chamorro and non-Chamorro populations.¹²⁷ Another stipulation concerned the matter of “subversive acts.” As Tokunaga disclosed, the civil administrators and village representatives “were cautioned to be on the alert for subversive acts and acts of treason and spreading rumors, because such acts were prevalent.”¹²⁸ Lookouts and patrols were thus formed, with each group scanning the island for individual acts of “treason,” a term that placed the discussion in the realm of Japanese laws. By framing the discussion along these lines, Tokunaga resisted the prosecution’s claim that the five unknown victims were “spies” whose murderers could only be judged within the context of international law. In Rota, only Japanese military laws applied during the time when these men died, that is, from June 1944 to July 1944. For the army, every order was lawful in its hierarchy of command responsibility.

Under these circumstances, individuals accused of treason suffered the penalties of imprisonment or death. As Captain Tokunaga reasoned, five natives were executed for violating the articles on treason in the Military Secrets Security Law and the Army Criminal Code. Although espionage constituted one of these acts, itself a treasonous crime, the criminal codes explicitly aligned with domestic military laws. On these matters, no reference whatsoever was made to international laws, including the Hague laws of war. Take, for instance, article 27 of the Army Criminal Code: “Those who have done the actions described in the following shall be condemned to death: 2.—To spy for the benefit of the hostile powers, or help hostile powers in espionage. 3.—To convey military secrets to the enemy powers.”¹²⁹ Tokunaga then assigned several soldiers in the Kempeitai to separately arrest and interrogate five Chamorro men sometime in June and July 1944. Referring to several letters, secret notebooks, and bottles and clothes used for signaling purposes, the lower-ranking soldiers found that “these five men had conspired in their efforts to detect and gather military secrets, the

conditions of the air field, the disposition of troops and armament of the military forces, and had passed this information on to the enemy and these five had been constantly engaged in this work.”¹³⁰

Other acts of treason included their efforts to “cut telephone wires and thereby [obstruct] operational movements.” Continued Captain Tokunaga, “They signaled to enemy planes and ships by various methods and disclosed the position of the airdrome and of troop concentrations and guided the enemy in bombing and naval bombardment. They spread unfounded rumors and worked to break down the morale behind the lines and they planned to contact and to guide the American forces in the event of an invasion.”¹³¹ Shigeo Koyama, one of the three accused Japanese nationals, also claimed to have seen three incidents of treason unfold in Rota. Although Koyama failed to identify any individuals, he said, “When I was on the lookout duty from eleven o’clock in the night till three in the morning I frequently witnessed flash signals which seemed to be from a flash light.”¹³² On the second example of treason, he “frequently saw signal lights which went alternately from green to red. When a signal flare would go up from the land then rocket flares could be seen out at sea and it seemed as though they were signaling with each other.”¹³³ Whereas he witnessed these two events from afar, he described the third and final instance of treason as occurring only a few moments before his arrival. In one patrol, Koyama noticed that burning charcoal “had been laid out in the form of an arrow pointing toward the [Sinapalu] air field in the day and when I saw this again it was all white in ashes. . . . I was able to observe that this form of signal could be used both in the day and the night.”¹³⁴

As these comments reveal, Captain Akira Tokunaga, Private Shigeo Koyama, and the investigating officers in the Kempeitai believed that the five Chamorro men had shared information with the American military, a point previously disputed by the prosecution and by the lack of any corresponding evidence. And when the court asked Captain Tokunaga to submit the bottles, clothes, and letters used in these acts of treason, he mentioned that all the materials were lost after the war. Nor did he organize a trial for the accused Chamorros on the premise that they lacked the facilities, as well as the capacity to transfer the men to Guam for further judgment.¹³⁵ Instead, he wired the commanding general of the Twenty-Ninth Division in Guam and sought his counsel. According to Captain Tokunaga, the unidentified commanding general ordered him to execute the five men because they had already been found guilty of the crime of treason. As he stressed, “We executed them because the Japanese Forces had to defend Rota Island

and punished these traitors in accordance with the laws which demanded the penalty of death for acts of treason.”¹³⁶ Yet the matter of treason did not apply solely to the acts of five men, as Captain Tokunaga may have feared most the growing discontent among the wider population of Rota had he refrained from murdering the men. As he tellingly noted, “If this was left uncontrolled the number of such cases would have increased and would only go to accentuate and perpetuate these acts. The very character of this crime imperiled the defense of Rota and, ultimately, the fate of all the armed forces and residents on Rota.”¹³⁷

Every defendant, then, admitted to having murdered these unknown men, as Tokunaga, Takahashi, and Koyama did not dispute the nature of their charges. They merely challenged the authority of the military tribunal, its notion of espionage, and its reliance on international laws. As defense attorney and naval commander Martin E. Carlson insisted, “It is our contention that the five persons punished in June and July of 1944 on Rota were punished as traitors. International law does not apply in this instance.”¹³⁸ Adamant that only Japanese domestic laws can address treason, he turned to American and English case laws as providing examples of owing allegiance to the country in which one resides. As Carlson asserted, “So we see that both English cases and United States federal cases hold that even aliens can commit treason against the country in which they are domiciled. All five persons described as having been killed in the specifications owed a duty of allegiance to Japan. The proof is clear and strong that all of these five persons had resided in Rota for many years and were bound to obey all the laws of Japan.”¹³⁹ He even invoked American treason law in defending the right of Japanese laws in governing native “aliens.” As Carlson concluded, the “persons killed were not spies but were traitors and saboteurs who committed overt acts openly as well as by stealth with the intent to give comfort and aid to the enemy, the American invasion force threatening to invade all the Mariana Islands including Rota Island.”¹⁴⁰

Attorney Junjiro Takano concurred with Commander Carlson’s references to treason laws. But rather than call the Rotanese “aliens,” a legal term familiar to American members of the tribunal, Takano used the phrase “quasi-Japanese subjects.”¹⁴¹ As he explained, “It is true that the natives of Rota Island of the South Seas Mandated Territory did not automatically assume the nationality of the Mandatory, Japan, but if they desired to become naturalized subjects of Japan, they were qualified to do so.”¹⁴² Takano asserted, “The natives of Rota Island stood in a peculiar relation to Japan. Thus, although they did not possess all the identical rights and duties of

Japanese nationals . . . they were treated in the same manner in many respects as Japanese nationals.”¹⁴³ Comparable to the bare life of the Chamorros and Japanese in the tribunal, the Rotanese also came under the laws of Japan but were not entitled to its citizenship. The five men executed in Rota were thus expunged from Japan as nonsacrifices.

With the tribunal’s claims to jurisdiction and land acquisition in Rota now at stake, Judge Advocate and Lieutenant Commander Joseph A. Regan defended the court’s right to evaluate the actions of Chamorros and Japanese who never subscribed to the U.S. rule of law. On the matter of treason, he referenced the previous case of Samuel T. Shinohara, a subtext raised by the defense counsel. Refuting the implications this trial may have for the murder charges at hand, Lieutenant Commander Regan said, “I am not going into the argument by the defense about the Shinohara case and the case here. Shinohara was a Japanese who came to Guam and lived on Guam for many years. I know that Shinohara was tried for treason, or for acts which were called treason, back in about July 1945.”¹⁴⁴ Disavowing Shinohara’s position as a Japanese national and treating him as a residential alien who owed allegiance to the U.S. Navy and the United States, the judge advocate argued that his treason charge stemmed from having gathered “information for the Japanese.” His abuse of American “properties” constituted acts of treason that aided the Japanese military in Guam.¹⁴⁵ For these reasons, Regan asserted that “the Shinohara case does not compare with the present one because here you have natives who presumably actively engaged in the business of spying.”¹⁴⁶

Judge Advocate and Lieutenant Commander Regan then remarked, “Let me say this, it is no part of the prosecution’s case to prove that these men were in fact spies. All we have to show, and I am sure we have shown it, is that the Japanese who had the handling of them believed them to be spies.”¹⁴⁷ Confirming his ignorance of the victims’ identities and motives, he continued, “We don’t know nor can any of us know whether Miguel Timoner, fifty some odd years old, or Ignacio de la Cruz, in his late seventies, went sneaking around Rota seeking information to pass along to the Americans. We’ll never know that, but we do know from the evidence before this court that Tokunaga thought they did these things and thought they were spies.”¹⁴⁸ As the trial concluded on February 16, 1949, the commission reviewed these arguments, including petitions for clemency. One petition illustrated Tokunaga’s “good and righteous” character.¹⁴⁹ Another petition for Takahashi, the surgeon, described him as “humane, diligent,

honest.”¹⁵⁰ As for Private Koyama, his relatives begged to not lose their “prop and beam” of the family.¹⁵¹

In the end, the tribunal found Tokunaga, Takahashi, and Koyama guilty, sentencing them, respectively, to seven years, five years, and one year of imprisonment at the Sugamo prison in Japan. Cast as Japanese militarists, their punishment as war criminals and their expulsion as nonsacrifices from the nation came on the heels of a particular American appropriation of international laws on espionage and land possession. Making international law as its own, the tribunal extended its jurisdiction into Rota, the Marianas, and other non-American lands in the former Japanese empire of Micronesia. As the legal scholar Natsu Taylor Saito argues, American leaders often “rely upon the international law and legal institutions that justify their control over the lands, peoples, natural resources, and markets which allow them to maintain their hegemonic status.”¹⁵² Had the court addressed the testimonies of more than two Rotanese witnesses, however, it would have further complicated the logics concerning espionage and treason, if not altogether questioned the imperial claims of both Japan and the United States. This is not to say, though, that the court entirely suppressed Rotanese agencies, as evidenced in the prosecution’s brief disclosure that one victim “wore upon his body a tattooed American flag.”¹⁵³ As the only reference to an American tattoo, it appeared as if the tribunal refused to entertain Rotanese affinities with the Americans.

In this regard, the language of spies not only invoked international laws for the purpose of suspending American domestic laws so that the American rule of law could be expanded beyond its national borders. Rather, spies meant that one aided an enemy without having a fixed notion of loyalty, as spies could represent an indefinite range of citizenships and nationalities in international law. Whatever the case, the fleeting mention of an “American tattoo” suggested that the tribunal had encountered a subaltern native memory that existed outside its domain of influence. Albert Toves, the Rotanese who went by the Japanese name of Kondo Akira, recalled that two Chamorros had this tattoo. One was Ignacio Manglona and another was Ignacio Cruz (or potentially Ignacio de la Cruz, one of the natives “believed to be” killed). According to Toves, Manglona was “eighty four years old, mild mannered and kindly, and maybe a little senile. He had once worked on a whaling ship and had gotten a favorite whaler’s designed tatoored [sic] across his chest: a large heart containing an American flag.”¹⁵⁴ The Kempeitai killed him for having the American tattoo. As Toves suggested, “So

far as I know that was his only crime, but that was enough to get him tied to a tree up near where the Rota Hospital now stands, right out in the sun with a Japanese soldier standing near by in the shade to see that no one brought him food or water, and in about a week he was dead.”¹⁵⁵

Although Toves did not explain how Ignacio Maglona died, he revealed his frustration in not having the ability to assist the elderly man. As he mentioned, “It was hard on me to walk by him and hear him beg me for a cup of water, ‘Albert, Albert,’ he would plead, ‘for Christ’s sweet sake bring me water, for the sake of Christ on his cross, for the sake of our ancestors.’”¹⁵⁶ Fearful of how the soldier might respond to their interaction, Toves did not help Manglona. He instead imagined a response that reflected the colonization of all Chamorros—*ko’ko* and *hilitai* alike—across the archipelago. “There was nothing I could do,” Toves said, “but explain to myself that this was the way things were and had to be accepted, just like you don’t argue with earthquakes or typhoons—you just try to live through them.”¹⁵⁷ Ignacio Cruz, “a light-skinned Chamorro and a former seaman,” likewise died from bearing the same tattoo. He was accused of being a spy, as was Brother Miguel Timoner. As per Toves’s memory, the *Kempeitai* beheaded Timoner for “waving a handkerchief at an American plane.”¹⁵⁸ Another person executed by the *Kempeitai* was Bonifacio Estebes. But whereas the first specification of murder claimed that he was killed by a firing squad, Toves said that the Japanese military beheaded Estebes for pretending to read a Japanese newspaper. Yet the issue of reading was not a charge per se, as the Japanese military only levied the death sentence to any Chamorro “who was caught informing himself of the war’s failure.”¹⁵⁹ But Estebes was innocent of this crime, given that he “was retarded and could read nothing.”¹⁶⁰ Based on Albert Toves’s observations, the Japanese military executed at least three Chamorros and one Spanish national. Whether or not these or other men died by bayonet, beheading, firing squad, or poison, the tribunal had clearly established one fact: American jurists now viewed Rota as the property and possession of the United States.

The Japanese Militarists of the Mariana Islands

The tribunal’s criminalization and racialization of Japanese nationals in Guam and Rota revealed the historical imbrication between white supremacist punishment and statecraft and native retribution and violence. In its treatment of seven trials on assault, battery, and murder, the military court transformed these Japanese men into militarists, enemies who were included

in the nation only to be excluded as war criminals and violators of international law. Part of that metamorphosis entailed the questioning of one's faith in the Japanese empire. Take, for instance, the comments shared by Hirose Ogawa, a naval police officer who was found guilty of assaulting seven Chamorros. As he professed, "I was a naval military civilian of the Guam Civil Affairs during the Japanese period. I had to obey the orders of my superiors in the Japanese period. At the order of my superiors, I beat natives. Now, under the American government, this has become a bad thing."¹⁶¹ Acknowledging his conversion, he said, "Hereafter, I absolutely will not do this kind of thing."¹⁶² The naval officer Kanzo Kawachi likewise discussed how he shifted from "openly" torturing people to suppressing these beliefs and learning another brand of imperial justice. He appeared to embrace his faith in the American empire, claiming, "From now on I will study the democratic system of America and will devote myself according to the orders of America which is the world's leading power."¹⁶³

In these court-induced confessions, these and other Japanese nationals not only revealed a change in their attitudes about Japan and the United States. That they explicitly marginalized the agencies of all Chamorros—Guamanians, Rotanese, Saipanese, and others—demonstrated that the birds and lizards never fully inhabited any nation. This disavowal was revealed in their absence of apologies directed to the Chamorro clans affected by their violence, as well as in their failure to grant Japanese citizenship to Chamorros. And if the "people of the land" (*taotao tano*) could be removed from their islands as political agents, then any colonial law could seize a territory devoid of native peoples, if not strip all semblances of them. To this effect, the military tribunal prosecuted Japanese nationals in Rota not only for their perceived war criminality but also for their purported claims to indigenous lands. By criminalizing their roles as belligerent occupiers and soldiers of the Japanese empire, the court rendered Japan's sovereignty in Rota as unlawful, uncivilized, and ultimately in need of a new political order.¹⁶⁴ As the historian Takashi Fujitani astutely argues, the biopolitical sphere of modern power finds significance in a person "insofar as she or he affects the strength of the state, either positively or negatively."¹⁶⁵