

Conclusion

As the trials in the U.S. Navy's War Crimes Tribunals Program reveal, the logics and tactics of incarceration, militarization, and possession manifested as the U.S. rule of law in Guam.¹ At least two points matter here. First, the military commission established itself to reclaim what Japan had illegally seized, namely, the *white American property* of Guam. White supremacist punishment and colonial statecraft emanated from this juridical claim and moral desire. As the critical ethnic studies scholar Dylan Rodríguez explains, the sanctity of whiteness must be projected and protected for fear of nonwhite incursions. As he argues, "Conceptualizing whiteness as a form of property, and white civic identity as a collective entitlement to ownership (of property, Others, and propertied Others), implies that when 'non-whites' threaten, attack, or steal the common property of white civil society, they are actually violating the sanctified materiality, and the vicarious and deeply valued collective bodily integrity, of whiteness."²

Given that the U.S. Navy viewed the bodies and lands of Guam as its own, whiteness signaled a collectivity to be protected, a property to manage, and a virtue to aver and defend. The navy's prosecution of Japanese war criminals as per the history of anti-Japanese immigration in the United States, on the one hand, and as per the global shift to more inclusive regimes of governmentality, on the other, attested to these logics of white possession.³ As with the Tokyo war crimes tribunal, its proceedings assessed Japanese war criminality in ways that "helped Americans understand at the same time what was good about the Japanese."⁴ The wartime ideology of Japanese soldiers running amok and killing others with no regard for life underscored much of the white American and Chamorro racisms toward the Japanese as a vilified, monolithic society. But because the military commission viewed Japan as a rival nation, the tribunal dehumanized the Japanese in a manner that nevertheless accorded them a stronger degree of politics, that is, bios

or political life. That is why the court treated the Japanese as “belligerent” occupiers of Guam and Rota and not only as “war criminals” who had to be reformed or eradicated from these islands. And yet the navy knew, like the broader American government, that “the continued exclusion of Japanese Americans from the national community threatened to undermine America’s ability to win the war and the peace that would follow.”⁵

For these reasons, the navy’s tribunal represented its counsels, witnesses, and proceedings as humane and virtuous.⁶ A reporter for the *Navy News*, a popular periodical in wartime Guam, celebrated this sensibility on October 26, 1947, stating, “The bringing to trial and meting out of justice to military criminals who over-stepped recognized bounds in World War II is in itself a great accomplishment. Under the jurisdiction of the United States Navy, military courts have successfully prosecuted and punished hundreds of the enemy who committed atrocious crimes against our countrymen.”⁷ In construing the personhood of *homo sacer*, the commission thereby relied on the logics of white possession and property. But whereas the court generally viewed the Japanese as “combatants,” the tribunal judged the Rotanese and Saipanese as “noncombatants.” The former were *bios*, people with politics; the latter were *zoē*, animals without politics. The crucial point is that the laws on war recognized combatants as the only legitimate category of personhood in the 1940s, thereby rendering the Rotanese and Saipanese men as the animals, the *hilitai*, and, as such, the most abject bare life of the court.⁸

As demonstrated in the more than one hundred Guamanian and Chamorro-Japanese testimonies featured in the trials, the tribunal relied heavily on the *ko’ko-hilitai* relation. This cultural and political process both collapsed and hardened the distinctions between animals and humans; for Chamorros, all lives—animal and human—are intertwined. But when lives are codified by the U.S. rule of law, native rumors determined which lives were more animal or more human than others. The *ko’ko-hilitai* relation, as testimony, thus gained relevance, meaning, and force in the law. Central to this indigenous network of power was the matter of torture. As Guamanians and Chamorro-Japanese witnesses drew on their memories of being tortured by the Japanese police in Guam, they collectively harnessed the lessons and power of native reciprocity and retribution. As the second and most vital part of my argument, the *ko’ko-hilitai* relation subsequently upheld the logics and tactics of U.S. incarceration, militarization, and possession as true and just.

As many witnesses disclosed, Chamorros in Guam frequently recognized the subordinated positions of their faith and their families under the Japanese regime whenever they, under torture, used the refrains “Ay Yu’us!” (Oh, God!) and “Ay nāna!” (Oh, mother!). That they employed these phrases in separate interrogations and over a three-year period illustrated their indigent collectivity as Guamanians as much as demonstrating Japan’s incomplete project of colonizing them from “American” to “Japanese” subjects.⁹ Very seldom did a person fail to confess; if he did not, he was killed. But one’s submission or resistance to a confession did not guarantee one’s safety. For these reasons, many people, mainly men, died from execution by bayonet, dynamite, firing squad, hanging, poison, starvation, and water torture. Japanese-appointed Guamanian commissioners called kuchōs and sonchōs often assisted in their arrests. As witnesses to these torture-induced interrogations, they affirmed the power of Japan’s empire in Guam only to later testify about Japan’s demise in the navy’s tribunal.

That the Japanese, Rotanese, and Saipanese interpreters and police officers tortured many individuals in Guam demonstrated the degree to which an ideology of hate, a diminished legal and moral inhibition for violence, and a culture of legitimate violence against an “enemy” had congealed along the axis of a militarized masculinity.¹⁰ As the anthropologist Alexander Laban Hinton elaborates, killing another person “tends to become easier when perpetrators are desensitized to violence, internalize violent ideologies, dehumanize their victims, undergo moral restructuring so that violence becomes morally justified, use euphemistic language that masks their deeds, and displace responsibility onto figures of authority.”¹¹ For the Chamorro men from Rota and Saipan, they clearly embodied a militarized masculinity that served “two essentialized master binaries,” that is, the colonized/colonizer and the man/woman.¹² As young men, they were expected to follow their obligations with one or more clans and especially with their elder relatives. In fact, all of the Rotanese and Saipanese men had relations in Guam. Their labor, construed as *che’cho lahi* (men’s work), was used to farm the land or fish the sea. Yet they required every accused Guamanian—old and young alike—to submit their bodies and thoughts to the Japanese empire. Indeed, torture and the fear of torture increased their social status as proper men of the colony, but their overall failure to engage in a reciprocal network of power with Guamanians resulted in the severance of clan and kin.

With their newfound masculinity under the Japanese empire, they often tortured and murdered others with relative impunity. Their positions as police officers shielded them from Guamanian retaliations that may have occurred from such an outright violation of *inafa'maolek*. At the same time, the Rotanese and Saipanese men had further transformed the popular meanings of boys and men, fathers and sons, and cousins and uncles under the regime. While their actions were by no means totalizing, their marginalization of alternative masculinities under Japan's empire shaped their manhood as hegemonic.¹³ This brand of militarized masculinity required one to be tough, independent (outside of one's obligations to a clan), without emotion, and especially arrogant.¹⁴ In the public sphere, for example, they flaunted their authority and commanded the obedience of their peers. Only a few men resisted this image of themselves, yet every interpreter and police officer became a modern man of empire in the space of the interrogation room. Some Rotanese and Saipanese even subscribed to a promiscuous heterosexuality that allowed them to pleasure, with little constraint, in women from the villages. That they received frequent injections from the Japanese hospital for gonorrhea and syphilis revealed not only their violence against native women but also their collusion with the Japanese "comfort" system that coerced or employed women from Asia and the Pacific Islands. But unlike their Japanese supervisors and other authorities who saw themselves as the rightful occupants of the Mariana Islands, the Rotanese and Saipanese found in torture a militarized masculinity "apposite to its context, not an indigenous subject replete with power."¹⁵

In other words, the police did not have to utilize torture to exhibit Japan's sovereignty; that was an order given to and obeyed by their Rotanese and Saipanese colonial subjects. Torture thus had many lives: it existed in the Japanese military and police orders to colonize Guamanians; in Rotanese and Saipanese imaginations of militarized manhood; in the broken teeth and bones of native prisoners; in the marked and unmarked graves of the murdered; in survivor testimonies of Japanese, Rotanese, and Saipanese violence; in American trial proceedings about Japanese military "barbarism" and native "slavery"; in American military and political claims to the properties of Guam and Rota; in Chamorro, English, and Japanese translations of everyday and official discourses; and, above all, in Chamorro proverbs about reciprocity and retribution. Torture likewise enhanced or challenged a nation by producing an "enemy" from which the disciplinary logics of power and paranoia operated. As the critic Anne McClintock elaborates, torture produces "the bodies of 'the enemy' and

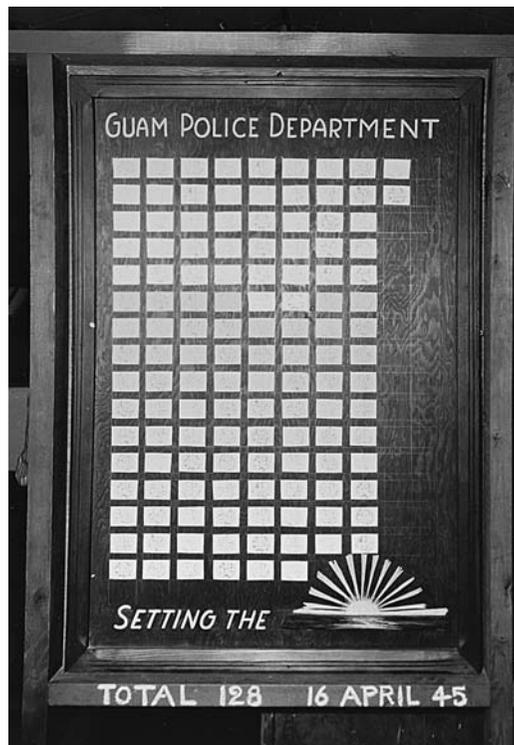
make[s] the prisoners legible as enemies, thereby putatively 'legitimizing' the occupation."¹⁶

Testimonies of torture, however, did not result in the mass incarceration of Chamorro men from Rota and Saipan after the war. For although the U.S. Navy construed "blackness" as a "stable racial category in opposition to whiteness," its criminalization of Rotanese and Saipanese interpreters and police officers did not result in a carceral apparatus that racialized them as "black" and privy to criminal acts.¹⁷ What ensued in the aftermath of the tribunal was not the construction of prisons for "deviant" Rotanese and Saipanese men.¹⁸ Instead, Guamanian gossip and retribution acted like the claws of the *ayuyu* (coconut crab) in their attacks against Rotanese and Saipanese men from the 1940s to the 1970s. The purpose was to insult and injure males who represented Rota and Saipan. The father of David Sablan, for example, once served as a Saipanese interpreter in Japanese-occupied Guam. In the late 1940s, David Sablan then pursued his education in Guam, where, to his surprise, numerous Guamanians called him "pro-Japanese" and "Japanese lover." As a young man, Sablan did not understand why Guamanians hated him. As he explained, "I was always being threatened and had to run away to keep from being beaten up. . . . I never stopped to fight; I always ran."¹⁹ Antonio Shimabukuro Borja, a Chamorro-Okinawan from Rota, confirmed these Guamanian animosities toward the Rotanese and Saipanese. As Borja noted, he "didn't go out much" whenever he visited his relatives in Guam after the war. "I was still scared and Guamanians didn't like the Chamorros from Rota and Saipan because of the things they did on Guam."²⁰

The Men of the Military Colony

With the Rotanese and Saipanese men now portrayed as deviant types, the U.S. Navy's War Crimes Tribunals Program turned to its exemplars of acceptable manhood in the colony. As with the awards given to the Guam Combat Patrol for its racist killings of "Japanese stragglers," Guamanian police officers also received accolades for their service to the military commission (figure C.1). The *Guam Gazette*, a local periodical, identified two Guamanian police officers and former assistants of the Japanese police in particular: Desk Sergeant Juan A. Roberto and Staff Sergeant Adolfo C. Sgambelluri. Written by Judge Advocate and Lieutenant Colonel Teller Ammons, the letters expressed his gratitude. With respect to Juan Roberto, for example, the lead prosecutor of the tribunal claimed, "Now that the cases

C.I. The Guam Combat Patrol's murder count of 128 "Japanese stragglers." The original caption reads, "Record board of Japanese stragglers killed by police patrols" (no photo number, Rec. April 16, 1945). U.S. National Archives, College Park, Maryland.



before the Military Commission involving war crimes on Guam have been finished, I wish to express to you my personal appreciation for all the assistance you have given me in bringing to trial those accused of crimes on Guam." Regarding Adolfo Sgambelluri, the lieutenant colonel said, "You have played a very important part in compiling information upon which to prove the charges. . . . I personally appreciate all the assistance you have given, and you have rendered an exceedingly patriotic service to your people on Guam and the Government of the United States."²¹

Even some of the emasculated Rotanese and Saipanese interpreters and police officers of Japan's receding empire later transformed their statuses from sacred men to proper men of the American colony. Although the navy initially sentenced them to death, confinement for various years, or hard labor for their natural life, it commuted the death sentences to forty-five years of hard labor in 1951. After these men were imprisoned for eight years, the navy paroled everyone so they could reunite with their families in Rota and Saipan.²² In the 1960s, for instance, Jose P. Villagomez became a security guard for an abandoned American military base in Saipan.²³ Luis C.

Crisostomo also found employment as a sentry for the Central Intelligence Agency, likewise located in Saipan.²⁴ Another interpreter, Elias Parong Sablan, had worked for the Japanese police in Guam for a month but did not incur any criminal charges from the tribunal. He subsequently became the chief of police in Saipan.²⁵ Whether they worked as unarmed guards for the native police, temporary security personnel, or armed members of the Constabulary Force, several men became indoctrinated into another sphere of militarized masculinities.²⁶

As with the treason trial of Samuel T. Shinohara, the navy eventually reformed some of the Rotanese and Saipanese into low-ranking police officers of its regime. Given their statuses as formerly convicted war criminals and as non-U.S. citizens, they effectively entered a zone of violence comparable to the one they previously experienced, as interrogators and torturers, under the Japanese empire. By becoming police officers for the navy and its agencies, they likewise renewed the force of law in Guam, Rota, and Saipan, where “male dominance, heterosexism, whiteness, violence, and ruthless competition” are valued.²⁷ While not every Rotanese and Saipanese male subscribed to this militarized masculinity, as a few pursued other careers or simply returned to their farms, the processes by which the American military transformed them from nonsacrificial subjects to potentially sacrificial police officers demonstrated that they, too, could have become torturers again.²⁸ Of course, the navy’s War Crimes Tribunals Program and its jurists never conceded to their histories of torture, let alone slavery.

It appeared as if only the Japanese, Rotanese, and Saipanese knew the political significance of torture and the violence it wielded in exerting the power of an empire. Stressing its virtuous high ground, the military tribunal subsequently targeted numerous Japanese nationals for committing atrocities and injuries in the Mariana Islands that stemmed “from cold and criminal calculation, committed in total disregard of the elementary consideration of human rights as well as in defiance of the well-established rules of international law.”²⁹ Disregarding its racist interpretations of laws, the commission heralded its elimination of the internal and external threats posed by the Japanese government. The tribunal then increasingly viewed Japanese nationals and Japanese Americans as nonmilitarists, if not as new partners in America’s Cold War order. As its director, Rear Admiral John D. Murphy, stated, “I desire to affirmatively point out that all Japanese did not subscribe to the sinister purposes and practices.” Contrary to the court’s homogenization of the Japanese as belligerents, militarists, or traitors, Murphy emphasized that they can be welcomed through their service to the U.S. rule of

law. As he noted, “Among them there are untold members who believe in right and the principles which we ourselves support, as evidenced by those who came forward without expectation of individual gain to lend assistance in furtherance of our objectives.”³⁰

As the following native confession comparably illustrates, the threshold of the tribunal allowed for the elimination of Japan’s empire and for the renewal of the U.S. rule of law in Guam. At the center of this inclusive exclusion resided the accused war criminal and the confluence of native and white hegemonies. In this interrogation, the unidentified American intelligence officer confirms this nexus of biopower by asking if the Saipanese interpreter and police officer Antonio Camacho can differentiate between good and bad behavior, between the American and Japanese empires, and between his faith in family and in God. The former interrogator had now become the interrogated. Camacho, a sacred man, confessed to an American intelligence officer representing the new empire:

Q: *Do you believe in God?*

A: Yes.

Q: *Do you believe lying is a sin for which you must answer?*

A: Yes. My mother and the priest have both taught me since childhood that to lie is a sin, and must be repaid.

Q: *Do you realize that in beating people as you did in Guam was wrong?*

A: Yes. I knew it was wrong all the time, but since I was ordered to do so by the Japanese, I knew they would punish me if I failed to obey those orders.

Q: *Do you want to admit your sins and wrongs to me and ask for mercy?*

A: I have already done so. The extent of my wrong-doing was given to you the other day. This is all I have done; I have no more to tell you.³¹

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Confession and conversion. Torture and retribution. Indeed, the navy’s War Crimes Tribunals Program would have not asserted the U.S. rule of law without the active participation of its Guamanian and Chamorro-Japanese witnesses. With its reliance on native gossip and vengeance and white supremacist statecraft and punishment, the military tribunal established the American empire in Guam, Rota, and the Mariana Islands. In the process, the commission never perceived Chamorros as citizens of Japan or the United States. Nor did the tribunal seek to address their noncitizenship

statuses in any way. For each empire, the ko'ko and the hilitai remained as animals without politics, zoē, even though Guamanians, Japanese, Rotanese, and Saipanese all found in torture *political reasons* to extend or extinguish American or Japanese rule. Even today, the U.S. rule of law operates in seemingly “exceptional” ways wherein indigenous and settler communities are made and remade into *homines sacri* in Guam and the entire Mariana Islands. As the theorist Cary Wolfe warns, to live “under biopolitics is to live in a situation in which we are all always already (potential) ‘animals’ before the law—not just nonhuman animals according to zoological classification, but any group of living beings that is so framed.”³² But by decolonizing this paradigm of biopower, we can utilize gossip and law for reconciliation and healing rather than for discipline and punishment.³³

From this vantage point, we can also examine the making of biopower in terms of the military colony, a paradigm that enabled American and Japanese colonialisms and militarisms to operate as legitimate law in the Mariana Islands. *Homines sacri* thus emerged on the threshold of the navy's tribunal not as a singular, universal, and passive subject of law; rather, they surfaced as the court's nonsacrificial assailants, belligerents, militarists, murderers, perverts, and traitors. This is precisely why we must turn to Guam as a paradigm of the military colony if we are to address Giorgio Agamben's philosophy of zoē and bios in colonial and indigenous settings. Such efforts can refute claims of American exceptionalism from Germany to South Korea and from Iraq to Guantánamo, demonstrating that military bases—and their courts—can function as integral parts of American empire building from the mid-twentieth century to the present.³⁴