

# *Sacred Men*

LAW,  
TORTURE,  
AND  
RETRIBUTION  
IN GUAM



Keith L. Camacho

*Sacred Men*

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## Introduction

Biopower's supreme ambition is to produce, in a human body, the absolute separation of the living being and the speaking being, *zoē* and *bios*, the inhuman and the human—survival.

—Giorgio Agamben, *Remnants of Auschwitz: The Witness and the Archive*

An numa' piniti ha taotao	When you hurt somebody
Nangga ma na' pinitimu	Expect to be in pain
Maseha apmamam na tiempo	For even if it takes time
Un apasi sa' dibimu	You'll pay for the pain you caused

—Chamorro proverb

On January 21, 1942, Luis C. Crisostomo reported to the Japanese police headquarters in Saipan, one of several islands in the Marianas governed by the *Nanyō-chō*, or the Japanese South Seas Government. The U.S. territory of Guam, the southernmost island in this archipelago, had already fallen to the Japanese military a month earlier. Like the other Chamorro men who received the order, Crisostomo did not fully comprehend the nature of the request; the sudden directive only indicated an urgent transfer to Guam. Otherwise, he was told to arrive at one o'clock in the afternoon. The Japanese police then informed Crisostomo, a twenty-one-year-old man, of his new role as an interpreter for the Japanese administration in Guam. With no choice in this matter, he relented to the police. As his wife, Marikita Palacios Crisostomo, explained, the police “forced” him to heed these orders. “They just took him.”<sup>1</sup>

The next day, Luis C. Crisostomo boarded the vessel *Nantaku Maru* for Guam. Approximately twenty-three men joined him, all of whom were tasked to serve as interpreters. Immediately dislocated from their families in Saipan, they were instructed to perform multiple translation duties for

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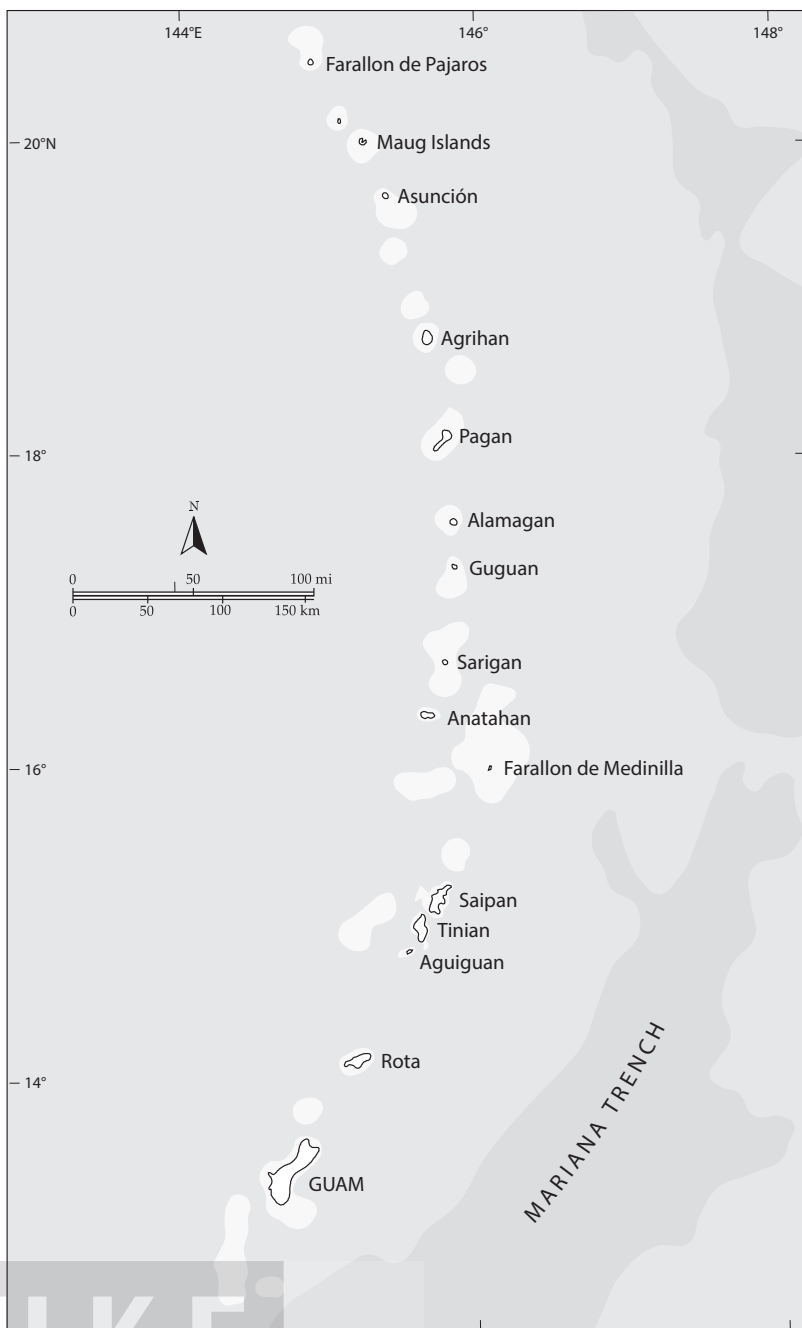
the Japanese administrative, agricultural, educational, medical, military, and police units. They all served one goal: to colonize and change Guamanian attitudes “from the American influence and to obey the rules, orders and regulations of the Japanese, and also to see that they place themselves like Japanese.”<sup>2</sup> On January 23, 1942, only two days after their summons, the group landed in the port village of Sumay, a Japanese naval base that once housed the U.S. Marine Corps barracks. They also joined ten Saipanese male interpreters who had previously invaded Guam on December 8, 1941, a few hours before the Japanese military bombed and assaulted the island. With his newfound identity as an interpreter, Crisostomo registered at the Minseibu, the Japanese civil administration, located in the capital of Hågatña. At first, he merely worked as an interpreter. He then briefly returned to Saipan in May 1942 to seek the blessings of the Palacios family and to marry their daughter Marikita Palacios. Afterward, the couple left for Guam and moved to the village of Hågat. Once there, Crisostomo assumed the dual responsibilities of an interpreter and a police officer.

With the arrival of the supplementary force of Chamorros in January 1942, the Japanese conscription of native interpreters and police officers was well under way. By 1944, the Japanese had forcibly recruited seventy-five men and three women as interpreters from the islands of Rota and Saipan. The transformation of Luis C. Crisostomo from the son of farmers into a proper man of Japanese authority and law had likewise begun. Like the other Rotanese and Saipanese interpreters, he adapted to his new roles as an interpreter and police officer in ways that revealed his gendered, material, and political investments in colonial modernity and nationhood.<sup>3</sup> Through investigative methods and torture tactics fashioned by the Japanese military and police, Crisostomo specifically attempted to subjugate the Chamorros of Guam to the Japanese empire, thereby making Guamanians into the likeness of obedient and lawful Japanese subjects. His efforts ceased, however, when the U.S. military reinvaded the island in the summer of 1944. A few months later on January 1, 1945, the U.S. military police located Crisostomo and placed him in a stockade. Suspected of committing “war crimes” against U.S. nationals, he remained in the internment camp until a military tribunal subpoenaed him for trial on June 4, 1945. Until then, he labored, as a prisoner, for the U.S. military. As his wife, Marikita, elaborated, “My husband told me that while he was in prison they were taken out on work details and Guamanians would come up to them and say, ‘You are monkeys now. You beat the Chamorros, and now you are monkeys.’ Some would say, ‘Come here so I can kill you.’”<sup>4</sup>

Now depicted as an animal, Luis C. Crisostomo faced a judge and jury of white military officers, who found him guilty of assaulting thirteen individuals and killing two men in Guam. On June 22, 1945, two-thirds of the military commission voted to execute him by hanging by the neck, a legal process that stripped his ties to Japan, recognized him as an “American,” punished him as a “war criminal,” and expunged him from the nation as a nonsacrifice. In this manner, he was a sacred man of the war, that is, *homo sacer* to his native community and to the emerging American political order. As Giorgio Agamben argues, *homo sacer* is a life “that may be killed but not sacrificed.”<sup>5</sup> “What defines the status of *homo sacer* is therefore not the originary ambivalence of the sacredness that is assumed to belong to him, but rather both the particular character of the double exclusion into which he is taken and the violence to which he finds himself exposed.”<sup>6</sup> This double exclusion (also called inclusive exclusion) allows a sovereign entity to kill with impunity, a violent force over an extrajudicial sphere and a violent inclusion and exclusion of certain beings and actions from the sphere of the law.<sup>7</sup>

As similarly illustrated by the Chamorro proverb, at the beginning of this introduction, abandonment, pain, and suffering result from the failure to maintain native life in the Mariana Islands. In this respect, one’s cultural and political obligation to another is read as an expected and mutually beneficial relation; to disregard this custom—what Chamorros describe as *inafa’maolek*, or “to make good”—subjects one, as both self and clan, to shame, violence, and even death. Luis C. Crisostomo clearly knew of these obligations, as did the Guamanians who fell under his disciplinary purview. As the saying goes, “Un apasi sa’ dibimu,” or “You’ll pay for the pain you caused.” When placed in the context of what Agamben also calls the “state of exception,” here understood as the extrajudicial space between American and Japanese claims to Guam and the wider Mariana Islands, one’s relation to a community hinges on the violence of sovereignty, made lawful, between the living being and the speaking being, *zoē* and *bios*, the inhuman and the human. One can thus be remade in the image of a community, as in a “monkey,” just as much as one can be remade in the image of a nation, as in a “war criminal.” Taken together, they constitute *homo sacer*, the sacred man that dwells outside (*zoē*) and inside (*bios*) the rule of law.

In *Sacred Men: Law, Torture, and Retribution in Guam*, I examine the figure of *homo sacer* in the U.S. Navy’s War Crimes Tribunals Program from 1944 to 1949. My argument is twofold. First, I demonstrate that the navy’s tribunal prosecuted Japan’s nationals and its native subjects in an effort to impose the U.S. rule of law in Guam and other formerly Japanese-occupied



Map I.1. Guam and the Northern Mariana Islands

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islands.<sup>8</sup> Following Agamben, I take the site of the military commission as a threshold from which the matter of sovereignty became highly contested during World War II and its immediate aftermath in the 1940s. More was at stake than the military's classification and separation of the living being, *zoē*, from the speaking being, *bios*, among the accused Chamorro and Japanese war criminals. Additionally, indigenous Chamorro memories of being tortured by the Japanese police in Guam had, in fact, functioned as vital testimonies for the navy's court—testimonies that reified the distinctions between loyal wards, on the one hand, and war criminals, on the other. By treating native testimonies as *bios*, a form of political life that resonates with what I call the *ko'ko-hilitai* relation, I then arrive at the second part of my argument. Herein I foreground a native proverb about reciprocity and retribution in an effort to highlight the epistemological basis in Chamorro testimonies about harm and injury.

In Chamorro society, numerous proverbs about life and death abound. They illustrate the strength and vitality of cooperation, love, and reciprocity. While they often take the form of short messages, the proverbs also invoke larger and older stories about Chamorro banter, humor, jealousy, loss, survival, and violence. Collectively, they impart lessons about how to respect and revere every living thing, including the land and the sea. Whether the proverbs discuss the origin of the coconut tree, the significance of sharing a meal with strangers, or the danger of making too much noise in the jungle, they all seek to foster harmonious relations among the living and the dead. Unlike the U.S. rule of law and its separation of the living being and the speaking being, Chamorros frequently make no distinction between such things. Animals, plants, humans, and spirits share the same space in Guam, a point that the Chamorros of World War II had culturally expressed by way of the bird (*ko'ko*) and the lizard (*hilitai*) proverb. But contrary to the plethora of proverbs that encourage reciprocal relationships, the proverb of the *ko'ko* and the *hilitai* can also be understood for its lessons about retribution, violence, and death. In this book, I show how this important proverb can shed insight on the political utility and consequence of gossip and rumors—that is to say, testimonies—in a military court of law. My merging of Chamorro and European philosophies of violence is thus intentional. In this respect, the Chamorro proverb of the *ko'ko* and the *hilitai* and Giorgio Agamben's theories of biopower can help us unpack the force and meaning of the U.S. Navy's War Crimes Tribunals Program. By employing this methodology, we can better analyze the origins of the U.S. empire in Guam,



Map I.2. Guam

Rota, and the Marianas and offer new approaches for the study of biopower more generally.

### *On Agamben and Empires*

In this book, I expand upon Agamben's discussions about the state of exception, *homo sacer*, and the paradigm of the camp. On the state of exception, he writes that it is "neither external nor internal to the juridical order, and the problem of defining it concerns precisely a threshold, or a zone of indifference, where inside and outside do not exclude each other but rather blur with each other."<sup>9</sup> As Agamben explains, the "state of exception is not a dictatorship (whether constitutional or unconstitutional, commissarial or sovereign) but a space devoid of law, a zone of anomie in which all legal determinations—and above all the very distinction between public and private—are deactivated."<sup>10</sup> He makes it very clear, as well, that many countries invoke various states of exception, as in their declarations of civil wars, cultural festivals, or martial laws. Agamben also stresses that the "state of exception tends increasingly to appear as the dominant paradigm of government in contemporary politics."<sup>11</sup> As he argues, "This transformation of a provisional and exceptional measure into a technique of government threatens to radically alter—in fact, has already palpably altered—the structure and meaning of the traditional distinction between constitutional forms. Indeed, from this perspective, the state of exception appears as a threshold of indeterminacy between democracy and absolutism."<sup>12</sup> For Agamben, the mysterious figure subjected to the state of exception, *homo sacer* or sacred man, is that who therefore may be killed and yet not sacrificed. He clarifies the origins of *homo sacer* as such: "An obscure figure of archaic Roman law, in which human life is included in the juridical order [*ordinamento*] solely in the form of its exclusion (that is, of its capacity to be killed), has thus offered the key by which not only the sacred texts of sovereignty but also the very codes of political power will unveil their mysteries."<sup>13</sup> *Homo sacer* is bare life, the nonspeaking being. As Agamben explains, the "fundamental categorical pair of Western politics is not that of friend/enemy but that of bare life/political existence, *zoē/bios*, exclusion/inclusion."<sup>14</sup>

As the legal scholar Tom Frost elaborates, *bios*, or political life, "is not defined imminently by itself, but is defined through its being held in relation to 'natural life,' what it is not, mere existence, *zoē*, which exists as a universal transcendent referent."<sup>15</sup> Defined in a negative functional rela-

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tion, political life is held in relation to what it is not, natural life, a negative relationality that, for Agamben, underpins modern political existence.<sup>16</sup> This ban—what Agamben theorizes as the meaning of *x* being produced by its relation to a non-*x*—suggests that *bios* can only gain meaning from what it is not. As Frost details, *zoē* is thereby not “completely subsumed and transformed into *bios*, but instead continues to exist. This *zoē* remains in the political order, existing as politicized *zoē*, or bare life.” Importantly, “The implications of this are that individuals will be de-subjectified, become expendable and be killed with impunity in any political order, because creating leads to the biopolitical creation of human detritus.”<sup>17</sup> For these reasons, the biopower of modern democracies—whether by way of colonialism, homophobia, incarceration, militarism, or racism—produces more bare lives as much as it reproduces the economic, political, and social conditions that make *homo sacer* in the first place.<sup>18</sup>

In Agamben’s texts, *homo sacer* manifests as four creatures: “*zoē* or biological life, *bios* or political life, bare life (sometimes rendered as sacred life or naked life, from the original Italian term ‘*nuda vita*’) and a new ‘form-of-life,’ occasionally rendered as ‘happy life.’”<sup>19</sup> In this book, I mainly focus on the first three variations of *homo sacer* as my study does not address Agamben’s “happy life” dilemma as to how to make no separation between *zoē* and *bios* in the law. Nor do I seek to resolve the means by which sovereignty and right no longer have a hold over life.<sup>20</sup> Instead, I explore the aporia that led to the making of the U.S. Navy’s War Crimes Tribunals Program and its declaration of “democracy” in militarist terms. Such an approach lends itself to related studies about why and how indigenous peoples have, as the legal scholar Paul Havemann asserts, become the “paradigm non-people, non-citizens, *homines sacri*.”<sup>21</sup> At worst, they “have been excluded and condemned to placelessness in ‘zones of exception’ such as reserves, mission schools or camps and other forms of segregation under the regime of the sovereign’s draconian ‘protection.’”<sup>22</sup> Before the law, indigenous people and their claims to “authenticity,” however construed, are also suspect; they are “not a representative of objective cultural difference, but rather a membrane of cultural difference,” as the anthropologist Elizabeth A. Povinelli once put it.<sup>23</sup> Whether they are Aboriginal Australians struggling to attain native title, American Indians seeking to revise treaties, or Kanaka Maoli articulating a new nation, their efforts for recognition are usually perceived by states as “past tense presences.”<sup>24</sup> But by addressing the struggles waged by colonized peoples in Japan and the United States, we can “make visible an active subjectivity that can operate as an alternative to the abandoned

and hopeless figure of the Muselmann, that most extreme embodiment of the form of (de)subjectivation defined by Agamben as *homo sacer*.”<sup>25</sup> As the political theorists Simone Bignall and Marcelo Svirsky explain, a “renewed attention to Agamben’s core concepts such as ‘the camp’ and ‘*homo sacer*,’ considered in terms of the colonial context and with respect to the rich histories of colonial rebellion and resistance, can enable a more nuanced understanding of the forms of agency available to individuals and peoples that have been rendered *homo sacer* by a politics of ‘inclusive exclusion.’”<sup>26</sup> In this respect, I foreground in this book the American, Chamorro, Chamorro-Japanese, and Japanese attorneys, carpenters, farmers, investigators, nurses, prostitutes, and soldiers who engaged the animal life and political life of the American and Japanese empires. We can then examine why and how Luis C. Crisostomo became a police officer under Japan and a war criminal under the United States, as well as analyze the ways in which Japanese civilians and soldiers alike experienced related colonial conditions.

### *On the Military Colony of Guam*

On the material and spatial politics of Auschwitz, a Nazi extermination camp, Giorgio Agamben states that it constitutes “the very paradigm of political space at which politics becomes biopolitical and *homo sacer* is virtually confused with the citizen.” He explains, “The correct question to pose concerning the horrors committed in the camps is, therefore, not the hypocritical one of how crimes of such atrocity could be committed against human beings.” As he asserts, “It would be more honest and, above all, more useful to investigate carefully the juridical procedures and deployments of power by which human beings could be so completely deprived of their rights and prerogatives that no act committed against them could appear any longer as a crime.”<sup>27</sup> With Guam as the main site of this study, I find this island as similarly invoking the juridical procedures of the camp insofar as the Chamorros, Chamorro-Japanese, and Japanese retained no (or partial) political rights. This is not to conflate the violence of the Nazi genocide of Jews with the violence of American and Japanese punishment and possession. By situating Guam as a military colony, I instead focus on its biopolitics of exception and exclusion.<sup>28</sup>

In an act of war with Spain in 1898, for example, the American military invaded Guam, as it did Cuba and the Philippines. The U.S. Navy usurped Spanish rule over the Marianas as well, severing the political ties between Guam and the Northern Mariana Islands. The latter came under German

rule from 1898 to 1914, followed by Japanese naval and administrative governance until 1944. The U.S. Navy in Guam appointed naval governors to rule the island like a ship with the indigenous Chamorros as its wards. From 1898 to 1941, the Chamorros, as U.S. nationals, also possessed no rights as per the protections of the U.S. Constitution.<sup>29</sup> As with other territories like American Sāmoa and Puerto Rico, the U.S. plenary doctrine, coupled with the dictates of military rule, determined, by force, which populations received partial or total protections offered by the state.<sup>30</sup> Chamorros, Japanese nationals, and other nonwhite communities that resided on the island garnered none whatsoever under the navy. As the legal scholar Natsu Taylor Saito argues, the Supreme Court has used the doctrine since the nineteenth century to grant Congress and the U.S. government “plenary—full or complete and therefore unchallengeable—power with respect to national security and, by extension, over immigration matters on the theory that regulation of the borders is a power inherent in sovereignty.”<sup>31</sup>

With the navy as the governing body of laws, and with the legal support of the plenary doctrine, Guam consequently received an “uneven application of the Constitution.”<sup>32</sup> Addressing the historical impact of the Constitution in the colonies, the critic Amy Kaplan states that “there were no consistent guarantees of due process or the right to criminal and civil juries or full protection under the Fourteenth Amendment; in other words, there were no clear rights to be protected against unfair procedures.”<sup>33</sup> Given the island’s role as a coaling station for naval ships, the American government focused on Guam as a port, with little regard for the civil rights of the Chamorros. The appointed naval governor therefore “exercised complete executive, legislative, and judicial power.”<sup>34</sup> In the navy’s view, law enforcement never posed a problem because the Chamorros were an “inherently law-abiding and peaceful people.”<sup>35</sup>

While the navy’s public position on Chamorro relations with colonial law presents an image of interracial harmony, the everyday realities of naval governance, segregation, and militarism were far from peaceful. As the anthropologist Laura Thompson observed, “Social intercourse between the [naval] officers’ families and natives was frowned upon and the system of etiquette was designed to ‘keep the natives in their place.’ Segregated schools were introduced whereby native children of both classes attend schools for natives while the children of the naval colony went to white schools.”<sup>36</sup> In many respects, the navy created, administered, and enforced a plethora of laws to discipline Chamorro bodies into subservient, non-rights-bearing subjects of the state.<sup>37</sup> The navy also charged Chamorros for a variety of

“crimes,” such as assault, battery, burglary, prowling, and sex.<sup>38</sup> With the assistance of Marine Corps personnel and native patrol officers, the navy policed many Chamorro cultural, religious, and social practices, from whistling in the streets to adopting children into their extended clan networks.<sup>39</sup> Trial by jury was also not introduced because, in the navy’s estimation, “it was not desired by the inhabitants nor considered suitable.” More precisely, the navy refused to introduce trial by jury because of the fear that Chamorro “jurymen would be governed by familial influences rather than by the law and evidence,” a position that would change in the course of the tribunal’s development.<sup>40</sup> Furthermore, the navy made no concerted effort to criminalize the relatively small community of Japanese nationals in Guam. Prior to the formation of the tribunal in 1944, American naval punishment mainly entailed the cleaning of streets, the drying of copra, the gardening of vegetables, the making of roof tiles, the paying of fines, the raising of pigs, or the sewing of clothes. All profit went to the naval government.<sup>41</sup> Very seldom did crimes like assault and murder appear in its court records.<sup>42</sup> The navy only severely punished individuals suspected of having Hansen’s disease, or leprosy, by exiling them to the Philippines.<sup>43</sup>

In Guam, the rule of law under the American naval government subsequently functioned in militarist, racist, and totalitarian terms. It is a colony, then and now. Reflecting on the colony in modern European philosophy and practice, the political theorist Achille Mbembe explains that “the colony represents the site where sovereignty consists fundamentally in the exercise of a power outside of the law (*ab legibus solutus*) and where ‘peace’ is more likely to take on the face of a ‘war without end.’”<sup>44</sup> Elaborating further, he argues that “colonies are zones in which war and disorder, internal and external figures of the political, stand side by side or alternate with each other. As such, colonies are the location par excellence where the controls and guarantees of judicial order can be suspended—the zone where the violence of the state of exception is deemed to operate in the service of ‘civilization.’”<sup>45</sup> Understood in these terms, Guam represents a zone where the *normalized* state of exception serves the “civilized” Americans and enables regimes of militarized violence and white supremacist statecraft to converge as legitimate law.

The Nanyō-chō in the adjacent islands of Rota, Tinian, and Saipan differed no less in this respect. For both Japan and the United States, the rule of law aimed to “establish a semblance of order and administrative control rather than to build an elaborate system of justice.”<sup>46</sup> As I have argued elsewhere, each empire attempted to indoctrinate Chamorros and others in



Map I.3. Saipan

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an effort to cultivate their loyalties.<sup>47</sup> A loyal population implied an orderly citizenry and noncitizenry. While the archipelago remained divided along this fault line of governance, each colonial power understood the value of law and its threat of violence in subduing the native population. In Saipan, for example, Chamorros equated education and law with discipline and punishment, a point shared by Edward T. De La Cruz. Known as Toshiwo Tamaoki under the Nanyō-chō, he recalled, “At school we sometimes were made to stand in the sun as punishment.”<sup>48</sup>

With more than ninety thousand people in Saipan by 1941, most of whom labored for the island’s sugar industry, only two police officers were on duty at any one time (figure 1.x).<sup>49</sup> As with other Japanese colonies in Korea, Okinawa, and Taiwan, governors-general suspended the rule of law or tailored it to the specific requirements of colonized peoples.<sup>50</sup> Following this seemingly exceptional practice, Japanese government officials and their corresponding police units punished people for almost any act deemed illegal. In Saipan, this carceral apparatus began in 1915 with the Japanese naval police force, followed by the making of the colonial police in 1922. In each case, the Japanese police recruited Chamorros over the Refaluwasch in the Northern Mariana Islands.<sup>51</sup> Believing that Chamorros were more “civilized” than other natives because of their long history with the Spanish Empire, Japanese police officials “tended to favor the Chamorros of the Marianas as the most advanced and adaptable of the Micronesian peoples.”<sup>52</sup> Yet the Chamorros remained in subordinated positions to the Japanese in the police.<sup>53</sup> The Japanese police also enlisted young and impressionable Chamorro men because, in doing so, the Japanese government simultaneously sought to erode the authority of native elders and leaders.

In their preparation for invading American-occupied Guam, the Japanese police utilized the labor of native men as “weapons,” a tactic frequently employed by colonial powers during World War II.<sup>54</sup> Although it is unclear how many Chamorro police officers from Rota and Saipan became interpreters, the seventy-five males and three females tasked to be interpreters already understood the power of the police. Faced with a partial English-speaking native population, as not everybody spoke English in Guam, the Japanese enlisted these native interpreters to mediate the “signs, intentions, and meanings from one language to another.”<sup>55</sup> The first wave of these interpreters comprised ten Chamorro men in their early twenties, all of whom participated in the civic, patriotic, and sport activities of the Seinendan, or Young Men’s Association in Saipan.<sup>56</sup> Their recruitment began with the delivery of a four-by-five-inch note to their homes on November 27, 1941.



1.1. Japanese police station in Minami-mura (South Village) in Saipan, ca. 1937.

Addressed to each man, the paper read, “Saipan Govt. Office, Head of Dept., Police Affairs, Nishi Gunzō.”<sup>57</sup> On the same day, the young men reported to police director Nishi Gunzō to confirm their affiliation with the Seinendan. Gunzō then ordered them to meet at his house a few days later, on December 5, at five o’clock in the afternoon; he then instructed them to “correct” the trace of an unidentified island on a piece of paper.<sup>58</sup> In the Japanese colonial imagination, the island may have been a map of Guam, and the exercise may have been a way to gauge the men’s understanding of its topography. Whether that was the case or not, none of the men succeeded in ascertaining the purpose of this activity.

With no further explanation as to the meaning of these events, Nishi Gunzō ordered the ten Chamorro men to convene at the Naval Guard Unit at Tanapag Harbor on December 6 at five o’clock in the afternoon. As the interpreter and police officer Jose P. Villagomez recalled, the “Chief of Police told us that we could not refuse what was asked by the officials.”<sup>59</sup> They were simply told “to help the Emperor and Japan.”<sup>60</sup> Specifically, the Japanese navy advised the Saipanese interpreters to warn the people of Guam of an impending military invasion and to encourage them to seek refuge in the mountains. The young men also had to cut any American communication lines and identify any American military fortifications in the shoreline areas of Guam. With no extra clothing or food, they then boarded the Japanese

landing craft, *Daihatsu Ranchi*, for Rota around two o'clock in the morning. They landed briefly in Rota to eat and rest, after which they were separated into two groups of five. On the morning of December 8, 1941, Martin Borja, Antonio Camacho, Jose Cabrera, Juan Manibusan, and Francisco Sablan landed off the coast of Inalåhan in southern Guam. Jose Cabrera, Jose Guerrero, Segundo Sablan, Celeste Torres, and Jose Villagomez then arrived in Litekyan in the northern part of the island.

The former group hid in the jungle from both the Americans and the invading Japanese military. However, the other five interpreters encountered American naval personnel who, suspecting them of being "infiltrators," imprisoned them in the Hågatña jail along with the previously interned Japanese residents.<sup>61</sup> Two days later, on December 10, the American naval government surrendered to the Japanese military and released its prisoners. On the other hand, the group in Inalåhan met, by chance, Father Jesus Baza Dueñas, a prominent Chamorro community leader, on December 13. The priest escorted them to his home and prepared a meal for them. In the afternoon, Father Dueñas then drove the interpreters to the nearby village of Yoña, where a Japanese army encampment had been recently erected. Upon their arrival, a Japanese soldier and a Saipanese interpreter exchanged the following conversation:

*Where are you from?*

We are Saipan Chamorros.

*Where are you going?*

We came here before the war started.

*By whose order?*

The Naval Guard Unit.

*Why?*

As interpreters.<sup>62</sup>

As these comments reveal, the Japanese military had seized Guam from the American empire. After all, the unknown Japanese soldier spoke as if he governed the island. His ignorance about Saipanese interpreters demonstrated the lack of political agency accorded to Chamorros.

Antonio Camacho, the interpreter involved in this dialogue, remarked, "We came here before the war started." His casual reference not only denoted his involvement in the Japanese invasion of the island but also suggested that "we," Chamorros as political life, always resided in the Marianas long before the invading Americans and Japanese. Without a doubt, this linguistic and political metastructure of translation exacerbated relations

among “Americanized” and “Japanized” Chamorros in Guam, a matter that would resurface repeatedly in the war crimes trials examined in this book. In every translation, the interpreters for the American and Japanese empires addressed what the historian Vicente L. Rafael describes as the “irreconcilable demands between a faithful and free rendition of the original, but also between the tendency to reproduce as much as to resist the dominant conventions of meaning and signification.”<sup>63</sup> To put it another way, every speaker of the tribunal faced the predicament of asserting, merging, or disavowing one or more linguistic worlds in an effort to render partial meanings about law, torture, and retribution. In these ways, numerous Chamorros faced enormous difficulty in making intelligible their concepts about life and death in a legal and political space dominated by English- and Japanese-speaking military officials who had, for the most part, no regard for them.

#### *On Torture, Testimony, and the Ko'ko-Hilitai Relation*

What did the Rotanese and Saipanese interpreters and police officers say and do that warranted their inclusive exclusion in the navy’s commission? How did their Japanese military and police counterparts, many of whom saw Guam as their property, become implicated in this assertion of the American political order? In this book, I take torture and confession as the forms of punishment that hardened and ruptured colonial, native, and settler political and social relations across the board. As the legal scholar Paul W. Kahn explains, “The object of torture was confession, which had the dual purpose of providing information and acknowledging sin—whether against God or the sovereign.”<sup>64</sup> In Kahn’s view, “Confession was a necessary aspect of the ritual of punishment. It was literally the last act of the dying man. This was not because of lingering uncertainty over guilt—whether he actually committed the crime—but because the sovereign’s power over life required the moment of acknowledgment.”<sup>65</sup> “Without acknowledgment,” he emphasizes, “the sovereign might exercise violence but not power.”<sup>66</sup>

In Japanese-occupied Guam, torture commenced with a report submitted to one of the many police stations scattered across the island’s villages. The memo often detailed an assaulted person, an insulted official, a stolen chicken, or a suspected spy, among other accusations. Around one or two investigations occurred each day. The interrogations also took place in facilities that previously served the American naval government, such as the medical office in Hågat and the records repository in Hågatña. In every

case, the interpreters and police officers arrested the alleged criminal, usually a man, and recorded his name, date of birth, place of residence, and marital status. While a person was being investigated, other police officers would depart for the scene of the alleged crime, interview people, assess the site for clues, and cross-check information. The torturing of individuals happened before, during, and after any interrogation session. With no recourse to a trial, the interpreters and police officers often beat, slapped, and whipped the suspected person, as well as exposed him to the sun without food or water for long periods of time. Quite often, the Chamorro and Japanese interrogators used the *chilin guaka*, a bullwhip, as a favored weapon. The Guamanian farmer Joaquin A. Limtiaco, a survivor of numerous torture sessions, described the *chilin guaka* as “a tendon  $\frac{3}{4}$ ” in diameter and about  $3\frac{1}{2}$  feet long, tied to a wooden handle about 12 inches in length.”<sup>67</sup> During his and other confessions, the accused criminals usually acknowledged their guilt for committing whatever accusation they faced. In doing so, they identified other relatives, neighbors, and rivals as accomplices. As a result, torture emanated outward from the body of the victim to the bodies of his clan, village, and island; its power seemed totalizing.<sup>68</sup>

With respect to the tribunal, what mattered was the way Guamanians understood gossip as testimonies, a form of political life, bios, that very much informed the court’s dehumanization of every war criminal. Unlike federal courts that do not admit rumors as evidence, the navy’s military commission adhered to its procedures regarding its use of gossip as testimony.<sup>69</sup> Given that the tribunal featured Guamanian and Chamorro-Japanese notions of the past in this regard, I understand gossip, hearsay, and rumor to mean a “form of interaction that in most societies variously provokes scorn, derision, and contempt, but also enormous interest.”<sup>70</sup> Discussing the contradictory nature of gossip, for example, the anthropologist Niko Besnier asserts that it “embodies the complexities of social life. . . . Through gossip, people make sense of what surrounds them, interpreting events, people, and the dynamics of history.”<sup>71</sup> As testimony, gossip provided Guamanians, especially those involved in the military and police apparatuses of the U.S. Navy, with a political voice. Although the tribunal never viewed gossip as a knowledge system that shaped American precedents, I intend to demonstrate otherwise.

Turning to the Chamorro proverb that opened this introduction, I show how the proverb of the *ko’ko* (bird) and the *hilitai* (lizard) informed Guamanian testimonies about what constituted proper and improper native behaviors and attitudes during the war. From this relation, we can then

understand how the Chamorro custom of *inafa'maolek* functioned under extreme duress. As the Chamorro historian Christine Taitano DeLisle explains, *inafa'maolek* often operates as a system of reciprocity alongside other values like “*respetu* (respect), *gai mamáhlao* (literally, ‘to have shame’ but loosely ‘to save face’), *mangingi*, the sniffing of an elder’s hand to take in his or her essence and wisdom as a sign of *respetu*, and *chenchule*, a gift or form of compensation.”<sup>72</sup> The Chamorro scholars Tiara R. Na’puti and Michael Lujan Bevacqua similarly explain that *inafa'maolek* functions “on the assumption that mutual respect must prevail over individualism.”<sup>73</sup> They suggest that *inafa'maolek* compels Chamorros to maintain “positive relationships” among a group.<sup>74</sup> At the same time, this custom informs how they express jealousy, hate, and vengeance. As the Chamorro educator Faye Untalan elaborates, “People try to shape how you think, how you live, how you behave. And it has to meet their norms or their values. If it does not, then the retribution comes in.”<sup>75</sup> As such, she stresses that gossip can be “very mean-spirited,” even urging some people to chastise and reject others. In this respect, we can ask, what happened to the knowledge system of *inafa'maolek* when the tribunal utilized gossip to condemn or vindicate war criminals under Japan’s empire? And how did Guamanian and Chamorro-Japanese forms of racism and retribution function as political life in rendering the Japanese, Rotanese, and Saipanese as the *zoë* and bios of “war criminality”?

As one version of the proverb indicates, the *hilitai* (monitor lizards) were black and could sing beautifully. The *hilitai* was so proud of its voice that it showed off by singing to all the other animals.”<sup>76</sup> Yet a few of the animals like the *totot* (Marianas rose-crowned fruit dove) said, “You may have a better voice than me, but my colors are prettier than yours!”<sup>77</sup> Jealous, the *hilitai* sought the assistance of a friend, the *ko’ko* (Guam rail), to paint yellow dots on its skin. The *ko’ko* agreed to help on the condition that the *hilitai* beautify the bird with white stripes as well. And so the *ko’ko* kept its promise, but the *hilitai* only partially painted the bird, in a hurry to show other animals its yellow and black patterns. Angry and offended, the *ko’ko* caught up to the *hilitai* and immediately pecked its beak and tongue. Today, the white stripes on the *ko’ko* appear incomplete, whereas the *hilitai*, with its forked tongue, no longer arrogantly sings (figures I.2 and I.3). As the educator Lawrence J. Cunningham explains, “The importance of this story is not in the explanations for the characteristics of these animals. The real message is the core Chamorro value. *People who do not meet their obligations will be punished.*”<sup>78</sup> The actions and attitudes of the *hilitai*, a cunning figure





I.2. The ko'ko. Photograph by Anthony Tornito, Department of Agriculture, Guam.



I.3. The hilitai. Photograph by Dave Gardner, Pacific Consultants Group, Guam.

in native thought, portend extreme danger and risk for anybody who does not directly disclose his or her intentions to a group. In this manner, its “forked tongue” can represent the direct and implied texts of the speaking being and the living being. Without the negative relation that the hilitai represents, moreover, the native custom of inafa’maolek would lack influence and relevance in the maintaining of relations.

Other proverbs about the hilitai demonstrate its significance in Chamorro culture and history. As one saying goes, “Yanggen inaca hao ni ayuyu ti hun sinet’ta hasta que palapak i hilo,” or “When you are bitten by a coconut crab he will not let you go until the thunder roars.” Here, the proverb indicates the strength of the *ayuyu*’s claws, but it also signals the length of time a rumor, good or bad, may adhere to a person. Alternatively, as the Chamorro genealogist Malia Ramirez observes, the proverb warns that one should not get into a violent situation from which one cannot get out.<sup>79</sup> After all, the *ayuyu* is one of the few animals that can tear apart a coconut’s exterior, puncture its hard shell, and consume its fleshy white meat. When placed in the context of the hilitai as a deviant subject, however, the lizard’s intelligence outwits the power of the coconut crab. As another proverb reveals, the hilitai “is said to be fond of eating the tail-purse of the *ayuyu* . . . that it willingly offers its tail to the crab for bait, and while the crab chews on the lizard’s tail the lizard twists about and chews at the crab’s vitals.”<sup>80</sup>

By turning to the proverb of the *ko’ko* and the hilitai, I demonstrate that Guamanian gossip invoked the “animal” lessons of reciprocity and punishment in ways that negotiated testimonies about the suspected Japanese, Rotanese, and Saipanese war criminals. Lest I be misunderstood as romanticizing native life, let it be clear that my analysis of gossip is by no means trivial. It is ontological. Taking a cue from Agamben, my reference to the *ko’ko* and the hilitai shows that Chamorros did not necessarily adhere to the animal/human distinction that proved so fundamental to the making of the military commission and its creation of *homo sacer*. Although the political function of gossip often reified the animal/human dualisms of the tribunal, as with the Guamanian racism and retribution directed against every suspected war criminal, the usage of native gossip in the court illustrated how Guamanians sought “to gain the fullest possible expression of political identity, agency, and autonomy.”<sup>81</sup> When viewed through the broader lens of Chamorro knowledge of the material, natural, and spiritual domains, the animal/human binary does not hold up; the dichotomy remains a fiction in light of origin stories about animals and plants, on the one hand, and in the matter of familial and unknown spirit encounters with every living



being, on the other.<sup>82</sup> As in many Chamorro clans, familial stories of the recently deceased often disclose the presence of an apparition, the smell of a fragrant flower, or even the voice and physical touch of the loved one.<sup>83</sup> Comparably, stories about benign and malevolent spirits—that is, the *taotaomona*—usually foreground the ghostly display of animals, humans, and other entities. As the Chamorro writer Tina Camacho Pablo observes, “Many Chamorros believe these stories of the supernatural to be true.”<sup>84</sup>

Elsewhere, Native Hawaiian and other Pacific Islander societies view animals as playing “a more significant cosmological and political role, even though animals, as a linguistic and cultural category, are often conspicuously absent.”<sup>85</sup> With respect to the Hawaiian notion of *kino lau*, for example, the political theorists Jonathan Goldberg-Hiller and Noenoe K. Silva explain that it “means that many plants, animals, birds, clouds, and so on are the bodies of deities, either the powerful *akua nui* (major *akua*) like Kāne, Kū, Pele, Haumea, and others, or less powerful but just as meaningful ‘aumākua, family spirits.”<sup>86</sup> As with the *ko’ko* and the *hilitai*, the animals, plants, and spirits of Hawai’i act on the world.<sup>87</sup> In these ways, Chamorros often view land as an animate being, if not as an extension of themselves. The land, like the people, is alive, hence the popular phrase used by Chamorros to describe themselves as *taotao tano’*, or the “people of the land.” In fact, most areas throughout Guam and the Marianas are nicknamed after Chamorro clans. The hills, rivers, valleys, beaches, trees, birds, and ocean all convey their stories from the older and recent past. Historically, Chamorro mothers, godmothers, and grandmothers even buried the placentas or umbilical cords of their children in their villages, a common practice throughout the Pacific Islands to demonstrate cultural connectedness to land. As DeLisle elaborates, *inafa’maolek* conceptions of stewardship invoked “traditional birthing practices, like the burying of the placenta or the umbilical cord.”<sup>88</sup> Comparably, the Chamorro attorney Michael Phillips notes that land is “literally the base of Chamorro culture. It incorporates special relationships: of clan, family, religion and beliefs.”<sup>89</sup>

When analyzing native gossip and retribution, the *ko’ko-hilitai* relation, and the white racism of the court, we can then ask, how did the navy’s tribunal employ Chamorro testimonies to possess Chamorro lands in Guam, Rota, and the wider Marianas archipelago? And how did the commission’s understanding of “Japaneseness” expedite or hinder these acts? Indeed, how did the court separate man from the non-man and the animal from the human?<sup>90</sup>

In this book, I treat the military commission as the threshold from which the United States renewed or made anew its sovereignty in Guam, Rota, and the wider Marianas archipelago. How did this “lawful” process occur, and for what reasons? In the summer of 1944, the U.S. government knew that the question of sovereignty remained unsettled in light of the United States’ armed conflicts with the Japanese military in the Marianas and the Asia-Pacific region. Even with Japan’s surrender to the United States in August 1945, U.S. imperial claims to Guam, Rota, Tinian, Saipan, and other Pacific Islands were tenuous at best. Had American sovereignty been unequivocally true and juridically apparent, the U.S. Navy would not have issued Proclamation No. 4, titled “Exceptional Military Courts,” on July 21, 1944. As I intend to demonstrate in this study, the American military created a tribunal in Guam, the first of its kind for the navy, for more than the purpose of prosecuting individuals accused of committing war crimes against U.S. citizens and nationals. Rather, Proclamation No. 4 functioned as an exceptional form of jurisprudence in its inclusive exclusion of non-American subjects: that is, the Chamorro, Chamorro-Japanese, and Japanese interpreters, police officers, and soldiers of the Japanese empire. That Guam functioned as a *military colony* of the United States—and not as a state as per domestic laws or as an independent country as per international laws—largely enabled the navy to assert its legal claims to the island. This state of exception allowed for the development of the tribunal, its selection of war criminal types, and its reassertion of the American empire—processes that occurred in Guam but that potentially could happen in other U.S. territories. As Agamben argues, the state of exception is “neither external nor internal to the juridical order, and the problem of defining it concerns precisely a threshold, or a zone of indifference, where inside and outside do not exclude each other but rather blur with each other.”<sup>91</sup> In this respect, the tribunal “marks a state of exception—a supposed deviation from ‘normal’ war—and employs a set of procedural logics that have as their main goal the conceptual and material excision of the war criminal from the landscape of legitimate war-related killing.”<sup>92</sup>

In his analysis of violence, the philosopher Walter Benjamin would describe the U.S. Navy’s tribunal as the law of the “state” from which its government, military, and police sought to contain or extinguish violence from within (e.g., strikes) and violence from without (e.g., enemy militaries). As he explains, violence threatens the law not “by the ends that it may pursue

but by its mere existence outside the law”; the navy’s jurists thereby understood that Japan’s military violence possessed what Benjamin theorized as the “lawmaking character” of the “great criminal.”<sup>93</sup> As I show in this study, the tribunal often construed Japanese military torture, in particular, as existing outside the law so as to eradicate its lawmaking effects in Guam and elsewhere. Attempting to uphold its “law-preserving” function, the tribunal feared such torture “for its lawmaking character, being obliged to acknowledge it as lawmaking whenever external powers force it to concede them the right to conduct warfare.”<sup>94</sup> Subsequently, the court drew from its carceral logics to suspend the separation between “lawmaking” and “law-preserving” violence. In this manner, the military police, interrogators, witnesses, and jurists participated in the carceral and security logics of the state. As Benjamin astutely observed, the “law of the police” marks the point at which “the state . . . can no longer guarantee through the legal system the empirical ends that it desires at any price to attain. Therefore the police intervene ‘for security reasons’ in countless cases where no clear legal situation exists.”<sup>95</sup> That the tribunal functioned in this manner is an understatement; its unclear legal status merely reflected the paradigm of the military colony of Guam, an aporia that must be analyzed for its lawful violence.

Yet, as recent legal readings of the American military commission reveal, the tribunal only functions as an “exceptional” act of the law. This position has especially received critical purchase since the American confinement of suspected “terrorists” at the navy’s prison facility in Guantánamo Bay, Cuba. Contrary to these understandings of the commission, however, I situate the tribunal in Guam as a foundational, established, and lawful exercise of colonial power *before* the War on Terror. To be clear, I do not view the military commission as a site of “justice,” nor do I condone the incarceration of people at Guantánamo and other “exceptional” and secret prisons. An analysis of the U.S. carceral state, now unprecedented in its imprisonment of one in every one hundred adults, demands a robust assessment of the distinct and shared conditions that led to the disciplinary logics and tactics in Guantánamo and elsewhere.<sup>96</sup>

What I find equally disturbing are academic treatments of what the legal scholars Laurel E. Fletcher and Eric Stover call the “Guantánamo effect.” As they rightly assert, the phrase “Guantánamo effect” describes the cumulative effect of indefinite detention, abusive interrogations, and prolonged isolation of the detainees at the U.S. naval prison in Guantánamo Bay, Cuba.<sup>97</sup> Yet they do not examine, let alone flag, the long histories of the

military commission in the context of indigenous peoples and the American empire. What gets reproduced here and in much of the legal literature is the notion that the rule of law practiced at Guantánamo is “exceptional,” an anomaly in what is otherwise the constitutionally sound rule of law. As the critic Marita Sturken asserts, Guantánamo is a “famously exceptional aberration: it is a U.S. Naval Base on the island of Cuba, yet not within the jurisdiction of Cuba, a site ‘owned’ by the U.S. through a perpetual lease since 1903 that the [George W.] Bush administration claimed is outside of U.S. law.”<sup>98</sup> Studies of the American commission subsequently reify the position that these tribunals represent the weakened “rule of law,” if not a breakdown in law.<sup>99</sup> As the legal scholars Fionnuala Ní Aoláin and Oren Gross observe, “One of the most trenchant critiques of exceptional courts in general and military courts in particular is their deviation from the ordinary process of detention, pretrial process, and the conduct of the trial.”<sup>100</sup>

Political euphemisms such as “aberration,” “deviation,” and “exception” inform the scholarship on the military commission and hence restrict our understanding of the military court’s relationship to U.S. empire, punishment, and race. While the tribunal has by no means served the same purpose, and while it has affected different populations for a variety of political reasons, the available legal studies on this subject have been limited by virtue of their disavowal of American Indians, Japanese Americans, Pacific Islanders, and other marginal subjects in the history of the tribunal.<sup>101</sup> Without a broader insight into these precedents, the current literature on the tribunal suffers from its primary focus on Guantánamo. This bias consequently inhibits our analyses of law and violence as much as it impedes our interventions against lawful violence. As the legal scholar Jace Weaver reminds us, a wider understanding of the tribunal and its relation to the principle of *stare decisis* allows us to analyze how every “violation of civil liberties becomes part of the next” precedent.<sup>102</sup>

When we place the tribunal in the context of American and Japanese colonialisms, we can therefore take stock of how the U.S. Navy transformed and normalized the laws about war in order to securitize its activities as legitimate and necessary in Guam.<sup>103</sup> This was precisely what the navy and other military agencies meant by “justice.” As I show in this study, the navy viewed justice not as an effort to reconcile two or more aggrieved parties; rather, it took justice to mean the normalization of biopower by way of carceral and colonial logics. With the tribunal as its apparatus of normalized biopower, the navy changed Guam from a small coaling station of 1898 into a “main operating base” of 1945.<sup>104</sup> As a military base, the island began to

conduct numerous offensive attacks under the rubric of anticommunism or humanitarian aid from World War II to the Cold War era to the present.<sup>105</sup> As D. C. Ramsey, vice chief of naval operations, argued in August 1, 1946, “Guam with the adjacent Marianas, and to a slightly lesser degree the other islands of the Pacific seized from the Japanese constitute the essence of the proposed naval system for control of the western Pacific and for the security of the United States. The bases now established, and being built up, are located on the islands having the largest populations.”<sup>106</sup> By the late 1940s, Guam had effectively become a part of America’s empire of bases, stretching from the Pacific to Asia and from Europe to Africa and elsewhere.<sup>107</sup> The island is now one of more than fifty-three hundred American military bases globally, of which an estimated one thousand are located outside the United States.<sup>108</sup>

### *Outline of the Book*

This book opens with part I, “The State of Exception,” in order to discuss the “passage” of colonial rule from Japan to the United States in Guam. But rather than treat the state of exception as an aberration of law, I demonstrate how the American military selectively applied various laws and regulations in its seizure of Guam and its population from Japan. Given that the American military understood this claim in terms of military necessity, I argue that the American reinvasion of the island sought to *normalize* its notion of warfare and security as true and just over anything presented in the Japanese laws of occupation in Guam and the Marianas. Whether the U.S. Navy turned to *The Penal Code of Guam, Naval Courts and Boards*, or the plenary doctrine in advancing this position, it construed its rule of law as morally benign and virtuous. That is why the navy issued Proclamation No. 4, titled “Exceptional Military Courts,” on July 21, 1944, an act that supported the military’s construction of war criminality from which its tribunal asserted whiteness as property and sovereignty.

Starting with chapter 1, “War Bodies,” I examine how and why the U.S. Marine Corps and U.S. Navy created internment camps and prisoner stockades for the confinement of Chamorros, Japanese, and other subjects of the Japanese administration and military. I specifically focus on the establishment of American military and police intelligence units in the island and address how they racially classified acceptable and deviant behavior among their presumed wards, on the one hand, and their suspected war criminals, on the other. I begin to sketch, as well, the complex collusion between

American and Guamanian forms of racism and retribution, demonstrating how this biopower defined war criminality. In chapter 2, “War Crimes,” I contextualize the origins of the U.S. Navy’s War Crimes Tribunals Program in Guam within a longer history of the commission and within the national and international debates on war criminality at the time.

In part II, “The Bird and the Lizard,” I demonstrate how native gossip, as bios, codetermined the navy’s classification of acceptable and deviant behavior among the living being and the speaking being of its accused war criminals. In chapter 3, “Native Assailants,” and chapter 4, “Native Murderers,” I specifically take stock of the genealogy from which intranative antagonisms emerged and materialized. Whereas chapter 3 examines the assault and battery charges among the Rotanese and Saipanese men, chapter 4 accomplishes the same objective with respect to the murder charge. I explore how and why the navy’s commission rendered the accused Rotanese and Saipanese as *homines sacri*, an effort that produced “test cases” and other precedents for the apprehension of Japanese nationals.

In part III, “The Military Colony,” I advance Agamben’s thinking on the camp with respect to the American military colony, the out-of-sight but nevertheless violent form of biopower.<sup>109</sup> In the last two chapters, I thus show how the navy’s military commission drew from this paradigm of biopower as much as it extended its rule of law to Guam and its neighbor island, Rota. In chapter 5, “Japanese Traitors,” I analyze the navy’s treason trial of Samuel Takekuna Shinohara, a Japanese national and resident of Guam. Central to this discussion was how the navy portrayed Shinohara, an Issei, as violating whiteness as American property and sovereignty. In chapter 6, “Japanese Militarists,” I then examine how the tribunal invoked international laws on espionage in its making of three Japanese nationals into the image of murderers and, hence, “belligerent” occupiers of Rota. I also discuss the related assault and murder charges in Guam but emphasize the significance of the Rota case in terms of the navy’s efforts to expand the military colony beyond Guam. I then conclude with some reflections on law, torture, and retribution.

DUKE

## Abbreviations

MARC	Micronesian Area Research Center, University of Guam, Mangilao, Guam
NACP	U.S. National Archives at College Park, College Park, MD
NARA-PAC	U.S. National Archives and Records Administration—Pacific Region (San Francisco), San Bruno, CA
RG	Record Group
WCSC	War Crimes Studies Center, University of California, Berkeley, Berkeley, CA

## Introduction

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According to the naval officer and assistant chief of police Kanzo Kawachi, the Japanese military administered this order in Guam. Refer to the Kanzo Kawachi Court Transcript, September 17, 1945, p. 32 (hereafter cited as Kanzo Kawachi Court Transcript), World War II Document Archive, Pacific Theater, U.S. Navy Trials (microfilm reel no. 144575), WCSC.

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