

August 24, 2015; Capital Punishment In Guam

Trying to piece together the history of capital punishment on Guam is like trying to put a jigsaw puzzle together with some pieces missing and others scattered about. For this reason, I cautiously relay my findings in this column with a warning that I am well aware of its many deficiencies. I am hopeful that knowledgeable readers will help fill in the gaps through their comments on the online version of this week's article. My focus is on executions ordered since the arrival of foreign powers to the island.

As stated in prior columns, I define capital punishment as the state-approved execution of criminal offenders. A loose interpretation of this definition might give Magellan the dubious distinction of ordering the first execution on Guam. During his three-day stay on the island in 1521, a group of Chamorros took one of the ship's skiffs. As captain of a ship, Magellan was legally empowered to seek retribution. Enraged by this act of theft, he ordered his men to retaliate. As a result, several islanders were killed.

Nearly 150 years later, with the establishment of Father Diego De San Vitores' mission on Guam in 1668, conflict between the Spanish colonizers and Chamorros soon erupted. One day, a young Spaniard boy ventured into the jungle. He was ambushed and killed by several Chamorros. The Spanish commander ordered the arrest of the offenders. When one Hagatna chief refused to cooperate, the commander had the chief killed.

In 1672, San Vitores himself was slain in Tumon by Chief Matapang. Prior to his death, San Vitores tempered the religious zeal of Spanish soldiers, insisting that the islanders' conversion to Catholicism be voluntary. With his death, the military unleashed brutal conversion tactics. Islanders were presented with only one option, convert or die. Countless unrepentant Chamorros were summarily executed under official approval of the military command.

With the passage of time, greater legal formalities were required before a death sentence could be imposed on Guam. Persons accused of more serious crimes, including capital crimes, were transported to Manila where they were stood trial for their offenses. Defendants sentenced to death were executed in Manila. However, there was at least one exception to this usual arrangement.

In 1884, Guam Governor Angel de Pazos Vela-Hidalgo was assassinated by a 20 year-old Chamorro sentry, Jose de Salas y Santos. He was alleged to be part of a conspiracy of local guards to take over control of the island. Jose soon surrendered and he and the other co-conspirators were transported to Manila for trial. Following the trial, twelve were set free, thirty-one received jail sentences, and four were sentenced to death. Those who received death sentences returned to Guam and were shot on a Hagatna beach.

In 1898, the American colonial administration replaced Spain's. The U.S. Naval government oversaw the island's legal system and maintained capital punishment as the

ultimate punishment. However, the number of executions that were actually carried out in the early years of the American administration is unclear. I did find a notation that on March 23, 1933, Governor Root signed an order authorizing the execution of 22 year-old Antonio M. Cepeda for the murder of Jose S. Quintinilla. Apparently, Cepeda was hanged on April 3, 1933.

During the Japanese occupation from 1941 to 1944, the Japanese military command executed numerous Chamorros. In 1942, soon after the Japanese captured Guam, two islanders were publicly executed for what appears to be relatively minor offenses to demonstrate Japanese intolerance for acts of disobedience. Over the 2 ½ years of the Japanese occupation, many Chamorros were slain.

After World War II, war-crime trials were conducted on Guam. Between 1947 and 1949, scores of legal proceedings were conducted and about 10 Japanese war criminals were hanged.

After the war, Guam's legal system came under civilian control. Guam's revised criminal code continued to authorize the death penalty for first-degree murder. In the 1966, only those defendant's who murdered law enforcement officials faced the possibility of execution. In 1970, this list was expanded to include those who killed the governor, lieutenant governor or political candidate. In 1978, following an overhaul of Guam's statutes by the Guam Law Revision Commission, the Guam Legislature eliminated capital punishment.

I found no reference to any post-war civilian executions. However, on January 28, 1954, following the U.S. Supreme Court's refusal to reverse their convictions, the military hanged two black Air Force airmen, Robert Burns and Herman Dennis, Jr., for rape and murder.

The possibility of a death sentence for Guam criminals remains because capital punishment is still authorized for certain federal crimes. However, a Guam execution is unlikely. Only three federal criminals have been executed in the past 50 years throughout the United States.