

**NINTH CIRCUIT JUDICIAL HISTORICAL SOCIETY  
DISTRICT COURT OF GUAM**

**ORAL INTERVIEW OF HONORABLE CRISTOBAL C. DUENAS  
RETIRED JUDGE  
DISTRICT COURT OF GUAM**

Location of Interview: Chief Judge's Chambers  
District Court of Guam

Interviewer: Lolita Toves  
Secretary to a Federal Judge

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MS. TOVES: Good morning, Judge.

JUDGE DUENAS: Good morning.

MS. TOVES: Thank you for taking time to give us this interview.

JUDGE DUENAS: I had wanted to be here earlier, and I don't know how many times I did promise you that I'll be here. But time and time again, I did fail because of one thing or another. Some of them are legitimate excuses; some of them are not so legitimate.

MS. TOVES: I won't ask you what those not so legitimate excuses are.

JUDGE DUENAS: Well, legitimate, but what I mean is that if I had taken more effort I could have gotten around the situation, but rather than exert the effort, I just, like the saying goes --

MS. TOVES: We can get started now by telling us what your full name is.

JUDGE DUENAS: Well, my full name is Cristobal Camacho Duenas.

MS. TOVES: And if you could give us your date and place of birth.

JUDGE DUENAS: I was born right here on Agana, Guam, September 12, 1920.

MS. TOVES: Now if we could go into some of your background, first of all, your family. Could you tell us the names of your grandparents, their birthdates, if you know?

JUDGE DUENAS: My paternal grandfather's name is Luis Paulino Duenas. And my paternal grandmother's name is Concepcion Castro. Well, my grandfather was born some time around 1863, and I knew him up to the time of his death in 1946. My paternal grandmother, I really did not know her. She died many, many years ago when my father was still a young boy, so I really don't know her personally, but I heard something about her from my father. And my maternal grandfather is Ignacio Lujan Camacho; and my maternal grandmother is Maria Asuncion Martinez Camacho. They were both born in Guam. And all that I can remember is that both of them were born in the mid- or 1860's.

MS. TOVES: Do you have a family tree where it shows the actual years of birth?

JUDGE DUENAS: Yes, I had a family tree and it went about two or three generations back and then when I couldn't locate it, I -- What I remember is my paternal great-grandfather

was Nicolas Evaristo Duenas. He died before I was born. He died in the era of the so-called 1918 influenza when a lot of people died in Guam. As a matter of fact, it was something like a world-wide epidemic right during the aftermath of World War I.

MS. TOVES: Would there be sometime when you will have a family tree made up? Do you think you can produce one?. It doesn't have to be as soon as possible.

JUDGE DUENAS: It is possible, but it will require a lot of research, both in Guam and elsewhere. Well, I'll try to, because it's very difficult, because I have to recall mostly on my memory. I have something written down. Even before the war, I was starting on a family tree when both my parents were both alive and some uncles and grandparents, senior, so-called senior citizens, they have information. Most of the records that I had were lost during the war. Then I started one right after the war, and then that was lost in Typhoon Karen. So twice did I start making a family tree. First one, I had gone so far, the one I prepared before the war.

MS. TOVES: Well, if you could make up one for now, I think it would be real nice to incorporate it in this oral interview.

JUDGE DUENAS: I'm only prepared to give you up to the grandparents and just what I have narrated. But beyond that, I would have to sit down and do some research.

MS. TOVES: Do you know what village they were from, Judge?

JUDGE DUENAS: They were all from Agana. See before the war, Agana was the central place but I can say that maybe about 90-, 95 percent of the population of Guam all congregated in Agana. There were not many established villages on Guam.

MS. TOVES: So the other villages would be like Inarajan, Merizo, Umatac, Agat, down in the southern area?

JUDGE DUENAS: No, the next biggest one is Sumay. Then, the other established villages during the Spanish days were Agat and Merizo, Umatac, Inarajan, and Piti.

MS. TOVES: Was also Ypao, Tumon?

JUDGE DUENAS: No. Ypao really is not a village. It's mostly what they called a ranch area. But, there was a government entity in Ypao before, the so-called Leper colony, that was established in Ypao. That was where the people that were inflicted with Leprosy, they

were --

MS. TOVES: That was where they were sent to?

JUDGE DUENAS: Yes, so that -- that really was --

MS. TOVES: Wasn't that a beautiful place, Judge, back then, I mean, with the beaches and everything.

JUDGE DUENAS: Yes, it was a beautiful place.

MS. TOVES: It wasn't accessible?

JUDGE DUENAS: No, it was accessible, but by bull-cart trail; not like these days when we have roads and highways. In those days, certain areas they were only accessible just by so-called trails, you just walk. And in some areas you can drive in your bullcart.

MS. TOVES: Let's go back to your grandparents. Your grandparents, they were Chamorros also?

JUDGE DUENAS: Yes, they were Chamorros.

MS. TOVES: Did they have some Spanish background?

JUDGE DUENAS: There's some Spanish blood, but I never had the opportunity to go further back, but I know some of them came from Spain; came to Guam by way of the Philippines.

MS. TOVES: Could you tell us the names of your parents, the dates and places of birth.

JUDGE DUENAS: My father's name is Jose Castro Duenas, was born here in Agana on November 15, 1885. My mother's name is Concepcion Martinez Camacho; that's her maiden name. Of course, her married name is Concepcion Camacho Duenas. She was born in Agana December 28, 1889.

MS. TOVES: So you'd say they're also Chamorro because their background is Chamorro, their ethnic background is Chamorro?

JUDGE DUENAS: Yes, right.

MS. TOVES: Did you have a familial clan? I don't know if you understand what I mean.

JUDGE DUENAS: No. See, there are certain -- most of the Duenas families, even

those that we are closely related, they all have some so-called nicknames. In Chamorro custom, it's very common, like some Duenas family has the family name of "Pepero", some "Oting," things like that, but --

MS. TOVES: What was your family name?

JUDGE DUENAS: None.

MS. TOVES: There's none?

JUDGE DUENAS: None. We don't have any so-called nickname; just Duenas.

MS. TOVES: Okay. Basically, you were reared up here in Agana, like you said where the --

JUDGE DUENAS: Yes, I was reared up in Agana, I grew up in Agana.

MS. TOVES: And because of the Spanish influence, your religion was also, was Catholic?

JUDGE DUENAS: Yes, Catholic.

MS. TOVES: Was it the Spanish that brought the Catholic religion?

JUDGE DUENAS: Yes. The first missionaries that came to Guam was, of course, the Society of Jesus, the so-called Jesuit Fathers because Christianity was brought to Guam by Father Luis Diego San Vitores who has recently been beatified and now called "Blessed Diego San Vitores." He was beatified in Rome on October 6, 1985. We were fortunate because my wife and I and some other people from Guam were able to travel to Rome for the beatification. That was really something.

MS. TOVES: That must have been a great experience.

JUDGE DUENAS: Oh, it was a great experience.

MS. TOVES: Would you people go back for a pilgrimage after that?

JUDGE DUENAS: Well, we went back, yes, about two years ago, 1994.

MS. TOVES: 1995?

JUDGE DUENAS: 1994, two years ago. My wife and I had the opportunity with other people from Guam, a party of 26, we went to Fatima, in Portugal. We went to Our Lady of Lourdes, the Grotto in France, by way of Paris, then we ultimately went to Rome. We were in

Rome for the second time.

MS. TOVES: Okay, back to your grandparents, great-grand parents, they didn't immigrate to Guam, they didn't come from other islands?

JUDGE DUENAS: No, they were born in Guam; they died in Guam.

MS. TOVES: Did your grandfather have an initial business, or did he work for the Government? Did he have an occupation?

JUDGE DUENAS: My grandfather was a farmer. My father worked for the Government, started out as a school teacher. This was the early days of the American Administration. Then he worked for the land registry department, which is now the Department of Land Management. See, when he retired, he was the treasurer of Guam.

MS. TOVES: So, he was like an administrator or like a director nowadays, or something?

JUDGE DUENAS: Well, we have the present treasurer of Guam, so that was his last job. Oh, and then he retired. Then right after the war, we were settled in Mongmong. It was about five minutes away from here. The people requested that he be their commissioner (now called mayorship), so he was appointed commissioner which was the predecessor of our mayor system today. So he was a mayor of Mongmong. He was still mayor when I came back from school in 1952. Then not long after that, he retired for the second time.

MS. TOVES: How about your mother, did she have an occupation?

JUDGE DUENAS: No.

MS. TOVES: Was she a typical housewife?

JUDGE DUENAS: Well, she had more than enough to keep her busy. I was one of eleven children.

MS. TOVES: Did your father ever become involve in politics at all?

JUDGE DUENAS: Yes, he was involved in politics. Of course, in those days they don't have these so-called political parties that we have today--the democratic party, republican party. See, they had a so-called Guam Congress, it was established right after the end of World War I and it was composed of two houses: the so-called House of Council, the upper house; and

the House of Assembly, the lower house. And the composition of the House of Assembly then was representative from all of the different districts of Agana. See, Agana is divided into districts. It was more organized then than what it is now. They had what is called the Padre Palomo District, San Antonio District, San Nicolas District, et cetera, and most of the large districts have two representatives to the Guam Congress and they serve in the House of Assembly and they are elected every two years. My father represented our district, San Nicolas district in Agana. But not in the First Guam Congress. See, the First Guam Congress, I think, lasted for about five, six years. Then, it was just dissolved.

MS. TOVES: Your father was in the House of Assembly?

JUDGE DUENAS: Yes, the second Guam Congress, because it was then reestablished again, about 1932, 1933.

MS. TOVES: He was like a senator equivalent to a Senator now.

JUDGE DUENAS: No. See, like in the U.S. Congress, the House of Assembly is something similar to the House of Representatives; and the House Council was something similar to the senate.

MS. TOVES: And, of course, your mother didn't become involve in politics?

JUDGE DUENAS: No.

MS. TOVES: What were your parents' community or social activities and interests, do you remember?

JUDGE DUENAS: Well, most of the social activities up to the war and even during the war, they were all centered mostly around church activities. There's not too much of other -- not too much activities outside of the church. If they say they belong to certain societies, congregations in the church, they had some other functions at the church.

MS. TOVES: Now turning to your brothers and sisters, how many do you have again?

JUDGE DUENAS: Well, I have five brothers and five sisters.

MS. TOVES: That's a big family, eleven.

JUDGE DUENAS: Yes, it sure is.

MS. TOVES: And if you could tell us what their names are and what their professions

in life?

JUDGE DUENAS: Well, the oldest one is, his first name is Jesus (pronounced He'-sus). Most of my brothers and sisters, they all carry the, -- according to the custom, they carry the mother's name in the middle. So, my oldest brother's name is Jesus Camacho Duenas. He joined the Navy before the war. And he died just on the eve of the outbreak of World War II, July of 1941. He has three sons surviving. The oldest one is Jose, they call him "Ping Duenas".

MS. TOVES: Oh, is that still the senator?

JUDGE DUENAS: Well, Ping was the senator. Then Eddie Duenas was also a senator. Of course, the older one is a member of the Democratic party; the younger one is a member of the Republican Party. Then the third son by the name of Jesus. He joined the military, retired from the Army about five, six years ago.

Then my next oldest brother is Jose. He's --

Do you want me to name their children?

MS. TOVES: Well, I asked for their names and what their professions are.

JUDGE DUENAS: Jose, he has three daughters and one son. The oldest one is a daughter by the name of Sylvia, is now a member of the Sister of St. Joseph in Boston, Massachusetts. The next daughter is by the name of Jeannine. She graduated from college, Boston College, I think. Then, she married and she's settled down in Waltham, Massachusetts. Then the third one is a daughter by the name of Mildred, she's married; she's in business. And the youngest one in his family is Joseph Duenas, he's now the current Director of Revenue and Taxation.

Do you want me to go all the way down?

MS. TOVES: That's Jose. Basically, you don't have to give us the names of the children, but the names of your brothers and sisters, their names and their professions.

JUDGE DUENAS: Let me give you what Jose's business.

MS. TOVES: He owned the old Family Shoe Store.

JUDGE DUENAS: The old Family Shoe Store. Then he was engaged in real estate, too.

Then, my third brother, the third member of the family is Eduardo. He was employed by the Naval Government of Guam, in the so-called Department of Law. He was the island attorney before the war. He was the one who was beheaded by the Japanese, together with my uncle Father Duenas in July 1944.

MS. TOVES: I don't know of this one of your brothers

JUDGE DUENAS: Well, he died in 1944, just a few days before the re-occupation. He has five children. The oldest one is Cecilia, she's married. She was working for Continental Micronesia before she retired about two, three years ago. Then the next one is Martha, married to a school teacher; she's a housewife. Then Barbara, who's married; she's a housewife. Then, Luis, he's a Customs Officer for the Government of Guam; he just recently retired. And the youngest one in Eddie's family is Eduardo. He is now residing in Spokane; he is engaged in real estate business in Spokane, Washington.

MS. TOVES: So that's one, two, three, four.

JUDGE DUENAS: Then the fourth one in my family is my brother Alfred; Alfred Camacho Duenas, married. He was working for the Trust Territory of the Pacific Islands, up to 1959 when he passed away. He has five children. The oldest of the five children is Antonia. She's married; she's living in Texas. Then the next one is Mercedes; she's married and she's living in Los Angeles, somewhere in southern California. Then the third one is Alfred. He's working at the legislature as fiscal officer. Then Joe, -- No, before Joe, there was Michael, he's a planner for the Government of Guam. The youngest one is Joe, he's working for the Department of Customs. That's five.

Then the next one, the fifth one is Carmen, a girl.

MS. TOVES: Carmen, your sister Carmen?

JUDGE DUENAS: Yes. She's married to Frank Perez. Frank D. Perez, the businessman, retired businessman, and also a politician. He was in the Guam Congress and was a member of the Guam Legislature up to the Third and Fourth Guam Legislature. They have about ten children.

TOVES: He takes after your parents.

JUDGE DUENAS: Right. They have ten children; seven boys and three girls. The one next to the youngest died as a child; there are nine surviving children. Most of them are employed in their father's business, Perez brothers. One of the girls is married to a doctor and they are now residing in Boston, Massachusetts. The others are all here on Guam.

TOVES: Then your next sibling after Carmen? That's yourself?

JUDGE DUENAS: That's me, I'm in the middle. I'm number six.

TOVES: Okay. We'll talk about you later.

JUDGE DUENAS: Okay.

TOVES: Unless you want to give us your family now, or do you want to highlight it in the end.

JUDGE DUENAS: I'll give it to you later.

Then right after me is my sister Maria. She's never married. She worked for the Government of Guam in various capacities. She followed my father's footsteps. She ended up in the Treasurer of Guam, Government of Guam, her job when she retired, and she moved to the United States together with her adopted son in 1976. She's now residing in Spokane, Washington.

TOVES: Then after Maria was?

JUDGE DUENAS: After Maria was Isabel. She's married to Tommy Mendiola. She has four children. She used to be a school teacher. Then she finally ended up working for the U.S. Postal Service, worked for the Post Office up to her retirement some years ago. The next one is Estella. Her married name is Estella Duenas Paulino. She was a nurse by training; she worked at the former Catholic Medical Center; finally ended up as a school nurse for John F. Kennedy High School at the time of her retirement. When she retired, she and her family moved to the United States. They are presently residing in Spokane, Washington.

TOVES: How many children does she have?

JUDGE DUENAS: Six.

(Turn of the tape to side B)

TOVES: Okay, let's continue with the interview.

Six children?

JUDGE DUENAS: Then, next to the youngest is Eliza.

TOVES: How do you spell her name?

JUDGE DUENAS: E-I-I-z-a, Eliza. Her married name is Eliza Cruz. She's married, she has, if I remember correctly, eleven or twelve children.

TOVES: Wow!

JUDGE DUENAS: And all of them are living. Most of them married.

TOVES: She's a nurse too?

JUDGE DUENAS: No, she was a housewife.

TOVES: Oh, that's just as good.

JUDGE DUENAS: I don't know how many grandchildren. I know she has a lot of grandchildren.

The youngest one in the family is my brother Ricardo. He's married. And he has seven children, seven or eight. He used to work for the Government of Guam. Then he was engaged in the real estate business here in Guam. Then he moved to Spokane, Washington about three years, three, four years ago.

TOVES: Pretty soon the whole family is going to move to Washington.

You also have a home in Washington?

JUDGE DUENAS: Well, I have a home. It's being rented.

TOVES: So this is all? You've enumerated all of your sibling, your brothers and sisters?

JUDGE DUENAS: Right.

TOVES: Now of all your relatives, who was most influential and how are they most influential in your life?

JUDGE DUENAS: Of all my relatives?

TOVES: Yes.

JUDGE DUENAS: My parents.

TOVES: Your parents were most influential?

JUDGE DUENAS: Yes. Well, they were primarily responsible inculcation of the Chamorro cultures, to each and every member of the children.

TOVES: What did they point out as the most important?

JUDGE DUENAS: Well, respect for others. Then the close activity among the children, human dignity, love and especially discipline. Also they are, I won't say they're very strict, but they see to it that we try to adhere as much as possible to the teachings of the church, which is our own Catholic belief.

TOVES: Anything else you want to add?

JUDGE DUENAS: Well, there's my brother Eduardo, as I mentioned earlier, he was the Island Attorney which is the equivalent of a District Attorney, so-called Naval Government of Guam just before the war. I was very much impressed by the way he handled his cases, and I said maybe one of these days I'm going to take up law.

TOVES: And you did?

JUDGE DUENAS: Right. So I made it a point to go into law, especially after he had been murdered by the Japanese.

TOVES: We'll get into your schooling as a lawyer, and why you went into law.

The next part of our interview is your childhood days. Do you want to go ahead and start with that or do you want to wait for another day?

JUDGE DUENAS: Well, -- (Waving to proceed)

TOVES: Your childhood days, could you tell us how it was?

JUDGE DUENAS: Childhood days in Guam, life was very simple in Guam. You know, it was very common in just about every home. We speak the Chamorro language. We knew a few English words, but I really started my education in English when I attended school, when I started as a kindergarten. That was my first exposure, real exposure to the English language. But as I said, life was very simple in Guam. We didn't have a lot of things. Even the play things we had in Guam, we made ourselves.

TOVES: What type of games did you play?

JUDGE DUENAS: Games? Did you say "games" or --? Yes, we played some

games, like bato.

TOVES: "Bato," what's that? Is that when you use coins, you throw them in a hole, or something?

JUDGE DUENAS: Yes. We dig a hole.

TOVES: What do you call it?

JUDGE DUENAS: "Bato."

TOVES: "Bato."

JUDGE DUENAS: Like, if there are five contestants, we make a cross mark in one point, from a certain point here, we all throw our nickels or whatever the distance.

TOVES: Even a rock will do?

JUDGE DUENAS: No, no, we play with actual money--quarter, penny, nickel, dime. And then the one closest to the center of the cross or the X-mark, he will be the one who will take the whole of the coins. Like, if there are five contestants --

TOVES: All the coins?

JUDGE DUENAS: Yes, he'll take the five coins, then throw all five coins in the hole, and whatever gets into the hole will be his. Let's say that he threw five and then there are two coins that didn't go into the hole. Then the next one who's closest to the center of the X-mark, he will have the opportunity to take those two remaining coins.

TOVES: Oh, that's how we play it?

JUDGE DUENAS: That's how we play it.

TOVES: I didn't understand that.

JUDGE DUENAS: Some of them are very good, because I know one boy, like there's ten contestants, and we were using nickels and he will take those ten nickels and throw them into the hole, and there are times when he can get all ten nickels into the hole.

TOVES: He must have practiced a lot.

JUDGE DUENAS: Yes. The holes are not very big, and you just have to know how to group them together, and when you throw them together you have one sticking to the others. It's very interesting to see all those ten coins go into the hole.

TOVES: You just have to know how to engineer the coins?

JUDGE DUENAS: It's really a game of skill. Then we play marbles, too. Then we use this seashell conch.

TOVES: What's that, the "chegai" you call it?

JUDGE DUENAS: "Chegai." yes, we play that. What we do is we form a semi-circle, and then we'll draw a line and we'll put, let's say, there's ten contestants, then each one will put his shells there, then like the "bato," we'll throw our "chegai" to the X-mark again; and the one closest to the mark will start. So the object of the game is to pitch your "chegai" to those other "chegai" lined up. So those that you strike outside of the second line, those are all yours.

Then we have this, we play with tops. The object of the game is for you, if I am the one successful in getting my penny closest to the X-mark, then you lay your top on the ground, and I'll take my top and try to hit your top to damage it.

TOVES: So you had some violent games too?

JUDGE DUENAS: Then, in the end the one who has the most damage done and could no longer spin it, then he'll be declared to be the loser.

TOVES: Is it like a cockfight, also?

JUDGE DUENAS: Yes, when we were kids, we play with the chickens, but we didn't use the so-called spurs, like what they use at the regular cockfight, so-called knife, we didn't use that. Those chickens will fight for hours and fight each other until one of them will give up.

TOVES: And then what do you do with the chickens afterwards?

JUDGE DUENAS: What did you say again?

TOVES: Do you cook it, or do you "kadun pika" it?

JUDGE DUENAS: Well, when it's hurt enough and we know it won't survive, then we'll cook it. Otherwise, if I beat your chicken, then your chicken becomes mine. And if I know it won't survive, I can have it cooked. Or if it can be treated, I'll treat it, then I'll have an extra chicken.

TOVES: Oh, I see. So in the community that's basically how life was -- simple, and you played similar games?

JUDGE DUENAS: Yes, similar games. Of course, we have baseball. Then, later on, when I was in my teenage, we have this handball games. And then we have tennis after that.

TOVES: Then the community as a whole, it was pretty much simple?

JUDGE DUENAS: For the elders, the elder women, they have what is known as the "chungka."

TOVES: "Chungka," is that where they have holes in a flat, slender piece of wood?

JUDGE DUENAS: Yes, and then you put in shells in the holes. That, and then they play cards, a Spanish card game they called the "tres siete." So those are some of the games.

TOVES: Back in those days, did they have fiesta?

JUDGE DUENAS: Yes. They have fiestas.

TOVES: How did the community celebrate the fiestas?

JUDGE DUENAS: But it's not like the ones we have now.

TOVES: Did you have Liberation Day activities also?

JUDGE DUENAS: No.

TOVES: No, this was after the war.

JUDGE DUENAS: With Liberation, it was the aftermath of World War II.

TOVES: So any big party would be like a wedding, a "fandango," or something?

JUDGE DUENAS: Wedding, fandango, christening party, some birthday party. When I was in my early teens, that was the first time we had a movie, what you call a "show", but it was silent movies. You just see everything on the screen, no sound. But whatever is going up on the screen, the caption, the sentence, "This one is pressing on the Indian." Then when I was around 18, 19 years that was the first time when we had the sound movies, what they call the talkies. The characters would be talking, that really was a novelty. We didn't have any radio. Some people may have what you call a short-wave radio, then we can hear a radio program from Australia. Just on the eve of World War II, we can hear some program from Treasure Island, and that was around 1939, when we were listening to the newscast when Germany was invading Poland. And by then, I thought we were making progress.

TOVES: You just covered part of your teenage times, what life was like.

JUDGE DUENAS: Well, just part of it.

TOVES: But in your childhood days, what other things can you remember as far back that highlights your life as a child?

JUDGE DUENAS: Well, when I was an altar boy. I became an altar boy when I was about six or seven years old. And there was a time when there was an epidemic, so-called measles epidemic in Guam and many died..

TOVES: What year was that, do you think?

JUDGE DUENAS: Well, it must be late 20's, early 30's. Then we would -- young children would die, it's like an epidemic. As altar boy, we would go up to their home and then to the church, and we will have the funeral rites. I remember those were busy days. Sometimes we would go out for three, four funerals a day. Another thing I remember vividly, after the altar boy, I joined the choir, there was a church choir, when I was about eleven years old. Back in the old days, the custom, when somebody dies, we don't have funeral homes, so they will place the deceased in bed. And according to the rite of the church, we have the so-called "responso," that's prayer around 8:00 o'clock in the evening. Those young altar boys had experience of going out at night with the priest, as member of the choir and they will sing the "responso," so-called pre-funeral rites, and I was forced to see dead people, and I was exposed to that at early eleven years old and it can be, became very vivid in my mind.

TOVES: And then they are just buried, there's no box?

JUDGE DUENAS: No, no, no. They prepare it.

TOVES: Oh, they prepare a wooden box.

JUDGE DUENAS: See, there were no ready-made coffins in those days, so when a person dies, some -- those so-called carpenters would be working because everyone has to be buried within 24 hours. There was no embalming in those days.

TOVES: So when did this nine-day prayer service come up?

JUDGE DUENAS: Oh, that was way, way back.

TOVES: But they still say the nine-day prayer even if they were buried earlier?

JUDGE DUENAS: Oh, so far as I can remember, in my very early childhood, they had

the rosary nine nights, starting from the date of the, usually from the date of the funeral, nine days hence. Then the ninth day, there was a mass for the deceased at the church, usually followed with breakfast with family and friends of the family. Those were some of the memories that I had of in early childhood.

Other than that, there's the memory that we did a lot of swimming in the rivers. You know this channel out here (indicating Agana channel at Paseo), the Agana Boat Basin, that had been there ever since, so far as I can remember, and the whole purpose of that is that -- see, we had a power plant right here in the Paseo de Susana, close to it, so they dug that channel so that the barges carrying the coals for the power plant, put them in big barges all this coals, then bring them into the channel to help fuel the power plant. So that was the reason why we had that channel. When we were kids, we used to swim there.

TOVES: This Agana Boat Basin, do you remember why it was made, this little peninsula, out here, the Paseo?

JUDGE DUENAS: Oh, the Paseo. That was as a result of wreckage from Agana, and all the debris, the war debris, so when they started clearing up around Agana and the surrounding areas.

TOVES: Did you see that when it was being done?

JUDGE DUENAS: Oh, yes. That was right after the war, those big trucks, the so-called Sea Bees, they bring all those debris, all the torn down buildings as a result of the war, the bombarding of Guam, they start dumping that out in the ocean. That was how this Paseo de Susana was formed.

TOVES: So that brought you closer to the channel?

JUDGE DUENAS: Well, they follow the course of the channel on one side, that's how it is. They start pushing all this, everything they find.

TOVES: Must have taken a lot of rubble to build Paseo?

JUDGE DUENAS: All rubble, everything.

TOVES: Rocks?

JUDGE DUENAS: Well, when they cleared Agana.

TOVES: Right after the war?

JUDGE DUENAS: Right after the war. So that was how they have this Paseo de Susana. It was man-made; it was not natural. It was just a beach area.

TOVES: That's very interesting.

So tell us more if you remember more, anything more when you were a child.

JUDGE DUENAS: This Agana Spring right around here, this so-called right close to the Mongmong area, there are a lot of deep areas in the stream, and as kids we would go there and just take off just naked, just take everything off, and hang it on the tree or some close by and then go swimming.

And then we have, it's really not, sort of something like a gangs we have these days. They go by group, member of one group, and there'll be other group, so we are rival groups. And when we saw someone who's there in our so-called water hole swimming, so what we'll do is we'll go secretly to the place where they have their clothes.

TOVES: Oh, no, so you did mischievous things too?

JUDGE DUENAS: Oh, yes. You know some of these red peppers, we'll take them and squeeze them in their pants, then when they get out of the water, still wet, and when they put on their pants, .... (indicating burning to skin sensation).

TOVES: Oh, that was really mischievous!

JUDGE DUENAS: We did that. There were a lot of mischievous things.

TOVES: So did they ever come back again to your swimming hole after that?

JUDGE DUENAS: No. But I remember one of them came over to my house and told my father about what we did.

TOVES: Did you get it?

JUDGE DUENAS: No. I was not spanked, but I got a good scolding, got a good lecture from my dad.

TOVES: Did anyone do the same things to you?

JUDGE DUENAS: It was done to me too. I experienced it and found out that it was not a nice thing to do to somebody. After that, I --

TOVES: Was there anything else that was interesting?

JUDGE DUENAS: No.

TOVES: Was there anything else interesting in those days, your childhood days?

JUDGE DUENAS: Well, we played handball. We don't play just for the fun of it. To make it more interesting, we always bet. We bet a quarter, or sometimes instead of betting money, we might say, "If I beat you, take me to the movie; you pay for it."

TOVES: How old were you then?

JUDGE DUENAS: Just around 14, 15, 16 years, when I was in junior high school and high school. This was all before the war.

TOVES: But you did speak Chamorro as a child, you said?

JUDGE DUENAS: Yes.

TOVES: When did you start speaking English? When you went to school?

JUDGE DUENAS: When I was enrolled in the kindergarten that's when

I was --

TOVES: But the language at home was basically Chamorro?

JUDGE DUENAS: Chamorro. But in the old naval government of Guam days, we were prohibited to speak Chamorro, especially in school. And they always have the slogan in there, "Speak English and talk to the world." I remember that very vividly. I remember one of my teacher -- most of those teachers in those days are usually dependents, military dependents, well, aside from the local school teachers. But I remember when I was in high school, there was a teacher in Chemistry, Chief Huntsmith in the Navy, and he was telling us, said, "I don't mind you people speaking Chamorro. I want you to know that if you want to pursue a higher education, it's very important that you become very knowledgeable in English. Because if you go to the states for higher education, they don't teach anything in Chamorro. They teach everything in English." As a matter of fact, speaking Chamorro was not only discouraged, but sometimes you greatly get reprimanded.

TOVES: This is back in your childhood?

JUDGE DUENAS: Yes, back when we were going to school. It's just the other way

around. These days, they're teaching Chamorro in school, culture and everything. Those days, culture and everything that has to do with Chamorro was being discouraged. It's more like a type of Americanization. They're trying to Americanize the people.

TOVES: Judge, do you want to go further, or do you want to take a break for more coffee or something.

JUDGE DUENAS: Okay.

(Brief recess.)

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MS. TOVES: Okay. The last time where we left off, we were talking about the language which you speak at home between your siblings, with your parents and your grandparents, it was basically Chamorro, right?

JUDGE DUENAS. Yes.

TOVES: And at that time, your childhood days, did you have a lot of friends?

JUDGE DUENAS: Oh, yes, I had a lot of friends.

TOVES: Who were your friends?

JUDGE DUENAS: Well, I have friends my fellow altar boys. Then when I became a member of the choir, when I joined the choir. Then my classmates in school. Then, a lot of my friends are my relatives, my first cousins grew up together. I have a lot of friends. I was never lacking of friends, some very close. Some of my friends dating back to the altar boy days are still living. I remember I met one not too long ago.

TOVES: Do you remember their names, your friends?

JUDGE DUENAS: Yes. One goes by the name of Gregorio Blas. We were altar boys back in the late 20's; we ran around when we were about eight years old, nine years old. And then he joined the Navy just before the war, and he was away for many, many years. And then two years ago, I met him. He's still the same. He told me I haven't changed and I told him, "You haven't changed either." And he said, "Well, I have less hair." And I said, "Well, so do I!" (Chuckles) Well, we had a very nice conversation about his war experiences and his life in the service, and I told him about life in Guam, during the war, right after the war because he was away. He was not here during the war, and he didn't come back to Guam right after the war. It was years later that he came back. He noticed the many changes in Guam, the construction coming up; even the people, the change in the people.

TOVES: Right, from the simple life to the complex.

JUDGE DUENAS: Yes. We had a nice conversation.

I remember some of them, I said, I wish we would go back to the way we were when we

were young.

TOVES: Quiet, sleepy --

JUDGE DUENAS: Quiet and lacking want for anything, because --

TOVES: --because you didn't need it?

JUDGE DUENAS: Not only that we didn't need it, we knew nothing about it.

TOVES: So it didn't bother you?

JUDGE DUENAS: It didn't bother us because life was simple; no problem, nothing, as long as you have your three square meals a day.

TOVES: But you don't remember them by their names or some of them?

JUDGE DUENAS: Some of them. Like Frank Cruz, Kiko Cruz married to Medo.

TOVES: Right, Remedios.

JUDGE DUENAS: He's still the choir master/organist at the Cathedral and I meet him just about every Saturday morning because he has the choir sang mass every Saturday morning, the early mass. He's still around. He was one of my choir buddies. Then I met one in Honolulu on one of my trip to the States, about five years ago. When I was growing up, a boy by the name of Lorenzo Franquez, he was in the Navy, then he married and settled down in Honolulu. When I visited him about five years ago, we had a very nice visit, talking about the old days, our recollections about the old days and all the good times we had as altar boys, choirs, overall.

TOVES: Do you meet anybody from the Knights of Columbus, anybody in your Knights of Columbus?

JUDGE DUENAS: No, no, there was no Knights of Columbus then.

TOVES: But are any of your friends in the Knights of Columbus now, friends from back then? I mean, your friends from back then who are now in the Knights of Columbus organization?

JUDGE DUENAS: Oh, yes. Some of them are -- some of them passed away.

TOVES: Like Pedro Ada, was he a friend of yours,

JUDGE DUENAS: Pedro Ada?

TOVES: Senior?

JUDGE DUENAS: Do you mean the old man?

TOVES: Is he still alive?

JUDGE DUENAS: No, he passed away. He passed away last year, he was about ninety-two years old when he died.

TOVES: Oh, he was not your friend, that close?

JUDGE DUENAS: He was a friend of mine; he's older than I am. See, we were both papal knights, we were both Knights of St. Silvester. That honor was bestowed upon us by the Pope, so he and the late Governor Flores, the late Pedro Martinez, and the late James Underwood, Tommy Bordallo, we were all members of the Knights of St. Silvester, so-called papal knights. They are friends, but we didn't have any -- but a lot of them are my seniors.

TOVES: Sorry, I probably went beyond that question.

My next question is, what kind of games did you play with your boyhood friends, and you covered that earlier.

JUDGE DUENAS: Yes.

TOVES: Played marbles, bato, and all that, swimming. We could just go over that question.

Did you play with those friends who were close to where you lived because of the lack of transportation?

JUDGE DUENAS: Yes. As I said earlier, we were all living in Agana. It's a very closely-knit community. You can reach anybody. Everybody is within, within walking distance.

TOVES: I heard that you could literally "walk through each other's porches"?

JUDGE DUENAS: Oh, yes. We don't need cars too. Our main mode of transportation in those days were bicycles. We used to do a lot of bicycling in those days. When we were in our teens, when we were in high school, there were nights when we would take our bicycles in the evening, especially in a moonlight night, and we would ride our bicycle all the way down to Sumay, which is about, oh, ten miles away, in the evening. But the highway was good and it was hardly any traffic. There were times when we would go from Agana to Sumay during the

night and you wouldn't meet any cars.

TOVES: Did you fear for any harm, or crime, or whatever, when you did do that?

JUDGE DUENAS: No. In those days, you can go out at night anywhere. Even at home, you don't have to lock your doors, even when you leave the house. There's no burglary. I wouldn't say it was violence-free, because there were some violence. You expect that in every community, but we don't have to fear anything. We would go all the way down to Sumay at night. Sometimes we'd come back at 12:00 o'clock midnight, especially on a moonlight night, it's beautiful.

TOVES: But only the boys could do those activities, right, Judge, back then?

JUDGE DUENAS: Oh, no, not the girls. It was very different. It was a male-oriented society?

TOVES: Well, why was that, Judge? Why is it just the male back then that could do that?

JUDGE DUENAS: Well, because the way our culture is, is the way we were taught, Spanish influence. Girls are supposed to stay home; they're not supposed to go out in public. Well, they go out in public for some fiestas or for some social activities. But they are not as free as the boys; they cannot go out at night unless they are chaperoned by someone. If they had to go to the movies, they have to have someone, either a brother or a good friend of the family.

TOVES: And was bicycling considered a woman's sport back then?

JUDGE DUENAS: Yes, but it's very restricted.

TOVES: Just restricted to the men then?

JUDGE DUENAS: Not the girls. Even swimming, the girls hardly go swimming.

TOVES: And you're talking about island people, right?

JUDGE DUENAS: When they go swimming, they usually do it in the beach, not in the rivers.

TOVES: When the women would go to the rivers, their purpose would be different, then.

JUDGE DUENAS: Well, when they have some washing to do, or sometime they bathe

in the river in some so-called secluded area, and then among themselves. Just like in the days of Moses, when Moses was discovered by one of the Pharaoh's daughter. There was law then that -- see, the Hebrew population in Egypt was really growing and they became really concerned and said, well, before long, they will outnumber us and if we go to war with some other neighbors of ours, our neighbor nation, maybe they'll join the neighbor nation and fight against us. So according to the Bible, that all Hebrew male would have to be disposed of; in other words, killed. That was according to the Bible. Moses -- the mother it's good that she saw the Pharaoh's daughter in the area and she put Moses in a small box and then he was taken by the pharaoh's daughter.

I think we're going away from the subject.

(Laughter.)

TOVES: Okay. The next question is what part of the island did you spend most time as a child, and again you told us that as being in Agana.

JUDGE DUENAS: Agana. Well, for some other activities we've gone to some of these so-called established villages, like fiesta, to visit friends, just go bicycling for the fun of it.

TOVES: Was that your form of recreation, going to village fiestas?

JUDGE DUENAS: Most of the activities were centered around Agana, it was the center of population.

TOVES: And so you didn't do much traveling to other villages, but just basically for --

JUDGE DUENAS: Yes. We would go to other villages, like when we were altar boys or members of the choir. Some of the established villages like Asan and Piti, so-called parish, they didn't have any priests there, so they were all served like mission parishes, so we would go to those villages for some possession or just some fiestas.

TOVES: Now as a child, did you have a hobby?

JUDGE DUENAS: Hobby, well, my main hobby was reading.

TOVES: Reading?

JUDGE DUENAS: Oh, I love to read.

TOVES: And my next question is did you read a lot when you were child in school?

JUDGE DUENAS: Oh, yes, I always loved reading. We never had a chance to travel, to do some world traveling. We did our traveling through reading of books.

TOVES: Learning about the world through reading?

JUDGE DUENAS: Geography, history.

TOVES: The next question is generally as a boy growing up, how was life like then? I think you covered that also.

JUDGE DUENAS: Yes, life was very simple. Life was good.

TOVES: And then do you remember some of the major events of the world as a child?

JUDGE DUENAS: Yes. As I mentioned earlier, right around just at the eve of the outbreak of World War II, we got most of our news through our radio. We had this so-called short-wave radio. You could get some news from as far west as the mainland United States, Treasure Island, some from Australia. So we were really concerned back in 1939 when Germany invaded Poland and we were listening every night, watching the progress of the war; then England joining the war; then the war, the collapse of France, Concord, and all those things. Got most of our information, we were really updated from the radio.

TOVES: Did you pass this information on to the community as a whole? Were you like the newsmen of the island?

JUDGE DUENAS: Well, in the course of conversation, when we join together in some social activity, because right here in the church area here, we had a building by the name of St. Vincent de Paul Society, and we one of the first American Capuchins who came to Guam. See, the American Capuchins replaced the Spanish Capuchins around 1937 and one of them was a German-born Capuchin, he started the so-called Knights of Christ the King. We used the second floor of the building for recreational purposes, lectures, that's where we have this short-wave radio. So every night, we would listen to the radio, mostly concerned with the war news as to what was going on.

TOVES: So in your early life there were two world wars. Did you remember the first

world war?

JUDGE DUENAS: No. I was born in 1920 and the first world war ended in 1918. But I'm fully apprised of the World War II, the Korean War, and of course Vietnam.

TOVES: Did you know of your grandparents, were they affected by the first world war?

JUDGE DUENAS: No, not really.

TOVES: Not really, because it was a European war.

JUDGE DUENAS: The only contact we had with the enemy in World War I is the, remember this German warship, the Comoran, it was being pursued by some of these Japanese naval forces and escaped, came to Guam, sought Guam as an asylum, and at that time United States was not at war with Germany. This was before the United States joined the allies in World War I. So Germany not being an enemy at the time, they were being hosted by the Naval Government administration then. They had social activities, fun events, whatever, allowed to move freely, though they cannot leave the port. But then when the United States declared war on Germany, then they became enemy of the United States, so the so-called commandant then was the captain in charge of the island, ordered that the officers leave the ship, so that they would be confined on land. So the captain of the base asked for time so that they can take care of their belongings, but rather than surrender, based on what they did, some of the ship, not all of them, the people aboard the ship "Comoran" died; some of them are buried in what is known in the Naval Cemetery here in Agana.

TOVES: I always wondered what that cemetery is for.

JUDGE DUENAS: Well, those are the military people here on Guam who died on Guam, buried there, but there are a lot of German personnel who died when they were on the Comoran.

TOVES: When was World War II for you?

JUDGE DUENAS: I think the United States entered the war in 1941, after the --

TOVES: How old were you then?

JUDGE DUENAS: I was already 21. I was a young man.

TOVES: Okay. We should talk about your grammar school, just after grade school.

JUDGE DUENAS: I never attended public school. There was a private school then; they call it the Guam Institute. It went all the way up to high school. It was administered by Mr. Nieves M. Flores, of the library museum.

TOVES: You say there were no public school?

JUDGE DUENAS: There were public schools, but I didn't attend the public school.

TOVES: So Guam did have its own education system.

JUDGE DUENAS: Oh, yes. But see up to 1931, they have this so-called, when the education went all the way up to high school, they call it in Guam even a high school. Then, right around 1933, I think that was the last graduating class of that so-called high school. Then the high school was disbanded, or, I don't know for what reason, so the public school system went as far as the ninth grade but it's the so-called junior high school. The only high school for a few years but the so-called Guam Institute High School, and then just before the outbreak of World War II, there resumed a high school in Guam, public high school. I graduated from the Guam Institute, private high school. That was the only high school at the time. This was back in 1938. So that's when I finished my high school education.

TOVES: Do you remember who your teachers were during that time?

JUDGE DUENAS: Yes. As I mentioned earlier, most of my teachers were military personnel like some officers. Then we have some Guamanian teachers, or some of them were fortunate enough to attend their education back in the United States.

TOVES: Do you remember their names?

JUDGE DUENAS: Well, there was Mr. Jose Salas.

TOVES: Was he the former Director of Land Management?

JUDGE DUENAS: Yes, but before that before the outbreak of the world war, he had a very high position at the public works department of the Navy, he was so-called supervising draftsman. I worked for him for some time before the outbreak of the war, and he was also one of my teachers in high school, was the one who was teaching Geometry, Algebra and

Trigonometry. Some of the other high school teachers are members of the naval forces, some navy officers, that's the composition of the high school faculty.

TOVES: What were the courses offered mostly?

JUDGE DUENAS: Regular high school courses, literature, English, American literature, American history, sciences, chemistry, physics, biology, algebra, etc.

TOVES: As a student, did you have a goal in life after you finished school?

DUENAS: Well, my goal was to go to college. When I graduated in 1938 I planned to save enough money so that I can go abroad to attain higher education. At that time, it was very hard to get out of Guam, even transportation on the island. Guam was being served by navy vessel, there are two navy transport. One of them was called the U.S.S. Shoppendale (phonetic); and one was called the USS Emerson. They came to Guam about every three months, they served the needs of the military, in bringing in what the military needs here on Guam. And if you want to go from Guam to the States, you have to get a special permit from the Navy for transportation. There's not enough spaces allotted on Shoppendale; it's really a military ship. So the military, they would do their best they can to accommodate the civilians, need passes to the states, or transfers to coming back. So what I did after high school is started working as clerk, then left Guam for higher education. But unfortunately I never left Guam because the war came to Guam in 1941, and for the time being, my aspiration was halted, ceased until -- I had to wait until after the war. (Pause)

TOVES: You know what, I think I went out of grammar school. Then we jumped into high school, and I didn't cover a lot of my grammar school questions, because we jumped from grammar school to college.

So your goal as a student in grammar school was, you said, to go to college, and then that's another question in high school.

JUDGE DUENAS: Well, when I was in grammar school, my main goal was to finish high school. You see, most of the students in Guam in those days, their education, in times, what the so-called abbreviated education. A great majority of them went as far as junior high school. But my main goal was to finish high school.

TOVES: All the way through 12th?

JUDGE DUENAS: All the way through, and that was what I did. So my main concern in grammar school was to be prepared for high school.

TOVES: Do you remember any special events worldwide that took place while you were in grammar school?

JUDGE DUENAS: Well, I don't know if you people can call it special, but every morning before we start class at eight o'clock, we'll stand in front of the school and then will be the raising of the flag, and then sing the "Star Spangled Banner," then the recitation of the "Pledge of Allegiance."

TOVES: They don't do that nowadays.

JUDGE DUENAS: They don't do that, but that was every morning. It was a ritual. It's a must, and everybody has to stand in attention.

TOVES: The whole school?

JUDGE DUENAS: The whole school.

TOVES: Were there any interruptions, hurdles, barriers, in your growing days that interfered with your education?

JUDGE DUENAS: Not yet, the war hadn't occurred.

TOVES: It had not come.

JUDGE DUENAS: Everything went smoothly; not even sickness in the family.

TOVES: No more influenzas?

JUDGE DUENAS: No, fortunately. There was never a time when I had to get away from school because of ill-health, or anything. I was really blessed.

TOVES: Do you remember who your classmates were in grade school?

JUDGE DUENAS: Yes. Some of them. Some of them went as far as high school. One happens to be my first cousin, the Archbishop, the late Archbishop Flores. We were in the same class, then another first cousin of mine, Antonia Camacho, and then three of my classmates joined the military, right after graduation; some of the upper classmates of mine, they never finished their high school, they joined the navy just before the war.

TOVES: Did you have any best friends in grammar school?

JUDGE DUENAS: Grammar school, no.

TOVES: Everybody was your best friend?

JUDGE DUENAS: Everybody was a best friend, especially regular classmates.

TOVES: And did you have a favorite subject in grammar school?

JUDGE DUENAS: Yes, English and History, aside from Reading.

TOVES: That's a lot of reading in History.

JUDGE DUENAS: Yes, I was always interested.

TOVES: That explains why you're good at it when you're writing materials.

Did you have a particularly good English instructor, or did you learn English mostly yourself?

JUDGE DUENAS: No, I learned most of them in reading but I had a good start, I had a lot of good materials; grammar, vocabulary --

TOVES: So you self-taught yourself?

JUDGE DUENAS: I was very good in grammar, especially in so-called "Parsing"

TOVES: What's that?

JUDGE DUENAS: "Parsing." You know, I diagram.

TOVES: Oh, you diagram so you can understand your sentence?

JUDGE DUENAS: I draw a line, then draw a vertical line, the subject, the predicate, the adjective, the object --

TOVES: They don't teach that anymore, do they?

JUDGE DUENAS: -- and the modifying words and phrases.

TOVES: That helps you understand the --

JUDGE DUENAS: The conjugation. And when I was going to high school, I was also studying Latin, not part of the high school course, but I had a private tutor, because at that time I was thinking of joining the priesthood. So I was taking special instruction in Latin, and what I learned in Latin is very beneficial, Latin, like Spanish, they have the so-called conjugation of the verbs, the four conjugation. And then they have the so-called declensions, noun declensions,

they have five declensions, then each declension, the nominative, the adjective, in other words, one is possessive, the direct object, the indirect object, all those things broken down. And then the conjugation, they have four, like, the first conjugation is the amo, amu, amas, amat, amas, amatum. The nominative, the possessive, and the so-called superlative. So one, two, three. The singular-plural, amo; means "cry a lot." Then the plural amamus, we love. And that's very similar to Spanish-amor, but in the plural, first person, amamus, in Latin, a-m-a-m-u-s. In Spanish, a-m-a-m-o-s. When you have a good foundation in Latin, it's very easy, especially the so-called –

(Stop. Turn of tape, then resumed.)

TOVES: So after school, everyday, did you have chores to do after school, typical chores?

JUDGE DUENAS: Oh, yes. Cleaning the yard, cutting the weeds. I mean in those days, the sanitation inspector, they were very strict. In your yard, if your weeds reach the height of about six inches, then if you don't have it cleared, this so-called sanitation inspector will issue a citation.

TOVES: Did they fine you for it, or was it just a citation?

JUDGE DUENAS: Well, on one or two occasions because I always make it a point. Another thing when we were in high school in Guam before the war, when a male person reaches the age of 16, that's when they issue what they call a "cedula," something like a certificate of identification, and then it's also mandatory that each male reaching the age of 16, he join the Guam Militia. So I was a member of the Guam Militia.

TOVES: So all the males in Guam, when they turned 16, they're members of the Guam Militia?

JUDGE DUENAS: Yes, Guam Militia, and we -- I think we hold our field practice every two Sundays a month. If I remember correctly, on the first and third Sunday that we go down to what is known as Bradley Park here in Anigua. That's where we have our relay, we have our uniforms, so --

TOVES: I didn't know that.

JUDGE DUENAS: Again, I was a private. And then two years later, they passed an EO (executive order) in the naval government, that being a member of the Guam Militia was no longer mandatory. It was optional.

TOVES: So what year do you think that was?

JUDGE DUENAS: Must be around 1938, '39. So when it became optional, I just terminated my service in the Guam Militia. I never liked military. I never went as far as I could. I came in as a private and left the Guam Militia as a private.

TOVES: We're going into your high school days. Was that around the war period, or was this after?

JUDGE DUENAS: No. I graduated from high school before the war. See, as far as the United States is concerned, they joined the war in 1941.

TOVES: When did you graduate from high school?

JUDGE DUENAS: 1938.

TOVES: So after high school, what did you do?

JUDGE DUENAS: Well, I was working.

TOVES: You didn't go to college right afterward?

JUDGE DUENAS: No, no. See, as I stated earlier, I worked, I was trying to save money so that I can go to the states.

TOVES: Let's talk about your high school days. Again, I'm going to go through your goal as a student. Your goal then was to go to college after high school. Do you remember any special events in high school?

JUDGE DUENAS: Well, we had athletic activities.

TOVES: More athletic activities.

JUDGE DUENAS: Yes. The most popular was the so-called volleyball games and we played some of the other schools, public schools. I was never a volleyball player.

TOVES: This is your private school that you're attending, Guam Institute?

JUDGE DUENAS: Guam Institute. I was never a volleyball player, but I loved the game, punching it. Then we have some baseball competitions.

TOVES: Did you play baseball?

JUDGE DUENAS: Well, not as a regular game, but just amongst friends, just so-called "sand lasso," (phonetic) whatever it is, but not in any organized team. I like sports, but I never reached a point where you want to be involved in any competitive manner. I was never a member of any organized baseball or volleyball team, or anything like that.

TOVES: Where was the school located again, Judge, the high school?

JUDGE DUENAS: Right here in Agana.

TOVES: Agana?

JUDGE DUENAS: Agana. All of this building, aside from the other public school in the villages here, most of the grade schools and so-called junior high schools are here in Agana.

TOVES: So what was the name, Guam Institute of --

JUDGE DUENAS: Just Guam Institute, then Guam Institute High School.

TOVES: And while you were in high school, what were your favorite subjects? Did you have any?

JUDGE DUENAS: Oh, yes, history.

TOVES: History and English?

JUDGE DUENAS: Reading.

TOVES: Do you remember the names of some of your teachers? You said Jose Salas, right?

JUDGE DUENAS: Yes.

TOVES: Was he influential in your career?

JUDGE DUENAS: Yes, because it happened when I graduated from high school, as I said, he had a very high position, Public Works Department of the Navy. They were very busy in Guam, trying to rebuild Guam, a fortification of Guam. They had the feeling that war was in the air, and they tried to make Guam as much prepared as possible for any eventuality. We did a lot of public works activity and I was working for Mr. Salas who was also a high school teacher.

TOVES: So out of high school, you went to work for Public Works?

JUDGE DUENAS: Public Works. No, before that I worked for a short while in the so-called Bank of Guam, the Naval Government Bank of Guam. It's not the present Bank of Guam. Worked there for a while, and then I worked for the Navy Public Works Department.

TOVES: You know what, I'm going to go ahead and finish my questions with the high school, because I think I can cover this today.

Did you have some highlights of your high school days, something like a prom, or --

JUDGE DUENAS: Yes, we have high school dances.

TOVES: You did have high school dances?

JUDGE DUENAS: Yes. The so-called highlight of our high school days was a high school graduation party. But in between, we have high school dances, too.

TOVES: Anything else in high school? You were allowed to go to dances, I mean, were the girls allowed to go to dances?

JUDGE DUENAS: Yes, chaperoned.

TOVES: Chaperoned?

JUDGE DUENAS: But you never go to a girl's home, pick her up, and have a date and take her to a dance, that's unthinkable.

TOVES: Not even to visit? The men wouldn't go to the girl's house to visit, and then that's an old Spanish custom?

JUDGE DUENAS: The only time you go to a girl's house is when you're serious, when you're ready for marriage, then that's the time when you'll be allowed to visit them on some nights a week, but with proper supervision.

TOVES: Later on you're going to tell us about that, okay, when it comes to your family, with your family, yourself, tell us what your experiences were.

JUDGE DUENAS: Can we take a break now?

(After recess, the judge asked to end the taping session for the day. )

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MS. TOVES: Today is Thursday, April 18, 1996.

This is tape number three of the oral interview being conducted on Retired Judge Cristobal C. Duenas. Please tell us your name.

JUDGE DUENAS: My full name is Cristobal Camacho Duenas.

TOVES: And could you tell us what your title was before you retired, or before you became a retired judge.

JUDGE DUENAS: From the inception of my entrance, or had been with this court, I was the chief judge. This being a one-judge court, I'm now the only chief, chief judge. There is no one under me. I'm the chief and I have no indian.

TOVES: Could you tell me the years that you were Chief Judge.

JUDGE DUENAS: Well, I was appointed December 24<sup>th</sup> -- no, I was appointed December 18th, 1969. But I assumed office on December 24, I think the same year, 1969. And I had been on the bench up to the date of my retirement, which is January 31, 1971.

TOVES: '71, or '91?

JUDGE DUENAS: I mean '91.

TOVES: '91. That's probably the beginning of your second term, was that it?

JUDGE DUENAS: No, no. Actually when I first came in, it was an eight-year term. Before I commenced my second term, it was increased to ten years. But I served more than eighteen years.

TOVES: When we conducted the interview the other day, we went through your childhood years, your school years. I just want to clarify your years as an elementary student. What school did you go to? Did you go to public school?

JUDGE DUENAS: No. I went to a private school.

TOVES: From the start of your schooling?

JUDGE DUENAS: Yes. I never entered the public school system. As a matter

of fact, the only public educational institution I attended was when I went to the University of Michigan. Because even my first two years of college, my first two years of undergraduate work, I spent in a Catholic college, at Aquinas College in Grand Rapids, Michigan.

TOVES: Okay. So from kindergarten, you said --

JUDGE DUENAS: From kindergarten to high school.

TOVES: -- kindergarten to, say, your elementary level --

JUDGE DUENAS: Well --

TOVES: Would that be from kindergarten to --

JUDGE DUENAS: Kindergarten. And then in those days when you reached ninth grade, there's a graduation which is similar to the end of your junior high school, and then it's also equivalent to entering your freshman year in high school. Then after that, there's three years in high school.

TOVES: Could you describe a typical day of your school days as a young elementary level student?

JUDGE DUENAS: A typical day?

TOVES: A typical day when you would go to school?

JUDGE DUENAS: We went to school around 7:30, or around that time. The classes will usually start around 7:45 to 10:00 o'clock in the morning. And as I stated before, before we started classes, we had to assemble in front of the school, then we will have a flag raising ceremony every morning. After that, each and every one will go to their individual classes.

TOVES: And that would be your elementary level?

JUDGE DUENAS: Yes, that's in the elementary.

TOVES: Your junior high level, again was similar?

JUDGE DUENAS: No, in junior high we went to school in the afternoon. In other words, it started about 3:00 o'clock in the afternoon and ended up about 6:00 o'clock or 6:30, depending on the days.

TOVES: Why is that, Judge, that it's a shorter time? It's a shorter time period for your schooling 3:00-6:00 p.m.?

JUDGE DUENAS: That is in the junior high school. Usually most of the students didn't go full time as they were working part-time. They want to be free most of the morning.

TOVES: That's enough time for school, three hours then?

JUDGE DUENAS: That's every day. Well, three to four hours, yes. I think it was enough.

TOVES: Okay. And then yesterday we were into your high school days. I think we covered pretty much your favorite subjects in grammar school. And then in high school, what you said was the English.

JUDGE DUENAS: Reading.

TOVES: Reading and history?

JUDGE DUENAS: History, yes.

TOVES: Okay. And then you graduated in 1938.

JUDGE DUENAS: '38, right.

TOVES: Did you have a graduation party?

JUDGE DUENAS: Oh, we had a graduation party. In those days, that's one of the highlights of our education, the graduation party.

TOVES: What did you do after graduation?

JUDGE DUENAS: Well, after graduation, I wasn't ready to go to college. I sought employment.

TOVES: You weren't ready to go to college yet you said?

JUDGE DUENAS: No. 1938 -- well, after all, this was the period financially, the economy in Guam was very low. The salary was very low, and I had to accumulate some money to pay for my college and everything. So my purpose, I said, well, maybe I'll work for three or four years, try to raise enough money. And ultimately, I decided on going to the mainland after four years, which would have brought me up to 1942. Unfortunately, the war broke out in December of 1941. So whatever plan I had, I had to make drastic change. Instead of being able to go to the mainland in 1942 to pursue a higher education, I had to stay behind and go to the farm and make some livelihood for the family.

TOVES: Before this period, though, Judge, you said you sought employment?

JUDGE DUENAS: Yes. I worked in the private enterprise. And for a short time, I worked for Atkins-Kroll, here in Guam. Then I transferred over to the Naval Government Bank of Guam for two months there. And not long after that I was employed by the Public Works office for the Navy, Navy Public Works office. I was in the drafting division.

TOVES: Was that up to the point of the war?

JUDGE DUENAS: Yes. I was working at the Public Works office up to the beginning of the war.

TOVES: And what happened after the start of the war?

JUDGE DUENAS: Well, the war struck. As everybody knows, Honolulu was bombed. December 7th, Honolulu time, and it was December 8th here in Guam, early morning. We got the news very early in the morning of December the 8th that Honolulu was bombed by the Japanese, and that the U.S. will enter the war. And even then, there was already news going around the island that Japanese planes are being seen headed toward Guam. So not long after that, they started bombarding Sumay where they have the marine barracks, also the cable station, which is one of the centers of communication, and the Pan American activities over there. See, in those days, we didn't have any land air strip. All of the planes that were servicing Guam, like the Pan American, the so-called clippers, China clipper, and all those like that, they are ocean, seagoing planes.

So they have their airplane ramps in Sumay, which is now the Naval Station. So those were the areas that were bombarded. Oh, also, there's the Standard Oil Company. In other words, they set up their oil company, because there were a lot of naval activities built up in Guam. So they had the Standard Oil Company set up here, and then we had the so-called contractors from the mainland that were out here doing some construction work, which is tantamount to some sort of fortifications. Even if they had the capability then to bring it to a conclusion, it will not be enough to stop the Japanese.

TOVES: Can you tell us some of your experiences during the war, because we want to bring that up, and talk about it. It's a four-year period.

JUDGE DUENAS: Right. It was really a very drastic change in lifestyle, work, going to work, working in an office. Then one day, you're an office worker. Then the next day, you're out on the farm, working the farm, tilling the soil, raising livestock, and all those things, being exposed to the sun most of the day. I started working with my hands the first few weeks. I had blistered hands, I was sunburned, everything.

TOVES: Were you under Japanese command at that point?

JUDGE DUENAS: Well, really, no. The supervision of the Japanese was kind of not strict in the beginning. The first thing they did, after they invaded the island, is they had all of the people come to Agana. They want people to be registered and we were given some piece of paper, some kind of identification.

TOVES: This happened at the start of the war, or soon after that?

JUDGE DUENAS: Right after the occupation. And Guam was finally, Guam finally surrendered December 10th, 1941. That's when the then Governor McMillan, a Navy captain, was the so-called commandant of Guam.

TOVES: McMillan?

JUDGE DUENAS: David was his name. McMillan. He surrendered to the Japanese high command so that was the official termination Naval Government of Guam and the completion of the occupation by the Japanese Imperial Forces in Guam. Then immediately all the people were summoned to come to Agana, and we all had to go there. We had our names registered, then we were given some sort of identification paper and a piece of cloth. They were all written in Japanese maybe to show when we go in public to show that we are not enemy, or stragglers, or anything like that

TOVES: And everyone had a piece of paper?

JUDGE DUENAS: Yes.

TOVES: They all wore the same clothing?

JUDGE DUENAS: Not an official cover, but wear something like that (indicating)

TOVES: Like a badge, or something?

JUDGE DUENAS: It was something like that.

TOVES: Like a ribbon?

JUDGE DUENAS: Yes.

TOVES: Oh, you had to wear it all the time during the occupation?

JUDGE DUENAS: Well, no, I only wore it the first few days. After that, after everything settled down. That was very important, the first few days to show that you're really not an enemy. That you're only under their domination.

TOVES: And then you were allowed to go about your business, your everyday affairs?

JUDGE DUENAS: Yes. We went back to the farm and started planting and everything for our livelihood.

Every now and then some of the Japanese officials would come. They go around the farms. Some time they would come and order you to put up some supplies, like eggs, chicken, or what not. You have to supply them with those things. You had no, there's no alternative. And there's no remuneration. In other words, they say: "We want this, we want this, we want this." And you give it to them. Also, every now and then, they have those what is known as a, those days, the "kinpotai" (phonetic). That's a Japanese word which according to information I learned later on is something tantamount to a secret intelligence service. They go around snooping, like to find out whether you're in possession of some of the prohibited items, like you're not supposed to own any radio, you're not supposed to own any camera. If you have a car, you have to turn in your car. They go out and check and sometimes they enter your house where you're living. They don't need any search warrant.

TOVES: There was no such thing as search warrant then, isn't that right?

JUDGE DUENAS: No. They'll just come and say, "Well, how many people are living in this house?"

Said, "Well, so many."

"Where are they?"

"They're out in the field working," something like that.

"Well, you own a radio?"

"No."

“Are you sure?”

“Yes.”

“Well, we'd better make sure.”

So, they'll start searching the house, and the premises around the house.

“Do you own a car?”

“No.”

“Never owned a car?”

“Never did. So if you want to, you can go down to Agana and take a look at it.”

We were then living on the farm.

TOVES: Where is this farm that you're talking about?

JUDGE DUENAS: Down in Barrigada.

TOVES: Barrigada?

DUENAS: Yes, which is where the NAS Agana is now.

TOVES: So how long did you stay up there, for that whole period?

JUDGE DUENAS: No. We stayed there for, I think up to the latter part of 1942 or the early part of '43. Then we had to move out. Everybody had to move. We were all evicted because they want to start building their air strip for their airplanes. So that was really the beginning of NAS Agana when the Americans came, and they just improved the air strip.

TOVES: So was it the Americans that came in there in 1942?

JUDGE DUENAS: No, the Japanese.

TOVES: Only the Japanese?

JUDGE DUENAS: The Japanese started building the air strip.

TOVES: Oh, I see.

JUDGE DUENAS: That's why we were all removed from the area. And we ended up in Malojloj, Inarajan.

TOVES: And that was your march to Malojloj?

JUDGE DUENAS: Yes, right. So we spent one week transporting everything out of Barrigada to Malojloj. I had a bull cart. I had a cart drawn by a carabao, and we had to do this

at night. So we'd leave Barrigada at around 6:00 o'clock in the morning -- or 6:00 o'clock in the evening, we'll get to Malojloj at 6:00 o'clock in the morning because carabaos, they move so slowly. And we had to do it in the evening because you cannot get a carabao to do any work in the heat of the sun. You had to do it in the evening because it's cool. Then by that time, we were moving all our belongings from Barrigada.

TOVES: Around that period, did you witness any massacres, and all that?

JUDGE DUENAS: No. But there were some executions, public executions. Not long after the occupation, there were certain people who were working for Standard Oil Company, or one of the contractors, and they were accused of pilfering, or stealing something from the Japanese. And two of them were brought to what is now the Pigo Cemetery. It was a cemetery then, and all the public were notified that they had to be there, but I didn't go. We stayed at the farm. But the two were beheaded.

TOVES: This is before you moved?

JUDGE DUENAS: No, that was early in the war.

TOVES: Early in the war?

JUDGE DUENAS: Very early in the war; early, early in the war. But that was one of the first demonstrations of the war for the overall authority that they have, the Japanese, they can do whatever they want. And you forget about whatever constitutional right that you had. There's no such thing. Also, right at the eve of the actual occupation, when they started the invasion of Guam, which is December the 8<sup>th</sup> right after they started the bombarding of some of the vital areas in Guam, some naval activities, people were leaving Agana. Some of them left Agana two or three days later. And there were a lot of people who were caught on their way to the farm. They met these Japanese occupation forces. Some of these people would be traveling from Agana, going by way of the East Agana, going up to Dededo in the northern part of the island. And they met Japanese forces coming in through the beach, and they were just shot down, quite a number of them, some entire families. They were so unfortunate.

TOVES: Did you recall any atrocities or other significant happenings like that before your move from NAS to that area, to Malojloj?

JUDGE DUENAS: Well, I don't know whether you'd call it significant, but --

TOVES: Or not significant. What I mean is traumatic, just memorable experiences?

JUDGE DUENAS: Well, the only thing when they started building the air strip, we were all conscripted to work there. So we had to go to what is now the NAS Agana, clearing the area, carrying rocks and whatever is needed. In other words, everything is done manually. And we all have this so-called "bosses" watching over us. You don't have any time to lag, so we worked there every day. And then even when, before we moved to Inarajan, we were living outside the area, we still had to come to work. And that was the time when the American forces started their pre-invasion, re-occupation of Guam. And one of the targets they had was the NAS Agana.

TOVES: This was the American forces?

JUDGE DUENAS: The American airplanes were flying above, and we were working out there right out in the open. And they would start machine-gun strafing, and each one of us tried to go in different directions trying to find a safe place.

TOVES: So it was a pretty scary situation?

JUDGE DUENAS: Oh, it was very scary.

TOVES: Very scary times.

JUDGE DUENAS: The thing is they didn't have any way of knowing that most of the people who were working there were local people, and they are not really enemy people. They had no way of knowing that, so when they started this machine-gun strafing, each one went his own direction, some of them got caught.

TOVES: Any friends or relatives?

JUDGE DUENAS: I didn't see any. Not that I know of. I know some people but they were not friends or relatives of mine.

TOVES: Well, how long did this occupation by the Japanese up at NAS, how long did that last?

JUDGE DUENAS: Well, when we left the NAS area, we moved up to Malojloj. So we stopped working on Malojloj, I mean, the air strip. But then we were conscripted to do some

work on the shores of the ocean, on the beach, the beach fortification up at Inarajan, Merizo area. So we would be carrying or cutting down a lot of coconut trees to building their fortification on the beach, just in case the Americans decided to --

TOVES: Their forts, you said?

JUDGE DUENAS: Something like fortifications, yes. So we moved from one Japanese work area to another one which is the same. In other words, nothing different. It's all work. You don't get paid.

TOVES: I've heard stories about Mrs. Emsley. Were you anywhere near where, where she was?

JUDGE DUENAS: Who's that?

TOVES: This is Mrs. Emsley. Remember that lady that was --

JUDGE DUENAS: Well, no, we were up at Malojloj --

TOVES: Was she up in the northern part, or down south?

JUDGE DUENAS: No, they were, they were all, everything that happened to them was right down near Agana.

TOVES: Oh.

JUDGE DUENAS: Right around this area, (indicating Agana). See, some of these people were, some people stayed in Agana, they never moved out of Agana. They may know more about it than I do. Some of them were working with the Japanese on all kinds of odd jobs.

And Mrs. Emsley and about three or four of them, no more than that, were all taken to -- see all of these so-called caves around here on Cliff Drive, taken by the Japanese, some of them were put there and machine-gunned there. Some of them were taken out and beheaded. So Mrs. Emsley and there's another one, a young man by the name of Juan Cabrera, those were the two who escaped death. They weren't beheaded by the Japanese. Somehow or other, they survived. This was just on the eve of the American reoccupation. So they finally managed to get in touch with the American forces.

See, one of the main evacuation areas, when they started moving people from the concentration camp, just before the Americans came, people were all put in concentration camp

by the Japanese. And the main the concentration camp was up here in Menengon, near Talofofu.

TOVES: Menengon?

JUDGE DUENAS: Yes. Most of those people were placed there in Menengon, especially from the northern and central part of Guam. We didn't go to that concentration camp, because there were two other concentration camps around Inarajan, and we were in one of those concentration camps.

TOVES: Wasn't it also far from Agana to journey?

JUDGE DUENAS: Oh, far from Agana. The main objective of the Japanese in putting people in concentration camps was so that when it came time for the Japanese to annihilate them, they are there. So we were always under guard, day and night, in concentration camp. And time and again they would let us go out. And sometimes we would go out to our farm to get some food, but always with the understanding that we have to return, otherwise, if we don't return, the other members of the family, there will be some reprisal. There's no way of escaping. Even if you want to escape you have to think of the other members of the family of those in the camp, who were in the camp. Then they started the so-called annihilation process in Merizo. Remember, some of them were put in the some caves, and they were being machine gunned. A few of them survived but most of them died as martyrs of Merizo. And they started in Merizo and they were going down towards Inarajan. Fortunately, the Americans just came in the nick of time, and one day when we woke up, all the guards were gone. So some of the boys in camp went out in different directions searching for food. And one of them came back and said, "We met the Americans! The Americans are here!" And to prove that they were telling all the truth, some of them had some chewing gum.

TOVES: Any Spam?

JUDGE DUENAS: Chocolate bars and some of the so-called ration food. So when we saw those -- and cigarettes -- and when we saw those things, we said, "Then sure enough they're here." So after that, there were no Japanese. So we moved from Malojloj, we all moved down to Inarajan, into the village. We stayed there. Then not long after that, some

American forces started coming, and just --

TOVES: Judge, could you hold on?

(Turn of the tape to Side B)

TOVES: Do you want to just go ahead and continue?

JUDGE DUENAS: Did I mention something about the commencement of the annihilation of the --

TOVES: Down at Merizo, you did.

JUDGE DUENAS: Yes. And they were already coming down to Inarajan through the hills. Yes, I think we went over that.

TOVES: Yes, we covered that.

JUDGE DUENAS: Well, after the Japanese guards left the concentration camp, we all moved down to Inarajan village. And not long after that, some contingent of the armed forces came to Inarajan by way of the ocean. In other words, they left Agat, and they went all around the southern part of the island. Then they went into the beach up at Inajaran and all the way from the ocean to -- they have the so-called, we called them the "docks" in those days, but actually they're the LST (landing ship transportation). In other words, it's something like a vehicle with wheels. They are operated in the water, then when they get into the land, they become something, mobile docks, or something. So they came in and then we had the opportunity -- we were offered the chance to go from Inajaran, go to Agat, to an area in Santa Rita where they're start setting up camps for the refugees, so we took that opportunity, and we rode by way of the southern part of the island all the way to Agat. That's where we met a lot of relatives and friends that we had not seen since just before the reoccupation of the island. That was quite an experience.

TOVES: Okay. Anything else you want to cover about the war?

JUDGE DUENAS: Well, there are a lot of -- you asked me whether I did suffer, whether I was tortured by the Japanese.

TOVES: Right. During the break, I did ask you, but I wanted you to put on the record.

JUDGE DUENAS: I was fortunate enough in that I was not tortured. What I did was

I tried to minimize my contact with the Japanese as much as possible. There were times when I just couldn't do it. But I remember one Sunday afternoon, it was a off day, we didn't work at all. So my cousins, one of them was Monsignor Zoilo Camacho and another cousin, Ricardo Camacho Flores, the brother of the late archbishop, they came up to our place in Barrigada, we spend most of the morning, Sunday morning hours there. And then early in the afternoon they invited me to come down to their place in Tamuning. So we went with them there, and we had taken the road from Barrigada to Agana, which is a pre-war road, a crossroad, but it is very passable, even cars can go through. We started going down towards Agana. But before we -- not long after the left the farm, there's a building on the coral road, one going up to Barrigada and one going to Mangilao, which is now the Price Road.

TOVES: Right.

JUDGE DUENAS: On the corner, there's a building there, and that's where the Japanese teachers, they called them "sensei" staying there, because he was the one who was teaching all of the young kids up in that area Japanese, learn Japanese culture, and everything. So before we left the farm, we were drinking a lot of tuba, and we had enough. At the time when we passed this building where the sensei was staying, we started singing American songs loud, "God Bless America," and all those things. Boy, that's something that you shouldn't do! I mean, if any Japanese heard. The Japanese teacher was there with one of the Saipanese interpreters. They asked us to stop. Instead of stopping, we kept running, but they finally caught up with us, and they brought us back to the quarters, They asked, "Why are you singing that song?"

"Well, it's the only song we know."

"Yes, well, but it's an American song."

"Yes, but it's harmless."

"But we don't want you to think of America. You are now a Japanese citizen, your loyalty is to the Imperial government."

TOVES: Were you speaking English at this time?

JUDGE DUENAS: No, that's through the interpreter. He was talking in --

TOVES: In Japanese?

JUDGE DUENAS: Yes. Well, we were talking in Chamorro, and we had this Saipanese interpreter. They were kind of this --

TOVES: They were brought over from Saipan?

JUDGE DUENAS: Brought over from Saipan. They are the interpreters. So we were, the sensei was asking all the questions in Japanese, and he was the one who was interpreting them in Chamorro. Then we will respond in Chamorro again, so I don't know whether this Saipanese interpreter pleaded for us, or what, but he must be a kind-hearted sensei, because all he did say, "You're were fortunate, because if you should be caught doing that by some of the members of the military, you will be executed right on the spot."

TOVES: Right on the spot?

JUDGE DUENAS: Yes. But he said, "You know what I'll do, I'll give you a few slappings." So were slapped on the face, and then we were told to go and never to mention anything about the incident. That was it.

TOVES: That was your only experience?

JUDGE DUENAS: As far as torturing is concerned, I was never tortured.

TOVES: You mentioned earlier about your brother Edward and Father Duenas. Can you tell us about that? Was this during the war?

JUDGE DUENAS: During the war.

TOVES: Can you tell us about that?

JUDGE DUENAS: After we moved from Barrigada, we moved from village of Barrigada to Malojloj, Inarajan, because Father Duenas was left in charge of the southern part of the island. After all of the priest left, Father Duenas was left in charge by then Bishop Olano. So he became something like vicar general. He was in charge of the church here, and working with him was Monsignor Calvo. So he divided the area into two. One took care of one and he took care of the southern part, and he left the northern part to Monsignor Calvo. So since he was staying in Inarajan, he was the one who suggested that we move from the village of

Barrigada to Malojloj. That was how we ended up in Malojloj. So my brother Eddie and his family, they came with us and stayed with us. Then one morning in the latter part of June, in 1944, early part of July, some of these members of the military contingent stationed in Inarajan came up to our place in Malojloj, and they took Eddie, my older brother, said he was needed down in Inajaran to be questioned on certain matters. And we found out later on that he and Father Duenas were accused of being American spies. So that was the last we saw of them. But according to some people living in Inarajan, they told us that they were really tortured day and night. And finally they were brought up to Tai, which is the other side of the Father Duenas Memorial School, and that's where my brother, Father Duenas and two others were beheaded the morning of July 12, about nine days before the start of the invasion of Guam.

TOVES: Wow! So that was sad for you learning that.

JUDGE DUENAS: Yes, right. That's where they were beheaded. And right up to the --

TOVES: Why were they beheaded, Judge; do you know?

JUDGE DUENAS: They were accused of being American spies.

TOVES: Okay.

JUDGE DUENAS: Father Duenas was that type of a man who would stand up for his principles. In other words, he was not being disrespectful to the Japanese. But if he feels that his principles had been compromised, his regular stand is on behalf of the church. Like, there was one instance when he was asked to remove the cross that was placed in the front part of the church, the old church, not this cathedral now, and he refused to tear it down. He said, "No, if you want to tear it down, do it yourself, but I'm not going to desecrate the cross because of my religious belief. I honor the cross. If you want to remove it, do it on your own, but I'm not going to do it." Those are things like that. Sometimes they tell him that he should not be doing some religious counseling to restrict his religious activities, discipline the people, marrying them, things like that. He said, "No, I'm a priest, and these are my flocks. I have to tend, to attend to their every need." He says, "You can arrest me or do anything like that, you can do it, but I'm not going to stop." Those are the things that start building up, so finally, I don't

know where they got that information that he – that's Father Duenas and my brother Eddie, were American spies. They were apprehended, interrogated, and finally they were executed by beheading.

TOVES: Do you know of any other personal accounts, or see any personal accounts of women being abused by the Japanese?

JUDGE DUENAS: Oh, yes. Heard a lot of instances. Some of them would be retained by the military, like working for the, some army officers as maids. They attend to their every need. There's times when they were sexually abused, there was no place for them to file for any complaints, to lodge their complaints.

TOVES: Are there any other accounts of the war that you want to bring out?

JUDGE DUENAS: Well, there were a lot of atrocities. I remember one day we were coming from Agana, and we were trying to get away from traveling on the highway, tried to travel through the jungle. But there was one location when we had to go through the "sabana" (savannah), the wide open space, no trees, nothing, just sword grasses. Then out of a clear blue sky, we saw some of these American airplanes coming in our direction. I think there were about fourteen or fifteen of us at the time. And, my God, we were all afraid that we would get --

TOVES: You might, you might get bombed.

JUDGE DUENAS: Get machine gun strafing.

TOVES: Had you actually seen bombings and machine-gun strafings, or things like that?

JUDGE DUENAS: Oh, yes. But in this particular instance nobody -- well, we started waving at them, trying to make them notice that we were not hostile forces. So they circled around us two or three times and then they left. Maybe they concluded that we were local people and not enemy forces. Well, we didn't have any guns, nothing.

TOVES: This was towards the end of the war?

JUDGE DUENAS: This was just on the eve of the invasion of Guam around June. Because Guam was actually, the occupation finally concluded around July 31st. That was the day when the American forces said that Guam was fully secured.

TOVES: Were you able to witness any of the activities down in Agana during the Japanese occupation?

JUDGE DUENAS: Oh, yes. They had a lot of social activities. They have their own propaganda machine, too.

TOVES: What was that?

JUDGE DUENAS: Propaganda activities. They try to convince the people -- they were doing their best to convince the people, that the Americans are bad, they are not good, and the Guamanians are really fortunate that we are now under the Emperor, and that we will be headed toward a good life. We have some programs, like dancing, some sort of entertainment to amaze the local populace. And they can use the local Sunday afternoon. We seldom come down to Agana for those activities.

TOVES: Because you're too busy at the ranch.

JUDGE DUENAS: Not only that, as I said earlier, the least, the least contact I had with the Japanese the better off.

TOVES: And I think it's too far to walk from Malojloj to Agana?

JUDGE DUENAS: Yes. But even when we were still out there, especially in Barrigada, it's not far. And they were somewhat nice in their own way. But especially the civilian part of the Japanese group, they were trying to be nice, but it was the military, who were mistreating the people at the time, and they are really the -- they are the bosses.

TOVES: So that's right up towards the end of the war. Can you tell us about other accounts?

JUDGE DUENAS: Well, we can tell that the war was turning the other way around. They were having their reverses. We heard through the grapevine about the Battle of the Coral Sea and the invasion of Wake Island, we heard about Midway Island. And we heard about some of the --

TOVES: How did you hear about these? Through a radio network, or

JUDGE DUENAS: No. Well, some of the people, some of the people still had their radio. They understand radio, they managed to be receiving news through their radio, they'll

spread out.

TOVES: These are the people that didn't get caught with their radios?

JUDGE DUENAS: Yes. Well, they, they were operating their radios. They took chances. Then, it was mainly through Father Duenas that we'll be hearing these news because he has, he had his sources, and he was telling me that this is what happened during the war. When the Japanese forces invaded Guam, everybody expected that the Americans will be back in a matter of six months. We never dreamed that it would be longer than that. Then after the first year, we started hearing that things are not going well with the Americans. The Japanese invaded Corregidor. They were preparing to invade Australia, and all those things and Wake Island fell. So all those, it all sounded dismal. So it, it was very discouraging. So if they should ever come to Guam, it might be too late. Let's just hope that there will be somebody left by the time the Americans got here.

TOVES: Did you think that the war with the Japanese diminished the population, Judge? Do you know what the population was before the war?

JUDGE DUENAS: Roughly, I think it was between twenty-one or twenty-four thousand.

TOVES: Then after the war, how many do you think was left?

JUDGE DUENAS: Well, it's was right around that area. People were killed, but there were some being born, there were some -- it may be less than twenty-four thousand. But it's a very small population.

TOVES: Yes. It was, it was small.

JUDGE DUENAS: It was small.

TOVES: What happened to the hundred thousand that used to be here?

JUDGE DUENAS: No.

TOVES: That was before the influenza, probably, way back.

JUDGE DUENAS: No, that was way, way back. And that, according to some people, historical account, that when the Spanish first came to Guam, that there were, the population of Guam was around one hundred thousand. Then a lot of the people, especially the young men,

there were a lot of them who died battling the Spanish. Then in one year we had this so-called pestilence. According to some historical account, the population went down as far as about fifty-five thousand.

TOVES: And they never managed to bring it up to before the war?

JUDGE DUENAS: Yes, before the war.

TOVES: Okay. Do you think we covered pretty much of the war, or do you still remember some of, or that you might have forgotten, you might want to do now?

JUDGE DUENAS: Well, there are a lot more. I just can't recall them. We have family that can come and --

TOVES: Yes, and we can always insert --

JUDGE DUENAS: Something like that, sure.

TOVES: -- whatever you want after we transcribe and edit.

Okay, the end of the war, the period of around the ending of the war, can you go into that period? Do you know what occurred then?

JUDGE DUENAS: Well, the first thing that happened when the re-occupation forces came, what they did was to try and establish some form of government for the island. In the beginning, it was called the military government of Guam. And that was headed by a major general of the Marines. He was called an island commander. And he had under his staff certain segments, something like, he had these civilian affairs.

TOVES: Let me turn this over.

(Technical break)

TOVES: This is a longer tape, so I don't have to change it at the same time as the other one. Okay. Talking about the Island Commander?

JUDGE DUENAS: Yes, the Island Commander I think his name was Larson, Major General Larson, was a Major General in the Marine Corps. He was the so-called Island Commander who was in charge of the military government, that's the government that deals with the civilians. Then they had some administrative agencies, like, a civil affairs workers, and they had some so-called government branches, established the judiciary, have the department of

records and accounts, that has to do with the records of land and licensing, and what not. Then they had a so-called disbursing office, that takes care of all the payroll and the compensation of the people working for the military and civilian workers.

When the court was first established in Guam, we had a military officer who was the judge. But then they recalled some of the judges who were in the bench before the war. Like, there was Judge V.B. Camacho , Judge Jose M. Camacho, and Judge Manibusan, that's Jose C. Manibusan, the father of Joaquin Manibusan and Joaquin Manibusan III who is the Judge of the Superior Court. So those were the early judges then.

TOVES: There were three of them?

JUDGE DUENAS: Three of them.

TOVES: V.M. Camacho, Judge Joaquin V.A. Manibusan --

JUDGE DUENAS: No, that's Jose C. Manibusan and Jose M. Camacho. There were two Camachos.

TOVES: Oh, okay. They are two brothers?

JUDGE DUENAS: No, they are related, but they are not brothers.

TOVES: V.M. Camacho, is that --

JUDGE DUENAS: No. J.M. Camacho and V.P. Camacho.

TOVES: V.P. Camacho. Okay.

JUDGE DUENAS: And Jose C. Manibusan.

TOVES: All right. That is the Military Court, or the Island Court?

JUDGE DUENAS: No. It was Island Court. I don't remember what they called it, whether it was Island Court, or --

TOVES: Under the military --

JUDGE DUENAS: But it's for civilians. Then they have the attorney general at the time was one of the legal officers in the Navy. All of the branches of the government are headed by naval officers. I was working at the time for the disbursing office. It was headed by a lieutenant and a supply officer of the Navy. And the Department of Records and Accounts was headed by another lieutenant supply officer. Governor (Carlos) Camacho was working at the

time with the department of records and accounting. We'll come back later on, because this ties in with how we ended up in the United States going to college of Aquinas, Aquinas College in Grand Rapids.

TOVES: Were you covering the judiciary part now?

JUDGE DUENAS: No, no.

TOVES: How it was established?

JUDGE DUENAS: No, no, no. I'm just talking about the military government.

TOVES: Oh, okay. Maybe later on, can you concentrate on just the judiciary question?

JUDGE DUENAS: Oh, right, right after the war, because there was a transition of the so-called military government to naval government. And when it became a naval government, it was then headed by an admiral in the Navy. If I remember correctly, I think it was -- I was away from the island at the time -- Admiral Pownall, P-O-W-N-A-L-L, he was --

TOVES: Do you know his first name?

JUDGE DUENAS: I don't know if it was William, or something. But he was the first so-called naval governor after the re-occupation. So that was the transition from the military government.

TOVES: This is about 1944?

JUDGE DUENAS: Yes, 1944 to about -- the military government, it was still called a military government from 1946, until the day I left Guam.

TOVES: That was 1946, when you left Guam?

JUDGE DUENAS: Yes. According to the information I had, it was from 1947 or 1948 that it was changed from military government to naval government. To tell you the truth, don't know what the difference is. Military government, naval government, it's all under the military, be that as it may, that was the transition. Then later on after that I think it was under the Organic Act that we had our first civilian governor. But we'll come to that later.

TOVES: Because we want to cover this part where there was, was it reoccupation by

the Americans, what had to be done with everybody, the people of Guam then.

JUDGE DUENAS: Well, for the people, there was a lot of employment now, because the navy, the military were really building up Guam, preparing for the invasion of Japan, and this was the main stage of the American forces moving into Asia. Admiral Nimitz was then headquartered in Hawaii. He came to Guam, established his headquarters here in Guam as Naval Commander Marianas. It was then called Naval Command Headquarters. And there was a really large buildup where the naval supply depot is, part of the naval station activities now. They had concentration of war supplies, everything needed for war, vehicles. They built up NAS Agana; they built up Andersen Air Force Base, then there was another base called Northwest Field, also Harmon Air Strip.

TOVES: So there was employment for the citizens of Guam?

JUDGE DUENAS: Oh, it was really a military build-up.

TOVES: So right after the reoccupation, did you also have to go through like a census like the way you did after the Japanese invaded?

JUDGE DUENAS: No, no.

TOVES: You didn't go through the American process of identification for the citizens?

JUDGE DUENAS: Later on, they started taking census.

(End of Tape 3)

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TOVES: Where we left off the last time, we were talking about the period after the war, the activities that were taking place.

JUDGE DUENAS: We had, we started taking census. Primarily something like a head count, trying to establish who died during the war, who were killed, because they accumulated some of those -- they also established an agency, I cannot recall the name, a land and claims commission. That's where the people filed their claim from all of the destruction that occurred during the war, especially during the reoccupation, when some of their farms were destroyed, their farms, and crops, and their cattle, everything, their livestock.

Another thing that I failed to mention is they had this military court for those Japanese officials who were accused of crimes against humanity, something similar to the one in Nuremberg. And they, most of the Japanese prisoners were placed in what is known as the --

TOVES: Fort Soledad?

JUDGE DUENAS: No, no, right on the Nimitz Hill area. They had what they call a stockade. And most of the Japanese criminals were placed there who were so-called "war criminals." They were brought down to Agana every day, because they had a military court right here next to where we were working. It's for so-called "war criminals." They were right there, and some of them were executed like Major \_\_\_\_\_, all those others. Some of the high, high military officers here in Guam who were accused of military brutalities. So they were tried here in Guam. A lot of the men were executed.

TOVES: So did this all happen in the three-year period that the Japanese were here?

JUDGE DUENAS: Right after the war. After the end of the war they were rounded up, and they were placed in the stockade up there, and they started their investigation of war brutalities and what not.

TOVES: Did they bring everybody out from the jungle, the Japanese?

DUENAS: Not, not all of them, because we have one straggler. The military forces here had this so-called "combat patrol." They were marines. They were joined by this civilian

group, so-called combat patrol group. They went out in different areas of Guam looking for these so-called "Japanese snipers," those Japanese who never surrendered. Some of them confronted, there were some skirmishes. Some of those persons were members of the combat patrol who died in the course of their mopping up operation of Guam, even some Guamanians.

TOVES: Were there some Guamanian traitors, Judge, who joined the Japanese forces; do you know?

JUDGE DUENAS: There were some rumors, some -- they were, they were not really credible, some about aiding the enemy one way or another, but nothing came out of it.

TOVES: They weren't executed by the Americans?

JUDGE DUENAS: No. None of the, none of the local population were really tried for any war crime. None that I know of.

TOVES: Did you know of George Tweed during this period between the Japanese and what they were doing?

JUDGE DUENAS: The Japanese really spent a lot of time looking for a George Tweed. Because right after the Japanese forces invaded Guam most of the Americans were, they were placed in a prison camp there before they were shipped to Japan. They were removed from Guam and they were shipped to Japan. Every civilian American, like Mr. Underwood, all those other civilian Americans were here on Guam. Most of the Americans were placed in a prison camp. The American military business were all shipped to Japan, as well as all of the Spanish priests, too.

TOVES: Were there some Guamanians that were sent to Japan too?

JUDGE DUENAS: No, not from Guam. Those were taken prisoners on Wake Island. They were Guamanians, but they were working on Wake Island, and working for, I think for Pan American.

TOVES: Pan American. Right.

JUDGE DUENAS: Then when Wake Island was invaded by the Japanese, they were taken prisoners, they were taken to Japan somewhere. They were, only repatriated civilians that were accused of committing any crimes, they were tried here on Guam. They were never sent

to Japan.

TOVES: When was that, what period, what year was that when George Tweed was finally out of his camp, or taken out of his cave? Was that during the end of the war or sometime during the war?

JUDGE DUENAS: No, it was right before the actual end. In other words, it's during the days of the pre-invasion days. It was up at what is now Andersen Air Force base, the Artero property, Upi.

TOVES: Upi?

JUDGE DUENAS: Yes. That time Antonio Artero was the one who was really taking care of Tweed. Tweed was hiding on the Artero property, and in that area, he had a good view of the ocean. Finally managed to send a signal. He was a radio communications officer in Guam. But he, Tweed, was sending communication to the ship out in the ocean, for the submarines. They came out and brought Tweed out to one of the ships. And he was sent out to one of the American war ships. He was the one who gave them information. That was how Tweed was rescued.

TOVES: Was that long before the end of the war?

JUDGE DUENAS: Just before the reoccupation of Guam. The Americans were already bombarding Guam.

TOVES: Oh, okay.

JUDGE DUENAS: The American war ships were surrounding Guam. And Tweed had the opportunity to send some signal to one of the ships there, went out to the ships. People were being punished by the Japanese, because of the way they were accused of hiding Tweed. Maybe some of them were beaten, a lot of people suffered for Tweed. When Tweed escaped from the Japanese, they didn't surrender. There were about six or seven of them, and they were all, his buddies were working for the -- there was sort of a communication office in Agana. They have radio facilities. So Tweed and some of his buddies, instead of surrendering, they hid in the jungle. They were all looking for them. I think all of his buddies were caught by the Japanese, and from what I heard they were all executed. Tweed was the only one that really

evaded the Japanese.

TOVES: Anything else, especially about the judiciary, Judge?

JUDGE DUENAS: Do you want to go to that now, or take a break?

TOVES: Yes, we could take a break right now, if you want. That'll be fine.

JUDGE DUENAS: A short break.

TOVES: Okay.

(Brief recess)

TOVES: Judge, right after the war, during the war, I'm sure you, you probably didn't have the same diet and everything, during the war. So your health might have changed a little? Could you tell me of your health?

JUDGE DUENAS: My health was better during the war than before the war, because for one thing we were eating food which does not have any preservatives.

TOVES: All organic?

JUDGE DUENAS: Organic. All the vegetables that we raised on the farm. The fact that we rest, coupled with a lot of hard work, labor. In other words, we were in good shape. And we had enough to eat, more than enough. We were never lacking in food.

TOVES: Because of the farm, you always had to plant for the Japanese, and you were raising livestock for the Japanese?

JUDGE DUENAS: We were fortunate in the sense that before the war, after my father retired from the government position, we had this farm in Barrigada. We always had that farm. So my dad had someone helping him, so we had some livestock. We had chickens, and we were raising some pigs. And we had some cattle. And there was some plants, sweet potatoes, taro, and all those things. So up to the time when the war broke out, we had everything there, not like a lot of people. They had to start from scratch. They had to even go to somebody's property to find a place to live. And in that sense, we were very fortunate. We were never lacking in food, or anything.

TOVES: I know, my parents always talked about how they were so poor during the war days.

JUDGE DUENAS: Yes, a lot of people were, they were not prepared. There were a lot of so-called “city people.” As I said, we were really fortunate, because my father decided for something to keep him busy. So we had this farm there at Barrigada, and he had about one or two people helping him. So he did a lot of planting, planted a lot of coconut trees. We had arrowroot, taro, lemon trees. He was raising chickens, we had pigs, so we were not lacking for food. What we did is just continue on the way we did. We planted a lot of corn. As a matter of fact, when we moved up to Inarajan, Malojloj, we had on the farm these 50 gallon drums, fully covered of dried corn. So we dried a lot of corn from one crop. We put them in the 50 gallon drums. Then when we moved up to Barrigada, and we had four or five drums of dried corn. So we had a lot of food.

TOVES: Enough to last you for years, right?

JUDGE DUENAS: Yes. The war ended, we still had a lot of corn. Then we had a lot of sweet potatoes. We planted everything -- pumpkins and beans.

TOVES: You were well off.

JUDGE DUENAS: Oh, yes. You know about the tapioca or casava?

TOVES: Right.

JUDGE DUENAS: Mongo beans, black-eyed peas, lima beans, and lemon, all those. We were living well off.

TOVES: Did the Japanese take some of your produce from there?

JUDGE DUENAS: Oh, yes. Every now and then, they come and ask for something-- eggs, chickens.

TOVES: You had two sources of people getting food from you?

JUDGE DUENAS: Well, I will say we were somewhat fortunate in Guam. We were fortunate in the sense that we never lacked for food. Some people would come to our place, and they would ask us, whether they can go into our sweet potato patch dig for some sweet potatoes or, or pumpkin patch, you know this so-called “puntan calamasa.” People will come to us. Maybe it was through the grace of God. We had this sweet potato patch, and we took a lot of sweet potatoes out of it. People would come and ask. And people would come, go into

our sweet potato patch and avail themselves. We say, "Go ahead and see if you can find anything," and you know to our surprise they always come out with a lot of it.

TOVES: It seems that it keeps reproducing.

JUDGE DUENAS: Yes. And a few days later, another one would come and check. Said there must be a miracle. There was always something there for them. Some needy would come into the pumpkin patch. Went in from one end to the other, then a few days later someone comes in again. One time we planted some cucumbers.

TOVES: Cucumbers? You planted cucumbers back then?

JUDGE DUENAS: Oh yes.

TOVES: I thought that was very rare.

JUDGE DUENAS: Even mongo bean, everything, That's why I say we were really fortunate because we have all; we have limes, lime trees, lemon trees.

TOVES: So your health, your health was pretty good?

JUDGE DUENAS: Oh sure.

TOVES: Pretty good, back then, by the end of the war?

JUDGE DUENAS: Oh, yes, we had no complaints. Maybe we didn't have some of the luxuries, like we didn't have ice cream, we didn't have cakes. But even that, with this --

TOVES: When the Americans came in, did they bring that?

JUDGE DUENAS: Yes, but not during the war, but a lot of people were very resourceful. Like they'll take this fadang "Federico palm," then they'll dry it up, mash it up, make flour out of it, and some of them would make tortillas. Then, we'd do the same thing with this arrowroot crop.

TOVES: What did you make out of the arrowroot?

JUDGE DUENAS: Arrowroot, you can make roskete. Then we have cassava, what we call "mendioca." Same thing.

TOVES: You make roskete out of that, too?

JUDGE DUENAS: Well, we made flour and often we'd make cakes out of it. Good substitutes, flour substitutes. Another thing, we were not lacking for coffee.

TOVES: You also grew coffee here?

JUDGE DUENAS: On our farm, we had some coffee trees. We had two kinds. There was a so-called Liberian coffee. The other one, a so-called Arabian coffee. Coffee was really scarce. They didn't have any coffee. They didn't sell any coffee. But we were never lacking for coffee. We always have our own coffee.

TOVES: It was like a rich man's food back then?

JUDGE DUENAS: And then we don't have maple syrup, but we had coconut syrup. We made syrup out of the sweet "tuba."

TOVES: How did you make that?

JUDGE DUENAS: We would just boil it, and keep boiling it.

TOVES: Boil the tuba.

JUDGE DUENAS: You got a sweet tuba, very sweet, keep boiling it, and then it --

TOVES: Did it change its color, or --

JUDGE DUENAS: Yes. It became a golden color.

TOVES: Maple-ly?

JUDGE DUENAS: And it's syrupy. It's very good syrup.

TOVES: I'm going to try making that.

JUDGE DUENAS: But it takes a long time. And then we had our own vinegar, out of the tuba.

TOVES: Out of the tuba, too?

JUDGE DUENAS: Yes. We can make vinegar, and then the so-called "agi." Then we have candy; out of the coconut, coconut candy. When we sweeten the coconut candy, we use the coconut syrup. Then we have the coconut oil we use for frying. So, that's what I mean when I say we had everything.

TOVES: And during the war period, even?

JUDGE DUENAS: Like he (father) had the foresight, that the day will come when you will really need the farm. That was really what happened. We had it really made to order.

TOVES: And all for your brothers and sisters?

JUDGE DUENAS: Not only that. There used to be more of the house. Just the frame of the house was still standing.

TOVES: After the war?

JUDGE DUENAS: No, this was just before the war. And during the war, what we did is we brought some material from Agana, and we rebuilt the building and that's where we stayed.. We were very fortunate.

TOVES: Can you recall what were the major events that happened around that period, the end of the war?

JUDGE DUENAS: That's the period when the Japanese --

TOVES: The end of the war period?

JUDGE DUENAS: The end of the war.

TOVES: The major events of the world. Like the United States, who was president then; do you remember?

JUDGE DUENAS: Well, we found that out. I found that out right after the war. President Roosevelt. Franklin Delano Roosevelt. He was the President before the war, right around the depression era. He won. But we didn't know that he was reelected for a third term. So after the war, he was still President. He died, and Truman became President.

TOVES: The declaration of the end of the war came from him? The Japanese war, or --

JUDGE DUENAS: Yes. Let me see. No, I think President Roosevelt died. He was already pretty much --

TOVES: He died?

JUDGE DUENAS: He was old. It was Truman who ordered the dropping of a atomic bomb in Hiroshima. Truman was President.

TOVES: What year was that, do you remember, Judge?

JUDGE DUENAS: 1945.

TOVES: This was Roosevelt?

JUDGE DUENAS: No. President Roosevelt died before the end of the war. As a matter of fact, Truman was President when the war ended. He was the one who ordered the

dropping of the atomic bomb.

TOVES: Any other major events that you know of for that period? And then we'll just end this for today.

JUDGE DUENAS: Not offhand. There were a lot of things. See, one of the social activities then on Guam on the farm, some of the houses in Guam had these thatched roofs, instead of the corrugated tin. So when people moved to the farm during the war, they started building their houses. They have to cut these coconut leaves. They would use that to build the so-called thatched roofing. And the people will gather at night, joining together, like one person will build a house, then go help the other build. The others would come and join him helping the other. They would cut the coconut leaves during the day. Then at night, women and the children, and everybody will start weaving these coconut leaves for the roofing, thatched roofing. And that's where they have all these, something like a fiesta. They get together. There will be music, will be singing, eating, drinking.

TOVES: So also music would be played?

JUDGE DUENAS: The guitar -

TOVES: People had guitars?

JUDGE DUENAS: Mandolins. Banjo.

TOVES: Oh. How did they get a hold of that?

JUDGE DUENAS: Well, some of the people, they have those.

TOVES: They had those before, even in the war?

JUDGE DUENAS: Yes, so they even had dancing, singing. They'd usually have these moonlight nights. It was beautiful.

TOVES: Beautiful, yes.

JUDGE DUENAS: Peaceful. The young men would have the opportunity to meet young girls to do their courting

TOVES: After all it was war period for the last three years.

JUDGE DUENAS: And the old ladies also would be weaving while the young ones would be happy.

TOVES: And so after the war, the people went back to the religious activities around the church or the family?

JUDGE DUENAS: After the war, yes, we had the church. The church really played a very important role. In the rehabilitation, people coming out of a lot of shock and people would be sick. There was a lot of need, so the church played a very important role getting the people together.

TOVES: Any other social activities in Guam besides the church and family?

JUDGE DUENAS: Weddings, and baptisms.

TOVES: The usual.

JUDGE DUENAS: The war never put a stop to it. So we still have weddings and wedding parties. Still had small parties. Whenever they find the time for it, so of course, there were social activities.

TOVES: So it was back to normal after the war?

JUDGE DUENAS: Even during the war, they were --

TOVES: It was still, it was happening during the war?

JUDGE DUENAS: Yes. People get married. Maybe a small gathering, but --

TOVES: Who would marry them -- the Japanese or the priest?

JUDGE DUENAS: No. Monsignor and Father Duenas, they used to go around, baptizing the young, then marrying them, saying masses.

TOVES: And the Japanese won't interfere with that activity?

JUDGE DUENAS: Well, they tried to discourage it, but there was a time during the war when two Japanese priests came to Guam to help out. And one of them was a monsignor. The other one was a regular priest and Guam's Father Camacho. The monsignor was -- can't remember his name -- something like Roman, and a few people, they knew that they were helping out just because of the fact that they were Japanese. It was very slow for the people to place their confidence in them. It was a very slow process, but they finally came to the point where they really trusted their religion, the church.

TOVES: So you want to end this now?

JUDGE DUENAS: I think there was a time when this monsignor was trying to soften up Father Duenas, to be more cooperative with the Japanese. Father Duenas told them, "You may be sent here by the Japanese government or the church in Japan, but bear in mind that I am in charge of the church in Guam, and as far as my part of the church, you don't tell me what to do."

TOVES: He was really stout about his church then.

JUDGE DUENAS: Right. Then the monsignor said, "Well, I'm not trying to tell you what to do, but you know the Japanese are in control of Guam, now, and you'll have to cooperate with them." Father Duenas said, "Well, I'll cooperate up to a certain point, but when it comes to -- when it comes time for them to interfere with the exercise of my priestly function, then that's the time for them to try and accept."

Want me to go on? Well, we can always come back to that.

TOVES: Okay. We can always come back. Yes, we can end it right now.

JUDGE DUENAS: All right. Maybe there's something that I can recall later on.

TOVES: Right, yes. Then we can always insert.

(End of Tape No. 4)

**Continuation of Oral Interview  
Retired Judge Duenas, District Court of Guam  
April 22, 1996 -- 9:15 a.m.**

**Tape 5**

TOVES: Today is Monday, April 22nd, 1996. This is a continuation of the oral interview of the Honorable Cristobal C. Duenas, retired judge, District Court of Guam.

JUDGE DUENAS: So I came up 10 July, 1944, and I started looking for a job, came down to Agana from Inarajan. The first I remember now, I met Mr. Salas. He used to be Supervising Draftman there at Public Works just before the war. He told me that he met the commander of the Chief Naval Construction Brigade who were on the island, came to the island to take care of all the construction work for the military. This is the so-called construction battalion, "Sea-Bees." And he was the commanding officer of that Fifth Construction Brigade. According to Mr. Salas, he was an old friend of his because he was a former naval officer here before the war.

So he told Mr. Salas that he is interested in trying to get all the civilian workers from the Public Works Office before the war, and see whether they can be given some position within the construction brigade. So Mr. Salas asked me whether I would be interested in working there should there be a job. I said, "Yeah." I had nothing to look forward to, and hadn't gone to prospect for a job, any job will do. So we were recruited. Some of the former employees, pre-war employees, assembled together, and there was really no major organization at the time relative to receiving civilian employees to make them work within the military fabric. So we didn't have much work to do in the early first few months. We just tried to find something to do to make our time worthwhile.

Then in a few months, I felt that there's not much to be done. I didn't see any prospects there. So I decided to look for a job somewhere. So I found this – found there was an opening in the disbursing office of the Navy military government. And I was hired by that office, and I worked there for the remaining portion, up to 1946, just before I left the island. Most of the work we did was preparation of the payroll and preparation of some accounting report that we had to make to the Bureau of Supplies and Accounts in Washington. We were now making payment through the various military outfits under the military government. That was the main

job we had. Then as soon as it became possible for us to leave Guam, I resigned from that job. That was the end of that position in Guam.

TOVES: What made you decide to go to college?

JUDGE DUENAS: Well, that has always been my dream since I was in high school, that I would like to go to college and further my education, and pursue a career. Before the war, when I was working in the drafting office, I became interested in architecture, and I felt that if I should go to college I would take up architecture, work as an architect. So that was it, that was before the war. But after the war, and then after what happened to my brother Ed, the one who was the island attorney that was beheaded, that served as an inspiration for me to become a lawyer. So I made my decision, instead of taking up architecture, I'll take up law.

TOVES: That early in your college years since you left for college?

JUDGE DUENAS: Even before I went to college. I was thinking about architecture before the war when I was working in the drafting office there. Then, should I leave the island to pursue further my education, that I will take architecture and to be an architect. But then after the war, that was the turning point. Instead of going to architecture, I decided to go into law. That was even before I left the island. That was the time when I made up my decision to take up law.

TOVES: When you went to college, where did you go?

JUDGE DUENAS: We left Guam in early August of 1946, and we went through an ocean freighter.

TOVES: Oh, you had to ride a boat to get to the States?

JUDGE DUENAS: Right. There was no commercial airline at the time. Pan American had not yet been re-established. So the only opportunity we had was to take up a pass to go through some of these freighters that were serving the military. They had very limited capability to absorb passengers. On each freighter, they can only take about twelve passengers. That's how limited their accommodation is. That was the mode of transportation we had when we left Guam in 1946. It took us about eighteen days to get to San Francisco non-stop. We didn't stop. We didn't stop in Hawaii. Straight through from Guam to San Francisco.

TOVES: What made you decide to go to the college you chose?

JUDGE DUENAS: Well, before we left, we were working for the military government. Carlos Camacho, a first cousin of mine, and one of the four who left Guam together, was working in the Department of Records and Accounts for the military government, and I think I already stated this before. Lieutenant Fry in the Supply Corps was a Reserve Naval Lieutenant there during the war, and it happened that in civilian life he was the vice president of the Union Bank of Michigan in Grand Rapids. Learning from Carlos that we are very much interested in going to college, he let us know that there is a small Catholic college in Grand Rapids, Aquinas College; that he would make inquiry relative to the availability of scholarships and what not, so that he can make arrangement for us to go there and study. So, with that, and the help of Bishop Baumgartner, he also wrote to Aquinas College telling the president of the college learned about our situation out here, and about our willingness to pursue higher education, so they were more than happy to accommodate us, and with that, we left Guam. And that was how we ended up in Michigan, the four of us.

Carlos Camacho later on became a dentist, acquired a college dentistry education at Marquette, and Monsignor Camacho, Zoilo. Ricardo Flores became a doctor. He's now deceased, and myself. We all went to the same college at the same time. We went by way of train from San Francisco to Grand Rapids by way of Chicago. I think it was the Western Union.

TOVES: Union Pacific?

JUDGE DUENAS: Union Pacific Railway. I think that Union Pacific is still in operation. It was a long trip. Took us two days and three nights, or something like that. The good thing about it is we had this pullman berth, we were able to sleep at night.

TOVES: Would you say the person that influenced you to go to college, then, would be your brother Ed?

JUDGE DUENAS: Well, he was the one who influenced me to take up law. But my aspiration to go to college was my own. I had that in mind for all the years before the war, even while I was still in high school. But he was instrumental in making me change from

architecture to law.

TOVES: What was college life like then for you?

JUDGE DUENAS: Well, it's something – well, it was a little bit strange. Everything is strange when it's a new surrounding. And even the classes are different, the instructors, the lab work, and everything.

TOVES: The courses you took.

JUDGE DUENAS: The courses I took.

TOVES: Did you take the basic courses in college, the Liberal Arts courses?

JUDGE DUENAS: Yes. Liberal arts.

TOVES: And then worked towards your major courses?

JUDGE DUENAS: Right. My first two years at Aquinas was geared toward a legal education. I was taking courses in what was known then as “pre-law.” I spent two years at Aquinas College. Then I transferred to the University of Michigan, in Ann Arbor, Michigan. And it was there that I finished my undergraduate work; and from the liberal arts college, I went over to the law school at the same university in 1950.

TOVES: What was your major at Ann Arbor, again?

JUDGE DUENAS: Well, I majored in history and I minored in English.

TOVES: Your favorite subjects in high school, right?

JUDGE DUENAS: Yes. English, history, reading, all those things.

TOVES: How would you describe your study habits while in college?

JUDGE DUENAS: Well, at the very beginning, it took me some time to get adjusted, going to school again, because I had been out of school for about eight years. And especially going to college, it took a little bit of time to get adjusted. But after that, once I got adjusted, everything became normal.

TOVES: You didn't study with the four of you, your cousins, because you had different majors?

JUDGE DUENAS: Four different majors.

TOVES: Did you spent a lot of time together?

JUDGE DUENAS: Well, we spent a lot of time. And there were some courses that we took together, like courses in religion, and all of the so-called requisite courses, English, all those things. There were classes where one of my cousins would be in the same class. But then they have other classes, too, because most of them were geared to areas like medicine, dentistry, and Monsignor Camacho was mainly interested at that time in veterinary science, he wanted to become a veterinarian. So they were geared to more scientific courses, more basic sciences than I was. I was geared to more liberal courses, economics, English, all those courses. But I had to take some science courses, too, like Biology and all those courses.

TOVES: Those were required courses?

JUDGE DUENAS: Some of them were required science courses, Botany. But they took more science courses, so there were many. Many of the courses we were not in the same class, because I'm not taking the same courses that they were taking.

TOVES: Would you say you had good study habits while you were in college?

JUDGE DUENAS: Yes, I had.

TOVES: Good discipline?

JUDGE DUENAS: I had good study habits. I know how to prioritize my time, getting my assignments done, do all of the required readings. Then when I get through with that, then that's when I have my leisure time. Then once I formulated a good study habit, it became possible for me to take a part-time job. So, I was working part-time, too. Then in the summer of 1947, in Grand Rapids, it was our first summer there, we were working at a Kelvinator plant in Grand Rapids. We worked the assembly line, making refrigerators, kitchen ranges, Kelvinator. And we moved around. We worked in the assembly line, and we worked in the tools department, the tools department, cutting parts and everything. It was good experience. That was a good help, financially. We didn't waste our time.

TOVES: Were you fascinated with the makings of a refrigerator, with how they are produced?

JUDGE DUENAS: Yes, we were. Even one time, we were put in the painting department, spraying the parts of the refrigerator parts. Then another time in the assembly line,

getting all the engine, the motors, and putting them in certain place. That assembly line is very interesting, because each and every one has a certain job to do. You stand there, but then after a while, it gets very boring.

TOVES: It gets tedious.

JUDGE DUENAS: You do the same thing all day. But there was one week in that summer when it was so hot and we only worked in the morning. After around noon time, everybody had to leave because it was so hot.

TOVES: You weren't rotated at different plant levels, so that you'd know every level?

JUDGE DUENAS: Yes. We'd work in the paint department, and we worked in different areas, yes. There was one time when we had to work during the night shift, and we had this time differential pay. We made good money at that shop.

TOVES: So it did help out with college?

JUDGE DUENAS: It did help out. Then during the regular school year, I had a part-time job. It was not far from Aquinas College. It was a girl academy, called Marywood Academy, a high school for girls, run by the Dominican sisters, the same order that's in charge of Aquinas College, the Dominicans. So I had a part-time job there. Every afternoon, I start working there around 3:00 o'clock until about 7:00 o'clock.

TOVES: Did you do that throughout your whole college years? How long did that working part-time last?

JUDGE DUENAS: Well, at least for the last year and a half in our stay in the Grand, Grand Rapids because for the first few months when we were boarded in these different houses, like I was staying at the house of the president at Old Kent Bank. Then I was not working anywhere. I was working there sort of like –

TOVES: What was the name of that bank again, Judge?

JUDGE DUENAS: Old Kent

TOVES: Old Caine?

JUDGE DUENAS: Old Kent Bank, in Grand Rapids, in Michigan.

TOVES: C-A-I-N?

JUDGE DUENAS: K-E-N-T-. It was Old Kent.

I think it's Old, Old Kent Bank because it's located in Kent County.

TOVES: Oh, I see.

JUDGE DUENAS: Grand Rapids is in Kent County.

TOVES: What were your main intellectual interests? What would you say were the courses that you took in college influential on your career? Did you take any political science courses?

JUDGE DUENAS: Oh, yes, there were political science courses.

TOVES: And all your legal courses, I guess.

JUDGE DUENAS: No, not, not in Grand Rapids. It was, some of the courses that were geared into the legal education in my last two years of the undergraduate work at University of Michigan. I took some U.S. constitutional history, English constitutional history, diplomatic history.

TOVES: This is your undergraduate years?

JUDGE DUENAS: Those were my undergraduate years.

TOVES: And then you went to law school after that?

JUDGE DUENAS: See, one of the requirements of law school is that you have to have a bachelor's degree. You cannot be admitted to law school unless you have a bachelor's degree, so, it's a prerequisite to have a bachelor's degree.

TOVES: How was your extra time spent besides going to the part-time job, and going to college?

JUDGE DUENAS: Well, we had social activities, school activities, dancing, parties, plays. I remember there was a, review, preview, a program put up in the college when we were in Grand Rapids. And we were assigned to a certain part of the program to sing some Guamanian songs.

TOVES: What was the name of the preview?

JUDGE DUENAS: I don't recall the name of the preview. But it was known as a "skit" in those days.

TOVES: Oh. So was that the type of program you had in college?

JUDGE DUENAS: Yes, that's one of the type of programs we had. Then we were also, this is outside of the college, we were attending the St. Francis Church, in the southern area of Grand Rapids and we were members of the choir there. So we had our church activities, we have our school activities. Then every now and then there would be social activities sponsored by the Knights of Columbus in Grand Rapids and we would be invited to go there. We had enough social activities. The only thing I didn't go into is political activities.

TOVES: No political activities?

JUDGE DUENAS: No. Well, I didn't have time for that.

TOVES: Was there anything that happened at college? Did you get married during college, or after college? Was it after?

JUDGE DUENAS: No, way. I cannot afford it. It was another quarter.

TOVES: Okay. So when was graduation from college?

JUDGE DUENAS: Well, actually, I finished my college courses in the end of the first semester of my fourth year. So I had, the last semester I was free. Graduation would be in late May. So I decided to go to Grand Rapids to work during that entire semester. And this was during the very low period, the economic situation of the country. I started looking for a job in Grand Rapids. There's no jobs to be had nowhere, not even as a gas attendant working in the gas station.

TOVES: It was that bad?

JUDGE DUENAS: So I put in applications in different places, even any kind of job. So they had all my references. So come June, I still couldn't find a job, so I left Grand Rapids and I went back to Ann Arbor to start my law studies in June of 1950. Then, it was around that time that the Korean conflict broke out. And I was receiving letters offering me jobs, all kinds of jobs at Grand Rapids. So I said, "Well, too late. I'm not going to go to Grand Rapids to work there, then not go to law school." So, I wrote letters to them that I'm now tied up school and I just didn't have the time to go to work. But it, it came at the wrong time.

TOVES: Could you tell us how you decided to attend the law school you attended.

JUDGE DUENAS: Yes. Well, we were in Michigan when we heard about the -- Well, we were still at Aquinas, we heard about the reputation of the law school there at Ann Arbor, University of Michigan Law School, that it had very high standards. And that some of my schoolmates, those who were about one or two years ahead of me, some of them told me that they were going to be going to the University of Michigan Law School. And they tried to sell the idea to us that it would be worth our while to go there. So I wrote to the University of Michigan Law School. That was when I was a junior in Ann Arbor. I wrote to the school, the law school to get the information.

TOVES: So it was long before June, 1950, when you decided?

JUDGE DUENAS: Yes, that's right. In other words, we had this so-called accelerated program.

TOVES: What year did you start the law school?

JUDGE DUENAS: June of 1950.

TOVES: June, 1950.

JUDGE DUENAS: Yes. You attend three long summer courses and then two full years. That completes your legal education.

TOVES: That was your accelerated program?

JUDGE DUENAS: Yes. In other words, the summer of 1950, then the summer of 1951, then the summer of 1952. I didn't finish in June, but I finished in August. If I had gone through the regular school years, I would have graduated in May or June, 1953. So taking the accelerated program, I graduated in August of 1952. But it, it was rough, because that means you really have about two weeks vacation. From the end of the summer session to the commencement of the fall term, you go to school constantly.

TOVES: While in that accelerated law school program, did you have some strengths, influential professors? What was your most special interests?

JUDGE DUENAS: Well, most of the professors were very, they were really, they were really good. And some of them expressed keen interest in me coming all the way from Guam. He asked me a lot of questions about Guam. I even met a professor and he told me that he was

in Guam during the war. Some of my classmates were also veterans, so I have not met any of my classmates that came, that was in Guam during the war, but most of them from other areas in the Pacific, but most of them were at war in Europe. And there were a lot of students who were, who went to law school right after the war under the G.I.

TOVES: G.I. program.

JUDGE DUENAS: There were a lot of them that were about my same age. Others were younger than us, never went to war, just went to law school after graduation from college. But I felt at home because there were a lot of students that were comparable in age to mine, those who were veterans. That makes it easier.

TOVES: So you didn't have the great competition between younger students who were also brighter?

JUDGE DUENAS: Oh, no. We still have the competition, but as far as socializing with them, it was easier. I needed to socialize with my own peers, age group. See, I was about going on thirty when I entered law school. Some of these younger students, they just got out of college about twenty-two, younger than I was. But we had a lot of common interests, but there are certain matters that would be more appropriate to discuss with your own age group.

TOVES: Did you have a particular interest, or a special interest in law school, or a favorite area of specialty in law?

JUDGE DUENAS: Not really. My main interest was to take all the courses required, trying to get a passing grade, things like that. I said that should I have the opportunity to go to graduate school, that's the time when I would really have to get into some specialization. But I took all the courses that I felt would be of some use to me, especially here in Guam.

TOVES: Now, when you went through that accelerated program, were you satisfied with the way it was handled?

JUDGE DUENAS: Yes, I was. Really very satisfied. The only thing is it's too rough. You don't have time for anything else, because we went to school every day, sometimes even Saturdays. Hardly have time for anything else. I don't know whether they still have that program.

TOVES: The accelerated program?

JUDGE DUENAS: Yes.

TOVES: Yes.

JUDGE DUENAS: But if someone should come to me and ask me whether I should recommend to take the accelerated program, I would say, "Well, I'll leave that up to you, but I'll tell you what you'll be going into. That way, then you make up your own mind." I mean, if I were to do it all over again, I wouldn't do it. It almost killed me! (Laughter).

TOVES: We had a law extern, or intern, that went through the accelerated program, and he said it was really rough, too.

JUDGE DUENAS: Yes, it was rough. Yes, rough all the way around, because if you, if you need some leisure time and going through that accelerated program, that just didn't happen. There was not that much time.

TOVES: Were you satisfied with your professors?

JUDGE DUENAS: Oh, yes, I was satisfied. Very much satisfied. One good thing about it, is most of them were accessible. If I should have any problem, or anything, I never had any problem going to any of my professors. They were always there. They made it very plain and clear that should I have any problem, if you have any questions for the professors, just make an appointment and they'll see you.

TOVES: It helps, helps you along in your studies?

JUDGE DUENAS: Oh, yes.

TOVES: Did you participate in any moot courts or any law review, or --

JUDGE DUENAS: No, I did not go into law review, because that's extra work.

TOVES: Under the accelerated program, that was just not possible?

JUDGE DUENAS: Yes. I felt that I, I could not carry any extra load.

TOVES: And also under the accelerated program, did you have time to socialize? Were there extracurricular activities that you became involved with?

JUDGE DUENAS: Very limited. There, in the University of Michigan, we have what's called cultural center. They have all sorts of programs like opera singers, and theaters,

what not. There were times during some evening, we would attend those. But it has, it's very sparse because we don't have that much time. We had a lot of activities that were sponsored by the Union Club of Michigan. I'm a member of that club. Then we have the International Student Association at the University of Michigan for all foreign students. There is a headquarters, it's part of the University program. And we all have a lot of social activities, too, like some afternoon we'd have tea. We meet with students from all parts of the world, India, even the South American countries, Europe, European countries, and they have different programs. We had more than, more activities than we had time to attend to.

TOVES: Were you working during this period of law school?

JUDGE DUENAS: No, not when I was in law school, I could not find time.

TOVES: So how were you handling your financial situation?

JUDGE DUENAS: Well, I was getting help with that from my family. Sometime there's some odd jobs, sometimes some Saturday afternoon or some Sunday, maybe two hours, but I didn't have any regular part-time jobs.

TOVES: Did you also read a lot while in law school books, magazines, outside of your law school books, law books?

JUDGE DUENAS: Not much, because there's more than enough reading to do just to catch up with your -- see, they use the, what they called the "case method" study of law by cases. We were given certain cases to read. And then we discussed those cases in the classroom.

TOVES: Did you have a format to follow as to digesting your cases notes?

JUDGE DUENAS: No. In other words, you see that there's a set pattern. You read the case, and just like when you are already out of law school, read the facts of the case, and try to find out what the legal issues are, and how you can come up with any reasoning as to how the judge made the decision in that case. You call that the case law method. We have lectures, and what not. One thing about law school is you don't have the so-called mid-term examination, monthly exam, or quizzes, or anything. Like, when I was taking a course in contracts, that is a one-year course, starts in September and ends in June, two semesters, and you don't get any examination, mid-term, or anything. You wait until the end of the year, and then you would get

one examination. That would be the one and only examination you would get.

TOVES: That's your only test?

JUDGE DUENAS: It would be on enforcing contract, and I think it was a four- or five-hour examination. So you can just imagine the preparation you had to make to take that examination. Just to review one year's work in that course, you prepared to take it. I was a five- or six-hour examination. And we take a five-minute break, at the end of every hour, something like that. And it was rough.

The first thing that they told us when we entered law school, it's something like an orientation, they said, "Well, gentlemen, you are no longer college students. You are now in a professional school, and you don't have time for a lot of social activities as when you were in college. You are here to work, and you are on your own."

TOVES: Just like the "Paper Chase" movie?

JUDGE DUENAS: You are, you are all on your own. You won't be guided by someone to take you by the hand. They just say, "This is it, you are on your own.." If you needed help, though, they'd give you help if there's a problem, but you are on your own. It's up to you to make it or break it.

TOVES: Make it or break it?

JUDGE DUENAS: Yes.

TOVES: So how long was this law school, Judge?

JUDGE DUENAS: How long was I at law school?

TOVES: Yes. What year period was this?

JUDGE DUENAS: Well, it was June 1950 to the end of August, 1952.

TOVES: 1952. How would you assess the value of your law school?

JUDGE DUENAS: How would I assess the value?

TOVES: Yes.

JUDGE DUENAS: Very valuable.

TOVES: Of course, it took you to your career.

JUDGE DUENAS: Yes. I expected that when I got out of law school that I have the

tools, the equipment to work with. Then maybe once I'm out of law school, then it would be up to me to add on to my legal education -- work experience, reading legal periodicals, and what not.

TOVES: Did you form any general philosophy, either politically, or socially?

JUDGE DUENAS: No, I didn't. When I got out of law school, I was not interested in politics, especially since I was working for the government. I would rather be independent. I did not want to be affiliated with any party. I was what is denominated as an independent. There was a time when I was working for the attorney general and some of the political leaders on Guam would come to me and urge me to join their political party. But I told them that I was still working for the attorney general; that I was working for the government. I don't want to compromise my position. I don't want for any conflict to arise. I would stay clear of politics. That's was my philosophy.

TOVES: So just, just before that question, Judge, do you remember any major events during this period, right after graduation?

JUDGE DUENAS: Major events?

TOVES: Major events of the world.

JUDGE DUENAS: That was 1952. I think the Korean conflict was still going on. They were still drafting people on Guam for the military service. Of course, I was already past the age, so I could not be drafted. There were no major events, but Guam was at that point, it was really building up.

TOVES: Right after the Organic Act. So you weren't here during the Organic Act?

JUDGE DUENAS: No. I was in the States when the Organic Act was enacted. occurred. The Organic Act was enacted in July or August of 1950. I was still in the United States.

TOVES: How did you hear about what was going on in Guam, though, with regard to the Organic Act?

JUDGE DUENAS: Well, I heard of this movement to have the people of Guam were

granted U.S. citizenship. What I did when I was in Ann Arbor, and I think that I was still an undergraduate, I made inquiries on how to become a U.S. citizen. Of course, when we left Guam, we were not U.S. citizens. We were what was known as “nationals.” So I made inquiry at the immigration office in Detroit. I went to Detroit one day and they were baffled. They didn't know what to do. They said: “We don't know what to do with you. You don't owe any allegiance to any foreign country. You owe allegiance to the United States, and there's no foreign country with citizenship, you will have to renounce.” So this was around late 1949. I said, “Well, we'll bring this matter to the State Department, and see what could be done.” But the Organic Act was enacted and that made the problem moot. Because of the Organic Act, I became a U.S. citizen, so I didn't have to pursue the matter any further. That makes the question moot. But I brought that issue up when I was there, because I wanted to be a full-fledged citizen. There were elections in Michigan that I cannot vote.

TOVES: Did you have any problems there as far as going to law school?

JUDGE DUENAS: No, no problem. But what I meant is that some political activity that I cannot. I became a resident of Michigan, but since I am not a U.S. citizen, I cannot vote, too.

TOVES: Can't do much of anything, really. We still can't vote.

JUDGE DUENAS: No, but what if I – well, if you're an American, right now, if I were back in the states, I can't vote for the President; you have to become a resident of any of the states. But back then, and there, when I was in law school, I was already a resident of the Michigan, and it worked to my advantage because all I have to pay for the tuition fee for the law school is what they charge the Michigan residents, resident of the state institute, there being a state institution. So I don't have to pay the tuition fee that they charge the out-of-state students. So at least that was, that was one advantage that I had of being a resident of the state. But as far as politics is concerned, I cannot vote. They had an election for the Congress of Michigan and I cannot vote, because I am not a U.S. citizen. Said, “You are a resident of the state, but you are not a U.S. citizen yet.” Some of them asked me, “What is this U.S. national? You are not a U.S. citizen, you are a U.S. national. What's that?” They don't even know it.

TOVES: They don't understand the term.

JUDGE DUENAS: I said, well, I myself, I don't understand it very well, but the way I was made to understand it, that if you are a U.S. national, you are a ward of the United States and nothing more. Those are some of the difficulties I had of not being a U.S. citizen at the time.

TOVES: So when the Organic Act was passed in 1950, you became a citizen.

JUDGE DUENAS: I became a U.S. citizen.

TOVES: And then, it did transfer to where you were at? Were you a citizen in the States?

JUDGE DUENAS: Yes, I became a citizen in Michigan. But after that, I didn't register to vote for any political office. I was no longer interested. When I was in my undergraduate work in Michigan, there were some political groups, student political group, like the Young Republicans, the Young Democrats, they invite to enroll me, or ask me to join one of their groups. I said, I didn't have time, because that requires your time during election years; you have to go out and work for candidates, work for the parties. Then go out and solicit contributions, and I didn't have time to do that. So I didn't want to join the group and be a do-nothing member of the group. So I might as well not join it. They understood it.

TOVES: So you've covered your law school up to the end, do you think? Do you have anything more to add to it?

(No response)

TOVES: So your trip home again is the same way, by freight, or --

JUDGE DUENAS: No. Coming home, I came home by Pan American. I came home by air.

TOVES: So this was, would be August of 1952?

JUDGE DUENAS: Yes, late August or early September 1952. I think that's when I came back.

TOVES: What was your experience like riding in an airplane for the first time?

JUDGE DUENAS: No, it wasn't.

TOVES: That was not the first time?

JUDGE DUENAS: No, because while I was working for the, the Disbursing Office they were going to repatriate all of the Japanese in to Rota. So the disbursing officer asked me to go with him to Rota. They were going to do some exchange in currency, Japanese currency into U.S. Dollars. So I went there, and I helped him. We go by one of those small planes, not the same as a Pan American plane, though. It was smaller. That was my first experience in a plane.

TOVES: So how long was that trip from San Francisco to Guam?

JUDGE DUENAS: Oh, it was longer. See, in those days, we had to go from San Francisco to Hawaii, then I think from Hawaii to Midway, and then I think from Midway to Guam.

TOVES: Eighteen hours, more or less, a day?

JUDGE DUENAS: More than that. Because it's like stopover in Midway that was for refueling, takes a long time. It is not the same as now. Now, you go straight from Hawaii to Guam non-stop. In those days you had to go by something similar to a so-called "island-hopping."

TOVES: Island-hopping?

JUDGE DUENAS: On Continental, you go from island to island, except that in those days, there was only one intermediate stop between Hawaii and Guam; that was Midway Island.

TOVES: Was it just you that came back now on this trip, or did your cousins, or your friends come?

JUDGE DUENAS: No. I was the only one.

TOVES: You were the first to graduate from college?

JUDGE DUENAS: Yes. Yes, I was the first one, because Dr. Camacho didn't graduate until 1953.

TOVES: It took longer, their education took longer?

JUDGE DUENAS: Yes.

JUDGE DUENAS: And then he stayed behind and -- no, he left Aquinas after the junior year, and then he went to dental school at Marquette. The dental school did not require any

undergraduate degree, unlike the law schools. So, all that was required of Dr. Camacho to enter the school of dentistry at Marquette is just three years of college. So, he never took a college degree. He only took his dental, Doctor of Dental Surgery. After his junior year, he went to Marquette. Monsignor Camacho, I think he left Grand Rapids about the same time. He went to St. Patrick's Seminary at Menlo Park to become a priest. He didn't graduate.

TOVES: Where was Monsignor, or Archbishop Felixberto Flores at this time?

JUDGE DUENAS: Oh, Monsignor, Archbishop Flores, he was attending the seminary in Manila. He was there during the war.

TOVES: Were you also of the same age going to college?

JUDGE DUENAS: Yes, but I was older than Archbishop Flores by about four months. But we graduated from high school together. Then one year later, he went to the Philippines, not for the purpose of entering the seminary. He was interested in pursuing a, what was then known as "industrial technology." He was going to Ateneo de Manila, that's a Jesuit college. But then after his first year at the college, he decided to become a priest. So he transferred from Ateneo de Manila to the San Jose Seminary.

TOVES: What's the name of that college?

JUDGE DUENAS: Ateneo de Manila

TOVES: How do you spell that?

JUDGE DUENAS: A-T-E-N-E-O.

TOVES: Ateneo. Where is that?

JUDGE DUENAS: Ateneo. In Manila. Spanish for "hope." Ateneo de Manila, like College of Manila. That's run by the Jesuits. So I think he spent only one year there, then he transferred to the seminary, San Jose Seminary to become a priest. He was there during the war. Then after the war, in 1945, he was ready to enter the seminary to start his course in theology. And somehow or other, I think he met a military chaplain back in the Philippines and it was through him that he was given a scholarship at St John's Seminary in Brighton, Massachusetts. That's where he finished his four years of theology at St. John's in Brighton, Massachusetts. He left Guam in '45, and he finished that in 1949. And he came home the

summer of '49 for his ordination. And I was not here for the ordination; I was in the States. Even his brother was in the States, so he did not attend the ordination.

TOVES: Ricardo, the doctor?

JUDGE DUENAS: Yes. He did not attend the ordination of his brother Archbishop Flores.

TOVES: Did Ricardo finish his college?

JUDGE DUENAS: Yes.

TOVES: And he came out, and --

JUDGE DUENAS: No, he never came back to Guam?

TOVES: He never came back?

JUDGE DUENAS: He came back when he died.

TOVES: He died in the States?

JUDGE DUENAS: When he left in '46, that was the last time. He came back in a box. He was buried here in Guam, but he, he died there.

TOVES: Was there an accident, or --

JUDGE DUENAS: No. He got sick.

TOVES: Oh.

JUDGE DUENAS: He had some complications. His mother and the Archbishop who was then a priest left here in November of '53, because he was very sick and he died. They came back together with the body, November of 1953. He was just beginning his internship at Mercy Hospital in Detroit when he got sick and died.

TOVES: And the Archbishop continued on with his schooling in theology?

JUDGE DUENAS: Well, he was already, he was ordained a priest in 1949.

TOVES: But then he left. Did he go back to go to college also?

JUDGE DUENAS: Well, he was going every summer. He was going to Fordham University working on his master's degree. I think he was working on his master's degree in education. Every summer he had to go to Fordham University in New York.

TOVES: So this brings us to the end of your law school, coming home. And did you,

did you practice right away?

JUDGE DUENAS: No, I didn't get into private practice.

TOVES: You went into government service?

JUDGE DUENAS: Yes. I went to the Attorney General's office.

TOVES: Do you want to take a break at this period, Judge?

JUDGE DUENAS: Yes.

TOVES: Okay. We'll take a break.

(End of Tape No. 5).

**Continuation of Oral Interview  
Honorable Cristobal C. Duenas, Retired District Judge  
District Court of Guam  
April 23, 1996 --9:15 a.m.**

**Tape No. 6**

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TOVES: Okay, this would be the period right after your law school education when you came back to Guam?

JUDGE DUENAS: Yes, right. Even before I arrived in Guam, I already had an offer of a position in the Attorney General's office. The offer was not made to me directly, it was made through my father. In other words, I did not have any direct contact with the Attorney General's office. Mr. Russell Stevens was then the Attorney General at the time. Somehow or another, he heard that I would be finishing my legal studies that summer and he approached my father and asked my father whether I would be interested in working for the Attorney General's office. My father said, "I don't see any reason why he would not be interested. It would be a very good opportunity." So Mr. Russell Stevens took that as some sort of a commitment. Then my father told me just before I arrived in Guam that there's a job waiting for me in Guam. I said, "What job?" He said, "Well, the Attorney General's office." I said, "I don't know if I want to work for the government. Right now, I am more interested in passing the bar examination. Then after that, I would make up my mind what to do, whether to go into government service, or join some law firm as a private attorney." He said, "Well, they are all waiting, expecting you in Guam, in the office." I said, "Then did you make any commitment?" He said, "Well, not really." So I said, "Well, since you gave them your word to them that I would be working for them, I will honor your word." So I started working for the Attorney General's office even before I passed the bar examination. But then I think right at the end of the year I took the bar examination, or early in January of 1953. Then I passed the examination and became a full-fledged member of the Attorney General's office. That was the start of my career. In other words, I didn't go into private practice, and I never did.

TOVES: This was about September of 1952?

JUDGE DUENAS: Yes, that's right. I arrived in Guam on Sunday, that Sunday, Sunday afternoon, and I started working the following day. I think there was a sort of a get

together at the house.

TOVES: So what was your occupation -- as an island attorney?

JUDGE DUENAS: They had the category of Attorney I, Attorney II, Attorney III, so I was in the category of Attorney I. That's the entry position. So Mr. Stevens came to the house that Sunday afternoon. I talked to him. He said, "Well, we'll see you tomorrow at 7:00 o'clock." I said, "Seven o'clock in the morning?" He said yes. I said, "Okay. You must be kidding." He said, "No." Sure enough, it was seven o'clock in the morning.

TOVES: Was it like a staff meeting, or something?

JUDGE DUENAS: No, it's routine. I think at that time all of the government offices started early, those days 7:00 or 7:30, it's that early. So, one day after I arrived, I was already working.

TOVES: You were pretty fortunate you had a job right out of college.

JUDGE DUENAS: Fortunate in that sense, but not fortunate that I didn't make, even have time to --.

TOVES: With no experience, or something?

JUDGE DUENAS: Not that, but to go out, and you know --

TOVES: Settle down?

JUDGE DUENAS: -- to take at least take a week to get around the island, meet some of my friends, things like that. I was already working.

TOVES: That would be your practice of law right away, that is with the government, with the Department of Law?

JUDGE DUENAS: Right. Oh, yes. Even before I took the examination, I was already working there in the Attorney General's office, Department of Law.

TOVES: You didn't have to look for a job as a lawyer in private practice?

JUDGE DUENAS: No, I didn't have to look for a job. I already had a job. In a sense, it's good because it saved me the trouble of looking for a job. But looking at it from another viewpoint, it didn't even give me a chance to go shopping, shopping around.

TOVES: Can you describe that occupation as an Attorney I?

JUDGE DUENAS: Well, the first thing I did was to find out how the office operated. Like, certain people are being assigned to different areas of the law, and aside from being an Assistant Attorney General, I was also designated as an assistant island attorney. That time, the prosecution division of the Attorney General's office is the island attorney's office. They handled all criminal cases. So aside from working in the civil division of the Attorney General's office as an assistant attorney general, I'm also working in the island attorney's office as an assistant island attorney and prosecutor. So, I really got my feet wet right away.

TOVES: Right out of law school?

JUDGE DUENAS: Right out of law school.

TOVES: Did you have a difficult time practicing law in that position?

JUDGE DUENAS: Not really difficult. It's just a matter of getting adjusted see how the court operates. Like my first day in court, it's a good thing I went along with the island attorney. I worked with him, tried out some cases, see how you try cases. And then some of my time, I allotted some of my time at the Attorney General's Office, working with the island attorney in the office, see how he prepares his cases, all his investigations, the witnesses, and what not, and the preparation of complaints, preparation of information to file in court, all of the responsive motions, those are the office work, aside from going into the actual court work. So those are the things that I had to learn early.

Then in the civil division of the Attorney General's office I was given certain assignments. First, I worked with some attorney who had been there, one who had been assigned to certain departments of the government, like Department of Land Management, the Department of Revenue -- the Department of Finance, which is now the Department of Revenue and Taxation. So I worked under the supervision of one of the older attorneys, the one who is managing the, taking care of the land, Department of Land Management; another one taking care of the Department of Finance. So I took care of all the, like the Department of Land Management, they have the Land Transfer Board. Then they have the Territorial Planning Commission.

TOVES: Which is still in existence, right?

JUDGE DUENAS: Right. So I had that assignment few months. After that, I was working also with land supervision, I was given the load, given the whole responsibility. So all of the problems of land management were referred to me. Every time there was a land transfer board meeting, I had to go to the meeting, acting as counsel for the board. Then I also worked with the Territorial Planning Commission as a counsel for that commission. Then every year when they worked on the real estate tax vouchers, the roll, the real estate tax roll, they have these Board of Equalization meetings. So that was another assignment of mine. I was counsel for the Board of Equalization. Later on, I was given the additional assignment of taking care of some of the Department of Commerce work, like the Commercial Port; took care of all the problems, claims filed against the Commercial Port filed by some businessmen some of the damage done to their cargoes, and what not. So I was taking care of the Commercial Port problems. Then there were times when I have to assist somebody. In other words, I was an all around man. Somebody was taking care of the medical department, had any work sort of being overloaded, and he needed some research work to be done, then I would be asked to do the research work. I did a lot of work around the office.

TOVES: And you also did civil service?

JUDGE DUENAS: What's that?

TOVES: Did you also do Civil Service Commission jobs?

JUDGE DUENAS: No, not the Civil Service Commission. I did some work with the Workmen's Compensation, but not the Civil Service Commission. Workmen's Compensation. Did some work for the hospital, some land income tax cases where I helped. I was an all around man, aside from doing some investigation work.

TOVES: This would be your civil litigation work?

JUDGE DUENAS: Yes. I represented the government in some litigation.

TOVES: Then as an Island Attorney?

JUDGE DUENAS: Then I handled prosecution cases. At that time, the only cases handled by the Island Attorney's office were misdemeanor cases, because of the jurisdiction of the District Court at that time extended to all felony cases, local and federal, and other so-called

equity cases. The Island Court took care of all the misdemeanor cases, and land registration cases, divorces and adoptions, and what not. So those are the jurisdictions of the so-called island attorney.-- very limited jurisdiction -- and all claims exceeding the value of five thousand dollars (\$5,000). So when we go to court, we only handle misdemeanor cases.

TOVES: How busy did you think the Island Court was at that time?

JUDGE DUENAS: Well, the Island Court was very busy. Actually, when they started the court system in Guam in 1951, under the Organic Act, there was only one court really named in the Organic Act. That was the District Court of Guam. But the Organic Act gave the legislature the authority to create some other court of local jurisdictions. So if I remember correctly, under the legislation of Public Law 17, the First Guam Legislature, that was the law that created the so-called Island Court of Guam, vesting it with jurisdiction over probate cases, land registration cases, and the civil cases where the amount involved does not exceed five thousand dollars (\$5,000), adoptions and divorces, and things like that. Everything else is vested in the District Court. And the judges of the Island Court were appointed by the governor, and confirmed by the legislature. They were appointed for a four-year term. And the highest judge, I think, on the bench was called the chief judge of the Island Court; and also by virtue of that Public Law 17, the Judicial Council was created. The chairman of the Judicial Council was the judge of the District Court of Guam and the judge of the Island Court. I think, if I remember correctly, all of the judges were members of the Judicial Council. I may be wrong on that, but I think my memory serves me right.

TOVES: So there was a Judicial Council as far back as the Island Court?

JUDGE DUENAS: Oh, yes. At the time that the Island Court was created there was a Judicial Council. And the other members of the Judicial Council, the Chairman of the Judiciary Committee of the Legislature, and the President of the Guam Bar Association, those were the members of the Judicial Council when it was first established.

TOVES: You said that you were studying for the Guam Bar examination, also, at the start of your occupation?

JUDGE DUENAS: Yes

TOVES: When did you take or pass the bar exam?

JUDGE DUENAS: Oh, I think I took the bar in late December or early January.

In late December of '52 or January '53. But it was around that time.

TOVES: And this was just the Guam Bar, you didn't take any other state bar exam?

JUDGE DUENAS: No, I never had the chance because I came to Guam right away.

And if I were to stay in Michigan take the bar examination there, then the next bar examination was to be given around December of '52, or January of '53, and I cannot afford to stay back there and wait for that bar examination, so I had to come home. I never had the opportunity to take the state bar.

TOVES: Did you find it difficult to prepare for and taking the bar exam and also working with the Government of Guam?

JUDGE DUENAS: Not really. The bar examination that was administered, I didn't find it very hard. I don't think they administer the same bar examination that they do now.

TOVES: Is it more difficult now, do you know?

JUDGE DUENAS: Yes, it's more difficult. I prepared for it, but it did not require as much preparation, as one would have to undertake in taking a bar examination now.

TOVES: And for how long did you work as an Island, as an Attorney I?

JUDGE DUENAS: Well, I worked in the Attorney General's office up to about May of 1957. At that time, I was asked by the Governor to become the Director of the Department of Land Management, because there was a great need for a director who had some legal background. They were having a lot of problems in some of these title cases, and other matters. And since I was very familiar with the Department of Land Management, having been their counsel when I was in the A.G.'s office, the governor thought that I would be the most logical person to become the Director of Land Management. So he asked me whether I would accept the position. He gave me one assurance, he said, "I know you would be more interested in becoming an attorney general than being a Director of Land Management, but since there are no openings in the AG's office now, why don't you take that position and if the position of Attorney General should become available, then we'll give you that position. So, with that

understanding, I went over to the Department of Land Management, and I stayed there from May of 1957 to March of 1960. Then I resigned as director to become a judge of the Island Court. That's when I became a judge of the Island Court in March, 1960.

TOVES: Please tell us your experience then, as a judge, from the start?

JUDGE DUENAS: Well, I had to feel my way around. One thing is I didn't get much help from the other judges in the Island Court because all of the judges in the Island Court were not formally trained in law. I was the first judge in the Island Court with a legal, formal legal education. All of the other judges, they were so-called "self-made" lawyers. We did not have the same background, so I didn't get much help from the other judges about what to do.

TOVES: And then you came to court anyway, right before you became island judge, you were an island attorney, so you, you went to court sometimes?

JUDGE DUENAS: Well, there was that interval when I didn't go directly from the A.G.'s office to the court. There was that interval of the Department of Land Management.

TOVES: Right. And you never had a chance to go to court as an island attorney?

JUDGE DUENAS: Oh, yes, I had been going to court.

TOVES: Oh. So, you knew how the court system was operating?

JUDGE DUENAS: Oh, I knew how the court operated. But going to court as a counsel is different from being in the court as a judge being on the bench. So, I knew right away that as a lawyer representing the government and a prosecutor of cases, I have one way of preparing the cases. Of course, I have to know what the theory of the defense is. But becoming a judge, you've got to be listening to both sides. You have to know this side, this side, and, before you make a decision. And in those days, all of the cases in the island court are not tried by jury. They are all court trials. There was no jury system then.

TOVES: Judge, could we just backtrack to the times when you were an island attorney? Do you remember who the attorneys were, any local attorneys that worked with you, that you were affiliated with? Can you name attorneys that worked with you, island attorneys? Do you remember who they were?

JUDGE DUENAS: Attorney Arriola was admitted in 1953. And the following year I

think Carlos Taitano was also admitted to practice here in Guam. Later on I think around 1959, 1960, then came Ed Terlaje and Jesus Torres, then John Dierking, and Gayle, 1960. In 1961, Trapp was practicing law. No, he started out as a law clerk for Judge Gilmartin but that didn't last long. Judge Gilmartin died. And then when Judge Shriver took over again for the second, for his second term, he did not want a law clerk, so Mr. Trapp went into private practice. And throughout his term on the bench, Judge Shriver never had a law clerk. He didn't want a law clerk.

TOVES: He did all the research by himself, a lot of reading by himself?

JUDGE DUENAS: Yes, he did. But in those days, the cases were -- most of the complex cases in the early days of the District Court were the income tax cases, like the construction -- the construction of the sections of the Organic Act dealing with income tax, and the question of jurisdiction, like, first thing I think that they have is this USA versus Laguana. That was the case that went all the way up to the 9th Circuit Court. In that case, it was declared by the court that the Guam income tax is a territorial tax, not a payroll tax. So that's, that's the first, that's the highlight case of income tax cases in Guam, the Laguana case. Then after that, there were other income tax cases. And the anomaly in those early days is that we don't have any, we didn't have any tax court. So the legislature, I think, one way or another, enacted the business privilege tax or something like that, created a review body which later on became or was tantamount to tax court of the District Court. So the District Court had jurisdiction over those cases and that was what we construed to be the tax court on Guam and operating as a tax court all the way up to the present time. All those actions for a refund were under the jurisdiction of the tax court. Oh, no, not for refunds. When you file your income tax return and there's a disagreement with the Internal Revenue people as to the assessment and all the denial for certain deductions and what not, and you don't want to pay your income tax, you want to question it, then you have to bring it before the tax court, the jurisdiction of the District Court.

Those are some of the areas. The law was not very clear on those points, those cases, it's very serious. Sometimes we don't, you don't know which direction to go, which direction to follow. There are not many precedents, and sometimes you just have to make your own case

law.

One interesting case in my very early days as an island attorney, I think it must be the first or second case I had. It was about petty theft. It's about the owner of the house, putting something on the window sill, and then some passerby came by and passed through and stole it. And petty theft is theft of something of value below \$50 dollars. It was a petty offense. So I was assigned to prosecute that case. And I said there really was nothing to that case. We had witnesses everything. This is more a formality than anything else. But much to my surprise, the guy was acquitted.

TOVES: Why?

JUDGE DUENAS: Well, because this is something that made me laugh. The judge came up with a theory that the jury found that the negligence was on the owner of the house to put the item in the window where passersby could see it and steal it. But because of the negligence it's something tantamount to a contributory negligence in a tort case, but because of the so-called negligence of the owner, the guy's not guilty. I said this is something that I never learned in law school. I know about contributory negligence, and all those things, and comparative negligence, in most cases, those are civil cases of a tort; those are not applicable to criminal cases. So I was astounded. I didn't say anything. I came back to the office and said, we lost the case. I told the attorney general I didn't have a conviction. He said, "What? There's nothing to that case." I said, "Well, that was what I thought, but there really was something to that case, something that I was not prepared for." He said, "What was that?" I said, "Well, the injection of the theory of principle of contributory negligence in a criminal case. That's something I never learned in law school." First time I've heard of it and the defendant was acquitted because of the contributory negligence of the homeowner, the owner of the house. And he said, "Well, that's something that you should have to expect, because those judges are – they don't have any formal legal education. They're just acting through their experience. They're doing their, they're doing their best. But they don't care." I said, "You don't have to give them allowance."

TOVES: That was frustrating to you, I'm sure?

JUDGE DUENAS: Yes, it was.

TOVES: Judge, this right to jury trial when did it, when was it ever practiced on Guam?

JUDGE DUENAS: Well, it was started first in the District Court of Guam, I think. I can't remember a case when –

TOVES: Not in Island Court?

JUDGE DUENAS: No, later on. Just started up in the Island Court just before I left the Island Court, but I cannot remember the name of the case when that question was first raised when the defendant invoked his right to be tried by a jury. I think Judge Shriver denied him, and said there's nothing in the Organic Act that entitles him to a jury trial. And the defendant proceeded, I think, under the Organic Act, if I remember correctly, Article VI, under the Right to Jury Trial, under the Rules of Criminal Procedure which said that right to jury trial does not apply to Guam. And Judge Shriver was reversed on that. Then right after that, it was the legislature that passed the law for right to jury trial, and strangely enough, that was the law which became the basis of a jury trial in District Court of Guam. That was the first time we had a jury trial in Guam.

Then the other question that was raised very early in the administration of the District Court of Guam while Judge Shriver was still the judge was the right of indictment, right to be indicted and to be prosecuted by indictment rather than prosecuted by information. I don't know whether it was the 9th Circuit Court or by an amendment to the Organic Act. But then on defendant's motion to dismiss because he was being proceeded against or prosecuted on the basis of an information rather than an indictment by a grand jury, he was denied that. And I don't know whether it was by appeal decision of the Ninth Circuit Court or by legislation that right to indictment by a grand jury was extended to the District Court. Those were in the early days. You'll find that in Annotations of Title 18 — no, Title 48, under Territories, Income Taxes cases, etc.

(End of Tape No. 6).

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**Continuation of Oral Interview of  
Honorable Cristobal C. Duenas, Retired Judge  
District Court of Guam**

**Tape No. 7**

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MS. TOVES: This is a continuation of the oral history interview for retired Judge Cristobal C. Duenas. Today is Tuesday, April 23rd, 1996. I am Lolita Toves, conducting the interview.

We'll start on the period when you were appointed as Island Court judge. What year would that be?

JUDGE DUENAS: Yes, that would be 1960; around mid-March, 1960. I don't remember the exact date.

TOVES: How did you get appointed again as Island Court judge?

JUDGE DUENAS: Well, I was working over the Attorney General's office, and one of my responsibilities was acting as counsel and legal advisor to the Department of Land Management among some other departments. And when the Director of Land Management resigned, I received a call. I was over at Land Management before, from 1957 to 1960, I was the Director of Land Management. And before I assumed the position of Director of Land Management, I was assured by the governor, I think it was Governor Lowe at that time --

TOVES: Governor Lowe?

JUDGE DUENAS: Yes. Lowe, L-O-W-E. He was an appointed governor appointed by the President. He indicated to me that a more logical position for me would be the Attorney General of Guam, but since there was no vacancy, since there's a great need for me to take over Land Management because of some of the problems they were having over at Land Management and since I was very familiar with the situation of land management, he told me it will be worth my while to go there and, bearing in mind that should there be a vacancy, either in the Attorney General's Office or in the Island Court, whichever occurred first, that I will be given due consideration.

So, what happened is the vacancy on the Island Court occurred first than the vacancy in the Attorney General's office, as an Attorney General. I got a call from Governor Lowe telling me that there's a vacancy in the Island Court for a judge, and if I am interested in it, I can have

the job.

TOVES: So there was no selection process for you at that time among candidates?

JUDGE DUENAS: No, no. No selection process. No, nothing. If the governor wanted to have other candidates to submit their resume or anything, that's his prerogative. So in those days for one thing, there was really no organized bar association, and the prerogative of the governor at that time is very strong.

TOVES: It was like his discretion, or what?.

JUDGE DUENAS: Yes. In other words, he was the appointing authority. That was his discretion, subject, of course, to confirmation by the legislature.

TOVES: And that was my next question. Did you have to be confirmed by the Legislature?

JUDGE DUENAS: Yes, I had to be confirmed. Usually, at that time, when I was appointed it was for a four-year term. So I was appointed in 1960. I was confirmed by the legislature in March. So I was on the bench in mid-March.

TOVES: It was the same year?

JUDGE DUENAS: In March, 1960. And I became the judge in the Island Court. And just before the expiration of my four-year term, the term of the Island Court judge had been enlarged, expanded, from four to eight years. So when my four-year term expired, I was reappointed for another eight years. For eight years, under the then new law. So I continued my work as an Island Court Judge up to the date of my appointment to the District Court, which did take place December of 1969. I was with the Island Court three months short of ten years.

TOVES: Well, would you say that appointment was a political, more like a political, or a professional appointment?

JUDGE DUENAS: Not according to -- The way I see it, I was not involved in any political party or anything.

TOVES: So it would be more like a professional selection then?

JUDGE DUENAS: As far as I can see it, I was not involved in any politics in those days. As far as I know, my name was not submitted by any politician, or anything. At least no

politician came over to me and told me that there will be vacancy on the Island Court and that if I'm interested, he can submit my name. Nothing like that.

TOVES: Do you think that the Guam Bar Association submitted your name?

JUDGE DUENAS: No, not that I know of.

TOVES: Was the Guam Bar in existence then?

JUDGE DUENAS: It was in existence, but for all practical purposes, it was very ineffective in those days. And as far as I know, the Governor didn't tell me that I was recommended by anyone, or -- As a matter of fact, the way I see this is it was more a fulfillment of an earlier promise before I assumed the position of Director of Land Management, that should there would be a vacancy at the Island Court or in the Attorney General's office, whichever occurred first, it would be taken under due consideration. And the way I see it, that was a fulfillment of that promise.

TOVES: Do you remember what your salary was at the time of your appointment?

JUDGE DUENAS: Yes. I think the salary of a judge then was similar to the salary of the director of the various departments of the executive branch, which is about seven thousand eight hundred dollars (\$7,800).

TOVES: Compare that to today's salary, did it go up gradually?

JUDGE DUENAS: Well, before my tenure as an Island Court judge came to an end, the salary went up to about twenty one thousand (\$21,000) a year.

TOVES: In those days, that was a lot of money, considered a lot of money. And at today's salary for Superior Court judges, I think they're in the hundreds or close to it, right?

JUDGE DUENAS: If I recall correctly, I think Judge Lamorena is making hundred twenty-five thousand (\$125,000) a year. I may be wrong on that one, but that's what I heard.

TOVES: And that's a great difference from when you started?

JUDGE DUENAS: Right. Oh, very great difference. And then I think the other judges in the Superior Court it was about two or three thousand dollars (\$3,000) lower in salary than the salary of the presiding judge.

TOVES: So, in the selection process is it different, different from the time you, when

you were appointed? Did it change over the years, do you know?

JUDGE DUENAS: Oh, it has changed now.

TOVES: How has the selection of judges changed?

JUDGE DUENAS: Like some of the more, the recent judges, not very recent, but like Judge Siguenza and Judge B. J. Cruz, Judge Weeks, I think Judge Diaz and Judge Lamorena, they all go through the process, I think they are recommended to the governor, either by the Guam Bar Association, or it could be that it's the other way around. Some names may be submitted to the Governor, and the governor may give those names to the, certain names to the Guam Bar Association for their recommendation. Either way.

TOVES: Do you think that that's the same process now?

JUDGE DUENAS: Yes, I think that was the process.

TOVES: The names are submitted. Recommendations are submitted by the Guam Bar, which was the practice then.

JUDGE DUENAS: The one great change now in the judges of the Superior Court is that they are appointed for a definite term. It's ten years. They are still subject to the confirmation of the legislature. Then upon the expiration of ten years, if they are still interested in continuing as a judge, then they have to -- by way of the elective process, what they call "electorate," they have to be, their names will have to be placed on the general election. The way it's done is based on the old so-called Missouri plan. In other words, a judge who was running for the position of judge of the Superior Court, ensuing the expiration of the initial appointment, he'll have to have his name on the ballot and all the electorate will have to do is either retain or not retain. In other words, keep him on or kick him out.

TOVES: So when he is, when he is selected, the electorate says not, do not retain him, then, then the Legislature won't reappoint him; is that how it was?

JUDGE DUENAS: Well, if more people voted not to have him retained, the governor may have to make another appointment.

TOVES: It would be against the people's wishes; wouldn't it?

JUDGE DUENAS: To go against the wish of the people, and the people, by their

casting their ballot, they felt that the candidate was not worthy to continue as judge for whatever reason. I suppose the governor could reappoint him, but I cannot perceive any prudent governor doing that sort of thing.

TOVES: Right. So how do you evaluate this selection process now? Do you think it's a valid selection process, or do you think it's unfair?

JUDGE DUENAS: No, I think it's fair. Because doing it this way, not running against another candidate, you get the judges out of politics. Because if you're the, the election process is to run against another candidate, like in some of the states back there, then you'll have to go out and campaign, you have to have your supporters, you have to have fund raising, just like candidates for legislative offices. So that way some of the candidates will be tempted with some matters.

TOVES: Okay. Back to your time as when you were a judge. Can you tell us your first day as a judge? What it was like the first day and the first week while you were a judge on the job?

JUDGE DUENAS: Well, the first week I had been an assistant attorney and appeared in court on civil case, also, during the course of being island attorney, prosecution of criminal cases. I already knew the operations of the court. I knew how all the issues being brought before the court and I have a good idea of the function of the judge. The only thing is that now I am the judge. So I am sitting up there and I am not longer down there. Well, it's not really strange to me. And so it's a function that I'm somewhat familiar with, though not having the experience. So it's just a matter of getting used to it, and getting, getting experience. So I didn't have any difficulty. Then I have this so-called judge's "Benchbook." So I went through there, all the procedures of what a judge could do.

TOVES: The Benchbook gives you guidelines?

JUDGE DUENAS: Guidelines. So that was a great assistance to me. So, really, I didn't have any problem going from a practicing attorney, representing the government, to ascending the bench.

TOVES: Aside from that, did you have administrative duties, also, in your office, in

your own office?

JUDGE DUENAS: Not really, because when I was appointed as a judge, there was already a chief judge. So the chief judge of the then Island Court had the administrative responsibilities. If my help was needed on some administrative matters, I would perform administrative duties, but I was only concerned with disposition of cases before the court.

TOVES: Do you remember who the chief judge then was?

JUDGE DUENAS: Yes. Judge Joaquin C. Perez. He was already a judge. When Judge Manibusan retired, the retirement of Judge Manibusan was the day that created the vacancy.

TOVES: For you?

JUDGE DUENAS: For me. So Judge Perez became the chief judge, and I came in as a judge took over Judge Manibusan's place. Judge Manibusan was the older man, the grandfather of the present judge, Judge Manibusan. Chief judge was Jose C. Manibusan. And then his son, Joaquin also became a judge, and then Joaquin Junior – V.E. Manibusan became a judge. The judge whose position I filled in was the grandfather of the present Judge Manibusan.

TOVES: And Chief Judge Joaquin C. Perez was chief judge?

JUDGE DUENAS: Right.

TOVES: Who were the other judges on the Island Court with you?

JUDGE DUENAS: Well, at that time, there's just two of us.

TOVES: Isn't there another one?

JUDGE DUENAS: Well, later, later on.

TOVES: Oh, Vicente Reyes was, was after you?

JUDGE DUENAS: Well, Judge Reyes served as an Island Court judge for two different terms, not succeeding terms, but I think he was a judge of the then Island Court before the enactment of the Organic Act. Then he left the bench, and he was engaged in active practice of law. Then subsequent to that, years went by, and then he was again appointed to the bench. He came back for a second term.

TOVES: Oh, I see.

JUDGE DUENAS: But when I became a judge, I think, if I remember correctly, I think Judge Lujan became a judge.

TOVES: Wasn't there a Bamba?

JUDGE DUENAS: Well, Judge Bamba later on.

TOVES: He was after you?

JUDGE DUENAS: Right. Francisco Lujan, the father of Senator Frank Lujan, he was a judge. But he was not an Island Court judge, he was a judge of the Police Court. He was handling all traffic cases, and all those things. But he was a Police Court judge.

TOVES: So that was a division of this --

JUDGE DUENAS: Yes, that's, that's a part of the Island Court.

TOVES: Like a traffic court?

JUDGE DUENAS: Yes. But mostly handling traffic cases, traffic violations. And afterward other judges were appointed. Judge Bamba, Judge Reyes. Before I left the bench, Judge Bamba was appointed. And then Judge Benson. Judge Weeks. I don't remember whether Judge Diaz came after the appointment of Judge Siguenza or before the appointment of Judge Siguenza. I don't know which order, but those are some of the judges who came in. I was already in the District Court when Judge Diaz was appointed. Judge Siguenza was appointed, Judge Cruz was appointed. I was already in the District Court. We were not associates.

TOVES: So back to your experience as a judge, would you describe your first judicial experience, was it a big case?

JUDGE DUENAS: No. It, it wasn't a big case, because those days as I stated the brief history of the District Court, the jurisdiction of the island court in civil cases were claims not exceeding two thousand dollars (\$2,000) and all misdemeanor cases, so-called misdemeanor cases, traffic cases, and divorce, adoptions, land registration, those are the sort. We really didn't have any, we didn't have big cases, no complex cases. All criminal cases were trial to the court, no jury trial.

TOVES: And when did the idea of the jury, right to jury trial, come up again? Was that in the District Court, or was it in the Island Court?

JUDGE DUENAS: No, first in the District Court, and I think it covered, it covered.

TOVES: Because of the felony cases being handled by District Court, the big cases?

JUDGE DUENAS: Yes, the big cases. Because at that time, prior to the amendment of the so-called Court Reorganization -- Court Reform Act of 1974, or something like that, all felony jurisdictions is vested in the District Court of Guam, both local and federal. In other words, murder, and everything, and it was only due to the enactment of that public law in 1974 that there was a change of jurisdiction.

TOVES: And we're talking about when the right of jury trial came into existence?

JUDGE DUENAS: Right. The case of Hatchet versus the Government of Guam was decided back in 1954, and in 212 Federal Reporter, Section 767, and there was a petition for writ of certiorari filed in the Supreme Court of the United States, 348 US 801, and the issue that came before the court was on the issue of trial by jury. The defendant, Hatchet his so-called right to trial by jury under the Sixth Amendment of the United States Constitution. But the court, the District Court of Guam was upheld. The 9<sup>th</sup> Circuit Court in the Hatchet case, held that trial by jury in criminal prosecution is not applicable to Guam. And, because such island, which is Guam, has been declared an unincorporated territory of the United States. Likewise, in the case of American Pacific Deli Products against C.C. Leon, and this is a civil case, the 9th Circuit also held that the federal constitution does not require jury trial in the District Court of Guam. So to remedy the situation, Congress enacted a new law, Public Law 679, in the Congress of the United States, on August 27, 1954, and this law amended Section B of Title 1424, of Title 48 of the U.S. Code, adding a provision that trial by jury for prosecution of offenses by indictment by a grand jury served by information shall not be required in the District Court of Guam until so required by laws enacted by the legislature of Guam. Subsequent to that, the legislature did enact a law making the trial, the matter of right in the District Court.

TOVES: So you never really had a jury trial in your time as Island Court judge?

JUDGE DUENAS: I was just, just on the eve of my leaving the Island Court. I think if I remember correctly, I think I had about two or three.

TOVES: Jury trials?

JUDGE DUENAS: Or something like that, jury trials before I ascended the District Court bench. So several years later, after my appointment.

TOVES: What type of cases did you have mostly as an Island Court judge?

JUDGE DUENAS: Mostly misdemeanor cases, criminal cases, divorces, adoptions.

TOVES: So your typical day would be just handling what's on the calendar, various cases that are calendared?

JUDGE DUENAS: Right, juvenile proceedings, all those things, land registration.

TOVES: That was probably the bulk of your cases, land registration.

JUDGE DUENAS: It was mostly criminal cases and land registration cases, yes.

TOVES: Because it was right after the war, and --

JUDGE DUENAS: There were a lot of land registration cases.

TOVES: I mean, no, because these were Island Court matters?

JUDGE DUENAS: No. But even after the Island Court had been given jurisdiction in land registration cases. I don't know. For some reason lawyers were filing petitions for registration in the District Court of Guam.

TOVES: For land registration?

JUDGE DUENAS: Right. Judge Shriver had been hearing all land registration cases, in spite of what the law said, that the jurisdiction was still vested in the Island Court.

TOVES: In the Island Court.

JUDGE DUENAS: So I think it was still in the Attorney General's office when I raised that issue relative to the validity of the decrees issued by the District Court of Guam on those decrees of title, by virtue of the fact that the District Court did not have jurisdiction. So, if I remember correctly, by some subsequent legislation --

(Brief interruption.)

TOVES: So Judge, all these land claims cases, they also went to District Court, also?

JUDGE DUENAS: Land claims?

TOVES: These land claims, condemnation cases, went to District Court?

JUDGE DUENAS: Oh, yes, the District Court always had jurisdiction of condemnation brought under the government of Guam and federal government. It was only after the Court Reorganization Act in 1974 that that jurisdiction was given to the Island Court on the so-called eminent domain or land condemnation cases under the Government of Guam. Or, Government of Guam condemnation.

TOVES: You mentioned the, the Court Reorganization Act, that was in 1974?

JUDGE DUENAS: Yes, 1974.

TOVES: Was that, that's probably in your second term, right?

JUDGE DUENAS: No.

TOVES: Or was that your first?

JUDGE DUENAS: That was still in my first term.

TOVES: Still in your first term.

JUDGE DUENAS: Because my term was for eight years, and I was appointed in 1969. So my term was up in sometime in 1976, or '77.

TOVES: Could you tell us what that Court Reorganization Act was about?

JUDGE DUENAS: Well, first, the Court Reorganization Act, that was the Superior Court of Guam. In other words, it was no longer an Island Court. And then it was given jurisdiction of all local criminal cases. In other words, misdemeanor, felony cases, and it was given full jurisdiction of all civil cases. As a matter fact, all cases under the applicable laws of Guam, non-federal cases, with the exception of the tax cases, because there were, there's a very specific provision in the Organic Act of Guam that notwithstanding any other provision of the law, jurisdiction of all income tax cases both criminal and civil shall be in the District Court of Guam. And that is the way it is today. That has not been changed as of this day. So all income tax cases now come to this court, District Court. Other than that, all cases of local application goes to the Superior Court of Guam. Also, that Court Reorganization Act created the Supreme Court of Guam. That was the first law that created a supreme court.

TOVES: And then what happened then?

JUDGE DUENAS: Well, the Supreme Court was first tested I think in a civil case,

Agana Bay Development. And I ruled that the legislature did not have the authority under the Organic Act of Guam to create a supreme court. Then my decision was appealed to the 9th Circuit Court, and I was reversed two to one. And by virtue of that reversal of my decision, the Supreme Court of Guam then was a reality. But I think there was one, just one matter brought before that Supreme Court, a criminal case, the Government of Guam vs Olsen that was handled by Mr. Trapp. Mr. Trapp filed an appeal after the conviction of Olsen. He filed an appeal in the Supreme Court of Guam. He also filed an appeal in the appellate division in the District Court of Guam. So there was an appellate division in the District Court of Guam, which at that time, legally speaking, was no longer in existence by virtue of the ruling of the United States Court of Appeals that the creation of the Supreme Court of Guam by the legislature, by the Court Reorganization Act, is a valid act. So as I said earlier there was then a Supreme Court of Guam. So Mr. Trapp appeared before the appellate division. And I was sitting as the sole judge on the motion, the government filed a motion to have it dismissed because the appellate division does not have any jurisdiction. So I ruled that I dismissed the appeal. In other words, I granted the government's motion by virtue of the decision of the 9th Circuit Court that the Supreme Court of Guam is already in existence. So Trapp, once again, went up to the 9th Circuit Court of Appeals. And I think this time, there was an *en banc* hearing in other words. I cannot remember the composition, the number of the panel sitting *en banc* of the 9<sup>th</sup> Circuit, not the entire – I think about eleven judges, circuit judges sitting, and that panel ruled that the legislature of Guam did not have the authority to create the Supreme Court of Guam. So the government appealed the matter to the United States Supreme Court and the Supreme Court of the United States affirmed the decision of the 9th Circuit by a ruling of five to four.

TOVES: That was really close.

JUDGE DUENAS: That declared that the Legislature did not have the authority. So that nullified the Supreme Court of Guam. So from that date on, up to the recent enactment of the Supreme Court, there was no Supreme Court. I had to be reversed two times to prove that I am correct in my decision.

TOVES: And that was when you were a judge, as the District Court judge, right?

JUDGE DUENAS: Yes. Right here.

TOVES: And here we're talking, talking about your times with the Superior Court.

JUDGE DUENAS: You asked a question about jurisdiction and the expanded jurisdiction. And you asked me about what was included in the reorganization, and I said one of them is the Supreme Court. So I was reversed, there were two reversals. But the first time I was reversed by the 9<sup>th</sup> Circuit Court of Appeal, then when that was brought up before the Court of Appeals, I was reversed again in my decision dismissing the appeal. So, it took two reversals to prove that I was right. I had to be reversed two times.

TOVES: So the Court Reorganization Act happened in your term as a Superior Court judge?

JUDGE DUENAS: No. I think I was already a judge of the District Court. I never became a judge of the Superior Court. I was a judge of the Island Court.

TOVES: Oh, okay. So your appointment was in '69.

Back to your time as Island Court judge, then. Your association with the other judges on the bench, and other lawyers while on the bench, would you describe what it was like?

JUDGE DUENAS: Well, it's not anything earth shaking. In other words, I mean, when I was in the Island Court, we have all these judgments against, filed against individuals for failure to live up to their obligation of the promissory note, and there was so-called repossession. There's old judgments. So we have in the local lawyer or the so-called examination of judgment debtors and they are brought in every now and then by attorneys to see what the judgment debtor, or how he's financially situated, whether there is something that can be recovered under the judgment.

And there was this one incident in the Island Court. David Shapiro was representing a lot of these cases. And he is one of the attorneys who had been flooding the court with these examinations of judgment debtors hearings. So one day, I had about -- on my calendar one morning, I had about twenty-five examinations of judgment debtor hearings; and that morning, Shapiro couldn't make it, because he had the flu.

TOVES: So did you conduct all those examinations?

JUDGE DUENAS: Oh, yes, I did. It's conducted in my court. So Mr. Shapiro's wife, Addie, Mrs. Shapiro, came into my courtroom and said, "Well, Mr. Shapiro cannot make it this morning, so I'm taking over the examination of judgment debtors". I said, "What?"

"Well, I'm going to examine all the debtors instead since Mr. Shapiro is not here.

I said, "No, you don't."

She said, "Why not?"

I said, "You're not admitted to practice law."

She said, "Well, I've been doing it in Judge Perez's court. When Mr. Shapiro's not available, I've conducted examinations, and Judge Perez doesn't mind it, and then he let me proceed."

"Well I don't know. I don't care what Judge Perez does in his court, that's his business, but you, you don't do it in my court.

And she said, "Well, can I at least talk to these judgment debtors who are here outside of the courtroom?"

I said, "I don't care what you do with them as long as you don't do the examination here in open court. Outside of the courtroom, you can talk to them, and make any arrangements as much as you want, but that's your business. That's not my business."

TOVES: You had your judicial procedures, and you required the attorneys to follow them?

JUDGE DUENAS: Not just any Tom, Dick and Harry can come before the court and say, "Well, I want to represent this guy," or "I want to proceed against this guy."

"Well, are you admitted to the bar? Are you an attorney? You cannot represent anybody, going around that way." I said, it's different in a criminal case. When you're the defendant, you have the right to be your own lawyer if you want to. But to be a lawyer, act as a lawyer for somebody else, representing someone else, not being admitted to the bar, you just don't do that."

TOVES: Is there another incident like that, that, that you remember, where someone else tried to come in and do something unique, something different?

JUDGE DUENAS: Well, there's lots of incidents. It's because I have my own court, and then there's -- I won't mention names of other judges. But I remember Jack Raker who was then the prosecutor of the Government of Guam and he filed an information, and I was still in the Island Court, and these are all misdemeanor cases. But when the defendant came down, at that time, we didn't have the use of the courtroom in the then District Court because that was a legislative hall that was also used by Judge Shriver as District Court courtroom. So most of the time we'd conduct or have our initial hearings in our chambers. When I have this information filed and the defendant is brought in to advise him of all of his rights, and everything is recorded down, everything is done in English, English being the official language, the only time we go to the vernacular is with the use of an interpreter when the accused does not understand English, even if he's a Guamanian, Filipino, or something like that. But then this other so-called chamber courtroom, the defendant will be brought in and if he's a Guamanian in front of Judge Shriver, and John Raker who was the island attorney who filed the relevant information, the judge will speak to the defendant in Chamorro, and he'll go through the whole procedure, your name, all of those things. Then after that, an exchange of conversation back and forth between the judge and the defendant -- That Judge Raker, I mean, Mr. Raker, the island attorney, doesn't know what's going on because everything's conducted in Chamorro, and there's the court reporter, cannot report anything, because she was not a Guamanian. So she just sat there. And then after a while, the judge would say, "Well, he's pleading guilty." And he will tell the prosecutor he pleads guilty. He'd tell the reporter, "Well, after being questioned by the court, and the court advised him of all of his rights, the defendant stated he does not want an attorney, and told him that if he's guilty, and the court will accept his plea of guilty," things like that.

TOVES: Pretty short, pretty short and simple

JUDGE DUENAS: Real short.

TOVES: So did Mr. Raker object to that?

JUDGE DUENAS: No. He just sat here. Then, at the conclusion of this soliloquy between the judge and the defendant, Mr. Raker will inform the defendant he's guilty, and then he would be advised of all of his rights. That was what the court reporter will be recording.

Then Mr. Raker will say “Thank you” and then asked “When will the defendant be sentenced?”

TOVES: Did you have a law clerk at that time, judge?

JUDGE DUENAS: No.

TOVES: A court reporter?

JUDGE DUENAS: No, we don't have any clerks.

TOVES: You didn't have law clerks back then?

JUDGE DUENAS: No. My secretary is also my reporter.

TOVES: Oh, before she became a reporter, she was a secretary?

JUDGE DUENAS: Well, she was my secretary and my court reporter. She was filling both positions.

TOVES: And changing to another subject, did you have any social activities with other judges and, and other lawyers while off the bench at that time, or did you associate with them?

JUDGE DUENAS: No. I make it a point when I was appointed judge we still have to be civil with the attorneys that we are dealing with, be on good terms with them, and I make it a point that I will not socialize with any of the attorneys.

TOVES: Did you think it was a lonely profession then because of that?

JUDGE DUENAS: Was a what?

TOVES: A lonely profession being a judge, and you didn't socialize?

JUDGE DUENAS: A judge is a lonely man, because his activities are very restricted socially. There are a lot of activities that you may not attend, because you don't want to compromise your position as a judge. You want your reputation clean. You don't want to create a situation where people might talk, take action against you with this so-called lawyer, even if there is no basis or justification for it.

TOVES: Talking about your judicial style or technique, how you handle your cases in preparation for a hearing, did you have a particular way of handling your cases?

JUDGE DUENAS: Well, aside from the other preliminary motions, in criminal cases, to dispose of them, I just follow certain procedures, because I had very good guidelines. There are really very few instances when you have to make a slight deviation from that, because once

you stick to the laws, or so-called outlines, you can feel safe.

TOVES: And you can make your decisions, you can pretty much come to a conclusion and make your decision based on –

JUDGE DUENAS: What I mean is the procedures in the court, you know how you go about it, criminal cases.

TOVES: You can't make a mistake by following the guidelines.

JUDGE DUENAS: No. Usually appearing before the court, the filing of the indictment, bringing the grand jury in, and bringing the defendant here before the court by an indictment. And the disposition of all these preliminary motions, preparing the case for trial.

TOVES: I have to overlap this, because sometimes I, it doesn't get the end part of the tape.

(Brief period – Technical problem).

JUDGE DUENAS: So there's outlines those are outlines, benchbook outlines. Those are followed by most all judges. You don't deviate from that otherwise you may be treading on some dangerous ground, relative to how you dispose of certain motions like there's a motion. Let's say there's a jury trial. Then upon the conclusion of the government's case it's almost a certainty that the defense counsel will file a motion for acquittal, based on certain grounds. But most of those go to making the basis for appeal motion. Most of the time they know that their motion will not be granted. But other than that, you just follow the federal rules of criminal procedure in criminal cases, and then follow like in the jury trial, bringing in the jury, go on voir dire examination, impanelling of jurors. So they're just standard procedures. Well, there are judges who have certain techniques such as how to conduct voir dire examination, but most of the voir dire examinations are standard.

Then counsel for the defendant, counsel for the government will also submit certain questions that they will want the court to ask the jury about on voir dire examination. The court will incorporate certain questions. Some of them are already covered in the court's questionnaires. There's certain things involved with different judges. Some judges have different techniques, but it all comes down to the same thing. In other words, what you're

striving for, for the same thing, you will have the same conclusion. Just the way of going about it.

TOVES: Your approach?

JUDGE DUENAS: Yes, a different approach.

TOVES: Your approach in making the decisions to the motions, you just listen to all the parties?

JUDGE DUENAS: Oh, yes. Well, if there's a motion in a criminal case, say, if the government does not comply with the order of the court on some of their preliminary motions, give certain exhibits, or certain documents, or what not in certain information on the defendant, and by virtue of that noncompliance by the government, those are matters that you have studied going through the law, going through the case laws. I think the thing to do is not to make your decision right from the bench even though you had the opportunity to read the briefs submitted by counsel before hearing on the motion, there are times when new issues are brought up, new contentions are brought up during the course of the hearing of the motion. And it would be a good thing not to make a ruling right away at the bench and take the matter under advisement so that you can go thoroughly into the briefs and see some of the new issues that have been brought out.

TOVES: And that's how you'd handle your cases, that way?

JUDGE DUENAS: Oh, sure. Most judges handle it that way. Certain motions you can just from the very beginning that there's really no merit to it. But it's a formality, you have to give it a hearing. The defendant asks for a hearing even though there's no merit to the motion, you hear the motion, you ask questions of defense counsel, counsel for the government, you hear both sides, and at the end of the hearing, you rule on it.

TOVES: Was there ever a complex case that you had to go talk with another judge about it, or another colleague?

JUDGE DUENAS: No.

TOVES: Or do you just mostly rely on your research, and all?

JUDGE DUENAS: No, because that's one of the disadvantages out here. I'm the only

judge in the District Court. In most districts, even those at small districts, there's always at least a minimum of two judges.

TOVES: No, but I'm talking about the period when you were still Island Court judge.

JUDGE DUENAS: Oh, oh, the Island Court.

TOVES: When you were talking about your approach, you're also talking about how you handled it in District Court?

JUDGE DUENAS: Yes. In other words, it's the same technique.

TOVES: But, again, as an Island Court judge, you never had time, had reason to go to another colleague, talk about a complex case? You made decisions, make decisions on your own?

JUDGE DUENAS: To be candid, when I was there, there was, as far as I'm concerned, there was never any complex cases, so there was never a need for me to consult another judge. And then, it would be an unwise thing to do. Because the composition is the appellate court of the District Court it is usually the chief judge of the District Court, and some times one judge from Trust Territory, and another judge from the Island Court. So if I discuss certain cases with the other judge, then I make a decision, then that other Island Court judge will have to disqualify himself from sitting on the appellate panel. So, that's another reason why I cannot discuss cases with another judge. Because there's always the possibility that the other judge may be sitting as a member of the appellate panel at District Court.

TOVES: So it wasn't wise to discuss cases?

JUDGE DUENAS: It wasn't wise.

TOVES: This period of time when you were in Island Court, do you remember what else was happening in Guam when you were Island Court judge? Do you know what was going in the development of Guam?

JUDGE DUENAS: Well, there was not much development in Guam. The so-called "boom" started in 1970, '71. Those were the years when Guam was really building up. That was during the days when we started having, oh, some of this drug problems lot of drug problems coming to court. Even in my term as a Island Court, the drug problem was very

insignificant.

TOVES: It wasn't until the 70's?

JUDGE DUENAS: Right. When I came over to the District Court in the early 70's, and that was the time when there was an influx of drugs cases, and that time it was mostly heroin and marijuana, and then later on cocaine came into the picture.

TOVES: We'll talk about that when we get into your District Court era.

JUDGE DUENAS: And I was alluding to that in my remarks of those problems when they were confronting me when I was a judge in the Island Court.

TOVES: You mentioned some other judges' names earlier. Could you give me a hint as to how they're regarded by the bar, Guam Bar Association, what their opinions were?

JUDGE DUENAS: Well, they're okay. There were never any official consensus of opinion with the members of the Guam bar, as an official entity, but every now and then you hear some mumble from some attorneys up there that they appeared before a certain judge, and as far as they were concerned, that judge does not know what he's doing, things like that. Especially when they were on the losing side of case, they grumble. That was an idiotic decision. I just don't know how he handles it, how he makes his decision. It just goes to show that he just does not know what he's doing. You hear certain things like that. As far as an official consensus of the bar association, I never had that.

TOVES: Did you hear anything, any comments made about your, your opinions, your decisions on the bench?

JUDGE DUENAS: No, I can't surmise that some of them could be saying something like that about me to other people. I can surmise that some of them would be unbearable, but there are always two sides to it.

TOVES: Right. The losing side always has a comment.

JUDGE DUENAS: Right. The losing side is sometimes just not happy with it and can't handle it. Especially to satisfy their client, they would say, "Well, we should have won that case, but I just don't understand that judge. I don't know how he could ever come up with such an idiotic decision." But I never heard anything.

TOVES: About yourself?

JUDGE DUENAS: Direct or indirect about me. So I don't know, I cannot say that there was no attorney who ever made any adverse statement against me. I cannot say that. But at least not that I know of.

TOVES: So your other colleague, then would be just another judge at that time, when you were island court judge? He was Judge Joaquin Perez?

JUDGE DUENAS: Well, and there were other subsequent appointments, like --

TOVES: Island Court judge?

JUDGE DUENAS: Yes. I was still in the island court when Judge Bamba was appointed. Judge Reyes was appointed, and Judge Abbate was appointed.

TOVES: What would you say were the professional, economic, and social atmosphere of the local community then? It was still growing, right?

JUDGE DUENAS: It was growing at that time. The Guam Bar Association was really, I think it was not an integrated bar. And they assumed the attitude that the less you do anything the better off you are. So they had their monthly meeting, usually held in one of these club restaurants. They usually had their meeting around noon, luncheon meeting. There would be a lot of socializing, a lot of drinking. They would not accomplish anything. As a matter of fact, in those days, lawyers were not interested in assuming any responsible position in the Guam Bar Association. I remember one instance when Jesus Torres was President of the Guam Bar Association for I don't know how many years.

TOVES: Was there a lot of business for the lawyers, back then, Judge, when you were island court judge, do you think?

JUDGE DUENAS: Well, the bar membership was not too large, it was small.

JUDGE DUENAS: I suppose there's enough for each lawyer to make an honest living.

TOVES: Do you remember who were considered the big lawyers at that time?

JUDGE DUENAS: Well, when I first came to Guam, there was a lawyer by the name of Lyle Turner.

TOVES: Lyle?

JUDGE DUENAS: L-Y-L-E.

TOVES: Turner?

JUDGE DUENAS: Yes. Both he and Ed Crain. There were some other lawyers that were practicing law when I first came.

TOVES: David Shapiro was also one?

JUDGE DUENAS: No, no. David Shapiro came later on.

TOVES: Oh, I see.

JUDGE DUENAS: David Shapiro really was brought here by an insurance company at the time called the American Global. They were the ones who brought David Shapiro out here to handle some of their cases and he remained in Guam. But that was how he came to Guam, as a lawyer for this American Global Insurance Company. It was one of the largest insurance companies in Guam at the time. For all practical purposes, the bar association was not a working bar association. That's when I was in the Island Court.

TOVES: What would you say that the economic atmosphere was for Guam at that time?

JUDGE DUENAS: Well, it was building up. Construction was just starting. The economic situation was starting to improve. It may be the beginning of a boom which really reached its highest point in the early 70's. It was a gradual economic situation.

TOVES: Who would you say were the prominent businessmen on Guam at that time?

JUDGE DUENAS: Well, there was Pedro Martinez, and there was J &G, Jones & Guerrero; they had the Town House; Atkins-Kroll, Calvo Insurance Company. They were all building up real estate.

TOVES: Was insurance a big business back then?

JUDGE DUENAS: Well, it was. The island was really building up. Calvo was also much involved in real estate, and they were acquiring a lot of real estate.

TOVES: And in the construction business, who would you say was big?

JUDGE DUENAS: Well, the original construction company, aside from the construction company that came to Guam doing the military contracts, there was the so-called

Pacific Construction Company.

(End of Tape 7)

**Continuation of Oral Interview of  
Honorable Cristobal C. Duenas, Retired Judge  
District Court of Guam**

**Tape No. 8**

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MS. TOVES: This is tape number eight of the oral history interview of the Honorable Cristobal C. Duenas, retired judge, District Court of Guam. Today's date is Tuesday, April 23rd, 1996.

(Continuation of interview).

JUDGE DUENAS: We still have a Pacific Construction Company, now.

TOVES: PCC?

JUDGE DUENAS: PCC.

TOVES: It's a store, isn't it?

JUDGE DUENAS: A store now, but when it was originally started, it was a building supplies company, as well as a construction company. They do construction work with binders, and --

TOVES: So when did Frank D. Perez start?

JUDGE DUENAS: Frank D. Perez started around 1951, '52. And Perez, Perez built Perezville Subdivision. That was the first subdivision in Guam.

TOVES: Okay. And this all happened up to the point is when you got appointed as a district court judge?

JUDGE DUENAS: Yes. Everything was building up.

TOVES: What led to your appointment as a district court judge?

JUDGE DUENAS: What?

TOVES: Well, you were still Island Court judge?

JUDGE DUENAS: Yes, I was still in the Island Court. And well, there was Judge Shriver, and Judge Shriver's term, I don't know whether it expired, or, it was a change of administration. I don't know if he was appointed by a Democratic president. I think it was Harry Truman. In '48, he was elected for a four-year term, so I think that Judge Shriver was appointed by Harry Truman. Then Eisenhower succeeded Truman, the Republican administration, and that's when we had a change in the judgeship of the District Court. That was

the time when Judge Gilmartin came in, and Gilmartin didn't last long. He died.

TOVES: What was his first name, Judge? Gilmartin?

JUDGE DUENAS: Gil, Gilmartin, G-I-L, that was his last name.

I don't remember his first name, I don't think I have his name. (Pause) Oh, Eugene.

TOVES: Eugene.

JUDGE DUENAS: Eugene R. Gilmartin. So, Judge Shriver, 1951 to 1959. Then Gilmartin, 1959 to 1961. Then after that, when President Kennedy took over, Judge Shriver was again appointed to the bench.

TOVES: From 1961-1969?

JUDGE DUENAS: '69. Judge Shriver was the judge at the District Court for two terms. But not successive terms. It was an interval of two years when Judge Gilmartin was judge.

TOVES: Did Judge Shriver also die?

JUDGE DUENAS: No, he retired.

TOVES: No, but did he die, I mean has he died yet?

JUDGE DUENAS: I don't know whether he passed away, but long after he retired I used to meet him and Mrs. Shriver at some of these judicial conferences of the 9th Circuit. But at that time the Ninth Circuit often invited retired judges, and also some of the judges of the Pacific areas as official guests. Judge Shriver used to come to the Judicial Conference once every year. That was the occasion when I had the opportunity to meet Mrs. Shriver. But then, a few years after that, they changed the posture of the Judicial Conference, and those judges who used to be invited as guests were no longer on the list. So Judge Shriver stopped coming. So in the later years of my being a judge in District Court, I had not seen Judge Shriver. I don't know whether he is still living, or passed away.

TOVES: I neglected to ask you, where the Island Court was first located when you were a judge?

JUDGE DUENAS: It was located in the Guam Legislature building.

TOVES: When you first started?

JUDGE DUENAS: Yes. See, there are two wings in there. One wing is the west wing, on the south side of the building. That constituted the activities of the Island Court. Then the wing on the north side of the legislative building, that was where Judge Shriver has his office and the court library. And also, also that particular area also serves as the main committee room of the Guam Legislature. There was a small part in the east portion of the old legislative building, a small area serving as the Island Court courtroom.

TOVES: Was that sufficient for court hearings and all that?

JUDGE DUENAS: Not, not really. Whatever space was available, we had to use.

TOVES: That was the first location for the Island Court?

JUDGE DUENAS: Yes. And then there's a Superior Court. But I think that was built in 1968. So we moved over to the then new court building, Superior Court building. And then the upper, the second floor of that building is where the district court was located, and the lower floor constituted all the courtrooms and the administrative section of the island court. And we remained that way up to the time when they had to move to this new superior court building now.

TOVES: And the District Court, it was always on the second floor?

JUDGE DUENAS: Second floor. But then there came a time when the island court needed spaces. Even after the so-called Court Reorganization Act, we were still there, we were still occupying the second floor. But then when the Superior Court was created, and they had this case load, and what not, they need more space.

TOVES: For the big cases?

JUDGE DUENAS: Well, not only for the big cases.

TOVES: For the big trials?

JUDGE DUENAS: They need spaces for their library, and everything.

So they asked the federal government if it would be possible for the District Court to move out of that building. That's, that's the time when we moved out of the Superior Court to the present location of the District Court (indicating PDN Building) now.

TOVES: Do you know where the grand jury of the Superior Court would meet? Would it be upstairs in the new building or downstairs, or elsewhere? Do you know?

JUDGE DUENAS: No. At that time, there was no grand jury.

TOVES: No grand jury?

JUDGE DUENAS: No grand jury. Trial jury by petit jury.

TOVES: Oh, I see.

TOVES: When did the grand jury requirement come to existence in the island court?

JUDGE DUENAS: It must be after I left. Because I, we never had any grand jury when I was still there. I remember it has to be after the 1969, because when I was still a judge on the Island Court, there was no -- well, there, there could not be any grand jury indictment, because the jurisdiction in the Island Court was only for misdemeanor cases. So they only proceed by information.

TOVES: And this was after the Court Reorganization Act.

JUDGE DUENAS: Yes, so the grand jury must be after the Court Reorganization Act, because that was the time when the Superior Court then assumed jurisdiction of felony cases.

TOVES: Do you want to take a break now, Judge? We're going into your District Court term?

JUDGE DUENAS: Yes.

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(End of Tape 8)

**Oral Interview of Honorable Cristobal C. Duenas  
Retired Judge, District Court of Guam  
October 22, 1996, Agana, Guam, 9:15 a.m.**

**Tape No. 9**

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TOVES: Good morning. This is Lolita Toves, conducting the oral history interview on Cristobal C. Duenas, retired judge, District Court of Guam. This is a project for the 9th Circuit Judicial Historical Society. Today is Tuesday, October 22nd, 1996. And the time is about 9:15 a.m.

Good morning, Judge Duenas. This is a continuation of your oral interview, again, for the court history project.

(Pause, brief period).

TOVES: Okay. Today's Tuesday, October 22nd, 1996. Again, we're continuing the oral history interview on the Honorable Cristobal C. Duenas. He's the retired judge of the District Court of Guam.

Last time we left off, Judge, we covered your tenure on, as judge of the Island Court. We will now begin on your appointment as District Court judge. If you could just tell us what your next appointment was for.

(Brief pause).

If you can tell us what your next appointment was for, and who appointed you to the bench.

JUDGE DUENAS: Well, after leaving the Island Court of Guam, which is a predecessor to the present Superior Court of Guam, I was nominated by President Nixon for appointment to the District Court of Guam as Judge of the District Court of Guam. My name was submitted to the Senate, and my nomination was confirmed early in December, 1969. And my appointment was dated December 11, 1969, if I remember correctly. I assumed the office around December the 23rd, of the same year of 1969. And that appointment was for a term of eight years.

TOVES: Okay. And now, would you tell us how the District Court of Guam came to existence, just for educational purpose?

JUDGE DUENAS: Well, the District Court of Guam was created by Congress. It was

incorporated in the so-called Organic Act of Guam, which was later incorporated into Title 48, U.S. Code, Territories. And it was designated as the District Court of Guam, the so-called highest court, which also empowered the local legislature to set up any other courts on the island. And when it was first established, it had jurisdiction of everything. Then under Public Law 17, which was in 1950.

TOVES: The date around that period would be what?

JUDGE DUENAS: That was when the District Court was established.

TOVES: Under the Organic Act?

JUDGE DUENAS: Right. Under the Organic Act, when the first so-called, first Guam Legislature passed Public Law 17, the Island Court was created -- rather, the Guam Legislature -- and it was vested with limited jurisdiction. It was vested with jurisdiction of all misdemeanor cases, of all civil cases, outside of equity, up to the amount of two thousand dollars (\$2,000), that was its jurisdiction. Then it also had jurisdiction of registration of land properties, jurisdiction of domestic matters, adoptions, divorces, and all those things. It's a very limited jurisdiction.

TOVES: The District Court of Guam handled those?

JUDGE DUENAS: No, those were handled by the Island Court.

TOVES: The Island Court.

JUDGE DUENAS: Yes, the Island Court of Guam, which is the predecessor of the Superior Court. Everything else remained in the District Court of Guam. All local felonies, all federal felonies, and all civil cases in excess of two thousand dollars (\$2,000) were all handled in the District Court of Guam.

TOVES: Do you happen to know the exact dates of this, when the District Court was created?

JUDGE DUENAS: It was late 1950, or early 1951. Judge Paul D. Shriver was the first judge of the District Court of Guam. At that time, I think the appointment was just for four years. Later on, it was expanded to eight years.

TOVES: He was the first District Court of Guam judge?

JUDGE DUENAS: Right.

TOVES: Okay. Before his appointment, were there other judges that came in to sit before the District Court as Designated Judges?

JUDGE DUENAS: No, not when he was the first judge ensuing the establishment of the District Court.

TOVES: So how long was his term?

JUDGE DUENAS: Four years. But before the expiration of his term, I think it was expanded to eight years.

TOVES: Expanded to eight years.

JUDGE DUENAS: Then he served for eight years, and there was a change of administration for national administration. I think that was the time when President Eisenhower assumed the office. He was a Republican. Then he was removed, and his successor was Judge Gilmartin, who at that time was the - I don't remember his title - but he was in charge of the Trust Territory government which has its headquarters in Guam.

TOVES: Would you say that Judge Gilmartin was considered a district court judge for Guam?

JUDGE DUENAS: Yes, he was. He was appointed. He served, but he didn't serve for long, because he passed away, I think about a year, or one year.

TOVES: All right. So would you say he was the second judge?

JUDGE DUENAS: Yes, the second judge.

TOVES: Second judge.

JUDGE DUENAS: Then right after his death, there was a change of administration again. President Kennedy was elected into office, and Judge Shriver came back again to the District Court for the second time. And he served for another eight years, up to around September of 1969. That's when he retired.

In the meantime ensuing his retirement, I was already being considered. I was a prospect for appointment. And Judge Chambers, Richard Chambers was then the Chief Judge of the Ninth Circuit, asked me whether I can assume the duties and responsibilities of a judge

of the District Court. I was appointed as a designated judge. So I started as a designated judge of the District Court in October of 1969, ending my official appointment as a judge of the said District Court.

TOVES: During all this time, judge, do you know where the District Court of Guam was located?

JUDGE DUENAS: Well, when Judge Shriver was in office, he has his chambers in the old Guam Legislature building, here in Agana across, across the street from the Agana Cathedral. He has his chambers there, in the legislative hall, that's where the legislature had their sessions. That was the so-called courtroom of the District Court, too. So in those days, the legislature just meet about thirty days a year: Fifteen days in the beginning, and then another fifteen days. So, most of the time they were not in session, and the hall was used as the district court courtroom. Then, in 1968, this District Court moved over to the old Superior Court building, and the District Court occupied the second floor of that building, and then it remained in that building, till it moved to its present location, which was in 1974.

TOVES: Was it 1974?

JUDGE DUENAS: 1974. It was little after 1974, because I remember I was still – we have to remember, they had this 1974 when the Guam Legislature passed this so-called bill creating the Supreme Court of Guam. And that was challenged by a local attorney, challenged the validity of the –

TOVES: Was it Mr. Trapp who challenged the validity?

JUDGE DUENAS: Mr. Trapp challenged the validity of the Supreme Court of Guam. And I remember that the hearing on that issue was heard in the old Superior Court, so it must be in 1974 that we moved over to the present location, unless we heard some –

TOVES: And you've also heard of the new announcement, the announcement of the new location for the District Court of Guam?

JUDGE DUENAS: Oh, yes, I read that in the paper.

TOVES: Did you envision the District Court of Guam being housed in its own federal building?

JUDGE DUENAS: Well, yes. As a matter of fact, just before I left the judgeship, about three or four years before I retired, the General Services Administration was looking for an area in Guam to put up a federal building. They were looking for some areas in Agaña which will be large enough to erect a federal building. But there were certain steps that were already taken when all of a sudden we got word that everything had to stop because there was a new development. Instead of building a federal building to house the court, we were told that we will have to move into this area because there were a lot of spaces here that were not being rented. And how it involved politics. The owner of the building at that time was a prominent businessman by the name of Chin Ho, who also owned the Honolulu Star, and he was a very good friend of then Senator Fong from Hawaii. And through the politics, said, "Well, why create or set up a building when you can utilize some private areas give the business to --." That plan came to a halt, and we moved into this building (indicating PDN Building). So we have been here ever since.

TOVES: Do you think the new location is well chosen or convenient for everybody?

JUDGE DUENAS: It's a nice area, but I don't know whether there's enough space there, I don't know how big the lot is for that new building.

TOVES: They'll have to put underground parking, probably because that's been the problem here.

JUDGE DUENAS: I suppose studies have been made, and they must have decided that there should be some area for the building with some parking spaces. But it's a good location.

TOVES: Okay. Then, the last judge you succeeded you said was Judge Shriver?

JUDGE DUENAS: That's right. I succeeded Judge Shriver.

TOVES: And you were the, probably the fourth judge, then, of the District Court, if we're counting Judge Gilmartin?

JUDGE DUENAS: Well, Judge Shriver served two terms.

TOVES: Oh, two terms.

JUDGE DUENAS: Yes. I think around eight years. But there were two judges before me. Judge Shriver served two.

TOVES: Do you have any photos of Judge Gilmartin, Judge? Just --

JUDGE DUENAS: I used to have one.

TOVES: Just so I can have it blown up, and --

JUDGE DUENAS: He was the High Commissioner of the Trust Territory.

TOVES: So maybe the Trust Territory government might have.

JUDGE DUENAS: Well, they must have it or the Department of the Interior. But then he was a short-term judge. He had a heart attack. It's ironic. He went up to the Naval Hospital for his regular checkup. While there having a checkup, he had a heart attack right there on the table. It was a massive heart attack and he passed away.

TOVES: And at that time, when you were appointed to the bench, as judge of the District Court of Guam, what did you think the level of District Court of Guam was at the beginning of your term?

JUDGE DUENAS: What do I think about it?

TOVES: Yes. How the staffing was, its caseload, and so forth?

JUDGE DUENAS: Well, the caseload was large then, because it has jurisdiction of just about everything. In other words, the only other court was the so-called Island Court, which is a court of very limited jurisdiction. See, all felony cases both local and federal and all civil cases were --

TOVES: What are all those jurisdictional issues that the district court had again?

JUDGE DUENAS: Well, the local felonies, every felony which is in violation of the laws of Guam, as well as all the local federal felony cases, they're all tried in the District Court of Guam because the district court has jurisdiction of them. Then all civil cases in excess of two thousand dollars (\$2,000) are tried through them. All tax cases, income tax cases, both civil and criminal, are tried in District Court of Guam because even up to now that's the way it's set up in the Organic Act of Guam. When the Superior Court of Guam was created under the so-called judicial, overall judicial act of Guam, every jurisdiction which was in the district court, all local jurisdiction, was turned over to the Superior Court, with the exception of the income tax cases both civil and criminal because the legislature cannot -- there's a provision in the Organic Act

that says notwithstanding any other provision which gives the legislature authority to set up a court based on its jurisdiction, that jurisdiction involved in income tax matters, local, -- I mean, civil and criminal, cannot be removed from the Organic Act unless Congress acted on it. So, the District Court of Guam still has jurisdiction of income tax cases up to now.

TOVES: You also said it had jurisdiction over admiralty cases?

JUDGE DUENAS: Yes, it has admiralty, bankruptcy, and immigration jurisdictions, everything all federal jurisdictions.

TOVES: District Court also had the appellate jurisdiction?

JUDGE DUENAS: Yes, this is the only district court in the United States which has appellate jurisdiction. And that was set up in the Organic Act, and it has remained as the court of last resort in Guam until the creation of the original Supreme Court of Guam which was very recently.

TOVES: Right. And so the District Court won't have that jurisdiction any more, that of the appellate court?

JUDGE DUENAS: No. So the only cases that are being heard in the appellate division are those cases that are pending here, before the Supreme Court of Guam. They are still pending, but --

TOVES: Right. There's, there's still some pending cases.

JUDGE DUENAS: After that, the District Court of Guam, I mean the Supreme Court of Guam is now handling all of the appeals from the Superior Court after the creation of the Supreme Court, because I think there's a provision in the law establishing the Supreme Court of Guam that all appeal cases pending in the appellate division of the District Court will remain in the appellate division of the District Court up to its termination.

TOVES: Did you think that the District Court operated on a small scale still, right, when you first took over?

JUDGE DUENAS: Well, as far as, -- no, when I first took over, it had large cases. It was after the Superior Court of Guam was created that the load of the District Court was greatly diminished, because all cases of local jurisdiction was vested in the Superior Court of Guam.

TOVES: That's after the Court Reorganization Act?

JUDGE DUENAS: The court reorganization, yes, in 1974. As a matter of fact, it had reached the point as far as the case load was concerned, that it was the time when I had been asking for an additional judge or at least have a magistrate. But then when the Court Reorganization Act was passed, the volume of work at the District Court dropped down, and there was really no need.

TOVES: No, no justification.

JUDGE DUENAS: Not for an additional judge or a magistrate.

TOVES: And your staffing needs also were not, well, in great need?

JUDGE DUENAS: No.

TOVES: So would you say that the District Court progressed because of the way the economy was also growing in Guam?

JUDGE DUENAS: Right. The case load was low for a short period of time, and then it started catching up. And now the caseload is going up again, a lot of drug cases and –

TOVES: How would you compare your experience in the Island Court and with the District Court as far as your time on the bench?

JUDGE DUENAS: Well, see, when I first ascended the bench in the Island Court, which is the predecessor of the Superior Court, there was no jury trial, no grand jury, nothing. So everything was trial to court. And so it was very simple. Then when I came over to the District Court of Guam, it's a big change because we have jury trial here. We have the grand jury. We have indictment by grand jury and all those things, which were not in existence in the Island Court of Guam. So it was a big change, big transition.

TOVES: Did you think it was a challenge, great challenge, being on the bench on the District Court?

JUDGE DUENAS: Yes. It was a big challenge.

TOVES: How did you feel on your first day of jury trial, say?

JUDGE DUENAS: Well, just as you handle everything, when you handle something for the first time you put in a lot of preparation. But still you have that sense of trepidation

because you are not used to it, and you have to just watch all the steps you're taking. But that's for the first exposure. But it became, I won't say routine, but at least you are more at ease with the procedure, and everything.

TOVES: Your expectations, you knew what was coming?

JUDGE DUENAS: Yes, I knew what was coming. I knew that when I had come over to the District Court, everything would be different, the work, the load, workload, cases and everything, it's a gigantic move.

TOVES: And how did they change over the years? Do you know how they changed? Did they change with experience?

JUDGE DUENAS: Well, as the years went by you work, you get more accustomed, and you know more about the procedures about how to handle yourself on the bench.

TOVES: And you have these periodic education or judge's training?

JUDGE DUENAS: Well, yes, seminars and what not, and conferences, mostly. There are a lot of training materials issued by the Federal Judicial Center which is the educational side of the Administrative Office. See, we have the Administrative Office of the United States Courts, then there is another side branch which is called the Federal Judicial Center, and that is entrusted with the training of the judges. It's so-called the educational arm of the Administrative Office for the judges.

TOVES: And that's still happening even up to now?

JUDGE DUENAS: Oh, yes. It's an ongoing process. It's building up.

TOVES: Do you think judges are the smartest people in the world who still get educated, even in their position?

JUDGE DUENAS: Well, there's been a lot of changes.

TOVES: Right.

JUDGE DUENAS: Well, when I first assumed the bench we don't have the Sentencing Guidelines. And that was something new that we had to get educated on. It's an involved process. It's something very different. Then there are a lot of amendments, too, in the law both substantive and procedural. Federal Rules of Criminal procedure is always being amended.

The Federal Rules of Civil Procedure are amended, the rules of evidence are being amended.  
We have to study all the time.

TOVES: To keep up with the --

JUDGE DUENAS: -- keep up with all the changes and the statutory provisions, and all the changes in the procedural aspect. All the case law, what is law today may not be law tomorrow. Case laws, they change.

TOVES: Right. What kind of goals did you have to steer the Court in terms of enhancing its credibility, and in terms of its involvement in politically sensitive decisions?

JUDGE DUENAS: Well, I think it very important that the credibility of the court should be maintained at all times as far as the judicial process is concerned. The credibility of the court should have the confidence of the public in the court, in the administration of justice which shouldn't be lost. Or else then that will be a very tragic situation. The credibility of the court, the credibility of the judge, whether it does its job well, that's very important.

TOVES: And the public can appreciate that goal.

So at all three locations of the District Court of Guam, from the Guam Legislature building to the Superior Court building, to here (the PDN), would you think that the staff increased as well as the caseload?

JUDGE DUENAS: Yes, especially as far as space is concerned. Back in the old legislature building, we were very cramped. And when we moved to the second floor, the old Superior Court of Guam, we had more space. Then when we moved over here, we still had more space, but even now it's getting bad again.

TOVES: Right. Turning now the makeup of your staff, do you remember who the clerks of court were since the District Court was in existence?

JUDGE DUENAS: I don't know. I have his name at the tip of my tongue.

TOVES: Gillette.

JUDGE DUENAS: First, there was a court reporter named John Barnes.

TOVES: Gillette.

JUDGE DUENAS: Oh, yes. Gillette.

TOVES: Do you know his first name?

JUDGE DUENAS: Oh, no.

TOVES: Oh, we can find out.

JUDGE DUENAS: He was the first clerk of the District Court of Guam. I think if I remember correctly, Mr. Aguon was second, and Mary Moran is now the current.

TOVES: Do you remember who all your law clerks were, Judge?

JUDGE DUENAS: Well, my first law clerk was a military dependent, the wife of an Air Force officer, who happened to be a lawyer. Then Roger Crouthamel, and then after that, Rory Jensen. Roger is now at a the law firm of Carlsmith.

TOVES: I think he just retired?

JUDGE DUENAS: Well, he's retired. He is still associated, but in a very limited capacity. And then after Roger, I had --

TOVES: When was Rory Jensen?

JUDGE DUENAS: Right after Roger. Rory came after Roger. Then after Rory then there was Mary. Her name when she first came here was Mary Peters. Then she married, and became Mary Michels. And her present name is Mary Moran.

TOVES: Do you remember who your secretaries were, Judge?

JUDGE DUENAS: My secretaries, let's see. When I took over Judge Shriver, I had as a secretary the wife of an assistant attorney general. That's the first secretary.

TOVES: What about Nobriega?

JUDGE DUENAS: No, she was in the Island Court. Then the next one was Rosario. Rosario Paulino. And then after her, it was you.

TOVES: What was her name, Judge?

JUDGE DUENAS: What?

TOVES: What was her name?

JUDGE DUENAS: Well, if I remember correctly, it was Lolita Toves.

TOVES: Okay. And do you remember who your court reporters were?

JUDGE DUENAS: The court reporter was John Barnes.

TOVES: The first one was John Barnes?

JUDGE DUENAS: The first one. He was here since the beginning. He was with the District Court under Judge Shriver, then Gilmartin, then Judge Shriver again. He was my court reporter for a few years. Then he retired. He moved to Colorado. Then after that, I had interim court reporters reporting every now and then, until Ed Seymour. Then he became the court reporter. Then not long after that, he resigned. Right after Typhoon Karen, he couldn't stand it anymore, so he resigned. Then we had another series of interim court reporters. Then Wanda. No, there was another one before Wanda.

TOVES: Jane Wassel.

JUDGE DUENAS: Yes, Jane Wassel. Then she was succeeded by Wanda Miles.

TOVES: She's still here with us.

JUDGE DUENAS: Yes, still here.

TOVES: And now we have two law clerks. At that time, during your time, you had one law clerk and one bailiff.

JUDGE DUENAS: Correct, one.

TOVES: You had one bailiff through your tenure, right? What was the reasoning for that.

JUDGE DUENAS: Well, see, I could get another law clerk and get rid of the bailiff. I did not want that. Joe (Borja) had been with me for a long time. And then after Joe retired, I had another law clerk. Before I retired from the bench, I had two law clerks.

TOVES: And what was your bailiff's name again?

JUDGE DUENAS: Jose Santos Borja. He was Chamorro.

TOVES: And he was with you from the beginning of your term, to the end of your term, until he retired?

JUDGE DUENAS: He was here in Judge Shriver's second term, he was the bailiff. He was the bailiff all those years ago. I was told that I could have another law clerk, but I have to juggle my allotment. Instead of having a bailiff, I could have another law clerk. I decided not to have another law clerk. It was a very hard choice to make. So I picked the bailiff. Joe

had been with me for many, many years ago, I hated to get rid of him, so till he retired.

TOVES: So, Judge Duenas, generally, how well did all of your staff perform their jobs during your tenures?

JUDGE DUENAS: Well, they performed good.

TOVES: Did you have certain characteristics of employees that you disliked or did not approve of?

JUDGE DUENAS: Well, there were certain individuals who were not doing their job, but I won't mention names. One of them he retired. He retired after a report came that he was not doing his job. He hardly came to the office. We had some examiner come in. The Judicial Council came with a report and gave a strong recommendation that he be relieved. So I called in that particular employee right away He was still here, and then I got a phone call from Judge Browning. He said that based on a report made by the examiner that some particular employee just has to be terminated. So right after I got a telephone call from Judge Browning, I informed him of the situation, and he said that the report was doctored, not correct, was one that was fabricated.

TOVES: So what happened after you informed him of the situation?

JUDGE DUENAS: Told him I had to terminate him.

TOVES: You had no choice but to do that.

JUDGE DUENAS: He had the opportunity to review the report. He had the opportunity to take the matter up for a review. He had the opportunity to correct or dispute what was deemed inappropriate or incorrect. He didn't do anything. Then he said, "Well, I think someone's just trying to get of me because my wife was involved in a criminal case in the District Court of Guam, and that's the reason why." And I said, "I don't know, but the information I have from him, the chief judge, you have to be removed because of what's contained in the report. I don't know what's in the mind of the chief justice." Then he said that he'd been with District Court of Guam for so many years, would it be asking too much to extend his term for two more months so he can retire. I told him that "I won't promise you anything, but I'd bring the matter up with the chief judge." I told him that that's the only information I

had. “ If you want to take it up with the chief judge, you can do so.” He said, “Well, when, when do I have to be terminated?”

TOVES: You had no choice whether to ask him to resign or you had to terminate him?

JUDGE DUENAS: Said, “I cannot tell you.” So I called chief judge and explained the situation. So Judge Browning said, “Well, I'll leave that up to you. If you want to retain him for another two months so he can retire, I'll leave it up to you.

TOVES: Oh, so you did allow him to retire?

JUDGE DUENAS: Well, I allowed him to retire. And I said, “I don't have the authority to grant you that, but what I can promise you is that I will bring it to the attention of the chief judge.” Other than that, I don't have any other dissatisfaction.

TOVES: This is a good time to break, because I'm going into a next subject. Do you want to take a break? It's about 10:30 now.

\* \* \* \*

(End of session this date.)

(End of Tape 9)