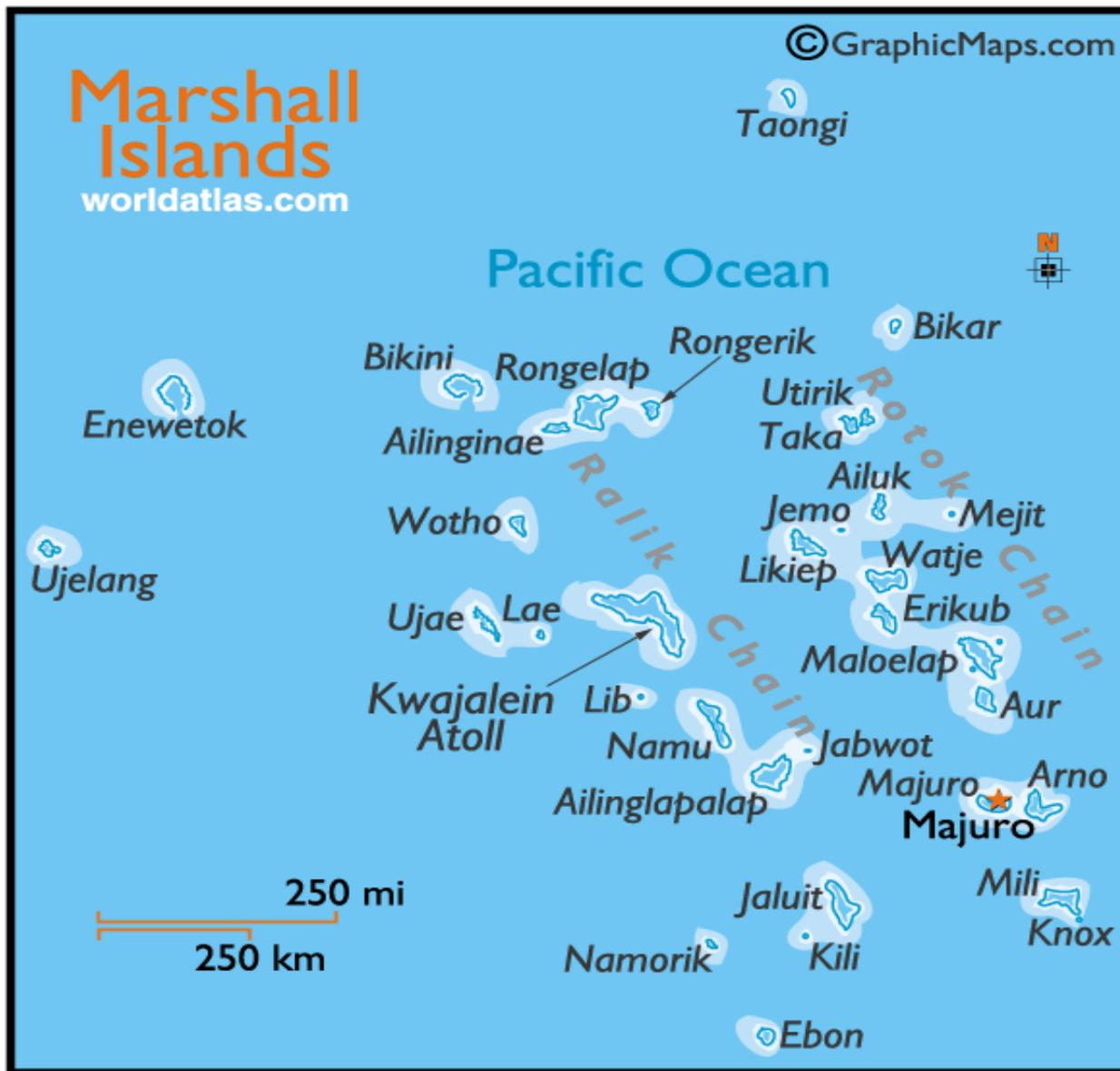


A Question of Justice

Leah Early, February, 2021



Note arrow pointing to Kwajalein Atoll and the red star indicating Majuro Atoll, the District Center, approximately 250 miles southeast of Kwajalein. These two places are important in the following story.

Past midnight sounds outside of stumbling feet woke the woman. She sat up on the side of the bed. Without turning on the lamp, she rose and asked, "Is that you, Love?"

"This door . . . this dam-m-n door!"

Oh yes, it was he! she thought as she recognized his deep alcohol induced mumbling. While helping him through the entrance, the door bounced hard against the wall. He fumbled and staggered again. Straightening up as best he could, he shook his head to clear his vision.

“Leave me alone,” he insisted, while flopping onto his back on the bed. He raised himself up on an elbow. This time his voice emphasized each word chillingly. “Leave ... me . . . alone.”

The woman bent over him in an effort to help him into bed. With one hand he shoved her arms away. In his other hand, he swung a heavy, whiskey bottle down on her head. Then again, again and again! Glass shattered and tinkled as shards fell on hard surfaces. Without so much as a whimper, she staggered backward and folded to the floor. Exhausted by his forceful exertions, he slumped back onto the bed as blackness overtook him.

This event might have occurred in the Bronx, Madrid, St. Petersburg, Dublin, or any of a million other cities around the world. But no, not this time. This time the scene played out during a short business trip by a district judge and his wife to Kwajalein Atoll, 250 miles from their home on Majuro Atoll. In the bright sunlight of morning, several Kwajalein officials discovered their most respected king, reeking of liquor, sprawled across a rumpled bed and snoring, while his wife lay with a crushed skull on the floor in a halo of blood.

Officers arrested Kabua and flew him along with his wife’s body back to Majuro. Meanwhile, throughout the Ralik (sunrise) and Rotok (sunset) chains of islands and atolls, news of the horrific tragedy traveled quickly.

Marshallese, with whom I had worked for three years at Kwajalein Importing and Exporting Company (KITCO), kept their heads down and focused on their tasks, without the usual good-hearted bantering. Their sober demeanors indicated to me their minds pondered serious questions and their hearts grieved with conflicting feelings. What will happen to Kabua Kabua, a man whose name meant “king of kings”? How could this happen? More importantly, what will happen to Kabua? He had endured harsh physical abuse and unrelenting humiliation during Japanese occupation, especially during World War II. The Marshallese people knew him as a good man, a hero.



As if purposely orchestrated, several days of dark clouds lingered, mirroring the moods and reactions of those of us who lived with the tragic event.

A couple of days later, one of our colleagues, a California dentist volunteering with us for a month, reported to everyone at the evening meal that his free dental clinic under a large breadfruit tree attracted over 80 patients that day. The waiting line stretched out to the roadway and down the street. It became an instant gathering spot for swapping rumors and news.

“A patient told me Kabua Kabua’s trial starts next week.” He paused to check if he had everyone’s attention. “He’ll be tried for murder. Is that right . . . murder?” The dentist waited eagerly, wanting to fit in and participate in a bit of juicy gossip. Not one of the 16 or so others of us gathered at the table that night took the bait.

The dentist’s question rattled about like a loose marble in the brains of staff members. They kept eating. Still no responses came. I guessed those of us who had lived and worked two or three years in the Marshalls did not have the stomach for exchanging rumors and chit chat about what was going on with Kabua, his deed, nor his family. He and his family lived next door to the house where “The Blue Shirts” gathered for breakfasts, meetings and evening meals.

A house with a kitchen, two bedrooms, bathroom and a large meeting space served as the project staff’s partial but main location. Our yard butted up against Kabua’s water catchment and pig pen. As neighbors, our children loved to visit Kabua’s family and play with his young son. Of course, the children’s joy in visiting the son grew greater when it became a common experience for Kabua and his wife Noriko to share great tasting cookies during the children’s play visits.

And we were more than just Kabua’s neighbors. Kabua Kabua served on the Kwajalein Importing and Trading Company (KITCO) board of directors. The company proved to be a major sponsor of our development efforts and my employer. Kabua also worked as a District Judge in Majuro. His job could not have been easy. Decisions always proved complicated dealing with overlapping United States Trust Territory protocols and Marshallese judicial and cultural considerations. His people came to him for reliable advice. International parties knew him as a powerful--but at that time—an aging symbolic and cultural leader of the Marshall Islands. The respect Kabua’s people showed him grew in part because of the symbol the Japanese made of him during World War II and his contributions to the Marshallese people’s well-being.

One Marshallese friend confided to me: “As a tall, young man, Kabua possessed bold courage. To ensure obedience from the Marshallese, Japanese soldiers beat Kabua frequently and paraded him naked and broken before his people. That’s why today, he walks with bent over shoulders and drinks more liquor than he should. Of course, it doesn’t help him, when many people give him Coke Cola cans containing 50% Coke Cola and 50% rum. He never has to ask for drinks or refills. “Kabua’s Coke” is there for him before he takes time to order it.”

Overnight, Noriko Kabua’s body lay in an open casket for viewing in the Uliga UCC Church. She wore a dress of soft turquoise with matching turban. A group of friends and

relatives stood present as people paid their respects during all hours over the next three days and nights. Some neighbors, friends, and family members brought flowers, some sang songs, others fanned her body throughout sweltering days until an agent for Kabua Kabua negotiated a place for her burial from *an iroji*, (one of the land-owning high chiefs) on Majuro. A few men chipped away at the burial site for several days prior to the funeral, creating a rectangular opening in the hard, thick coral. The plan for burial included lowering her casket into the opening. Once ritual leaders removed ropes, Noriko Kabua in her casket would sink into the water underneath the coral. Later, her family anticipated building a permanent covering over the hole made from rocks and cement plus a cross and marker with her name to finalize her burial.

As planned, a funeral followed on Saturday afternoon. I decided to go. One of the men in my Summer Clean Our Atoll team, serving on this occasion as a community usher, found me a seat in the crowded UCC church. When people filled every inch inside the church, some participants sat or stood outside the church near the open windows.

The fact that I did not understand the Marshallese language and missed the minister's message seemed beside the point and did not bother me the least. Several hymns registered as familiar to my ears. Before I realized it, I hummed along. I understood why and what we were about in this moment. And I, too, felt grateful for the kindness Noriko Kabua had given my children and the calm compassion she showed as she placed an arm around an elder woman shuffling across the road or as she lowered herself to be as small as the children with whom she spoke.



Grave sites in Majuro threatened by rising waters of Climate Change in 2017.

At graveside, perhaps 300 people stood as the minister prayed. Then, a few men held the casket while others arranged ropes around it and began lowering the box into the hole. Audible moans swept through the crowd as we all became aware that the opening was not large enough for the casket. Immediately, shovels chipped at the coral to make a larger hole. It looked as if it might fit, so they tried lowering the casket again. That didn't work. A fellow climbed atop of the casket and jumped unceremoniously four or five times up and down, as if to force the well-loved, dead woman in her box through the now jagged but still too small hole. That did not work either. Gradually, the crowd began sitting down to wait for this problem to be solved. A feminine voice from the participants called out in English and then in Marshallese: "**More diggers!**"

Individuals in the crowd pulled out their fans and in quiet voices spoke among friends. I grew hot while waiting in the unfiltered sun. Sweat streams coursed down and over my steaming body. I did not time how long it took to dig, retest, and finally practice slipping the casket on ropes with success up and down—but it proved longer than I estimated it would take. When the gentlemen with the picks and shovels finally solved the dilemma, all of us stood again, watched the coffin lower and disappear. Suddenly, a spontaneous reaction rose throughout the crowd and we began clapping with great enthusiasm!

Time passed slowly. Rumors had it that Kabua had been found guilty. Still, the anxiety producing question remained: What will be his sentence?

Quite by accident, I came home to be with our daughters one afternoon and noticed Kabua walking to his house. His children ran happily into the yard to hug him. Seeing Kabua simply walk up to his house puzzled me and other staff members: *Shouldn't he be in jail? What happened?*

My husband Lee and I talked about the matter late into the night. He seemed to have a better overall picture of the way the parallel system of US and Marshallese justice worked. In Kabua's trial, Lee understood that the Trust Territory judge conducted a trial by jury and the jury had found the accused guilty of murder. The Marshallese judge was responsible for appropriate cultural sentencing or punishment. In our ignorance, Lee and I puzzled over what had actually happened as results of the trial and the sentencing.

Finally, one afternoon, I could stand the mystery no longer. I waited on the porch for Walkup Silk to return home. Walkup, another elder neighbor, played the role of my mentor-interpreter of all things Marshallese. I understood he served as part of Kabua's support group and had been occupied of late with care for Kabua's family. He might have time to explain a few things. As he shuffled up the path to his house, he smiled and nodded when he spotted me. He wore his usual outfit: a loose Hawaiian shirt and long pants several sizes larger than his thin frame required, and rubber thong flipflops. Life came cooler that way for Walkup.

"Hey, Walkup," I called out. "You've really been busy. I've missed our talks. Boy, do I need one today! Do you have time?"

“Sure. I’ve been wondering what was keeping you.

“Well, after hearing about Kabua’s release, I wanted to check with you. But first, how are you doing?”

“Well, it’s been hard. He squinted and pushed his thick glasses higher up on his nose. “I’m tired, but okay. I have time to rest now.” He sat down beside me.

“I’m . . . what I mean is . . . we’re all relieved Kabua’s back home. We couldn’t let our king be put away in a United States prison. Oh, he had to be punished alright. He killed his wife!” . . . His voice became deeper as he continued: “No man kills another person without facing consequences. Our Council of Elders came together and decided his punishment. Kabua can never drink a drop of liquor again. And, he’ll never have another wife for the rest of his life.”

Walkup and I sat without speaking with that piece of justice for a long while. Initially, I was shocked at Kabua’s sentence. The punishment didn’t seem to me to be severe enough. He killed his life partner, his children’s mother. He wasted his most precious relationship on liquor and self-indulgence.



A matter of justice settled by sunset in the Marshall Islands.

Then, I remembered where I was—among people scattered across the Mid-Pacific Ocean with barely enough land on which to cling. They existed cut off from the rest of the world. They lived disconnected from the technologies and common wisdom that many others in the world took for granted in the 20th century. Every day, they made a respectful

contract with the powerful Pacific Ocean—only feet away--not to wash them away. No wonder, they hold fast to family, relations and community.

“Walkup, that decision surprised me,” I admitted. “But, you know, it might be that punishment fits better the crime Kabua committed than the option of his being jailed for 15 or 20 years. I believe it did. It leaves the matter of repentance and/or changing squarely on him and, in a strange way, on members of the community who have slipped him unrequested and requested liquor for many years.”

He nodded “yes” slowly and sadly. “Our people value family above everything. Kabua will not know the love and companionship of a woman again. Never. It’s going to be interesting how he and our people handle his future.” He leaned his head against a weathered porch post and released a heavy sigh.

The sounds of waves washing up the beach at high tide lulled us into moments of soothing silence. Nothing else needed to be said. I stood and offered to bring him a dinner plate of food.

“Thanks, I’m good.” he insisted.

“I appreciate the time you’ve spent with me, Walkup. You ‘ve been helpful. Thank you.”

He raised an arm, waved goodnight and said, “Until tomorrow then.”