

For Reasons Unknown

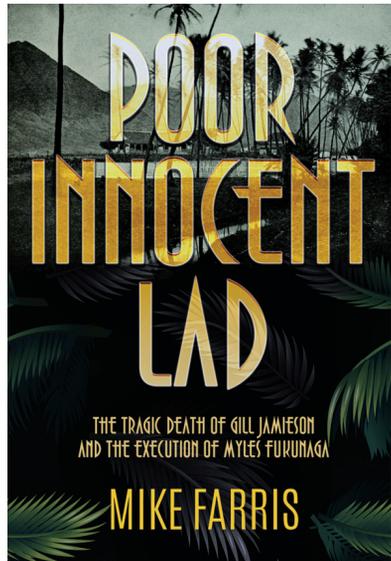
BY MILES J. LeBLANC

In February 2017, the *Texas Bar Journal* published a review I wrote of Dallas author Mike Farris' book *A Death in the Islands: The Unwritten Law and the Last Trial of Clarence Darrow* (Skyhorse Publishing, 2016). The subject of this review, Farris' *Poor Innocent Lad: The Tragic Death of Gill Jamieson and the Execution of Myles Fukunaga* (Untreed Reads Publishing, 2018), is its prequel of sorts. Not surprisingly, they share a lot of DNA: They are populated by many of the same characters, especially judges, prosecutors, and defense counsel; the events in each book took place during roughly the same time frame (between 1928 and 1932); they occurred in the same locale (Honolulu, Hawaii); and they involved the same subject matter (sensational, racially charged murders).

Farris takes an identical approach in telling his story in both books. He does extensive, thorough research of both primary source materials such as police investigative records, trial transcripts, and appellate briefing; as well as secondary source materials, particularly local newspapers both of general and targeted circulation. He then organizes his research in a logical and more or less chronological narrative, throughout which he intersperses editorial commentary. Farris describes in detail the relevant events, but also provides his opinion about what happened and why.

In *Poor Innocent Lad*, the main character is Myles Yutaka Fukunaga. Myles was the oldest of seven siblings born in Hawaii on February 4, 1909, to Japanese immigrants. Despite having outstanding academic potential, Myles was forced to leave school at the end of eighth grade to support his family. He took a low-paying job at a hospital, which he found depressing. Living at home, Myles wanted to ensure his family's financial security, especially after witnessing a rent collector from the Hawaiian Trust Company threaten them with eviction if back rent was not paid, which caused his mother to cry and angered him. All of it was too much for Myles, who tried to take his own life twice in one night, resulting in hospitalization and further burdening his family financially.

Despairing as to how to relieve the financial hardship his parents were laboring under, Myles, who avidly read newspapers, decided to emulate the highly publicized kidnappings and ransom demands of Nathan Leopold and Richard Loeb in Chicago and Edward Hickman in Los Angeles, both of which resulted in the death of the kidnapped victims and which earned life sentences for Leopold and Loeb and the death penalty for Hickman. Despite



being fully aware of the consequences of their actions, Myles pressed forward with a plan of his own, deciding to kidnap a child of a Hawaiian Trust executive and make a ransom demand of \$10,000, thereby solving his family's money woes and achieving a measure of revenge to boot.

The plan worked to perfection, up to a point: On September 18, 1928, by employing various ruses, Myles successfully kidnapped 10-year-old Gill Jamieson, the "poor innocent lad," from the Punahou School, which has since gained renown as President Barack Obama's college prep school alma mater. Gill was a white child, the son of Hawaiian Trust executive Frederick Jamieson. Myles took Gill to an isolated area where he killed him and then hid the body before making his ransom demand. But the ransom payment did not go well for Myles; he became impatient and panicky as Gill's father counted out the cash and left prematurely with only \$4,000 of his \$10,000 ransom demand in hand. Myles was caught four days later because he began spending the ransom money, the serial numbers of which had been recorded and published.

Thereafter, the end came quickly for Myles. He immediately confessed to police officers who captured him on September 22, 1928, that he had murdered Gill and said, "I am a bad, bad boy." That same day, he provided investigators a detailed statement. At trial, defense counsel Eugene Beebe attacked the confession because Myles had not been told by law enforcement that he was not obligated to answer any questions when he arrived at the police station for questioning. But the law at the time did not require such a warning.

The U.S. Supreme Court did not decide *Miranda v. Arizona* until 1966, almost four decades later.

On September 24, 1928, Myles was indicted on two counts of first-degree murder. That same day, he pleaded guilty, but because of the nature of the charges, the trial judge instead entered a plea of not guilty because Hawaii laws provided that only a jury can convict on a murder charge.

The jury was sworn in on October 2, 1928, and the trial started the next day. Defense counsel tried to establish an insanity defense, but that proved difficult because Myles' written confession and the verbal statements he made to police established that he knew right from wrong, which at that time was fatal to an insanity defense in Hawaii. The prosecution put on an abbreviated case lasting just one day. The defense put on an even more truncated case on October 4, 1928; it was over in 18 minutes. After closing arguments, the jury returned a verdict of guilty in just under two hours. The court pronounced the death penalty on October 8, 1928, which was exactly three weeks after Myles kidnapped and murdered Gill.

Some of the Japanese community in Hawaii, feeling that Myles had been railroaded in a racially motivated lightning-fast trial and death sentence, hired a new attorney, Robert Murakami, to handle the appeal. His motion for a new trial was denied, and all of Myles' appeals proved unsuccessful, up to and including denial of a writ of certiorari by the U.S. Supreme Court on October 21, 1929. The last chance for Myles was to request clemency from the territorial governor of Hawaii, who denied it and set an execution date of November 19, 1929. Myles was executed by hanging on that day.

Farris does not view Myles' murder conviction and hanging as the same kind of miscarriage of justice recounted in *A Death in the Islands*, in which four white killers of an indigenous Hawaiian man had 10-year prison sentences commuted to one hour each. Myles himself would have agreed with that assessment. Before pronouncing sentence, the judge asked Myles, "Have you anything to say why sentence should not now be pronounced upon you?" He responded: "I wish to say that I have been given a fair trial and that I will accept the punishment...." As Farris succinctly concludes in the foreword to the book, "... sometimes there is no rational explanation for why people do the awful things they do." **TBJ**



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