

Mother`s Tragic Crime Exposes A Culture Gap

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SANTA MONICA, CALIF. — Like most traditional Japanese women, Fumiko Kimura considered 6-month-old Yuki and 4-year-old Kazutaka to be extensions of herself. She loved them passionately, almost obsessively.

She took them everywhere with her--even to die.

On Jan. 29, 10 days after learning of her husband`s affair with another woman, Kimura, 32, dressed the youngsters in warm clothes and boarded a bus to Santa Monica, two hours away from their home in Tarzana, Calif. They walked along the almost-deserted beach, past the Cocky Moon hot dog stand and the shooting gallery on the pier.

Witnesses told police that Kimura carried Yuki, and Kazutaka ran in front. The mother then took Kazutaka`s hand, and the three waded into the 57-degree water.

About 15 minutes later, rescuers pulled them from the Pacific Ocean. Kazutaka died later that day. Yuki was on life-support systems for a week before she died. Kimura lived, and now is charged with first-degree murder

``with special circumstances,`` a charge applied to multiple murders, or murders committed during rape or robbery. If convicted, she could be subject to life in prison without parole or the death penalty.

The Japanese call what she attempted oyako-shinju--parent-child suicide. According to published reports, such deaths occur frequently in Japan, for reasons ranging from poor health to money problems.

``It happens many times in Japan,`` said Kimura`s brother, Iwao Higa, a

doctor in Tokyo. ``I think it is an unhappy action, but in Japan, sometimes it is a cure.``

Oyako-shinju occurs in Japan because people feel that they are in a situation of losing face or that they are a burden to society, said Yoshiko Yamaguchi, a consultant to the San Fernando Valley Japanese-American Community Center.

``In such a case, suicide is acceptable,`` she said. ``If it's not successful, it's really a tragedy.``

Kimura, believing herself to be a failure as a mother, a wife and a person, probably considered oyako-shinju to be the only honorable course to take, Yamaguchi said.

``Committing suicide would be more acceptable than losing face,`` she said. And while killing the children would be a crime, she said, any prison sentence would most likely be probated.

When police filed charges against Kimura, she did not even comprehend that she was accused of murder. She told her attorney that she thought her crime was failed suicide.

But she made her decision in a country in which killing has no honor.

Social customs have clashed with the United States legal system before

--in cases in which immigrants killed cats and dogs to eat, for example. But Kimura's crime is far more heinous--the murder of children. If her case goes to trial, it could turn into the ultimate confrontation between culture and law.

At her arraignment on May 17, she pleaded not guilty to first-degree murder. A preliminary trial date has been set for June 14.

``People feel badly for Mrs. Kimura,`` said Louise Comar, assistant district attorney for Los Angeles County, who has been handling the case, ``but she had absolutely, positively no right to kill the children. I`m an individual and have normal sympathies to her, but I`m also horrified that a woman would walk into the water and kill her children.

``It doesn`t matter if you kill out of love or kill out of hate,`` she said. ``We`re talking about taking the life of another person. We have the right to demand that people who live in our society abide by our own rules.`` In recent weeks Kimura`s case has become a rallying point among Japanese and Japanese-Americans. In the Los Angeles area and in Japan, many Japanese nationals and Japanese-Americans are banding together to help her. Although many do not condone her actions, they say they can understand them.

Under the auspices of the Fumiko Kimura Fair Trial Committee, her supporters are asking that the American legal system take Kimura`s cultural heritage into consideration when the case is tried. So far they have collected more than 1,000 signatures on petitions asking the district attorney to charge Kimura with involuntary manslaughter instead of first-degree murder, and to grant her a probated sentence with ``supervised rehabilitation.``

People from all over the country have written letters of support to Kimura, who is in a Los Angeles jail in lieu of \$100,000 bond. At her arraignment, reporters from Asahi Homecast Corp. and Nippon Television Network Corp., two Los Angeles-based Japanese television stations, and the Japanese-American newspaper Rafu Shimpo jammed the hall outside the courtroom. The case is major news in Japan, where more than 500 people have put their signatures and fingerprints on petitions asking for leniency for Kimura.

Convicting Kimura and sentencing her to either life imprisonment or death

would be pointless, said Mike Yamaki, a Japanese-American attorney in Los Angeles who has handled many criminal cases involving Asians.

page: [2](#)

“First of all,” he said, “the death penalty is out. The State of California is going to spend money to put this woman to death when she’s going to do it herself for free? That would be stupid. As for a life sentence, she’s no danger to society anymore. The only person she’s going to try to harm is herself.”

But Kimura has lived in the United States for more than a dozen years, and that should negate the cultural defense, said Ray Cooper, the Santa Monica homicide detective who was called to the beach when the Kimuras were found.

“Nobody seems to remember that two children died,” Cooper said. “All they remember is the mother and how distressed she was. But how terrible it must have been to be drowned, forcibly drowned. Those children had bruises on them. Somebody just doesn’t submit to the pain of drowning.”

Kimura’s attorney, Gerald Klausner, is not inclined to stress the cultural angle, although he acknowledged that others believe it is her best defense.

“They think that she’s Japanese should be defense enough, that the defense should rest more on her culture,” he said.

Klausner hasn’t decided whether or not to use insanity as a possible defense, although he describes his client as “mentally deranged at the time

--with a Japanese flavor, a Japanese fashion.”

He is preparing motions to dismiss the charges against Kimura, or reduce

them to involuntary manslaughter, on the grounds that the prosecution will be unable to prove that the slayings were premeditated, or that she had malice aforethought.

``Whenever there is a case with weak evidence, it's negotiable,`` he said.

According to police reports and what she told Klausner, Fumiko Kimura came to Los Angeles from Kyoto in 1972, at age 20, to study. She married when she was in her early 20s; after a few years, the couple divorced.

Five years ago she married Itsuroko Kimura. Their son, Kazutaki, was born in 1980. Four years later Kimura gave birth to a daughter, Yuri. Her children were the focal point of her life, Klausner said.

Kimura told him that she had all the furniture, including a piano, removed from the living room because she was afraid the children would hurt themselves. When she vacuumed the apartment, she carried Yuri. The minute her children's clothes got dirty, she washed them. If they showed the slightest sign of illness, she took them to the pediatrician.

``She was a loving, caring mother and a warm, gentle woman,`` recalled Mari Hannaman, property supervisor of the California Village apartments in Tarzana, where the Kimura family lived. ``We didn't see much of Mr. Kimura, but we did of Mrs. Kimura. She was home all the time.``

According to what her mother told the police, Kimura was a ``very introverted girl.``

``She had no friends at all, except people who lived in the complex,``

Klausner said. ``Particularly when she had her own children, she was totally devoted to her husband, totally involved with the children.``

While his wife isolated herself at home, Itsuroko Kimura, an artist and part-owner of the Tokyo West restaurant in Chatsworth, Calif., became

involved in a relationship with Kazue Tanahashi. The relationship lasted for more than three years; at one point, Kimura set up Tanahashi, who also is Japanese, in an apartment.

In the middle of January the couple decided to end their relationship. According to a statement to police, Tanahashi called Mrs. Kimura to tell her about the affair, then went to the Kimuras` apartment to talk with the husband and wife.

` `She seemed normal; she looked normal,` ` Tanahashi recalled of Kimura. On Jan. 27, Tanahashi told police, she sent a letter to Mrs. Kimura, offering to kill herself if that would help ease the family`s pain.

After Tanahashi`s visit, Mrs. Kimura told her brother that she couldn`t sleep and that she had lost 10 pounds.

On Jan. 29, Tanahashi told police, her phone rang several times. When she answered it, no one spoke; however, she thought she heard children`s voices in the background.

That same morning Kimura took Yuri to the doctor, who said he couldn`t see her for an hour. She then called her sister in Japan and told her, rather frantically, that she wanted to come home. According to police reports, her sister then told their mother, who called Itsuroko Kimura at work to suggest that he check on his family.

About three hours later, two college students and two joggers pulled the three bodies out of waist-deep water in the Pacific Ocean.

` `It`s something I haven`t gone a day without thinking of,` ` recalled Nancy Pontius, 18, a freshman at UCLA. ` `I remember what I was wearing that day--aqua warm-ups and a purple shirt. I won`t ever wear them again.` `

She said that at first she and her friend thought the object floating in the

water was seaweed. Then they realized it was a woman. The little boy surfaced next, and as they pulled him out of the water, they saw Yuki.