

Laotians in the criminal justice system

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INTRODUCTION

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In this report we describe how a small group of refugees — Laotians — interact with California's criminal justice system. Our study provides a unique view of how this immigrant group is integrating into American society. The tables that follow summarize how this is happening.

Table 1 indicates the populations and locations of Laotian groups in California according to the 1990 census. The largest number are in the Central Valley. Table 2 shows the ratio of commitment to the California Youth Authority (CYA) for all of California's ethnic groups in 1991, including Laotians. The Mien is the Laotian group that is being committed to the CYA at a rate higher not only of all other Asian groups but also of all groups in California. Table 3 shows the number of 13 to 19 year olds by ethnic group committed to the CYA. The ratio of commitment for Laotians is relatively high. Table 4 shows the frequency of felony prosecutions for the four most prominent Southeast Asian groups living in Sacramento. Once again, the Mien rate is high. Since commitment to the CYA and felony prosecutions are largely a function of gang activity, of the Lao groups the Mien offer the greatest opportunity to understand how gang activity emerges in an immigrant group and how such activity can victimize its own community.

To illustrate the effects of crime, consider the case of one Mien family that arrived in the United States in 1984. In seven years they have been burned out of their home, had an uncle murdered, and been subject to burglary attempts. A son was reprimanded by the police after firing a shot at a burglar, an action the family considered to be self-protection (the law considers it self-protection, too; on the other hand, the police are leery of people who fire guns at anyone). They rarely leave the house unguarded in the daytime, and never at night. In their extended family, there have been arrests for gang activity and opium possession. Not surprisingly, they have a very negative view of the American criminal justice system, but not

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¹ Notes: Mien populations were calculated by multiplying the number of children identified by the California Department of Education as having Mien spoken at home by 2.17. This multiplier was identified by computing the ratio between the entire Hmong population and the number of students in California schools who speak Hmong at home. The ethnic Lao population was determined by subtracting the number of Mien from the number of "Laotians" identified in the 1990 US census. The population of Hmong was taken directly from the 1990 US census.

⁵ because of the arrests in the extended family. Rather, they believe that those working in the system are overly concerned with the rights of the defendants and are not sufficiently concerned for the victims. They would like to see malefactors, even their relatives, imprisoned for a long, long time. They have little sympathy for a black-sheep nephew who has repeatedly been arrested for gang activity. In the harsh world in which they have too frequently been victims, they are firm believers in swift and severe justice, are well armed, and believe in self-reliance.

Such a picture of victimization is not one of extreme abjection, though, and indeed has its ironic side. Instead of dwelling on what for most American would be too frequent contacts with the criminal justice system, this family focuses on a middle-aged brother who has stayed out of trouble and who is “making it” by putting in 16 to 18 hours a day on the 13-acre farm he rents. In the little free time this brother has, he complains, not about crime victimization, but about the Laotians who “freeload” on government welfare programs. Indeed, such complaints about the welfare system are common among Mien who are earning a reasonable living. No doubt as the Mine family members become US citizens, they will probably favor status quo capitalism and tough-on-crime policies.

Even though the this report only analyzes three Laotian groups, the study may indirectly shed some light on the experiences of other Asian immigrant groups that have arrived in California during the 1970s and 1980s. For example, the commitment rate of Mien youth to the California Youth Authority is about four times higher than that of Hmong youth (see Tables 2 and 3), an observation that is confirmed by comparing Hmong and Mien felony prosecutions in Sacramento (see Table 4). These data indicate that in 1991 Hmong were less likely to join

² The small number of cases (column 2) in this study of CYA wards makes firm conclusions based on only these data difficult to make. However, the conclusion that the Mien have an especially high involvement in gang activity is consistent with the qualitative data collected for this study.

³ Sources: CYA statistics are for 1990-91. CYA statistics for Laotians are as of August 8, 1991, and statistics for the other ethnic groups are as of December 31, 1990. Names for ethnic groups are those used by the statisticians.

⁴ Sources: 1990 US Census for California. CYA statistics are for 1990-91. CYA statistics for Laotians are as of August 8, 1991, and statistics for the other ethnic groups are as of December 31, 1990.

⁵ The Mien and Vietnamese had the largest number of prosecutions, reflecting the largest number of arrests in each community. But note that Sacramento's Vietnamese community is larger and had its origin in the

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mid-1970s, while the Mien community did not begin to arrive until 1982. The Vietnamese and Mien were prosecuted for different crimes. The Mien arrests were largely the result of gang activity, and centered on car theft and auto burglary. The Vietnamese arrests were primarily a consequence of home-invasion robberies and theft. The large number of controlled-substance arrests for the Mien was the result of involvement with opium trafficking.

gangs, despite similar social, cultural, demographic, and historical circumstances. But Tables 2 through 4 also indicate that Vietnamese, Filipino, Thai, and Korean immigrant

p. 7 populations, which also arrived in California during the last 20 years, have substantially different patterns of deviance. Notably, the incarceration rates for Filipinos and Koreans were among the lowest of all immigrants, an indication that *there is nothing inherent to immigration status that leads to high rates of deviance*. Some immigrant groups simply have high rates of juvenile arrests, while others do not. It is beyond the scope of this report to explain why this is so. However, it is hoped that the research done on Laotian groups in this study will point the way to at least some of the reasons for deviance (and nondeviance) in immigrant groups.

p. 9 **METHODOLOGY**

This study was undertaken between July 1, 1991 and September 30, 1991. Qualitative information was based on telephone interviews with federal, state, and county officials in Sacramento, Glenn, Yolo, Alameda, Fresno, San Francisco, and Orange counties. Followup interviews were conducted with officials in Sacramento and Glenn counties. Interview formats were designed to elicit general comments about Laotians in the criminal justice system. The actual questions depended on an official's area of experience or expertise. Some interviews were conducted in response to specific questions, while others were loosely structured.

Contacts with the three Laotian ethnic groups were developed through the social service community, the courts, police departments, and personal contacts in the Mien community. Because of previous contacts with the Mien and because social service agencies are particularly well organized concerning the Hmong, we were able to gather the most information about these two groups. It is the Mien community that has had the most contact with the criminal justice system. Likewise, the Hmong had the least. The Lao are socially and politically very distinct from both the Hmong and Mien; few members of this largest Laotian group were interviewed, although data about this group are based on written and official sources.

Due to the sensitive nature of many of the interviews, tape recordings were not made. For the same reason, many of our sources requested and were granted anonymity. For telephone interviews, notes were made during the conversations and later transcribed. For personal interviews, notes were taken and transcribed shortly after the conversations. Most interviews were conducted in English. Interviews of middle-aged and elderly Mien were usually done in Thai or Lao.

We consider the views of Laotians summarized here to be typical of their communities. Several actual interviews and observations are recounted in the appendices. Views that

p. 10 appeared to be peculiar to an individual were retained in our field notes, but were not summarized in this report.

In 13 legal cases, over 30 courtroom hearings were observed in Sacramento as part of our research. These hearings ranged from a few minutes long to a jury trial lasting for two days. The

crimes that were prosecuted included petty theft (1 case); solicitation to prostitution (2 cases); spousal abuse (2 cases); opium use, abuse, importation, and sale (4 cases); assault (1 case); sexual battery (1 case); murder (1 case); and drunk driving (1 case). Cases involving Mien were the most common. Eight cases had Mien defendants, two were Hmong, and two were Lao. The assault case involved three Mien defendants and one Lao defendant. The number of Mien with criminal charges reflects gang and opium activity in Sacramento.

Noninterview sources of information included a literature review and an index search of the *Sacramento Bee*. See the bibliography. The most important sources of written data were found in California Youth Authority probation reports and court records from Sacramento and Yolo counties and the federal courthouse in Sacramento.

Statistical data were generated by analyzing information from the public felony records at the Sacramento County courthouse and the California Youth Authority. Background demographic data were obtained from the California State Department of Education and US Census/California State Department of Finance.

The information reported here was verified by independent sources. This means that interview data were compared with other interviews, court records, statistical results, or newspaper accounts. Likewise, written records were often confirmed with interviews.

LAOTIANS IN LAOS

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Laos is a small, landlocked country located between Vietnam and Thailand. Highly mountainous, it remains the least densely populated country in mainland Southeast Asia. It is also the most ethnically, linguistically, and culturally diverse. Laos is one of the poorest countries in the world.

Some 104,950 Laotians now live in California, primarily in the Central Valley. They arrived here in the 1980s after fleeing the Communist takeover of their country in 1975. All have spent time living in Thai refugee camps, where US officials were able to interview and identify those eligible for resettlement in the United States (see Table 5).

Before 1975, the population of Laos was estimated to be between 3 to 3-1/2 million people, most of whom lived in rural areas. Most estimates indicated that about half of this population was the valley-dwelling ethnic Lao⁶ who live in the river valleys. The Lao are closely related to the Thai in language and culture.

The other half of the Laotian population was divided between 60 to 70 “hill tribes” and a smattering of foreign nationals, primarily Chinese traders. The largest of the hill tribes in Laos is the Khmu, who, before 1975, comprised about 20 percent of the population. The Khmu-speaking people are believed to be descended from the group that were the original inhabitants of Laos, who were probably present when the lowland Lao first arrived in the area in about the

⁶ The “Lao” are the largest ethnic group in the country of Laos. “Laotians” is a reference to all people living in Laos, no matter what ethnic group. The designations are admittedly confusing.

thirteenth century. They speak a language distantly related to that of modern Cambodia. They have not fled post-war Laos in large numbers and thus are not a major part of California's Laotian population.

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The Hmong were the third largest ethnic group in pre-1975 Laos, then numbering about 10 percent of the population. Today their numbers have been at least halved by war and flight during the 1970s and 1980s.

The final group discussed here is the Mien, a small ethnic group believed to have numbered about 30,000 before mass flight began in 1975. About 10,000 are now living in the United States, including about 7,200 in California. This group has had an unusually high impact on the criminal justice system, particularly in Sacramento County.

A brief description of each of the three groups — Lao, Mien, and Hmong — follows. A common history, including participation in a brutal civil war, widespread use of Lao as a trade language, and placement in Thai refugee camps, means that each group has a great deal in common, including how they perceive the outside world and life in the United States.

The Lao

The ancestors of the Lao began to move into what is now Laos from China or Thailand in the thirteenth century. From China they brought with them a tradition of lowland rice culture, and began forming feudal alliances with the Thai princes in the area and the Vietnamese kingdom to the east. Such alliances often shifted between vassalages of various types.

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In the nineteenth and early twentieth centuries, Lao princes who had been under Thai suzerainty were placed under a French protectorate. The French colonial officers brought with them French-trained Vietnamese to administer their new protectorate.

The French held Laos until 1941, when Japan occupied Indochina as a result of a war-time alliance with the French Vichy government. During World War II the Japanese gradually strengthened their grip on the area, until the resident French were interned toward the end of the war.

The conclusion of World War II left a power vacuum throughout French Indochina, with the result that the French and Ho Chi Minh's Viet Minh began to fight over control of the entire colony. This conflict gave two competing Lao half-brother princes a chance to form alliances with powerful foreigners in their quest for authority within the small country. As a result, when the French withdrew from Laos in 1954, control over the country was split between the two: West-leaning Prince Souvanna Phouma was made prime minister of the central government in

⁷ Source: UNHCR statistics. These statistics include those who registered at UNHCR-sponsored camps in Thailand. Large numbers of ethnic Lao also are reported to have surreptitiously settled among kin in northeastern Thailand.

Vientiane, while the forces of Prince Souvannavong, who were aligned with the North Vietnamese, were given control over several eastern provinces on the North Vietnamese border.

This compromise in 1954 proved to be the basis for almost 20 years of an on again/off again civil war. The two half-brother princes remained at the head of each group, each of which was allied with a succession of powerful foreign patrons. Notably, the West-leaning central government became closely allied with the United States CIA and the Thai government.

A final effort at resolving the differences between the two warring factions was attempted in 1973 when a coalition government was established as a consequence of the Paris Peace Accords negotiated by Henry Kissinger. This coalition government was short lived. In a series of bloodless political maneuvers between May and December 1975, the Vietnamese-allied Pathet Lao faction assumed control of the government. Despite the obvious shift in control, these maneuvers did not signal an exodus of the losing Western-allied ethnic Lao. While a sizable group did flee to Thailand, most Lao preferred to stay in Laos in the belief that winners and losers alike were both Lao and shared a common ethnicity, and that therefore peaceful political reconciliation would emerge.

However, by 1977 those Lao who had been part of the old government, even at lower levels, began to disappear, being sent to remote “reeducation” camps in the northern part of the country. In response, large numbers of Lao began to flee to Thailand. It is this population, the bulk of which fled between 1978 and 1980, which has since resettled in California.

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Since most Lao refugees in California once had a formal affiliation with the old government, a disproportionately large number of the Lao are experienced at living in an urban setting. However, because the Communist reeducation programs reached deep into the lower ranks of government employees, many minor provincial officials and soldiers, primarily of rural origin, also eventually resettled here (Long, 1993; Water, 1990a, c).

The Hmong

The Laotian Hmong originated in southern China, and began moving into Southeast Asia at the end of the eighteenth century. They did not arrive in large numbers in Laos until the nineteenth century. The migrating Hmong occupied the mountaintops of sparsely populated Laos, and began to cultivate crops in the traditional Hmong fashion: slash-and-burn fields of subsistence rice and vegetables and their cash crop, the opium poppy.

Unlike the Lao, the Hmong had no government or state. Rather, social organization evolved around kin relationships, including the lineages of a common grandfather and larger clans. Tying this together was a common religion based on the worship of paternal ancestors. This meant that, no matter where the Hmong live, relationships can be established by asking a few questions about clan membership and a father's ancestors.⁸ Obligations and responsibilities to

⁸ Several ethnographies of the Hmong have been written. One of the best is *Sovereignty and Rebellion: The White Hmong of Northern Thailand* by Nicholas Tapp (1989), which gives a good description of the

each other were established based on heredity, and include the maintenance of a group's reputation. An entire group can accept credit for the actions of a worthy kinsman, allow assistance due to the actions of a worthy kinsman, or perhaps take responsibility for perpetuating a feud between lineages. Social order is maintained out of such mutual relationships. It was their perceptions of mutual kin obligations that caused the Hmong to

p. 15 fight during the Laotian civil war, that they often assess their relationship with Americans and the American CIA in such a fashion. They continue to exert such group social controls in the United States today.

Hmong involvement in the Laotian civil war had its roots in a leadership feud that began in the 1920s. After World War II ended, the feuding kin groups aligned themselves with the competing factions, the largest group siding with the princes of the Royal Lao government in Vientiane and the smaller faction siding with the Communist Pathet Lao.

The alignment with the Royal Lao government did not involve an integration of the military command. Nominally part of the Royal Lao military, the Hmong army, which also included large numbers of Khmu, was supplied directly by the American CIA. This independent supply source meant that the exigencies of war did not force the Lao and the Hmong into a new type of relationship; the old semi-feudal system of group alignments was preserved.

During the war, the Hmong were known for being particularly ferocious fighters, and took heavy military casualties. The retreat of civilians as the Communist forces moved forward also contributed to heavy mortality in the Hmong population.

When the Laotian coalition government fell in 1975, the bulk of the Hmong forces immediately retreated across the Mekhong, where they were placed in refugee camps (see Table 5). Large numbers of Hmong remained behind, retreating into mountain redoubts. Fresh attacks by Communist government forces forced many Hmong out of the mountains in 1979-80; over 30,000 made it into Thai camps, despite a reportedly high mortality rate en route. In the Thai camps, the Hmong's movements were restricted and crowding was endemic (Long, 1993; Hafner, 1985).

The Mien⁹

The Mien are a small group in Laos, as well as in California. Like the Hmong, they are traditionally highland farmers, and have a social system emphasizing kinship relations and

importance of kin and clan relations among the Hmong. *Ban Vihai: The Refugee Camp* (1993), by Lynell D. Long, is an excellent ethnography about the Hmong living in Thailand's largest Hmong refugee camp and is highly recommended.

⁹ There is no generally available ethnography of the Mien. The best source currently available is Jonathan Habarad's (1987a) Ph.D. dissertation from UC Berkeley, which is highly recommended.

ancestor worship. The Mien originated in China, moving into Laos in the late nineteenth and early twentieth centuries. Indeed, some of the elderly Mien who were interviewed in Oakland (Habarad, 1987a) were born in China and moved to Laos as late as the 1930s.

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As with the Hmong, the Mien formed an independent relationship with the American CIA; civilians received payments of cash and material support in exchange for information on soldiers (see Waters, 1990b). In 1975, like the Hmong, the Mien retreated to Thailand, and like the Hmong, were placed into UNHCR-funded refugee camps. Unlike the Hmong, the Mien leadership, drawing on a heritage of diplomacy, arranged for a loose regulation of their camp life. Many Mien began to drift out of the camps to establish farms in remote regions of Thailand. In other words, they attempted to resume the life they had had before the civil war in Laos.

For an unknown reason, large numbers began to return to the camps in the early 1980s to seek resettlement in the United States. Many Mien began to arrive in the United States in the 1980s as a result (Habarad, 1987b).

Settling Disputes in Laos

The peoples of Laos have elaborate means of solving disputes, defining what is crime, identifying guilty parties, and punishing violators of written and unwritten laws. Such systems evolved in the context of the social and environmental conditions in which they lived. In the United States, the legal system acts as the modern form of dispute settlement. To better understand how Laotian refugees relate to California's court and penal systems, we consulted the literature and asked informants how theft, juvenile delinquency, and immorality were handled in the traditional Laos setting. Despite the fact that memories of Laos are clouded by the years of resettlement, memories of flight, and 15 to 20 years of war and disorder, the accounts we were offered were remarkably consistent.

Especially for the Hmong and Mien, justice in Laos is generally meted out by a conference of elders. As is common in societies that do not have a formal government, decisions are based on consensus. A crime is considered to be committed against clans or lineages, rather than individuals. For example, if a young man steals and eats a chicken and is caught, the elders from the two clans will meet, force the lineage of the young man to

replace the chicken, and levy a fine against the lineage in recompense for the act itself. The same process will occur in the more serious case of, say, a murder. A negotiation will take place between the lineages of the murdered person and the murderer, and punitive damages will be assessed against the murderer's lineage.

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Actual punishment of the criminal falls to the criminal's lineage. The lineages pay any fines. The lineage polices itself. Criminal activity causes loss of face to the lineage. In extreme cases, habitual offenders will "disappear," either being ostracized or killed in the forest. The disappearance of this person will then be recounted to children in the form of a moral tale designed to teach both ethical behavior and ensure social order. Unlike the American system, social order is not based on the correction or punishment of an individual, but rather on the

need of a group of people (the clan or lineage) to protect its name among other highland villages.

Such a system is effective only as long as the clans and lineages involved agree that social order is more important than the particular individual or issue at hand. This consensus is often maintained by the elders, who enforce discipline throughout their lineages. If consensus is not maintained, differences cannot be resolved and group division or a feud may result. For example, in the 1920s and 1930s different factions of Hmong sided with the Communist and Royalist forces, causing deep, unresolvable rifts. When the system breaks down, there is no way to compensate for wrongs done, and “debts” begin to accumulate. Such a situation is potentially volatile, especially since there is no “sheriff” to enforce the peace.

The system has generally worked well in Laos, especially in the many cases involving personal injury, disputes over bride prices, and issues such as the ownership of fields. While such conflicts need resolution, they are unlike the problems encountered in California, which tend to revolve around gangs, thefts, and the crimes of urban youth (see Appendix A). According to our informants, analogous situations in Laos could be summarized as follows:

- 1 When a youthful crime is committed in Laos, such as stealing a chicken, the offender is severely beaten, and that is the end of it. The beatings are so severe that they are rarely needed; one example serves as an effective deterrent to other potential criminal activity.
- 2 Stealing is not very common among youth. Crime, on the other hand, certainly is, but tends to be organized by groups of men who, taking advantage of the Thai-Lao border, smuggle stolen goods. They are sometimes caught by the Thai police and put into a Thai jail for a time. As is discussed later, this scenario is does not appear to be analogous to the gang activity in California.
- 3 It is difficult to steal in a small Lao village, because one cannot use or hide what is stolen. Everybody knows everybody else and what they own, so stealing is not a popular activity for young people.¹⁰

LAOTIANS IN CALIFORNIA

Generational Differences

Many of the legal problems that Laotians have had in the United States are due to the differering rates of integration for adults and children. Children often rapidly integrate into American society as a result of school experiences, while parents do so much more slowly and in more limited social spheres. This problem is undoubtedly inherent to any mass migration from a non-English-speaking country to the United States. For Laotians the problem is exacerbated by the wide gulf between rural Southeast Asian society and the modern industrialized United States.

¹⁰ When I worked in Thailand, the ethnic Lao explained that theft had been unknown in Laos. This may or may not have been true in a literal sense; in any event, the nationalistic Lao refugees blamed the Thai for the high theft rates in the camps. They claimed that the theft existing in the camps was due to the corruptive influence of Thai habits. These assertions cannot be verified.

A four-part typology provides an effective framework in which to analyze Laotian immigrant groups.¹¹ The typology focuses on the nature and intensity of contact that each age group has with American society. This contact to a large extent is a consequence of how American social institutions, especially schools, are stratified by age. The age groups are elders, adults, youth, and children.

Elders

The people who came to the United States between ages 50 and 60 are now between 55 and 70. They try to preserve the old life as much as possible. For them, the primary shift has been from rural to urban. The major social norm to shift has involved the status of women. This group tries to preserve the language, continues to wear traditional clothing (turbans in the case of the Mien), and tends urban gardens. Because their children are also adults, this group has little if any contact with American schools or other social institutions.

In Laos, this group is a stabilizing force in the community, especially because of the filial piety and ancestor worship embedded in the traditional religious thought of the Hmong and the Mien. Through this authority the elders exert some degree of social control over the younger generations. Where this authority has been preserved in the United States (particularly apparent with the Hmong), the effect is seen in comparatively lower crime rates. With the Mien and Lao, elders have lost status to a significant extent. p. 20

Adults

The children of the elders, those now aged 30 to 50, are more aware of American customs. In large part this is because their children attend school, so the parents must deal with the social patterns and attitudes the children learn. Most Laotian families are on welfare. However, they also place a great deal of importance on their children's education, although they do not see the value of nonacademic activities, such as sports and other extra-curricular activities. Members of this age group can speak English well enough to accomplish the daily routines of shopping and dealing with social workers, but not well enough to establish friendships with non-Laotians.

Youth

The third group is now aged 15 to 30. In Laos these youth were only small children. Their most significant memories concern life in a grimy Thai refugee camp (Long, 1993). These camps, while safe from military attack, severely limited free movement and economic activity. This group is at risk for gang activity.

There is some evidence that Laotian males who migrated to the United States between ages 6 and 10 are at particularly high risk for social deviance (see Figure 1). It was this group that first learned to speak English after the families moved to the United States. The younger ones

¹¹ This typology owes much to consultations with Grant Denney.

quickly picked up street English, often speaking without an accent. By ages 8 to 12 they often became the family's "public face," translating for the parents when communicating with police, schools, and welfare bureaucracies. Being the liaison sometimes forced these young people to handle adult situations well beyond their emotional, linguistic, and social capabilities. Native speakers assumed they had a greater comprehension of English than was

p. 21 actually the case; test results tend to back up this conclusion. Children who speak conversational English tend to score higher on tests that emphasize everyday verbal expression, while test scores utilizing written or more formal language are much lower (see Trueba et al., 1990).¹²

Because of migration, Laotian youth assumed an abnormally high level of authority within the family. Perhaps it is this factor, when coupled with the pressures of adolescence, that put this group at high risk of juvenile misconduct.

p. 22 **Children**

Laotian children who now live in the United States were either born in the US or in Thai camps, and have no memories of Southeast Asia. Birth rates, both in Thailand and here, have been extra-ordinarily high, which means that in terms of sheer numbers, involvement with the juvenile justice system is likely to be high. Teachers and social workers have expressed concern about who is providing the role models for this group, particularly when there is a high incidence of gang activity among their older brothers. On the other hand, because children have had an uninterrupted education, they do not usually have to take on the role of "public face" for the family, and are likely to speak English — not only without an accent, but also with the written and verbal command of a native speaker — it is reasonable to predict that this group should be at less risk for involvement with the juvenile justice system than their older siblings. Time will test this hypothesis.

p. 23 **ILLEGAL ACTIVITIES**

Gangs

Gang activity in the Laotian community has emerged mainly among Lao and Mien males, aged 15 to 21, who live in Sacramento and Fresno. In Sacramento in 1991, there were two known groups: the "Sacramento Bad Boys" in the Oak Park area and the "Polk Street Boys" in North Highlands (Hoge, 1991). Both groups sport tatoos and have been known to do grafitti. A number of gangs have also emerged in Fresno, with the "Oriental Boys" having the most CYA commitments. A Mien gang, the "Cuz," has been reported in Oakland, although the activities of this gang have not resulted in the major crimes or repeated car thefts that have sent large numbers of Laotian youth to the CYA. Disproportionately large numbers of the CYA wards came from Fresno and Sacramento counties (see Table 6).

¹² Cummins (1981) discusses the nature of bilingual development in a more general theoretical manner. I think that Cummins' type of analysis will probably do much to further our understanding of how and why migrant children are at risk for deviant behavior.

In addition to actual “gangs” that have names, young Laotians have informal associations with others and may engage in criminal activity. No gang is entirely of one ethnic group, and most seem to include temporary members, who are often assigned the more dangerous and brutal crimes. In 1991, Lao youths in Sacramento seemed vulnerable to this type of exploitation. Hiring outsiders in this manner has been described by experts we interviewed as a fairly typical pattern for gang activity.

As with all gang or group-related activity, whether black, Hispanic, or Asian, describing actual membership, leadership, or specific habits of each group is difficult. While Laotian youth may organize groups to commit car burglaries or assaults, they do not necessarily have a formal group “name,” which is what probation officers and others who interview prisoners use to indicate gang affiliation. Likewise, only rarely will Laotian gang members brag to authorities about any affiliation, like black or Hispanic gang members have been known to do. This lack of formal affiliation for Laotian or Vietnamese gangs is generally recognized

in law enforcement circles. To a large extent, it is the reason why the “gang enhancement” statute has not been used to prosecute Laotian gang members.

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To understand Laotian gangs in a broader context, we first examined records at the Sacramento County Courthouse for adult felony arrests of persons with Laotian and Vietnamese surnames. This tabulation showed that for Mien, Lao, and Vietnamese, gang and gang-type crimes (car burglary, home invasion, and firearms violations) are the most common type of arrest (see Table 4). Second, we developed a data set based on the probation reports for 104 Laotian CYA wards who were in custody on August 11, 1991. Some of the conclusions deriving from these sources are described below.

Associations outside an ethnic group are most common between Laotian groups (such as a Hmong youth “running with” a group of Mien). The probation reports indicated occasions in which Laotian individuals ran with Hispanic, Cambodian, or Vietnamese gangs, although the evidence was not conclusive enough to identify a “trend.”

Gang names can change quickly and membership does as well. Gang activity can be described as social organization without formal leadership. Besides being without a hierarchy, Southeast Asian gangs also are “segmentary,” meaning that each group, while perhaps maintaining a broad affiliation, sustains itself and its activities independently. Such ephemeral existence means that authorities have a difficult time discovering how and by whom crimes are committed. On the other hand, the viciousness of much of the crime committed cannot be doubted, nor the fact that it is organized.

Laotian gangs, like Vietnamese gangs, are not territorial and can be mobile, particularly within the Central Valley. As with other Asian gangs, they do not generally defend turf, and may travel outside their territory to commit crimes. Groups of Mien from Sacramento have been arrested in Willows and Redding for auto burglary, and a group from Willows was arrested in Chico, also for car burglary. Ironically, the gang members who have assimilated the most into US society and who have generally rejected Laotian values seem to use traditional extended family ties

when traveling from city to city, i.e., they stay with cousins in the different communities up and down the Central Valley.

Girls are often involved peripherally in Mien crimes to an extent not found with other groups. Gang members are known for making young Mien girls pregnant during their travels

p. 26 up and down the Central Valley, apparently a habit that has its roots in both the traditional mores of Mien society, which condones premarital pregnancy under restricted circumstances, and a more free-wheeling gang ethos, which has its origins in the United States.

Certain girlfriends are associated with individual gang members. The first murder associated with Mien gang activity (June 1991) apparently had its origins in a dispute over a young girl. Authorities agree that Sacramento's Laotian gang members are more likely to have girlfriend problems as the focus of assaults than are black or Hispanic gangs. Indeed, for a short time, a group called the "Sacramento Bad Girls" had junior high school-age Mien girls as members. This group was an auxiliary of sorts to Vietnamese, Mien, and Chinese male gang members from San Francisco and Sacramento, a group of girls who enjoyed "partying" with male Mien youth with gang affiliations.

How Mien Elders and Adults View Gangs. Mien elders take a dim view of the activities of Mien gangs. Undoubtedly, a disproportionate amount of the crime committed by Mien gangs is committed against other Mien, with much of this crime, which seems to include both car burglary and home robberies, going unreported. Mien elders and adults (the two older-age cohorts) are not usually aware of the specifics of gang activity, such as colors and names. Rather, they view the problem as being a general one with "gangs," and many blame "groups" of young males for specific criminal acts.

Mien elders blame the emergence of gang activity on a lax criminal justice system. Traditional justice in Laos is remembered as being swift, harsh, and effective (see Appendix A). There, social order is valued above individual liberty, so there is an emphasis on setting an example through swift punishment, rather than on following a meticulous process to identify specific individuals involved with a specific act, along with their relative degree of responsibility.

The American focus on individual responsibility is very different from the traditional way of assigning blame and responsibility to a lineage or clan. In the traditional manner, the "guilty" culprit would be the entire family of the person who profited from the crime. Given such a world view, it would be reasonable to, say, shoot a fleeing burglar in the back in order to deter further criminal activity, whether or not that burglar was himself wholly responsible.

p. 27 Such incidents have happened in the Oak Park area of Sacramento. The negative reaction of the police to such events has shaped how Mien elders perceive police effectiveness.

The Mien world view, which considers the purpose of law and the legal system to be social control and the preservation of social order, helps to shape their perceptions of the American justice system. This contrasts with the American legal system, which is designed to preserve individual liberties. The American legal principles of bail, evidence, innocence, and trials are

not well understood, and as a consequence the prevalent belief is that the police and legal system are “soft on crime.”¹³ Reconciling the Laotian and American views of justice should be a focus for relations between the police and traditional groups like the Mien as they integrate into American society (see Appendix B).

How Children and Youth View Mien Gangs. Young people are well aware of gang activity and its role in American society. Forming gangs, whether or not criminal activity is involved, is a means of expressing a tough-guy or -girl identity to peers as well as the other youth in the multi-ethnic neighborhoods where the Mien live. As a means of social expression, gang-type activity in the Mien community is American in its origin. Patterns for such activity were acquired in the United States, sometimes in response to Vietnamese, black, or Hispanic gang activity, and were not brought here from Southeast Asia.

The presence of gangs in Laotian communities creates socially difficult situations for teens. Peer pressure to join or participate can be intense. The violent behavior prevalent of gangs means that fear restricts how members and nonmembers interact. Certainly fear limited the number of youth who were willing to discuss gang activity with us. The young people we interviewed who were not in gangs preferred not to acknowledge that gangs had any impact on their lives. We believe that the high crime rates and graffiti prevalent in gang-occupied apartment complexes tell a different story (see Appendix C).

Lack of Hmong Gangs

p. 28

Gang activity among the Hmong was virtually unknown in Sacramento in 1991, despite high levels of involvement by Mien and Lao, who probably even attend the same schools. This may in large part be due to the dominant position of the social agency “Sacramento Lao Family Community, Inc.” within the Hmong community. Lao Family Community is not universally liked by Sacramento's Hmong, but its role as a central reference point cannot be doubted. Every Hmong that we talked to, and a few of the Lao, suggested that we contact Lao Family Community to get the “representative” view. The Sacramento agency was at one time affiliated with Lao Family, Inc., an agency with nationwide influence and social networks in the Hmong community.

The Hmong have clan associations that are made up of a network of lineages — those who have a common grandfather. According to Hmong leaders, the generational social-control problems leading to gang activity is solved by the involvement of an entire lineage in child-rearing activities. If a youth steals, the partners not only become involved, but the paternal uncles do as well. The lineage members watch their youth to protect their clan reputation. Either Sacramento Lao Family Community or Lao Family, Inc. can act as a mediator with the police and social workers, ultimately to ensure that reputations are protected.

¹³ A persistent story we heard in law enforcement circles was that Southeast Asians considered bail to be a “bribe” to let individuals go free illegally. There is some indication that at one time this was believed by part of the Vietnamese community as well. However, we did not hear this misconception from Laotians in summer 1991.

All the Hmong interviewed indicated that this shared belief in the importance of protecting lineage probably contributes to the comparatively low rates of deviance observed in the Sacramento Hmong community and the absence of organized Hmong gangs in Sacramento at a time when gang activity among the Mien and Lao is flourishing. Rather than a government hierarchy, what holds Hmong society together is a belief in common ancestors and that all Hmong must do their part to perpetuate the clan. Thus, a high value is placed on maintaining clan/lineage prestige. For example, if a boy in Fresno is caught for stealing, an uncle living in Minneapolis loses status in the eyes of the entire community (Dunnigan, 1982). As a result, the reasoning goes, the uncle will probably take some sort of action to try to prevent the situation from recurring. The various Lao Family Community agencies, whether or not they are liked by individual Hmong, seem to play a key role in keeping this system well lubricated. They also play a role in protecting the reputation of an entire Hmong people as perceived by other ethnic groups (Dunnigan, 1982).

p. 29 Anthropological accounts of Mien society from Laos, Thailand, and southern China indicate that a similar system functioned among the Mien of those countries. In no cases, though, did we find analogous references to shame or complex clan or lineages among the Mien of California.

It is not clear how long Lao Family, Inc. and the lineages will continue to be able to protect Hmong youth from interactions with the juvenile justice system. Arrests of Hmong juveniles for crimes such as car burglary and petty theft seem to be on the rise. On the other hand, substantial numbers of youths from the same age group as other youth offenders are attending classes on both the University of California and the California State University campuses. California State Department of Education statistics indicate that in 1989 there were over 100 bilingual Hmong teachers in training, which was substantially more than the Lao or Mien combined.

Laotian Gangmember Profile

Analysis of data from the California Youth Authority provides a profile of who gang members are and what type of activity is likely to put youths at risk for arrest.

- 4 Residence in Sacramento or Fresno counties puts Laotian youth at risk for gang activity. These two counties have the largest Laotian populations in California, along with a disproportionately high percentage of arrests for gang-related activity (see Table 4).
- 5 Gang members are male. Unlike Vietnamese gangs, females are not known to participate in criminal activity. The California Department of Justice indicates that this may be changing, since a group of female Hmong, independent of male gangs, has emerged in Fresno. It is not known whether this is simply an aberration or the beginning of a trend. No Laotian females were in CYA custody in 1991.
- 6 Car theft and car burglary account for 43 percent of the CYA's Laotian detainees; commitment is often the result of multiple convictions for this "entry-level" crime. Less than 20 percent of total CYA commitments are for this type of crime.

- 7 Commitments for narcotics and drug offenses among Laotian youth are less common than in the general CYA population.
- 8 Laotian wards are more likely than the general CYA population to come from families where the parents are still married. p. 30
- 9 Those who were tested for language abilities had a language score at an average level of grade 4.78 (N=71). However, this total is skewed upward because a small number of commitments, primarily Hmong, had high test scores (grade 12.9+) and because tests were not administered to a number of wards because English-language capabilities were too low to produce meaningful results.
- 10 There was a strong positive correlation between the number of years spent in the United States and scores by CYA wards on the language aptitude test. On average, for every year spent in the United States, a Laotian ward is likely to improve in English abilities by about 0.5 grades. This means that age at migration is an important variable for determining probable language ability.¹⁴
- 11 Average overall grade level for Laotian wards who were tested was 5.72. This is compared to a grade level for the general CYA population of about 8th grade.
- 12 Average age at first conviction for Laotians is 14.8 years, which is similar to the general CYA population.
- 13 Age at arrival in the USA for the Laotian wards was 8.247 (standard deviation of 3.178). This may be skewed upward due to the fact that those born in the United States had yet to enter the at-risk age for criminal activity (see Figure 1). It is particularly interesting, though,
- 14 that people who migrated at older ages seem *not* to be at risk for incarceration in the CYA.
- 15 The average number of priors for the Laotian wards is 2.58. p. 31
- 16 The average age of commitment to the CYA is 17 years old for both the Laotian wards and the general CYA population.

Opium

Opium use was common in pre-1975 Laos, and is probably still common today. Opium was traditionally cultivated in Laos by both the Hmong and Mien. It was grown as a cash crop for processing into heroin and was also used for local medicinal purposes, including war wounds. Elderly Hmong and Mien also used it for recreational purposes, which often resulted in high

¹⁴ Results of statistical analysis show that at least for the Laotian population in CYA, language skills are well below that of the average CYA population, which is at an 8th-grade level. However, for the CYA Laotian wards, there is also a positive linear relationship between number of years in the country and language skills that can be expressed in a regression equation (equation 1), and a negative relationship between age at migration and language skills (equation 2).

$$(1) \text{ Lang. Grade Level} = 0.976 + 469 * (\text{yrs. in USA}) \quad R^2 = 0.212 \quad * \text{sig. at 0.05 level}$$

$$(2) \text{ Lang. Grade Level} = 8.909 - 0.455 * (\text{age to USA}) \quad R^2 = 0.212 \quad * \text{sig. at 0.05 level} \quad N = 63$$

Both equations indicate that for each year spent in the United States, Language Grade Level on the TABE exam is likely to improve by about 1/2 grade.

rates of addiction (Westermeyer, 1983 and Westermeyer et al., 1989). Among elders aged 50 to 60, the addiction rate in Laos was as high as 50 percent.¹⁵ Addiction in Laos was generally considered to be deviant behavior, although it was tolerated.

As a condition of resettlement in the United States, all opium addicts were required to abandon their habits. Medically supervised detox programs were established in the camps in the late 1970s and early 1980s to prepare addicts for the urine tests required by the US Immigration and Naturalization Service. These programs used “cold turkey” withdrawal under medical supervision and, as a result, some addicts were able to give up the habit. However, as families became resettled, money became more available, and social networks were reestablished, opium “epidemics” resulted. Westermeyer (1989) has reported such an epidemic among Hmong communities in Minnesota. In 1991 there was also an epidemic in Sacramento's Mien community. The problem in Sacramento's Hmong community is, relative to the Mien, fairly minor, and arrests of the Hmong for trafficking in opium are relatively rare.

Opium arrests of Mien began as early as 1984, but increased dramatically in 1990-91.

p. 32 Arrests have been made for cultivation, smuggling, use, and sale by local and federal authorities. Three cases for illegal importation were prosecuted in the Federal District courts in Sacramento in 1991. In addition, two federal opium smuggling cases were tried in 1987-88, and at least five other cases for possession, trafficking, or cultivation have been prosecuted in Sacramento Superior courts. The first repeat offender was arrested in June 1991. Primary use (and arrests) are in the 30- to 60-year-old age range. There are no known arrests of gang members for this offense.

Sentence recommendations have usually involved drug diversion programs, even though probation officers and judges express doubt that such programs will be effective with Mien defendants. Refugee leaders remain skeptical about the efficacy of methadone treatment programs, primarily because of their preference for the “cold turkey” approach used in the Thai refugee camps. Studies in Laos (Westermeyer, 1973), though, indicate that methadone treatment is as successful among Laotian populations as other methods.

Strategies for smuggling, growing, and processing have evolved with the increase in enforcement activity. Mien informants and court records indicate that a great deal of opium arrives in the mails from Thailand (see Figure 2). Mien informants also indicate that more is arriving in shipments of imports ordered by merchants. Westermeyer et al. (1989) indicated that shipments of opium used in the Minneapolis area may have been ordered from Mexico.

Younger members of the Laotian communities reportedly look down on opium use, considering it to be an affliction of the older generation. This is in spite of the fact that younger individuals

¹⁵ Westermeyer (1983:109, 114, 118) developed ratios of addictions in Laotian villages. This is difficult to subject to precise measurement. Despite this, he was able to produce meaningful results. In various Lao, Khmu, Mien, or Hmong villages, he found ratios of addiction ranging from 1.8 to 9.8 per 100 people. The ratios were highest in Hmong and Mien villages, but significant numbers were also found in the Lao and Khmu villages. In urban Vientiane, rates were highest for the Chinese and Cambodian populations and lowest for the Lao. Addiction rates were highest in the 50- to 59-year-old group.

may be using marijuana or cocaine. There has been one arrest of a middle-aged Mien for the sale of Mexican-origin heroin. Codefendants were two young Hispanics and a young Lao.

Westermeyer (1973, 1978a, 1978b, 1981, 1983, 1984) and Westermeyer et al. (1984, 1989) write that opium addiction rates are a function of availability and access, and are not inherent to the social practices of one ethnic group or complex of social practices. This means that opium abuse could spread widely along the social networks that the Mien importers have established. If these networks include members of other ethnic groups, it is likely that availability of and addiction to opium will increase among those ethnic groups also. The current social networks of the opium importers seem to involve primarily Mien, and

secondarily Hmong. However, given the increasing integration of Mien into American society and the observed spread of opium into the younger age group of Mien who speak English and have been to school (*United States vs. Saelee and Saechao*), there is a potential for the Mien opium connection to spread to other groups.

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Community Attitudes Toward Opium

Every Mien that we asked about opium expressed frustration with lax enforcement of anti-opium laws. When we explained the cultural arguments often made by defense attorneys, Mien respondents were skeptical about such arguments. Explanations of medicinal use were countered with the observation that “in America we have medicine and hospitals. It is illegal to use opium.” Defenses based on lack of knowledge about opium or that it was necessary for the practice of religion were also discounted. Many perceived a breach of faith between the “no opium” promises made to American immigration authorities in the Thai refugee camps and the later arrests for importation.

We heard from two Mien sources that opium leaves are raised in Sacramento for seasoning in food. This was considered a legitimate use of the opium plant. However, both sources indicated that this is very different than waiting for the plant to flower, slitting the flower pod, and then collecting the resin. There have been a few arrests for cultivation, and descriptions of new methods of storing resin in liquid form.

Homicide

Homicides have occurred among all three Laotian populations, although the Mien present the greatest reason for concern. In 1990-91 in Sacramento's Mien community there were five homicide deaths, including three Mien, one Lao, and one Hispanic. Three of the deaths were associated with Mien gang activity. Three Mien and one Lao were arrested for the crimes. One homicide was ruled justifiable. Two other homicides occurred in 1985 and 1986. Both cases involved two young men, one Hmong and one Mien, killing their young wives. The Hmong man committed suicide while in the Sacramento County jail (Sylva, 1986).

It is not possible to assign a “rate” to such a small number of crimes. However, the relatively common occurrence of homicide in the small Mien population should be noted.

Homicide incidence has a significant impact on the maintenance of any form of social cohesion. Within the Sacramento Mien community of about 2,500, virtually every person has a relationship with one of the defendants, one of the victims, or one of the gang-related participants who remain at large. While the identity of these individuals is apparently well known within the Mien community, distrust of the court system and fear of the gangs has prevented witnesses from being forthcoming. “Blood feuds” could result if the community believes that the perpetrators have gone unpunished and the victims unavenged (Daly and Wilson, 1988).

Fish and Game Violations

Fish and Game violations are often the first contact that older male Laotians have with law enforcement in the United States. It is also the area in which there has been the most positive response to education programs, with compliance rates, particularly among the Hmong, steadily improving during the last few years. Offenses have generally been misdemeanors, such as keeping under-sized fish, fishing without a license, or hunting deer out of season.

While Laotians have little enthusiasm for Fish and Game regulations, they are far less enthusiastic about the fines that result from violations. Many of the Laotians with whom we talked were well aware of the fish and game laws. The Sacramento Lao Family Community has been conducting classes to teach about the laws, apparently with success.

LANGUAGE AND THE COURT SYSTEM

Court Interpreters

Mien, Hmong, and Lao interpreters, trained to make professional appearances in court, have developed a high degree of courtroom savvy. Several have enrolled in weekend seminars sponsored by the California Court Interpreters Association. This training has included instruction in courtroom language and the techniques of simultaneous courtroom interpretation. It is evident from examining court transcripts made in the mid-1980s with those produced today that such efforts have improved the quality of interpretation significantly.

Underlying this professionalism, though, are problems inherent to the process of interpreting from Laotian languages, which lack the context of Western legal institutions and complex bureaucracies, into courtroom English. In addition, different norms for expressing emotion and social relationships complicate interpretation. Interpreters solve these problems either by using English words (probation, citizenship, lawyer, etc.) that have been added to the Laotian vocabulary since living in the United States or, more commonly, by substituting Lao to describe these concepts. The insistence by attorneys or judges that “traditional” words be used sometimes complicates the interpretation of complex legal concepts found only in English.¹⁶

¹⁶ Berk-Seligson (1990) has written an excellent ethnography of courtroom interpreting by Spanish interpreters. She discusses in depth how meaning is lost in the process of interpreting from Spanish to English and English to Spanish. These languages, while different, are two Indo-European languages with similar traditions in literacy and standardization. The Laotian languages are more dissimilar from English

Many of these difficulties are solved in pretrial proceedings by defense attorneys who ask interpreters to explain or summarize legal rights and charges that are normally explained by

lawyers. This blurring of the line between attorney and interpreter is often the most effective way of discussing the legal consequences of the charges brought.¹⁷

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During trial, however, such informal arrangements are precluded by the sometimes fast-paced nature of the adversarial legal process, with the result that no matter how technically accurate the translation may be, much meaning is lost for the defendant, with a consequent decline in how effectively the legal system can be applied (see Appendix D).

Translation Problems

Translation problems for Laotians appearing in court are often due to the lack of previous contact with a modern bureaucracy or court system in Laos. Even with contact with the court system in Laos, the sets of procedures are different from those based on English common law. This lack of context means that individuals are likely to be unfamiliar with legal terms in both Laotian and English. There are no precise translations for such legal terminology as jury, deposition, arraignment, pretrial hearing, and objection (see also Song, 1987:130).

These problems are shared to a greater or lesser extent with immigrants of and interpreters for other ethnic groups. Still, defense attorneys indicate that cases involving Laotians and other Southeast Asians take more time to work on because of the greater social differences between them and American-born people, compared to, say, Mexican immigrants and American-born people. This is because the defense attorney (or interpreter) must explain the entire legal system, even including how and what a legal defense is. Clear communication is critical in the American system of justice, where adequate representation depends on a good attorney-client relationship. Problems in communication are likely to arise even when the defendant uses an interpreter, and most certainly when a defendant with limited competency in English refuses an interpreter's services.

Laotians who understand their rights in court do not usually hesitate to assert them in procedural matters. This assertiveness has included asking questions about the nature of their rights, insisting on offering reasons for criminal behavior (for example, in an opium case

insisting that the drug was for medicinal purposes), and refusing to accept a plea bargain that had previously been agreed to.

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than Spanish, lack strong literate traditions, and only Lao has ever been standardized. The result is probably an intensification of the problems that Berk-Seligson describes.

¹⁷ It is a separate legal question of whether this involves practicing law without a license. In general courtroom norms seem to prevent this for Laotians, as well as other languages.

A broader concern involving the use of interpreters is the issue of confidentiality. Interpreters are members of the same local ethnic communities from which the defendants come. This creates problems because elaborate kinship systems are maintained, especially by the Hmong and Mien, to facilitate ancestor worship and perpetuate corporate clan identities. Much of the glue holding kinship systems together is the gossip about successes and failures, including criminal arrests. The large size of immediate families means that a substantial portion of the Mien or Hmong communities have kin relationships with each other, whether by blood or marriage. In other words, any one Mien or Hmong person may have several hundred family members in the Sacramento area. Thus, between the interpreter and client many conflicts of interest can emerge. Because of the confidential, personal, and embarrassing nature of the information passed between client and attorney, there is concern in the community that reputations will be held hostage when the interpreter is privy to such information.

There is no evidence that interpreters have ever misused confidential information in such a manner. Nevertheless, the widespread perception in the Laotian community that this is a weak point in the criminal justice system undoubtedly has an impact on the attorney-client relationship.

Another issue facing interpreters and defendants involves social differences. The Laotian system of social stratification has been turned upside down in the process of flight and resettlement to the United States. In multi-ethnic Laos, the Lao are socially and politically dominant, representing about half of the country's population. As a result, the government and economy are organized around the Lao language and Lao institutions. Lao is the language in the courts, government, trade, and schools. Non-Lao minorities, such as the Hmong (10 percent of the population), and the Mien (1-2 percent of the population) learned to speak Lao, often well, in order to participate in the economy, government, and educational systems.

Because of their knowledge of many languages (for example, English, Mien, and Lao), interpreters in courts and social welfare institutions tend to be multi-lingual Hmong and Mien, rather than Lao. Using Hmong and Mien interpreters for the Lao language is sometimes

p. 40 resented by Lao defendants, not because of any language incompetency on the part of the interpreter, but because of historical resentments brought from Laos. The nature of these resentments was brought up in an appeal of one Sacramento case in which the competency of a Hmong interpreter to interpret Lao was questioned. The examination focused on the extent of the interpreter's school education in Laos in the Lao language. This was an American assumption of how Lao language abilities are acquired. In Laos, in fact few people, whether Hmong, Mien, or Lao, ever study the Lao language more than four years, but most can speak it fluently.

Interpretation of Remorse: An Example of Cultural Misunderstanding

To illustrate the problems inherent to translating precise legal words, laden with American cultural meaning, into Laotian languages from English, I asked Hmong and Lao interpreters to

communicate the meaning of “remorse.” Remorse refers to internal feelings that a person has in response to specific actions they have taken (see Appendix E).

Each interpreter interviewed agreed that there was no easy way to convey the meaning precisely. The Hmong interpreter looked the word up in an English-Hmong dictionary, and translated it as “sickness to your heart because you did something wrong.” The Lao interpreter, felt that the Thai/Lao equivalent for “sad-hearted” was an imprecise translation at best. He pointed out that, even though an English-Lao dictionary may have a single word as a translation, most Lao refugees would not know the word anyway, so the translation would effectively be worthless.

This is because remorse as a concept is embedded in the Western concept of individual identity and guilt. The different ways of perceiving individual and group identity can lead to much misunderstanding. For example, when the Vietnamese defendant in the Good Guys Electronics Store robbery, in which six people were killed, woke up in the hospital, he apologized to his parents rather than the victims' families. Directing such an expression of remorse toward the parents perhaps makes sense in terms of the Vietnamese and Laotian cultures, but sound odd in the dominant American culture, since “remorseful” statements are directed to the offended parties.

These cultural misunderstandings can affect sentencing, since expressions of remorse can be a significant consideration. Attention to the linguistic and interpretative cross-cultural nuances by judge and jury are important for proper interpretations to be made of a concept that is untranslatable in literal terms.¹⁸ p. 41

CHANGES IN THE FAMILY

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Child Marriage Practices

Issues involving Hmong and Mien bride practices have attracted the interest and concern of the popular press and police. Marriages are “arranged” usually with the consent of the females, but can involve girls as young as 12 years old. Parents of a willing bride and groom usually make the arrangement, and a traditional ceremony is performed. “Kidnap marriages,” while attracting a great deal of attention from the popular press, are not common, either in the United States or in Laos. However, when they do happen in the US, they can attract a great deal of popular attention (see, for example, Dershowitz, 1985; Goldstein, 1986; Hammond, 1991; and Wong, 1991b).

¹⁸ An example from *USA v. Saechao* is particularly illustrative of such difficulty. The attorney asked the defendant, through the interpreter, whether there was a Mien word for “complain.” This question is impossible to translate from one language to another. The only way to answer it is to be proficient in the language in which the question is asked and in the language about which the question is asked, which is the job of the interpreter. In this case, the interpreter attempted to tell the court that there was no single word in Mien that carried the full meaning of “complain.” He was cut off by the judge and told to “interpret the question,” even though this was not possible. Neither attorney objected to this procedure.

Of greater concern are practices involving arranged or semi-arranged marriages, in which a report to the police becomes a “bargaining chip” in a “shotgun wedding.” Such situations rarely reach the courts; however, social workers and police officers are sometimes confronted with the ambiguities and cultural issues of such cases.

For example, a police officer we interviewed described a case in which a Hmong teenage girl went to San Francisco with her Hmong boyfriend. The girl was reported missing to the police. When she returned several days later, the boy was presented with a demand to marry the girl in the Hmong tradition or face kidnapping charges. The parents agreed not to press charges only after the “groom” agreed to a traditional Hmong marriage (i.e., without the civil marriage under California law). This marriage was contracted for, even though, as the police later noted, consensual sexual intercourse for this underage girl was illegal under California law. However, none of the parties involved would agree to press charges once the case had been “settled” in traditional terms.

p. 44 Such cases represent an interesting mixture of Laotian and American social strategies. While the desire to legitimize child marriages came from Laos, use of the police and social workers reflects strategies acquired in the United States. Opinions of social workers, police officers, teachers, and Laotians about child bride situations range from an attitude that “it's none of our business” to concern that such relationships are exploitative and illegal. There are no legal or social service policies for handling such cases, so they are dealt with on an ad hoc basis (Wong, 1991b).

Adultery

Adultery has a strong tradition in Hmong and Mien mythology. In the context of marriage practices where the marital union is not as much between two individuals but as symbolic of a union between two lineages or clans, adultery can have far-reaching implications for more than the bride and groom. In May 1990, such a dispute resulted in the murder of a Mien woman and her Mien male friend, and in June 1991, a spurned boyfriend resulted in another murder (see Appendix B) as a consequence of a gang-oriented conflict.

In Minnesota, where the oldest Hmong community lives, culturally dependent arguments about the nature of adultery, rape, and interclan relationships have been used in two trials for rape (Hammond, 1991). A similar case has been moving through the municipal and federal courts in Washington state since 1983 (Ninth Circuit Court of Appeals, 1991). All cases resulted in convictions, but the trial in Minnesota elicited unusual testimony about the nature of rape and adultery in Hmong society. The defense argument was that the defendants were lured into sexual intercourse by devious women from other clans. This argument was backed up by “Hmong feminists” from the defendant's clan, who claimed that the charge was concocted by clan leaders to punish well-educated Hmong men who had achieved success in the non-Hmong world and were no longer willing to accede to the demands of elders for favors. They also claimed that such charges were made plausible only by a racist system in which the sexual reputation of Asian men was questionable.

This was countered by the arguments of the victims, who claimed that as new immigrants they had been taken advantage of by older Hmong males who forcibly raped them in motel rooms. The arguments of the victims prevailed in both trials, and the men were convicted.

The cases from Minnesota and Washington reflect a complex interaction between the legal system and Hmong customs by both the defense and the prosecution. We are not aware of similarly complex arguments being made in California, but believe that this is only because the Hmong population here is newer and that the complexities of such cultural arguments have yet to be developed. During our study we saw other cultural arguments being made, particularly in opium and spousal-abuse cases; however, the arguments tended to be of a simplistic “cultural island” sort, in which the defense claimed that defendants were still living as if they were in Laos and the prosecution claimed that they were not.

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However, as defense lawyers become more sophisticated in their understanding of Laotian society, and particularly as the emerging Laotian middle class develops, it would not surprise us if complex arguments similar to those used in Minnesota will be made. Because such arguments require the cooperation of sophisticated witnesses who are acculturated to American society, we would expect them to emerge first from the Hmong community, both because they have the largest middle class and also because they continue to maintain the strongest sense of tradition and therefore risk being more in conflict with mainstream standards.

Spousal Abuse — A “Cultural Island” Defense

The following “cultural island” argument was made by a defense attorney representing a man who was pleading guilty to spousal abuse:

Your honor, I would point out that Mr. Saechao has lived in this country for approximately four years. He is a Laotian citizen... . [He is 60 years old and was seriously injured during the war]....

I also point out that he has not fully adapted to the customs of this country. He is fairly isolated in this country from the mainstream customs and the people, and in a sense that he's surrounded by other Laotians who have sort of isolated themselves. There are problems in picking up the customs here.

In his country when something like [spousal abuse] happened, it was not considered a crime. It was handled by a village priest, and they, the parties, were counseled. He didn't realize that he committed a crime at the time this happened. He has since — he understands that he can't go around abusing or striking or assaulting his spouse or anybody else... . (Official transcript, *People vs. Yao Fou Saechao*, Sacramento Municipal Court, 6/22/88).

For adult Laotians, the most likely reason to come into contact with the criminal justice system is through a spousal abuse case. It is not clear why this is so — or for that matter whether Laotians are more likely to be charged with or file spousal abuse cases than other groups from the poorer socioeconomic strata of society. However, the prevalence of such

cases, especially among Lao and Mien who are still embedded in traditional society, cannot be doubted. Often the defense contends, as in the case just described, that such activity is condoned in Laos and therefore not considered criminal. How true this is varies from case to case, and it is up to judge or jury to assess the veracity of such claims. It is rare for the isolation from American customs and law to be as complete as is implied by the above quotation. Instead, a dynamic process is occurring in which different age groups are being exposed to different parts of American society at different rates.

We followed two spousal abuse cases from beginning to end during summer 1991. In the first case, a Lao man was accused of hitting his wife and forcing a gun into her mouth while drunk. This had followed a long argument, in which the defendant had left and returned, each time striking his wife. In response, 911 was called, charges pressed, and the case brought to court. As with many spousal abuse cases, Laotian or not, the case was dismissed when the only witness — the wife — recanted and refused to testify against her husband.

In the second case, a nineteen-year-old Mien man was accused of striking his wife with a stick. This case was settled with the cooperation of the wife, who was prepared to testify at the hearing. In response her husband bargained for a sentence of a few days in jail. Ironically, the couple, husband and wife, left the courtroom together, having apparently restored amicable relations.

Changes in Women's Roles

Are these cases so common because of cultural clashes between American and Laotian values, or are they so common because persons living in difficult socioeconomic conditions are more likely to be arrested for this crime? We have no answer to this question, but we did notice that many Laotians informed the court that such behavior was condoned in Laos. On the other hand, all Laotian informants were also well aware that such behavior was not condoned in the United States and could result in arrest and incarceration.

While gender roles, both within and outside the family, are changing, it is not always without resistance (Mote, 1988c). Particularly among the Hmong, rumors about interference from Hmong leaders in reporting spousal abuse were persistent. There is an attitude among

the Hmong that family problems should be solved within the Hmong community. In some respects, this is indicative of an internal social control that undoubtedly contributes to the well-being of the community at large. On the other hand, when this control includes interference with official investigations of spousal abuse, there is cause for concern. Reports of interference usually involved threats to Hmong interpreters or social workers to drop an investigation. Because such threats were reportedly made through private connections within the Hmong community, supervisors could not verify them.

Gender roles within the family are changing in the Laotian communities. By and large, these changes are regarded by Laotians as positive; most men and all women that we talked to

indicated that women preferred their status in the United States. On the other hand, these changes do not mean that every US custom and habit is embraced or even approved of.

One of our most articulate informants was a 20-year-old Mien mother. Her extended family and husband are supporting her as she pursues her high school diploma. She had many insights into life in the United States, and was forthcoming about describing what she thought was good and what she thought was bad. She was in particular very critical of what she considered a casual attitude toward divorce among Americans. One of the definite improvements for women, she believes, is the much smaller family size and birth control. On the other hand, when being hospitable to male guests, she always fed them first, while she remained in the kitchen. By Mien standards, of course, such deference is very gracious behavior. By American standards, such behavior is often interpreted as being subservient.

So how much have gender roles changed? Hmong women in Sacramento hold professional jobs and attend college, as do a few Mien. This behavior is not universally approved of in the Hmong or Mien communities, as is indicated in Mote's (1988c) article about a Hmong professional woman in Yuba City and by a Mien professional woman who told us that her family wanted her to stay home and raise a large family.

This contrasts with the description a Mien man made about what it meant for him to become a Christian. To him, one of the most important things was that his wife ate at the same time at the same table. He was quite effusive in his description of this byproduct of Christianity, and obviously the symbolism was very important to him.

There is no doubt that, in their life in the United States, gender roles are changing. These changes will be of greater and greater significance as Laotians integrate into American society.

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Marital Relations

All three Laotian ethnic groups typically require the payment of bride prices in sanctioned weddings. This tradition has deteriorated in the United States, particularly among the Lao and Mien, some of whom establish informal "living together" relationships that would be taboo in Laos. Again, because of a strong social cohesion, the ideal of bride price is maintained more often among the Hmong than the other groups.

Particularly among the Mien, the decline in bride price traditions has meant that living together relationships are more common. In traditional Mien families, this is significant because it means that any offspring are part of the mother's family and worship the mother's ancestors, rather than the biological father's. AFDC payments to the mother make such an option financially feasible, in addition to being spiritually advantageous for the mother's family (Habarad, 1987a).

Polygamy is an ideal for high-status males in Laos. The tradition in Laos is particularly strong among Hmong and Mien, who may have had several wives living under the same roof. However, as part of the United States' resettlement program, only one wife was permitted entry into the

United States. Second wives, though, have occasionally come to the United States, and a few have slipped through the guidelines by filing for resettlement as the husband's “niece.”

This would be a relatively unimportant issue, except that accounts in court are shaped by such relationships. For example, in one opium case an opium courier — who was well known as the second wife of a high-status male — was arrested. The defense focused on whether the accused could tell the difference between a Thai fruit bar and opium (i.e., a defense was based on “knowledge” was made). The jury did not believe the defense's contention and convicted the defendant. We found this to be a rather peculiar approach; it seemed more feasible to offer the defense of coercion rather than one based on knowledge. However, The coercion defense might have required indicating that the wife was threatened by the husband, which

p. 49 would have meant revealing the nature of the relationship and subjected the entire family to the possibility of deportation.

Parenting Strategies — the Role of Child Protective Services (CPS)

Failures in parent-child relationships are considered, by both Laotian and social service providers, to be the root of gang and other youth problems. Much family conflict is based on the cultural differences that arise when children “Americanize” more quickly than their parents; the parents are then unable to assist the child in discriminating between what is and is not appropriate behavior.

In extreme cases, CPS is called (see Appendix A). The intervention of CPS is perceived differently in the Hmong and Mien community, in large part because, in the case of the Hmong, Lao Family, Inc. or another Hmong social worker is likely to be able to mediate. While such visits are not “appreciated” within the Hmong community, they are also less likely to be misinterpreted. In the Mien community, visits from CPS are interpreted as attempts to take away custody of the child. In the absence of a trusted intermediary such visits can quickly become misunderstood.

In response to conflicts between Southeast Asian societies and American laws about child abuse, Lutheran Social Services, Sacramento, has presented workshops that focus on cross-cultural misunderstandings. Normative standards regarding the child's position within the family are different in American and Laotian societies, and will continue to cause conflict until more complementary values can be identified.

CONCLUSIONS AND RECOMMENDATIONS

This report has described the experience that three small immigrant groups from one small country have had with California's criminal justice system. Some of the specific issues raised — for example, the abuse of opium by the elderly — are probably specific to this group. We have also contrasted the social position of the Hmong and the Mien when possible. Broad issues have been raised about how immigrant groups deal with the pressures of migration. For example, while an elderly immigrant group from eastern Europe probably will not have an

opium problem, any immigrant group of elderly who is unfamiliar with American society will probably never learn to speak English well. The lack of a significant social role could lead to drug or other abuse of a legal or illegal nature.

One issue of possible relevance to other immigrant groups is the emergence of gang activity among Laotian youth. Frederic Thrasher (1927), a sociologist who studied Chicago's gang problem of the 1910s and 1920s, stated that "The gang in Chicago [is] largely, though not entirely, a phenomenon of the immigrant community of the poorer type." He went on to note that, at least in Chicago, some immigrant groups were more likely to be involved in gangs than others, and described immigrant Poles and Italians as being particularly susceptible to gang activity, while immigrant Germans were less susceptible.

This observation points to the conclusion that immigrant groups are susceptible to the type of "social disorganization" that leads to the emergence of gang activity and high crime rates. Less obvious, but equally important from a policy-making perspective, is how social disorganization in immigrant groups can be controlled. The Hmong provide such an example in this study, while presumably the German immigrants that Thrasher studied provided a similar example. The Filipinos and Korean immigrants of today, if looked at closely, may provide yet another example.

This means that the Laotians in California today share situations and problems similar to other p. 52
marginalized immigrant groups who are now in California — and who are yet to come. In Sacramento there are already signs that immigrant groups newer than the Laotians are arriving: Police officers, court officials, and social workers are today asking themselves how to deal with new communities of Russians and Romanians. There are obvious differences between these new immigrants and the earlier-arriving Laotians, including different racial identities and a higher likelihood of an urban educated background. But the newer immigrants will also share problems with the Laotians, as well.

For example, there will be the family discontinuities when youths Americanize more quickly than their parents. As in Laotian groups, there may also be the problem of elderly people who become disconnected from their families and the larger society, perhaps resulting in abusive drug habits or alcoholism. All new arrivals to America's shores are confronted with new experiences and ways of life that put a strain on the family and other social institutions through which social control is generated.

The broad policymaking organs of California do not and should not establish policies specific to an ethnic group that, like the Laotians, includes only about 0.3 percent of the state's population. In fact, the officials who make most policy decisions for Laotians are the attorneys, police officers, municipal judges, probation officers, social workers, and teachers who struggle to apply laws written for a modern urban society to refugees from the rural highlands of Laos. It is those who administer the law who most often make quick decisions about how to approach an unfamiliar social situation presented by new immigrants, and it is through them that Laotian communities will develop the means and ideas with which to integrate into the larger society.

While broad policies cannot be made on the basis of ethnicity alone, the information presented here points to various problems that need to be addressed:

1. In our study it became apparent that Laotian immigrant populations with large numbers of elementary-aged schoolboys are at particular risk for having high deviancy rates. We do not know if this principle applies to all immigrant groups, but believe that there is an adequate theoretical basis for indicating this could be so. Since migration of Laotians to
2. California has slowed, it is not possible to correct this problem in this population. However, new immigrant groups continue to come to California, some (but not others) of whom are bringing large numbers of young elementary-aged boys. It is recommended that the education and law enforcement communities be aware of the potential problems that such groups could encounter.
3. Social service administrators need to consider carefully the effects that enforcement of child abuse laws can have on traditional parental roles. This is an admittedly difficult issue; enforcement of child abuse laws often necessarily requires usurpation of normal parental rights and responsibilities. However, special care needs to be taken that legitimate enforcement efforts do not cause a confusion that weakens parental authority throughout an immigrant community. This apparently was the unintended effect of the enforcement of child abuse laws within the Mien community.
4. Attention needs to be paid to developing grassroots leadership within immigrant communities. It needs to be recognized that intermediaries who provide community leadership must have legitimacy within the community. Often such legitimacy is hard for outsiders to gauge. However, simply the ability to manipulate the American social service bureaucracies is not always adequate.
5. While local leaders can be effective intermediaries, confidentiality laws sometimes limit the ability of law enforcement or social service agencies to use such "back channels." Use of such back channels can be an effective means for addressing delinquency problems in a preventive manner, and should be encouraged as appropriate.
6. Effective opium detoxification facilities are badly needed in the Sacramento area. Every informant we asked indicates that opium abuse will be a major problem in the Mien community in the 1990s. There is also the potential for use to spread to the Hmong or other communities. Any opium detoxification programs developed should take into account the cross-cultural problems inherent in any such program. This is especially important for the apparently large population of older addicts.
7. Clarification of policies for dealing with child-bride practices is needed. Currently no policy or law is consistently applied.
8. The "cultural defenses" that we observed in court tended to be simplistic "all or nothing" descriptions of defendants who bring a complete set of social norms and mores to the United States and then "choose" between one or the other set. The prosecutors we observed tended to buy into this all-or-nothing concept of culture, and simply countered defense arguments by asserting that the defendant was well aware of the consequences of a particular action in the United States. We believe that Laotian individuals have become cognizant of different parts of American society at different rates. Some norms and mores brought from Laos continue subconsciously to affect social behavior, while other Laotian values are abandoned. We believe there is an identifiable, culturally grounded "common

sense,” which has implications for such legal issues as coercion and knowledge. Such common sense is not often well articulated by defendants or witnesses.

9. Likewise, how the integration process is perceived is highly dependent on which age group the witnesses or defendants are from. This means that while an effective cultural defense could be raised by either a younger or older defendant in the same opium case, different approaches need to be taken for each one.

APPENDIX A A MIEN ELDER'S VIEW ON YOUTH AND CRIME IN MIEN SOCIETY (Translation)

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“The best way of handling social problems is to be strict. [You] can't let wrongdoers go after they are caught. When you catch a thief or lawbreaker, [you] put them in jail with only a little bit of food. That is what shapes everything up, because then everyone else is afraid to commit a crime.

“We have tried to take care of our own problems here, but then the government gets upset at us if we do things our own way. An example is with disciplining our children. We cannot discipline our children because if you hit a child, the government can come and arrest the parents, with the result that the parents are afraid to discipline their children properly. Then the children start running with gangs, with the result that the parents are powerless to do anything about it for fear that the police will be called on a child abuse complaint.

“Another example is in the case of Oakland, where Mien people shot two thieves who had broken in their houses. They killed the thieves, but then the police were upset at the Mien for defending their homes. So, O.K., fine, then if the government wants to enforce its laws, then come and do so, and we won't defend our property anymore.

“This would be fine, except that the legal system here is no good. This is because when the bad ones are arrested, they are let out again after two or three days, and can then come and take revenge on the people who reported them in the first place. A good example is what happened up at Polk Street where the manager's house was shot at recently. The gang who did it was caught, but then [they were] released after a few days. So then this gang was able to return and beat up the security guard at Polk Street a few days ago.

“A second problem with the legal system are the rules of evidence that the police adhere to. The police come in and ask a lot of questions, but then you can't say what you really

think or really know. You have to have seen something with your own eyes before the police take you seriously. This is silly, because if you know your own people like we do, then likely you know who stole something, even if you didn't see them do it with your own eyes. The result is that we are not allowed to use simple common sense when dealing with our problems. How can you work with a law that doesn't allow you to use common sense?

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“The young ones won't pay attention to our traditional councils anymore, because the government doesn't permit them to have any authority over their own. We can't enforce our will. In Laos, they would have had to listen to their elders. Here the government won't let us enforce our decisions, though. So the kids run wild. They are good students in elementary school and

junior high school, and even do better than the American kids. But then in high school everything goes wrong, and suddenly the American kids are doing better than ours. Please explain to the government that if we were permitted to handle our own problems, everything would be much better and our young people would be good citizens and students.

p. 57 APPENDIX B A CONVERSATION WITH A POLICE OFFICER

A police officer described how different concepts of guilt, corporate and individual, can become part of an investigation. He recalled investigating a murder case in which a man was killed in the course of a fight between gang members over the favors of a young Mien girl.

The girl had been the girlfriend of a Mien gang leader who had been arrested and sent to juvenile hall for a period. When he returned to his gang, he found out that his girlfriend had been “partying” with another member of the gang. Words were exchanged between the two competitors, with the result that there was an alignment between gang members loyal to the returned leader and the new friend of the girl. The uncle of the challenger (keep in mind the importance of uncles in Mien and Hmong society) also appeared during the argument.

At this point, the leader left the scene. Sometime thereafter, there was a melee in which the uncle of the challenger was attacked. In the attack, the uncle was wounded in the leg with a knife. The wound severed the large artery in the leg and the uncle bled to death.

This attack was apparently witnessed by a number of people in the area. During the investigation, it was indicated by all that the responsible party was the gang leader, a person who, because of his record, was well known to the police. However, it was not possible to arrest the leader because he did not participate in the beating, did not hold the knife, and, for that matter, was not even physically present.

There were, however, witnesses willing to say that the gang leader was the responsible party. They reasoned that, had the leader not started the argument that led to the uncle's death, then there would never have been an attack and the uncle would be alive. In other words, the actual participants of the attack were the victims of the circumstances created by the gang leader. In addition, it was pointed out that if only the attackers were arrested, then the threat of further assaults still remained because the leader was free. In contrast, if the

p. 58 leader was arrested and the attackers went free, further threats to the community would be removed.

In many respects, this type of reasoning has a certain appeal. Certainly it is grounded in a type of reasoning that makes sense, even to Americans grounded in individualistic rather than corporate-type concepts of guilt. However, such reasoning does not have any grounding in California law, which assumes that the persons who held the knife and participated in the beating each had free will and were not victims of the circumstances initiated by the gang leader.

A consequence of these different concepts is a persistent mistrust of what the police can do to protect public safety.

APPENDIX C A LONG SUMMER IN THE POLK STREET APARTMENTS

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The Polk Street and Behringer Court Apartments are the homes of one of the two concentrations of Mien in Sacramento County. The complex is sometimes portrayed as being an idyllic throwback to a rural Laotian village. Laotian village or not, the current reputation for Polk Street Apartments among the Mien is one of violence and an atmosphere of fear. There is good reason for this. At the time this project began (in June 1991) the complex was known for being the more quiet and less volatile of the Mien populations. Indeed, in our field notes, we speculate about why the Polk Street Mien population was so much better than the Oak Park Mien who had been subject to the raids of the Sacramento Bad Boys during 1989-90. A chronology of the summer's events illustrates how fast a once "model" society can quickly turn into fear and violence.

May 1991:

Federal sting operation results in the arrest of two for opium trafficking.

June 1991:

Evictions begin, apparently with the aim of controlling gang activity. In retaliation, the windows of the manager's apartment are shot out. No one is hurt or arrested.

As a result of a gang-related dispute over a girl (see Appendix B), a 39-year-old Mien man is stabbed to death.

A Hmong man and four Mien juveniles are arrested for possession of a pipe bomb and an assault rifle.

July 1991:

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A security company is hired by the management, and posts a young Caucasian at the complex. On his second night, the man is hit on the head with a baseball bat. Three Mien and one Lao youth from another area are arrested. The crime is reported in progress by two Mien families who called 911. However, they refuse to talk to the police. Police are able to arrest four young men based on the testimony of the victim.

About this time we begin to ask for people who would be willing to talk to us for this project. Oak Park Mien warn us away, saying that Polk Street has become a "bad place." Our sources also express satisfaction about the four who have been arrested, along with the hope that they will all be put in jail for a "long, long time." It is also indicated to us that one of the perpetrators has remained free.

One Lao juvenile is arrested for the June murder. Lack of willing witnesses does not permit this investigation to go further.

August 1991:

Charges are dismissed against three of the four defendants in the baseball bat case due to lack of evidence. The fourth is released on \$3,000 bail after the pretrial hearing.

After a neighborhood watch program is instituted, conducted by the Sacramento County Sheriff's Department, and a new security agency is hired, Freedom Security, which is owned and operated by ethnic Lao, the complex calms down. The Sheriff's Department expresses to us the belief that this security agency seems to have a better control over the complex than the previous agency. For the month of August, the complex is "quiet."

September 1991:

After obtaining an introduction to a contact, we visit Polk Street Apartments. "PSB" (Polk Street Boys) graffiti is present in one corner of the complex. However, one of the elderly leaders indicates that the complex is calm. He and a friend of his credit Freedom Security, which they say is more effective because the guard they use is older and not a "child," like the 19-year-old man who was beaten with the baseball bat. Otherwise, they speak only in

p. 61 generalities. The Lao youth we had been told to contact is away at school. His sister gives us the phone number.

On September 16, a 39-year-old Caucasian woman is shot in the shoulder while sitting in her car after a dispute involving Mien members of the Polk Street Boys.

We finally contact the Lao youth. He refuses to talk to us because "I don't know nothing about that stuff... I just want to go to school... when they [the gangs] ask me to come join them, I just tell them that I want to go to school."

p. 62 APPENDIX D THE CASE OF *USA vs. SAELEE*

In the opium importation case of *USA vs. Saelee*, interpretation problems created doubts in the judge's mind about whether a guilty plea to a negotiated settlement was voluntary or not.

The main charge of importing opium had been negotiated down to a charge of failing to reveal to authorities that opium was being smuggled into the United States, i.e., a lesser crime than actually doing the smuggling. The double negative in the reduced charge made understanding the offer difficult even for an English-speaking person. The interpreter translated this subtle though significant adjustment into Mien, with the result that the defendant refused to agree to the plea, bringing the voluntary nature of the plea agreement into doubt.

The defense attorney and judge tried to explain the differences to the defendant by using a number of English permutations of the original question. Unfortunately, these rewordings did

not get around the original problem — that there was no single Mien equivalent for the verb “conceal” — even though the concept exists in Mien and can be explained.

Subsequently, court was recessed, and the matter was dealt with satisfactorily in private by the attorney, her client, and the interpreter.

APPENDIX E A CONVERSATION WITH A YOUNG HMONG SOCIAL WORKER

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Following are excerpts from field notes concerning a Hmong informant who was particularly articulate about describing remorse, how the police are perceived, and internal social control.

“We don't teach about remorse, because ‘sorry’ is not enough. I remember that in [the American] high school I had trouble with a white kid who messed with me. The teacher came and made him tell me that he was sorry. But that was nothing. What is ‘sorry’? Only words. The Hmong seek compensation for an offense. Without compensation the situation is not righted, and words are not compensation... .”

“So I asked the teacher if I could attack him (my tormenter) and then simply say that I was sorry. But I was told no. How can you win in a situation like that? Just saying ‘sorry’ means nothing in our society... .”

He complained about slow response times by the police, and had a story about the problem to illustrate the point. He claimed that the police response time improves only if a woman is reporting or some serious crime is occurring. “To get the police to come, you call and tell them that you are beating your wife. Or, better yet, you say that a burglar is making trouble. If you call and just say that a prowler is hanging around, you can call two, three times. Every 10 minutes or so. What works, though, is if you call the fire department. They come much faster, and in the process, scare away the prowler. This is good, but then the firemen complain because you have made a false report. How do you win in a situation like this?”

“Young people are warned [by the Hmong elders] once when they mess up. If they mess up again, then no one will come to assist them or bail them out when they get in trouble with the police... . In the case of auto theft by a youngster, I may even report my own nephew to the police. It is my responsibility and, no, my brother will not resent this. I am doing my duty by reporting to the police, particularly if the nephew has already been warned about a previous offense.”

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