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# Forgotten No Longer: The Southeast Asians' Role in the Vietnam War

*Denise Pereira*

## *Code Section Affected*

Education Code § 51221.4 (new).  
AB 78 (Reyes); 2003 STAT. Ch. 44.

## I. INTRODUCTION

In the last two years, approximately half of all teen suicides in Fresno County have been Hmong, despite the fact that Hmong account for only three percent of the county's population.<sup>1</sup> When this alarming statistic was brought to the attention of Assemblywoman Sarah Reyes, she responded swiftly by gathering a group of Hmong from her community to begin a collaborative effort to search for solutions.<sup>2</sup> Their determination, diligence and deliberation culminated in the creation of Chapter 44.<sup>3</sup>

Many of the Hmong youth in this country are suffering from feelings of low self worth and a sense of cultural confusion.<sup>4</sup> This poor self-esteem and severe identity crisis is often the result of feeling helplessly torn between two worlds.<sup>5</sup> Raised in America, far from the mountains of Laos, these young people cannot fathom the life that their parents left behind.<sup>6</sup> Like many children of immigrants, with each year that passes, they grow further away from their culture and their parents become increasingly difficult to relate to.<sup>7</sup> At home they are expected to honor and maintain traditional customs such as marrying at a very young age, often well before their eighteenth birthday, and forsaking western medicine for Shamanism.<sup>8</sup> Outside the home, they are faced with the demands of American society.<sup>9</sup> These expectations are directly in conflict and difficult to reconcile,

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1. Anne Dudley Ellis, *Lost in America, Introduction*, FRESNO BEE, Aug. 11, 2002, available at <http://www.fresnobee.com/special/hmong/> (last visited Mar. 16, 2004) (copy on file with the *McGeorge Law Review*).

2. Lee Romney, *Bill Spurs Bitter Debate over Hmong Identity*, L.A. TIMES, May 24, 2003, at B1.

3. Stephen Magagnini, *Laotian Fighters Get Due 'Secret War' Lessons Urged in History Class*, MODESTO BEE, July 11, 2003, at B3.

4. Romney, *supra* note 2.

5. LILLIAN FADERMAN & GHIA XIONG, *I BEGIN MY LIFE ALL OVER* 167 (1998).

6. *See generally id.* at 210-40 (recounting the experiences of individuals caught in the middle of two cultures).

7. *See generally id.*

8. *Id.* at 223; Anne Dudley Ellis, *Lost in America, Teen Challenges*, Melinda Lee, FRESNO BEE, Aug. 11, 2002, available at <http://www.fresnobee.com/special/hmong/lee/> (last visited Mar. 16, 2004) (copy on file with the *McGeorge Law Review*).

9. *See generally* FADERMAN & XIONG, *supra* note 5, at 210-40 (recounting the experiences of individuals caught in the middle of two cultures).

especially for a teenager.<sup>10</sup> Consequently, the Hmong youth in America often feel hopelessly caught in the middle and struggle to cope.<sup>11</sup>

The resulting identity crisis often feels too difficult to endure. Further complicating matters is the discrimination that they face in school.<sup>12</sup> It is not uncommon for them to take on “American” names in order to better assimilate.<sup>13</sup> Many find themselves feeling ashamed of their culture and customs, and then experiencing additional shame for harboring such feelings.<sup>14</sup>

Assemblywoman Reyes believes that Chapter 44 not only will help the Southeast Asian community, but California as a whole.<sup>15</sup> Many Southeast Asian youth and most of the public are not aware of the important role that the Southeast Asians played in the Vietnam War and the Secret War in Laos.<sup>16</sup> This legislation seeks to instill a sense of pride in Southeast Asian youth by honoring the importance of their history and ensuring it gets the treatment it deserves in the classroom.<sup>17</sup> Chapter 44 also seeks to fight prejudice by ensuring that future generations know that the Southeast Asians who fled to this country are heroes and worthy of the same honor and respect that American veterans are shown.<sup>18</sup>

## II. EXISTING LAW

### A. *Procedures to Develop, Adopt and Implement Educational Material*

In California, the procedure by which curriculum for public schools is to be developed, adopted and implemented starts with the California Education Code (the “Code”). The Code has adopted and set forth a course of study wherein grades seven through twelve shall offer courses in a variety of disciplines.<sup>19</sup> It establishes which courses will be required at which grade levels, as well as how many courses in each discipline shall be required in order to receive a high

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10. *See generally id.*

11. *See generally id.*; *see also* Ellis, *supra* note 8 (describing the conflict between wanting to be the “average American teen and her Hmong upbringing”).

12. *See* FADERRMAN & XIONG, *supra* note 5, at 210-40 (discussing several experiences of Hmong Youth in American schools).

13. *See generally* Ellis, *supra* note 8 (describing how she “just wanted to feel like [she] belonged,” explaining that “[e]veryone was doing American names”).

14. *See* FADERRMAN & XIONG, *supra* note 5, at 213 (describing this sentiment based on the personal accounts of individuals struggling with such feelings).

15. SENATE RULES COMMITTEE, COMMITTEE ANALYSIS OF AB 78, at 3 (June 17, 2003).

16. Jeff Lindsay, *The Hmong People in the U.S.*, at [http://www.jefflindsay.com/Hmong\\_tragedy.html](http://www.jefflindsay.com/Hmong_tragedy.html) (last visited Mar. 16, 2004) (copy on file with the *McGeorge Law Review*).

17. SENATE RULES COMMITTEE, COMMITTEE ANALYSIS OF AB 78, at 3.

18. Press Release, California Assembly, Governor Signs Legislation that Will Rewrite American History Being Taught in the Classroom: New Law Will Allow Teachers to Add to the History of the Vietnam War (July 10, 2003), available at <http://democrats.assembly.ca.gov/members/a31/press/p312003029.htm> (copy on file with the *McGeorge Law Review*).

19. CAL. EDUC. CODE § 51220 (West Supp. 2004).

school diploma.<sup>20</sup> It does not, in general, establish the specific curriculum which shall be taught in each of these courses.<sup>21</sup> Rather, it establishes the Curriculum Development and Supplemental Materials Commission (the "Commission").<sup>22</sup> This Commission is charged with the responsibility of studying school curriculum, identifying problems therein and making recommendations to the State Board of Education.<sup>23</sup> The Commission is comprised of one Member of the Assembly, one Member of the Senate, three public members, one appointed by the Assembly, one by the Senate, and one by the Governor, three public members, one appointed by the Assembly, one by the Senate, and one by the governor, and thirteen members of the community.<sup>24</sup> Of the thirteen members of the community, a minimum of seven should be "recognized authorities or experienced practitioners in the fields" of:<sup>25</sup> English, social sciences, foreign languages, science, mathematics, visual and performing arts, applied arts, and conservation education.<sup>26</sup>

The recommendations of the Commission takes the form of Curriculum Frameworks.<sup>27</sup> These frameworks "are the blueprints for implementing the content standards adopted by the State Board of Education."<sup>28</sup> Ultimately the State Board of Education ("SBE"), under the California Department of Education ("CDE"), is the body which sets policy and governs the educational standards and curriculum in California schools.<sup>29</sup> This curriculum is adopted and implemented in cycles.<sup>30</sup> The next adoption of standards and curriculum for the discipline of social sciences is set for the year 2005.<sup>31</sup>

#### B. Existing Educational Standards Relevant to Chapter 44

Currently, under the K-12 Content Standards, schools are required to provide instruction in the eleventh grade on the Vietnam War in U.S. history classes.<sup>32</sup> Under the Code, schools are to include in their social science curriculum

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20. *Id.* § 51225.3.

21. *Id.*

22. *Id.* § 33530 (West 1993).

23. *Id.* § 33538.

24. *Id.* § 33530.

25. *Id.*

26. *Id.* § 33533 (West Supp. 2004).

27. California Department of Education, *Curriculum Frameworks and Instructional Resources*, at <http://www.cde.ca.gov/cfir/> (last visited Mar. 17, 2004) (copy on file with the *McGeorge Law Review*).

28. *Id.*

29. CAL. EDUC. CODE § 60005(b) (West Supp. 2003); California Department of Education, *California State Board of Education*, at <http://www.cde.ca.gov/board/> (last visited Mar. 17, 2004) (copy on file with the *McGeorge Law Review*).

30. CAL. EDUC. CODE § 51226 (West 2003).

31. California Department of Education, *Curriculum Development and Supplemental Materials Commission*, at <http://www.cde.ca.gov/cc> (last visited Mar. 17, 2004) (copy on file with the *McGeorge Law Review*).

32. California Department of Education, *Content Standards*, at 52, available at [http://www.cde.ca.gov/cdepress/Hist\\_SocSci\\_Std.pdf](http://www.cde.ca.gov/cdepress/Hist_SocSci_Std.pdf) (last visited Mar. 17, 2004) (copy on file with the *McGeorge Law Review*).

instruction on “eastern and western cultures and civilizations” and “human rights issues.”<sup>33</sup> They are to emphasize in this instruction the “inhumanity of genocide, slavery, . . . the Holocaust, and contemporary issues.”<sup>34</sup> The Code “encourages the incorporation of survivor, rescuer, liberator, and witness testimony into the teaching of human rights, genocide, and the Holocaust.”<sup>35</sup> The Code also encourages instruction on the Second World War to include a component of personal testimonies of U.S. soldiers and those involved on the homefront.<sup>36</sup> This testimony is to exemplify the “personal sacrifice and courage” of those involved.<sup>37</sup>

### III. CHAPTER 44

Chapter 44 encourages schools to include instruction on the Vietnam War, the “Secret War” in Laos, and the role that Southeast Asians played in those wars.<sup>38</sup> This instruction shall be included in social studies classes of grades seven through twelve.<sup>39</sup> Chapter 44 encourages this instruction to include an oral or video history component drawn from personal testimony of Southeast Asians who were involved in the war in their homeland.<sup>40</sup> This oral testimony shall exemplify the courage and personal sacrifice of those who were recruited by the United States to serve and provide intelligence.<sup>41</sup> The testimonies should also include the individual’s sentiment and rationale for participating in the war, as well as their remarks about the aftermath of the war including the immigration of Southeast Asians to the United States.<sup>42</sup>

However, Chapter 44 does not provide a mandate for California schools.<sup>43</sup> Rather, any new curriculum or coursework implemented will be on a voluntary basis.<sup>44</sup> It, therefore, does not establish any new programs or duties.<sup>45</sup> Because it is voluntary, Chapter 44 does not impact existing school budgets.<sup>46</sup> Instead, school districts shall absorb any costs by including them in their annual budget and purchasing cycle for normal curriculum materials.<sup>47</sup>

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33. CAL. EDUC. CODE § 51220(b) (West Supp. 2004).

34. *Id.*

35. *Id.* § 51226.3(b).

36. *Id.* § 51221.3(a).

37. *Id.*

38. *Id.* § 51221.4 (enacted by Chapter 44).

39. *Id.*

40. *Id.*

41. *Id.*

42. *Id.*

43. *Id.*

44. *Id.*

45. *Id.*

46. *Id.*

47. *Id.*

IV. ANALYSIS

A. *Should the Legislature Use the Education Code to Establish New Curriculum?*

Opponents of Chapter 44 argue that the Education Code was an inappropriate means by which to incorporate instruction on the role of the Southeast Asians in the Vietnam War and the “Secret War” in Laos.<sup>48</sup> They do not dispute the importance of such instruction; in fact they assert that “[a]ny history of the Vietnam War would be incomplete if the role of the Hmong is ignored or minimized.”<sup>49</sup> They take issue with the “embedding in statute sponsorship of interest groups, historical events, or other issues deemed worthy of inclusion in California’s school curriculum.”<sup>50</sup> They note the established process that is in place in California to adopt and implement curriculum.<sup>51</sup> They assert that the appropriate means for encouraging new curriculum is via communication with the Commission or the SBE, not by means of legislation.<sup>52</sup>

However, this sort of legislation is not unprecedented. There are many examples of similar legislation contained in the Code.<sup>53</sup> Nor is it outside of the process undertaken by the Commission and the SBE to establish new Content Standards.<sup>54</sup> The Commission pays a great deal of attention and deference to the bills being introduced and passed in the Legislature.<sup>55</sup> Therefore, this sort of legislation may be considered a useful tool for influencing changes in curriculum in an expedient fashion. It is also efficient in that textbook companies can predict what may be included in the next adopted Content Standards and begin writing the new history.<sup>56</sup> Also, these companies may choose to include this new history in their next edition even if it is not adopted by the SBE, in order to provide a text for those teachers who choose to incorporate the new content in their courses.

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48. EDUCATION COMMITTEE, ASSEMBLY REPUBLICAN BILL ANALYSIS OF AB 78, at 5-6 (Mar. 17, 2003).

49. *Id.* at 5.

50. *Id.*

51. *Id.*

52. *Id.*

53. *See supra* Part II (noting other statutorily mandated curriculum).

54. Curriculum Development and Supplemental Materials Commission, Final Minutes of Meeting: November 14-15, 2002, at 2, available at <http://www.cde.ca.gov/cc/min/112002min.pdf> (last visited Mar. 17, 2004) (copy on file with the *McGeorge Law Review*).

55. *Id.*

56. Interview with Lynn Tafoya, Principal, Hiram W. Johnson High School, in Sacramento, Cal. (Aug. 4, 2003) (notes on file with the *McGeorge Law Review*) (predicting that textbook companies will begin to write this new account of history).

*B. What Will Be the Impact of Chapter 44 on California School Districts?*

It is unclear what, if any, impact Chapter 44 will have on California school districts. Because Chapter 44 is voluntary not mandatory, it remains to be seen how many schools will choose to integrate it into their curriculum. If a school chooses to implement the curriculum, the costs should be nonexistent to minimal, as it primarily consists of bringing in speakers to share their experiences.<sup>57</sup> Any training would likely consist of a dialogue between teachers and elders in the Southeast Asian community.<sup>58</sup> Finally, Chapter 44, if implemented, could be incorporated immediately as it does not require any dramatic changes to existing lesson plans, it simply enhances current teaching by adding an oral history component.<sup>59</sup>

V. CONCLUSION

Chapter 44 has enormous potential to bridge the gap between cultures in California schools.<sup>60</sup> Because so many Americans remain ignorant of the valiant and tragic tale of the Southeast Asians, and the heroic role they played in the Vietnam conflict on behalf of the United States, Southeast Asians continue to fight against prejudice and misconceptions in their new home.<sup>61</sup> Chapter 44 also has the potential to instill a sense of pride in Southeast Asian youth by giving their people the recognition and treatment they deserve in U.S. history classes. This new pride and understanding may bolster self-esteem, in turn making the temporary clash of cultures easier for adolescents to weather, ultimately saving countless lives.

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57. *Id.*

58. *Id.*

59. *Id.*

60. Letter from Chua Chang, to Assemblymember Sarah L. Reyes, Cal. State Assembly (Mar. 3, 2003) (on file with the *McGeorge Law Review*).

61. Letter from Srida Moua, Hmong American Issues Director, Hmong Student Inter-collegiate Coalition, to Assemblymember Sarah L. Reyes, Cal. State Assembly (Mar. 12, 2003) (on file with the *McGeorge Law Review*).