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Refugee Policy and Cultural Identity: In the Voice of Hmong and Iu Mien Young Adults

BY BILL ONG HING*

Introduction

The United States' melting pot continues to simmer. Iu Mien and Hmong ethnic groups from the highlands of Laos can boast a long, proud history of maintaining their unique cultures after centuries of resistance from Chinese assault that forced them to flee to the mountains of Southeast Asia.¹ In the mountains of Laos, the Iu Mien and Hmong kept to themselves, able to maintain their unique cultures. Shortly after the U.S. military withdrawal from the Vietnam War in April 1975, Iu Mien and Hmong refugees began arriving in the United States.² For those individuals and families, the challenge to their traditions of cultural retention appears impossible to withstand. Many of the children of these refugee groups—some born in Laos or in Thai refugee camps, others born in the United States—are now young adults facing questions of cultural identity that have challenged the children of immigrants and refugees before them. Their answers vary:

[My Iu Mien identity] is who I am, where I am, and how I see things.³

Throughout my life I’ve never really related anything to my ethnicity. Even being Hmong I know that many are embarrass[ed] to tell people who they really are. In my community the Hmong were viewed through many people’s eyes as people who loved to have kids so that they could receive their welfare check and make a living. Many Hmong Americans are so

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1. See infra notes 165-73, 320-28 and accompanying text.
3. Interview with K.S., in Davis, Cal. (Apr. 6, 2001).
influenced from other people that they begin to disown their race. A lot of young Hmong kids begin to become aware of their inferior status. Many become ashamed of their appearance, status, and culture. Self-hatred and the need to be accepted by white society become their primary obsession. This means that they have to reject their culture and linguistic heritage and pursue “Americanization.” Through this process I believe that this is how many young Hmong kids begin to have less appreciation for who they are. I know that through high school I’ve told people that I wasn’t Hmong because I knew this was the most embarrassing race to be at that time.4

Outside of her community and family, Elizabeth identified herself as a Mien American and relates better with other Asians than she does with people of other races. Elizabeth felt that other Asians seem to be more understanding and already have something in common with her. Her relations with Caucasians and people of different ethnic backgrounds are good but it was a little different when she was interacting with them because they were not familiar with where she’s from and who she is. Whereas with other Asians, Elizabeth immediately felt a kinship with them. It’s easier to open up to other Asians and Elizabeth was more comfortable talking with Asians about herself because they know where she is coming from and what her situation is. Because most likely, they are going through similar circumstances or have experienced the same types of events. Furthermore, Asians had more things in common with Elizabeth than people of other races do.5

The Americanization experience for the children of Iu Mien and Hmong refugees is particularly unique. Certainly their experience bears some resemblance to the experience of other immigrants and refugees. After all, other refugees and immigrants have resettled in a variety of settings and enclaves that can be hostile or friendly. However, the Iu Mien and Hmong were part of a Southeast Asian refugee program that presented the largest numerical challenge that the U.S. government ever faced, and officials responded with special resettlement policies.6 The Iu Mien and Hmong refugee communities are relatively small in size,7 and they do not have a geo-political “homeland” nation the way that other immigrants and even Vietnamese, Cambodian, and Laotians might claim. Other refugees may find it logistically difficult to travel to homelands to renew cultural awareness, but Iu Mien and Hmong refugees face an

5. Rita Zhou, Interview with the Mien Student 6 (Nov. 5, 2001) (unpublished Asian American Studies paper, University of California, Davis) (on file with author).
6. See infra notes 78-87 and accompanying text.
7. See infra notes 264-73, 415-23 and accompanying text.
even bigger hurdle without a country that was ever their own. And unlike other Asian immigrant groups such as Chinese, Filipinos, Indians, and Koreans, who have significant numbers of new immigrant members each year fueling those communities culturally, relatively few Iu Mien and Hmong refugees enter the United States each year. Thus, the cultural identity formation process for Iu Mien and Hmong children is likely quite different from the process the children of the larger Asian American groups go through.

In this article, I juxtapose refugee admission and resettlement policies with what others and I have been able to observe and hear from young Iu Mien and Hmong adults. First, I provide population figures for the two refugee groups in the context of population figures for other Asian American groups. I then describe the refugee admission and resettlement policies that gave rise to the admission of Hmong and Iu Mien refugees and how the communities developed. I then review the histories of the groups prior to entering the United States, including their recruitment into the Southeast Asian war effort by U.S. officials. The Americanization process through which the children of Hmong and Iu Mien refugees appear to be going, as they develop their own cultural identity, comes next. That description is largely in the voice of Iu Mien and Hmong adults themselves. The voices I present are mostly those of college students, commenting on culture, identity, and their community. In the end, I draw some conclusions from listening to their voices in the context of refugee policies that have placed them in this country.

Much can be learned from the process of listening to the voices of those affected by refugee policies. Over the years, I have had the opportunity to speak with Hmong Americans in the Minneapolis/St. Paul area of Minnesota and in the Sacramento, Merced, and Fresno areas in California, and with Iu Mien Americans in Oakland and Sacramento. But most recently, teaching Asian American Studies courses at the University of California, Davis, has afforded me the opportunity to have longer and more meaningful conversations with dozens of Hmong and Iu Mien college students about their culture, identities, families, and aspirations. U.S. refugee policies created these communities primarily in the 1980s and 1990s. But, what I have learned is that,

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8. For example, in the year 2000, almost 50,000 immigrants were from China and Hong Kong, over 39,000 from India, more than 15,000 from Korea, and over 40,000 from the Philippines. 2000 IMMIGR. & NATURALIZATION SERVICE STAT. Y.B. 21 tbl.2. While separate statistics are not available for Hmong and Iu Mien ethnic groups, only sixty-four refugees and 672 immigrants from Laos were admitted in 2000. See SOUTHEAST ASIAN RESOURCE ACTION CENTER, AMERICANS FROM CAMBODIA, LAOS, AND VIETNAM: STATISTICS (2003), at http://www.searac.org/sea_stats.2003.01.27.pdf.
because few new Hmong and Iu Mien refugees continue to enter, questions of intergenerational tension, identity, and cultural and language retention that arise in every group of new Americans are particularly acute in these two communities. Government policies have laid the foundation for environmental effects on their Americanization, but their voices remind us that Iu Mien and Hmong young adults are active participants in the development of their cultural identities. They are exercising choices affected by the policies that brought them to this country, the cultural identities of their parents, pop culture, interaction with other Asian Americans, the attitudes of other Americans, and a range of other factors.

Population

Ask the question, "Who are Southeast Asian refugees?" and many people would be able to respond, "Vietnamese, Cambodians, and Laotians." After all, many are aware of the three countries—Vietnam, Cambodia, and Laos—that comprise the region that was affected by the Vietnam War and of the ensuing admission of refugees from those countries to the United States. However, few people are aware of two ethnic groups from the mountains of Laos—the Hmong and the Iu Mien—who are also part of the Southeast Asian refugee mix. They are not Laotian. In fact, they are two very distinct ethnic groups without countries of their own who originated from China.9

The Asian American population has experienced phenomenal growth since the immigration laws were amended in 1965, eliminating racial preferences embodied in the national origins quota system.10 An Asian American population of about 1 million in 1965 surged to 3.5 million in 1980, 7.2 million in 1990, and over 10 million in the 2000 census.11 The six largest Asian American ethnic groups counted in the most recent census are Chinese (2.43 million, including Taiwanese), Filipino (1.85 million), Asian Indian (1.68 million), Vietnamese (1.12 million), Korean (1.08 million), and Japanese (797,000).12 In contrast, a few of the smaller groups included in the official census included Cambodian (172,000), Hmong (169,000), Pakistani (154,000), Thai (113,000), Indonesian (40,000), Burmese (13,000), and Malaysian (11,000).13 The Iu Mien

9. See infra notes 165-66, 318-23 and accompanying text.
12. Id. at 9.
13. Id.
population was not listed separately for purposes of the census but the total population for 2001 was about 30,000 to 40,000.14

Refugee admissions in the 1980s and 1990s led to the growth in the Hmong and Iu Mien populations in the United States.15 The Hmong population grew from about 5,200 in 1980, to 90,000 in 1990, and 169,000 in 2000.16 The Iu Mien population was estimated at 3,000 to 4,000 in 1982, 13,000 in 1986, 20,000 in 1990, and 32,000 in 1997.17

Refugee Admissions Policies

The United States takes considerable pride in its long history of providing refuge to foreign nationals displaced by the ravages of war or persecuted by totalitarian governments. From George Washington’s 1783 expression of open arms to the “oppressed and persecuted,”18 to the admission of more than 14,000 Kosovo refugees in 1999,19 two centuries of similar statements from leaders and citizenry alike have helped to project, even if they did not always accurately reflect, a certain national generosity of spirit.

Refugees and freedom fighters from around the world took such statements at their word. The anti-Mexican government journalist Ricardo Flores Magon fled to the United States, where he worked with the Mexican Liberal Party beginning in 1906, and became one of the fathers of the Mexican Revolution.20 In January 1911, he and his brother directed the uprising of Baja California and seized the towns of Mexicali and Tijuana.21 Also around the turn of the century, Chinese revolutionary Sun Yat Sen entered the United States and began raising funds for rebellion.22 In 1905, three Korean political exiles fled here to avoid persecution after an abortive
Between 1910 and 1918, 541 Korean refugee students fled Japanese persecution. Indian refugees began arriving in 1908, using the United States as the base from which to lead anti-British activities. Expelled from Palestine in 1915, Polish-born David Ben-Gurion traveled to New York. After World War I, he returned to the Middle East and organized support for the future Jewish nation of Israel. The list of refugees to the United States who gained notoriety include Albert Einstein, Thomas Mann, Madeleine Albright, Marc Chagall, and numerous artists, ballet stars, and athletes.

Ad Hoc Policies Prior to 1980

Thousands of refugees, sometimes hundreds of thousands, have been escorted here by an array of congressional acts that, on an ad hoc basis, superseded the national quota systems. Prominent among these was the Displaced Persons Act of 1948, which enabled 400,000 refugees and displaced persons to enter, most of whom were from Europe. The 1953 Refugee Relief Act admitted 200,000 refugees, about 2,800 of whom were refugees of the Chinese Revolution. In 1959, thousands of Hungarian “freedom fighters” were permitted to enter the United States as refugees, and later were able to apply for lawful permanent resident status. Refugee-escapees were admitted under the Act of July 14, 1960, from France, Germany, Belgium, Austria, Italy, Greece, and Lebanon. The law was extended indefinitely by the Act of June 28, 1962.

24. Id. at 4, 23.
27. Id.
33. 1959 IMMIGR. & NATURALIZATION SERVICE ANN. REP.
35. 1962 IMMIGR. & NATURALIZATION SERVICE ANN. REP.
Refugee migration to the United States finds its origin in the noble pursuit of humanitarian-oriented foreign policy objectives. Refugee sympathizers invariably invoke the need to respond compassionately to those in other countries confronted with life-threatening crises. In passing the Displaced Persons Act, Congress explicitly adopted the definition of the terms “displaced person” and “refugee” set forth in the 1946 Constitution of the International Refugee Organization.36

It is the historic policy of the United States to respond to the urgent needs of persons subject to persecution in their homelands, including, where appropriate, humanitarian assistance for their care and maintenance in asylum areas... admission to this country of refugees of special humanitarian concern to the United States, and transitional assistance to refugees in the United States.37

The rhetoric notwithstanding, refugee law and policy has reflected the tensions between humanitarian aims and practical domestic and international concerns. These tensions, evident over the years in even the least obvious situations, make plain the link between refugee and immigration policy. In the 1930s, for example, the United States turned away thousands of Jews fleeing Nazi persecution, in large part because of powerful restrictionist views against certain ethnic, religious, and racial groups. Congress and U.S. consular officers consistently resisted Jewish efforts to emigrate and impeded any significant emergency relaxation of limitations on quotas.38

The plight of European Jews fleeing Nazi Germany aboard the ship SS St. Louis in 1939 is a horrific example of how restrictionist views were manifested towards refugees at the time. In a diabolical propaganda ploy in the Spring of 1939, the Nazis had allowed this ship carrying destitute European Jewish refugees to leave Hamburg bound for Cuba, but had arranged for corrupt Cuban officials to deny them entry even after they had been granted visas.39 It was the objective of Nazi propaganda minister Joseph Goebbels to prove that no country wanted the Jews.40 The St. Louis was not allowed to

40. See U.S. Policy Toward Cuba: Hearings Before the Subcomm. on the W. Hemisphere of the House Comm. on Intl. Relations, 104th Cong. 91-100 (1995) (statement of Hon. Otto J. Reich, Brock Group Director and Senior Associate, Center for Strategic and International
discharge any passengers, save twenty-two who were permitted to
disembark, and was ordered out of Havana harbor.\textsuperscript{41} As it sailed
north, it neared United States territorial waters, yet the U.S. Coast
Guard warned it away.\textsuperscript{42} President Franklin D. Roosevelt had said
that the United States could not accept any more European refugees
because of immigration quotas, as untold thousands had already
fled Nazi terror in Central Europe and many had come to the
depression-wracked United States.\textsuperscript{43}

Nearly two months after leaving Hamburg, due to the efforts of
U.S. Jewish refugee assistance groups, the ship was allowed to land
in Holland.\textsuperscript{44} Four nations agreed to accept the refugees: Great
Britain, Holland, Belgium and France.\textsuperscript{45} Two months later, the
Nazis invaded Poland, and the Second World War began. Over 600
of the 937 passengers on the \textit{St. Louis} were killed by the Nazis before
the war was over.\textsuperscript{46} When the United States refused the \textit{St. Louis}
permission to land, many Americans were embarrassed; when the
country found out after the war what happened to the refugees,
Americans were ashamed.

Maintaining a generally restrictive immigration policy during
this era, the United States did accept an estimated 105,000 refugees
from Nazi Germany in the 1930s (including such luminaries as
Albert Einstein);\textsuperscript{47} but many more—primarily Jews—were refused
entry, forcing them to return to Europe and to oblivion. During the
war, the Roosevelt Administration brought fewer than 1,000 Jewish
refugees out of Europe.\textsuperscript{48} A 1939 refugee bill would have rescued
twenty thousand German children had it not been defeated on the
grounds that the children would exceed the German quota.\textsuperscript{49}

The Roosevelt Administration’s record on Hitler’s “final

\textsuperscript{41} See Kernan, supra note 39, at 18.
\textsuperscript{42} Id.
\textsuperscript{43} James A. Haught, The Horror and Guilt of the Holocaust, \textit{The Charleston
Gazette and Daily Mail}, Apr. 22, 1994, at 8A; William J. vanden Heuvel, \textit{America,
\textsuperscript{44} See U.S. Policy Toward Cuba, supra note 40, at 96-98.
\textsuperscript{45} See Margaret Sheridan & Katherine Seigenthaler, Nazi Victims Gather to Recall
\textsuperscript{46} See Haught, supra note 43, at 8A; Sheridan & Seigenthaler, supra note 45, Sec. 2, at
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\textsuperscript{47} See James Podgers, The Longest Victory: Fifty Years Later, Profound Changes
Spawned by World War II Are Still Shaping American and International Law, 81 \textit{A.B.A. J.} 58,
\textsuperscript{48} See Frank Kofsky, Allied Leaders Dismissed Awful Truth, \textit{Tampa Trib.}, May 7, 1995,
at commentary 1.
\textsuperscript{49} Lawrence H. Fuchs, Symposium: Strangers to the Constitution: Immigration in
American Law, \textit{Directions for U.S. Immigration Policy: Immigration Policy and the Rule of
solution" could not have been more indifferent. Initially, evidence of the genocide in Europe was denied.\textsuperscript{50} But by June 1942, reliable reports of the Nazi extermination of Jews were in the hands of the State Department.\textsuperscript{51} Even then, after learning from U.S. officials in Switzerland that Nazis were already killing 6,000 Jews per day at one site in Poland alone, the State Department in February 1943 instructed the officials not to transmit any more information of this kind.\textsuperscript{52}

When news of Nazi death camps became public in late November 1942, civic and religious groups began urging President Roosevelt to rescue those Jews still alive, but he refused.\textsuperscript{53} Some speculate that he refused because he did not want to bring Jewish refugees to the United States for fear he would lose the votes of anti-Semites and immigration opponents in the 1944 election.\textsuperscript{54} He also supported the British government, which, under Winston Churchill, bitterly opposed rescuing Jews.\textsuperscript{55} The British were afraid that Jewish refugees' potential demand to enter Palestine could precipitate an Arab rebellion.\textsuperscript{56}

As if collectively to deny the tensions between humanitarian aims and practical domestic and international concerns, policymakers showed every sign through the early 1970s of being pleased by their system of policies, laws, and ad hoc decisions. As they saw it, whenever large numbers of deserving refugees appeared, new legislation could be enacted or existing laws and regulations manipulated. That sort of flexibility in a legal regime was, to their minds, to be unashamedly admired. It also permitted policy-making consistent with their political preference for refugees from communism.

A closer look at the basic structure of the system and the policies that informed it bears witness to this ideological bias. Consider the 1952 McCarran-Walter Act, which granted the Attorney General discretionary authority to "parole" into the United States any alien for "emergent reasons or for reasons deemed strictly in the public interest."\textsuperscript{57} Although the original intent was to apply this parole authority on an individual basis,\textsuperscript{58} the 1956 Hungarian

\textsuperscript{50} See Kofsky, supra note 48, at commentary 1.
\textsuperscript{51} Id.
\textsuperscript{52} Id.
\textsuperscript{53} Id.
\textsuperscript{54} Id.
\textsuperscript{55} Id.
\textsuperscript{56} Id.

refugee crisis led to its expanded use to accommodate those fleeing Communist oppression.59 The parole authority was also used to admit more than 15,000 Chinese who fled mainland China after the 1949 Communist takeover60 and more than 145,000 Cubans who sought refugee after Fidel Castro’s 1959 coup.61 Following the fall of the Batista government in Cuba on January 1, 1959, anti-Castro Cubans by the thousands fled to the United States, reaching a rate of 1,500 per week.62 They entered in a variety of methods: by common carrier, small boats, commandeered aircraft, and even across land boundaries after getting from Cuba to Mexico.63 The numbers did not readily subside. In fact, in 1962, 125,800 Cubans were inspected, up from 62,500 in 1961.64 On May 23, 1962, President Kennedy directed that steps be taken to parole in the United States several thousand Chinese from Hong Kong, to assist in alleviating conditions in that colony caused by the influx of persons fleeing from Communist China.65

Using the parole authority, the Attorney General also permitted over 400,000 refugees from Southeast Asia to enter between 1975 and 1980.66 By 1980, 99.7 percent of the more than one million refugees admitted under the parole system were from countries under Communist rule.67 These figures betray any claim that refugee policy was based solely on humanitarian considerations.

The preference afforded refugees from Communist countries is also reflected in the 1965 reforms, when Congress created the first permanent statutory basis for the admission of refugees. Incorporating prior refugee language into a seventh preference category, conditional entry was provided for refugees fleeing Communist-dominated areas or the Middle East.68 Immigration controls were manifest as well in this category, since it included a worldwide annual quota of 17,400 and a geographic restriction that limited its use through 1977 to countries outside the Western

59. Id.
61. By the mid-1960s more than 3,000 Cubans were admitted each month. 1966 IMMIGR. & NATURALIZATION SERVICE ANN. REP. 6. By 1976, 145,000 Cubans were paroled into the United States. See Silva v. Bell, 605 F.2d 978 (7th Cir. 1979).
63. Id.
64. Id.
65. Id.
68. Id. at 503.
Until its repeal in 1980, the seventh preference was used by tens of thousands of refugees fleeing China, the Soviet Union, and other Communist societies.69

Shortly after the creation of the seventh preference, the United States agreed in 1968 to the United Nations Protocol Relating to the Status of Refugees.70 The protocol obligated compliance with the guidelines established by the United Nations Convention Relating to the Status of Refugees.71 The ideological and geographic restrictions of the seventh preference, however, were inconsistent with the ideologically neutral protocol, so the United States attempted to jury-rig compliance by using the Attorney General's discretionary parole authority.72 But that authority did not conform to the protocol's principles of neutrality either.

Few complaints about refugee policies and laws were registered on the floors of Congress during most of the 1970s. Some liberal observers did challenge the bias favoring refugees from Communist countries, but mostly as it affected applications for political asylum filed by individuals who had already gained entry.73 As for the greater numbers seeking refugee status from abroad, policymakers seemed satisfied with the status quo. Rather than being disingenuous, this attitude was entirely consistent with their sense of humanitarianism.

After 1975, policymakers became less complacent as Asians began entering in increasing numbers under existing guidelines. Fewer than 7,000 Chinese benefited before 1965 from the 1953 Refugee Relief Act.74 Through 1966, about 15,000 were admitted under the parole provision.75 These low numbers were not perceived as threatening, since the seventh preference category restricted Chinese refugees through its annual worldwide limitation of 17,400 that had to be shared with others. Indeed, from 1966 to 1975, only 14,000 who fled mainland China were able to take advantage of the seventh preference.76

75. See 1966 IMMIGR. & NATURALIZATION SERVICE ANN. REP. 38 tbl.6D (1967).
76. See id. at 61 tbl.14B.
77. 1966 IMMIGR. & NATURALIZATION SERVICE ANN. REP. 43 tbl.7A; 1967 IMMIGRATION & NATURALIZATION SERVICE ANN. REP. 45 tbl.7A; 1968 IMMIGR. & NATURALIZATION SERVICE ANN. REP. 43 tbl.7A; 1969 IMMIGR. & NATURALIZATION
Following the U.S. military withdrawal from Vietnam in April 1975, however, the flow of Asian refugees increased markedly almost overnight.\textsuperscript{78} Invoking numerical restrictions in the midst of a controversial and devastating war would have been unacceptable. Too many understood such inflexibility as morally treacherous and politically high-priced. Consequently, the Attorney General on several occasions used the parole authority to permit Asians to enter\textsuperscript{79}—the first time it was so employed since the 1965 amendments.

Initially, the United States merely wanted to evacuate from Vietnam fewer than 18,000 American dependents and government employees.\textsuperscript{80} Immediately before the fall of Saigon in April 1975, however, former employees and others whose lives were threatened were included. These evacuees included approximately 4,000 orphans, 75,000 relatives of American citizens or lawful permanent residents, and 50,000 Vietnamese government officials and employees.\textsuperscript{81} Mass confusion permitted many who did not fit into these categories also to be evacuated.\textsuperscript{82} Between April and December 1975, the United States admitted 130,400 Southeast Asian refugees, 125,000 of whom were Vietnamese.\textsuperscript{83}

The exodus did not stop there. By 1978 thousands more were admitted under a series of Indochinese Parole Programs, authorized by the Attorney General.\textsuperscript{84} The number of Southeast Asian refugees swelled to 14,000 a month by the summer of 1979.\textsuperscript{85} Following the tightening of Vietnam’s grip on Cambodia, several hundred thousand “boat people” and many Cambodian and Laotian refugees entered between 1978 and 1980.\textsuperscript{86} In fact, annual arrivals of Southeast Asian refugees had increased almost exponentially: 20,400


78. Strand & Jones, \textit{supra} note 2, at 32-34.
79. Id.
80. Id.
81. Id.
82. Id.
84. See L. Gordon, \textit{supra} note 66, at 155.
85. In early 1979, the United States had committed itself to accept seven thousand refugees monthly, but the figure doubled by summer in response to the desperate conditions in the refugee camps. \textit{Id}.
86. \textit{Id}.
in 1978, 80,700 in 1979, and 166,700 in 1980.  

In general, the flow of Southeast Asians was poorly coordinated. The executive branch repeatedly waited until the number of refugees in the countries of "first asylum" (those first reached by refugees) reached crisis proportions before declaring an emergency. Only then would a new parole program be instituted. Attacks on the inconsistent treatment of refugees and calls for a consistent policy became commonplace. Many were uncomfortable with the Attorney General's considerable unstructured power to hastily admit tens of thousands of refugees under the parole mechanism. Others were genuinely concerned with the government's erratic response to the plight of Southeast Asian refugees. Dissatisfaction with ad hoc admissions provided the impetus for reform and, ultimately, the passage of the 1980 Refugee Act.

The new refugee law was an attempt by Congress to treat refugee and immigration policies as separate and distinct. A major catalyst for the new refugee law was a disturbing anxiety felt by some members of Congress that thousands of Southeast Asians would destabilize many communities. Concerns about controlling immigration have dominated Refugee Act applications ever since.

Ideological and Racial Enforcement of the 1980 Refugee Act

The enactment of the Refugee Act of 1980 was enormously important. The United States became a party to the United Nations Protocol Relating to the Status of Refugees in 1968, and the legislative history of the 1980 act reveals that it was intended to

87. Id.
89. Id.
92. Some felt that the parole authority had been misused and were dissatisfied with the inconsistent treatment of refugees, which resulted in some being granted parole while others received "indefinite voluntary departure." S. Rep. 256, 96th Cong., 1st Sess., 9 (1979). Indefinite or extended voluntary departure was a type of group temporary safe haven that the Attorney General used for certain nationals of particular countries. See Hotel & Restaurant Employees Union Local 25 v. Attorney Gen., 804 F.2d 1256 (D.C. Cir. 1986).
bring U.S. law in conformity with the protocol. The law eliminated
dogmatic language in the prior statute that gave special preference
to those fleeing from Communist-dominated countries or counties
of the Middle East. The new law also established the position of
U.S. coordinator of refugee affairs, with the rank of ambassador-at-
large. Liberal co-sponsors of the legislation, like Senator Ted
Kennedy and Congresswoman Elizabeth Holtzman, heralded the
legislation as replacing the old approach that used geographic and
ideological criteria that was inherently discriminatory. Yet, soon
after the passage of the act, the vivid contrast in the treatment of
Haitians, who were being turned away from the shores of south
Florida, and Cubans, who were being greeted with open arms,
reaffirmed that the nation's refugee policy would continue to be
used in a selective manner to define the nation from a particular
political perspective.

The law provided a framework for processing two related
groups of applicants: refugees and asylees. The basic difference is
that a refugee must apply for refugee status abroad, and if granted,
may then enter the United States. An asylee is generally someone
who enters the United States as a nonimmigrant, applies for asylum,
and is deemed eligible. Both asylees and refugees must
demonstrate a "well-founded fear of persecution on account of race,
religion, nationality, membership in a particular social group, or
political opinion."

The statute provided that each year the president, after
consultation with Congress, would establish the number of refugees
that could enter the United States and from which regions of the
world. Of that number, the Carter administration designated 169,000
openings for Southeast Asia, 33,000 for the Soviet Union, 19,500 for Cuba, and
1,000 for the remainder of Latin America. By 1986, the total
number of refugees allotted by the Reagan administration dropped

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96. The position was eliminated in 1994. 71 Interpreter Releases 277, 278 (1994).
97. Warren Brown, Administration Officials Urge Law Change To Widen Diversity of
98. See generally Haitian Refugee Ctr. v. Smith, 676 F.2d 1023 (5th Cir. 1982); Dick
Kirschten, Challenging the Rules for Haitians, NAT'L L.J., Nov. 27, 1993, at 2842; Malissia
Lennox, Note, Refugees, Racism, and Reparations: A Critique of the United States' Haitian
103. See 1980 IMMIGR. & NATURALIZATION SERVICE STAT. Y.B. 27 tbl.10.
104. Id.
to 67,000, with 45,500 reserved for East Asia.\textsuperscript{105} In 1992, the Bush administration increased the total to 142,000, primarily to accommodate an increase to 61,000 for the former Soviet Union.\textsuperscript{106} The number for East Asians remained at 52,000, despite dire circumstances in Asian refugee camps.\textsuperscript{107} By 1997, under the Clinton administration, the total number was down to 78,000, with 10,000 for East Asia and 48,000 for Europe.\textsuperscript{108} In order to qualify, a refugee applicant must fall into one of the geographic regions of the world that the president and Congress have designated as areas from which individuals may enter as refugees.\textsuperscript{109} These areas generally include Africa, East Asia, Europe, Latin America and the Caribbean, and Near East and South Asia.\textsuperscript{110}

Asylum, on the other hand, theoretically can be granted to unlimited numbers and to individuals from any country.\textsuperscript{111} In practice, usually no more than 15,000 individuals are granted asylum each year.\textsuperscript{112} To say the least, the United States has not reacted warmly to groups who have reached its borders seeking asylum. When Haitians, El Salvadorans, Guatemalans, and Chinese boat people began arriving in significant numbers, the various administrations were quick to label them economic rather than political refugees.\textsuperscript{113}

### Refugee Resettlement Policies and Secondary Migration

Southeast Asians posed a distinctive resettlement problem even for a country with experience in designing refugee plans that date as far back as 1945.\textsuperscript{114} They became the largest refugee group ever to enter the country so rapidly; the challenge they presented began early when they came in entirely unanticipated numbers. Although policymakers had planned for about 18,000 refugees, instead, about

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\textsuperscript{105} See 1988 IMMIGR. & NATURALIZATION SERVICE STAT. Y.B. tbl.25.
\textsuperscript{107} See Administration Proposes Admitting 144,000 Refugees for This Fiscal Year, 68 No. 38 INTERPRETER RELEASES 1290, 1291 (1991).
\textsuperscript{108} See 1997 IMMIGR. & NATURALIZATION SERVICE STAT. Y.B. 70.
\textsuperscript{109} 8 U.S.C. § 1157(a)(1).
\textsuperscript{110} See, e.g., 1997 IMMIGR. & NATURALIZATION SERVICE STAT. Y.B. 70.
\textsuperscript{111} The asylum provision contains no geographic or country requirement. See 8 U.S.C. § 1158.
\textsuperscript{112} See, e.g., 1997 IMMIGR. & NATURALIZATION SERVICE STAT. Y.B. 85 tbl.27.
\textsuperscript{114} SUSAN FORBES, RESIDENCY PATTERNS AND SECONDARY MIGRATION OF REFUGEES, REFUGEE POLICY GROUP, WASHINGTON, D.C. (1984); STRAND & JONES, supra note 2, at 32-34.
130,000 entered within an eight-month period in 1975.\footnote{115} When this first wave triggered widespread opposition and resentful propaganda, it became obvious to bureaucrats and politicians alike that something needed to be done to help minimize the economic and cultural disruptions.\footnote{116} On April 18, 1975, President Gerald Ford created a temporary Interagency Task Force (IATF) to coordinate the activities of twelve federal agencies, including the Department of Health, Education, and Welfare, that were responsible for resettlement.\footnote{117}

From the outset, IATF’s temporary character proved problematic. As if to convince itself (and perhaps the president) that a temporary task force could manage the assignment, IATF perceived and treated the refugee problem as though it were temporary.\footnote{118} As a result, its policies did not carefully consider the long-term effects on the refugee community. IATF’s rush to supervise led to sloppy sponsorship arrangements, some of which broke down almost immediately.\footnote{119} Others served employers looking for cheap labor or subservient workers and exploited refugees.\footnote{120}

More to the point, the shortsightedness of IATF led to the misguided decision to disperse Vietnamese refugees as widely as possible, rather than concentrating them in assigned areas.\footnote{121} For those who wished to maintain control over the Vietnamese, assigning them to a few central locations seemingly promised to keep them where they could be more easily monitored and manipulated. At the same time, however, it increased opportunities for refugees to communicate with and reinforce each other, perhaps enabling them to form alliances and mobilize.

Dispersal had its own appeal. It might help avoid acute economic stress in host communities, force a more rapid assimilation, and diffuse the potential for solidarity and organization. However, the logistical problems of dispersal were considerable. If refugees became restless, for example, it would be more difficult to contain them. Still, by compelling them to disperse and rely upon outsiders, IATF hoped to domesticate the refugees,

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\begin{itemize}
\item \footnote{115}{Strand & Jones, supra note 2, at 32-34.}
\item \footnote{116}{Id. at 46; R. Marsh, Socioeconomic Status of Indochinese Refugees in the United States: Progress and Problems, 43 Soc. Security Bull. 11, 12-13 (1980).}
\item \footnote{117}{Strand & Jones, supra note 2, at 32-34; U.S. Department of Health, Education, and Welfare, Refugee Task Force, Report to Congress 13 (1977).}
\item \footnote{118}{W.T. Liu, et al, Transition to Nowhere: Vietnam Refugees in America 162-63 (1979).}
\item \footnote{119}{Id.}
\item \footnote{120}{Id.}
\item \footnote{121}{Forbes, supra note 114, at 7.}
\end{itemize}
easing their transition into, and their burden on, mainstream culture.

Policymakers soon discovered that dispersal was ill advised and unpopular. Initially, the program produced a settlement pattern approximating the rest of the population. Refugees were neatly dispersed around the country, with 21 percent being placed in California. At least one hundred were relocated in every state except Alaska. Relative isolation quickly proved unacceptable to refugees, who began moving from their assigned locations in substantial numbers, a practice commonly referred to as secondary migration.

While many factors contributed to refugees' decision to resettle, secondary migration principally resulted from poor policy decisions based upon superficial analysis. In a new and often hostile land, forced dispersal deprived Southeast Asians of desperately needed familial, cultural, and ethnic support. Their desire to develop these support systems seemed possible only by forming the kinds of ethnic enclaves that dispersal discouraged. Vietnamese leaders, particularly the clergy, frequently coordinated ambitious secondary migrations to places like New Orleans, where living together as a community seemed feasible.

Secondary migration resulted, too, from the poorly designed sponsorship program that was part of the dispersal policy. New arrivals were required to have a sponsor before they could leave the refugee processing camps. Voluntary agencies ("volags") that had experience dealing with European and Cuban refugees were made responsible. They found sponsors who agreed to assist families in adjusting to their new surroundings. Nevertheless, unlike previous refugee groups, Southeast Asians had no indigenous community to rely upon for sponsorship. Instead, their sponsors were mostly U.S. volunteers motivated by humanitarian concerns and located throughout the country. Because

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123. BAKER & NORTH, supra note 122, at 55-58.
124. Id.
125. See generally GAIL PARADISE KELLY, FROM VIETNAM TO AMERICA: A CHRONICLE OF THE VIETNAMESE IMMIGRATION TO THE UNITED STATES (1977).
126. Id.
127. Id. at 202.
128. STRAND & JONES, supra note 2, at 40.
130. Id.
131. LUCY M. COHEN & MARY ANN GROSSNICKLE, IMMIGRANTS AND REFUGEES IN A CHANGING NATION 72 (1983); D. MONTERO, VIETNAMESE AMERICANS: PATTERNS OF
sponsorship entailed a major financial obligation, only a few could be found.132 Moreover, since only some sponsors could accommodate the large extended families of Southeast Asians, families often ended up separated and divided. Perhaps, not surprisingly, many reunified soon after passing through the processing centers.133

By 1980, 45 percent of the first wave of Southeast Asian refugees had moved from their assigned locations to a different state, thereby frustrating the dispersal policy's goals of minimizing the impact of refugees on local economies.134 They became concentrated most heavily in California, Texas, and Louisiana.135 Urban areas having warm climates and an Asian population were preferred.136 Thus, by the time the second wave began arriving in 1978, Southeast Asian refugees were no longer as widely dispersed as they had been under the original plan. In addition, the secondary migration of the first wave affected the initial dispersion of the second because newcomers were placed near those with whom they had close ties.137 Housing shortages, perceived job competition, and high welfare dependency became associated with many of these resettlement areas, only fueling hostility and resentment.138

By the late 1970s, the profile of Southeast Asian refugees changed as more Chinese ethnics began entering Malaysia to avoid mistreatment in Vietnam.139 Moreover, in the wake of Vietnam's invasion of Cambodia, thousands of Cambodians fled across the Thai border into refugee camps.140 Both eventually found their way to the United States, where they arrived in much worse physical and mental condition than their predecessors.141 Joined there by more Laotians, these newer arrivals were considerably poorer and less formally educated than those in earlier waves.142 Experienced observers maintained that they constituted the "largest non-white, non-Western, non-English-speaking group of people ever to enter

RESSETTLEMENT AND SOCIOECONOMIC ADAPTATION IN THE UNITED STATES 28 (1979).
134. STRAND & JONES, supra note 2, at 42.
135. BAKER & NORTH, supra note 122, at 59; L. Gordon, supra note 66, at 165.
136. The most frequently cited reasons for secondary migration were family reunification, employment considerations, climate, and difficulty with sponsors and the community. STRAND & JONES, supra note 2, at 81.
137. L. Gordon, supra note 66, at 163-64.
138. Id.
139. STRAND & JONES, supra note 2, at 28-31.
140. JEREMY HEIN, FROM VIETNAM, LAOS, AND CAMBODIA 25 (1995); USHA WELARATNA, BEYOND THE KILLING FIELDS 166 (1993).
142. STRAND & JONES, supra note 2, at 78-80.
the country at one time." Their influx emphasized the need to overhaul refugee resettlement policy.

In response, the 1980 Refugee Act created the Office of the Coordinator for Refugee Affairs. Charged with organizing a resettlement program and establishing permanent relocation guidelines, it determined that exclusive reliance on voluntary associations and the private sector was inadequate. It attempted to standardize resettlement programs through thoughtful planning directed at controlling the social forces driving mass resettlement.

The new administrators revised earlier policies. Though widespread dispersal remained the goal, more care was used in selecting sites. Job opportunities, housing availability, viable voluntary organizations, service providers, and the existence of refugee populations at various sites all were considered. Consultation with local officials became standard practice. Although it emphasized social assimilation and avoiding additional economic pressures, the office's relatively more studied approach gave greater weight to the refugee communities themselves.

The official policy on ghettoization changed, too. Administrators acknowledged that "ethnic coalescence is not only a fact of life, but that it can [provide] a beneficial [support system] as long as clusters are not so large that they overburden local services." This change in orientation was reflected in the 181 Khmer Cluster Project. When the project began, Cambodian refugees were entering in substantial numbers for the first time. Unlike second-wave Vietnamese and some Laotians, they had no relatives drawing them to particular areas. The project placed about 8,500 of these so-called free cases in clusters of from 300 to 1,300 in twelve sites located in ten states chosen for their capacity to absorb refugees.

145. STRAND & JONES, supra note 2, at 141-42.
146. Id.; FORBES, supra note 114, at 21-24.
147. FORBES, supra note 114, at 21-24.
148. Id.; L. Gordon, supra note 66, at 169.
149. L. Gordon, supra note 66, at 169.
152. L. Gordon, supra note 66, at 164.
153. Id.
154. Id.
Despite the project's efforts, secondary migrations continued, especially among Hmong refugees. Sometimes entire communities relocated in response to suggestions from their leaders. Between 1980 and 1986, for example, 30,000 Hmong migrated to Fresno in the Central Valley agricultural area of California. In response the federal government experimented with financial incentives designed to attract refugees to appointed locations. Referred to as Planned Secondary Resettlement, the program was intended to encourage refugees to move from California to Phoenix where there were fewer refugees, more jobs, and perhaps a more hospitable environment. The program generated little interest.

Bureaucrats and politicians continued to hope that establishing community-based employment and social ties would eventually create patterns of internal migration for refugees that were more dispersed. But California remained the most popular destination for new arrivals and secondary migrants. Although less than 25 percent of the refugee population was placed in California at first, an estimated 40 percent of the Southeast Asian population now resides there. Perhaps because of government influence, secondary migration to California has decreased since 1983, and more Southeast Asians have begun moving to Texas, Washington, Massachusetts, and Minnesota.

Histories Outside the United States

The Hmong

The recorded history of the Hmong reveals that, time and again, the Hmong have "responded to persecution and to pressures to assimilate by either fighting or migrating." Most conflicts took place in China.

156. L. Gordon, supra note 66, at 165-66.
159. Id.
160. Id.
162. Id.
163. Id. at 163-65.
166. Id. Prehistoric ancestors of the Hmong apparently moved to China from Eurasia. Id.
The Chinese called the Hmong the Miao or Meo, which means "barbarians," "people who sound like cats," or "wild uncultivated grasses." The Hmong regard the label as an insult, and prefer "Hmong," which is said to mean "free men." The Chinese considered the Hmong "uncouth" and "recalcitrant," preferring to keep to themselves, speak their own language, and practice their own religion. The Hmong simply wanted to be left alone.

An early account of relations with the Hmong involved a Chinese emperor named Hoang-ti, around 2700 B.C. Deciding that the Hmong were too barbaric to be governed by common laws, he ordered their noses, ears, or testicles to be severed. The Hmong rebelled again and again, but each time, the Chinese responded with further abuse. After centuries of mistreatment, the Hmong retreated from the rice fields of the Yangtze and Yellow River valleys, moving toward the south and higher into the mountains. Through this migration, they were able to preserve their independence and maintain their language, customs, and ethnic spirit.

Around 400 A.D., the Hmong established their own kingdom in the Honan, Hupeh, and Hunan provinces, incorporating a complex system of village and district assemblies. Five centuries later, the Hmong Kingdom was trampled by the Chinese. The Hmong migrated again, to the mountains of Kweichow and Szechuan. In order to keep the Hmong from venturing too far, the Ming dynasty constructed the Hmong Wall, a mini version of the Great Wall, one hundred miles long, with armed guards.

The Chinese tried to alter the Hmong culture by demanding submission to Chinese standards. The Chinese required the Hmong to turn in their weapons and wear Chinese clothes. The Hmong tradition of sacrificing buffalo was banned, and men had to cut their hair. Some submitted, but most did not. Around 1730, many Hmong warriors thought they would fight more passionately if they

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167. Id. at 14.
168. Id.
169. Id. at 14-15.
170. Id.
171. Id.
172. Id.
173. Id.
174. Id. at 15.
175. Id.
176. Id.
177. Id.
178. Id. at 16.
179. Id.
180. Id.
had nothing to lose, so they killed their own wives and children.  
In 1772, a small Hmong contingent defeated a large Chinese army 
by rolling boulders on the Chinese as they walked through a narrow 
gorge.182 The Manchu emperor, Ch’ien-lung, declared his intent to 
annihilate all Hmong.183

Not surprisingly, by the nineteenth century, large numbers of 
Hmong decided to leave China. Persecution, depletion of soil, 
constant epidemics, and rising taxes all contributed to this 
movement.184 Though the majority of Hmong stayed in China, 
where today five million Hmong continue to live, about a half
million relocated to Indochina.185 The migrants headed toward the
highlands of Vietnam and Laos; some eventually went to 
Thailand.186 After the French took over Indochina in the 1890s, the
Hmong resisted the abusive tax system.187 The French granted them
special status in 1920, and the Hmong were left to their farming for
several decades.188

The Hmong who fled China for Indochina engaged in a 
grueling strategy of migration to avoid oppression. When Laos was
pulled into the Vietnam War in the 1960s and 1970s, the Hmong
faced being forced to repeat the strategy again.189

In pre-war Laos, the different ethnic groups in the region were 
stratified by geography. The Lao lived in the plains; the Karen and
the Khmu lived above the altitude of fifty meters.190 The Iu Mien
lived above 400 meters.191 At the highest altitudes, between 1,000
and 2,000 meters, lived the Hmong.192 The Lao were richer and
politically more powerful, but the Hmong, looking down from the
mountains, continued to demonstrate a stubborn sense of
superiority.193 As in China, their sense of identity remained pure,
and contact with the main culture was limited so assimilation could
be avoided.194 Few travelers passed through their terrain.195 They
could produce their own food and feed their livestock. They hunted using homemade weapons, they fished, and they gathered a variety of fruits and vegetables.

The Hmong lifestyle was defined by equality. They were primarily farmers, but traditional methods of hunting, fishing and gathering supplemented their crops. The Hmong in the village knew and performed the same work, elevating each individual to a common purpose that prohibited the superiority of any single person or group over another. Their system was not based on class. No one could read, so no one was disadvantaged by illiteracy. Knowledge was passed on by example, from farming and embroidering to hunting and ancestral worship.

Proficient at harvesting grain and vegetables, they were masters at growing opium poppy in the fertile highland soils. The French colonial government wanted the Hmong to pay taxes in opium; this supplied government-licensed opium dens. Except for the elderly and infirm, few Hmong were addicts. Opium functioned for the Hmong as a medicine for snakebites and toothaches or to facilitate ceremonial trances. Any young addicts, most of whom were men, were stigmatized.

The Hmong grew their crops in slash-and-burn, or swidden, fashion. Both women and men cleared the brush and forest with knives and axes. The piles of vegetation were torched, and later, family members would clear the debris before planting. Plowing, irrigation, and fertilizing were unnecessary. The wood ash enriched the topsoil temporarily, but after a few years of monsoons the fertile topsoil would wash away. The exhausted soil would

196. Id.
197. Id.
198. Id. at 121.
199. Id. at 121-23.
200. Id. at 120.
201. Id. at 121.
202. Id.
203. Id.
204. Id.
205. Id. at 121-22.
206. Id.
207. Id.
208. Id.
209. Id.
210. Id. at 123.
211. Id.
212. Id.
213. Id.
214. Id.
remain unproductive for twenty years. Perhaps four hundred square miles of land a year were burned in this fashion. The consistent loss of the area’s topsoil caused monumental erosion.

Swidden farming provides an understanding of the Hmong migrant identity. After village farmland soil was depleted, families would abandon the area. Farmers would cultivate land within walking distance of their village until it too could not support their crops. When this soil was depleted, the farmers moved further from the village, using temporary shelters to farm the more distant land. Finally, it would become necessary to move the entire village to continue their pursuit of rich soil. Moving in groups facilitated the perpetuation of clan structure, religion, and cultural identity.

The Geneva Accords of 1954 divided French Indochina into Laos, Cambodia, and Vietnam, each partitioned “temporarily” into northern and southern zones. Laos was a neutral state, but surrounded by Thailand, Burma, Vietnam, and Cambodia, neutrality was difficult to sustain. Ho Chi Minh’s North Vietnamese military forces (the Vietminh) backed the communist Pathet Lao in its struggle to wrest control of the country from the anticommunist Royal Lao government.

Beginning in 1955, the United States had provided covert training to the Royal Lao. In his judgment, the fate of Laos was so critical that President Dwight Eisenhower warned President-elect John Kennedy in 1961 that if Laos fell to communism, the rest of the region would as well. Although Kennedy agreed, there was a problem; at the Geneva Conference of 1961-62, more than a dozen countries, including the United States, the Soviet Union, and North and South Vietnam, reaffirmed the neutrality of Laos and promised not to send in “any foreign troops or military personnel.”

The United States turned to the Hmong. The United States wanted to cut the military supply line that the North Vietnamese

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215. Id.
216. Id.
217. Id.
218. Id. at 123-24.
219. Id.
220. Id.
221. Id.
222. Id.
223. Id. at 124-25.
224. Id.
225. Id.
226. Id. at 125.
227. Id.
228. Id.
ran to South Vietnam along the Ho Chi Minh Trail near the Vietnam border. The answer was to find others to fight. Kennedy sent CIA advisors—not technically "foreign troops"—to recruit and arm a covert guerrilla army of Hmong soldiers. The Hmong Armée Clandestine of more than 30,000 members ultimately received the support of Presidents Johnson and Nixon as well. These soldiers did it all: ground war, air strikes, rescue missions, intelligence gathering, and interception of enemy military supplies. The Armée Clandestine was the biggest CIA operation in the world, but the U.S. public heard little about it.

Many Hmong were quite willing to defend the Royal Lao government. Most supported the royalists out of concern that the communists would threaten Hmong autonomy. Communist agrarian land reformers would likely disfavor swidden agriculture. Many Hmong had sided with the French before the Geneva Accords and feared reprisals. They lived in the mountainous region through which communist troops would have to march in order to occupy the capital Vientiane. Therefore, their familiarity with the area was critical to American recruiters.

Financing the Armée Clandestine was not cheap, amounting to about $500 million each year (the annual cost of the Vietnam War was $20 billion). On the other hand, Hmong soldiers were a bargain. In 1971, U.S. army privates were paid between $200 and $340 per month, while Hmong soldiers were paid about $3 per month. U.S. pilots got to go home after a year, while a famous Hmong Pilot, Lieutenant Ly Lue, flew more than five thousand missions before he was shot down. Hmong pilots never went "home"; they flew until they died. Their mortality rate was ten times higher than that of American soldiers.

229. Id. at 125-26.
230. Id.
231. Id.
232. Id.
233. Id.
234. Id.
235. Id. at 127-28.
236. Id.
237. Id.
238. Id.
239. Id.
240. Id. at 128-29.
241. Id.
242. Id.
243. Id.
244. Id.
Not all Hmong became soldiers willingly. Bombing in northern Laos forced many to abandon their fields; others were coerced. General Vang Pao, the CIA-supported Hmong leader of the Armée Clandestine, punished villages and cut off food for failing to fill their quota of soldiers.

Years into the war, Hmong casualties increased, and younger and younger soldiers were recruited. Perhaps a third of new recruits were fourteen years old or less; another third were fifteen or sixteen.

While 300,000 to 400,000 Hmong resided in Laos in 1960, a tenth to one-half are estimated to have died during the war and its aftermath. Some died as soldiers, but most were civilian war casualties. The proportion of Hmong families who suffered losses was far worse than the South Vietnamese.

Nine of ten villages in northern Laos were affected by war through casualties or displacement. Entire villages were uprooted as leaders were beaten or killed by the Pathet Lao or North Vietnamese. By 1970, more than a third of the Hmong in Laos were displaced.

Hmong self-sufficiency was shattered. Fields rotted, livestock were abandoned, and more than 100,000 Hmong came to rely on U.S.-sponsored food drops; fifty tons of rice per day were parachuted from cargo planes.

In January 1973, the United States signed the Paris Agreement, pledging to withdraw all its forces from Vietnam. A month later the Vientiane Agreement was signed, calling for a cease-fire and the end of American air support. By June 1974, the last Air American plane left Laos. In May 1975, the Pathet Lao entered territory held by Vang Pao, and the Lao People’s Party newspaper announced that the Hmong would be exterminated. Vang and perhaps 3,000 high-ranking Hmong army officers and their families were airlifted

245. Id. at 129.
246. Id.
247. Id. at 132.
248. Id.
249. Id. at 133.
250. Id.
251. Id.
252. Id. at 134.
253. Id.
254. Id. at 137.
255. Id. at 137-39.
256. Id.
257. Id.
258. Id.
by American planes to safety.  But more than 10,000 other Hmong were left on the airfield. Shelling began, and thousands of Hmong began to march toward Thailand.

Many of the Hmong traveled in small extended-family bands, while others migrated in convoys of several thousand. People carried children on their backs; able-bodied adults carried the sick and the elderly. Perhaps half died in their attempt to flee Laos.

Initially, the surviving Hmong were housed in camps near the Lao border in Thailand. The Thai government was only willing to grant temporary residency if other countries paid for the efforts and promised permanent asylum. Eventually, most of the Hmong were housed in one large camp in northeast Thailand. In 1986, the Ban Vinai camp maintained 43,000 refugees, of which ninety percent were Hmong.

The United States was the Hmong refugees' destination of choice. France, Canada, Australia, Argentina, and French Guiana became home to about 10,000. However, because Vang Pao resettled in Montana, the United States was the preference. In 1975, fewer than 300 Hmong were admitted, but admission to the United States eventually expanded. In 1980, 25,000 Hmong refugees were admitted. Some were unwilling to leave Ban Vinai, partly fearful of what awaited them in the United States.

Unlike most new Americans, Hmong refugees are involuntary migrants. The Hmong left China in the nineteenth century to "resist assimilation," and they fled to the United States for the same reason. They came not only to save their lives, but also to save their Hmong ethnicity. They wanted to be "left alone to be Hmong," to be self-sufficient, and to grow their own crops. Some carried farming tools with them upon arrival.

259. Id.
260. Id.
261. Id.
262. Id. at 161-65.
263. Id.
264. Id. at 165.
265. Id.
266. Id.
267. Id.
268. Id. at 167-68.
269. Id.
270. Id.
271. Id.
272. Id. at 183.
273. Id.
274. Id.
275. Id.
276. Id.
Accustomed to living in the mountains, their new environment was quite strange. Their new homes were in flatlands with freezing winters. Minneapolis, Chicago, Milwaukee, Detroit, Hartford, and Providence were major resettlement sites where refugee services were concentrated. Rather than being clustered, refugees were dispersed to avoid burdening any one community with more than its "fair share." Fifty-three cities in twenty-five different states became homes to the Hmong. Some clans were fractured. In some situations, members of only one clan were resettled, but this made it impossible for young people to find local marriage partners. Centuries-old notions of group solidarity were ignored. As one resettlement official acknowledged, the Hmong were "spread like a thin layer of butter throughout the country so they'd disappear."

While cities were the primary resettlement sites, some Hmong were placed in isolated rural areas. Without traditional supports, these families suffered anxiety, depression, and paranoia. Years later, Lionel Rosenblatt, the former U.S. Refugee Coordinator in Thailand, admitted that resettlement was mishandled: "We knew at the start their situation was different, but we just couldn't make any special provisions for them," he said. "I still feel it was no mistake to bring the Hmong here, but you look back now and say, 'How could we have done it so shoddily?" Eugene Douglas, President Reagan's ambassador-at-large for refugee affairs, agreed, "It was a kind of hell they landed into. Really, it couldn't have been done much worse."

Many Americans were bewildered by the Hmong. News articles referred to them as "the most primitive refugee group in America," "low-caste hill tribe," from the "Stone Age," "extremely simplistic," and without "folk tales." They were thought to be "offensively selective" in adopting the customs of the majority

277. Id. at 185.
278. Id.
279. Id.
280. Id.
281. Id.
282. Id.
283. Id.
284. Id.
285. Id.
286. Id. at 185-86.
287. Id.
288. Id.
289. Id.
290. Id. at 188.
Many Hmong learned how to use telephones and drive cars, in order to communicate with other Hmong, but they would not learn English. Senator Alan Simpson, an influential immigration policy legislator, called the Hmong "the most indigestible group in society." Hmong also became victims of robberies, vandalism, and hate crimes.

Violence, the availability of more generous welfare benefits in certain states, and family reunification led to the secondary migration of Hmong to different parts of the United States. Many moved to California because its welfare benefits, but also because of its fertile farmlands. By far the most important reason for relocating was reunification with other members of one's clan. The more clans in one place, the greater the chance for mutual assistance, cultural traditions, and community stability. Unfortunately, the popular secondary resettlement sites had high unemployment rates. In California's Central Valley, dozens of factories were closed after the 1982 recession, and competition for even the most unskilled jobs was great. Only a few hundred were able to fulfill their dream of farming.

Recognizing the self-resettlement phenomenon, the federal Office of Refugee Resettlement tried to slow things down. A 1983 Highland Lao Initiative was designed to bolster employment and community stability in Hmong communities outside California by offering vocational training, English classes, and other enticements for the Hmong to not move. But the California migration was hard to stem. By now, relatives in America were sponsoring new Hmong refugees without government geographic control. The flow in the 1980s and early 1990s was from Thailand as well as from other parts of the United States. The Office of Refugee Resettlement attempted to encourage those in states with high rates

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291. Id. at 189.
292. Id.
293. Id.
294. Id. at 191-92.
295. Id. at 195-97.
296. Id.
297. Id.
298. Id.
299. Id.
300. Id.
301. Id. at 197-98.
302. Id.
303. Id.
304. Id.
305. Id.
of welfare to move. By spending about $7,000 per family on moving expenses, job placement, and initial rent and food subsidies, the Planned Secondary Resettlement Program relocated about 800 unemployed Hmong families from what it called “congested areas” to communities with “favorable employment opportunities,” generally unskilled, low-wage jobs.

The Hmong do not like being criticized for accepting public assistance. They maintain a sense of entitlement. They commonly refer to “The Promise”: an agreement made by the CIA that if they fought for the Americans, the Americans would help them if the Pathet Lao prevailed. After risking their lives, seeing their villages destroyed, and being forced to flee because they supported the “American War,” the Hmong expected a warm welcome. They claim betrayal. The first betrayal came when the American airlifts rescued only officers. The second betrayal was experienced in the Thai camps, when they were not all automatically admitted. The third betrayal was when they learned that they were ineligible for veterans’ benefits. The fourth betrayal comes from being chastised for what the Hmong call “eating welfare.” The final betrayal was when the Congress enacted welfare reform, announcing that the assistance would stop.

Between 1975 and 1994, more than 110,000 Hmong refugees resettled in the United States.

The Iu Mien

The Iu Mien are an ethnic minority and tribal people originally from Southeastern China, where they lived from 2697 B.C. to 1450

306. Id.
307. Id.
308. Id. at 201.
309. Id.
310. Id.
311. Id.
312. Id.
313. Id.
314. Id.
315. Id.
316. Id.
A.D. During that period, the Iu Mien had a king, but were oppressed and defeated by the Chinese emperors. Throughout history, they have been called many names, but were most commonly referred to as the "Yao" people. "Yao," however, means "barbarian" in Chinese, and today they prefer calling themselves "Iu Mien" or "Mien," which means "we are the people."

The full and accurate history of the Iu Mien is uncertain, since ancient documents are unavailable. Until the 1980s when a modern-day script was created, the Iu Mien had no written language. First references to the Iu Mien are found in eleventh century A.D. Chinese records; by that time, they had spread throughout Kwangtung, Kwangsi, Hunan, and Fukien provinces, and perhaps had entered North Vietnam. They had not yet reached Thailand, Laos, or Burma, although they are found there today. Several Chinese and American scholars wrote about the Iu Mien in the nineteenth century, but for the most part, Iu Mien history and culture have been preserved by the people themselves through the retelling and singing of legends, folk tales, and songs, and the practice of customs, traditions, celebrations, belief systems, and arts and crafts.

The Iu Mien migration from China to Southeast Asia occurred at different periods. A major period of Iu Mien migration to northern Vietnam was in the 1700s. However, the greatest influx of Iu Mien to Indochina occurred in the nineteenth century to the remote highlands of Laos and Thailand, where the people lived in small villages, subsisting on slash and burn agriculture. This practice of swidden agriculture required intensive manual labor and frequent resettlements. Family members worked together in

318. SAETERN, supra note 2, at 2.
319. Id.
320. Id.
322. Id.
323. Id.
324. Tony Waters, Adaptation and Migration among the Mien People of Southeast Asia, 8 ETHNIC GROUPS 127, 128-29 (1990); Richard Cushman, Rebel Haunts and Lotus Huts: Patterns in the Ethno History of the Yao, CORNELL U., PLR Anthropology, University Microfilms, Inc., Ann Arbor, Mich.
325. Id.
326. SAETERN, supra note 2, at 1-3.
327. Id. at 2.
fields, and villages consisted of an average of 150 people. They farmed in the mountain slopes and grew rice, corn, and a variety of vegetables. The Iu Mien lived off crops that they grew, and sewed their own clothes or purchased them from local weavers. The Iu Mien were self-sufficient in the highland areas of Laos, and developed a strong sense of tribal identity and spiritual beliefs. They had minimal contact with the outside world although they did some trading with Chinese, Hmong, and lowland Lao.

In Laos, the Iu Mien were mostly farmers who labored in the fields for ten to twelve hours a day, rising at the rooster’s first crow and working until dusk. Using slash-and-burn agricultural practices, they cultivated rice on the mountainsides. They also planted corn as a supplement if they did not cultivate enough rice to feed the family. They raised their own livestock, such as chickens, pigs and cows. They had very limited opportunity to generate cash income. Sometimes they were able to sell some rice or corn if they produced enough to feed the family. Few sold their livestock, and some local silversmiths sold jewelry to generate some cash income. Some exchanged goods and services, such as their own labor, within the Iu Mien village and with other local ethnic communities. They used the money to purchase pots and pans from the local cities. They did not have to depend on the government for assistance, nor was the concept of receiving welfare aid from the government ever considered. Furthermore, they did not have to deal with working within set hours or on a salary-based schedule.

Sarah M. Hsia describes the simple agrarian lifestyle that Iu Mien refugees left behind in their native Laos:

In Laos, most of the Iu Mien lived in small villages ranging in size from a handful of houses to sixty houses. Each household typically included an extended family that could include [thirty to

330. Id.
331. Id.
332. MOORE-HOWARD, supra note 328, at 483.
333. Id.
334. Id.
335. SAETERN, supra note 2, at 83-84.
336. Id.
337. Id.
338. Id.
339. Id.
340. Id.
341. Id.
342. Id.
343. Id.
344. Id.
345. Id.
forty] people living under the same roof. They were subsistence farmers but also cultivated opium as a cash crop and kept a variety of domestic animals for food and transport purposes. Those living in small villages generally were too far from the few cities with doctors to rely on western health care to treat their ills. Some did not have access even to an herbalist without walking for a half day to two days.346

The Iu Mien traditionally have been migratory people, particularly outside of China.347 They migrated in order to find new fields for their swidden plots, and presumably due to increasing population pressures.348 One study of fourteen villages in northern Thailand indicated that the villages in the area were moved, on the average, every twelve years due to agricultural pressures.349 However, the Iu Mien have been pressured to move for economic and political reasons as well.350 Insatiable tax collectors of the Chinese government likely motivated the Iu Mien flight to Laos and Thailand.351 In later years, political pressures to move were generated by the Vietnamese and Lao governments as well.352

Iu Mien people speak more than one Iu Mien dialect.353 Each dialect varies, depending on where in China, Laos, Vietnam, or Thailand the people settled.354 Due to generations of separation, the Iu Mien in China were more acculturated and assimilated into the Chinese culture and language; depending on the region, some Iu Mien speak both an Iu Mien dialect and Chinese language.355 At the end of the Vietnam War, their numbers were estimated to be 1.3 million in China, 200,000 in Vietnam, 30,000 in Thailand (not including those in refugee camps), and about 20,000 in Laos.356

Everywhere the Iu Mien have migrated, they have been a minority.357 This has been true in China, Vietnam, Laos, Thailand, and Burma.358 They are a small group that has preserved its ethnicity relative to the dominant Chinese, Vietnamese, Lao, Shan

347. Waters, supra note 324, at 129.
348. Id.
349. Id.
350. Id.
351. Id.
352. Id.
353. SAETERN, supra note 2, at 3.
354. Id.
355. Id.
356. Ying & Chao, supra note 329, at 48.
357. Waters, supra note 324, at 133-34.
358. Id.
In some respects, this position relative to larger and more organized groups seems to be, by definition, part of Mien ethnicity. Throughout the Iu Mien cultural history, revolt has been common. Despite the inclination to revolution, there are few reported attempts of political organization by the Iu Mien. These attempts were primarily reliant on the coercive powers of a Mien patron, and not founded on any incipient form of Mien state structure. In essence, the Mien have been a “colonized people for some 2,000 years.” While this status has certainly not been without bloodshed, the Iu Mien mostly have dealt with their subordinate position through a combined process of selective assimilation and political manipulation within the context of patron-client relationships.

For many years after the Iu Mien immigrated to Laos, they continued to lead a traditional lifestyle. They formed their own villages throughout the mountains of Laos where they had their own community structure and social order. Each village consisted of up to two hundred people. The main social and economic means of survival for the Iu Mien was through slash-and-burn farming and the exchange of goods and services. They farmed in the mountain slopes where they planted rice, corn and a variety of vegetables. They also raised livestock such as chickens, pigs, ducks, and cows; these items provided daily food for the families. Many Iu Mien were also silversmiths and businessmen. After resettling in Laos and establishing their economic independence, the Iu Mien lived under French colonization. During the early 1950s, under French colonial rule, tribal peoples were treated poorly for senseless reasons. Failure to obey the French army often resulted in torture, and many villages were burned to the ground. It was in this climate that the French

359. Id.
360. Id.
361. Id.
362. Id.
363. Id.
364. Id.
365. Id.
366. SAETERN, supra note 2, at 20-21.
367. Id.
368. Id.
369. Id.
370. Id.
371. Id.
372. Id.
373. Id.
374. Id.
375. Id.
recruited the Iu Mien for support in maintaining colonial control of Laos.\footnote{376} After France withdrew from Laos, the United States CIA established direct relations with the Hmong in the late 1960s.\footnote{377} One former Iu Mien soldier who served in the war in Laos in the early 1960s reported in an interview that after the CIA established relations with the Hmong, they also recruited Iu Mien soldiers to fight against the Communists.\footnote{378} "Many of the minorities were in the front-line during combat," said another former veteran. "Many of the Iu Mien were forced into battle. They were the ones who got injured, killed, captured, and tortured first."\footnote{379} Like the Hmong, in the 1960s and 1970s, the Iu Mien were drawn into the combat as Laos was drawn into the Vietnam War.\footnote{380} When the United States intervened to support the anti-communist forces (the Royal Lao) in the early 1960s, agents sought help from the hill tribes of Laos.\footnote{381} The Iu Mien engaged in guerrilla warfare, providing the United States with intelligence, surveillance, and armed manpower.\footnote{382} After years of suffering in a war-torn country, the Iu Mien escaped from Laos to search for a better, safer life in a new world.\footnote{383} Many families escaped Laos in the mid-1970s, lived in refugee camps in Thailand for more than ten years, and then returned to Laos.\footnote{384} Some re-established their lives in Laos, remaining there until today.\footnote{385}

When the Vietnam War ended in 1975 and communist forces were victorious, the Iu Mien were persecuted and were forced to flee the new Pathet Lao government.\footnote{386} More than seventy percent of the Iu Mien population in Laos fled to Thailand, escaping through the jungle and across the Mekong.\footnote{387} Some joined existing Iu Mien communities in Thailand permanently.\footnote{388} Many sought protection in Thai refugee camps, where they received food and supplies from other countries and the United Nations.\footnote{389}

After 1975, the Iu Mien searched for a safer life in the aftermath
of a bloody war in Southeast Asia.\textsuperscript{390} The war in Laos had a physical, psychological and social impact on the Iu Mien people.\textsuperscript{391} Since many young boys and men were drafted into the army and forced to leave their home to fight the Communists, the impact on the family and community was tremendous.\textsuperscript{392} Wives and children left home alone were worried about their husbands and fathers in the battlefield.\textsuperscript{393} The war in Laos forced the Iu Mien to escape the country in search of a more secure locale.\textsuperscript{394} The majority escaped to Thailand, a neighboring country.\textsuperscript{395} The journey to Thailand was treacherous and life-threatening.\textsuperscript{396} Some people had to sedate their crying babies during the escape, some drowned in the Mekong River, and some were captured and shot by Communist soldiers.\textsuperscript{397} Those who survived the escape and arrived at a refugee camp in Thailand were detained in jail before being admitted.\textsuperscript{398} Several camps were open during the late 1970s to early 1980s in Thailand to help the different waves of refugees, including the Lao, Mien, and Hmong.\textsuperscript{399}

Most Iu Mien stayed in the Chiang Khong and Chiang Kham refugee camps in Thailand from one to fifteen years.\textsuperscript{400} Located near the border city Bhan Houei Hsai, Chiang Khong refugee camp was closer to the Lao border.\textsuperscript{401} The proximity made the transition easier until they could build their own huts with gathered wood, bamboo sticks, and leaves.\textsuperscript{402} In the Chiang Kham camp, temporary shelter was set up for the refugees.\textsuperscript{403} In both camps, there were also many other ethnic groups, including the Hmong, Akha, Lahu and Laotian.\textsuperscript{404} Living in the camp was very harsh under the Thai authority and people did not have any freedom.\textsuperscript{405} The United Nations provided food, including rice and cabbage, to Thai officials to be redistributed to the people in the camp.\textsuperscript{406} People were not

\begin{itemize}
  \item \textsuperscript{390} Saetern, supra note 2, at 30-32.
  \item \textsuperscript{391} Id.
  \item \textsuperscript{392} Id.
  \item \textsuperscript{393} Id.
  \item \textsuperscript{394} Id.
  \item \textsuperscript{395} Id.
  \item \textsuperscript{396} Id.
  \item \textsuperscript{397} Id.
  \item \textsuperscript{398} Id.
  \item \textsuperscript{399} Id.
  \item \textsuperscript{400} Id.
  \item \textsuperscript{401} Id.
  \item \textsuperscript{402} Id.
  \item \textsuperscript{403} Id.
  \item \textsuperscript{404} Id.
  \item \textsuperscript{405} Id.
  \item \textsuperscript{406} Id.
\end{itemize}
allowed to farm or raise livestock.\textsuperscript{407} If people stepped outside of
the boundaries of the camp, they were jailed or fined.\textsuperscript{408} Many
people contracted infectious diseases due to poor nutrition and
overcrowded, unsanitary living conditions.\textsuperscript{409} As a result, many
children were born and raised in the camp without the benefit of
immunization, proper nutrition, basic education, or normal social
circumstances.\textsuperscript{410} These deprivations contributed to their difficulty
adjusting to their host country later.\textsuperscript{411} The living conditions were
horrible; there was no adequate sanitation and no electricity.\textsuperscript{412} The
camp was surrounded by barbed wires, and refugees could not get
out of the camp.\textsuperscript{413} Eventually, thousands were offered refugee
status in the United States.\textsuperscript{414}

Although they are spread out throughout the United States, Iu
Mien communities are concentrated in certain cities.\textsuperscript{415} Within these
cities, the Iu Mien cluster in certain neighborhoods so they can
interact with one another.\textsuperscript{416} While the Iu Mien community
structure in America remains somewhat similar to that in the
homeland, the community has nonetheless adjusted to the
governmental, environmental and socio-cultural differences in the
United States, and adopted some of its social and political
structures.\textsuperscript{417} For example, in Oakland, California, there are
approximately 3,000 Iu Mien people from different regions and
villages of highland Laos, who comprise twelve Iu Mien clans,
representing diverse groups among the Iu Mien people.\textsuperscript{418} Since
Oakland is considered as one community, people work together as a
collective group.\textsuperscript{419} In each clan, there is an appointed council
member who represents his own district.\textsuperscript{420} The community leader
also elects a "mayor" who represents the whole Iu Mien community
in different cities where Iu Mien reside; each mayor holds his
position for one four-year term.\textsuperscript{421} After finishing a term, the mayor

\textsuperscript{407} Id.
\textsuperscript{408} Id.
\textsuperscript{409} Id.
\textsuperscript{410} Id.
\textsuperscript{411} Id.
\textsuperscript{412} Id.
\textsuperscript{413} Id.
\textsuperscript{414} See Id.; Fahm Saeteurn, Iu-Mien History (June 14, 2002) (unpublished manuscript,
on file with author).
\textsuperscript{415} SAETERN, supra note 2, at 38.
\textsuperscript{416} Id.
\textsuperscript{417} Id.
\textsuperscript{418} Id.
\textsuperscript{419} Id.
\textsuperscript{420} Id.
\textsuperscript{421} Id.
can run for another term alongside other candidates.\textsuperscript{422}

The Iu Mien who settled in the San Francisco Bay Area began arriving in the late 1970s.\textsuperscript{423} Many of the Iu Mien who live in enclaves in Oakland, San Francisco, Richmond, and San Pablo have close ties with Iu Mien in San Jose, Visalia and Sacramento.\textsuperscript{424} Many are secondary migrants who were originally settled elsewhere, moving to Northern California to be close to relatives and to be part of a larger Iu Mien community.\textsuperscript{425} They are primarily concentrated in areas with low-income housing.\textsuperscript{426} They knew no English upon arrival.\textsuperscript{427}

**Americanization and Formation of Cultural Identity**

Like refugees who have entered before, Iu Mien and Hmong refugees who entered the United States as adults face some very serious cultural and social adjustment challenges. Uprooted by war and devastation, they have resettled in societies that are completely foreign. The languages and customs they encountered on arrival could not have been more different. They were unfamiliar with modern conveniences like refrigerators, stoves, and even toilets.\textsuperscript{428} The assimilation process for many of the adults has been very slow.\textsuperscript{429} And given the history of how the Hmong and Iu Mien were recruited to fight for the United States, how they fought heroically for the cause, and how promises of protection were made to them,\textsuperscript{430} a case can be made that they should be allowed to live in the United States in peace, free from overbearing pressure to assimilate.

The assimilation story for the Iu Mien and Hmong children is different. The 1.5-generation (born abroad, but entering as children) and second generation are caught between their parents’ generation and the world outside their homes. This results in a tension-filled dynamic over identity and culture. I have encountered these groups as young adults in college, who react in a variety of ways to this tension; the formation of their cultural identity does not necessarily fit within standard visions of assimilation.

\textsuperscript{422} Id.
\textsuperscript{423} Hsia, \textit{supra} note 346, at 4.
\textsuperscript{424} Id.
\textsuperscript{425} Id.
\textsuperscript{426} Id.
\textsuperscript{427} Id.
\textsuperscript{428} FADIMAN, \textit{supra} note 165, at 181-82.
\textsuperscript{429} Id. at 182-83.
\textsuperscript{430} See \textit{supra} notes 377-86 and accompanying text.
Standard Assimilation Descriptions

The melting pot notion of a blending of races and cultures is a popular image of what happens to immigrants and especially to their offspring in the United States. Historically, the melting pot image was popular with many American opinion leaders, especially prior to the arrival of Chinese migrants in the mid-1850s. However, restrictionists were adamantly opposed to the melting pot idea, insofar as that meant the ingredients in the pot could alter the mix and texture of the final product. Their idea of Americanization was more cauldron-like, in that it would strip the immigrant of homeland culture and "make [the person] over into an American along Anglo-Saxon lines." This movement was evident as far back as colonial times, and was later fueled by sentiment such as that expressed by President Woodrow Wilson: "A man who thinks of himself as belonging to a particular national group in America has not yet become an American."

At the other extreme, liberal intellectuals such as philosopher Horace Kallen challenged the cauldron approach. Coining the phrase cultural pluralism, he argued that the nation should consciously allow and encourage its ethnic groups to develop democratically, each emphasizing its particular cultural heritage.

Establishing the intellectual framework for future studies on assimilation, sociologist Milton Gordon identified three types of assimilation: Anglo-conformity, melting pot, and cultural pluralism. In evaluating these concepts, Gordon divided the process of assimilation into two parts: acculturation (or behavioral assimilation) and structural assimilation (or social assimilation). Acculturation refers to the change of the cultural patterns of immigrants to those of the host society, while social or structural assimilation refers to the large-scale entrance into the "general civic life of the receiving society," such as social cliques, clubs and institutions on the primary group level. However, unlike acculturation, social assimilation requires acceptance of the

436. See generally Milton Gordon, supra note 433.
437. Id. at 279.
438. Id.
immigrant group by the dominant group. It is the decisive element in long-term adaptation.

Gordon concluded that while considerable acculturation had occurred for most immigrants, structural assimilation had not been extensive. This was particularly true for newer immigrants and racial minorities, such as Italians, Poles, Mexicans, Blacks, and Puerto Ricans. The retardation of structural assimilation was largely attributable to religious and racial differences. In other words, there was no intention of opening up “primary group life to entrance by these hordes of alien newcomers.” But Gordon also sensed a “complementary standoff” in that regard, because although there is division and ambiguity in the attitude, some immigrant groups may also not prefer structural assimilation that might lead to intermarriage or a failure to perpetuate religious ideology. Thus, the absence of assimilation, or at least impeded structural assimilation, actually prohibited Anglo-conformity and the melting pot from occurring. Instead, what Gordon observed was “structural pluralism,” where Protestants had merged into the white Protestant subsociety, Jews have come together in their communal life, the process of absorption of various Catholic nationalities had begun, and racial and quasi-racial groups retained separate sociological structures.

As to structural assimilation, Gordon felt that any indication by the dominant group of inviting old immigrant groups into the social structure was a “mirage,” and that as to “racial minorities, there was not even the pretense of an invitation.”

Alejandro Portes and Robert Bach agreed with Gordon that immigrant minorities—nonwhites and Latinos—had not been structurally assimilated; they had been rejected by the political and economic power structure. Rather than following any traditional assimilationist model, they found that from this rejection, the Cuban and Mexican individuals studied have developed an “ethnic resilience.” Instead of moving from the ethnic community into the broader society, there was a simultaneous and complementary process emphasizing close ethnic ties as individuals attempt to enter

439. Id.
440. Id.
441. Id. at 280-81.
442. Id. at 281.
443. Id.
444. Id.
445. Id. at 280-81.
446. Id. at 282-83.
448. Id. at 333.
institutions of the host society and move up its different social hierarchies.\textsuperscript{449} Thus, the Portes and Bach version of adaptation is A process whereby gradual entry into American institutions is accomplished through increased awareness of how they actually function and a resilient and even growing attachment to ethnic ties as a source of personal support.\ldots This resilience is not, however, a force leading to collective withdrawal, but rather a moral resource, an integral part of the process of establishing and defining a place in a new society.\textsuperscript{450}

To Portes and Bach, the absence of structural assimilation was not a function of English literacy or socioeconomic background. [I]ndividual occupation, education, and knowledge of English\ldots had very little to do with the residential and occupational contexts where immigrants were found.\ldots Immigrants of very different status origins and knowledge of English have about equal probability of finding themselves in the same social contexts after several years in the country.\textsuperscript{451}

Instead, structural variables emerge, in every instance, as the most significant predictors of the nature of social relations that immigrants engage in. Reported opportunities to meet with Anglo-Americans is the single most important determinant of ethnicity of immigrant relations.\ldots In turn, opportunities for interaction are significantly determined by the ethnic composition of the labor force in places of employment.\textsuperscript{452}

Portes and Bach found that variables such as education, information about United States society on extraethnic relationships, and knowledge of English increased critical perceptions about American society. In particular, those variables increased the probability of perceptions of discrimination against the respondent's own ethnic minority.\textsuperscript{453}

Specific observations of Asian immigrant adaptation have been made. For example, in a 1979 survey of 615 Korean immigrants in the Los Angeles area, Hurh and Kim observed a relatively low degree of acculturation as well as social assimilation, while a strong attachment to native culture and society was exhibited.\textsuperscript{454} This high degree of ethnic attachment was not found to be related to the

\textsuperscript{449} Id.
\textsuperscript{450} Id.
\textsuperscript{451} Id. at 332.
\textsuperscript{452} Id. at 331-32.
\textsuperscript{453} Id. at 333.
\textsuperscript{454} Won Moo Hurh & Kwang Chung Kim, Adhesive Sociocultural Adaptation of Korean Immigrants in the U.S.: An Alternative Strategy of Minority Adaptation, 18 INT'L MIGRATION REV. 188, 192-96 (1984). The data on acculturation centered around three dimensions: English proficiency, exposure to American-printed mass media, and Anglicization of Korean first names; social assimilation was examined in terms of who friends were and participation in American voluntary associations. Id. at 193-94.
length of residence in the United States. Nevertheless, the length of residence and level of American education were both positively related to the degree of acculturation and assimilation.

Thus, the Koreans in the study demonstrated strong attachment to native culture and society irrespective of length of residence in the United States, while their assimilation into American society increased over time. These Korean immigrants followed an additive or adhesive mode of cultural adaptation; their acquisition of American culture was not accompanied by detachment from Korean culture. As the immigrants are more socially assimilated into the American society, they expand the overall dimension of their intimate social relations, rather than replace one dimension with another in zero-sum fashion. For example, the proportion of respondents who subscribed to American newspapers increased in relation to length of residence in the United States, while a great majority subscribed to Korean newspapers regardless of the length of residence.

In studying the pattern of Japanese American adaptation, Kurokawa observed a similar phenomenon—accommodative pluralism. In his opinion, this occurs when “minority members who are discriminated against accept their segregated role while attempting to integrate whenever possible.” Hurh and Kim agree and suggest that this type of adaptation continues for generations as long as there is only a limited degree of structural assimilation.

Hurh and Kim attribute the adhesive adaptation phenomenon to two primary factors, one seemingly voluntary and the other involuntary. These are (1) the immigrants’ persistent ethnic attachment (voluntary) and (2) the ethnic segregation inherent in the American social structure (involuntary).

Each of these above two factors reinforce each other through intervening factors, such as the immigrants’ inadequate adaptive capacities (e.g., language, economic resources, etc.), well-
established ethnic enclaves, the dominant group's perception of threat and the general economic and political climate of the host society at a particular point in time.\footnote{465}

To Hurh and Kim (consistent with Gordon's hypothesis), serious structural assimilation is unlikely when there is ethnic confinement inherent in the social structure of the host country, regardless of length of residence, socioeconomic status, degree of acculturation, and desire to assimilate.\footnote{466} Moreover, this confinement leads to a stronger ethnic attachment in the immigrant group.\footnote{467} Thus, this "voluntary" factor is actually triggered to satisfy group needs, to preserve an identity, and to lower levels of frustration and dissatisfaction.\footnote{468} Kurokawa feels that this so-called voluntary segregation actually "is the result of minority defense against discrimination."\footnote{469} This process commenced early; for example, the anti-Chinese movement in the late 1800s "encouraged the Chinese to restrict their lives to the ghetto."\footnote{470} Hurh and Kim conclude, "As long as the structural roots of ethnic segregation are not eradicated, neither assimilation nor pluralism are attainable but adhesive adaptation remains as a survival strategy for non-white immigrants, especially for the first generation immigrants."\footnote{471}

They also expressed skepticism over the speed with which subsequent generations of Koreans would be able to assimilate socially, given the "racial segregation inherent in the American social structure" and empirical evidence that Koreans are not well accepted socially.\footnote{472}

In evaluating the Americanization of Southeast Asian refugees, Strand and Jones reformulate the models of assimilation into descriptive processes for purposes of their analysis. Prior to entry, Southeast Asian refugees lived "in a condition of constant stress and insecurity."\footnote{473} They "are not typical of most other immigrants to the United States. They have dissimilar cultures, experiences, and expectations. Furthermore, their migration is neither voluntary nor economic. It is forced by a fear of retaliation and repression."\footnote{474}

\footnote{465. Id. at 209.}
\footnote{466. Id.}
\footnote{467. Id.}
\footnote{468. Id.}
\footnote{469. KUROKAWA, supra note 461, at 131; Cf. D. Yuan, Voluntary Segregation: A Study of New York Chinatown, PHYLON 255 (Fall 1963) (observing that similar factors in the segregation of the New York Chinese American community in the 1950s and 1960s resulted in defensive isolation).}
\footnote{470. CHINESE AMERICANS 80 (1974).}
\footnote{471. Hurh & Kim, supra note 454, at 209.}
\footnote{472. Id. at 210.}
\footnote{473. STRAND & JONES, supra note 2, at 1.}
\footnote{474. Id. at 2.}
According to these researchers, three models are identifiable: enculturation, economic adaptation, and ethnic enclaves. Focusing on Anglo-conformity, their first model entails Americanization of the immigrant's values. The second involves assimilation through increasing economic power and contact with the host society. The third is a slow assimilation with necessary social support and preservation of traditional values from the community, much like adhesive adaptation.

Their findings are similar to the results of other studies of Asian American communities. They found that Southeast Asians follow the ethnic enclave process, characteristic of other Asian immigrant groups. This has been particularly necessary for Southeast Asian refugees because of the shock of relocation, and some evidence of an unwillingness to adjust to a new lifestyle. Economic adaptation has not been an avenue for Southeast Asians largely because of a lack of language and employment skills and racial prejudice. Moreover, as to enculturation, deficient English language skills and the strong attachment to their own cultural heritage has prevented their socialization into the norms of the larger society.

The Voices of Iu Mien and Hmong Cultural Identity Formation

The voices of young adult Iu Mien and Hmong who are growing up in America suggest that while the standard assimilation descriptions have relevance, they may not completely describe the nuances through which young Iu Mien and Hmong negotiate as they define themselves.

On Self-Identity

While they do not necessarily view themselves as being as culturally knowledgeable as their parents or grandparents, most of the Hmong and Iu Mien young adults whom I have surveyed identify themselves as Hmong or Iu Mien:

Being Hmong, I know that I identify more with the Hmong Community. I realize that many other Hmong Americans are going through the same issues as I am and they are trying to find out who they are and what is important to them. In searching for oneself I think it is important to realize that he or she has always

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475. Id. at 130-31.
476. Id.
477. Id.
478. Id.
479. Id. at 138.
480. Id.
481. Id. at 131-38.
482. Id. at 138.
been Hmong and will always be Hmong even if they are not speaking Hmong or practicing any religious beliefs. It is important to know who you are and who your ancestors are in making one become aware and conscious of yourself.\textsuperscript{483}

When I asked K how it felt to be Mien, K said that it was sometimes "weird" because it made her different from the people around her. She also said her friends were very interested in her background and asked her a lot of questions. She said, however, that this did not bother her. K said her identity as Mien is very important to her and explained: "It's who I am, where I am, and how I see things."\textsuperscript{484}

Though Linda seems like she has assimilated into American culture, speaking perfect English and dressing in cute, trendy clothing, Linda feels that she is inherently more Hmong than she is American because she sees Americans as being white. This shows that even though she adopted many American customs, she thinks the identity of an individual in America as predominantly coming from the color of their skin. Linda feels that because of one's skin color, one can never be fully accepted into the dominant white "American" classification of identity.\textsuperscript{485}

At my former high school (in Sacramento) there was a noticeable number of Hmong students, but more notably, a large number of those students were always seen together. It was usually this group that one can see and hear showing their Hmong pride and participating in the Hmong Club at school, a club, I believe, was founded through the initiatives of a Hmong student years earlier. Through the action of this group, I see hope in this community. They show that they are interested in their culture and in some ways are trying to keep it vibrant by sharing their culture with others on campus through the existence of the club and the club's participation in the school's annual Asian American Presentation.\textsuperscript{486}

[X] considers himself to be an American, but if people ask him what ethnic background he belongs to, he responds with Mien. This is in direct contrast with his parents who would consider themselves to be Mien before anything.\textsuperscript{487}

Maybe according to the elders, I've held up around 25 percent [of the culture] because what they consider culture has a lot to do with religion and female roles and language and upholding

\textsuperscript{483} Vang, supra note 4, at 5.
\textsuperscript{484} Interview with K.S., in Davis, Cal. (Apr. 6, 2001).
traditions. But to me, I think the Mien side is so much a part of me that I don’t think I’ve lost a lot.\textsuperscript{488}

However, this cultural and ethnic identity does not hold for all young Hmong or Iu Mien. For example, this young Hmong thinks some contemporaries do not identify as Hmong out of a desire to be more “American”:

Most of the young people don’t really see themselves as “Hmong.” They view themselves more as Asian Americans already. Just another generation or two and many Hmong will lose their culture and religion, becoming atheist or converting to other religions in hope of becoming more “American.” The younger generation will see themselves as Asian Americans more because of the influence by American culture, making them have no appreciation for being Hmong. “I don’t know Hmong, I don’t like Hmong and I don’t speak Hmong,” is a common phrase you may hear from many Hmong kids in my community. In saying this the future generations are seeing themselves no more as Hmong but as Asians and in doing so they will truly view themselves Asian Americans and let society clump all their ethnicity together.\textsuperscript{489}

More dishearteningly, some young Iu Mien may disavow their ethnic background, out of shame:

“Miens are ashamed of being Mien because we are failures. Our parents are FOBs [fresh off the boat] and many of us do not even graduate from high school. We spend our time and money on drugs, stealing cars and houses, and just hanging outside of our houses. Many of us do not have goals and even if we do, we do not know how to achieve them.” (MS, age 20) “I am ashamed of being Mien because Mien are known to be poor and of the lowest class out of the Asians. We live in the projects in the ghetto and we rely on WIC and the government. Our parents do not have good jobs or speak good English. Our culture is weird and many other Asians do not accept us because we are so different.” (FS, age 22)\textsuperscript{490}

\textbf{On the Impact of Mainstream Culture}

Once transplanted to the United States, the Hmong and Iu Mien could not avoid being influenced by the new environment. They could not retreat to a mountainous area and rely on swidden farming as they had in Southeast Asia.\textsuperscript{491} In the United States,

\begin{footnotesize}
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\item \textsuperscript{488} Peter Cowman, Discovering the Iu Mien 8 (Nov. 2002) (unpublished Asian American Studies paper, University of California, Davis) (on file with author).
\item \textsuperscript{489} Vang, \textit{supra} note 4, at 5.
\item \textsuperscript{490} Annie Teng, \textit{The Endangered Culture} (unpublished Asian American Studies paper, University of California, Davis) (on file with author).
\item \textsuperscript{491} \textit{See FADIMAN, supra} note 165, at 183. When General Vang Pao arrived in the United States, he requested land where all the Hmong could resettle and live in a manner in which they were accustomed. His request was dismissed as being unrealistic.
\end{itemize}
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families and individuals were dispersed (at least initially) in relatively small groups throughout the country. They were confronted with a new culture. They regularly heard English. They were exposed to neighbors of different ethnic backgrounds. In pre-war Laos, where families worked in the fields all day and shared a single room at night, it was not uncommon for children and their parents to be together around the clock. Here the children are required to attend school and are influenced by children of other ethnic backgrounds with whom they must associate. In addition, the children are exposed to television, pop culture, and other interests, including gangs. As with refugee and immigrant families before them, the parents often rely on the children’s English-speaking abilities for contact with certain societal institutions. The effect on the children was predictable.

I became more “Americanized” like many of my friends and I began to slowly lose my native tongue as a result. I know that most Hmong Americans do not speak a lot of Hmong in the house or with friends nor do they speak perfect English. It is hard to grow up in a society where everything is dying. I’ve noticed that I was not as good of a Hmong speaker as I was just over three years ago. I found out how weak my vocabulary was when I talked to my grandparents. I only understood about every other word and I began regretting not having learned how to write or read Hmong.

Hmong children here spend six hours in school and often several more at large in their communities, soaking up America. “My sisters don’t feel they’re Hmong at all,” one Hmong interpreter has said. “One of them has spiked hair. The youngest one speaks mostly English. I don’t see the respect I gave elders at that age.”

I have spoken to a few good friends, who are also Hmong that feel upset and disappointed at the fact that their older brothers or sisters are allowing their children to speak only English. My best friend, [JL], is one who has nephews and nieces that do not speak Hmong at all. They do not even know the most simple and basic words.

492. FADIMAN, supra note 165, at 206-07.
493. Vang, supra note 4, at 3.
494. FADIMAN, supra note 165, at 206-07. A Cambodian American student makes a similar point:

As the younger generation of Cambodians merge into the mainstream of America, they show assimilation by learning the English language. Children who attend American school, hang out with Americanized friends, and speak English with their parents most of the time. They are trying to become an American. By doing so, they tend to lose their ability to retain the Cambodian language.

Everyone in Mary's family spoke Mien when she was growing up, but now her parents are forced to speak more English because her younger siblings speak more English than Mien. Mary says her father still picks on her when she doesn't speak Mien properly, and when she finds herself speaking English with her siblings she remembers her parents' wishes and stops herself.

Continuing on with the [Iu Mien] traditions in Bob's perspective is unlikely, not because of unwillingness to carry them out, rather merely not knowing how to do them. "I'll try to keep traditions if I can, but I doubt it will go on because nobody knows what to do. [With my own children,] I don't know, I guess the stuff my dad does, I would try to do that. Like the ceremonies, sacrificing and stuff. I would try to pass it on, but I don't really know it myself so it's kind of hard." The Mien language however, is something that Bob wants his children to learn. If he marries someone outside the Mien ethnicity, "It would be hard to carry the tradition, but the language thing might be a little easier. I guess [a kid] could pick up the language pretty easily. The language could go on, but things are starting to change." The loss of the Mien culture is unintentional, yet even recognized by its own people.

Because many students are working after college and strive for the "American Dream," they rarely celebrate any ceremonies anymore. Most of these young working class families move away from Hmong communities and it is pretty hard to find a Shaman and all the materials needed to perform such ceremonies. Shamans are becoming "extinct" in the Hmong culture. You will not find any shamans who are younger than forty anymore.

Julie mentioned the first generation's struggle to have the younger generation carry on the cultural values and Hmong tradition. She suggested that she had not been able to spend as much time as she would like with her mom and her family because she has been occupied with school and her job. In Julie's case, I see her interest in her own culture, but there seems to be a lack of motivation. I shared my thoughts with her; I asked her if it were possible that she was somewhat caught up in things outside of her home, like her social life, that she would feel that she was lacking effort in some way. She responded that she did not want to lose her Hmong culture because they are her ethnic roots, yet she did not want to get too caught up in the Hmong culture since she was also "Americanized."

American Studies paper, University of California, Davis) (on file with author).
498. Vang, supra note 4, at 4-5.
Being born and raised in the U.S., the younger generations are exposed to American ideals and values through the media. They see what is "cool" and what is not on television. Television sets the trend, and people follow it. That is what American culture is all about, and that is exactly what the younger generations are doing. It can be seen that in all aspects of their lives, they are Americanized. Not a hint of Asian culture can be seen within them.500

Growing up, children sometimes turn to the images portrayed by the media as the framework of what is acceptable in America. Shows such as Full House, Growing Pains, The Brady Bunch and Family Matters can make children of foreign born parents look at their own family structure and question why their family is so different. Slowly what can happen is these children begin to mirror themselves toward characters in shows and start to neglect certain aspects of their own culture and identity. Younger generations will begin to feel the only way to be fully accepted and have society approve is to follow society's standards and criteria or at least the type portrayed on television. By trying so hard to fit in, Asians can begin to lose a bit of their identity.501

I spoke with several students about the issue of gang violence among the Hmong. One student mentioned the problem with Hmong gangs in Chico, California. He [said] that violent gang activities are common; so often that Hmong seemed to be depicted as "gang-bangers" and troublemakers. I asked him why gang violence with the Hmong is so horrifying. He believed that there was a generation barrier that prohibited some teens from relating to their traditional elders and at the same time, they faced discrimination in the mainstream society. Many of them might have wanted to fit in with the American population so much that they were willing to turn against one another to probably show that they were against their own people; that as other ethnic groups detested them, they also detested those among their own group.502

Kathy did mention, however, that Mien identity is far less vibrant among the new generation of Mien born and raised in the United States. These Mien children are often not learning the language or practicing traditional Mien rituals. Kathy also pointed to an increasing gang problem among Mien teens. While these adolescents are not part of a Mien gang, per se, they did associate themselves with a number of the pan-Asian gangs found throughout Oakland. Kathy cited a statistic from the 1990s stating

with author).


that the Mien had an incarceration rate as high as that of African Americans. . . . Kathy also said that the Mien are the fifth largest ethnic population in the Oakland school district after African-Americans, Latinos, Chinese, and Vietnamese. She noted a particularly high truancy rate among Mien school children and said that, unlike the Chinese community, the Mien community has not placed a lot of emphasis on the value of education. Kathy also noted a high teen pregnancy rate and said that, in general, Mien tend to have children at a young age. She partially attributed this to the emphasis on multiple care-taking in Mien society but also due to a relative lack of emphasis on the value of education for women in particular. Kathy did say, however, that the Mien are beginning to value education more as younger Mien are slowly starting to graduate from college and graduate school. Kathy underscored that the Mien were at a very early stage in this process and noted that there are still no lawyers or doctors in the community.

In Laos the Hmong had many children because they needed helpers in the field, but in the United States, more children are costly. Children constantly remind parents of what they do not know about American life. In the same manner as refugees and immigrants before them, the children are often the interpreters for the parents, undermining the tradition of parent authority figures. This has caused depression and suicide in older generations.

Maintaining and teaching cultural traditions is challenging for the older generation. The ability to maintain large extended families in the same living facility that was prevalent in Laos was challenged in the United States; in many areas the Iu Mien and Hmong were forced to divide their families because they were not allowed to keep so many people in an apartment or living structure. The Hmong cannot practice a lot of their rituals because they entail killing live animals that they cannot obtain in the United States easily. Many cultural rituals of both groups are fading simply because they are generally not accepted in the United States. This challenge is not lost on the younger generation.

In the Hmong culture elders expect one to know the sacrifice rituals through his/her own experience without anyone telling one why it happens. Unlike Laos where young Hmongs help out at several shamanism rituals a month, I was only exposed to about three or four rituals a year. As I grew up, my curiosity disappeared and I began to not really care why we do what we do. I was never told why we sacrifice pigs and animals and why the shaman would always prance around the long wooden stool.

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503. Interview with Kathy Lim Ko, an Iu Mien Woman in Oakland, Cal. (Apr. 2, 2001).
I grew up doing these shamanism practices and I never learned anything from it.\footnote{505}

Drugs and the predominant Western culture were stifling out their Mien heritage. Perhaps it is also due to a child’s home life. If Mien children were not exposed to their heritage, most likely they will be more susceptible to other influences like smoking and drugs.\footnote{506}

**On Conversion to Christianity**

Conversion to Christianity among many Iu Mien also presents a huge challenge to continued cultural practices.

A significant minority of Mien have converted to Christianity and many young Mien anticipate eventual conversion to Christianity. The reasons for anticipated conversion vary. One reason stated is that it is less work and less dirty, hence, “easier” to practice Christianity than the Mien religion. Another reason is the projection that once the elders die, the ritual knowledge will be lost making it no longer possible to practice Mien religion. Young Mien learning English and new job skills do not have the time or the inclination to study the details of ritual procedures. Most Mien are aware that before long it is likely there will be a lack of ritual specialists to call on, particularly of those who could practice the more elaborate rituals. Mien who have converted to Christianity do not usually make use of the traditional methods of healing, tending to use western medicine exclusively.\footnote{507}

Religion has created a gap in the community and families don’t get together as much because of it. Mary has experienced this first hand because religion created a gap within her own family. “We are not as close to my uncle anymore because of it.” She is also no longer a part of the community because of her religion.\footnote{508}

When I asked why the Mien all belong to a Baptist church they said they thought it had something to do with the people who originally sponsored the Mien when they first came to America. Unfortunately, my discussion with K and M did not suggest any degree of syncretism with respect to Christianity and traditional Mien practices.\footnote{509}

Rightly or wrongly, as the young Iu Mien and Hmong look around them, the relevance of their parents’ religion is called into question. It appears that traditional religion may no longer function in a differing social, economic, and ecological environment as a means of control or support. For example, how does an agrarian-based animism help a community removed from its traditional

\footnotesize{505. Vang, supra note 4, at 2-3.  
506. Zhou, supra note 5, at 5.  
508. Yonekura, supra note 496.  
509. Interview with M.S. and K.S. in Davis, Cal. (Apr. 6, 2001).}
farming economy adapt to an urban wage labor society where spirits seem to have little relation to success or failure, health or illness? In the United States, the external stressors of the hostile ecological and political environment in Southeast Asia and China have disappeared in the face of welfare income, better health care and living conditions. Here the avenues to wealth and happiness are secular. One can argue that the ancestors, instead of providing the protection and avenues to wealth that their good graces conveyed in Asia, are now angry with, and pose a threat to, their descendants.510

On Post Traumatic Stress

Refugee parents themselves, perhaps due to symptoms of posttraumatic stress syndrome, do not pass on the culture.

Judy, a fellow UC Davis student [who] identifies herself as Hmong American... says [the problem] has a lot to do with the older generation not explaining the culture to the younger generation. Sometimes the young members do try to learn, but she explains it as if the older generation expects you to already know the culture.511

“We came from Thailand,” [Henry] said simply. His [Iu Mien] parents have not told him about their journey to America, they do not talk about it. I wondered if maybe he felt uncomfortable telling me about it or his parents felt uncomfortable telling Henry about it, it could have been a traumatic experience... Frequently Henry would mention that he did not talk to his parents very much. They were not a close knit family who discussed their problems to one another openly.512

Since Feline’s [Iu Mien] parents are reluctant to discuss their past, it has been somewhat difficult learning about her family history. She does not know much about her parents’ plight, but she does know that her father had a very tough life.513


A Cambodian American student sees similar problems in her community:

Most Cambodians who experienced war firsthand were traumatized for a lifetime and the visions of mass graves and the scent of decaying bodies haunted their senses for eternity. When these Cambodians came to America as refugees they were timid and afraid and suffered from various psychological
A Cambodian American student pointed out a similar challenge:

My Cambodian roots are important to me, that’s what made me today. A Cambodian American who loves both of her countries, even though I have never been to the other one. I will always cherish my roots. This situation has affected me emotionally because whenever someone tells me stories of their culture, I get jealous because I don’t know any stories about my culture. I know a few facts here and there, but not enough to teach them about my country. Sometimes I do get mad at my mom for not trying to teach us the history of her country, but sometimes I think she doesn’t want to tell us because she is still sad about the events that happened to her as a teenager. It’s really emotional for me to hear those things that happened to her. Sometimes I understand why people don’t want to talk about it, but I feel that it is beneficial to tell the younger generation so they can feel appreciative for being here. The younger generation needs to have a role model, someone who looks like them, who is a good person to show them the right way to succeed. I wish I could be that person, I will try to and succeed at it.514

On Consciously Being Different

Frankly, some young adult Iu Mien and Hmong Americans want to have nothing to do with their ethnic or cultural heritage, or if they do, they want to do so on their own free-thinking, American culture-influenced terms. Some young Iu Mien and Hmong simply are not interested in being like their parents or elders, in the sense of cultural identity and practice.

Many women in the U.S. are breaking the tradition of getting married in their early teens. May Kao Hang is coordinator for

illnesses. It is difficult to preserve one’s identity when the elders are experiencing this kind of torment. As a result the younger generation is deprived of learning about their country before the war because many of the elders do not wish to speak of it. The refugees who were old enough to remember the refugee camps were too young to remember what their country was like before the communist regime. The outcome of this is unfortunate because if the elders do not care to tell then the younger generation will not care to learn about their culture. However, there are always exceptions. . . . My mother and father never hesitated to inform all of their children of all the pain and suffering that they, along with their first four daughters, experienced. They shared stories of both pre- and postwar Cambodia, which almost always included some kind of cultural anecdotes. As a result, each of their children has a deep appreciation for the culture and strives to maintain it for future generations so it does not become obsolete.

Nou, supra note 494, at 2.

“Hmong Peace,” so she is often in the public eye. She is both ridiculed and praised for marrying late and only giving birth to one child. She is also outspoken, educated and has firm ideas about justice and equality. She’s somewhat odd for Hmong cultural standards.515

Lisa [a Hmong] was an old high school classmate of my brother who dropped out her freshman year of high school because she was pregnant. At the age of fourteen (eighth grade), she was already married, and in her freshman year, she gave birth to a son. The marriage was set up between her parents and her husband’s parents, and in their culture getting married in the teenage years was common. Another Hmong girl, Wendy, was a friend of mine and is the exact opposite of Lisa. Although Wendy spoke Hmong, ate the food and sometimes celebrated Hmong holidays and cultural dances, many of her Hmong peers considered her “whitewashed” and very “Americanized,” because she was active on campus, and was a cheerleader for our high school football team. The difference between Lisa and Wendy was that one girl chose to follow more of the Hmong culture, while the other chose to identify more with American culture, and go with what seemed more socially acceptable.516

Wendy’s parents are very traditional Hmong, and she did not always like associating herself with their customs. They would engage in fights about various things such as refusal to go to certain events and celebrations, or her lack of enthusiasm when she did attend, but the biggest fights they would get into were usually over her interracial relationship. Her parents did not approve of her dating someone that was not Hmong, and she seemed to resent them for that. The many fights she had with her parents began to make her view her culture negatively, because she blamed it for why her parents acted the way they do.517

517. Id. at 4. The author, a Vietnamese American student saw many similarities with her own past:

In a family where there are American-born children and foreign-born parents, it can be extremely difficult to see eye-to-eye. Even with my own experiences, I can see why people may sometimes push away certain cultural traditions and expectations. My parents both emigrated from Vietnam a long time ago, and although they can be considered “Americanized,” there are still many Vietnamese customs and traditions they keep alive. My mother was especially traditional and strict when it came to boys and me. In the beginning of my high school experience, it was extremely difficult for me to convince my mother to let me attend any dances. If we were to get into arguments about it, she would usually begin with something like, “In Vietnam, it was very inappropriate for girls to be going out with boys without any chaperones.” Hearing this, especially when I was already angry, never helped out the
Another young Hmong refused to sew the traditional garb, telling her mother, "this is America."\textsuperscript{518}

It seemed as if Meuy [an Iu Mien] was ashamed of her people and her culture. She hated ceremonies her parents made her attend and hated many of her relatives. She spoke very negatively about her culture and her people. This shamefulness did not only exist in Meuy, it existed in her younger siblings and many of her Mien friends and relatives.\textsuperscript{519}

Jason said that he is willing to help out his Oakland Mien community, but will never go back to live there. Growing up, he never felt connected to the Mien community, and now doesn’t speak complete Mien. Regretfully, Jason does not know the Mien history and is not familiar with the traditions.\textsuperscript{520}

When I interviewed Henry, I felt he was very Americanized. He didn’t seem to care too much about exploring his culture. I thought that maybe this was because he was not part of a large Mien community. . . . If Henry were asked [how he identifies himself] he would say that he was from Thailand [he was born in a refugee camp], he doesn’t feel the need to be known as a Mien. He might say that he was Mien if asked specifically, but otherwise he doesn’t feel there is any point. According to Henry many people are unaware of who the Mien are. Henry wants to be westernized and feels that his brothers and sister feel the same way. . . . Henry feels that it is important for others to learn about different cultures as much as possible. Not specifically about the Mien culture, but any culture, to expand one’s knowledge, to [be] educate[d]. [However,] he painted a bleak picture of a culture dying out; Henry will not continue the practices and traditions of the Mien.\textsuperscript{521}

[X, an Iu Mien,] finds America to be his permanent home. In contrast, his father has other plans and wishes to go back at some point in his life and spend his remaining years in Laos.\textsuperscript{522}

A nineteen-year-old high school dropout robbed and murdered a German tourist. His father told a reporter, "We have lost all control. Our children do not respect us. One of the hardest things for me is when I tell my children things and they say, ‘I already know that.’ When my wife and I try to tell my son about Hmong culture, he tells me people are different here, and he will not listen...
Gender is relevant here in complicated, perhaps inconsistent, ways.

Preservation of teenage marriage discourages young women from pursuing a higher education. Some believe that if they marry young they can get away from their parent and their duties as daughters. By marrying young they can also obtain freedom. Statistics show that Hmong women have higher dropout rates than Hmong men. However the ability to be financially stable, more independent, and the ability to move up the social ladder encourages Hmong women to pursue higher education. Other encouragements include the desire for equality within gender roles and they also don't want to be in the same situation as their parents.

[The reason why mostly women take the Hmong language class in Turlock] is that many young Hmong men (mostly first sons) are so pressured by their parents to get married and find a job that they can't really do it and quit college to support their families. . . . Even at UC Davis you can see that there are far more Hmong women than men; this is because women are not seen as important and after they graduate from high school they can do whatever they wish. Parents don't really care what their daughters do with their life after high school.

One issue that interested me about the Mien culture is the female role in society. According to Lucy, women are beginning to slowly get out there and do more of the things men are doing. A while ago, women were more submissive and expected to do "womanly" things like cook, clean and raise the kids. Although women's roles are changing, there are a few things in Lucy's family that follow the old ways. Her father is the dominant one in the family and has most of the say. The females in the family are expected to know how to cook. She said that if a girl could not cook, she didn't have much of a future and was thought of as being lazy. Apparently, it is believed that if you can cook, you can accomplish just about anything.

On the Desire to Perpetuate their Culture

In spite of the personal and public challenges that they face, many young adult Iu Mien and Hmong have decided that they want to learn more about their ethnic culture, to help preserve it, and to

523. FADIMAN, supra note 165, at 207.
525. Vang, supra note 4, at 4.
help perpetuate it. Indeed, many sense an obligation to continue the culture.

One young boy, Kao, in the Oakland, California, area is an exception, who wants to become a shaman priest. “I’m interested in preserving culture and tradition. . . . It’s where I came from and I see it lost so easily.” Kao and his family see shamanism as the key to preserving their culture, but one-third of the 30,000 Iu Mien living in the United States have converted to Christianity, leading to disagreements about how Iu Mien culture should be defined in America. For traditionalists, promoting the Taoist religion is the way to save the culture. To the growing Christian Iu Mien population, however, maintaining the language is more important.527

When I realized how “whitewash” I’ve become, I wonder if many other people without the same support will ever overcome this issue of shame and guilt. Through this experience I am trying to hold onto my [Hmong] roots and learn more about my people.528

As I am older and more consciously aware of this fact that many Hmong Americans are losing their culture, I become scared and regret not learning about my history and religion. I can see the future where many Hmong kids will not be able to explain how they lose their language and culture and how their parents never taught them their language. I’m like many other Hmongs who don’t find this out until they are in college and old enough to realize it, learn how important it is to hold onto our culture and language.529

528. Vang, supra note 4, at 2.
529. Id. A Cambodian American student makes a similar observation about her culture:

I believe that preserving culture is important because it is what makes one unique; it is part of one’s identity. More importantly, it is a matter of honor and respect to the country that raised one’s grandparents, parents, and siblings. It has become a disadvantage that there has not been a large influx of Cambodian immigrants as there are of Chinese or Korean ethnicities. As the population of Cambodians in the United States dwindles, it will go back to being the obscure country in Southeast Asia, hidden among the better-known countries of Vietnam and Thailand. Worse yet, the existing population will lose sight of their identities. They already are, it is almost disrespectful in my eyes when an elder speaks to a member of the younger generation in Khmer and the younger one answers back in English. This is worse than just staring back blankly and saying, “I don’t know how to speak Khmer.”

Nou, supra note 494, at 4.

And this statement from a Vietnamese American student is similar: I do not speak for all of those that are American born, but I for one, cannot bear the idea of disassociation of my ethnic roots. This whole idea of assimilation into an “American” culture has reached a point where all the uniqueness of different ethnic groups are lost into the “melting pot,” and has its chances to completely perish if the younger generations are not able and willing to preserve their ethnic cultures.
My sister told me that although many Hmong students are enrolled in this [Hmong language] class [in Turlock], most of them are women who are holding onto their traditions even though they do not have a high status in the Hmong community.  

Many young Hmong Americans try as hard as they can to be role models to younger generations. For example, the Hmong Student Union at UC Davis has put on a Hmong culture night so that many young Hmong kids will be able to see how important their part is on society. The Hmong Student Union also helps recruit other Hmong students into coming to Davis where there is a big support from the other Hmong people in helping preserve their heritage. The Hmong Student Union also puts on a workshop for many young high school kids each year from all over California to come and learn more about themselves and who they are. In doing this they capture the eyes of many young fellow UC Davis students and help fight for their cause. If support is provided to young Hmong kids I believe that they will notice the disappearance of their culture and help to restore it back to how it was twenty years ago.

As I grow older and am seen as a young Hmong adult I began to start having status. I finally realize that it is my duty now as a young male adult to take over my father’s place when he passes on. This fact is surely imprinted into the minds of many young Hmong heads so that they can start helping to contribute to the Hmong community.... We see the frustrations our elders go through in wanting at least one kid to hold onto their tradition and culture. They hope that when it is time for them to depart, these young adults will step into their shoes and be able to explain to their kids the importance of their culture so that the Hmong culture will never die.

Even Judy, a Hmong, admitted that only recently did she become really interested in learning more about her culture. “It’s because now I can see it among myself and brothers and sisters that we are losing some of our culture, but before I never really thought about it.”

Another way Linda preserves her culture is that she speaks Hmong fluently. She speaks Hmong mostly to family members. She mixes English in with her siblings because they have been educated in English, but to her parents she only speaks Hmong. Because language is a large part of our lives, enabling us to communicate and even think to ourselves, her ability to speak Hmong fluently strengthens her Hmong identity. She was brought up speaking Hmong, and must keep speaking it in order

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Truong, supra note 499, at 4.
530. Vang, supra note 4, at 3-4.
531. Id. at 4.
532. Id. at 6.
533. Domingo, supra note 511, at 2.
to communicate with her parents. Though she speaks fluent English, she wants to pass on the Hmong language to her children so they can hold on to their culture.\textsuperscript{534}

[T]he cultural center [in Oakland] constitutes the community's attempt to recreate a village-like atmosphere. It is a place where people can go to celebrate holidays, to connect with other Mien, and to learn more about their identity as Mien.\textsuperscript{535}

Like most Mien, she has a respect for elders, but she also shares in their belief to preserve religion and customs. She also feels that there is a need to spread the teaching of the Iu Mien written language so that Mien words are not lost. One thing that I have noticed about her is that she has a deep sense of responsibility to preserve her culture. This comes up quite frequently during the interview. One possible reason for this is that she had never really wanted to engage her culture when she was a child. She believes that if you were not interested in your culture when you were a kid, then you might feel a calling to find out about it when you get older. She also attributes this to her parents, who always encouraged her to be an active part of the Mien community.\textsuperscript{536}

Mary takes it upon herself to learn about her culture and stay active in the Mien community. "I work harder because there aren't as many Mien students in college to help out the younger generations."\textsuperscript{537}

[R] is determined to continue the Mien traditions and to retain the Mien culture, even though he celebrates all American holidays and considers himself quite American, Iu-Mien American to be exact. "I still believe in the traditional culture. But then again, my lifestyle is more American than Mien."\textsuperscript{538}

Lucy [said she] also never really talked to people about her family or culture. She thinks that people don't generally know about the Mien culture and is happy to tell her experiences. When she gets older, she hopes to spread her culture around. She is thinking of possibly writing a book about Miens in the future.\textsuperscript{539}

Although Elizabeth no longer remains close to the Mien community, she felt it is important to spread the word about Mien culture especially since more and more Mien children are deviating away from their heritage. Whereas Elizabeth herself felt the responsibility to continue a majority of Mien ways, other Mien

\textsuperscript{534} Chen, \textit{supra} note 485, at 2.
\textsuperscript{535} Interview with Kathy Lim Ko, \textit{supra} note 503.
\textsuperscript{536} Howard Fong, Being Iu Mien and American: Finding a Balance 5 (Nov. 11, 2001) (unpublished Asian American Studies paper, University of California, Davis) (on file with author).
\textsuperscript{537} Yonekura, \textit{supra} note 496.
\textsuperscript{538} Jonathan Quan, The Rock Says [Interview with R., an Iu Mien Student] (Nov. 13, 2001) (unpublished Asian American Studies paper, University of California, Davis) (on file with author).
\textsuperscript{539} Quach, \textit{supra} note 526, at 6.
youths she knew are losing their culture quickly.540
Yes, my [Iu Mien] grandma does tell me [oral history] stories. Not
my parents. [I take it upon myself to ask them about the oral
histories], they won’t tell you otherwise.541

Cultural Identity, Individualism, and Dissent

The so-called 1.5-generation (born abroad, but entering as
children) and second generation Hmong and Iu Mien are products
of U.S. refugee and resettlement policies that dispersed their
families into varied environments. These young adults are
developing diverse attitudes about life in America—some
committed to an ethnic cultural foundation, some not; some
comfortable in their search for a unique American identity, some
not; all apparently aware that they do not fit into a Eurocentric
vision of assimilation.

The standard descriptions of the assimilation process as well as
those developed by social scientists who have looked specifically at
Asian immigrant and refugee groups aid our understanding of the
experiences of Hmong and Iu Mien. For example, Gordon’s
recognition that immigrants of color encountered severe barriers to
structural assimilation continues to be experienced and perceived
by Hmong and Iu Mien; Gordon’s phrase, “complementary
standoff,” referencing some immigrants’ hesitance to intermarry
or change religions, is relevant to those Hmong and Iu Mien who
are adamant about maintaining their ethnic culture. The “ethnic
resilience” of Mexicans and Cubans, observed by Portes and
Bach—as those groups emphasize close ethnic ties as individual
members attempt to gain entry into institutions and move up
different social hierarchies—is a more sophisticated version of
Gordon’s “complementary standoff” that describes elements of Iu
Mien and Hmong processes. We can hear that complementary
standoff in the voices of those who want to become Shamans, are
committed to maintaining the language, and want to spread the
word about their culture, but want to be part of America as well.545

The high degree of ethnic attachment and additive cultural
adaptation among Korean immigrants observed by Hurh and Kim546
certainly describes some of the young adult Iu Mien and Hmong.

540. Zhou, supra note 5, at 5.
541. Cowman, supra note 488, at 5.
542. See Milton Gordon, supra note 433.
543. See id.
544. See supra note 447 and accompanying text.
545. See supra note 527 and accompanying text.
546. See Hurh & Kim, supra note 454.
We can see that in the influence that pop culture and the media have on young Iu Mien and Hmong, even though most continue to identify themselves ethnically. Similarly, perhaps some Iu Mien and Hmong have fallen into an “accommodative pluralism” where they accept a segregated role while attempting integration whenever possible, as Kurokawa described Japanese American adaptation. The voices of those Iu Mien and Hmong who see mainstream America as “white” are consistent with that depiction. The findings of Strand and Jones, indicating that strong attachment to cultural heritage prevents the socialization of Southeast Asians into the larger society, aptly describe the parents of many of the Iu Mien and Hmong young adults.

Stanley and Derald Sue’s early efforts at identifying more than one psychological direction that Chinese Americans take introduced factors such as obeying parents versus defying parental values, and defining a “new identity,” that are relevant to the experiences of Iu Mien and Hmong young adults. The statements by Iu Mien and Hmong young adults who are rejecting their parents’ wishes and those that are seeking to maintain both cultures come to mind. And the observation made by Ben Tong (in the same era as the Sue’s) that some Chinese American young people admired the qualities of “black personages” (e.g., Malcolm X, Martin Luther King, and Huey Newton) more often than white or even Asian Americans might also draw some interesting analogies with what might be happening in the minds of Iu Mien and Hmong youth. Clearly, some of the youth are not finding role models from, or much in common with, white or even other Asian groups.

As nuanced as these standard assimilation descriptions have

547. See supra notes 527-43 and accompanying text.
548. See supra note 461 and accompanying text.
549. See supra note 526 and accompanying text.
550. See STRAND & JONES, supra note 2.
551. “On most weekends in Merced, it is possible to hear a death drum beating at a Hmong funeral or a gong and rattle sounding at a healing ceremony. Babies wear strings on their wrists to protect their souls from abduction. People divine their fortunes by interpreting their dreams. Animal sacrifices are common, even among Christian converts.” FADIMAN, supra note 165, at 209 (suggesting that Hmong and Iu Mien refugee parents and grandparents should be criticized for failing to socialize into the norms of the larger society due to strong attachment to their own cultural heritage would be disingenuous). Given their military recruitment by the CIA, their victimization after the U.S. withdrawal from Vietnam, and the promises that were made to them by the U.S. government, can we morally criticize them for not becoming more assimilated?
553. See supra notes 527-43 and accompanying text.
555. See infra note 576 and accompanying text.
become, their help in describing, much less fully comprehending, Iu Mien and Hmong experience among young adults is limited. The voices of the Iu Mien and Hmong young adults express tremendous diversity in attitudes and approach. Some seek more of their culture, others do not like their culture. Some look to their parents with respect, others ignore them. Some look to other Asian Americans for camaraderie, others do not. For all the diversity of views, none necessarily strike me as confused or unfocused.

Other disciplinary perspectives provide additional tools in attempting to understand what is happening with Iu Mien and Hmong youth.

For example, contemporary cultural studies add a layer of comprehension about what is being articulated by contemporary young Iu Mien Americans and Hmong Americans. Substantial choices exist within cultural contexts. To the extent that culture has been reconceived as an arena of dissent, options, and choice, fundamentalist or essentialist arguments about culture are recognized—and criticized—as the result of an active denial of choice.

Thus, the shift in paradigm from cultural survival to cultural dissent is politically significant. The mere recognition of culture as contested further enables individuals to contest cultural norms otherwise perceived as static or neutral. On the flip side, the denial of choice or autonomy within culture entrenches existing power structures within cultures and severely limits the possibilities for equality and autonomy in cultural life. A view of culture as a site of internal contest amongst plural meanings presumes individuals have agency to shape, resist, and even change cultural norms. This view stands in stark contrast to the outmoded conception of culture as imposed, and of individual identity as determined by culture. The recognition that culture consists of a variety of options at any moment conceives culture and cultural identity as the products of ongoing reason and choice, rather than as "things" that the anthropologist "discovers."

The shift in understanding culture as an "object" to understanding culture as "enactive" and "enunciatory" provides "a process by which objectified others may be turned into subjects of their history and experience." The idea of agency in cultural studies builds upon the work of Frederick Barth, who argued that people do not simply follow the rules of their culture, but as

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558. Id. at 521-22.
individuals, take a hand in shaping it.\textsuperscript{560} Certainly, many of the young Iu Mien and Hmong in America are taking the culture of their parents, attempting to respect it, but shaping it in distinctively American ways. The voices of those who are seeking a college education, of the women who respect their culture but do not accept old gender roles, and perhaps even those emulating pop culture come to mind.\textsuperscript{561}

Madhavi Sunder reminds us that cultural outsiders (women, gays, lesbians, bisexuals, the unorthodox) have just as much of a right to culture, community, and association as do cultural elites. Minorities seek autonomy to author their own lives. Often, one’s cultural context provides the raw materials for the script. Neither exit nor exile is an acceptable option in the twenty-first century. In order to live a full life, a person must be able to engage culture autonomously, on one’s own terms.\textsuperscript{562}

In the modern world, despite ever more options, individuals often choose to remain within their cultural groups. Yet they are increasingly refusing to take their cultures lying down. Rejecting old notions of imposed identity, more and more, individuals want reason, choice, and autonomy within their cultural communities. They want culture on their own terms.\textsuperscript{563}

Viewed through this cultural studies lens, one realizes that what we are likely observing is an active process of cultural development involving identity and dissent—dissent from the American mainstream culture as well as from the parents’ Mien or Hmong culture and identity. Many Hmong and Iu Mien young adults who sense an obligation to learn about and perpetuate their culture want to do so on their own terms.

It is particularly interesting to note, however, that both K and M said that learning about Mien history and culture had a huge impact on the way they perceived their identity as Mien. M said, for example, that she had previously thought that, like other immigrant groups, the Mien came to the United States to look for better jobs. Upon taking her first ethnic studies class, however, she learned that the Mien actually have a very different history than many other Asian immigrants. She said that understanding the Mien involvement in the Vietnam war made her feel proud. She also said it made her feel as if she is special and that she deserves to be here. K agreed with many of M’s sentiments. Again, this shift in perspective came as a result of their

\textsuperscript{561} See supra notes 525-34 and accompanying text.
\textsuperscript{562} Sunder, supra note 557, at 565-66.
\textsuperscript{563} Id. at 566.
experiences in school rather than from their parents.\textsuperscript{564}

K and M said that education is not highly valued in traditional Mien culture because past generations of Mien did not go to school. Instead, the focus has traditionally been on finding work to contribute to the family income. They said this is beginning to change, however, as education is becoming more and more important throughout the Mien community. Both K and M said that they are generally well regarded in the Mien community because of their academic success. They said that the older people respect them and the younger people look up to them. This is particularly true of the very young Mien children. They also said that their unusual academic success does not create any tension with their Mien friends at home. K and M also said that Mien usually want sons because when daughters get married they leave the household to live with their husband’s family.\textsuperscript{565}

Regarding the role of women, especially being a woman herself, [Anny] feels that the role of women should be an active one. The Mien culture does influence her position of a woman. She feels that it tells her to hold the “stereotypical role” of women, which is like the cooking and the cleaning and such. She does not try to avoid these roles, rather she wants to cook for her future husband not because she feels compelled to but because she wishes to. She wants a balanced relationship where she and her husband both contribute fairly to the workings of the household. She finds her role as something of both cultures. She subscribes to the American ideal of gender equality but also willingly likes to perform the traditional domestic duties of a woman.\textsuperscript{566}

Hmong women try to balance their family’s cultural expectations and the demands of the dominant society.\textsuperscript{567}

Sometimes being Hmong I feel helpless because our population is so little compared to others in the U.S. I feel that if there is anything in our communities that needs to be paid attention to not a lot of people will listen because we are not really known and nobody wants to listen to a couple of people. Because of this fact I feel it would be easier to get attention if this problem was a “white” problem or some other ethnic group that is really known in the U.S. I feel my identity changes though from time to time as Hmong to Asian American. It is really hard to be bicultural to me. I think I am in a one world that is melded together. I have both Hmong values and American values and both play a role in shaping the person who I am. I sometimes find that I crisscross both cultures into one when I am with my Hmong elders and my American friends. I give my Hmong elders a little view on how Americans think and what their values are so that they wouldn’t

\textsuperscript{564}. Interview with M.S. and K.S., Iu Mien Women in Oakland, Cal. (Apr 6, 2001).
\textsuperscript{565}. Id.
\textsuperscript{566}. Fong, supra note 536, at 6.
be so stubborn headed, and I also give my view on what Hmong think about to my American friends. In a way I’m giving out information to both of my cultural sides (Americans and Hmong) so that they will be more aware of each others’ issues and be more sincere about disagreement on who is right and who is wrong.\(^{568}\)

For most, those terms include conditions of adopting portions of mainstream or pop culture, and for the women, embracing gender equality. Some, perhaps most, choose to operate within a cultural context. For others, there is no choice because of ostracism from the mainstream culture.

Many Iu Mien and Hmong young adults identify with other Asian Americans, although not necessarily buying into a pan-Asian American cultural identity. Largely, this is due to commonalities they sense with other Asian Americans. And sometimes simply because few other Iu Mien or Hmong are around to be with.

In terms of the Asian community, Anny sees herself as an Asian, but first and foremost a Mien American. She associates with all sorts of Asians. Sometimes to simplify things, she will just tell people that she is Thai, however she has been mistaken for almost every Asian nationality—Japanese, Korean, even Hawaiian. She sees a closer relationship with the Hmong people because they have a similar history as the Mien. They have gone through similar struggles and continue to have similar issues in America.\(^{569}\)

[Henry’s] family arrived in [San Francisco] and settled down there. They felt conformable in SF because of the presence of other Asian families. Since then they have moved only once to an area called Fairfield near their first home in America. Henry began school where he made friends of different Asian backgrounds. Even though his student body was composed of many Asian ethnicities very few were Mien. “I had no other Mien friends and I rarely interacted with any Mien at my school.” His rare encounters with other Mien students continued throughout his high school education. The fact that Henry had no Mien friends did not bother him nor seemed to be an issue in his life. He was content with his Asian friends and did not yearn for the company of other Mien students. Henry’s parents never pressured him to make Mien friends nor date Mien women although they were more comfortable with his Asian friends.\(^{570}\)

[X’s] best friend is Mien, but he said his other friends are of all sorts of Asian backgrounds. He feels that he doesn’t treat any of them differently. He really doesn’t distinguish between Mien friends and Asian friends. \ldots\ [X] doesn’t have too many

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568. Email message from Dave Vang, a Hmong American student at University of California, Davis (Jan. 2, 2003, 17:50:01 PST) (on file with author) [hereinafter Vang email].
569. Fong, supra note 536, at 6.
570. Takacs, supra note 512, at 3.
Caucasian friends and that isn’t because he doesn’t like them, but just because of different situations. Most of the activities he takes part in revolve around Asian students, so that is why he has more Asian friends. He mentioned several times throughout the conversation that he had many Asian friends. When I asked him if he felt more comfortable with a certain Asian group, he said that they all were the same to him. He didn’t really look on one group as being different and just treated his friends as the same. He feels that his friends and him have common interests just because they are college students and Americans. He knows the Asian part plays a factor, but he doesn’t solely base their relationship on that.571

Outside of her community and family, Elizabeth identified herself as a Mien American and relates better with other Asians than she does with people of other races. Elizabeth felt that other Asians seem to be more understanding and already have something in common with her. Her relations with Caucasians and people of different ethnic backgrounds are good but it was a little different when she was interacting with them because they were not familiar with where she’s from and who she is. Whereas with other Asians, Elizabeth immediately felt a kinship with them. It’s easier to open up to other Asians and Elizabeth was more comfortable talking with Asians about herself because they know where she is coming from and what her situation is. Because most likely, they are going through similar circumstances or have experienced the same types of events. Furthermore, Asians had more things in common with Elizabeth than people of other races do.572

Lucy’s family is somewhat involved in the Mien community. They have get-togethers on New Year’s Day and celebrate. Her mother goes to community gatherings, but in general, Lucy doesn’t know many other Miens. She tends to spend time with other Asians, like Chinese and Vietnamese. She can relate to them on subjects like food and education. She doesn’t really have Japanese or Korean friends, mostly Chinese and Vietnamese.573

I feel that we as Hmong are not accepted into the mainstream communities because of our looks. To most Americans (White) we are too foreign looking to be considered Americans. For example even if I lost all my culture and language and become “American” a white person who looks at me would not treat me as if I’m American. For example even with an American name people still ask me where I’m from (meaning where my parents are from) and what nationality I am. If I felt as though I am “American” then I think I wouldn’t be asked these questions and treated differently because I’m not white. I feel that because of stereotypes on what an “American” should look like it only refers

573. Quach, supra note 526, at 4.
to whites, until we are all treated equally I will always have that “Asian” first and then “American” second.\textsuperscript{574}

Kathy also pointed to an increasing gang problem among Mien teens. While these adolescents are not part of a Mien gang, per se, they did associate themselves with a number of the pan-Asian gangs found throughout Oakland.\textsuperscript{575}

On the other hand, recent research with Southeast Asian high school students by ethnographer Angela Reyes in south Philadelphia reveals interesting alignments. Some distinguish between Chinese and Japanese, who are labeled “Asians,” and themselves, who they regard as “other Asians.” Interestingly, they find more in common with African Americans.

The participants in this study . . . complicate the relational categories of blackness and Asianness. As many teens identify as “Asian” or “Asian American” and not “black,” Sokla further distinguishes between what he calls “Asians,” such as Chinese and Japanese Americans, and what he calls “the other Asian,” post-1975 Southeast Asian immigrants. Sokla identifies himself as “the other Asian,” who share little with “Asians” because of their different economic, political and social histories in the United States. Rather, Sokla sees “the other Asian” in a similar position as African Americans because they are both minorities and people of color with a shared economic class and shared “struggle against white power.” But despite this, Sokla and others recognize that both Asians and “the other Asian” express racism toward African Americans, which is vividly illustrated above by Van who uses slang when she borrows stereotyped toughness of African Americans. Instead of reproducing racism toward African Americans, “the other Asian” should, according to Sokla, identify with African Americans. He says, “we don’t identify with Asians so we identify with blacks.”

Although Sokla embraces a black identity, this does not mean that he abandons his Cambodian one. Sokla feels that if he is not speaking Khmer, he is speaking a “borrowed language,” either “Ebonics” or “slang.” Sokla claims that language is an “identifiable part of culture. If you lose language, you lose culture.”\textsuperscript{576}

An ethnographic study of Hmong high school students in Wisconsin by Stacey Lee also teaches us that, in spite of similar intergenerational conflicts, differences in cultural attitudes and identity between the 1.5 and second generations can arise.

\textsuperscript{574} Vang email, \textit{supra} note 568.

\textsuperscript{575} Interview with Kathy Lim Ko, an Iu Mien Woman in Oakland, Cal. (Apr. 2, 2001).

The Hmong students at UHS also emphasized the differences between ESL and Americanized students. In my one and one-half academic years at UHS, the social boundaries between the 1.5-generation and second generation groups of students were rarely crossed at school. Students in one group would admit to having cousins in the other group, but they maintained their distance. While 1.5-generation students were more likely to participate in the school’s Asian Club, second-generation students dominated the school’s Hmong Club. While the Asian Club included students from various Asian ethnic groups (e.g., Chinese, Tibetan, Vietnamese, Hmong, etc.), all members of the Hmong Club were ethnically Hmong. When I asked 1.5-generation students why they chose to participate in the Asian Club instead of the Hmong Club, they explained that they wanted to be in a club that emphasized teaching others about their culture. These students suggested that the members of the Hmong Club were more interested in parties than in their culture. My observations of the Hmong Club revealed that its members were interested in organizing parties and other social events, but they were also interested in participating in a club where they could express their own identities. Although these second-generation students did not see themselves as being traditional, they participated in the club because they were proud of being Hmong.

Several 1.5-generation students reported that their parents warned them to stay away from “bad kids” who were “too Americanized.” Echoing the sentiments of the parental generation, a 1.5-generation student compared the two groups like this: “We are more traditional. We speak Hmong and know the Hmong culture. The others speak more English—they want to be cool. They don’t follow what adults say.” For their part, second-generation Hmong students ridiculed 1.5-generation students for being too “traditional” and “old fashioned.” They even used derogatory terms such as FOB or FOBBIES (i.e., Fresh Off the Boat) to describe 1.5-generation students. A second generation student described 1.5-generation students like this: "FOBS don’t care about clothes. They are stingy about clothes. They dress in out-of-date 1980s-style clothes. American-born Hmong are into clothes and cars.”

Although they proudly assert their American-born status, second generation youth also express a strong sense of ethnic solidarity. Those who are active in extracurricular clubs choose to participate in the school’s Hmong Club. During the 1999-2000 academic year, for instance, the Hmong Club had a difficult time finding an advisor. At one point a teacher suggested that the Hmong Club merge with the Asian Club, but the students dismissed this idea as being out of the question. The students explained that they wanted their own club. When I asked why they chose to participate in the Hmong Club, the girls responded by saying, “I love the Hmong people” and “I can relate to Hmong
people.\textsuperscript{577}

In the process, this ethnographic body of work suggests that some (but certainly not all) of the diversity in approach to cultural identity formation may flow from class differences among Iu Mien and Hmong children.

The cultural identity being developed by Iu Mien and Hmong young adults is based on their experience as the children of refugees, most of whom were on public assistance. They may identify with other Asian Americans with whom they interact, but without that interaction race alone may not be a sufficient marker to bridge a common identity with Chinese, Japanese, and Koreans. Real and perceived class differences with Chinese, Japanese, and Koreans may compel Iu Mien and Hmong children to see commonalities with African Americans and perhaps other low-income groups. Of course they are aware of the subordination that their own communities face racially and class-wise in the United States, but they may not see themselves in the same boat as other Asians, especially those driving the model minority image.

Conclusion

The young Iu Mien and Hmong come from families whose lineage has resided in four countries, including China, Laos, Thailand, and now the United States. Their ancestors and elders endured incredible adversity during their movement from their experiences as a marginalized ethnic group in China to their current situation as a relatively small refugee population trying to carve out a way of life in the United States. The migration to the United States represents the biggest migration discontinuity that these ethnic groups have ever experienced, and that discontinuity is causing a change in patterns of adaptability not experienced in these groups before.

The perpetuation of Iu Mien and Hmong cultures as they were known in China and the mountains of Laos does not stand a chance in the United States. Refugee policies that limit their numbers and disperse new members broadly, environmental influences of diverse cultures, media, and other market forces in the United States present impossible challenges to their perpetuation—at least in forms that were replicated for decades in Southeast Asia and centuries in China before that. For some time, some Hmong will still marry Hmong, and Iu Mien will marry Iu Mien. Clan and lineage structures may remain intact in some communities, as will mutual assistance. In a predominantly Hmong community, we may hear a death drum

\textsuperscript{577}. Lee, supra note 567, at 510-11, 517.
beating at a Hmong funeral or a gong rattle sounding at a healing ceremony; babies may wear strings on their wrists to protect their souls from abduction; animal sacrifices may even continue. Iu Mien leaders will establish community centers, follow traditional village organizational structures, and set up Mien language programs. Nevertheless, the children and the young adults—the 1.5 and second generations—will take their families, their community structures, and their ceremonies in new and likely diverse cultural directions.

In the process of cultural identity formation, some are choosing to incorporate aspects of their culture out of respect for and in tribute to their elders and centuries of tradition, but on their own terms. For them, the development of cultural identity is a statement of individualism. Theirs is a statement of dissent and independence from mainstream culture, Asian American culture dominated by Chinese American and Japanese American life, and their own parents’ cultures. Yet their unique identities may be influenced by each of the others. Generalizing from a handful of interviews and encounters and even studies would be a mistake. Iu Mien and Hmong young adults will tell us who they are and how they feel about their lives and identities in the United States. They will tell us how the refugee experience and resettlement process have shaped their views on race, culture, and civil rights. In their adamant refusal to be essentialized as Southeast Asian refugees, much less as simply Asian Americans, each story is likely to be quite different. And that seems just fine.

578. FADIMAN, supra note 165, at 207-08.