

Vietnamese Americans

LESSONS IN AMERICAN HISTORY

LESSON 6

Ho Chi Minh and Freedom of Speech

SUBJECTS

World History, American Experience, United States Government, and Multicultural Education

OBJECTIVES

1. To develop a basic understanding of the First Amendment.
2. To develop a higher appreciation of democratic values.
3. To take, defend and evaluate positions on a contemporary case involving the First Amendment.
4. To understand Freedom of Speech within the context of a Vietnamese American case study.

STANDARDS SUPPORTED

This lesson supports national social studies standards, Strand X: Civic Ideals and Practices.

WHAT YOU WILL NEED

2-3 class periods

Copies of Handout: Background Information on the “Little Saigon Incident”

HOW TO DO IT

ACTIVITY ONE: HOW FAR SHOULD FREEDOM OF SPEECH EXTEND?

Have students take out their notebooks and create a K-W-L chart (Know —Want to Know—Learned). Tell them to write down what they know about freedom of speech. Ask them to define it and give examples of what they think it means.

Next, engage students in an activity called “Stand if You Can.” The rules are simple. Tell them you will be making statements regarding freedom of speech. They are to stand if they agree with the statement. Students need to be prepared to defend their stance with those who disagree. Take time to discuss every statement.

Stand if you think freedom of speech should cover:

- Harsh criticism of the government in a newspaper
- A Ku Klux Klan march
- Burning the United States flag
- Publishing lies about a student in the school paper
- Spreading false and negative gossip about someone
- Nude photographs in a museum exhibit
- A radio host urging listeners to use any means to take over the government
- Wearing a Nazi swastika at a non-school event
- Profane language on television
- Use of racial slurs

After the discussion, have students return to their K-W-L charts and add to or change any opinions they may have had about freedom of speech.

For homework, have them read the Background Information on the Little Saigon Incident Handout. Ask students to take notes in a double entry journal, which allows students to write important passages as well as make comments or questions. Ask them to:

- Think about why so many Vietnamese Americans reacted so negatively to the merchant’s posting of Ho Chi Minh’s portrait and the Vietnamese Communist flag. In the minds of these people, is displaying the Communist flag and Ho Chi Minh’s portrait in the middle of Little Saigon the same as shouting fire in a theatre?
- Write down individuals and categories of people affected by the incident. For example, write down the name of the merchant and describe groups opposed to his actions.

ACTIVITY TWO: THE DEBATE

On the next day, prepare for a mock debate where students will role-play people affected by the incident.

Divide the class into groups representing the following interests: Hi-Tek merchant Truong Van Tran, elected officials, law enforcement, merchants in the mall, Vietnamese American community members, non-Vietnamese who live in the area, and the American Civil Liberties Union (ACLU).

Allow each group further investigate the flag incident. The online archives of the *Los Angeles Times* and *Orange County Register* offer extensive coverage of the demonstrations and are excellent starting points. Students also might conduct oral interviews with members from the community.

Each team should prepare a three to five minute presentation on their position based on their research. After all positions have been presented, the entire class should vote on whether the flag and photo of Ho Chi Minh should be taken down or allowed to remain posted.

ASSESSMENT/CLOSURE

After results of the class vote have been made public, ask students to write justifications for their own individual opinions. Opinions should be based on the testimony of the participants, as well as their own research.

Lesson 6: Ho Chi Min and Freedom of Speech
Handout 6(a)

Background Information on the “Little Saigon Incident”

CONGRESS SHALL MAKE NO LAW RESPECTING AN ESTABLISHMENT OF RELIGION, OR PROHIBITING THE FREE EXERCISE THEREOF; OR ABRIDGING THE FREEDOM OF SPEECH, OR OF THE PRESS; OR THE RIGHT OF THE PEOPLE PEACEABLY TO ASSEMBLE, AND TO PETITION THE GOVERNMENT FOR A REDRESS OF GRIEVANCES. — First Amendment of the U.S. Constitution

The right to free speech is the cornerstone on which a democracy is built. Every person has the right to speak freely and to question government decisions. Our democratic system depends on people’s ability to make educated judgments on matters of public policy. For these reasons, the First Amendment’s freedom of speech clause has been broadly interpreted to include not only pure speech but also symbolic speech.

Symbolic speech is defined as nonverbal expression using symbols. The Supreme Court has given symbolic speech substantial protection. For example, in the *Texas v. Johnson* case (1989), the Supreme Court held that burning the American flag was a form of symbolic speech protected by the First Amendment.

The distinguished Supreme Court Justice Oliver Wendell Holmes, Jr. (1841-1935) once said the country needs to “protect not free thought for those who agree with us, but freedom for the thought that we hate.” But he also said that freedom of speech “would not protect a man from falsely shouting fire in a theatre and causing panic.”

A CASE IN POINT

In early 1999, Truong Van Tran ignited the largest and longest mass protest or mobilization in the history of the Vietnamese American community, lasting 53 days and drawing crowds of up to 15,000 protestors. The following is a condensed chronology of events:

November 1998: Tran begins hanging the flag of the Socialist Republic of Vietnam and a portrait of Vietnamese Communist architect Ho Chi Minh in his Hi-Tek video rental store in the heart of the Little Saigon commercial area in Westminster, California.

Tran, a refugee who escaped Vietnam in 1980, became an ardent advocate of normalizing trade and diplomatic relations between Vietnam and the United States. His stance frequently placed him at odds with many Vietnamese Americans who oppose normalization.

January 1999: When the display at his store fails to receive much attention from community members, Tran sends faxes to local Vietnamese American media, informing them of his actions and challenging the community to make him take down the items.

January 17: Protests begin in front of his store. Some four hundred demonstrators fill the shopping center lot on the following day.

January 20: The shopping center landlord announces his seeking of a court order to evict Tran for violating lease conditions prohibiting a tenant’s creation of a public nuisance.

January 21: Orange County (Calif.) Superior Court Judge Tam Nomoto-Schumann issues a preliminary injunction

ordering Tran to take down the items, siding with the landlord's argument that Tran violated his lease contract. The American Civil Liberties Union then joins in Tran's defense and claims that Tran's First Amendment rights (freedom of speech) were violated by the judge's order.

February 10: The judge revokes her previous order, stating that Tran's display of the items is protected by the First Amendment. On the same day, Tran returns with police escort to the store to put up the items again, but is met by a crowd of one hundred protestors. He collapses with chest and stomach pains after a light slap on the head from a protestor. He is hospitalized overnight.

February 20: Tran and his wife, Kim Nguyen, return to the store to re-hang the items. Police officers are in full force, creating a barricade separating the angry protestors from the storeowners. After re-hanging the flag and picture, the couple pays homage to the items, getting down on their knees and bowing several times. Their actions incite the crowd, and the police respond by arresting 31 protestors.

February 26: Led by the younger Vietnamese American generation, demonstrators hold the largest community rally in Vietnamese American history, with an estimated 15,000 people turning out peacefully for a flashlight vigil designed to draw attention to human rights abuses in Vietnam.

March 5: The police raid Tran's store and seize more than 17,000 videotapes and 146 VCRs, alleging Tran of running an illegal video piracy operation. It is learned that the police had been secretly investigating Tran's business operation for the last two weeks.

March 8: Tran's attorneys announce that he would not return to the store, acknowledging he would be unable to reopen his business.

March 11: Demonstrations end as the landlord removes the "Hi-Tek" sign over the store, amid the cheers of protestors.

August 10: Orange County Superior Court Judge Corey Cramin finds Tran guilty of running the illegal operation and sentences him to 90 days in jail, 80 hours of community service, three-years probation, and a \$200.00 fine.

July 2001: After an unsuccessful appeal to reverse his misdemeanor conviction, Tran begins his three-month sentence.

The incident garnered extensive local, state and national media attention. Major media outlets, including *Newsweek* and CNN, covered Tran's antics and the ongoing protest. Tran himself was invited as a guest on Rosie O'Donnell's national daily show.

In particular, local newspapers, such as the *Orange County Register* and the *Los Angeles Times*, chronicled the day-to-day events and activities taking place outside of the Hi-Tek video store and served as a forum for public discussion of the issues involved in the incident.

Commentaries and citizen opinions regularly filled these local publications. The mainstream public's response to Tran's actions and the community's protest was mixed.

Many supported the efforts of the protestors, sympathizing with their experiences as victims of war and persecution. They believed that both the protestors and Tran were entitled to First Amendment rights to engage in their activities. An equal number opposed the actions of the protestors, accusing them of stifling Tran's right to free speech guaranteed

under the First Amendment.

Others expressed disagreement or lack of comprehension with the entire incident, having little sympathy for the community’s emotional outpouring and anti-Communist positions. Many felt that such sentiments should have been discarded after the end of the Cold War. They could not understand why Vietnamese Americans have not come to terms with their past experiences; America, they claimed, has since healed from the wounds of its involvement in Southeast Asia.

As the events in Little Saigon ensued, many in the mainstream public began to grow more and more intolerant of the efforts of the protestors, fueled by regular media reports of the escalating costs of maintaining a law enforcement presence in Little Saigon to protect Tran and to control the crowd. Moreover, non-Vietnamese residents living in nearby areas publicly complained of the increase in traffic and noise caused by police and protestors.

And for some, the incident fueled anti-immigrant sentiments. A host of news opinions and commentaries appeared in local newspapers that were outright bigoted and offensive.

At the grassroots level, the incident was a momentous period for the Little Saigon community, which was challenged on several fronts. Orange County’s Little Saigon, the capital of Vietnamese America, has always served as a hotbed of information and discussion (political, social, economic and religious) about the Vietnamese diasporic communities, as well as about Vietnam.

During this period, the Little Saigon community had to grapple with organizing community members, fostering unity among community groups, and, at times, coordinating protest and education efforts with other Vietnamese Americans in other areas, such as San Jose and Houston. Protestors also had to address the needs and concerns of the local merchants neighboring Tran’s Hi-Tek video store; many experienced a substantial drop in business revenue.

Simultaneously, Vietnamese American community leaders and civic groups were responsible for maintaining communication with law enforcement and articulating to the mainstream media and public the reasons behind the protest of Tran’s actions, and to shed light on the continuing human rights violations in Vietnam.

Relations between the protestors and police during the incident were tense at times, especially after media reports of the use of racist and derogatory words over police radio lines to refer to the protestors (the actions were later linked to an outside source).

Vietnamese Americans involved in the protest wanted the American public to understand the contextual background and reasoning behind the community’s response to Tran’s actions. Some protestors argued that most Americans hold a limited, more liberal view of Ho Chi Minh and Communist rule in Vietnam – one that is influenced by the anti-war movement of the 1960s.

Many Americans are not aware of Communist atrocities and persecution that occurred in Vietnam during and after the war. Thang Ho, who was held in a Vietnamese re-education camp for 10 years and beaten regularly while there, explained his presence at the protests to the *Orange Country Register*: “We tried to forgive, put our past behind us, go on for the sake of our children, but this Truong Van Tran... he’s ripping my chest open and stabbing my heart all over again.”

Protestors likened Tran’s hanging of the items in Little Saigon to the display of the Nazi flag or Adolf Hitler’s portrait in a Jewish community. Hypothetically, such an action, protestors argued, would not only have angered and galvanized the Jewish community into protest but also would have brought out the disgust and opposition of most Americans.

The first months of 1999 were definitely a very trying period for the Vietnamese American community. As direct or indirect victims of war and of an oppressive Communist government, many Vietnamese Americans were deeply moved by the events during these months, having to re-live many of their shared experiences and to confront the subsequent collective outpouring of emotions.

And as an immigrant community as well as a community of color, Vietnamese Americans had to also deal with a significant portion of the American public that was unwilling to understand or sympathize with the community's concerns and experiences.