



# PALS D

PAN ASIAN LAWYERS OF SAN DIEGO

**FIFTH ANNUAL TRIAL REENACTMENT**

**THE VIETNAMESE FISHERMEN**

**vs. THE KU KLUX KLAN**



Thursday, May 30, 2019

5:30 - 8:00 PM

James M. Carter & Judith N. Keep United States Courthouse

Jury Assembly Room

333 West Broadway

San Diego, CA 92101

## ABOUT ASIAN AMERICAN AND PACIFIC ISLANDER HERITAGE MONTH – MAY

In 1978, Congress and President Jimmy Carter designated the first 10 days of May as Asian American Heritage Week. In 1990, President George H. W. Bush signed a bill passed by Congress to extend Asian American Heritage Week to a month. In 2009, President Barack Obama issued a Presidential Proclamation that May would be known as Asian American and Pacific Islander Heritage Month. Pan Asian Lawyers of San Diego's (PALSD) Fifth Annual Reenactment is in celebration of Asian American and Pacific Islander Heritage Month.

### ABOUT THIS REENACTMENT

Asian Americans have played important, influential roles in shaping laws throughout American legal history. However, their civil rights struggles are often ignored or overlooked, and their voices in history forgotten. To address, for over a decade, the Honorable Denny Chin of the United States Court of Appeals for the Second Circuit, and his wife, Kathy Hirata Chin, have led attorneys from the Asian American Bar Association of New York (AABANY) to draft reenactments of trials in American legal history concerning Asian Americans. Through meticulous research and review of trial transcripts, briefs, and other historical information, including locating iconic photographs, they have brought these oft-forgotten stories of Asian Americans to life. Pan Asian Lawyers of San Diego thanks Judge Chin, Ms. Chin, and the Asian American Bar Association of New York for generously sharing their work with us.

This year's reenactment is *The Vietnamese Fishermen vs. The Ku Klux Klan*. You will hear the story of how Vietnamese fishermen, who fled to the Gulf Coast after the Vietnam War in the late 1970s, sought the help of the American legal system to stop the Ku Klux Klan's campaign of violence against them. The case shed light on the resurgence of the white supremacist movement and extremist violence in the United States, and has provided a somber but poignant commentary on racial tensions and extremism that still run deeply in the foundation of American history.

Pan Asian Lawyers of San Diego is honored to share this case with you alongside the following co-sponsors:

- Earl B. Gilliam Bar Association (EBGBA)
- Filipino American Lawyers of San Diego (FALSD)
- Japanese American Bar Association, San Diego Committee (JABA)
- Korean American Bar Association of San Diego (KABA-SD)
- National Asian Pacific Islander Prosecutors Association, San Diego Chapter (NAPIPA)
- South Asian Bar Association of San Diego (SABA-SD)
- San Diego Chinese Attorneys Association (SDCAA)
- San Diego County Native American Lawyers Association (NALASD)
- San Diego La Raza Lawyers Association (SDLRLA)
- Tom Homann LGBT Law Association (THLA)

### ABOUT PAN ASIAN LAWYERS OF SAN DIEGO

Since 1978, Pan Asian Lawyers of San Diego (PALSD) has been dedicated to the advancement of Asian Americans in the legal profession and promoting and advocating the interests of the Asian Pacific American community. PALSD is an affiliate of the National Asian Pacific American Bar Association (NAPABA). For more information, visit [www.PALSD.org](http://www.PALSD.org) or follow our Facebook page at [www.facebook.com/PALSD](http://www.facebook.com/PALSD).

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## TIMELINE OF EVENTS

- August 1979** Vietnamese boats are burned and refugee families flee when violence erupts after an American fisherman was shot and killed by a Vietnamese fisherman, who pled self-defense and was later acquitted.
- February 14, 1981** Several hundred people, mostly local fishermen and Klansmen, led by Louis Beam, gather in Santa Fe, TX to rally against the Vietnamese. Mr. Beam sets a deadline of May 15, 1981, the start of shrimping season, for federal and state authorities to address the issues with the fishermen.
- March 15, 1981** Local fishermen and Klansmen band together to steer a shrimp boat, along with a cannon and a human figure hanged in effigy, up to the dock of Colonel Nam, leader of the Vietnamese fishermen.
- April 16, 1981** Colonel Nam and his lawyer, John Hayslip, and Morris Dees of the Southern Poverty Law Center, file a preliminary injunction in federal court against Mr. Beam and the KKK to prevent further violent threats.
- April 30, 1981** Depositions begin at defense counsel, Sam Adamo and Richard Cobb's office.
- May 1, 1981** Federal Judge Gabrielle Kirk McDonald orders all further depositions to be taken at the US Attorney's Office. Depositions continue through May 8, 1981.
- May 5, 1981** Plaintiffs, including Colonel Nam, are deposed. Defendants move to disqualify Judge McDonald on the grounds that she was personally biased against them. The motion is denied.
- May 8, 1981** Plaintiffs are granted leave to amend their complaint to include a request to enjoin Mr. Beam and other defendants from conducting guerilla operations as part of Mr. Beam's "Texas Emergency Reserve."
- May 11-14, 1981** Judge McDonald hears plaintiff's motion for preliminary injunctive relief.
- May 14, 1981** Judge McDonald grants the plaintiff's motion in part and denies in part. Defendants are temporarily enjoined from engaging in violence against the Vietnamese. The Court's opinion is filed on July 15, 1981.
- May 15, 1981** Start of the shrimping season in Texas.
- August 13, 1981** Texas Court converts preliminary injunction into permanent injunction and reserves on the issue of Mr. Beam's "Texas Emergency Reserve."

## THE CAST (IN ORDER OF APPEARANCE)

<b>Hon. Dana Sabraw</b>	Narrator 1
<b>Brandon Kimura</b>	Louis Beam, <i>Defendant and Grand Dragon of the Texas Knights of the Ku Klux Klan</i>
<b>Hon. Truc Do</b>	Narrator 2
<b>Aaron Giron</b>	Gene Fisher, <i>President of the American Fishermen's Association who opposed the Vietnamese refugees and sought the aid of the Ku Klux Klan</i>
<b>James Hurt</b>	Colonel Nam, <i>Plaintiff and Leader of the Vietnamese fishermen</i>
<b>Becky Zhang</b>	Director of Shellfish Programs for the Texas Bureau of Coastal Fisheries, <i>provided comment for the growing competition in the fishing market; AND Phuong Pham, Colonel Nam's 13-year-old sister-in-law who was also deposed;</i>
<b>Joseph Cheng</b>	Police Chief of Seabrook, TX, <i>provided comment for the growing competition in the fishing market; AND Margaret Anderwall, local resident who was threatened by the KKK for befriending a Vietnamese fishermen;</i>
<b>Taryn Perez</b>	David Berg & Philip Zelikow, <i>Houston trial attorneys representing Plaintiffs alongside Morris Dees and John Hayslip</i>
<b>Barry Carlton</b>	Russell Gregory Thatcher, <i>friend of Louis Beam and photographer who interrupted first depositions</i>
<b>Hon. Gonzalo Curiel</b>	Morris Dees, <i>Southern Poverty Law Center attorney for Plaintiffs (Pt 1)</i>
<b>Hon. Roderick Shelton</b>	Morris Dees, <i>Southern Poverty Law Center attorney for Plaintiffs (Pt 2)</i>
<b>Melissa O'Campo</b>	Richard Cobb, <i>attorney for defendants; AND Walter Wilkinson, military operations expert who reviewed video tapes of Mr. Beam's military camps;</i>
<b>Hon. Loren Freestone</b>	Narrator 3
<b>Hon. David Danielsen</b>	Sam Adamo, <i>attorney for defendants</i>
<b>Esther Lee</b>	John Hayslip, <i>attorney for Colonel Nam; AND Southern Poverty Law Center staff member, read a letter received from Mr. Beam challenging Mr. Dees to a duel to the death</i>
<b>Stacy Park</b>	Judge Gabrielle Kirk McDonald, <i>federal judge who presides over the Vietnamese fishermen's case</i>

## ABOUT THE CAST

(IN ALPHABETICAL ORDER)

**BARRY CARLTON** (*Russell Gregory Thatcher*), over a 37-year career, worked at Luce, Forward, Hamilton & Scripps, the San Diego City Attorney, the San Diego District Attorney, and the California Attorney General, where he retired as a supervisor. Now a recovering attorney, he devotes his time to photography, a passion he was fortunate to discover only after law school and the bar exam had given him the means to support it.

**JOSEPH CHENG** (*Police Chief, Margaret Anderwall*) is a rising 3L at the University of San Diego School of Law and serves as an Executive Editor for the San Diego International Law Journal, a Vice President for Asian Pacific American Law Students Association, and as a student representative for multiple diversity bar organizations. He has previously served on the executive boards for Pro Bono Legal Advocates, Public Interest Law Foundation, Women's Law Caucus, and continues to advocate for the homeless in his local communities.

**HON. GONZALO P. CUIEL** (*Morris Dees*) is a U.S. District Judge for the Southern District of California. Cuiel was born in East Chicago, Indiana in 1953 to immigrant parents from Mexico. He received his Juris Doctor from the Indiana University Maurer School of Law in 1979 and sits on the law school's Board of Visitors. He was an Assistant United States Attorney in the Southern District of California from 1989 to 2002, and in the Central District of California from 2002-2006. In the Southern District, he served as Deputy Chief (1996-1999) and then Chief (1999-2002) of the Narcotics Enforcement Section. Gov. Arnold Schwarzenegger appointed Cuiel in 2006 to the San Diego Superior Court where he worked before ascending to the federal court. President Barack Obama nominated Cuiel in November 2011 and he was approved by the U.S. Senate in September 2012. He received his commission as a United States District Judge on October 1, 2012.

**HON. DAVID J. DANIELSEN** (*Sam Adamo*) retired in 2018 from the San Diego Superior Court after serving 27 years as a judge including two years as presiding judge of the entire court. Judge Danielson had a long career handling high profile cases and assignments in addition to his role in statewide and local judicial education and judicial administration. In retirement, he is spending his time teaching law at USD School of Law as adjunct faculty and speaking, consulting and lecturing on criminal law and criminal justice reform. He still sits on assignment in local courts and occasionally in other Southern California counties.

**HON. TRUC T. DO** (*Narrator 2*) is a judge of the Superior Court of California in San Diego County. She was appointed by Governor Brown in February 2018. From 2009 to 2014, Judge Do was a Partner at the law firms of Munger, Tolles & Olson in Los Angeles and Jones Day in San Diego, where she practiced complex civil litigation. Prior to civil practice, Judge Do was a criminal prosecutor in the Los Angeles County District Attorney's Office. As a Deputy District Attorney from 1999 to 2009, Judge Do prosecuted homicides in the LADA's Hardcore Gang Division and the Major Crimes Division, including the successful retrial of Phil Spector. During her career as a lawyer, Judge Do tried 76 cases to jury verdict, including 20 homicides and 2 death penalty cases. Judge Do earned a Juris Doctor degree from Stanford Law School and a Bachelor of Arts degree from the University of California, Los Angeles. At the age of 3, Judge Do fled Vietnam before the Fall of Saigon with her family and was resettled in the United States through Camp Pendleton, San Diego. She became a naturalized citizen in 1982.

**HON. LOREN FREESTONE** (*Narrator 3*) was appointed in 2018 by Governor Jerry Brown. He was President of the San Diego County Bar Association in 2017 and was a partner at Higgs Fletcher & Mack LLP prior to appointment, with emphasis on employment related matters and litigation. His other community involvement includes serving as a board member of the Tom Homann LGBT Law Association for over 10 years, chair of the San Diego County Bar Association's Ethnic Relations and Diversity Committee and the Bar's Diversity Fellowship Program.

**AARON R. GIRON** (*Gene Fisher*) is a solo practitioner working primarily in immigration law. As the head of the Law Office of Aaron Giron, he has spent his professional career working in and around San Diego county representing individuals and families before USCIS and EOIR/Immigration Court. As the son of Filipino

immigrants and as a gay man, Aaron has had a wide range of experiences that has helped him develop a keen understanding of the interactions between race, gender, class and sexual orientation, and how these multi-faceted identities inform views of society and the world at large. He uses the skills and knowledge he has acquired as the Treasurer of Filipino American Lawyers of San Diego and as a Board Member of the North County LGBTQ Resource Center.

**JAMES HURT** (*Colonel Nam*) is a former Qualcomm engineer now patent litigator at Perkins Coie. After a successful 15-year engineering career at Qualcomm, James sought out a new challenge and decided to pursue a law degree and a career in patent litigation that enabled him to meld his love of technology with the law. James is an adopted native-born South Korean and is married to a native South Korean and together they have three beautiful daughters. James is active in KABA-SD, PALSD, and NAPABA, and maintains an active pro bono practice assisting SDVLP in temporary and general guardianship proceedings.

**BRANDON KIMURA** (*Louis Beam*) is an Assistant U.S. Attorney for the Southern District of California, currently assigned the role of the Project Safe Neighborhood Coordinator in the Violent Crimes and Human Trafficking Section of the Criminal Division. He is also the 2020 President-Elect for the Pan Asian Lawyers of San Diego.

**ESTHER LEE** (*John Hayslip, SPLC Staff*) is a litigator at Robbins Geller Rudman & Dowd LLP. Her practice focuses on representing institutional and individual investors in merger-related class action litigation and in complex securities litigation. Esther received her law degree from the University of Michigan and she is a first generation lawyer. She currently serves as a Board member of PALSD and is the Chair of the Committee presenting this year's Reenactment event. In addition to her professional pursuits, she enjoys reading science fiction, going camping and addressing the millions of questions from her four-year-old daughter.

**MELISSA O'CAMPO** (*Richard Cobb, Walter Wilkinson*) is a Deputy District Attorney for the San Diego County District Attorney's Office. She is currently assigned to the North County Division where she handles felony trials. Ms. Ocampo was born and raised in San Diego. She earned her undergraduate degree in Political Science with minors in Criminology and Business Management from the University of California, Irvine in 2008 and graduated Magna Cum Laude. She then returned to San Diego where she earned her JD from California Western School of Law in 2011. Prior to working for the District Attorney's Office, Ms. Ocampo also law clerked for the offices of San Diego City Attorney, California Attorney General, and San Diego Alternate Public Defender. She is currently serving as the Vice President of the National Asian Pacific Islander Prosecutors Association (NAPIPA), San Diego Chapter.

**STACY PARK** (*Judge McDonald*) is the current president of the Pan Asian Lawyers of San Diego (PALSD). Stacy has been a leader in many diversity organizations including PALSD, Korean American Bar Association of San Diego and California Minority Counsel Program Ambassadors Council. Stacy practices commercial and intellectual property litigation at Procopio and is a member of the firm's diversity and inclusion committee.

**TARYN PEREZ** (*David Berg, Philip Zelikow*) is an alumni of California Western School of Law. She currently works as an associate at Dummit, Buchholz & Trapp, a firm that specializes in medical malpractice defense, elder abuse defense, physician/nursing licensure, and general liability. Taryn serves on the board of the Japanese American Bar Association – San Diego Chapter, the Korean American Bar Association – San Diego Chapter and the Asian Pacific American Women Lawyer's Alliance. She was also recently installed as the Vice President of the Filipino American Lawyers of San Diego. In her free time, Taryn enjoys visiting her 2 year old nephew, going to Disneyland and updating her fashion blog.

**HON. DANA SABRAW** (*Narrator 1*) was nominated to the United States District Court for the Southern District of California on May 1, 2003, by President George W. Bush. He was unanimously confirmed by the United States Senate on September 25, 2003. Judge Sabraw completed his undergraduate studies at San Diego State University. Thereafter, he attended McGeorge School of Law, where he graduated in 1985 in the top 10% of his

class and served on the Law Review. Following graduation from law school, Judge Sabraw litigated civil cases at Price, Postel & Parma in Santa Barbara. In 1989 Judge Sabraw joined Baker & McKenzie in San Diego, becoming a partner in 1992. In 1995, Judge Sabraw was appointed to San Diego's North County Municipal Court. He served as Presiding Judge of that Court until 1998, when he was elevated by Governor Pete Wilson to the Superior Court. While on that court, Judge Sabraw served as Criminal Supervising Judge, presided over felony jury trials, and served as an independent civil calendar judge. On the district court, Judge Sabraw presides over approximately 600 criminal and civil cases. He serves as Chair of the Patent Advisory Committee for the Southern District of California, which is responsible for promulgating local rules for the district court. He also serves as a member of the Judicial Conference Committee on the Judicial Branch at the request of the Chief Justice of the Supreme Court. As a trial lawyer and judge, Judge Sabraw has tried over 300 cases to verdict. Judge Sabraw is a founding member and former president of two American Inns of Court in San Diego. He has served as a member of the Board of Governors of the Association of Business Trial Lawyers, and is a member of Pan Asian Lawyers of San Diego.

**HON. RODERICK W. SHELTON** (*Morris Dees*) Prior to his election on November 7, 2006, Judge Shelton served with the San Diego County District Attorney's Office where he worked in the Gang Prosecution Unit. Judge Shelton also served in the South Bay and East County Branches of the D.A.'s office. He has also worked as a Deputy Public Defender for the County of San Diego. Judge Shelton received his Bachelor's Degree from Washington University in St. Louis, where he served as Captain of the football team and was named an all-conference defensive back. He received his Juris Doctor from the UCLA School of Law. Judge Shelton filled the seat vacated by the retirement of Judge Joe O. Littlejohn. Judge Shelton has presided over Domestic Violence Court, misdemeanor and felony arraignments, family law, juvenile delinquency, and he currently presides over a criminal trial court in South County.

**BECKY ZHANG** (*Director of Shellfish, Phuong Pham*) is a partner at Ching Seto & Zhang APC. She has practiced solely in federal immigration law since 2014, and is currently the secretary serving on the board of San Diego Chinese Attorneys Association for the past 3 years. During this time, Becky held the community legal clinics four times. Ms. Zhang has also volunteered at the Legal Aid Society of San Diego in their consumer department after graduating from law school. Because of the pro bono hours she contributed, she received the Outstanding Service Award and Wiley W. Manuel Certificate. Ms. Zhang graduated Thomas Jefferson School of Law in 2014 with her Juris Doctor.

## ACKNOWLEDGMENTS

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Robbins Geller, *Rehearsal Host*

Kevin Kwon, *Morrison Foerster - Reception Host*

Barry Carlton & Peter Quon, *Photographers*

Honorable Denny Chin, Kathy Hirata Chin, and the Asian American Bar Association of New York

JuryGroup, *Powerpoint Presentation*

### REENACTMENT COMMITTEE

Alan Chang, Kevin Kwon, Esther Lee, Y. Jennifer Lee, Stacy Park

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