

B METRO

► SCENE
► EDITORIALS

An honor becomes a \$6,000 trap for Hmong couple

By Richard Abrams
Bee Staff Writer

It was a \$6,000 community chest created by Hmong refugees to help their poor pay funeral expenses. But the honor of administering the fund became a curse for Kao Vang and his wife, See Vue.

Because the fund was in their name, Sacramento County welfare fraud investigators say the couple defrauded taxpayers out of \$73,012, the amount they have received in welfare and food stamps since coming to Sacramento in 1982. Vang, 37, and Vue, 35 are accused of perjury and conspiracy.

"This is crazy," said Eugene Moriguchi, one of three attorneys who have agreed to represent the low-income couple. "These people are innocent. They're not up to the intent to defraud or anything else. The investigators are misinterpreting this whole thing."

It angers Moriguchi that fraud investigators spent more than a year and what defense attorneys claim was "more than \$100,000 in taxpayers' money" in an effort to prove the couple had personal control over the community account. If the accusations are proved, Vang and Vue could face up to four years in prison, and would be required to pay back seven years of welfare payments.

The entire problem could have been avoided, chief criminal investigator Steve Andrews conceded, had the Hmong refugee group signed incorporation papers.

"They don't know anything about incorporation," answered Moriguchi. "That concept is foreign to them. They're very scared." Moriguchi and California welfare rights officials call the investigation of the case "harassment, miscommunication and cultural misunderstanding."

Vang and his wife are Hmong highlanders from Laos. Their grasp of English is spotty. They support five children on \$900 monthly welfare. They are unemployed, and pay

\$535 monthly rent for a three-bedroom apartment.

The couple said this week through an interpreter that they are "terrified. We don't understand what the American government is doing to us," said Vang, who said he was paid \$5 per month as a soldier with the CIA in Laos from 1968 to 1975.

But welfare investigators accuse the couple of knowing more than they are letting on. Pending a recommendation by an administrative law judge, results of the investigation will either be dropped, or forwarded for civil and criminal prosecution.

See HMONG, page B2

Hmong

Continued from page B1

Chief fraud investigator Andrews said the probe involved search warrants, bank accounts and two agents. But Grace Galligher, an attorney for the California Coalition of Welfare Rights Organizations Inc., called the investigation "a waste of time" and "screwed."

Although investigators declined to talk about specifics, The Bee learned that investigators claim Vang — who worked as a potter in Portland in 1981 and was not then on welfare — occasionally cashed paychecks through the community chest fund, which bore his name.

Although attorneys Galligher and Moriguchi insist the money was simply exchanged, check for cash, investigators say this shows Vang had personal use of the community money.

In 1986, the community organization — which had moved to Sacramento — split its funds into an adult group and a youth group. Investigator Don Vankyske, in a report filed after interviews with the couple, accused both of lying about how the funds were dispersed.

But Galligher and Moriguchi say that the couple were not allowed an interpreter, didn't understand Vankyske, and were intimidated by his manner.

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— attorney Eugene Moriguchi

Andrews, who says his investigative staff is laboring under a burgeoning workload, confirmed that the couple was not provided an interpreter during interviews, despite Vanksyke's own report that both Vang and Vue said they "may need help with a word or certain phrase."

"We don't have an investigator on our staff who speaks Hmong," Andrews said, "although we do have interpreters. I have to believe that if an interpreter was not called in, that these people knew what was going on, and that Vanksyke made it clear to them."

Vang and Vue, through interpreters, told The Bee that welfare officials never informed them that they could have avoided the entire problem by incorporating the fund.

"This money was not ours. It was our organization's money, for emergencies like when people pass away," Vang said. "We don't want to ask money from welfare, to be a burden on them. It is the way of our culture to take care of our own."

Welfare investigators say, in fact, that family-type organizations among Southeast Asians — the sociological backbone of some cultures — are prevalent in Southern California with its large Southeast Asian population, and are beginning to appear in the Sacramento area, as well.

But use of large unregistered or undocumented community chest sums, no matter how important the purpose, has caused problems in the American welfare system, according to Pete Miller, welfare supervising criminal investigator.

"Some Laotian and Vietnamese groups have a tendency to pool their money. One person will be designated as the treasurer for the group. . . . The state has a computer match system that picks up interest recorded on bank accounts," said Miller.

Gallagher and Moriguchi blame the state welfare system for failing to educate Southeast Asian groups. They charge that the Department of Social Services does not provide enough interpreters, nor written information on welfare guidelines for Sacramento County's 1,500 Hmong, approximately 70 percent of whom are on welfare.

In Vang and Vue's case, "yes, they understand some English, but there are words in English that just do not translate into Hmong ideas," Gallagher said. "I mean, words like 'bank accounts,' 'accounting,' are just beyond their grasp. I'll ask them a question like 'How many times did you call?,' and they'll answer 'yes.'"

Dick Winsor, assistant deputy director of the Department of Social Services, agrees that the department could use some help.

"We have some staff that are able to speak Hmong, but we have had difficulty in recruiting the number we would like to have. However . . . the Hmong have been difficult. . . . You have to recognize that welfare is very complex, even for people that are very skilled in English."

Welfare fraud statistics alone illustrate there are problems on both sides. Officials have a hard time keeping up with all of the cases.

From January to December 1988, welfare fraud received 7,444 referrals, according to Andrews. Of that number, only 238 prospective defendants — amounting to a theft of \$1,578,414 — were referred to the district attorney for prosecution. In addition to that, investigators were kept busy tracking down what they said was \$2.9 million in overpayments.

The total amount of assistance paid out in Sacramento County in fiscal year 1987-1988 was \$266.6 million.

Vang would like to leave the American welfare system. He has enrolled in an auto mechanics course at a vocational school in the hopes that he can find a job and support his family. Meanwhile, Vue struggles to understand why the welfare system is "punishing" her family.

"Why are they doing this to us?" she asked. She said that members of the community organization feel ashamed that they have put her and her husband in this strange situation. And Vue said she and her husband feel ashamed for doing what they felt was right, because of a reason they don't understand.

"We were honored to be selected by the group as the treasurers. We never used the money for ourselves," she said.

She began to cry. And then she uttered another phrase in her native language.

The interpreter explained: "She is saying she wants to die. She is saying that her culture would never allow her to lie. She is saying: 'I feel like a bush, like something in the street that the wind has blown away.'"