

County, is now and at all times pertinent hereto was an active, nonprofit corporation existing in Thurston County, Washington, incorporated since December 11, 1975, whose purpose is to provide support to Vietnamese refugees within Thurston County.

1.3 It is alleged that the defendants, Norman Le and Phu Le, are now and at all times pertinent hereto were residents of Thurston County, Washington, residing at 4110 14th Avenue SE, Lacey. All acts by Norman Le herein were performed for the benefit of the marital community.

1.4 It is alleged that the defendants, Tuan A. Vu and Huynh T. Vu, are now and at all times pertinent hereto were residents of Thurston County, Washington, residing at 4620 45th Avenue SE, Lacey. All acts by Tuan A. Vu herein were performed for the benefit of the marital community.

1.5 It is alleged that the defendants, Phiet X. Nguyen and Vinh T. Nguyen, are now and at all times pertinent hereto were residents of Thurston County, Washington, residing at 6210 37th Lane SE, Lacey. All acts by Phiet X. Nguyen herein were performed for the benefit of the marital community.

1.6 It is alleged that the defendants, Dat T. Ho and "Jane Doe" Ho, are now and at all times pertinent hereto were residents of King County, Washington, residing at 13330 124th Avenue NE, Kirkland. All acts by Dat T. Ho herein

were performed for the benefit of the marital community.

1.7 It is alleged that the defendants, Nga T. Pham and Tri V. Duong, are now and at all times pertinent hereto were residents of King County, Washington, residing at 2248 S. 222nd SE, Des Moines.

All acts by Nga T. Pham herein were performed for the benefit of the marital community.

1.8 It is alleged that the defendants, Nhan T. Tran and Man M. Vo, are now and at all times pertinent hereto were residents of Cowlitz County, Washington, residing at 1535 Floral Court, Longview. All acts by Nhan T. Tran herein were performed for the benefit of the marital community.

1.9 Plaintiff Duc Tan is a private citizen who does now, and did at all times pertinent, volunteer his services to the Vietnamese Community of Thurston County, for the betterment and support of all Vietnamese Citizens in Thurston County. At no time in his twenty-four years of involvement with this nonprofit organization has Mr. Tan ever held any of the five highest Board member leadership positions.

1.10 Defendants are private citizens who have labeled themselves as members of the self-proclaimed "Committee Against Viet Cong Flag In Olympia."

1.11 It is believed and therefore alleged that none of the defendants is an active member of the armed forces of the United States of America.

II. FIRST CAUSE OF ACTION

2.1 On or about August 7, 2003, defendants published an email letter to multiple parties within the Vietnamese

Community of Western Washington, and to Vietnamese email groups around the world. This letter is attached hereto as **Exhibit A** (English translation) and **Exhibit B-1** (original document in Vietnamese).

2.2 In the preamble to this letter, defendants requested that: "People who have access to the Internet or newspapers, radio stations, television . . . are asked to further distribute this Public Notice." Thus, defendants not only caused the letter to be published, but solicited aid in its further distribution.

2.3 In this letter, entitled a 'Public Notice', defendants made numerous false statements about Mr. Duc Tan and the Vietnamese Community of Thurston County (VCTC), which directly accused and indirectly insinuated that they were supporters of, and actively promoting the Communist government in Vietnam. These statements included but are not limited to:

a. That the VCTC intentionally wanted to "show the presence of the Hanoi Communist regime in the Vietnamese community, to about 250,000 Lakefair goers, just like they intentionally displayed the VC flag at SPSCC and some other places."

b. "Since its establishment, the Vietnamese Community in Thurston County has been accused of doing activities for the Vietnamese Communists, by several

organizations against the communists in this state, having correct and true evidence."

c. "It is obvious that . . . [the] (Vietnamese Community in Thurston County) has been acting as representatives of the community with illegal political intentions."

d. "The band that Duc Tan brought from Portland played the whole portion 'Doan Quan Viet Nam di, chung long cuu quoc' of the VC Tien Quan Ca song. Immediately, the audience stood up and protested violently, and the band had to switch to the VNCH [Republic of Vietnam] anthem." [The implication of this remark is that Duc Tan sanctioned the playing of the National Anthem of Communist Vietnam.]

e. "VC flag was hung in his Viet Ngu Hung Vuong classroom, a class teaching Vietnamese language at St. Michael school, for many years but the 'Principal Duc Tan' intentionally ignored . . . Mr. Duc Tan refused to display the National flag, in the contrary, he falsely claimed, 'Mr. Norman Le brought with him 18 adolescents to intimidate the superintendent.'" "

f. "Organized the Autumn 2002 Meeting to commemorate the Fall Revolution [a famous revolution organized by Ho Chi Minh—the Vietnamese Communist founder—in August 1945 against France], exactly as the 1998 Autumn's Flag Saluted with VC anthem incident."

g. "[T]he Duc Tan gang had sabotaged the fight of the Committee Against VC Flag . . . by false accusations and wanting to eliminate the true nationalists who fervently fight the communists, from the unit in charge of the Committee Against Viet Cong Flag, and had tried by all means to isolate the [Committee Against VC Flag's] from anti-communist organizations of Tacoma and Seattle to exterminate the [Committee Against VC Flag] ability to fight."

h. "This Public Notice is an opportunity to point out the 'hypocritical nature' of Duc Tan and the gang heading the Vietnamese Community of Thurston County that they had cleverly covered up, cheating our people, all those 28 years."

i. "That many proofs in addition to the Viet Cong flag display at Lakefair 2003 are more than enough for us to conclude that the Duc Tan gang had abused people's name, hidden under the Nationalist coat to serve the common enemy of the Vietnamese refugees that is the Communist Hanoi. The organization of Duc Tan gang had betrayed our Vietnamese community, continuously and systematically since its establishment date. Other proofs are, Duc Tan and his companions, NO ONE had a clear background, enough to guarantee that they are Nationalists (not in the military to protect the South Vietnam, not been imprisoned by the Communists, etc.) And no one ever saw the Vietnamese

Community in Thurston County participate in anti-communist activities"

j. "The Committee Against Viet Cong Flag summons the Communist refugee compatriots, the companions in arms, and anti-communist organization in Washington State and everywhere, to strongly condemn Duc Tan and gang that are **'fed by the Nationalists and worship the Communists.'**"

[Emphasis in original.]

k. "Please boycott and expel the above people from the organizations of refugees such as the Vietnamese Community of Thurston County and the Vietnamese Language School Hung Vuong so they would not have any ground to conduct activities on behalf of the evil communists and harm our compatriots and poison our children's mind."

2.4 All six defendants affixed their names to this document, in support and signature.

2.5 In addition to sending this Notice via worldwide email, defendants also caused it to be posted and distributed at Hong Phat supermarket in Lacey. It has also been posted continuously, and was still posted when this Complaint was filed, on the website: www.geocities.com/chongco_vc/. Since its posting by defendants, there have been 12,469 visitors to this website.

2.6 In the version of the Public Notice posted on the aforementioned website, the only change was to add the words

"ACCUSATION LETTER" next to "Public Notice." This original document is attached hereto as **Exhibit B-2**.

III. SECOND CAUSE OF ACTION

3.1 In addition to the previously quoted language, the Notice of August 7, 2003, also contained an invitation to attend a press conference, scheduled for Sunday, August 17, 2003, from 2 to 4 p.m. at the Rainier Community Center, 4600 38th Avenue South, Seattle.

3.2 This press conference, and two others, did take place, with the latter press conferences occurring in Olympia on August 23, 2003, and Tumwater on September 20, 2003. A transcript, in English, of the Seattle press conference is attached hereto as **Exhibit C**.

3.3 At these press conferences, the same false and defamatory statements published in the email letter were published orally to a group of individuals from the Vietnamese Community of King, Pierce and Thurston counties. Approximately 30-40 people attended each press conference, including reporters from at least two different newspapers. The message conveyed was that Duc Tan and the Vietnamese Community of Thurston County were supporters of the Communist regime in Vietnam, members of the Communist party,

secretly trying to spread their Communist message, and secretly trying to subvert the efforts of anyone who was anti-communist.

3.4 Video documentation exists for all of these press conferences.

3.5 At the Seattle press conference, all of the defendants except for Ms. Nhan Tran were present. At the Olympia and Tumwater press conferences, all of the defendants were present. Mr. Norman Le and Mr. Tuan Vu spoke at and conducted all of the press conferences, and made all of the oral representations alleged herein. The other defendants were in attendance to show their support for the message being conveyed. Mr. Phiet Nguyen and Mr. Dat Ho displayed the "evidence" of communism—an apron procured from the Lakefair booth of the VCTC, which had a picture of Santa Claus with a red star, that was held out as proof of the communist sympathies of Mr. Duc Tan and the members of the VCTC.

IV. THIRD CAUSE OF ACTION

4.1 Upon information and belief, it is alleged that Mr. Norman Le authored and caused to be published several articles in both the *New Horizon: The Voice of the Vietnamese Community of Washington State*, a Vietnamese monthly newspaper operating in Seattle, Washington; and the *Community Newsletter*, an informational publication "By The

Vietnamese Community of Washington State."

4.2 The *New Horizon* is a free publication that is widely distributed within the Vietnamese Community of Western Washington, with approximately two or three thousand copies printed each month.

In addition to Washington State, copies of the *New Horizon* are sent to Houston, Texas, and areas of California.

4.3 Mr. Norman Le is one of eight contributing writers for the *New Horizon*. Additionally, the Publisher of this newspaper is president of The Vietnamese Community of Washington State, an organization for which Mr. Norman Le is the Comptroller. The Vietnamese Community of Washington State is also the publisher of the *Community Newsletter*.

4.4 In issue #20 of the *Community Newsletter*, published on November 15, 2002, it is alleged that Mr. Norman Le, writing under the pseudonym Hung Viet, authored the article entitled "Community Activity News." An original copy of this article is attached hereto as **Exhibit D**. The following statements published in that article, and read by those who purchased that edition of the *Community Newsletter*, are false and defamatory as they apply to the plaintiffs:

a. Under the subheading Taking down the VC flag and raising the VNCN flag at St. Michael School, Olympia, it was written: "A bloody VC flag has been displayed in a classroom of a big high school in Olympia which Mr. Duc Tan and Mr. Duc Hua have used to teach Vietnamese for many years . . . Sally Merriwether, School Principal, took it down and replaced it with the Nationalist flag. But for an unknown reason, about a week later, the Nationalist flag has been

taken down. Too indignant by the above act, on 6/20/02 Mr. Norman Le . . . led a delegation . . . to meet with the school's administration. After over an hour of debate, the Principal agreed to let display the Nationalist flag again and permanently at the main entry hall. Norman Le asked Mr. Duc Tan to do the displaying of the flag. After almost two hours of discussion, he refused to do it"

4.5 Also in issue #20 of the *Community Newsletter*, November 15, 2002, Mr. Norman Le, writing under his own name, authored the article entitled "The Statement of the former president of the 'Washington State Vietnamese Nationalists' regarding the Election into the Board of Directors for 2002-2006 term." An original copy of this article is attached hereto as **Exhibit E**. The following statements published in that article, and read by those who purchased that edition of the *Community Newsletter*, are false and defamatory as they apply to the plaintiffs:

a. ". . . Voters should take a good look into what the Evil Axis has done in the past:

The Axis's head is Mr. Sanh Pham, a former Colonel who has once done sabotage to the New Year Ceremony of saluting Vietnamese Yellow Flag performed by the Washington State Vietnamese Nationalists in Seattle. He is trying to organize and be allied with the politically dangerous people and the organizations publicly recognized in their services

to the VC regime, among which they are:

- The organization of Seng sang Duc Hua and Seng sang Duc Tan ['seng sang' is a racial reference to the Chinese ethnicity] who have once run a ceremony of flag salutations with the VC national anthem, and called for celebration of 'The September 2 anniversary.'" [September 2 is the "Independence Day" of the Vietnamese Communists.]

4.6 In the October 2003 issue of the *New Horizon*, it is alleged that Mr. Norman Le, writing under the pseudonym Hung Viet, authored the article entitled "Campaign of Honoring the Vietnamese People's Yellow Flag." An original copy of this article is attached hereto as **Exhibit F**. The following statements published in that article, and read by those who procured that edition of the *New Horizon*, are false and defamatory as they apply to the plaintiffs:

a. "The recent trip to the U.S. by Mr. Bin dinh Nguyen [the Deputy Foreign Minister of Communist Vietnam] in mid-June, 2003 fired a 'signal shot' for the VC under-cover agents such as the groups of DUC TAN in Olympia"

b. "It has been for many years that the VC under-cover agents disguised as Nationalists started making attempts to display VC Flags in many American High/Mid/Grade schools; among those were the group of DUC TAN at St. Michael School in Olympia."

c. "WARNING: The campaigns for Resolutions need

to proceed swiftly and quietly, avoiding being known by public before their passages. If the VC's under-cover agents find them out, they will report to the VC Embassy as the case in which the group of DUC TAN in Olympia did regarding the Draft Resolution by Paul Shin and the Resolution of Tumwater City. It was lucky for us that their so stupid reasoning did not convince anyone."

4.7 Also in the October 2003 issue of the *New Horizon*, it is alleged that Mr. Norman Le, writing under the pseudonym Duy Viet, authored the article entitled "Good tactics to eliminate the VC's under-cover agents." An original copy of this article is attached hereto as **Exhibit G**. The following statements published in that article, and read by those who procured that edition of the *New Horizon*, are false and defamatory as they apply to the plaintiffs:

a. "If they were in the governing staff of any organizations, we need to check if they did not disclose truthfully their personal backgrounds like those in DUC TAN's . . . groups in Olympia"

b. "It was just a few weeks after the formation of the 'Committee against the VC Flag' by the anti-communism movements and the American community of Viet-Nationalists, DUC TAN immediately pushed the VC Fronts . . . to demand for dissolution of the Official Staff elected the previous month"

c. "The VC's under-cover agents are always cheating. For example: The Thurston County Vietnamese Community (TCVC) of the two Chinese claimed to be the official organization for 5,000 Vietnamese residents in the county. As a cheating technique, in the Articles of Amendment submitted to the State of Washington on Oct. 15, 1997 DUC TAN declared: TCVC does not have any member."

d. "The VC's under-cover agents have always been in connection with other pro-communist organizations; and they were well coordinated by the orders from the VC Central Intelligence Bureau. For example, when the . . . group in Tacoma raised their voices against the Community of Vietnamese Nationalists of Washington State (10/19/02), the DUC TAN's did the same. Again, when DUC TAN's group protested against the 'Committee against the VC Flag' (2/16/03) in Olympia, then the NXD's . . . voiced their immediate supports. It was really 'Birds of a feather flock together.'"

4.8 In the December 2003 issue of the *New Horizon*, it is alleged that Mr. Norman Le, writing under the pseudonym Bao Viet, authored the article entitled "Evaluation of a new community on its way of formation." An original copy of this article is attached hereto as **Exhibit H**. The following statements published in that article, and read by those who procured that edition of the *New Horizon*, are false as they apply to the plaintiffs:

a. "The achievements by the group of DUC TAN, DIEU NGUYEN, KHANH HOANG (TCVC) were known as:

- Willingly accepting money from the VC.
- Honoring the VC Flag with its anthem.
- Displaying the VC Flag in the Vietnamese language school of HUNG VUONG for 5 or 6 consecutive years.

- Proposing celebration for the anniversary of the September 2 and the Autumn Revolution

- Protesting against the Committee against the VC Flag.

- Attempting to display the VC Flag at Lakefair (7/2003)."

V. FOURTH CAUSE OF ACTION

5.1 On February 16, 2003, at a public meeting at the Library in Lacey, Washington, Mr. Phiet Nguyen said loudly, in a voice that was heard by the public crowd: "Duc Tan is a communist."

VI. FURTHER ALLEGATIONS

Plaintiffs further allege:

6.1 That Mr. Duc Tan and the Vietnamese Community of Thurston County (VCTC) have never supported the Communist government in Vietnam—publicly, secretly, or with any outward physical manifestations. Further, that Mr. Duc Tan and the Vietnamese Community of Thurston County are ideologically opposed to the Communist government currently in power in Vietnam.

6.2 That Mr. Duc Tan and a majority of members of the VCTC fled Vietnam in order to escape the current government in Vietnam, at great risk to themselves and their families.

6.3 That because of the unique cultural and historical factors shaping the lives and opinions of those in the Vietnamese-American community, to be labeled a "communist" is an extremely odious charge, which cannot help but incite scorn, contempt, ridicule and a lack of trust among the majority of those who hear such allegations.

6.4 That all of the publications made by defendants and described herein were made maliciously and with reckless

disregard for their falsity.

6.5 That the natural and proximate consequence of these publications was to expose Mr. Duc Tan and the VCTC to hatred, contempt, ridicule and obloquy, and to deprive them of the benefit of public confidence and social intercourse.

6.6 That, in addition, Mr. Duc Tan has suffered an impairment of his reputation within the community, personal humiliation, mental anguish and suffering, been held up to odium, scorn and contempt among his neighbors, and suffered a loss of personal time which has been devoted to defending himself from these attacks. Further, that these false allegations have caused Mr. Tan to be fearful for his safety, as any refugee from Vietnam would consider a supporter of the communist government to be his/her enemy.

6.7 That, in addition, the Vietnamese Community of Thurston County has been brought into scandal and reproach, and suffered a loss of professional reputation and trust within the community, which has impaired its ability to act as a nonprofit corporation for the purpose of providing assistance and services to Vietnamese-American citizens within Thurston County. Further, that in recent elections, many individuals who were willing to run for leadership positions within the nonprofit corporation, withdrew those election applications because they did not want to be labeled as communists.

VII. PRAYER FOR RELIEF

WHEREFORE, plaintiffs request that judgment be entered against defendants, jointly and severally, as follows:

7.1 Awarding plaintiffs' general and special damages in amounts to be established at trial.

7.2 Awarding plaintiffs their reasonable attorney's fees and costs.

7.3 Awarding plaintiffs any additional or further relief that the court finds appropriate, equitable or just.

DATED this _____ day of _____, 2004.

P.L.L.C. PARR YOUNGLOVE LYMAN & COKER,

Gregory M. Rhodes, WSBA#33897
Attorney for Plaintiffs

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

DUC TAN, being first duly sworn upon oath, deposes and says as follows: That I am a plaintiff in the above-entitled matter; that I have read the above and foregoing Complaint for Defamation -- Slander/Libel, know the contents thereof, and believe the same to be true.

Duc Tan

SUBSCRIBED AND SWORN to before me this _____ day of _____, 2004.

Name) _____ (Print
of NOTARY PUBLIC in and for the State
Washington, residing at

Commission expires:

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

DUC MINH HUA, being first duly sworn upon oath, deposes and says as follows: That I am the President of the Vietnamese Community of Thurston County, the plaintiff corporation in the above-entitled matter; that I have read the above and foregoing Complaint for Defamation -- Slander/Libel, know the contents thereof, believe the same to be true, and am authorized to execute this instrument.

Duc Minh Hua

SUBSCRIBED AND SWORN to before me this _____ day of
_____, 2004.

Name) _____ (Print
of NOTARY PUBLIC in and for the State
Washington, residing at

Commission expires:
