

## LOADED QUESTIONS AND ANSWERS: COURTROOM LANGUAGE IN THE CHAI VANG MURDER TRIAL

By Jason A. Cummings

Research has shown that clear power structures exist in all courtrooms (Eades 2008, Gibbons, Berk-Seligson, van Dijk 2004). Not only does a person's status affect the power relationships but so too does the language used to discuss case topics. The way attorneys construct their questions, the words they choose to use, and the ordering of events, among other things, can affect the outcome of a trial. The power dynamics get even more complex when cultures collide in the courtroom. However, very little forensic linguistic analysis has been done on how the Hmong perform in the courtroom. This study analyzes Chai Soua Vang's testimony in the 2005 murder trial. Vang was convicted of shooting eight Caucasian hunters, killing six in the north woods of Wisconsin.

Specifically, this study uses Critical Discourse Analysis, Conversation Analysis and pragmatics to unearth problematic areas where the attorneys used language in ways that may have made it difficult for Vang to understand and respond coherently. Quantitatively, the attorneys used question structure (type and coerciveness), number of clauses, and number of pronouns, to elicit different kinds and qualities of responses from Vang. The defense attorney typically used more open-ended questions that allowed Vang to answer with more words than the prosecuting attorney's closed-ended and declarative/tag questions. Significantly, Vang borrowed words and sentence structure from the prosecuting attorney when the question proved difficult to understand due to the lexicon or coerciveness rating. Both attorneys also used the conjunctions "and", "so", and "but" to begin questions to keep the conversation cohesive, but the prosecuting attorney used them to contradict and lead Vang. This study also analyzed the case using a qualitatively standpoint, focusing on how the attorneys constructed the narrative. The defense attorney allowed Vang to tell his story, but the prosecuting attorney used a number of strategies, such as juxtaposition, abrupt topic shifts, shifting the focus away from the events, etc., to fragment the narrative, which led to contradictions and language struggles in Vang's responses.

The study concludes that the prosecuting attorney used question and narrative structures that made it difficult for Vang to respond clearly and concisely. This does not mean he received an unfair trial. It only functions as a reminder that the justice system must be vigilant in its pursuit of justice and pay attention to how it allocates power, especially when cultures collide in the courtroom. Status differences and language ability should not be the difference in a conviction.

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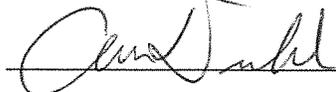
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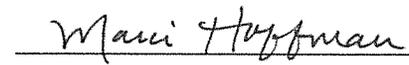
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The following project is dedicated to the American justice system and the families affected by the incidents on November 21, 2004.

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## Introduction

On November 21, 2004, a Hmong man named Chai Vang from Minnesota shot eight Caucasian deer hunters in the Northeast Wisconsin city of Rice Lake, killing six<sup>1</sup>. A trial ensued the following fall, and the court charged Vang with six counts of intentional homicide and two counts of attempted intentional homicide. Prosecuting Attorney General Peggy Lautenschlager relied primarily on discrepancies in Vang's testimony as well as his assertion that the Caucasian hunters "deserved to die"<sup>2</sup> to win the case. While all court cases rely on the language of the defendant to assert claims, Vang's status as part of a cultural minority and a non-native English speaker raises questions about the roles of race, culture, and language in his trial.

Research on the role of language power dynamics—especially in the more specific field of cross-cultural interactions in legal contexts—is a growing area of concern not only for sociolinguistic analysis but also for public policy. This thesis will argue that the Chai Vang case provides an important opportunity for analysis of language power dynamics. Preliminary analysis of the transcript of Vang's testimony shows that Lautenschlager controls Vang's narrative in significant ways. Thus, I will examine the following discourse features to argue that Vang was at a disadvantage: the structure of the attorneys' questions and narrative/topic control in both parts of Vang's testimony.

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<sup>1</sup> Vang admitted to the shootings, but the issues raised have to do with whether there were mitigating circumstances in his trial and especially whether he got a fair trial given the possibility of cross-cultural language misunderstandings.

<sup>2</sup> Lautenschlager introduced the phrase in her questioning, and Vang affirmed that the six that died "deserved to die" by saying, "yes." See Schein and Thoj for further analysis of how the court ruled in the case.

Although courtroom language power dynamics are inherently confrontational, Vang's testimony shows that intercultural and non-native speaker issues also played a role in putting Vang in an asymmetrical power position.

Even though race seemingly played a role in the incident—as both Vang and the surviving white hunters admitted that derogatory racial slurs were made—the court denied race played any part in the case<sup>3</sup>. Additionally, the court did not provide Vang an interpreter. It held that Vang possessed enough English language ability to stand trial because he had resided in the United States for 24 years and had attended middle school, high school, and college, eventually earning a degree in business administration. Yet Vang's language still shows L1 interference, and the uncertainty surrounding racial, cultural, and language influences on the case remains.

Within the past 30 years, the Hmong community in the United States made national news for using cultural legal defenses in several cases: marriage-by-capture, medicinal opiate use, and shamanism (Hein, Ly). These practices oppose longstanding laws in the United States, putting the Hmong at a disadvantage in the American court system. Additionally, racial tensions between Caucasians and the Hmong in the northeastern part of Wisconsin have existed for some time<sup>4</sup>. Jeremy Hein argues that this stems from cities like Eau Claire being 100% white before the Hmong arrived. Back in Laos, the Hmong did not have private property rights, so they did not understand public

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<sup>3</sup> Schein and Thoj explain that the court did not think cultural misunderstanding affected the events on November 21.

<sup>4</sup> Schein and Thoj cite a movie produced in 2003 where a Caucasian hunts down Hmong hunters.

versus private hunting land<sup>5</sup>. These tensions intensified the racial slurs used towards the Hmong, creating antagonistic relationships. This suggests that more attention needs to be paid to how the Hmong interact with mainstream society, in all contexts, including legal.

John Gibbons points out that interactions between law officials and the other participants in a court setting are “mostly negotiated and manifested in language” and that the language therein, citing Goodrich, is “hierarchical, authoritarian, monologic, and alien” (74, 76). The result is an “adversarial” context that pits the two opposing sides (lawyers, witnesses, defendant) against each other. Each attorney presents his/her side of the case and uses structured questions to elicit a particular response from witnesses. Given the prominence of hierarchical power structures in legal interactions, Critical Discourse Analysis (CDA) is a useful tool for examining such interactions. CDA is a significant component of my analysis because, as Teun van Dijk explains, it reveals “the way social power abuse, dominance, and inequality are enacted, reproduced, and resisted by text and talk in the social and political context” (“Critical Discourse” 352), and CDA takes as its focus the goal of revealing oppression in discourse. CDA looks at, among other things, topic control, the structure of the text/talk, context, precision of descriptions, implications/presuppositions, definitions, argumentation, modalities, rhetorical devices, grammar, lexicon, and nonverbal cues (van Dijk, “Discourse Knowledge”). Thus, one can analyze each of these, which would reveal who has the power and how the power affects the interaction.

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<sup>5</sup> Hein suggests that cultural differences could have affected the situation in the woods in multiple ways, one being that prior racial tension could have precipitated a self-defense claim for Vang.

The power dynamics in a courtroom clearly favor judges and lawyers, the ones who have the most power. The result becomes a battle over which lawyer's narrative of the events proves most believable (Berk-Seligson; Cotterill; Gibbons). In Vang's trial, Defense Attorney Stephen M. Kohn allows Vang to tell his own narrative during the direct examination while Lautenschlager forms her own counter-narrative during the cross-examination. Even though Kohn provides the structure and topic of what Vang will say, Vang controls the narrative by elaborating and adding topics that Kohn's questions do not include. During Lautenschlager's cross-examination, however, she not only controls the structure and topic, but she also directs Vang with leading questions that incorporate her narrative. Thus, narrative control shifts from Vang to the prosecuting attorney, making language issues more significant. While normal power imbalances exist in all court cases, they intensify when the speaker comes from a different culture and speaks English as a second language.

During the contest over narrative control, attorneys use a variety of linguistic devices and techniques to best present their side of the story. Defense attorneys will use open-ended, information-seeking questions that allow the defendant to tell their narrative somewhat freely, only asking questions that move the narrative along and that stress important details. On the other hand, prosecutors will create questions containing a different, opposed narrative, in an attempt to lead the witness into admitting certain presuppositions that will sway the jurors to a conviction (Berk-Seligson; Eades, *Courtroom Talk*). These questions restrict the defendant to short, limited answers (mostly yes/no answers) that confirm or deny the prosecutor's claims.

Besides narrative control, lawyers use interrogation strategies to assert claims and to get witnesses to admit to the claims. Specifically, prosecutors may not follow a linear narrative; instead they cycle back and forward in an attempt to find inconsistencies in the witness' testimony (Berk-Seligson; Gibbons). In effect, they attempt to fragment the defendant's narrative, thereby reducing his/her narrative's reliability. They may also rephrase questions using different wording to elicit a different connotative meaning in the witness' answer (Cotterill). They can control silences between questions and answers (Mendoza-Denton), which work to sway jurors. In a cross-cultural setting, these strategies can prove fatal to the witness, when the cultural meanings of various connotations may not be clear and even silences may have different meanings (Mendoza-Denton).

Additionally, lawyers' legal language may confuse even native English speakers. How the attorney uses pronouns, structures sentences/questions, and chooses words (among other things) affects the outcome of the narrative, which then affects the outcome of the case (Eades, *Courtroom Talk*). If the witness does not understand a pronoun's referent, he/she may not be able to provide a true answer to a given question. Similarly, an attorney's sentence structure may prove too complex for a witness. This could result in at least two scenarios: the witness may outright state he/she does not understand the question, which could make him/her less reliable in the eyes of the jury, or he/she could

answer based on his/her perception of the question, which could cause a flouting of a conversational maxim<sup>6</sup> or, worse, a false statement.

This project will focus on selected discourse analysis features of the State of Wisconsin v. Chai Soua Vang trial transcript. In the first chapter, I will provide a brief overview of the case, a literature review, and an explanation of methods. The second chapter contains basic quantitative analyses of the question structure (question types, coercion ratings, pronoun usage, conjunctions) in both parts of the testimony focusing on how the structure affects Vang's ability to respond. The third chapter presents a more qualitative analysis of the narrative and topical flow of the two attorneys' examinations of Vang. I hypothesize that Lautenschlager's use of higher-level language features (e.g., topic control, pronouns, technical terminology) in her question structure and her control of the narrative/topics affected Vang's responses beyond the normal courtroom dynamics because of his non-native speaker status.

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<sup>6</sup> See Cutting's chapter on the four Gricean Maxims: quality, quantity, relevance, and manner. The cooperative principle applies to any conversation. People who are asked questions are expected to respond in certain ways based on the question, and if that person does not directly fulfill the question, he/she is said to have flouted or violated a given maxim.

## **Chapter 1: Background/Research/Methods**

### **1.1 Background**

Vang's account began with him wandering onto private land unwittingly. Once he climbed into a tree stand, he saw Terry Willers approach. Vang climbed down, and Willers told him he needed to leave the property. As Vang walked away, Willers radioed his party, which led to two ATVs coming to assure that Vang left. When the ATVs carrying five white hunters arrived, Robert Crotteau, the owner of the land, swore and used racial slurs towards Vang. Vang continued to leave when Joey Crotteau, Robert's son, accused Vang of giving him the finger, which Vang denied. Then, Willers fired a gunshot at Vang. Vang responded by taking off his scope and firing back towards the white hunters. He charged and chased down nearly all of them. Then, two other ATVs approached, one of which carried Jessica Willers and Alan Laski. Vang shot those two and ignored the other ATV because he perceived Laski to have a gun. Vang asserted that he shot them all because he feared for his life and that he must shoot them before they shot him.

The court generally accepted that Vang possessed decent English language abilities (Schein and Thoj). He attended middle school and high school in California. After high school he joined the Military Cadet Academy, eventually leading him to a position with the California National Guard. Vang also attended three different colleges and graduated with a degree in Business Administration. Thus, in the 24 years that Vang

resided in the United States, he participated in many parts of society that required a high level of English proficiency. In the transcript, we see Vang's language when speaking with Kohn and also when speaking under more pressure with Lautenschlager. His language differs in significant ways in the two, especially when Lautenschlager uses more coercive interrogation strategies. The following is a sample passage from the transcript when Vang spoke openly with Kohn. While it provides a baseline to compare Vang's language when he responds to Lautenschlager, the focus of this project lies in analyzing the attorneys' methodologies and how they can possibly affect Vang's responses. Future work needs to be done in order to provide a more systematic comparison with Vang's language under certain conditions. Responding to Kohn's question, "And what, if anything, did you do?" regarding the initial confrontation when Vang said Terry Willers fired a shot, Vang replied:

"And then I thought, in my heart I thought they going to shoot me. He's going to shoot at me. So I immediately dropped to my right, dropped into a crouch. At that time, because I always had my hands on the sling all the time. So I just had my hands on the sling all the time. So I just slide it going down to my left, drop it. And when I drop it I see, I hear a fire going on, I see in front of me. That's because that's going up, that incline. I see some dirt splash around about 40, 50 feet away in front of me. So at that time I remove my scope. I don't know where I dropping it or throw away, I just removed it. And when I turn my gun around and I shot one time. He

dropped to the ground and then he try to get up. I shot him one more time so he's just kind of sank to, sank, and lay on his back there." (1248)

This passage exhibits common non-native English language issues. Vang did not always use the correct verb conjugation, nor did his sentences flow well every time. He also repeated certain parts. Although features of non-native English appear in both, they are more pronounced during Lautenschlager's examination:

"I don't know, 'cause I don't know whether they had concealed weapon or not they have. I don't know because I wasn't concentrating on anything. I just more concentrating on looking and the way talk to me there." (1305)

This second sample passage contains three repetitions of "I don't know" and a confusing sentence construction ("or not they have"). Still, this will provide a reference point for future analyses in discussing the effects of Lautenschlager's questions strategies on Vang's language and responses.

Besides clear language differences among court participants, the court ignored the ethnic tensions that existed in the upper regions of Wisconsin even though they definitely existed in the once all-white areas like Eau Claire<sup>7</sup>. Also, the court rejected that race or ethnicity had anything to do with the events that occurred on November 21, 2004 near Rice Lake. Schein and Thoj disagree and point to a how race can function invisibly. Using transcripts from the trial and media outlets like Court TV, they argue that General

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<sup>7</sup> Jeremy Hein in *Ethnic Origins* (2006) provides a thorough explanation of the Hmong experience from Asia to America. He notes, after conducting a survey, that the Hmong rate racism as a top two fear in the Midwest.

Attorney Lautenschlager's forceful denial of the "race card"<sup>8</sup> and focus on property rights, in agreement with the surviving hunters, masks the racism, making it invisible. Schein and Thoj discuss many examples of prior violent relations between Hmong and white hunters, noting how Hmong people are at a disadvantage when dealing with the police. Schein and Thoj reveal some problems within Vang's court case and how the media covered it, undermining Lautenschlager's assertion that no one can play the race card. Specifically, they criticize the court's unwillingness to entertain a racial factor, whether it be the racial tensions, cultural differences, or language barriers.

## 1.2 Literature Review

The intersections of language, race, culture, and power dynamics in this case require the intersection of scholarship from the fields of CDA, cross-cultural interactions, and pragmatics. Martin Reisigl argues for "a theoretical conceptualization which assumes that the relationship between discourse analysis and pragmatics, as well as other linguistic branches, is one of family resemblance . . . [which] permits us to grasp the various intersections of linguistic branches and sub-branches more adequately than total unidirectional incorporations" (23). In other words, linguists should combine their tools because separate analyses can inform each other, creating a larger meta-analysis. Reisigl explains pragmatics as the "analysis of language above the sentence level" (18), thus focusing on features outside of language like context and power relationships, and describes discourse analysis as "grammaticalised, or encoded in the structure of

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<sup>8</sup> In a media report, according to Schein and Thoj, Lautenschlager, who accused Vang of "playing the race card", stated that race had nothing to do with the events that occurred November 21, 2004.

language” (19), which calls for a micro-analysis of the grammar in order to unearth the power dynamics within text/talk. Thus, pragmatics deals with things surrounding the language like culture and context while discourse analysis deals with the words and sentence structure. While these theories overlap initially, it is beneficial to look at them separately.

Gibbons provides an extensive overview of power dynamics in his book *Forensic Linguistics: An Introduction to Language in the Justice System*. He shows how question structuring can fragment a testimony’s narrative: “in the fragmented ‘question-heavy’ narrative, it is the lawyer who is overtly in control of the discourse, constraining what the witness can say and deciding the organization and ordering of the account” (Gibbons 91). The control stems from controlling the turn-taking, with the interviewee awaiting permission to speak. The questions themselves function to enhance the control. Gibbons points out two objectives of questions: to get information and “to obtain confirmation of a particular version of events that the questioner has in mind” (95). Citing Jacquemet, he notes, “courtroom questioning techniques are primarily used to win, not help the courts discover the facts” (96). Attorneys use coercive questions to attack both the content of the story and the credibility of the defendant because “The form in which a question is put to a witness exerts a strong influence on the quality of the answer” (97 citing Loftus). In effect, the questions disallow “the questioner’s version [of the events/facts] to be denied” (Gibbons 97). The question becomes more coercive when it contains more information, and “information embedded in the question tends to be accepted by the answerer” (Gibbons 98). Gibbons explains that the grammar of the question can influence the

answer as well. Tag questions add a degree of pressure, or coercion, on the interviewee to accept the answer; he calls these leading questions (Gibbons 101). The least coercive question is the “requestion<sup>9</sup>”, for example, “Mr. Gomez, could you please give me your name?” (Gibbons 101). In Vang’s case, prosecuting and defense lawyers use questions differently, with Lautenschlager using questions to fragment and coerce Vang’s testimony and Kohn using questions to allow Vang to construct his story chronologically.

Besides focusing on the questioning, Gibbons explicates the pragmatic structure of the courtroom. He classifies attorneys’ pragmatic techniques into two categories: “tactics that influence or discredit testimony by shaping perceptions of the person giving testimony, often by enhancing or diminishing their credibility” and tactics that “target . . . the portrayal of the events themselves” (Gibbons 112). Lautenschlager uses both to attack Vang. She also uses what Gibbons calls “contrast.” He explains, “a lawyer attempts to make [statements] contradictory and undermine their credibility” (116). Lautenschlager many times compares Vang’s actions to what she deems to be common sense reactions, comparing his responses to what “should” have been done. Many times she does this with what Gibbons calls “repetition.” He explains that “the objective is to produce some inconsistency between replies to the same question which can then be used to discredit the witness” (Gibbons 119). These common courtroom practices that Gibbons describes holds true in nearly all cases. However, the intricacies of the language become more pronounced when the case involves a person not speaking in his/her native tongue.

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<sup>9</sup> Requestions are an indirect form of questioning. They typically ask whether or not the witness can answer a question but function to seek information (Berk-Seligson 23).

Janet Cotterill also notes the effects of narrative control and question structure, but she extends her analysis to lexical choices. In the court context, the lawyer controls an “unequal turn-taking . . . question-and-answer format [that] allocates control [of the narrative] to the questioner” (Cotterill 513). Additionally, Cotterill notes how the interviewee on the stand has nearly no chance at contradicting the questioner due to the power imbalance (514). She explains that “the opposing lawyer is attempting to construct a version of events which contradicts the witness’s account by challenging its veracity and/or credibility, leading to frequent conflicts between the lawyer’s and the witness’s versions” (Cotterill 516). Besides narrative control, the attorneys can also use lexical choices against the witness to make assertions carry a particular connotation. She analyzed choices like “pushing vs. lashing out” and “friend vs. acquaintance” to show how words can affect the meaning of statements in a trial (Cotterill 521-22).

Lautenschlager chose words in her questions that elicited problematic responses from Vang, and at times even influenced him to borrow her language. Most importantly, as this analysis will show, she used the words “intend” and “deserved” to achieve her goal in the case.

Susan Berk-Seligson’s analysis of bilingual courtrooms also addresses the questions of loaded language. She utilizes many methods of understanding power dynamics by providing a thorough examination of the key components of witness (cross)examination. According to her, two styles of testimony exist: narrative and fragmented style. In the former, defendants use long, elaborative answers while in the latter they use short answers. Mainly this is due to the different types of questions a

defense and prosecuting attorney ask: “Analyses of question/answer sequences have shown that questions are used as weapons for the purpose of testing or challenging claims and as a mechanism for making accusations” (Berk-Seligson 22). Berk-Seligson explains four types of questions and ranks them from most coercive to least coercive: declaratives (“You shot him twice”), interrogative yes/no (“Did he deserve to die?”), choice questions (“Were you out of ammo or fully loaded?”), open-ended “wh” questions (“What did you do then?”), and requests (“Could you state your name?”) (23). Each produces a different effect on the witness testimony, from blatantly denying the witness’ story to leading them into potential traps. Berk-Seligson notes that coercive questions, used mostly during the cross-examination, typically elicit fewer words per answer. These questions types will be used in my analysis of the Vang case. Additionally, leading questions put added pressure on the witness. Berk-Seligson states that they are “important because they allow lawyers to predetermine the substance of an impending answer, and thereby tightly control what a witness is going to say” (24). Thus, the attorney will use leading questions to argue his/her own version of the facts and events.

In addition to leading questions, the power differences between the prosecuting attorney and the defendant can cause problems in the courtroom. Kate Haworth explains how a non-native-speaking suspect can experience multiple levels of subordination in “The Dynamics of Power and Resistance in Police Interview Discourse.” Although not the same as courtroom interviewing, many of the power issues are important to note as they speak to the inherent power negotiations asymmetry of interviews. Haworth analyzed an interview involving a suspected murderer (Dr. Harold Shipman) and the

police to demonstrate the power dynamics within an interview context. She explains, “The interview format has long been recognized as being of special interest as a form of discourse with built-in asymmetry between participants in terms of prescribed discursive roles” (Haworth 740). The police had power over topic, “leaving the interviewee in a restricted position,” and context for the most part, but when Dr. Shipman spoke of his medical profession, he clearly held the power, at least momentarily. Haworth analyzed topic, question type, question-answer sequence, and institutional status to find moments in the interview where power dynamics affected the communication. For question types, she looks at “whether they are restrictive or open in the responses they request” and whether the question functions to inform, confirm, explain, or accuse (743-4). Haworth found that the contextual power of the police officer in the interview context overpowered all the authoritative control the doctor had. In Vang’s case, he clearly held an inferior power position as not only the witness, but also as the accused party. The power difference exists between the way he responds to his defense lawyer and how he responds to the prosecutor. Thus, the nature of the courtroom context leaves all defendants at a disadvantage.

Linguists have studied issues in cross-cultural interactions in many contexts. In a landmark article that showed how cultures can differ in the way they narrate their stories and under what contexts, Diana Eades found that police and court officials failed to obtain the proper testimony of an aboriginal Australian woman charged with murdering her husband because they did not understand the way indigenous Australians communicate. Eades writes, “The lawyers who interviewed her were not able to

communicate in [an aboriginal] way, and they were not aware that their difficulties in communicating with her involved serious cultural differences . . . thus the communication difficulties were not about personalities but about cultural differences in language usage” (“Legal Recognition” 217). Therefore, the aboriginal woman was at a disadvantage in the legal context because she did not understand how to participate in a police interrogation. The police interpreted her behavior as signs of guilt. Neither side understood the way the other communicated. The context and question types prevented communication, leading to a guilty verdict because the woman did not know how to participate in the communication event. Eades’ analysis demonstrates that cultures can miscommunicate and critical discourse analysis provides us with the theoretical and methodological underpinnings to investigate cases like Vang’s.

Eades has continued her work on cross-cultural language issues. In analyzing a case involving Australian police and three teenage aboriginals, she utilized CDA and pragmatic methods to unearth problems in the courtroom. She demonstrates how cross-examination features and strategies set up a power imbalance, especially in cross-cultural interactions. Leading questions cause what Eades labels “gratuitous concurrence,” whereby witnesses will answer “yes” or “no” to questions posed to them, greatly reducing their ability to state their case. Eades also explains that lawyers many times use big words and legalese, including agentless passive voice, which the witnesses may not fully comprehend. A final method Eades analyzes is lawyers’ “entextualization.” This involves recontextualizing the witnesses’ statements in an attempt to prove

inconsistencies by taking control of the narrative, which occurs multiple times during the cross examination in the Vang case.

While Eades' work has focused on aboriginals in Australia, Norma Mendoza-Denton analyzed the cultural imbalances in the Anita Hill and Clarence Thomas senate hearings in the United States. The hearings similarly illustrate the importance of linguistic features in adversarial legal discourse. She studied gap length, simple yes/no questions versus tag questions, concise answers, changes of topic, and acknowledgments of the answers to see how cross-cultural differences affected the power dynamics of the senate hearings. Mendoza-Denton notes two types of yes/no questions: simple yes/no and tag questions, which contain a presupposition. The senators asked Hill more tag questions than they did Thomas which "may have ultimately given the impression that Hill struggled with her testimony and that Thomas performed with ease . . . Hill's session often led to disjointed responses because many of them contained presuppositions with which she disagreed" (Mendoza-Denton 56). Additionally, she found that when the senators limited Hill to concise answers, it created a "pre-sequence" that built towards some overwhelming point that the interviewee could not combat (Mendoza-Denton 57). Lastly, the senators differed their topic flow between the two. Mendoza-Denton concludes, "the senators would topic switch whenever it became clear that there was no further avenue for contradictions or apparent struggle in Hill's testimony" (59). She carefully asserts that the "complex issues of race, gender, sexuality, and power" are hard to extrapolate from because they intertwine so much (51). However, she concludes that Hill "could not tell her own story because she was continually interpreted in the

frameworks, metaphors, and paradigms of the forces around her” (63). While she focused mostly on gender, Mendoza-Denton does explain how the senators constructed Hill and Thomas within racial stereotypes as well. In the end, she found that Hill was silenced by the power dynamics of a white male-dominated legal system by being a woman and by being black. Again, culture and language differences affected the hearings, providing more theoretical foundation for analyzing Vang’s testimony.

### 1.3 Methodology

The transcript of Vang’s direct and cross examination was analyzed following Joan Cutting’s explanation of Conversation Analysis (CA) (*Pragmatics and Discourse*). CA looks at linguistic features in conversation. It analyzes turn-taking (overlaps, pauses, interruptions), adjacency pairs (response likelihood), and sequencing of utterances. For the Vang case, CA helps to understand the dynamics involved in the trial. These tools will help locate points in the proceedings where Vang may have spoken in an unexpected way. These points, when analyzed, may highlight a miscommunication or a specific approach by one side.

To begin my analysis, I created a Google spreadsheet that broke the transcript down into adjacency pairs. I treated each question and answer pair as one unit. Further, I broke each unit down into a function or description:

- |                                    |                                     |
|------------------------------------|-------------------------------------|
| -testimony topics (description)    | -expected answer type<br>(function) |
| -question word count (description) | -number of clauses                  |

	(description)
-answer word count (description)	-number of pronouns
	(description)
-type of question (function)	-and/so/but to start question
	(description)
-question coerciveness rating (description)	

I followed the topic until it clearly changed in a turn. Many times topics flowed into each other, but clear demarcations occurred for when speakers moved from one topic to another. For instance, the topic changed within an adjacency pair during the cross examination when Lautenschlager asked, “And then you hear a gunshot?” followed by “And what do you do with your backpack” (1309-10). While related, the speakers discussed each topic with multiple turns, demonstrating a different focus. I restricted the type of questions to five main ones: requestion, open-ended, closed-ended, declarative, and tag questions. Requestions indirectly and politely ask for information like, Could you please state your name? Open-ended questions allows the responder to give a more meaningful and lengthy answer like, What happened next? Closed-ended questions limit the responder to either a yes-no answer or a single word answer like, How many children do you have? Declaratives state a question in the form of a sentence like, You went to the store? Lastly, tag questions contain a sentence like declaratives but add a short question like, You left around 7am, correct? In some instances the given attorney asked multiple questions in one turn, and all types were noted separately. I rated the questions’ coerciveness rating based on Berk-Seligson’s rankings. I gave requestive/directives a one

for least coercive, open-ended a two, closed-ended a three, and declaratives/tag questions a four for most coercive. I combined declarative and tag questions because they both contain statements, which make them declarative, and represent the more coercive type of questions.

I created the “expected answer” category because, pragmatically, the attorneys many times asked a question that didn’t necessarily explicitly ask a yes/no question but got a yes/no answer (like declaratives), and sometimes Vang responded more openly to answers expecting a yes/no question. It is tied to coercion because questions elicit different types of answers from the responder. Clauses and pronouns create more complex questions because the hearer has to process the antecedents and hierarchy of the structure, so these provided insight into the difficulty Vang may have experienced with the question. For “and/so/but” conjunctions, I noted which of the three the given attorney used when he/she did start a question with one. These formed a special pattern because both attorneys used the conjunctions for a variety of functions, many times making them stance markers that showed agreement or disagreement.

Once I completed the data collection, I used the pivot table function to produce my quantitative analyses. For most of the tables in Chapter 2, I simply used the “COUNTA” function to get the total number of a given category (the total number of each question type, for instance). I then divided the sums by the total number of adjacency pairs in each part of the testimony to get the percentages. Additionally, I set the rows as one variable (question type, coerciveness rating, expected answer, conjunctions) with question word count and answer word count as the values set for

average. I used the same function to get the average clause and pronoun usage. These quantitative analyses provide greater insight into how language worked in the case.

For the parallel question series<sup>10</sup> section of chapter two, I located each of Lautenschlager's parallel question series, noted which type of series she used (one question about multiple hunters or multiple questions about one hunter). Then I looked at the effect they had on Vang's response using CDA. The questions seem to emphasize her point to the extent that her power over Vang becomes clear. In the "borrowed language" section, I noted when Vang borrowed important words from either attorney, noted the type of question and the topic, and then noted the ones that seemed to reveal the most significant coercion. Both CDA and pragmatics allowed me greater insight into the reasons Vang borrowed language. Finally, in the "And/So/But" conjunction section, I created a simple chart of the number and percentages of the times each attorney used the three using Google spreadsheet functions. Then, I did a more qualitative analysis of how the conjunctions functioned within the testimony. I looked at each example, noted the function, and then highlighted the ones that proved to contain the clearest examples of how the conjunctions work for the attorneys and on Vang.

In Chapter 3, I used a much more qualitative methodological approach. First, I used the Google spreadsheet to figure out how many adjacency pairs occurred in each examination and divided it by the number of topics discussed in each part to find out how many topics were covered in 10 turns. Then, I analyzed the narrative structure of the

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<sup>10</sup> I look at two main types of questions series where Lautenschlager uses one question consequentially to ask about many people ("Did you intend to shoot [insert hunter name]?") or asks a number of questions about one hunter ("Did he hit you? Push you? Grab you?").

testimony. I specifically focused on the power relationship between Vang and each attorney and any instances where communication broke down or an attorney's approach began to look like a pattern. Kohn's direct examination proved easier to analyze because he stayed with a mostly single approach that followed the narrative of Vang's story pretty directly.

Lautenschlager, on the other hand, proved to use a variety of methods to interrogate Vang. I labeled each paragraph with the type of approach Lautenschlager used (power relationship, language issue, blatant approach, etc.). Not all approaches have been analyzed here; only the ones that stood out as interesting and useful are described here, and I combined like instances together. To analyze these, I used a combination of CDA (the methods to analyze the transcript) and pragmatics (the analysis of the context under which the communication occurs) to unearth how Lautenschlager's strategies worked. I specifically focused on how the techniques affected the narrative flow of the events on November 21. Lautenschlager directly and indirectly corrupted the narrative in ways only understandable through qualitative analyses. However, the quantitative analysis provided interesting data that allowed me to produce a more thorough understanding of the narrative control.

In the end, any analysis of cross-cultural dynamics must take into account a variety of linguistic features and methodologies. Looking at previous studies helps to see how the techniques have worked in other cases, but each case requires its own attention. In the Vang case, linguistic features reveal interesting power dynamics at play. Some simply reflect the normal flow of courtroom dynamics. A few, though, will reveal curious

ways in which Vang's non-native speaker status negatively affects the communication process. It is clear that Vang struggles at points with his language use and comprehension. He does not always know what the question asks of him, and he does not have the power to battle Lautenschlager's leading questions. She uses many strategies to overpower Vang's story, causing him to lose control over the narrative.

## Chapter 2: Question Structure

### 2.1 Section Introduction

Trials are all about questions and answers. Attorneys ask a variety of questions to achieve a number of purposes. Thus, the structure of these questions has a lot of significance because the questions affect the way the story gets told and how the witnesses respond. In the Chai Vang trial, the two attorneys used similar questions, but structured them differently and asked different types at different rates, which affects the way they construct the narrative and the way Vang responds. Kohn typically used more open-ended questions than did Lautenschlager, not to get a certain answer, but to keep Vang narrating his version of the events. Thus, his questions tended to function less as questions than as signals to keep discussing a certain topic. Lautenschlager, on the other hand, asked more declarative/tag and closed-ended questions because she wanted to control the content of the testimony. As Gibbons, Berk-Seligson, and Mendoza-Denton explained, these more coercive questions limit the defendant's ability to tell his/her story. She stated the facts in these questions, and he confirmed or denied. Additionally, Lautenschlager used questions that contained the same language to ask about a single hunter or many hunters (referred to as "parallel questions series") to strengthen her claims against Vang. They functioned to get Vang to admit he did not have a reason to fear for his life and that he did not apply the same logic to each instance when he shot a hunter, which primed the audience for later testimony similar to Mendoza-Denton's "pre-

sequence” questions. Since her two main types of questions (tag/declaratives and closed-ended) carried a stronger coerciveness rating (Berk-Seligson), Vang many times became disadvantaged in his ability to respond, most significantly when he borrowed Lautenschlager’s words and/or sentence structure in his answers. When he did this, he usually struggled in his response by repeating himself, breaking the sentence flow, or exhibiting another incoherency feature. Lastly, both attorneys used conjunctions to start their questions, providing coherency (“and” and “so”) or contrast (Lautenschlager’s “but” usage). Either way, conjunctions represent discourse markers that the attorneys used to construct and deter the narrative.

This chapter analyzes the questions in the direct and cross examinations of Vang’s testimony. Specifically, the first section will look at the types of questions, the coerciveness of the questions, the effect of the number of clauses and pronouns in the questions (which make questions more complex and more difficult to understand in higher numbers), and the expected answer. The second section analyzes the parallel questions series that Lautenschlager uses to ask about one hunter or a single question used repeatedly for multiple hunters. The third section looks at instances where Vang borrows language from the attorneys and why he may have done so. Lastly, the fourth section examines the attorneys’ use of the conjunctions “and,” “so,” and “but” and how it affects Vang’s testimony. Note, all quantitative data remains in the discovery stage as raw data. The data provides a baseline for qualitative analysis. Future work must be done in order to provide a more sound analysis of the data.

## 2.2 Question Structure

### A. Types of questions.

Borrowing Berk-Seligson's four categories of question types (requests/directives, open-ended, closed-ended/single answer [including yes/no], and declaratives), I analyzed the total number of question types that each attorney used as well as the word count for the question and answer in both the direct and cross examination. Kohn used a majority of open- and closed-ended questions, equating to 37.7% and 27.1% respectively (64.8% total). He did not use any tag questions, and rarely used declaratives at 14.9%. Lautenschlager, on the other hand, primarily used declarative and tag questions, together totaling nearly half of her questions at 49.6%. She used a similar percentage of closed-ended questions as Kohn at 29.9% but asked significantly fewer open-ended questions at 12.1%. Neither used many request/directives. The question type totals logically reflect the difference in the attorneys' goals during their given examination. Gibbons explained that attorneys use question types to win the case, and the form strongly influences the quality of the response. Kohn wanted to open up the testimony and let Vang lead the discussion, adding in a few closed-ended questions to verify, while Lautenschlager, presumably, wanted to control the flow of the narrative and how the truth got told.

The question and answer word counts confirmed that the questions function to control the narrative as Gibbons, Berk-Seligson, and Eades' theories suggest. Word counts provide a measure of question type, as longer answers allow Vang to construct the narrative while shorter ones would signify confirmation or denial of a statement made by

the questioning attorney. Although this is not always the case, the fact that more words are associated with open-ended questions, which are lower on the coercion scale, and fewer words with tag/declarative, which are higher on the coercion scale, suggests a useful association. During the direct examination, Vang's answers outnumbered Kohn's questions in average words in all question types besides declarative (see table 1). For the open- and closed-ended questions, the difference was significant: 85.7 to 9.2 words for open-ended and 77.8 to 16.2 words for closed-ended. Clearly Vang felt like he

Table 1 Question Types: Total Number, Percentage, Question/Answer Word Count Averages								
Kohn					Lautenschlager			
Question Type	Number	Percentage	Qu. Word Count AVG	Ans. Word Count AVG	Number	Percentage	Qu. Word Count AVG	Ans. Word Count AVG
Request	3	1.6%	22.3	25.3	3	0.5%	11	8
Open	71	37.7%	9.2	85.7	71	12.1%	8.5	27.5
Closed	51	27.1%	16.2	77.8	175	29.9%	10.2	5.8
Declarative/tag	28/0=0	14.9%/0%=14.9%	15.1/0	2.3/0	206/85=291	35.1%/14.5%=49.6%	10.8/16.6	9.3/ 6.8
Other	32	17%	X	X	45	7.7%	X	X

had control over this part of his testimony. Even when he should technically answer yes/no, he added many more words to get his story out. In the cross examination, Vang answered in more words only for open-ended questions but by far fewer words (58.2) than with Kohn consistent with Berk-Seligson's work on question types. In the other three types of questions, Lautenschlager limited Vang to under ten words per answer,

which only happened once in the direct examination. Therefore, question types have power themselves, as seen in how the closed-ended hold true for both parts, but the person speaking and how he/she asks the questions can also affect the defendant's ability to respond as we will see when examining the coerciveness of the question types.

### **B. Coercive questions.**

Question coercion stems from the type of question and how it affects the defendant. For instance, as both Gibbons and Berk-Seligson note, requests and directives represent a level 1 as the least coercive because they are polite questions by nature. Open-ended questions hold a 2 ranking, closed-ended a 3, and declaratives and tag questions a 4, the highest coercion because they typically give the statement and allow only yes or no confirmation. The two attorneys in the Vang case used different levels of coercion overall as expected based on Berk-Seligson's work. The average coerciveness rating for Kohn was 2.68 and 3.13 for Lautenschlager. This stemmed from Kohn relying on predominantly open- and closed-ended questions while Lautenschlager relied on closed-ended and declarative/tag questions as noted above. The difference in coercion added to Vang's vulnerability during the cross examination. Lautenschlager used tag/declarative and closed-ended questions which contain chunks of information that are presupposed while not allowing the respondent to refute the presupposition. Both types of questions forced an understanding of the events on Vang and the jury.

Besides the difference in coercive ratings, the attorneys' different coercion levels affected Vang's ability to respond. While the differences may also have stemmed from the difference between the interpersonal contexts as Haworth explained, with

Lautenschlager representing a more adversarial context, Berk-Seligson's research necessitates an analysis of the coerciveness of the questions. As shown in table 2, Vang answered with more words for every coerciveness rating during Kohn's questioning than for Lautenschlager's. Even for the open-ended questions, Vang spoke 33.4 more words per question. For closed-ended, when he simply had to say yes or no, Vang answered using a large number of words during the direct examination (42.1). During the cross examination, he only spoke 7.2 words per question, a 34.9 word difference. Interestingly, Vang responded with an average of 19.9 words for Kohn's declarative questions. Clearly,

Coerciveness Rating	Kohn			Lautenschlager		
	Total questions	Question	Answer	Total questions	Question	Answer
1	7	17.4	25.9	9	16.8	5.1
2	73	10.2	56.6	67	9.0	23.2
3	52	11.8	42.1	170	11.2	7.2
4	25	13.8	19.9	290	12.5	8.6
Range	x	1-39	1-256	x	1-72	1-101
Total Average	x	11.24	43.9	x	11.8	10.3

he felt like he had the right to tell his story even though Kohn's question coerciveness rating would typically limit the response. It did for Lautenschlager's most coercive questions. Vang only responded with an average of 8.6 words, less than half of what he did during Kohn's questioning. The difference in how many words the attorneys used for each question type does not seem significant, so it must have been the question type. In

addition to the question type, the relationship of the attorney to Vang played a role, with Lautenschlager representing more antagonistic relationship as the prosecuting attorney. Since Vang answered with nearly four times the number of words during the direct examination (43.9) as during the cross examination (10.3), he experienced the most power (even though Kohn still had power) during the first part and Lautenschlager controlled the second, especially since her questions held more average words (11.8) than did Vang's answers.

The coercion did not stem from sentence structure. Gibbons explains that a higher number of clauses and/or pronouns signifies a more complex sentence, which can make it more difficult for a listener to comprehend and answer adequately, so Vang would likely have struggled as a result. However, as table 3 demonstrates, the two attorneys used similar numbers of clauses per question for almost each coercive rating. If anything, Kohn generally used more clauses than Lautenschlager as he averaged a total of 1.84 to her 1.69 clauses per question overall. In fact, he used a higher average of clauses per

Coerciveness Rating	Kohn Clauses	Lautenschlager Clauses
1	2.28	2.11
2	1.8	1.32
3	1.78	1.73
4	2.16	1.84
Total Average	1.84	1.69
Range	1-7	1-7

coercion rating for each level, with the closest being his 1.78 to her 1.73 for closed-ended questions. If either attorney had used a higher number of clauses per question, Vang's responses may have been limited by his ability to understand and respond. The fact that the difference between the two attorneys' clause usage was insignificant and actually higher for Kohn suggests that question structure itself did not directly affect Vang's ability to testify.

Similarly, the two attorneys did not differ greatly in their pronoun usage. If a given attorney uses more pronouns, especially different ones or with a more distant referents, it could affect the defendant's ability to understand the question. Table 4 demonstrates that Kohn and Lautenschlager used pronouns at similar rates as they

	Kohn Pronouns	Lautenschlager Pronouns
1	3	2
2	1.9	1.3
3	2	1.8
4	1.9	1.9
Total	2	1.7
Range	1-9	1-7

average 2 and 1.7 respectively. If anything, Kohn used slightly more on average and used the highest number in one question (nine). In fact, he used more pronouns per question than Lautenschlager in every coercion rating except for the 4s, in which they averaged the same number. Thus, the actual structure of the question grammatically did not seem to affect Vang's response directly. The type of question and the coercion level, however,

did influence him. It was not the language itself that challenged him, but the person who asked the type of question, specifically Lautenschlager as the prosecuting attorney when she asked closed-ended and declarative/tag questions.

### C. Questions where form does not match function.

Besides the type of question, sometimes the question form did not elicit the expected response. For instance, a declarative question many times elicits an open-ended response when it usually requires a yes/no verification . Even though some questions were closed-ended or declarative, the attorney used the question form to elicit a open-ended response. I labeled how the question functioned pragmatically by looking at whether the question or statement seemed to push Vang for more information (“So you continued east”) or whether it checked for verification (“So you were out of ammo”). Table 5 demonstrates the number of times the attorneys likely expected a specific type of answer, the percentage, and the average number of words in both the question and answer. A major difference between Kohn and Lautenschlager was the percentage of yes/no answer expected. Lautenschlager expected yes/no answers 80.7% of the time while Kohn did 43.6 % of the time. Limiting Vang to yes/no answers allowed her

Answer type	Kohn				Lautenschlager			
	Number	%	Question AVG	Answer AVG	Number	%	Question AVG	Answer AVG
Open	59	31.4	8.9	68.9	68	11.6	10.2	22.4
Yes/No	82	43.6	12.1	34.2	473	80.7	12.6	8

Single	17	9	18	10.8	4	0.7	9.8	29.3
Other	29	15.4	10	42.9	48	8.2	6.1	14.8

to control the testimony as Eades explained with “gratuitous concurrence.”

Lautenschlager stated the facts she wants and in what order, and left Vang merely confirming or denying their validity. Kohn asked a lot of closed-ended questions too, but he asked many more open-ended questions than Lautenschlager, 31.4% to 11.6%.

Not only did the two attorneys ask questions with different structure, but that structure elicited different pragmatic responses, shown by the number of words Vang responded with. Even though the attorneys asked questions of similar length comparatively, they elicited differing lengths for the same expected answer. Most notably, Vang answered with longer answers for Kohn’s questions across the board except for when they intended a single answer verification. Perhaps he felt the need to explain his answers more for these types and felt that it did not limit him as much as the yes/no questions. Interestingly, Vang responded to yes/no questions with 34.2 words for Kohn when he could have answered with only one. Even for Lautenschlager, he answered yes/no questions with 8 words on average. He likely felt that he could answer Kohn by continuing his story unimpeded by the expectations of the question type, which makes sense based on the courtroom dynamics, matching Haworth and Eades’ explanations of courtroom dynamics. The data overall proves that Vang did not speak as much with Lautenschlager as he did with Kohn. Even though Kohn spoke more words than she did in the question, the difference between the examinations demonstrates she controlled and limited Vang’s ability to speak as might be expected.

#### **D. Parallel question series: single hunter and multiple questions**

Lautenschlager used two types of parallel question series in which she asked Vang the same questions about each hunter or a number of questions regarding one hunter. In total, she used each type three times. The first type, where she asked a series of questions about a single hunter, had one main function: to show that Vang did not have reason to fear for his life, which functioned to show the court that his behavior contradicted his statements. She initially used this strategy while questioning Vang on his interaction with Terry Willers, the beginning of the confrontation. She asked if Terry Willers “threaten[ed]” Vang, “call[ed him] names”, “push[ed]” him, or “point[ed] a gun at” him (1295). Lautenschlager used closed questions to disallow Vang from explaining his concern and only allowed him to answer, “No,” just as Gibbons would expect based on the question type. Thus, she demonstrated to the jury that he had no reason to fear Terry Willers. She wanted to prove that a reasonable person should not get nervous about someone directing him/her off private property or radioing a call.

Lautenschlager used nearly the exact same structure when she asked about Vang’s interaction with Robert Crotteau. She asked if he “push[ed]”, “grab[bed]”, “threaten[ed], or “use[d] any physical gestures” when he spoke to Vang (1302). Again Vang admitted Robert Crotteau did not do any of this these besides looking mad. Besides looking angry, Robert Crotteau had also used derogatory comments (1301-2), which, considering the context (in the woods with guns), could give a person the right to fear for his/her life. Thus, Lautenschlager seemed to want to subvert Vang’s response to the events by providing contradictory information. This is similar to Cotterill’s description of the

opposing lawyer suggesting contradictions and inconsistencies. By getting Vang to say, “No” to the four questions after discussing the racial comments, she provided a competing way to see the events. She tried to argue that the racial comments were not enough to warrant fear. No physically aggressive behavior happened, so Vang should have stayed calm. He became accustomed to answering these types of questions. Plus, it allowed the jury to hear him respond in a self-incriminating way over and over.

Shortly after the parallel question series about Robert Crotteau, Lautenschlager used another single question repeatedly in a similar fashion. She used the singular indefinite pronoun “anybody” to ask if anybody hit Vang before he walked away or at any point (1304). In total, she said the word “hit” in four consecutive questions and a statement. He said no one hit him, which functioned to discredit his motives in shooting the hunters:

L: Now before you walked away, did anybody else hit you?

V: Excuse me?

L: Did anybody else in the group hit you?

V: No.

L: Anybody hit you?

V: No.

L: No one hit you.

V: No one hit me.

She then asked if “anybody touch[ed]”, “physically apprehend[ed]”, or “threaten[ed] or point[ed] a gun” at him (1304-5). Again, Vang said no one did any of those actions

towards him. Lautenschlager wanted to show he had no reason to fear for his life. A verbal altercation does not warrant murder. Interestingly she did not ask any question like this after they discussed Terry Willers' gunshot, which definitely gave him a reason to be afraid. Lautenschlager must have wanted to show that Vang had preconceived thoughts of murdering the hunters in his head--which helps win a murder case--before he shot the hunters. Eades called this "entextualization" because it recontextualizes the conditions of the statement, in this case from possibly having a reason to fear for his life by being shot at to not having a reason because no one hit him. Reasonably, he should not have been afraid, yet he ended up killing six people and injuring two more.

When it comes to the murders, Lautenschlager used the single parallel question series about each hunter. In fact, she began the cross examination with this type. After identifying the weapon on exhibit as Vang's, she asked, "Is this the gun you used to shoot [the hunter]?" and "When you shot [the hunter], did you intend to shoot [him/her]?" with slight variations (1270-72). She asked this series about all eight hunters Vang shot: Terry Willers, Dennis Drew, Mark Roidt, Lauren Hesebeck, Robert Crotteau, Joey Crotteau, Allan Laski, and Jessica Willers. Vang only said "no" to questions about Roidt and Jessica Willers. Lautenschlager formed the questions as closed so Vang could only affirm or deny, not explain, which resembles what Mendoza-Denton called "pre-sequence" questions. Thus, by answering in the affirmative with almost all the hunters, he came across as having intended to shoot them, a major component of a murder charge. According to Lautenschlager, he had the intent in his head before he did it.

Similarly, she used this question towards the end of the cross examination to ascertain if Vang thought the hunters deserved to die. Lautenschlager brought up the phone call conversation with Colleen Mastony, a reporter for the *Chicago Tribune* who spoke with Vang on the phone and via letter regarding the case, to quote Vang as having said, “Some of them I say deserve [to die] because they don’t know how to talk to me like they should be and shoot at me the way they, shoot, shoot me the way they do” (1353). Using his prior statement, she then asked if each of the six dead hunters “deserved to die” (1353-54). The only two that he admitted deserved to die were Laski and Joey Crotteau at first but then added Robert Crotteau to the list. Again, Lautenschlager used close-ended questions with the series. By using the words “intend” and “deserve”, she led Vang into admitting parts of the murder charge.

The only other time she repeatedly used a single question to ask Vang about multiple hunters occurred when they discussed the arrival of the second group of ATVs. Vang explained that he did not shoot at them right away because they did not shoot at him. Lautenschlager took his logic and turned it into her favor. She asked Vang, “Did [Robert Crotteau, Joey Crotteau, Roidt, or Hesebeck] shoot at” him? (1332). In this instance, Lautenschlager directly attacked Vang, using the closed-ended questions to show that Vang did not apply his logic consistently throughout that day. He simply responded, “No” without explaining that when he shot those other men, he did it because Terry Willers shot first. Thus, he came off as unreliable in the eyes of the jury, seemingly trying to cover up his intentions with shoddy claims that he feared for his life, because the “pre-sequence” led towards this conclusion. Lautenschlager used her power to control

the questioning like this, and seemed to be able to intimidate Vang into answering the questions without much of a rebuttal.

### **2.3 Borrowed Language**

In both parts of the testimony, Vang borrowed language from the respective attorney. Clearly, questions prime a respondent to use some of the same language to answer, and Gibbons stated that questions are more coercive the more information they contain. However, it becomes abnormal when the respondent does not need to borrow in his/her answers. In Vang's case, he mostly borrowed to stay on topic, but in a few points during the cross examination he borrowed Lautenschlager's language because of the higher coerciveness level of her questions.

During the direct examination, Vang borrowed Kohn's language eight times, equating to about 4% of the time. In each, Kohn actually used a prior comment from Vang to keep the story going, almost as if he just wanted to show he was listening attentively. The first time this occurred highlights this point. As they discussed Vang's initial hunting location on November 21, the following interaction occurred:

Vang: "My friend took off, two of my friend, going north on the ATV trail and my friend Soar Thao and me going east on the ATV trail."

Kohn: "And did you continue heading east?"

Vang: "We continued to go in about 30 minute..." (1218)

The use of the word "continue" stemmed from Vang's initial use; thus, Vang's repetition of "continue" returned to his previous comment, uninitiated from Kohn. This occurred

every time, when Kohn used Vang's language and Vang repeated his again. When they discussed the initial gun shots between Vang and the Caucasian hunters, Vang and Kohn used the following dialogue with four adjacency pairs in between Vang's initial statement and the last adjacency pair:

Vang: "And I turned around and I shot one time..."

Kohn: "So you said that you turned around and you fired one shot."

Vang: "So I turned around, after I drop my scope and then I turn my gun around." (1247-8)

Again, Vang used his own words that Kohn repeated, but he did borrow the conjunction "So". Either way, the borrowed language here in the direct examination only functioned to sustain the narrative. Vang seemed confident when Kohn borrowed his language and repeated it to show he had the power during this part of his trial.

The frequency of Vang's borrowing of language increased slightly during the cross examination and functioned in the same and different ways. He repeated words Lautenschlager used a total of 36 times. An example of how it continued the testimony and actually answered the question occurred as they discuss Vang coming onto the private property:

Lautenschlager: "And then, in which direction did you travel from the swamp?"

Vang: "I traveled from the east to the north side of the swamp." (1282)

While he simply answered her question, this example revealed something more. The use of "travel" seems interesting, especially for Vang. When Vang told the story to Kohn, he

never used the word “travel” to describe his movements. Instead, he used “walk” or “going” to explain where he went. Thus, unlike when Kohn borrowed Vang’s language, Lautenschlager’s lexical choice caused Vang to borrow her language, underpinning the power imbalance, similar to what Eades and Cotterill found in their work. An almost identical situation occurred soon after when they discussed the cabin/camper:

Lautenschlager: “Wouldn’t you presume that if there is a camper there, there might be a road near nearby?”

Vang: “I presume there’s a lot of ATV went by, but I presume that that’s just somebody just come and camp and go hunt.” (1287)

Once more, Vang used a word, “presume”, that he probably would not have used without Lautenschlager’s priming. He did not use it elsewhere in the transcript. In addition, he repeated “presume” twice. He relied on what Lautenschlager said, which, of course, was meant to defeat him in court.

Vang borrowed Lautenschlager’s language more often as they proceeded to more tense subjects. When they started discussing the confrontation with Robert Crotteau, the following adjacency pair occurred:

L: “And it [“fucking Asians”] was not something you wanted to hear?”

V: “That’s not something I want, you know. He come and tell me, he just say, the way I look at it, he just tell me, Were you on my, that stand?”

(1302)

Again, Vang borrowed Lautenschlager’s words and in this case the sentence structure rather than one word. Additionally, he struggled with his response by hedging (“you

know”, “he just say,” “he just tell me”) like he did earlier, showing his discomfort with the scenario and his lack of power within it. He did not exhibit this type of language in the direct examination with Kohn. At this point in the testimony, she wanted to prove he had no reason for self-defense. This adjacency pair shows how she minimized his feelings by saying “it was not something [he] wanted to hear.” The pressure led to Vang borrowing language.

Of the 36 times Vang borrowed Lautenschlager’s language, 12 times it caused tension in Vang’s responses because his response contained a misspeak, stutter, hesitation, or restart of the response. Table 6 illustrates Lautenschlager’s questions and Vang’s answers where borrowed language occurs. In each case, Vang borrowed either words or parts of the sentence structure from the question. Additionally, it affected his

Page	Topic	Lautenschlager Question	Vang Answer
1302	Robert Crotteau Threats	And it [“fucking Asians”] was <b>not something you wanted to hear</b> ?	That’s <b>not something I want</b> , you know. He come and tell me, he just say, the way I look at it, he just tell me, Were you on my, that stand?
1307	Giving finger to hunters	Did you <b>hold your hand in that fashion</b> but not aim it at anybody in the hunting party?	No. I never <b>hold my hand in that fashion</b> any way. My hand always hold my right string on my, on my rifle on my right.
1308	Vang walks away	And as <b>you walked</b> down toward that intersection in that road in that lower level, what, if anything, did you see?	As <b>I walk</b> after Mr. Joe Crotteau say to me, I start walking down a little bit and then that’s, I turn around, I saw Mr. Terry Willers come by his side...
1310	After First Gunshot	And what do you do with your <b>rifle</b> ?	<b>My rifle</b> , I, I because all the time I hold my rifle, it would be my right-hand all the time, the sling.
1310	After First	Okay. What do you do, did you do anything with your <b>scope</b> on your rifle?	<b>The scope</b> , when I dropping down I already remove it as fast as I can. Throw away down

	Gunshot		there somewhere, I don't know.
1315	Terry Willers shot	And, then, <b>after he shot</b> , what did he do?	<b>After he shot</b> , when I turned around and I shot, when I turned around he's still standing there. He just kind of, after a little bit I shot him...
1317	The Crotteaus Run	So you saw Mr. Crotteau and his son Joe <b>running up the trail north</b> ?	<b>Run, run trail north</b> , yes.
1321	Vang Chases Joey	Okay but <b>you're running after him--</b> [Vang interrupts]	<b>I run after him</b> because he ran after, I don't know what he do and where he can get help, where he can get gun at.
1327-8	Vang Chases Robert	And <b>you were angry</b> at [Robert Crotteau]?	Yes. <b>I was angry</b> . I was scared. Not that much angry but I more like scarey [ <i>sic</i> ].
1337	Vang Shoots Laski	Mr. Laski was taking his rifle off of his gun (sic) and <b>intending on aiming</b> it at you when you shot him in the back?	He don't <b>intended to aim</b> , but he <b>intend to</b> take it off and he try to get off from the ATV.
1339	Vang Between 2 ATVs	Okay. So at the time you shot Mr. Laski and Ms. Willers, <b>you were standing</b> ?	<b>I was standing</b> more like, yes, more like standing; but I kind of bend a little bit on my waist.
1346	Vang Returning to Camp	You <b>just want to get back to your camp</b> ?	<b>Just want to get back to my camp</b> . By that time I already hear the airplane coming on top already.

language as he misspoke, stumbled, hesitated, or restarted his response. In a few cases, he borrowed the language only to change the topic of his response (1308, two on 1310, 1327-8, 1337, 1339). This shows that he did not really mean to borrow her language. He wanted to answer it differently, but the stress of the context and the power of Lautenschlager's position suppressed him into almost admitting what she wants him to. In his struggle to recover, he came off as hesitant in his statement, which could be viewed as negative in the eyes of the jury. He did not have the language ability to combat her.

## 2.4 “Ands,” “Sos,” and “Buts”

Both attorneys frequently used conjunctions to start their questions. Conjunctions usually tie two parts of a sentence together, whether subjects, verbs, predicates, objects, or clauses. Thus, how the attorneys used them draws attention to them as coherency features that form a pattern. Likely, the attorneys wanted to show strong connections between turns, highlighting continuation in a particular series of questions or to show contrast. Gibbons, Berk-Seligson, and Cotterill said narratives take two forms: narrative and fragmented. The conjunctions that continue the story help the narrative while the contrasts fragment the story. In particular, the attorneys used three main conjunctions: “and,” “but,” and “so”. Each has its own functions, which related to the reason why Kohn or Lautenschlager used it. A close examination of how the attorneys used these conjunctions reveals that they used multiple functions of each word. Typically, “and” and “so” function to connect and continue story parts while “but” signifies a contrast or challenge to the story. Kohn used “and” and “so” to continue Vang’s story while Lautenschlager used them to continue her own story. The differences between the two attorneys’ usage shows a significant difference in approach and overall goal: Kohn to allow Vang to tell his story and Lautenschlager to find discrepancies and contradictions in Vang’s story.

When the attorneys used a conjunction to start their questions, they used similar word averages (see table 7). Lautenschlager’s questions contained 1-2 more words, not too significant. Kohn used two conjunctions to Lautenschlager’s three; he never used

“but” toward the beginning of a sentence. The major difference occurred in the average number of words Vang used in his response to these questions. For instance, Vang

Conjunction	Kohn		Lautenschlager	
	Question	Answer	Question	Answer
And	10.3	47.5	12.4	9
So	12.7	27.4	13.7	8.7
But	N/A	N/A	11.3	14.8

answered with over five times the number of words when Kohn started a question with “and” than when Lautenschlager did at 47.5 to 9 words. This difference probably resulted from Kohn using “and” to continue Vang’s narrative while Lautenschlager used it to add questions during the cross examination, meaning she strung her questions along using “and.” As pragmatics theorists like Cotterill and Haworth would argue, the context of an adversarial courtroom could lead to this difference. Additionally, Vang responded with nearly three times as many words for Kohn’s use of “so” (27.4) than for Lautenschlager’s (8.7). These two comparisons show once again that Kohn provided an open atmosphere for Vang while Lautenschlager restricted him. Even when the conjunction should function to keep the narrative rolling, he did not get to tell his story without Lautenschlager controlling it and fragmenting it. When she used “but,” though, he responded with more words than her questions and more words than with either of the other conjunctions. Perhaps this occurred because he felt the need to combat her “but,”

which usually signifies contrast in a sentence and therefore shows disagreement with Vang’s statements. For instance, the first time Lautenschlager used “but” when asking why he didn’t seek help at the camper or find a road near the camper, he responds with a 67-word response to explain why he stayed in the tree stand instead (1288).

Table 8 shows how many times the attorneys used a conjunction coherency marker to start their questions. Kohn used some form of “and” to start questions 68 times, 36% of the questions. Kohn used “and/and so/and so now/and then” to continue the story or a series of questions 54 times. For instance, he asked questions like, “And

Kohn			Lautenschlager		
Conjunction	Number	Percent of questions	Conjunction	Number	Percent of questions
And	68	36%	And	272	46%
So	27	14%	So	50	8%
But	0	0%	But	24	4%

how old are you?”, “And what did you do next?”, and “And you were heading south you said?” (1216, 1218, 1242). During the direct examination, Kohn wanted Vang to tell his story chronologically without disruption. Thus, it makes sense he used “and” to keep the story going. The other 14 times, he used “and” for clarification. He asked questions to verify information like, “And when you say you don’t remember, you don’t remember a hat or a mask?” and “And why did you shoot at Ms. [Willers]?” (1244, 1260). The clarifications ensured that the jury properly understood specific details.

In the cross examination, Lautenschlager used “and” 272 times, in 46% of the questions. She used “and” differently than Kohn. She used “and” 134 times to signal a continuation of the story or a series of questions. Similar to Kohn she asked questions such as, “And you first lived in California?,” “And, then, you indicated that you walked to the woods west of the ATV trail about 300 yards?,” and “And you get to the tree stand. Do you climb in?” (1273, 1279, 1285). However, she used “and” to clarify or verify information at a much higher rate, using it 138 times to Kohn’s 14 times. This makes sense because she used different question types than Kohn. She asked many more tag and that function to continue the story but also to clarify evidence and the truthfulness of what Vang stated on the stand and in previous declaratives (as expected based on Berk-Seligson’s work). Some of her clarification questions include “And is this the gun you used to shoot Mark Roidt?,” “And he’s standing in front of the ATV; is that correct?,” and “And Mr. Laski you knew had a gun?” (1271, 1308, 1334).

In both Kohn and Lautenschlager’s questioning, the use of “and” worked in two ways. It kept the story going while also adding clarifications to the testimony. At times the two seem inseparable, especially during the cross examination. While Lautenschlager questioned Vang about his prior statement to Investigator Gillis regarding Terry Willers committing the murders, she asked questions that both continue a series and clarify the statements. She asked the following questions:

- “And the first time you spoke with him and Special Agent Mammoser, you indicated that this incident began when Terry Willers threatened you; correct?”

- “And that, indeed, it was Terry Willers who shot all of these people; correct?”
- “And you indicated to Investigator Gillis that Terry Willers was wearing gloves as he used your gun to do the shooting; is that correct?”
- “And then you indicated to Mr. Willers or to Mr. Gillis, Investigator Gillis, that Mr. Willers had you hold your gun in the manner that he had held it to shoot those eight individuals; is that correct?”

Technically all of the questions continued a series, using “and” to signal it. However, Lautenschlager asked for verification from Vang using tag lines. Thus, they both continued and verified the story. In this case, Lautenschlager’s control over the narrative made “and” function as both tighter coherencies for her tag questions as well as story continuers. She told the story using “and” to signal a connection to the previous question. Additionally, she asked Vang to verify the statement, making “and” work to clarify the evidence.

Kohn and Lautenschlager also used “so” in similar ways. Kohn used it a total of 27 times (14%) while Lautenschlager used it 50 times (8%). Kohn used it for four main functions: to say “therefore” (two times), to continue the story (nine times), to summarize (14 times), and to question (two times). Right away, he used “so” to mean “therefore”: “So you did, in fact, hunt on that day?” and “So, in fact, did you go up that area?” (1222). In these instances, Kohn simply connected events for Vang, helping with the narrative flow. When he used “so” to continue the story, he did the same: “So what did you do

next?” and “So what do you do after this point?” (1239, 1261). In these instances, Kohn could have used “and” instead of “so.” For the summarizing “so” instances, Kohn usually repeated or rephrased parts of Vang’s testimony to point out details or to ensure clarity. He asked questions such as, “So you said that you turned around and you fired one shot” and “So you had a conversation with this person” (1248, 1264). While these examples summarized what Vang had said, they also helped continue Vang’s narrative. The last type of “so” questions Kohn used was simply to ask a question. He asked, “So where do you think you are at this point, sir?” and “So did you cross the road?” (1258, 1259). In this instance, “so” was used as a discourse marker in speech used to signal ongoing development of the conversation.

Lautenschlager used “so” in many of the same ways, but the analysis revealed some differences. She used “so” to function in the same four ways as Kohn, but she also used it to direct or refocus the topic and to highlight key details. She used “so” to continue the narrative just like Kohn six times: “So you walked north?” and “And so what did you do then?” (1280, 1319). Vang took her lead and continued his story when Lautenschlager used “so” like this. She also used “so” to summarize 28 times: “So you were to the east of the tree stand” and “So you’re coming down that trail” (1285, 1327). These functioned to check understanding and verify the facts. Lautenschlager asked two questions using “so”: “So the map is wrong?” and “So right up here [on the map]?” (1313, 1326). Like with Kohn, she used “so” simply to signal the developing conversation. Besides using it to ask a question, she asked two questions using “so” to mean therefore as well: “So it was an insult?” and “So these were the only ATVs?” (1295, 1297). She

made a connection between what Vang had said and a logical conclusion. A different way she used “so” involves directing or refocusing Vang onto a topic, which she used five times. She asked, “So you walked that way?” and “And so you continued after Joe Crotteau?” (1280, 1322). In both of these instances, Lautenschlager led Vang where she wanted him to go because they contained presuppositions as declarative questions, as Mendoza-Denton stated often occur. In the first, she asked him about following the doe and directed him into agreeing with the story as she told it. In the second, she had just asked him if he thought he was fast and if he played soccer. Thus, the question refocused Vang back to the narrative. She got him to speak about what she wanted and when. Finally, she used “so” to highlight key details in the case six times. Lautenschlager said, “So you know at that point which direction was which” and “So you really didn’t pay attention to anything [the witness statements] said” (1284). She made sure the jury heard exactly what she wanted by repeating and pointing out important information. In the first example, she made it clear he knew directions in the woods, which later helped her case when he said he was lost and did not know how to get back to his camp. In the second example, she made Vang out as a person only concerned with getting his story straight by not caring about what the other witnesses had said.

The main difference between Kohn and Lautenschlager’s use of discourse markers “and,” “so,” and “but” was Lautenschlager’s use of “but.” During the direct examination, Kohn did not use “but” to start any of his questions. Lautenschlager, on the other hand, used it 24 times (4%) to show contrast with Vang’s statements. While this percentage may seem low, the occurrences signify specific points in the cross

examination when Lautenschlager wished to directly contradict Vang's statements, as shown in table. Many times the "buts" led to traps like Berk-Seligson's work suggested.

The first time she used "but" to start a question occurs when she asked

Page	Function	Topic	Vang's Response
1288	Contrast	Vang saw camper <b>but</b> stayed in treestand	Jumbled sentences (restarts; multiple subjects); says, "I don't know"
1292	Contrast	Vang given other's statements <b>but</b> doesn't read	Jumbled sentence; changes wording from positive to negative ("not")
1293	Contrast	<b>But</b> Vang received statements after speaking with investigator	Just says, "Correct"
1293	Contrast	Vang looked at statements <b>but</b> hard to read	Just says, "Not really"
1294	Contrast	<b>But</b> Vang did not remember to tell agents about Terry Willers saying "you guys shoot too many doe"	"Yes. I don't remember that until I sit and think..."
1296	Contrast	Vang could not hear what Terry Willers radioed <b>but</b> continued to walk	"I continue to walk southeast"
1297	Contrast	<b>But</b> even though Vang didn't hear Terry Willers' radio, Vang assumed trouble coming	Just says, "Correct"
1299	Contrast	Vang not sure who on ATV, <b>but</b> nervous they coming to get him	"Yes. I know that they were coming. They were do what they have to do"
1304	Contrast	<b>But</b> you walked with your back towards [the initial] individuals?	"Yes, more like sideways..."
1311	Opposite	Vang: west of area Laut: <b>but</b> you're in the area	Just says, "Correct"
1315	Opposite	Vang: TW only spoke after came down Laut: <b>But</b> after that he did not say anything	"No. Correct."--seems opposite but he means, No he didn't say anything more.
1321	Contrast	Vang doesn't see Robert's gun <b>but</b>	Just says, "Right"

		still chases	
1321	Contrast	Vang doesn't see Joey's gun <b>but</b> still chases	"I run after him because he ran after, I don't know what he do and where he get help, where he can get gun"
1324	[invalid] contrast	" <b>But</b> you loaded ammunition and continued running after him when you reloaded?"	Just says, "Yes"
1331	Contrast	Vang not out of ammo " <b>but</b> [he] had just loaded"	"Yeah. I just reloaded about six, seven then, 'cause I don't have time to load all of them in there"
1332	Contrast	Initial group didn't shoot at Vang <b>but</b> he shot at them	Just says, "Yes"
1335	Contrast	Vang didn't shoot at 2nd ATVs right away " <b>but</b> [he] figured they were coming to get [him]"	Just says, "Yes"
1335	Contrast	Laski didn't shoot " <b>but</b> he certainly had a gun?"	"He has a gun on his left shoulder, yes."
1335	[invalid] contrast	Laski had a gun " <b>but</b> [Vang was] able to shoot him before...he was able to get it off"	"No. He already starts take it off. That's when I shot him already."
1338	Contrast	Vang crouched after ATV 2.1 " <b>but</b> ...still in prone position" for 2.2	Just says, "No."
1342	[invalid] contrast	Vang not out of ammo " <b>but</b> Lauren fired back at you; correct?"	"Lauren never fired back at me"
1343	Opposite	Vang didn't go up and shoot Hesebeck again " <b>but</b> [he] had said, You're not dead yet. Do you [Vang] want to make certain he's dead?"	"Yes. I was afraid. I was, tried to intimidate him so he run so I can run. That's the purpose of it."
1347	Contrast	Vang didn't hurry " <b>but</b> ...[he was] walking and getting through as quickly as [he] could"	Just says, "Yes."
1347	Contrast	Vang wants to get back to camp before dark " <b>but</b> [he] can still see the sun at this time"	"Yeah. That's probably, probably about two or three o'clock."

Vang about seeing the camper/cabin: "And there's a camper, there's probably a road near the camper, but you decide to stay in the tree" (1288). The two had just spoken about

why he did not seek help at the camper, and Vang explained that he figured anyone there was probably hunting. Lautenschlager attacked his logic by implying, if he was lost, he should have at least tried to find help at the camper/cabin. Her use of “but” in this question strongly signified that message to the jury. She portrayed his behavior as unreasonable through this contrast. Importantly, it affected Vang’s response. He fragmented his answer with restarts and stumbling:

“Yes. ‘Cause I don’t know, because this, this, I don’t see any ATV trail.

The only one I saw, it’s the first when I saw him and I walking down southwest there. But I don’t see anything around, so I imagined that somebody just, dead end road that somebody just parked there and camp and go hunt just like the group where I was camp at” (1288)

Saying “I don’t know” does not sound good to a jury. In addition, he struggled to start his response, and then did not say complete sentences/thoughts. Thus, Lautenschlager’s “but” not only hurt Vang by signaling unreasonable behavior, but caused his testimony to be beyond normal disfluency.

Nearly every instance of “but” followed this formula. Lautenschlager asked if Vang had heard any other ATV sounds that day besides the ones that he heard after Terry Willers radioed. She then asked, “Okay. But even though you didn’t know what, even though you didn’t know what Mr. Willers had said on the radio and even though Mr. Willers was polite to you when he talked to you and when you got down from the tree, you assumed somebody was coming to cause trouble” (1297). Vang only answered, “Correct”, leaving the jury to take Lautenschlager’s word. “But” in this case again

functioned to signal a contrast between what Vang said he did and what Lautenschlager deemed a reasonable response. Later in the cross examination, Lautenschlager asked Vang, “But you shot at them” after she asked if the Crotteaus, Roidt, or Hesebeck shot at him to which he says, “No” (1332). Vang had just testified that he did not shoot at the ATV because the riders did not shoot at him. This time, Vang did not fight her insinuation that his statements were unreliable, showing what Cotterill and Berk-Seligson would expect based on the dynamics of the context. Vang could have said that, while the other four did not shoot at him, they were present when Terry Willers fired his shot, making them accomplices to a life-threatening situation. She silenced him by using the “but” question after interrogating his rationale for shooting and not shooting while also signifying to the jury that his decisions do not follow reasonable logic.

All three conjunctions served a purpose to the attorneys. “And” and “so” mainly acted as signals to connect parts of the narrative. They drove the chronology of the testimony, keeping it going in order or redirecting to achieve an agenda. Besides directing Vang in his testimony, they did not have an overall effect on his responses. Lautenschlager used it once in a while to question Vang’s statements, but his responses did not show any tension. “But”, however, did affect what he says or does not say. Lautenschlager used it to highlight parts of Vang’s testimony that she did not agree with, usually key components that help her win the case. The contrast not only showed disagreement with Vang’s statements, it also, at times, impeded Vang from mustering a quality response or rebuttal to her assertions. Thus Vang stood doubly under Lautenschlager’s power: she had the power in the situation as a government official who

gets to ask the questions, and she powerfully attacked Vang's ability to tell his story with her question structure.

## **2.5 Conclusion**

The question structure of the attorneys' questions greatly impacted the quantity and quality of Vang's responses. As seen in the initial section, Vang responded with fewer words to Lautenschlager in general and specifically with more coercive questions like closed-ended and declarative/tag, which she asked with higher frequency than Kohn did. In addition, Lautenschlager averaged more words than Vang, which shows that she controlled the testimony during the cross examination. Vang controlled the direct examination because his answer word averages greatly outnumbered Kohn's question word averages. To catch Vang in contradictions, Lautenschlager used parallel question series to attack his logic. When she asked multiple questions about one hunter, she portrayed him as a man without reason to fear for his safety. When she used one question about multiple hunters, she strengthened her point and proved that Vang had the "intent" to kill and that the hunters "deserved" it. His language issues also led to a lessening of his credibility. He borrowed language from both attorneys, with Kohn to continue his story and with Lautenschlager because her question's coerciveness forced him to as seen when he restarted his response, stumbled, repeated words, or fragmented his words in another way. Lastly, the attorneys used conjunction coherency markers to combine parts of their stories ("and" and "so") or to show contrast and contradiction ("so" and "but").

## Chapter 3: Narrative and Topic Control

### 3.1 Section Introduction

Stark contrasts exist between how the story gets told in the direct examination and the cross examination. While Kohn directed Vang to speak about certain topics, he generally allowed him to tell his story start to finish with little interruption or fragmentation. Thus, Vang somewhat freely explained his side, providing the court with a clear, chronological story. On the other hand, Lautenschlager purposefully undermined the chronology of the story, breaking the narrative down into parts that she wished to attack, as many of the scholars like Berk-Seligson, Gibbons, and Cotterill found tends to occur. Additionally, she wielded power over which topics get discussed when, and she many times controlled what gets said through the type of questions she posed (see chapter 2: Question Structures).

This chapter contains analysis of the defense and cross examination of Vang's testimony. First, I analyze the number of topics discussed in each part and provide a list of topics in their order. Next, I investigate how Kohn structured the direct examination, noting his strategy and how he and Vang structured the narrative. Lastly, I break down Lautenschlager's strategies. She used a variety of techniques to fragment Vang's narrative and undermine his authority. Importantly, she used her authority, and Vang's lack thereof, to overpower Vang in key parts of the case.

### 3.2 Topic rate

During the direct examination, Kohn and Vang discussed 60 different topics within 188 questions, equating to 3.19 topic changes per 10 interactions. Lautenschlager and Vang discussed 250 topics within 586 questions during the cross examination, which results in 4.2 topic shifts per 10 interactions. While this may not seem significant, the difference was a direct result of the person who introduced the topic. In the first part of the testimony, Kohn led Vang to discuss certain topics but mostly used open-ended questions that give Vang the power to narrate the events of November 21, 2004. Lautenschlager, on the other hand, utilized more coercive questions that contain much of the narrative to take the power nearly completely away from Vang. She not only switched topics more often, but she also fragmented the order, which worked in two ways: it took the control away from Vang and produced abrupt changes that often required more processing.

Kohn led a mostly chronological approach to the direct examination. Only once did he break chronology, when he asked about Vang's day prior to hunting in Rice Lake (topic 5). However, Vang brought it up first, so the shift happened because Vang directed them there, not Kohn. Otherwise, Kohn only interrupts Vang's narrative to ascertain the location of the events on the map or distances/terrain ten times and to ask about Vang's hunting gear (gun, mask, jacket). The following contains all the topics Vang discussed during the direct examination:

1. Background questions	11. Location on map	21. Vang leaving again	31. Vang shoots Terry Willers	41. The terrain of the area	51. Hesebeck still alive
2. November 21 camp	12. Tree stand	22. Location on map	32. Group scatters	42. Vang in prone position	52. Vang runs
3. Start of the hunt	13. Willers approaches	23. Vang's gun	33. Any other guns?	43. 2nd round of ATVs	53. Vang hears car
4. Talk with hunters	14. Vang's weapon	24. Vang's mask	34. Vang charges group	44. Vang reverses jacket	54. Vang leaves by swamp; ditches ammo
<b>5. Work day before hunt</b>	15. Vang walks away	25. Vang gave finger?	35. Vang chases the Crotteaus	45. Location on map	55. Vang runs into hunter
6. Talk with hunters	16. Location on map	26. Terry Willers' rifle	36. Distance between the Crotteaus	46. First ATV passes	56. Vang keeps walking
7. Continue hunt	17. ATVs coming	27. Terry Willers aims	37. Vang leaving, hears 2nd set of ATVs	47. Another ATV stops; Laski rifle; Vang shoots	57. Vang finds parked ATV
8. In tree stand	18. ATVs arrive	28. Location on map	38. Location on map	48. Why Vang shoots	58. Hunter comes to ATV
9. Vang wearing reversible jacket	19. Confrontation with ATV hunters	29. Terry Willers points gun at Vang	39. Vang hears injured hunter on walkie-talkie	49. Vang runs	59. Vang leaves on ATV with hunter
10. Tree stand	20. Location on map	30. Terry Willers shoots; Vang shoots	40. Vang's thoughts/feelings	50. Location on map	60. Vang's arrest

On the other hand, Lautenschlager fragmented the story's chronology repeatedly. She did not allow Vang to go from start to finish. She wanted to touch on certain topics, true, but the nature of the fragmentation also seemed to purposely disrupt Vang. She circled around certain topics and recycled others, and moved freely among the events

even though, overall, her cross examination contained a chronological line (within the interruptions and fragmentations) with Vang arriving at his camp and ending right before his arrest. In addition, like Kohn, Lautenschlager questioned Vang using the map, directions, and terrain. Unlike Kohn, though, her use of map/directions/terrain interrupted any chance Vang had of highlighting his points. Kohn's questions followed suit with the chronology, but Lautenschlager's prevented Vang from finishing a topic. The following contains all the topics Vang discussed during the direct examination:

<b>1. Vang's gun</b>	43. Terry Willers threaten?	85. Bullet landing	127. Vang hears people talking	169. Did Jessica Willers have a gun?	211. Vang dumped ammo
<b>2. Intend to shoot?</b>	44. Vang walks away	86. Distance on map	<b>128. Distance Vang has run</b>	170. Did Jessica Willers get off ATV?	212. Vang walked onward
<b>3. Shoot Hesebeck again?</b>	45. Vang worried about Terry Willers' radio call	87. Terry Willers say anything?	129. Location on map	171. Did Jessica Willers say anything?	213. Vang out of ammo
4. Vang's background	46. Hear other ATVs that day?	88. Vang shot back	130. What next?	172. Did Laski say anything?	214. Vang runs into Gass
5. Military training	47. Vang worried about walkie talkie	89. Terry Willers standing?	131. Robert Crotteau heading to cabin?	173. Jessica Willers fell off ATV?	215. Vang asks Gass directions
6. Own home?	48. Directions from food plot	90. Terry Willers after Vang shot him	132. Why shoot Robert Crotteau?	174. Why shoot Jessica Willers?	216. Vang did not tell Gass about incident
7. Own property?	49. ATVs coming	91. Crotteaus off the ATV	133. Robert Crotteau mad?	175. Why shoot Jessica Willers twice?	217. Gass gave directions
8.	50. 1st ATV	92. Crotteaus	134. Vang	176. Why	218. Vang sees

Marksmanship		get guns?	mad?	shoot Laski and Jessica Willers in the back?	Cieslak
9. Hunting experience	51. Vang nervous	93. Where is Roidt?	135. Why not take ATV and leave?	<b>177. Did Laski aim gun?</b>	219. Vang headed south
10. Firearm training	52. 2nd ATV	94. Crotteaus run	136. Next ATV coming	<b>178. Vang makes inconsistent statement</b>	220. Time of day Vang sees Cieslak
11. Camp November 20	53. Vang still wearing mask?	95. Other hunters hid behind ATV	137. Vang heads back to towards original scene	179. Vang prone for both ATVs?	221. Vang nervous
12. Map, compass, directions	54. ATVs arrive	96. Vang charges hunters	138. Stay on path?	180. Vang running, not prone for 2nd ATV?	222. Vang sees/hears airplane
<b>13. Mastony letter</b>	55. Robert Crotteau confronts Vang	97. See any guns on hunters?	139. What then?	181. Vang standing?	223. Vang in a hurry
<b>14. Letter: directions</b>	56. Vang frightened?	98. What are hunters doing?	140. Males on ATVs?	182. Distance between Vang and Laski/ Jessica Willers	224. Vang wants to get to safety
<b>15. Letter: follows deer</b>	57. Any hunters armed?	99. See gun cases?	141. Any guns on ATVs?	183. Laski/ Jessica Willers backs to Vang?	225. Vang finds Cieslak
<b>16. Vang's sense of direction</b>	58. Anyone hit Vang?	100. Three hunters?	142. Number of guns?	<b>184. Number of bullets in Vang's clip</b>	226. Time of day he sees Cieslak
17. Vang lost by swamp	59. Didn't think any guns	101. Vang shoots Drew, Roidt, and Hesebeck	143. Vang fully loaded?	<b>185. Prior statements with Gillis and Mammoser</b>	227. Cieslak talks to Vang
18. Tree stand?	60. Concealed weapons?	102. Roidt have gun?	144. Vang out of additional ammo?	<b>186. Agent statement: Terry Willers threatened Vang</b>	228. Vang and Cieslak pass police car

19. Open terrain	61. Hunters get Vang's license number	103. Drew have gun?	145. Vang doesn't shoot at first ATV	<b>187. Agent statement: Terry Willers took Vang's gun</b>	229. Vang concerned for safety
20. Worried about lost?	62. Duration of incident	104. Hesebeck have gun?	146. Did other hunter shoot?	<b>188. Agent statement: Terry Willers shot all the hunters</b>	230. Vang and Cieslak continue on
21. Finds treestand	63. Joey Crotteau accuses Vang of giving finger	105. Vang shot Hesebeck three times?	147. But Vang shot	<b>189. Agent statement: Terry Willers uses gloves to shoot</b>	231. Vang interprets airplane as looking for him
22. What Vang sees in stand	64. Vang walks away	106. Crotteaus run north	148. Vang didn't leave?	<b>190. Agent statement: Terry Willers made Vang hold gun</b>	<b>232. Crime scene picture: Roidt</b>
23. See deer?	65. Terry Willers' location with gun	107. Robert Crotteau have gun?	149. Then what?	<b>191. Agents call story bullshit</b>	<b>233. Crime scene picture: Robert Crotteau</b>
24. Didn't think to ask camper?	66. ATVs' location	108. Vang chases Joey Crotteau (gun?)	150. Vang in prone position	<b>192. Vang told agents a second story</b>	<b>234. Crime scene picture: Joey Crotteau</b>
25. Didn't assume road?	67. Willers' location	<b>109. Camper or cabin?</b>	151. ATV left toward cabin?	<b>193. Vang given other witnesses' statements</b>	<b>235. Crime scene picture: Jessica Willers and Laski</b>
26. Trachte's directions	68. Then what?	110. Vang chases Joey Crotteau	<b>152. Vang had told Mastony "cabin"</b>	<b>194. Vang spoke with Mastony on phone</b>	<b>236. Mastony phone call</b>
27. Stay in tree stand?	69. Gunshot fired	111. Who chase first?	<b>153. Who told Vang "cabin"?</b>	195. Vang shot at Hesebeck a second time	<b>237. Robert Crotteau deserved to die?</b>
28. Vang's firearm	70. What Vang did with	112. Injure Joey Crotteau?	154. Laski and Jessica	196. Vang picked up	<b>238. Roidt deserved to</b>

	backpack		Willers' on 2nd ATV	scope?	<b>die?</b>
29. Vang's backpack	71. What Vang did with rifle	<b>113. Vang a fast runner?</b>	155. Mr. Willers armed?	197. Vang's backpack	<b>239. Drew deserved to die?</b>
30. Vang's radio	72. What Vang did with scope	<b>114. Former soccer player?</b>	156. Laski armed?	198. Vang run out of ammo?	<b>240. Joey Crotteau deserved to die?</b>
31. Vang's gloves	73. Wrap rifle?	115. Vang chases Joey Crotteau	157. Jessica Willers armed?	199. Hesebeck fire back?	<b>241. Laski deserved to die?</b>
32. Vang's headwear	74. See bullet shot?	116. Vang reloads and chases	158. Laski and Jessica Willers stop ATV	200. Hesebeck last one standing?	<b>242. Jessica Willers deserved to die?</b>
33. Wearing a mask?	75. Dirt splash?	117. Joey Crotteau yells for help	159. Laski gets off ATV	201. Hesebeck jumped into bush	<b>243. Why Laski?</b>
34. Terry Willers arrives	76. Location on map	118. Vang shot Joey Crotteau twice more?	160. Vang had gun?	202. Vang shot twice at Hesebeck?	<b>244. Why Joey Crotteau?</b>
35. Terry Willers conversation	77. See bullet? Dirt?	119. Distance between Vang and Joey Crotteau	161. Laski knew Vang armed?	203. Vang said "You not dead yet?"	<b>245. Why Robert Crotteau?</b>
36. Plat map	78. Wooded area?	120. Hear groaning sounds?	162. Laski coming to get Vang?	204. Vang runs off	<b>246. Terry Willers shot first?</b>
37. Terry Willers conversation	79. Terry Willers' location	121. Where to next?	163. Why doesn't Vang shoot right away?	205. Vang lost	
<b>38. Prior statements</b>	80. Location on map	122. Why run in that direction?	164. Vang assumed they coming to get him	206. Vang headed south	
<b>39. Investigators Gillis and Mammer</b>	81. Terry Willers' location	<b>123. Why not way came?</b>	165. Did Laski shoot?	207. Vang headed towards his camp	

<b>40. Other witnesses' statements</b>	82. Vang's location	<b>124. Why remove scope?</b>	166. Did Laski have a gun?	208. Vang finds help
<b>41. Didn't mention does to agents</b>	83. State map incorrect?	125. Head south?	167. Vang shot Laski before he got shot	209. Vang finds Gass and Cieslak
<b>42. Mastony letter</b>	84. Bullet distance	126. Hear ATVs?	168. Where is Laski's gun?	210. Vang see anyone else that day?

### 3.3 Kohn's Approach

In the direct examination, Kohn controlled the conversation initially, and then Vang led for periods of time. For instance, after the initial background questions, Kohn directed Vang to the morning of November 21. To position Vang on that topic, he asked, "When did you begin to hunt, sir?" Vang then answered with a lengthy explanation. Following this, Kohn asked questions that continue the story, allowing Vang to direct the conversation. Kohn asked questions like, "And did you continue heading east?," "what was it that you were doing?," and "what did you do next?" (1218). These questions did not introduce topics; they allowed Vang to introduce the topics sequentially as they happened.

In fact, Kohn asked a form of question frequently that allowed Vang to introduce topics. Kohn many times asked, "And what did you do?" or "And what, if anything, happens next?" The questions did not function to introduce topics; rather, they prompted Vang to continue his story. Periodically, Kohn interjected with case-related questions, such as questions about his weapon or backpack, which directed Vang's attention to a specific topic. After allowing Vang to tell his story nearly unimpeded to the point where

he climbs Crotteau's tree stand, Kohn asked what type of clothing he wore on that day (1226-7). Soon after, he asked Vang to verify his position on the state's map of the area. The direct examination continued like this until the end, with Kohn prompting Vang to lead the conversation while Kohn interjected to highlight key points that were intended to help Vang's case. Specifically, he asked about whether or not he could hear Terry Willers talk on the walkie talkie and if Vang saw guns and on whom.

For the most part, the direct examination followed a chronological order, creating a narrative form of questioning, which Berk-Seligson identifies as less coercive. It started with background questions, situated Vang at the hunting camp on the morning of the 21st, and then followed Vang's story event by event until his arrest. However, at one point Kohn cycled back to before Vang arrived at camp. Towards the Vang's initial hunting excursion on the 21st, he explained how he followed a doe he was trying to shoot and ran into some hunters. They had a talk that leads Vang to say, "yesterday I was working and . . . I didn't hunt" (1221). Kohn then asked questions about Vang's day before the fateful events. He asked four questions in a row that focused on the topics of when he got off work the day before, what he did after work, when he left his house for Wisconsin, and what time they started hunting (1221-2). Ideally, these questions should have come before Vang began speaking about November 21, after the background questions. Nevertheless, Vang did not seem distracted by the change in order. Kohn followed these questions with, "And there came a time when you moved locations Saturday?" (1222) to which Vang followed with a lengthy answer 98 words long that related how they moved from one hunting area to another before they arrived at their

camp where Vang and his crew started hunting on November 21. After eight total questions, Kohn refocused Vang on his conversation with the first hunters he encountered on the 21st. After two questions that tell Vang the context followed by “Okay?,” which checks for comprehension, Kohn relinquished topic control back to Vang with the question, “Was there further conversation with that person?” (1223). Perhaps Kohn forgot or did not think to ask Vang about the prior day. Regardless, this represented the only time that Kohn and Vang discussed something out of order.

The rest of the direct examination followed a chronological narrative infrequently interspersed with questions Kohn asked to highlight a detail relevant to its context. It started, continued, and ended in sequence that left one with a cohesive plot line. Even Kohn’s topic interjections occurred at an appropriate time. The first time this occurred was when Vang told about climbing Joey Crotteau’s tree stand. Kohn asked, “Now, Mr. Vang, by the way, what were you wearing on the 21st?” (1226). Kohn asked this to show that at this time, Vang had on an orange hunting jacket, which was highly visible in the woods. He later reversed the jacket so that the camouflage side was out, making him less visible when he tried to hide and when he shot the hunters. Kohn also asked about Vang’s headgear, whether he wore a mask or a hat, and when Vang took off his scope. Kohn also focused interjectory questions on the weapons, first of Terry Willers but also of both Vang and the other hunters. When he asked Vang if he saw anyone holding a gun during the confrontation with Robert Crotteau, Joey Crotteau, Terry Willers, Hesebeck, Roidt, and Drew, it occurred within the timeline. Kohn did not introduce a topic that distracted

Vang far from his story; instead, he added a specific detail that Kohn for the jury's benefit.

### **3.4 Lautenschlager's Approach**

#### **A. Narrative control/leading.**

Narrative control/leading focuses on who introduces topics and controls where the narrative goes. As the most general category, it will overlap others, but it requires its own section to demonstrate the context and power dynamics in the case. For the most part, Lautenschlager completely controlled what gets discussed and when. She did this through her question structures and by asking questions about topics out of order, starting where she wanted and focusing on topics she chose. Additionally, as seen in chapter 2, she used declarative and tag questions to control exactly what gets said by limiting Vang to mostly yes/no answers. Even when she seemed to open up control, she quickly retook it. Lautenschlager asked Vang the first open-ended question about the events when they get to the topic of the swamp, opening up topic control to him. She dropped the declarative and tag questions momentarily, and asked him a question reminiscent of Kohn: "And then where did you go?" (1282). Vang, though, seemed thrown off by the change in questioning, for he had to restart his answer a few times by saying, "When I, when I, after I meet the person that gave me direction I going south, and I coming, I went south to the T, then I go southwest" (1282). He did not really answer where he went, only in which direction. Not surprisingly, Lautenschlager took control again and asked him specifically about finding a tree stand. The first time she asked, he said, "No" he continued on the

roads (1282). She then asked again four questions later, and this time he said, “Yes.” She thereby retook control, ushering him into discussing the topics that she wanted. She had a plan, and when she gave up control and Vang did not take it where she wanted the story to go, she quickly refocused it.

Lautenschlager again controlled the topic when she asked about who was on the first ATV and where. She inserted a question similar to Kohn’s: “And do you recall if you still had your mask on at the time?” (1300). When he replied that he didn’t remember for sure, she moved on to ask about his direct contact with the men on the ATVs. Clearly Lautenschlager wanted to know whether he had prepared for their arrival since he said he was nervous and expected some kind of trouble. If he had it on, it would prove he pre-judged the situation before he had reason for concern on the level of self-defense. Not surprisingly, she moved on and did not follow that topic change further, just as Mendoza-Denton found when the senators saw no further need to follow the topic.

Lautenschlager showed her control over the narrative when they discussed the events surrounding the confrontation as Vang walked away from the initial group. As before, Lautenschlager quickly changed the subject. For the first time in quite a few turns, she got back into the chronological story by asking about the Caucasian hunters taking down Vang’s license number. Instead of allowing him to tell how it happened, or relying on his prior testimony, she asked specific questions that limited his answers to yes/no or a single word (1305-6). She then asked about Joe Crotteau “saying something about, He knows what that means; something about the bird?” (1306). She asked six questions about this because it represented a second more threatening confrontation

between the group and Vang, the first being the racial slurs while Robert Crotteau yelled at Vang. He said he did not give the finger (bird) to anyone. This led Lautenschlager to ask, “Did you hold your hand in that fashion but not aim it at anybody in the hunting party?” and “What about your left hand?” after he said he kept his right hand on his rifle the whole time. She did not believe Vang, an expected attitude for a prosecuting attorney, and these two questions demonstrate that she saw him as unreliable. She did not give him the benefit of the doubt, nor did she provide her evidence to believe otherwise.

Importantly, her control over the narrative subverted Vang’s ability to relay his story to the jury because, as Gibbons’ work showed, her questions strongly affected his responses. The narrative that stands out in this instance was that, according to Lautenschlager, he probably gave the finger, which portrayed Vang as confrontational.

Lautenschlager further demonstrated her control over the narrative when she did not ask any more about the possibility of Terry Willers shooting first. Instead, she focused on Vang shooting him. She allowed him to answer an open-ended question at first by asking, “And, then, after he shot, what did he do?” (1316). Vang said that after Terry Willers shot, then he shot, and Terry Willers ran and dove near some bushes. Lautenschlager then asked if Terry Willers was lying in the bushes when Vang fired the shot that hit him. Besides making it clear that Vang shot at Terry Willers twice, she did not fragment the story at this point. She asked clarifying questions so that everyone knew the facts. Terry Willers was on the ground half on the ATV trail and half in bushes. Perhaps Lautenschlager wanted to show that Terry Willers did not shoot again even

though he may have had time. She instead showed that Vang acted proactively by shooting at him twice, making it seem likely that he killed with criminal intent.

Lautenschlager continued with the narrative from there. She asked about the other Caucasian hunters' actions after Vang fired at them. She asked a yes-no question about whether or not the Crotteaus were off the ATVs at that point. Vang did not answer "yes" or "no", though. He told what they did: run to the back of the ATV, possibly to get to a gun case. Lautenschlager allowed Vang to take the narrative lead. A few of her questions in this series repeated Vang's testimony in the form of declarative questions that verify his story. She repeated his words when he said they went to the back of the ATVs to get bullets or guns, and she also repeated him when he said Robert and Joe Crotteau ran north. She asked about the whereabouts of Roidt, Drew, and Hesebeck, with an open-ended question with Roidt and a declarative question with Drew and Hesebeck. For the most part this was the most control she had given Vang up to this point. Lautenschlager allowed him to place the individuals in the environment and tell what they did, albeit momentarily.

Lautenschlager quickly retook control over the narrative. After Vang said the four Caucasian hunters were still behind the ATVs, she asked, "And then you charged the hill and ran--" (1318). Vang admitted that he charged the hill and that the Crotteaus had started running. She stopped the narrative at that point and then questioned Vang about the presence or lack of guns. She asked, "you've got your eyes on these guys because they're getting guns; correct?" (1318). He responded, "Not exactly." She followed this question with four more regarding what Vang saw as he charged. He said he did "not

look exactly a particular person” but later said he did not know if the gun cases were cloth or metal because “I just focus on the people” (1318, 1319). Lautenschlager caught Vang in a contradiction by using what Gibbons called “contrast” to show Vang should have noticed the presence of gun cases. He responded well when she interrogated the specifics of what happened during the initial confrontation.

Upon catching Vang in a seeming contradiction, she once more asked an open-ended question that gave Vang control over the narrative. She asked, “And so what did you do then?” (1319). Vang responded with his longest answer during the cross examination: 101 words. He explained how he shot Roidt, Drew, and Hesebeck after he charged the ATVs. Lautenschlager immediately returned to the topic of the presence of guns. She asked three questions using the same structure: “When you shot Mr. Roidt [Drew/Hesebeck], did he have a gun in his hands?” (1319-20). For the first two in the series, Vang answered that he did not see a gun, but in the third he said he could not recall because he did not look for it. Lautenschlager’s concern for weapons helped her prove her case. To add more force to her assertion, she followed the series by asking whether Vang shot Hesebeck three times. He answered that he did not at that time but later on. After opening control to Vang with an open-ended question, Lautenschlager retook control over the topics by asking closed-ended questions, limiting Vang’s response choices to yes/no answers which, as Gibbons pointed out, represent more coercive questions, making it seem like he knowingly killed unarmed hunters.

After interjecting questions related to Vang’s speed and soccer background, Lautenschlager allowed the narrative to move continuously until Vang shot and killed Joe

Crotteau. Even though she framed her questions as close-ended yes/no, she allowed Vang to narrate the chase. She asked, “And so you continued after Joe Crotteau?” (1323).

Again, he exhibited nervous language. He said about Joe Crotteau, “Then he, he , he ran north” (1323). Even though he talked more than during other questions, she still led him with parts of the narrative in her questions that guide him into what to say next:

L: “And at that point did he fall to into the ground?”

V: “No. He’s still running.”

L: “But you reloaded . . . ?”

V: “Yes.”

L: “And, then, there came a point where you were about, 10 to 15 yards away from him?”

V: “Yes. [He explains how he got close and shot Joe Crotteau].”

L: “Was he yelling for help at that time?”

V: “At that time when he ran north say, Help me, help me. Yes.”

L: “And, then, you shot him two more times; correct?”

V: “Yes. One or two more times, yes.” (1324)

Lautenschlager had complete control over the narrative and exactly what got said. Vang was stuck answering about the details she wanted to include and did not seem able to battle her for control. Indeed, her coercive narrative control seemed to affect his language as seen above in his repetitions and hesitations. She asked, “Did you hear groaning sounds?” (1325). He answered, “No. At that time when I, I ran into him, yes, I hear” (1325). Vang provided a contradictory answer in this single response. What he probably

meant was that he did not hear him until he got closer, but the jury heard a man that could not answer a simple question straight because he must have felt the pressure of Lautenschlager's coercive questions getting to him. He did not stumble as clearly in his responses like this during Kohn's questioning.

Her narrative control showed similar effects later when she focused on his attempt to leave the property. She allowed him to take the narrative to this topic only momentarily. He said that he ran back to the original area where Terry Willers shot at him. Lautenschlager questioned why he ran that way and why he did not leave the property the same way he entered it (1325). By simply asking why he ran that way and not the same way, she cast suspicion on his judgment. It seems logical that he should have left the site the same way he came in since he should therefore have known how to get out. However, earlier Terry Willers had told him to leave to the east, southeast of the tree stand, so perhaps Vang wanted to find the spot and leave in that direction. He may also have wanted to find the quickest way out so as to avoid other trouble. Vang did not say any of this, though, so Lautenschlager's point stood as the only one to take away.

At this point, Lautenschlager disrupted the narrative once more. She returned Vang to the topic of the scope. She asked, "And, then, tell me when you removed your scope at the beginning of all this, is there a reason you removed your scope?" (1325). She began the question with "And, then", which signaled that she wanted to continue the story, but then she returned the testimony to an earlier moment. She also formed her question awkwardly, almost like she just thought to ask it spontaneously. He answered, "Yes. Because if scope in there, I couldn't see" (1325). Lautenschlager rephrased the

question to further her goal: “So if you had the scope on, you wouldn’t have been able to shoot with accuracy” (1325-6). In this instance, she rephrased his words to seem more purposeful. This is what Eades calls “entextualization,” where the attorney tries to put the comment into a new context or understanding. He tried to fight her control of the topic: “I wouldn’t be able to shoot close distance” (1326). She repeated, “And it was important to you at that time to be able to shoot with accuracy?” (1326). He finally submitted to her wording, saying, “Yes.” This little instance, three speaker turns, demonstrates Lautenschlager’s control of the narrative. She changed the topic, and then forced him into admitting exactly what she wanted in the words she wanted. Like other parts of the cross examination, Vang’s actions may have had logical causes, but Lautenschlager contextualized and rephrased them in a way that made them work against him.

Lautenschlager demonstrated her control when she forced Vang to discuss what she wanted when she wanted to hear it. Instead of trying to get Vang to the arrival of the second set of ATVs after he shot the Crotteaus, Lautenschlager brought him to that point in the narrative. She then opened the narrative to Vang so he could tell the story, one of a few instances she did. He explained that he heard the Caucasians talking on the walkie-talkies, reloaded, and then headed back to the original spot where Terry Willers first confronted him. After 10 turns that allowed Vang to lead the narrative with open-ended questions, Lautenschlager then questioned him about the arrival of the first ATV. She asked if it had two males on it, to which Vang said he did not know. She then turned her attention to the presence of guns. He acknowledged that he knew they each had a gun, and added, “I saw each of them carrying one crossed on the back, on the right shoulder

on the back diagonally” (1330). The description he used hints that he in fact did see the guns, but the authorities only found one other gun besides Vang’s: Terry Willers’. At this point, Lautenschlager did not question him on this though. She turned to Vang’s having just reloaded. Thus, just as she relinquished the lead to Vang, she took over again to make sure she controlled the most significant parts of the story.

Lautenschlager used strong narrative control when discussing the arrival of Laski and Jessica Willers. She led him into the topic using yes-no and tag questions. She then asked if either one was armed using two separate questions, and Vang said Laski had a gun. Lautenschlager asked if they stopped, and Vang filled in the details of their stop: he said they “intercept[ed]” him “in front” as he ran (1334). This addition carried weight as the context changes depending on if Vang was still prone or running when they stopped. They seem more aggressive when he said they intercepted him than if they stopped unaware that he was lying in wait. After making it clear Laski had a gun and that Vang thought he was coming to get him, Lautenschlager asked, “Is there a reason you didn’t shoot at him right away?” (1334). It is unclear what she means by “right away”; Vang interpreted it as when he first saw him because he answered, “I don’t see them until they pass me right there” (1335). She could have easily meant right after he got off the ATV, but she did not clarify her question. Instead she repeated, “But you figured they were coming to get you” (1335), which echoed his statement from when the first two ATVs arrived with the hunters Vang already shot. Gibbons explained that repetitions like these allow an opposing attorney to catch contradictions. Lautenschlager tried to regulate the way this part was told, showing that Vang did not act like a man in self-defense.

A clear example of fragmentation occurred after Lautenschlager discussed the statements made by Gass, the first hunter Vang ran into after leaving the scene, and statements made by Cieslak, the second hunter Vang saw. In this section of questions, she has circled back from Gass to Cieslak to Gass and back to Cieslak, breaking up the narrative flow seemingly to prove he acted like man who shot six hunters with intent. She asked Vang when he encountered the Gass and Cieslak, and then asked an open-ended question about what they talked about (1348). Vang explained that he scared Cieslak with how he approached, so he apologized for scaring him. Lautenschlager then took control over the narrative, and asked specific questions containing the details she wanted to hear. She got him to admit he did not tell Cieslak about the shootings either. They also passed a police car, and he said, “No” when Lautenschlager asked, “And did you ask him to stop so you could tell [the police] what had happened?” (1349). Again, she likely wanted to demonstrate that he did not act like a man who felt threatened and defended himself. Instead, he seemed to try to get away from it. Lautenschlager pointed out the contradiction: “And you were concerned for your safety, though; correct?” (1349). She implied that police should have represented safety to him. The jury probably picked up on her use of “though” to signify the inconsistency.

### **B. Juxtaposition of opposing topics.**

In order to show contradictions in Vang’s testimony, Lautenschlager juxtaposed opposing topics. She set up a topic and then shifted to one that elicited stark contrasts in the case, similar to what Gibbons explained with “contrast,” which is used to highlight contradictions. To start the cross examination, she asked Vang if he intended to shoot the

Caucasian hunters, and then turned right away to background questions about his home country and his immigration to the states. Not surprisingly, Lautenschlager focused the topic quickly on Vang's military experience. After six questions about his move to the U.S., she asked 25 questions that prove Vang had experience with guns, having been on a drill team in high school, a sharpshooter in the military, hunting for many years in multiple states, and extensively trained in how to shoot to kill (1273-6). The juxtaposition showed that not only did he have the intention to kill those hunters, but he also had the training to carry it out. The military training stood out from the background questions, making it clear that even though he was a non-native, he had master knowledge of weaponry.

Lautenschlager used another juxtaposition later when she asked about Vang being lost when he got to the tree stand. She asked, "Were you worried that you were lost?" after he said he stayed in the area for an hour (1283). He answered, "Yes." While he explained that he did it because he had never been there and wanted to see where he was and to wait for some deer to pass, she did not seem satisfied with his answer. Her questions functioned to undermine Vang's credibility with the jury. If he were truly lost and worried, she surmised without saying, he should not have stayed in that area for an hour. He did not give an adequate response to her question, "Why did you decide to stay there for an hour?" (1284). He appeared to be more concerned with continuing his hunt than with being lost. Lautenschlager returned to his sense of direction, and he admitted he generally knew which way was which. She repeated, in two questions, "you're lost . . . And you, then, spend about an hour hunting in this area" (1284). This highlighted the

illogical nature of his testimony. She had to structure the questioning using juxtaposition to show the inconsistencies.

More juxtaposition occurred in the very next topic: what Vang sees while in the tree stand. Lautenschlager led Vang into discussing what he saw once he climbed into the tree stand, and he admitted that he saw “about 10 percent of the south side of the camper” (1286). She followed this with a question that carried new information: “It seems to be a very tall, green camper?” (1286). This declarative question added information Vang did not reveal. In addition, he explained again that he could not tell because he could only see a small part of it due to the trees. She then continued her questions, asking what he did in the tree stand and if he saw any deer. After those two questions, she began to direct her interrogation on why he did not think to stop over at the camper for directions or to find a road since he was lost. He answered that he figured that people just camped there and went hunting. She responded by asking why he did not assume a road was close for them to get the camper to that location. He replied that people many times use ATV trails as roads to get campers in the woods. Similar to the previous issue of staying in the area for an hour while lost, Lautenschlager presumably wanted to prove that Vang’s actions contradict his assertion of being lost. If he were lost, she showed without directly saying, he would have tried to make contact with hunters at the camper (later identified as a cabin) or have been looking for a road back to his camp. His answers, while they seemed contradictory in light of Lautenschlager’s context, were logical *if* he thought he still hunted on public land, an assertion he later made to Terry Willers. The land did not have posted signs, and if he were on public land, his behavior would seem more

comprehensible because the need to exit private land would not exist and climbing to higher ground to get a bird's eye view of the environment may have been enough to find a way out. However, she did not stay on this topic long enough for Vang to recover or explain this issue (nor does his attorney return to this question to recontextualize Vang's response that he thought he was on public land).

Immediately after the questions about the cabin/camper, Lautenschlager once again fragmented the chronology of the story using juxtaposition. She returned to earlier that day when he ran into a Mr. Trachte in the woods. She brought him up to remind the jury that at around 9 am Vang had asked Trachte for directions because he was lost. Lautenschlager then asked, "And now it's getting close to noon, would you guess?" to which he replied, "Yes" (1288). The next question returned the topic to the camper. She asked, "And there's a camper, there's probably a road near the camper, but you decide to stay in the tree" (1288). Her questions forcefully implied her point as she used a tag question and a declarative, making them highly coercive. He responded hesitantly:

"Yes. 'Cause I don't know, because this, this, I don't see any ATV trail. The only one I saw, it's the first when I saw him and I walking down southwest there. But I don't see anything around so I imagined that somebody just, dead end road that somebody just parked there and camp and go hunt just like the group up where I was at camp." (1288)

Vang struggled to respond to Lautenschlager's strong, insinuating questions. He restarted his answer multiple times, did not finish his thoughts, and eventually repeated his earlier answer. While Lautenschlager had a good point, that he should have been more

concerned with his location and finding his camp, he may truly have not deemed it a primary concern since he planned to hunt the whole day. He also explained his reason: since he may not have known he was on private land, his assumption that the camper may have parked and camped like his party made sense. Nonetheless, Lautenschlager's forceful assertion that his behavior contradicted his statement of concern for being lost seemed to overpower Vang's point of view. Thus, the juxtapositions functioned to make connections between arguments like having intention to kill and the skill to do so and functioned to show contradictions in Vang's behavior.

### **C. Prior statements/letters/phone calls.**

Another way Lautenschlager disrupted the flow of Vang's testimony and highlighted contradictions in it was by referring to prior statements, letters, and phone calls. Vang had given inconsistent statements to the investigators during the interrogation and later admitted to not reading much of the other witnesses' statements when given the opportunity. In addition, he wrote a letter to Colleen Mastony of the *Chicago Tribune* and also spoke with her on the phone regarding the events that occurred in the woods and his thoughts about the case. Lautenschlager obtained copies of all the transcripts and brought them up at strategic times. The first time Lautenschlager introduced a prior document occurred after she asked about Vang's familiarity with the Rice Lake hunting grounds. She used the Mastony letter to tell Vang's story. In this sequence, Vang answered with confirmations of what she said in mostly declarative and tag question form. For 16 straight questions, he answered with a single word, and he ended it by adding unprompted information (referring to how many times he caught up with the doe) (1280).

In this instance, the letter allowed Lautenschlager to control the narrative based on what Vang had said at an earlier date. While Vang mostly agreed with her statements from the letter, the usage provided the first instance where the court got a chance to compare Vang's previous testimony to what he said on the stand, which later became a source of contradictions and disagreement.

The next time she injected prior statements happened during the 14 turns regarding the first contact between Terry Willers and Vang. After discussing the direction of his approach and the words spoken between him and Terry Willers (regarding private property, a plat map, and "you guys shoot[ing] too many does" (1291)), Lautenschlager broke the time-sequence of the story, which according to Berk-Seligson leads to short answers and more coercive control. She changed the topic back to prior statements that Vang had given to Investigator Gary Gillis and Special Agent Ken Mammoser. She followed this topic for 23 turns mainly to prove that Vang did not mention Terry Willers saying, "You guys shoot too many does" and to inform the jury that Vang spent little time reading other surviving witnesses' statements, instead focusing on his version of the story. Yet, Lautenschlager did not reconnect this topic change back to Terry Willers' comment until 16 turns later. She instead focused on painting Vang as someone not concerned with the surviving Caucasian hunters' stories. She said declaratives questions like, "So you received . . . what other people said had happened, but you didn't read any of them", "So you really didn't pay attention to anything they said", "It wasn't important to you?", "And you really didn't look at them at all" (1292-3). Vang answered that he did read them but paid little attention to them because he did not think they were as important

as getting his story straight. Similar to her earlier chronology breaks, Lautenschlager seemed to want to prime the jury with a character trait she perceived in Vang: in this case, that his behavior toward the other statements made him cold-hearted. While it did seem odd in her context, he may have truly wanted to get his ideas straight. He probably realized how hard it would be for him to go on trial for the murders considering one person killed six and injured two more. By not explaining this, Vang allowed Lautenschlager to present him to the jury according to her agenda rather than his.

After discussing Vang's reluctance to read the witness statements, Lautenschlager returned to Vang's statement that Terry Willers said, "you guys shoot too many does". She used a tag question to ask Vang to confirm that he did not tell Gillis and Mammoser that fact. He replied, "No", in that he did not tell them that detail. She followed this line of questions for eight turns because she presumably wanted to prove either that Vang did not deem that phrase ("you guys shoot too many does") important or that he did not remember it the day after the events. She asked him, "You didn't think that was important?," "You did think it was important?," and "But you didn't remember that the day after the incidents?" (1294). He admitted that he did not think of it the day after. As noted in Chapter 2, by using "But" to begin her question about his memory, Lautenschlager showed contrast between what one would expect of Vang and what he actually did. She insinuated that he should have remembered. He replied that he did not remember during their interrogation but remembered it after he thought through each step. Her control over the narrative using prior statements allowed her to limit Vang's ability to respond.

Soon after, Lautenschlager asked about Vang's interpretation of "you guys" by using prior statements. She asked four questions about this, primarily to see if Vang saw this as a racial comment. She asked, "it was your understanding that Mr. Willers meant Hmong hunters; is that correct?" (1294). Vang answered that he did not know to whom Willers referred. Lautenschlager then repeated Vang's statement, and Vang explained, "Yeah, I don't know . . . not only Hmong but a lot of Asian minority different than Hmong come hunt" (1295). Thus, Vang did not take it personally to Hmong, but still saw it as a racial comment. Lautenschlager confirmed this, but does not investigate or develop the racial element in the woods. She asked, "So it was an insult?" to which Vang replied, "To me, not really" (1295). This series of questions represented the closest to a discussion of racism that happened in both examinations. Lautenschlager allowed Vang the chance to make the case racial, and Vang directly said he did not take it as a racial comment even though they both know it was a comment on minority hunters. To the jury, this made race insignificant in Vang's motivation. Lautenschlager again referred back to Vang's letter and phone call with Mastony to say he did not mention it to her either. In this instance, the narrative control deleted a possible motivation and defense. By casting suspicion on the "doe" comment through prior statements, she limited Vang in his possible responses. He could not say it was important after just having said he did not recall the comment right after the incident. Thus, in addition to showing Vang's intent to kill, Lautenschlager effectively removed the possibility that race played a part in the murders.

Lautenschlager again brought up prior statements once she set the context surrounding the arrival of the second group of ATVs. She began to analyze Vang's behavior during the initial contact with the first ATV. She asked, "And, then, you didn't shoot at the people in that ATV, did you?" (1331). He said no because they did not shoot at him. She repeated his sentence almost exactly, and he confirmed "they don't even start pointing a gun or anything so I'm not shooting" (1331). She then asked if he made an earlier statement (she does not mention the source) that he did not shoot because they were armed. He said, "No". He corrected her by telling her what he recalled he had said in the statement that she brought up. She did not interrogate him more on the truth of the statement. Still, the fact that she asked about a former statement and that he denied/corrected it opens up the possibility for the jury to see contradiction in his testimony again.

Lautenschlager returned to the Mastony letter when he said he remained in the prone position as the first ATV in the second group of ATVs passed, and then the ATV passed by him again. Lautenschlager interrupted him as he explained that they drove back the other way to ask, "And, then, after they went by toward the cabin?" (1333). She assumed the ATV went towards the cabin and that he knew that. He responded, "Yes. I'm not sure where the cabin. They just took off west from there" (1333). Her abrupt question seemed to have thrown him off because he answered incorrectly with "Yes" and then changed it to uncertainty. She returned to his previous statements where he used "cabin": "And after they went toward the cabin or wherever--and, in fact, in some statements you've made to the investigators and Ms. Mastony, you called it cabin; correct?" (1333).

He said that he did use it at times because he knew after the fact by reading “some and some on the paper that I got” (1333). His answer could be valid; he likely read it and may have also heard it in the questions the investigators asked. But, he did not specify what papers he meant and the court could interpret his answer as yet another contradiction because he had stated earlier that he did not read any other witness’ statement.

Instead of continuing the narrative during the part where he shot Jessica Willers and Laski, Lautenschlager directly attacked Vang’s credibility using his prior statements. She all-of-a-sudden asked, “Do you remember, do you remember discussing this incident with Investigator Gillis?” (1339). When she said, “this incident”, we should assume it meant the incident with Jessica Willers and Laski. However, she went on to speak about the entire incident in the woods on November 21. Vang had given false statements about what occurred that day to the investigators. He denied that he said Terry Willers had threatened him, but admitted that he told the investigators Terry Willers had taken his gun and shot all the people (1340). After Lautenschlager reminded him that he had said Terry Willers had used gloves when he shot everyone, Vang replied uneasily: “Oh, I don’t recall. It could be, it could not. I don’t recall” (1340). He knew that his prior lie will seriously hurt his credibility. While he did not remember if he said Terry Willers used gloves, he did admit to making up the story. Lautenschlager finished this series by asking tag questions that state that Vang told a different story than to the investigators and yet another to Mastony. She tried to say that Vang had changed his story a number of times, and that in at least one, he knowingly lied. The jury likely picked up on the message: if he lied once, he may have lied again, perhaps even under oath. Lautenschlager timed this

topic towards the end of the cross examination, making it probable that the jury would take it into account in their deliberation.

Following her return to Jessica Willers and Laski at the end of the cross examination, Lautenschlager brought up the Mastony phone call for a third time, allowing her to end where she started: trying to prove intention. She asked Vang to read part of the letter to the court, specifically the part where Vang wrote about how he feels about the people who died that day in the woods. Vang read, “Well, some of them I say I feel sorry for them. Some of them I say they deserve because they don’t know how to talk to me like they should be and shoot at me the way they, shoot, shoot me the way they do” (1353). This proved that Vang believed that some of the hunters “deserved” to die as he intimated in the opening questions when he said he “intended” to shoot some of the hunters because of perceived wrongs. At the end of the cross examination, Lautenschlager repeated a parallel question series that went through each hunter he killed to ascertain which Vang thought deserved to die. She asked, “Can you tell me if on that day [hunter’s name] deserved to die?” (1353-4). After saying “No” to each hunter besides Joey Crotteau, Vang then said, “Mr. Robert and those three [Robert, Joe, and Laski], the one, I pretty much feel, think that they deserve” (1354). He explained his reasons, saying Laski had a gun and could shoot him, and the Crotteaus cut him off from leaving and called him names. Vang probably thought he was explaining why he had to kill the hunters, but in the context of his answers based on how Lautenschlager set him up, it came off as vengeful murder. He may not have understood what Lautenschlager meant by “deserve,” which supports the hypothesis that his English language ability limited his

ability to tell his story. In addition, Vang did not provide an explanation that proves self-defense. If he indeed felt that he needed to shoot that many people in order to safely escape the situation, he should have said more, shared his rationale, and attempted to get the jury to understand how he perceived the situation. He did not, and Lautenschlager's control over how and when topics got discussed through narrative control and question types recontextualize Vang into a person who sought to punish others out of spite.

#### **D. Priming effect.**

Similar to what Mendoza-Denton found with “pre-sequence” questions but on a larger scale, Lautenschlager used a priming effect in her questioning where she tried to bring up details that later might help prove her case. Priming occurred when she mentioned a piece of information that at first seemed minor, but then built into something that affected other details in her favor. She did not directly state her intentions; rather, she relied on the court to pick up on her intended message. Three major primers included Vang's “intent” to shoot the hunters, his military background, and his prior knowledge of property. As stated earlier, she did not directly link these topics' significance to the case. She used them to hint that Vang had intent to shoot the hunters, a requirement of a murder charge. Not only did he have the intent, but he had the background to successfully carry out a massacre like the one that occurred on November 21. He knew how to shoot to kill, and he also had the ability to assess a situation--a point that showed he should have known how to get out of the situation without having to shoot all the hunters. Lautenschlager used this point multiple times when she asked why he did not just try to leave or take an ATV to get out of there instead of chasing the hunters down or waiting

around for the second group of ATVs to arrive. Lastly, her two questions about property ownership demonstrated to the court that he should have known how to identify private land. By inserting all of these topics near the beginning of the cross examination, Lautenschlager primed the court so that they might interpret the following incidents in light of them.

As Lautenschlager continued the cross examination, she tried to insert details into the questioning without making them stand out in order to prime the audience for later discussions. She accomplished this by hiding questions about a specific topic within a larger series of questions. The first time she hid details occurred during the series of 16 military/gunmanship-related questions. Lautenschlager curiously inserted questions that stand out as random. After the first seven questions, she asked if Vang owned his own home and if he leased hunting land, and he said, “yes” to both. Clearly Lautenschlager wanted to minimize the argument that Hmong immigrants had little knowledge of private property, a cultural argument some people used at the beginning of the case for why Vang may have wandered onto the Crotteaus’ land in the first place. However, the two questions seemed only slightly related to the rest of the series. The 25 questions that surrounded them focused on his ability to handle a firearm and his knowledge of hunter safety and how to shoot to kill. Lautenschlager fragmented the topic flow with the question. Maybe Lautenschlager did this accidentally, simply remembering to ask it at this particular moment. On the other hand, she could have hoped to hide the question within the series so that it did not become a major issue. Surrounding it with hunting and gun-training related questions loosely tied it to general knowledge of hunting; however,

she did not directly ask about his knowledge of private property nor did she pursue his understanding either. Thus, the questions stood out as fragmented, leaving the audience to pursue their own significance of the questions. Additionally, it primed the court to consider the rest of the cross examination without worrying about whether or not Vang understood property laws.

Besides the aforementioned instances of priming, Lautenschlager introduced evidence Vang had not admitted to or spoken about in the earlier testimony twice. She did this to undermine Vang's story and perhaps to refer back to what another witness had stated even though she did not reference her source. Either way, it primed the audience with misinformation. The first time she added new evidence happened when she fragmented the questions about the initial gunshot that Willers supposedly fired. Eight questions interrupted his narrative, beginning when she asked, "And what do you do with your backpack at this time?" (1310). She also asked about him removing his scope and wrapping his rifle string around his arm. Vang said he still had his backpack on his back and that he took the scope off of his rifle. He answered Lautenschlager that he did not wrap the rifle sling on his arm, though, saying he did not have time to wrap it. She introduced the topic that he denies, but then she still followed with, "And by to wrap, you mean to wrap the sling around your arm?" (1310). He said, "Yes. I don't have time to wrap" (1310). She seemed to be trying to put words into Vang's mouth. She introduced "wrap" first, but then asked him to admit to the definition that she gave. When he did, it seemed more likely that he did in fact wrap his rifle. She went on to ask, "And that would be to steady the weapon, if you were to do it?" (1311). Again, she put it into the jury's

mind that he may have used a wrap even though, in the end, he said he did not wrap his rifle twice. He answered her, “Yes. But I don’t know whether that was steady or not. But I don’t even think about that, All I do is just take it off and swing my rifle over and shot” (1311). The focus of the narrative shifted from the gunshot to whether or not Vang used a wrap. Her questions depicted Vang as an inconsistent witness in that he said he took off the scope but does not wrap instead of allowing the jury to focus on Vang’s account of the shooter.

In addition to introducing the rifle wrap, Lautenschlager also attacked Vang’s statement that Laski had a gun by hinting that the authorities did not find it. She asked if Laski shot at him, and Vang said no. She again said, “But he certainly had a gun?” (1335). Vang again answered affirmatively. She then asked using a declarative question if Vang was able to shoot before Laski could get the gun off his shoulder. Vang said Laski had already taken it off when he shot him. Lautenschlager then asked, “Do you know what happened to Mr. Laski’s gun?” and “You didn’t take it?” (1335). The authorities only found one gun among the group of Caucasian hunters: Terry Willers’. Vang said when he left that it was on Laski’s left side and even provided an estimated distance from the body. Lautenschlager did not restate that they only found one gun. She apparently leaves it up to the jury to notice the discrepancy. He did not fight the contradictory information either by offering a reason why they did not find it. In effect, she primed the court to consider the new evidence moving forward, which greatly affected the circumstances of the shootings.

#### **E. Quick/abrupt topic changes.**

Besides controlling the topics, Lautenschlager demonstrated control over the narrative by changing topics quickly. This differs from normal topic and narrative control by its abruptness and is distinct from her juxtaposition of opposing topics because the topic shift does not result in stark contrast. At times, the topics were slightly related, while at others they showed great difference. The abrupt topic shifts demonstrate Lautenschlager's power over Vang in the courtroom context and function to fragment his ability to tell his story, which often shook his confidence in his answers/statements. An example occurred when Lautenschlager quickly turned Vang's attention from his actions when he was lost near the camper to a new topic. She followed the last camper question by directing Vang back to the tree stand and asked about his weapon and the contents of his backpack (1288). Specifically she asked about whether he had a radio, gloves, a hat or a mask. Her questions here lost their coerciveness because she asked some open-ended questions within some closed-ended questions. She seemed to back down from her aggressive tone. Her questions appeared to calm him down from the previous series that got him stumbling for words. After these easier questions, she returned to the next part of the story, Terry Willers' approach, which set him up for an abrupt topic shift.

As she had done before, Lautenschlager changed the topic right after she tried to prove Vang unnecessarily worried about the ATVs starting after Terry Willers radioed. She directed his attention to the state exhibit map to get back to where they were during that time. She then asked whether he left in the direction Terry Willers had pointed. He said, "Yes" three times, once before interrupting her question and twice after she finished. Lautenschlager followed by asking, "You don't recall his saying, If you head

straight east you can leave the property in about a hundred yards?" (1297). She repeated the question after Vang answered, "No", and he said, "No" again. It remains unclear why she asked multiple questions about the direction. Perhaps Terry Willers had testified that he told him to go east. Either way, she again seemed to win this battle. By asking multiple questions, she insinuated that he might not have followed the appropriate direction even though he said he followed the exact direction Terry Willers pointed out. The questions coerce short answers from Vang, which shows, according to Gibbons, that she had the power.

After getting Vang into another seeming contradiction about why he thought the Crotteaus may have been running towards the cabin, she abruptly returned to the main narrative. She used a declarative question to return to Vang chasing Joe Crotteau. She then asked whom he chased first: Joe or Robert. His response appeared to contain hints of nervousness and uncertainty: "No. I, when I, I stopped, I shot Bob when he's going east. I shot him 45-degree angle. I shot twice. He fell down. I looked to the west and Mr. Joe Crotteau still running west. He's about 20, 25 yard away, 25, 30 yard away. He's quite a distance. So I shot one time" (1323). First, "No" did not answer whom he chased first. Then, he restarted his answer and used short, basic sentences. Then he stumbled over the distance in an awkward way. Following Vang's response, Lautenschlager asked if he hit Joe Crotteau with the shot. Vang replied that he did not think so because Joe Crotteau kept running. Lautenschlager then broke into the narrative again with questions that changed the topic. She asked if Vang was fast, which he admitted, and then she asked, "You're a soccer player?" (1323). It almost seemed like she wanted to be friendly here,

but the effect was that she momentarily fragmented the narrative. It remains unclear how his speed and soccer background related to the case at hand. However, the abrupt fragmentation seemed to break down Vang's ability to tell his story. He did not state his case nor battle Lautenschlager's apparent random assertions. Thus, the abrupt topic shift controlled the narrative, making Lautenschlager's narrative more coherent and comprehensible than Vang's.

After asking about Vang's prior false statements that Terry Willers took his gun and shot the other hunters, Lautenschlager returned to the events without a transition. She abruptly asked after inquiring about the Mastony phone call and letter, "And before you left that scene, as you rounded down toward where your scope was, you shot again at Lauren Hesebeck; correct?" (1341). Assumedly, "that scene" meant the scene with Jessica Willers and Laski, but 14 turns stand between the last time they spoke about it. Lautenschlager fragmented the narrative at will, and expected Vang and the court to follow without a problem. After the turn in topic, she followed her line of questioning chronologically, but she focused on Vang's actions. She asked if he picked up his scope or his backpack on his way back towards the scope scene. She then asked if he was out of ammunition or if Hesebeck shot back at him (1342). Vang replied in the negative to both. It remains unclear why Lautenschlager asked either question. Perhaps she wanted to know if he left out any reloading because he has shot close to the 5-6 bullets he said he had reloaded the last time. As for Hesebeck firing back, Vang or Hesebeck might have stated it at an earlier time. She did bring up an earlier statement, when Vang may have said, "You're not dead yet" to Hesebeck after the first shot during this second

confrontation with him (1343). Vang admitted he said it and explained, “Yes. I was afraid. I was, tried to intimidate him so he run so I can run. That’s the purpose of it” (1343). Again, Lautenschlager caught him in contradictions. He seemed to be making up statements as he went, not remembering the stories he told before or what others had said. Perhaps the way Lautenschlager controlled the narrative and the way she structured her questions coercively affected his ability to make a coherent sounding narrative, which resembles Berk-Seligson’s explanation of fragmentation.

Lautenschlager again used an abrupt topic change after getting Vang to admit his assumption that the police were looking for him. She transitioned by saying, “I’d like to go back to the scene of the crime for just a minute” (1350)<sup>11</sup>. In the very next question, she used his word, “the incident”: “If I were to tell you that’s Mr. Roidt, could you tell me if that’s about how he looked the day of the incident?” (1350). She seemed to be trying to tease out her intended meaning (that he committed a crime instead of self-defense) without being challenged by Vang or his attorney who had remained silent the whole time so far. She asked if he recognized the bodies of the hunters he killed by apparently showing him pictures of their bodies at the scene of the shootings. He says he cannot tell if the picture depicted Roidt on that day, but he seemed to recognize Robert Crotteau’s body. When Lautenschlager asked about Joey Crotteau, she added more than just a request for identification: “And, then, this is Mr. Crotteau’s son Joe and you shot at him, or you hit him four times?” (1351). This was not a question; rather it was a

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<sup>11</sup> Note her use of “crime”, a word likely Vang would not use to describe the events, which he just referred to as “that incident”. The word carried the connotation that Vang committed the crime of murder instead of self-defense shootings. He did not correct her or argue differently

declarative statement. At no point in the earlier testimony did Joey Crotteau being shot four times come up. Lautenschlager seemed to purposely add details at the end of the cross examination to make it seem strongly likely that Vang committed the crime of murder. Vang's response, that he did not recall how many times he shot but at least four times, did not help his cause. Earlier he admitted to shooting at Joey Crotteau multiple times because Joey kept running, both of which she confirmed in the next turn. Her control over the narrative and questioning strategy had Vang without defense to her assertions. He did not protest her wording nor adequately explain how his actions could be seen as other than how Lautenschlager portrayed them: as acts of willful violence.

**F. Attacking Vang's logic and common sense.**

At certain moments in the cross examination, Lautenschlager directly battled with Vang over his decisions in the woods on November 21 by using questions that contrasted with his statements. By doing so, she undermined his narrative by recasting it as unreliable. She exploited moments when Vang seemed most vulnerable to attack his rationale. Lautenschlager first tried to attack his concern over the ATVs. She asked, "Now, were there other ATV sounds and sounds that you hear from hunting around in that woods during the day?" (1296). If he answered yes, it would help her prove he made an illogical connection between these ATV sounds and sounds he had heard all day. He responded, however, that he had not heard anything during that time and had not heard ATVs since earlier in the day. Thus, he demonstrated that his connection between the walkie-talkie call and the ATVs starting was common sense. Lautenschlager still tried to

attack his testimony by relating his comment back to the fact that Terry Willers did not threaten nor give him any reason to make him concerned for his safety:

“Okay. But even though you didn’t know what, even though you didn’t know what Mr. Willers had said on the radio and even though Mr. Willers was polite to you when he talked to you and when you got down from the tree, you assumed somebody was coming to cause trouble.” (1297)

Besides being worded awkwardly which made it difficult to understand, Lautenschlager’s question put words in Vang’s mouth by re-explaining the context for the jury. His explanation was plausible; it made sense to think that hearing ATVs start after Terry Willers’ call would signal potential danger. Yet, her recontextualization reformed the statement in a way that could affect the jury’s perception of the importance of this part. By replying “Correct” to her recontextualized question, Vang played into her power to do this. He did not seem to realize that he had allowed her language to overpower his narrative, minimizing his explanation of concern.

Lautenschlager followed the small tangent regarding the direction Terry Willers pointed to leave the property by returning to Vang’s concern with the ATVs that started after Terry Willers got on the walkie-talkie. She seemed to be stringing together instances where she showed Vang to be making statements and decisions contrary to what one would expect of a reasonable person in the situation. She repeated that he was worried that the ATVs were coming, and he said, “Well I know that if they coming that fast, when they coming they going to say something to me. It’s in my mind already” (1298). She made it clear that his assessment was based on Terry Willers radioing on the walkie-

talkie, again trying to undermine the validity of Vang's worry. He added, "they coming fast and look like they chase somebody or they doing 40, 50 mile per hour coming, I know somebody pissed and was coming to talk to me" (1298). Once more, Vang's testimony seemed plausible. The cause and effect relationship existed between Terry Willers' call and the ATVs especially since they were heading in that direction fast. Yet, Lautenschlager tried to contradict his narrative by concluding the series with, "So you knew that even before they got there" (1299). Vang answered, "Yes. I know that they already coming" (1299), which does not match what she said. She was trying to say he could not have known they were mad and coming for him before they got there. He attempted to fight that perception by saying he just inferred it based on the events leading up to their coming. Lautenschlager was trying to show the jury that his testimony was unreliable because he could not have known who was coming and their emotions.

Lautenschlager then turned to the arrival of the two ATVs. She questioned Vang on the number of people on the ATVs and the names of the riders. During this questioning, Vang admitted, "I wasn't pay attention to where who was at" (1299) when trying to explain who was in which seat. Lautenschlager then referred back to Vang's emotional state:

L: "Okay. But you were nervous at the time and thought they were coming to get you."

V: "Yes, I know that they were coming. They were do what they have to do."

L: "What did they have to do?"

V: "I don't know. But I know they's coming." (1299-1300)

It appears she wanted to disprove Vang's assertion that he was nervous by insinuating, if he were really nervous, he would have noticed exactly who sat where. Interestingly they did not fully discuss what Vang thought they would do. Likely that meant he figured they hurriedly came to confront Vang to do what they thought they needed to do which could include informing him of his trespassing, get his hunting number to turn him in, aggressively confront him, yell at him, and/or physically/verbally assault him. The jury probably saw this as yet another instance of Vang misrepresenting his side. The abrupt shift to his emotional state takes away from Vang's narrative, and forces the court to consider whether or not Vang had a good reason to be afraid.

Moving on with the story slightly, Lautenschlager then asked about Robert Crotteau telling Vang to leave. She asked if he was frightened, and he said, "Yes" (1303). Then she asked if he had seen any guns on the people or the ATVs. He admitted that he did not think to look for weapons. He said, "I was more concentrate just listening to him, look at him, and look at everybody's, what they do. I'm not concentrating on any--" (1303-4). Lautenschlager interrupted to ask, "If you are looking at what they do, could you tell us if any of them had firearms there?" (1304). He said he did not see any. Again the two seem to battle over what exactly happened. As mentioned earlier, Vang's nervousness may have impeded his ability to focus on everything in his surroundings. If he were calmer, he may have had the clarity to assess the situation and look for serious threats like guns. Indeed, she already proved he has the training for this. Her stance argued that he should have definitely checked for guns especially if he was scared. Once

more this undermined his reliability. She subdued his side of the story with her forceful assertions within the declarative and tag questions. She created a different logical standard at the expense of his.

Now that she has proved he had nothing to fear that would warrant self-defense as he walked away from the initial confrontation, she tried to prove he did not see any guns at the first scene. The once clear narrative Vang had developed in the direct examination got systematically fragmented by Lautenschlager during the cross examination, highlighting his unreliable and contradictory statements. She forcefully asserted, using a tag question, “In fact, you didn’t think there were any guns there at that time, did you?” (1305). His response lacked fortitude:

“I don’t know, ‘cause I don’t know whether they had concealed weapon or not they have. I don’t know because I wasn’t concentrating on anything. I just more concentrating on looking and the way they talk to me there.”

(1305)

First of all, he repeated “I don’t know” three times, which reveals a high level of uncertainty. In addition, he initially said he was not concentrating on anything, and then said he concentrated on “looking,” probably back at them, and on their words. Possibly, he lied to hide the truth, which was what Lautenschlager wanted to prove. On the other hand, he may have honestly not paid attention to the presence of guns and focused on the men. The fact that the men were in the woods during gun hunting season makes the likelihood of guns high. Her use of coercive questions seemed to make Vang struggle with his memory and his words, which the jury would probably take as hedging on his

part, lessening his believability just like Mendoza-Denton found in the Anita Hill and Clarence Thomas hearings.

Later, Lautenschlager attacked Vang for not taking an ATV to get out of the area right away. She moved on from the shooting of Robert Crotteau to ask why he did not take an ATV to leave or just head directly out of the area, away from the cabin. She used the word “reason” in both questions, which showed that she tried to use common sense against Vang: “Is there a reason you didn’t go and grab one of those ATVs and get out of there?” and “And is there a reason knowing where the cabin is and knowing where all of these people were is there a reason you didn’t just head in the other direction and get out of there?” (1328). If he were thinking clearly, he would have probably done what she expected him to have done. Instead, he tried to head south from the tree stand area. Her questions affected Vang’s responses as he seemed shaken compared to his responses to Kohn’s questions. He responds, “Well, I never occurred to my mind anything” to why he did not take an ATV (1328). Additionally, he answered, “Because the south is the only way I know at that time that I would headed south. That way I would find where we camp at” to why he did not walk in the opposite direction of the cabin (1328). In the first example, he constructed a confusing sentence. He may not have thought to take the ATV in the heat of the moment. If he was truly afraid for his safety, he probably wanted to take the only route he knew based on what Terry Willers told him. In the second answer, he again constructed an awkward sentence. The way he explained himself here showed that Lautenschlager’s interrogation had disrupted his thoughts and language ability. His muddled answers could have affected the way the jury interpreted this series of questions.

She wanted to show he did not use reason in his actions, and his answers did not challenge her insinuation.

Lautenschlager also attacked Vang's logic for shooting Jessica Willers and Laski in the back. Not only did Vang shoot unprovoked, he also shot them in the back. Lautenschlager asked why he did it, and he responded, "No. Because--" (1337). Lautenschlager interrupted him to add, "Mr. Laski was taking his rifle off of his gun (sic) and intending on aiming it at you when you shot him in the back?" (1337). She took Vang's ability to explain himself away. She controlled how the explanation got told and how much Vang got to say. He tried to explain himself, saying Laski was trying to get off the ATV while taking his rifle off of his shoulder, but Lautenschlager had already caused serious questions about his account. She further challenged Vang's narrative by saying he had testified to Laski's pointing a gun at him. Vang denied her, saying, "I say he start running north. I didn't say he start pointing gun at me" (1337). He did not say Laski ran the first time they discussed it; he said Laski was taking his gun off his shoulder. Vang added more details, which makes his testimony less reliable. Lautenschlager jumped at the opportunity to hurt his account even more: "That would be inconsistent with the shots to the back, wouldn't it?" (1337). Vang's response showed that Lautenschlager's questions had shaken his confidence:

No. He start, when he start coming off, after I shot Ms., Ms., Ms. Willers, she fell down and he start get up and I already shot him from the back already. And then he start running north and he fell down next to Ms.

Laski--Ms. Willer to the left side, north side. And I run over there and he start pointing his gun to the left so I shot him from the back (1337).

Vang repeated words, restarted sentences, and muddled the chronology of events. How did Laski run after being shot in the back? If he ran, how did he fall next to Jessica Willers? His answer left these questions unanswered, significantly damaging his credibility. When Lautenschlager attacked his logic, it negated Vang's ability to respond in a way that made his story clear and believable.

Following the discussion of shooting Jessica Willers and Laski in the back, Lautenschlager again changed the topic. She asked Vang if he was in a prone position when both of the ATVs drove by (1338). Vang repeated what he said earlier: that he remained hidden prone when the first ATV passed, but then started running. Lautenschlager asked six questions about this, but does not explain or reveal why she deemed it important. She did question, "So at the time you shot Mr. Laski and Ms. Willers, you were standing?" (1339). It seemed she was trying to evaluate if he could have shot them in the back. She asked how far away he was when he shot, if they had their backs to him right away, and how much ammunition he had at the time. The fact that he shot them in the back without provocation stood out as being contrary to a self-defense claim. In addition, Lautenschlager controlled the details of the story by including them in her questions, preventing Vang from explaining his statements more than with just confirmations or denials.

After the second shooting at Hesebeck, Lautenschlager led Vang to discuss his exit from the area. She confirmed that he headed south and was lost. She used her

questions to lead him into telling specific details. She asked, “And did you find individuals to whom you could ask . . . for information?” (1343). She did not allow him to get off topic by asking questions that contained most of the information and only required a yes/no answer. She confirmed that he met up with a Mr. Gass and Mr. Cieslak. Lautenschlager asked if he threw his ammunition into a swamp, and he admitted that he did. She asked seven questions about him getting rid of all of his ammunition, and then asked about whom he ran into first, which was Mr. Gass. After Vang said he asked for directions because he was lost, Lautenschlager asked, “Do you ask--did you tell Mr. Gass that you had just gone through this horrible experience where these people tried to shoot you?” (1345). He said he did not tell him anything about what had occurred earlier. He did not challenge Lautenschlager or explain himself. He let her directly challenge his logic.

Upon Vang explaining the directions Gass gave him, Lautenschlager asked about seeing Cieslak. Instead of going into what they talked about, she asked Vang if he was heading south, how much time had transpired, and if he was nervous. Vang answered, “Yes. I was afraid, I’m nervous, I don’t know where I’m at, I’m lost” (1346). She seemed to show him sympathy by adding, “You just want to get back to your camp?” (1346). He repeated the sentiment and added that he heard an airplane overhead, which disrupted Lautenschlager’s control for one turn where she clarified the plane’s presence. While she seemed sympathetic, she was also adding to her argument that Vang did not act like a man involved in a horrendous incident. Instead of looking for his camp, he could have gone to authorities right away to explain what happened. Getting back to camp seemed

like he was just trying to get away from what happened. In fact, she said using a declarative question, “Mr. Gass said you were in a bit of a hurry during this time? . . . walking and getting through as quickly as you could” (1347). At first he said, “Not exactly hurry; but, I mean, I get close to the road and open more space. I walk much faster” (1347). The fact that he hurried corresponded with the idea that he meant to get out without being caught. He did not act like a man who just got in a gunfight out of self-defense. As with the other instances where Lautenschlager directly challenged Vang’s logic and common sense, this example shows how well they disrupt the narrative flow and prevent Vang from explaining himself in a clear and coherent way.

#### **G. Reference to maps and directions.**

A recurring way that Lautenschlager fragmented the narrative was through the use of the map and directions in the woods. While Kohn also used these, her questions seemed to disjoint the narrative and Vang’s ability to answer questions. Kohn’s references to the map and directions, on the other hand, simply provided context to the events. Lautenschlager brought up the map or asked about directions at opportune times, many of which broke a question series into parts, effectively fragmenting the topic. When she broke the topical focus, it seemed to soften Vang for an essential case-making question. He let his guard down because he felt confident answering map/directions-related questions. Lautenschlager, though, seemed to get him comfortable to prepare him for more incriminating questions. For instance, she began the sequence of events that happened on November 21 immediately following questions about Vang’s military training. She brought his attention to the campsite on November 20. Unlike Kohn, she did

not focus on the story. She instead asked if he had hunted there before and if he had a map or compass (1276-7). She had a goal in her questioning. She wanted to know how much knowledge he had of the area. If he knew the area well, he might have known he wandered off of public land. Additionally, he used directions very well when he told his side of the story which implied he should not have gotten lost. Finally, she asked about the morning of the 21st 68 turns into the cross examination, just over 10% of the way through the cross examination. Interestingly, she only asked about the weather, nothing more, for she then directed his attention to the letter he wrote to Mastony (1278).

The questions involving the Mastony letter followed the story until Vang arrives at the ridge, and almost every question contained Vang's directions. Then, abruptly, Lautenschlager dropped the story and returned to Vang's ability to tell direction in the woods. She concluded with, "Now, despite your sense of direction, you found a time when you were lost; is that correct?" (1281). Vang answered only with, "Correct." He did not explain how he came to be lost if he knew which directions were which. Clearly Lautenschlager wanted to show the jury that Vang had a great sense of direction and, presumably, should not have gotten lost. Thus, she attempted to show the inconsistency in Vang's testimony. Similar to when she hid the question about property above, Lautenschlager hid this important point within a larger series of questions. She followed this question by returning to the scene, focusing Vang's attention on finding a swamp. Neither developed how he got lost, which seemed logical at this point. She did not dig for an explanation, nor did he explain how he could get lost with such great attention to direction.

Her questions about distance and the map that interrupt his narrative as he walked away from the initial group seemed to throw Vang off as he answered, “No” to a question that he actually answered affirmatively. Lautenschlager was trying to place Terry Willers in relation to the ATVs. He first responded, “No” to one of her questions about whether Terry Willers stood in front of the ATVs. Then, when she asked, “And can you tell me was Mr. Willers then about, what, how far south of that is he? If you could just tell me an approximate distance” (1309), he answers, “No. He’s approximately about 10 yard, a little bit lower than that, 10 yard, yeah” (1309). Perhaps she was pointing to the map and he was correcting her. Another possible explanation is that he was being defensive: answering “no” before he fully understood the question. She asked four more questions regarding the location before she allowed Vang to continue with his story, requiring Vang to place Terry Willers between himself and the ATVs.

After the eighth turn when they discussed the rifle wrap, Lautenschlager returned to the gunshot. However, she did not ask who fired the first shot. In her first questions returning to this topic, she asked, “And as you hear this first shot fired, where does the bullet go or how do you know what’s happened?” (1311). She used passive voice to refer to the shot because she did not say who fired it--she left the agency unspoken. Vang explained that he saw a “dirt splash” in front of him some distance away. Lautenschlager then asked about where it hit in general and then on the state map. Similar to her previous fragmenting, she took the focus off the possible shooter and put it onto Vang’s memory of the events and their location. They discussed the position of Vang, Terry Willers, and the bullet for 36 turns, one of the longer series of questions in the entire cross

examination. During this series, she forced him into a few comments that he initially denied. First, she asked if he was near the area labeled scope. He responded that he was to the west. She then abruptly asked, “And but you’re in that area; correct?” (1311-12). He then followed suit with, “Correct.” Next, she tried to place Terry Willers’ position and where the bullet hit without asking Vang; however, he corrected her and showed her on the map where he recalled Terry Willers was and where the dirt splash occurred. Her questions, though, portray him as unreliable. For instance, she asked, “So he’s up there just south of where [the state map] says Tree with bullet. And you’re there and [the bullet] goes this way?” (1313). He again corrected her on the map, leading her to say, “So the map is wrong” (1313). Her use of questions regarding directions showed she did not trust Vang’s assessment of where everything occurred, which, in effect, would put doubt in the jury’s mind as well. Lautenschlager then asked specifically where everything was, and then asks again, “And you’re saying the map is wrong?” (1314). He again said the map was wrong and showed the way it should have been drawn. To conclude the series, she thanked Vang for explaining the issue. However, she seemed to have achieved her goal of getting them off the subject of the gunshot and showing Vang as unreliable. By focusing on the directions, the language and focus of the cross examination changed, preventing the participants from discussing the more case-relevant fact of the gunshot.

Lautenschlager again interrupted the cross examination with the map and location when she abruptly returned to the main narrative after the few questions regarding the scope as she asked him about chasing down the Crotteaus. She did so using a tag question: “So then you headed south; correct?” (1326). She then tried again to get him to

speak about the second group of ATVs, but he said he did not hear them yet, so she let him take control over the narrative slightly by asking an open-ended question. After she asked an open-ended question about what he did next, he explained that he walked south and heard some people talking over the radios. Instead of allowing him to tell what he heard, she changed the topic again. She focused Vang's attention back to the state map to get his location. She asked four questions to ensure everyone knows where he was running. While important, the timing of these questions seems curious. When she changes the topic to directions, she disrupts the flow and controls what gets said and when.

#### **H. Fragmentation of important parts.**

Besides fragmenting the narrative with map/directions-related questions, Lautenschlager purposely fragmented important portions of the cross examination. Similarly to her use of topic control with other strategies, her fragmentation decreased Vang's ability to answer with clarity and confidence. Losing the narrative chronology of his story, Vang struggled with how to answer and many times unknowingly fell into traps, like the ones Berk-Seligson found, that Lautenschlager set to prove inconsistencies in his testimony. For instance, with little closure to the questions about Vang giving the finger to the initial hunters that confronted him, she asked one of her few fully open-ended questions that gave Vang control over the narrative: "what, if anything, did you see" when he was walking away and "And then what happened next?" (1308). These two questions stood out as unique in her questioning. Kohn commonly used open-ended questions to allow Vang to narrate his side of the story almost unimpeded. Vang said that

as he walked away, he looked back and saw Joey Crotteau and Terry Willers talking. Then, he looked back again and saw Terry Willers put his rifle to his right shoulder (1308). He testified earlier in the direct examination that Terry Willers shot first; if so, it would possibly necessitate the self-defense argument. Lautenschlager fragmented the narrative again at this highly important part. She asked questions regarding Terry Willers' location in relation to the ATVs and referred Vang to the state map.

Similarly, during the cross examination Lautenschlager fragmented the narrative by returning to the discussion of the camper/cabin in the middle of discussing how Vang shot the other hunters. She asked Vang if he thought the Crotteaus might run to the cabin to get help from other people, and he said, "Yes." She followed by returning to a previous topic when she asked why Vang thought the cabin was a camper. Lautenschlager fragmented the narrative to prove an inconsistency in Vang's testimony and weaken the rhetorical force of Vang's narrative. She once again asked, using a tag question, that he "didn't go there to get directions earlier in the day" because he "figured everybody would be out hunting somewhere and there probably wouldn't be anybody there" (1322). While she correctly noted that Vang had changed his words, he may actually have had reason to do so. The context since he first arrived had changed. Now he knew for sure he wandered onto private land and that the owners have radio contact. When Terry Willers called on the radio, more people than just the five men who confronted him may have heard the call. Therefore, he may have had reason to worry that more people were on the land and aware of his trespass. He did not argue his side here probably because she has framed her questions in a way that he must agree with them. He would be lying if he denied her

questions about what he said when he arrived. But, he did not have the power to fight her context, and thus, was doomed to play into her narrative trap.

### **I. Battle over agency/victim.**

Another strategy Lautenschlager used was a narrative frame of battle over the agency of events and the victimization. She tried to make Vang out as the aggressor who did not have reason to shoot/kill the hunters. Thus, she portrayed the others as basically innocent victims of an angry man's tirade. She turned Vang's statements about feeling threatened around and put the agency of the events on Vang. The first time Lautenschlager undermined the agency of the events occurred when she asked about the first gunshot. Lautenschlager asked directly about the gunshot Vang had testified to hearing. First she allowed Vang to tell the story by asking an open-ended question, but then she used a more direct closed-ended or yes-no question that introduced the next topic:

L: "And then what did you do?"

V: "Then I just continue to walk down to the flat."

L: "And then you hear a gunshot?"

V: "No. I turn around, look again. I saw Mr. Willer point a gun at me."

L: "And then do you hear a gunshot?"

C: "Then I drop into a couch (sic), then I hear a gunshot, the minute I drop out of here already." (1309-10)

This series showed a struggle over the story. She wanted to bring up the agent-less gunshot that he heard without saying who may have shot it. Conversely, he seemed to

know that he had to make the shooter's name clear. Lautenschlager appeared to want to avoid who shot, and she fragmented the story to lessen the likelihood that the gunshot would necessitate the self-defense claim that would exonerate Vang.

Similarly, as she returned to the first gunshot, Lautenschlager again undermined agency. To do so, she finally asked a question that gave agency to the gunshot: "Now, did Mr. Willers say anything to you before he shot?" (1315). Even though Vang answered, "No", Lautenschlager asked nearly the identical question two more times to show that Terry Willers did not say anything to Vang after their initial encounter. She likely wanted the jury to think that Terry Willers gave no indication that he would shoot.

Lautenschlager already proved he was a "rather quiet" man who did not harass Vang in any way, besides perhaps the shooting does comment (1296). Her next question stood out as an abrupt change in agency. She asked, "And then you turned and shot?" (1315). Not only did she shift focus from Terry Willers to Vang, but Lautenschlager also significantly changed the cause and effect in the story. Her prior question asked whether Terry Willers had said anything since he left the tree stand area, and he said, "No." To use the adverb "then" signified that Vang shot right after Terry Willers did not speak which does not make logical sense. Lautenschlager subverted Vang's testimony and then turned it on its head when she changed the subject of the shooting from Terry Willers to Vang himself.

Furthermore, Lautenschlager tried to manipulate the status of the victim in the cross examination. As she returned to the Crotteaus who had begun running away, she changed the topic with a tag question ("And, then, you indicated Mr. Crotteau and his son had run further north; is that correct?") so that Vang understood that they were moving

on. However, she returned to the topic of the presence of guns. She knew how many guns the authorities found in the woods: just Terry Willers' gun. She already knew the answer to how many of the hunters had guns; thus, she must have asked the questions for the purpose of catching Vang in a lie. When Lautenschlager asked whether Robert or Joey Crotteau was armed, Vang said he does not recall because he focused on chasing them down and shooting them. Again, in a tense emotional state of survival, he may not have even looked for guns. Nevertheless, Lautenschlager tried to depict him as man with intent to murder. She asked, after he said he does not know if either has a gun, "But you're running after [Robert Crotteau] with a gun at that time; right?" (1321). The tag question form coerced him into answering yes or no, and he had to answer yes. What the jury heard, then, was clear: Vang, gun in hand, chased after unarmed men in the woods with the intent to kill. He did not explain his emotional state, nor did Lautenschlager question it or the timing. She asked nearly the identical question in reference to Joey Crotteau, but he interrupted her to say, "I run after him because he ran after, I don't know what he do and where he can get help, where he can get gun at" (1321). Vang tried to tell his story, but he could not provide convincing answers in the context of Lautenschlager's coercive questions and context. She contextualized the events and used questions that limit the possible answers in a way that linguistically prevented Vang from fully explaining his actions and feelings.

Another instance where she tried to put the victim status on the Caucasian hunters occurred when she asked about Vang shooting Robert Crotteau. Even as she was about to continue the main narrative, she shifted topics again. She asked another open-ended

question about what happened next after situating the events on the map, but again she broke the narrative flow. She asked, “Oh, before I forget, was Bob running to the cabin, too, Bob Crotteau?” (1327). She asked Vang why he shot him, and after he explained that he thought Robert Crotteau might have gotten help or a gun, he said, “I don’t know” (1327). “I don’t know” hedged his answer, making it less reliable. Lautenschlager followed it by asking, “Did you think he’d find some in that wooded area?” (1327). Her question seemed to contain some sarcasm, as if she wanted to show how absurd it was to think someone might find guns or help in the woods. However, if Vang indeed felt threatened, he had the right to consider guns or help since they were in hunting season when hunters and guns populate the north woods. In addition, the heat of the moment could cause people to not think clearly, doing things out of the need for survival. In fact, Vang said in his next response to Lautenschlager’s question about whether Robert Crotteau was angry, “I shot him before he shot me. That’s in my mind. That’s all” (1327). She then asked him if he was angry at Robert Crotteau, and Vang answered, “Yes. I was angry. I was scared. Not much angry but I more like scarey [*sic*]” (1327-8). At this point, Lautenschlager attempted to show that Vang hunted down Robert Crotteau out of vengeance for the earlier confrontation. His answer did not help his cause. If he was angry, then it comes off as intentional homicide. If he was scared, it comes off as self-defense. He once again stated a contradictory answer in one response, decreasing his credibility with the jury.

Lautenschlager used a similar method to depict Jessica Willers as the victim as well. She clarified that Jessica Willers did not have a gun with a declarative question, and

then asked if she got off the ATV. Vang explained, "I shot and she fell down to the left, yes" (1336). Lautenschlager asked if she or Laski said anything to Vang, just like she asked about the other hunters he shot. He said, "No," which implied that he did not have reason to shoot them. Jessica Willers and Laski's intention remains unclear; they may have come solely to help the injured hunters that radioed back. Lautenschlager directly asked, "Is there a reason you shot her?", and Vang replied, "My sense is I just open fire before they shot me" (1336). Lautenschlager's question implied that he did not have a good reason, that he opened fire even though the two on the ATV did not provoke him. She asked why he shot Jessica Willers more than once, and Vang gave an answer that showed he may have acted in self-defense: "I was afraid that they going to shoot me. I was fear for my life so I just open two shot. I don't, I don't think about any reason why I shot more than one or whatever" (1336). Lautenschlager wanted to paint Vang as a man who shot without cause. He tried to use self-defense words, but the way she asked the questions that attack the agency of the events lowers his believability. Vang had now admitted that he shot unarmed Jessica Willers before she got off the ATV even though she had not said or done anything to him, and he shot her multiple times.

Another instance where Lautenschlager manipulated the victim status happened when she showed Vang Jessica Willers and Laski's bodies towards the end of the cross examination. She returned to their prior discussion to clarify exactly what happened since they left it unclear. When she brought them up, she asked, "Now, it's your testimony that Laski had a firearm at that time?" (1351). She followed by asking clarifying questions about what they were doing when he shot them: whether they got off the ATV or not.

Vang admitted he believed Laski had a gun and said he shot them before they got off the ATV because Vang “saw him took his gun off his left shoulder” (1352). Lautenschlager and Vang then disagreed about whether Vang shot both hunters twice or not. For the first and only time, Kohn interrupted, saying Lautenschlager made a misstatement. The judge declared, “We’ll let the jury decide” (1352). While the judge did not allow Kohn his injunction, Lautenschlager asked again if he shot Jessica Willers twice. Vang said he does not remember, but he might have since he shot Laski twice and she was behind Laski. Lautenschlager asked if he shot her as she tried to get way, and he said, “No” because “she never get up” (1352). Had Kohn not interrupted, she might have included a misstatement about Jessica Willers being shot twice. She fragmented the story, allowing her to attempt to add ideas that back the argument that he shot the hunters in cold blood. She wanted the jury to think Vang not only shot the hunters but that he systematically hunted them down even after he injured them, which may have allowed him time to get away if he truly wanted to just get away.

### **3.5 Conclusion**

As one would expect, Kohn and Lautenschlager directed their examinations of Vang very differently. Kohn allowed Vang to take control of the narrative, merely directing him when necessary to touch on specific points. Vang had the power to tell his story in the direct examination. Conversely, Vang lost most of his power when Lautenschlager questioned him during the cross examination. She used a number of

different strategies to fragment, disrupt, and negatively affect Vang's ability to coherently tell his story. She did not allow a chronological narrative; instead providing details in an order that she planned would have a greater impact on the court by fragmenting parts and quickly shifting topics. She also used references to prior statements and documents as well as maps and directions to disrupt the flow of the narrative and Vang's ability to respond. To highlight discrepancies in Vang's testimony and to win her arguments, Lautenschlager attacked Vang's logic, battled him over agency and victimization, and primed the court with information that would affect their understanding of other key points. In the end, Vang stood at a great disadvantage in responding to Lautenschlager's questions due to the nature of her control. His language reflected his disempowerment as seen in his stutters, restarts, and incoherent responses.

## Conclusion

Courtroom power dynamics have been examined for at least the past 30 years, with scholars focusing on how the attorneys structure and control the process. Less research has been done on how these processes interact with non-native speakers in the United States. The Chai Vang court case provides one unique instance where language and culture interacted with the normal court proceedings and the power dynamics of questioning. The main questions that arise from such a study are who gets to tell the story? How do the attorneys structure their examinations to allow or disallow the defendant to tell his/her story? How do questions structure and narrative control interact with a person who does not speak the native language? Can language, and not the actual facts of the case, make all the difference in the verdict? Clearly as a defendant, Vang stood at a disadvantage already in the courtroom, especially during Lautenschlager's cross examination. However, the analyses provide insight that shows that he probably suffered from a lack of mastery over the English language. As with all defendants, he struggled to battle Lautenschlager's power and control of language, and his responses reflect this.

In Chapter 2, we saw how the question structure of both parts of Vang's testimony functioned. Vang did well in answering Kohn and responded with many more words, which signifies that he controlled the way the story got told in the direct examination. Additionally, Kohn used more open-ended, less coercive questions to elicit longer responses and let Vang tell the story. Kohn functioned to keep the story going,

making sure Vang kept things chronological while highlighting key details. On the other hand, Lautenschlager used more coercive questions, such as closed-ended and declarative/tag questions, in order to limit Vang's replies in many instances to simple affirmations of the facts where he confirmed or denied something Lautenschlager stated in her question. Thus, the attorneys control the context in both examinations, but in the direct examination, the way Lautenschlager structures her questions negatively affect Vang's responses in a few ways besides the number of words. He struggles to combat her strong assertions, most clearly seen when he borrows her language and when she uses the conjunction "but" to start a question. His language contains stutters, repetition, restarts, and fragmentation of sentence subjects. While I do not have another court case to compare it to, it seems that he struggled on the stand due to not only the nature of an interrogation but also because he struggled to find the words and sentence structures to adequately combat Lautenschlager's assertions, most notably when he borrows her language or struggles to respond with clear sentences.

Further evidence of Vang's standing at a double disadvantage occurs in the ways in which the narrative gets controlled. Kohn allows a chronological narrative to form in the direct examination. This shows that Vang knows how to tell his story when given the power to do so. However, he does not get the power in the cross examination.

Lautenschlager uses a variety of techniques to disrupt the order of events. While many of the methods probably hold true in any courtroom when the prosecuting attorney questions the defendant, some seem to purposefully take advantage of Vang and his language difference. For instance, when Lautenschlager refers to prior statements, Vang shows

signs of struggling with his language. Instead of stating a strong sentence, his language exhibits tension in that he will restart responses or repeat words while also hedging what he says. The direct confrontation with Lautenschlager lowers his ability to respond in a clear and cohesive way. Lautenschlager affects the case indirectly, too. Her abrupt topic shifts, priming, and juxtapositions allow her to imply a point without stating it out loud as when she asks Vang about property ownership without stating that he should know basic property laws (i.e. no trespassing). While he may not have known her agenda because it happens to all defendants, some of his responses show that he may have been at a greater disadvantage as a non-native speaker.

The current study contained a number of limitations that make it difficult to generalize the results. In order to achieve the true goal of CDA (to generalize power structures from case studies to larger society at large), more research needs to be done on the Hmong in general and in legal settings specifically. However, I contributed a case study that can be used in future studies to build the repertoire necessary to make such generalizations. Thus, similar to Mendoza-Denton, I provided one case of a Hmong man on trial. Unlike her, I could not generalize because not enough research exists on the Hmong compared to gender studies and African American English. First, I did not have many ways to compare the data to a baseline. One reason stems from the fact that each court case represents a unique example. No two attorneys will use the same strategies and not two defendants will have the same background. Additionally, it proved difficult to find baseline information for the word count for both attorneys and defendants. Would the average word counts be similar in all courtroom situations or does one of the

variables of this study (question structure or Vang's non-native speaker status) affect them in a specific way? As for narrative control, while many scholars referred to how the prosecuting attorney fragments the narrative, do they all use similar methods? Perhaps Lautenschlager used strategies that affected Vang's language ability more than it would have for a native speaker. One way to find more specific instances of language inability in Vang's responses would come to light if we had transcripts of him speaking in other contexts to see how he handles language in other instances. Additionally, more research on how Hmong people perform in court contexts would help to find generalization of the problems that may arise.

This study provides many opportunities of future research. Hmong people populate many parts of the United States, and our justice system must serve them fairly. If they are hindered by culture or language, the system failed. While generalizations exist about Asian peoples, such as they are less direct and less confrontational, the Hmong may have other unique intricacies that make them a unique case when it comes to the law. Researchers should study other instances where a Hmong person stood trial to see if any of this study's findings relate. Additionally, more data needs to exist concerning questions structure and word count averages so that more significant generalizations can be made. One way to ensure the reliability of finding Vang's language inability would be to look at other cases with native speakers and how they react to questions types. Do they stutter, repeat words, borrow language, restart their response, and shift their sentence's subject quickly, etc. as well? We need to find a way to confidently assess a person's language ability in the courtroom if we want justice to prevail.

In the end, this study does not assess Vang's innocence or guilt. It provides insight into how language works within a legal context. The responses where he clearly struggles to respond clearly may stem from language inability or a guilty conscience. Either way cases like this must be analyzed in the name of justice. The way we use language affects every context, none being more important than when a person's future is at stake. The attorneys must learn strategies to find discrepancies in a person's testimony and the prosecuting attorney by nature stands in confrontation with the defendant. However, sometimes the attorneys' methods may cause a wrongful conviction. Studying cases like Vang's will hopefully help everyone understand the importance of language functions in the courtroom.

APPENDIX  
Data Spreadsheet



P a g e	Topic	Qu	An	Type of question	Q	Reform q?	Yes/n	N	Maxim flouted?	Hedging?	Passive voice?	Ent	P	Polit	Prono	Int	An	CV lang. issue?	Oth er
		wo rd co unt	wo rd cou nt		coe rci ve rtg		o/sing le Ans expect ed?	o. Cl au ses				ext uali zati on?	er le ss ?		un No, type in q	err upt ion ?	d/s o to star t q?		
1 2 1 6		14	5	directive	1	-	single	2	-	-	-	-	-	K: sir, please	2-your, it	-	-	-	
		5	4	open info gath (how)	2	-	single	1	-	-	-	-	-	-	1-you	-	and	-	
		5	5	open info gath (where)	2	-	single	1	-	-	-	-	-	-	2-where, you	-	and	-	
		8	1	closed info gath (when)	3	-	yes/no	2	-	-	-	-	-	-	1-you	-	-	-	
		5	2	open info gath (when)	2	-	single	1	-	-	-	-	-	K: sir	1-that	-	and	-	
		6	1	closed info gath	3	-	yes/no	1	-	-	-	-	-	-	1-you	-	-	-	adds
		8	4	open info gath (when)	2	-	single	2	-	-	-	-	-	-	1-you	-	-	-	"already"
		6	1	closed info gath	3	-	yes/no	1	-	-	-	-	-	-	1-your	-	and	-	
		6	1	open info gath (what)	2	-	single	1	-	-	-	-	-	K: sir	2-what, your	-	-	-	
1 2 1 7	Backgrou nd q's	7	13	open info gath (when)	2	-	single	2	-	maybe (about)	CV: was learned	-	-	-	2-it, you	-	-	-	"was learned English"
		18	3	open info gath (where)	2	-	single	2	maybe	-	-	-	-	K: Mr. Vang	2-your, you	-	-	-	mis-hears repeats
		2	13	restated	-	-	single	1	-	-	-	-	-	-	-	-	-	-	21st multiple
	Nov. 21, camp	11	19	open info gath (who)	2	-	open	2	-	-	-	-	-	-	3-you, who, you	-	and	-	multiple (Wi hunters, three else,



1		9	90	closed info gath (did)	3	-	yes/no	1	yes-CV adds (quantity)	-	-	-	-	-	1-you	-	and	yes often, words and story	
2		19	13	open info gath (what)	2	-	single	3	-	about	-	-	-	-	4-3 you, what	-	and	-	
2		8	63	open story cont (what)	2	hesitatio n, but no	open	1	-	-	-	-	-	-	1-you	-	and	yes with friends list	All righ t
1		9	90	closed info gath (no q word)	3	-	yes/no	2	yes-CV adds (quantity)	little (distance, highways)	-	-	-	-	2- you, your	-	and	yes verbs	
2		13	4	closed info gath (do)	4	-	yes/no	2	-	-	-	-	-	-	2-you	-	-	-	
2		9	3	declarative	4	-	yes/no	1	-	-	-	-	-	-	1-you	-	so	-	in fact
		11	98	declarative story cont	4	-	yes/no	2	yes-CV adds (quantity)	-	-	-	-	-	1-you	K aft er ans we r	and	yes verbs, story telling	
	work day before, leave for WI, get to camp	10	140	closed info gath (did)	3	-	yes/no	1	yes-CV adds (quantity)	-	-	-	-	-	1-you	-	so	yes normal	in fact
3		19	1	closed info gath (is)	3	yes	yes/no	3	-	-	-	-	-	-	2- you, you	-	and	-	
		20	1	closed refocus topic (Okay)	3		yes/no	2	-	-	-	-	-	-	2- you, you	-	no w	-	
		10	1	closed refocus topic (Okay)	3	-	yes/no	2	-	-	-	-	-	-	1-you	-	-	-	
	talk with hunters	7	141	closed story cont (was)	3	-	yes/no	1	yes-CV adds (quantity)	-	yes K q (was there further	-	-	-	1-you	-	-	yes normal	





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story  
cont  
walking  
away

10	33	closed info gath (do)	3	yes w/ walkie talkie (underst and, hear)	yes/no	3	-	-	-	-	-	-	-
18	1	closed info gath (do)	3	-	yes/no	2	-	-	-	-	-	-	-
13	18	open info gath (how) dec/closed confirmatio n	2	-	open	2	-	-	-	-	-	-	-
4	5	closed info gath (is) dec/closed confirmatio n	4	-	yes/no either/ or	1	-	-	-	-	-	-	-
15	4	closed info gath (is) dec/closed confirmatio n	3	-	yes/no	1	-	-	-	-	-	-	-
13	1	closed info gath (was)	4	-	yes/no	3	-	-	-	-	-	-	-
11	1	closed info gath (was)	3	-	yes/no	2	-	-	-	-	-	-	-
2	1	add to prior q	2	yes to prior	yes/no	1	-	-	-	-	-	-	-
32	33	open story cont (what)	2	sort of	open	6	-	-	-	-	-	-	-
5	15	open story cont (what)	2	-	open	1	-	-	-	-	-	-	-
4	149	open story cont (what)	2	-	open	1	-	-	-	-	-	-	-

3:  
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2																		
3																		
4		22	1	declarative confirmation	4	yes	yes/no	5	-	-	-	-	Mr. Vang	4: you	-	so	-	
		18	1	closed confirmation (can)	3	-	yes/no	3	-	-	K: has been marked	-	Mr. Vang	4: I, you (2), what	-	-	-	
	2nd treestand map	15	1	closed confirmation (do)	3	-	yes/no	2	-	-	-	-	-	2: you, it	-	-	-	all right
		14	1	closed confirmation (is)	3	-	yes/no	2	-	-	-	-	-	1: you	-	-	-	all right
		10	54	open story cont (what)	2	--	open	2	-	-	-	-	yes: CV doesn't answer (manner)	2: you, what	-	and	yes multiple, story	
		3	17	open info gath (who)	2	-	open	1	-	-	-	-	-	2: who	-	-	yes terrible	
/																		
1																		
2																		
3																		
5		5	79	open closed info gath (did)	2	-	opn	1	-	-	yes: CV adds (quantity)	-	-	1: you	-	and	little bit	
	ATVs coming	10	1	open story cont (what)	3	-	yes/no	2	-	-	yes: CV changes topic (relation)	-	-	2: they	-	and	-	
		5	102	open story cont (what)	2	-	open	1	-	-	-	-	CV: Mr. RC, JC	1: you	-	and	little bit	
/																		
1																		
2																		
3																		
6		6	32	open story cont (what) declarative confirmation	2	yes	open	1	-	-	-	-	-	0	-	and	little bit	
	ATVs arrive	12	6	open story	4	yes	yes/no	1	-	-	-	-	-	0	-	so		all right
		23	43	open story	2	yes	open	3	-	-	-	-	-	1:	-	and	little bit	all















			1 (no t q)	51	-	-	-	-	-	yes quantity, relation	-	-	-	-	-	-	-	yes adverb, plurals	oka y		
	map			11	11	open open story	2	-	open	2	-	-	-	-	-	-	sir you 2:	-	so	-	oka y
/	location			11	9	cont (what)	2	-	open	2	-	-	-	-	-	-	you	-	and	yes adverb	y
1																					
2			1 (no t q)	42	-	-	-	-	-	yes quantity	-	-	-	-	-	-	-	-	plurals, verb	oka y	
5	ATV passing			6	93	closed story cont (did)	3	-	yes/no	1	yes quantity	-	-	-	-	-	CV: Mr. AL, Ms. you	1: -	so	verbs, pronouns, tense	
/	ATV stops, AL rifle, CV shoots)			5	158	open story cont (what)	2	-	open	1	-	-	-	-	-	-	CV: Mr. AL, Ms. you	1: -	-	verbs, repeats, so's	
1																					
2			9 (no t fini shed)	2	-	-	-	-	-	-	-	-	-	-	-	-	2: it, you	C V int s. K	and	-	
6			11 (fi nishes)	2		open info gath (why)	2	yes (names to who)	open	3	NO but misinterp.	-	-	-	-	-	1: you	K fin ishes	-	doesn't understand	
0				24	3	open info gath (why)	2	of last q	open	3	No but misinterp.	-	-	-	-	-	3: it, you(2 )	-	-	doesn't understand	
/				6	31	open info gath (why)	2	of last 2 q's	open	1	manner?	-	-	-	-	-	1: you	-	-	story	
1																					
2	Why CV shoots CV runs again		1 (no t q)	27	-	open story cont (what)	2	-	-	-	-	-	-	-	-	-	1: you	-	-	missing pronoun, verb	oka y
6				8	20		2	-	open	1	-	-	-	-	-	-	1: you	-	so	verb, prep.	

		6	1	declarative confirm	4	-	yes/no	1	-	-	-	-	-	0	-	-	-			
		1 (no t q)	37															syntax, verbs	okay is that correct?	
	map location	23	1	declarative confirm	4	-	yes/no	4	-	-	K: area marked	-	-	-	2: you, that	-	-	-		
		7	22	open story cont (what)	2	-	open	1	-	-		-	-	-	CV: Mr. LH	1: what	-	and	verb	okay
/																				
1																				
2																				
6																				
2		1 (no t q)	79																verb, adverb	okay
	LH still alive	6	156	open story cont (what)	2	-	open	1	-	-		-	-	-	2: what, you	-	-	-	story/syntax	okay
/																				
1																				
2																				
6																				
3	CV runs	4	48	open story cont (what)	2	-	open	1	-	-		-	-	-	2: what, you	-	-	-	plural, random and	
		13 (2 q)	2	closed/open confirm	2	-	yes/no -open	3	-	-		-	-	-	3: you	-	-	-		
	heard car?	1 (no t q)	20																	okay
/																				
1																				
2																				
6																				
4	CV leaves, swamp, dumps ammo	14	142	open story cont (what)	2	-	open	2	-	-		-	-	-	3: you(2), what	-	and so	-	verbs, plurals	
		10 (no t q)	10	declarative confirm	0 (repeats inf)	-	yes/no	2	-	-		-	-	-	3: you, your, them	-	after answer	-	verb	





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