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CODE-SWITCHING: CULTURAL AND LINGUISTIC PERSPECTIVES ON SPANISH AND ENGLISH

Martin C. Taylor

Definition of Labels

Code-switching, however labeled — “Spanglish,” “Tex-Mex,” “language-switching,” “duelling languages” — and however spelled — one word or two, hyphenated or unhyphenated, lower case or upper — is a cultural and linguistic challenge that interpreters face in U.S. courtrooms or in other bicultural and bilingual settings. The phenomenon occurs naturally among all bilinguals, and obligates interpreters to be attuned to the ways in which *hispanoparlantes* express themselves. In the code-switching that may appear in court testimony or casual dialog, Spanish speakers interweave English words and phrases with their native Spanish.

Linguists Carl A. Grant and Gloria Ladson-Billings define succinctly the intertwining of English into Spanish speech as “the systematic shifting or alternation between languages in discourse among bilinguals sharing common language codes. The elements involved in code-switching retain their own meaning and adhere to the rules of pronunciation and grammar that govern the language of origin” (1997, p. 44).

Code-Switching in Action

A Chicano *platicando* in border talk uses code-switching with utter facility, choosing spontaneously the most appropriate language in separate sentences (intersentential), or, as in the following case, within a sentence (intrasentential): “*Me dio un ride pa'l pueblo*” [Sp./Eng./Sp.]. Gregory Rodríguez, *L. A. Times* columnist on Mexican affairs, captures the commercial and cultural Americanization of the northern industrial city of Monterrey of middle-class Mexicans in an upscale neighborhood: “Particularly when discussing entertainment,” Rodríguez says, “[...] *Regios* (i.e., short for *regiomontanos*, citizens of Monterrey) like to pepper their Spanish with English. They’ll talk about

> *continues on page 6*

IMMIGRANTS AND BILINGUALISM

Michael O’Laughlin

The population of the United States is changing quickly. The principal reason for this is not illegal immigration, but rather because immigration policies were radically altered in 1965. Before then it was very difficult for non-Europeans to migrate to the U.S. Today, 80% of immigrants are from Asia and Latin America. In all periods, immigration has primarily been geared to the needs of American industry. The U.S. has always needed a steady supply of cheap manual labor, and immigration policies have generally been calculated to meet this critical need.

There have been several large waves of new immigrants. One of the first waves brought low-wage laborers from Ireland; a subsequent wave came from Italy, yet another from Eastern Europe. Most migrants were drawn to the industrial belt that stretches from Boston to Chicago, an economic engine which also attracted people from other parts of North America, including a wave of blacks from the rural South and others from Quebec and Mexico. Some came seeking work only to find that good manufacturing jobs were in short supply, as when one third to half of all Puerto Ricans left the island after World War II only to find that the fabled factory jobs on the mainland had moved offshore or were in the process of leaving.

The labor market is not the only factor influencing immigration policies. U.S. involvement in foreign affairs precipitated other movements: Vietnamese and Hmong came on the heels of the Vietnam War; Cubans came during the Cold War; Somalis and Cambodians came due to the violent collapse of their own societies.

Recent Immigration

Today’s immigrants face a different dynamic than that of their European predecessors. Fifty or one hundred years ago, those who came to do factory work could count on some degree of upward

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Message from the Chair

Dear Colleagues:

In addition to the Senate hearings for a new Supreme Court Justice to fill retiring Justice Stevens' seat, immigration is the hot topic this summer — the controversial Arizona law (SB1070); the Department of Justice lawsuit for preliminary and permanent injunction against its implementation; the American Bar Association's amicus brief; other state laws waiting in the wings also purporting to regulate immigration; not to mention personal opinions, both pro and con, regarding immigration reform. I trust that we are all interested in these debates, given the line of work we are in, and I urge you to follow the progress of federal and state lawsuits in Arizona and elsewhere. Links are provided in this issue of *Proteus*.

Now to update you on all things NAJIT. First, it is my pleasure to extend a hearty welcome to our newest member of the Board of Directors, Sabine Michael, re-elected directors Rob Cruz and Peter Lindquist, and returning director Nancy Zarenda, as well as our committee chairs, who are listed separately in this issue.

The annual conference, held in Orlando in May, was a success both educationally and socially. Over 200 people were in attendance (no mean feat in these trying economic times), 43 sessions were offered, 5 candidates sat for the NAJIT oral certification exam and 8 for the written exam, as well as 2 for the Haitian Creole exam offered by NCSC. Six NAJIT Scholars were honored, and the first Susan E. Castellanos Bilodeau conference scholarship was awarded. Many thanks to Doina Francu, conference committee chair, and her entire committee, and to our dedicated staff, Robin Lanier and Christina Filipovic, for their tireless efforts. A very special thank you to John D. Trasviña, Assistant Secretary for Fair Housing and Equal Opportunity, for his inspiring keynote speech and his ongoing support of the interpreting profession and NAJIT.

This is the first year we have used an electronic voting system, which saved us \$3,000 in printing and mailing costs. It was hoped that this system would increase the number of votes cast, but surprisingly, it did not. Fewer votes were cast than last year, despite the initial notice and reminders to personal email addresses as well as publication in *Cybernews*. (Paper ballots were supplied to those members who do not list an email address.) We encourage your feedback — on this or any other issue. Please direct your comments to headquarters@najit.org, and we will address your concerns and suggestions to ensure the most efficacious method of obtaining full participation by our membership. NAJIT is your organization, and it is you who make it strong.

As most of the conference participants were saying their goodbyes or heading off for a few days of sightseeing, the board convened for the second annual strategic planning meeting, a marathon brainstorming session designed to clarify and memorialize our mission, goals and plans to implement them. This "case statement" serves as a roadmap for our future efforts, and will soon be available online at the newly redesigned NAJIT website.

Several committees have already met telephonically, set out specific goals for the year and are actively at work. The advocacy committee is preparing a statement regarding NAJIT's position on immigration policy and enforcement as it relates to the interpreting profession, and will also be working on responses to English-only initiatives, support of bills providing resources for courts and the preferential use of certified interpreters. The bench and bar committee has begun designing information modules for the judiciary, and will be developing model rules and policies for court interpreters, as well as investigating sources of grant money for interpreter training programs.

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NAJIT occasionally makes its member information available to organizations or persons offering information, products, or services of potential interest to members. Each decision is carefully reviewed and authorization is given with discretion. If you do not wish to have your contact information given out for this purpose, please let headquarters know and we will adjust our records accordingly.

THE PRICE OF JUSTICE

Piet Koene

Professional interpreting comes at a cost. Whether provided privately or publicly, at state or individual expense, high quality interpreting services have a pricetag. Yet, in today's global society in which diversity is valued and people from different backgrounds are much more in contact with each other than in the past, individuals or entities increasingly need interpreters to facilitate communication among those who speak different languages. This holds true in many areas of the world, including in this country.

Illegal immigration also implies many costs for society. On almost a daily basis, reports in any one of various media discuss the costs, causes and effects of millions of undocumented individuals living and working in the United States. Cost issues include health services, welfare payments, unpaid taxes, uncollected income tax refunds, enforcement of immigration laws, and crimes committed by undocumented individuals. Sometimes reports also take into account the cost of providing interpreting services. On nearly any topic, one can find conflicting views as to whether immigration is a net gain or expense for society. The amounts spent at the state level on interpreting services also draw our attention; for example, the state of Minnesota calculated the total cost of interpreter expenditure in 2007 at \$3.3 million (Draskowski, 2008, para 3). However, it is difficult to find studies analyzing the cost of providing interpreters to non-English speaking defendants which also consider to what extent costs are recovered through the imposition and payment of fines.

This study considers Sioux County in rural northwest Iowa, an area that has experienced a significant influx of both documented and undocumented Hispanic immigrants in recent years. In Sioux County, the services of a state-certified Spanish interpreter are readily available and interpreting services are provided at all stages of the judicial process for Spanish-speaking LEP defendants.

The study considers the overall cost of prosecuting Spanish-speaking defendants, both documented and undocumented, for misdemeanor and felony offenses. The aim of this study was to ascertain the typical or average cost of prosecuting these crimes among this population. Because overall costs include interpreting, different components were tracked separately in order to accurately calculate the portion attributable to interpreting. Furthermore, this study traced expenses incurred by the judicial system together with costs recovered through the imposition and collection of fines, fees and surcharges levied against defendants. This allowed the study to calculate the percentage of overall cost recovered and the relationship of that amount to non-fixed costs.

Since this study focused on non-fixed costs, it does not include fixed costs such as salaries of court officials, law enforcement or public defenders, nor the general cost of maintaining and administering the local court. Non-fixed costs taken into account were: interpreting services in jail and in court, per diem costs of incarceration in the county jail, court-appointed attorneys fees, and pre-

Table 1 *Costs incurred through Hispanic defendants arrested and booked at Sioux County Jail (October-December, 2007). Numbers have been rounded.*

Charge	Arrests	Average length of stay and cost	Released on bond	Deported	Deportation rate
Operating while intoxicated	8	6 days/ \$214	7	1	13%
Driving without a license or insurance	9	4 days/ \$122	5	4	44%
ID theft; forgery; tampering with records; providing false information	18	80 days/ \$2790	1	17	94%
Drug-related; assault; other	18	18 days/ \$616	11	5	31%

sentence investigation reports. Further, this did not include other non-fixed items such as mailing or transmitting costs for information and fingerprints.

- The various data for this study were provided by the following:
- Sioux County jail: arrest data (October – December, 2007), including type of arrest, charges, posting of bond, releases on bail, detention per ICE hold, sentencing followed by deportation, sentencing and remand into custody or placement on probation, length of jail stay and general per diem and interpreting costs.
 - Iowa District Court for Sioux County: general data collected throughout 2007 for all cases against Hispanic defendants of identity theft, forgery, OWI, and driving without a license or without insurance, and detailed data for a number of representative cases disposed of during 2007. Data included fines and surcharge amounts, court costs assessed, costs for court-appointed interpreters and attorneys, and aggregate amounts collected from defendants.
 - Department of Corrections (Probation Branch): calculations of the average cost of undertaking a pre-sentence investigation and writing the accompanying report.

Data from the Public Defender's Office were unavailable in time for this article; the cost of in-house interpreting associated with these cases could not be calculated.¹

1. Court-appointed interpreters as well as court-appointed attorneys, even while working with the state's public defender office, are charged through the district court and have been included in this paper.

> continues on next page

During the period of October-December 2007, a total of 53 Hispanics (both documented and undocumented) were arrested and booked at the Sioux County jail. The average length of stay was 35 days, at a per diem cost of \$35, for an average of \$1,225 to house and feed the individuals. For each crime category, the number of individuals released on bond and the number deported are mentioned, since it is reasonable to expect that fines, fees, and surcharges levied against defendants released on bond will be paid.

During the study period, the jail spent \$1,010 on interpreting services for the booking process, averaging \$19 per defendant.²

Forty-six cases involving Hispanics in Iowa District Court for Sioux County were analyzed. Table 2 summarizes the breakdown of total fines and other fees..

Table 2 Breakdown of total fines and other fees imposed in Iowa District Court. Numbers are rounded.

	Total	Average
Fines	\$37,375	\$813
Surcharges	\$16,010	\$384
Misc. fees	\$115	\$3
Court costs	\$4552	\$99
Court-appointed attorney fees	\$1850	\$40
Court-appointed interpreter fees	\$2064	\$213

Of those amounts, defendants paid \$9,793 (\$213 on average, with additional amounts expected). Therefore, in regard to court costs and court-appointed attorney and interpreter fees, the amount the court collected from the defendants exceeded the total in non-fixed costs for attorneys, interpreters and court costs.

However, the situation changes for different groups of offenses. For driving offenses (driving without a license or with license suspended, revoked, barred, as habitual offender, or with a financial liability violation), the total amount in fines, fees and surcharges imposed (and not suspended) was \$21,787 for 24 cases (\$908 on average). Of this amount, non-fixed costs totaled \$2432 (\$101 on average); these costs are broken down in Table 3.

Table 3 Breakdown of total fines imposed for traffic offenses in Iowa District Court. Numbers are rounded.

	Total	Average
Court costs	\$1950	\$81
Court-appointed attorney fees	\$220	\$9
Court-appointed interpreter fees	\$262	\$11

2. Not all defendants needed an interpreter for booking, but to ascertain average cost, overall expense was divided among the total number of Hispanic defendants.

For this group of offenses, \$4,642 (\$193 on average) was collected by the court. Therefore, the amount collected far exceeded the non-fixed costs.

For OWI offenses, there is also a positive return of payments over non-fixed costs. The total amount of fines, fees and surcharges imposed (and not suspended) was \$20,554 for 9 cases (\$2,284 on average). Of this amount, non-fixed costs totaled \$1779 (\$198 on average); these are broken down in Table 4.

Table 4 Breakdown of total fines imposed for OWI offenses in Iowa District Court. Numbers are rounded.

	Total	Average
Court costs	\$1015	\$113
Court-appointed attorney fees	\$280	\$31
Court-appointed interpreter fees	\$484	\$54

For identity theft and forgery charges (felonies), however, the situation is very different. The total amount of fines, fees and surcharges imposed (and not suspended) was \$19,625 for 13 cases (\$1,510 on average). Table 5 summarizes the breakdowns of court costs and fees as part of this total.

Table 5 Breakdown of court costs and fees imposed for identity theft and forgery offenses in Iowa District Court. Numbers are rounded.

	Total	Average
Court costs	\$1587	\$122
Court-appointed attorney fees	\$1350	\$104
Court-appointed interpreter fees	\$1318	\$101

For this group of offenses, only \$387 was collected, with very low expectation of further payments. For these cases, then, the amount in non-fixed expenses is much higher than what is collected in fines. In addition, for all felonies, Iowa law requires a pre-sentence investigation (PSI) and report with an average cost of \$693 and a typical interpreting charge of an additional \$50.

We are now ready to calculate overall costs for each group of offenses, including jail costs, the percentage of non-fixed costs, and within that category, percentage of of non-fixed costs are interpreting costs. Table 6 summarizes average overall costs incurred by the different offenses.

Table 6 Average overall costs incurred by offense. Numbers are rounded.

Offense	Jail costs: Food & lodging	Jail costs: In-house interpreting	Court-related, non-fixed costs	Court-appointed interpreting
Driver's license & insurance	\$123	\$19	\$90	\$11

THE PRICE OF JUSTICE *continued from page 4*

Offense	Jail costs: Food & lodging	Jail costs: In-house interpreting	Court-related, non-fixed costs	Court-appointed interpreting
OWI	\$214	\$19	\$144	\$54
Identity theft & forgery	\$2790	\$19	\$226	\$101

For driving-related and OWI offenses, the total average cost per person is for all non-fixed expenses, which includes average interpreting costs of \$30. On average, defendants have already repaid \$193. Therefore, with a strong expectation that further payments will be forthcoming, it can be concluded that non-fixed costs have all been covered, including interpreting (12% of total).

For OWI the total average cost per person is \$431 average per person cost for all non-fixed expenses, which includes average interpreting costs of \$73. On average, defendants have already repaid \$529, more than the average in non-fixed costs, including interpreting (representing 17% of total) and with a strong expectation that further payments will be forthcoming.³

The total cost per person for identity theft and forgery cases — felony level offenses — requires adding the average PSI cost of \$693 plus \$50 for PSI interpreting. The total cost per person comes out to \$3,879, which includes average interpreting costs of \$170. On average, defendants have only repaid \$30. For driving-related offenses, interpreting expenses as a percentage of overall non-fixed costs are higher (on average 12% and 17%), yet all non-fixed costs are very likely to be paid by the defendant, with very little burden on the taxpayer.

However, for forgery and identity theft offenses, the overall cost is much higher (\$3,879 on average), while interpreting costs as a percentage are much lower (4%). Because only a minimal amount is paid by the defendant (1%), the balance comes out of public funds or taxpayer expense. This calculation does not include the dollar amount of bond posted by undocumented individuals released directly to ICE, and then never collected. In recent months, this amount has totalled \$10,500 from three individuals. These payments reduce the expense to be absorbed by taxpayers, but have not been factored into this study.

Sioux County jail expenses, including interpreting for booking, are paid generally by taxes collected in Sioux County; district court costs, including court-appointed interpreter costs, are generally paid from state funds.

In conclusion, in this admittedly small and rural Midwest sample population, the prosecution of forgery and identity theft cases against undocumented individuals involves significant expenditure. Yet, the cost of interpreting as a percentage of overall costs is relatively low. Certainly, the price of justice here is not significantly higher than it would be for English-speaking defendants. ▲

[The author teaches Spanish, translation and interpretation at Northwestern College in Iowa, and is director of its recently launched B.A. in T&I. He graduated from the M.A. program at

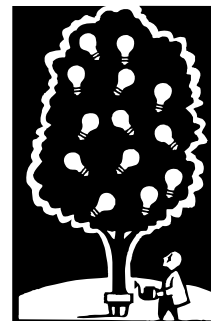
MESSAGE FROM THE CHAIR *continued from page 2*

(Concurrently, B&B chair Rob Cruz will represent NAJIT on the ABA’s Advisory Group for National Standards for LEP access to state courts.) The membership committee is developing strategies for recruitment and retention through maximizing the value of NAJIT membership to its constituents, expanding knowledge of NAJIT and the interpreting profession in universities and high schools, as well as catering more to the needs of for ASL judiciary interpreters. They will keep you abreast of their activities in future issues of *Proteus*.

Finally, we bid farewell to our able administrator, Christina Filipovic, who has served NAJIT so well for the past two and a half years. She is leaving to pursue graduate studies, but before returning to academia, she will be studying Spanish in Bogotá and traveling through South America. We wish her safe travels and much success in the future. And as one door closes, another opens. Her successor is Zalina Kotaeva, a graduate of the Elliot School of International Studies of George Washington University, and a native speaker of Russian. We extend a warm welcome to Zalina and look forward to her becoming an integral part of our team.

I hope you enjoy these end-of-summer days and best wishes for an active autumn.

Rosemary W. Dann, Esq.
Chair, NAJIT Board of Directors



Monterey Institute of International Studies, and is a state-certified court interpreter.]

3. This study did not include the costs and expenses of probation typically associated with OWI offenses, for which a separate \$300 enrollment fee is levied. However, interpreting is not provided for meetings with the probations officer.

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Special thanks to the following individuals for providing me with needed data, without whom I would not have been able to complete this study: Deb Fischer, Clerk of Court, Sioux County; Judy Plendl, Commander, Sioux County Jail; Kerry Barrett, Probation/Parole Officer, Department of Correctional Services, Iowa.

CODE-SWITCHING *continued from page 1*

going to a 'lugar muy nice' [Sp./Eng.]; they'll say they're going to 'tomar un break' [Sp./Eng.], or 'echar unos drinks'" [Sp./Eng.] (Rodriguez, 2008, p. 23A).

Adaptation and Adoption for Survival and Control

Linguists Suzette Haden Elgin and Elena De Jongh, who prefer the label "language-switching," assert that the process enables those with limited English proficiency and limited economic viability to adapt to an alien environment. Elgin (1979) notes that social adaptability defines code-switchers:

One of the most amazing things about the linguistic competence of speakers is their ability to move back and forth among languages, dialects, and registers, with ease, as demanded by the social situation or their own inner necessities. ... In the United States today, especially in academic and business situations, the ability to code-switch is clearly a survival skill. (p. 109)

De Jongh (1992) classifies the adopted English components in Spanish speech as loan words and interference, rather than as acculturated language:

"Spanglish" may be defined as "a speech variety which is rich in the use of loan words and shows a certain degree of grammatical interference from English." It is characterized by the borrowing of words and phrases from one language (English) and incorporating them morphologically, phonologically and syntactically into another language (Spanish). (p. 68-9)

Welsh linguist David Crystal (1971) specifies that the switching can take various forms:

A long narrative may switch from one language to the other. Sentences may alternate. A sentence may begin in one language, and finish in another. Phrases from both languages may succeed each other in apparently random order (though in fact grammatical constraints are frequently involved). (p. 414)

Sociolinguistic Purposes of Code-Switching

In *Language, Culture, and Communication: The Meaning of Messages*, Nancy Bonvillian (2003) analyzes code-switching in English, French, Hindi, Mohawk, and Spanish. Bonvillian (2003) identifies the many purposes of code-switching, some of which involve "social values" and prestige, "marking discourse boundaries," the creation of an "attention-getting" and dramatic device, "emphasis," "syntax-switching," and a way of "segmenting phrases" for elaboration (p. 335). She states that "Code-switching is a complex process having many grammatical interactional functions" (Bonvillian, 2003, p. 337). Far from being a random interchange, code-switching, according to her, "... requires communicative competence, learning how to use linguistic devices

as emphatic, contrastive, and/or emotional signals" (Bonvillian, 2003, p. 355-360).

Linguistic Constraints

In pursuit of a linguistic/grammatical model for code-switching, as suggested by Crystal (1971) and Bonvillian (2003), one can turn to Shana Poplack (2004), who identified the "free morpheme" and the "equivalence constraints" in switching. In the "free morpheme" constraint,

The speaker must not switch language between a word and its endings unless the word is pronounced as if it were in the language of the ending.. Thus an English/Spanish switch "rune-ando" is impossible, because "run" is distinctively English in sound. (Poplack, Vol III, p. 2063)

In the same article, Poplack (2004) defines the "equivalence constraint" as a switch that "must come at a point in the sentence where it does not violate the grammar of either language" (p. 2064) For Poplack (2004), then, the following two switches would violate the grammar of both Spanish and English: "a car *americano*" and "un *americano* carro." Non-violative of both grammars would be, "*He comprado* an American car," because the two languages accept that the object follows the verb and that, in English, the adjective precedes the noun.

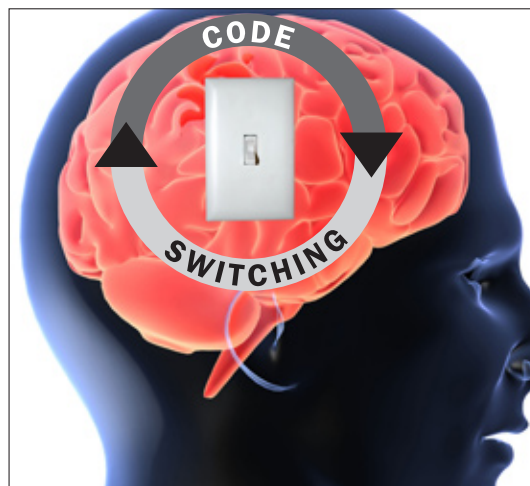
Chicanos and Bicultural Pride

The young men and women who crossed the Mexican border and allied themselves into gangs or social groups in California and Texas took pride in

calling themselves, by 1954, Chicanos. Carvajal et al. (2004), in *The Concise Oxford Spanish Dictionary*, indicates that Chicanos were defamed by "Americans of European descent" as unsavory. Over the past five decades, however, as Chicanos acculturated, absorbed middle-class values, and loosened their ties to marginal social groups, the term and person represented by the word "Chicano" received greater social acceptance. Chicano culture is now linked to radio stations, music, literature, and university study programs.

Etymology of Chicano

The etymology of the word "Chicano" represents a return to the quasi-original sound of the Mexicas tribes — as heard and spelled by Hernán Cortés and his followers in the early 16th century. The Spaniards detected a /sh/ sound in the Náhuatl word *Mexicas*; the sound existed at that time in Castilian and was represented in writing by the letter "x." In modern times, this has given rise to two Hispanicized alternate sounds, according to Webster's, viz., \me-shi-'kã-(.)nos also me-chi-'kã-(.)nos\. How did "Chicano" come about? One logical explanation is that Mexican-American youth, in a desire to validate tribal roots, dropped the weak first syllable from the word *Mexicas* while maintaining the strong infix "chi,"



and adding the group-forming suffix “[...] canos,” which resulted in the strong-sounding and group-identifying “Chicanos.”

The Culture of Duelling Languages

Myers-Scotton (1993) titles her book on code-switching *Duelling Languages*. Although such a title might give the impression that the language pairs are in conflict, the author’s intent was different. She writes that the metaphorical title means that the language pairs “have different roles in code-switching.” [personal email, 7/25/10] But other linguists point to a North-South face-off in code-switching and label the the psycho-linguistic neural phenomenon “Spanglish” as a conjoined term that may confound speakers of both idioms because it lacks history. Still others insist on a deracinated and hybridized appellation, “Tex-Mex,” i.e., a hyphenated abridgment of the languages spoken by Mexicans from Texas.

Connotations of “Spanglish” and “Tex-Mex”

It is worthwhile noting the negative connotations of the labels “Spanglish” and “Tex-Mex.” While these are commonly-used descriptors for Spanish-English code-switching, the sense in which they are employed here, the terms are considered demeaning by some educators and researchers because these designations tend to impede social and educational objectives. One objection is that the terms undervalue the ability of the less educated in English to learn the language. Few working immigrants have the time, money, or training to learn to transfer sounds, vocabulary, and syntax from one language system to another. Second, these labels tend to defame the speakers’ native language and geography by creating a hybrid, truncated person with two truncated languages and countries, longing to become whole, but never achieving integration and wholeness, e.g., Mexican-American, Spanish-American, Latin-American, and so on.

In short, in some quarters, “Spanglish” and “Tex-Mex” are perceived as negative identifiers of language spoken by persons whose skin color, appearance, ideas, and expressions are different from those of the dominant English-speaking society. However, both terms persist in common parlance, are used at times with a touch of irony or humor, and neither term is listed in dictionaries as standard.

Summarizing Cultural and Linguistic Perspectives

Interpreters should be aware of the fact that code-switching occurs naturally in bilingual environments. Whenever two languages and cultures commingle in one individual, it is almost assured that L2 will, in an osmotic process, cross over into the dominant L1 speech of that individual. In general cultural terms, the collocation of L2 into L1 may indicate personal and social pride, a shared knowledge, or the need to be understood empathically. Interpreters, who sometimes bear the double burden of rendering mixed-language responses, should not dismiss the English subset as inferior or inconsequential and must always be mentally ready for the possibility of code-switching. ▲

[The author holds a doctorate from UCLA in Hispanic languages and literatures. He has taught Spanish and Latin-American

literature at the universities of Michigan, Cal-Berkeley, and Nebraska. He chartered and directed the first private U.S. university in Panama. This article expands on subjects explored recently in *Language into Language*, co-authored with Saul Sibirsky. He is interested in feedback from Proteus readers. Contact: martinbethtaylor@bellsouth.net

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AUTHOR’S NOTE

Bill Cruz and Bill Teck, et al., compiled a humorous book of Spanglish: *The Official Spanglish Dictionary*, ill., David Le Batard. (N Y: Simon & Schuster, Fireside, 1998). More serious is the work of Ilan Stavans, *Spanglish: The Making of a New American Language*. (NY: HarperCollins, 2003).

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NAJIT 32nd Annual Conference

May 13-15, 2011

Long Beach California Hilton

IMMIGRANTS AND BILINGUALISM *continued from page 1*

mobility. There were plenty of opportunities for people to progress economically because U.S. society was less stratified at that time. By contrast, today's immigrant labor force forms an hourglass shape—wide at the high and low ends, and narrow in the middle. At the top end, immigrants with technical knowledge are making significant inroads in high tech, medicine and other knowledge-based industries; for example, 32% of the IT professionals in Silicon Valley were born in another country. The level of success of these immigrants is unprecedented.

The bottom of the hourglass, however, contains a much larger group of workers with few skills and often minimal education. They work not in factory or agricultural jobs these days, but in the service industry: cleaning houses, making coffee, painting houses, cutting grass, delivering pizzas, washing dishes, driving taxis. Often their work is not steady and some never find what they consider a real job. Many do not earn a living wage that can support a household. Furthermore, less-educated immigrants often discover that there is no easy way out of their underclass status. Even if an immigrant finishes high school or starts a small business, it's not enough anymore. They remain part of the minimum-wage working poor unless they acquire more marketable skills (Suárez-Orozco & Suárez-Orozco, 2001, p. 61).

Perception of Immigrants

Some Americans perceive today's immigrants as unable to advance because of a lack of ability or drive. As Peter Brimelow notes:

The latest immigrants are different from those who came before. These newcomers are less educated, less skilled, more prone to be in trouble with the law, less inclined to share American culture and values, and altogether less inclined to become American in name and spirit. (as cited in Suárez-Orozco & Suárez-Orozco, 2001, p. 50)

Although the U.S. is an immigrant nation, resentment of newer immigrants has existed since colonial times. This resentment is focused on the burdens that immigrants are believed to place on contemporary society, and their slow pace of assimilation. Although resentment of high-achieving immigrants may also exist, negative feelings are more common regarding people at the bottom of the hourglass. Industry may benefit from the presence of cheap immigrant labor, but local and state governments must see to the educational and medical needs of immigrant families. The fact that many unskilled immigrants cannot find a job that pays enough for a family to survive tends to discourage rapid assimilation, as immigrants become trapped in low-rent enclaves or ghettos.

Generational Differences

Language issues faced by immigrants follow a similar hourglass pattern. Those in the top half usually already have some level of proficiency in English or strive to achieve proficiency for work reasons. At the lower half of the hourglass, English is not as necessary and language acquisition can take a generation. In fact, a new paradigm has emerged in the last 20 years concerning the dynam-

ics of immigrant assimilation and language shift. Today, instead of lumping all immigrants together or dividing them into groups by geographic origin, scholars see immigration as a lengthy process that affects three generations, with each generation facing separate issues.

The first generation consists of those born elsewhere who enter the U.S. as adults. These are often unskilled workers, frequently from rural areas. They come in search of a better life, or because there are no jobs in their home country. For example, half of Mexico's population of 100 million is under 19; there will not be enough work for all Mexicans coming of age in the 21st century. This first generation usually has a narrow focus: they are here to work, and assimilation into the dominant society is not uppermost in mind. Their goals are usually more modest: getting on their feet, supporting a family, buying a house in the host or home country. Many plan to earn some money and then return home.

The amount of English learned by the first generation depends to some extent on their age upon arrival. If they are in their mid-teens or younger on arrival, they acquire some level of proficiency in the new language, but those who are older tend to learn just enough English to survive (Portes & Schauffler, 1996, p. 14). There are two main reasons for this. First, there is often an absence of a strong educational background, and second, many linguists believe that the ability to pick up new languages decreases dramatically after puberty. Psychologically, those immigrants who do not acquire English retreat over time into a ghettoized, expatriate mentality.

The attitudes and experience of those who arrive as young children are quite different. This "1.5 generation," as it is called, is composed of those born in a foreign country but raised in the U.S.A. Both the 1.5 and the second generation are children of immigrants. Those toward the top of the aforementioned economic hourglass assimilate easily, although they may feel somewhat conflicted regarding family and cultural loyalties. However, the situation is quite different for those on the bottom. Children of poor immigrants are often worse off psychologically than the first generation. While their parents believe they have bettered themselves, their children tend to judge things by American standards, and realize their family is worse off than most others (Suárez-Orozco & Suárez-Orozco, 2001, p. 6-7). Too often they internalize negative stereotyping, racism and the anxieties of the neighborhoods in which they live. These children can suffer from significant stress. Their families are under pressure, partly because both parents are working, sometimes at more than one job. Additionally, families often have been disconnected or split up, with some members still living in the country of origin. Often wives or children are left behind with aunts or grandparents, and even if families are later reunited, gaps in experience, language or culture within the family can be hard to overcome.

The longer that immigrant children at the bottom of the hourglass live in the United States, the worse they do academically, because they begin to lose hope (Suárez-Orozco & Suárez-Orozco, 2001, p. 5). These children usually grow up speaking two languages, but this duality can become a hindrance at school and a

source of conflict at home. Parents can feel shut out or lose status if their children are able to deal with the new society better than they can. The more English the second generation learns and begins to rely on, the greater the gap with parents who, linguistically speaking, are living in another world. The second generation is a bilingual generation, but sometimes only transitionally bilingual. They may lose fluency in their mother tongue as they grow older.

The third generation consists of the grandchildren of the original immigrants. This group is normally fully assimilated and has a stable identity within American society. As a rule, the third generation is monolingual in English. Even if exposed to the grandparents' language on a regular basis, they have little interest in learning it. They see that language as part of the old world of their grandparents, in which they do not want to invest time or energy (Portes & Schauffler, 1996, p. 11).

These are the general, normative developments in language use by immigrants to the United States. Assimilation usually takes three generations and only the second generation is bilingual, perhaps transitionally. Many children of immigrants are born speaking a foreign language, transition to English in school, and then forget or discard much of their first language.

The U.S., Where Languages Go to Die?

In no other country are foreign languages forgotten as quickly as they are here (Lieberson, Dalto, & Johnson, 1975, p. 53-56). Why is this the case? In other places around the world where languages overlap, multilingualism is not unusual. By one estimate there are thirty times as many languages in the world as there are countries, and probably half the world's population is bilingual or multilingual (Romaine, 1996, p. 573). When a whole country or area uses two or more languages, the experts do not call this bilingualism, but *diglossia* — two languages in use in the same place. Sometimes there is *diglossia* but little or no bilingualism because different groups of people inhabit the same area but do not interact much. More commonly, where there is *diglossia*, there is some level of bilingualism, i.e., the competent use of two languages by the same person. *Diglossia* can also refer to areas where a separate language or dialect is used for more formal exchanges, such as High German in Switzerland, Mandarin in China or Portuguese in Cape Verde.

Compared to other countries, there is no stable *diglossia* in the United States. Instead, there is a great deal of transitional bilingualism. This country absorbs immigrants who speak different languages at an incredibly high rate, but the survival and retention of those languages over time is quite low (Hakuta, 1986, p. 166). Although some commentators point in alarm to signs that other languages are "taking over," serious linguistic studies have concluded that not even Spanish would be able to survive in the U.S. for more than a generation or two if new immigration were to cease (Veltman, 2009). Part of the reason for this is simply the dominance of English in today's world: English has become the world's default *lingua franca*, the language of the Internet, business, science, diplomacy, pop music, and Hollywood. The world is globalizing and shrinking, and English is part of that process (McCrum, 2010).

English — Not in Any Danger

Therefore, the concern that kids today are growing up not knowing English is probably invalid. A study was done in Miami and Fort Lauderdale, the media center for Spanish in the United States, which surveyed eighth and ninth-graders as to their language use. The survey was of all students, including Anglos. It found that 73% could speak English very well, 26% could speak English well, and only 1% knew little or no English (Portes & Schauffler, 1996, p. 11). Thus, 99% of these youth spoke English. Moreover, 80% of these same students preferred to speak English (Portes & Schauffler, 1996, p. 21). Even for those students, usually Cubans, who were raised and educated in ethnic enclaves where Spanish was emphasized, 90% preferred to speak English (Portes & Schauffler, 1996, p. 21-22).

In all countries, the ability of an immigrant language to survive for very long does not depend on the number of language speakers, but on its number of elite speakers, together with the attitude of the second generation towards their parent's language and culture (Portes, 1996, p. 2). It is also helpful if the immigrants are clustered in ethnic enclaves, such as happened with the Chinese in New York and San Francisco, the Cambodians in Lowell, MA and Long Beach, CA, or the Mexicans in East L. A. When we look around the world, we also see that languages can achieve a permanent secondary status within a *diglossia* if they have a sphere where they are preferred. This is especially the case with languages connected to a religion. American Jews have stopped speaking Yiddish almost entirely, but they still may know some Hebrew because it plays a role in religion. The same can be said for Classical Arabic and Greek. They are surviving because they are used as religious and liturgical languages.

Language Mixing

Everywhere in the world where languages are in contact, there is language mixing (Lipski, 2008). Here in the U.S., we see a slow deterioration of skills in the language of origin and a piecemeal replacement of foreign words by English ones. The first English words to appear on the tongues of unskilled monolingual immigrants are subject nouns and place names. For example, unless there is a word in your language for "hot dogs," you will use the American word. Likewise, if someone wants to go to a Market Basket (supermarket) or City Hall, they will identify these places by their English names. Therefore the names of things and places lead the list of English words quickly learned and used by foreigners (Otheguy, 2003). Next come the verbs, and these can often be interesting combinations of two languages. "To park" a car in Spanish and Portuguese becomes *parquear*, or *aparcar*, in which the English word is given new Latin verb endings. Thus English words and expressions begin to pepper the speech of the first generation. At the bottom of the hourglass, the second generation is the only truly bilingual generation, yet, even in their case, they are speaking primarily English by their teens, throwing in some of the mother tongue for emphasis or color or because it is more fun to speak that way. Many times bilingual phrases are used because they are creative, cool or funny.

I noted with interest a recent article in the *Boston Globe*

> *continues on next page*

IMMIGRANTS AND BILINGUALISM *continued from page 9*

describing the introduction of programming in Spanglish, just for kids making up the second generation. As producer Alex Peis said, “Our audience is a hybrid of all markets... They’re people who live in both worlds... They can tune in to a *telenovela* one hour and ‘Family Guy’ the next” (as cited in Villarreal, 2009, p. N6). Can these teenagers or young adults speak competently in their parent’s language without mistakes or substitutions? Not the ones on this show. As Melissa Crash Barrera, one of the stars, said, “I’ve worked in Latin television before and they’ve said, “You don’t speak enough Spanish,” “You sound funny when you speak Spanish”... I am Latina, and there are tons of kids that are like me. Being fluent in Spanish does not make you more Latina than me” (as cited in Villarreal, 2009, p. N6). Her remarks illustrate that the second generation often attains only a transitional bilingualism. Although they may be losing their Spanish, these kids are now a market with their own lingo, their own TV shows and their own music.

For all of us, an awareness of these sociological and linguistic patterns can be most helpful. It is advantageous to understand the reasons why interpreters are needed by the LEP population, and useful for us to be able to gauge a person’s relative language skills. It is usually the case that the better a person speaks English, the weaker s/he is in the other language, and vice versa. Most LEP people are positioned somewhere between two languages and two worlds. Interpreters must not be thrown off by language mixing, understanding it to be a universal phenomenon. As we listen to people speak, we should pay attention to what the language use tells us about their origins, the amount of time they have been in the U.S., their educational background, and culture. If we know something about the larger patterns of immigration and language use, then that speaker can be seen in a larger context. In the end, the more we understand, the better we are able to interpret. ▲

[The author, who holds a doctorate from Harvard Divinity School, is a state-certified interpreter in Massachusetts. He is also director of the Boston University interpreter training program and an expert witness on language issues.]

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CREATIVE COURTROOM ACTIVITES

Rosemary Dann

A morning coverage assignment for the trial court in New Hampshire generally means one of two things. Either I am running frantically from one courtroom to another, juggling guilty pleas, restraining orders, summary process matters, motion hearings and trials, or I spend four hours in excruciating boredom waiting for the one defendant whose five-minute matter is called just before the lunch break. Rarely does the level of activity fall in between.

Recently, to keep from going stark-raving mad from lack of activity and a very uncomfortable seat, I exercised my creative instincts. It occurred to me that haiku would be a feasible task, as this verse form has a limited number of syllables, and would allow me to spring into interpreting action if needed. Later I showed my day’s production to my husband, who looked it over and said, “Nice, but the syllables in haiku are arranged as 5-7-5, not 7-5-7.” Oops. After recovering from my chagrin, I replied, “Well, then, I guess it’s MY-ku.” So for light reading, I offer some verbal snapshots of one morning in court.

- | | |
|---|---|
| The defendant defaulted. | “Mr. Pérez, you’ve been charged...” |
| “Where were you on Friday?” | “No hablo inglés.” |
| “My dog ate the court’s notice.” | “Call Madame Interpreter.” |
| Cameras in the courtroom. | Hours drag on endlessly. |
| What are they filming? | The clock slowly ticks. |
| The arraignment: man bites dog. | Court officers suppress yawns. |
| Natives are getting restless. | Waiting ‘til they call my case. |
| Damn! These seats are hard. | No files to work on. |
| Will this session never end? | Wish I had a Blackberry. |
| All’s quiet in the courtroom
awaiting verdict. | Ancient law books lean in shelves,
backdrop for the judge. |
| A cell phone shatters silence. | Emcee, theatre of absurd. ▲ |
| They look down from gilded frames.
Disapproving stares.
Faces of the judges past. | |

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HOW IS A TELEPHONE LIKE AN INTERPRETER?

Hailu Gtsadek

Telephone: enables two or more parties who speak the *same language* to communicate regardless of the *physical distance* that exists between the parties.

Interpreter: enables two or more parties who speak *different languages* to communicate regardless of the *linguistic difference* that exists between the parties.

We expect the telephone line to transmit everything that we say accurately, completely, and faithfully, without altering the tone and register of our voice. Unfortunately, however, we all have had problems with the telephone when the reception introduces interference or drops some utterances. I have yet to meet someone who enjoys static when it occurs on his or her phone line.

Similarly, the expectation is that an interpreter will transmit everything said accurately, completely, and faithfully without altering the tone and register of the message. Unfortunately, however, we all have witnessed instances when an interpreter introduces prejudice or bias, or provides an incomplete, inaccurate, or unfaithful rendition. I have yet to meet anyone who enjoys an inaccurate, incomplete, or unfaithful interpreter.

In my country of origin, Ethiopia, in 1889 Emperor Menelik introduced the telephone, encountering resistance from the clergy. Not understanding the role of a telephone, the clergy not only resisted the Emperor's effort but actively campaigned against it by spreading rumors and creating fear among the citizens. Some clergy went so far as to claim that the Emperor was communicating with none other than the devil himself.

Similar resistance can be seen in some Amharic speakers today who are hesitant to use the services of an Amharic interpreter. Over the years I have heard so many stories and have witnessed so many of my people refusing the services of an interpreter that it has made me stop to think: why do they resist? What follows are my best guesses.

1. Most Amharic speakers are limited in their English proficiency, but they are the last ones to realize just how limited their English truly is.
2. In the past, Amharic speakers were exposed to such mediocre interpretation services (most who claim to be Amharic interpreters are nothing but bilingual speakers who do not understand their role or the interpreter's code of ethics) that the typical Amharic speaker thinks that he can do a better job explaining his story with his own limited English.
3. Modern day Ethiopians equate knowing the English language with knowledge and intelligence. Who does not want to appear knowledgeable and intelligent?

4. By the same token, the value attached to the Amharic language is so low that speaking Amharic is equated with appearing uncivilized and unintelligent. Amharic won't get you across the river, a modern day Amharic speaker will tell by way of explaining that the language is not relevant anymore.
5. Most Amharic speakers are extremely concerned about confidentiality.
6. Most Amharic speakers are afraid of being judged by members of their own community.

It would be wise for language coordinators to keep these reasons in mind, for extra work may be required to convince Amharic litigants to avail themselves of offered interpreters. ▲

[The author is an active NAJIT and ATA member and an Amharic/English interpreter and translator since 1994. He is also a managing partner with African Translation. (www.africantranslation.com)]

EYE ON THE LAW

April 21, 2010. Arizona's SB 1070 was signed by Governor Jan Brewer, to go into effect July 29, enacting the harshest immigration legislation in decades, granting state law enforcement broad detention powers, criminalizing the failure to carry identity documents and forbidding the harboring or concealing of undocumented persons. Controversy followed immediately. Full text of bill: www.azleg.gov/legtext/49leg/2r/bills/sb1070s.pdf

June 30, 2010.

The American Bar Association filed a friend-of-the-court brief (http://www.abanet.org/media/nosearch/friendly_house_v_whiting.pdf) urging the federal district court in Arizona to bar enforcement of SB1070.

July 6, 2010.

The U.S. Department of Justice filed suit against Arizona's SB 1070, citing conflict with federal law. See link for all supporting documents: www.justice.gov/opa/pr/2010/July/10-opa-776.html

July 28, 2010.

One day before SB 1070 was to enter into force, a federal judge granted an injunction barring part of the law from taking effect. Text: <http://i.cdn.turner.com/cnn/2010/images/07/28/>

NAJIT NEWS

Introducing the NAJIT Board of Directors, 2010



Rob Cruz is a practicing certified interpreter in Tennessee. He currently sits on NAJIT's board as well as that of TAPIT, the Tennessee Association of Professional Interpreters and Translators. He co-chairs NAJIT's membership committee and chairs the bench and bar committee, and is a member of advocacy and the transcription and translation committees as well.

He is an active member of various federal and state committees on LEP and interpreter policy.

Rosemary W. Dann, Esq., Chair, is a Massachusetts certified court interpreter. She retired from the practice of law in New Hampshire. She is a member of ATA, NETA and NHITO. When not involved in interpreting, she performs in community and professional theatre.



Peter P. Lindquist holds a doctorate in translation and interpretation from the University of Alicante, Spain. He has taught T & I at the University of Alicante, the University of Arizona and San Diego State University. He has served as president of SSTI and has been a NAJIT board member since 2008. He is currently board treasurer.



Sabine Michael was born and raised in Germany, where she graduated with the equivalent of a master's degree in translation from the University of Mainz at Gernersheim for Spanish and English. She has worked as a translator and interpreter in the U.S. and Germany. For the past 15 years she has been employed at the Pinal County Superior Court in Florence,

Arizona as senior court interpreter and law librarian, where she occasionally is called upon to interpret in her native German. Sabine is a certified Spanish interpreter in the state of Nevada. She is currently board secretary.

Nancy Zarenda, a California state certified Spanish interpreter, is founder and director of the Spanish Language Academy in Sacramento providing language and cultural instruction, and international study abroad programs. She is a language consultant and has worked as a limited English proficient subject matter expert for government agencies. She received special Congressional recognition as an outstanding Hispanic American educator and is a former gubernatorial appointee to the California Commission on Teacher Credentialing. ▲



NAJIT Ethics Statement

In light of some high-profile cases in the recent past and at the request of some of the membership, the Board of Directors of the National Association of Judiciary Interpreters and Translators would like to issue the following statement on the subject of judiciary interpreter ethics.

Since its inception, NAJIT's mission has been to promote quality services in the field of legal interpreting and translating. Our members play a critical role in assuring due process, equal protection and equal access for non-English or limited-English-proficient individuals who interact with the judicial system.

NAJIT's members are bound by the Code of Ethics and Professional Responsibilities (<http://www.najit.org/membership/NAJITCodeofEthicsFINAL.pdf>), promulgated by the association to advance the highest quality language services in assisting all parties in the administration of justice. In addition to NAJIT's code of ethics, the Administrative Office of the U.S. Courts, individual states as well as the Consortium for State Court Interpreter Certification

have also promulgated their own codes of ethics. Although not exactly identical, all of the existing codes have a great deal in common. These codes exist to provide guidance to the judiciary interpreter as s/he navigates through the difficult scenarios often encountered in the criminal justice system. Standards outlined in professional codes of ethics are developed for the good of a given profession, its members, and those served by that profession.

It is important to note that although all NAJIT members are "bound" by the NAJIT code, the organization has no enforcement power over our membership. If an interpreter were to be proven to have violated NAJIT's Code of Ethics and Professional Responsibility, the only recourse would be expulsion from the organization. Furthermore, the determination that a violation has been committed should not fall to NAJIT, but to the entity that promulgates the code in the jurisdiction where the violation occurred. The Board of Directors feels such a process within NAJIT would be to the detriment of the organization and superflu-

ous. Instead, this determination should be left to the entities that have ultimate control within a given jurisdiction. NAJIT would then view such a determination by the entity with jurisdiction as grounds for expulsion.

The Administrative Office of the U.S. Courts as well as individual states usually have an interpreter grievance procedure that can be initiated by filing a complaint with the given entity. It is our belief that only the credentialing body has the power to discipline individual interpreters since they hold the ultimate power to revoke existing credentials and deny work. NAJIT has its own certification but unlike state, consortium or federal certification, NAJIT's certification is not required in any jurisdiction in order

to work. Therefore, we stand at the ready to assist our members in determining where and how to address perceived ethical violations but will not directly weigh, investigate or seek to resolve individual complaints.

Additionally, NAJIT will redouble its efforts to visibly support the codes, as they exist and will continue educating on the function and necessity of these codes. The Board of Directors feels that creating a disciplinary body within NAJIT for cases of perceived ethical violations goes beyond our mission and risks our organization becoming a tool for some seeking to settle personal grievances. Placing NAJIT in that position could ultimately harm the organization and prevent us from fulfilling our principal mission. ▲

Comments of the National Association of Judiciary Interpreters and Translators re: Department of Homeland Security's Proposed Recipient LEP Guidance Published at 75 Fed. Reg. 34465 (June 17, 2010)

In response to a request for comments, NAJIT submitted the following text on July 16, 2010.

Introduction

The National Association of Judiciary Interpreters and Translators (NAJIT) was founded in 1978 in order to build professionalism among interpreters and translators working in the legal and law-enforcement arenas; to advocate in support of state and federal judiciary interpreter and translator training programs; and to educate the public about the need for qualified and well-trained professional judiciary interpreters and translators. NAJIT's members represent professional interpreters who regularly provide services to limited English proficient (LEP) persons, usually in judicial and law enforcement settings. Many NAJIT members also regularly participate in immigration proceedings and have first-hand knowledge of DHS programs where access to qualified interpreters can be critical to the civil rights of LEP individuals.

As a result, NAJIT has a strong interest in providing comments to the Department of Homeland Security (DHS) with respect to its guidance document related to Executive Order 13166, Improving Access for Persons with Limited English Proficiency, 65 FR 50121. We welcome and appreciate the opportunity to comment.

General Comments

NAJIT recognizes that DHS has many different programs and services that are covered by the guidance document. In many cases, the services and programs offered by DHS are not adversarial in nature. For instance, Coast Guard boater safety services and outreach efforts require a different level of interpreter training than for immigration proceedings. Similarly, services and guidance to importers and exporters does not carry the same weight or importance as do the adversarial and law enforcement activities of the agency. Clearly there is a difference between providing language services in an immigration proceeding, and providing translation of boater safety documents or import-export procedures.

Because NAJIT represents interpreters and translators who work primarily in law enforcement and adversarial judicial and

quasi-judicial proceedings such as administrative hearings, our comments on the guidance document are, not surprisingly, directed at those programs within DHS that are law enforcement and adversarial in nature. Our general comments are offered with this caveat in mind.

However, as a general matter, NAJIT is concerned that the guidance document attempts to cover all DHS activities with one umbrella set of guidelines. Given the adversarial nature of many DHS proceedings and the implications for LEP persons, the umbrella approach is both inadequate and confusing. Our general comments point this out in several areas, since the guidance document appears to be endorsing the use of modes of interpretation that are clearly not appropriate for any kind of judicial or law enforcement setting.

We strongly urge DHS to consider redrafting this document with an eye to creating a special section covering LEP access issues specific to the agency's adversarial and law enforcement programs. In our view, DHS needs to recognize in a more coherent and easily-referenced section the differences between educational and commercial programs of the agency and those involved with immigration (including detention centers), border enforcement, or other types of law enforcement-related activities.

Specific Comments

Explicitly state that interpreter proficiency needs to be tested.

In section VI A Oral Language Services (interpretation), the guidance document suggests, among other things, that recipients ensure that persons who will interpret "demonstrate proficiency in, and the ability to communicate information accurately in both English and the other language." In NAJIT's view, recipients need instruction in the acceptable ways such proficiency can be demonstrated.

Note #9 says "recipients should consider a formal process for establishing the credentials of the interpreter." NAJIT holds that there are no *informal* ways to reliably establish such credentials. Credentialing, by its nature, requires a formal process with a set of clearly defined competencies. To the extent that DHS plans to rely

on informal means for determining competency, it ought to specifically identify means to make that determination. For example, asking a few questions in each language and judging the candidate's ability to answer is not a reliable yardstick of interpreter proficiency. While not every test needs to be on the level of a certification examination, tests do need to be meaningful and appropriate to the interpreter's expected workload.

Summarization is not an acceptable mode of interpretation in adversarial proceedings or medical settings.

In section VI A Oral Language Services (interpretation), the guidance document directs the DHS to ensure that interpreters demonstrate proficiency in English and the second language as well as appropriate modes of interpretation, including "summarization."

While having an interpreter provide a brief summary of a conversation may be appropriate in some casual settings, "summarization" is never appropriate in medical, adversarial or law enforcement settings, or in any setting in which the information provided to or by the LEP person is of a critical nature. Standard best practice, settled in law, recognizes appropriate modes of interpreting in judiciary settings to include only consecutive interpreting, simultaneous interpreting and sight translation. Modern professional standards forbid summary interpreting in the courtroom and other legal settings because by its very definition "summary" involves the omission of content. Moreover, this mode requires an interpreter to decide what to include or exclude, and thus puts the interpreter in an ethical quandary.¹

For good reason, summarizing is contrary to the standard rules and canons of judiciary interpreting. A judiciary interpreter has the duty to convey accurate and *complete* messages between or among parties. Summarizing, whether from spoken or written communication, requires an interpreter to participate in creating part of the message. When an interpreter is directed to summarize, he or she is placed in the untenable ethical position of having to evaluate which portion of the testimony or statements given by the parties is relevant. An interpreter is not qualified to make such determinations. If an officer wants to summarize, and ask for that summary to be interpreted, that is another matter completely, but the interpreter is not qualified to decide how much of anyone's message it is necessary to convey. To give an interpreter "summary" privileges is to court disaster.

Equally important, the first canon of NAJIT's *Code of Ethics and Professional Responsibilities* explicitly bans omitting or paraphrasing speech to be interpreted. For this reason, DHS should *never* allow summary in any immigration proceedings or other judicial proceedings carried out by the agency. NAJIT recommends that the agency provide special guidance specifically for immigration proceedings making it clear that summarizing is not an acceptable mode of interpretation in those proceedings.

DHS should not condone the use of informal interpreters in adversarial and law-enforcement settings.

In section VI A Oral Language Services (interpretation), the

guidance document suggests that in some settings it is acceptable to use family members, friends and other non-qualified individuals to provide access to DHS programs and services. The document should certainly **specifically state that the use of such interpreters is never appropriate in law enforcement settings and judicial settings, such as immigration proceedings.**

Friends and family members, in addition to being untrained in the field of interpreting or translation, are not neutral parties and may have an interest in the outcome of a case or investigation. In some cases they may be potential suspects. Children may favor one family member over the other and they, as well as many adults, may not be knowledgeable or sophisticated enough to understand certain terminology and concepts.

In any legal or quasi-legal adversarial setting, including in law enforcement venues, accuracy and impartiality are of paramount importance and professional interpreters should be used. Informal interpreters are unlikely to know about or meet either the accuracy or impartiality standards that are key in legal and law enforcement settings. Without prior training, the average bilingual person is not qualified or able to function as an interpreter in a legal setting. Mere knowledge of language does not make one an interpreter. Interpreters in legal settings need, in addition to bilingual language sophistication, other special skills, knowledge and abilities. They also need to abide by a code of ethics, which is imparted via training, which includes role play in many different possible scenarios.

In law enforcement, immigration settings (including detention centers), and other adversarial proceedings DHS must make it clear that the use of informal interpreters is *not acceptable*. The guidance should be amended so that in adversarial and law-enforcement settings informal interpreters can only be used as a supplement to other impartial and qualified interpreters provided by the agency itself.

DHS should never permit inmates or children to provide language services in any setting.

In section VI A Oral Language Services (interpretation), the guidance document rightly recognizes that DHS should take special care to ensure that informal interpreters are appropriate to the subject matter of the program or service. However, as noted above, NAJIT asserts that the use of informal interpreters and translators is never appropriate in judicial, adversarial, or law enforcement settings or in any setting in which life, liberty, due process or health is at stake.

For example, it would be inappropriate to use an inmate to interpret a detention center's rules, or to provide services at medical intake, or to interpret during disciplinary procedures. It would also be inappropriate for children to interpret or convey legal immigration concepts between law enforcement and a parent that is being detained due to their immigration status.

In addition, however, NAJIT believes that DHS should never allow inmates or children to provide any kind of language services to LEP persons that come into contact with the agency. It is never appropriate, except in immediate life-threatening circumstances when no one else is present, or while awaiting the arrival of a trained interpreter, to use children or inmates to interpret

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1. NAJIT Position Paper. *Summary Interpreting in Legal Settings*. Attachment 2 to these comments.

COMMENTS ON DHS LEP GUIDANCE *continued*

or convey messages. The agency should expressly forbid their casual use in all settings. No reasonable faith can be placed in information conveyed by persons whose impartiality, intelligence or level of understanding is unknown.

The use of interpreters in immigration proceedings

NAJIT is baffled that the proposed guidance does not directly address the use of interpreters in immigration proceedings (except proceedings before the Executive Office of Immigration Review which falls under the Department of Justice). In our view, the Bureau of Immigration and Customs Enforcement (ICE) and its programs such as Secure Communities and 287g partners ought to review and update procedures for language interpreters in immigration proceedings, arrests, at detention centers, and the like.

In particular, NAJIT would like to see significant changes in how interpreters are used in immigration proceedings. It is regular practice in such proceedings for only the judge's remarks to be interpreted for LEP individuals. The remarks of attorneys and others are not regularly interpreted. In NAJIT's view, this is a significant violation of Title VI and Executive Order 13166. We would like to see DHS document specific recommendations on the use of interpreters and translators in immigration proceedings so as to provide meaningful access to LEP individuals. Such a document should forbid the use of summary as a mode of interpretation for the reasons outlined above. It should also forbid the interpreter to remain silent while any person involved in the proceeding is speaking.

In its June 30, 2010 Memorandum of Understanding between DHS and 287g partners,² the agency clearly states that qualified

2. June 30, 2010 policy number 10072.1 Memorandum for all ICE Employees on Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens. http://www.ice.gov/doclib/civil_enforcement_priorities.pdf.

interpreters must be provided. DHS has issued guidelines to all ICE components including Secure Communities and 287g partners. NAJIT would like to see these guidelines reiterated and addressed in the guidance policy. Few law enforcement agencies that receive federal funding or assistance with Secure Communities or 287g programs are using qualified interpreters, have policies in place, or are providing training to their staff. There have been reports throughout the years where children have been removed from their parents due to the parent's immigration status or lack of English proficiency without a qualified interpreter or proper due process. The *New York Times* has reported numerous deaths in immigration detention centers. NAJIT would like to see significant changes in these procedures and that the LEP policy address some of these issues.

Conclusion

NAJIT welcomes the opportunity to work with DHS in providing better guidance for LEP access to the agency's services and programs, including its enforcement efforts. We stand ready to work with DHS to help clarify the guidance document insofar as it relates to judicial and quasi-judicial, as well as to law enforcement settings.

Attached to this document you will find NAJIT's Code of Professional Ethics and its position papers on Summary Interpretation and Language Assistance for Law Enforcement.

If you have any questions about NAJIT or its comments on this issue, please contact NAJIT Executive Director Robin Lanier at 202-293-0342 ext 201. ▲

ATTACHMENTS:

1. NAJIT Code of Ethics
2. NAJIT Position on Summary Interpretation
3. NAJIT Position on Language Assistance for Law Enforcement

Minutes of the Annual Meeting of the National Association of Judiciary Interpreters and Translators

Saturday May 15, 2010 | Orlando, Florida

1. The annual meeting was convened at 12:50 pm by chair Rosemary Dann.
2. The keynote speaker, John Trasviña, made remarks.
3. The assembly agreed to continue the practice of having the board approve the minutes of the annual meeting.
4. The chair presented the scholars awards and a gift to retiring board member Lois M. Feuerle.
5. The chair presented her report.
6. The treasurer's report was made by Peter Linquist.
7. SSTI board president Michael Piper reported on the work of the Society for the Study of Translation and Interpretation during 2009-2010.
8. Certification commission chair Judith Kenigson Kristy reported on the work of the certification commission in 2009-2010.
9. Reports were presented from the following committees: advocacy, community liaison, conference, membership, elections, nominations, transcription and translation/TT ensemble task force.
10. The chair announced the results of the electronic and mail ballot for board elections. The 2010-2011 Board of Directors will be the following individuals: Robert Cruz, Rosemary Dann, Peter Lindquist, Sabine Michael, and Nancy Zarenda.
11. There being no quorum to take up proposed bylaws amendment, the annual meeting was adjourned at 2:45 pm. ▲

Nancy Zarenda
Secretary

NAJIT Committees

ADVOCACY

John M. Estill, <i>co-chair</i>	Katty Kauffman
Isabel Frammer, <i>co-chair</i>	Nataly Kelly
Virginia Benmaman	Gloria Keller
Christina Courtright	Peter Lindquist
Rob Cruz	Maria Palacio
Rosemary Dann	Alexander Rainof
Thelma Ferry	Kathleen Shelly
Rosaura Figueroa	Muhammad Ismail Wasim
Patricia Harpstrite	Nancy Zarenda

BENCH and BAR

Rob Cruz, <i>chair</i>	Sabine Michael
M. Alohalani Boido	Susana E. Torres
Maria Cecilia Ysaac-Belmares	Maria Cristina de la Vega
John M. Estill	Virginia Benmaman

BYLAWS and GOVERNANCE

Lois M. Feuerle, <i>chair</i>	Elena Treto
Nabil Salem	Nadia Smith

CONFERENCE

Doina Francu, <i>co-Chair</i>	Elena Bogdanovich-Werner
Nancy Zarenda, <i>co-Chair</i>	Giovana Lester
Lois M. Feuerle	Marcela Lopez
Vania Haam	

ELECTIONS

Albert Bork, <i>chair</i>	Maurine McLean
Georganne Weller	Cristina Helmerichs

MEMBERSHIP

Rob Cruz, <i>co-Chair</i>	Marcela Lopez
Nabil Salem, <i>co-Chair</i>	Carla Mathers
Anna Witter-Merithew	Pasch McComb
Luis Hernandez	Julie Sellers

NOMINATIONS (*seeking additional members*)

Virginia Benmaman

NAJIT LISTSERV MODERATORS

Virginia Perez-Santalla, *co-chair*
Christina Courtright, *co-chair*

PROTEUS EDITORS (*seeking additional assistants*)

Nancy Festinger, *editor-in-chief*
Julie A. Sellers, *assistant editor*

NAJIT PROJECTS and TASK FORCES

POSITION PAPERS

John M. Estill, <i>chair</i>	Lois M. Feuerle
Thelma Ferry	



SSIT Officer elections for 2010-2011

President: Lois M. Feuerle
Vice President: Michael J. Piper

Secretary: Laura Douglas
Treasurer: Doina Francu

Director: Alexander Rainof
NAJIT Liaison: Peter Lindquist

NAJIT Scholars 2010

■ Desiree Martin

I am infinitely obliged to SSIT and NAJIT for establishing a scholarship that provides not only economic means but also a magnanimous environment of reception and collegiality. As a student caught in the perpetual milieu of exams and theory, I had started to feel a restless distance between my efforts and my purpose. This conference helped mitigate that gap and revitalize my spirit. It was wonderful to meet and talk to so many charismatic professionals who readily offered time and counsel. I also had the opportunity to meet the other scholars—an exceptional group of women, whom I am proud to have been amongst.

The conference was a whirlwind of festivity and learning. I particularly enjoyed a lively practicum conducted by Virginia Valencia, *Note-taking: Symbols and Time-saving Technique*. Through a charming and seemingly whimsical approach, yet derived from educational psychology, she provided us with a systematic framework of symbols and memorization techniques, which will prove invaluable in the practice of consecutive interpretation. Dr. Alexander Rainof's *Legal Translation-A Science and an Art-Research*,

Imagination, and Textual Interpretation presented the issues of translating context and a means to properly examine and develop a suitable equivalence. The indelible analytical sensitivity of the interpreter was met and balanced by the pragmatics of good business sense in a session directed by Rob Cruz in, *The Business of Interpreting and Translating*.

As scholars we were honored with beautiful certificates, a gracious reception, and genuine treatment of recognition and inclusion. I am so thankful to all of you. It was truly an unexpected and cherished honor to have been invited to this year's conference in Orlando as a 2010 NAJIT Scholar. I look forward to seeing everyone next year.

■ Rosaura Figueroa

I expected that attending the 2010 NAJIT conference would give me the unique opportunity to be surrounded by accomplished professionals in the translation and interpretation field. Much to my satisfaction, that was exactly

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Submission Guidelines for *Proteus*

P*roteus*, published quarterly, is the official newsletter of the National Association of Judiciary Interpreters and Translators, Inc. Dedicated to upholding and promoting NAJIT's purposes, *Proteus* strives to inform and report on subjects and concerns related to the profession. The newsletter welcomes quality submissions that address topics, issues and publications relevant to the field of judiciary interpreting and translating.

Manuscript Style and Format: Articles

1. All submissions must be formatted in APA style, including text, references, and notes. Consult the *Publication Manual of the American Psychological Association* (6th edition) for formatting questions. For a brief tutorial on the basics of using APA style, visit <http://flash1r.apa.org/apastyle/basics/index.htm>.
2. Authors are responsible for formatting and providing all necessary reference information.
3. All manuscripts must be typed and set in size 12 Times New Roman font.
4. All margins shall be one-and-one-half inches.
5. Manuscripts shall be double-spaced throughout, including text, notes, figures, tables, and references.
6. Articles shall not exceed 2000 words. Longer articles may be accepted with the permission of the editors. Book reviews shall not exceed 1000 words.
7. Articles must be written in English.
8. Authors are responsible for obtaining and providing permission to include figures and tables to which they do not hold rights.
9. Authors shall include the proposed title of their article, their name, and affiliation (if appropriate) on the title page. Subsequent pages shall be numbered in the upper right hand corner along with the first two or three words of the title.
10. Authors shall include a short author biography of no more than 100 words at the conclusion of their article. The biography shall be set between brackets and italicized.

Submission

1. All submissions must be submitted in Microsoft Word.
2. E-mail submissions as an attachment to: proteus_editor@najit.org
3. The author's email address and phone number must be included in the body of the email.
4. All submissions are subject to editing for content, grammar, style, and space considerations.
5. Submission of an article does not guarantee its publication in *Proteus*.

Capitalization:

1. Certifications are not capitalized (e.g., federally certified court interpreter, certified translator)
2. Board of Directors is capitalized when referring to the full body, but individuals shall be in lowercase (e.g., board member, director).
3. Committee names and positions are not capitalized.
4. Academic or courthouse positions are not capitalized.
5. In referring to the association in general, association shall not be capitalized.

Foreign Languages. All text appearing in a language other than English is italicized.

Translations. The author must translate all text in a language other than English. The translation should appear in brackets following the text. Any quote, reference title, or other text appearing in a language other than English needs to be translated by the author and the translation should appear in brackets following the text.

A: *¿Cómo se llama?* [What is your name?]

B: *Me llamo Juan Antonio García Valverde.* [My name is Juan Antonio Garcia Valverde.]

Notes:

1. *Proteus* uses in-text citations. In instances where notes are required, endnotes shall be used.
2. Lists of data should be presented in tables rather than paragraphs. ▲

NAJIT SCHOLARS 2010 *continued*

what I experienced at the conference. The workshops, panel discussions and presentations each provided distinct learning experiences. Not only did I expand my base of knowledge about the profession, I also discovered how much I have yet to learn. For example, it had never occurred to me to protect myself or to treat myself as a business until I attended Rob Cruz's presentation on *The Business of Interpreting and Translating*. Just as valuable as the new information and techniques I acquired was the networking environment the conference produced. During my three days in Orlando, I met fascinating and intelligent people. It was wonderful to learn about different people's backgrounds and to discover the myriad of talents in the NAJIT organization. Being immersed in an atmosphere where everyone understands the difficulty, need and value of translation and interpretation proved inspiring. I sincerely look forward to next year's confer-

ence and have renewed motivation to continue and build upon my studies. I am thankful to the organization for providing me with such a special opportunity, and to my fellow scholars for sharing the experience with me.

■ Luz Nápoles

The conference in Orlando was very interesting. I learned a lot from it. The session on psychology and memory was excellent. I enjoyed the session on ethics very much. I even won a raffle and received a bilingual dictionary. I met new people and made new friends. The instructors were very nice. Cristina was a very pleasant and understanding person. In conclusion, I enjoyed the conference days. I am looking forward to the next conference which will take place in California. ▲

Welcome New Members

The following members joined NAJIT as of June 2, 2010.

Sonia Aguirre	Olga Bylova	Mindy Frankel	Carmen Huskins
René Alfaro	Clara Castro-Ponce	Ana Gallardo	Sandra Jacome
Mercedes Allongo	Maria Ceballos-Wallis	Mina Garas	Camila Januario
Melinda Alvarez	Monica Cejudo	Alejandro García	Gary Jean-Enard
Alexandra Andrade	Philippe Chamy	Silvana Garetz	T. Theresa Jones
Sheila Antosch	Lourdes Chavarria	George Goic	Marc Jordan
Ilse Apestegui	Ralph Christ	Melannie Gonzalez	Daniela Juri
Mary Lou Aranguren	Patricia Coates	Monica Gross	Mikolaj Korzistka
Ody Arias-Luciano	Manola Colter	Thelma Guzman-Quigg	Sally Koziar
Emilia Balke	Marisol Cornielle	Anthony Haag	M Kathleen Lanker
Cristina Balletto	Ralph Desmangles	Khaliuna Haden	Jackie Lawing
Bridget Bange	Miguel Dominguez	Kipyo Han	Trung Le
Barbara Belejec	Gabriela Donatti	Marco Hanson	Cynthia Lepeley
Meyer Benayoun	Linda Dunlap	Samantha Haske	Carrie Lilley
Llomil "Joel" Benningfield	Michael Edmonds	Geri Hernandez	Sean Lomax
Gloria Bentson	Polina Elimelakh	Victor Hertz	Nora Lopez-Covarrubias
Gustavo Berges	Sheree Escoto	Anya Hicks	Isabel Lucido
Khous Bergstrom	Natalia Ferreira	Virginia Hinders	Rukshana Mansoorali
Jessica Bishop	Rosaura Figueroa	Coleen Hogan	Desiree Martin
Daniel Bojckov	Julia Fitzpatrick	John Hosking	Paula Matamoros
David Brezler	Maria del Carmen Flores Lobatón	Hasmik Hovhanisyan	Carla Mathers

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Wireless Communications Equipment for Interpreters

The use of wireless equipment for simultaneous interpretation frees the interpreter from having to sit next to the listener. The interpreter can now move to a spot offering the best hearing and visibility, where the interpreter can concentrate on the message without interruptions or distractions.

Although some courts provide this type of equipment for its interpreters, availability is not always guaranteed. And many courts and other venues don't even offer it.

For less than \$100, interpreters can now have their own set of wireless transmitter and receiver, including microphone and earphone. In many instances, the rental of similar equipment for just one day exceeds this purchase cost.

TN Communications offers dependable, long-lasting wireless equipment. Equipment is very light and small and easily fits in a shirt pocket. Transmitters and receivers come with a one-year warranty.



In addition to our VHF single-channel equipment, we offer VHF 3-channel equipment and our newest addition, UHF 16-channel equipment. We also have battery chargers and rechargeable batteries and charging boxes for the 16-channel sets. Optional headset microphones and headphones are also available.

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You may call: 1-888-371-9005, or email: info@tncommunications.com for more information

GETTING DOWN TO BUSINESS

YOU CAN'T CATCH AN OLD BIRD WITH CHAFF

María Cristina de la Vega

I have just returned from the first InterpretAmerica Forum held on June 17 in Washington, D.C., after having attended our own successful 31st NAJIT annual meeting in Florida. I am pleased to report that InterpretAmerica not only met but exceeded my expectations. Since I have been in the language business for over 30 years, I have a somewhat jaded reaction to bigger-than-life, all-encompassing titles such as the “First North American Summit on Interpreting.” Nonetheless, being curious by nature and priding myself as being on the cutting edge of our profession, I did my homework and came to the conclusion that this meeting was worth the investment. I’m a great believer in proverbs, as these maxims have been proven over time to express truths. Several came to mind upon reflecting on the Washington, D.C. event: *A good beginning is half the battle. The chain is no stronger than its weakest link. Experience must be bought.* I am glad I overrode my frugal nature and decided to attend, because otherwise, *Wonder is the daughter of ignorance* would certainly have been applicable to me. I think many of us are so involved in our day-to day activities that we don’t step back to see the big picture. We may only find out what is going on after the knowledge is already stale, not necessarily when it could have been of most use to us.

Besides bringing together an array of practitioners and stakeholders to discuss matters of substance, the cornerstone of the D.C. meeting was “The Interpreting Marketplace, A Study of Interpreting in North America,” a research study produced by Common Sense Advisory, Inc., which specializes in the language market. The study was commissioned by InterpretAmerica. All attendees received a flash drive containing the 80+ page report.

A copy will be available for download or purchase after July 2, at www.interpretamerica.net. I encourage everyone to become familiar with the contents, as these trends affect our livelihood.

Among the findings of special interest was that over 77% of interpreters range in age from 38-78 or older, only 5% being younger than 28. Clearly, this is not a profession that young people are flocking to, and such a fact is consistent with the lack of interpreting and translating curricula offered throughout the country. Yet the U.S. Bureau of Labor Statistics is forecasting that the translation and interpretation field will see greater demand during the 10 year period leading to 2016. This state of affairs should be of concern to suppliers of language services, and to our clients, because there are not appreciable numbers of professionals in the pipeline to replace baby boomers nearing retirement age.

It is mind-boggling that in the U.S., the most developed country in the world, there is only one school, the Monterey Institute of International Studies, that offers a master’s degree in translation and interpretation. It was heartening to hear this week, via the NAJIT listserve, that Northwestern College in Orange City, Iowa now offers a B.A. in translation and interpretation for bilingual students. This is a boon for interpreters in the midwest, who have scarce resources to further their professional education. At the same time, it was disheartening to learn that the master’s program in bilingual interpreting at the College of Charleston is in danger of disappearing.

An old myth debunked in the above-cited study was the presumed separate specialization by interpreters and translators: this

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WELCOME NEW MEMBERS *continued*

Patti Mawer
 Luz Meck
 Myung Ja Melton
 Kevin Mercado
 Francesca Meza
 Val Monafu
 Liesl Monroy
 Cathy Moukouri-Kouoh
 Sandra Mugmon
 Marisol Murcelo
 Luz Napoles
 Catalina Natalini
 Nettprofile International
 Gloria Nichols
 Katherine Ortega
 Junia Overton

Sergio Padilla
 Khun Pagnawath
 Raymond Perron
 Douglas Pickarts
 Jorge Praeli Perez
 Luis Quiles
 Horacio Quintana
 Karola Rangel
 Karim Romero
 Migdalia Rutkiewicz
 Blanca Salas
 Yvonne Salomon
 Alex Shmelkov
 Ruth Siewierski
 Carolina Simosa
 Lucila Simpson

Andrea Smith
 Deborah Spector
 Lina Stankute-Alexander
 Alma Suarez
 Richard Taylor
 Ana Tenaglia
 Margoth Thomsen
 Kelly Varguez
 Beatriz Velasquez
 Mayeluz Verdecia
 Karin Vicard
 Miriam Villegas-Negron
 Isabel Waplinger
 Patricia Weist
 Lorrie Yach

A LEXICOGRAPHER'S LAIR

LEGALESE VERSUS COMMON ENGLISH

Dennis McKenna

One of the beauties of interpreting is that we are exposed to a wide range of people and forms of behavior, something that many other professionals can only dream of. Murder, mayhem and money laundering: all in a day's work. When I go to a cocktail party, people always want to hear about my experiences in court. They, on the other hand, are generally involved in a higher calling, something that bears no connection to the world of drug dealers and petty criminals. This would normally be considered a happy circumstance for them; but after a few drinks, even successful young professionals wish they were friendly with undercover cops sporting goatees or chatting up strung-out prostitutes in need of a bath. However, what I find most fascinating about what we do has little relation to Hollywood depictions of mean streets, hookers, pimps, or drug dealers. What interests me most are the words and concepts eddying around this human flotsam and jetsam, and how one goes about arriving at a true translation.

This can make me a real dud at parties, and I have developed a few anecdotes to satisfy people's thirst for salacious crime stories. But it is really language that gets me excited and makes me look forward to going to work each day. One phenomenon is how legal English often appears completely nonsensical, due to its unique use of certain common words. In my first year of law school, I learned that in contract law "consideration" had nothing to do with being nice to people. Instead, it was a necessary element for a legally binding contract. After that it was easy to accept that an assault did not involve direct physical aggression, but battery did.

Many times interpreting students are frustrated to learn that legal usage may diverge dramatically from the standard meaning of a word or phrase. After a lifetime of using language in a particular way, people find it difficult to accept that legal professionals use language differently. This is especially true when the context is not clear. When a lawyer uses the word "moot," for example, is he referring to the standard meaning of the word, meaning that a thing is no longer important, or is he referring to the exercise in law school known as moot court? Only proper preparation and careful listening can determine which it is in any particular instance. We need to be acutely aware of these subtleties and interpret accordingly.

It is common knowledge that the terms "court" and "bench" often refer to a judge or several judges on a court, but what about the fact that in a legal context "construction" means to interpret or understand a law or other document? This sense of the verb comes from "to construe" or to deduce the meaning of a text. "To lie" as we all know is to tell an untruth, but in court it also means "to be sustainable" in a legal sense. "The action lies in contract, not tort," is an example of this second usage. "Mayhem" may sound gruesome, but as defined today in many statutes, it may only involve a form of aggravated battery and no longer implies losing the use of

limbs for the purpose of combat, as was the case in common law.

In court, "prescription" generally refers to a process of acquiring or losing rights due to the passage of time. It would therefore be safer to stick to the legal usage when interpreting "prescription" to your target language, unless, of course, the case involves an optometrist or a medical doctor. Similarly, "to prescribe" is to dictate or direct, or to acquire or lose land through the process of prescription. Lawyers also use the term "material" in a particular way. "Material evidence" is that which is relevant to the most important facts and issues. The oft-heard Spanish translation of *prueba material* is therefore incorrect because it leads one to think of physical evidence instead of key evidence. A "principal" is someone who commits a crime, not a school headmaster. "Rendition" means returning a fugitive to the state (or country) where he is sought for the commission of a crime, not the particular performance of a song. "Color," in its legal sense, implies the appearance of truth or right, as in the phrase "under the color of authority," and not our brain's perception of light waves.

It may at first be surprising to hear legal professionals talk about "dummies" in court, but often they are simply referring to stand-ins for something else. This occurs when the actual case file has been misplaced, hence the need for a "dummy file" to be reconstructed from court records. But a "dummy" can also refer to a person who holds legal title for another, otherwise known as a "straw man." Talking about strange words to refer to people, the "kingpin" as in "drug kingpin" comes from the lead pin in bowling. A "stool pigeon" originally referred to a wooden decoy, which is still the meaning in hunting circles. But in law enforcement and criminal argot, it means a spy or informer for the police, also known as a rat. Speaking of which, to "drop a dime on" someone is to inform on him. Public telephones used to cost a dime, so when someone called the police, he was literally "dropping a dime" into the phone.

Don't get too confused if you hear an attorney invoke Massiah. There is actually a Massiah rule which protects a suspect's right not to make incriminating statements while in custody. Similarly, "redemption" has nothing to do with saving your soul and instead refers to a way of regaining possession of property by paying off debt or by paying a specific price.

Living in L.A., I get excited when I hear about an attorney or defendant having "juice," or power and influence. But *jus* in Latin is just another way of saying "law" or "right." As if that wasn't enough, *loco* refers to place, not crazy; and the word *rectum* in Latin is another way of saying "right" and has nothing to do with your rear end.

From French we get *faux* money, otherwise known as counterfeit. "Close" is another way of saying chattel or thing, and a case *in pais* is outside court or "in the country." *Mese*, *mees* and *meas* all

mean house. Evidently, the French were not too good at spelling. In terms of criminal law, *rachat* is the French-based term for ransom and *racheter* is to repurchase or buy back. And while it may or may not be French in origin (the jury is still out on this one), to “cozen” is to defraud or use trickery.

If this discussion has piqued your interest, here are a few more examples of potentially misleading terms. The standard meaning is in brackets.

Assign – to transfer one’s rights [to tell someone to do a particular task]

Assignment – *n.* transfer of one’s rights or interest to another person [*v.* to name someone to do something]

Attachment – *n.* the process of seizing property to secure a judgment [*v.* to fasten or stick something to something else]

Bailiff – a person who is entrusted with the care of designated property [court official]

Canon – a basic rule or standard [a piece of heavy artillery]

Charge – a criminal accusation; instructions by the judge to the jury for what law to apply in their decision [a price or fee for goods or services]

Chose – *n.* thing (French) [*v.* past tense of to choose]

Color – falsehood, means of deception, “under color of authority” [visual colors, like red or blue]

Commitment – a judge’s order that a person be sent to jail or to an insane asylum [what men try to avoid]

Complaint – a criminal accusation [expression of displeasure or annoyance]

Count – allegation of an individual offense [*v.* the act of counting, the number of strikes and balls in baseball]

Depose – to take a sworn statement in a deposition [to overthrow a national leader]

Discovery – pretrial procedure for eliciting evidence from the opposing side [the act of learning about something that was previously unknown]

Dishonor – to not cash a check [to make someone lose the respect that others had for him]

Divers – a collection of unspecified persons or things [the plural of diver]

Exhibit – an item of evidence that has been presented in court [a work of art displayed in a public place]

Fence – a person who receives stolen goods [a wooden or wire structure with posts that divides two areas]

Furnish – to supply with weapons (or other items) [to put the necessary furniture in a home or residence]

Hold – to decide [to grasp in one’s hand]

GETTING DOWN TO BUSINESS *continued from page 19*

surprised even analysts who have been researching the language field for many years. It turns out that nearly 75% of the interpreter respondents reported translation work in addition to interpreting assignments. And it is old news to those of us in the trenches, but 76% of the respondents were women.

The takeaway from the two conferences I attended: follow the momentum as our industry evolves, and get involved in its development. We can only do this if we participate in industry associations and events. We need forums for combined voices and for learning about the most expedient tools. In addition to being informed, we need to be prepared. Regular interaction with peers leads to learning, growth, and career progression. We must assume responsibility not only to augment our own educations, improve local working conditions, and educate our clients, but also to push the whole industry forward. Memberships in associations provide us with the needed workshops, connections, and good advice, but we must all do our part to raise the visibility and standards of our craft, first nationwide then globally. This is definitely the time to do it! The analysts at Common Sense Advisory classify our market as one that is moving from Level 2, “where areas of inefficiency and scope of effort come into clear focus, and the expense of doing the job right starts to come into view,” to Level 3, where “professionalization increases, stakeholders discuss the best models, and external and internal issues determine the velocity of change.” It is time to discuss the best models and add velocity to the winds of change. ▲

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Move – to formally request, to make a motion [to change or change the position of something]

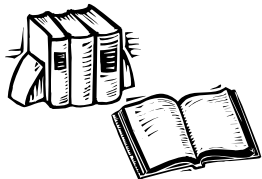
Tender – to offer in payment, to submit a bid [*adj.* soft, delicate, not tough]

Many who are new to interpreting (and even a few who are not) may be caught unaware by some of the language they hear. We all must make a daily effort to sharpen our skills and listen actively, taking nothing for granted. When you stop and listen to all the terms you hear in court, you may be surprised by what some of them really mean. ▲

[Lexicographer Dennis McKenna, whose day job is as a state and federally certified interpreter in California, is a regular contributor to Proteus.]

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Book Review

Julie A. Sellers

Language into Language: Cultural, Legal and Linguistic Issues for Interpreters and Translators

Sibirsky, Saúl and Martin C. Taylor. 2010.

McFarland & Company. | ISBN: 978-0-7864-4811-1

254 pages. \$49.95

Language into Language: Cultural, Legal and Linguistic Issues for Interpreters and Translators provides both a solid theoretical base and a practical application of issues related to interpreting and translating. Authors Saúl Sibirsky and Martin C. Taylor draw upon a variety of academic and pragmatic experiences in their rich approach in this text. Covering a broad range of topics, from historical considerations of the interpreter's and translator's roles to the implications of bilingualism and myriad matters in between, this recent publication is useful to aspiring interpreters and translators as well as to experienced professionals. Similarly, the text provides helpful information and considerations for those who need the services of interpreters and translators in numerous environments and for various purposes.

Language into Language views and discusses aspects of interpreting and translating through the common lens of communication. As the authors themselves indicate, "[t]he title *Language into Language* symbolizes the essence of oral interpreting and written translation as acts of communication" (p. 113). The role of interpretation and translation as a bridge for communication is highlighted, and this work emphasizes that both disciplines aim to convey meaning rather than to produce a literal, word-for-word rendition.

The organization of the text contributes to its usefulness and accessibility. The book is divided into two primary parts: 1) Legal, Professional, Ethical, Educational, and Economic Issues and 2) Interpretation and Translation in Cultural, Legal, and Linguistic Contexts. Each part is further divided into chapters with clearly titled sections for easy reference by topic. Throughout, personal experiences and examples from the field bring the topics under discussion to life.

The first part begins with the Federal Court Interpreters Act, discussing the role of language in accessing the nation's judicial system, as well as different states' English-only statutes. The authors delineate the role of the interpreter and emphasize the importance of using qualified interpreters (in contrast to ad-hoc untrained or uncertified "interpreters") in legal and community settings. Professional qualifications, professional training, university programs, testing and certification processes are all covered in depth, with information on state and federal testing in both spoken and sign language. Ethical conduct is treated in detail, including recognized codes of conduct, professional ethics, and practices. The authors aptly point out that ethical practice occurs at the convergence of understanding the standards and having requisite experi-

ence and abilities, noting that "[c]omplying with the written standards is one thing; it is quite another having the brains, personality, and integrity to do so" (p. 29). This first part concludes with economic, financial and business considerations for salaried and freelance interpreters and translators; salary comparisons are provided as well as suggestions for job searches and networking opportunities.

The second part of *Language into Language* begins by comparing definitions of interpreters and translators as well as the desirable traits for each. The different modes of interpretation and translation are defined and illustrated by examples. This part again emphasizes the interpreter or translator serving as a bridge to convey meaning, rather than mere words, of both verbal and nonverbal communication, thereby providing a faithful rendition in the legal setting. As the authors state, an interpreter or translator "transfers not the words but the meaning of the message, thus demonstrating that to translate a message and to find equivalences between words of two languages are not one and the same thing" (p. 135). The roles of interpreters and other actors in the courtroom are discussed in terms of power relationships, while procedures in legal and other settings are the focus of a separate chapter. This second part concludes with two chapters touching on broader topics: the effects of bilingualism on the brain and individual creativity, and the interplay of culture and language, along with how this affects interpretation and translation.

Language into Language is an excellent compendium. The detail with which the authors delve into a broad variety of topics germane to the field make this book a one-stop reference for interpreters and translators, not to mention those in the legal, social, medical, political or business fields who interact in multilingual settings. For each of these groups, the work provides sound information about modes of interpretation, necessary skills for interpreters and translators, the implications of conveying equivalent meaning, and the components of ethical conduct. Here the reader will learn what should or should not be expected of an interpreter or translator. These focused discussions are also useful for classes in law, medicine, sociology, and criminal justice, to help future professionals understand the best ways to select and work with language experts. The book would likewise be a sound choice for introductory courses in interpretation and translation. Because it so succinctly describes the abilities, qualities and ethical conduct integral to interpreting and translating, *Language into Language* is useful for anyone embarking upon a career in these fields.

Although practitioners who have been in the field for some time may find portions repetitive of what they already know from training, education and experience, there is still much to be learned from this text and its extensive notes and bibliography. Effectively interweaving theory with practice, *Language into Language: Cultural, Legal and Linguistic Issues for Interpreters and Translators* is highly recommended both as a learning tool and a reference work. ▲

[The reviewer is a federally and Colorado certified court interpreter. A Spanish professor at Fairmont State University, she holds a Ph.D. in adult learning and technology and master's degrees in Spanish and international studies. She is assistant editor of Proteus.]

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