PROTEUS

The Newsletter of
The National Association of Judiciary Interpreters and Translators

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Web Update: NAJIT Has Arrived

David Mintz

NAJIT's Web site went online in March of this year and appears to be a success. Feedback from users suggests that our Web page is achieving its intended purpose: to present information about NAJIT in particular and court interpreting in general, and to make that information easily accessible to Internet users anywhere in the world, 24 hours a day.

The site consists of about 20 hierarchically organized HTML files, or discrete Web documents. These include: a description of NAJIT, its aims and purposes, activities, and membership benefits; a membership application form; the results of the NAJIT membership survey on interpreter certification; a FAQ (Frequently Asked Questions) file about court interpreting; a short description of some of the features we intend to add to the site in coming months; an announcement about courtinterp-l, our listserver mailing list (to which we will return); a list of links to other relevant sites; and just for amusement, a Translation Brain Twister of the Month. There are also e-mail links to the author of the site (me) and to NAJIT headquarters. We have registered what is known in Internet-speak as our own *domain name*, so our URL (address on the World Wide Web) is simply http://www.najit.org. Even the "www." is optional.

Material yet to be added includes a guide for the legal profession to finding and working with interpreters; a section about interpreter ethics; a listing of institutions that offer training in interpretation and translation; a list of other interpreter and translator organizations; a pitch about *Proteus*, including some sample articles; information about the structure of NAJIT and who its directors are; and any other reasonable suggestion that anyone might come up with. Also planned are a searchable NAJIT membership directory and other interactive features. (The directory is not yet in place because your servant is still learning CGI programming, so as to avoid spending NAJIT money to pay someone

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Where Do We Stand?

Mirta Vidal

The following remarks were made by the outgoing Chair at NAJIT's 17th Annual Meeting and Educational Conference, held in May in Miami Beach.

On behalf of the Board of Directors I'd like to welcome you to NAJIT's 17th Annual Meeting and Educational Conference.

The theme of this year's event is described in its title: Words Beyond Borders. And it seems most appropriate since there are more countries represented here today than ever before at a NAJIT event. In fact, we have presenters and participants from eight different countries, including the United States, with participants from 29 states. From as far away as Australia we have the Hon. Margaret O'Toole. With us also are Luis A. González Moreno and Iván Otero Diez from the Centro de Traducciones y Terminología Especializada in Cuba; from England, Ivonne Fowler of East Birmingham College and Deputy Chief Constable Colin Sheppard of the Norfolk Constabulary in Norwich. Our friends Georganne Weller and Leticia Leduc, from the Centro de Estudios de Lingüística Aplicada in Mexico City, and the very popular Janis Palma from Puerto Rico. The largest international group of participants is from Mexico, one person is here from Spain, and six colleagues have come all the way from Argentina to attend this event.

This international presence is a reflection of our role in a world that's becoming ever more globally connected and culturally diversified. Today, the Internet is elevating the concept of information exchange to dizzying heights and at mind-boggling speed. But it is human beings that give shape and meaning to all new technology. In this fast-paced march into an uncertain future, translators and interpreters will have an increasingly important role to play in helping to propel humanity into the 21st century.

Paradoxically, this world in flux is also deepening

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already existing social contradictions and is riddled with financial crises that will profoundly affect the atmosphere in which we all work. It's important for us to take stock of this reality and of where we stand.

As we have said often before, recognition of the profession can only come as a result of our striving for excellence and demanding higher norms and standards for judging the quality of the work we do. While we've come a long way in this respect in the last 17 years, we also face some of our greatest challenges.

Both in the pages of *Proteus* and at last year's conference we've talked about the adverse effects of budget cuts on interpreter services in the U.S. courts. The threat of sliding backward on the progress made in the last two decades is ever-present and growing.

Tests that are not fully valid and reliable do more harm than good.

In the area of certification, we are moving away from, and not towards, valid, universal testing to guarantee the quality of the services provided to every person to whom the law extends this right. On the federal level, exams for interpreters who work in languages other than Spanish appear to have been indefinitely shelved. But there is also talk of tampering with the exam for Spanish interpreters—the only truly reliable measure of proficiency there has been so far—in order to cut back on the cost of administering it.

It's important to realize that the federal exam in its present form tests only the minimum level of proficiency that a person must demonstrate in order to perform the work. But as those of us who have worked in a courtroom know all too well, the work itself is much harder. Even those of us who are certified—and there are no exceptions to this that I know of—need additional training, specialized courses, continuing education and constant self-study.

Many state courts are now adopting training programs and joining the consortium sponsored by the National Center for State Courts in order to offer an adapted version of an exam. Several have done so in recent months. The Administrative Office of the U.S. Courts is also considering making use of those exams in lieu of developing one comparable to the Spanish test.

We should be clear on the significance of this. The creation of the consortium and the work done by the National Center for State Courts is a positive development to the extent that it reflects a growing concern with the problem of monitoring the quality of interpretation and a search for solutions. In that sense it's a step in the right direction and we commend it. These exams, however, cannot compare with the federal exam. Anything short of a test that includes a written portion, for example, does not adequately screen those who are truly competent, because it fails to test overall proficiency in a language and the educational and cultural level needed to do this highly skilled work.

Offering tests that are not fully reliable and valid not only fails to address the need for credentialing but actually does more harm than good. It gives a seal of approval to those who are less than qualified and makes certification meaningless.

There appears to be a mistaken notion among those who control the funds for interpreter services, that different levels of competency are somehow acceptable, depending on what their budgets will allow; that defendants whose cases are heard in the state and local courts are somehow not as important as those whose cases are heard in federal courts; that defendants who speak Spanish are entitled to better interpretation than, say, those who speak Arabic, or Italian or Korean or Ibo. This is the only way to explain the enormous disparity in testing requirements among these languages and the norms being applied at different court levels. But this is dead wrong.

This same logic of lower and higher standards seems to be applied to the courts as a whole, as compared with other forums where interpreting takes place. It seems incredible, for instance, that after nearly two decades we are still having to explain to judges and administrators why interpreters have to work in teams. It's even more shocking to realize how few courts actually implement this policy.

Team interpreting has been the norm and is a sacred rule at the United Nations, the U.S. State Department, and all conferences where simultaneous interpretation is done.

Anyone who doesn't understand the need for inter-

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preters to work in teams to ensure quality and guard against mistakes doesn't know the first thing about the work we do and should not be making decisions that affect it. As for our fellow interpreters who agree to work under these conditions, we understand that often they have no choice. However, they should understand that each time they agree to do a trial alone without relief they are doing a disservice to the profession. More importantly, they are failing to uphold the ethical standard by which we must abide: to render a complete and accurate interpretation.

It's time for us to stand up and demand recognition of this basic principle. If we don't, rest assured that those whose primary concern is cutting back on expenses will see to it that it is done away with entirely.

No one is better equipped than we are to understand what our job entails, what norms are needed, what standards must be kept. In doing so, however, we are not only defending our own interests as professionals. We are also helping to protect the rights of the non-English speaking. And we must never lose sight of the fact that they are our whole reason for being as professionals.

These are daunting tasks that require a concerted effort by a highly motivated and self-aware group of individuals working together in a united front. And when I look around this room I see precisely that. I see a new generation committed to bettering themselves, motivated to train and study on their own in view of the vacuum in formal education programs. A generation aware of the need to contribute knowledge and experience, to exchange ideas and information, who have broken out of the isolation that characterized the early years. A generation prepared to share with fellow professionals, rejecting any notion of competition, of protecting one's turf and of concealing one's ignorance that plagued us in the past.

I see people doing research, writing presentations and coming here to offer them for the sheer satisfaction of knowing that this is done for our personal and common good, because it needs to be done, and not out of any self-serving consideration. For without this collective effort we are doomed as a profession and will stagnate as professionals.

I see how the profession has grown and matured, and I feel confident that we are prepared to enter a new stage, one that I hope will be marked by cooperation and the pooling of resources, by reaching out to everyone who shares our interests and is working toward a common goal.

NAJIT is here to guide us in that process and to help us reach those goals. I'm very proud of what all of us together have accomplished and I invite all of you to continue with us on this exciting journey.

Letter from the Board

Several years ago the NAJIT bylaws were revised to provide for the election of a five-member Board of Directors who in turn would assign the various administrative tasks among themselves, rather than having elections for President, Vice President, and so on. Each year the Board takes up the assignment of these duties. At its most recent meeting in Miami, the Board voted to appoint David Mintz as Chair, Christina Helmerichs as Treasurer, and Fritz Hensey as Recording Secretary. Mirta Vidal and Laura Murphy remain on the Board as members-at-large.

NAJIT was singularly fortunate to have Mirta Vidal in the right place at the right time, when Sam Adelo—whose innumerable contributions to the Association include steering us through the horrors of the FTC investigation—stepped down three years ago. Since then, Mirta has done a superb job of leading us into this new era of accelerated growth and maturation. During her tenure as Chair, membership has approximately doubled. To cite another example: she organized the recent highly successful NAJIT conference in Miami, which drew the largest attendance we have ever had. The participants' evaluation forms reflect a high level of satisfaction with the content of the presentations. At considerable expenditure of personal time and energy, she has presided over NAJIT with exceptional skill, judgement and imagination. I am honored to be entrusted with the responsibility of being her successor, and we are grateful that she will remain actively involved as a Board member.

We are indeed in an era fraught with danger as well as opportunity for our profession. The problems that beset us have served as a wake-up call. More than ever, NAJIT has members who are genuinely committed to acting affirmatively and confronting the obstacles we face. Their efforts have been and will continue to be documented in the pages of *Proteus*.

David Mintz
Chair, Board of Directors

NAJIT Supports California Interpreter Bill 1856

Roxana Cárdenas

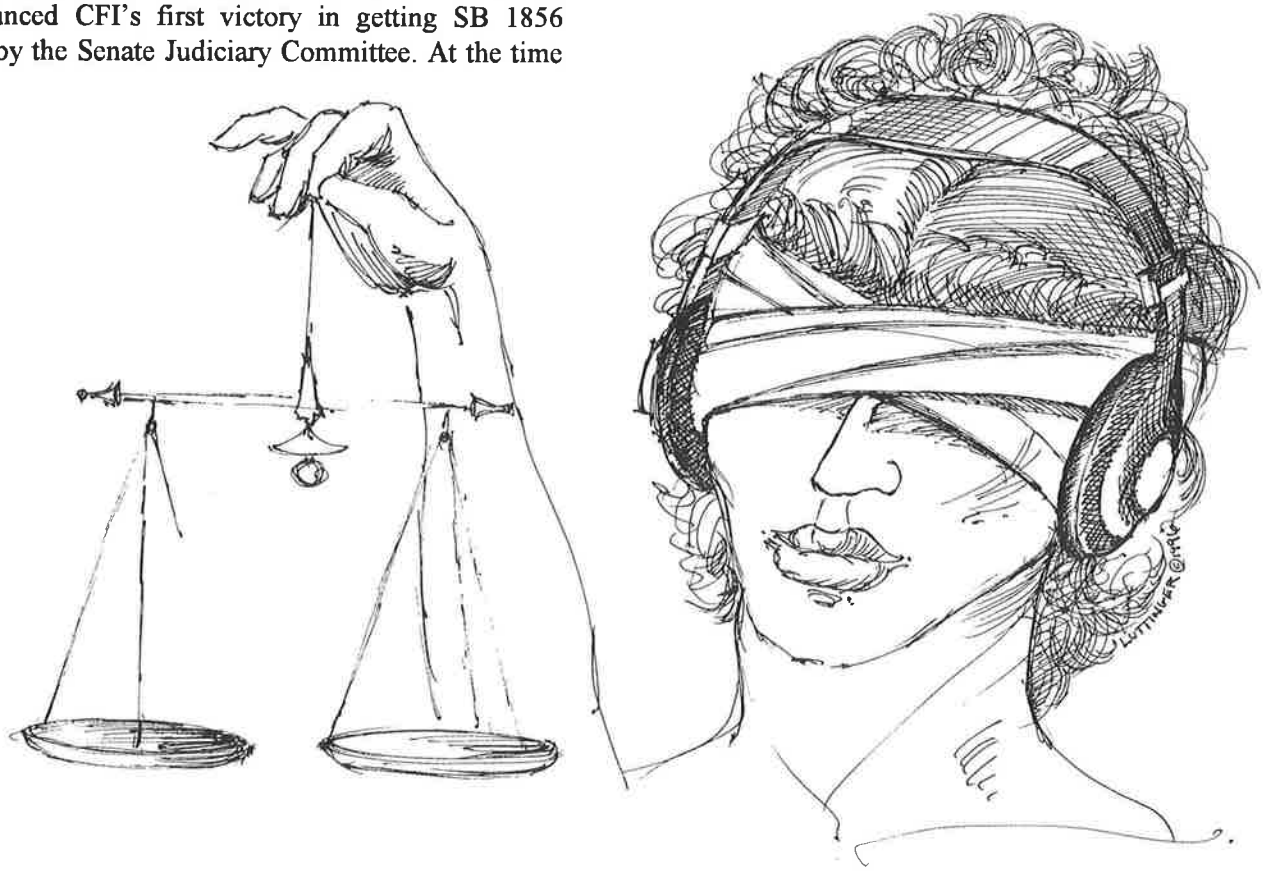
At NAJIT's annual meeting held in Miami Beach on May 19, 1996, the California Federation of Interpreters or CFI (formerly known as GLAC) stated its case on Senate Bill 1856 before an international array of judiciary interpreters.

As a CFI representative, I recounted the events that led up to SB 1856 and reviewed GLAC's collective bargaining history spanning from 1976 to 1991, during which period GLAC had routinely negotiated memorandums of understanding with the courts of Los Angeles.

In 1991, the courts refused to negotiate a new memorandum establishing pay rates, a productivity bonus, a grievance procedure and working conditions. Subsequently, compensation for mileage, parking, overtime and continuing education activities was eliminated. Los Angeles interpreters then voted to file a writ of mandamus in the Court of Appeals for settlement of our status, and we lost the battle. The Appellate Court, recognizing that court interpreters should be entitled to negotiate, directed GLAC to seek legislative relief; hence, the creation of SB 1856, which requires the county courts to negotiate with interpreters.

In addition to bringing the NAJIT Board of Directors and membership up to date on the history behind the bill, I announced CFI's first victory in getting SB 1856 passed by the Senate Judiciary Committee. At the time of the NAJIT conference, the bill was held up in the Senate Appropriations Committee, pending passage of a state budget; since then, the bill has been passed and is currently awaiting approval by the State Assembly.

After we succeeded in garnering support from a thousand signatories, including interpreters and court personnel, individual judges and judicial associations, community organizations such as MALDEF, professional associations such as the California Court Reporters Association and the Translators and Interpreters Guild, as well as from multicultural bar associations (Mexican-American, Korean, Chinese, Cuban-American), it was gratifying to hear NAJIT's official letter of support being read to the membership by outgoing NAJIT President Mirta Vidal. At that moment, I remembered the support NAJIT gave to the Chicago interpreters during their legislative struggles, and I felt proud to belong to NAJIT, an organization that stands behind local court interpreter associations in their efforts to seek just treatment and compensation. I firmly believe that we educate our state institutions when we politicize and organize for equity. Thank you, NAJIT, for your proven commitment to us as association members and professionals. We of CFI commend you.



Drawing by Nicholas Luttinger ©1996

Getting the Message to the Judges

A. Samuel Adelo

The following is the annual report of the Committee on Shared Concerns with the Bench and Bar. Copies of the articles mentioned in this report are available from NAJIT headquarters, 531 Main Street, Suite 1603, New York, NY 10044. Mr. Adelo has granted permission to reprint them provided the publications where they first appeared are given credit.

Working with Interpreters: Some Suggestions for the Legal Profession appeared in the March/April 1995 issue of the Bar Journal of the New Mexico State Bar. It was reprinted in the newsletters of three city and county bar associations in Texas and Arizona and the newsletters of the Arizona, Carolina, Delaware, New Mexico and El Paso associations of translators and interpreters, and in the *Polyglot* and *The Gotham Translator.* In Hawaii, it appeared in *The Interpreters Voice*, Honolulu, and copies were distributed to the Interpreter Coordinator of the Honolulu District Court; the Hon. Melvin K. Soong, Chair of the Supreme Court's Committee on Certification of Court Interpreters; the Federal Public Defenders Office; Bilingual Access Line for Hawaiian Interpreters; the State Public Defender's Office and the Hawaii Association of Criminal Defense Lawyers.

The American Judges Association has invited us to address its next conference.

Copies of the article were also distributed to the National Center for State Courts and the American Association of Judges. In New Mexico, it was disseminated to the Justices of the Supreme Court, District, Magistrate and Municipal judges, State Public Defenders Office, and the State Association of District Attorneys. In Arizona, copies were provided to Superior Court and Municipal judges and to Justices of the Peace.

The following sections or divisions of the American Bar Association (ABA) also received copies: the Criminal Justice Section, the Judiciary Administration Division and the Judiciary Committee of the Senior Lawyers Division.

In April 1995 I led three seminars on Practical and Legal Court Interpreter Issues at the annual training conference of District Attorneys of New Mexico in Las Cruces.

In June 1995 I teamed up with U.S. Magistrate Judge Zapata of Arizona, Dr. Roseann Dueñas González, Vickie Vásquez, and Joyce García to present two three-hour seminars on Legal & Practical Issues in the use of court interpreters to the State Bar of Arizona and the Arizona Judicial Conference.

Forty lawyers attended the seminar presented during the State Bar of Arizona's annual meeting. Sixty judges attended the seminar we presented at the concurrent annual meeting of the Arizona Judicial Conference. Lawyers and judges gave the seminars a rating of "excellent" stating that they had learned a lot from both presentations.They said they will invite us back to repeat the presentations this year.

Court Review, the publication of the American Judges Association published *The Importance of Formal Training for Court Interpreters* in its 1996 spring issue. This article will be distributed to judges and bar associations in all 50 states and to the Criminal Justice Section, the Judicial Administration Division and the Judiciary Committee of the Senior Lawyer's Division of the ABA. It will also be distributed to Federal and State Public Defender's offices and Judicial Conferences in all 50 states.

On February 19, 1996, I addressed the Judiciary Committee of the ABA's Senior Lawyers division at the ABA's midyear meeting in Baltimore. I proposed that the committee recommend that the ABA endorse court certification in all 50 states and endorse judge education on court interpreter issues. The committee approved the proposal without opposition. The proposal was then referred to the Judiciary Committee's coordinators and the ABA's Judiciary Administration Division. The President of the ABA's Senior Lawyers division and former Justice Vincent McKusick, Chairman of the Judiciary Committee, have recommended that the proposal be given high priority because of the lack of well-trained certified interpreters in the state courts. The ABA's Judiciary Administration Division will submit the proposal to the House of Delegates at its annual meeting in Orlando during the first week in August. I plan to be at the meeting to move the proposal along and to answer questions.

On April 19, 1996, I addressed the Governing Board

and Executive Committee of the American Judges Association at their annual meeting in Santa Fe. After my presentation, Judge Martin E. Kravarik, the association's President, invited me to address the entire membership of the annual conference to be held in September, 1996, in Toronto. The Chairman of the conference education committee will be working with me to prepare a program on court interpretation issues.

Judge James D. Rogers, Chairman of the American Bar Association's Committee on Traffic Court Programs has invited me to make a presentation at its October 16-18 Traffic Court Seminar for judges in Washington, D.C.

From May 16 to 19, I was at the ABA's regional meeting in San Francisco to discuss the subjects mentioned above. Consequently, I was not able to join our colleagues at NAJIT's meeting in Miami.

My work over the past year has again confirmed that judges and lawyers are very interested in learning about the work we do as court interpreters and are eager to be further educated. They are enthusiastic, and the vast majority are good listeners who understand the issues involved in getting quality interpretation in court.

POSITION AVAILABLE

COURT INTERPRETER: (Spanish/English) for the Superior Court of Arizona in Maricopa County. Ct. Intp. I ($30,576) requires 6 months exp as a Ct. Intp. Trainee or 2 yrs of paid, professional exp. interpreting in English & Spanish. Acceptable exp. is professional conference or formal interpreting exp. Ct. Intp. Trainee ($24,918) requires successful completion of college coursework (at least 4 classes at the 300 level or above) demonstrating a high degree of proficiency in English & Spanish. Candidates will be required to take a written multiple-choice exam. The highest scoring will be required to demonstrate sustained simultaneous and consecutive interpreting & sight translation. Upon successful completion of the oral demonstration, the hiring authority will interview & select the successful candidates. Obtain info & required application form from Maricopa County Human Resources Dept., Suite 200, 301 W. Jefferson St., Phoenix, AZ 85003-2145. Tel: (602) 506-3755. Open until filled. EOE.

NAJIT CERTIFICATION SURVEY RESULTS

This year NAJIT sent out a survey on certification along with the annual mailing of the membership directory update form. There were 225 responses, representing roughly one half of the membership.

	Yes	No	Maybe/No answer
Certification of judiciary interpreters is important.	98.22%	1.33%	0.44%
There should be a nationally recognized standard for judiciary interpreters	97.33%	0.89%	1.78%
A valid certification exam should include both a written and an oral portion.	83.11%	12.89%	4.00%
NAJIT should be the certifying entity	61.33%	23.11%	15.56%
If offered by NAJIT, I would take the certification exam.	75.11%	12.44%	12.44%

In the Matter of the Extradition of Mario Ruiz Massieu

S. García-Rangel and D. Orrantia

The extradition proceeding styled "In re Massieu" is a good example of how interpreting in court can develop in unexpected ways. When the extradition hearing began, all the interpreters knew was that a Mexican political figure was being requested by his government. By the time the case ended, we had interpreted for lawyers, politicians, police detectives, prosecutors, psychiatrists and jurists, and had been asked to translate articles of the Constitution, treaties, laws, regulations, book excerpts, press releases, letters and even laundry bills, all in the presence of a dozen journalists, family members and bilingual Mexican attorneys ready to object to any perceived inaccuracy in the translations.

Mario Ruiz Massieu gained such notoriety during his tenure as Deputy Attorney General of Mexico that he came to be identified as a popular culture figure: he was Super Mario to his compatriots, a Mexican Elliot Ness to North Americans. And at least for now, having defeated four attempts at extradition and one at deportation, he has proved the media right: he does seem to be one of The Untouchables.

Once the case began in American courts, even the learned judges' comments sounded like movie ads. Here are some quotes, along with our translations: "a bizarre case" [*un caso raro*] said one; "a topsy turvy cast" [*un tropel desordenado de personajes*], said another. "This is a cautionary tale of corruption based on power" [*un aleccionador relato de la corrupción surgida del poder*], intoned a third. "The facts of this case read more like a best-selling novel" [*los hechos de esta causa más se asemejan a un best-seller*], marveled another. And for the judge who decided against deportation Ruiz Massieu's ordeal was "truly Kafkaesque" [*verdaderamente kafkiano*].

Between June and November of 1994 Mario Ruiz Massieu's brush with fame came from his efforts to root out drug trafficking in Mexico. Then, one month after Ernesto Zedillo Ponce de León was elected President, Mario's brother, José Francisco Ruiz Massieu, the Secretary General of the Partido Revolucionario Institucional and the majority whip in the Chamber of Deputies, was gunned down outside a Mexico City hotel. For two months, Mario led the investigation into his brother's death. Then, abruptly and in a flurry of publicity, he resigned from his post and from membership in the PRI claiming that higher-ups and party officials were preventing him from getting at the truth about his brother's murder. In February of 1995, when Mario published his book *Yo Acuso: Denuncia de un Crimen Político*, and Carlos Salinas de Gortari had left the presidency, Raul Salinas, the ex-President's brother, was jailed on charges that he had masterminded the assassination of José Francisco Ruiz Massieu. On the morning of March 2, 1995, Mario was questioned by Mexican authorities concerning allegations of criminal activity. That evening he boarded a plane for Houston. The next day he was arrested at Newark airport for failing to declare forty thousand dollars in cash that he was carrying. Thus began Mario Ruiz Massieu's peregrinations through a string of court proceedings.

His failure to file a Currency Transaction Report led to a complaint for currency reporting violations. A detention hearing was scheduled for the following week. In the meantime, however, an extradition request was filed by the Mexican government; it superseded the local proceedings. The request was based on charges of obstruction of justice, intimidation and being an accesory after the fact. Here is a passage that was interpreted for the respondent:

> Following Massieu's arrest [*posterior a la detención de Massieu*] on the currency reporting violation [*por violar el requisito de declarar sumas de dinero*], Mexico requested his provisional arrest for extradition for obstruction of justice [*obstrucción de la justicia*], intimidation [*intimidación*] and being an accesory after the fact [*encubrimiento*].

The extradition proceeded only on the obstruction charge after a Mexican judge dismissed the intimidation and concealment counts on the grounds that they were all a part of the obstruction of justice count. The formal extradition package was filed on April 27. On May 8, Mexico added the charge of embezzlement. As we know, English has recourse to either Latin or Germanic root words, and the attorneys referred variously to this offense as "embezzlement," "misappropriation of funds," "peculation," and "conversion."

On June 22, a US magistrate judge denied the request for Ruiz Massieu's extradition on the obstruction of justice charge.

A new request was filed on July 24, 1995. At that time the government moved to have the refiled obstruction

request assigned to a district judge to consolidate the embezzlement request with the renewed obstruction petition. The motions were denied.

A second evidentiary hearing began on August 2, but the request for extradition was rejected on September 25. A new complaint was filed on October 10; after two months of hearings that request was also denied. At that point, the Immigration and Naturalization Service initiated deportation proceedings against Mr. Ruiz Massieu, but on February 26 of this year a district judge ruled those efforts unconstitutional. Her decision has been appealed and a final determination is pending.

While extradition hearings are not everyday occurrences, they are good examples of how judiciary interpreters can prepare for court and administrative proceedings. There are several steps that should be followed:

1. *Become acquainted with the proceeding that is going to take place.* Initially, this can be accomplished by reading the charges. More can be learned as the case proceeds.

2. *Review the sections of the law on which the charges are based.* In the case of the extradition hearing, both the foreign code and the US Code should be consulted to study similarities and vocabulary.

3. *Study the "script"* for a particular proceeding by reading the Federal Rules. For example, Rule 5 for Initial Appearances, Rule 11 for Retractions, and so forth. For instance, identity in an extradition hearing is similar to Rule 40, Initial Appearances, where a defendant is arrested in a different district from the one where the charges are pending.

4. *Jot down key words and concepts from your preparatory reading,* or write them as they are first mentioned because they are likely to recur. During recesses or adjournments, research can continue.

5. *Establish a good relationship with the attorneys and paralegals* so that you can request they share documents with you. Reviewing those documents is most helpful. Documents were extremely valuable in these extradition hearings, particularly for the names of affiants and institutions frequently mentioned in arguments and in the testimony of witnesses.

Extradition proceedings are similar to probable cause hearings conducted to determine whether there is sufficient evidence to support a reasonable belief that the accused is guilty of the crime charged and thus to justify his arrest and commitment to trial.

For an international extradition to go forward, there has to be a valid treaty between the petitioning country and the extraditing country. The one now in force between the United States and Mexico was signed on May 4, 1978. It was on the basis of this treaty that formal requests for the arrest and extradition of Ruiz Massieu were filed. Here is an example of a passage that had to be interpreted simultaneously to the defendant:

> In In re United States, 713 F.2d 105 (5th Cir.1983), the court described the process of international extradition: The substantive right [*el derecho sustantivo*] of a foreign country to request the return [*solicitar la devolución*] of a fugitive and the duty of the United States to deliver [*entregar*] the fugitive depends entirely on the existence of a treaty between the requesting nation [*la nación solicitante*] and the United States.
>
> To invoke its right to extradite [*para invocar su derecho de extraditar*] a fugitive, the requesting nation must submit [*debe presentar*] its request to a state or federal court.
>
> The court determines whether the fugitive is subject to extradition [*está sujeto a la extradición*] and, if so, must order the fugitive's commitment [*la detención del fugitivo*] and certify [*certificar*] the supporting record [*el acta justificativa*] to the Secretary of State. The decision to surrender the fugitive then rests in the discretion of the Secretary of State.

At an extradition hearing, first the identity of the respondent has to be established. The court must be satisfied that he is the person sought by the foreign jurisdiction. In this case, the identity issue was raised during the fourth request for extradition, as a means of placing into evidence the transcripts of prior proceedings. Initially, the judge had ruled on the identity based on the testimony of the attorney who had represented Mr. Ruiz Massieu in Mexico.

The court must also determine if the offense alleged in the complaint makes the requested individual extraditable. This is the requirement of dual criminality. The principle of dual criminality requires that "the offense for which a person is extradited must be punishable as such under the laws of both the requesting and the requested nations. It is not required that the name by which the crime is described in the two countries be the same, nor that the scope of the liability be coextensive."

Since several complaints had been filed, the charges in each had to fulfill this requirement. The obstruction of justice request was based on Article 225, Section VII of the Mexican Penal Code, and it was concluded—after much debate between the parties—that the essential element of the offense in that article of the Mexican law

under Title 18, Section 1512(b) was obstruction of justice.

In the embezzlement request, the Court concluded that the charge of *peculado* is roughly equivalent to the offense of embezzlement, and extraditable under Article 2, Paragraph 3 of the Extradition Treaty. The equivalent statutes here were Article 223, Paragraph 1 of the Mexican Code and 18 USC § 841 and § 643.

The decision on probable cause is not unlike the determination that has to be made regarding any criminal complaint brought before the Court, and for the probable cause determination in this case, extensive hearings were held. Several witnesses came from Mexico to offer their testimony, and many affidavits that had been translated into English were made part of the record. The expert testimony was characterized as "net opinion" because in their submissions the experts did not indicate or append the materials on which they had based their opinions. There were interesting legal arguments on the weight to be given that evidence.

Following are word lists that we compiled as the hearing progressed. Expressions that gave us pause were the names of government entities such as *Dirección*, *Secretaría*, and *Visitaduría*; job titles such as *Oficial Mayor*, *Secretario de Gobernación*, and *Visitador*, and judicial procedures such as *amparo* and *consignar*. As always, false cognates lurked at every turn: *bienes asegurados*, for example, sounds like "secured assets" but is in fact "seized assets." *Suplir* caused some difficulty for the interpreter who translated it as "to supply" instead of "supersede" or "replace." Sometimes the difficulty was caused by peculiar or wrong usages by the speaker. A long discussion took place around the word *comprobar*, because the witness used it to mean *probar*, "to prove," when he discussed the expenditures of moneys entrusted to Ruiz Massieu.

From the point of view of English as the source language, the usual suspects turned up: false cognates, as with the expression "probable cause;" the flexibility of English for creating derivations by means of suffixes, as in "extraditability," and the penchant of lawyers for the colorful expression: each new attempt of the Government to get a favorable ruling led the defense to complain that they were getting "another bite at the apple," and in mock outrage, Ruiz Massieu's lawyer finally shouted "Enough, Mcduff!"—which of course we translated as *¡Basta, McDuff!*

GLOSSARY

English > Spanish

affiants declarantes, deponentes

affidavits declaraciones juradas

arrest warrant orden de aprehensión

certifications of extraditability certificaciones de que alguien es extraditable

certify as extraditable certificar de extraditable

conversion apropiación ilícita

corporate bank accounts cuentas bancarias corporativas

demanding country país solicitante

deny extraditability rehusar calificar de extraditable

dismiss the complaint against the respondent desestimar la denuncia contra el demandado

dismiss the extradition proceeding desestimar la acción de extradición

decline to issue a certificate of extraditability rehusar expedir un certificado de que alguien es extraditable

deny certification of extraditability denegar la certificación de extraditable

deportation proceedings are permanently enjoined suspensión permanente de las gestiones de deportación

disbursements desembolsos

divert money distraer fondos

dual criminality doble criminalidad

extraditable extraditable, sujeto a extradición

extraditable offenses delitos que dan lugar a la extradición

extradite extraditar

extraditee el extraditado

extradition extradición

extradition hearing audiencia de extradición

extradition is warranted se puede conceder la extradición

extradition petition/request solicitud de extradición

extradition proceeding procedimiento de extradición

extradition treaty tratado de extradición

extradition warrant orden de detención de una persona sujeta a un proceso de extradición

file an extradition petition presentar una solicitud de extradición

formal request for extradition solicitud o petición formal de extradición

in the matter of the requested extradition of en relación con la solicitud de extradición de

issue a certificate of extraditability emitir un certificado de extraditable

grant a certification conceder, otorgar una certificación

pleadings alegatos

probable cause motivos fundados/presunta responsabilidad

provisional arrest detención provisional

pursuant to an extradition request de conformidad con una solicitud de extradición

requested individual el individuo reclamado

requested party la parte solicitada

requesting Government Gobierno solicitante

requesting party la parte solicitante, la parte requirente

requesting state el estado solicitante

respondent demandado

respondent brief escrito del demandado

surrender a fugitive to a foreign country entregar a un fugitivo a un país extranjero

treaty on extradition tratado de extradición

Spanish > English

actas records

actas circunstanciadas circumstantial records

acta protocolizada protocoled record

afrontar los cargos face charges

agente del ministerio público public prosecutor

amparo action for relief; proceeding for relief; writ of relief

apropiación ilícita conversion

asegurar bienes to seize assets

asociación delictuosa illicit association

atentado attempt, assault, attack

auto de formal prisión order of pre-trial detention

autores materiales e intelectuales perpetrators and masterminds

averiguación previa preliminary investigation

bienes asegurados seized assets

bienes confiscados forfeited assets

bienes decomisados forfeited assets

Cámara de Diputados Chamber of Deputies

Código Federal de Procedimientos Penales Federal Code of Criminal Procedure

Código Penal para el Distrito Federal en Materia Común y para toda la República en Materia del Fuero Federal Penal Code for the Federal District in Matters of Local Jurisdiction and for the entire Republic in Matters of Federal Jurisdiction

Comisión Nacional Bancaria y de Valores National Commission on Banking and Stocks

comprobar y justificar verify and justify

concurso real homogéneo de delitos combination of related criminal acts

consignar ante el juez de la causa request to hold for trial

Coordinador de la mayoría parlamentaria majority whip

declaración ministerial official interrogation

declaraciones patrimoniales patrimonial declarations

delito contra la administración de justicia crime against the administration of justice

detención provisional con fines de extradición provisional detention for extradition purposes

Dirección General de Programación, Organización y Presupuesto Directorate/Administrative Office of Programming, Organization and Budget

Dirección General de Averiguaciones Previas Administrative Office of Preliminary Investigations

Dirección General de Servicios Periciales Administrative Office of Expert Services

distracción de fondos misappropriation of funds

distraer fondos to divert funds

encubrimiento being an accesory after the fact, concealment

exponente, externante, emitente, declarante deponent

Fiscalía Especial para la Atención de Delitos Electorales Special Prosecutor's Office for Electoral Crimes

fuero común state jurisdiction

fuero constitucional state jurisdiction

fuero federal federal jurisdiction

Juez de Distrito en Materia Penal del Distrito Federal District Judge of the Criminal Court for the Federal District

Juzgado 11o. de Distrito en Materia Penal 11th District Court for Criminal Matters

Ley de Extradición Internacional Law of International Extradition

malversación o distracción de fondos públicos embezzlement or misappropriation of public funds

ministerio público district attorney, public prosecutor

notario es una persona que tiene fe pública a notary is a person who has legal authority

Oficial Mayor de la Cámara Officer of Budget and Management of the Chamber

Oficial Mayor de la PGR Officer of Budget and Management of the Attorney General's Office

Oficialía Mayor Office of Budget and Management

oponer excepciones show cause

Partido Revolucionario Institucional Institutional Revolutionary Party

peculado embezzlement, misuse of public funds

Pliego de Consignación Request for Pre-Trial Detention

Policía Judicial Federal Federal Judicial Police

presunta responsabilidad presumed responsibility, probable cause

presunto extraditado person to be extradited

Procuraduría Fiscal de la Federación Attorney General for Fiscal Matters of the Federation

Procuraduría General de la República Attorney General's Office of the Republic

protocolizar las actas file the original records with the notary public

protocolizar los fondos enter the funds into the notary public's record

protocolizar un documento file the original document with the notary public

reclamado requested individual

Registro Federal de Causantes Federal Taxpayer Registry

Registro Público de la Propiedad Public Real Estate Registry

Reglamento de la Ley Orgánica Organic Law Regulations

Secretaría de Relaciones Exteriores Secretariat or Ministry of Foreign Relations

Secretaría de Gobernación Secretariat of the Interior

Secretario de Gobernación Secretary of the Interior

Secretaría de Hacienda y Crédito Público Secretariat of the Treasury and Public Credit

Secretario General del PRI Secretary General of the PRI

servidores públicos public servants

Subprocurador General de la República Deputy Attorney General of the Republic

Subprocuraduría General de la República Deputy Attorney General's Office of the Republic

Sufragio Efectivo no Reelección Effective Suffrage no Reelection

Visitador General de la PGR Inspector General of the PGR

Visitaduría General Office of the Inspector General

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NAJIT on the Web

(continued from page 1)

else to do it. CGI, or The Common Gateway Interface, enables Web users to do more interactive things than merely clicking hypertext links, such as filling out online forms for searching databases, ordering merchandise, etc.)

The listserver mailing list promised in our previous issue is also in place. The list, called courtinterp-l, is for discussing any aspect of the court interpreting and legal translation profession. To subscribe, simply send an e-mail message to <majordomo@colossus.net> containing just the command *subscribe courtinterp-l* in the body of the message. To post your own message to the list, send it to <courtinterp-l@najit.org>. Anything that any subscriber posts to the list is automatically sent to all of the subscribers. In a sense, mailing lists are like bulletin board systems or Usenet newsgroups, only it requires less effort to retrieve all the messages. Listservers have long been popular in scientific and academic communities; now there are thousands of lists devoted to subjects and interests ranging from Gregorian chant to neo-Nazi movements. Some lists generate over a hundred messages per day, but the volume on courtinterp-l is moderate, so you need not be concerned about getting inundated. Courtinterp-l now has over 50 subscribers, including people in Australia, Mexico, Sweden, the Netherlands, Italy, Taiwan, Canada and Austria. People across the planet who share an interest in court interpreting have thus been communicating and talking shop, and judging from the tone of the proceedings, they are enjoying themselves.

Interpreters across the planet are communicating with one another, and apparently are enjoying it.

The success and the value of NAJIT's Web page depends to a great extent on the cooperation of NAJIT members. For example, the gathering of information about all the institutions that offer courses is a daunting task for a single person, but if several people pitch in it can be accomplished fairly easily. If you teach a course somewhere and want to publicize it, send me the information and I will post it. If you have already written a guide for the legal profession or some other such useful document, you might consider offering it for publication on the Web site. The point is to avoid reinventing the wheel, and to make this a collaborative effort rather than a one-person show. Please send submissions in electronic form via e-mail to <dmintz@ix.netcom.com>, or on diskette to David Mintz, 177 Coles St., Jersey City NJ 07302, because paper documents have to be retyped.

Both the Web page and the listserver will undoubtedly prove to be increasingly useful communications tools for NAJIT members as well as the general public.

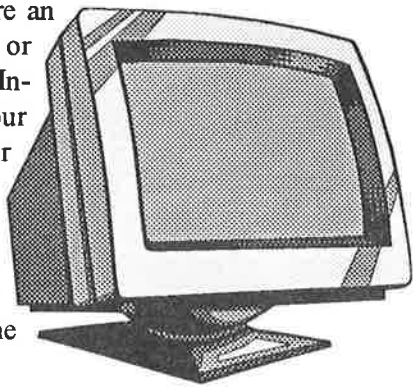
Getting Connected, Revisited

If you're not on the Internet, and you prefer not to have your already overtaxed neurons assaulted with more information, that's fine. On the other hand, if you think the Internet might be worthwhile, but your eyes glaze over when people talk about configuring their TCP/IP stacks, read on.

Much has changed since *Proteus* last published an article on online communications ["Getting Online," Vol. III, Nos. 2-3, Summer/Fall 1994]. The number of options for Internet access has mushroomed, making matters even more confusing for novices. The good news is that it really is not difficult to establish an Internet or online service account, especially if you first take a little time to educate yourself. Go to a computer bookstore and browse the books and magazines. There are plenty of guides for non-experts.

The essential equipment has not changed: a computer, appropriate software, a modem, and a phone line. At the risk of sounding like a spokesman for the hardware industry, I must say that more is more. If you insist, you can—and people still do—access the Net with slow, old computers and modems. But you're better off with a fast modem—28,800 kilobytes per second is current standard—and, if you're a PC (as opposed to MacIntosh) user, a Windows-capable PC, meaning at least a 486 machine, preferably a Pentium.

There are still basically three ways to get on the Internet: (1) if you're a student, staff or faculty member at a university, or if you're an employee of a business or institution that provides Internet access, ask your computer department or systems administrator. You may even find that you already have an account set up for you; (2) go with one of the big online



Tijuana '96: Mexican Law Enforcement and Criminal Procedure

Marianne Pripps-Huertas

On February 24 and 25 of this year I attended a seminar on Mexican law enforcement and criminal procedure at the invitation of the Asociación de Traductores e Intérpretes Profesionales de Baja California. I represented the Northern California Translators Association.

A group of knowledgeable law professors, attorneys, judges, police academy personnel and a forensic expert gave us detailed presentations on the criminal justice system in Mexico as compared to the U.S. system. Professors Arnoldo Castilla García and Juan Ramiro Díaz Pelayo presented a clear and well-organized historical overview of how Mexican law came to be, and how it is carried out. They gave appropriate examples of laws which they compared to the United States system. It is not often that I have found such lucidity in presentations of this kind. Interpreters and translators had the chance to hear not only new terms but also explanations of their content and their U.S. equivalents. For example, *ley de normas mínimas* "minimum penalties;" *principio de la costumbre*, "common law;" *desahogo de la prueba*, "Opening/Closing argument."

Other terms used in the course of police investigations were: *torretas*, "overhead lights," *parte informativo*, "police report" and *tonfa*, "billy club."

These were just a few of the many terms discussed during the two-day seminar. I was very satisfied with the topics and content of the presentations. Judge Oscar Valenzuela Avila, Presiding Judge of the Superior Court of Baja California, who happens to be the president of the newly formed Judicial Council of the state, was also in attendance. For California interpreters, this was an opportunity to compare the two bodies and to learn the Mexican name for it—*Consejo de la Judicatura*. (In California we go back and forth between *Concilio Judicial, Consejo Judicial,* and *Concilio Jurídico*, just to show how rich the Spanish language can be!)

It is indeed invaluable to learn about the legal process in countries outside the United States. I wish we had seminars like these every year in which representatives of the legal systems of different countries could share their expertise with interpreters and translators who work in the U.S. Well-prepared talks and pertinent examples of comparative concepts and terms can only aid tremendously in the performance of our duties.

(WWW continued)

services like CompuServe or America Online; (3) go with a dedicated Internet service provider (ISP) like Netcom or a local company. Option 2 may be marginally easier than option 3, but it will be more expensive if you use the Net heavily. Remember that this is not a lifetime commitment. Try an ISP or an online service for a few months, and if you're not happy, go elsewhere. Just wait until you're reasonably sure you're satisfied before printing business cards and letterhead with your e-mail address. Whichever provider you choose, make sure the access number is a local call. You don't want to have to worry about piling up toll charges.

This is what worked for me: I saw Netcom in action at a friend's house, and it looked pretty good. I called their 800 number (1-800-NETCOM1) and they sent me a disk with Netcom's own program, Netcruiser. I loaded the software and was on the Net within minutes. It was remarkably painless. I've never had to configure a TCP/IP stack—and probably wouldn't know what one was if it bit me.

Netcruiser is easy to use, and it is adequate but limited. To overcome its limitations, I run other Windows programs for Web browsing and e-mail (Netscape Navigator and Eudora, respectively) after dialing in with Netcruiser—an inexpensive solution that has worked beautifully. Netcom charges $19.95 per month for unlimited access, which appears to be the going rate.

New NAJIT E-mail Addresses

NAJIT can now be contacted at the following easy-to-remember addresses. Previously published addresses are also still valid.

Headquarters: headquarters@najit.org

Proteus: proteus@najit.org

Chair of the Board: president@najit.org

ERA OF BUDGETARY CONSTRAINTS

Interpreter Services Not a Priority

Nikito Nipongo

Don't look now, but due process may soon be downsized. Interpreters take an oath to interpret accurately and completely, but court administrators may be placing roadblocks in their way. In her address to the membership at the recent NAJIT convention in Miami, Lydia Pelegrin, Chief of the Administrative Office's (AO) Court Administration Division, summed up the current climate in Washington by warning with disarming candor that "we have to see what is reasonable within what we can do...the pot will not be getting any larger."

Freelance fees, which have not risen in five years, will remain frozen at current levels indefinitely.

Federal courts near you may be subject to the limited use of team interpreters for long proceedings and the tacit acceptance of using non-certified interpreters even when certified interpreters are reasonably available. The AO is struggling to make interpreter services nationwide more cost-effective and efficient while accomodating shrinking budgets, but the district courts are functioning at 84 percent of full staffing, and the crunch is being felt even in Ms. Pelegrin's office. It is now clear that freelance fees, which have not risen in five years, will remain frozen at current levels indefinitely.

A newly recomposed Court Interpreters Advisory Subgroup met recently in Washington. One of its stated aims is to review the Manual of Policies and Procedures for federal court interpreters, a document so mired in controversy it has taken ten years and countless drafts to get to its current incarnation. Interpreters who have followed its history have lost all hope of its eventual publication.

One of the reasons the manual remains unfinished, Ms. Pelegrin pointed out, is the difficulty in setting a uniform policy that judges will find reasonable for 94 district courts in a decentralized system. There is no nationwide standard, she said, because practices vary greatly: for example, in some districts simultaneous interpreters go for 45 minutes without relief and in others, six hours; furthermore, one must not lose sight of the fact that the AO has an advisory, not an enforcement role. Although Ms. Pelegrin meets personally with the Chief Judges in every district, she insists the AO is powerless to influence local policy, even if that policy includes the routine use of non-certified interpreters. During the discussion that followed Ms. Pelegrin's remarks, she agreed that a gentle reminder to all district court judges to use certified interpreters would not be overstepping the AO's advisory role.

Another subject touched upon was test development and administration, a separate appropriation in the budget that has run to $700,000 a year in the past. Out of a desire to reduce that figure, Spanish certification may be streamlined. The AO recently hired an outside test developer to evaluate the current certification program by the University of Arizona. Some cost-cutting measures under consideration are: limiting the number of testing sites, reducing the number of oral examiners from three to two, and eliminating certain testing portions.

Government-sponsored examinations for court interpreters in languages other than Spanish, Navajo and Creole, although recommended by the Judicial Council some years ago, is now considered a utopian proposition: at an estimated cost of $35,000 per certified interpreter, the government insists it simply can't afford it. In the AO's view, since 92 percent of interpreter requests involve Spanish, the variety of languages constituting the remaining eight percent do not merit substantial expenditure.

Though downsizing may be the wave of the future, Ms. Pelegrin assured NAJIT members that the Court Interpreters Act had not been revoked. Yet her audience expressed concern over why her office was not doing more to encourage compliance with the law.

NAJIT FINANCIAL STATEMENT Calendar Year 1995

Income	
Dues	42,080
Advertising	50
Conferences & Workshops	42,434
Book Sales	2,340
Mailing List Rental	28
Subscriptions to Proteus	16
Miscellaneous	344
Total Income	**87,292**
Expenses	
Management	21,500
Office Supplies	269
Telephone	2,465
Postage	4,378
Printing & Photocopying	4,872
President's Expense	1,221
Board Expense	4,649
Committee Expense	36
Special Consultants	0
Accountant	1,026
Lawyer	165
Proteus	2,262
Publishing	261
Publications Rebate	756
Refunds	270
Conferences & Workshops	46,822
Travel	25
Bank Fees	603
Credit Card Fees	40
Tax Filing Fee	465
Gifts	148
Dues Bounced	75
Miscellaneous	10
Total Expense	92,318
Total Profit/(Loss)	($5,026)

Welcome New Members

2/1/96-4/30/96

Maritza D. Abea, Bronx NY
Consuelo C. Adame, San Antonio TX
Manuel H. Aguado, Miami FL
Jorge E. Angel, Hollywood FL
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[to be continued in our next issue]

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The objective of NAJIT is the advancement of the profession of court interpreting. All interested persons are encouraged to join. Membership entitles you to a free subscription to *Proteus*, a scholarly newsletter published quarterly; a listing in the Language Services Guide and Interpreters/Translators Directory; and the right to vote and participate in the activities of the Association. Membership is extended to individuals, students, and institutions.

APPLICATION FOR MEMBERSHIP

Last Name _____ First Name _____ Middle Initial ____

Business Name (if applicable) _____

Address _____

City _____ State _____ ZIP _____

Home Phone (_____)_____ Business Phone (_____)_____

Fax (_____)_____ Beeper (_____)_____

Languages _____

Passive Languages _____

Accreditation or Certification:

_____ Federal _____ State: From which state(s)? _____

_____ ATA: What language combinations? _____

_____ Department of State: Escort _____ Seminar _____ Conference _____

Are you willing to travel? Yes ___ No ___

If you are a language instructor at a college, please indicate which one. _____

I certify that the above information is correct and accurate to the best of my knowledge and belief.

Applicant's Signature _____ Date _____

1996 PAYMENT SCHEDULE

Individual: $75 _____ Student:* $25 _____ Institution: $150 _____

* Student membership is available ONLY to students of interpreting and translation who derive no income from employment as interpreters or translators.

Please make your check payable to NAJIT. Return completed application and your check to:

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