

JOINT STATEMENT

by

**The National Association of Judiciary Interpreters & Translators
&
The American Translators Association**

In re: Washington Post Story by Ernesto Londoño Saturday, July 21, 2007
“Md. Judge Dismisses Abuse Charges: *Clerk Was Unable To Find Interpreter*”

A criminal case in Maryland that was dismissed for lack of an interpreter has been widely covered in the news media. In our organizations’ view, this case is an unfortunate symbol of a systemic problem that affects our entire country, a problem for which we all share responsibility: the need for language professionals to be identified and readily available to serve our courts and justice partners.

We represent two national organizations, the National Association of Judiciary Interpreters and Translators (NAJIT) and the American Translators Association (ATA), that have made great efforts to network with community and government entities to make them aware of our extensive networks of language professionals. On occasion our advocacy efforts have been successful but our overtures have also sometimes been dismissed.

When a language barrier exists and a person’s liberty or a victim’s life is at stake, it is always best to err on the side of caution by appointing a competent interpreter. When state or federal authorities are unprepared, uninformed or unwilling to find a way to resolve a language barrier, the courts are poorly served, defendants’ rights are unprotected, victims are doubly victimized, and our justice system suffers.

Information on how to tap into available language resources is vital to the effective functions of our court systems. Any court or justice-related department that lacks policies for dealing with the limited English proficient persons is poorly equipped to deal with the demographic realities of the 21st century.

ATA and NAJIT may not always be able to identify certified or qualified interpreters and translators in every language through our membership directories, but we have the means to quickly survey our members, network with local sister organizations and other government entities, or exchange knowledge with community and private sector agencies to assist in locating needed interpreters or translators.

Courts and other justice partners often say that they do not have the funding to extend searches or to contract with service providers beyond their jurisdiction. They say that they are unable to assess an individual’s language proficiency. They say that they cannot train bilinguals to function as language links in cases where experienced court interpreters are difficult to find. This is exactly why policies need to be established outlining the various options in cases of urgent need.

Our organizations consist not only of certified and qualified interpreters and translators but also Ph.D. linguists, expert consultants, trainers and expert witnesses. These interpreter experts are available to help the justice entities develop policies and procedures for training bilinguals of less common languages in a relatively short period of time to adequately interpret court proceedings. The ability to comprehend a court proceeding is not an immigration issue or an English-only issue; it is a matter of fundamental fairness and due process.

September 11th alerted us to our pressing language needs and the need to have organized lists of qualified interpreters and translators. Katrina reminded us once more, and although efforts have been made to correct some of our deficiencies, as a nation we are not there yet.

We need to begin to develop the connective tissue between professional organizations of language providers and governmental agencies. We need to promote the flow of best practices and information so that the language communication barriers can be resolved quickly and effectively. We need national standards. We need to support funding for court interpreter programs such as Senator Kohl's bill, S. 702, to authorize the Attorney General to award grants to state courts to develop and implement state court interpreter programs.

We need to support the recruitment and training of interpreters and to certify interpreters in many languages other than Spanish. We need to create and fund certification exams in languages for which certification does not currently exist. Lastly, we need to offer incentives to recruit and retain already certified and qualified interpreters and translators.

The courts, the defense, the prosecutors' offices, and law enforcement agencies all need to establish language assistance processes that work accurately and effectively. Only when the justice system taps into existing networks of language professionals to seek out potential interpreters, will shocking situations such as the Mahamu Kanneth case be avoided.

“There is nothing easy about any trial where liberty is at stake and a victim is at loss. It is even less so when there are multiple languages involved. However, fundamental due process requires a level playing field, and that all persons answering to the law of the land be given a similar opportunity to answer. A Movant is entitled to such fairness regardless of his ability to speak and comprehend English. Perfect understanding is not required to mete fairness, but a reasonable understanding is.”¹

NAJIT has prepared a position paper entitled “Preparing Interpreters in Rare Languages” which bears upon the current situation: <http://najit.org/Documents/RareLanguages200609.pdf>.

For more information, contact NAJIT at <http://najit.org/>; contact ATA at <http://atanet.org/>

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¹ COMMONWEALTH OF KENTUCKY FAYETTE CIRCUIT COURT DIVISION FIVE (Opinion)