



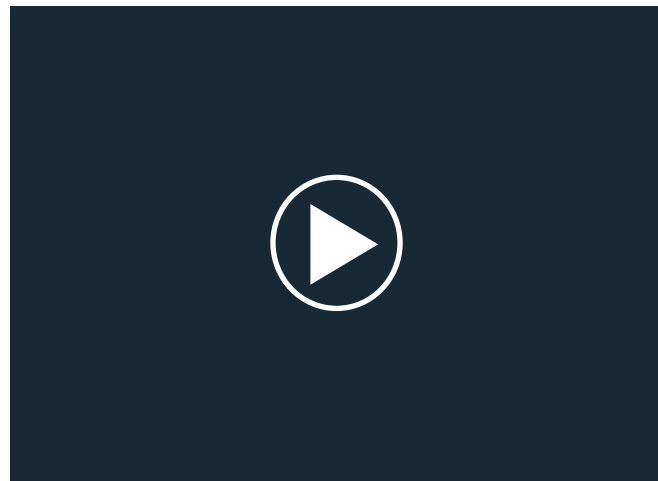
## Introduction

Not too long ago, if you did not speak English and were accused of a crime, you did not have a right to a court-appointed interpreter. If you could afford to pay for your interpreter, that was allowed. If you couldn't afford to pay for one, it was at the judge's discretion to appoint one. It was thought that interpreting for a non-English speaker or a person with limited English proficiency (LEP) would add to the cost of the trial and slow down the proceedings. There was also the issue of locating a qualified interpreter. Because there were no standards for interpreters then, anyone could call themselves an interpreter.

Consecutive interpretation is a slow process. While the non-English speaking person speaks, the interpreter takes notes, and then the interpreter translates their words in English and the opposite for English to the other language. This was the common practice until simultaneous interpretation was used in the Nuremberg Trials in 1945.

## History

The Nuremberg Trials were for war crimes committed during World War II. Participants in these trials spoke four languages: English, Russian, German, and French. To translate into each language after each speaker would make the trial take four times longer than any regular trial. The judges looked for an alternative and found the IBM Hushaphone Filene-Findlay System. This system had been in use by businesses since the 1920s, but had not been used in a courtroom setting. The IBM machines allowed interpreters to simultaneously interpret all the court proceedings as they happened. Attendees wore headphones and were able to hear the proceedings in their language. The courts have used simultaneous interpreting since.



U.S. Courts video on the roles of federal court reporters. Click on the play button to open the video in a browser window.

### Interpreters and the Law

The [6th](#) and the [14th](#) Amendments both apply to the use of interpreters. The 6th Amendment establishes the right to a speedy trial by jury, allows the defense to offer witnesses, and to have the assistance of counsel. The 14th Amendment expands on those rights by providing rights to due process and equal protection of the laws. [Title 6](#) of the Civil Rights Act was passed in 1964. Title 6 “prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.” Because of this law, federal agencies had to provide interpreters to assist non-English speaking persons. It wasn’t until 1978 that it became law that federal courts must provide interpreters.

The [Court Interpreters Act, 28 U.S.C. §1827](#) (1978) provided for court-appointed interpreters in any matter instigated by the United States. It also called for the certification of interpreters and a database of qualified interpreters. Certification consists of an oral and written exam that is only available for three languages: Spanish, Navaho, and Haitian Creole. The first exam given is the written exam. Those who pass are invited to take the oral exam one year later. The oral exam is divided into three parts to test three modes of interpreting: simultaneous, consecutive, and sight translation. It is a timed exam and a source of great stress for many. Most people take it more than one time before passing, if they do pass. The pass rate varies, but it is usually very low.

The Fifth Circuit has the highest number of interpreter usage events in the United States. The most used language is Spanish.

Interpreters say they don’t explain but rather account for every word. They don’t interpret verbatim or “word for word” which would not make sense in another language. Messages are delivered whole or in the same language register. One court interpreter in Texas gives a simple example: “In Spanish, you say ‘buenos días.’ Word for word in English would be ‘good days,’ but we say ‘good morning.’ ‘Good days’ would still be understandable, but it’s not normal usage.”

Interpreters are at their best when their presence goes unnoticed. They follow a code of ethics that does not allow them to become advocates for the defendant or the prosecution. They try to convey the emotion and the sense of country or place as felt by the speaker as well as the words they say. They give a defendant access to justice.



Equipment used by court interpreters in the Western District of Texas, San Antonio courthouse.