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04/06/06
Caroline Jackson, Legal Assistant, General Counsel's Office, P. O. Box 12157, Austin, Texas 78711, facsimile (512) 475-3032

Dear Caroline Jackson,

I have been a federal court interpreter nearly every day since October of 1996. I have a degree in the language and have passed every voluntary certification examination offered for linguists in Texas. Furthermore, I served as a volunteer grader and Language Chair drafting, preparing, grading and recruiting graders for the American Translators Association accreditation program for about 8 years, have a company in business since 1990 and 20 years' experience producing certified translations. I have also served as president of the Austin Area Translators and Interpreters association and as its membership director.

The first time three of my colleagues lobbied for coercive licensing, in 1995, I testified under oath before the Texas Senate Judiciary committee to the effect that the proposal made for bad law and that voluntary certification would be better. In response to allegations of concern over rights, I pointed out that at that time not a single person alive in Texas had suffered any rights violation due to interpreter ineptitude, and that claims to the contrary were couched in apocryphal stories, curbside observations and hearsay. The lobbyists present denied none of this.

The second time such a law was sought, the entire effort was cloaked in secrecy. Nowhere in translator or interpreter association newsletters was it mentioned at all, and on the day it was announced that we had been robbed of our freedom to engage in honest work, not a single one of the more than a dozen interpreters present at TDLR had any foreknowledge of what was afoot. I asked each one personally. The entire process dispensed with peer review, open debate or the input of professional practictioners of the profession. It quite frankly reeked of smoke-filled rooms and secret lobbying deals.

The result has been that -- aside from a handful of grandfathered Spanish interpreters who welcome protection from competitors or examination -- linguists competent enough to have customers elsewhere have largely chosen dignity and freedom over a system barely distinguishable from a bribes-for-assignments political spoils system. Far from assuring the courts a supply of tested interpreters, the law has been used to protect "grandfathered" interpreters, exempting them from testing. Persons licensed on the basis of unsupported claims to ability in various languages needed only jump at the chance to pay a fee for exemption from the very testing so loudly touted as necessary to prevent miscarriage of justice. The requirement that all practicing licenced interpreters be tested now evades compliance.

Here is a clipping from the Los Angeles Examiner, November 1929, describing how consular officials intervened when a local court “linguist” was exposed as less than competent:

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A PAPER FOR PEOPLE WHO THINK C

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MONSEN, NOTED EXPLORER, DIES

Dr. Frederick J. Monsen of Pasadena, world-famous explorer geographer, lectured and writer, died suddenly yesterday at the Pasadena Hospital from a complication of diseases.

Doctor Monsen returned from an eastern lecture tour Saturday, suffering from pneumonia.

R. K. O. Leases 48 Acres for Films

RKO Studios yesterday gave expression to growing plans in a large way.

William Le Baron, vice president in charge of production announced the lease of forty-eight acres of property on Ventura boulevard and Encino avenue, in Nah Fernando Valley, for exterior scenes purposes.

The lease is for two years with an option to buy, according to Le Baron.

COURT LINGUIST FACES INQUIRY

Charges that Felix Aldamne had been engaged as a Spanish interpreter in the night municipal court, when he only could speak a few words of the Spanish language, will be investigated by the Board of Supervisors tomorrow.

The protest against the interpreter was made by Mexican consular officials.

In its current form, the Texas court interpreter licensing law is a diplomatic liability in that it shields “grandfathered” licensees from examination and involves foreign nationals whose very real rights are legally protected by international treaties which take precedence over "anything in the Constitution or Laws of any State to the contrary notwithstanding."

It would be embarrassing to the State of Texas if consular officials were to confront some of its “grandfathered licensees,” and the details come to light in the glare of publicity. If it also turns out that a translator who cost the State half a million dollars for reprinting mistranslated ballots is now shielded from scutiny and competition while practicing in State courts, public knowledge of the fact could be discomforting.

For these reasons, and because I understand the the proper function of government is to secure the rights of its citizens, not sell them work permits, I will labor for the repeal of this incorrect law. If it must be replaced with another, that other law should concentrate on Spanish. Abundant statistical data show that Spanish accounts for about 98% of all interpreting in the US. The federal court system has elected to offer certification for Spanish (and one tiny creole dialect) instead of trying to directly administer all human languages for the remaining 2% of its cases. Federal courts also rely on recommendations from their voluntarily certified Spanish interpreters when they need linguists in other languages, and the results have been with us for decades.

In closing I repeat what I have told the lobbyists and posted on my website: I will publicly debate anyone who urges the State Government to engage in the coercive licensing of interpreters.

Sincerely yours,

J Henry Phillips