

Bilingual Courts Act

Senator John V. Tunney (D. Calif.) recently re-introduced the Bilingual Courts Act, requiring translation of all Federal court proceedings involving non-English speaking Americans.

Tunney said the measure is necessary "to ensure equal justice and protect the Constitutional rights of millions of Americans who are now discriminated against because of the circumstances of their birth and their linguistic heritage."

The bill, introduced today with 37 Senate co-sponsors, was approved unanimously by the Senate last September. Hearings were not held in the House Judiciary Committee because of the press of other business, including the presidential impeachment inquiry.

"The cornerstone of our legal system is the equality of treatment it assures to every citizen, rich or poor, young or old, black, brown, red, or white," the Senator said in introducing the bill.

"Yet for millions, the language barrier prevents a full understanding of court proceedings, and therefore can deny them their legal rights.

"I can think of no experience more frightening or discriminatory than to come before the bar of justice in either a criminal or civil case and be unable to understand the charges or the testimony because the proceedings are being conducted in an alien tongue."

Tunney said the bill would benefit all non-English linguistic groups, the largest of which is the Mexican-American population of the Southwestern U.S., comprising up to 8 million people.

According to the 1970 census, Tunney said, there are more than 3 million Spanish surname Americans in California, or more than 15 per cent of the state's population. In Southern California, alone, he said, an estimated 47 per cent of the Mexican-American population is Spanish-speaking only.

The Senator said the bill also would benefit the estimated 1.5 million Americans of Puerto Rican descent; substantial numbers of Chinese and Japanese Americans in California and elsewhere; Native Americans; the French speaking in Maine and Louisiana; Americans of Cuban ancestry in Florida and elsewhere, and other smaller linguistic groups throughout the country.

In addition, the provisions would apply the estimated 2 million Americans whose deafness or severe hearing impairment causes difficulty in understanding normal speech.

The Tunney bill will require the simultaneous, oral translation of all Federal court proceedings in criminal cases. It gives the judge in civil cases the discretion to order consecutive or summary translation rather than simultaneous. "Our nation has taken important steps in recent years to meet the needs of non-English speaking minorities, including passage of the Bilingual Education Act in 1967," Tunney said.

"We must now extend this momentum by passage of the Bilingual Courts Act."

He urges early Senate passage and prompt hearings by the House Judiciary Subcommittee chaired by Rep. Don Edwards, of California.