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PERSPECTIVE

Court interpreting lesson from Nuremberg: 75 years later

By Hiram Torres

Seventy-five years ago this month, the first and most important of the Nuremberg trials, with 22 of 24 defendants present, was completed. The Nuremberg tribunal had the colossal mission of bringing to justice a total of 199 accused war criminals during a series of 13 trials in a “fair and expeditious” manner, requirements that gave birth to new methods of court interpretation.

Before Nuremberg, most interpretation was performed consecutively, not simultaneously. Even the term “simultaneous interpretation” was nearly nonexistent, with the preferred term being “whispered interpretation.”

In the consecutive mode, the interpreter waits for each speaker to finish, perhaps taking notes, then interprets. For a trial in four languages (English, German, French and Russian), existing procedures would have required that interpreters wait for a lawyer’s question, a witness response or a judge’s statement to be completed, then an interpreter in each of the three other languages would have delivered a rendition, one after each other.

Using existing consecutive interpretation, the Nuremberg trials would have lasted four times as long as they did: 12 years, instead of the 36 months the 13 trials actually required.

The main innovation of the Nuremberg trials for court interpreting was the introduction of large-scale simultaneous interpretation. A system produced by IBM known as the Hushaphone, patented in 1926 and first used in Geneva in 1927, had been available for some time. It was not, however, used to simultaneously interpret live speech. Interpreters would



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The interpreters' sections of the Nuremberg International Military Tribunal in 1946.

either read from a pre-translated text, or would wait until the speech or statement was completely delivered, then interpreters in several languages would interpret at the same time from their notes or the prepared speech text using microphones while the recipients of their services wore headphones.

It was Leon Dostert, who had been Dwight Eisenhower’s French and German interpreter, who had the vision of proposing IBM’s Hushaphone system to interpret the proceedings at Nuremberg in true simultaneous mode. Justice Robert Jackson, the chief American prosecutor at Nuremberg, sent his son William to the League of Nations in Geneva to find out about their proceedings using consecutive interpretation. William Jackson reported that the League of Nations system was appallingly slow, so the decision was made to try an entirely new system.

IBM’s Hushaphone system, which was then renamed International Translator System (and adopted soon thereafter by the United

Nations), used microphones and headphones that allowed each audience member, in addition to the participants, to listen through headphones choosing on a hand control between four languages and a fifth direct channel with no interpretation.

Two courtrooms at the Nuremberg Palace of Justice were joined to create an enormous courtroom with space for some 600 persons, including about 250 journalists from around the world.

About 700 prospective interpreters from Europe and the United States were tested ahead of the Nuremberg proceedings, with only about 5% considered fit for simultaneous interpretation. Many applicants with substantial proficiency in a language pair were not able to keep up with the pace of simultaneous interpretation, and some of them were hired to translate the mountain of documents required for the trials.

Most of the interpreters selected at Nuremberg were over 35 years old, a limitation that was attribut-

ed to the many years needed for a person to acquire an extensive vocabulary in two languages. With training, the number of individuals who can perform the unnatural and exhausting task of listening and talking at the same time can

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be approximately doubled from the 5% rate at Nuremberg; the pass rate in California since serious certification started in 1984 has hovered around 10%.

This low pass results first from the requirement that court interpreters have college-level knowledge of both languages, as well as an understanding of legal terminology, and second from the fact that simultaneous interpretation is a skill on its own apart from speaking a particular language.

Since the Nuremberg trials, studies have shown that simultaneous interpretation has a maximum speed of about 120 words per minute for a period that may go up to 30 minutes. After about 30 minutes, it has been established that performance falters and mistakes increase substantially.

While it may sound that 120 words per minute is a high speed, most people actually speak at much higher speed for some periods of time. Court reporters in

California are certified at 200 words per minute, while court interpreters are certified at 120 words per minute.

The difference in certification speeds has to do with the fact that interpreters need to process for meaning, reorganize for proper syntax, and transfer into a different grammatical system. While reporters can take down even words they do not understand, since it is basically a process of reporting sounds, interpreters not only have to understand meaning (with many words having more than one meaning) but also must wait until a complete unit of meaning (which can be a sentence or a phrase) has been delivered.

As a result, interpreters do not interpret "word for word," one of the most common misconceptions about court interpreting.

However, the average person, as well as lawyers and judges, has no idea of when they are speaking too fast for court interpreters to

keep up. And how would a witness or a lawyer know when they are going over 120 words per minute? After all, the speed limit for speech in the courtroom is effectively set by the court reporter, who will generally not say anything until a participant goes over 200 words per minute.

The problem was considered at Nuremberg and a solution was found. With appropriate adaptations, it is a solution that can be adopted to improve interpreting services in California.

At Nuremberg, a system of lights was set up so that an interpreter monitor who was not one of the interpreters interpreting simultaneously could signal participants who were going too fast. Lawyers, judges and witnesses had two lights in front of them. If the yellow light went on, the participant was expected to slow down. If the red light went on, it meant stop and repeat.

The red-yellow lights system

earned high marks in Nuremberg. For us to adopt a similar system that accomplished the same objectives should not be too difficult with our more advanced technology. The entire system can be wireless, avoiding installing more cables in the courtroom floor. No additional interpreter would be needed for the speed monitoring, as was the case in Nuremberg. Instead, the same person who is interpreting could operate two pedals that would activate the red and yellow lights.

A demonstration project could be started by any of California's 58 counties, or by the Administration of the Courts/Judicial Council. Once adopted at the statewide level, it would produce a major leap in the quality of interpreter services in California, and a major lesson from Nuremberg would become part of California courts' interpreting systems, which are already considered among the best in the United States.