

Opening Remarks: Interpreter Summit
May 24, 2012
Chief Justice Cornelia A. Clark

I love May because it is a time of celebrations: graduations, honoring mothers, honoring those who have died in service to our country. But today it is important to remember that 225 years ago this month, in May 1787, delegates from 12 states met in Philadelphia to begin drafting what became the Constitution of the United States. Fifty-five men from 12 states worked through a sweltering summer, behind closed doors, to consider and debate a new national charter that created an experiment in government unlike any seen before or since.

The document they unanimously approved in September 1787 states in its first words “We the people of the United States, in order to form a more perfect union, *establish justice...*”. There it is: before providing for the common defense, before promoting the general welfare, before securing liberty and certainly before allowing guns in parks, our forefathers believed that justice was a most critical component of this great union.

Justice has not always been for all, however. In 1787, slaves had no rights, and women had very few, in our courts. Even white men who owned no property could not vote or participate in other ways in our government.

But over time we have come to understand in this country that if we are to preserve the liberties our forefathers fought for, for all must truly mean *for all people*. We have recited this promise in our pledge of allegiance since 1892, and the pledge was given official status in 1942.

The fight to extend the protections of the rule of law to all within our borders has been long and hard. We are not certain each day if we are winning the fight, or even on some days if we are moving forward or losing ground. And as our country has become and remained a haven for others seeking the same freedom and opportunity as our founding fathers, we have struggled to continue to define all to include those whose backgrounds are less and less like our own. It is easy to forget that, except for Native Americans, all of us came here originally from somewhere else. But we all came seeking the same freedoms and opportunities that continue to attract people from around the world today.

Even when the will to provide services for all has existed, the money to do so often has not. So in a time of already-reduced funding for courts, it came as a terrible shock to some people when, in August 2010, the Attorney General of the U.S. wrote to every chief justice to assert that state courts were required to provide no-cost language interpretation services to all persons who came into our courts, without regard to whether their cases were civil or criminal and without regard to their ability to pay for those language services. The threat to withdraw all federal funding for violations of this executive order was frightening.

In our initial fright and shock we were governed by fear and negativity, recognizing only the challenges we faced and not the opportunities we were being given to reaffirm that “all means all” when it comes to delivery of justice. For as the Conference of Chief Justices noted in a 2008 resolution, “when language barriers intrude into the process of justice and prevent essential communication and understanding, some of the most basic strengths and values of our justice system are too often negated”.

In Feb. 2012, the ABA for the first time recognized as a fundamental principle of law the expectation that “persons needing to access the courts are able to do so in a language they understand, and are able to be understood by the court.” Once we began to think about the issue, we realized why it is important that crime victims, divorcing parents, persons who owe rent or mortgage payments, veterans and those seeking health care benefits be able to communicate adequately in a courtroom in addition to those charged with a crime.

Just a few weeks ago the Tennessee Legislature, acting on the recommendation of Governor Bill Haslam, passed a budget that includes for the first time \$2 million to provide spoken language interpretation for those who need it in our courts, without regard to ability to pay.

I am proud of Governor Haslam, and proud of our legislature, for taking this important step to insure that *justice for all* really is available for all persons in Tennessee. That is what our Our Founding Fathers intended, and that is what we must continue to aim for.

Today, you, the leading stakeholders of our judicial system, will begin the discussions of how to maximize the provision of language access in our courts with the resources we now have. The choices will be hard ones, and the diversity of opinions will be great. But it is in that diversity that I find strength and hope that, at the end of this day, the cause of justice for all will still be advancing forward and outward to embrace all who look to our justice system to protect their lives, their fortunes and their sacred honor.

Thank you for all that you do each day to strengthen our system, and thank you for joining us today on this very important journey.