

TRANSLATION *News*

SPECIAL EDITION

No. 6

**
** THE CANDIDATES' FORUM **
**

ONE MIGHT WISH TO DISPUTE THE STATEMENT THAT ONLY DEMOCRATIC SOCIETIES HOLD ELECTIONS, FOR THERE ARE MANY NATIONS AND SOCIETIES WHICH PROVIDE FOR ELECTIONS, OR PERHAPS MORE ACCURATELY, "ELECTIONS", BUT THAT DOESN'T NECESSARILY QUALIFY THEM AS DEMOCRATIC. INDEED, THE TRULY DEMOCRATIC SOCIETY HASN'T MERELY AN ELECTORATE, BUT RATHER AN INFORMED ELECTORATE. AND THAT IS PRECISELY THE PURPOSE OF THE CANDIDATES' FORUM: TO ALLOW THE VOTERS TO BE INFORMED OF THE ISSUES AND TO BE INFORMED OF WHERE THE CANDIDATES FOR OFFICE STAND ON THOSE ISSUES.

SOME TWO DECADES AGO, A GROUP OF OFFICIALS OF THE AMERICAN TRANSLATORS ASSOCIATION, PERHAPS OUT OF FEAR OF THE MEMBERSHIP, PERHAPS OUT OF FEAR OF "TARNISHING" THE "IMAGE" OF THE ASSOCIATION, OR PERHAPS OUT OF OTHER REASONS, DETERMINED THAT DISCUSSION OF ISSUES BY THE CANDIDATES FOR ELECTIVE OFFICE WAS NOT THE HEALTHY THING FOR ATA. AND THAT DETERMINATION HAS BEEN PASSED DOWN FROM ONE GROUP OF OFFICIALS TO ANOTHER. IN SUBSTITUTION, THE VOTING MEMBERSHIP OF ATA WAS ASKED AND/OR TOLD TO MAKE A CHOICE BASED ON A CANDIDATE'S CREDENTIALS AND A BROAD, GENERALIZED STATEMENT OF OBJECTIVES. WE HAVE NO ARGUMENT WITH THE FORMER AS AN ELEMENT OF CHOICE. BUT WE HAVE A BIG ARGUMENT WITH THE LATTER, FOR BROAD, GENERALIZED STATEMENTS OF OBJECTIVE CARRY ANOTHER LESS-POLITE NAME: POLITICAL SLOGANEERING. CERTAINLY, ALL OF US ARE FOR COUNTRY, MOTHERHOOD AND APPLE PIE.

THE IDEA OF THE CANDIDATES' FORUM WAS GIVEN TO US BY TED CRUMP, FORMER EDITOR OF THE ATA CHRONICLE. HE SUGGESTED THAT TRANSLATION NEWS COULD BE AN APPROPRIATE VEHICLE FOR ESTABLISHING THE KIND OF FORUM USED BY NON-PARTISAN POLITICAL ORGANIZATIONS, SUCH AS THE LEAGUE OF WOMEN VOTERS, FOR PRESENTING THE VIEWS OF THE CANDIDATES, AND THEREBY ALLOW THE ELECTORATE TO BECOME AN INFORMED ELECTORATE. WE THOUGHT THAT MR. CRUMP'S IDEA WAS AN EXCELLENT ONE, AND SO WE ASKED THE EIGHT CANDIDATES RUNNING FOR THE THREE AVAILABLE SEATS ON THE ATA BOARD OF DIRECTORS TO PARTICIPATE IN THIS FORUM.

WE RECEIVED ENTHUSIASTIC RESPONSES FROM CANDIDATES JULIE JOHNSON, TOM MALIONEK AND JACK SEGURA. WE RECEIVED NO RESPONSE, OR EVEN AN EXCUSE FROM CANDIDATES MICHAEL DOYLE, PETER KRAWUTSCHKE, JUDITH YEATON AND MEERI YULE. CANDIDATE ALBERT BORK SUBMITTED TO US WHAT WE FELT WAS THE CROWNING INSULT: A SERIES OF GENERALIZED STATEMENTS (SLOGANS, IF YOU WISH), WHICH BY OPERATION OF ANY

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TRANSLATION IN THE UNITED STATES: AN UNDERDEVELOPED INDUSTRY

BY DR. JONATHAN SLATER

A recent item in TRANSLATION NEWS focused attention on the growth of cross-border commerce and its implications for the translation industry in the United States.

Developments in the European Common Market, in Eastern Europe and in the province of Quebec all spell an increase in international trade and international communication. And where would international trade and communication be without translation?

The things a business in the United States has to do in order to sell goods or services in French-speaking Canada, for example, provide a relevant response to this question.

U.S. companies entering the French-Canadian market find that much of their printed materials -- from company documents and legal instruments to packaging and advertising -- must quite often appear in French as well as English in order to fulfill the requirements of existing language laws.

This problem is especially compounded if a U.S. business has targeted Quebec as a particularly inviting area for marketing, sales and advertising. Language legislation enacted in 1974 and 1977 and revised in 1983, make French the official language of Quebec as well as the language of business and public signs. Inscriptions on products, containers, and wrappings together with associated printed matter must be in the French language.

Translations of printed material are permitted as long as the French version is given equal or greater prominence than the version in the other language. This requirement applies, for example, to labeling and packaging, instructions for use or warranty information supplied with a product, as well as to catalogues, brochures, folders, and other similar documents.

Many U.S. firms are undoubtedly surprised by the scope of these requirements and are probably unfamiliar with the various regulations, although companies must deal with them directly if they wish to continue their pursuit of the Canadian marketplace.

Companies faced with the challenge of translating documents for use in French-speaking Canada and other global marketplaces therefore must have a complete resource at their disposal in order to obtain information about, and make use of the services of translation experts locally or nationwide.

In a different life, the American Translators Association might have been the place to go for such information and assistance. More and more, however, the ATA sees its mission as an educational one rather than a commercial one. And that's too bad. At

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THE ORIGINS OF ANTITRUST LEGISLATION

BY J. HENRY PHILLIPS

Beginning with the abstract principle of a free society as one in which the role of government is limited to the protection of individual rights, it is easy to show that exploitive monopolies could not possibly exist there. As long as people are free to trade and produce, they will compete with all comers for a share in profits to be had. If townsfolk allow a store to hold a monopoly over groceries, it is because that store's margin of profit is too small to attract competition. As soon as the store charges enough to qualify as an "exploiter", an infinite supply of competitors eager to get in on some of this "exploitation" will increase the supply of competing grocers until prices are forced back down to lower levels. This mechanism can only be thwarted by the introduction of coercion into the marketplace -- whether by racketeers through theft, fraud and extortion or by governments through tariffs, quotas, taxes and arbitrary regulations.

It is ironic, then, that the latter method of destroying our natural protection against exploitive monopoly is exactly what some folks champion in the name of consumer protection or monopoly elimination. These advocates usually claim to favor competition and free enterprise. When questioned on the issues, however, advocates of antitrust invariably prefer absolute monopolies over our electricity, roads, water & sewer service, and postal service, and consistently act to substitute coercion for freedom and monopolies for competitive enterprise. The enormity of the chasm between word and deed makes one wonder where these ideas came from and where they are headed.

The law of the land is, unfortunately, not deduced from ideal principles, but rather copied from splinter party political platforms into the statute books. In America, the problems began with government land grants and monopoly franchises, and the gouging which followed: "Resolved, That is the duty of the government to so exercise its power over railroads and telegraph corporations that they shall not in any case be privileged to exact such rates of freight, transportation, or charges by whatever name, as may bear unduly or inequitably upon either producer or consumer." LABOR REFORM PLATFORM OF 1872.

This strategy of attempting to offset the results of coercive interference in the market by administering larger doses of even more coercive meddling also found support within the ranks of the PROHIBITION PARTY, whose 1872 platform read: "That the rates of inland and ocean postage, of telegraphic communications, of railroad and water transportation and

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THE CANDIDATES' FORUM
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REASONABLE STANDARDS DID NOT COME ANYWHERE NEAR TO RESPONDING TO THE QUESTIONS POSED. SINCE MR. BORK'S GENERALIZED STATEMENTS HAVE BEEN OR WILL BE PUBLISHED IN THE ATA CHRONICLE, AND PERHAPS ELSEWHERE, WE SEE NO REASON TO CONSUME VALUABLE SPACE BY REPEATING THEM HERE. AS SAID, THE PURPOSE OF THIS FORUM IS TO GIVE INFORMATION SO THAT THE ATA ELECTORATE CAN MAKE AN INFORMED CHOICE. THE RESPONSES OF THE THREE CANDIDATES PARTICIPATING IN THIS FORUM ARE PUBLISHED HERE EXACTLY AS THEY WERE RECEIVED; THERE HAS BEEN NO EDITING, ABRIDGEMENT, TRUNCATION OR...CENSORING.

RECENTLY, THE ATA BOARD OF DIRECTORS ISSUED A POLICY STATEMENT AND PROCEDURE THAT ADDRESSED, AMONG OTHERS, THE MATTER OF COMPLIANCE WITH FEDERAL ANTITRUST LAWS. YET, CERTAIN SEGMENTS OF THE ATA COMMUNITY HAVE VIGOROUSLY PROTESTED THIS POLICY, ASSERTING THAT IT GOES BEYOND LEGAL REQUIREMENTS. WHAT ARE YOUR VIEWS ON THIS ISSUE?

JULIE E. JOHNSON: I feel that it is important for professional organizations to regulate and monitor themselves from within. This is what lends them credibility. In this respect, the ATA Board was right to take a good look at antitrust laws to make sure that the Association was operating within the regulations, particularly as concerns price-fixing.

Another responsibility of professional organizations is to provide their members with useful information that will help them conduct their business in a professional and informed manner, thereby advancing the profession as a whole.

Objective information on current business practices and the evolving market is certainly an important component of what translation professionals and business need to know, and the ATA can legitimately and effectively provide.

THOMAS V. MALIONEK: The complex antitrust question requires more than a yes/no answer. We ATA members whose money was spent have a right to expect that our lawyer will tell us when, where, for whom, under what circumstances it is legal to discuss rates, and that he will advise us of options in the gray areas that have not yet been defined by actual cases and judicial decisions.

A complex question that directly affects our livelihood was raised, considered, formulated, and posed; an answer was received and paid for; policy was drawn up and promulgated; rules were enacted and enforced. Yet many members did not even know a problem existed until the final "t" in "Don't" had been crossed.

We may be safe from prosecution, but is that security available at a lower price? Was the Board outraged that we received such a shallow response for our money? I am troubled that the members do not have the information they need to decide for themselves or to demand a correction. Complaints have been aired, but not written texts offered in response.

If elected to the Board, I will see to it that members are kept abreast of all such important developments.

JACK SEGURA: I am for disclosure as full as possible within the limits of the law, aware that in many cases the law itself is subject to interpretation. The statement of policy by the Board seems to reflect a concern about compliance with antitrust laws. Within that concern, I can understand its recommendations not to circulate written (underscoring is mine) statements, comments, suggestions or reviews, etc., regarding any matters which may affect translation rates, and not to make public (I am assuming through official organs) announcements or statements on those matters. On the other hand, I don't quite see why "matters that affect rates or restrain competition among members should not be discussed at meetings." The Board obviously has its own legal counsel, and in connection with its policy statement it does urge members who have antitrust questions to seek legal counsel themselves. As reported in TRANSLATION NEWS, some member groups have already done so. Perhaps more light will emerge from this.

MANY ATA MEMBERS VIEW THE ATA CHRONICLE AS THE HEART OF THE ASSOCIATION. IT IS NOT TOO WIDELY DISPUTED THAT THE CHRONICLE, IN MANY INSTANCES, IS A MEMBER'S ONLY CONCRETE CONNECTION TO THE ORGANIZATION. SOME MEMBERS AND ATA OFFICIALS SEE THE CHRONICLE AS A "HOUSE ORGAN", THE PRIMARY PURPOSE OF WHICH IS TO PROJECT A FAVORABLE "IMAGE" OF THE ASSOCIATION. OTHERS FEEL THAT "IMAGE" SHOULD BE RELEGATED TO SECONDARY STATUS, AND THAT THE PRIMARY PURPOSE SHOULD BE THAT OF A FULLY OPEN FORUM FOR EXCHANGE OF VIEWS AND OPINIONS, NOT ONLY ON ISSUES AFFECTING THE TRANSLATION PROFESSION, BUT ALSO ON QUESTIONS DEALING WITH THE MANAGEMENT OF THE ASSOCIATION. IN WHAT ROLE DO YOU SEE THE ATA CHRONICLE?

JOHNSON: An association's reason for being is its membership. If the ATA Chronicle is sanitized to reflect one view only, it ceases to belong to ATA members, who have differing views and concerns.

Likewise, if the Chronicle becomes a free-for-all forum dominated by a few vocal individuals with an axe to grind, it also ceases to belong to the larger membership, which reads the

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newsletter looking for a collegial exchange of truly new and useful information.

I want to see the Chronicle "belong" and be valuable to all ATA members, rather than appropriated by any one interest group. Insofar as I am able, I will offer suggestions for a consensus to this end.

MALIONEK: Without question, ATA must have a frequent, regular forum where members can receive, without asking, detailed information about what is being said and done in their name, and where they can go on record with their expectations of the ATA and its leaders.

Without such a forum, gossip and hearsay proliferate, and members are deprived of the necessary basis for exercising their right and competence to judge whether the Association is serving their interests or is in need of change. The lack of such a forum breeds fears that ATA and its leaders do not have the real interests of voting, dues-paying members at heart. Published agenda, minutes and voting records would do much to allay such fears.

We do need to change the way our clients, government (especially the IRS), colleagues in related professions, the news media, and others look at us. But if the Chronicle is trying to project that image, then two sets of questions present themselves:

- (1) Who decides what the image looks like? How is it submitted for approval to the people it purports to portray? How do those who shape the image know that it is accurate and shows us as we wish to be shown? What recourse do they have if they don't like it?
- (2) Since ATA member translators are the vast majority of the Chronicle's readership, who else really sees it?

At my *alma mater*, the University of Virginia, there is a quotation by the founder, Thomas Jefferson, carved in stone on the School of Commerce: "Here we are not afraid to tolerate any error, so long as reason is left free to combat it." This is a principle our internal publications might do well to adopt. Before we can present an image, we need a mirror in which to observe ourselves and experiment with the appearance we wish to present. We may then need a different medium, one that appeals to a wider audience, to get that image across.

SEGURA: Every organization -- whether social, professional or political -- has an image or reputation to build and preserve, just as every individual has. We should not automatically attribute to the word "image" a bad connotation. The Chronicle is an official organ of the ATA. While I agree it should carry discussion, opinions and views -- it has been carrying them in many of its issues -- I do not feel this openness should be totally unrestricted or that the Board's mandate is to answer every single charge, whether founded or unfounded. On the other hand, when the Board itself broaches a controversial subject through the Chronicle, it should allow a certain amount of public discussion to follow and differing opinions to be aired. But not *ad infinitum*. The need for an unrestricted forum might very well be filled by a non-

official publication such as TRANSLATION NEWS, provided it is not only informative and provocative, but also objective and fair. Then, let the membership decide at each election whether the Board is carrying out its mandate properly.

THE LONG-STANDING DEBATE ON THE RELATIONSHIP BETWEEN THE FREELANCE (INDEPENDENT) TRANSLATOR AND THE TRANSLATION SERVICE COMPANY (BUREAU/AGENCY) HAS RECENTLY HEATED UP, BRINGING IN ITS WAKE A CERTAIN AMOUNT OF TENSION. AS AN ATA DIRECTOR, WHAT WOULD YOU PROPOSE DOING ABOUT EASING THESE TENSIONS.

JOHNSON: One of my primary goals as an ATA director will be to help us, as an association, to get beyond the overblown rift between individual translators and translation agencies. The fact is, we all have a right to be doing business, whether we fully agree with each other's practices or not.

It is not the ATA's place to sanction and support one type of business entity -- the individual or the agency -- to the detriment or exclusion of the other. The ATA is there for all of us, though needs and interests may vary.

As professionals, we can choose how and with whom we do business. It is up to us to earn each other's respect through our own business practices and relationships.

If we are not satisfied, we have only to create new models for ourselves, whether individually, cooperatively, or corporately. That is how positive change occurs.

MALIONEK: We are unique among professional organizations in claiming to represent "labor", "management" and "customers" to the maximum benefit of each and all. I don't find it surprising that neither translators nor agency representatives feels that ATA solidly and actively supports their needs and aspirations.

Some tension can be relaxed, but cooperation and compromise require a conviction that there is some common good to which we can be committed and to which we can subordinate preferences without sacrificing our most cherished aspirations. When that good is only vaguely specified, tension arises over what it looks like in practice. Our first task is to solicit detailed input, to define what we want and what we can live with, and to build consensus on a detailed vision and program.

We do not have a mutually exclusive choice of unalloyed reciprocal devotion or ruthless competition. There will inevitably be things to which we cannot all subscribe, and on which, therefore, ATA should probably refrain from formulating policy or recommending practice. We acknowledge each other's right to pursue our own maximum advantage in a free market. We must concede that ATA cannot regulate details of our professional relationships that are best left to the operation of market forces.

Presuming that we remain within the law, in order to maintain a productive atmosphere of mutual trust and respect, we will have to proceed openly, without subjecting each other to derision, vilification, charges of disloyalty, or threats of litigation.

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SEGURA: As a life-long freelance translators, working on my own as well as for translation agencies and occasionally as a contractor or editor of other translators, I have come across the whole gamut of experience -- from superb to good, fair, poor and outrageously bad examples on both sides. The relationship between the freelance translator and the agency is seldom perfect, though I have found some outstanding examples of fair and honest agency owners. Translators and agencies are in this together, and we must either work with each other and prosper or fight each other and sink together. I am for working together within reasonable guidelines. It is of no real concern to me how much an agency charges for a translation job, so long as the agency agrees to pay me what I think is a reasonable rate. It does concern me a great deal more that the agency behave professionally, that payments be on time, and that honest accounting be practiced.

I am all for exposing outrageous behavior by either agencies or translators. The Board should have some mechanism for studying such complaints and, where appropriate, warn the offending party that public exposure will follow if the charges are found to be true and the party does not mend his, her or its ways within a certain time. I do not believe the present Ethics Committee provides this function. Regarding specific disputes, where considerable damage may have been sustained, both parties should submit to binding arbitration, preferably by someone not closely involved with everyday translation activities or perhaps even better by someone outside our organization.

WOULD YOU CONSIDER EXPANDING THE SCOPE OF ATA INTO ACTIVE PARTICIPATION IN NATIONAL LANGUAGE OR LANGUAGE-RELATED ISSUES, SUCH AS, FOR EXAMPLE: (A) PROMOTION OF FOREIGN LANGUAGE STUDY AT ALL LEVELS OF EDUCATION; (B) BI-LINGUALISM IN EDUCATION AND PUBLIC LIFE, AND (C) ENGLISH AS THE OFFICIAL LANGUAGE OF THE UNITED STATES.

JOHNSON: I am willing to consider any proposal brought before the ATA Board. Generally speaking, however, I would be cautious about the ATA -- a professional organization - getting involved in or taking policy stances on language or other issues except to the extent that they directly affect us in practicing our profession.

On the other hand, I would like to see the ATA more effectively accomplish what it has already set out to do. For instance, the accreditation process, member relations, and administrative matters would all go more smoothly and successfully if chapters were routinely provided with practical guidelines in these various areas. The national association could also take greater initiatives to help chapters enhance their local programs and services.

MALIONEK: The immediate task facing us is to get our own house in order. To branch out into other affairs will dissipate our energies and distract us from our most important goals.

SEGURA: No, I would not consider active participation by the ATA in national language or language-related issues, other than publicly stating some basic positions after due consideration with the entire membership. Such active participation smacks too much of political action, at a time when we are barely taking off as a professional association. Frankly, I would rather work, for now, at enhancing our professionalism and assuring the quality of our work so that, among other things, big American companies will not have to go abroad to have their translations done because of lack of quality assurance, as reported in TRANSLATION NEWS. Perhaps a separate organization, with a definite political program, should be established to further the causes set forth in your question.

AT THE PRESENT TIME, THE ONLY PERSONS ENTITLED TO VOTE IN ATA ELECTIONS AND HOLD ELECTIVE OFFICE ARE ACTIVE MEMBERS. THIS REQUIREMENT MIGHT BE COUNTER-PRODUCTIVE IN THE SENSE THAT IT LIMITS ACTIVE PARTICIPATION IN THE ASSOCIATION BY THOSE OF OTHER MEMBERSHIP CLASSES. AS AN ATA DIRECTOR, WOULD YOU CONSIDER MODIFYING, TO SOME EXTENT, THE REQUIREMENTS FOR VOTING AND/OR HOLDING ELECTIVE OFFICE?

JOHNSON: It would be inappropriate for me to state a position on whether we should change our definitions of membership categories until I have had greater opportunity to discuss the pros and cons of such a change with the rest of the ATA Board and members-at-large. I can, however, say that my stance will be based on the following perspectives:

By-laws, in my view, are intended to help organizations conduct their business in a reasonable and orderly fashion to the greatest benefit of their membership. As such, they should not be tampered with to serve short-term objectives.

But neither are they set in stone. If they are perceived to no longer serve the interests of the majority of the membership, they should be reexamined. I am reasonably convinced that this is the current situation for the ATA.

MALIONEK: Again, this question presupposes that the question of ends has been answered, leaving only the question of means. I disagree. Anyway, the present voting membership must determine whether to extend the vote to others; at present, I don't think people would see themselves well served by doing so.

With regard to the leadership pool, I don't believe a larger one is needed. We have talented, motivated people who lack only the chance to help formulate and achieve the goals that they consider most important. First we must articulate those goals.

To anticipate the oft-heard objection of widespread apathy, we can improve on the following structural issues; this will, I think, significantly help improve morale and counteract apathy:

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a time when the United States translation industry and translation end-users could best make use of the support and initiatives of a professional translation organization, the ATA appears to be retreating into the ivory tower.

Translation is part of this country's economic development and people should know that fact: not just the translators, but users of translation in every walk of American business and industry. What the United States needs is a Translation Development Corporation, an ideal resource for translators and U.S. businesses doing business across our borders. The objectives of the Corporation would be to provide information and outreach concerning translation, foster a market for translation, assist in the procurement of translation services for translation contracts generated by government and private sector sources, conduct evaluations of the language industry within regions and nationwide, and act as liaison between the translation industry and peripheral disciplines.

What exactly would be the role of a Translation Development Corporation?

- * Provide information on translation and outreach to users and suppliers of translation services within the United States.
- * Establish liaison with U.S. centers of professional and academic activities concerning translation and international commerce.
- * Market the services of the Corporation and furnish marketing assistance to the translation industry in the United States.
- * Support the procurement of translation business for companies located within the United States.

Information and Outreach.

The Translation Development Corporation should provide lists of translation bureaus, translation agencies and independent translators in the U.S. to translation end-users. The Corporation would also maintain a list of services specializing in foreign-language creation, adaptation and translation of advertising communications. In addition, it would furnish lists of interpreters and interpretation services within the United States, keep a list of U.S. manufacturers and dealers of computational linguistics systems and software, and receive and catalogue publications about translation and foreign languages, as well as provide bibliographies about translation and related topics to translation end-users.

The Corporation would certainly not steer away from educational obligations. It would hold seminars and courses on translation, e.g.: How

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travel, should be reduced to the lowest practicable points, by force of laws wisely and justly framed, with reference not only to the interest of the capital employed but to the higher claim of the general good.

The GREENBACK, ANTI-MONOPOLY, UNION LABOR, PROHIBITION, AMERICAN and other parties of both the pulpit-thumping and looter persuasions kept up a shrill and steadily increasing din until, by 1890, the Sherman Act opened the floodgates for a torrent of vague, arbitrary, ambiguous and subjective enactments while government monopolies proliferated apace. Congressman John Dingell, Chairman of the House Commerce Committee and an influential voice in the legislative debate about insider trading says: "I see no need to define insider trading further at this time and give fertile legal minds opportunities to exploit loopholes." (*)

This attitude has created an atmosphere in which intelligent, educated adults have no earthly idea of what the law restricts or requires, and receive inconsistent or conflicting opinions even after handing alarming sums of money over to lawyers. Professionals are denied the freedom which the First Amendment once assured them. Clearly, this tendency to regard "force of law" as the instrument of first (rather than last) resort has to be reexamined.

The aspect distinguishing government from any other institution is its monopoly on the use of deadly force. Governments have to wield force to enforce the laws that protect our rights - that protect us from violence. The whole concept of rights and laws to protect them arises from the view that human life is a fundamental value, not a convenient pawn or handy hostage. One cannot help but wonder what motivates people to insist on the initiation of force to obstruct communications. What is clear, however, is that respect for people's lives is not the basis for such a policy.

(*) The Intellectual Activist, March 1988 [Box 582, Murray Hill Station, New York, NY 10156 - \$3.00].

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Cash Flow Clog

COMPLIANCE WITH FEDERAL PROMPT PAYMENT ACT STILL LAGS

Washington.- Cash flow has long been a problem with both translation service companies and independent translators who have contracts with the Federal Government. It is known that many translation companies holding U.S. government contracts delay

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to find a translation service, what to look for in a translation service, how to evaluate a translation, the pitfalls and perils of translation, etc. At such functions, the Corporation could disseminate a regular bulletin on its activities, along with advice and information on translation and foreign-languages.

Liaison.

The Corporation would also have the responsibility of maintaining contact and relations with translator organizations, e.g., the FIT and its various sub-divisions, the American Translators Association and its regional chapters, the Canadian Translators & Interpreters Council and the Quebec Translators Society.

The Corporation would also do well to establish relations with business, industrial and other commercial groups likely to have translation end-users as members, and to work with universities and other academic institutions in the United States that boast programs or courses in translation or have international trade institutes. Working hand-in-hand with Federal and State departments of commerce would also constitute a worthwhile use of the Corporation's time and energy.

Marketing.

The Translation Development Corporation should, of course, publicize its own services to the translation community and to translation end-users.

One objective of the Corporation would be to obtain press coverage in business, national and local press about U.S. efforts to maximize global trade through better translation resources, issuing press releases and scheduling events to promote interest in and awareness of the United States' translation advantage.

The Corporation should have a visible presence at trade events about translation, e.g., the American Translators Association's annual conference, the North American Regional Conference of the International Federation of Translators (FIT), and take a prominent position at trade shows of various industries, e.g., computer hardware and software, consumer electronics and home appliances, telecommunications, engineering and machinery, homecare products, pharmaceuticals and cosmetics, food and beverages, clothing and apparel. This also includes government-sponsored trade shows and business events.

The Corporation must also wage informational campaigns about translation -- getting the bulletin involved and generating separate mailings. It could also sponsor networking events for translators and organize match-making events between

overseas and U.S. businesses, from which it is likely that deals respecting translation work would result. These gatherings would also represent an excellent opportunity for the Corporation to distribute its own literature and to make a brief presentation.

The Corporation could also guide translation services throughout the country to local, State and Federal sources for marketing and business advice and assistance. Moreover, it could put forward the key concern that good translation is a necessary tool for global competitiveness. And every effort would have to be made to have translation and foreign language issues incorporated into Federal and State trade legislation and policies.

Procurement.

The Corporation could encourage and promote the use of U.S. translation contractors for U.S. private sector contracts, and act as a clearing house for U.S. contractors desiring to bid on foreign translation contracts. As part of this effort, the Corporation would seek out business in need of translation services and provide information and assistance, and also put translators and translation services in contact with businesses needing translation.

Evaluation.

A major task before the Corporation would be to assess the foreign language needs of private industry in this country and monitor translation activity in general throughout the nation, including translation work that is generated by Federal, State and local government agencies.

Enterprise in the United States has a unique opportunity to adapt to the global trade environment by doing business with every likely international partner. Offering U.S. companies the capability to communicate to the world in the languages of the world is a specialized service from which both the private and public sectors do and will continue to benefit enormously.

Cross-border business is good business. And translation will take on greater importance as countries, common markets and hemispheric free trade associations assume their distinct role in the global economy and while American companies make international trade an integral part of their commercial development strategies.

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- (1) GET SPECIFIC: It is hard to get enthusiastic about an organization whose policies and codes seem vague, open to too many conflicting interpretations, one-sided, condescending, or at cross-purposes to one's own interests.
- (2) ADOPT A SERVICE ORIENTATION toward the actual needs and wants of members; do this consistently, efficiently and well.
- (3) DECENTRALIZE DECISION-MAKING AND ACTIVELY INVOLVE THE RANK AND FILE: Members despair of satisfying participation when input is discounted and attempts to initiate change are condemned and frustrated. Many are discouraged by what seem to be "elites" that exert a disproportionate influence on ATA. Whether comprising geographic areas, "old-timers", or financially successful, influential, high-ranking, or well-connected members, their existence is suspected whenever it is suggested, in so many words or by practical disregard of member input, that members are incapable of ordering their own affairs effectively without "guidance", that those who challenge the status quo are ipso facto harming the profession, or that anyone who questions or criticizes the powerful and prominent is engaging in unprofessional behavior.
- (4) DISSEMINATE COMPLETE INFORMATION about how our officers and directors speak and vote, and in advance about what ATA considers saying and doing in our name. Such information is hard to come by "through channels", and pertinent facts are sometimes only available through the grapevine -- which does not reach many members. And when information is only forthcoming defensively, in response to criticism, is begs the question of which else has not been revealed.

SEGURA: I believe every member of the ATA should have a voice, but not necessarily a vote. Only active members should have the right to vote. This serves as an incentive for associate members to become active members. However, their path to active membership should be facilitated in every way.

ESPIONAGE LIVES!

The following items may be of interest to some of our readers who operate or are otherwise closely associated with translation companies:

- 5 A man calling himself "John Freewoods" and representing himself to be a salaried sales representative of the Berlitz Translation Services organization, has been making (and might still be making) inquiries at several translation companies. Mr. "Freewood's" pitch is basically two-fold: (1) That he is already "acquainted with" and "knows" about some of the key clients of the firm he is calling, as well as other key details, and (2) that he is open to any offer to sell or market the services of the entity he is calling, assuring the listener that he is a top-flight salesman with the earnings (from Berlitz) to prove it. Part of his pitch is also to extract information from the party he

is calling, that is, information which he still doesn't have, but would like to have ("to better evaluate the marketing needs of the translation company").

Investigation by TRANSLATION NEWS revealed that "John Freewoods" is in reality John Freiwald. Mr. Freiwald had been a sales representative for Euramerica Translations, which in 1985, was sold by its owner, Yuri Radzievsky, to Ogilvy & Mather, Inc., and in 1989, acquired from the latter by the Berlitz organization. According to a Berlitz spokesman, Mr. Freiwald's employment was terminated shortly after Berlitz acquired Euramerica from Ogilvy & Mather. The Berlitz spokesman intimated, but did not confirm, that Mr. Freiwald might be working for Mr. Radzievsky, who recently returned to the translation service business, establishing an entity called YAR Communications, Inc., in New York City.

- 5 At the beginning of August, several translation companies reported receiving a FAX inquiry from a certain WORLD SERVICES INFORMATION, listing 640 Fifth Avenue in New York as its place of business. The inquiry asked for detailed particulars about the translation company's operations, including "charges/fees, how many translators are employed, types of computers/word processors used", and other information that might not be considered confidential if the circumstances were different.

Investigation by TRANSLATION NEWS turned up some curious things about WORLD INFORMATION SERVICES. It was not listed on the directory in the lobby of 640 Fifth Avenue. Rather, the building concierge said that it was an arm or department of an entity called BCI, which, according to the concierge, represents in certain sales and development areas, the interests of some 15-20 diverse clients. A list of those clients provided to TRANSLATION NEWS showed that one of the clients represented by BCI was a company called...Electronic TRANSLATION Corporation.

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payment to their sub-contractor translators. However, some relief was accorded small businesses (a classification into which most translation companies and independent translators fall) through the passage of the Federal Prompt Payment Act in 1982. Nonetheless, the problem of slow payment is still widespread as revealed in the 1989 annual report to Congress by the Office of Management & Budget (OMB). According to the Coalition for Prompt Pay, a Washington-based small business lobbying group, this report gives the most accurate picture of the bill-paying practices of the Federal agencies, as well as listing agencies which have the poorest compliance record since enactment of the law.

According to the OMB, the percentage of interest penalties paid have steadily increased from 0.65% in 1983 to 1.3% in 1989. The Prompt Payment Act requires Federal agencies to pay their bills on time or pay interest after the due-date.