The Way You Talk Can Make-or-Break the Rest of Your Life

1965, East Palo Alto, CA:
"Young Beartracks" is tried for the murder of "Chicago Eddie." Although he admits to the shooting, he also contends that he acted out of self-defense. If this is indeed true, it could warrant a verdict of not guilty.

But jurors of the case find most of the witness testimonies to be incomprehensible to them, the final verdict then being "based solely on the fact that Young Beartracks had admitted to shooting Chicago Eddie" (Swett, 1969). As a result, Beartracks is found guilty and sentenced to five years to life.

2013, Florida:
George Zimmerman is tried for second-degree murder in the shooting of 17-year-old Trayvon Martin and is eventually acquitted of all charges. The key witness in this case is Rachel Jeantel, who was on the phone with Trayvon minutes before his death. However, in the jury's entire 16+ hour deliberations, neither Jeantel nor her 6-hour testimony are mentioned even once because they didn't deem her a credible source (Rickford & King, 2016).

In addition to this, her testimony was mistranscribed to the point where the fundamental meaning of her words was inverted. When asked if she could hear who was yelling "Get off!" during the phone call—one of the most crucial pieces of evidence in this case—she answered, "I could, an' it was Trayvon." In the court transcription, it was written "I couldn't hear Trayvon." The complete opposite (Rickford & King, 2016).

2015, San Francisco Bay Area:
The police transcribe an African American suspect's recorded jail call and make critically wrong transcription errors. For example, *He come tell (me) bout I'm gonna take the TV* was mistranscribed as '??? I'm gonna take the TV'. And *I'm fitna* [=immediate future] *be admitted* was mistranscribed as 'I'm fit to be admitted' (Rickford & King, 2016).

2017, New Orleans, LA:
Warren Demesme is charged with "aggravated rape and indecent behavior with a juvenile" (Washington Post). While being interrogated by detectives, Demesme asks for a lawyer, saying, "This is how I feel, if y'all think I did it, I know that I didn't do it so why don't you just give me a lawyer dog 'cause this is not what's up" (Jackman, 2017).

To this, State Supreme Court Justice Scott J. Chrichton concludes: "In my view, the defendant's ambiguous and equivocal reference to a 'lawyer dog' does not constitute an invocation of

counsel that warrants termination of the interview" (Jackman, 2017). In other words, in the eyes of the court, "lawyer dog" was too vague to allow Demesme's given right to counsel.

With a little extra research, the common factor linking these four individual cases becomes glaringly obvious. Beartracks and the witnesses in the 1965 case, Rachel Jeantel and Trayvon Martin, the suspect in the 2015 case, and Warren Demesme—all are Black Americans. More specifically, all are speakers of the African American English (AAE) dialect.

This type of linguistic discrimination, especially against speakers of AAE, is not contained within just these four cases, but pervades every aspect of our judicial system, taking on a multitude of forms.

Linguistic discrimination is the lack of interpreters or court reporters who are trained in and understand the linguistics of AAE. It is the exclusion of fluent AAE speakers in juries of cases with AAE-speaking witnesses or defendants. It is the court's preconceived misconceptions of AAE as simply "broken English," automatically associating the dialect and its speakers with unprofessionalism, ignorance, and stupidity.

The result? AAE speakers are misunderstood. More importantly, they lose their credibility in the court—a place where your credibility could quite literally change the course of your life.

Through this analysis, my purpose is not to argue whether I agree with the outcomes of these cases. Rather, I want to urge you to ponder how different the outcomes may have been if the persons in these cases had spoken a more "respectable" dialect, like the British English dialect. Further, you must also ask what it is that causes AAE to be treated so differently.

Ultimately, linguistic discrimination against AAE in the judicial system occurs not because the language is inherently "bad," but because of who is speaking it. It is not an issue of linguistics, but an issue of race.

Consequently, the unfortunate reality is that until we uproot the larger, systemic issue of discrimination against Black people, linguistic discrimination will always remain somewhat intertwined with our judicial system. However, through work both on a legislative level and on a more individual level, I believe change can and will be made.

On a legislative level, we need more linguists involved in legal cases and we need more AAE translators or interpreters to assist witnesses, defendants, transcribers, and court reporters alike. Seeing that the Drug Enforcement Association (DEA) called for nine AAE translators to aid police interpret wiretapped conversations of drug investigations in 2010, this need has been recognized in the police but not been translated yet into court systems (Rickford & King, 2016).

On an individual level, changes in conversations must be made. We must each hold a personal responsibility to break down the misconceptions of AAE within ourselves and others. AAE is not "internet slang" or "bad English," but is a completely systematic, rule-based, grammatical dialect of English. We must always be conscious of the socio-historical and linguistic foundations of non-standard dialects and amplify the voices of AAE speakers to be more heard in all domains of life. "The problem isn't with the speech itself but with attitudes that interpret that speech" (Fridland, 2020). No matter how much legislative change we make, it will mean nothing unless there is tactile change within social spheres and in the attitude of the nation towards AAE.

References

Fridland, V. (2020, June 12). The sound of racial profiling: When language leads to discrimination. *NEVADAToday*.

Jackman, T. (2017, November 2). The suspect told police "give me a lawyer dog." The court says he wasn't asking for a lawyer. *The Washington Post*.

Rickford, J. R., & King, S. (2016). Language and linguistics on trial: Hearing Rachel Jeantel (and other vernacular speakers) in the courtroom and beyond. *Language*, *92*(4), 948–988. https://doi.org/10.1353/lan.2016.0078

Swett, D. H. (1969). Cultural Bias in the American Legal System. *Law & Society Review*, *4*(1), 79. https://doi.org/10.2307/3052763