RACE, LANGUAGE, AND PERFORMANCE IN AMERICAN LEGAL SPACE:
RACHEL JEANTEL, TESTIMONIAL TRUTH, AND THE GEORGE ZIMMERMAN TRIAL

A Thesis
submitted to the Faculty of the
Graduate School of Arts and Sciences
of Georgetown University
in partial fulfillment of the requirements for the
degree of
Masters of Arts
in English

By

Alyvia H Walters, B.A.

Washington, DC
April 6, 2018
"Race, Language and Performance in American Legal Space: Rachel Jeantel, Testimonial Truth, and the George Zimmerman Trial" explores the usual intersections of the legal system and institutional racism in America, but from a new angle--from that of voice. By zooming in on the George Zimmerman Trial--the 2012 murder case of seventeen-year Trayvon Martin--I find a prime space to explore race, language, and performance in the examination of lead witness Rachel Jeantel. Through multiple conflations and confusions of speech, listening, and performance, the reception of this testimony problematizes the space which we assume racism to work primarily in--that of the visual. As becomes evident throughout Jeantel's questioning, the law is fraught with an audio-invested racial politics which is often completely under-examined. By opening the doors to race, sound, and speech in law, I hope to further critical race theory's call to make whiteness visible and to give new life to all the ways in which Cheryl Harris's "Whiteness as Property" means.
I want to take a moment to thank those that supported me through my work on this project. To my advisor, Dr. Ricardo Ortiz, thank you for consistently talking through my sometimes-sporadic ideas; I could not have developed this without your insight and ability to walk me through my own thoughts. Dr. Samantha Pinto, your thesis seminar and consistent feedback gave me the structure I needed to continue moving forward. Dr. Christine So, I thank you (and apologize for) my consistent emails asking about “that one source that I think we might have talked about in your class”; your “Race, Law, and Literature” course started me on an intellectual path that will only continue to push me forward. Dr. Grace Sullivan, I quite literally could not have completed this project without you. The resources that you provided for me were the key to this project, and I cannot thank you enough for your generous gift. And for every friend, classmate, and colleague who read (rough) iterations of this project along its journey, I thank you for the selfless gift of your time and energy.

To my family and friends I give my undying gratitude; I know I don’t say thank you nearly enough for the strength you give me to pursue my passions. Mom and Dad, you support me in ways that you cannot imagine. Since childhood, you have inspired me to work hard, stay humble, and stay connected, and these values have completely steered my intellectual life in all its products and processes, most especially within this project.

With all my gratitude,
Alyvia
# Table of Contents

Introduction .......................................................................................................................... 1

Chapter One: Black Ventriloquy and the Politics of Re-Voicing .................................. 11
  Legal Performance in the George Zimmerman Trial ...................................................... 13
  Language, Law, and the Violence of Ventriloquy ............................................................. 14
  Legal Performance, Ventriloquy, and the Minstrel ........................................................ 23

Chapter Two: Listening Across Cultures and the Legal Stakes of Dialect Difference .... 29
  The Visual in Rachel Jeantel’s Testimony ...................................................................... 32
  Listening Across Difference ............................................................................................ 36
  Race, Sound, and Exploring Legal Process .................................................................... 41

Chapter Three: Transcription, Legibility, and Writing the Un-Hearable ...................... 44
  The Impossibility of Accuracy ......................................................................................... 45
  Erros in the “What” and “How” of Official Court Transcripts ....................................... 48
  Transcripts and Legal Impeachment .............................................................................. 53
  Resistance and Illiteracy ............................................................................................... 54

Conclusion ........................................................................................................................... 59

Works Cited .......................................................................................................................... 63
Introduction

In the middle of an unsuspecting, dreary afternoon in February 2012, America’s history of violent race relations again took hold as George Zimmerman fatally shot black seventeen-year-old Trayvon Martin on his neighbor’s lawn for “looking suspicious.” Most details of the case remain undisputed: on February 26, 2012, Trayvon Martin was walking to his father’s fiance's house in Sanford, Florida with his hood up; it was raining. He had just come from a nearby convenience store, where he had bought an Arizona tea and a packet of Skittles, which were in his pocket. George Zimmerman, neighborhood watchman, began following Trayvon on his trek home. Zimmerman called police to report this “suspicious” behavior--as if a black child walking through a gated suburban community is inherently suspicious--and police urged him to cease pursuit. Despite this request, Zimmerman continued following Trayvon through the neighborhood:

“This guy looks like he’s up to no good, or he’s on drugs or something,” Zimmerman tells the 911 operator. “He’s just staring, looking at all the houses. Now he’s coming toward me. He’s got his hand in his waistband. Something’s wrong with him.”

Zimmerman described Martin as wearing a hoodie and sweatpants or jeans. He continues: “He’s coming to check me out. He’s got something in his hands. I don’t know what his deal is. Can we get an officer over here?”

“These assholes always get away,” he says to the operator. Zimmerman is then heard giving directions to the dispatcher. “Shit, he’s running,” Zimmerman says.

“Are you following him?” the dispatcher asks.

“Yes,” Zimmerman responds.

“We don’t need you to do that,” the dispatcher says. (Lee)

Moving forward from this call, details becomes a bit murkier. We know that there was an altercation--Trayvon is fatally shot by Zimmerman--but not much else is definitive. Zimmerman,
charged with manslaughter, claims self-defense, but in several 911 calls placed by concerned neighbors, there is a background voice (which lead witness Rachel Jeantel reports as more than likely being the voice of Trayvon) clearly screaming “help,” and “no,” followed by gunshots. A neighborhood boy walking his dog reported that he heard screaming for help, then heard a gunshot, and then silence—logically indicating that Trayvon was consistently the person in danger, not George Zimmerman.

Despite these neighborhood 911 calls, as well as the testimony of lead witness Rachel Jeantel, who had been on the phone with Trayvon as the stalking incidents unfolded, Zimmerman was acquitted in July 2013. In his self-defense plea, he reported that he thought Trayvon had a weapon in his pocket. This “weapon” was the packet of Skittles that he had just bought at the corner store. He reported that Trayvon looked “up to no good” in his hoodie. It had been raining nearly all day, and a hood would have been the obvious choice to stay dry in a pinch. He reported that Trayvon had brutally attacked him. Upon medical examination, Zimmerman was found to have sustained minor injuries, injuries that were much more consistent with Trayvon’s self-defense than anything else. And so, hoodies and Skittles came to be political symbols of racial inequality in the American collective memory.

Unsurprisingly, these events and resulting trial garnered enormous amounts of media and public attention. In June 2013, the trial began with a jury of six women, only one of whom was a woman of color: a self-identified Puerto Rican. The testimony that the trial, the media, and the public was waiting for was that of Rachel Jeantel, nineteen-year-old witness and friend of Trayvon Martin. A sign of our contemporary times, Jeantel was a witness in a non-traditional capacity: she did not witness the murder first hand; however, she had been on the phone with
Trayvon as he walked to the convenience store and back, and thus was “there” by association of voice and sound.

Jeantel’s identity in this case is written in shades of gray in nearly every capacity. At the surface level, she is a black woman, a friend of Martin’s. However, her identity is anything but tidy in this trial, and is attacked again and again, destabilized and deauthenticated. She is a legal adult at nineteen years old, but she is still a high school student, which complicates that legally-assigned agency. She is a best friend of Trayvon’s, though nearly everyone assumed she was his girlfriend and subsequently had trouble parsing out her non-traditional (and frankly irrelevant) romantic relationship with him. She is a young woman on the witness stand for her friend’s murder, but her non-traditional displays of grief—frustration, confusion, and exasperation—are marked as illegitimate and uncooperative. She speaks English, but in the African American Vernacular English (AAVE) dialect, though as the daughter of a Haitian-American mother and Dominican-American father, her first acquired languages were Spanish and Haitian Kweyol (Rickford and King). It is under this complex umbrella of language that I intend to address all of her varied (and apparently problematic) identities and cultural positionalities throughout this trial.

My argument, at its most basic, is thus: AAVE, in the white American imagination (which I argue is the context that courts of law operate under), is associated with a lack of education and spaces of lawlessness in which poverty, unchecked violence, and social disorganization is ever-present. As such, Jeantel, and by extension Trayvon Martin, never stood a chance of being considered credible by their very language use: if her communicative structures are already writing “unintelligent” and “dangerous” onto her identity, it should come as no surprise that her testimony was ultimately dismissed as George Zimmerman was acquitted. I will
further analyze the multiple ways in which the court performed misunderstanding and exaggerated these indexicalities associated with AAVE to socially-damaging ends. Importantly, however, I argue that there is more than meets the eye occurring in these moments of obvious misunderstanding: in the continual miscommunication between Jeantel and the court, she is making visible the often invisible power structures of whiteness that govern America; she is doing the work that critical race scholarship calls us all to perform. As such, in my invocation of “whiteness” throughout this work, I will be referring to the hegemony and normativity of whiteness rather than to a whiteness tied strictly to the body.

However, this language analysis that I perform is necessarily complicated from the outset. For starters, I am analyzing her speech patterns and resulting cultural positionalities through the lens of blackness, of AAVE. As a woman of Haitian and Dominican descent, an Afro-Latina who had learned Spanish and Creole as her first languages, this may appear to be a reductionist version of her identity. However, because I am most concerned with her linguistic social performance through the duration of this trial, Jeantel’s language usage reflects her ties to African American culture specifically, as she is speaking AAVE. Further, the sociocultural conversation surrounding her and the trial was that of black-white racial relations, most likely because the murder was a clear act of racism against a black child—an action that is clearly historically tied to hegemonic whiteness. Interestingly, though the trial did center on “black-white” relations, the aggressor, George Zimmerman, does not fully fit this form, either—as a man of Peruvian and Caucasian descent, who, according to his father, grew up in a multicultural household, the black-white binaries that this case so strongly conjures are complicated on all sides of the equation. However, because I am analyzing language specifically in this case, and

---

1 Rickford and King (2016) do spend a small amount of time on the hints of Haitian Kweyol that appear in her AAVE forms, but they note that her dialect variety is overwhelmingly consistent with that of AAVE.
because these analyses will explore how language and sound perpetuate and transform modes of legal racism and white supremacy, this black-white distinction serves this purpose and is in no way intended to mark the Latinx identities present in the Zimmerman trial as unimportant.

The second complication that I come to in analyzing Jeantel’s language is that the moments I read closely are often not instances of “her own” language--that is to say, she is often constructing, posthumously, Trayvon’s speech as she remembers it from the day of his death. Not only is this complicated because it adds a degree of separation to this language, and becomes both Trayvon’s and Jeantel’s, it is even further complicated because of the gender switch: the American history of legal violence upon black men, particularly, is unignorable. How does this fact figure when we are hearing “Trayvon’s words” through the only voice that we have left to report it: a black woman’s? I explore an argument in chapter one that the moment Jeantel speaks his words, they become constructed dialogue, and based on Deborah Tannen’s sociolinguistic studies on constructed dialogue, these words then become hers. But apart from linguistic theory, those words are the only agency that Trayvon has left in this case--am I really comfortable with completely reassigning them to Rachel? Can they even be reassigned when the biopolitics of the black male body are different than that of the black female body? I am not sure that this huge question finds an answer in this thesis, but I hope that readers will consistently keep in mind this complicated dynamic.

The final complication in assessing Rachel Jeantel’s language is my own social positionality as a white woman and speaker of Standard American English; chapter three of this thesis will focus on this very same issue for court stenographer Shelley Coffey. As a white SAE-speaker, I am situated outside of the AAVE-speaking community. Much research (which will be covered in chapters two and three) has delineated the problems with inter-cultural transcription
as it relates to listening and writing: as a non-AAVE speaker, I am quite literally unable to hear the dialect in its true form, and I am only able to write it through my own SAE sound register. Because of this, all transcriptions of the trial found in this thesis have been pulled from one of two transcripts: the first is the official court transcript, written by Shelley Coffey, and the second is the transcript written by sociolinguist Grace Sullivan (also a white, SAE-speaking woman), who re-transcribed the trial in an attempt to fix, as closely as possible, the multitude of mistakes and omissions that Coffey’s transcript bears via the stringent processes of discourse analytics.¹ Sullivan’s transcript will become especially relevant in chapter three, when I take a closer look at Coffey’s original mistakes and their stakes.

This thesis will address (in a self-consciously complicated way) attorney, stenographer, and judge communications with Jeantel through a conglomeration of several lenses. Perhaps the most foundational, and fittingly born from legal theory, is critical race theory. At the largest scale, this study is a commentary on the systemic racism of the American legal institution, with Cheryl Harris’s “Whiteness as Property” figuring importantly into all of my analyses, whether in the foreground or background. In more focused lenses, I utilize sociolinguistics, legal performance theory, and media studies, all of which consist of even further-splintered fields that I will be utilizing. In this interdisciplinary approach to the trial, I hope to posit a new way of thinking about the auditory racism of the legal system. When we accuse people and institutions of “racism,” we generally associate it with the body, with the skin. There is, of course, a huge and well-established field in studying the criminalization of non-white bodies, most recently crystallized in Michelle Alexander’s brilliant The New Jim Crow, in which she traces the ever-adapting policies of legal violence against black bodies from slavery through the present day mass incarceration epidemic. In this trial, however, I am positing that the racist violence was

¹ See footnote in chapter three to explain the processes of discourse analytics.
much less physical than it was auditory: AAVE technically need not even be associated with the black body, and of course, not all black Americans speak AAVE, just as not all AAVE speakers identify as black. Thus, the fact that this corporeally-dislocated system of sounds is being leveraged as the basis for legal violence provides an important shift in how we think about attacking and addressing institutional racism in the United States.

The first chapter, “Black Ventriloquy and the Politics of Re-Voicing,” focuses on the problematic verbal communication between Jeantel and both lead attorneys, Don West and Bernie de la Rionda. Because typical legal practice prescribes that attorneys ventriloquize, or re-voice, witnesses testimony throughout the court proceedings, Jeantel’s and Trayvon’s AAVE speech patterns are spoken and appropriated by white men for a majority-white jury. Not only is it problematic in the moment of ventriloquy, as the attorneys’ changes in cadence and tone draw exaggerated attention to Jeantel’s othered language, but it is historically problematic in that these moments continually move to reinforce white supremacy. Though legal practice promotes ventriloquy of testimony, the cultural implications of these moments are far too under-analyzed in current scholarship, both legally and sociolinguistically: by appropriating and translating a black cultural voice into a manipulated tool of white supremacy, the attorneys, particularly defense attorney Don West, conflates legal performance with a form reminiscent of blackface minstrel performance. Even more troubling, this minstrel act passes without issue and is ultimately validated as effective practice upon George Zimmerman’s acquittal, which largely depended on Jeantel’s testimony not being taken seriously. Eric Lott, a leading theorist in minstrel studies, has famously claimed that minstrel performance was born not only from disdain for blackness, but also from desire for it. In this analysis, however, I aim to resituate that claim to account for its different forms across institutional space. In law, a system built upon white
supremacy in its protection of the property of whiteness, the “desire” aspect of Lott’s puzzle seems to be lost entirely--black bodies and voices are already attacked by its structure, and thus the performances and practices of law can only promote a minstrelsy born from defensive whiteness.

Chapter two, “Listening Across Cultures and the Legal Stakes of Dialect Difference,” takes a look at the fascinating linguistic studies done in the cultural politics of listening. In order for the verbal communicative interactions from chapter one to have taken place, the other equally-important piece of this puzzle is listening: how and why do we hear dialects in the ways that we do? Again a glum outlook on the prospects of this trial from the get-go, I argue that the attorneys and jurors could not have heard Jeantel in all the ways she is communicating because they are not of the AAVE speech community. As out-group members, two processes happen simultaneously, according to a body of sociolinguistic research: 1) most definitively, we know that sound and in-group vocabulary is processed differently by out-group members, but 2) several studies point to the sub-/conscious decision to misunderstand social groups with culturally devalued identities. If we grant that both of these processes are at least a possibility in the courtroom, in the case of underrepresented voices we are presented with a case of mishearing at best, and a case of conscious, racist misunderstanding veiled under the ritual performances of law at worst. By continually pushing the established field of legal performance theory by introducing questions of white supremacy inherent within it, hearing blackness in legal space demands to be re-understood in ways that Jennifer Lynn Stoever’s *The Sonic Color Line* leads us to.

These questions about sound lead naturally into the final chapter, “Transcription, Legibility, and Writing the Un-Hearable,” which focuses on the politics inherent in written
transcription. Building upon the notion that out-groups’ transcription of different languages/dialects is always skewed by the sound register of the transcriber, I look specifically at the mistakes in Shelley Coffey’s official court transcript as well as the moments that various transcripts are read back to Jeantel, which supposedly accurately portray previous testimony, and she denies their verisimilitude. Then I move into the several crucial moments which, when Coffey’s transcript is compared to linguist Grace Sullivan’s, there are trial-changing moments that are mis-transcribed, and thus perhaps misunderstood by the SAE-speaking court at large. We are required to consider the stakes of language difference in all of these moments, as this trial is a true life-or-death situation; the fact that Jeantel’s (and Trayvon’s) story cannot even be understood at its most basic level--the level of the word--by the court presents much larger stakes of cross-cultural understanding and cooperation in a country whose Constitution promises equality and protection to all, despite and across difference. However, through these continual misunderstandings, I argue that Jeantel--as well as all misunderstood non-standard dialects in legal spaces--performs a critical-cultural role in her testimony. Critical race theory calls us to de-naturalize whiteness, to make it visible. In often repeating herself despite the clarity of her narrative, Jeantel brings the white space of SAE into focus, unveiling its limits and structures through her engagement with it.

This thesis seeks to posit a new understanding of a more subtle way in which racism is perpetuated in America’s legal system: through sound. Though the initial act of violence, the murder of Trayvon Martin, was overtly racist in the traditional sense--George Zimmerman, with a known record of racist acts, suspected a black male child of suspicious behavior purely because he was a black male--the legal system inflicted violence in the same ideological tradition, simply in more covert ways that were protected by the workings of law. I argue that the rituals of legal
performance allow for these racist acts to go unchecked, because law relies on repeated speech acts that seem to require performances of the Other--but these performances can be, as in this case, staged in order to disempower marginalized identities that already lack proper representation in legal and institutional spaces.

Black voices played the critical roles in determining Zimmerman’s guilt, and yet were completely undermined in the trial. Allegedly, we hear Trayvon’s voice screaming “no” and “help” in no less than eight 911 calls from neighbors. This voice is dismissed through Zimmerman’s acquittal. Jeantel tells the story of a son, a student, a friend that was scared of the white man following him home in a truck. Her voice is dismissed through Zimmerman’s acquittal. The previous complaints of black community members about Zimmerman’s behavior towards them, as being overly aggressive and invading their privacy, were silenced in his acquittal. It is high time that black voices were paid careful attention in this case, particularly the treatment of black voices--their translation, appropriation, and attack by whiteness--that arguably guaranteed George Zimmerman’s innocent verdict, so that we may continue to insist on the fight against American racism in its many forms.
Chapter One: Black Ventriloquy and the Politics of Re-Voicing

“are you saying that you thought that Trayvon would have the discussion with that guy that he’d never met in his life... this ‘creepy ass cracker,’ and just have a gentlemanly conversation about ‘why you following me for?’”

Don West, George Zimmerman’s defense attorney, to witness Rachel Jeantel

In June of 2013, the George Zimmerman trial began, as anticipated, with much media fanfare. Rachel Jeantel, as the most highly-anticipated witness, was expected to essentially bear the burden of proof--she was the most direct witness to the case--at only nineteen years old. As became evident through her cross-examination, she was almost entirely unfamiliar with the legal system3, as may be expected from a young, inexperienced person. This lack of familiarity, compounded by the emotional strain of being the lead witness for her best friend’s murder trial, could have been met with both public and institutional understanding. Instead, Rachel Jeantel was met with legal and social violence.

As the trial unraveled, Jeantel’s African American Vernacular English (AAVE) speech patterns became a national news story, with headlines bearing her name flooding media outlets: “Rachel Jeantel’s Language is English--It’s Just Not Your English,” (mic) “Is Rachel Jeantel on Trial?” (CNN), “George Zimmerman Trial: No One Can Agree on Rachel Jeantel.” (Washington Post) This national attention to something as personal as speech pattern produces a destabilizing platform for her; automatically, Jeantel’s ability to maintain personal credibility as a witness is challenged when her language use is so completely othered, estranged, and marked as incomprehensible.4 However, as witnesses and members of the jury are barred from consuming

---

3 She referenced the television show “The First 48” as being her most influential tool in understanding legal processes.

4 Please see sociolinguistic work on language ideologies (especially Silverstein 1979 and Lippi-Green 1999 & 2011) for further explanation of the processes associated with non-/credibility as associated with language use.
media for the duration of their involvement in the trial, hypothetically these publicized, 
magnified conceptualizations of Jeantel’s otherness could have been left out of the courtroom. 
And had it not been for the actions of prosecution attorney Bernie de la Rionda and defense 
attorney Don West, perhaps they could have been.

This chapter explores what happens when the lead attorneys involved in this case perform 
Jeantel’s speech in ways that mark her as other, in much the same ways that news outlets were 
doing outside of the courtroom. Through the attorneys’ performances of her speech, they draw 
attention to the negative indexicalities associated with AAVE--namely lack of education and an 
association with lawlessness--that stand in stark contrast to their Standard American English 
(SAE) constructs. Quoting previously-stated testimony for reasons of evidence, cross- 
examination, or clarification is an oft-practiced and necessary tool for lawyers. However, while 
this means of proceeding may be both effective and necessary, the situation surrounding Rachel 
Jeantel’s testimony forces us to ask what happens when this quoted material creates a 
problematic political disparity--not by what is said, but rather by how it is said, and by whom. 
Throughout this chapter, I will explore these questions by ultimately making a connection 
between legal performance, sociolinguistic theories of ventriloquy, and the nineteenth-century 
cultural functions of blackface minstrel performance to argue that black, AAVE-speaking 
woman mimicry creates a culturally wrought power dynamic in the Zimmerman trial--one that 
perhaps changed the course of the proceedings by undercutting the validity of Jeantel’s speech 
and narrative verisimilitude.
Legal Performance in the George Zimmerman Trial

Julie Stone Peters’s article, “Legal Performance Good and Bad,” published in Law, Culture, and the Humanities aims to provide a short literature review on the history of “law” and “performance” being conceived as intermingling entities while also providing a way to begin think about the critical intervention of performance in historical and current reception of law. In examining biblical performances of law, Peters states, “The law may be revealed in a spectacular performance, but its foundation remains ultimately inaccessible, too dazzling to gaze upon and thus concealed just out of view” (Peters 180). Because this true understanding of the underpinning foundations of law are “inaccessible” and “concealed,” legal performance is extremely difficult to question, especially for the average person without a grounding in legal studies. Thus, as Don West and Bernie de la Rionda perform problematic identity re-creations through speech in this trial, it is difficult for jurors to recognize. Words are slippery, and lawyers, “too dazzling to gaze upon” because of the intrinsic authority of law bestowed upon them, create rhetorics of legality in ways that the untrained juror’s eye cannot necessarily decipher. At a basic level, there is strong evidence of legal inaccessibility specifically within the George Zimmerman trial: about halfway through the proceedings, a juror expressed concern that she did not understand how objections work, nor how the judge’s decisions of “sustained” and “overruled” changed the proceeding line of questioning. Though this is a small metonymy of sorts to prove that “[law’s] foundation remains ultimately inaccessible,” I think it is of utmost importance to consider that the average person--who could at any point be called to perform jury duty--may not even have the language to question or access these foundations, which is of critical consideration when the jury makes the final decisions in a case.
Without a means to question legal processes, or a way to even truly understand how law is “supposed” to work, jurors are working with extremely limited resources when it comes to being critical of attorney and court actions in a case. Of course, their primary assignment is to decide whether the defendant is guilty beyond a reasonable doubt, but is there not something to be said for the fact that the only person in the courtroom with both a) power over the trial and b) the knowledge necessary to question attorneys’ motives/practices is the presiding judge? In a case such as this, which is dripping with racial tension, critical analysis of this legal performance as it occurred could have had serious impact on the ways in which the jurors viewed Rachel Jeantel’s examination on the stand. However, as Peters’ analogy goes, they were unable to experience a *Wizard of Oz*-like enlightenment, upon which they saw “the man behind the curtain” in the trappings of legal performance. There is simply too much that is unknowable or invisible to jurors, so that when Bernie de la Rionda and Don West appropriate Jeantel’s speech, it perhaps seems both natural and authoritative to the jury--unquestionable in its performance of law, and thus falling within the expectations of courtroom interaction.

**Language, Law, and the Violence of Ventriloquy**

Many linguists do not subscribe to a political view of language, holding instead to linguistic theories of difference. However, this explanation is far too idealistic to explain languages’ social stigmatizations in the real world, and far too idealistic to explain the national obsession with Rachel Jeantel’s language. The theory of linguistic *difference* posits that all language dialects and forms are equally valid: language difference is simply difference, and linguistically speaking, this difference has absolutely no effect on language competence (Rampton 261). Admittedly, the heart of this theory is in a good place, as it aims to validate all
successfully communicative forms of language as equally credible. Operating within the frameworks of difference, Jeantel’s speech patterns would be on an equal playing field with that of the lawyers’. However, peruse through any number of headlines about Jeantel’s testimony, and it becomes evident that this is not the case. Language’s inherent work as producer and organizer of communication, culture, and thought simply cannot be situated in an ideological vacuum. Speaking directly to this tension, the linguistic theory of dominance is the other main school of thought that sociolinguists have developed to explain the mechanisms of language difference. Proponents of dominance stress the political implications of language difference and examine the tensions that dialectical collisions produce (Freed). Aligning myself with theories of dominance, I recognize that the world is not full of linguists who regularly consider language ideologies, and, as such, the social implications of language difference are serious and far-reaching.

The language of institutional validity in the United States is what is known as Standard American English (SAE), which as noted previously is the language spoken by both Bernie de la Rionda and Don West. Though we often think about SAE as the language used in professional writing, that of grammatical correctness, it is truly that which is “drawn primarily from the spoken language of the upper middle class,” (Lippi-Green 64) and, even further de-mystified, it is the spoken language of the historically white upper middle class. Many who do not carry SAE in their language repertoires—that is, their linguistic “toolboxes” from which they can choose

---

5 Though linguistic theories of “difference” and “dominance” are most often tied to gendered language, they can be applied in nearly any situation of cross-cultural communication. See Diana Eades “Beyond Difference and Domination? Intercultural Communication in Legal Contexts” (2005), a study in which she employs this language in speaking about legal language difference, specifically.

6 Building off of the difference approach, many linguists vehemently oppose recognition of a “standard” form of any language, noting that all variations and dialects of any given language are equally valid, hence precluding the possibility of a standard. However, I will continue to hold my argumentative stance: the common American institution recognizes SAE as “correct,” and thus, for these research purposes, that holds more weight than any ideological oppositions.
contextually-appropriate communicative tools (Gumperz)--are unable to mobilize to this upper middle class standing, further perpetuating the elite status of this linguistic form. Pierre Bourdieu’s sociological research on the cultural capital of highly-valued language forms (e.g. SAE) reveals that speakers “can ‘cash in’ their prestigious speech, for example in gaining employment in good service-sector jobs” (Coupland 85). Taking into account the (literal) value of SAE competence, attention to Rachel Jeantel’s language choices relative to those of the court is especially important in understanding her social standing in this legal context—a context which, perhaps the most of any institution, values the highest form of SAE as a mark of credibility and power, which is immediately evident through the indecipherability of the law by the common American.

Because this high language socially marks competence and performs the absoluteness of “legality” in courtrooms across America, it is certainly not without consequence when white, institutionally-educated, SAE-speaking lawyers ventriloquize and transform Rachel Jeantel’s notably different African American Vernacular English (AAVE) speech patterns through their own bodies and speech registers. These moments of ventriloquy are not only linguistically different from the language of the court, but they are, I argue, also performed as difference in order to stigmatize her testimony and authority in a quasi-minstrel legal performance.

When head prosecution attorney Bernie de la Rionda begins questioning Jeantel about the events on February 26, 2012, the day of Trayvon Martin’s murder, Jeantel is asked to repeat how Trayvon Martin had described George Zimmerman as he noticed Zimmerman’s pursuit:

Jeantel: I asked him how the man looked like. Um. He just told me that the man, the man looked creepy.

de la Rionda: He said the man looked creepy?

Jeantel: Creepy, white--excuse my language--cracker. (Coffey 10-11)
In this exact moment, several things happen all at once. The first notable reaction to this
description is from the jury: a flurry of voices immediately exclaim in various ways that they
cannot hear\(^7\) Jeantel. As a result, this encounter follows:

\[
\begin{align*}
\text{de la Rionda:} & \quad \text{Ok, they’re having trouble hearing you, so take your time.} \\
\text{Jeantel:} & \quad \text{Creepy ass cracker. (Coffey 11)}
\end{align*}
\]

Due to continued misunderstanding, she has to nearly yell “Creepy ass cracker” into the
microphone no less than four times at the urging of the prosecution lawyer, until he finally
repeats the phrase back to her.

A signaling aspect of AAVE is the dropping of the “r” sound phoneme “in unstressed
syllables, as in better, entertain, and survive,” (Lanehart 407) such that as Jeantel says “cracker,”
it phonetically sounds like “cracka.” So, when de la Rionda finally repeats her words back to her-
twice—with the “r” firmly pronounced, and dramatic pauses between each word, this hyper-SAE
pronunciation marks her linguistic difference in palpable and harmful ways that put her character
in question. At the attorney’s hyper-pronounced utterance of “creepy ass cracker,” he is taking
both an evaluative and epistemic stance\(^8\) on her speech: not only is Jeantel’s pronunciation
evaluated as incorrect, but de la Rionda, as highly-educated and powerful attorney, knows and
employs the “correct” way to say it. By taking the stance that her speech is wrong, and his is

---

\(^7\) The idea of not being able to hear her is very interesting here, as it appears as though there was little reason for this
reaction—all audio equipment was working fine, and her voice was loud and clear. Next chapter, we will dig into the
political biases of listening as a means to differently frame this interaction.

\(^8\) As social actors participate in discourse, they inevitably take stances, or social positionalities that align/disalign
their thoughts and identities with the statements of their co-actors. Du Bois describes stance as “a public act by a
social actor, achieved dialogically through overt communicative means, of simultaneously evaluating object,
positioning subjects (self and others), and aligning with other subjects.” (Stance Triangle) Essentially, stance is a
spoken positionality that aligns a social actor with one or more other actors by and through evaluating an object, and
being positioned by such evaluation. Stance can take many different forms, and has nearly innumerable specific
functions. However, two specific types of stance that will be especially salient in this research are epistemic and
evaluative. Epistemic stances center around knowledge: a person positioning themselves in this way performs
knowledge (or lack thereof) in interaction, thus placing themselves along an epistemic scale. Evaluative stances
serve a different purpose: as opposed to performing knowledge, evaluation serves as a type of quality or value
assessment (Du Bois).
right, this single utterance indexes\(^9\) a lack of education onto Jeantel’s character. As often occurs in indexing, this goes a step further: not only is she uneducated, but those who are uneducated cannot be credible--or, at the very least, not as credible as those who are. Because authority and credibility are necessarily tied to effective communication (a person’s story is not able to be trusted unless it is able to be understood), Jeantel’s communication as apparently indecipherable and performed as “incorrect” fracture these ties. After all, de la Rionda, who is highly educated, felt he had to translate her “incorrect” speech to be rendered legible by the court--only then did the jury quiet down and understand her answer.

This translation, or ventriloquy, is not only complicated socially, but linguistically as well. Sociolinguist Deborah Tannen, in her book *Talking Voices: Repetition, Dialogue, and Imagery in Conversational Discourse*, discusses a form of this phenomena through what she calls “constructed dialogue,” a term that will be useful to consider moving forward:

> ...when a speaker represents an utterance as the words of another, what results is by no means describable as “reported speech.”\(^{10}\) Rather it is constructed dialogue. And the construction of the dialogue represents an active, creative, transforming move which expresses the relationship not between the quoted party and the topic of talk but rather the quoting party and the audience to whom the quotation is delivered. (109)

That is to say, even when a speaker accurately describes a statement word-for-word, it is always “appropriated” (Tannen 101) by the speaker; it is always re-presented in a context that is different from its original presentation and caters to the new audience for which it is presented. In the case of this trial, this re-presentation could not ring more true: Jeantel’s initial speech is for the examining attorney, while the attorneys’ re-voicing of Jeantel’s AAVE is for the court at large, often to serve as a “translation” of her speech, or to revisit statements she has made in the

---

\(^9\) Sociolinguistics indexicality refers to the ways in which language constructions and stances “point to” larger schemas, archetypes, or social positionalities. See Walton & Jaffe 2011; Bucholtz & Hall 2005; Ochs 1992.

\(^{10}\) “Reported Speech” is a sociolinguistic term that indicates that a speaker is word-for-word reporting the speech of another that is separated by space and/or time.
past. This re-voicing tactic is both serving to mark difference and to render Jeantel’s AAVE legible: her saying it is not enough, the white men in front of her must ventriloquize it for the court at large to comprehend it. That said, this change in the constructed dialogue’s context importantly transforms the social meaning of Jeantel’s re-voiced utterances, even if the utterance is repeated by the lawyer at the very next turn at talk. By repeatedly ventriloquizing AAVE through SAE registers, performing exaggerated pronunciation and cadences that are associated with SAE instead of AAVE, de la Rionda and West appropriate Jeantel’s speech into a tool that solidifies their authority because of AAVE’s negative sociocultural indexicalities. However West, as defense attorney, takes an especially aggressive approach to her language difference.

It should come as no surprise that head defense attorney Don West took advantage of Jeantel’s language difference throughout the duration of his cross-examination; his job, after all, is to discredit all witnesses to George Zimmerman’s encounter with Trayvon Martin, and Rachel Jeantel proved to be the witness closest to this case. West’s construction of his examination othered Jeantel in a way that called attention to her “improper” speech patterns, even throughout the original examination by prosecuting attorney de la Rionda. By calling for persistent objections on grounds of “misstatement” to the point of disruption--misstatement objections become so common that the judge is forced to stop proceedings and ask West to cut back--West powerfully calls the jurors’ attention to Jeantel’s language difference with seemingly no other motive. This excerpt, pulled from de la Rionda’s line of questioning about Martin and Jeantel’s conversation leading up to his death, highlights one of many instances of West and his legal team interrupting the prosecution’s line of questioning upon such grounds:

Jeantel: He almost right by his daddy fiancee house.
De la Rionda: So Mr. Martin, you told him to run, and he said, no, he’s almost right by his daddy’s--
West: Your Honor, I object. It’s a misstatement of the witness’s
As is evident here, before his time in front of the court even comes, West repeatedly emphasizes de la Rionda’s “standardization” of Jeantel’s responses, pointing out that “he’s” and “daddy’s” were not included in the witness’s original statement: “he” and “daddy” were the exact words that she had used. Of course, the possessive “‘s” in each instance does not change the meaning of the statement at all—a reasonable person would understand that Jeantel is attributing possession even without the “‘s”--and yet West continues to object to similar linguistic situations that recur throughout de la Rionda’s examination.

In each case of West calling out these “inaccuracies,” one of two outcomes is always the result: 1. the objection drives de la Rionda to ventriloquize Jeantel’s AAVE patterns through his SAE register, or 2. Jeantel herself is asked to repeat her answer again and again. No matter which tactic resulted from the misstatement objections, both of these possibilities produced similar social outcomes: Jeantel’s difference became distinct, and that difference marked her testimony with its indexical relations to low intelligence and lawlessness. Despite this defamatory social outcome, West was performing the constructs and processes of law, and thus appeared to be operating within the system responsibly.

When it came time for cross-examination, Don West was sure to continue this tactic of AAVE language emphasis through his own ventriloquy of Jeantel. While questioning Jeantel about the nature of the confrontation between George Zimmerman and Trayvon Martin, he first asks her whether or not she knew it would be a fight. She replied that she did not assume that, that maybe the confrontation would simply be an argument. At that point, West excitedly states the following:

West: Either way, either way, are you saying that you thought that
Trayvon would have the discussion with that guy [referring to George Zimmerman] that he’d never met in his life, didn’t know who he was, didn’t know anything about him, this creepy ass cracker, and just have a gentlemanly conversation about why you following me for? (Coffey 249; emphasis my own)

Of note, in the trial video at the word “gentlemanly,” West’s tone and body language dip in a performance of sarcasm, and the stance that this could not have possibly been a “gentlemanly” conversation is projected.

By re-voicing Jeantel’s constructed speech11 (“creepy ass cracker” and “why you following me for?”), all of which fit patterns of AAVE structures either in pronunciation, semantics, or both, alongside the word “gentlemanly,” which is not only higher-register and of a “superior” lexicon but also indicates a stance of disbelief via sarcasm, West weakens Jeantel’s (and--by extension--Martin’s) claims to innocence12 and authority. By attacking her language and character through magnifying the negative connotations associated with AAVE--most notably in this instance invoking the white supremacist imagination’s space of the urban ghetto, where irrational violence abounds and “why you following me for?” would inevitably lead to a physical altercation rather than a gentlemanly conversation--West is depicting Trayvon as an individual who is already and inherently operating within a space of lawlessness. When “gentlemanly” is paired with both the (perceived13) racial epithet “creepy ass cracker” and West’s awkwardly stilted ventriloquy of “why you following me for,” the unspoken message is that a civil interaction could not possibly come from a young black man asking his pursuer, “why you following me for?”--as if the language use itself writes violence onto Trayvon Martin’s

---

11 Both of these italicized terms are Jeantel’s constructed speech of Trayvon Martin’s original utterances.
12 Though Jeantel was not on trial in this case, her treatment often made it feel as though she were; even media outlets were picking up on this issue.
13 Jeantel goes on to say that “cracker” in and of itself is not necessarily offensive in her culture; could refer to any white person. See Coffey transcript p. 289.
character; as if West’s capacity to select the word “gentlemanly” out of his own language repertoire creates a moral hierarchy with SAE speakers at the top.

Consistently throughout his cross-examination, which lasted for over six hours, West ties Jeantel’s language constructions with his own, emphasizing the difference not only through semantic comparison--pairing his “correct” speech with her “incorrect” speech--but also through tonality and stilted cadence when approaching Jeantel’s speech patterns. So, despite the fact that Don West was staying more loyal to Jeantel’s own words than de la Rionda was inclined to do, he created a much more problematic relationship between himself as powerful white attorney and Jeantel as black witness, continually marking her speech patterns through his own voice, which is already institutionally-validated through his positionality as a lawyer. Since this voice had the floor for over six hours, West’s constructions of speech-driven hierarchy are no small matter in the politics of this case.

To even further complicate this narrative, Jeantel’s “creepy-ass cracker” utterance was, according to her, actually that of Trayvon Martin--she was asked to repeat how he had described George Zimmerman. What does it mean, then, that Trayvon Martin’s utterance is discounted as illegible? What does that do to his rights to life? This problem of re-voicing Jeantel/Martin’s speech, then, brings linguist Lippi-Green’s critical questions to the forefront: who is allowed to speak, and who is heard? (Lippi-Green 64) Certainly, Martin’s permission to speak was ripped from him upon his death, but even Jeantel, who physically sits in front of the judge and jury, is seemingly allowed to speak only inasmuch as she can be rendered legible by speakers of SAE and institutions that value it. When her speech is ventriloquized by the lawyers, it breaks her ties to credibility and authority because her testimony is no longer being disseminated on her own terms, and is performed as being indecipherable except through the speech register of SAE-
speaking attorneys. The repetitive occurrences of constructed dialogue strip her of the agency that language normally assigns because as posited by Tannen, constructed dialogue is “an active, creative, transforming move which expresses the relationship not between the quoted party and the topic of talk but rather the quoting party and the audience to whom the quotation is delivered.” Thus, upon each act of ventriloquy, Jeantel is distanced from her testimony and the speech act instead becomes an expression of the attorneys’ attempts to perform a translating function for the benefit of their audience, the jurors—a function which, according to their exaggerated performances, would not be necessary if it were not for her apparently non-standard language use.

**Legal Performance, Ventriloquy, and the Minstrel**

Distance and otherness in the examination and cross-examination of Rachel Jeantel is created through a performative theatricality of convergence and divergence, and can be explained based on the tenets of communication accommodation theory: “In pursuit of being judged more likeable, for example, a speaker could be expected to converge her or his speech towards that of a listener in certain respects. Divergence could, alternatively, symbolise [sic] the desire to reduce intimacy” (Coupland 62). So, if we consider Deborah Tannen’s previously-discussed definition of “constructed dialogue,” which recognizes that re-voicing of any type transforms the contextual meaning of the reproduced utterance even if it is reproduced “accurately,” we are left at a critical point of inquiry concerning linguistic performances of credibility when we encounter moments such as the one previously described above:

West: Either way, either way, are you saying that you thought that Trayvon would have the discussion with that guy [referring to George Zimmerman] that he’d never met in his life, didn’t know who he was, didn’t know anything about him, this *creepy ass*
cracker, and just have a gentlemanly conversation about why you following me for? (249; emphasis my own)

Though West is performing the trappings of legality as an attorney, he is practicing theatrics in communication, aligning himself with the SAE-speaking majority by unnecessarily taking on Jeantel’s words in a moment that did not require them--he easily could have expressed the same sentiments without ventriloquizing her speech. In what poses as an act of clarification (anti-theatricality, if we perceive of performance as a “smoke and mirrors” situation) throughout an examination that is wrought with mishearing and misunderstanding, West is actually performing as “necessary cultural mediator” by mimicking Jeantel word-for-word but converging the pronunciation with his SAE-speaking intended audience to “boost his own perceived social attractiveness” (Coupland 80). Though he seems to be speaking directly to Jeantel, because of this SAE convergence we can assume that the true, intended addressee of this ventriloquy is not Jeantel herself--she is relegated to a mere auditor. (Coupland 77) By reading this ventriloquy as a means to appropriate Rachel Jeantel’s speech for the purpose of gaining social capital, a blackface minstrel performance connection in this trial begins to take shape.

Eric Lott, in his acclaimed work Love and Theft, asserts that “Every time you hear an expansive white man drop into his version of black English, you are in the presence of blackface’s unconscious return” (Lott 5). As I have demonstrated, the various “expansive white [men]” involved in this trial, namely de la Rionda and West, both engage in this “dropping in” that marks the return of blackface--the return of nineteenth-century minstrelsy--even while operating within the dressings of legality.

Minstrel performance began in the 1830s, with several white men on a stage “blackened up” (Lott 25) with burnt cork smeared on their faces, raggedy clothing, and put-on, exaggerated “black” accents. Singing and dancing in the ways that African Americans “authentically” did,
Lott argues that this form amassed huge popularity not just because it was a way to perpetuate racism, but because “It was cross-racial desire that coupled a nearly insupportable fascination and a self-protective derision with respect to black people and their cultural practices, and that made blackface minstrelsy less a sign of absolute white power and control than of panic, anxiety, terror, and pleasure” (Lott 8). Lott describes minstrelsy absolutely as a symbolic tool of control (though, importantly, not a “sign” of control), but he provides a revolutionary way of considering the need for this control, namely “panic, anxiety, terror, and pleasure.” Considering minstrelsy as a self-conscious power-play rather than as simply a belittling and controlling racist comedy act has serious implications for placing minstrel performance within a legal context, as I will do. Though I am less convinced of the courtroom’s “pleasure” in appropriating blackness--this is a space, after all, that has sociohistorically tied criminality to the black body since the inception of America--Lott’s considerations of minstrelsy as a calculated means of maintaining white hegemony rather than as simply a bald-faced attack on blackness puts American law in the position of consciously bolstering whiteness via the theatrical tools of legal performance.

“The cultural logic of blackface,” Lott argues, “[opened] to view the culture of the dispossessed while simultaneously refusing the social legitimacy of its members, a truly American combination of acknowledgment and expropriation.” (49) While performing the authoritative actions of law, de la Rionda and West operate on this “truly American combination of acknowledgement and expropriation” by ventriloquizing Jeantel’s AAVE in their performance of adherence to best legal practices. Their acts of ventriloquy both acknowledge her blackness and expropriate her selfhood by stripping away Jeantel’s ability to be understood--and by extension, stripping her authority as a trustworthy witness, since a testimony cannot be trusted if it cannot be understood--and reserving it for SAE speakers only, thereby refusing her “social
“legitimacy” through “opening to view” her cultural practice of AAVE usage. If we can agree that this “cultural logic of blackface” is alive and well in this trial, what do we make of the fact that these minstrel theatrics are authorized by the law’s performative proceedings?

If a jury is unable to question the authority in front of them due to lack of proper contextual knowledge, any performance by the court and attorneys becomes legitimate, as their very positionality is self-legitimizing:

If legal theatricality masks law’s foundations in violence and the aporia of authority at its origins, this is part of how it achieves its effects: as in Lacan, the phallus only works if it is veiled; the hidden symbolic is the guarantor of the system. Thus, theatricality – insofar as it produces law in aesthetic (that is, unarguable) form, as the object of desire, and insofar as it veils the aporia of authority that underlies it – is essential to law’s power to coerce. (Peters 196)

Veiling is “essential to law’s power to coerce” in much the same way that minstrel performance relied on veiling whiteness to produce a powerfully controlling caricature of blackness. In fact, Lott even states that audience members confused white performers wearing blackface as actual black people (because their performances were “so authentic” in the eyes of the white consumers) that minstrel shows’ playbills began depicting performers both in their white likenesses and in their “blacked-up” persona side-by-side. (Lott)

Though this desire to “pull back the veil” on the true identity of minstrel performers may seem as though it runs contrary to the need for the “hidden symbolic [that] is the guarantor of the system” in law, Julie Stone Peters provides us with a way to consider that the comparison may run closer than it seems:

If law has historically exploited its theatricality – offering an exemplary spectacle of punishment, awing its subjects with its pomp and ceremony, replaying the crime, and dramatizing the defendant’s story through impersonation – at the same time it has rebuked or abjured its own theatricality. While law has often gained a performative power from its exploitation of theatrical means, it has also gained a kind of surplus legitimacy from its disavowal of these means: we are not
exploiting theatrical tactics (claim the producers of the legal event), and this is precisely what shows our strict adherence to the law.

In the same ways that “unveiling” the whiteness of the minstrel shows’ actors created an “ironic distance” (Lott 119) between the actor and the subject which allowed them to maintain the authorities associated with whiteness, law creates a false but convincing public distance between itself and elements of theatricality to maintain and perpetuate its unquestionable authority: even as Jeantel’s speech is being “dramatiz[ed]...through impersonation,” attorneys are petitioning misstatement objections, checking the types of performance that are allowed. That is to say, performances which are too overtly theatrical are cut down so that law is able to maintain just the right amount of distance from performativity in order to appear consistently honest and truth-seeking.

Arguably, the performance of law and language in the Zimmerman case is even unveiling theatricality for the precise reasons that minstrelsy did so: to create an “ironic distance” between the attorneys and the indexicalities associated with African American Vernacular English as a means for the attorneys to steadfastly perpetuate Standard American English--and therefore whiteness--as superior, powerful, and trustworthy. Their legally-sanctioned ventriloquy of Rachel Jeantel promoted them as the source of truth and understanding in her testimony, as they were serving as cross-cultural mediators who took her story told in AAVE and rendered it “legible” for the court, an institution which was built on the laws, traditions, and morals of the white American middle class, the origin population of Standard American English.¹⁴

In her groundbreaking piece “Whiteness as Property,” Cheryl Harris delineates the historical and varied ways in which law has protected whiteness, as it is “property, if by property one means all of a person’s legal rights.” (1726) She argues that blackness serves as a structure

¹⁴ See bell hooks’s “Marginality as a Site of Resistance” to further consider the problematic dynamic presented in this situation.
which whiteness defines itself against, and she even references the minstrel in this definition, quoting Roediger:

> Through minstrel shows in which white actors masquerading in blackface played out racist stereotypes, the popular culture put the Black at “solo spot centerstage, providing a relational model in contrast to which masses of Americans could establish a positive and superior sense of identity[,]...[an identity]...established by an infinitely manipulable negation comparing whites with a construct of a socially defenseless group.” (1993)

If we conceive of whiteness as needing blackness as a means by which it asserts itself and protects its property value, it is of alarming importance that this same tactic is being used to delegitimize a black witness in a case in which a white\textsuperscript{15} man shot a black child. All of these practices of ventriloquy are serving to protect whiteness through a quasi-minstrel legal performance, and this trial pulls back the veil on the continual occurrence of legal productions which never entertain justice as an option.

\textsuperscript{15} See introduction’s definition of “white” as it is related to SAE for the purposes of this thesis.
Chapter Two: Listening Across Cultures and the Legal Stakes of Dialect Difference

“That’s how I speak, you cannot hear me that well.”

Rachel Jeantel to Don West, defense attorney to George Zimmerman

As explored in chapter one, the white attorneys in the George Zimmerman trial repeatedly appropriate lead witness Rachel Jeantel’s African American Vernacular English (AAVE) speech patterns through their Standard American English (SAE) verbal registers, thus creating problematic verbal communication which serves to undercut AAVE’s legibility and coherence--and by extension, the legibility and coherence of Jeantel’s character as a witness. Where there is verbal communication, there is listening involved, and cross-cultural hearing adds yet another layer of misunderstanding to the George Zimmerman trial. By an insidious psychological process, extra-auditory stimuli affect auditory processes--the court undoubtedly tied stereotypes associated with blackness generally, and black womanhood specifically, to Jeantel’s testimony upon hearing it, and thus were never able to hear her evidence objectively as presented. Considering that the legal system demands an impartial jury, issues of bias tied to cross-cultural listening cannot go under-examined as they seem to be in existing literature.

Americans have apparently understood for centuries that personal politics and biases affect the senses. In antebellum America, for example, southern slaveholder William J. Grayson used this logic to attack Charles Mackay’s book upon its publication, which is highly critical of slavery. Mark M. Smith’s book, How Race Is Made: Slavery, Segregation, and the Senses, uncovers the argument that Grayson made against Mackay’s credibility:

Whereas Grayson understood the ‘slave mart in New Orleans’ to be ‘clear and comfortable,’ filled with slaves ‘cheerful and anxious to be sold; like hired men, they seek to be employed,’ Mackay, ‘the sensitive traveler’ who had ‘just arrived with lungs and sensibilities undisturbed, from the booths and hovels of English laborers...where the stench is intolerable to strangers,’ found the mart simply
From Grayson’s perspective, Mackay’s experience with the English working class had dulled his senses, preventing him from appreciating the ‘comfortable’ nature of the mart. More pointedly, Mackay’s senses were not to be trusted, suggested Grayson, because they were shaped by his political views. After all, exclaimed Grayson, Mackay even doubted ‘that a peculiar odor exhales from the Negro.’” (28)

In throwing Mackay’s credibility into question by asserting that he “doubted ‘that a peculiar odor exhales from the Negro,’” Grayson is providing evidence that Americans have known for centuries that racial politics affect how people choose to hear, smell, taste, feel, and see. Mackay could not see the slave mart as ‘clear and comfortable’ as Grayson, a man both complicit and invested in its practice, could see it; Mackay could not submit to the notion that blackness has a smell; Mackay could not, and would not, interpret the world through pro-slavery senses.

Now, a century later, linguists and audiologists have developed scientific studies to explicitly examine the sensory racial bias that both Mackay and Grayson knew to be true. In an article written by Nina Eidsheim for the journal *Current Musicology*, she explores the racial dynamics of voice and presents as her first point that “Hearing is guided by non-sonic information, including preconceptions.” All of the stereotypes that an auditor brings to a listening experience continuously shape that experience, and cannot be separated from it. As a point of evidence, Eidsheim cites Donald Rubin’s 1992 listening experiment in which he paired an audio recording with pictures as a means of analyzing student bias towards non-native English speaking teaching assistants in university classrooms. Rubin gathered undergraduate students at an undisclosed southeastern American university and had them listen to a four-minute pre-recorded lecture performed by a native American English speaker. Alongside the recording, he presented the student with a picture, which they were told was of the professor on the recording. At random, the students either viewed a photo of a white American lecturer or a lecturer of Asian descent. The results were shocking:
only a single language variety was used: SAE. Still, when they were faced with an ethnically Asian instructor, participants responded in the direction one would expect had they been listening to nonstandard speech. Evidence from the discriminant analysis suggests that participants stereotypically attributed accent differences - differences that did not exist in truth - to the instructors' speech. Yet more serious, listening comprehension appeared to be undermined simply by identifying (visually) the instructor as Asian. (519)

Thus, despite no language difference at all, preconceptions that were conjured upon the visual presentation of an Asian woman caused false detection of not only an accent, but also of incomprehensibility.

There are a vast array of linguistic studies that all point to the same conclusion: listening and hearing depend largely on extra-auditory stimuli in order to process the message and form of that sound. Importantly, this marriage of the auditory and visual make a huge difference in the arena of racial difference--if the undergraduate students in Rubin’s study were conceiving of the lecturer as illegible simply because she appeared to be of foreign descent, how much is that incomprehensibility compounded when there actually is language difference present?

In the case of the George Zimmerman trial, this is a critical question. With a jury of five white\textsuperscript{16} women, one woman of color, and white judge, attorneys, and court stenographer, how do un-/conscious racial biases affect how lead witness Rachel Jeantel’s testimony, which is orated in the AAVE speech tradition, is heard while she is on the stand? Further, where is the evidence of this audio-visual tie within her examination and cross-examination, and what sorts of effects does it have on the trial proceedings--not only for Rachel, but for all marginalized bodies and voices in legal spaces?

\textsuperscript{16} Please see introduction’s definition of “white” as related to SAE for the purposes of this thesis.
The Visual in Rachel Jeantel’s Testimony

Before beginning with the auditory piece of the audio-visual tie, consideration of the visual situation within the Zimmerman trial courtroom illuminates a strange moment in the proceedings. Part way through prosecution attorney Bernie de la Rionda’s examination of Jeantel, lead defense attorney Don West requests a pause in the proceedings so that he may resituate his seat in the courtroom. He reported an “obstruction issue” (Coffey 15) in that he could not easily see the witness, and his request to resituate his seat at the table was granted. However, this moment did not pass without comment from the judge: “This is the first witness that you’re telling me you’re having an issue with seeing” (Coffey 15). This request also came immediately after West objects that, in the words of the judge, “[he] can’t understand what [Jeantel] is saying” (14). Thus, this sequence suggests that West believes he would better hear her by moving to a position in which he can better see her—though this move had been unnecessary up until Jeantel’s testimony, as he could apparently hear the other witnesses well enough to responsibly perform his function as attorney. So why, then, did he need to see Jeantel in order to hear her?

In Jennifer Nash’s 2016 article, “Unwidowing: Rachel Jeantel, Black Death, and the ‘Problem’ of Black Intimacy,” she interrogates what Brenda Tindal coins the “Civil Rights Widow” as a means to understand why the visual as tied to the aural is so important in this trial, and how the act of “unwidowing” is an act of legal violence. In Nash’s own definition of the Civil Rights Widow, she states, “The civil rights widow, the dutiful and loving wife who has lost her husband at the hands of white violence, made visible the proximity of black love to black death and rendered apparent the role of black women in narrating black male perishment” (753). Importantly, “Jeantel’s veracity and credibility were assessed by how much her description of
Martin, and her relationship with Martin, conformed to the heteronormative widow framework even as Jeantel occupied a paradoxical location vis-a'-vis this framework” (753-754). On almost all accounts, Jeantel did not comfortably fit into this framework which white audiences have become accustomed to evaluating black female witness credibility through: she is young, unmarried, and involved in an undefinable intimate relationship with Trayvon.

As I touched lightly on in Chapter One, the relationship between Trayvon and Rachel was complicated--they were not dating, but they seemed to share an extremely intimate relationship that went beyond friendship. Jeantel states again and again that they had been on the phone nearly all day on the day of his murder, and the phone records prove it. Jeantel becomes noticeably uncomfortable when she is asked (repeatedly) whether Trayvon was her boyfriend, until she awkwardly reveals that he was seeing someone else. However, because this relationship was “traditionally” unreadable by the attorneys (due in large part to the white middle class moralities that govern this country), the results were dangerous to Jeantel’s testimony specifically because, as female witness to intimate black male death, she was expected to situate herself within the civil rights widow framework in order to gain respectability, even though, as Nash states, “Jeantel occupied a paradoxical location vis-a-vis this framework” (754). Not only did her age and unmarried status not quite fit the framework, but Jeantel also situated herself outside of it by denying an “official” romantic relationship with Trayvon. Crucially, the effects of this ill fit are perhaps nowhere more pronounced than in the reception of her embodiments of grief.

Repeatedly throughout the trial, both in the courtroom and in the media, Jeantel’s body and disposition were under scrutiny: she was painted as intentionally uncooperative,
disrespectful, and even hostile towards the attorneys. In fact, her disposition was such a point of contention that Don West interrupts a crucial line of questioning to ask Jeantel this:

West: and you didn’t have any information from the news that this was a racially charged event?
Jeantel: No. I had told you I don’t watch the news.
West: Okay. Are you okay this morning?
Jeantel: Yes.
West: You seem so different than yesterday. I’m just checking.
The Court: Is that a question?
West: Yes.
West: Did someone talk with you last night about your demeanor in court yesterday?
Jeantel: No. I went to sleep.
West: So your testimony is that you hadn’t heard anything on the news about this being a racially-charged incident? (127-128)

Jeantel’s answers on the second day were noticeably shorter, for certain. “Yes” and “no” sometimes accompanied by “sir” were the seeming norm of the morning in day two of her testimony. However, it becomes clear in this moment that Jeantel’s disposition had a huge impact on how she was read (and thus heard) in the court. For this to be important enough for West to turn entirely away from his race-based questioning means that in that moment, Jeantel’s demeanor was more important than even the case itself.

Though Jeantel’s presence on the stand at the beginning of day two was seemingly less “angry” as the media had been describing her, why should she not be allowed this anger? And why should this anger be tied to making her a less-than-perfect witness? Arguably, as Jennifer Nash points out, it is largely due to her inability to conform to the civil rights widow framework that her anger is seen as so incriminating. Her mourning does not look the way that the civil rights widow’s does: that of quiet strength and commemorative social power. Instead, Jeantel’s looks like anger directed at the attorneys through her body language and tone. Thus, because the
culturally-conditioned civil rights widow framework does not have space for Jeantel, she is not allowed impartial visual representation.¹⁷

However, there is a moment that Jeantel matches up more accurately to these expectations of grieving--she looks and sounds the way that the civil rights widow would--and the results are completely unlike the treatment she had been receiving up to that point:

Jeantel: What? The funeral? Why I didn’t go to the funeral? I didn’t want to see the body. I didn’t agree with my friends to go. You got to understand--
West: In order to--
Jeantel: You got to understand: You the last person to talk to the person, and he died on the phone after you talk to him. You got to understand what I’m trying to tell you. I’m the last person. You don’t know how I felt. You think I really want to go see the body after I just talked to him?
West: I understand what you’re saying, but what you did instead was instead of saying--
Jeantel: I did not even know [Zimmerman] was [not in jail]. I did not even watch the news. I heard there was on local news. I did not know about that.
West: Okay. I know that it was emotionally difficult for you to decide whether or not to go to the memorial service.
Jeantel: Yes.
West: And you decided not to?
Jeantel: I decided not to go. (Coffey 66-67)

During this encounter, Jeantel seems close to tears. She’s shifting in her seat, talking very quietly, eyes averted, and pleads that West understands how she feels. Not only does this behavior prompt prosecution attorney de la Rionda to ask if she needs a break, but it also elicits a response of affirmation from West, the only one of the entire trial: “I know that it was emotionally difficult for you to decide whether or not to go to the memorial service.” Because Rachel Jeantel’s grief finally both looked and sounded as it “should,” she was treated as a sympathetic witness worthy of support and small gestures of kindness.

¹⁷ This, of course, is only one piece of the puzzle--there are many other factors that are associated.
This is all to say, then, that Don West’s request to change his positionality in the courtroom so that he could better see Jeantel during her initial examination is certainly not nothing: the way that he perceived her entire testimony depended on how well he could see her just as much as how well he could hear her; the two could not be divorced. When racialized bodies and sounds come together, there is no possibility for an impartial trial.

**Listening Across Difference**

Though we can understand the “civil rights widow” as a way in which Jeantel was unjustly evaluated, her voice was even further disconnected from white listeners when she introduced racialized language into the mix early into her testimony, as you may remember from the first chapter:

Jeantel: I asked him how the man looked like. Um. He just told me that the man, the man looked creepy.

de la Rionda: He said the man looked creepy?

Jeantel: Creepy, white--excuse my language--cracker.

Immediately following this testimony, the camera pans to Trayvon’s father in the audience, and shaking his head, he brings his forehead into his hands, almost as if all is lost. His fears confirmed, juror B37 in a later interview by Anderson Cooper places the “cracker” moment alongside questions of credibility:

Cooper: Did you find it hard, at times, to understand what she was saying?

B37: A lot of the times. Because a lot of the times she was using phrases I have never heard before, and what they meant.

Cooper: When she used the phrase, uh, “creepy-ass cracker”, what did you think of that?

B37: I thought it was--probably the truth. I think Trayvon probably said that.

Cooper: And did you see that as a negative statement, or a racial statement, as, as the defense suggested.

B37: I don’t think it’s really racial. I think it’s just everyday life.
type of life that they--they live, and how they’re living, in the
environment that they’re living in

Cooper: So you didn’t find her credible as a witness?
B37: No. (Rickford and King 971)

In answering the question of motivation behind the “creepy-ass cracker” sentiment, B37’s
distancing use of “they” is immediately apparent and displays the exact divide that Mr. Martin
sensed. Rachel, too, clearly knew that this may be a moment of discomfort among a white jury--
her apologetic qualifier, “excuse my language” tells us this much. However, as mere linguistic
messenger of Trayvon’s words, she continues past the epithet in the interest of truth-telling. But
since Jeantel was already not meeting expectations of respectable grief as a black woman via the
problematic civil rights widow paradigm, this use of “cracka” and later “nigga” created an
impassable linguistic gulf between herself as AAVE speaker and her white audience, which is,
importantly, the audience that the law was built to perform for.

On the panel of six jurors, all of whom were women, only one was a woman of color: a
Latina Puerto Rican woman, “Maddy”, who later said that she felt a lot of pressure as the only
person of color on the panel. She said that she felt she was expected to be a spokesperson on
behalf of Jeantel’s linguistic competence and all race-related questions in the Zimmerman trial,
and there is evidence of this being true. According to John B. Rickford and Sharese King’s 2016
article, “Language and Linguistics on Trial: Hearing Rachel Jeantel (and other vernacular
speakers) in the Courtroom and Beyond,” all of the jurors were immediately jarred by this
colloquial use of “cracker,” which they deemed a racist term. In work done by Lisa Bloom on the
Trayvon Martin matter, she interviewed jurors involved in the case and captured this insight:
“All of the other jurors...were offended by ‘creepy-ass cracka,’ Maddy said, and they were done
with Jeantel once they heard that.” (qtd. Rickford and King) Further confusing the white
audience, Jeantel later in the proceedings recalls that Trayvon had referred to Zimmerman as
“nigga,” which, to this white audience, was not only offensive but confusing and inaccurate according to their understanding of “nigger” as a racial slur specifically against black people.

Jeantel, in an interview with Piers Morgan on CNN, identifies her usage of “nigga” in accordance with the way that popular culture now uses it, especially, as Jeantel identifies, in rap music:

Jeantel: The whole world say it’s a racist word. Mind you--mind you, around 2000, that was not. They changed it around...started spelling N-I-G-G-A. Nigga.

Morgan: What does that mean to you, that--that way of spelling it? What does that word mean to you?

Jeantel: That mean a male.

Morgan: A black male.

Jeantel: No, any kind of male.18

Not only does this explanation match the pervasive present-day cultural use of the term amongst black Americans, but her lack of apologetic qualifier (as opposed to the “cracka” instance) also marks this usage of “nigga” as conventional in the AAVE-speaking community. Her illegible use of the term, as well as her ability to articulate the difference between the “-er” versus the “-a” end spelling, creates an incredibly clear depiction of exactly the disconnect that goes on when five middle-aged white women are tasked with fairly listening to the definable, but unrecognizable, patterns and rules of a dialect different than their own. “To all of the jurors, except Maddy, the Puerto Rican juror whose kids and other networks had taught her the distinction, Jeantel’s (and Trayvon’s) use of nigga came across as offensive. When Jeantel used the word nigga other jurors turned to Maddy, asking her ‘What did she say? Nigger? Isn’t that a racist word?’” (qtd. Rickford and King)19 Clearly, a disconnect is occurring partially from the

18 This transcription is pulled from Rickford and King’s article, mentioned above.
19 Given a different scope, this moment would be a great point of analysis. Of course, the assumption on the end of the white jury members that Maddy would have the answers surrounding race only because she is a person of color is interesting, and sadly unsurprising. Further, the fact that she was still turned to as a resource concerning a racial
pure use of racial “slurs”\textsuperscript{20} but also partially from the non-standard usage of these slurs--usages which are familiar to the AAVE speech community, but apparently not with this jury audience.

Jeantel’s necessary audience was unable to process her messages because of a problem with cross-racial listening. Not only were these problems clearly disadvantageous to Rachel Jeantel’s perceived character and credibility, but they were damning for the case as a whole: because the white jurors were unable (or unwilling) to understand Jeantel’s intended message in these racialized word choices, the phenomena that Jennifer Lynn Stoever\textsuperscript{21} coins “the sonic color line” becomes evident:

\begin{quote}
“Whiteness...is notorious for representing itself as “invisible”--or in this case, inaudible (at least to white people). The inaudibility of whiteness stems from its considerably wider palette of representation and the belief that white representations stand in for “people” in general, rather than “white people” in particular. The inaudibility of whiteness does not mean it has no sonic markers, but rather that Americans are socialized to perceive them as the keynote of American identity. As dominant listening practices discipline us to process white male ways of sounding as default, natural, normal, and desirable...they deem alternate ways of listening and sounding aberrant and--depending upon the historical context--as excessively sensitive, strikingly deficient, or impossibly both.” (12)
\end{quote}

It is when Jeantel names whiteness--utters “cracker”--that the white listening ear\textsuperscript{22} tunes out. As the normativity of whiteness is particularized and is literally spoken into existence in the space of the courtroom, there is immediately no recovery for Jeantel’s testimony. She comes to stand in opposition to whiteness, and sounds “excessively sensitive, strikingly deficient, or impossibly both.”

\begin{footnotes}
\item[20] Jeantel does not describe them as slurs.
\item[21] Though I am not directly quoting Stoever much through this chapter, it is important to note that her work in \textit{The Sonic Color Line} sparked much of my thought process concerning this chapter.
\item[22] Another term coined by Stoever.
\end{footnotes}
An additional layer to complicate this dynamic is found in Florida’s state legal code concerning jury selection and “challenge.” According to the state’s 2017 code, selected jurors may be challenged for many reasons, two of the most immediately interesting for my purposes being:

(3) The juror has conscientious beliefs that would preclude him or her from finding the defendant guilty;
(10) The juror has a state of mind regarding the defendant, the case, the person alleged to have been injured by the offense charged, or the person on whose complaint the prosecution was instituted that will prevent the juror from acting with impartiality, but the formation of an opinion or impression regarding the guilt or innocence of the defendant shall not be a sufficient ground for challenge to a juror if he or she declares and the court determines that he or she can render an impartial verdict according to the evidence; 23

Though statute 3 raises the question of “conscientious belief” which would make a juror unfit to perform their duties, statute 10 troubles this idea of conscientiousness and seems to blur the line altogether. 10 calls for challenging a juror with “a state of mind...that will prevent the juror from acting with impartiality” but maintains that the juror and/or the court has the ability to determine who is capable of impartiality, and that “an opinion...regarding the guilt or innocence of the defendant shall not be a sufficient ground for challenge.” Despite the fact that a juror cannot be challenged on “an opinion...regarding the guilt of innocence of the defendant” is vague enough to forgive a multitude of actions--a juror could declare the defendant’s innocence or guilt at any time and declare the opinion was formed by evidence--there are deeper issues with the construction of Florida’s code regarding the jury. Based on the findings in this chapter, and in

23 Though I do not necessarily have the space to explore the extreme importance of this area of the code, Florida’s state law also allows challenge for jurors on the following premise: “(2) The juror is of unsound mind or has a bodily defect that renders him or her incapable of performing the duties of a juror, except that, in a civil action, deafness or hearing impairment shall not be the sole basis of a challenge for cause of an individual juror.” Though I am by no means advocating for discrimination based on hearing impairment, it seems to be of critical importance that there is a critical disconnect going on between race, listening, and language that would be differently rendered by a juror with a hearing impairment. Assuming that the juror with a hearing impairment identifies as a part of the American Sign Language (ASL) language community, there is a lot of innovative and interesting work going on in the field of AAVE as communicated through ASL which could bring an entirely new angle to this argument and should be further pursued.
this research project as a whole, it is impossible for humans to escape implicit biases. This prejudice may not be conscious, visible, or legible, but in how we speak, see, and hear, it exists. It is this precise insidiousness that calls for the critical exploration of the stakes of listening in legal spaces. The law already recognizes that bias is grounds for dismissal, but it fails to recognize the inescapable nature of bias; it refuses to name the racist national identity of America.

Race, Sound, and Exploring Legal Process

So it seems that America is at a legal crossroads: we are such a large country with a vibrant community of diverse citizens, many of whom speak specialized dialects, that it is a crucial problem if the limitations of audio/visual cross-cultural listening are adding to the already-problematic legal system. The most immediate “solution” seems to be cross-cultural understanding. Ideally, if we educated those involved in performing legal processes on the linguistic attributes of non-SAE dialects, it seems as though the outcome would be more promising. Studies tell us, however, that this is not the case.

In sociolinguist Diana Eades’s study on indigenous language in Australia, she set out to rectify a legal issue not unlike America’s. Indigenous peoples in Australia were being imprisoned at an alarmingly high rate in comparison to their non-native counterparts, and upon reviewing the legal transcripts from many Australian trials it became obvious that this was often due to problems with understanding the indigenous dialect. In a good-faith effort based in theories of linguistic difference, Eades and several colleagues created a handbook describing the constructs of the indigenous language that each judge and lawyer was required to be familiar with; there was also a handbook in each courtroom for reference. Despite the effort, the
handbook was generally at best ignored, and at worst exploited: there were several cases in which this cross-linguistic understanding was used to coerce condemning results by standard English accounts. Eades, in reflecting on this process, realizes her gravest mistake: that oppression is woven into the fabrics of countries, and power dynamics are going to find a way to maintain their status.

So what is left? An anonymous SAE-speaking court reporter pleaded for an “ebonics” translator to Rickford and King during their interview process for their research: “[‘Ebonics’ interpreters] don’t exist. In my opinion, I think they should.” (955) This is an interesting thought. As of now, translators are only allowed for non-English speaking witnesses, but it may not be a stretch to consider non-standard dialects under this umbrella, especially when considering the critical language bias in this case. Even the Drug Enforcement Association (DEA) has hired AAVE translators to assist with translation of wiretapped conversations in undercover cases (Rickford and King 955). Clearly, the United States recognizes that non-AAVE speakers have a difficult time hearing AAVE if they have not had much exposure to it--this reality has just not yet hit the courtroom.

However, adding “ebonics” interpreters may do more harm than good in an institution that is already built on whiteness. Providing a third-party translator may further mark blackness as illegible and incoherent in legal spaces, further Othering black bodies in a primarily white space (which often already operates on condemning black bodies). If the legal system were to decide that AAVE is so far outside of comprehensibility that it needs to be constantly translated, the black body would become, in a sense, a completely silenced legal body through linguistic standardization. A less-invasive option could be to have AAVE translators on-site during jury deliberations. With this service provided, jurors who needed a readback of the transcript could
ask questions in specific areas of confusion rather than having a translator interpreting English dialects word-for-word in front of the court, which would effectively create a spectacle of AAVE speakers. But even this option is already too late of an intervention. According to juror Maddy in her interviews with Lisa Bloom, “no one mentioned Jenatel in [the 16+ hour] jury deliberations. Her testimony played no role whatsoever in their decision” (qtd. Rickford and King). Apparently, the damage had already been done; the jurors had already allowed the collusion of audio/visual bias to direct their judgement on Jeantel’s testimony. Further, as I will explore in chapter three, even if jurors had considered her all-important testimony and had asked for a readback of the transcript in the deliberation room, there is no guarantee that the readback would be correct; the court reporter had trouble transcribing this non-standard dialect correctly.

Jeantel’s testimony begs us to critically consider what is happening in a courtroom if marginalized bodies--especially those at the forefront of the conversation--are left unheard. If law demands that jurors be impartial and able to peel their personal biases from their legal decisions, and we know that doing so is impossible, what can we call the process that is happening in courtrooms? What are legal decisions if they are not born from the letter of the law; if the letter of the law is impossible to actually carry out when we consider the cultural bias tied to American culture? Lisa Marie Cacho’s *Social Death* may provide an answer: people of color are “criminal by being, unlawful by presence, and illegal by status, *they do not have the option to be law abiding*, which is always the absolute prerequisite for political rights, legal recognition, and resource redistribution in the United States” (8). If criminality is already written onto non-white bodies, we must recognize the inscription of this same lawlessness to the “aberrant” (Stoever 12) voices of marginality, too.
Chapter Three: Transcription, Legibility, and Writing the Un-Hearable

“You have to get closer to the microphone so everybody can hear you, especially this lady right here in front. She’s taking everything down so she needs to be able to hear you.”

Bernie de la Rionda, prosecution attorney, to Rachel Jeantel, witness

The spoken word is ephemeral; its capacity to remain permanent and to be recalled verbatim is dependent on its ability to be recorded exactly as speech acts unraveled. But what does this accuracy look like? When the spoken and written word are often so different, how can we write speech? Is it a problem to standardize language in the interest of readability, since written English was clearly not developed to logically present speech? All of these questions are critical concerning transcription practices, and all of them are especially salient in the courtroom.

Problematically, much weight lies on the ability of court stenographers to “accurately”--with no real definition of “accuracy” apparent--record the court’s proceedings: court transcripts are expected to be produced verbatim for use in high-stakes legal activities such as recalling testimony in deliberation rooms, releasing information to the public in the interest of transparency, and creating access to the practices of the justice system long after the trial has passed. Even the very aesthetic form of written transcript is burdened by the weight of unequivocal truth; transcripts seem to be removed from the din of “he said, she said,” speech reporting because of their straightforward form. In a nod to Bakhtin, sociolinguist Mary Bucholtz, in her article “The Politics of Transcription,” describes transcribed speech as “rendered as direct discourse with no reporting clauses.” (1446-7) Because this aesthetic form makes it appear as a bare bones, black-and-white speech exchange, the feel of a verbatim account is attributed to transcripts as they appear on a page. However, after exploring the sociopolitics of
hearing in chapter two, we have to wonder: has the idea of the objective “transcript” ever been true, and is it even possible? Attention to courtroom language expands beyond what is said and heard in any specific moment in court proceedings. The legal transcript in the George Zimmerman trial reveals a new level of misunderstanding that troubles the possibility of non-standard speakers’ institutional credibility far beyond the moment of the trial, but also demands a re-reading of AAVE-speaking witnesses.

**The Impossibility of Accuracy**

Turning to sociolinguist Mary Bucholtz’s “The Politics of Transcription,” she dives into this very issue: professionals in the field that rely on transcription, such as in law and media, or that are concerned almost exclusively with accurate transcription, such as in linguistics, have not been paying near enough attention to its form and function as a truth-making document complicated with personal and cultural politics. In what she terms “reflexive discourse analysis,” Bucholtz implores that “The responsible practice of transcription...requires the transcriber’s cognizance of her or his own role in the creation of the text and the ideological implications of the resultant product.” (1440) She calls the thought of the objective transcript an “erroneous belief” (1440) because of the necessary political bent to the scenario of transcript creation. However, this inescapably politicized document is not condemned by Bucholtz. She does not claim that there is a way to fix the problem--there is only the responsible option to make transcriptionists’ methods and limitations visible to consumers.

In this ideal practice of transparency in transcription production, there are two main issues that should be paid special attention: “At the interpretive level, the central issue is what is transcribed; at the representational level the central issue is how it is transcribed.” (Bucholtz
Because transcribing—in at least the case of the courtroom—includes listening, the culturally-situated listening practices of the transcriber affect the transcript at both of these levels: a) in what will be heard and b) in how that heard content will be written as a consumable product. As we will see, it becomes immediately evident in the example of the George Zimmerman trial that the transcriptionist, Shelley Coffey, was clearly unable to hear Jeantel in the ways that she, as a witness, demands to be heard. Of course, this means that the issue of both the what and the how are affected in this transcript of Rachel Jeantel’s testimony—all of which necessarily transforms the rhetoric of the transcript and how it operates as a standalone document of “truth.”

As supported by sociolinguistic research, this problem of the politicized transcript is a systemic issue, and not only as related to non-standard speakers. Coulthard’s 1996 study “The Official Version: Audience Manipulation in Police Records of Interviewers with Suspects” and Walker’s 1990 study “Language at Work in the Law: The Customs, Conventions, and Appellate Consequences of Court Reporting” both find that acting members of a legal case who hold institutional authority are consistently portrayed more favorably by transcriptionists, and with more “perfect” forms of standardized speech, than those without institutional power (Bucholtz 1441). This could, of course, be a result of an unconscious listening process; Americans have traditionally been conditioned to respect institutional figures of authority; thus, rendering their speech more favorably may be attributed to this cultural lens. Witnesses that do not hold this

---

24 Given the scope of this piece, I do not have the space to delve into an all-important issue at hand, particularly in trial transcription: the original method of transcription is through a stenotype, which is a shorthand way of keeping up in courtrooms. Instead of typing out words as they are spelled, they are “spelled” out by sound: each key on a stenotype stands for a different sound in the (standard) English language. For witnesses that speak with non-standard combinations of sound (due to non-standard speech patterns), the product of the stenographer would be a fascinating piece of evidence to analyze in further exploring the limits of the legal system to hear non-standard English speakers.

25 See Elliot Mishler “Representing Discourse: The Rhetoric of Transcription.”
same level of prestige, then, more easily fall prey to cultural biases, as we see happen with Rachel Jeantel.

Noticing these problems with Rachel Jeantel’s testimony, sociolinguist Grace Sullivan set out to reassess the “official” transcript of the Zimmerman trial. After requesting a copy of the transcript from Jeantel’s testimony (and paying a large amount of money for it\textsuperscript{26}), Sullivan noticed several grave errors that completely misrepresented Jeantel’s testimony, as well as countless other errors which, though they do not alter the testimonial message, do support the thesis that an accurate and de-politicized transcript may not be possible.\textsuperscript{27} In the meticulous methodology of discourse analysis\textsuperscript{28}, Sullivan recreated the entire transcript of Rachel Jeantel’s testimony under the appropriate terms called for by sociolinguistic scholars. Crucially, the process difference between Sullivan and Shelley Coffey holds much weight: Sullivan created her transcript by listening (and re-listening, and re-listening) to the video footage from the courtroom. Shelley Coffey’s process, of course, looked completely different because of the prescribed process of court reporters. Whereas Sullivan used audiovisual recording as her primary text, Coffey’s primary text was the product she had created via stenotype while firsthand listening to the trial in real time.

\textsuperscript{26} The ties between capitalism and the tools of law here are endlessly interesting. The unionization of court stenographers leads to their ability to charge, essentially, anything that they want for transcripts. Sullivan told me that she paid two dollars per page, totalling nearly 800 dollars for the transcript of Jeantel’s testimony.

\textsuperscript{27} Sullivan, too, notes the impossibility of perfection in her own practice.

\textsuperscript{28} Without getting into too much detail, discourse analytics has a particular focus on transcribing sound, silence, and intonation through symbolic markers that indicate variations in these elements. In Sullivan’s own words, “I revisited my transcription procedure and adopted methodologies that sociolinguistic variationist utilize wherein I transcribed the “standard” dictionary orthography of the utterance, in addition to an IPA representation of relevant items, but also noted in a separate coding schema whether or not the item contained vernacular pronunciation or morphosyntactic features. This insured that my transcription was narrow enough to represent the interactional features that were essential on a pragmatic, discursive level but my coding scheme included the relevant dialectal features that represented the speakers’ voice.” (66) See work by Barbara Johnstone for further reading.
Developed in 1877, the stenotype was created long before the accessible use of audiovisual recording and solved the pressing problem of systematically typing shorthand. This machine calls for a phonetically-based process, which, in theory, allows for faster documentation in unfolding discourse. However, considering the cultural biases of listening which were covered in chapter two, what does it mean that a sound-based typography—not even a primarily semantic one—is what creates official legal transcripts? Clearly, Sullivan’s process and resulting transcript had the opportunity to undergo multiple iterations that resulted in a methodologically-sound transcript which goes through great pains to represent Jeantel’s African American Vernacular English (AAVE) appropriately. Because we now have easy access to audiovisual recording which was not available at the time of the stenotype’s invention in 1877, it seems that a process based more fully on recording may make more sense if the ultimate end goal is to create a more fully-vetted document. However, Coffey’s version, which is based entirely on a shorthand transcription of sounds is, and will continue to be, the official version that will be turned to should any appeal ever materialize. Of critical importance, and certainly without much surprise, Coffey’s transcript bears errors that make this official transcript dangerous to any future action concerning the death of Trayvon Martin.

Errors in the “What” and “How” of Official Court Transcripts

Beginning where the second chapter left off--with moments of mishearing--we need only turn to a moment in Coffey’s transcribed proceedings, approximately ten minutes into Jeantel’s initial examination by prosecution lawyer Bernie de la Rionda, to understand how this mishearing translates into official State documents:

de la Rionda:  Okay. Then what happened?
Jeantel:       And then he said the nigger still--
The Reporter: I can’t hear you.
Jeantel: That nigger is still following me now.
de la Rionda: That he’s still following him?
Jeantel: Yes.
de la Rionda: Okay. Use a word to describe--
A Juror: Wait.
The Court: Let’s go slowly.
A Juror: I didn’t hear.
Jeantel: Now the nigger’s still following me.
de la Rionda: Pardon my language, but did he say the word--pardon my language, did he used word nigger to describe the man now?29
Jeantel: Yes.
de la Rionda: Okay.
Jeantel: That’s slang.
de la Rionda: That’s slang?
Jeantel: Yeah. (17)

As explored in Chapter Two, Jeantel knows that her usage of “nigga” is different than using the slur “nigger.” Relying on the African American Vernacular English (AAVE) use of “nigga” as a way to demarcate, in her words, “any male,” it is significant that the transcript standardizes this conscious linguistic choice, transforming the colloquial “nigga” into “nigger”--a racial slur directed only towards black people. This standardization completely transforms the meaning of her testimony into one that seems inconsistent--after identifying Zimmerman as a “creepy-ass cracker,” this new description as “nigger” rather than “nigga” turns Jeantel’s testimony into one of contradictions. Considering the fact that Coffey’s transcript is specifically and solely sound-based because of the use of the stenotype, it is especially interesting that “nigga” is still standardized to “nigger.”

This decision on the part of Coffey is the difference between what Mary Bucholtz calls a naturalized and denaturalized transcript. In naturalized transcription, the spoken word is transcribed in order to be easily read--it is transcribed with ease of reading in mind, with “the

29 At this point, Jeantel had already testified that Trayvon Martin had described Zimmerman as a “creepy-ass cracker.” To this audience, “cracker” and “nigger” could not possibly be used to describe the same person, as they are racial slurs describing a white person and a black person, respectively.
privileging of written over oral discourse features.” (Bucholtz 1461) As in the case above, the problem with this form is evident: in non-standard dialects, the standardization of speech for ease of reading can produce entirely different meanings. The alternative, though, does not provide a much more attractive option. In denaturalized transcription, speech is written as faithfully to speech sounds as possible. Though this may sound like an option that could solve certain scenarios, such as this “nigga” versus “nigger” issue, denaturalized transcription ultimately serves to make speech strange, sometimes almost unrecognizable by untrained eyes.

Attention to the tension between these options is not new. Though literature does not have the same grounding or function as real-time transcription, similar arguments over essentially “naturalized” and “denaturalized” literary dialogue have been brewing since the creation of America. As the American post-bellum period came to fruition, representing regional, classed, and raced dialects was an American literary obsession which was purposefully aimed at creating a unique national literary voice. Even at the cost of comprehensibility, dialect writers sought to represent the multifarious sounds of the United States voice on paper with varying degrees of success. Vitally, these representations were often performed by culturally edick members who “studied” the language and chose how to render its essence on paper. Though this practice was common in Gilded Age literature, it did not stop there. Literary theorist Michael North, in his cornerstone text The Dialect of Modernism, argues that “linguistic mimicry and racial masquerade were not just shallow fads but strategies without which modernism could not have arisen” (Preface). Further, he asserts that the white and black tension between this mimicry and masquerade were the very basis of the formation of two simultaneous modernisms: Transatlantic Modernism and the Harlem Renaissance. Despite the existence of a “white” and
“black” modernism, however, North argues that “The new voice of American culture...was very largely a black one” (7).

The story of modernism was often told through “acting black,” North says, and he argues that this is where we find the link between the white and black modernist movements. This connection, however, came at a high cost to African American writers of the Harlem Renaissance:

Linguistic imitation and racial masquerade are so important to transatlantic modernism because they allow the writer to play at self-fashioning. For African-American poets of this generation, however, dialect is a “chain.” In the version created by the white minstrel tradition, it is a constant reminder of the literal unfreedom of slavery and of the political and cultural repression that followed emancipation. Both symbol and actuality, it stands for a most intimate invasion whereby the dominant actually attempts to create the thoughts of the subordinate by providing it speech. Even more ironically, when a younger generation of African American writers attempted to renew dialect writing by freeing it from the cliches Johnson criticized, fashionable white usage of the same language stood in their way as a disabling example. (11)

That is to say, that because of the new-found freedom of expression that white writers found in appropriation of the black vernacular, black writers were forced to abandon their own dialect in response. If we are to follow Henry Louis Gates’s tradition here, that means they were forced also to abandon their true way of Signifyin(g) on their experiences in the world--all while entrenched in a black literary movement.

This passage very clearly articulates the problem with all SAE-AAVE transcription, both in real-time scenarios and in imagined literary scenarios: whether the transcript (or dialogue) is naturalized or denaturalized, it is always inherently “a most intimate invasion whereby the dominant actually attempts to create the thoughts of the subordinate by providing it speech.”

Recalling the discussion of sociolinguist Deborah Tannen’s theory of “constructed dialogue” in chapter one--which claims that even when a speaker accurately describes a statement word-for-

---

30 See Henry Louis Gates’s *The Signifying Monkey*
word, it is always “appropriated” (Tannen 101) by the speaker and is re-presented in a context that is different from its original presentation with a new audience in mind--we can read written transcription as a process that is still wrought with these implications. In the case of a naturalized transcript, this speech is “provided” to the marginalized voice via a process of standardization, which transforms the message (as seen in the Jeantel transcript, and as explained by Gates’s theory of Signifyin(g)), and the denaturalized transcript provides a language that is so clearly othered that its message runs the risk of being lost entirely except by those trained in its reading. Thus, the what (the content) and the how (the form) that Bucholtz describes as the politicized pieces of the transcription process are both very clearly implicated in the “nigga”/”nigger” scenario above by Shelley Coffey’s naturalized transcript, and because it is a (selectively) naturalized transcript it is an especially obvious depiction of Coffey “providing speech” (North) to Jeantel. Apart from these missed messages based on a transcript being unable to accommodate for the cultural implications of a subtly different sound, there is another, equally problematic issue with misdocumentation in transcription: what about when the testimony is simply transcribed incorrectly--not because of a difference in interpreted cultural message, but because of a complete mishearing? Are the stakes different when there is an actual mishearing of racialized voice rather than a missed cross-cultural message?

In Grace Sullivan’s alternative transcript, she documents three such cases of complete and utter mistranscription (not including the absolute multitude of omitted and standardized words in the document). Of course, these errors are intimately tied to hearing--how could they not be?--but this is a different variety of mishearing, altogether separate from the cultural miscommunication of the difference between a racial slur and a slang term, and has much more
to do with straightforwardly mishearing a sound, and thus mistranscribing--creating a collection of errors not easily explained through a greater understanding of dialectal “slang.”

**Transcripts and Legal Impeachment**

Beyond the official court transcript, there were numerous other transcription issues that differently led to Rachel Jeantel’s diminished credibility. Prior to the court date, she had, unsurprisingly, already given several testimonies to police and to reporters. One of the interviews that was specifically problematic is referred to as “The Crump Interview” throughout these proceedings. According to Jeantel, she did not realize that the recording of this telephone interview would be released to ABC and other media outlets, nor did she realize that other parties apart from Crump would be present during the interview. In one of the many instances that The Crump Interview is invoked, Jeantel denies West’s readback of the interview:

West: In the [Crump] interview there was a discussion of this -- the interview, what I mean is the interview that Mr. Crump did of you on the phone that was recorded on or about March 19th. That’s the--

Jeantel: Yeah.

West: And in that interview you were describing for him what it was that Trayvon Martin said to the man, and you said --

Jeantel: He did not say this guy. He said -- he just asked what happened that night.

West: Right. And in response to that you said that Trayvon Martin said to the man why you following me, and the man’s response was what are you talking about?

Jeantel: I never said that. I did not say that. I don’t recall I said that. (Coffey 88)

Because Jeantel denies having said this statement, legal impeachment rules must follow: in proper impeachment, the witness is provided a written transcript of the previously-stated testimony. Upon reading it over, the witness can affirm or deny having stated this testimony, and then questioning proceeds from there. However, West does not provide a written transcript of

53
this testimony, explaining that he only has a CD recording. On these grounds, prosecution lawyer Bernie de la Rionda presents an “improper impeachment” objection because a written transcript is required for legal impeachment.31

Realizing the issues that have already been covered concerning cross-cultural transcription, even if there had been a transcript present for this instance, there is clearly no guarantee that it would have even been correct. Because transcription is necessarily tied to listening, it is not surprising that these transcription errors from various sources continually appear in the trial. Beyond identifying errors, though, we must consider the extra-linguistic stakes of these errors by considering which dialects are considered transcribable, and how this relates to ill-/literacy.

**Resistance and Illiteracy**

In the early stages of Jeantel’s testimony, during de la Rionda’s initial examination, the judge, jurors, attorneys, and court reporter Shelley Coffey stop the proceedings at least thirty-nine times (by my count) to ask Jeantel to repeat herself: they couldn’t understand, they couldn’t hear, she needed to slow down and speak up. Coffey herself is responsible for at least eighteen of these interruptions. The entire length of this examination was only thirty minutes, so these incredibly frequent interruptions were nearly back-to-back. Grace Sullivan also notes the incredible frequency of these derailing interruptions, which ultimately work to discredit Jeantel and make her appear unintelligible. Expanding on Sullivan’s assertions, I claim that legal interruptions such as these not only discredit speakers of AAVE and a host of other non-standard

---

31 Given more space, I would like to tie this to the need for court reporting on a stenotype. Though it seems as though actual sound recording would probably be a more effective tool for both transcription and impeachment, the legal system still has not embraced the developments in sound technology. The choice to maintain separation from sound technology certainly has implications for non-standard voices, as this entire project seeks to argue.
dialects, but also work to create a document which promotes non-standard cultural dialects’ subversive illiteracy as defined by Latin American cultural studies scholar Abraham Acosta in his book, *Thresholds of Illiteracy*:

> Illiteracy is not the property, characteristic, or identity of those who cannot read. Rather I use the term to express the condition of semiological excess and ungovernability that emerges from the critical disruption of the field of intelligibility within which traditional and resistant modes of reading are defined and positioned...In other words, illiteracy names irreducibly ambiguous semiosis that, through its active indeterminacy and critically destabilizing effects, at once reveals the ultimately contingent and arbitrary nature of the political order, vacates the very terms of dispute over which competing ideological claims are made, and collapses the field of intelligibility within which the debate is inscribed. I therefore read illiteracy as textual anomalies that emerge between and amid competing ideological appropriations of cultural texts, subverting the very economy of reading that serves as their normative, interpretive matrix. (9)

Thus, because of and in spite of the ruling political power of institutional SAE, Jeantel’s testimony creates a space and a document which troubles this very power structure through Acosta’s understanding of illiteracy. If illiteracy means “the condition of semiological excess and ungovernability that emerges from the critical disruption of the field of intelligibility within which traditional and resistant modes of reading are defined and positioned,” we can certainly read Jeantel’s “ungovernable” language usage as evidence of illiteracy. Ungovernable, as defined by the Oxford English Dictionary, means “impossible to control or govern.” Not only is Jeantel’s language “impossible to control” through the written language standards of SAE, it is “impossible to govern” through its ability to remain resistant even in the face of constant attack.

Despite Coffey’s incredibly frequent interruptions due to misunderstanding, her literacy\(^\text{32}\) is never questioned: Jeantel’s is automatically the one on trial due to her non-standard language and non-white body. In a symbolic representation that is a painfully perfect rendering of this situation, there is an infamous moment in which Jeantel is asked to read a letter she had delivered

\(^\text{32}\) “Literacy” in the traditional sense--not as in the opposite of Acosta’s illiteracy.
to Trayvon’s mother to explain the events of the day of his death. Because Jeantel admits to being uneasy with tears, and did not want to bear the emotional trauma that a meeting with his mother would bring, she decided to write down the events, instead. According to Jeantel, she had asked a friend to transcribe the letter for her. This friend had written in cursive, which Jeantel is unable to read. West was specifically asked not to make Jeantel read the letter; the judge as well as both attorneys already knew that she was unable to read cursive.

West: Ms. Jeantel. Let me show you the letter. It’s now marked as Defendant’s Exhibit 17, and let me then ask you a few questions about that.
De la Rionda: Your Honor, I’m going to object to this witness -- the letter. There’s a reason why, and I don’t want to make a speaking objection, but -
The Court: Okay. Well, please approach.

(A discussion was had out of the hearing of the jury as follows:)

The Court: You know, for later, juror movie request. What’s the objection?
De la Rionda: Mr. West is aware, having asked this witness in deposition, that this witness cannot read cursive. That letter is written in cursive, and if he wants this witness to read it, she is incapable of reading it.
O’Mara: Read it to her.
De la Rionda: Pardon?
O’Mara: Just read it to her.
De la Rionda: Just put on the record that she can’t. That’s in fairness to her. That’s all I’m saying. I don’t mind you reading it to her, but she can’t read it, as you’re well aware, from the deposition.
The Court: Don’t put her in that position, please.
West: I don’t remember that either. I thought that the witness had trouble writing it and she had someone help her write it. I’ll talk about that. I’m not trying to embarrass her.
The Court: Okay. Thank you. (116-117)

Clearly, Mr. de la Rionda understands the adverse effects that this could have on his witness’s credibility, and the judge recognizes that it would be uncomfortable to “put her in that position.” West, in seeming agreeance, concedes that he is “not trying to embarrass her.”
Despite these promises, no more than a minute later West is asking the following of Jeantel:

West: Are you able to read that copy well enough that you can tell us if it’s, in fact, the same letter?
Jeantel: No.
West: Are you unable to read that at all?
Jeantel: Some of it I do not.
West: Can you read any of the words on it?
Jeantel: I don’t understand cursive. I don’t read cursive.

Despite West’s acknowledgement that he did not want to embarrass her, he almost immediately brings her inability to read cursive to the attention of the jurors, which only serves to bolster the “uneducated” narrative surrounding Jeantel and makes her appear traditionally illiterate. Soon hereafter, West asks her if she is able to read print text, which further denigrates her perceived literacy. Considering that he was well aware that she was able to read because she had been reading documents from the evidence pool throughout the duration of her testimony, the choice to ask this question positions Jeantel in a space of perceived traditional illiteracy.

Despite all of this, Jeantel’s testimony and resulting transcript performs subversive activity by practices of Acosta’s illiteracy. In critical discourse on her testimony, she is essentially depicted as having been dismissed under the white institutional constructs of language and law, and there is, unfortunately, overwhelming evidence to support this. However, in comparing Coffey’s transcript to Sullivan’s transcript, I believe that there is a new way to understand her testimony, and to understand the testimony of all marginalized, non-standard voices in law.

---

33 In a personal but relevant sidebar, being unable to read cursive is not uncommon. Cursive is now often not taught in schools, and even when it is, it is often not reinforced after the initial instruction. In my time as a high school English teacher, I had to stop writing in cursive because my students in an upper-middle class school could not read my handwriting.
Illiteracy demands that we read the silences between the ideologies of reading. In this case, and at the supreme risk of over-simplifying the complex situation of the discourse surrounding Jeantel’s testimony, the two main ideological lenses that developed in processes of reading her were: 1) as a pathetic character who needs the attorneys’ constant manipulation as a means to make herself more articulate and 2) as a character sympathetic in victimhood because of the State violence enacted upon her. So what is missing between these spaces? I argue that while on the stand, Jeantel--and every other non-standard speaker--is doing much more than simply being acted upon; she is making SAE visible.

Critical Race Theory calls scholars to make whiteness visible. America is constructed in such a way that whiteness is the norm; its structures, peculiarities, and functions go largely unnoticed because they are the landscape upon which the country organized its institutions. Rachel Jeantel, in keeping her testimony consistent during constant linguistic attack, does just such work. By articulating her narrative only to be repeatedly misunderstood, she is forcing whiteness--in this case, the normativity of SAE, historically created by and in the interest of white citizens--into view. Further, she is also doing the work that Mary Bucholtz calls transcriptionists to do; she is creating “reflexive discourse analysis” by making visible the inevitably biased processes of creating a transcript even while in the face of a difficult and emotional time.
Conclusion

Disguised as “doing law,” cross-racial communicative practices—speaking, listening, and transcribing—leave marginalized voices largely defenseless against the normative power structures of Standard American English (SAE). However, the subversive work of these voices should not go unnoticed. In its difference, and in its communicative power, African American Vernacular English (AAVE) forces a visibility of the oppressive structures of whiteness in courtrooms across America. In white ventriloquy, AAVE loses its power—it is made to sound foreign, stilted, and uneducated. In the case of Jeantel’s testimony, it was even repeated specifically to call to mind images of violence and lawlessness that are often associated with urban spaces—with black spaces, as the white supremacist imagination has constructed. However, what power AAVE loses in the legal act of ventriloquy, it challenges in the spaces of listening and transcription.

Through Jeantel’s testimony, she displays the communicative abilities of AAVE in the courtroom by and through the moments of misunderstanding. Continually maintaining the story arc of the events on the day of Trayvon Martin’s death despite the frequent and derailing questions—“I can’t hear you,” “Could you say that again,” “What did you say”—of the court reporter, the attorneys, and the jurors, Jeantel’s testimony does important work in questioning the white structures of the legal system. Just because her story was not clear in this space does not mean that it was not clear—it simply means that the operating systems of the courtroom were not willing or able to read it, and the structures that prevented this legibility became clear by this disconnect.

It becomes obvious through juror Maddy’s musings post-trial that Jeantel’s time on the stand proves what critical cultural studies already knows: that racist bias is inseparable from the
white American and institution. But Jeantel’s testimony proves something more, as well: that “racism,” as normally construed through skin-color bias, reaches beyond skin color and includes voice and sound, as well. Thus, we are confronted with yet another way in which the American legal system protects whiteness: through operating in and championing Standard American English.

Work in this subject area is finally beginning to come together. Jennifer Lynn Stoever’s 2016 book, *The Sonic Color Line*, brings into focus the stakes of racialized space that sound and voice operate in. She begins the critical conversation surrounding sonic blackness through literary phenomena, but frames it in and expands into law, even into the George Zimmerman Trial, specifically:

[The sonic color line] is when you are a 19-year-old girl (Rachel Jeantel, Sanford, Florida) testifying about the loss of your good friend—Trayvon Martin, shot to death by neighborhood vigilante George Zimmerman—a death you heard through Martin’s cell phone, but you cannot get through a sentence of testimony without being tone-policed, told to repeat yourself, reprimanded to speak louder, and essentially asked to serve as your own translator for a predominately white jury. When witnesses do not—or cannot—aurally conform to the sonic color line…the stakes are high; they risk being silenced by lawyers, reprimanded by judges, misinterpreted by court reporters, and tuned out by predominately white middle-class jurors…Perhaps most insidiously, Bradley’s and Lovett-Pitts’s experiences tell us, the sonic color line fractures Americans’ simultaneous experiences of the same spaces. It enables segregation via sonic protocol as we live, work, study, and raise children side by side in fractured, unequal spaces that seem ostensibly—and legally—“free,” “open,” and “equitable” for everyone. (278-279)

Stoever’s work, a robust, comprehensive study on race and sound, is brilliant. It makes the much-needed connections between the biased listening ear, the existing American institutions, and the danger of “aberrant” sound. But in my research, I hope that I have pulled this even farther—not only is aural space racialized, with black speech and sound dangerously Other, it is racialized in a particular way when sounded in legal space.
In recent histories, we are able to see and understand that black voices are readily silenced and/or skewed in legal space, especially when police are involved. Institutional powers cannot or will not hear the truths that black voices tell, the truths of Sandra Bland or Trayvon Martin. But there is a uniqueness in the way by which they are authorized to do so: it is not only the biased listening ear, or the structures of the sonic color line that account for this injustice, but it is also very act of doing law that continually protects whiteness and condemns blackness, both in body and in speech. As I have studied, I would like to promote the idea that legal space bends aural space in ways that are different from the day-to-day experience of sound; by simply performing the processes of law, America creates an explicitly state-sponsored aural discrimination.

The ventriloquizing of black speech by white attorneys in Jeantel’s testimony was accepted not simply because the listening ear of the court matched the listening ear of the attorneys; it was accepted because legal performance and institutional power make this appropriation credible. The difficulty in hearing Jeantel was not born simply from an impassable sonic color line, but rather from an audiovisual conflation of her testimony with her positionality as a young black woman who could not (or would not) conform to the legal tradition of the civil rights widow framework, despite her inherent place outside of it. And the apparent task in transcribing Jeantel only served to prove one thing: as Stoever puts it, “the listening ear’s limited range creates the conditions for its own undoing” (279). The whiteness that the legal system defends, the whiteness that Standard American English was born from, must be addressed. It must be named, made strange, made particular, made non-normative, and the legal stakes of this project cannot be overstated. In a nation whose legal system was built to protect whiteness, this work of contouring the listening ear’s limited legal capacities grows more urgent with each
passing day as we find ourselves seemingly fastened in a time in which Trayvon Martin’s screams—his universally-understood sounding of distress, his last-ditch vocalization to be saved and enfolded into a protective (aural) space—are legally dismissed upon the acquittal of his killer.
Works Cited


Sullivan, Grace. *Problematizing Minority Voices: Intertextuality and Ideology in the Court*


