The mandatory use of English in the federal court of Puerto Rico [1]

1.0 Introduction

English in Puerto Rico has had a decidedly peculiar history (Pousada 1999). Imposed upon the populace via a long series of chaotic language policies beginning with the U.S. military occupation in 1898 at the close of the Spanish-American War (Negrón de Montilla 1993), the language is a mandatory subject at all educational levels, often listed under job requirements in want ads, and omnipresent in commercial signage. In contrast to Spanish, the language of everyday discourse viable in all social domains, English is primarily utilized in rather exclusive domains like business transactions with American firms, private English-medium schools, some academic conferences, university science classes given by foreigners, the military, the postal system, the tourist industry, and within return migrant communities.

Despite many efforts over the past 107 years to transform the Puerto Rican people into "bilingual citizens" (Fajardo, Albino and Báez 1997) and despite the legal status of English as co-official language along with Spanish, 45% of the island's population indicated on the 2000 Census that they did not know the language at all, and only 16% felt that they spoke it well. There is a strong statistical correlation between higher social class and superior English proficiency (Gutiérrez 2004a); however, even among professionals and intellectuals who are highly competent English users, there is a pervasive under-

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rating of English competence and a strong preference for Spanish in daily interaction (Pousada 2000, Vélez 2000).

Viewed simultaneously as a tool of economic advancement and an instrument of ideological repression, English is perceived by many Puerto Ricans as a necessary evil that poses a threat to Spanish and to the Puerto Rican culture (Rua 1987, Comisión de Educación, Ciencia y Cultura del Senado de Puerto Rico 2004). Defense of Spanish is on the agenda of all three political parties, regardless of whether they advocate independence, continued Commonwealth status, or statehood. Nevertheless, even staunch hispanophiles do their best to send their children to schools in which English is emphasized (sometimes to the exclusion of Spanish), so that their economic futures may be assured.

Puerto Rican cultural identity is tightly bound to the use of the Spanish language. The members of the local elite who go to English-only schools, travel extensively in the United States, and work in U.S. enterprises are often criticized for being cultural assimilationists, piti yanquis (little Yankees), or even outright gringos. Occupying the opposite end of the social spectrum are the return migrants or so-called “nuyoricans” who can be found all over the island but are clustered in urban areas around San Juan and Bayamón (Pousada 1994). While fluent in English, they receive considerable criticism for their lack of standard Spanish proficiency.

The linguistic dilemma (Pousada 1996) faced by every Puerto Rican on a daily basis is brought to a climax in the one setting in which English is absolutely

mandatory--the U.S. District Court. Although the federal judges, court personnel, prosecutors, attorneys, and jurors are almost all native Spanish speakers, they are legally required to be competent in English because the proceedings are held in English. The language requirement is implemented through a written, multiple-choice and essay test for attorneys and a jury application form which automatically disqualifies candidates who are not English-proficient. This has clear constitutional implications given that it restricts jury participation to a small, generally upper class minority (Gutiérrez 2004b) and calls into question the guarantee of “a jury of one’s own peers.”

In addition, plaintiffs, defendants, and witnesses are almost always Spanish speakers with varying degrees of English proficiency whose oral expression is invariably their weakest skill. As a result, many are forced to resort to court interpreters to function within the federal court environment on their own native soil, even though all parties present speak Spanish. Typically, the court interpreter provides simultaneous interpretation into Spanish for Spanish-speaking defendants or plaintiffs through headphones and consecutive interpretation into English and Spanish over open mikes when witnesses are responding to questioning. Everyday court proceedings thus become as complex as a session of the United Nations.

The absurdity of this artificial language policy has not escaped the notice of critics who have attempted over the years to challenge it in the interests of equity. Such efforts have been unsuccessful so far, yet periodically the debate is reopened. The importance of the controversy has grown in recent years as the

federal court has increasingly taken on cases that go beyond the federal rights and interstate or international interests for which it was presumably created. More Puerto Ricans are bringing cases to the federal court and thus coming into contact with the English-only policy.

This paper briefly traces the history of the language policy from the creation of the District Court of Puerto Rico in 1900 to the present time. Its major objective is to demonstrate why a switch to Spanish as the operating language would be congruent with prevailing notions of civil or human rights, as well as with the basic tenets of good language planning.

2.0 The historical development of the District Court of Puerto Rico

Soon after the arrival of the Americans in 1898, the United States Provisional Court for Puerto Rico was established to deal with federal, interstate, and international matters and local civil actions involving more than $50.00 (General Order #88). All Provisional Court officials were Americans, as were many civil plaintiffs, while most defendants were Puerto Ricans. The language of the Provisional Court was English, and Puerto Rican lawyers who did not know English could apply for permission to use their own interpreters during proceedings. The first jury trial was heard on September 20, 1899, and the all-male jury consisted of members of the Puerto Rican, Spanish, and American elite that utilized English as a lingua franca for their business dealings (Baralt 2004, p. 97).

The Provisional Court was replaced in 1900 by the U.S. District Court for the "District of Porto Rico" when the U.S. Congress passed the Foraker Act to establish a civil government for Puerto Rico (Organic Act of 1900. Chap. 191, Sec. 33, 31 Statutes, 84. Historical Documents, 43-44). The federal court would deal with federal rights, constitutional concerns, bankruptcy, U.S. criminal law, maritime law, appeals, writs of error and certiorari, and removal of causes. District Court judges, U.S. Attorneys, and District Marshals were to be appointed by the President of the United States for four year terms. In contrast with other federal district courts, the judges and U.S. attorneys did not have to be residents of the jurisdiction in which they served, and the federal judge was not appointed for life. In addition, federal court expenses and salaries had to be covered with funds from the Puerto Rican Treasury, although fees, fines, costs, and forfeitures would become revenues of Puerto Rico. All court proceedings had to be conducted in English.

The creation of the U.S. District Court (which was modeled after the Provisional Court and inherited all its cases and files) met with protest from the Puerto Rican legal establishment (Tapia Flores 1979). Puerto Ricans were not permitted to become District Court judges, and many of the American political appointees were sorely lacking in local knowledge. In 1909, legislators from the Chamber of Delegates of Puerto Rico presented a resolution stating that "the United States District Court for Puerto Rico has created in the country a feeling of hostility and mistrust; because its judges are totally ignorant of our historic legal traditions, they interpret our laws in a way that is oppressive and unjust to good

litigants." (Delgado Cintrón1980: 13). In 1916, the Puerto Rican Bar Association urged the abolishment or curtailment of the federal court in Puerto Rico for linguistic and legal reasons, arguing (among other things) that the judges' lack of Spanish proficiency increased misunderstandings and legal costs (Baralt 2004: 161). Puerto Rican attorneys were also annoyed with the language requirement since it was difficult to fulfill the conditions of the Foraker Act which called for a jury pool of at least 300 qualified citizens. More than once, the failure to find enough qualified jurors led the prosecution to petition for an exception (Baralt 2004: 388).

The passage of the Jones Act in 1917 (Organic Act of 1917, Ch. 145, Sec. 5. 39 Statutes 955. Historical Documents. 75-77) brought new contradictions. Puerto Ricans were now to be U.S. citizens, and Puerto Rico was granted local autonomy in the administration of internal affairs. Nonetheless, the Governor was appointed by the President of the United States, not elected by the Puerto Rican people, and Puerto Ricans could not vote in U.S. presidential or congressional elections. In addition, the Jones Act ratified beyond the shadow of a doubt that as long as the island was under U.S. sovereignty, there would be a Federal District Court to judge:

> …all controversies where all of the parties on either side of the controversy are citizens or subjects of a foreign State or States, or citizens of a State, Territory, or District of the United States not domiciled in Puerto Rico, wherein the matter in dispute exceeds, exclusive of interest or cost, the sum or value of $3,000… (Organic Act of 1917, Ch. 145, Sec. 41, 126-127)

The Jones Act further provided that federal court expenses and salaries be paid from federal revenues, as in all other U.S. District Courts, thus removing one of the major objections to the federal courts in Puerto Rico. However, local opposition to the use of the English language was not addressed, and all proceedings continued to be conducted in English.

In 1950 the U.S. Congress approved the Puerto Rico Federal Relations Act (Public Law No. 600) which authorized the people of Puerto Rico to draw up a constitution for local self-government. With the approval of the Puerto Rico Federal Relations Act in 1950, Congress converted the Puerto Rico U.S District Court into a constitutionally-based Article III Court (28 United States Code 119), giving life tenure to judges and permitting appointment of Puerto Ricans to the bench. It should be noted here, parenthetically, that in 1961 when there was an opening for a new federal judge, the Bar Association of Puerto Rico requested that appointments to the federal judiciary in Puerto Rico should give preference to Puerto Rican candidates, bringing the issue of language up for discussion once again. "The inherent difference in the historical background, tradition and culture, would make it desirable to have only bilingual Puerto Ricans nominated for federal judgeship positions." (*El Mundo* 1961: 6). This recommendation was ignored at the time, but at present, all of the District Court judges are Puerto Rican.

In 1952, the new Constitution of the Commonwealth of Puerto Rico was ratified by the Puerto Rican citizenry in a public referendum and approved by the U.S. Congress with certain amendments. On July 25, 1952, the Constitution went

into effect under the watchful eyes of a locally-led federal District Court. President Truman appointed Clemente Ruiz Nazario as the first Puerto Rican federal District Court judge.

The new Commonwealth status brought into question the applicability of federal laws in Puerto Rico. Since Puerto Rico was no longer officially a territory or possession, nor was it a state, then arguably federal laws and institutions related to territories, possessions, and states would not apply to Puerto Rico. The basic argument was that prior to the Puerto Rico Federal Relations Act the government of Puerto Rico was "an agent of Congress," and thus a state law was implicitly a federal law under the Fifth Amendment (Baralt 2004, p. 311). Under the new Constitutional system, the federal court should no longer have jurisdiction and its continued presence in Puerto Rico appeared to signify that Congress was illegally retaining control of the island.

Questions regarding the District Court's function on the island continue to be raised even today, especially given a historical pattern of decisions that served to reinforce U.S. domination of the island and to discourage independentist, nationalist, and trade unionist activism. However, proponents of the District Court feel that:

> …if you believe, or claim to believe, in a permanent place for Puerto Rico under the American flag and under the United States Constitution, you should concede happily that this Court's place in the scheme of things is appropriate, necessary and legitimate. (Cabranes 2004, p. 5)

In the absence of any resolution of Puerto Rico's political status in the direction of independence, this argument would appear unassailable.

3.0 Linguistic and cultural issues in the courts of Puerto Rico

In 1902, the Official Languages Act was passed. [2] This law was primarily intended to protect the interests of the English-speaking colonial administrators; however, it established the legal equality and interchangeability of Spanish and English in government functions. It stated that:

> all State Government departments, all courts on this Island, and all public offices shall use the English and Spanish language indistinctly; and translations and oral interpretations from one language into the other shall be made when necessary such that the parties may understand any proceeding or communication in those languages. (Alfaro 1986: 367)

Nevertheless, in actuality, the state and municipal courts of Puerto Rico utilize Spanish, a practice confirmed by the Supreme Court of Puerto Rico which ruled in 1965 that:

> Spanish being the language of the Puerto Ricans, the judicial proceedings in our courts must be conducted in Spanish, but the judges will take the necessary measures which may be necessary, in the protection of the rights of any accused who does not sufficiently understand our language, so that he as well as his lawyer, an integral part of an effective defense--be informed, through translators or any other means, of everything that transpires during the proceedings, and the record shall so reveal it. (Pueblo de P.R. v. Tribunal Superior, 92 D. P.R. 696-7,1965).

In contrast, Rule 6 of the Federal District Court rules for Puerto Rico states: “All documents not in the English language which are presented to or filed in this Court, whether as evidence or otherwise, shall be accompanied at the time of presentation or filing by an English translation thereof, unless the Court shall

[2] In 1991, this law was revoked by the Commonwealth party, and Spanish was made the sole official language. In 1993, fulfilling a campaign promise, newly elected governor Pedro Rosselló of the Statehood party revoked the Spanish-only law and with Public Law 1 returned English to its co-official status.

otherwise order." And later on: "Whenever a case is removed to this Court, there shall be filed with the transcript of record an English translation of all papers."

It should be noted here that the federal court of Puerto Rico is the only court in the federal system which specifies that all defenses and proceedings in must be in English. Recognition of the absurdity of the English requirement can be seen in the initial rules of proceedings (no longer in force) for the District Court of Puerto Rico when it was created on Sept. 15, 1900. These required that all pleadings had to be in English, but pragmatically permitted the use of Spanish for addressing the Court or the jury with mandatory interpretation of those exchanges into English (Puerto Rico Reporters, Vol. 1).

According to Géigel (1993: 4), as a result of the Spanish language requirement for the local courts of Puerto Rico, many continental lawyers residing in Puerto Rico do not litigate in local courts, and because of the English language requirement in the District Court, many Puerto Rican lawyers do not bring cases to the federal court. It should be noted that most classes in Puerto Rican law schools are taught in Spanish, and most texts are also in Spanish, with the exception of texts regarding Corporations, Torts, and U.S. Constitutional law. A Puerto Rican lawyer can get by with minimal knowledge of English unless he/she desires to argue cases before the federal court. Many lawyers who seek admission to federal court do it for the status that admission imparts, rather than as part of a genuine plan to argue before the court.

Given the high costs of federal litigation and the English requirement, relatively few of those accepted for admission actually end up practicing before

the court. Others may feel genuinely inhibited by a fear that their English is not good enough to argue effectively in federal court. In addition, Géigel (1993:18) points out, the interaction within the District Court follows U.S. norms in terms of speaking volume, timetables, level of supervision, etc., and this may be another reason why many Puerto Rican lawyers do not wish to appear before the federal court.[3]

Let us now look at some of the challenges to the English-only policy.

4.0 Challenges to the English-only policy

Language imposition often causes ethnic groups to develop an unconscious and universalized imperative against learning the imposed language (Giroux 1983, Resnick 1993, Medina 1994). In other words, Puerto Ricans may consciously or unconsciously resist learning English as a way of maintaining their native language and culture, which they perceive as being under attack by the United States.

This strategy is characterized by Resnick (1993) as "motivated failure." He argues that Puerto Ricans have accurately assessed that language spread may lead to language shift and eventual loss and have naturally resisted this process. What is truly remarkable is the fact that the capacity of Puerto Rican culture to resist the encroachment of English has been more powerful than the ability of language policy makers to bring about the planned spread (Vélez 2000).

[3] My personal observations of federal court proceedings indicate that most of the lawyers feel much more comfortable using Spanish and indeed do so in the hallways, while setting up or waiting for the judge to emerge from chambers, and in private conversations with clients and families.

Unlike the linguistically heterogeneous nation of Singapore where English (an ethnically neutral variety of no threat to local group identity) was successfully implanted for diplomatic, commercial, and technological communications, in Puerto Rico any policies favoring English have always been viewed with suspicion as potential attempts to usurp the vernacular (Medina 1994) and have been thwarted.

Given this situation, the English requirement in federal court is seen as an assault upon the essence of Puerto Rican culture which is the Spanish language (Delgado Cintrón 1990: 5). The offense has been exacerbated in recent years by the practice of "forum shopping" which has led to increasing numbers of filings in the District Court in order to obtain larger monetary judgments for cases that were traditionally dealt with in Spanish in the local courts. Among the issues brought to the District Court have been the excarceration of state prisoners, price fixing, abortion, jury verdict by majority vote, removal of squatters, distribution of federal food stamps, use of federal funds in education, rights of minors, civil contempt procedures, firing of university professors, rules for admission to practice law, rules for notarial practice, and student regulations of the University of Puerto Rico.

There have been many legal challenges to the English language requirement over the years, especially during the Vietnam War era when draft resistors argued that the Grand Jury was illegal and unconstitutional, since its members lacked sufficient knowledge of the English language, that the petit juries were not representative of the Puerto Rican community, and that

defendants were unable to assist in the appeals procedures because of their own lack of English competence (Baralt 2004, p. 357). Numerous bills, resolutions, and testimonies before Congressional committees were presented by members of all three parties in Puerto Rico, as well as key opinions in court cases. None were successful in changing the English-only policy. What follows is a brief presentation of some of these efforts.

After the 1956 general elections, Governor Luis Muñoz Marín and the Popular Democratic Party-controlled Puerto Rican legislature submitted a joint resolution to the U.S. Senate on February 25, 1958 requesting a bill that clarified the nature of the Commonwealth so that Puerto Rico would not be classified as a territory. Paragraph (b) of Article XIII of the bill called for the holding of District Court proceedings in Spanish, with the consent of all parties involved. Unfortunately, there was a lot of resistance in the Congress, and the bill was eventually withdrawn from consideration.

In *United States v. Feliciano-Grafals* (309 Federal Supplement 1292, D. Puerto Rico 1970), the defendant, a conscientious objector, wanted to waive his right to a jury trial since he felt that a Puerto Rican jury would not be capable of following a trial in English as well as they could in Spanish. This motion was denied. At the end of the trial, the defendant was found guilty and sentenced to one year in jail. However, in an act of solidarity, Judge Hiram Cancio reduced his sentence to one hour in jail which was served in the U.S. Marshal's office. Cancio further revealed his sympathies for overturning the English language requirement in 1972 when he testified before a Senate subcommittee. He urged that all trials

in Puerto Rico should be conducted in Spanish “unless the use of the English language becomes pertinent.” (*El Mundo* 1972: 1A).

By 1977, all three political parties on the Island were insisting on the use of Spanish in the District Court of Puerto Rico. A U.S. Constitutional and Civil Rights subcommittee was involved in discussion of the Court Interpreters Act which provided interpreters for any person actively participating in federal court who did not speak or understand the English language or had a hearing or visual impairment. Resident Commissioner Baltasar Corrada del Río attached a bill amending Article 42 of the Federal Relations Act to allow the optional use of Spanish in federal court in Puerto Rico. His addition was not accepted as part of the Court Interpreters Act.

In 1978, Corrada del Río submitted H.R. 10228, the Puerto Rico Translator Act, which called for both Spanish and English to be allowed during initial proceedings in Puerto Rico. In later stages, cases would be dealt with in English unless the defendant in a criminal case or both parties in a civil case requested that the proceedings be conducted in Spanish. In support of the bill, he reported 1970 census figures and court statistics indicating that 57.3% of the population in Puerto Rico did not know English, and 75% of criminal defendants in federal court needed an interpreter.

The bill was approved in the House and sent to the Senate; however, the new Chief District Judge, Hernán G. Pesquera, opposed the use of Spanish since he felt that it discriminated against English-speaking attorneys, that the number of cases heard in federal court would increase, and that federal criminal

laws written in English would have to be translated into Spanish increasing the cost and the delay. First Circuit Judges Frank M. Coffin and Levin H. Campbell testified that using Spanish would make appeals more difficult since most of the Circuit Court judges were not fluent in Spanish, and visiting judges would not be able to work in Puerto Rico. (Baralt 2004, p. 394). With all this learned opposition, the bill never made it in the Senate.

In the 1989 case of Filiberto Ojeda Ríos (well-known leader of the pro-independence Macheteros), Judge Carmen Cerezo proved her ability to impart justice in Spanish when she permitted the defendant to represent himself and address the Court and the Jury in Spanish without interruption for interpretation. As a result of his eloquent defense, the jury acquitted him of the charges of using a weapon while resisting arrest.

Space does not permit further analysis of specific cases; however, the basic arguments of the attempts to overturn the English language requirement can be summarized as follows:

1. District Court proceedings should be in Spanish because it is the vernacular of Puerto Rico, and very few Puerto Ricans know English well enough to utilize it in a formal setting such as federal court.

2. Puerto Rico's District Court judges should be bilingual Puerto Ricans in order to address the linguistic and cultural realities of the residents of the island.

3. The English-only policy critically limits jury selection[4] and results in non-representative juries which is a violation of due process. It also restricts choice of criminal defense attorneys.

4. The English-only policy creates a 40-50% delay in the proceedings due to the need to interpret everything that is said.

5. The language used in the District Court should be according to the defendant's or plaintiff's preference.

5.0 An alternative language policy

The most logical resolution to the problem of language in the U.S. District Court in Puerto Rico would be to permit that all proceedings be carried out in Spanish with mandatory translation into English of all written records for the purposes of later appeals and provision of court interpreters for the few English monolingual speakers who appear before the court. This would be beneficial for Puerto Rican lawyers, since language is their most important weapon in court, and arguing in a foreign language means a loss of verbal agility and nuance, which may adversely affect the success of their client's case.

The language used in the Federal District Court is also a matter of simple human rights. Prohibiting the use of the mother tongue of the great majority of Puerto Ricans runs counter to Article 1 of the United Nations Charter (1945) which demands respect for fundamental liberties and prohibits discrimination based on race, sex, language, and religion. In the words of Puerto Rican jurist

[4] In 1976, in *U.S. v. Ramos Colón*, the court found that 83% of the potential jurors who had returned the jury duty questionnaires were disqualified for insufficient English. (415 Federal Supplement 459, 462, 1976).

Alfonso García Martínez (1985), the existing language policy is indeed a case of "linguistic imperialism" and almost unique in an increasingly decolonized world. Tapia Flores, former president of the Puerto Rican Bar Association, put it even more bluntly on November 22, 1978 when he pled before the Subcommittee on Civil and Constitutional Rights of House Committee on the Judiciary of the Congress of the United States:

> It is really unbelievable that such gross injustice as the outlawing of our Spanish language in the US Court in PR could have lasted so long. Besides the intrinsic injustice of the situation as it is, the use of the English language is contributing to the erosion of the language unity of the P R people and has a direct bearing in creating conditions favoring acculturation in the direction of anglicization, all of which can only favor a certain political solution of our status question. (1979, p. 334)

What arguments have been offered against using Spanish in the federal district court of Puerto Rico? The most often cited argument is that voiced in the 1968 case of *U.S. v. Valentine*: "… no Continental American court, federal or state, has ever conducted its proceedings in any language other than English." (288 Federal Supplement 957, 963).

However, in 1989, the seven judges of the Puerto Rico District Court drafted what is perhaps the most comprehensive set of objections. In response to Senate Bill 711 proposing that Congress enact legislation requiring the U.S. District Court of Puerto Rico to conduct proceedings in Spanish with simultaneous interpretation into English for those parties that required it, the judges established their opposition for the following reasons:

> (1) Introducing Spanish would make the Puerto Rico district court an "isolated entity in an otherwise unified federal system."

(2) Instituting a Spanish language option would require hiring 25-126 full-time translators, and the cost would be prohibitive ($3-4 million for the first year).

(3) Processing Spanish language appeals would result in a 4.5 month delay.

(4) Since the District Court of Puerto Rico is an Article III court, there is a constitutional imperative to use English.

(5) Since the seven judges are bilingual, they currently review and correct the consecutive interpretation for non-English speaking individuals on the spot, which could not be done with simultaneous interpretation via headphones.

The resolution was greeted with great uproar in Puerto Rico by all parties, since the island was in the middle of preparing for a plebiscite regarding political status, and using Spanish in the federal court was part of the platform of the Popular Democratic Party. Let us look at the responses to the judges' objections one by one.

(1) The issue of the isolation of Puerto Rico was rejected by virtually all analysts who basically stated, as Benítez (1989) put it, "Viva la diferencia." Puerto Rico has always been an anomaly in the U.S. system, and it was time that this was recognized and accepted.

(2) The costs and personnel needs mentioned by the District Court judges were questioned as being totally exaggerated, as well as being beside the point when the real issue was justice. Judge Hiram Cancio (1989) argued that only a small percent of cases are appealed to First Circuit Court in Boston, and the appeals court only looks at the material being appealed, not the entire case which means that the amount to be translated is actually less. At present all

proceedings are orally interpreted into Spanish because Spanish-speaking defendants and witnesses always require it, so double work is being done. Having the proceedings in Spanish would eliminate that double processing, except in the cases of appeals or of English-speakers. It would also save time.

Currently, five full-time interpreters provide consecutive interpretation into English for Spanish speakers in federal court, supported by a number of bilingual secretaries and court reporters. If the proceedings were done in Spanish, they would no longer have to interpret everything from English to Spanish, but would rather interpret (at a much lower frequency) from Spanish to English for appeals and English speakers only. There could conceivably even be a savings overall. If more interpreters were needed, they could be obtained. (There are currently 35 certified court interpreters available to the district court, according to its web site.)

(3) Delays might occur; however, with modern technology, this could probably be minimized.

(4) The fact that the District Court is an Article III court has no bearing on the language used. The cases that go up for appeal to the First Circuit in Boston can be dealt with in much the same way as the appeals from the Spanish-language Puerto Rico Supreme Court to the English-language U.S. Supreme Court.

(5) The bilingual judges can just as easily impart justice in Spanish as they can in English. Consecutive interpretation could be done in English for anyone who required it, just as it is currently being done in Spanish. There is no need for

simultaneous interpretation, which would be more expensive and more difficult to staff.

Conclusions

To conclude, in 1900, the use of English in the Federal District Court of Puerto Rico may have made sense given the employment of non-Spanish speaking American judges. However, today, insistence on the use of English appears to have only one purpose: the reiteration of the sovereignty of the U.S. Congress over the Commonwealth of Puerto Rico.

Two basic criteria utilized in assessing a language policy's outcomes are functional adequacy and popular acceptance (Eastman 1983). A third criterion (Phillipson 1992) is the enhancement of the democracy, equality, autonomy, and overall well being of the people to avoid "planning inequality" (Tollefson 1991). Mandating the use of English in a court in Puerto Rico violates all three tenets, since it is inefficient and uneconomical, unacceptable to many Puerto Ricans, and does not conform to the basic principles of human rights recognized internationally. It is high time that this linguistic anomaly be corrected.

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