

On Judge Juan Torruella

José A. Cabranes

Judge Juan Torruella's death in October 2020 is mourned by all Puerto Ricans. He had a long and distinguished career on the federal bench, initially on the District Court of Puerto Rico, which for more than a century has enforced and embodied American law in Puerto Rico. He was serving as Chief Judge of that court when appointed by President Reagan to the First Circuit. He was the first (and thus far, the only) member of the First Circuit from Puerto Rico, which for a century has effectively been the federal court of last resort for the oldest colony in the world—a tribunal that in Puerto Rico enjoys a respectful mystique (and which the territory's popular press has always described, simply, as “Boston”).

Justice Breyer accurately identifies several aspects of the greatness of Torruella—as a judge, as a sailor of Olympic rank (and courageous exploits), as an historian, and as a musician. He was also a fine painter. Indeed, some years ago, when I visited him in the new, seaside U.S. courthouse in Boston—to which he occasionally commuted by sailboat from his second home in Duxbury, Massachusetts—I toured in his company the several courtrooms, to admire the oil portraits of the judges of the First Circuit. When we came to his portrait, he casually asked me, “What do you think?” I responded that I liked it—and he then revealed that it was a self-portrait!

It is entirely appropriate that the *Yale Law Journal Forum* has chosen to dedicate in Juan's honor a compendium of Essays on the *Insular Cases*, the Supreme Court cases from the beginning of the twentieth century that made possible colonialism under the Constitution and which he did much to disinter from the graveyard of American historical memory. Juan Torruella's place in the history of Puerto Rico and of the United States cannot be understood without appreciating

that he loved Puerto Rico and its people, that he loved the United States and its Constitution, and that he yearned for the incorporation of the island as a state of the American Union.

Some stateside obituary writers have been perplexed that a judge appointed by two Republican presidents (Ford and Reagan) should be considered relatively liberal. As it happens, Torruella's brand of anticolonialism is neither eccentric nor elitist. It is the perspective of the island's statehood movement, a uniquely American decolonization movement that took root at the beginning of the twentieth century among Puerto Rico's poor and today is broadly representative of all sectors of Puerto Rican society. If anything proves that there is indeed such a thing as "American exceptionalism," it is the vigorous anticolonial movement that this great Puerto Rican – this great American – brilliantly personified, one that seeks for Puerto Rico equality under American law.

José A. Cabranes is a United States Circuit Judge for the Second Circuit.