

COMMENTARY

By C. Donald Cole

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The Jury System

The jury system is frequently said to be the glory of the criminal justice system in our country. Here, criminal law is designed to protect the rights of accused citizens, especially the right to a trial by a jury of one's peers. There are serious defects, of course, such as difficulty in defining and finding peers, and assurance that ones peers will be smart enough to understand the evidence that is presented, and honest enough to base their decision on what it says.

The O.J. Simpson trial turned a lot of white Americans into cynics. They believed that Simpson was guilty of the murder of two people, including his wife, and that at his trial for murder the prosecution had presented overwhelming evidence in proof of guilt. Nevertheless, his mainly black peers acquitted him.

Many whites were outraged; they complained that the decision to acquit was racially motivated. Many blacks agreed; they said it was "payback" for the acquittal of 12 white men in Mississippi who had beaten a visiting Chicago black youth to death, and for other instances of unfair treatment in court . The evidence against the Mississippi Twelve was as solid as evidence against O.J. Simpson. But they got away with their vicious crime.

Why? For racist reasons. Juries are not always free from racial pressures. The jury that acquitted the accused men was composed of

12 white men like the men on trial. “Peers” was interpreted to mean “of like mind,” “educated in the same schools,” “socialized by the same people,” and so on. Evidence against the men on trial was unequivocal. Nevertheless, in Mississippi a twisted sense of what constituted unacceptable social conduct was willing to overlook the murder of a teenage black boy who didn’t know the rules. In California, smoldering resentment led to O.J. Simpson’s acquittal.

The jury system is not as good as it is touted to be. Like every government institution, it is only as good as the men and women who accept the call to be jurors. And these are generally only as good as their belief that they are God’s surrogates and as such judge for Him, not for society. For a serious treatment of government officials, including jurors, read Romans 13. God holds them accountable for what they do.

A defective jury system routinely makes it hard for prosecutors to secure convictions they feel entitled to. They may have to use a formula to seat a jury – so many whites, so many blacks, so many Hispanics, etc. I may exaggerate but you get the point. The formula system insults racial and ethnic groups if it is needed to protect the rights of the accused, as if to say that only his kind would be fair and just.

Someday, God himself will judge the world. Meanwhile, for the petty and more serious crimes that people commit, we have system that works imperfectly, but better than sinners have a right to expect.

For Moody radio I’m Don Cole.