The Jury as a Door-Opener to Race in O.J. Simpson’s Criminal Trial

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“There is hardly a political question in the United States which does not sooner or later turn into a judicial one.”
Alexis de Tocqueville

People vs. Orenthal James Simpson was in many respects a remarkable case. It had all the elements of a “trial of the century”: a high-profile defendant, two hideously slaughtered victims, and a “Dream Team” of defense lawyers. But most notably it was to be known as the trial that popularized the term “playing the race card” in a judicial context. Indeed, many, if not most of the spectators felt that the O.J. Simpson case was “all about race”—to use Alexis de Tocqueville’s paradigm, it was the case that brought America’s race relations into a courtroom and judged upon it.1)

1) In a 2009 analysis, it was found that out of a sample of ten introductory criminal justice textbooks with publication dates a decade or more after the 1995 trial, all ten texts refer to the case, and race was the factor most extensively discussed. (Six texts stated that race was an important factor in the case, three referred to the case as a possible example of jury
Given the case's status, it is thus no wonder that the body of literature that emerged during and after the trial is truly immense. It does, however, leave to wonder that most of these writings seem to presuppose a certain assessment of the verdict. The debate seems to be based upon the premise that the verdict was wrong, and that O.J. Simpson "got away with it." Working from this premise, the literature then seems to fall into two main categories: One side proceeds to argue that this wrongfulness of the verdict was caused by race, while the other claims that the wrongfulness of the verdict is excused thanks to race. Either way, they both agree that the verdict was wrong.

This paper does not side with either opinion. According to the concept of procedural justice which understands justice as a legal reality, O.J. Simpson was legally found not guilty, and since there is no possibility for appeal or retrial, he will remain so for the rest of his life. This is his and America's legal reality. This paper thus does not attempt to evaluate whether he factually committed the crimes or whether the jury was right or wrong in acquitting him. Instead, this


2) State vs. Snyder, 750 So. 2d 832, 864 (La. 1999) This expression was used when the prosecutor of State v. Snyder compared his case to that of O.J. Simpson in front of an all-white jury, insinuating that the defense in his case was trying to make them wrongfully acquit a murderer. The case became very controversial, and in 2008 the US Supreme Court found that the prosecutor by referring to O.J. Simpson had been attempting to play on racial bias as part of his trial strategy, causing the Court to conclude that the jury selection conducted by him (and resulting in the all-white jury) was equally race-based, Snyder vs. Louisiana, 128 S. Ct. 1203, 1206 (2008).