

**THE BLOG**

# OJ Simpson and Carol Platt Liebau

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By Marty Kaplan

06/01/2006 06:55 pm ET | Updated May 25, 2011

When a criminal jury acquitted OJ Simpson of murder, I couldn't figure out how they could let him walk. I didn't buy the argument that Johnnie Cochran had made the LAPD seem so incompetent that jurors were left with a reasonable doubt about Simpson's guilt. Nor did I see it as a classic case of jury nullification: there's nothing immoral about the law holding someone accountable for premeditated murder, and there was nothing immoral about applying that law to Simpson. The only way I could begin to understand the acquittal was that the jury was using the occasion of the Simpson trial to object to the injustice that jurors believed had historically been meted out to *other* African Americans, far less privileged than OJ Simpson, by the LAPD and the criminal justice system.

But hearing this argument enraged me. I could see any number of responses to the racial inequities of the justice system — abolishing the death penalty, hiring and promoting more cops of color, putting teeth into the oversight process, and dozens of other reforms proposed by blue ribbon panels — but I couldn't see acquitting OJ Simpson as a legitimate vehicle for registering this protest.

What quickly became apparent to me was the gulf between people who thought as I did, and people who defended the jury along these lines. I had never before encountered such a disconnect, such an inability to communicate across a chasm. Vietnam, abortion, and every other social/political debate I had previously encountered or participated in seemed at least to start from a place of mutual comprehension; however passionate the polar positions taken, it wasn't impossible to fathom the opposing values that led the other side to come down where they did. But in the OJ Simpson acquittal, I sensed for the first time that each side thought the other side was suffering not from a different value system, but from some kind of brain defect, a wiring error, an inability to process information. It was like trying to have a decent argument with an otter: both sides seemed to feel that this was, by very definition, impossible.

And that's where Carol Platt Liebau comes in. I'm impressed by the way a number of the commenters on her recent HuffPost about Haditha attempt to challenge her analysis and contest the elements of her argument. But I don't think that tack has a chance of working. It's like arguing with someone who acquitted OJ; it's like reasoning with a rutabaga. The whole enterprise is misbegotten.

Over the past few years, Americans who used to support George Bush have had the evidence of their own eyes to take into account, and as a result, they have deserted him in droves. I wish it seemed possible to engage constructively with his dwindling band of apologists. That's the dream of civil society: the notion that we can reason

together, find common ground, reach consensus, build coalitions, forge compromises. Instead, I fear that we are in an OJ moment once again, and that can't be good for the eventual national reconciliation we all have to be rooting for, somewhere down the line.

Don't get me wrong: I'm not arguing here for moral equivalence between wingnuts and moonbats. And I'm certainly not making the case against accountability; justice will be a prerequisite for healing. No, I'm just expressing sympathy with the "I don't know where to begin" reaction to the planet of the Carol Platt Liebaus, to the dead-enders and the thirty percenters who today orbit a dying star, but whose refugees will some day surely be asking for asylum.

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