

Repeat testimony

by [Beth Felker Jones](#) in the [May 25, 2016](#) issue



STILL POLARIZED: Kerry Washington plays Anita Hill in HBO's dramatized version of the Clarence Thomas confirmation hearings. ©2016 HBO. All rights reserved.

The tagline for HBO's *Confirmation* exults, "It only takes one voice to change history." Although the story of Clarence Thomas's confirmation as a Supreme Court justice is 25 years old, the film unsettles the viewer because it feels contemporary, and because controversy about the film mirrors the controversy in the 1990s over the actual event.

Confirmation is not quite a documentary and not quite fiction. It mixes footage from the '90s with a script that draws heavily on quotations from Senate hearings. It also includes fictional scenes. Wendell Pierce is formidable as Thomas, especially in delivering Thomas's statement that his treatment at his Supreme Court confirmation hearings amounted to "high-tech lynching for uppity blacks."

Kerry Washington gives a luminous performance as law professor Anita Hill, Thomas's former employee, who accused Thomas of harassing her. Washington shines in the tense sequences when Hill testifies before the Senate Judiciary Committee, detailing incidents of sexual harassment, including Thomas's infamous comment about someone putting a pubic hair on his can of Coke.

As Hill, Washington faces down the committee with steady dignity, telling her story in a hostile setting. She embodies the pain of a black woman answering to a committee of powerful white men who attack her character and ask humiliating questions. Her performance is tightly controlled and at the same time emotional—a

combination that captures the difficulties of facing the power imbalance that is being dramatized.

While the film has received many positive reviews, some viewers have condemned HBO for presenting a partisan misreading of history. A website called confirmationbiased.com claims to tell “the real story HBO won’t tell you,” and it claims to “correct” things it says the film gets wrong, insisting, for example, that since Anita Hill is the only person who testified against Thomas under oath, other women’s claims against Thomas were false. However, the film shows us that other women were prepared to testify against Thomas and reminds us that Joe Biden, chair of the Judiciary Committee, decided not to call them to testify.

It’s difficult to tell the truth in an era of partisan politics. The complaints about *Confirmation* reveal our lack of progress in dealing with sexual harassment and the entangled dynamics of gender and race that mark this year’s presidential campaign. The image of women as unreliable witnesses haunts our politics.

I was a teenager in 1991, and Hill’s testimony was my introduction to the way that gender and race come together to create bias that can’t be accounted for by racism or sexism alone. I remember people whispering about that can of Coke. I remember people dismissing Hill in much the same way that those complaining about *Confirmation* dismiss her.

Today my daughter is nearly the same age that I was then, and telling the truth about the intersection of race and gender is no easier to do now. But the film names some of the complications involved, perhaps more clearly than in 1991. It shows Thomas stating that as a black man he’s under a different kind of threat than a white man would be, and it has a scene between Hill and her lawyer recognizing the complications involved in Thomas’s invocation of race. The film acknowledges that fears about race shut down some voices that might have spoken up for Hill.

Our society is no less polarized than it was in 1991. The homogeneity of our decision makers is nearly what it was a generation ago. While HBO’s rhetoric about the film is hopeful, I don’t think it rings true. In spite of the dated suit she’s wearing, Washington’s performance as Hill feels current, and the negative reactions to *Confirmation* sound like reactions to the events of the 1990s.