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ON CONFIRMATION

LaToya Baldwin Clark*

On November 9, 2016, much of the world moved about in disbelief. Prior to November 8, 2016, most Americans, if we were to believe the polls, expected to experience a “first.” We expected to elect our first woman president, eight short years after electing our first black president. We expected the second person who was not a white man to ascend to the office.

One candidate, in spite of her faults, was arguably the most well-qualified candidate to ever seek the office—man or woman. The other candidate, made famous by entertainment and real estate, encouraged violence against his opponents, referred to people of color as rapists and thugs, disparaged people with disabilities, advocated for bans against entire religions, and championed xenophobia. Late in the campaign, we learned of a recorded bragging about the candidate’s ability to sexually assault any woman of his choosing. If women, as a group, viewed anything to be disqualifying, pussy-grabbing should have been it.

Prudently, we acknowledged that anything *can* happen, and a small chance *existed* that the racist, sexist, xenophobic candidate could win. But women, over 50 percent of the population, would never vote for a sexual predator, right?

I fully anticipated that on November 9, 2016, I would triumphantly tell my young black children that we, as a nation, elected our first woman president. I would, for sure, temper my enthusiasm with a stern, “This does not mean we are post-gender, just like we are not post-racial.” But I would allow myself to delight in the thought that my daughter, with her Black Girl Magic,¹ might see that she too could be president. There would have been a black man and a white woman president. I allowed myself to believe that a black woman was not far behind.

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1. CaShawn Thompson coined the term “Black Girl Magic.” See Dexter Thomas, *Why Everyone’s Saying ‘Black Girls are Magic,’* L.A. TIMES (Sept. 9, 2015, 6:33 PM), <https://www.latimes.com/nation/nationnow/la-nann-everyones-saying-black-girls-are-magic-20150909-htmllstory.html> [<https://perma.cc/ZQ6H-CYQU>].

I did not have that conversation with my children. On November 9, 2016, I somberly informed my children of the slow-motion calamity that rolled across our television screens the evening prior. These children only ever knew one president, and knew him to be smart, moral, and black. Until election night 2016, I parented to instill in my children ownership over this country. I implored them to imagine their role in the future of this nation and of our planet. And to not risk ambiguity, at every opportunity I pointed to the eventual office holder's clear and obvious shortcomings and failures—failures of racism, sexism, xenophobia and hate.

But on the morning of November 9, 2016, I explained to them how racism, sexism, xenophobia, and hate won.

I know many parents had this same conversation with their children. Friends told me about how their children cried upon hearing the news.

My children did not cry. Compared to my white counterparts, my declaration to my children was easier for me to make and easier for my children to receive. For I am not only a progressive liberal politically; I am a black woman and I stand intersectionally marginalized both by race and by gender. Malcolm X spoke of me as “the most disrespected person in America, the most unprotected person in America” and “the most neglected person in America.”² And my children are black boys and a black girl; they are overpoliced, over-disciplined, under-appreciated. We did not cry.

Confirm means to “establish the truth or correctness of something previously believed, suspected, or feared to be the case.”³ I had no difficulty explaining to them exactly how white supremacy and sexism won because my job as a black parent involves constant lessons on those very topics. Our discussion, then, moved quickly from the fact that our nation had failed by electing a symbol of hate, to the fact that the election confirmed an ugly truth.

2. This quote is taken from Malcolm X's “Who Taught You to Hate Yourself” a speech given in 1962 during the funeral of Ronald Stokes, a black man killed by a Los Angeles Police Department officer. See Bihibindi News, *Who Taught You to Hate Yourself—Malcolm X*, YOUTUBE (June 28, 2016), https://www.youtube.com/watch?v=sCSOiN_38nE; Mathew Rodriguez, *Here's the Malcolm X Speech About Black Women Beyoncé Sampled in 'Lemonade,'* MIC (Apr. 23, 2016), <https://mic.com/articles/141642/here-s-the-malcolm-x-speech-about-black-women-beyonce-sampled-in-lemonade#.MZh6PxFOy> [<https://perma.cc/DMV8-KD6N>].

3. *Definition of Confirm*, OXFORD LIVING DICTIONARIES, <https://en.oxforddictionaries.com/definition/confirm> [<https://perma.cc/NQ9P-PW9Z>].

The weekend after the 2016 election, I stayed up late to watch Saturday Night Live. I wanted to see how the show would handle the election results, given how it had mercilessly parodied the candidates, treating the election winner far less charitably than the loser. The episode featured as musical guest hip-hop pioneers A Tribe Called Quest (ATCQ) and, as host, comedian Dave Chappelle. These programmatic choices, likely made weeks before the election, proved prescient. ATCQ performed “We Are the People” off their then-newly released album, “We Got It From Here . . . Thank You 4 Your Service.” The chorus on “We Are the People” echoed themes of the President-elect’s racist rhetoric:

“All you Black folks, you must go
 All you Mexicans, you must go
 And all you poor folks, you must go
 Muslims and gays
 Boy, we hate your ways
 So all you bad folks, you must go”⁴

In his opening monologue, Chappelle remarked, “I didn’t know that Donald Trump was going to win the election. I did suspect it. It seemed like Hillary was doing well in the polls and yet—I know the whites. You guys aren’t as full of surprises as you used to be.”⁵

His statements—“I know the whites” and they “aren’t as full of surprises”—echoed the previous days’ conversations I had with other black people, especially other black women. We, black women, knew what happened. White supremacy happened. Misogyny happened. We, black women, were not surprised. We, while not defined by these “isms,” nonetheless live through them. We were not surprised.

On September 27, 2018, almost two years after election night 2016, we bore witness to another political spectacle, this time over eight hours of live television. On that date, we bore witness to one woman’s bravery as she did in public what many cannot do in private. On live television, Dr. Christine Blasey Ford spoke the truth and pain of her sexual assault at the hands of the U.S. Supreme Court nominee Brett Kavanaugh. Prior to her allegations going public, the U.S. Senate Judiciary Committee was poised to confirm to the Court the second man nominated by this President.

4. A TRIBE CALLED QUEST, *WE GOT IT FROM HERE . . . THANK YOU 4 YOUR SERVICE* (Epic Records 2016).

5. *Saturday Night Live*, (NBC television broadcast Nov. 12, 2016).

On September 27, 2018, Dr. Blasey Ford spoke that truth to power. Many of us could not help but have flashbacks to another brave testimonial—the 1991 testimony of Professor Anita Hill as she detailed the sexual harassment she experienced from another Supreme Court nominee, Clarence Thomas. If we are honest, Professor Hill faced a more challenging obstacle than did Dr. Blasey Ford. Professor Hill, a black woman law professor only thirty-five years old at the time, faced an all-white, all-male Senate Judiciary Committee, a Committee that was already facing accusations of racism. The Committee disrespected, failed to protect, and utterly neglected Professor Hill. Dr. Blasey Ford, by comparison, had several allies on the Committee, including white women and people of color who stood with her. And at fifty-one, she was more experienced than Professor Hill. I am not saying that Dr. Blasey Ford had it easy. She did not. But she had it differently than did Professor Hill. Dr. Blasey Ford stood at the intersection of gender as oppression, but whiteness as privilege.

On September 27, 2018, I engaged on social media with many people of all races and, most prominently, sexual assault survivors. As survivors of sexual assault, we all, regardless of race, identified with Dr. Blasey Ford's pain and saw in her our own hopes to one day be as strong and as brave. We all, regardless of race, cheered her on from our computer and cell phone screens, standing in solidarity with her, willing that she felt our support at her back.

During the two years between the 2016 election and the Ford-Kavanaugh hearings, #MeToo⁶ transformed from a hashtag to a social movement. Yet, despite its seemingly universal appeal for all women who experienced sexual assault to find solidarity with each other, the movement did not feel inclusive of all women with respect to our positions in the middle of multiple axes of privilege and oppression. The hashtag #SolidarityIsForWhiteWomen⁷

6. While Alyssa Milano is often credited with starting #MeToo in a 2017 tweet, the movement was actually started over ten years prior by Tarana Burke, a black woman concerned with sexual assault against black women and girls. Alyssa Milano subsequently gave her credit for the inception. See Najja Parker, *Who is Tarana Burke? Meet the Woman Who Started the Me Too Movement a Decade Ago*, THE ATLANTA JOURNAL-CONSTITUTION (last updated Dec. 6, 2017), <https://www.ajc.com/news/world/who-tarana-burke-meet-the-woman-who-started-the-too-movement-decade-ago/i8NEiuFHKaIvBh9ucukidK> [https://perma.cc/4WDP-482H].

7. Mikki Kendall created this hashtag as a response to “the long history of internecine feminist discord, one in which black women are obliged to suppress their needs in defense of white prerogatives.” Theodore Ross, *Mikki Kendall and Her Online Beefs with White Feminists*, VICE (May 29, 2014, 5:00 PM), https://www.vice.com/en_us/article/

represents this sentiment, taking white women feminists to task for the historical and contemporaneous erasure of non-white women's struggles, hopes, and priorities. While many of us women identified with Dr. Blasey Ford as a sexual assault survivor, her story particularly resonated as a *white* sexual assault survivor. She was a perfect "victim." White, reserved, educated, and dignified, she likely could fit into any of the social circles of Washington, D.C. elites. She could be a senator's wife or daughter or sister or family friend. She was different from Professor Hill—older, more credentialed, and, of course, whiter. If anyone would be believed, it would be her.

The break between Dr. Blasey Ford's testimony and Brett Kavanaugh's testimony gave us a chance to finally exhale. We took a break for ourselves, a break to get ourselves together, to be steeled and strong for when this man would, we knew, completely deny the allegations against him.

Our break ended in a collective gasp. The now-Justice Kavanaugh took his seat aggressively, clearly angry at what he had just heard. He radiated indignant outrage. Rather than address the allegations with the same reserved dignity Dr. Blasey Ford displayed as she recounted her assault—the type of dignity we might expect from someone seeking to hold the highest judicial office under our U.S. Constitution—Kavanaugh exhibited behavior characteristic of a child who for the very first time heard the word "no." He behaved like someone who believed he was entitled to the job he was interviewing for, as one would expect a person unaccustomed to having his privilege—his white, male, upper-middle-class privilege—challenged. As he boasted about how hard he worked to get to Yale Law School, I was reminded of another boaster, a now-President who often boasted of his superior intellect, the intellect that he believed proved that he deserved and was entitled to the office. Whether the allegations were or were not true (and to be clear, I believe Dr. Blasey Ford), now-Justice Kavanaugh behaved unlike anything we have ever seen during a job interview, just as the Presidential candidate behaved unlike anything we have ever seen during a Presidential campaign. We should not have been surprised.

For the powerful white men on the Senate Judiciary Committee, rejecting Kavanaugh should have been easier than rejecting Clarence Thomas, who famously described the circumstances around Anita Hill's testimony and his confirmation hearings as a "high-tech lynching."⁸ With race off the table, in the moment of Me

xd5aq3/their-eyes-were-watching-twitter-0000317-v21n5 [https://perma.cc/R99T-K5KQ].

8. Clarence Thomas made this statement during the hearings on Anita

Too, and with an opportunity to speak collectively against sexual impropriety (if they were not willing to do so against their president), the powerful white men on the Senate Judiciary Committee had an opportunity to say that All Women Matter. And they were given the perfect woman—a white woman—with which to do so. That did not happen. The same demographic—white men, educated, middle- to upper-middle-class—who voted for the current president⁹ confirmed Brett Kavanaugh to the highest judicial position under our Constitution, a lifetime appointment to decide what our Constitution means. (Unfortunately, Kavanaugh's addition to the Court creates a majority that may decide to overturn *Roe v. Wade*. The irony should not be lost on anyone that the job gives him the ability to tell women the extent to which the Constitution protects our bodily autonomy.)

If I dared to channel a white woman watching the hearings, perhaps at that moment I might be hopeful that Dr. Blasey Ford's story might move the powerful white men in that powerful room, men that looked like their husbands and fathers and brothers. I might be hopeful that Dr. Blasey Ford's story would encourage

Hill's sexual harassment allegations against him:

I think that this today is a travesty. I think that it is disgusting. I think that this hearing should never occur in America. This is a case in which this sleaze, this dirt, was searched for by staffers of members of this committee, was then leaked to the media, and this committee and this body validated it and displayed it at prime time over our entire nation . . . This is not a closed room. There was an FBI investigation. This is not an opportunity to talk about difficult matters privately or in a closed environment. This is a circus. It's a national disgrace.

And from my standpoint as a black American, as far as I'm concerned, it is a high-tech lynching for uppity blacks who in any way deign to think for themselves, to do for themselves, to have different ideas, and it is a message that unless you kowtow to an old order, this is what will happen to you. You will be lynched, destroyed, caricatured by a committee of the U.S.—U.S. Senate, rather than hung from a tree.

Flashback: Clarence Thomas Responds to Anita Hill, CNN (last visited Apr. 10, 2019), <https://www.cnn.com/videos/politics/2016/04/13/flashback-clarence-thomas-denies-anita-hill-testimony-1991-cnn.cnn> [<https://perma.cc/2AWY-NDW5>].

9. See e.g., Trip Gabriel, *As Suburban Women Turn to Democrats, Many Suburban Men Stand with Trump*, N.Y. TIMES (Oct. 13, 2018), <https://www.nytimes.com/2018/10/13/us/politics/trump-suburban-men-ohio.html> [<https://perma.cc/42CV-L2FT>]. The New York Times reported that while “[w]hite men without a college degree were Mr. Trump’s most reliable supporters . . . they made up only 33 percent of his total vote. College educated white men were also essential to putting him over the top.”

these powerful men to finally embrace the movement against sexual assault and say, to this particular white man, that the Court's integrity could not be held in question because of these allegations. Historically, white men moved to protect their wives, mothers, and sisters against men who allegedly sexually violated them; of course, that protection mobilized against alleged sexual assaulters believed to be black men. It should have been easier for the Committee. Unlike twenty-seven years prior, these men did not even have to *look* like they were engaging in a "lynching." They could say, to one of their own, "No."

I can imagine that white women experienced Kavanaugh's swift ascension not only as a grave disappointment, but as a grave racial betrayal. Dr. Blasey Ford was them—educated, privileged, innocent and white. If white men would not affirm and protect the perfect victim, what does that say about how white men in power feel about white women? For the 52 percent of white women voters who voted for the current president,¹⁰ perhaps believing that "locker-room talk" did not actually translate to actual sexual assault, would they now see that while they stood at an intersection that included gender oppression but racial privilege that racial solidarity is really for white *men*?

As for myself, while I was saddened, I was not surprised. If black people know the whites, black *women* know the whites *and* the men. Neither Trump's election nor Kavanaugh's hearings told us, black women, something new. Instead, they both confirmed the interlocking power of racism and sexism. Both events established what we long believed, suspected, and often experienced bodily fear of: the lasting power of white supremacy. Both events established what we believed, suspected, and often feared to be the case:

10. This statistic is often cited as "52% of white women voted for Trump." That is technically inaccurate; the correct statistic should read, "according to exit polls, 52% of white women who turned out voted for Trump." Some argue that exit polls are not a good measure of actual voting behavior because they suffer from systemic biases, such as who is more likely to stop and answer questions about their vote. See, e.g., Molly Ball, *Donald Trump Didn't Really Win 52% of White Women in 2016*, TIME (Oct. 18, 2018), <http://time.com/5422644/trump-white-women-2016> [<https://perma.cc/EEV5-HWUS>]. A more accepted study out of the Pew Research Center finds that of the white women who voted, 47 percent of them voted for Trump, compared to 45 percent who voted for Clinton. *An Examination of the 2016 Electorate, Based on Validated Voters*, PEW RESEARCH CTR. (Aug. 9, 2018), <https://www.people-press.org/2018/08/09/an-examination-of-the-2016-electorate-based-on-validated-voters> [<https://perma.cc/BA47-5PKE>]. Whichever statistic one believes, it pales in comparison to the 98 percent of validated black women that voted for Clinton.

the lasting power of patriarchy. It confirmed, for us, that it is still a (white) man's world.

In the aftermath of the 2016 election, I explained to my daughter how, in spite of the 47 percent of white women voters who rejected racism, sexism, xenophobia and hate, 52 percent of white women voters—the majority—did not. In the aftermath of the 2016 election and the Kavanaugh hearing, I want to believe that the 52 percent of white women voters who voted for the GOP candidate in 2016 watched Dr. Blasey Ford, believed her, and felt betrayed at her treatment. I want to believe that the women who upheld xenophobic racism and hate when they ignored “pussy-grabbing” would not, when they next enter the Presidential ballot box, ignore the Senate's confirmation of a privileged white man accused of sexual assault who acted out when finally confronted with a possible “no.” There is some evidence that some of them made an adjustment, if the results of the 2018 midterm election that put a record number of women in national office¹¹ are a proxy.

Yet the real test will be in 2020. Will white women writ large, the 52 percent with their 47 percent sisters, be so angry about the Kavanaugh confirmation of white male privilege that they will translate that anger into political action, joining the 98 percent of black women voters who voted against hate, racism, and misogyny in 2016? Will the 52 percent of white women voters see that gender solidarity requires relinquishing the privilege of their whiteness? Will they ally against racism and xenophobia, now that they know their white men may not have their backs?

11. One hundred two women serve in the U.S. House of Representatives, comprising 23.4 percent of voting members. Twenty-five of one hundred Senators are women. Drew Desilver, *A Record Number of Women will be Serving in the New Congress*, PEW RESEARCH CTR. (Dec. 18, 2018), <https://www.pewresearch.org/fact-tank/2018/12/18/record-number-women-in-congress> [<https://perma.cc/B6NM-ZL44>].