

Brian Banks: A false rape accusation and its consequences

Also, Rosie and Angels Are Made of Light

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Directed by Tom Shadyac; screenplay by Doug Atchison

Directed by Tom Shadyac and scripted by Doug Atchison, *Brian Banks* is based on the true story of an African American high school football star in Long Beach, California falsely accused of rape at the age of 16. Brian Banks spent five years behind bars and another five on parole before he was exonerated and his case thrown out when his accuser recanted.

The movie is an intelligent and heartfelt account of a serious miscarriage of justice. While it has struck a chord with audiences, *Brian Banks* has made a great many critics nervous—especially those in and around #MeToo circles—and even openly antagonistic.

The film's narrative is straightforward, with details of the events unfolding through flashbacks. In 2002, Brian (Aldis Hodge) is a high school student and top-flight athlete committed to the University of Southern California when he agrees to accompany 15-year-old female classmate Kennisha Rice (Xosha Roquemore) to a secluded part of the school. Little transpires during the encounter. Nonetheless, Brian is subsequently accused of kidnapping and rape.

Tried as an adult, Brian's incompetent lawyer tells him to plead "no contest" or face a possible sentence of 41 years to life if convicted. The youth does not fully register the fact that the plea has the same immediate effect as an admission of guilt. Confronted with having to make a crucial decision, the teenager is denied the opportunity to consult with his mother. As a result, Brian ends up incarcerated for five years, including a stint in solitary confinement.

When Banks is released on parole, he is a convicted sex offender required to wear an electronic ankle bracelet monitored by his unforgiving parole officer (Dorian Missick). Any possibility of playing football in the NFL, of course, has gone out the window. Finding a job of any kind is a near impossibility. His life, which seemed to hold out the possibility at one time of a bright future, has become a series of nightmarish obstacles.

Meanwhile, Kennisha (not her real name) and her mother sue and receive \$1.5 million from the school board for its "lax security."

Determined and relentless, in part thanks to his mother Leomia (Sherri Shepherd), Brian repeatedly contacts the California Innocence Project, whose lead attorney is the smart, charismatic Justin Brooks (Greg Kinnear). At first Justin is reluctant to take his case, as the organization is swamped with innocent people still *in prison*. He eventually changes his mind. Among other evidence, Brian presents to Justin and his colleagues a video of Kennisha fully taking back her allegations.

The video, however, is inadmissible as evidence because the erstwhile accuser was unaware she was being taped.

But a coordinated, concerted effort eventually squeezes justice out of a "broken system."

The California Innocence Project, on its website, adds these facts: "On

August 15, 2011, the California Innocence Project filed a petition for a state writ of habeas corpus, seeking to vacate Banks' conviction.

"The petition said that two years after Gibson said she was raped, she confessed to the classmate to whom she had passed the note [in class] that she had not been raped, but made up the accusation because she did not want her mother to know she was sexually active.

"The petition also said that Gibson stated that when she was preparing for her deposition in the civil lawsuit, she told her attorney that she had not been raped and that she and Banks were 'just playing.' According to the petition, when Gibson expressed her concern, the lawyer said, 'Don't say nothing. Like don't talk at all. Let them do what they gonna do.'"

Brian Banks has integrity and commitment. Hodge and Kinnear are remarkable, convincing performers. In general, all the actors perform well.

In the movie's production notes, the real-life Banks movingly states: "No one, whatever your race, political preference, religious background, we all agree that no one deserves to be put in a cage for something that they didn't do. This is one of those stories where someone, me, lost their life for something that they didn't do."

That such a story ought to be told seems elementary. Not necessarily so, say a good many of the critics (and behind them, the #MeToo campaign and its supporters). While a leading review-aggregator reveals that *Brian Banks* has received the overwhelming approval of audience members, its rating among critics is much lower. Some of the bolder or cruder reviewers even suggest it might have been better if the Banks case had never made it to the public at all: the film gives the "wrong impression."

There are undoubtedly contrived or overly "inspirational" moments in Shadyac's film, as well as aesthetic flaws, but this is not what has upset the critics. After all, this is the same crowd that regularly provides higher than 90 percent approval ratings to Hollywood's comic book and superhero rubbish. Such people suddenly rediscover elevated "artistic values" when it serves their class and ideological purposes.

In reality, the reviewers are unhappy because *Brian Banks* undermines the arguments that "women must be believed," that a claim of sexual misconduct is as good as a conviction and that "innocent until proven guilty" is an over-rated and outworn principle.

The comments range from the condescending to the distinctly hostile.

The *New York Times* reviewer adopts a lofty and patronizing tone: "With its heart in the right place and its style stuck unabashedly in the familiar grooves of the TV movie, *Brian Banks* tackles a subject—a sexual assault allegation and its aftermath—that would be challenging even without the scrutiny of #MeToo."

Indiewire refers grandly to *Brian Banks* as "a Lifetime movie-like drama that falls short of engaging with the many thorny issues it dramatizes." The same review later suggests that "some of [the] many bigger issues the film makes a ham-handed effort to unpack" include the

“failures of the justice system, inherent racism, and why someone might make the exceedingly rare choice to lie about a rape.” More about this later.

A Reel of One's Own argues that there had “to be misgivings about this film being released during the #MeToo Era.” The reviewer asserts that even “if there’s little to no doubt of Brian’s innocence, it’s hard not to wince as his accuser is subjected to the kinds of questions which are used to discredit actual victims.” In other words, the word of someone who turned out to be lying should have been accepted without question. The comment concludes: “Yes, Brian Banks suffered a terrible injustice ... but it shouldn’t have to come at the expense of so many other victims.”

The review at *Common Sense Media* is unsophisticated enough to let the cat out of the bag: “As the #MeToo movement makes progress in allowing sexual assault victims’ voices to be heard and believed, this film feels like a male ego boost in the form of a ‘sports, god, victory’ trifecta. It perpetuates rape myths, generates the largely unwarranted fear of false accusations, and may contribute to reviving a culture of silencing women and discouraging reporting sexual violence.” What’s more, *Brian Banks* is a “white savior story” and it “fuels distrust in authority and the legal system”!

The fact that Banks was innocent and his accuser fabricated an assault doesn’t faze this particular reviewer in the slightest. “*Common Sense Media* doesn’t show much. How can the film perpetuate a “myth” if it tells the truth, and how can fear of false allegations be “unwarranted” when such an allegation resulted in someone like Banks going to prison for six years?

Contorting himself somewhat, *Variety*’s reviewer wrote: “In a sign that this solid social-justice drama stands apart from current events—an exceptional case that neither contradicts nor enhances the #MeToo movement—*Brian Banks* was met with multiple standing ovations at its L.A. Film Festival premiere.” No, this is more a sign, like the general gap between critics and audience members’ opinions about *Brian Banks*, that the #MeToo campaign derives support from a relatively narrow, middle class base.

As for Banks’ situation being “exceptional,” a claim made by various critics in regard to this case and more generally by #MeToo supporters, what if it were? Would that be a convincing argument for throwing out the presumption of innocence?

In any event, two sets of facts that only superficially contradict one another may well be true. Sexual assault is no doubt under-reported, especially in certain settings—jails and prison, all branches of the US military, immigrant detention centers, workplaces that employ low-paid or undocumented people (or both), etc.

But false accusations of sexual assault and false convictions on such charges are not “incredibly rare,” as feminists would like to believe. #MeToo supporters never care to refer to the Leo Frank or Scottsboro Boys cases, two of the most infamous cases of injustice in US history, or to novels and films such as *To Kill a Mockingbird*. That would be inconvenient.

Or is such brutal unfairness only something that happened in the past? The National Registry of Exonerations lists 2,480 exonerations since 1989, cases in which a person was wrongly convicted of a crime and later cleared of all the charges based on new evidence of innocence.

The Registry includes 325 exonerations (including Banks’) in the past three decades for sexual assault, many of the entirely innocent individuals having been sentenced to decades in prison. That is 13 percent of the total number of exonerations. Add in false convictions on charges of child sex abuse (268), and the figure climbs to 24 percent of the exonerations. That amounts to thousands of years lost in prison.

Treatment of the Brian Banks case is not only warranted, it should be welcomed.

Rosie

Irish filmmaker Paddy Breathnach’s movie *Rosie* dramatizes the family homelessness epidemic in Ireland, one of the worst in Europe, with a story about a working class family in Dublin that becomes homeless when their landlord sells their rental house.

Soaring rents and low housing stock have resulted in Ireland’s family homelessness rate increasing by a staggering 24 percent since July 2017 alone.

Spanning a 36-hour period, the film features Rosie (Sarah Greene), John Paul (Moe Dunford) and their four young children struggling to find permanent accommodations after being thrown onto the street. Homeless shelters are full, relatives hard-pressed and government agencies inept and overwhelmed. With the family’s belongings crammed into their compact car, John Paul goes to work in a restaurant while Rosie drives the kids to school, fearful their condition will be exposed.

In the quest for a roof over her head, Rosie crosses swords with her mother (Pom Boyd), who demands more than Rosie is willing to give to lodge her family. Now, only a car shields them from the cold and damp. The situation is untenable.

According to Focus Ireland, the “overwhelming number of families becoming homeless had their last stable home in the private rented sector, and the crisis in this sector is the immediate cause of their homelessness—landlords selling up or being repossessed, shortage of properties to rent, scarcity of properties accepting rent supplement, and high rents.”

Like that of *Rosie* and John Paul, most of the families “becoming homeless have never experienced homelessness before and never thought this could happen to them. Thousands more families are struggling on very low incomes or social welfare and many are falling into serious housing difficulties as rents continue to rise.”

Rosie is affecting, but too narrow in relation to the dimensions of the problem and the overall situation in Ireland.

Angels Are Made of Light

US documentarian James Longley (*Iraq in Fragments*) weaves *Angels Are Made of Light* around a group of students and teachers at Kabul, Afghanistan’s Daqiqi Balkhi School. Over a three-year period, Longley traced the lives of brothers Sohrab, Rostam and Yaldash, who are caught between their dreams and aspirations and the American-led occupation of the country.

Another young boy, Nabiullah, struggling to keep his father’s food stand afloat, imagines life in his country with neither the Americans nor the Taliban. The school’s elderly cleaning woman recalls her years under the Soviet-backed government in the 1980s.

In the movie’s background, an election is underway to replace American-puppet Hamid Karzai, whose presidency lasted until 2014.

Grainy video footage shows an earlier 20th century Afghanistan that was not ripped to shreds by US and NATO bombs.

Longley’s approach is largely non-committal and passive. However, this is not the overriding sentiment of the people whom he films and speaks to. “How long must we live in despair and poverty?” asks the mother of the three brothers. Other comments include: “Our government and the rich people think that the world belongs to them,” “The president has already been chosen by the Americans,” “Whoever takes power won’t benefit us” and “Because of the Americans, there is nothing but war.”



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