

The CHAIRMAN. Again, I thank your family—

Ms. HILL. Mr. Chairman?

The CHAIRMAN. Yes?

Ms. HILL. I would just like to take this opportunity to thank the committee for its time, its questions and the efforts that it has put into this investigation on my behalf.

Thank you.

The CHAIRMAN. Thank you.

We are adjourned until 9 o'clock.

[Whereupon, at 7:40 p.m., the committee was recessed, to reconvene at 9 p.m., the same day.]

EVENING SESSION

The CHAIRMAN. The committee will please come to order.

Judge it is a tough day and a tough night for you, I know. Let me ask, do you have anything you would like to say before we begin?

I understand that your preference is, which is totally and completely understandable, that we go 1 hour tonight, 30 minutes on each side. Am I correct in that?

Judge THOMAS. That is right.

FURTHER TESTIMONY OF HON. CLARENCE THOMAS, OF GEORGIA, TO BE ASSOCIATE JUSTICE OF THE U.S. SUPREME COURT

The CHAIRMAN. Do you have anything you would like to say?

Judge THOMAS. Senator, I would like to start by saying unequivocally, uncategorically that I deny each and every single allegation against me today that suggested in any way that I had conversations of a sexual nature or about pornographic material with Anita Hill, that I ever attempted to date her, that I ever had any personal sexual interest in her, or that I in any way ever harassed her.

Second, and I think a more important point, 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 in prime time over our entire Nation.

How would any member on this committee or any person in this room or any person in this country would like sleaze said about him or her in this fashion or this dirt dredged up and this gossip and these lies displayed in this manner? How would any person like it?

The Supreme Court is not worth it. No job is worth it. I am not here for that. I am here for my name, my family, my life and my integrity. I think something is dreadfully wrong with this country, when any person, any person in this free country would be subjected to this. 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 is a national disgrace. And from my standpoint, as a black American, as far as I am concerned, it is a high-tech lynching for uppity-blacks who in any way deign to think for them-

selves, to do for themselves, to have different ideas, and it is a message that, unless you kow-tow to an old order, this is what will happen to you, you will be lynched, destroyed, caricatured by a committee of the U.S. Senate, rather than hung from a tree.

The CHAIRMAN. We will have—

Senator THURMOND. Mr. Chairman?

The CHAIRMAN. The Senator from South Carolina.

Senator THURMOND. I have named Senator Hatch to cross-examine the Judge and those who are supporting him.

Senator HATCH. As I understand it, it was—

The CHAIRMAN. I think that is correct. I think we would start with Senator Heflin and then go to Senator Hatch.

Senator HATCH. I think that is the way I was—I would be happy to do it, but I think that is the way I was told.

The CHAIRMAN. Senator Heflin.

Senator HEFLIN. Judge Thomas, in addition to Anita Hill, there have surfaced some other allegations against you. One was on a television show last evening here in Washington, channel 7. I don't know whether you saw that or not?

Judge THOMAS. No.

Senator HEFLIN. You didn't see it. It was carried somewhat in the print media today, but it involved a man by the name of Earl Harper, Jr., who allegedly was a senior trial lawyer with the EEOC at Baltimore in or around the early 1980's. Do you recall this instance pertaining to Earl Harper, Jr.?

Judge THOMAS. I remember the name. I can't remember the details.

Senator HEFLIN. The allegations against Mr. Harper involved some 12 or 13 women who claim that Mr. Harper made unwelcome sexual advances to several women on his staff, including instances in which Mr. Harper masturbated in the presence of some of the female employees. The allegations contain other aspects of sexual activity.

The information we have is that the General Counsel of the EEOC, David Slate, made a lengthy internal investigation and found that this had the effect of creating an intimidating, hostile and offense working environment, and that on November 23, 1983, you wrote Mr. Slate a memo urging that Mr. Harper be fired. Mr. Slate eventually recommended dismissal. Then the story recites that you did not dismiss him, you allowed him to stay on for 11 months and then he retired.

Does that bring back to you any recollection of that event concerning Mr. Earl Harper, Jr.?

Judge THOMAS. Again, I am operating strictly on recollection. If I remember the case, if it is the one I am thinking of, Mr. Harper's supervisor recommended either suspension or some form of sanction or punishment that was less than termination.

When that proposal—the supervisor initially was not David Slate—when that proposal reached my desk, I believe my recommendation was that, for the conduct involved, he should be fired. The problem there was that if the immediate supervisor's decision is changed—and I believe Mr. Harper was a veteran—there are a number of procedural protections that he had, including a hearing

and, of course, he had a lawyer and there was potential litigation, et cetera.

I do not remember all of the details, but it is not as simple as you set it out. It was as a result of my insistence that the General Counsel, as I remember, upgraded the sanction to termination.

Senator HEFLIN. Do you know a Congressman by the name of Scott Kluge, a Republican Congressman who was defeated by Robert Kastenmeier of Wisconsin, who now serves in Congress, who back in the early 1980's, 1983 or something, was a television reporter for a channel here in Washington and that he at that time disclosed this as indicating that, after the recommendation of dismissal, that you did not move in regards to it for some 11 months and let him retire? Do you know Congressman Kluge?

Judge THOMAS. I do not know him. Again, remember, I am operating on recollection. There was far more to it than the facts as you set them out. His rights had much to do with the fact that he was a veteran and that we could not simply dismiss him. If we could, that was my recommendation, he would have been dismissed.

Senator HEFLIN. There was no political influence brought to bear on you at that time to prevent his dismissal? Do you recall if any political—

Judge THOMAS. There was absolutely no political influence. In fact, it was my policy that no personnel decisions would in any way be changed or influenced by political pressure, one way or the other.

Senator HEFLIN. Now, it is reported to me that Congressman Kluge, after your nomination, went to the White House and told this story and, I hear by hearsay, that the White House ignored his statement and that Congressman Kluge further came to the Senate Judiciary Committee and made it known here.

As far as I know, I attempted to check—I have not been able to find where it was in the Judiciary Committee, if it was, and I think the Chairman has attempted to locate it—but the point I am asking is, in the whole process pertaining to the nomination and the preparation for it, were you ever notified that Congressman Kluge went to the White House in regards to this?

Judge THOMAS. I do not remember that, Senator.

Senator HEFLIN. Nobody ever discussed that?

Judge THOMAS. No.

Senator HEFLIN. Well, that is the way it has been reported to me and it is very fragmented relative to it, but I have asked that all the records of the EEOC be subpoenaed by subpoena duces tecum pertaining to that, in order that we might get to the bottom of it.

Senator HATCH. Mr. Chairman, if I could interrupt Senator Heflin, I really think this is outside the scope, under the rules. I would have to object to it.

The CHAIRMAN. I would have to sustain that objection. I do not—

Senator HATCH. I hesitate to object, but I just think we ought to keep it on the subject matter.

The CHAIRMAN. I do not see where it is relevant.

Senator HEFLIN. Well, I think it is relevant in the issue pertaining to the period of time relative to the issue, particularly in re-

gards to the responsibilities as head of the agency dealing with discrimination in employment.

Senator HATCH. Mr. Chairman——

The CHAIRMAN. If I may say——

Senator HATCH. Mr. Chairman——

The CHAIRMAN. If I may speak, let me say this is not about whether the Judge administered the agency properly. The only issue here relates to conduct and the allegations that have been made, so I would respectfully suggest to my friend from Alabama that that line of questioning is not in order and I rule it out of order.

Senator HEFLIN. All right, sir, I will reserve an exception, as we used to say.

Now, I suppose you have heard Professor Hill, Ms. Hill, Anita F. Hill testify today.

Judge THOMAS. No, I haven't.

Senator HEFLIN. You didn't listen?

Judge THOMAS. No, I didn't. I have heard enough lies.

Senator HEFLIN. You didn't listen to her testimony?

Judge THOMAS. No, I didn't.

Senator HEFLIN. On television?

Judge THOMAS. No, I didn't. I've heard enough lies. Today is not a day that, in my opinion, is high among the days in our country. This is a travesty. You spent the entire day destroying what it has taken me 43 years to build and providing a forum for that.

Senator HEFLIN. Judge Thomas, you know we have a responsibility too, and as far as I am involved, I had nothing to do with Anita Hill coming here and testifying. We are trying to get to the bottom of this. And, if she is lying, then I think you can help us prove that she was lying.

Judge THOMAS. Senator, I am incapable of proving the negative that did not occur.

Senator HEFLIN. Well, if it did not occur, I think you are in a position, with certainly your ability to testify, in effect, to try to eliminate it from people's minds.

Judge THOMAS. Senator, I didn't create it in people's minds. This matter was investigated by the Federal Bureau of Investigation in a confidential way. It was then leaked last weekend to the media. I did not do that. And how many members of this committee would like to have the same scurrilous, uncorroborated allegations made about him and then leaked to national newspapers and then be drawn and dragged before a national forum of this nature to discuss those allegations that should have been resolved in a confidential way?

Senator HEFLIN. Well, I certainly appreciate your attitude towards leaks. I happen to serve on the Senate Ethics Committee and it has been a sieve.

Judge THOMAS. But it didn't leak on me. This leaked on me and it is drowning my life, my career and my integrity, and you can't give it back to me, and this Committee can't give it back to me, and this Senate can't give it back to me. You have robbed me of something that can never be restored.

Senator DECONCINI. I know exactly how you feel.

Senator HEFLIN. Judge Thomas, one of the aspects of this is that she could be living in a fantasy world. I don't know. We are just trying to get to the bottom of all of these facts.

But if you didn't listen and didn't see her testify, I think you put yourself in an unusual position. You are, in effect, defending yourself, and basically some of us want to be fair to you, fair to her, but if you didn't listen to what she said today, then that puts it somewhat in a more difficult task to find out what the actual facts are relative to this matter.

Judge THOMAS. The facts keep changing, Senator. When the FBI visited me, the statements to this committee and the questions were one thing. The FBI's subsequent questions were another thing. And the statements today, as I received summaries of them, are another thing.

I am not—it is not my fault that the facts change. What I have said to you is categorical that any allegations that I engaged in any conduct involving sexual activity, pornographic movies, attempted to date her, any allegations, I deny. It is not true.

So the facts can change but my denial does not. Ms. Hill was treated in a way that all my special assistants were treated, cordial, professional, respectful.

Senator HEFLIN. Judge, if you are on the bench and you approach a case where you appear to have a closed mind and that you are only right, doesn't it raise issues of judicial temperament?

Judge THOMAS. Senator? Senator, there is a difference between approaching a case objectively and watching yourself being lynched. There is no comparison whatsoever.

Senator HATCH. I might add, he has personal knowledge of this as well, and personal justification for anger.

Senator HEFLIN. Judge, I don't want to go over this stuff but, of course, there are many instances in which she has stated, but—and, in effect, since you didn't see her testify I think it is somewhat unfair to ask you specifically about it.

I would reserve my time and go ahead and let Senator Hatch ask you, and then come back.

The CHAIRMAN. Senator Hatch?

Senator HATCH. Judge Thomas, I have sat here and I have listened all day long, and Anita Hill was very impressive. She is an impressive law professor. She is a Yale Law graduate. And, when she met with the FBI, she said that you told her about your sexual experiences and preferences. And I hate to go into this but I want to go into it because I have to, and I know that it is something that you wish you had never heard at any time or place. But I think it is important that we go into it and let me just do it this way.

She said to the FBI that you told her about your sexual experiences and preferences, that you asked her what she liked or if she had ever done the same thing, that you discussed oral sex between men and women, that you discussed viewing films of people having sex with each other and with animals, and that you told her that she should see such films, and that you would like to discuss specific sex acts and the frequency of sex.

What about that?

Judge THOMAS. Senator, I would not want to, except being required to here, to dignify those allegations with a response. As I

have said before, I categorically deny them. To me, I have been pilloried with scurrilous allegations of this nature. I have denied them earlier and I deny them tonight.

Senator HATCH. Judge Thomas, today in a new statement, in addition to what she had told the FBI, which I have to agree with you is quite a bit, she made a number of other allegations and what I would like to do is—some of them most specifically were for the first time today in addition to these, which I think almost anybody would say are terrible. And I would just like to give you an opportunity, because this is your chance to address her testimony.

At any time did you say to Professor Hill that she could ruin your career if she talked about sexual comments you allegedly made to her?

Judge THOMAS. No.

Senator HATCH. Did you say to her in words or substance that you could ruin her career?

Judge THOMAS. No.

Senator HATCH. Should she ever have been afraid of you and any kind of vindictiveness to ruin her career?

Judge THOMAS. Senator, I have made it my business to help my special assistants. I recommended Ms. Hill for her position at Oral Roberts University. I have always spoken highly of her.

I had no reason prior to the FBI visiting me a little more than 2 weeks ago to know that she harbored any ill feelings toward me or any discomfort with me. This is all new to me.

Senator HATCH. It is new to me too, because I read the FBI report at least 10 or 15 times. I didn't see any of these allegations I am about to go into, including that one. But she seemed to sure have a recollection here today.

Now, did you ever say to Professor Hill in words or substance, and this is embarrassing for me to say in public, but it has to be done, and I am sure it is not pleasing to you.

Did you ever say in words or substance something like there is a pubic hair in my Coke?

Judge THOMAS. No, Senator.

Senator HATCH. Did you ever refer to your private parts in conversations with Professor Hill?

Judge THOMAS. Absolutely not, Senator.

Senator HATCH. Did you ever brag to Professor Hill about your sexual prowess?

Judge THOMAS. No, Senator.

Senator HATCH. Did you ever use the term "Long Dong Silver" in conversation with Professor Hill?

Judge THOMAS. No, Senator.

Senator HATCH. Did you ever have lunch with Professor Hill at which you talked about sex or pressured her to go out with you?

Judge THOMAS. Absolutely not.

Senator HATCH. Did you ever tell—

Judge THOMAS [continuing]. I have had no such discussions, nor have I ever pressured or asked her to go out with me beyond her work environment.

Senator HATCH. Did you ever tell Professor Hill that she should see pornographic films?

Judge THOMAS. Absolutely not.

Senator HATCH. Did you ever talk about pornography with Professor Hill?

Judge THOMAS. I did not discuss any pornographic material or pornographic preferences or pornographic films with Professor Hill.

Senator HATCH. So you never even talked or described pornographic materials with her?

Judge THOMAS. Absolutely not.

Senator HATCH. Amongst those or in addition?

Judge THOMAS. What I have told you is precisely what I told the FBI on September 25 when they shocked me with the allegations made by Anita Hill.

Senator HATCH. Judge Thomas, those are a lot of allegations. Those are a lot of charges, talking about sexual experiences and preferences, whether she liked it or had ever done the same thing, oral sex, viewing films of people having sex with each other and with animals, that maybe she should see such films, discuss specific sex acts, talk about pubic hair in Coke, talking about your private parts, bragging about sexual prowess, talking about particular pornographic movies.

Let me ask you something. You have dealt with these problems for a long time. At one time I was the chairman of the committee overseeing the EEOC and, I might add, the Department of Education, and I am the ranking member today. I have known you for 11 years and you are an expert in sexual harassment. Because you are the person who made the arguments to then Solicitor General Fried that the administration should strongly take a position on sexual harassment in the *Meritor Savings Bank v. Vinson* case, and the Supreme Court adopted your position.

Did I misstate that?

Judge THOMAS. Senator, what you have said is substantially accurate. What I attempted to do in my discussions with the Solicitor is to have them be aggressive in that litigation, and EEOC was very instrumental in the success in the *Meritor* case.

Senator HATCH. Now, Judge, keep in mind that the statute of limitations under title VII for sexual harassment for private employers is 180 days or 6 months. But the statute of limitations under title VII for Federal employers and employees is 30 days.

Are you aware of that?

Judge THOMAS. Yes, Senator, I am generally aware of those limitations.

Senator HATCH. And are you aware of why those statutes of limitation are so short?

Judge THOMAS. I would suspect that at some point it would have to do with the decision by this body that either memories begin to fade or stories change, perhaps individuals move around, and that it would be more difficult to litigate them.

I don't know precisely what all of the rationale is.

Senator HATCH. Well, it involves the basic issue of fairness, just exactly how you have described it. If somebody is going to be accused in a unilateral declaration of sexual harassment, then that somebody ought to be accused through either a complaint or some sort of a criticism, so that that somebody can be informed and then

respond to those charges, and, if necessary, change that somebody's conduct.

Is that a fair statement?

Judge THOMAS. I think that is a fair statement.

Senator HATCH. Now let me ask you something: I described all kinds of what I consider to be gross, awful sexually harassing things, which if you take them cumulatively have to gag anybody. Now you have seen a lot of these sexual harassment cases as you have served there at the EEOC. What is your opinion with regard to what should have been done with those charges, and whether or not you believe that, let's take Professor Hill in this case, should have done something, since she was a Yale Law graduate who taught civil rights law at one point, served in these various agencies, and had to understand that there is an issue of fairness here.

Judge THOMAS. Senator, if any of those activities occur, it would seem to me to clearly suggest or to clearly indicate sexual harassment, and anyone who felt that she was harassed could go to an EEO officer at any agency and have that dealt with confidentially. At the Department of Education, if she said it occurred there, or at EEOC, those are separate tracks. At EEOC, I do not get to review those, if they involve me, and at Department of Education there is a separate EEO officer for the whole department. It would have nothing to do with me. But if I were an individual advising a person who had been subjected to that treatment, I would advise her to immediately go to the EEO officer.

Senator HATCH. An EEO office then would bring the parties together, or at least would confront the problem head-on, wouldn't it?

Judge THOMAS. The EEO officer would provide counseling—

Senator HATCH. Within a short period of time?

Judge THOMAS [continuing]. Within a short period of time, as well as, I think, if necessary, an actual charge would be—

Senator HATCH. So the charge would be made, and the charge would then—the person against whom it was made would have a chance to answer it right then, right up front, in a way that could resolve it and stop this type of activity if it ever really occurred?

Judge THOMAS [continuing]. That is right.

Senator HATCH. And you have just said it never really occurred.

Judge THOMAS. It never occurred. That is why there was no charge.

Senator HATCH. You see, one of the problems that has bothered me from the front of this thing is, these are gross. Cumulative, I don't know why anybody would put up with them, or why anybody would respect or work with another person who would do that. And if you did that, I don't know why anybody would work with you who suffered these treatments.

Judge THOMAS. I agree.

Senator HATCH. Furthermore, I don't know why they would have gone to a different position with you, even if they did think that maybe it had stopped and it won't start again, but then claimed that it started again. And then when they finally got out into the private sector, wouldn't somehow or other confront these problems in three successive confirmation proceedings. Does that bother you?

Judge THOMAS. This whole affair bothers me, Senator. I am witnessing the destruction of my integrity.

Senator HATCH. And it is by a unilateral set of declarations that are made on successive dates, and differ, by one person who continued to maintain what she considered to be a "cordial professional relationship" with you over a 10-year period.

Judge THOMAS. Senator, my relationship with Anita Hill prior to September 25 was cordial and professional, and I might add one other thing. If you really want an idea of how I treated women, then ask the majority of the women who worked for me. They are out here. Give them as much time as you have given one person, the only person who has been on my staff who has ever made these sorts of allegations about me.

Senator HATCH. Well, I think one of our Senators, one of our better Senators in the U.S. Senate, did do exactly that, and he is a Democrat, as a matter of fact, one of the fairest people and I think one of the best new people in the whole Senate.

This is a statement that was made on the floor of the Senate in this Record by my distinguished colleague, Senator Lieberman, a man I have a great deal of respect for. Senator Lieberman's staff conducted a survey of various women who have worked for you over the years. He was concerned. He has been a supporter of yours, and he was one who asked for this delay so that this could be looked into because he was concerned, too.

But as a result of the survey, Senator Lieberman made the following statement: He said, "I have contacted associates, women who worked with Judge Thomas during his time at the Department of Education and EEOC, and in the calls that I and my staff have made there has been universal support for Judge Thomas and a clear indication by all of the women we spoke to that there was never, certainly not a case of sexual harassment, and not even a hint of impropriety." That was put into the Congressional Record on October 8, 1991.

And I think Senator Lieberman has performed a very valuable service because he is in the other party. He is a person who looks at these matters seriously. He has to be as appalled by this type of accusation as I am, and frankly he wanted to know, "Just what kind of a guy is Clarence Thomas?" And those of us who know you, know that all of these are inconsistent with the real Clarence Thomas.

And I don't care who testifies, you have to keep in mind, this is an attorney, a law graduate from one of the four or five best law schools in this land, a very intelligent, articulate law professor, and the only person on earth other than you knowing whether these things are true—the only other person. I don't blame you for being mad.

Judge THOMAS. Senator, I have worked with hundreds of women in different capacities. I have promoted and mentored dozens. I will put my record against any member of this committee in promoting and mentoring women.

Senator HATCH. I will put your record against anybody in the whole Congress.

Judge THOMAS. And I think that if you want to really be fair, you parade every single one before you and you ask them, in their

relationships with me, whether or not any of this nonsense, this garbage, trash that you siphoned out of the sewers against me, whether any of it is true. Ask them. They have worked with me. Ask my chief of staff, my former chief of staff. She worked shoulder to shoulder with me.

Senator HATCH. Well, I think we should do that.

Now, Judge, what was Professor Hill's role in your office at the Education Department and at the EEOC?

Judge THOMAS. Senator, as I indicated this morning, at the Department of Education Ms. Hill was an attorney-adviser. I had a small staff and she had the opportunity to work on a variety of issues.

Senator HATCH. She was your number one person?

Judge THOMAS. By and large, on substantive issues, she was.

Senator HATCH. How about when you went to the EEOC?

Judge THOMAS. At EEOC that role changed drastically. As I indicated, my duties expanded immensely. EEOC, as you remember, had enormous management problems, so I focused on that. I also needed an experienced EEO staff, and my staff was much more mature. It was older. It was a more experienced staff.

As a result, she did not enjoy that close a relationship with me, nor did she have her choice of the better assignments, and I think that as a result of that there was some concern on her part that she was not being treated as well as she had been treated prior to that.

Senator HATCH. At any time in your tenure in the Department of Education, did Professor Hill ever express any concern about or discomfort with your conduct toward her?

Judge THOMAS. No.

Senator HATCH. Never?

Judge THOMAS. No. The only caveat I would add to that would be that from time to time people want promotions or better assignments or work hours, something of that nature, but no discomfort of the nature that is being discussed here today.

Senator HATCH. Now I note that Professor Hill alleges improper conduct on your part during the period of November, 1981 to February or March of 1982. Now isn't it true that both you and Professor Hill moved from the Education Department to the EEOC in April of that same year?

Judge THOMAS. Senator, that is an odd period. The President expressed his intent to nominate me to become Chairman of EEOC in February 1982, and during that very same period, to the best of my recollection, she assisted me in my nomination and confirmation process. I did in fact leave actual work at the Department of Education, I believe in April, and started at EEOC in May 1982, and she transferred with me.

Senator HATCH. So, in other words, Professor Hill followed you to the EEOC no more than 2 or 3 months, possibly only 1 month after she claims this alleged conduct occurred.

Judge THOMAS. Precisely.

Senator HATCH. Isn't it true, Judge Thomas, that Professor Hill could have remained in her job at the Education Department when you went to the EEOC?

Judge THOMAS. To the best of my recollection, she was a schedule A attorney. I know she was not cleared through the White House, so she was not a schedule C. She was not a political appointee. As a result, she had all the rights of schedule A attorneys, and could have remained at the Department of Education in a career capacity.

Senator HATCH. And even if she might not have remained the number one person to the head of the Civil Rights Division, which you were, she would have been transferred to another equivalent attorney's position.

Judge THOMAS. If she had requested it.

Senator HATCH. Did you tell her anything to the contrary?

Judge THOMAS. Not to my knowledge. In fact, I don't think it ever came up.

Senator HATCH. She didn't even ask you?

Judge THOMAS. I don't think it ever came up. I think it was understood that she would move to EEOC with me if she so desired.

Senator HATCH. If I could just button it down, in other words, Judge Thomas, if instead of following you to the EEOC, Professor Hill had remained at the Department of Education as a schedule A attorney, she would have had as much job security as any other civil service attorney in the government. And this is especially true, isn't it, because of your friendship with Harry Singleton?

Judge THOMAS. That is right. If she was concerned about job security, I could have certainly discussed with Harry Singleton what should be done with her. He is a personal friend of mine. He is also, or was, a personal friend of the individual who recommended Anita Hill to me, Gil Hardy. Gil Hardy of course drowned in 1988, but both of us or all three of us had gone to Yale Law School and knew each other quite well.

Senator HATCH. Now, Judge Thomas, I understand that on occasion, and you correct me if this is wrong, but I have been led to believe that on occasion Professor Hill would ask you to drive her home, and that on those occasions she would sometimes invite you into her home to continue a discussion, but you never thought anything—you never thought of any of this as anything more than normal, friendly, professional conversation with a colleague. Am I correct on that, or am I wrong?

Judge THOMAS. It was not unusual to me, Senator. As I remember it, I lived in southwest Washington, and would as I remember—and again, I am relying on my recollection, she lived someplace on Capitol Hill—and I would drive her home, and sometimes stop in and have a Coke or a beer or something and continue arguing about politics for maybe 45 minutes to an hour, but I never thought anything of it.

Senator HATCH. When Professor Hill worked for you at the EEOC, did she solicit your advice on career development or career opportunities?

Judge THOMAS. Senator, as I discuss with most of the members of my personal staff, I try to advise them on their career opportunities and what they should do next. You can't always be a special assistant or an attorney-adviser. And I am certain that I had those discussions with her, and in fact it would probably have been based

on that that I advised Dean Kothe that she would be a good teacher and that she would be interested in teaching.

Senator HATCH. Did she treat you as her mentor at the time, in your opinion?

Judge THOMAS. Pardon me?

Senator HATCH. Did she treat you as though you were a mentor at the time?

Judge THOMAS. She certainly sought counsel and advice from me.

Senator HATCH. Now at any time during your tenure at the EEOC, did you ever discuss sexual matters with Professor Hill?

Judge THOMAS. Absolutely not, Senator.

Senator HATCH. At any time during your tenure at the EEOC, did Professor Hill ever express discomfort or concern about your conduct toward her?

Judge THOMAS. No, Senator.

Senator HATCH. From your observations, what was the perception of Professor Hill by her colleagues at the EEOC? What did they think about her?

Judge THOMAS. Senator, some of my former staffers I assume will testify here, but as I remember it there was some tension and some degree of friction which I attributed simply to having a staff. As I have had 2 weeks to think about this and to agonize over this, and as I remember it, I believe that she was considered to be somewhat distant and perhaps aloof, and from time to time there would be problems that usually involved—and I attributed this to just being young—but usually involved her taking a firm position and being unyielding to the other members of the staff, and then storming off or throwing a temper tantrum of some sort that either myself or the chief of staff would have to iron out.

Senator HATCH. What was your opinion of the quality of Professor Hill's work at the EEOC, as her administrator and as the head of the EEOC?

Judge THOMAS. I thought the work was good. The problem was that—and it wasn't a problem—was, it was not as good as some of the other members of the staff.

Senator HATCH. While Professor Hill worked for you at the EEOC, did she ever seek a promotion?

Judge THOMAS. I believe she did seek promotions. Again, most of that was done through the chief of staff at that time.

Senator HATCH. Well, if so, to what position?

Judge THOMAS. She may have sought a promotion. In 1983, my chief of staff left and I was going to promote someone to my executive assistant/chief of staff, which is the most senior person on my personal staff, and I think that—again, I am relying on my memory—she aspired to that position and, of course, was not successful and I think was concerned about that.

Senator HATCH. I see. When did Professor Hill leave the Equal Employment Opportunity Commission?

Judge THOMAS. In 1983.

Senator HATCH. In 1983. Why do you think she decided to leave the agency at that time?

Judge THOMAS. Senator, I thought that she felt at the time that it was time for her to leave Washington and also to leave Government. She had, I believe, expressed an interest in teaching and the

opportunity at Oral Roberts University provided her both with the opportunity to be in Oklahoma and to teach and, as I remember, she did not lose any salary or any income in the bargain, and that was attractive.

Senator HATCH. Did you assist her in getting that job at Oral Roberts University?

Judge THOMAS. Yes, Senator, I discussed her with Dean Charles Kothe, both informally and provided written recommendation, formal recommendation for her.

Senator HATCH. All right. Have you had any contacts with Professor Hill since she left the EEOC in 1983?

Judge THOMAS. Senator, from time to time, Anita Hill would call the agency and either speak to me or to my secretary and, through her, she would leave messages. They had been friends, Diane Holt. On a number of occasions, I believe, too, I am certain of one, but maybe two, when I was in Tulsa, OK, I spent time with her, I saw her, and I believe on one occasion she drove me to the airport and had breakfast with me.

Senator HATCH. Mr. Chairman, with unanimous consent, I would introduce into the record at this point excerpts from Judge Thomas' telephone logs from 1983 to 1991, if I could.

The CHAIRMAN. Without objection.

[The information referred to follows:]

1984

JANUARY 30th
MESSAGE

Caller

Phone

Time

[REDACTED]	✓	[REDACTED]	[REDACTED]
[REDACTED]	✓	[REDACTED]	[REDACTED]

JANUARY 31st

[REDACTED]	✓	[REDACTED]	[REDACTED]
[REDACTED]	✓	[REDACTED]	[REDACTED]

Anita Hill

✓

11:30

just called to say hello. Sorry she
didn't get to see you last week.

[REDACTED]	X/	[REDACTED]	[REDACTED]
[REDACTED]	✓	[REDACTED]	[REDACTED]
[REDACTED]	✓	[REDACTED]	[REDACTED]

1985

July 3rd

CALLER	Phone #	TIME	MESSAGE
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

July 5th

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Arta Hill	✓(919) 587-1240	1:30	Pls. call.
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July 8th

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

1781

AUGUST 4/1911

CALLER	Phone	Time	MESSAGE
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Anita Hill	547-4500	4:10	in town til 8:15 -- wanted to consult w/ you re marriage. (P)
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AUGUST 5TH

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

AUGUST 6TH

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

TO <i>Judge</i>		DATE <i>11/1/90</i>	TIME <i>10:40</i>	(312) <i>PM</i>
FROM <i>Prof. Anita Hill</i>		AREA CODE <i>405</i>	NO. <i>325-4699</i>	
OF		EXT.		
MESSAGE	<i>Re: Speaking Engagements at</i>			
	<i>University of Oklahoma School</i>			
	<i>of Law</i>			
	SIGNED <i>[Signature]</i>			
PHONED <input type="checkbox"/>	CALL BACK <input type="checkbox"/>	RETURNED CALL <input type="checkbox"/>	WANTS TO SEE YOU <input type="checkbox"/>	WAS IN <input type="checkbox"/>
		WILL CALL AGAIN <input type="checkbox"/>	URGENT <input type="checkbox"/>	

Senator HATCH. Judge Thomas, do you have—

The CHAIRMAN. These are the same excerpts that he has had.

Senator HATCH [continuing]. These are the same ones that you have had. Now, Judge Thomas, are you familiar with these?

Judge THOMAS. I have seen those logs, Senator.

Senator HATCH. Do you recall any of the telephone conversations with Professor Hill reflected by these particular messages?

Judge THOMAS. I do, Senator.

Senator HATCH. For instance, on January 31, according to these logs—and I think I have got them correct, I am quite sure—on July 31, 1984, at 11:30 a.m., a message from Anita Hill, “Just called to say hello, sorry she didn’t get to see you last week.” Is that accurate?

Judge THOMAS. Yes, that was I think one instance when she had come to town, either on personal business or because of her job, and my schedule conflicted with any opportunity to meet with her and simply called to—that was a call from her, I think, to reflect that.

Senator HATCH. No. 2, on May 9, 1984, at 11:40 a.m., Anita Hill was the caller, the message was “Please call,” and she left her phone number, (718) et cetera. Do you remember that?

Judge THOMAS. Yes, Senator.

Senator HATCH. No. 3, on August 29, 1984, at 3:59 p.m., Anita called, and the message was “Need your advice in getting research grants.” Do you recall that?

Judge THOMAS. I remember that, Senator.

Senator HATCH. What was that call about?

Judge THOMAS. I can’t remember exactly what the project was, but she wanted some ideas as to how she could get I think some grants, either from EEOC or some other agency, to do some research I believe at Oral Roberts, and I believe we discussed that and I may have put her in contact with someone. Again, my recollection of that is vague, but we did have a discussion.

Senator HATCH. Did you help her?

Judge THOMAS. I tried.

Senator HATCH. You tried.

No. 4, on August 30, 1984, at 11:55 a.m., Anita was the caller, the message “Returned your call (call between 1 and 4).” Do you remember that?

Judge THOMAS. I don’t remember the specifics of the call, but I remember that on the log, Senator.

Senator HATCH. Was she calling you or were you calling her?

Judge THOMAS. She was calling me. My secretary, when I placed the call and someone returned it, my secretary noted “returned your call.”

Senator HATCH. On January 3, 1985, at 3:40 p.m., Anita Hill was the caller, “Please call tonight,” and then left a phone number and a room number. Do you remember that?

Judge THOMAS. I remember that. I think she must have been in town on a trip and that was her hotel room number. I don’t know which hotel. I again may have been out of town, either on a business trip or somehow for some other reason inaccessible or unavailable.

Senator HATCH. No. 6, February 6, 1985, 5:50 p.m., Anita Hill was the caller, again it said, "Please call." Another call from her to you?

Judge THOMAS. That's right.

Senator HATCH. No. 7, on March 4, 1985, at 11:15 a.m., Anita Hill called again, "Please call re research project." Do you remember that?

Judge THOMAS. I remember that, Senator.

Senator HATCH. Did you help her?

Judge THOMAS. I did. I think the—I can't remember the details, but I think she and Dean Charles Kothe were involved in some research in a fairly large project and wanted some data from EEOC, and I think we provided them with that data.

Senator HATCH. No. 8, March 4, 1985, at 11:25 a.m., call from Susan Cahall, "With Tulsa EEO office referred by Anita to see if you would come to Tulsa on 3/27 to speak at the EEO Conference." Do you remember that?

Judge THOMAS. Yes, I remember the message. I think that was—she would not have otherwise gotten through to me and used Anita's name in order to gain access to me and perhaps receive a positive response.

Senator HATCH. Mr. Chairman, I notice that my time is about up—

The CHAIRMAN. You go right ahead.

Senator HATCH [continuing]. But I just want to finish this one line, if I can.

The CHAIRMAN. No, you take all the time you want.

Senator HATCH. Thank you. I really appreciate that.

No. 9, is July 5, 1985, at 1:30 p.m., Anita Hill is the caller, "Please call," with a number clearly out of town. Do you remember that?

Judge THOMAS. Again, I remember it being in my log, Senator.

Senator HATCH. OK. No. 10, October 9, 1986, at 12:25 p.m., Anita Hill called, message, "Please call, leaving at 4:05," and an area code number. Do you remember that?

Judge THOMAS. Yes, I do.

Senator HATCH. No. 11, August 4, 1987, 4:00 p.m., Anita Hill, caller, "In town until 8:15, wanted to congratulate you on your marriage." Do you remember that?

Judge THOMAS. I remember that, Senator, because one of the—my wife and I were on a delayed honeymoon in California when she came to town.

Senator HATCH. No. 12, November 1, 1990, 11:40 a.m., Anita Hill, caller, "Re speaking engagement at University of Oklahoma School of Law." Do you remember that?

Judge THOMAS. That was since I have been on the Court of Appeals, Senator.

Senator HATCH. There are 12 phone calls between 1983 and 1990. Did you try to call her back each time?

Judge THOMAS. Senator, I tried, whenever I received calls from her or from others, I attempted to return those calls. Although, as I indicated before you started through those series of calls, I remember the messages in the log themselves, but I don't remember

the nature of each call. It would be my practice to return those calls, especially from someone such as Anita.

Senator HATCH. So, each and every time she called you, you tried to call her back and tried to help her?

Judge THOMAS. Senator, the log reflects only those calls where she was unsuccessful in reaching me.

Senator HATCH. Did you ever call her, other than to return these calls?

Judge THOMAS. Senator, I may have. Again, Anita Hill was someone that I respected and was cordial toward and felt positive toward and hopeful for her career, and I may have on occasion, and I can't remember any specific occasion, picked up the phone just to see how she was doing. Again, the calls that you have there are the calls that are reflected or that reflect her inability to get in touch with me when she had called, as opposed to the instances in which she was able to contact me successfully.

Senator HATCH. Judge Thomas, before this day, have you seen Professor Hill on various occasions since she left the Equal Employment Opportunity Commission?

Judge THOMAS. Yes, Senator. As I indicated, I recall seeing her I am certain one time and perhaps twice in Tulsa, OK, and on one of those occasions it is my recollection that we had dinner with Charles Kothe, we also had—

Senator HATCH. She was there?

Judge THOMAS [continuing]. Charles Kothe, the Dean of—

Senator HATCH. Was she there at that dinner?

Judge THOMAS [continuing]. She was at the dinner. We also had—we being Anita and myself—breakfast with Charles Kothe at his house. I usually slept at Charles Kothe's house, and I believe she drove me to the airport, and for some reason I seem to remember that she had a Peugeot.

I may be wrong on that, but I remember her being very proud of it, because, to my recollection, she did not have a car in Washington.

Senator HATCH. I see. In addition to all the phone calls, you had these contacts and these meetings. How would you describe these meetings?

Judge THOMAS. Very cordial, positive, always one—as I treat my other special assistants, I tend to be the proud father type who sees his special assistants go on and become successful and feels pretty good about it. It would be that kind of a contact, as well as her telling me how her teaching assignments were going. Indeed, that was similar to the conversation, again, that I would have with my other special assistants or former special assistants.

Senator HATCH. Overall, how would you characterize the nature of your contacts with Professor Hill since she left the EEOC in 1983?

Judge THOMAS. They have always been very cordial and very positive, Senator.

Senator HATCH. Any unpleasantness?

Judge THOMAS. Never.

Senator HATCH. Any problems ever raised?

Judge THOMAS. No, Senator.

Senator HATCH. Any questions about your conduct?

Judge THOMAS. No, Senator.

Senator HATCH. Can you think of any reason for her efforts to continue to try to be associated with you?

Judge THOMAS. Senator—could you repeat the question, Senator?

Senator HATCH. Can you think of any reason why she would want to continue this cordial professional relationship with you?

Judge THOMAS. Senator, I would hope it would have been for the same reasons that all of my other special assistants did, that I was very supportive of them. The people, some of whom you will hear from today, who have flown in, certainly at their own expense, they feel warmly toward me and have a sense of loyalty and feel that I will help them and that I will assist them as best I could, and I believe that was as part of the reason and we certainly enjoyed a cordial and professional relationship.

Senator HATCH. Before you first heard of Professor Hill's allegations during this confirmation process, did you have any reason to believe that she was unhappy with you?

Judge THOMAS. Senator, on Tuesday, September 24, the day before I heard from the FBI, I would have told you, if you asked me, that my relationship with Anita Hill was cordial, professional and that I was very proud of her for all she had done with her life and the things that she had accomplished.

Senator HATCH. Judge Thomas, this is your fourth confirmation in 9 years, isn't that correct?

Judge THOMAS. Yes, Senator. It is either my—yes, Senator, it is.

Senator HATCH. In fact, three of those confirmations occurred, the time of the allegations by Professor Hill.

Judge THOMAS. Actually this, Senator, would be the fourth.

Senator HATCH. That's right, this would be the fourth.

So she actually has known you through four Senate confirmations, four of them. No, this is the fourth. So four Senate confirmations, right?

Judge THOMAS. That's right.

Senator HATCH. And none of those have been very easy, have they?

Judge THOMAS. That's right, now that I think about it, none of my confirmations, aside from the first one, was easy.

Senator HATCH. And you had your critics in each and every one of them, didn't you?

Judge THOMAS. That is right.

Senator HATCH. Do you remember the details of each of those calls that were made that we went over?

Or do you just remember them generally?

Judge THOMAS. I remember the calls generally, Senator. I don't remember the specifics of each call. That has been quite some time.

Senator HATCH. Well, let me just say this. I have kept everybody too long and I know we can continue tomorrow, but I would like to ask this question just to end the day with and I think it is an important question. I have to say, cumulatively, these charges, even though they were made on all kinds of occasions, I mean they are unbelievable that anybody could be that perverted. I am sure there are people like that but they are generally in insane asylums. What was your reaction when you first heard of these allegations against you, just the first allegations, not all the other ones, and

then you can tell me your reaction when you heard of these ones that were brought forth for the first time today?

Judge THOMAS. Senator, when the FBI informed me of the allegation, the person first, there was shock, dismay, hurt, pain, and when he informed me of the nature of the allegations I was surprised, there was disbelief and again, hurt. And I have reached a point over the last 2 weeks, plus, I have reached a point where I can't go over each and every one of these allegations again.

As I said in my statement this morning, that when you have allegations of this nature by someone that you have thought the world of and felt that you have done the best for it is an enormously painful experience and it is one when you ask yourself, you rip at yourself, what could you have done? And why could this happen or why would it happen?

Senator HATCH. How do you feel right now, Judge, after what you have been through?

Judge THOMAS. Senator, as I indicated this morning, it just isn't worth it. And the nomination is not worth it, being on the Supreme Court is not worth it, and there is no amount of money that is worth it, there is no amount of money that can restore my name, being an associate Justice of the Supreme Court will never replace what I have been robbed of, and I would not recommend that anyone go through it.

This has been an enormously difficult experience, but I don't think that that is the worst of it. I am 43 years old and if I am not confirmed I am still the youngest member of the U.S. Court of Appeals for the D.C. Circuit. And I will go on. I will go back to my life of talking to my neighbors and cutting my grass and getting a Big Mac at McDonald's and driving my car, and seeing my kid play football. And I will live. I will have my life back. And all of this hurt has brought my family closer together, my wife and I, my mother, but that is not—so there is no pity for me. I think the country has been hurt by this process. I think we are destroying our country. We are destroying our institutions. And I think it is a sad day when the U.S. Senate can be used by interest groups, and hate mongers, and people who are interested in digging up dirt to destroy other people and who will stop at no tactics, when they can use our great political institutions for their political ends, we have gone far beyond McCarthyism. This is far more dangerous than McCarthyism. At least McCarthy was elected.

Senator HATCH. Judge, I have a lot of other questions to ask you and I think they are important questions. I think you deserve the opportunity to tell your side of this and you have done it here so far. And I have to tell you this has come down to this, one woman's allegations that are 10 years old against your lifetime of service over that same 10-year period. I have known you almost 11 years. And the person that the good professor described is not the person I have known.

We are going to talk a little bit more about this tomorrow and about what went on there and about how this could have happened. How one person's uncorroborated allegations, could destroy a career and one of the most wonderful opportunities for a young man from Pin Point, GA.

Judge THOMAS. Senator, I repeat what I said, I have been hurt by this deeply, and nothing is worth going through this. This has devastated me and it has devastated my family. It is untrue. They are lies. I have hundreds of women who work with me, and you can call them, dozens who worked closely with me on my personal staff. You can call them. You can bring them up and give them as much air time as you have given this one, one person, with uncorroborated scurrilous lies and allegations. Give them as much time and see what they say.

Senator HATCH. I hope we will do that.

Judge THOMAS. It is not just that, Senator, it is more than that. You are ruining the country. If it can happen to me it can happen to anybody, any time over any issue. Our institutions are being controlled by people who will stop at nothing. They went around this country looking for dirt, not information on Clarence Thomas, dirt. Anybody with any dirt, anything, late night calls, calls at work, calls at home, badgering, anything, give us some dirt. I think that if our country has reached this point we are in trouble. And you should feel worse for the country than you do for me.

Senator HATCH. I feel bad for both.

Mr. Chairman, I am sorry I have kept us over a little bit. I wish I could proceed further tonight but I think we will wait until tomorrow morning. I know everybody is dead tired, and I am sure you are dead tired, I know that.

So, thank you for giving me this extra time. You have always been courteous and decent, and frankly, you have run this committee through this whole process in a courteous and decent way, including the way in which you ran it with regard to the FBI report, as well. We, on this side, know that but thank you.

The CHAIRMAN. Let me, before we go, Judge Heflin, reserved some of his time.

Senator HEFLIN. Judge Thomas, you describe Anita Hill and your relationship with her up until you heard, on September, I believe you said the 24th, as cordial, positive, had no trouble with her, in any way. Now, you make rather strong statements. Do you think that Anita Hill is lying?

Judge THOMAS. Senator, I know that what she is saying is untrue.

Senator HEFLIN. Now, what do you think that her motivations are to come here and testify?

Judge THOMAS. Senator, I have agonized over that. I have thought about it. I have thought about why she would say these things, why she would come here, why it would keep changing. I don't know.

Senator HEFLIN. Well, if you don't know, see we, in the committee, have a responsibility to figure out if she is not telling the truth, why? When you worked with her did you feel that she was a zealous civil rights supporter who was willing to consider and be only a one-interest individual?

Judge THOMAS. Senator, I cannot characterize her that way. I have not thought about her that way. But I would like to address what you said before that. I think you have more than an obligation to figure out why she would say that. I think you have an obli-

gation to determine why you would allow uncorroborated, unsubstantiated allegations to ruin my life.

Senator HEFLIN. Well, she has testified, that you, in effect, act as a character witness for her. You have testified here about the relationship, her work, and her reputation and here we are trying to get to the bottom of what the facts are. And we want to know what the truth is, and you knew her probably better than any one of us.

Judge THOMAS. Senator, there are others that you could bring as witnesses. I have suggested to you there are dozens of people who work there. And—

Senator HEFLIN. I think you have made a point and I hope they are brought here.

The CHAIRMAN. We are, we have agreed already to do that.

Senator HEFLIN. But we are still faced with the fact, Judge, that if she is lying why? We are still faced with the fact that if she is telling a falsehood, what is the motivation?

Now, we have watched her testify today and she is a meek woman.

Judge THOMAS. That is not as I remember Anita. Anita is, I can't say that and you can ask others who visit here, Anita would not have been considered a meek woman. She was an aggressive debater. She stood her ground. When she got her dander up, she would storm off and I would say that she is a bright person, a capable person. Meek is not a characterization that I would remember.

Senator HEFLIN. Well, you say when she got her dander off she would stalk off.

Judge THOMAS. Well, she was a good debater. She fought for her position. I don't remember her as being someone who was a push-over.

Senator HEFLIN. Well, was she a vindictive woman?

Judge THOMAS. I think, Senator, that she argued personally for her position, and I took it as a sign of immaturity, perhaps, that when she didn't get her way, that she would tend to reinforce her position and get a bit angry. I did not see that as a character flaw or vindictiveness.

Senator HEFLIN. Did she have any indication to you that she wanted to be a martyr in the civil rights movement?

Judge THOMAS. Senator, I can't answer all those questions. What I have attempted to do here is simply say to you that—you indicated that she was meek and suggesting that she was not an aggressive, strong person. I remember Anita as aggressive, strong and forceful and advocating the positions that she stood for. Again, there are others who worked with her and I suggest that you have them come before this committee and you ask them.

With respect to why, as I saw through my own memory and my own recollection of what could possibly have happened, particularly at EEOC, the change in position, where she was no longer my top assistant or my top aid and she became one of many, and certainly not the most senior and not the one who received the better assignments and later not becoming the top assistant, that could have been a basis for her being angry with me, but that doesn't seem to be too much of a basis.

I don't know, Senator. If I knew, I would not have been as perplexed as I am.

Senator HEFLIN. Well, did she ever show signs of being resentful?

Judge THOMAS. I can't remember, Senator. I know that she has shown signs that she was upset when she did not get her way. Again, I am not going to sit here and attempt to criticize her character. I can only say that during the time that she worked with me, she was not perfect, but there seemed to me nothing that would suggest that she would do this to me.

Senator HEFLIN. Well, did she at any time during the time that she worked with you at the EEOC, which most of—I mean at the Department of Education, where most of the charges that she makes against you pertaining to remarks about pornographic films and pornographic materials, and then she says they continued some, but that there were more at that time, she was your attorney assistant, as I understand it.

Judge THOMAS. Attorney adviser.

Senator HEFLIN. All right. Did you at that time ever notice anything about her that would indicate to you that she was out of touch with reality?

Judge THOMAS. Senator, again, that is 10 years ago and my working relationship with her, she was professional and cordial, as I suggested this morning. It did not involve, as I have indicated, any discussion of pornographic material or any attempt to ever date Anita. I view my special assistants as charges of mine. They are students, they are kids of mine and I have an obligation to them. It is the same way I feel toward interns and individual co-ops or stay-in-school students.

Senator HEFLIN. Well, we are still left in a great quandary and we are trying to get to the bottom of it. After she went to EEOC with you, did she show any signs at that time of being out of touch with reality?

Judge THOMAS. Senator, again, I am not a psychologist or psychiatrist, and at EEOC, I can tell you, I was enormously busy and spent an enormous amount of time at the office, involved in any number of activities. At EEOC, the assignments, as I remember them, the individual in charge of the office, I had a chief of staff at the time who would take care of the assignments and would be more involved with the special assistants.

My suggestion to you, as I have indicated, would be that this committee spend some time with the people who worked there. This committee has spent I think an inordinate amount of time with someone making uncorroborated allegations against me, and should have people who have worked with me, who have not seen any such activity, who did not corroborate these allegations and who had opportunities to work with and observe Anita Hill.

Senator HEFLIN. I believe Chairman Biden adds to that, saying that they will come and be available. But, now, at the Department of Education and at the EEOC, did any fellow employee of hers, did any supervisor of hers or anybody else indicate to you that she was out of touch with reality?

Judge THOMAS. The only one employee who indicated very strongly to me during my tenure at EEOC that she was, I believe—and I believe this may be a quote—my enemy, and I refused to believe that and argued with him about that and refused to act in accordance with that.

Senator HEFLIN. Well, did he tell you any of the facts surrounding how he arrived at the opinion that she was your enemy?

Judge THOMAS. Senator, as I said, I ignored it. Loyalty is something that was important to me and I paid no attention to it and he in recent days reminded me of what he told me.

Senator HEFLIN. All right. Now, was there any other information that came out while you were working with her that would indicate to you that she lived in a fantasy world or anything?

Judge THOMAS. Senator, again, I don't know, I am not a psychiatrist or psychologist. I was a busy chairman of an agency.

Senator HEFLIN. Well, here we are in a perplexed situation trying to get to the bottom of it. I will ask you again, do you know of any reason why she might purposely lie about these alleged incidents?

Judge THOMAS. Senator, I don't know why anyone would lie in this fashion.

Senator HEFLIN. I believe that is all.

The CHAIRMAN. Judge, just because we take harassment seriously doesn't mean we take the charges at face value. You have pointed out that when you worked with Anita Hill and up until the moment that the charge was made available to you through an FBI agent, you thought her to be a respected, reasonable, upstanding person. When a respectable, reasonable, upstanding person, a professor of law, someone with no blemish on her record, comes forward, this committee has the obligation to do exactly what you would have done at EEOC, investigate the charge.

You are making a mistake, if you conclude that because this is being investigated before all the evidence is in; the conclusion has been reached by this committee.

You have said some things tonight that are new information to us. Assuming them to be true, it is the first time I've heard that you were ever invited, drove home and/or were invited into Professor Hill's apartment to have a Coke or a beer. You have told us things that are new. You should not in your understandable anger refuse to tell us more. We have to figure this out.

For us to have concluded, when faced with a person of Professor Hill's standing and background that this is something we were not going to look at would have been irresponsible.

I don't disagree with you, it was irresponsible, the way in which Professor Hill ended up before us. I understand that, and if I had had anything to do with it, I would apologize for it, but in a very much smaller fashion, I was at the other end of that one myself.

So, do not in your anger refuse to tell us more tomorrow. This is not decided. Witnesses are going to be coming forward, the witnesses that you and your attorneys have asked us to hear, and people we want to hear from.

Senator HATCH. Mr. Chairman, could I just make one last comment?

The CHAIRMAN. You may.

Senator HATCH. I hope that nobody here, either on this panel or in this room, is saying that, Judge, you have to prove your innocence, because I think we have to remember and we have to insist that Anita Hill has the burden of proof or any other challenger, and not you, Judge.

The fact of the matter is, the accuser, under our system of jurisprudence and under any system of fairness, would have to prove their case.

Judge we will go into some things tomorrow, and I look forward to questioning again tomorrow, and we wish you a good night's rest and we look forward to seeing you tomorrow.

Senator SIMPSON. Mr. Chairman.

The CHAIRMAN. I have been asked by one of my colleagues to clarify one thing. I don't think you misunderstood it, but no one else should. What I was referring to, that—

Senator HATCH. I wasn't referring to you.

The CHAIRMAN. I know you weren't. I am just referring to my comment. I was referring to the fact that Professor Hill testified here today that her statement, which we have attempted to keep confidential, was leaked to the press. That is what I am referring to as an injustice.

Senator HATCH. Right.

Senator SIMPSON. Mr. Chairman, just a moment, because Howell Heflin and I came here to the Senate together in the class of 1978. I have great respect for him and I see this terrible quandary that he is in, because I have watched him work.

Intimately we have worked together on a lot of things, and it is the same thing we all feel, but there is a big difference here, and Orrin has just touched on it, and that is what you said this morning, Mr. Chairman, in your very fair way, and I quote from your statement, and I think we must not forget this, and this is a quote from our Chairman this morning: "Fairness also means that Judge Thomas must be given a full and fair opportunity to confront these charges against him, to respond fully, to tell us his side of the story and to be given the benefit of the doubt."

Now, that's what we are doing here, and if there is any doubt, it goes to Clarence Thomas, it does not go to Professor Hill.

The CHAIRMAN. I made the statement and I stand by the statement. That is why I—not that you need my recommendation, Judge, but tell us what you know. We are trying to determine what happened. It is as simple as that. And the mere fact, as I said, that we take the allegation seriously does not mean that we assume the allegation is correct.

Senator THURMOND. Mr. Chairman, I believe you mentioned Clarence Thomas' attorneys. So far as I know, he has no attorneys. He doesn't need any.

The CHAIRMAN. Tomorrow, we will reconvene—I assume, Judge, it is your choice, I assume you wish to come back tomorrow. The committee is not demanding you come back tomorrow. Do you wish to come back tomorrow?

Judge THOMAS. I think so, Senator. I would like to finish this.

The CHAIRMAN. We will reconvene at 10 o'clock.

[Whereupon, at 10:34 p.m., the committee recessed, to reconvene on Saturday, October 12, 1991, at 10 a.m.]