

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.]