

Judge THOMAS. Again, I can't remember the exact details of it, but I think she wanted to have that position, the executive assistant position. But that's again, Senator, that is speculation as to what the motivation would be and I hesitate to even mention it here.

Senator SPECTER. Finally, you mentioned that there had not been any detailing given to the comment about an associate of yours who classified Professor Hill as your enemy which you had disregarded because of your overall view of the generalized loyalty of your staff. Can you amplify what happened in that regard?

Judge THOMAS. Well, there were some members of my—at least one member of my staff who felt that she did not have my best interests at heart and he would continue to, as I remember it, articulate that point of view, and I would, again, dismiss it.

Senator SPECTER. Well, did he tell you why he felt that way?

Judge THOMAS. It must have been based on specific things at that time. I don't recollect the bases of his conclusion nor his statements, but he would say it repeatedly when he saw evidence of it.

Senator SPECTER. Thank you, very much, Judge Thomas. I am glad to conclude before the red light went on.

The CHAIRMAN. Thank you, very much.

Senator Heflin.

Senator HEFLIN. Mr. Chairman, I will just take 30 seconds. I want to clarify one thing. One member of my staff thought there might be some misunderstanding about it. I accused no one of rape. And the only reason I was using it as a comparison is because when you have date rape offenses you seldom have any witnesses, any corroborating witnesses. I was using that analogy in this instance because we don't have any witnesses or any corroborating witnesses, that's all.

The CHAIRMAN. Senator Leahy.

Senator LEAHY. Thank you, Mr. Chairman.

Mr. Chairman, I will be brief. We can go around and around and we will be back basically at the same position. Judge, when you and I left off, I think we agreed on the fact that there is irreconcilable conflict in the testimony. I know you feel strongly about which way that should come down.

I am not at all happy with the whole process. This is my third term here and I have sat on four different committees that have had confirmation processes. We have spent more time on this one than any other nomination in nearly 18 years. I can only gather how difficult it has been for you, and your family, your wife, son, others. You are here with a good friend of all of ours, and a tower of integrity in the U.S. Senate, Senator Danforth. I know how difficult it has been for him, I chatted briefly with him this morning.

As a U.S. Senator—I do not like at all the way we have been brought here. The Chairman stated and virtually everybody on the committee has supported the position that he took about how we got here. I was glad to hear the Chairman and the ranking member state that an investigation will be made of where this material came from. I assume that is going to be completed and we will find out.

I especially want to know because I got to see that FBI report about 3 days after it was in the newspapers for the first time. I

would like to read them in a little bit different sequence. But we were sent by the Senate to try and find an answer and this is a very difficult process.

I suspect that everybody watching this is trying to figure out what the answer is, just like we are. Telephone calls, I have just been advised, into my office are absolutely split down the middle. I would hope that nobody would decide this by polls but, that we would do it by our best independent judgment.

And I would hope that we might find a way where we are sure that when we do a confirmation process, we are always dealing with the facts. I don't know the answer to this one. We still have a long time to go. You can think of 100 places you would rather be, I can think of at least 100 places I would rather be—all in my home State.

And we may never come to the final conclusion we want. We may never come to the final conclusion of what has happened here. And you know, if that happens, it is even a greater tragedy than many think.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Let me, Judge, say a couple of things and we will let you go.

First of all, this unfortunately is not the first time this committee has been presented with a situation like this. It has been the first time we have been presented one that involved a Supreme Court Justice. We have other people nominated before this Court where there are allegations by former wives of mistreatment and wife beating. There is no appropriate forum to resolve that, as you point out.

Now, we have an option in that particular case to say, well, we will send it to the court first. Before we decide whether to confirm this particular person, have the court decide that issue. Believe me, I would like that. I did not sign onto this job or run for it to be a judge. If I wanted to do that, I would be a judge now in my home State. I don't want to be a judge. I hate this job.

But all my colleagues here were telling everybody how awful the process is. Let me be completely blunt about it. It is like democracy. It is a lousy form of government, except that nobody has figured out another way.

Now, I can turn around and I can say to this particular person whose wife has come forward and said, I have been abused, I can say, I will tell you what, we are going to disregard that and we are going to confirm you anyway. Or I can say I don't believe it and therefore, I am not going to tell these fellows, which I have done on other matters unrelated to wife beating.

There has been more nominees sent up here in the last two administrations that have had drug problems, and I never even told these folks about, because it happened 10, 20, 30 years ago.

So I take the heat and I take the responsibility and I will continue to do it as long as I am Chairman, no matter what these guys think of this process, okay? Number one.

Number two, when an allegation of consequence comes forward I do not have the recourse to send it to the courts. I have the recourse only to send it to my colleagues. There is no other institutional way of doing it. I made a judgment on this one. My trust was