

When I arrived at school later that morning, another colleague, Ms. Susan Dunham, on her own initiative, came to me, having read the article in the Post—

The CHAIRMAN. What day was this, again?

Mr. PAUL. This was on Monday morning, sir—and she reminded me, that is, Ms. Susan Dunham reminded me of the fact that I had communicated to her the substance of my conversation with Professor Hill shortly after it occurred.

I then recalled that, indeed, right after my lunch conversation with Professor Hill, I went to Ms. Dunham, who had some practical experience in the field of employment discrimination, and told her of Professor Hill's problems at the EEOC. Ms. Dunham said at that time that this was the case of the fox guarding the hen house. That phrase stuck in my mind. I was pleased that Ms. Dunham independently could confirm my memory of these events.

I had at that time, and I have now, no reason to question the facts as Professor Hill related them to me. I always regarded her as having the highest integrity. I know her to be a deeply religious person.

Moreover, I cannot believe that she could be politically motivated. I know from numerous conversations with her that she served faithfully in the Reagan administration, that she was generally in sync with the goals of that administration, and that she did not disagree with the overall policies of the administration.

Indeed, when Judge Robert Bork was nominated to the Supreme Court in the summer of 1987, I remember vividly that Professor Hill supported his nomination and told me that she held him in extremely high esteem, as a former teacher of hers at Yale. Her strong support of Judge Bork led to a number of loud lunch table disagreements between Professor Hill and other colleagues of mine. Thus, I cannot accept the conclusion that her statements have been motivated by political ideology.

In closing, I would reemphasize that I am here simply to aid the Senate Judiciary Committee in its efforts to determine these facts. I have not taken any position with regard to Judge Thomas' nomination prior to these allegations. Indeed, a national petition of law professors opposing his nomination was circulated at my law school several weeks ago. I was asked to sign it and I refused, despite the fact that 18 of my colleagues signed that petition, as well as many others from other law schools.

I came forward on my own initiative to recount what I was told by Professor Hill. I have not spoken to Professor Hill since sometime prior to the nomination of Judge Thomas. I have never discussed my testimony or any aspect of these hearings with Professor Hill or any person representing Professor Hill, or with any organization or anyone representing any organization.

Mr. Chairman, I am here to help you get to the facts. Thank you.

The CHAIRMAN. Let me begin by asking you again, for the record, just go down the line starting with the judge, if you will, tell me your college education, your post-graduate education and what jobs you have held since your graduation from post-graduate school, please.

Judge HOERCHNER. I have a bachelor of arts degree from the University of the Pacific, and, more specifically, from their honors

college, Raymond College, which has since been re-absorbed into the university. I have a Ph.D. in American studies from Emory University. I have a J.D. from Yale University Law School.

The CHAIRMAN. A J.D. law degree.

Judge HOERCHNER. Right.

The CHAIRMAN. And upon graduating, was Yale Law School, your last formal education?

Judge HOERCHNER. That is correct.

The CHAIRMAN. So, you graduated with honors from undergraduate school, you went on to get a Ph.D. from Emory University, and then you went on to get a law degree from Yale University.

Judge HOERCHNER. That is almost correct. We did not have the classification, I believe, of graduating with honors.

The CHAIRMAN. I see.

Judge HOERCHNER. It was an honors college.

The CHAIRMAN. An honors college, excuse me. Now, upon graduating from Yale, where did you go to work?

Judge HOERCHNER. I went to work for the National Labor Relations Board, in Washington.

The CHAIRMAN. And from there?

Judge HOERCHNER. And from there to a San Francisco law firm, Littler, Mendelsohn, Baskiff & Tiche.

The CHAIRMAN. And from there?

Judge HOERCHNER. And thereafter, I was self-employed and worked as an independent contractor. Thereafter, I went into teaching—I skipped one point.

After I had accepted a teaching position at Valparaiso University School of Law in Indiana, I worked on a temporary basis for an elected city auditor in the city of Berkeley. I taught at Valparaiso University School of Law and at Chase Law School in Northern Kentucky University. Thereafter, I returned to California, where I worked for the State Compensation Insurance Fund for about 3½ years, before becoming a workers compensation judge, a little bit more than a year ago.

The CHAIRMAN. Thank you. I think it is important we establish each of your backgrounds, because this is all coming down to background and credibility, the credibility of everyone involved in this matter. I am not questioning your credibility. I want to establish for the record who you are, before I question you.

Now, let me ask you, Judge Hoerchner, you indicated you had numerous conversations, as I understand it, with Professor Hill during the period of the alleged harassment, while she was working at EEOC and the Department of Education. Is that correct?

Judge HOERCHNER. That is not exactly correct, Senator. I have said that I remember mainly one conversation. I believe there were other conversations in which she led me to understand that the problem was continuing, but I do not have any detailed recollection—

The CHAIRMAN. All I am trying to establish now is the nature of the relationship you had with Anita Hill when you were both in Washington during that period.

Judge HOERCHNER. OK.

The CHAIRMAN. Was it an unusual thing for you to talk to Professor Hill during that period, or was that a fairly normal undertaking? Did you keep in contact with one another?

Judge HOERCHNER. Yes, we did, we kept in contact, namely by telephone, due to our busy schedules.

The CHAIRMAN. And how often during this period, would you estimate, you spoke to Professor Hill, either on a weekly basis, a monthly basis or during the entire period? Did you speak to her once a week, once a month? Did you see her frequently? Can you give us some estimation of the frequency?

Judge HOERCHNER. I believe that while I was living in Washington, we spoke at least once a week.

The CHAIRMAN. And how long were you living in Washington?

Judge HOERCHNER. I left Washington in late November, late November 1981.

The CHAIRMAN. And you arrived when?

Judge HOERCHNER. In early June 1980.

The CHAIRMAN. So, you were there about a year and 4 months or 5 months?

Judge HOERCHNER. Approximately.

The CHAIRMAN. So, it is fair to say you spoke to her more than a couple dozen times during that period?

Judge HOERCHNER. Oh, yes. I would like to clarify: In September and October 1981, I was on a temporary assignment in California.

The CHAIRMAN. Now, let me ask you further: You recalled for our committee minority and majority staff, you have recalled in other inquiries made of you officially, and you have recalled today one specific conversation where Professor Hill said to you that she was being harassed, that she was being repeatedly asked out on dates.

Now, you said you did not ask her for any detail and she did not offer any detail. In light of the frequency with which you spoke to her, did you find it unusual that she would not tell you more about this? It sounds like you had an ongoing close relationship, at least by telephone. Did it surprise you?

Judge HOERCHNER. Not after hearing the tone of her voice when she initially told me how depressed and demoralized she was. In addition, as I mentioned in my statement, I have never known Anita to use offensive language. The situation was to me too clearly painful to her for me to try to pull out any further information.

The CHAIRMAN. Did you advise her to take any action? Did she seek your counsel? Did—

Judge HOERCHNER. She did not ask for advice.

The CHAIRMAN. Did you say, you should complain. Did you give her any advice?

Judge HOERCHNER. She did not ask for advice, and I did not give her any advice.

The CHAIRMAN. Why did you think she was calling you then to tell you this?

Judge HOERCHNER. I have not said that she telephoned me. I don't remember who called whom.

The CHAIRMAN. Why did you think she initiated this with you?

Judge HOERCHNER. I believe she initiated this part of the conversation in response to a question about how things were going at work.

The CHAIRMAN. Now, you said, in your testimony, that you knew the problem continued after that conversation. How did you know that the problem continued after first being made aware of it in the conversation that you related to us, here today?

Judge HOERCHNER. In telephone conversations I asked and she led me to understand that it was happening, and often would say, she didn't want to talk about it at that time.

The CHAIRMAN. Mr. Carr, you were dating Anita Hill. I assume that's what you meant by having a—we use a lot of euphemisms in this town and an old fashioned word—you were dating Professor Hill at some point in the past, is that correct?

Mr. CARR. I think that's close.

The CHAIRMAN. OK. Well, maybe—

Mr. CARR. Let me explain, if I may? When you say, dating, I think of a relationship that was going on.

The CHAIRMAN. I admit that I find it difficult—I mean these phrases, my sons are 21 and 22 and I use phrases like dating and they look at me like I—did you go out alone with her from time-to-time? [Laughter.]

Mr. CARR. Yes. I would characterize it that we met, we dated, and the bulk of our relationship was on the telephone getting to know one another.

The CHAIRMAN. I see. Now—

Mr. CARR. I guess I would say we didn't get but so far.

The CHAIRMAN. I understand that. [Laughter.]

All right. Seriously, I am not trying to get into anything, the details of your relationship. I just want to get a sense of what this is. Because the reason I ask, I would like you to tell me, Mr. Carr, you said that—please correct me if I am wrong; I am paraphrasing—that you were angry or outraged when you heard from her on the telephone that her boss was doing what?

Mr. CARR. He said her boss was making sexual advances.

The CHAIRMAN. Making sexual advances. Now, would you characterize your response, again, for us. When she told you that, at the time, do you recall—

Mr. CARR. I was outraged.

The CHAIRMAN. Now, did you give her any advice?

Mr. CARR. I don't recall giving her any advice, other than to calm down and to try to—

The CHAIRMAN. To what? I'm sorry.

Mr. CARR. To calm down and to try to cheer up. I don't think I gave her any advice about what to do.

The CHAIRMAN. Your testimony, in case she didn't mention to you—did she mention to you any other form of harassment, and it can be harassment, any other form of harassment other than repeatedly being asked out? Did she indicate to you the nature of the harassment, beyond being asked out?

Mr. CARR. My recollection is that she did not go into detail as to the nature of the harassment, but I have a clear recollection that the advances toward her were sexual in nature and something beyond merely, would you go out with me?