

some alternative where she could make a statement with her name being used as some sort of an intermediate measure, so I guess some days later the phone started ringing.

When did that conversation with Professor Hill occur, Judge Hoerchner?

Judge HOERCHNER. That was after she had made a statement to a member of the Chairman's staff and I had made a statement to the member of the Chairman's staff.

Senator SPECTER. Was there a thought that you had expressed that it might be possible for Professor Hill to come forward, is that the alternative that you were referring to, where there would be an intermediate measure, or just what did you mean by that?

[Pause.]

Senator SPECTER. I ask this, Judge Hoerchner, because there has been a good bit of testimony as to whether Professor Hill might have come forward, without having these public hearings and had Judge Thomas withdraw, and my question to you is: When you had that discussion with her about some alternative and some sort of intermediate measure, whether you were discussing with her at that time the possibility that there could be some action taken to have Judge Thomas withdraw, without having these proceedings?

Judge HOERCHNER. Neither she nor I had ever used the term "withdraw," nor had that thought ever occurred to me, until I appeared here and listened to the committee hearings.

Senator SPECTER. Well, what did you mean, when you said "alternative and intermediate measure?"

Judge HOERCHNER. I was under the impression that the information had not been disseminated to the committee, and I understood that we both had requested confidentiality. I'm not sure that even today I know exactly what confidentiality entailed.

Senator SPECTER. But you know what it doesn't entail?

Judge HOERCHNER. I am beginning to think I am learning.

Senator SPECTER. Well, what I am getting at is did you have some thought that your identity and her identity could have been kept confidential, and had the matter concluded without coming forward, and if so, in what way?

Judge HOERCHNER. Senator, I am a judge. My job is to look at evidence and apply the law and make a decision. When I first made my statement to a member of the Chairman's staff, that is what I expected the Senate to do. I still expect the Senate to do that, and at this point I have no idea what the result will be. My concern is simply telling the truth.

Senator SPECTER. I see that my time is up, Mr. Chairman. Thank you.

The CHAIRMAN. Thank you.

Senator Leahy?

Senator LEAHY. Thank you, Mr. Chairman.

Judge you live in California now, correct?

Judge HOERCHNER. Yes, I do.

Senator LEAHY. Judge, let me ask you, you have not testified before Senate committees before, have you?

Judge HOERCHNER. I certainly have not.

Senator LEAHY. Would it be safe to say that has never been high on your agenda of things that you might want to do on a Sunday afternoon? [Laughter.]

Judge HOERCHNER. That would be extremely high or very near the top.

Senator LEAHY. Judge, we have had a number of discussions in answer to Senator Specter's questions about the transcript of your interview, and I ask you to turn to page 4 of that transcript. Would you read lines 15 through 18, please?

Judge HOERCHNER.

I remember, in particular, one statement that I am remembering almost verbatim, but not completely verbatim. That was that he said to her, you know, if we had any witnesses, you would have a perfect case against me.

Senator LEAHY. Now, who was it who made that statement to you, and who was that person talking about?

Judge HOERCHNER. Anita Hill was quoting to me what her boss Clarence had said to her.

Senator LEAHY. And by Clarence, did you understand Clarence Thomas?

Judge HOERCHNER. I understood Clarence Thomas.

Senator LEAHY. Thank you.

Would you turn to page 11 of your transcript, please. On page 11, there is a question asked of you, and let me read the question to you. It begins on page 10, and then I would ask you to read your answer:

Let me get back to a comment you made about the first telephone call you related. You said that Anita Hill had related to you that there had been sexual harassment at work by my boss. I may be paraphrasing part of that, except that I know the words sexual harassment were used in your quote. Do you specifically recall her using those two words?

Judge, would you please read on lines 18 and 19 what your response was to the question, whether you specifically recall Anita Hill using the words "sexual harassment?"

Judge HOERCHNER. "Yes, I do. I think they were the first time I had ever heard them on a personal basis from a friend."

Senator LEAHY. Then, last, would you turn to page 29, please, Judge. There is a question that begins on line 11, and I will read the question to you. The question was, "Did she give specific details, or how specific did she get?" Judge, what was your answer?

Judge HOERCHNER.

Well, my memory, I remember two specific aspects about his behavior, and that was the repetitive pushing himself upon her as a social partner and his statement, if we had any witnesses, you would have a great case against me."

Senator LEAHY. Lastly, in your statement this morning, you say, "It's not just a question of my never having known her to lie, I've never known Anita to even exaggerate."

Judge, on each of these statements, the ones that you have just read and, of course, the one I just referred to from this morning's statement, is that your testimony here today?

Judge HOERCHNER. Yes, that is correct.

Senator LEAHY. Now, did the FBI agents at one point in their discussion with you tell you that in the FBI report they could keep your name anonymously, if you requested that?

Judge HOERCHNER. I believe we finished the interview, with the understanding that the agent would have interviewed Susan Hoerchner, who would have said "no comment," and that my interview, the interview that I gave him would go out under something like L.A. No. 1.

Senator LEAHY. Judge, you were given the opportunity, if you just wanted to stay anonymous, not to have to testify here, to be in California this afternoon. Why did you come forth?

[Pause.]

Judge HOERCHNER. I think my reasons were similar to those of Anita and the sense that I have a duty, as a citizen, to tell the truth.

Senator LEAHY. And what you have told me here today is the truth?

Judge HOERCHNER. Yes, it is.

Senator LEAHY. I will just ask you one more question about Professor Hill. Is she, in your estimation, a woman who suffers from fantasies in any way, or is she pretty level-headed?

Judge HOERCHNER. She is one of the most level-headed people I have ever known. Her feet are firmly on the ground. She has never conveyed any fantasy to me whatsoever.

Senator LEAHY. Thank you, very much.

Ms. Wells, in speaking of Anita Hill, you said, "we are both very private persons." Is that a fair restatement of what you said?

Ms. WELLS. Yes, Senator.

Senator LEAHY. But you said something else and I think maybe it's important—especially for this panel to hear, and probably a lot of other people to listen to—you said, you weren't surprised that she stayed.

Ms. Wells—I am sorry to delve into your privacy and everybody else's—tell me, why do you say that?

Ms. WELLS. Well, when you are confronted with something like that you feel powerless and vulnerable. And unless you have a private income, you have no recourse. And since this is generally done in privacy, there are no witnesses, and so it is your word, an underling, against that of a superior, someone who is obviously thought well of or they would not have risen to the position that they hold. And so if you hope to go forward, and by going forward, move out from under their power and control, you sometimes have to put up with things that no one should be expected to put up with.

Senator LEAHY. No one should be expected to put up with—but, Ms. Wells, it's your experience that this is something that goes on?

Ms. WELLS. Yes, it is my experience.

Senator LEAHY. And Ms. Wells, sitting here today do you feel that this is what Anita Hill experienced?

Ms. WELLS. Yes, I do, Senator.

Senator LEAHY. Thank you.

Now, Mr. Carr, thinking back on it, you said that you did not give her any advice on filing a complaint or anything else. Now that you have thought about it, and listened to all that has happened, if you had it to do over again, what do you think you might have given for advice?

Mr. CARR. I think I would have advised her to leave her job. I just, I have no recollection that I gave her any advice or didn't give

her any advice, and we may have discussed that. I mean she may have told me that she was planning to leave her job at some point. I just don't recall it.

Senator LEAHY. Mr. Carr, would it not be right to say if a friend comes to you and says, "Look, I've got this problem"—well, let's do it in the abstract: A friend comes to you with a problem. What is going to be your first reaction? Interrogate the heck out of them on the problem? Or, if they are troubled, offer them comfort?

Mr. CARR. I am sorry, the first choice was?

Senator LEAHY. Interrogate the heck out of them on the problem or offer them comfort?

Mr. CARR. I think my first inclination is going to be to try to find out exactly what they are talking about, but I think I will be very hesitant to push to find out too much information if they are reluctant.

And realizing that they are reluctant and I think I would certainly worry about comforting them.

Senator LEAHY. And Ms. Wells, I want to deal with one point you said. And correct me if I am not restating your testimony correctly. You said that if somebody, not independently wealthy, needs a job, and hopes that maybe if they stay at that job they might advance to a different job, that's one reason for not just walking away. Is that correct?

Ms. WELLS. That is correct.

Senator LEAHY. Was Anita Hill somebody who was independently wealthy who could just say, "I will take my trust fund or whatever and walk out of here"?

Ms. WELLS. By no means. If she was, she certainly never disclosed it to me. One of the things we liked to do was to bargain hunt.

Senator LEAHY. Would it be fair to say that your impression of her was of the single woman in the workplace living on her salary?

Ms. WELLS. Precisely, Senator.

Senator LEAHY. Now, Mr. Paul, account again what Professor Hill's demeanor was when she told you about this?

Mr. PAUL. We were sitting in the university cafeteria. It was in the course of an informal conversation about her employment opportunities. She was obviously embarrassed that I had asked the question. She was reluctant to answer the question. She was emotional, hesitant.

Senator LEAHY. You remember that attitude on her part?

Mr. PAUL. I remember quite vividly because I felt embarrassed, Senator, that I had asked what may have been an inappropriate question with no intention of asking an inappropriate question.

Senator LEAHY. Did you have any reason to doubt what she was saying to you?

Mr. PAUL. Absolutely not.

Senator LEAHY. Now, back to you, Judge Hoerchner. You have come here and you have testified under oath about a conversation some years ago. The conversation, because of its nature, apparently stands out strongly in your mind. Is that correct?

Judge HOERCHNER. There are certain aspects of the conversation that stand out in my mind. They are the fact that her boss' name was Clarence. He repeatedly asserted to her that he was her kind

of man, she would not admit it, he said, and that if she had any witnesses she would have a great case against him.

Senator LEAHY. Judge, has anybody forced you or enticed you to come forward here?

Judge HOERCHNER. Absolutely not. In fact, Anita has never asked me to come forward.

Senator LEAHY. Ms. Wells, I will ask you the same question. Has anybody enticed you, forced you to come forward here?

Ms. WELLS. No, they have not, Senator.

Senator LEAHY. Is this a process you would have just as soon passed up?

Ms. WELLS. Oh, yes, I—oh, yes, I would not be here if I could have, you know, done something else.

Senator LEAHY. Mr. Carr, you are a partner in a law firm in New York City, is that correct?

Mr. CARR. That's correct.

Senator LEAHY. And would it be safe to say that this type of a Sunday afternoon testifying is not the sort of thing that the partners in your law firm normally do?

Mr. CARR. That's true, Senator. I would tell you that I am a corporate lawyer. I represent clients in business transactions that we try to keep quiet and confidential and discreet. I do not believe any client I have represented would be pleased to know that their lawyer was before you or before the cameras. It is something that I have been concerned about and worried about and was very hesitant to do this.

But I think it is, I think it is important to speak the truth when you know it, and I felt that I had an obligation to do this.

Senator LEAHY. And, Mr. Paul, you stated earlier that when many of your colleagues signed a letter or petition or whatever opposing Judge Thomas for confirmation to the Supreme Court, you declined to sign that, that you did not join with the others.

Mr. Paul, did anybody force you to come forward here?

Mr. PAUL. Absolutely not, Senator.

Senator LEAHY. And why are you here?

Mr. PAUL. I am here because I read the reports in the newspaper on Monday and credibility and character of a professional colleague of mine was called into question. I felt that it was my duty to come forward. My duty both with respect to my colleague and also, more importantly, with respect to the U.S. Senate.

Senator LEAHY. Thank you very much.

Mr. Chairman, I see the red light is on.

The CHAIRMAN. Thank you, very much, Senator.

Now, we will have one more, an additional 15-minute round for Senator Specter.

Senator SPECTER. Thank you, Mr. Chairman.

Judge Hoerchner, turning now to page 7 of the previous deposition which you have given on line 4, the question was, the last part of the question:

You tried to talk to her about it later; did you have any idea about when your attempt was? Answer: I think it would have been once or twice when we spoke on the phone. It was very unsuccessful and I just know that it was after the one time we talked about it at length.

Judge HOERCHNER. I am sorry, Senator, we are page 7, line?