

statement about if they had a witness, it would be a good case? But did she tell you about any of the other materials, about the films, about the rest of it?

Judge HOERCHNER. About that—I'm sorry?

Senator SPECTER. About the films and about the rest of what she had testified here, which you say you think you heard?

Judge HOERCHNER. I do not have a specific memory of that and that would be very much in keeping with her reserved character.

Senator SPECTER. Let me ask you about one final part of the transcript, and it appears at page 12, line 14. The question is:

Is it possible, Judge Hoerchner, that she was referring to—again, I understand the comments you made about your recollection—is it possible that she was referring to the same time period in which she worked at EEOC? Answer: Well, I was trying to remember all of this at first. At one point, I thought it was EEOC, but I was drawing conclusions based on other parts of my memory. I really don't know which it was, and, again, I really don't know if it was 1981 versus another time.

I was concerned, when I saw this reference that you said that "I was drawing conclusions based on other parts of my memory," and my question to you is what did you mean by that?

Judge HOERCHNER. Well, I did know that Clarence Thomas became the Chair for the EEOC. Now, whether I knew that at the time I spoke to Anita and we had the most memorable conversation or not, I can't really say.

Senator SPECTER. Well, what was there that you were drawing from other parts of your memory, though?

Judge HOERCHNER. I think I mentioned to the staff member that I have a vague memory of something about education films that they had reviewed for civil rights, sexual harassment-related issues, and that is a very vague memory.

Senator SPECTER. Judge Hoerchner, did Professor Hill ever have any discussion with you about her move from the private law firm to the Department of Education? She has testified that one of the reasons she left the Department of Education to go with Judge Thomas to EEOC, notwithstanding the incidents, was that she was fearful that the Department of Education would be abolished, because that was one of the planks in President Reagan's program. Did you ever have any conversation with her or any insight into any of her thinking, when she left the law firm to go to the Department of Education, any concern that that might be insecure, because the department might be abolished?

Judge HOERCHNER. I don't remember anything about the abolition of the department. The only thing I remember her saying about her desire to go to the Department of Education was that she was very interested in working in a policy-making position.

Senator SPECTER. Mr. Carr, you have testified that Professor Hill told you about comments during the course of the telephone conversation. How did they happen to arrive during the course of a telephone conversation?

Mr. CARR. My recollection is that we spoke periodically and that it was natural in those conversations to inquire about how we were each doing. In this conversation, it was clear that she was not doing very well, and I asked her why she was upset or what was bothering her, and this is what she explained.

Senator SPECTER. When you say it was clear from your conversation that she was not doing very well, can you amplify that? I ask, because it is rather unusual, obviously, to bring up the subject of sexual harassment, and I am interested to know what there was in the conversation that would have led you to that inquiry and would have led her to that disclosure.

Mr. CARR. Well, my recollection is that, in response to a generalized "how are you doing," that the tone of her voice was a little different, that she was trying not to express something, that she was holding something in, that she could not make the standard and sort of normal affirmative declaration that things were fine, and then I inquire further as to what was wrong.

Senator SPECTER. In response to Senator Biden's questions and also in your deposition, you were precise on both occasions in saying that she said that her boss was making sexual advances toward her. Did she specify what those advances were?

Mr. CARR. I don't recall that she did, no.

Senator SPECTER. And in the deposition, at page 3—and I don't think you will need the transcript, but we can give you one—the question was, "Did she identify who her boss was? Answer: I knew she worked for the EEOC and that it was Clarence Thomas."

And in your testimony here today, you said that it was clear to you that she was referring to Judge Thomas, but she did not identify Judge Thomas by name, did she?

Mr. CARR. I don't recall that she identified him by name. I do recall, though, that I spoke very strongly about the irony, I guess, in how I guess disgusting it was that the head of the EEOC should be making sexual advances toward her. There's no question in my mind—in fact, I think of how do I remember this, and the reason I remember this is because it was the Chairman of the EEOC.

Senator SPECTER. Well, aside from what is clear in your mind, my question to you is did she say it was Clarence Thomas?

Mr. CARR. I don't recall.

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

The CHAIRMAN. Thank you very much.

We are going to go now to 5-minute rounds. Mr. Carr, let me ask you, before I yield to—

Senator SPECTER. Mr. Chairman, I have some more questions.

The CHAIRMAN. Well, we agreed we can do this, but we are going to have to begin to change the ground rules here. We will confer on this.

Senator SPECTER. Well, there was no agreement as to a total length of time.

The CHAIRMAN. No, but we will go to 5-minute rounds. You can have your questions in 5-minute rounds like other Senators.

Senator SPECTER. OK. Fine.

The CHAIRMAN. Mr. Carr, how would you know someone was upset on the telephone? Are you married?

Mr. CARR. No.

The CHAIRMAN. Is there anyone you have had a relationship with for an extended period of time?

Mr. CARR. Yes.