

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.

The CHAIRMAN. Did you ever have any doubt when you picked up the phone and say how are you, whether or not you know whether they are all right or not?

I wonder if any man or woman in the world has ever picked up the phone and called someone with whom they had a relationship and said how are you, and heard that silence on the other end of the phone and not wondered whether something was wrong. The inability to know whether someone on the other end of the phone is upset seems to me to be an experience every American has probably shared at one time or another.

Mr. CARR. I would agree that it is very easy with anyone that you have even the slightest of relationship, to be able to tell whether they are happy or sad with the slightest of cues over the phone.

The CHAIRMAN. Were you surprised that—did you find it unusual at all that, notwithstanding the fact that the relationship had not—whatever your phrase was—not matured, not gone forward, that she would discuss or raise the subject of sexual harassment?

The Senator from Pennsylvania said it was rather unusual to bring up the subject of sexual harassment. Did you find it unusual that she would confide in you to the extent that she would tell you she was upset and she was being harassed? What did you think when she told you? Did you say well, our relationship just hit a new high? What did you think?

Mr. CARR. If someone would have asked me, sort of in the abstract, whether Anita Hill would have shared such a thing with me at that point in our relationship, I would not have been able to say yes. I would have wondered whether she would have. But as I think about it, my recollection is that Anita Hill is a very honest and forthright person, and maybe, in a simplistic sense, when asked the question, she was visibly upset, she could not—she did not think to avoid telling me.

The CHAIRMAN. I yield to my friend from Alabama.

Senator HEFLIN. Judge Hoerchner, you are a workmen's compensation judge, and in the experience that you have had relative to judging, have you found that when confronted with an issue of fact, that the recollection process, where the fact occurred several years previous, that recollection of the incident and the details of the incident do not always come to mind in the witness' recital of them and his recollection, the continuing process, particularly if these events, incidents, facts and conversations occurred a number of years ago?

Judge HOERCHNER. Yes, Senator, I definitely believe that is the case.

Senator HEFLIN. Do conversations with people who bring back to your memory certain instances help in regard to trying to comprehensively refresh your memory?

Judge HOERCHNER. I believe that is the case, as well. I do wish to say, though, that I have never discussed with Anita since that main conversation that I remember, the substance of that conversation or when it took place.

Senator HEFLIN. Now, we are faced with the issue here between two people, both Yale Law School graduates, both who appear to have had prior to all of this arising, good reputations among people that had worked with them. We have the problem of trying to sift