

Judge HOERCHNER. I have a lawyer who was my moot court director at Yale Law School. His name is Ron Allen.

Senator DECONCINI. And he is a pro bono lawyer, or are you paying him?

Judge HOERCHNER. He has not submitted a bill yet. [Laughter.]

Senator DECONCINI. Lots of luck, Mr. Allen.

Thank you.

And just lastly, Dean Paul, you don't consider yourself a friend of Professor Hill. A professional acquaintance, is that fair to say?

Mr. PAUL. I would say that we were professional colleagues.

Senator DECONCINI. Professional colleagues.

Mr. PAUL. We are on friendly terms. I see Professor Hill typically once or twice a year at the annual meetings of the Association of American Law Schools.

Senator DECONCINI. Yes. Do you think you fall into the category, then, in her statement where she said:

It is only after a great deal of agonizing consideration that I am able to talk of these unpleasant matters to anyone but my closest friends.

She must consider you a friend, don't you think?

Mr. PAUL. I think that she considers me a friendly professional colleague. I don't know why she chose to relate the story to me. I don't know if she remembers relating the story to me. As I say, I haven't spoken to Professor Hill since prior to the Thomas nomination.

Senator DECONCINI. Thank you.

And thank you, Chairman, for the additional time. I appreciate it.

Senator THURMOND. Senator Specter?

Senator SPECTER. Thank you, Mr. Chairman.

Ms. Wells, let me pick up with your statement as I wrote it down, when you heard the details as to what Professor Hill had said that Judge Thomas said to her, "so outraged you would have to do something." The issue which we have before us is one of credibility, as to whom to believe. We have gained substantial insights in a lot of testimony which has been given as to the view of a woman in a position of this sort.

You did not know the details. You only knew that it was inappropriate and sexual in nature, as to what Professor Hill had told you. That is what your testimony has been here today.

When you get the details and, as you say, you were outraged that you thought something would have to have been done, we have a situation where Professor Hill went from the Department of Education to the EEOC, and she was a classification attorney where she could have kept her job, and then she went with him voluntarily on a trip to Oral Roberts. I am not suggesting any impropriety, but she went with him. And, after that she called him on many occasions. There are 11 in a log, and we will have a witness later who will testify that she called him on many other occasions that weren't written down in the log because they got through to Judge Thomas.

And we have an astute professor, a law professor, a lawyer, who was concerned about being fired by Judge Thomas, so that when he gave her work assignments she wrote them all down, the date she

received them, the nature of the work, how long it took her to finish them.

But in the context of that kind of concern, and she testifies about these outlandish statements having been made, she doesn't write any of them down.

And we are trying to figure out what really happened. If it is sexual harassment, the man ought not be on the Court. Ought not be on any court. He ought not be the head of EEOC.

And the testimony has been that, I think it was, that he was her claim to fame, should not burn that bridge. But, even considering all of that and knowing Professor Hill as you do, and in the light of your statement "so outraged, have to do something," what would that something have been? Would it have been to follow him from one job to another? To call him up? To drive him to the airport? Or would it at least have been not to maintain that kind of an association?

Ms. WELLS. Well, Senator, as I believe I indicated earlier, one of the reasons that I would be hesitant to offer advice on this kind of issue is because of the ramifications, and it is such a personal thing. So, yes, if she had something like that, sitting outside of the situation I would have said, "Oh, this is terrible. Yes, you must do something."

But what could I actually expect her to do? When I told a close friend about my occurrence, in terms of being touched, I was told immediately, "Oh, you should file a suit." I wasn't going to do that. I couldn't do that. First of all, who saw it? Nobody. But I would tell you this: I didn't need to write it down because I remember the places on my body that he touched, just as she did not need to write down the words he used because they are burned indelibly into her brain.

And so, yes, it may seem strange that you maintain contact, but I think it is something that you just school yourself to do. And I understand that that seems difficult, but that is what happens oftentimes.

And it takes a great deal of strength and courage to not maintain some kind of a cordial relationship, if you will, because we are all told about networking. I mean, my goodness, graciousness. You can open up any women's magazine and you go to seminars on how women are supposed to learn to network since we don't have the old boys club. Take up golf, ladies. Take up tennis. Learn to get out there so you can do these things to maintain these contacts. And so you don't burn your bridges.

Senator SPECTER. So, in essence, you are saying that even though you were so outraged you would have to do something that ultimately you would have done nothing?

Ms. WELLS. I think that is the case.

Senator SPECTER. And would she have maintained that kind of a friendly relationship, called him up, drive him to the airport, et cetera?

Ms. WELLS. I don't know all those—all the circumstances, but given the kind of work—I am sorry?

Senator SPECTER. Well, Professor Hill has said that she made those calls. She admits to 11 calls.

Ms. WELLS. Yes.

Senator SPECTER. I think the record is plain that she did drive him to the airport. And it is, of course, very plain that she moved with him from one agency to another and that she went to Oral Roberts. She accompanied him on a trip.

We are interested in your perspective, and interested if you would have maintained all of those kinds of activities, given the feelings that were involved with the reprehensible statements alleged to have been made.

Ms. WELLS. Well, over the course of, let's see, what—I am not sure. I think it was 1983 when she started at Oral Roberts and we are at 1991. I don't see 11 calls, some of them on behalf of other people, as a lot of contact. It is business in nature.

Senator SPECTER. Well, there were more calls than that 11 which were recorded where he was not present.

Mr. Carr, you said that you found the comments outrageous. Did you give any thought, at the time you had this telephone conversation with Professor Hill, to saying to her what are you going to do about it; let's consider taking some action; here you have a man who is the head of the EEOC, chief law enforcement of the country on sexual harassment?

Did the thought cross your mind, whether or not she did anything, that these outrageous comments should at least warrant some consideration of some action?

Mr. CARR. I don't recall that we discussed that or that we did not discuss it. I, it may well be that at that point she had decided to leave his employ and she told me that. I just don't recall.

Senator SPECTER. Well, my question to you is did you give her any such advice? Are you saying that you might have given her that advice or am I to consider it if it were simply now? Do you not recall?

Mr. CARR. I am saying I don't recall today. That is right.

Senator SPECTER. Professor Paul, you testified about a comment made by an associate of yours, the fox in the hen house, and I believe as you characterized it you were shocked and astonished by what Professor Hill had told you.

Did you give any thought to any suggestion about her taking some action given the fact that this happened at EEOC, the agency which was charged with enforcing laws against sexual harassment?

Mr. PAUL. As I testified, Senator, I asked her if she had taken any recourse and she said no. And I asked her why not and she said that she felt that she had no recourse. I don't recall more than that conversation.

Senator SPECTER. Your testimony was that she said she had been sexually harassed by her supervisor. I am advised, and we have to have testimony on this, but I am advised reliably that she had two supervisors besides Judge Thomas, who was her ultimate supervisor as the Chairman of the EEOC.

Would the statement she made to you about a supervisor comprehend as well a supervisor other than the Chairman of the EEOC?

Mr. PAUL. Well, Senator, she said that she had been sexually harassed by her supervisor. From what I know of Professor Hill, it is not conceivable to me that she would now be blaming Judge Thomas for the actions of another man. So I would have to con-