

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-

clude that no, Senator, I believe that she was talking about Judge Thomas.

Senator SPECTER. Well, I am not asking you for a conclusion. I am asking you about what she said in terms of supervisor and whether that, aside from any other inferences which you may make whether the category supervisor or whatever it was she said would comprehend other supervisors, if, in fact, there were? And we have to hear about that.

Mr. PAUL. I don't know, Senator.

Senator SPECTER. Judge Hoerchner, let me come back to a couple of points which have been asked, that I asked you about by some other people. I turn to page 5 of the notes and testimony, and line 6.

Senator KENNEDY. Repeat the page, please.

Senator SPECTER. Page 5, line 6.

Senator KENNEDY. Thank you.

The CHAIRMAN. Senator, I am not going to cut you off. But again, there are some who haven't asked over here, so you are beyond the 5 minutes.

Senator SPECTER. That is fine. Thank you, Mr. Chairman.

The CHAIRMAN. We are going back and forth.

Senator SPECTER. Glad to yield?

The CHAIRMAN. Why don't we do that? And you will have an opportunity to ask again.

Now, Senators Simon and Kohl have not had an opportunity to ask, as I understand it. So, Senator Simon?

And again, any member of the panel who continues to have questions, we will allow them the opportunity to question. But I just want to make sure everybody gets a shot first.

Senator SIMON. Thank you, Mr. Chairman.

First, not to the panel, but on a talk show this morning one of the commentators said that I was the source for the leak of the affidavit. That is just absolutely false. I don't operate that way. I have seen how leaks have damaged people, our colleagues. Senator DeConcini suffered a great injustice because of a leak. And I just want everyone to know that there is simply no truth to that. Neither I nor my staff leaked the documents.

The CHAIRMAN. Senator?

Senator SIMON. Yes, sir?

The CHAIRMAN. I am sorry. If it is on that matter, continue. But before you get to questioning I want to ask the panel a question about—

Senator SIMON. Go ahead.

The CHAIRMAN. You have been on for a while now. Would you all like to break—yes. I can see the heads shaking.

Senator would you rather continue your questioning now or give them a break and then question? How would you like to do it?

Senator SIMON. The panel would like to take a break right now. I will take my 5 minutes after the break, Mr. Chairman.

The CHAIRMAN. We will recess for 15 minutes.

[Recess.]

The CHAIRMAN. The hearing will come back to order.

To explain to the witnesses what we are doing, we are trying to figure out the remainder of the schedule. I emphasize again that

Senator Thurmond and I are under strict time constraints placed on us, understandably, by the entirety of the Senate, the leadership in the Senate and the remainder of the Senate, to resolve this entire matter in time for all of our colleagues to be able to consider all the testimony here and make a judgment.

As I have indicated at the outset, were this a trial, which is not, all of you who are sitting as the panel members here know that there would be a legitimate reason for this trial to go on for another week or more. We do not have that luxury.

The nominee insists on a resolution of it. The White House insists on a resolution of it. And the Senate insists on a resolution of it. So what we are attempting to do is work out not only a time when we are going to vote on this on the Senate floor, which is done 6 o'clock Tuesday night, but an agreement on an absolute end time when these hearings will end.

And I assure this panel, you will not have to be here till the end. We are about to do that with you all now, and we will probably recess very briefly after this panel is completed to discuss the final witness list and the time frame within which each witness or panel will be coming before the Committee.

I thank the panel and I thank everyone in this room for their indulgence, and I hope they understand. But based upon the knowledge of the arcane processes of the Senate I am sure no one will understand. But nonetheless, that is where we are.

Now, where were we in questioning? Who was next?

Senator Simon has 5 minutes.

Senator SIMON. Mr. Chairman, first, if I may comment on something said by Senator Specter just before my time came up. He said, and I wrote it down, there were more than 11 calls, that only 11 were documented. To my knowledge, that is an inaccurate statement.

We know Judge Thomas—

Senator SPECTER. Mr. Chairman, I said we would produce a witness who would testify to that. That there other calls, that 11 were documented when he wasn't there, but we would produce a witness.

So, if Senator Simon is going to quote me, please be accurate.

Senator SIMON. Well, perhaps you know that there were more. So far there has been nothing entered into the evidence suggesting that there were more than 11 calls.

The CHAIRMAN. Let me ask the Senator from Pennsylvania, has the name of that witness been made available to the Committee as a whole?

Senator SIMON. Yes, that is Ms. Holt, who is the custodian of the records—

The CHAIRMAN. Ms. Holt. All right. Fine.

Senator SPECTER [continuing]. And also the secretary, who is prepared to testify that there were many more calls made by Professor Hill which got through to Judge Thomas, so there was not a notation.

The CHAIRMAN. But it is Ms. Holt we are talking about?

Senator SPECTER. That is right.

The CHAIRMAN. Thank you.

Senator SIMON. And let me just add that one or more of those calls were made with great reluctance. We have evidence on that also.

Now, getting to the panel, and we will get to you here. Judge Hoerchner, you said in your deposition you were asked:

*Question.* "Did you see her press conference on television?"

*Answer.* Yes, I did.

*Question.* Did you find her to be credible?

*Answer.* I saw most of it. Absolutely. If you knew Anita you couldn't doubt her word on anything. I've never known her even to exaggerate. As you can tell from what you've seen of her on television and in person, her style is understatement in everything she does.

Now, yesterday it was suggested by one of the Members of the Senate that the fact that she did not document what was happening to her questions her credibility. I would be interested in any reflections you might have, all four witnesses, on whether or not—on the mater of documentation in that kind of a situation, and does the fact that she did not document this in any way diminish her credibility in your mind?

Judge if we can call on you first.

Judge HOERCHNER. Absence of documentation could never diminish Anita's credibility to those of us who have known her since 1977 and 1978. Documentation is usually in my experience something that someone would do who is contemplating a lawsuit. It was always my impression that Anita had no intention to sue then Mr. Thomas and that she has had no agenda vis-a-vis Judge Thomas.

Senator SIMON. Ms. Wells?

Ms. WELLS. The lack of documentation does not trouble me, Senator, because I think, as I tried to indicate to Senator Specter earlier, I don't see what a record would have accomplished. She knew what was done to her.

And furthermore, to put it down on paper, to say he said X to me on Thursday, would have been no more evidence for us today than anything else.

Senator SIMON. And, of course, she didn't anticipate anything like this.

Ms. WELLS. No. So there was no reason. As the Judge said. she wasn't thinking of bringing a suit.

Senator SIMON. And, if I could relate it, it says to me that she didn't intend to prosecute or carry on in that way.

You have mentioned your own experience. Did you document that in any way, writing it down in a diary or anything?

Ms. WELLS. No, I did not. It is just something that will always be with me and so I have no need to write it down. I would like to forget it and I cannot. So I would not want it to be anywhere where it could be picked up and read by anyone.

Senator SIMON. Mr. Carr?

Mr. CARR. I would echo that, I guess. But in addition, my recollection of discussing these things with Anita Hill is that they were very painful for her, and I think she did not want to, certainly, talking about them with me, and she may well have wanted to forget them, and that writing them down may, in fact, in and of itself have been additionally painful for her.

Senator SIMON. Mr. Paul?

Mr. PAUL. Senator, I would have to say as a lawyer that the absence of documentation is completely consistent with my recollection of her reluctance in wanting to discuss it and her statement that she felt she had no recourse.

Senator SIMON. If I may ask one more question, Mr. Chairman?

The CHAIRMAN. Briefly.

Senator SIMON. Each of you has explained why you are here. Why do you think Anita Hill came forward and testified?

Judge HOERCHNER. She has said that she came forward out of a sense of her obligation as a citizen. I think the incidents that occurred those many years ago have raised a serious question of character in someone who has been nominated for one of the most important positions in the country.

I know that she was very reluctant to come forward. I think she felt she had a duty to her country.

Senator SIMON. Ms. Wells?

Ms. WELLS. Well, I can only echo what the judge has said. Anita, Professor Hill, is a very loyal person and therefore she is loyal to what she believes she ought to do, and so therefore she has come forward only because she felt that that was the right thing to do.

Senator SIMON. Mr. Carr?

Mr. CARR. Senator, I can really only, I guess, speculate on it, on why she has come forward. I would think my recollections of her personality are that while she would like to come forward in this manner she would be terrified of the invasion of privacy and she would have been extremely hesitant.

At the same time, I have the recollection that she is a forthright person and when asked a question she feels compelled to give an honest answer. And I would think here that she has somehow found herself on the sort of proverbial slippery slope. That she has felt obligated to make some statement when asked and that that has snowballed totally out of control to the point where she had no alternative but to come forward in a total and fulsome way.

Senator SIMON. And, if I could ask you, and then I want to hear from Mr. Paul, she is both a lawyer and a law professor. I assume she has a very elevated feeling, as we all do, for the Supreme Court.

Do you think this was a factor in coming forward also?

Mr. CARR. It may well have been that when she looked at the price she would have to pay to do this that because it was the Supreme Court she viewed it as of such great importance that she was willing to pay that price.

Senator SIMON. Mr. Paul.

Mr. PAUL. Of course, I haven't discussed with Professor Hill, Senator, her reasons for coming forward, but I would imagine that if I were in her situation, when asked the question by an agent of the FBI, I would feel compelled to answer the question honestly as a servant to the court.

I cannot imagine anything that Professor Hill could think to gain as a legal academician by coming forward. I think her career has, frankly, probably suffered as a result of her coming forward. I think that she had a very bright career. I think that if someone had asked me a few weeks ago I would say that I could imagine

Professor Hill coming before this Committee in a very different capacity, as a judicial nominee herself. I think her opportunities for that now have been destroyed. I think she paid a big price for her conscience.

Senator SIMON. I thank you. And I thank all four of you for coming forward. Thank you, Mr. Chairman.

Senator KENNEDY [presiding]. Senator Thurmond.

Senator KOHL. Thank you very much, Mr. Chairman. And thank you for being here today, folks.

Senator KENNEDY. I think it goes Senator Thurmond, and then, Senator Kohl, I will recognize you.

Senator KOHL. Oh, I am sorry.

Senator THURMOND. I would like to ask you this question. From your testimony, it appears that none of you four witnesses have any personal knowledge of the charges made by Professor Hill against Judge Thomas, and that all you know about the matter is what Professor Hill told you. Is that correct?

Judge HOERCHNER. I was not a precipitate witness, Senator.

Senator THURMOND. What was that?

Judge HOERCHNER. I was not a precipitate witness.

Senator THURMOND. What did she say?

Judge HOERCHNER. I said that is correct.

Senator THURMOND. Ms. Wells.

Ms. WELLS. That is correct, Senator.

Senator THURMOND. Mr. Carr.

Mr. CARR. It is correct. I was not in the room.

Senator THURMOND. Mr. Paul.

Mr. PAUL. That is true, Senator.

Senator THURMOND. That is all. Thank you very much.

I yield the rest of my time to Senator Specter.

Senator SPECTER. Thank you, Mr. Chairman.

When my time last expired, Judge Hoerchner, I was asking you to refer to page 5 of your prior testimony before the staff. A question where you said, at line 6, on page 5, "I did run into her very briefly at a professional conference in 1984, late December."

My question to you is did you, at that time, ask Professor Hill anything about these alleged statements made by Judge Thomas?

Judge HOERCHNER. I did not remember asking her that.

Senator SPECTER. Judge Hoerchner, can you be any more specific than you have been about where you were at the time this conversation occurred where you say Professor Hill made these statements about Judge Thomas' comments? We have been trying to fix the date. It would be helpful if you were able to at least say where you lived at that time, in an effort to try to pin that down. Can you help us on that?

Judge HOERCHNER. Unfortunately as I have explained to the FBI and here, I really cannot pin the date down. The one thing I can be absolutely certain about is the fact that she was working for Clarence Thomas at the time because she stated that she was experiencing sexual harassment from her boss, Clarence.

Senator SPECTER. Can you, at least, tell us whether you were living in Washington at the time you had that conversation with her?

Judge HOERCHNER. I cannot pin down the date with any further specificity.

Senator SPECTER. Judge Hoerchner, shifting over to the contacts you had with other people at or about the time you called Professor Hill on the day of Judge Thomas' nomination for the Supreme Court, have you received a call from anyone prior to the time you called Professor Hill asking her what she was going to do?

Judge HOERCHNER. Absolutely not.

Senator SPECTER. When did you have the first call, if any, from any member of the news media?

Judge HOERCHNER. I am trying to remember who called whom. The first person from the news media with whom I spoke was Nina Totenberg from National Public Radio and PBS.

Senator SPECTER. What did she say to you?

Judge HOERCHNER. That was after Anita had already spoken to her. She just briefly asked me the same types of things that I had been asked by the staff member of the Chairman.

Senator SPECTER. And what did you respond?

Judge HOERCHNER. I responded with essentially the same information that I had given in my statement. I also asked her not to use my name.

Senator SPECTER. Judge Hoerchner, you are not in a position to corroborate Professor Hill's statement that Judge Thomas spoke about acts that he had seen in pornographic films, are you?

Judge HOERCHNER. I do not have an explicit memory of that.

Senator SPECTER. Judge Hoerchner, are you in a position to corroborate Professor Hill's statement that Judge Thomas talked to her about such matters as women having sex with animals?

Judge HOERCHNER. I do not have a memory of references of women having sex with animals. But I do have a memory of her telling me that he said to her, if we had any witnesses, you would have a perfect case against me.

Senator SPECTER. I understand that. What I am trying to do now is to go through the real essence or gravamen or testimony which Professor Hill gave against Judge Thomas to be sure that we understand you. Because as I understand it, you do not, but I want to be sure, that you said you don't have, you can't corroborate her claim that Judge Thomas spoke to her about pornographic films. You can't corroborate Judge Thomas' statement about women having sex, et cetera, as I just said.

Can you corroborate her claim that Judge Thomas spoke about pornographic materials depicting individuals with large sex organs?

Judge HOERCHNER. No.

Senator SPECTER. Can you corroborate her claim that Judge Thomas spoke to her graphically about his own sexual prowess?

Judge HOERCHNER. No.

Senator SPECTER. Can you corroborate her claim that Judge Thomas spoke to her about the odd episode, or Judge Thomas participated in the odd episode about drinking a coke with the allegation of the pubic hair?

Judge HOERCHNER. No.

Senator SPECTER. Ms. Wells, are you in a position to corroborate Professor Hill's testimony that Judge Thomas spoke to her about pornographic films?

Ms. WELLS. No, I am not.

Senator SPECTER. Are you in a position to corroborate Professor Hill's claim that Judge Thomas spoke to her about women having sex, et cetera, with others than men?

Ms. WELLS. No.

Senator SPECTER. Are you in a position to corroborate that he talked about pornographic materials with large private parts?

Ms. WELLS. No, I am not.

Senator SPECTER. Are you in a position to corroborate that Judge Thomas talked to her about his own sexual prowess?

Ms. WELLS. No, I am not.

Senator SPECTER. Or about the coke incident?

Ms. WELLS. No, I am not.

Senator SPECTER. Mr. Carr, are you in a position to corroborate any of that?

Mr. CARR. Those are all consistent with the things she has told me but I am not in a position to corroborate them specifically.

Senator SPECTER. And, Professor Paul, are you in a position to corroborate that Judge Thomas talked to Professor Hill about pornographic films?

Mr. PAUL. No.

Senator SPECTER. About any of the specifics I have asked Ms. Wells and Judge Hoerchner about?

Mr. PAUL. All of that, Senator, would be consistent with sexual harassment, but she did not talk to me—I don't recall that she talked to me about any of those particulars.

Senator SPECTER. Professor Paul, did you know prior to the time these hearings started, that when Professor Hill accompanied Judge Thomas from the Department of Education to EEOC that as a matter of fact she had a classification at the Department of Education that she could have stayed there?

Mr. PAUL. No, Senator.

Senator SPECTER. Professor Paul, did you know that prior to the time that this hearing started that Professor Hill had made at least 11 calls which were recorded to Judge Thomas, and others unrecorded?

Mr. PAUL. No, Senator.

Senator SPECTER. Did you know, Professor Paul, that Professor Hill drove Judge Thomas to the airport and was with him alone on what occasion in Oklahoma City or Tulsa?

Mr. PAUL. No, Senator.

Senator SPECTER. Did you know any of that, Mr. Carr?

Mr. CARR. No.

Senator SPECTER. Did you know any of that, Ms. Wells?

Ms. WELLS. No, Senator.

Senator SPECTER. Did you know any of that, Judge Hoerchner?

Judge HOERCHNER. I didn't hear her testify about driving him to the airport.

Senator SPECTER. So you didn't know about that?

Judge HOERCHNER. No, I did not know about that.

Senator SPECTER. Judge Hoerchner, if you had to vote on Judge Thomas, yes or no, what would it be?

Judge HOERCHNER. Senator, I don't have a vote here.

Senator SPECTER. Ms. Wells, if you had to vote yes, or no, on Judge Thomas, what would it be?

Ms. WELLS. Senator, the hearings are not over and you have more witnesses for Anita Hill to hear and I think then you would have a better understanding of her and why we are here saying that her allegations are true.

Senator SPECTER. Mr. Carr, if you had to vote yes or no on Judge Thomas, what would it be?

Mr. CARR. Senator, I have not followed the hearings earlier before the Senate decided to delay, and so I can't make an informed decision based on that, but I do believe the sexual harassment charges, and I think he would have to be one incredible jurist to get over my view that those are true. So I would vote, no.

Senator SPECTER. Would you want to hear the rest of the testimony?

Mr. CARR. I think if I was in the official position to make that choice, then I would definitely hear the rest of the testimony.

Senator SPECTER. Professor Paul, you have already testified that when they came to you, you wouldn't sign the letter.

Mr. PAUL. That's correct, Senator.

Senator SPECTER. Do you have an opinion today, would you vote yes, or no on Judge Thomas?

Mr. PAUL. If these allegations are proved true, Senator, I would say that he is not fit for the Supreme Court.

Senator SPECTER. But you would want to hear the rest of the evidence?

Mr. PAUL. Yes, Senator.

Senator SPECTER. So that none of you is in a position, sitting there today without hearing the rest of the evidence to reject Judge Thomas solely on the basis of what Professor Hill has said?

Mr. CARR. Sir, I am in a position to do that.

Senator SPECTER. I thought you wanted to hear the rest of the evidence, Mr. Carr.

Mr. CARR. I said that I would—I think it would be incumbent upon me to review all of the evidence, but that I have great difficulty imagining that he could be such a great jurist as to justify being confirmed in light of my belief that there was sexual harassment.

Senator SPECTER. No further questions, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Kohl.

Senator KOHL. Thank you, very much, Mr. Chairman.

Just to follow up on what Senator Specter has been asking you. You are in a position, do I understand it, on the basis of your testimony today, to state as a matter of fact that Professor Hill informed you in a way that satisfied you that she was being sexually harassed by Judge Thomas, by Clarence Thomas? Is there any question in your mind about the clarity of the information that she provided to you? The sense that she provided to you?

Judge Hoerchner.