

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.