

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

Senator SIMPSON.

Senator SIMPSON. Mr. Chairman, I really will be much less than 5 minutes.

It is a very puzzling thing here for me. You are all lawyers, and you are all lawyers telling us that the system does not work for sexual harassment. What a curious and extraordinary thing. It is 1991, and these laws have been on the books for years, and Joe Biden, our chairman, has been involved deeply in these issues. So have many of us.

Sexual harassment is talked about all over America, and you are telling us as four lawyers that the system doesn't work, and this is very troubling to me. Obviously we have a great deal to do. I thought it worked. I thought if you went forward, that things took place. A consultation takes place; supervisors; anonymous; and these things take place. And you are saying just—it is like saying the process doesn't work.

I can understand why the chairman bristles. The process does work, but you are telling us it doesn't, and I don't understand that, in this day, in this city, that sexual harassment claims aren't done in the way the statute was drawn, in the sense of a way to get them expressed to protect both—both the victim and the harasser.

Because here is a pattern—if there is a pattern, we are told that—psychologically, of the victim and their response, and there is also a pattern of the harasser. It is seldom a singular thing. And that is the way it is, and that is what we are dealing with.

And my question is this. I understood Ellen Wells very effectively and passionately describes sexual harassment. Did you say—and I am asking you, if I didn't hear, with all this going on—you said you had been touched. Did you bring a claim of sexual harassment? No, you said not. OK. I'm sorry.

Judge Hoerchner, have you ever brought a claim of sexual harassment?

Judge HOERCHNER. There was an incident of sexual harassment where I now work, and the main victim of this contained it through the internal system, and an investigation was done. I spoke to the investigator and I wrote a statement which was not sent to the decisionmaker in that instance, because the perpetrator and his attorneys had worked out a settlement, the terms of which are secret.

Senator SIMPSON. But you were involved in that in some way?

Judge HOERCHNER. I was involved in a very minor way.

Senator SIMPSON. Well, I am not trying to be sinister. I was just thinking if you were involved in it or you were helping someone else with a sexual harassment charge, either as a counsel or friend, I am wondering why you didn't help your closest friend, Anita Hill, when she was faced with the same information, and why you didn't give her that same counsel, and that is, "Do something."

Judge HOERCHNER. You are making an unwarranted assumption.

Senator SIMPSON. I am not trying to; I am just asking.

Judge HOERCHNER. In this more recent situation I did not counsel the person, and as I said, I did try to help Anita. I tried to help

her by listening and providing comfort, and apparently there was no comfort to be found.

Senator SIMPSON. Would you have done it differently now, knowing what you know, than what you did then?

Judge HOERCHNER. If I were dealing with Anita at her present age, confidence, professional status, I would consider advising her to do something or say something. To be frank, I don't remember ever giving Anita advice about anything in my life.

Senator SIMPSON. I thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

I have a few questions, and there are still some more, if you are prepared. Let me ask each of you to answer each of these questions, if you would.

Did Professor Hill ever complain to you that any other employer she had or anyone else other than the nominee had harassed her or had made unwanted sexual advances toward her, had asked her for a date, anything? Can anyone? Let's just go down the list. Judge?

Judge HOERCHNER. I will just repeat essentially the same thing that I said the last time I was asked that question. No, she has never complained of that. She was very poised and very capable of brushing off or laughing off unwanted sexual advances. In this situation, in part I am sure because of the great disparity in power, she was not able to successfully do that.

The CHAIRMAN. Ms. Wells.

Ms. WELLS. She has never described to me a situation similar to this or any way remotely similar to this, in terms of a work situation where a supervisor or a superior was making unwelcome advances.

The CHAIRMAN. Mr. Carr.

Mr. CARR. No, Senator.

The CHAIRMAN. Mr. Paul.

Mr. PAUL. No, Senator.

The CHAIRMAN. Now have any of you ever known, under any circumstances—and you are under oath—has there been any circumstance in your relationship at any time with Professor Hill where you have known her to lie? Judge?

Judge HOERCHNER. Absolutely not.

Ms. WELLS. Never.

Mr. CARR. Never.

Mr. PAUL. Absolutely not.

The CHAIRMAN. And it is an obvious question, but do any of you have any reason to believe, because there have been a lot of notions proffered here as to whether Professor Hill, who has obviously made an impression of sincerity on the committee as well as many other people, is doing anything other than simply telling the truth? Judge Thomas has come across as very forceful and sincere in his denials. Do you have any reason to believe that any of the reasons that have been offered here, raised here, suggested here over the last several days as you have watched this, amount to anything other than she is simply telling the truth and the facts as they occurred? Anyone?

Mr. PAUL. Senator, if there were any desire on the part of Professor Hill for some sort of advancement in the profession of legal