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Professor Anita F. Hill
Senate Judiciary Committee
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Mr. Chairman, Senator Thurmond, Members of the Committee, my name is Anita F. Hill, and I am a Professor of Law at the University of Oklahoma. I was born on a farm in Okmulge, Oklahoma in 1956, the 13th child, and had my early education there. My father is Albert Hill, a farmer of that area. My mother's name is Erma Hill, she is also a farmer and housewife. My childhood was the childhood of both work and poverty; but it was one of solid family affection as represented by my parents who are with me as I appear here today. I was reared in a religious atmosphere in the Baptist faith and I have been a member of the Antioch Baptist Church in Tulsa since 1983. It remains a warm part of my life at the present time.

For my undergraduate work I went to Oklahoma State University and graduated in 1977. I am attaching to this statement my resume with further details of my education. I graduated from the university with academic honors and proceeded to the Yale Law School where I received my J.D. degree in 1980.

Upon graduation from law school I became a practicing lawyer with the Washington, D.C. firm of Wald, Harkrader & Ross. In 1981, I was introduced to now Judge Thomas by a mutual friend. Judge Thomas told me that he anticipated a political appointment shortly and asked if I might be interested in working in that

office. He was in fact appointed as Assistant Secretary of Education, in which capacity he was the Director of the Office for Civil Rights. After he was in that post, he asked if I would become his assistant and I did then accept that position. In my early period, there I had two major projects. The first was an article I wrote for Judge Thomas' signature on Education of Minority Students. The second was the organization of a seminar on high risk students, which was abandoned because Judge Thomas transferred to the EEOC before that project was completed.

During this period at the Department of Education, my working relationship with Judge Thomas was positive. I had a good deal of responsibility as well as independence. I thought that he respected my work and that he trusted my judgment. After approximately three months of working together, he asked me to go out with him socially. I declined and explained to him that I thought that it would only jeopardize what, at the time, I considered to be a very good working relationship. I had a normal social life with other men outside of the office and, I believed then, as now, that having a social relationship with a person who was supervising my work would be ill-advised. I was very uncomfortable with the idea and told him so.

I thought that by saying "no" and explaining my reasons, my employer would abandon his social suggestions. However, to my regret, in the following few weeks he continued to ask me out on several occasions. He pressed me to justify my reasons for saying "no" to him. These incidents took place in

his office or mine. They were in the form of private conversations which would not have been overheard by anyone else.

My working relationship became even more strained when Judge Thomas began to use work situations to discuss sex. On these occasions he would call me into his office for reports on education issues and projects or he might suggest that because of time pressures we go to lunch at a government cafeteria. After a brief discussion of work, he would turn the conversation to discussion of sexual matters. His conversations were very vivid. He spoke about acts that he had seen in pornographic films involving such matters as women having sex with animals and films showing group sex or rape scenes. He talked about pornographic materials depicting individuals with large penises or large breasts involved in various sex acts. On several occasions Thomas told me graphically of his own sexual prowess.

Because I was extremely uncomfortable talking about sex with him at all and particularly in such a graphic way, I told him that I did not want to talk about those subjects. I would also try to change the subject to education matters or to nonsexual personal matters such as his background or beliefs. My efforts to change the subject were rarely successful.

Throughout the period of these conversations, he also from time-to-time asked me for social engagements. My reactions to these conversations was to avoid having them by eliminating opportunities for us to engage in extended conversations. This was difficult because I was his only assistant at the Office for

Civil Rights. During the latter part of my time at the Department of Education, the social pressures and any conversations of this offensive kind ended. I began both to believe and hope that our working relationship could be on a proper, cordial and professional base.

When Judge Thomas was made Chairman of the EEOC, I needed to face the question of whether to go with him. I was asked to do so. I did. The work itself was interesting and at that time it appeared that the sexual overtures which had so troubled me had ended. I also faced the realistic fact that I had no alternative job. While I might have gone back to private practice, perhaps in my old firm or at another, I was dedicated to civil rights work and my first choice was to be in that field. Moreover, the Department of Education itself was a dubious venture; President Reagan was seeking to abolish the entire Department at that time.

For my first months at the EEOC, where I continued as an assistant to Judge Thomas, there were no sexual conversations or overtures. However, during the Fall and Winter of 1982, these began again. The comments were random and ranged from pressing me about why I didn't go out with him to remarks about my personal appearance. I remember his saying that someday I would have to give him the real reason that I wouldn't go out with him. He began to show real displeasure in his tone of voice, his demeanor and his continued pressure for an explanation. He commented on what I was wearing in terms of whether it made me

more or less sexually attractive. The incidents occurred in his inner office at the EEOC.

One of the oddest episodes I remember was an occasion in which Thomas was drinking a Coke in his office. He got up from the table at which we were working, went over to his desk to get the Coke, looked at the can, and said, "Who has put pubic hair on my Coke?" On other occasions he referred to the size of his own penis as being larger than normal and he also spoke on some occasions of the pleasures he had given to women with oral sex.

At this point, late 1982, I began to feel severe stress on the job. I began to be concerned that Clarence Thomas might take it out on me by downgrading me or not giving me important assignments. I also thought that he might find an excuse for dismissing me.

In January of 1983, I began looking for another job. I was handicapped because I feared that if he found out, he might make it difficult for me to find other employment and I might be dismissed from the job I had. Another factor that made my search more difficult was that this was a period of a government hiring freeze. In February, 1983, I was hospitalized for five days on an emergency basis for an acute stomach pain which I attributed to stress on the job. Once out of the hospital, I became more committed to find other employment and sought further to minimize my contact with Thomas. This became easier when Allyson Duncan became office director because most of my work was handled with

her and I had contact with Clarence Thomas mostly in staff meetings.

In the Spring of 1983, an opportunity to teach law at Oral Roberts University opened up. I agreed to take the job in large part because of my desire to escape the pressures I felt at the EEOC due to Thomas. When I informed him that I was leaving in July, I recall that his response was that now I "would no longer have an excuse for not going out with" him. I told him that I still preferred not to do so.

At some time after that meeting, he asked if he could take me to dinner at the end of my term. When I declined, he assured me that the dinner was a professional courtesy only and not a social invitation. I reluctantly agreed to accept that invitation but only if it was at the very end of a workday. On, as I recall, the last day of my employment at the EEOC in the summer of 1983, I did have dinner with Clarence Thomas. We went directly from work to a restaurant near the office. We talked about the work I had done both at Education and at EEOC. He told me that he was pleased with all of it except for an article and speech that I done for him when we were at the Office for Civil Rights. Finally, he made a comment which I vividly remember. He said that if I ever told anyone about his behavior toward me it could ruin his career. This was not an apology nor was there any explanation. That was his last remark about the possibility of our going out or reference to his behavior.

In July 1983, I left the Washington, D.C. area and have had minimal contacts with Judge Clarence Thomas since.

I am of course aware from the press that some question has been raised about conversations I had with Judge Clarence Thomas after I left the EEOC. From 1983 until today I have seen Judge Clarence Thomas only twice. On one occasion I needed to get a reference from him and on another he made a public appearance in Tulsa. On one occasion he called me at home and we had an inconsequential conversation. On one other occasion he called me without reaching me and I returned the call without reaching him and nothing came of it. I have, on at least three occasions been asked to act as a conduit for others.

I knew his secretary, Diane Holt, well when I was with the EEOC. There were occasions on which I spoke to her and on some of those occasions undoubtedly I passed on some casual comment to Thomas.

There was a series of calls in the first three months of 1985 occasioned by a group in Tulsa which wished to have a civil rights conference; they wanted Thomas to be the speaker, and enlisted my assistance for this purpose. I did call in January and February to no effect and finally suggested to the person directly involved, Susan Cahall, that she put the matter back into her own hands and call directly. She did do that in March of 1985. In connection with that March invitation to Tulsa by Ms. Cahall, which was for a seminar conference some research was needed; I was asked to try to get the research work and did

attempt to do so by a call to Thomas. There was another call about another possible conference in July of 1985.

In August of 1987, I was in Washington and I did call Diane Holt. In the course of this conversation she asked me how long I was going to be in town and I told her; she recorded it as a August 15; it was in fact August 20. She told me about Thomas' marriage and I did say "congratulate him."

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. Telling the world is the most difficult experience of my life. I was aware that he could effect my future career and did not wish to burn all my bridges. I may have used poor judgment; perhaps I should have taken angry or even militant steps both when I was in the agency or after I left it, but I must confess to the world that the course I took seemed to me to be the better as well as the easier approach. I declined any comment to newspapers, but later, when Senate staff asked me about these matters, I felt I had a duty to report. I have no personal vendetta against Clarence Thomas. I seek only to provide the Committee with information which it may regard as relevant. It would have been more comfortable to remain silent. I took no initiative to inform anyone. But when I was asked by a representative of this committee to report my experience, I felt that have had no other choice but to tell the truth.

The CHAIRMAN. Thank you, very much.

Professor, before I begin my questioning, I notice there are a number of people sitting behind you. Are any of them your family members that you would like to introduce?

Ms. HILL. Well, actually my family members have not arrived yet. Yes, they have. They are outside the door, they were not here for my statement.

The CHAIRMAN. We will make room for your family to be able to sit.

Ms. HILL. It is a very large family, Senator.

The CHAIRMAN. Well, we will begin but attempt to accommodate as quietly as we can what may be an unusual arrangement. I might ask, is everyone who is sitting behind you necessary? Maybe they could stand and let your family sit. I would assume the reason that—to make it clear—the reason that your family is not here at the moment is that you did not anticipate coming. If those do not need to be seated behind Miss Hill could stand with the rest of our staffs, we could seat the family.

We will try to get a few more chairs, if possible, but we should get this underway. We may, at some point, Professor Hill, attempt to accommodate either your counsel and/or your family members with chairs down the side here. They need not all be up front here.

Fine, we can put them in the back, as well.

Now, there are two chairs on the end here, folks. We must get this hearing moving. There are two chairs on the end here. We will find everyone a seat but we must begin.

Now, Professor Hill, at the risk of everyone behind you standing up, would you be kind enough to introduce your primary family members to us.

Ms. HILL. I would like to introduce, first of all, my father, Albert Hill.

The CHAIRMAN. Mr. Hill, welcome.

Ms. HILL. My mother, Erma Hill.

The CHAIRMAN. Mrs. Hill.

Ms. HILL. My mother is going to be celebrating her 80th birthday on the 16th.

The CHAIRMAN. Happy birthday, in advance.

Ms. HILL. My sister, my eldest sister, Elreatha Lee is here; my sister Jo Ann Fennell, my sister Coleen Gilcrist, my sister Joyce Baird.

The CHAIRMAN. I welcome you all. I am sorry?

Ms. HILL. My brother, Ray Hill.

The CHAIRMAN. Thank you, Professor.

Ms. HILL. I would also—I am sorry.

The CHAIRMAN. Please?

Ms. HILL. I would also like to introduce my counsel at this time.

The CHAIRMAN. Yes; that would be appropriate.

Ms. HILL. Mr. Gardner, Ms. Susan Roth, and Mr. Charles Ogeltree.

The CHAIRMAN. Thank you.

Now, professor, thank you for your statement and your introductions and I think it is important that the committee understand a little more about your background and your work experience

before we get into the specific allegations that you have made in your statement.

I understand, as you have just demonstrated, you come from a large family and I have been told that you have indicated that you are the youngest in the family, is that correct?

Ms. HILL. Yes, I am.

The CHAIRMAN. Now, I assume, like all families, they have been a great help and assistance to you. Let me ask you tell me again your educational background for the record?

Ms. HILL. I went to primary, elementary and secondary school in Okmulge County, and Morris High School, Morris Jr. High and Erim Grade School in reverse order. I went to Oklahoma State University starting in 1973 and graduated in 1977 from Oklahoma State University with a degree in psychology, and in 1977 I began attending Yale Law School. I graduated, received my J.D. degree from there in 1980.

The CHAIRMAN. Now, what was your first job after graduation from law school?

Ms. HILL. I worked at the firm of Wald, Harkrader & Ross.

The CHAIRMAN. How did you acquire the job—that is a Washington law firm?

Ms. HILL. That is a Washington, DC, law firm.

The CHAIRMAN. And how did you acquire that job?

Ms. HILL. Through the interviewing process. The first interview took place at Yale Law School. I was interviewed for that job. I don't remember the names of the interviewers. I was called to Washington for an interview in the office, of Wald, Harkrader & Ross, I was interviewed by a number of people and I accepted an appointment with them.

Now, I will say that that interview process was proceeded by work that I had done with them as a summer associate, and so the interview process the second time around was really, actually I will say that the interview process took place before the summer associate and then at the end of that summer associateship I was asked to work there full time.

The CHAIRMAN. Who was your immediate supervisor when you were at that law firm?

Ms. HILL. Well, a number of individuals. I worked with a number of different attorneys on different projects.

The CHAIRMAN. So, it would the budget you we are working on?

Ms. HILL. Yes.

The CHAIRMAN. Now, what type of work did you do while you were at the law firm? Was it specialized, or did you do whatever was asked by any of the partners?

Ms. HILL. Well, since I worked there for only 1 year, I was a fairly new associate, most of my work was basically what was available and when I had time available to do it. However, I did some Federal Trade work, I did some environmental law work there, and I participated in the drafting of a manual on banking law while I was there.

The CHAIRMAN. Now, did you decide you wanted to leave that law firm, or was it suggested to you?

Ms. HILL. It was never—

The CHAIRMAN. Did someone approach you and say there's another job you might like, or did you indicate that you would like to leave the law firm to seek another job?

Ms. HILL. I was interested in seeking other employment. It was never suggested to me at the firm that I should leave the law firm in any way.

The CHAIRMAN. How old were you at this time?

Ms. HILL. At the time, I was 24 years old.

The CHAIRMAN. Now, were you dissatisfied at the law firm? Why did you want to leave?

Ms. HILL. Well, I left the law firm because I wanted to pursue other practice, in other practice other than basically the commercial practice, civil practice that was being done at the law firm. I was not dissatisfied with the quality of the work or the challenges of the work. I thought that I would be more personally fulfilled if I pursued other fields of the law.

The CHAIRMAN. Now, again, were you approached as to the opportunity at the Department of Education, or were you aware that there was a potential opening and you sought it out?

Ms. HILL. I spoke only with Clarence Thomas about the possibility of working at the—

The CHAIRMAN. Excuse me. How did you get to Clarence Thomas, that is my question?

Ms. HILL. I was introduced to him by a mutual friend.

The CHAIRMAN. Was the mutual friend a member of the law firm for which you worked?

Ms. HILL. Yes, and his name is Gilbert Hardy. He was a member of the firm for which I worked, Wald, Harkrader & Ross.

The CHAIRMAN. You had expressed to Mr. Hardy that you would like to move into government or move out of the practice? Were you specific in what you wanted to do?

Ms. HILL. I told him only that I was interested in pursuing something other than private practice.

The CHAIRMAN. Now, some of the activities of the Office of Civil Rights at the time were pretty controversial. We heard testimony, in fact, about the fact the office was under court order to change its practice for carrying out its duties, and some have suggested that Mr. Thomas had done an exemplary job in changing things, and some have suggested otherwise.

Did the controversy surrounding the office detract from your interest in taking this job, or did you consider it?

Ms. HILL. I certainly considered it. I considered the fact that there was talk about abolishing the office. I considered all of those things, but I saw this as an opportunity to do some work that I may not get at another time.

The CHAIRMAN. Did you think this was as good job?

Ms. HILL. Pardon me?

The CHAIRMAN. Did you view this as a good job, or did you view this as an intermediate step?

Ms. HILL. I viewed it as a good job, yes.

The CHAIRMAN. Can you describe for the committee your duties, initial duties when you arrived at the Department of Education, in the civil rights area? What were your duties?

Ms. HILL. My duties were really special projects and special research. A lot of the special projects involved commenting on Office for Civil Rights policies, it involved doing research on education issues as they related to socioeconomic factors, and so forth.

The CHAIRMAN. Was Judge Thomas your direct supervisor? Did you report to anyone else but Judge Thomas at the time?

Ms. HILL. I reported only to Judge Thomas.

The CHAIRMAN. So, the Department of Education, your sole immediate supervisor was Judge Thomas?

Ms. HILL. Yes.

The CHAIRMAN. And what was your title?

Ms. HILL. Attorney adviser.

The CHAIRMAN. Attorney adviser. Now, did you have reason to interact with Judge Thomas in that capacity very often during the day?

Ms. HILL. We interacted regularly.

The CHAIRMAN. Did you attend meetings with Judge Thomas?

Ms. HILL. I would attend some meetings, but not all of the meetings that he attended.

The CHAIRMAN. Perhaps you would be willing to describe to the committee what a routine work day was at that phase of your career in working with Judge Thomas.

Ms. HILL. Well, it could—I am not sure there was any such thing as a routine work day. Some days I would go in, I might be asked to respond to letters that Judge Thomas had received, I might be asked to look at memos that had come from the various offices in the Office for Civil Rights.

If there was as meeting which Judge Thomas needed to attend, that he wanted someone there to take information or to help him with information, I might be asked to do that.

The CHAIRMAN. Where was your office physically located relative to Judge Thomas' office?

Ms. HILL. His office was set up down the hall from mine. Inside his set of offices, there was a desk for his secretary and then his office was behind a closed door. My office was down the hall, it was separated from his office.

The CHAIRMAN. Can you describe to us how it was that you came to move over to the EEOC with Judge Thomas?

Ms. HILL. Well, my understanding of—I did not have much notice that Judge Thomas was moving over to the EEOC. My understanding from him at that time was that I could go with him to the EEOC, that I did not have—since I was his special assistant, that I did not have a position at the Office for Education, but that I was welcome to go to the EEOC with him.

It was as very tough decision, because this behavior occurred. However, at the time that I went to the EEOC, there was as period—or prior to the time we went to the EEOC, there was as period where the incidents had ceased, and so after some consideration of the job opportunities in the area, as well as the fact that I was not assured that my job at Education was going to be protected, I made a decision to move to the EEOC.

The CHAIRMAN. Were you not assured of that, because you were a political appointee, or were you not assured of it because—tell me why you felt you weren't assured of that.

Ms. HILL. Well, there were two reasons, really. One, I was a special assistant of a political appointee, and, therefore, I assumed and I was told that that position may not continue to exist. I didn't know who was going to be taking over the position. I had not been interviewed to become the special assistant of the new individual, so I assumed they would want to hire their own, as Judge Thomas had done.

In addition, the Department of Education at that time was scheduled to be abolished. There had been a lot of talk about it, and at that time it was truly considered to be on its way out, and so, for a second reason, I could not be certain that I would have a position there.

The CHAIRMAN. Now, when you moved over to EEOC, can you recall for us, to the best of your ability, how that offer came about? Did you inquire of Judge Thomas whether or not you could go to EEOC? Did he suggest it? Do you recall?

Ms. HILL. I recall that when the appointment at the EEOC became firm, that I was called into his office, and I believe Diane Holt was there, too, and—

The CHAIRMAN. Diane Holt, his personal secretary?

Ms. HILL. Diane Holt was his secretary at Education. We were there and he made the announcement about the appointment and assured us that we could go to the EEOC with him.

The CHAIRMAN. Now, when you went to EEOC, what were your duties there?

Ms. HILL. Well, my duties were really varied, because it was a much larger organization, there were so many more functions of the organization, my primary duties were to be the liaison to the Office of Congressional Affairs and the Office of Review and Appeals, so that I reviewed a number of the cases that came up on appeal, to make certain our office had given proper consideration, I acted as a liaison to the press sometimes for the Chairman's office, through Congressional Affairs and Public Relations.

I had some additional responsibilities as special projects came along.

The CHAIRMAN. Did you have as much occasion to interact personally with Judge Thomas at EEOC as you had with him at the Department of Education?

Ms. HILL. No, no. We were much busier. We were all much busier and the work that we did was work that did not necessarily require as much interaction. A lot of times, at the Education Department, the work required some—there were policy decisions that were to be made and we were trying to do an evaluation of the program, so there was more interaction at that time. At EEOC, there were just projects that had to get out, and so there was less of an opportunity for interaction.

The CHAIRMAN. Who was your immediate supervisor at EEOC?

Ms. HILL. At the EEOC, initially, Clarence Thomas was my immediate supervisor. After a period, Allyson Duncan was appointed to be the Director of the Staff. Initially, the staff consisted of two special assistants, myself and Carleton Stewart. The staff eventually grew to a larger number of assistants, and Allyson Duncan was brought up from the Legal Counsel's Office to take control of that situation.

The CHAIRMAN. Now, how long were you at EEOC with Judge Thomas before Allyson Duncan became the chief of staff?

Ms. HILL. I don't recall.

The CHAIRMAN. Once she became the chief of staff, was she the person who gave you assignments most often and to whom you reported most often?

Ms. HILL. That's right. Occasionally, at the staff meeting assignments would be given out, but that was held only 1 day a week, so during the rest of the week when things came up, Allyson was in charge of giving out assignments.

The CHAIRMAN. Now, did the Judge's chief of staff report directly to him, or did she have an intermediate supervisor?

Ms. HILL. No, she reported directly to him, as I understand.

The CHAIRMAN. Who prepared your performance evaluation?

Ms. HILL. I understood that Judge Thomas prepared the performance evaluations.

The CHAIRMAN. Did the chief of staff, to the best of your knowledge, have the power to fire you?

Ms. HILL. Not to my knowledge.

The CHAIRMAN. Who had that power?

Ms. HILL. Judge Thomas.

The CHAIRMAN. Was there anyone else at EEOC that you believe possessed that power?

Ms. HILL. No; not for that office.

The CHAIRMAN. Was Judge Thomas still then your ultimate boss and the boss of the entire office?

Ms. HILL. Yes.

The CHAIRMAN. Now, was there any routine work day at EEOC that you could describe for the committee?

Ms. HILL. Actually, most of the work that we did, unlike at Education, most of the work was responding to internal memos, instead of responding to things that had come from outside. There were many more of those, because there were many more offices, and so each of us were responsible for a certain area, would respond to a memo or write up a memo to be sent to the Chairman for his response.

We also had hearings and there was always a special assistant who was assigned to sit in the Commission hearings, and so some days, if we were having hearings, well, one of the special assistants—very often it was me—would sit in the hearing to provide the Chairman with information.

During the days of the week that we were not having hearings, we had to prepare the Chairman for the hearings themselves, so that we had to go through the files on the hearings and the records and brief the Chairman on those or write memos that briefed the Chairman on them.

The CHAIRMAN. Professor, you have testified that you had regular contact with Judge Thomas at the Department of Education and you have just described the extent of your contact with Judge Thomas at EEOC, and you have described your professional interaction with him.

Now, I must ask you to describe once again, and more fully, the behavior that you have alleged he engaged in while your boss, which you say went beyond professional conventions, and which

was unwelcome to you. Now, I know these are difficult to discuss, but you must understand that we have to ask you about them.

Professor, did some of the attempts at conversation you have described in your opening statement occur in your office or in his office?

Ms. HILL. Some occurred in his office, some comments were made in mine. Most often they were in his office.

The CHAIRMAN. Did all of the behavior that you have described to us in your written statement to the committee and your oral statement now and what you have said to the FBI, did all of that behavior take place at work?

Ms. HILL. Yes, it did.

The CHAIRMAN. Now, I would like you to go back——

Ms. HILL. Let me clarify that. If you are including a luncheon during the workday to be at work, yes.

The CHAIRMAN. I am just trying to determine, it was what you described and what you believe to be part of the workday?

Ms. HILL. Yes.

The CHAIRMAN. Now, I have to ask you where each of these events occurred? If you can, to the best of your ability, I would like you to recount for us where each of the incidents that you have mentioned in your opening statement occurred, physically where they occurred.

Ms. HILL. Well, I remember two occasions these incidents occurred at lunch in the cafeteria——

The CHAIRMAN. Do you remember which of those two incidents were at lunch, professor?

Ms. HILL. The——

The CHAIRMAN. Let me ask this, as an antecedent question: Were you always alone when the alleged conversations would begin or the alleged statements by Judge Thomas would begin?

Ms. HILL. Well, when the incidents occurred in the cafeteria, we were not alone. There were other people in the cafeteria, but because the way the tables were, there were few individuals who were within the immediate area of the conversation.

The CHAIRMAN. Of those incidents that occurred in places other than in the cafeteria, which ones occurred in his office?

Ms. HILL. Well, I recall specifically that the incident about the Coke can occurred in his office at the EEOC.

The CHAIRMAN. And what was that incident again?

Ms. HILL. The incident with regard to the Coke can, that statement?

The CHAIRMAN. Once again for me, please?

Ms. HILL. The incident involved his going to his desk, getting up from a worktable, going to his desk, looking at this can and saying, "Who put pubic hair on my Coke?"

The CHAIRMAN. Was anyone else in his office at the time?

Ms. HILL. No.

The CHAIRMAN. Was the door closed?

Ms. HILL. I don't recall.

The CHAIRMAN. Are there any other incidents that occurred in his office?

Ms. HILL. I recall at least one instance in his office at the EEOC where he discussed some pornographic material and he brought up the substance or the content of pornographic material.

The CHAIRMAN. Again, it is difficult, but for the record, what substance did he bring up in this instance at EEOC in his office? What was the content of what he said?

Ms. HILL. This was a reference to an individual who had a very large penis and he used the name that he had referred to in the pornographic material—

The CHAIRMAN. Do you recall what it was?

Ms. HILL. Yes; I do. The name that was referred to was Long John Silver.

The CHAIRMAN. Were you working on any matter in that context, or were you just called into the office? Do you remember the circumstances of your being in the office on that occasion?

Ms. HILL. Very often, I went in to report on memos that I had written. I'm sure that's why I was in the office. What happened generally was that I would write a note to Clarence Thomas and he would call me in to talk about what I had written to him, and I believe that's what happened on that occasion.

The CHAIRMAN. Let's go back to the first time that you alleged Judge Thomas indicated he had more than a professional interest in you. Do you recall what the first time was and, with as much precision as you can, what he said to you?

Ms. HILL. As I recall, it either happened at lunch or it happened in his office when he said to me, very casually, "you are to go out with me some time."

The CHAIRMAN. You ought to or you are to?

Ms. HILL. You ought to.

The CHAIRMAN. Was that the extent of that incident?

Ms. HILL. That was the extent of that incident. At that incident, I declined and at that incident I think he may have said something about, you know, he didn't understand why I didn't want to go out with him, and the conversation may have ended.

The CHAIRMAN. Would you describe for the committee how you felt when he asked you out? What was your reaction?

Ms. HILL. Well, my reaction at that time was a little surprised, because I had not indicated to him in any way that I was interested in dating him. We had developed a good working relationship; it was cordial and it was very comfortable, so I was surprised that he was interested in something else.

The CHAIRMAN. With regard to the other incidents—and my time is running down, and I will come back to them—but with regard to the other incidents that you mentioned in your opening statement, can you tell us how you felt at the time? Were you uncomfortable, were you embarrassed, did it not concern you? How did you feel about it?

Ms. HILL. The pressure to go out with him I felt embarrassed about because I had given him an explanation, that I thought it was not good for me, as an employee, working directly for him, to go out. I thought he did not take seriously my decision to say no, and that he did not respect my having said no, to him.

I—the conversations about sex, I was much more embarrassed and humiliated by. The two combined really made me feel sort of

helpless in a job situation because I really wanted to do the work that I was doing; I enjoyed that work. But I felt that that was being put in jeopardy by the other things that were going on in the office. And so, I was really, really very troubled by it and distressed over it.

The CHAIRMAN. Can you tell the committee what was the most embarrassing of all the incidents that you have alleged?

Ms. HILL. I think the one that was the most embarrassing was this discussion of pornography involving women with large breasts and engaged in a variety of sex with different people, or animals. That was the thing that embarrassed me the most and made me feel the most humiliated.

The CHAIRMAN. If you can, in his words—not yours—in his words, can you tell us what, on that occasion, he said to you? You have described the essence of the conversation. In order for us to determine—well, can you tell us, in his words, what he said?

Ms. HILL. I really cannot quote him verbatim. I can remember something like, you really ought to see these films that I have seen or this material that I have seen. This woman has this kind of breasts or breasts that measure this size, and they got her in there with all kinds of things, she is doing all kinds of different sex acts. And, you know, that kind of, those were the kinds of words. Where he expressed his enjoyment of it, and seemed to try to encourage me to enjoy that kind of material, as well.

The CHAIRMAN. Did he indicate why he thought you should see this material?

Ms. HILL. No.

The CHAIRMAN. Why do you think, what was your reaction, why do you think he was saying these things to you?

Ms. HILL. Well, coupled with the pressures about going out with him, I felt that implicit in this discussion about sex was the offer to have sex with him, not just to go out with him. There was never any explicit thing about going out to dinner or going to a particular concert or movie, it was, "we ought to go out" and given his other conversations I took that to mean, we ought to have sex or we ought to look at these pornographic movies together.

The CHAIRMAN. Professor, at your press conference, one of your press conferences, you said that the issue that you raised about Judge Thomas was "an ugly issue". Is that how you viewed these conversations?

Ms. HILL. Yes. They were very ugly. They were very dirty. They were disgusting.

The CHAIRMAN. Were any one of these conversations—this will be my last question, my time is up—were any one of these conversations, other than being asked repeatedly to go out, were any one of them repeated more than once? The same conversation, the reference to—

Ms. HILL. The reference to his own physical attributes was repeated more than once, yes.

The CHAIRMAN. Now, again, for the record, did he just say I have great physical attributes or was he more graphic?

Ms. HILL. He was much more graphic.

The CHAIRMAN. Can you tell us what he said?

Ms. HILL. Well, I can tell you that he compared his penis size, he measured his penis in terms of length, those kinds of comments.

The CHAIRMAN. Thank you.

My time is up, under our agreement. By the way, I might state once again that we have agreed to go back and forth in half-hour conversation on each side; when the principals have finished asking questions, those members who have not been designated to ask questions, since all have been keenly involved and interested in this on both sides, will have an opportunity to ask questions for 5 minutes.

But let me now yield to my friend from Pennsylvania, Senator Spector.

Senator SPECTER. Thank you, Mr. Chairman.

Professor Hill, I have been asked to question you by Senator Thurmond, the ranking Republican, but I do not regard this as an adversary proceeding.

Ms. HILL. Thank you.

Senator SPECTER. My duties run to the people of Pennsylvania, who have elected me, and in the broader sense, as a U.S. Senator to constitutional government and the Constitution.

My purpose, as is the purpose of the hearing, generally, is to find out what happened.

Ms. HILL. Certainly.

Senator SPECTER. We obviously have a matter of enormous importance from a lot of points of view. The integrity of the Court is very important. It is very important that the Supreme Court not have any member who is tainted or have a cloud. In our society we can accept unfavorable decisions from the Court if we think they are fairly arrived at.

The CHAIRMAN. Senator, excuse me for interrupting but some of our colleagues on this end, cannot hear you. Can you pull that closer? I know that makes it cumbersome.

Senator SPECTER. I have tried carefully to avoid that.

The CHAIRMAN. Well, it worked.

Senator SPECTER. You can hear me all right, can you not, Professor Hill?

Ms. HILL. Yes, I can.

Senator SPECTER. OK. But I was just saying, about the importance of the Court where there should be a feeling of confidence and fairness with the decisions, as we parties can take unfavorable decisions if they think they are being treated fairly. I think this hearing is very important to the Senate and to this committee, because by 20-20 hindsight we should have done this before. And obviously it is of critical importance to Judge Thomas, and you, whose reputations and careers are on the line.

It is not easy to go back to events which happened almost a decade ago to find out what happened. It is very, very difficult to do. I would start, Professor Hill, with one of your more recent statements, at least according to a man by the name of Carl Stewart, who says that he met you in August of this year. He said that he ran into you at the American Bar Association Convention in Atlanta, where Professor Hill stated to him in the presence of Stanley Grayson, "How great Clarence's nomination was, and how much he deserved it."

He said you went on to discuss Judge Thomas and our tenure at EEOC for an additional 30 minutes or so. There was no mention of sexual harassment or anything negative about Judge Thomas. He stated that during that conversation. There is also a statement from Stanley Grayson corroborating what Carlton Stewart has said.

My question is, did Mr. Stewart accurately state what happened with you at that meeting?

Ms. HILL. As I recall at that meeting, I did see Carlton Stewart and we did discuss the nomination. Carlton Stewart was very excited about the nomination. And said, I believe that those are his words, how great it was that Clarence Thomas had been nominated. I only said that it was a great opportunity for Clarence Thomas. I did not say that it was a good thing, this nomination was a good thing.

I might add that I have spoken to newspaper reporters and have gone on record as saying that I have some doubts and some questions about the nomination. I, however, in that conversation where I was faced with an individual who was elated about the probabilities of his friend being on the Supreme Court, I did not want to insult him or argue with him at that time about the issue. I was very passive in the conversation.

Senator SPECTER. Excuse me?

Ms. HILL. I was very passive in the conversation.

Senator SPECTER. So that Mr. Stewart and Mr. Grayson are simply wrong when they say, and this is a quotation from Mr. Stewart that you said, specifically, "how great his nomination was, and how much he deserved it." They are just wrong?

Ms. HILL. The latter part is certainly wrong. I did say that it is a great opportunity for Clarence Thomas. I did not say that he deserved it.

Senator SPECTER. We have a statement from former dean of Oral Roberts Law School, Roger Tuttle, who quotes you as making laudatory comments about Judge Thomas, that he "is a fine man and an excellent legal scholar." In the course of 3 years when Dean Tuttle knew you at the law school, that you had always praised him and had never made any derogatory comments. Is Dean Tuttle correct?

Ms. HILL. During the time that I was at Oral Roberts University I realized that Charles Kothe, who was a founding dean of that school, had very high regards for Clarence Thomas. I did not risk talking in disparaging ways about Clarence Thomas at that time.

I don't recall any specific conversations about Clarence Thomas in which I said anything about his legal scholarship. I do not really know of his legal scholarship, certainly at that time.

Senator SPECTER. Well, I can understand it if you did not say anything, but Dean Tuttle makes the specific statement. His words are, that you said, "The most laudatory comments."

Ms. HILL. I have no response to that because I do not know exactly what he is saying.

Senator SPECTER. There is a question about Phyllis Barry who was quoted in the New York Times on October 7, "In an interview Ms. Barry suggested that the allegations," referring to your allega-

tions, "were the result of Ms. Hill's disappointment and frustration that Mr. Thomas did not show any sexual interest in her."

You were asked about Ms. Barry at the interview on October 9 and were reported to have said, "Well, I don't know Phyllis Barry and she doesn't know me." And there are quite a few people who have come forward to say that they saw you and Ms. Barry together and that you knew each other very well.

Ms. HILL. I would disagree with that. Ms. Barry worked at the EEOC. She did attend some staff meetings at the EEOC. We were not close friends. We did not socialize together and she has no basis for making a comment about my social interests, with regard to Clarence Thomas or anyone else.

I might add, that at the time that I had an active social life and that I was involved with other people.

Senator SPECTER. Did Ms. Anna Jenkins and Ms. J.C. Alvarez, who both have provided statements attesting to the relationship between you and Ms. Barry, a friendly one. Where Ms. Barry would have known you, were both Ms. Jenkins and Ms. Alvarez coworkers in a position to observe your relationship with Ms. Barry?

Ms. HILL. They were both workers at the EEOC. I can only say that they were commenting on our relationship in the office. It was cordial and friendly. We were not unfriendly with each other, but we were not social acquaintances. We were professional acquaintances.

Senator SPECTER. So that when you said, Ms. Barry doesn't know me and I don't know her, you weren't referring to just that, but some intensity of knowledge?

Ms. HILL. Well, this is a specific remark about my sexual interest. And I think one has to know another person very well to make those kinds of remarks unless they are very openly expressed.

Senator SPECTER. Well, did Ms. Barry observe you and Judge Thomas together in the EEOC office?

Ms. HILL. Yes, at staff meetings where she attended and at the office, yes.

Senator SPECTER. Let me pick up on Senator Biden's line of questioning. You referred to the "oddest episode I remember" then talked the Coke incident. When you made your statement to the FBI, why was it that that was omitted if it were so strong in your mind and such an odd incident?

Ms. HILL. I spoke to the FBI agent and I told them the nature of comments, and did not tell them more specifics. I referred to the specific comments that were in my statement.

Senator SPECTER. Well, when you talked to the FBI agents, you did make specific allegations about specific sexual statements made by Judge Thomas.

Ms. HILL. Yes.

Senator SPECTER. So that your statement to the FBI did have specifics.

Ms. HILL. Yes.

Senator SPECTER. And my question to you, why, if this was such an odd episode, was it not included when you talked to the FBI?

Ms. HILL. I do not know.

Senator SPECTER. I would like you to take a look, if you would, at your own statement in the first full paragraph of page 5, on the

last line and ask you why that was not included in your statement to the FBI?

Ms. HILL. Excuse me, my copy is not—would you refer to that passage again?

Senator SPECTER. Yes, of course.

Referring to page 5 of the statement which you provided to the committee, there is a strong allegation in the last sentence. My question to you is, why did you not tell that to the FBI?

Ms. HILL. When the FBI investigation took place I tried to answer their questions as directly as I recall. I was very uncomfortable talking to the agent about that, these incidents, I am very uncomfortable now, but I feel that it is necessary. The FBI agent told me that it was regular procedure to come back and ask for more specifics if it was necessary. And so, at that time, I did not provide all of the specifics that I could have.

Senator SPECTER. Professor Hill, I can understand that it is uncomfortable and I don't want to add to that. If any of it—if there is something you want to pause about, please do.

You testified this morning, in response to Senator Biden, that the most embarrassing question involved—this is not too bad—women's large breasts. That is a word we use all the time. That was the most embarrassing aspect of what Judge Thomas had said to you.

Ms. HILL. No. The most embarrassing aspect was his description of the acts of these individuals, these women, the acts that those particular people would engage in. It wasn't just the breasts; it was the continuation of his story about what happened in those films with the people with this characteristic, physical characteristic.

Senator SPECTER. With the physical characteristic of—

Ms. HILL. The large breasts.

Senator SPECTER. Well, in your statement to the FBI you did refer to the films but there is no reference to the physical characteristic you describe. I don't want to attach too much weight to it, but I had thought you said that the aspect of large breasts was the aspect that concerned you, and that was missing from the statement to the FBI.

Ms. HILL. I have been misunderstood. It wasn't the physical characteristic of having large breasts. It was the description of the acts that this person with this characteristic would do, the act that they would engage in, group acts with animals, things of that nature involving women.

Senator SPECTER. Professor Hill, I would like you now to turn to page 3 of your statement that you submitted to the committee, that we got just this morning. In the last sentence in the first full paragraph, you again make in that statement a very serious allegation as to Judge Thomas, and I would ask you why you didn't tell the FBI about that when they interviewed you.

Ms. HILL. I suppose my response would be the same. I did not tell the FBI all of the information. The FBI agent made clear that if I were embarrassed about talking about something, that I could decline to discuss things that were too embarrassing, but that I could provide as much information as I felt comfortable with at that time.

Senator SPECTER. Well, now, did you decline to discuss with the FBI anything on the grounds that it was too embarrassing?

Ms. HILL. There were no particular questions that were asked. He asked me to describe the kinds of incidents that had occurred as graphically as I could without being embarrassed. I did not explain everything. I agree that all of this was not disclosed in the FBI investigation.

Senator SPECTER. Was it easier for you because one of the FBI agents was a woman, or did you ask at any time that you give the statements to her alone in the absence of the man FBI agent?

Ms. HILL. No, I did not do that. I didn't ask to disclose. I just—I did not.

Senator SPECTER. Well, I understand from what you are saying now that you were told that you didn't have to say anything if it was too embarrassing for you. My question to you is, did you use that at any point to decline to give any information on the ground that it was too embarrassing?

Ms. HILL. I never declined to answer a question because it was too embarrassing, no. He asked me to describe the incidents, and rather than decline to make any statement at all, I described them to my level of comfort.

Senator SPECTER. Well, you described a fair number of things in the FBI statement, but I come back now to the last sentence on page 3 in the first full paragraph, because it is a strong allegation. You have said that you had not omitted that because of its being embarrassing. You might have said even something embarrassing to the female agent. My question to you is, why was that omitted?

Ms. HILL. Senator, at the time of the FBI investigation, I cooperated as fully as I could at that time, and I cannot explain why anything in specific was not stated.

Senator SPECTER. Professor Hill, you testified that you drew an inference that Judge Thomas might want you to look at pornographic films, but you told the FBI specifically that he never asked you to watch the films. Is that correct?

Ms. HILL. He never said, "Let's go to my apartment and watch films," or "go to my house and watch films." He did say, "You ought to see this material."

Senator SPECTER. But when you testified that, as I wrote it down, "We ought to look at pornographic movies together," that was an expression of what was in your mind when he—

Ms. HILL. That was the inference that I drew, yes.

Senator SPECTER. The inference, so he—

Ms. HILL. With his pressing me for social engagements, yes.

Senator SPECTER. That that was something he might have wanted you to do, but the fact is, flatly, he never asked you to look at pornographic movies with him.

Ms. HILL. With him? No, he did not.

The CHAIRMAN. Will the Senator yield for one moment for a point of clarification?

Senator SPECTER. I would rather not.

The CHAIRMAN. To determine whether or not the witness ever saw the FBI report. Does she know what was stated by the FBI about her comments?

Senator SPECTER. Well, Mr. Chairman, I am asking her about what she said to the FBI.

The CHAIRMAN. I understand. I am just asking that.

Have you ever seen the FBI report?

Ms. HILL. No; I have not.

The CHAIRMAN. Would you like to take a few moments and look at it now?

Ms. HILL. Yes; I would.

The CHAIRMAN. OK. Let's make a copy of the FBI report. I think we have to be careful. Senator Grassley asked me to make sure—maybe you could continue—it only pertains to her. We are not at liberty to give to her what the FBI said about other individuals.

Senator SPECTER. I was asking Professor Hill about the FBI report.

Obviously because the portion I am questioning you about relates to their recording what you said, and I think it is fair, one lawyer to another, to ask about it.

The CHAIRMAN. No, I would continue, because you are not asking her directly. I just wanted to know whether or not her responses were at all based upon her knowledge of what the FBI said she said. That is all I was asking.

Senator SPECTER. Well, she has asked to see it, and I think it is a fair request, and I would be glad to take a moment's delay to—

The CHAIRMAN. This is the FBI report as it references Professor Hill, only Professor Hill.

Senator SPECTER. May we stop the clock, Mr. Chairman?

The CHAIRMAN. Yes, we will. We will turn the clock back and give the Senator additional time. I will not ask how long to turn it back. I will leave that decision to Senator Simpson.

Senator SIMPSON. I will be watching the clock. Thank you, Mr. Chairman.

[Pause.]

The CHAIRMAN. That was not to hurry you along, Professor. That was to ask for silence in the room.

The only point I wish to make is that you know what is in the report and understand that the report is a summary of your conversation, not a transcription of your conversation.

[Pause.]

The CHAIRMAN. While we have this momentary break, the Senator has 10 or more minutes remaining, and at the conclusion of his questioning we will recess for lunch for an hour and then begin with Senator Leahy.

Senator LEAHY. At what time?

The CHAIRMAN. Whatever, an hour from the time we end.

Senator LEAHY. I see. I'm sorry, I didn't hear that part. Thank you.

The CHAIRMAN. All right. Have you had a chance to peruse it?

Ms. HILL. Yes.

The CHAIRMAN. Thank you.

Ms. HILL. Thank you.

The CHAIRMAN. Now I apologize to my colleague for the interruption.

Senator SPECTER. Thank you, Mr. Chairman.

Professor Hill, now that you have read the FBI report, you can see that it contains no reference to any mention of Judge Thomas' private parts or sexual prowess or size, et cetera. My question to you would be, on something that is as important as it is in your written testimony and in your responses to Senator Biden, why didn't you tell the FBI about that?

Ms. HILL. Senator, in paragraph 2 on page 2 of the report it says that he liked to discuss specific sex acts and frequency of sex. And I am not sure what all that summarizes, but his sexual prowess, his sexual preferences, could have—

Senator SPECTER. Which line are you referring to, Professor?

Ms. HILL. The very last line in paragraph 2 of page 2.

Senator SPECTER. Well, that says—and this is not too bad, I can read it—“Thomas liked to discuss specific sex acts and frequency of sex.” Now are you saying, in response to my question as to why you didn't tell the FBI about the size of his private parts and his sexual prowess and “Long John Silver.” That information was comprehended within the statement, “Thomas liked to discuss specific sex acts and frequency of sex”?

Ms. HILL. I am not saying that that information was included in that. I don't know that it was. I don't believe that I even mentioned the latter information to the FBI agent, and I could only respond again that at the time of the investigation I tried to cooperate as fully as I could, to recall information to answer the questions that they asked.

Senator SPECTER. Professor Hill, you said that you took it to mean that Judge Thomas wanted to have sex with you, but in fact he never did ask you to have sex, correct?

Ms. HILL. No, he did not ask me to have sex. He did continually pressure me to go out with him, continually, and he would not accept my explanation as being valid.

Senator SPECTER. So that when you said you took it to mean, “We ought to have sex,” that that was an inference that you drew?

Ms. HILL. Yes, yes.

Senator SPECTER. Professor Hill, the USA Today reported on October 9,

Anita Hill was told by Senate staffers her signed affidavit alleging sexual harassment by Clarence Thomas would be the instrument that “quietly and behind the scenes” would force him to withdraw his name.

Was USA Today correct on that, attributing it to a man named Mr. Keith Henderson, a 10-year friend of Hill and former Senate Judiciary Committee staffer?

Ms. HILL. I do not recall. I guess—did I say that? I don't understand who said what in that quotation.

Senator SPECTER. Well, let me go on. He said,

Keith Henderson, a 10-year friend of Hill and former Senate Judiciary Committee staffer, says Hill was advised by Senate staffers that her charge would be kept secret and her name kept from public scrutiny.

Apparently referring again to Mr. Henderson's statement, “they would approach Judge Thomas with the information and he would withdraw and not turn this into a big story, Henderson says.”

Did anybody ever tell you that, by providing the statement, that there would be a move to request Judge Thomas to withdraw his nomination?

Ms. HILL. I don't recall any story about pressing, using this to press anyone.

Senator SPECTER. Well, do you recall anything at all about anything related to that?

Ms. HILL. I think that I was told that my statement would be shown to Judge Thomas, and I agreed to that.

Senator SPECTER. But was there any suggestion, however slight, that the statement with these serious charges would result in a withdrawal so that it wouldn't have to be necessary for your identity to be known or for you to come forward under circumstances like these?

Ms. HILL. There was—no, not that I recall. I don't recall anything being said about him being pressed to resign.

Senator SPECTER. Well, this would only have happened in the course of the past month or so, because all this started just in early September.

Ms. HILL. I understand.

Senator SPECTER. So that when you say you don't recall, I would ask you to search your memory on this point, and perhaps we might begin—and this is an important subject—about the initiation of this entire matter with respect to the Senate staffers who talked to you. But that is going to be too long for the few minutes that I have left, so I would just ask you once again, and you say you don't recollect, whether there was anything at all said to you by anyone that, as USA Today reports, that just by having the allegations of sexual harassment by Clarence Thomas, that it would be the instrument that “quietly and behind the scenes” would force him to withdraw his name. Is there anything related to that in any way whatsoever?

Ms. HILL. The only thing that I can think of, and if you will check, there were a lot of phone conversations. We were discussing this matter very carefully, and at some point there might have been a conversation about what might happen.

Senator SPECTER. Might have been?

Ms. HILL. There might have been, but that wasn't—I don't remember this specific kind of comment about “quietly and behind the scenes” pressing him to withdraw.

Senator SPECTER. Well, aside from “quietly and behind the scenes” pressing him to withdraw, any suggestion that just the charges themselves, in writing, would result in Judge Thomas withdrawing, going away?

Ms. HILL. No, no. I don't recall that at all, no.

Senator SPECTER. Well, you started to say that there might have been some conversation, and it seemed to me—

Ms. HILL. There might have been some conversation about what could possibly occur.

Senator SPECTER. Well, tell me about that conversation.

Ms. HILL. Well, I can't really tell you any more than what I have said. I discussed what the alternatives were, what might happen with this affidavit that I submitted. We talked about the possibility of the Senate committee coming back for more information. We talked about the possibility of the FBI, asking, going to the FBI and getting more information; some questions from individual Sen-

ators. I just, the statement that you are referring to, I really can't verify.

Senator SPECTER. Well, when you talk about the Senate coming back for more information or the FBI coming back for more information or Senators coming back for more information, that has nothing to do at all with Judge Thomas withdrawing. When you testified a few moments ago that there might possibly have been a conversation, in response to my question about a possible withdrawal, I would press you on that, Professor Hill, in this context: You have testified with some specificity about what happened 10 years ago. I would ask you to press your recollection as to what happened within the last month.

Ms. HILL. And I have done that, Senator, and I don't recall that comment. I do recall that there might have been some suggestion that if the FBI did the investigation, that the Senate might get involved, that there may be—that a number of things might occur, but I really, I have to be honest with you, I cannot verify the statement that you are asking me to verify. There is not really more that I can tell you on that.

Senator SPECTER. Well, when you say a number of things might occur, what sort of things?

Ms. HILL. May I just add this one thing?

Senator SPECTER. Sure.

Ms. HILL. The nature of that kind of conversation that you are talking about is very different from the nature of the conversation that I recall. The conversations that I recall were much more vivid. They were more explicit. The conversations that I have had with the staff over the last few days in particular have become much more blurry, but these are vivid events that I recall from even 8 years ago when they happened, and they are going to stand out much more in my mind than a telephone conversation. They were one-on-one, personal conversations, as a matter of fact, and that adds to why they are much more easily recalled. I am sure that there are some comments that I do not recall the exact nature of from that period, as well, but these that are here are the ones that I do recall.

Senator SPECTER. Well, Professor Hill, I can understand why you say that these comments, alleged comments, would stand out in your mind, and we have gone over those. I don't want to go over them again. But when you talk about the withdrawal of a Supreme Court nominee, you are talking about something that is very, very vivid, stark, and you are talking about something that occurred within the past 4 or 5 weeks, and my question goes to a very dramatic and important event. If a mere allegation would pressure a nominee to withdraw from the Supreme Court, I would suggest to you that that is not something that wouldn't stick in a mind for 4 or 5 weeks, if it happened.

Ms. HILL. Well, Senator, I would suggest to you that for me these are more than mere allegations, so that if that comment were made—these are the truth to me, these comments are the truth to me—and if it were made, then I may not respond to it in the same way that you do.

Senator SPECTER. Well, I am not questioning your statement when I use the word "allegation" to refer to 10 years ago. I just

don't want to talk about it as a fact because so far that is something we have to decide, so I am not stressing that aspect of the question. I do with respect to the time period, but the point that I would come back to for just 1 more minute would be—well, let me ask it to you this way.

Ms. HILL. OK.

Senator SPECTER. Would you not consider it a matter of real importance if someone said to you, "Professor, you won't have to go public. Your name won't have to be disclosed. You won't have to do anything. Just sign the affidavit and this," as the USA Today report, would be the instrument that "quietly and behind the scenes" would force him to withdraw his name. Now I am not asking you whether it happened. I am asking you now only, if it did happen, whether that would be the kind of a statement to you which would be important and impressed upon you, that you would remember in the course of 4 or 5 weeks.

Ms. HILL. I don't recall a specific statement, and I cannot say whether that comment would have stuck in my mind. I really cannot say that.

Senator SPECTER. The sequence with the staffers is very involved, so I am going to move to another subject now, but I want to come back to this. Over the luncheon break, I would ask you to think about it further, if there is any way you can shed any further light on that question, because I think it is an important one.

Ms. HILL. OK. Thank you.

Senator SPECTER. Professor Hill, the next subject I want to take up with you involves the kind of strong language which you say Judge Thomas used in a very unique setting, where there you have the Chairman of the EEOC, the Nation's chief law enforcement officer on sexual harassment, and here you have a lawyer who is an expert in this field, later goes on to teach civil rights and has a dedication to making sure that women are not discriminated against. If you take the single issue of discrimination against women, the Chairman of the EEOC has a more important role on that question even than a Supreme Court Justice—a Supreme Court Justice is a more important position overall, than if you focus just on sexual harassment.

The testimony that you described here today depicts a circumstance where the Chairman of the EEOC is blatant, as you describe it, and my question is: Understanding the fact that you are 25 and that you are shortly out of law school and the pressures that exist in this world—and I know about it to a fair extent. I used to be a district attorney and I know about sexual harassment and discrimination against women and I think I have some sensitivity on it—but even considering all of that, given your own expert standing and the fact that here you have the chief law enforcement officer of the country on this subject and the whole purpose of the civil right law is being perverted right in the office of the Chairman with one of his own female subordinates, what went through your mind, if anything, on whether you ought to come forward at that stage? If you had, you would have stopped this man from being head of the EEOC perhaps for another decade. What went on through your mind? I know you decided not to make a complaint, but did you give that any consideration, and, if so, how could you

allow this kind of reprehensible conduct to go on right in the headquarters, without doing something about it?

Ms. HILL. Well, it was a very trying and difficult decision for me not to say anything further. I can only say that when I made the decision to just withdraw from the situation and not press a claim or charge against him, that I may have shirked a duty, a responsibility that I had, and to that extent I confess that I am very sorry that I did not do something or say something, but at the time that was my best judgment. Maybe it was a poor judgment, but it wasn't dishonest and it wasn't a completely unreasonable choice that I made, given the circumstances.

Senator SPECTER. My red light is on. Thank you very much, Professor Hill.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator.

Thank you, Professor Hill.

We will adjourn until 2:15 p.m. We will reconvene at 2:15 p.m. [Whereupon, at 1:10 p.m., the committee was recessed, to reconvene at 2:15 p.m., the same day.]

AFTERNOON SESSION

The CHAIRMAN. The committee will come to order.

Welcome back, Professor Hill.

The Chair now yields to the Senator from Vermont, Senator Leahy, who will question for one-half hour, and then we will go back to Senator Specter.

Senator LEAHY. Good afternoon, Professor Hill.

Ms. HILL. Good afternoon, Senator.

Senator LEAHY. Professor, we have had a number of discussions, almost shorthand discussions here, about things you are familiar with and which members of the committee are familiar with, but I would like to take you through a couple of the spots.

You have mentioned—and there were discussions and answers from you regarding the FBI investigation—would you tell us, was it one FBI agent, two FBI agents? How many spoke to you and where?

Ms. HILL. There were two FBI agents who visited me in my home.

Senator LEAHY. How was that arranged? Just focus on the mechanics, please.

Ms. HILL. Well, it was arranged, as I understand it, through Senator Biden's office. I received a phone call from one of the staff members of Senator Biden and she informed me that she had—excuse me, the date was September 23—she informed me that she had received a fax from me of my statement and that I should expect a call from the FBI.

When the FBI called, they called me at home, left a message on my machine, I returned their phone call that evening after work and arranged for them to come over immediately from Oklahoma City, I believe, to talk with me.

Senator LEAHY. That evening?

Ms. HILL. That evening, on Monday, September 23.

Senator LEAHY. About what time did they arrive?

Ms. HILL. They arrived at about 6:30.

Senator LEAHY. And who arrived?

Ms. HILL. Inspector Luddin and—there was one inspector named Inspector Luddin, and I don't recall the name of the other individual.

Senator LEAHY. One male and one female?

Ms. HILL. And one female.

Senator LEAHY. Now, was anybody else present for that interview?

Ms. HILL. No, no one else was present.

Senator LEAHY. It was just the three of you?

Ms. HILL. The three of us; yes.

Senator LEAHY. Did they tape record the interview?

Ms. HILL. No; one inspector did take notes.

Senator LEAHY. Now, what did they tell you they wanted?

Ms. HILL. They told me that they had been contacted by the committee, the Judiciary Committee, and that they wanted information regarding the statement that I had made to the committee.

Senator LEAHY. Did they have that statement with them?

Ms. HILL. I do not believe that they had the statement with them. It was clear from the questioning that they had read the statement, and I believe at one point in the evening Inspector Luddin did say that he had read the statement.

Senator LEAHY. When you made that statement, you had it typed up and you signed it, is that correct?

Ms. HILL. I typed it and I signed it.

Senator LEAHY. You typed and signed it, and kept a copy for yourself?

Ms. HILL. I only telefaxed a copy. I did keep a copy, the original.

Senator LEAHY. And you still have that?

Ms. HILL. I still have it.

Senator LEAHY. Have you given copies of that, other than the copy you telefaxed, to anybody else?

Ms. HILL. Well, I shared the statement with my counsel.

Senator LEAHY. Let's make sure I have this well in mind: You have the original copy, correct?

Ms. HILL. Yes.

Senator LEAHY. And you telefaxed a copy which, in itself, made copies to the committee, is that correct?

Ms. HILL. Pardon me?

Senator LEAHY. You faxed a copy to the committee, is that correct?

Ms. HILL. Yes.

Senator LEAHY. You gave a copy to your counsel?

Ms. HILL. Yes.

Senator LEAHY. Did you give a copy to anybody else?

Ms. HILL. Other than counsel? I don't believe that I gave a copy to anyone else.

Senator LEAHY. You did not give a copy to the FBI agents?

Ms. HILL. No; they told me that they had received a copy from the committee.

Senator LEAHY. Did you give a copy to any member of the press?

Ms. HILL. No; I did not.

Senator LEAHY. And so your counsel, the faxed copy, and your own copy are the only ones that you have had control of, is that correct?

Ms. HILL. Yes.

Senator LEAHY. Now, did the FBI give any indication to you of how you should answer—in great detail, little detail? How was the interview done?

Ms. HILL. Well, the interview was conducted, the indication that I had from the agents was that they would like to take as much information as they could, that they wanted as much as I felt comfortable giving. The questions that were asked were fairly general, in terms of what kinds of comments were made.

Senator LEAHY. Did they—go ahead. I didn't mean to cut you off.

Ms. HILL. No, that's fine.

Senator LEAHY. Now, in your statement that they told you they had, in that statement you were fairly specific about the kind of sexual discussions that you said Judge Thomas had with you, is that correct, Professor?

Ms. HILL. Yes, I felt that I was fairly specific.

Senator LEAHY. Did they refer to that specificity when they talked with you?

Ms. HILL. I'm sorry?

Senator LEAHY. Did the FBI agents refer to that specificity when they talked with you?

Ms. HILL. They simply said that if I got to any point with regard to being specific that made me uncomfortable, that I should withdraw from the conversation or I could perhaps give the information to the female agent who was there. They did not indicate that my comments were not specific enough or that they needed more information.

Senator LEAHY. Did they say that they might come back and talk with you again?

Ms. HILL. Yes, he almost assured me that he would come back.

Senator LEAHY. But did they?

Ms. HILL. In fact, they did not come back. I did receive a phone call the next day to verify two names of persons that I had given them, but they did not return for more information.

Senator LEAHY. And has anybody come back to talk with you since then?

Ms. HILL. From the FBI?

Senator LEAHY. From the FBI.

Ms. HILL. No, I have not spoken with the FBI since then.

Senator LEAHY. Now, you had a chance to read their report about you this morning, did you not?

Ms. HILL. Yes, I did.

Senator LEAHY. If you could just bear with me a moment, I want to read—do you have that before you?

Ms. HILL. Yes, I do.

Senator LEAHY. Would you turn to the part of the FBI report—and someone is getting me a copy now, as I do not have one—turn to the part where you have reference to the last time or the time you went out to dinner with Judge Thomas. Do you know the one I am referring to?

Ms. HILL. Yes.

Senator LEAHY. I believe it is on the second—let's see, now—yes, on page 4, is a line that, according to the FBI report, "Hill stated that when she left EEOC, Thomas took her out to eat." Do you find that paragraph, Professor Hill?

Ms. HILL. I'm sorry, what page are you referring to?

Senator LEAHY. On page 3 of your report, you see the paragraph which begins—I think it is one, two, three, four, five paragraphs down, "Hill stated that when she left EEOC, Thomas took her out to eat."

Ms. HILL. Yes.

Senator LEAHY. Would you read the rest of that sentence, please?

Ms. HILL. "Took her out to eat and told her that if she ever told anyone about their conversation, he would ruin her career."

Senator LEAHY. Now, is that precisely the way it is in your statement?

Ms. HILL. That is not precisely the way it is in my statement. That is not what I told the FBI agents.

Senator LEAHY. And what did you tell the FBI agents?

Ms. HILL. I told the FBI agent that he said that it would ruin his career.

Senator LEAHY. Now, the FBI agents, did they ask you to give them any written statement of any sort?

Ms. HILL. No, they didn't ask for any written statement.

Senator LEAHY. Did they ask if you would be willing to come to Washington to talk with them?

Ms. HILL. They didn't ask that.

Senator LEAHY. Did they ask if there was anything else you might be willing to do?

Ms. HILL. No, they didn't mention anything farther, except for coming back for additional questioning.

Senator LEAHY. Did they ask you if you would be willing to take a polygraph?

Ms. HILL. They asked if I would be willing to take a polygraph.

Senator LEAHY. And what did you say?

Ms. HILL. I answered, "yes."

Senator LEAHY. Let us go to that last meal discussion. It is your statement that the FBI misunderstood you and, as you have said in each of your statements, that Judge Thomas said that if this came out, it would ruin his career, not that he would ruin your career?

Ms. HILL. Exactly.

Senator LEAHY. Thank you. Where did you go for dinner that time?

Ms. HILL. I do not recall the restaurant, the name of the restaurant.

Senator LEAHY. Was it nearby or—

Ms. HILL. It was nearby work.

Senator LEAHY. Do you remember the type of restaurant?

Ms. HILL. No, I don't. It wasn't anything that was memorable to me, the type of food that we had.

Senator LEAHY. Do you remember how you got there?

Ms. HILL. I believe that the driver for Chairman Thomas or then Chairman Thomas took us, Mr. Randall, and dropped us off at the restaurant.

Senator LEAHY. And you went right from the office?

Ms. HILL. Went from the office.

Senator LEAHY. After dinner, how did you get home?

Ms. HILL. I took the subway home, if I recall correctly. As I am recalling—I'm not sure how I got home.

Senator LEAHY. Do you recall whether then Chairman Thomas offered you a ride home?

Ms. HILL. No, he did not offer me a ride home.

Senator LEAHY. Do you know whether his car came to pick him up?

Ms. HILL. I don't know how he got home, either.

Senator LEAHY. Do you recall approximately how long a time this was? Was this a case where you had to stand in line a long time to get a table or anything like that?

Ms. HILL. No, we walked right into the restaurant and sat down. I imagine that it was about an hour all-told.

Senator LEAHY. Did you have cocktails?

Ms. HILL. I did not have a cocktail.

Senator LEAHY. Anything alcoholic?

Ms. HILL. I don't recall having anything alcoholic.

Senator LEAHY. How long into the meal did the conversation you discussed come up? How long were you into the meal before the conversation you have just described came up?

Ms. HILL. I believe it was about—it was well into the meal, maybe mid-way, half-way or beyond.

Senator LEAHY. And what did you say in response?

Ms. HILL. My response was that I really just wanted to get away from the office and leave that kind of activity behind me.

Senator LEAHY. Did he ask you if you intended to ever make this public?

Ms. HILL. He did not ask me that.

Senator LEAHY. You have discussed somewhat earlier here today why you did not come forward with these allegations before. Had you come forward with them, at the time of your employment, either at the Department of Education or at the EEOC, what would have been the mechanism to come forward with the allegations?

Ms. HILL. I do not know of my own knowledge. I have been told or I have heard suggested that the oversight committee would have been the proper authority to deal with such an issue.

Senator LEAHY. Oversight within the department or here on the Hill?

Ms. HILL. No, here on the Hill, the congressional oversight committee that had oversight over the EEOC. But I don't know that, I just heard that.

Senator LEAHY. Did you at any time consider going somewhere, wherever the appropriate place might be, to make this public?

Ms. HILL. I considered it, but I really at the time did not clearly think out exactly where I would go.

Senator LEAHY. Had you come forward, what do you think would have happened?

Ms. HILL. Well, I can speculate that it might have been difficult—I can speculate that, had I come forward immediately after I left the EEOC, I can speculate that I would have lost my job at Oral Roberts.

Senator LEAHY. Professor Hill, this morning, Judge Thomas testified before this committee—and I don't know if you saw his testimony or not—

Ms. HILL. Yes, I did.

Senator LEAHY. Let me read from his statement. He said.

I cannot imagine anything that I said or did to Anita Hill could have been mistaken for sexual harassment. With that said, if there is anything that I have said that has been misconstrued by Anita Hill or anyone else to be sexual harassment, then I can say that I am so very sorry and I wish I had known. If I did know, I would have stopped immediately and I would not, as I have done over the past two weeks, had to tear away at myself trying to think what I could possibly have done, but I have not said or done the things that Anita Hill has alleged.

You are aware of that statement by Judge Thomas?

Ms. HILL. I am aware.

Senator LEAHY. Do you agree with that? Do you agree with his statement?

Ms. HILL. Do I agree with his statement?

Senator LEAHY. Yes.

Ms. HILL. No, I do not.

Senator LEAHY. Well, let us go through in summary. What are the things that you felt he should have known were sexual harassment?

Ms. HILL. Well, starting with the insisting on dates, I believe that once I had given a response to the question about dating, that my answer showed him that any further insisting was unwarranted and not desired by me.

I believe that the conversations about sex and the constant pressuring about dating which I objected to, both of which I objected to, were a basis—there was enough for him to understand that I was unappreciative and did not desire the kind of attention in the workplace. I think that my constantly saying to him that I was afraid, because he was in a supervisory position, that this would jeopardize my ability to do my job, that that should have given him notice.

Senator LEAHY. Did he ask you—well, you have said that he asked you for dates many times. By many, what do you mean? Can you give us even a ball park figure?

Ms. HILL. Oh, I would say over the course of—

Senator LEAHY. Of both the Department of Education and the EEOC.

Ms. HILL. I would say 10 times, maybe, I don't know, 5 to 10 times.

Senator LEAHY. And you said, no, each time?

Ms. HILL. Yes.

Senator LEAHY. With the exception of the departure dinner to which you have just testified here?

Ms. HILL. That was not a date and I made clear that it was not considered to be a date.

Senator LEAHY. And on that occasion, while you rode to the restaurant with him, you did not leave the restaurant with him? I mean you did not go—

Ms. HILL. No, I did not.

Senator LEAHY. You took the subway home.

Now, you said you made it clear to him about the discussions of pornography and all, that you did not like what he was saying, is that a fair statement of yours?

Ms. HILL. Yes, it is.

Senator LEAHY. Were these often or ever, these discussions of pornography or sexual acts, co-terminus with a request to go out on a date? I mean did they come up in the same conversation or was one of them one day and one of them the next?

Ms. HILL. I cannot say that they came up in the same conversation.

Senator LEAHY. Well, let's go back to this. You said that he had described pornographic movies to you, is that correct?

Ms. HILL. Yes.

Senator LEAHY. And explicitly described them?

Ms. HILL. Yes.

Senator LEAHY. When that happened, what would you say or what would you do?

Ms. HILL. I would say, specifically with the pornographic movies or material, I would say that I am really not interested in discussing this, I am uncomfortable with your talking about this, the kind of material that is—I would prefer not to discuss this with you.

Senator LEAHY. You would be that clear about it. Would the discussions end when you said that? I mean for that occasion?

Ms. HILL. Yes, for that occasion, very often they would. Sometimes I would have to say it more than once. But, yes, they would.

Senator LEAHY. Did you ever hear him say this to anybody else?

Ms. HILL. These kinds of—

Senator LEAHY. Yes.

Ms. HILL. I did not hear it.

Senator LEAHY. Did anybody ever tell you that he did?

Ms. HILL. No, no one ever told me that he did the same with them.

Senator LEAHY. Did he say these things to you in your office, at any time?

Ms. HILL. There might have been some occasion when he said it in my office.

Senator LEAHY. But you do recollect him saying it to you in his office?

Ms. HILL. Yes.

Senator LEAHY. Was that a big office or a small office, for either of the two jobs he had?

Ms. HILL. Well, I think they were relatively, both were relatively large offices. I remember the EEOC setup a little bit more clearly. I was there longer, but they were both large offices.

Senator LEAHY. Did you, at some time when he was saying it, say, "Look, I don't want to hear about this," and just walk out the door?

Ms. HILL. There were times when I would just walk away. If I were in a situation, like I could get up from his office and just leave, yes.

Senator LEAHY. Did he ever try to stop you from going out of the office?

Ms. HILL. No, he did not, not physically.

Senator LEAHY. In any fashion, like saying, "Don't go any further?"

Ms. HILL. Oh, no, he might have said, don't go or, you know, OK.

Senator LEAHY. What you mentioned happening in a cafeteria—were people within earshot? Was there anybody within earshot when it happened in the cafeteria?

Ms. HILL. No, not that I could see anyway. There might have been somebody within ear shot.

Senator LEAHY. Now, you testified to this today. You have given a statement that we have referred to. You discussed it with the FBI. Let's go back more to a time contemporaneous with when this happened. Did you discuss it with anybody at that time?

Ms. HILL. Yes, I did.

Senator LEAHY. And with whom did you discuss it at that time?

Ms. HILL. Well, Sue Hoerchner, I did discuss it with Sue Hoerchner, she was a friend of mine and someone I confided in. And I spoke with of this to two other people also.

Senator LEAHY. Let's talk about Ms. Hoerchner. Was that when you were at EEOC or the Department of Education?

Ms. HILL. That was at Education, I believe.

Senator LEAHY. And what was your relationship to her, was it as a coworker or—

Ms. HILL. No, she was not a coworker at Education. We had never worked together. She was a friend from law school.

Senator LEAHY. How often did you discuss it with her?

Ms. HILL. Maybe once or twice. Not, we did not discuss it very often. I can't say exactly how many times.

Senator LEAHY. What was the nature of your discussion with her?

Ms. HILL. Well, I was upset about the behavior. And that's what I was expressing to her as a friend, that it was upsetting and that I wanted it to stop and maybe even asked for advice or something to help me out of the situation.

Senator LEAHY. And did she offer advice?

Ms. HILL. I don't recall her offering any advice. I am not sure, exactly sure, what she said. I think she offered more comfort, because she knew I was upset.

Senator LEAHY. And did you discuss it with somebody else?

Ms. HILL. Yes, I have discussed it with other people.

Senator LEAHY. At that time?

Ms. HILL. Yes, at that time.

Senator LEAHY. And who was that, Professor?

Ms. HILL. I discussed it, in passing, well, no, not in passing. I discussed it with Eilen Wells, who is another female friend. She and I were close during the time and we had a conversation, in particular, we were talking about what I should do, how I should respond to it, what might make it stop happening.

At the time, in addition, I was dating someone, John Carr, and we discussed it because I was, I was upset by it. And I wanted to let him know why I was upset and again, just trying to see if there might be some way that he could handle this differently.

Senator LEAHY. And did he give you a recommendation?

Ms. HILL. I don't recall whether he did.

Senator LEAHY. You said when you talked to Ms.—was there anybody else that you recall?

Ms. HILL. At this point, I don't recall.

Senator LEAHY. You said when you talked with Ms. Hoerchner, you were very concerned and upset, and that is why you did. Describe to us how you felt when this happened.

Ms. HILL. Well, I was really upset. I felt like my job could be taken away or at least threatened. That I wasn't going to be able to work. That this person who had some power in the new administration would make it difficult for me in terms of other positions. I, it really, it was threatening from the job, in terms of my job, but it was also just unpleasant and something that I didn't want to have to deal with.

And it wasn't as though it happened every day but I went to work, during certain periods, knowing that it might happen.

Senator LEAHY. You said in your statement that at one point you were hospitalized for 5 days. Am I correct in understanding your statement, you felt it was related to this?

Ms. HILL. Yes, I do believe that it was related to the stress that I felt because of this.

Senator LEAHY. Had you ever had a similar hospitalization?

Ms. HILL. I had never had a similar hospitalization.

Senator LEAHY. Now, when you think back on this, you described how you felt at the time, how do you feel about it today?

Ms. HILL. Well, I am a little farther removed from it in time, but even today I still feel hurt and maybe today I feel more angry and disgusted. I don't feel quite as threatened. The situation, I am removed from it. My career is on solid ground and so the threat is not there. But the anger and hurt is there.

Senator LEAHY. In your statement you had said that between 1981 and 1983 you spoke to only one person about these incidents—Susan Hoerchner and you have talked about two others now. Is there a contradiction there?

Ms. HILL. Well, in my statement I do say that I only spoke with one person. That is all that I recalled at the time that I made the statement. I am finding that, I am recalling more about the situation. I really am finding that I repressed a lot of the things that happened during that time, and I am recalling more, in more detail.

When I made the statement too, I might add, that I made it rather hurriedly and even though I had been thinking about the situation, I had not perhaps given all of the consideration in terms of who I had told that I should have for such a statement.

Senator LEAHY. Since this began, for whatever series of reasons, there has been discussion and debate about how all of this came about, and this has become a most public matter. You cannot get much more public than the situation we are in right now.

And Judge Thomas has been up for confirmation on other occasions. Did you think, on any of those other occasions, about coming forward and giving, in effect, the same testimony that you are giving here today?

Ms. HILL. I may have considered it, but I was not contacted in those confirmation hearings. And I did not come forward on my own in that confirmation hearing, the most recent one.

Senator LEAHY. You mean this one?

Ms. HILL. Not this one, but the prior one.

Senator LEAHY. Had you been contacted in the prior one?

Ms. HILL. I had not been contacted in the prior one.

Senator LEAHY. But you were contacted in this one?

Ms. HILL. I was contacted in this one, yes.

Senator LEAHY. I realize—and my time is virtually up—this requires speculation and you can or cannot answer as you see fit, but had you not been contacted would you have come forward on this occasion?

Ms. HILL. I cannot say that I would have.

Senator LEAHY. Mr. Chairman, I have a lot more questions, but my time is up and I will stop there.

Thank you.

The CHAIRMAN. We will give you an opportunity, Senator, to complete those.

Senator LEAHY. Thank you.

The CHAIRMAN. We now recognize the Senator from Pennsylvania, Senator SPECTER.

Senator SPECTER. Thank you, Mr. Chairman.

Professor Hill, there is a report in the Kansas City Star of October 8, 1991, that says in an August interview with the Kansas City Star, Anita Hill offered some favorable comments regarding Clarence Thomas and some criticism. And then further on it says, quoting you, "judicial experience aside, the Clarence Thomas of that period"—referring to his days in EEOC early—"would have made a better judge on the Supreme Court because he was more open-minded."

Now, how is it that you would have said that Judge Thomas, in his early days at EEOC would have made a better judge, at least an adequate judge, considering all of the things you have said that he told you about, at the Department of Education and also at EEOC?

Ms. HILL. That opinion, Senator, was based strictly on his experience, his ability to reason. It was not based on personal information which I did not see fit to share with that reporter. I was trying to give as objective an opinion as possible and that's what that statement is based on.

In addition, very early on, I believe I was commenting on his time at Education. Very early on at Education I was not experiencing the kinds of things that I later experienced with Judge Thomas.

Senator SPECTER. But when you make a statement in August 1991 and say, that "judicial experience aside, the Clarence Thomas of that period would have made a better judge on the Supreme Court because he was more open-minded" you are making a comparison as to what Judge Thomas felt judicially early on before he changed his views on affirmative action. So that is the reference to, at that period.

But when you say that Judge Thomas would have made a better Supreme Court Justice, you are saying that, at one stage of his career, he would have made an adequate Supreme Court Justice.

Ms. HILL. Well, I am not sure that that's what I am saying at all. I am sure that what I was trying to give to that reporter was my

assessment of him objectively without considering the personal information that I had. Now, if I had said to him, I don't think he would have made a good judge because of personal information that I have, then I think I would have had to explain that or at least created some innuendo that I was not ready to create.

In addition, I think as a university professor, quoted as a university professor you have some obligation to try to make objective statements. And that's what I was doing. I was attempting to make an objective statement about the individual based on his record as a public figure and I was not relying on my own private understanding and knowledge.

Senator SPECTER. Well, let's take it the way you have just re-explained it. An objective evaluation, without considering personal information, as a law school professor to make a comment, on his record as a public figure. How could you conclude, in any respect, that he would be appropriate for the Court even if you say that was without considering the personal information, if you had all of this personal information?

Ms. HILL. I did not say that he would be appropriate for the Court, Senator. I said that he would make a better judge. I did not say that I would consider him the best person for the Supreme Court.

Senator SPECTER. Well, when you say he would have made a better judge at one point, are you saying that there is not an explicit recommendation or statement that, as you said earlier, on the basis of his intellect, aside from the personal information that you decided not to share, that he would have been a better Supreme Court Justice?

Ms. HILL. I am sorry, would you rephrase that?

Senator SPECTER. Sure. Isn't the long and short of it, Professor Hill, that when you spoke to the Kansas City Star reporter, that you were saying, at one point in his career he would have been OK for the Supreme Court?

Ms. HILL. No.

[Pause.]

Senator SPECTER. What were you saying as to Judge Thomas' qualifications for the Supreme Court when you spoke to the reporter in August?

Ms. HILL. We were speaking in terms of his being openminded. One of the comments that the reporter made was that some have complained that he has a set ideology and that he won't be able to review cases on their own. My comment went to whether or not he did have that set ideology and it was that now he did, whereas a few years ago, I did not find that to be so.

I found him to be more openminded. So in that sense, I believe that he was better suited for a judicial position at that time, than now. And that's all that I was referring to, that particular comment or my concern about the nominee's qualifications for being on the Court.

Senator SPECTER. Well, it is certainly true, Professor Hill, that your statement has a comparative that Judge Thomas would have been a better judge of the Supreme Court at an earlier point in his career, but if you stand on your statement that this interview does

not contain a recommendation for Judge Thomas, so be it. Is that your position?

Ms. HILL. Yes, it does, that is my position.

Senator SPECTER. Did you ever maintain any notes or written memoranda of the comments that Judge Thomas had made to you?

Ms. HILL. No, I did not.

Senator SPECTER. In your statement and in your testimony, here, today, you have said that you were concerned that "Judge Thomas might take it out on me by downgrading me, or by not giving me important assignments. I also thought that he might find an excuse for dismissing me."

As an experienced attorney and as someone who was in the field of handling sexual harassment cases, didn't it cross your mind that if you needed to defend yourself from what you anticipated he might do that your evidentiary position would be much stronger if you had made some notes?

Ms. HILL. No, it did not.

Senator SPECTER. Well, why not?

Ms. HILL. I don't know why it didn't cross my mind.

Senator SPECTER. Well, the law of evidence is that notes are very important. You are nodding yes. Present recollection refreshed, right?

Ms. HILL. Yes, indeed.

Senator SPECTER. Prior recollection recorded, right?

Ms. HILL. Yes.

Senator SPECTER. In a controversy, if Judge Thomas took some action against you, and you had to defend yourself on the ground that he was being malicious in retaliation for your turning him down, wouldn't those notes be very influential if not determinative in enabling you to establish your legal position?

Ms. HILL. I think they would be very influential, yes.

Senator SPECTER. So, given your experience, if all this happened, since all this happened, why not make the notes?

Ms. HILL. Well, it might have been a good choice to make the notes. I did not do it, though. Maybe I made the wrong choice in not making the notes. I am not a person—I was not interested in any litigation. I was not interested. If I had been dismissed, very likely I would have just gone out and tried to find another job. I was not interested in filing a claim against him, and perhaps that is why it did not occur to me to make notes about it.

Senator SPECTER. Well, I am not on the point of your being interested in making a claim. What I am on the point of is your statement that you were concerned that he might take retaliatory action against you, and therefore the inference arises that the notes would have been something which would have been done by an experienced lawyer.

Ms. HILL. One of the things that I did do at that time was to document my work. I went through very meticulously with every assignment that I was given. This was, this really was in response to the concerns that I had about being fired. I went through, I logged in every work assignment that I received, the date that it was received, the action that was requested, the action that I took on it, the date that it went out, so I did do that in order to protect

myself, but I did not write down any of the comments or conversations.

Senator SPECTER. Well, when you comment about documenting your work to protect yourself because of concern of being fired, wouldn't the same precise thought about documentation have led you to document Judge Thomas' statements to you?

Ms. HILL. Well, I was documenting my work so that I could show to a new employer that I had in fact done these things. I was not documenting my work so that I could defend myself or to present a claim against him.

Senator SPECTER. Well, why would you need to document with precision the time the assignment came in and the time you completed the work for a new employer? Wouldn't that kind of documentation really relate to the adequacy and speed of your work at EEOC, contrasted with a finished product which you could show to a new prospective employer?

Ms. HILL. I'm sorry. I don't quite understand your question. Are you saying that the new employer would not be interested in knowing whether or not I turned my work around quickly?

Senator SPECTER. What is the relevancy as to when you got the assignment and how fast you made it, for a new employer?

Ms. HILL. Because it goes to whether or not I was slow in turning around the work product in a very fast-paced job situation.

Senator SPECTER. Professor Hill, as you know, the statute of limitations for filing a case on sexual harassment is 180 days, right?

Ms. HILL. Yes.

Senator SPECTER. A very short statute of limitations because of the difficulty of someone defending against a charge of sexual harassment, right?

Ms. HILL. Well, it is a short turnover time. I am not quite sure exactly why it is that short. That is one of the reasons that it is so short.

Senator SPECTER. Well, you are an expert in the field. *Delaware State College v. Ricks*, 101 Supreme Court Reporter, in 1980, *Johnson v. Railway Express Agency*, 421 U.S. Reports, comment about the short period of limitations because of the difficulty of defending against a charge of sexual harassment.

Ms. HILL. Yes, but I don't believe either of those cases say that that is the only reason. And let me clarify something: I consider myself to be an expert in contracts and commercial law, not an expert in the field of sexual harassment or EEO law. I don't even teach in that area any more.

Senator SPECTER. Well, you did teach civil rights law?

Ms. HILL. Yes, at one point.

Senator SPECTER. You taught civil rights law after 1980, right?

Ms. HILL. Yes, I have.

Senator SPECTER. Well, all right, it is one of the reasons for having a short period of limitations, to give someone an opportunity to defend himself against a charge of sexual harassment because they are hard to defend.

Ms. HILL. Certainly.

Senator SPECTER. The statute of limitations in a contract case is 6 years?

Ms. HILL. Well, in some States.

Senator SPECTER. Some States, 6 years?

Ms. HILL. The statute of limitations is not set. It is not a set thing. It varies from State to State.

Senator SPECTER. The Federal statute of limitations on crimes is 5 years?

Ms. HILL. I am not a criminal expert. I don't know.

Senator SPECTER. Do you know of any statute of limitations which is as short as 6 months, besides sexual harassment cases?

Ms. HILL. Do I know of any?

Senator SPECTER. Yes.

Ms. HILL. No, not offhand.

Senator SPECTER. Well, in the context of the Federal law limiting a sexual harassment claim to 6 months because of the grave difficulty of someone defending themselves in this context, what is your view of the fairness of asking Judge Thomas to reply 8, 9, 10 years after the fact?

Ms. HILL. I don't believe it is unfair. I think that that is something that you have to take into account in evaluating his comments.

Senator SPECTER. I had asked you this morning, Professor Hill, about a statement which was made by Ms. Barry, and I had asked you then in the context of your saying that she didn't know you and you didn't know her. You then expanded that to say that she didn't know your social life, but you did say that she had an opportunity to observe you and Judge Thomas at EEOC. I want to come back to that for just a moment, because the New York Times says this: "In an interview, Ms. Barry suggested that the allegations were a result of Ms. Hill's disappointment and frustration that Mr. Thomas did not show any sexual interest in her."

Now, aside from saying that Ms. Barry doesn't know about you on the social side, what about the substance of what Ms. Barry had to say?

Ms. HILL. What exactly are you asking me?

Senator SPECTER. Well, I will repeat the question again.

Was there any substance in Ms. Barry's flat statement that, "Ms. Hill was disappointed and frustrated that Mr. Thomas did not show any sexual interest in her"?

Ms. HILL. No, there is not. There is no substance to that. He did show interest, and I have explained to you how he did show that interest. Now she was not aware of that. If you are asking me, could she have made that statement, she could have made the statement if she wasn't aware of it. But she wasn't aware of everything that happened.

Senator SPECTER. Professor Hill, do you know a man by the name of John Doggett?

Ms. HILL. Pardon me?

Senator SPECTER. A man by the name of John Doggett?

Ms. HILL. John Doggett?

Senator SPECTER. John Doggett III.

Ms. HILL. Yes, I have met him.

Senator SPECTER. I ask you this, Professor Hill, in the context of whether you have any motivation as to Judge Thomas. What was your relationship with Mr. Doggett?

Ms. HILL. I don't recall. I do not recall. We were friends, but I don't—it wasn't anything. I just don't know.

Senator SPECTER. Well, before I pursue this question, I will give you a copy of his statement, give you an opportunity to read it before I ask you about that, and I will do that at a break.

Ms. HILL. Thank you.

Senator SPECTER. How close were you to Dean Charles Kothe of the Oral Roberts Law School?

Ms. HILL. He was the dean of the law school. I was there for a year. I believe he was the dean for a year while I was there. We worked together.

Senator SPECTER. One of the comments which was made by Dean Kothe related to your voluntarily driving Judge Thomas to the airport on an occasion when he came to speak at Oral Roberts Law School. My question is that in a context where you had responded to some people who asked you to make inquiries of Judge Thomas, in a context of his having said these things to you as you represent, being violations of the Civil Rights law, constituting sexual harassment, given that background, why would you voluntarily agree to drive Judge Thomas to the airport?

Ms. HILL. I really don't recall that I voluntarily agreed to drive him to the airport. I think that the dean suggested that I drive him to the airport, and that I said that I would. But at any rate, one of the things that I have said was that I intended to—I hoped to keep a cordial professional relationship with that individual, and so I did him the courtesy of driving him to the airport.

Senator SPECTER. Well, when you say you wanted to maintain a cordial professional relationship, why would you do that, given the comments which you represent Judge Thomas made to you, given the seriousness of the comments, given the fact that they violated the Civil Rights Act? Was it simply a matter that you wanted to derive whatever advantage you could from a cordial professional relationship?

Ms. HILL. It was a matter that I did not want to invoke any kind of retaliation against me professionally. It wasn't that I was trying to get any benefit out of it.

Senator SPECTER. Well, you say that you consulted with him about a letter of recommendation. That would have been a benefit, wouldn't it?

Ms. HILL. Well, that letter of recommendation was necessary. The application asked for a recommendation from former employers.

Senator SPECTER. Judge Thomas testified at some length this morning about his shock and dismay and anger, and specified a group of facts which he said in effect undercut your credibility: when you moved with him from the Department of Education to EEOC; when you went with him voluntarily, and I take it it was voluntary, to go to a speech which he made at Oral Roberts Law School; when you contacted him about the speech at the University of Oklahoma; when you asked him for his guidance and his advice.

Would you say, Professor Hill, that all of those contacts and the continuation of a cordial professional association, relationship, have no bearing at all on your representation that he made these disgusting comments to you and was guilty of sexual harassment in violation of the Civil Rights Act?

Ms. HILL. I wouldn't say that they have no bearing, but I believe that I have explained a number of those factors. I talked to you about why I went to the EEOC. I talked to you about—would you list those again? I have forgotten what representations you are suggesting.

Senator SPECTER. Well, I know that you have explained or given an explanation as to why you moved from the Department of Education to EEOC, and I know you have an explanation for the Oklahoma University invitation, but nonetheless you called him. I know you have an explanation for the Oral Roberts incident.

But in seeking to evaluate the credibility between you and Judge Thomas, I am asking, and I think you have already answered it, that it does have some relevancy as to whether you would maintain over a long period of time this cordial association if he had been so disgusting to you, had victimized you with sexual harassment and had violated the Civil Rights Act.

Ms. HILL. Well, the things that occurred after I left the EEOC, occurred during a time—any matter, calling him up from the university—occurred during a time when he was no longer a threat to me of any kind. He could not threaten my job; he already had tenure there. He could not threaten me as he had, implicitly at least, at the EEOC; I was no longer working with him at the EEOC. So I was removed from the harassment at that point. I did not feel that it was necessary to cut off all ties or to burn all bridges or to treat him in a hostile manner.

Moreover, I think that if I had done that, I would have had to explain in this, this whole situation that I have come for today. I think what one has to do is try to put oneself in the situation that I was in, and I think it is not an atypical situation. Perhaps all of those things, if you look at them without any explanation, might suggest that there was no harassment, but there is an explanation for each of those things. And given the judgment that I made at the time, that I did want to maintain some cordial but distant relationship, I think that there is no contradiction in what I am saying and those actions.

Senator SPECTER. All right. I am prepared to leave it at that. There is some relevancy to that continuing association questioning your credibility, but you have an explanation. I will leave it at that.

I want to ask you about one statement of Charles Kothe, Dean Kothe, because he knew you and Judge Thomas very well. I want to ask you for your comment on it. There is a similar reference in the Doggett statement which I am not going to ask you about because you haven't read the Doggett statement and you say you do not remember him. Out of fairness I want to give you a chance to read that first, but you do know Dean Kothe and he does know Judge Thomas.

And this is his concluding statement: "I find the references to the alleged sexual harassment not only unbelievable but preposterous. I am convinced that such are the product of fantasy." Would you care to comment on that?

Ms. HILL. Well, I would only say that I am not given to fantasy. This is not something that I would have come forward with, if I were not absolutely sure about what it is I am saying. I weighed

this very carefully, I considered it carefully, and I made a determination to come forward. I think it is unfortunate that that comment was made by a man who purports to be someone who says he knows me, and I think it is just inaccurate.

Senator SPECTER. Well, you have added, during the course of your testimony today, two new witnesses whom you made this complaint to. When you talked to the FBI, there was one witness, and you are testifying today that you are now "recalling more," that you had "repressed a lot." And the question which I have for you is, how reliable is your testimony in October 1991 on events that occurred 8, 10 years ago, when you are adding new factors, explaining them by saying you have repressed a lot? And in the context of a sexual harassment charge where the Federal law is very firm on a 6-month period of limitation, how sure can you expect this committee to be on the accuracy of your statements?

Ms. HILL. Well, I think if you start to look at each individual problem with this statement, then you're not going to be satisfied that it's true, but I think the statement has to be taken as a whole. There's nothing in the statement, nothing in my background, nothing in my statement, there is no motivation that would show that I would make up something like this. I guess one does have to really understand something about the nature of sexual harassment. It is very difficult for people to come forward with these things, these kinds of things. It wasn't as though I rushed forward with this information.

I can only tell you what happened, to the best of my recollection what occurred and ask you to take that into account. Now, you have to make your own judgments about it from there on, but I do want you to take into account the whole thing.

Senator SPECTER. Well, I will proceed with the question of motivation on my next round, because the red light is now on.

The CHAIRMAN. Thank you very much, Senator.

There is one-half hour still to use. I am going to yield the bulk of it to Senator Heflin, but I am going to ask for just a few minutes.

Would you prefer a break?

Ms. HILL. No.

The CHAIRMAN. Because you have been sitting there a long time.

Ms. HILL. I will take a break. I need to read the statement from Mr. Doggett.

The CHAIRMAN. Well, we are not going to go to Mr. Doggett now. Before we get back to Senator Specter, we will break and give you an opportunity to read that statement, which, I might add, we are reading for the first time ourselves.

Ms. HILL. OK.

The CHAIRMAN. But we are not going to break now, so there will be order. Order in here. We will break after Senator Heflin and I ask our questions, and then we will give you time to read the statement, and, as I said, give all us time to read the statement, because the statement is news to me as well as the rest of the committee, other than Senator Specter.

Senator Specter and all of us acknowledge that there is a need to understand the nature of sexual harassment and the way in which people respond to that harassment.

One of the things that you have repeatedly said here, and you have said publicly prior to coming here, is that this was not your idea, you did not want to come here. You have stated, and it appears to be so, that you are a reluctant witness, not one who is out charging down the road. As Senator Specter acknowledged, and as every expert in the field acknowledges, that is not conduct inconsistent with someone who has been harassed.

Now, let me ask you this, though, because I am sure a lot of people, including me, are wondering about it. You indicated, and it is totally understandable, that you repressed a lot. Again, every expert over the years with whom I have spoken about this subject—not about you, not about this incident, but about the nature and the conduct of harassment and the response of the person harassed acknowledges that repression is not unusual.

Ms. HILL. Yes.

The CHAIRMAN. But I would like to ask you if, notwithstanding that fact, you can lay out for the committee what, in fact, was the sequence of events that did bring you forward?

You and I had a long discussion—relatively long discussion—the night that the Senate agreed—we meaning the members of the committee—the Senate agreed to put off the vote on Judge Thomas until 6 o'clock this coming Tuesday. I called to tell you that you would be receiving a subpoena so that you would not be alarmed when someone knocked at your door, and then you and I had a discussion about the sequence of events that brought you here. You have made reference to that sequence, directly and indirectly, on this record and off this record, but publicly.

Now, this is not something that you initiated, is that correct?

Ms. HILL. No; it is not.

The CHAIRMAN. And you were contacted by a staff person from the U.S. Senate, is that correct?

Ms. HILL. Yes.

The CHAIRMAN. And you indicated to me you thought that staff person—and it is perfectly understandable, you would, in my view—you thought that staff person was a staff person from the Judiciary Committee, is that correct?

Ms. HILL. Yes.

The CHAIRMAN. And then you were contacted subsequently by two other staff persons?

Ms. HILL. Yes. Let me clarify something. I thought that staff person was acting on behalf of a member of the committee—

The CHAIRMAN. I see.

Ms. HILL [continuing]. With regard to their duties on the committee.

The CHAIRMAN. I see. Which is I understand to be the case, and legitimately so.

Ms. HILL. Yes.

The CHAIRMAN. But as we talked, I had indicated to you that I, in my responsibilities as chairman, did not make known the allegations to the committee as a whole until after the committee had begun its meeting. That is not your responsibility, that is mine, but I want to get at this issue, because it seems to me it does go to explain your assertions here this morning as to how you got here.

What ultimately made you decide that you must go public, knowing that all this would occur?

Ms. HILL. Well, I was presented with the information by a newspaper reporter.

The CHAIRMAN. The information that you had submitted to me and I distributed to the committee?

Ms. HILL. Yes.

The CHAIRMAN. You were presented with that information and—

Ms. HILL. Over the telephone, it was read to me verbatim by a member of the press.

The CHAIRMAN. Now, the thing that was read to you verbatim was the statement that you had submitted and asked me to distribute to the committee, is that correct?

Ms. HILL. Yes.

The CHAIRMAN. So, in your view, you are here as a result of some unexpected events—

Ms. HILL. Definitely.

The CHAIRMAN [continuing]. And events that turned out not to be within your control?

Ms. HILL. Definitely.

The CHAIRMAN. Do you consider yourself part of some organized effort to determine whether or not Clarence Thomas should or should not sit on the bench?

Ms. HILL. No, I had no intention of being here today, none at all. I did not think that this would ever—I had not even imagined that this would occur.

The CHAIRMAN. Now, as I listened to you today answer very direct questions by Senator Specter, fair and direct questions, you stated here—correct me if I am wrong—that you did not view what was happening to you as a situation in which you would need to have a record to be able to retaliate or sue. Your main objective was to try to stop what you alleged to be happening, from happening, is that correct?

Ms. HILL. That is correct, that was my motive at the time, just to stop the activity.

The CHAIRMAN. Is this what you anticipated?

Ms. HILL. This? No, not at all. I would have never even dreamed, I just can't imagine.

The CHAIRMAN. Is it reasonable to say that it was your hope and expectation that it would not come to this?

Ms. HILL. It was exactly what I was trying to really very—I made greater effort to make sure that it did not come to this, and I was meticulous, I was making every effort to make sure that this public thing did not happen. I did not talk to the press. I was called by the press on July 1. I did not talk to the press. This is exactly what I did not want.

The CHAIRMAN. And is it fair to say that attitude prevailed up until the moment the press person called you and read you your statement?

Ms. HILL. Well, the attitude of not wanting this to happen?

The CHAIRMAN. Yes.

Ms. HILL. It prevails even today.

The CHAIRMAN. Well, we are beyond that point, as you know.

Ms. HILL. Yes, we are beyond that point, but it certainly prevailed up until that point.

The CHAIRMAN. The reason I ask that is that it is important, it seems to me, for the committee to know why someone would move from one point to the next and still hope that she didn't have to reach an end point, with the end point being a situation like this one here. Am I misstating in any way your desires as you moved along in this process or were moved along in this process?

Ms. HILL. The desire was never to get to this point. The desire—and I thought that I could do things and if I were cautious enough and I could control it so that it would not get to this point, but I was mistaken.

The CHAIRMAN. I thank you very much.

I yield to my friend from Alabama, Senator Heflin.

Senator HEFLIN. Professor Hill, we heard Judge Thomas deny that he had ever asked you to go out with him socially, dating, and deny all allegations relative to statements that allegedly he had made to you that involved sex, sex organs, pornographic films and materials and this type of thing.

You have testified that this occurred, and that he asked you to date and go out socially. You have testified here today concerning statements that he had made to you about pornographic films and materials and other things.

I, and I suppose every member of this committee, have to come down to the ultimate question of who is telling the truth. My experience as a lawyer and a judge is that you listen to all the testimony and then you try to determine the motivation for the one that is not telling the truth.

Now, in trying to determine whether you are telling falsehoods or not, I have got to determine what your motivation might be. Are you a scorned woman?

Ms. HILL. No.

Senator HEFLIN. Are you a zealoting civil rights believer that progress will be turned back, if Clarence Thomas goes on the Court?

Ms. HILL. No, I don't—I think that—I have my opinion, but I don't think that progress will be turned back. I think that civil rights will prevail, no matter what happens with the Court.

Senator HEFLIN. Do you have a militant attitude relative to the area of civil rights?

Ms. HILL. No, I don't have a militant attitude.

Senator HEFLIN. Do you have a martyr complex?

Ms. HILL. No, I don't. [Laughter.]

Senator HEFLIN. Well, do you see that, coming out of this, you can be a hero in the civil rights movement?

Ms. HILL. I do not have that kind of complex. I don't like all of the attention that I am getting, I don't—even if I liked the attention, I would not lie to get attention.

Senator HEFLIN. Well, the issue of fantasy has arisen. You have a degree in psychology from the University of Oklahoma State University.

Ms. HILL. Yes.

Senator HEFLIN. Have you studied in your psychology studies, when you were in school and what you may have followed up with,

the question of fantasies? Have you ever studied that from a psychology basis?

Ms. HILL. To some extent, yes.

Senator HEFLIN. What are the traits of fantasy that you studied and as you remember?

Ms. HILL. As I remember, it would require some other indication of loss of touch with reality other than one instance. There is no indication that I am an individual who is not in touch with reality on a regular basis and would be subject to fantasy.

Senator HEFLIN. The reality of where you are today is rather dramatic. Did you take, as Senator Biden asked you, all steps that you knew how to take to prevent being in that witness chair today?

Ms. HILL. Yes, I did everything that I knew to do, I did.

Senator HEFLIN. There may be other motivations. I just listed some that you usually look to relative to these. Are you interested in writing a book? [Laughter.]

Ms. HILL. No, I'm not interested in writing a book.

Senator HEFLIN. In the statement that was made which we refer to as an affidavit, on the—do you have a copy of that?

Ms. HILL. Yes, I do.

Senator HEFLIN. Mr. Chairman, just for part of the full record, I would move that that statement be made a part of the record.

The CHAIRMAN. Without objection, it will be made part of the record.

Senator HEFLIN. You describe on the second page, starting at the first paragraph there, about the working relationship and the various conversations, which you say were very vivid and very graphic, pertaining to pornographic materials and films and other statements of that nature.

Then you end that paragraph with these words: "However, I sense that my discomfort with his discussions only urged him on, as though my reaction of feeling ill at ease and vulnerable was what he wanted."

In other words, you are basically stating that that appeared to be his goal, rather than trying to obtain an intimate or sexual relations with you. It may be that you also felt that, though that raises quite an issue.

"However, I sense that my discomfort with his discussions only urged him on as though my reaction of feeling ill at ease and vulnerable was what he wanted." What do you mean by that? How do you conclude that?

Ms. HILL. Well, it was almost as though he wanted me at a disadvantage, to put me at a disadvantage, so that I would have to concede to whatever his wishes were.

Senator HEFLIN. Do you think that he got some pleasure out of seeing you ill at ease and vulnerable?

Ms. HILL. I think so, yes.

Senator HEFLIN. Was this feeling more so than a feeling that he might be seeking some type of dating or social relationship with you?

Ms. HILL. I think it was a combination of factors. I think that he wanted to see me vulnerable and that, if I were vulnerable, then he could extract from me whatever he wanted, whether it was sexual or otherwise, that I would be under his control.

Senator HEFLIN. As a psychology major, what elements of human nature seem to go into that type of a situation?

Ms. HILL. Well, I can't say exactly. I can say that I felt that he was using his power and authority over me, he was exerting a level of power and attempting to make sure that that power was exerted. I think it was the fact that I had said no to him that caused him to want to do this.

Senator HEFLIN. You cite the instance of the Coke can and his statement of pubic hair on it. Do you feel that he was attempting to have some specific message by relating that? How did you interpret that?

Ms. HILL. I did not have a clue as to how to interpret that. I did not know; it was just a very strange comment for me. I could not interpret it. I thought it was inappropriate, but I did not know what he meant.

Senator HEFLIN. Now, was there an occasion when you were at the EEOC that you wanted a different job or a promotion or a higher job?

Ms. HILL. I never sought a promotion with Clarence Thomas while at the EEOC. I never sought a promotion with anyone while at the EEOC.

Senator HEFLIN. Well, did this Allyson Duncan, in effect, take over some position or become a supervisor of you, as opposed to what it had previously been, and was it a reorganization, or what were the facts pertaining to that?

Ms. HILL. When Allyson Duncan took over her position—let me say this: Prior to when Allyson Duncan moved into the office of the Chair as an assistant, the assistants had basically been reporting directly to Thomas, and what I understood happened was that the work got too much for him to handle, to dole out to the assistants himself, so he reorganized the structure and appointed Allyson as the chief of staff for the special assistants in that office.

Senator HEFLIN. Now, Senator Specter asked you about the USA Today report of October 9, 1991, in which it recites that Anita Hill was told by Senate staffers her signed affidavit alleging sexual harassment by Clarence Thomas would be the instrument which quietly and behind the scenes would force him to withdraw his name.

Keith Henderson, a 10-year friend of Hill's and a former Senate Judiciary Committee staffer, says Hill was advised by Senate staffers that her charge would be kept secret and her name kept from the public scrutiny.

Have you had a conversation with Keith Henderson during the period of time from when you were originally contacted by some staffers from the Senate and the time that this newspaper account occurred?

Ms. HILL. Yes, I did.

Senator HEFLIN. You did. All right. And what was your conversation with Mr. Henderson? What did you tell him?

Ms. HILL. Well, my conversation was that I was really concerned about the situation involving this issue, that I had made the comments to the staff, that I had followed up on those comments with an affidavit and that I had gone through the investigation, all with the understanding that this was not going to be a public matter,

and that I was concerned about whether or not the information would be made available to all the committee.

Senator HEFLIN. Well, during any conversation with Keith Henderson, did you tell him that certain staffers had told you that if you went ahead and signed the affidavit, that that might be a way to get him to withdraw?

Ms. HILL. No, I did not tell him that.

Senator HEFLIN. Well, did you tell him that that was mentioned or that it would have been mentioned relative to this?

Ms. HILL. No, I didn't tell him that.

Senator HEFLIN. Do you know whether or not Keith Henderson talked to certain Judiciary Committee staffers?

Ms. HILL. I did not—I don't know whether he did talk to Judiciary Committee staffers.

Senator HEFLIN. Do you know whether in any conversation that he might have talked to Judiciary staffers, they might have said that is a possibility?

Ms. HILL. Do I know of any conversation—

Senator HEFLIN. Well, do you know whether or not there was a conversation between Keith Henderson and some staffer in which they were discussing the affidavit and saying that there were certain possibilities, which included the possibility that Clarence Thomas might withdraw his name?

Ms. HILL. That might have happened, but I haven't talked with Keith Henderson about that.

Senator HEFLIN. When you were at the EEOC, were you there on November 23, 1983? Would you have been there then?

Ms. HILL. No, I was not there then. I had left for Oral Roberts University.

Senator HEFLIN. When did you leave?

Ms. HILL. I left in July 1983.

Senator HEFLIN. Have you read a story in the Washington Post, today, Friday, October 11, in which there is mentioned a case involving allegations that Earl Harper, Jr., a regional attorney in the EEOC Baltimore office, had made unwelcome sexual advances to several women on his staff? When you were there at the EEOC, do you remember anything about a case being alleged involving Earl Harper, who was a trial attorney at the Baltimore office of the EEOC?

Ms. HILL. I don't recall any case.

Senator HEFLIN. All right. Since you graduated, your scholastic work, have you written any Law Review articles?

Ms. HILL. Yes, I have.

Senator HEFLIN. How many Law Review articles have you written?

Ms. HILL. I've written six, seven, including a short Law Review article—if I may back up, I have written five Law Review articles, some shorter pieces in journals.

Senator HEFLIN. Now, while you were at the Office of Civil Rights of the Department of Education, according to the way I read the statements, most of these instances pertaining to descriptions of pornographic films and materials was mentioned to you at the Department of Education, as opposed to the EEOC office?

Ms. HILL. I think the more explicit statements probably did occur at Education more than later at EEOC.

Senator HEFLIN. But they did occur some at EEOC?

Ms. HILL. Yes.

Senator HEFLIN. Now, how old were you at this particular time that you were at the Department of Education?

Ms. HILL. I was 25, I just turned 25 when I started the job.

Senator HEFLIN. Did you have any family here in Washington?

Ms. HILL. No, I did not.

Senator HEFLIN. Did you have other than certain friends that you could turn to in times of difficulty and—

Ms. HILL. I just had some friends. I did have some friends, but no family.

Senator HEFLIN. Mr. Chairman, I believe that is all I have.

The CHAIRMAN. Thank you very much.

We will recess for 15 minutes—let's have order in here, please—and at that time we will come back and Senator Specter will question, and then we will move to Senators who have 5 minutes of questions and we hope that will be it. We will, in due course, call back Judge Thomas.

We are recessed for 15 minutes.

[Recess.]

The CHAIRMAN. The hearing will come to order.

Before we begin this next round of questioning, through what I know to be inadvertence, the affidavit that was given to Professor Hill was also for the first time made available to the committee at-large; the Senator from Pennsylvania did not realize that we did not have it, either.

There has been an agreement from the outset of this proceeding—because, as I said, this is not a trial, this is a hearing to seek the facts—that everyone on the committee would have made available to them any and all documents that are produced, for whatever reason, before there is any introduction of such documents in the record or before there is any questioning on any documents. That applies to Professor Hill, that applies to Judge Thomas, and that applies to all our witnesses.

Again, I think in this case this was inadvertence. The Senate has indicated to us they want this very important and difficult matter resolved and they gave us essentially 48 hours to get ready for this, so there is going to be a lot that drops between the cup and the lip here, but one of the things that won't is any document that all members of the committee have not had in sufficient time to examine, read, and think about before it is even presented.

With that, while we are doing a bit of housekeeping here on such an important matter, let me suggest, again, the committee's intention in terms of timing: The committee intends to go back to Senator Specter. He indicates he may have more questions than his next half-hour, and Senator Leahy has indicated that he has some more questions. It is my sincere hope, Professor Hill, that we do not keep you much longer.

At the conclusion of Senator Leahy's questioning, we will then do what I indicated at the outset. Each member who has not asked questions, all of whom have a keen interest in this matter, will have up to 5 minutes to ask a question or questions.

We will then, God willing, excuse Professor Hill and call Judge Thomas back this evening, and I hope we will complete Judge Thomas' testimony tonight before we go tomorrow to other witnesses.

I thank you for your patience, Professor Hill. Again, as we have with all witnesses, if at any point during this process, as I indicated to Judge Thomas and to every witness before us, you desire to ask for a break, for whatever reason—you need not have any reason—you just indicate to the Chair and we will recess.

Now, with that, let me yield to my friend from Pennsylvania, Senator SPECTER.

Senator SPECTER. Thank you, Mr. Chairman.

Mr. Chairman, as you have noted, I have not known you had not seen the Doggett statement, but, in any event, the interruption gave both Professor Hill and other members of the committee a chance to see that statement.

Professor Hill, a copy or copies of that statement, copies were made available to you over the break, and I ask you now if you would have any objection to answering questions about that statement.

Ms. HILL. No.

Senator SPECTER. All right. It may be that Mr. Doggett will appear as a witness. If he does, it would be appropriate to give you a chance to comment and, rather than have you come back after the fact, you can comment now. I had candidly some question in my mind about asking you about this statement at all, but our lines of inquiry at this kind of a proceeding are very different from any other kind of a proceeding. You have now had a chance to read it and you are willing to comment about it?

Ms. HILL. Yes, I will.

Senator SPECTER. I bring up the statement of Mr. Doggett, because of the statement which was made by Dean Kothe. You have already commented about where Dean Kothe of the Oral Roberts Law School made the statement about fantasy. I don't intend to repeat again, but that comes up in the Doggett statement.

Now, the Doggett statement is a long statement and I am going to summarize it by reading a portion of page 2. You, of course, Professor Hill, are free to bring up any other part of it you want, if you would like to go into any of the rest of it.

Senator METZENBAUM. Mr. Chairman, may I ask a question?

The CHAIRMAN. Yes, you may, Senator.

Senator METZENBAUM. Mr. Chairman, it is my understanding that if I follow this procedure by accepting this affidavit and inquiring of the witness in connection with it, that you open up a little Pandora's box, because we can get all sorts of sworn statements—I see a number of them that were handed to me a little bit ago, and it seems that there is no end.

It is my understanding further that there were some limits as to the number of witnesses that would be called by Judge Thomas, that were interested in his confirmation; a number by Ms. Hill. And my question is what are the rules?

The CHAIRMAN. The Senator makes a valid point. We had agreed to a witness list submitted on behalf of Judge Thomas by the minority, and a witness list that was submitted on behalf of Professor

Hill. We were of the understanding that this was the totality of the witness list.

There was an agreement that there would be no witnesses called other than those witnesses without the entire committee being informed of, and deciding on, whether or not to issue a subpoena to any witness that had not, heretofore, been mentioned.

Now, obviously Mr. Doggett's affidavit, it would seem to me, at a minimum, would require Mr. Doggett to come forward and be under oath. So, by implication, we have changed the groundrules of who would be witnesses and under what circumstances.

I would suggest that it may not be inappropriate to question Professor Hill on Mr. Doggett's statement, but not absent the opportunity of the majority to be able to question Mr. Doggett. I have insisted that both the majority counsel and the minority counsel simultaneously interview every person on the witness list so that they have an opportunity to listen to and question that potential witness.

In the case of Mr. Doggett that has not occurred. Now, unless my colleague from South Carolina would object, it seems to me that it is not appropriate at this moment to question Professor Hill, notwithstanding her willingness to be questioned, and I am told that Mr. Doggett is scheduled to be interviewed by majority and minority staff at 5 o'clock today.

Senator THURMOND. Yes, this afternoon.

The CHAIRMAN. I would respectfully suggest to my friend from Pennsylvania it would be more appropriate to question Professor Hill on Mr. Doggett's assertions after all parties on the committee have had an opportunity to speak with Mr. Doggett, so that other Senators will have an opportunity to intelligently question Professor Hill on Mr. Doggett's statement, and after the staff has spoken to—Mr. Doggett.

So, unless my colleague from South Carolina objects. I would suggest we postpone any questioning on Mr. Doggett. Although it may be totally appropriate to do so, until the full committee has had a chance, as per our agreement, to interview Mr. Doggett so we are all prepared, and are able to ask intelligent follow-up questions.

Senator THURMOND. Mr. Chairman, I do not object, just provided that we have the opportunity to question Professor Hill after Mr. Doggett has testified.

The CHAIRMAN. Professor Hill, this may mean that you have to come back. And I would leave the choice to you but I would respectfully suggest that it is better for us to have an opportunity, all of us, to question Mr. Doggett before you are questioned about whatever Mr. Doggett had to say.

Would you like time to confer with your counsel?

Ms. HILL. Yes, just a moment, please.

I will agree to come back if necessary to respond on Mr. Doggett's statement.

The CHAIRMAN. Well, it may be possible—I am not promising this—it may be possible that we can do this by interrogatories or sworn interrogatories, or by affidavit, but I do not make that commitment. The only commitment I am making now—it seems to me fair—is for the committee to be fully informed prior to your being questioned on this.

Senator HATCH. Mr. Chairman?

The CHAIRMAN. Yes?

Senator HATCH. I haven't perhaps been privy to some of these agreements that have been made, but it seems to me there is nothing wrong—

Senator LEAHY. Orrin, we cannot hear you down here.

Senator HATCH. I am sorry, I apologize. It seems to me there is nothing wrong with while the witness is here, asking her about these questions about, you know, this particular statement. She was willing to answer it. And I think you save time by doing it. And, frankly, I don't see any problem with that. I think the Senator could have—

Senator THURMOND. If she is willing to go ahead, we have no objections.

Senator HATCH. He can ask any questions he wants, maybe we will not call Doggett. But at least he should be able to ask her if this is true, or if this is what happened? And she can answer.

Senator LEAHY. Mr. Chairman?

The CHAIRMAN. I will yield in a moment to my friend from Vermont. There is one simple reason why I would not like to go forward now. Quite frankly, it is not totally as a consequence of whether or not we are being fair to the witness, although I think it would be unfair to her.

It is simply that I don't know enough. I want to be able to question the witness on this issue when she returns for questioning and it seems to me that the best way to find out the truth is for everybody on this committee to have ample opportunity to review whatever is going to be introduced in evidence, so that we can all intelligently question on the matter.

I yield to my friend from Vermont.

Senator LEAHY. Mr. Chairman, I really echo what you said, but I know that we have tried, in fairness to everybody involved—the administration, Judge Thomas, Professor Hill and everybody else—we have worked out groundrules that you and Senator Thurmond and the rest of the committee have agreed to. And we have all had to develop whatever we were going to do within those groundrules. This would go outside them, and as one who has been designated to ask questions, I would find it very difficult to do any kind of a followup on this without having been able to at least delve into a statement of somebody who is not going to be a witness, but used almost as though they had been. And for the sake of a few hours' delay, whatever it might be, I would rather do it in a way that all of us—those asking questions based on the statement, those who may want to do followup questions based on the statement—at least know what the facts are.

Senator HATCH. Well, Mr. Chairman, I don't know of these groundrules. I have not heard of this that you can't ask a witness questions. Now, admittedly we may decide that we do not call this

man as a witness, but it is a verified statement, as I understand it, and she may agree or not agree with it, but she did read it, she said that she was willing to testify and I don't see any reason why he can't ask questions about it. It is relevant to the proceedings.

Senator THURMOND. Mr. Chairman, I do not think we ought to attempt to require her, but if she is willing to go ahead, then we can save time, I think.

The CHAIRMAN. Ms. Hill would you prefer to wait until we or our staffs have had a chance to interview Mr. Doggett, or would you prefer to go now?

Ms. HILL. That's a hard choice, if the committee needs—

The CHAIRMAN. Then the Chair will make the choice, we will wait.

Senator SIMPSON. I would like to hear her choice, if I might.

The CHAIRMAN. OK.

Senator THURMOND. We'll give her the choice.

Ms. HILL. I can comment on the statement now. I am not sure what the statement is supposed to mean.

The CHAIRMAN. That's the problem.

Ms. HILL. And it is really baffling me. I am really confused by it, but it is meaningless to me.

Senator THURMOND. Do you prefer to go forward now or not?

Ms. HILL. Excuse me, just a moment.

Senator THURMOND. I think whatever she prefers.

The CHAIRMAN. I agree, whatever the witness prefers, we will do.

Senator LEAHY. Mr. Chairman, I might say that it is because the affidavit is so meaningless to me that I wanted to question it further, but whatever works.

Ms. HILL. If the Chairman recommends that we wait, I am perfectly happy to wait.

The CHAIRMAN. I have no recommendation. [Laughter.]

Ms. HILL. So you are going to make me decide, aren't you?

The CHAIRMAN. If it were left to me I would want to abide by the established rules, but if the witness prefers to go, she may go.

Ms. HILL. I would prefer that we abide by the rules that we have then.

The CHAIRMAN. Then we will wait.

Senator SIMPSON. Mr. Chairman, let me ask a question. We were all in the hall during the recess and the media has this affidavit and they are not going to wait for anything.

Ms. HILL. That's true, they don't.

Senator SIMPSON. And so you know that. And I just say that to you as a lawyer, that it will be circulated. It is now going out, and there is no response from you. I would think that obviously this man should come and testify. I would think that he automatically qualifies as a witness. The other witness, Angela Wright, I was told about yesterday afternoon. They took a deposition from her yesterday and I saw it last evening. And she said, although the headline was, "new and dazzling evidence," she said, "I am not stating a claim of sexual harassment against Clarence Thomas. It is not something that intimidated or frightened me. At the most it was annoying and obnoxious."

So, surely, if we are going to have fairness, and we have had fairness, but this is an extraordinary document and it is not, nor was

yours, a notarized statement. It is a sworn statement. It is an affidavit. And so I think I am ready to do anything you wish but the feeding frenzy is on.

The CHAIRMAN. There is no right answer, I expect, to this question. With regard to the person referred to by the Senator from Wyoming as soon as we became aware that such a person existed we contacted all staff within 20 minutes, and any discussions that took place with that person were done jointly.

But I only say that to put them at rest. I want to end this. I see your counsel has indicated that it might be a good idea for you to go forward. And if that is your decision, we will go forward; from now on, though, as I said, no document will be put in place until every member has had time, to examine it and we will abide by your counsel's recommendation to you.

Mr. GARDNER. Mr. Chairman, I want to explain that she is ready to answer questions. The issue of whether or not to bend the rules is not ours, it is yours.

The CHAIRMAN. Yes, sir, and this is the last statement I am going to make on this. It is very easy for me to insist on the committee rules being followed, but you and Ms. Hill's other counsel may rightly conclude that Senator Simpson is correct, and that this will mean that this affidavit will be sitting out there for 2, 4, 6, 8 hours without a response. Since it is not a court of law, I am not prepared to make the judgment on whether or not Professor Hill is prejudiced by the fact that she cannot respond. That is why the chair is not going to rule that the committee rules must be adhered to, especially as they are not the committee rules, but ground rules laid down in what is obviously an extraordinary, unusual, and unprecedented hearing.

So, ultimately, we must look to the witness and her counsel to determine what is in her best interests, not the committee's best interest. From the beginning, the interests at stake are those of Professor Hill and those of Clarence Thomas, not those of the committee.

Ms. HILL. Will there be an opportunity to respond to the witness if he is called?

The CHAIRMAN. Yes. You will have an opportunity to respond today, this moment if you wish, and to the witness if he is called.

Ms. HILL. Then I am ready to go forward.

The CHAIRMAN. Senator Specter.

Senator SPECTER. Thank you, Mr. Chairman.

I think my time is up. [Laughter.]

Mr. Chairman, I would just like to say initially for the record that I did not make this statement available to the media or anyone.

The CHAIRMAN. I understand that, Senator, I know you better than that.

Senator SPECTER. And the election is to proceed.

The CHAIRMAN. The election of the witness is to proceed knowing that we may call Mr. Doggett here to testify under oath if we so deem necessary.

Senator SPECTER. Thank you, Mr. Chairman.

Professor Hill, I had started to question you about this affidavit. I had desisted in mid-sentence because I wanted you to have an op-

portunity to read it. There was a concern on my part about the document but I think it has sufficient value and since you are willing to respond to it, I am going to discuss it with you briefly.

This is an affidavit provided by a man who knew both you and Judge Thomas, and its relevancy, to the extent that it is relevant, arises on page 2 where Mr. Doggett says the following:

The last time I saw Professor Anita Hill was at a going away party that her friends held for her at the Sheraton Carlton Hotel on K Street, just before she left for Oral Roberts Law School. During this party she said that she wanted me to talk in private. When we moved to a corner of the room she said, "I am very disappointed in you. You really shouldn't lead on women and then let them down." When she made that statement I had absolutely no idea what she was talking about. When I asked her what she meant she stated that she had assumed that I was interested in her. She said that it was wrong for me not to have dinner with her or to try to get to know her better. She said that my actions hurt her feelings and I shouldn't lead women on like that. Quite frankly I was stunned by her statement and I told her that her comments were totally uncalled for and completely unfounded. I reiterated that I had never expressed a romantic interest in her and had done nothing to give her any indication that I might be romantically interested in her in the future. I also stated that the fact that I lived three or four blocks away from her but never came over to her house or invited her to my condominium should have been a clear sign that I had no personal or romantic interest in her. I came away from her going away party feeling that she was somewhat unstable and that in my case she had fantasied about my being interested in her romantically.

On page 3,

It was my opinion at the time and it is now my opinion that Ms. Hill's fantasies about sexual interest in her were an indication of the fact that she was having a problem being rejected by men she was attracted to. Her statements and actions in my presence during the time when she alleges that Clarence Thomas harassed her were totally inconsistent with her current descriptions and are, in my opinion, of yet another example of her ability to fabricate the idea that someone was interested in her, when, in fact, no such interest existed.

My question to you, Professor Hill, is, is Mr. Doggett accurate when he quotes you as saying, "I am very disappointed in you. You really shouldn't lead on women and then let them down."

Ms. HILL. No, he is not.

Senator SPECTER. What, if anything, did he say to you?

Ms. HILL. As I recall, before we broke I told you that I had very limited memory of Mr. Doggett. The event that he is talking about was a party where there were 30 or 40 people. I was talking to a lot of people, they were people who I had known while I was here in Washington, and we might have had some conversation, but this was not the content of that conversation. I have very limited memory of him. I did not at any time have any fantasy about a romance with him.

Senator SPECTER. In the earlier part of his affidavit he says that he met you in 1982 at a gathering of African-American lawyers on Capitol Hill, and that he had a number of contacts with you. Are his statements in that regard accurate, if you recall?

Ms. HILL. As I said, my memory of him is limited. I do remember at some point seeing him jogging near my home, but beyond that I have a very limited memory of any interaction that I had with him or how I might have met him, anything like that.

Senator SPECTER. I am shifting now, Professor Hill, to a key issue regarding your testimony that you moved with Judge Thomas from the Department of Education to EEOC because you needed the job. That is your testimony, correct?

Ms. HILL. Well, I think that is your summary of my testimony.

Senator SPECTER. Well, is my summary accurate?

Ms. HILL. Well, I said that I moved to EEOC because I did not have another job. This position that—I was not sure whether I would have a position at the Department of Education. I suppose that could be translated into I needed the job.

Senator SPECTER. OK. I am informed, Professor Hill, that you were a schedule A attorney and in that capacity could stay at the Department of Education. Is that incorrect?

Ms. HILL. I believe I was a schedule A attorney but, as I explained it, I was the assistant to the Chair of—oh, excuse me—assistant to the Assistant Secretary of Education. That, I had not been interviewed by anyone who was to take over that position for that job. I was not even informed that I could stay on as a schedule A attorney, as well as, as I stated before, the agency was subject to being abolished.

Senator SPECTER. But as a schedule A attorney, you could have stayed in some job?

Ms. HILL. I suppose. As far as I know, I could have, but I am not sure because at the time the agency was scheduled to be abolished.

I want to add, too, that one of the things that I have made the point about before was that the activity had ended at that time, and I enjoyed the work. I wanted to do civil rights work, but I didn't know what work I would be doing if I could have even stayed at the agency, at the Department of Education. I moved on because I assumed that the issue of the behavior of Clarence Thomas had been laid to rest, that it was over, and that I could look forward to a similar position at the EEOC.

Senator SPECTER. I understand that you have given that reason, that the behavior had ended, so that you have given a basis for not expressing a concern, but your statements in your earlier testimony involved your conclusion that you would have lost your job, and I am now—

Ms. HILL. That was one of the factors.

Senator SPECTER. Excuse me?

Ms. HILL. That was one of the factors.

Senator SPECTER. That was one of the factors, and I am now asking you about the correctness of that in light of the fact that you were a schedule A attorney. While you would not have been Judge Thomas' assistant or perhaps the assistant of the Assistant Secretary, as a class A attorney you could have in fact kept your job, had you wanted to stay there.

Ms. HILL. That really was not my understanding, sir. At the time I understood that my job was going to be lost. That was my understanding.

Senator SPECTER. Well, did you make an inquiry?

Ms. HILL. With whom?

Senator SPECTER. Anyone?

Ms. HILL. I did not make an inquiry. I went on what I was told in my conversation with Mr. Thomas.

Senator SPECTER. Well, Judge Thomas was replaced by Harry Singleton, and Harry Singleton in fact, according to an affidavit provided, was prepared to retain you as one of his attorney advisors. Now I pursue this in some detail, Professor Hill, because on

your prior statements as well as your testimony here. In extensive newspaper accounts there has been a major question raised about why you would leave with Judge Thomas, considering your statements about his sexual harassment.

And I understand that you have given us part of your thinking, the cessation, so perhaps it wouldn't arise. But there has been a major basis for your leaving the Department of Education, because you would have lost your job and at 25, as I recollect the press accounts and your statements, you needed a job. But on inquiry it is determined, No. 1, that as a class A attorney you could have stayed at the Department of Education in an attorney's job; and, second, that Harry Singleton, who took Judge Thomas' position, was ready to retain you as one of his attorney advisers, had you made an inquiry.

So that leads to the question, just how concerned were you about losing the job when you made no inquiry about your status to keep a job as a class A attorney, or any inquiry with the successor Assistant Attorney General who was prepared to keep you?

Senator METZENBAUM. Mr. Chairman, again I want to raise the question about the method of procedure. What we have now, within the last 15 minutes we were presented five pieces of paper, some of which are notarized, some of which aren't, are various people making certain statements. And now we find that our friend, Senator Specter—and before that we had been presented the affidavit of Mr. Doggett—now we find that this lady is being called upon to respond to these statements, some of which are notarized, some of which aren't.

But what we are doing is, we are introducing a whole new element of testimony in this means by inquiring of her. And frankly, Mr. Chairman, I feel it violates the rules under which you told us this committee was operating and which I think we all agreed to. I think it is a back door way of approaching the question of how many witnesses each side will bring forth.

Senator SPECTER. Mr. Chairman, if I may respond—

The CHAIRMAN. Yes.

Senator SPECTER. [continuing]. This is a key point as to why Professor Hill left one department and went to another. According to her statements, Judge Thomas had sexually harassed her at the Department of Education, and she went with him to EEOC in significant part, if not in major part, according to her statement, because she would have lost her job.

Now, Senator Metzenbaum may find that uncomfortable, but I frankly object to his interruption. The witness doesn't have any problem with the question.

Senator METZENBAUM. I want to say I am not wanting to interrupt my friend in his line of inquiry. I am raising the question with the Chair with respect to the procedure. We were all told that there would be only so many witnesses, and unless there was agreement between the Chair and the ranking member, that is the number that would be had. But if you have witnesses come in through affidavits and then inquire about them to Ms. Hill, I think that it just is not following the procedures.

Senator SPECTER. Mr. Chairman, this is a question which goes to the heart of the credibility of what the witness has testified to, as

to her reason for a very critical move from the Department of Education to EEOC.

The CHAIRMAN. There is no question that it is as represented. The question is whether the remainder of the committee had any opportunity to prepare, or even know whether this was going to happen. What I am afraid is going to happen now is, by the time that Judge Thomas gets here, there will be 2, 7, 10, 12, 15 affidavits that no one will have had an opportunity to look at, and Judge Thomas will be questioned on things that could be totally scurrilous, could be in fact totally off the wall, without any of our staffs having had an opportunity to determine whether the person proffering the statement is in fact credible and whether that person should be called before the committee.

Senator THURMOND. Mr. Chairman, may I make a statement?

The CHAIRMAN. Yes.

Senator THURMOND. I think the question is proper because without this affidavit, you don't need the Doggett affidavit. He could ask her the question that he did ask her, why she left when she could have stayed, without this affidavit. You don't need this affidavit. The question he asked is perfectly proper.

Senator KENNEDY. But Mr. Chairman, just on this issue, it is being represented that Singleton had a job available for Professor Hill. I mean, I think it would be legitimate to find out when did Mr. Singleton indicate that Professor Hill might have a job. Did he have a conversation with her prior to the time that she left the agency? Here a Senator is saying, "Well, don't you know that Mr. Singleton," who happens to be one of Clarence Thomas' best friends, "had a job just out there, and why didn't you take it? And the fact you didn't take it must reflect something," and I think all of us know what is trying to be reflected.

And so I think it is perfectly appropriate for us, when we are going to talk about asking a witness about when that job was available, to know when that job—whether Mr. Singleton talked to Professor Hill, when he talked to her, when he indicated a job was going to be available, rather than just go ask the witness right here on an affidavit, at some time Mr. Singleton concluded, based upon your standing over there, that you would have been available.

And I think that is the point the Senator from Ohio is making. I think it is a legitimate point.

Senator SPECTER. Mr. Chairman, if I may respond just briefly—

The CHAIRMAN. Yes.

Senator SPECTER. [continuing]. The question is whether Professor Hill asked Mr. Singleton. She is in the process of leaving. She is concerned about her job, and the question which I asked goes to the issue of her inquiry as to her ability to stay because she is in a class A status or, secondarily, to keep the same position as the Assistant Secretary's advisor. It goes to the issue of her state of mind, as to whether she felt she really had to move with Judge Thomas to keep a job.

Senator HATCH. Well, Mr. Chairman—

The CHAIRMAN. Wait a minute. Let me say something.

Senator HATCH. Before you rule I would like to make a statement, though—

The CHAIRMAN. Make it briefly, if you could.

Senator HATCH. I will try.

It seems to me that these questions are relevant——

Senator METZENBAUM. We can't hear you, Orrin.

Senator HATCH. I'm sorry.

It seems to me that these questions are relevant. Last night we were trying to obtain all the knowledge we could from this so-called Angela Wright. Well, she gave so much testimony and then refused to talk after that. Now does that mean that she is going to be barred from testifying? I don't think anybody on your side is going to argue that.

He is entitled to ask her, in advance, what her recollection is of these things. And all that means is, if she will answer it, either she agrees with the statement or she doesn't. If she doesn't, she doesn't. Now if she doesn't and the Singleton statement says something else, we have an option of calling Singleton or not calling him. I mean, that doesn't take anybody's rights away from them, and I think if she wanted to, she would have an option of coming back if she didn't like what he said. So I think I never heard of this rule.

The CHAIRMAN. I thank my friend, and——

Senator LEAHY. Mr. Chairman, I do wish to make one point on this. How fair can it be to either Professor Hill or any other witness if any of us can sit up here and say, "I have this stack of affidavits, and in affidavit No. 5 in the third paragraph somebody says such-and-such. What do you have to say about that?"

I mean, at the very least, at the very least they ought to be able to see these affidavits. At the very least, they ought to have some idea of who the person is and if they are credible. Otherwise you could go down through a whole list and say, "Ah, affidavit No. 29, in the second sentence, they say that you were living in Japan at the time. Can you prove that you weren't?" I mean, this doesn't make much sense.

The CHAIRMAN. I thank my colleagues for their advice. The Chair rules as follows.

Senator SIMPSON. Mr. Chairman, may I? I have been——

The CHAIRMAN. You have been very good. [Laughter.]

Senator SIMPSON. I promise. It is a very difficult day for me.

Mr. Chairman, let me just say every one of us at this table is in anguish because what we are trying to deal with is the credibility of these two people, principally, and so anything that goes to their credibility we have to hear. Forget about Doggett. I am glad you responded. I think that was appropriate, because that thing would be splattered all over the place, and if you hadn't said anything, you would pay for it.

And so now you can't tell me what you are going to do when Clarence Thomas gets here and you bring up any questions impugning his credibility. Are we going to invoke this rule? I want to see it to believe it. This is about credibility.

Senator SIMON. Mr. Chairman.

The CHAIRMAN. Well, let me tell you what I am going to do, and then I will yield to my colleagues.

It is appropriate to ask Professor Hill anything any Member wishes to ask her to plumb the depths of her credibility. It would be appropriate to ask her about Mr. Singleton, but it is inappropri-

ate to represent what Mr. Singleton says via an affidavit. There is a distinction.

So you can ask anything you want. You can ask her what Santa Claus said or didn't say, whether she spoke to him or not, but it is inappropriate to introduce an affidavit from Santa Claus prior to every member on this committee having an opportunity to check it out, for the following reason: We may find out that Santa Claus is not real. Therefore, it may not be very relevant whether Santa Claus said something or not.

So, we are all lawyers on this committee, with one or two exceptions. There is a fundamental distinction between being able to ask a direct question, to determine the credibility of a witness, and representing what another individual said the witness said or what an individual said they thought about the motivation of the witness. There is a distinction.

So the Chair will rule that you can ask anything you want about credibility; you cannot represent, via an affidavit or a sworn statement or a statement, as to what the individual in question thinks. If that is the case, ask the committee to bring that witness forward, and then we will sit down and renegotiate among ourselves and with the White House how many witnesses we are going to have. But as pointed out here, this is another way of getting in 2, 5, 7, 10, 20 witnesses without allowing for an opportunity to cross-examine them.

Now that is the Chair's ruling. Did my friend want to say anything?

Senator SIMON. I would just buttress that by saying there is one other reason, Mr. Chairman, and that is, if we don't abide by the rules, we are going to end up in these wrangles constantly every time a new affidavit is brought up.

The CHAIRMAN. I assure my friend from Wyoming that I will impose the same exact rule on anyone questioning Judge Thomas. Now, the Senator from Pennsylvania has the floor.

Senator SPECTER. Mr. Chairman, am I accurate that I only have 29 minutes left?

The CHAIRMAN. You have whatever time was—let me ask. Let me ask Senator Simon.

Senator SPECTER. Twenty-nine minutes on my 30-minute round.

The CHAIRMAN. Pardon me?

Senator SPECTER. Is it accurate that I only have 29 minutes left on my 30-minute round?

The CHAIRMAN. It is accurate you can have as much time as you want, Senator.

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

Professor Hill, did you know that, as a class A attorney, you could have stayed on at the Department of Education?

Ms. HILL. No, I did not know at that time.

Senator SPECTER. Did you make any effort to find out that, as a class A attorney, you could have stayed on at the Department of Education?

Ms. HILL. No, I relied on what I was told.

Senator SPECTER. Sorry, I didn't hear you.

Ms. HILL. I relied on what I was told by Clarence Thomas.

Senator SPECTER. My question—

Ms. HILL. I relied on what I was told by Clarence Thomas. I did not make further inquiry.

Senator SPECTER. And what are you saying that Judge Thomas told you?

Ms. HILL. His indication from him was that he could not assure me of a position at Education.

Senator SPECTER. Was that when you were hired or when he was leaving?

Ms. HILL. When he was leaving.

Senator SPECTER. Did you make any inquiry of his successor, Mr. Singleton, as to what your status would be?

Ms. HILL. No, I did not. I'm not even sure that I knew who his successor would be at the time.

Senator SPECTER. Well, was Mr. Singleton on the premises for about four weeks in advance of Judge Thomas' departure as the—

Ms. HILL. I don't—

Senator SPECTER. May I finish the question?

Ms. HILL. I don't—I'm sorry.

Senator SPECTER. May I finish the question?

Ms. HILL. I'm sorry.

Senator SPECTER. Was Mr. Singleton on the premises for about 4 weeks prior to Judge Thomas' departure, for transition?

Ms. HILL. I don't recall.

Senator SPECTER. Did you make any effort at all with anybody in the Department of Education to find out whether you could stay on in a job there?

Ms. HILL. As I said before, I did not make any further inquiries.

Senator SPECTER. Well, how concerned were you on your decision to move with Judge Thomas to EEOC, notwithstanding your represented comments about retaining some job somewhere?

Ms. HILL. I'm sorry, could you rephrase your question?

Senator SPECTER. Well, I would be glad to repeat it. If you made no inquiry to see if you could stay at the Department of Education, perhaps even as the assistant to the Assistant Secretary of Education, how much of a factor was your need for a job to go along with Judge Thomas, even though he had made these reprehensible statements?

Ms. HILL. It was part of what I considered.

Senator SPECTER. Professor Hill, there has been disclosed in the public milieu the records of certain telephone logs as so much of the evidence or representations or comments about this matter, and you were quoted in the Washington Post as saying, "I'm terribly saddened and deeply offended by these allegations. Ms. Hill called the telephone logs garbage, and said that she had not telephoned Thomas, except to return his calls." Did you, in fact, say that you had not telephoned Thomas, except to return his calls?

Ms. HILL. No, I did not say that.

Senator SPECTER. The Washington Post is in error on that statement attributed to you?

Ms. HILL. Well, I can tell you something about that conversation.

Senator SPECTER. Please do.

Ms. HILL. When that conversation was made, it was my indication that the reporter was saying to me that "we have information

that you talked to Clarence Thomas 10 or 11 times over this period of time that was described." That was my understanding of what she was telling me. I knew that I had not talked to Clarence Thomas, and I told her that. I said I haven't talked to Clarence Thomas 10 or 11 times, and she said that there were telephone logs that indicated that I had.

Senator SPECTER. Well, it is not a matter of talking to Judge Thomas, it is as matter of telephoning—

Ms. HILL. I understand that.

Senator SPECTER. May I finish the question—it is a matter of telephoning him. Did you tell the reporter for the Washington Post that you had not telephoned Thomas, except to return his calls?

Ms. HILL. I said to her that I had not talked to Clarence Thomas 10 or 11 times over that period of time.

Senator SPECTER. So, she misunderstood you, to say that you had not telephoned Thomas 10 or 11 times?

Ms. HILL. I think there was miscommunication in the entire interview.

Senator SPECTER. Did you call the telephone log issue "garbage"?

Ms. HILL. I believe that the issue is garbage, when you look at what seems to be implied from the telephone log, then, yes, that is garbage.

Senator SPECTER. Have you seen the records of the telephone logs, Professor Hill?

Ms. HILL. Yes, I have.

Senator SPECTER. Do you deny the accuracy of these telephone logs?

Ms. HILL. No, I do not.

Senator SPECTER. Then you now concede that you had called Judge Thomas 11 times?

Ms. HILL. I do not deny the accuracy of these logs. I cannot deny that they are accurate, and I will concede that those phone calls were made, yes.

Senator SPECTER. So, they are not garbage?

Ms. HILL. Well, Senator, what I said was the issue is garbage. Those telephone messages do not indicate that—they are being used to indicate, that is, that somehow I was pursuing something more than a cordial relationship, a professional relationship. Each of those calls were made in a professional context. Some of those calls revolved around one incident. Several of those calls, in fact, three involved one incident where I was trying to act on behalf of another group, so the issue that is being created by the telephone calls, yes, indeed, is garbage.

Senator SPECTER. Well, the issue which was raised by Senator Danforth, who disclosed this log in a press conference, was done so on the point that you had made repeated efforts to contact Judge Thomas. This bore on the issue as to whether he had sexually harassed you, on the approach that if he had victimized you by sexual harassment, you would not be calling him so many times. So, when you were quoted by the Washington Post as, number one, calling them garbage and denying that you had telephoned Thomas, it constituted your statement that you had, in fact, not made those efforts to contact him.

Now, my question to you is, since those calls were in fact made, as you now say, doesn't that have some relevance as to whether the committee should accept your statements about Judge Thomas' sexual harassment in the context of your efforts to call him this many times over that period of time?

Ms. HILL. No.

Senator SPECTER. OK.

Answer into the microphone, if you will, so we can hear you.

Ms. HILL. I'm sorry. My response is no, that those are not relevant to the issue of whether or not there was harassment. My point is this—and I believe that these are completely consistent with what you have before you in my statement—my point is that I have stated to you that I continued, I hoped to continue to maintain a professional relationship, for a variety of reasons. One was a sense that I could not afford to antagonize a person in such a high position.

Those calls that were made, I have attempted to explain, none of them were personal in nature, they involved instances where I passed along casual messages or instances where I called to either find out whether or not the Chairman was available for a speech, acting on behalf of someone else. No, they have very little, if any, relevance at all to the incidents that happened before those phone calls were made.

Senator SPECTER. Very little relevance, but perhaps some?

Ms. HILL. I believe they have none. We may differ on that.

Senator SPECTER. You say that they were all professional and you have accounted for a number of them in your statement, but a number of them have not been accounted for. For example, the log on January 30, 1984, "Just called to say hello, sorry she didn't see you last week." May 9, 1984, "Please call." October 8, 1986, "Please call."

Taking the one, "Just called to say hello, sorry she didn't see you last week," first of all, is that accurate?

Ms. HILL. As I indicated earlier, I do not deny the accuracy of these messages.

Senator SPECTER. You had picked out one of the calls in your statement which appears on page 8, as follows: "In August of 1987, I was in Washington and I did call Diane Holt. In the course of this conversation, she asked me how long I was going to be in town, and I told her."

Now, the log says, "Anita Hill, 547-4500, 4:00 o'clock, in town until 8:15," is dated August 4. Now, if the log represents your making the statement "in town until August 15," from August 4, some might interpret that as a suggestion that you would be available to meet, maybe, maybe not, but some might suggest that.

If, on the other hand, Judge Thomas' secretary asked you how long you were going to be in town, the initiative would come from her. It would contain no possible suggestion of your availability to meet. My question to you is how do you know today that, on August 4, 1987, she asked you how long you were going to be in town, as opposed to your saying that you would be in town until August 15.

Ms. HILL. That is my recollection of how the telephone conversation took.

Senator SPECTER. And your representation to this committee is that you have recollection at this moment that Judge Thomas' secretary asked you how long you were going to be in town, as opposed to your volunteering the statement to her? You have an active recollection of that?

Ms. HILL. That is my recollection.

Senator SPECTER. OK.

Ms. HILL. May I comment on that telephone call?

Senator SPECTER. Sure.

Ms. HILL. I was actually in town until the 20th of August, so at least this may be an accurate representation of what was written in the log, but that is not an accurate representation of my activities.

Senator SPECTER. What relevance does that have?

Ms. HILL. My point is you asked if these phone messages were accurate, and I said that I would not deny their accuracy, but I will deny the accuracy of that as a representation of my activities.

Senator SPECTER. Let me return, Professor Hill, to the question as to how you first came to be contacted by the Senate, and I would appreciate it if you would tell us when the first contact was made, by whom and the circumstances?

Ms. HILL. On September 4, a woman named Gail Laster called me and a message was left at my office.

Senator SPECTER. On September 4?

Ms. HILL. On September 4.

The CHAIRMAN. What was the woman's name?

Ms. HILL. September 4.

The CHAIRMAN. Her name?

Ms. HILL. Gail Laster.

The CHAIRMAN. Thank you.

Senator SPECTER. You say the person was who?

Ms. HILL. Gail Laster, and I don't have the message in front of me, but the indication was that she was working with a Senate office and I can't—

Senator SPECTER. And what happened next?

Ms. HILL. At some point in between—on September 4, I must have returned her call or she on her own initiative called back on September 5 and I returned her call on that same day.

Senator SPECTER. Now, on September 4, did you call back or on September 5 did she call you again?

Ms. HILL. On September 4, I called back.

Senator SPECTER. And did you talk to someone?

Ms. HILL. I left a message.

Senator SPECTER. What happened next?

Ms. HILL. On September 5, she called me.

Senator SPECTER. And what was the content of that conversation?

Ms. HILL. I returned her call on September 5, and during that call she asked me if I knew anything about allegations of sexual harassment.

Senator SPECTER. Do you have notes of these matters, Professor Hill? I see you reading from something there.

Ms. HILL. Yes, I do, I have notes that I have made.

Senator SPECTER. Did you make those notes contemporaneously with the event?

Ms. HILL. No, I did not.

Senator SPECTER. When did you make the notes?

Ms. HILL. I made these notes yesterday.

Senator SPECTER. OK. What was the conversation that you had on September 5 with, you say, Gail Laster?

Ms. HILL. G-a-i-l, Laster, L-a-s-t-e-r.

Senator SPECTER. And what was the conversation which you had with Gail Laster?

Ms. HILL. She asked me some general questions and then she asked me if I knew anything about allegations of sexual harassment or tolerance of sexual harassment at the Office of the EEOC, in particular as they related to Clarence Thomas.

Senator SPECTER. And what was your response?

Ms. HILL. My response was that I did not have any comment on either of those.

Senator SPECTER. And what did she say when you told her that you had no comment, as opposed to no knowledge of any tolerance of sexual harassment?

Ms. HILL. I believe we might have gone on to something more general about the nomination. I don't believe the conversation lasted very long after that.

Senator SPECTER. Well, what was in the conversation?

Ms. HILL. As I say, we went on to more general matters regarding the nomination, issues about—

Senator SPECTER. You don't recall the specific contents of the conversation?

Ms. HILL. Oh, we talked about general issues involving women in the workplace, what I thought of his views on that, on those issues.

Senator SPECTER. What happened next?

Ms. HILL. On September 6, Ricky Seidman called me. I returned the call on that day and she asked me some specific questions about some work that I had done at the Department of Education. We spoke about that work and she asked what role I played in doing it, and then she again asked me about rumors or did I know anything or had I heard any rumors while I was at the EEOC involving his tolerance, Judge Thomas' tolerance of sexual harassment—

Senator SPECTER. And what response—

Ms. HILL [continuing]. Or whether I knew anything about his actually engaging in sexual harassment acts.

Senator SPECTER. And what was your response?

Ms. HILL. At that point, I told Ms. Seidman that I would neither confirm nor deny any knowledge of that.

Senator SPECTER. Anything further in that conversation?

Ms. HILL. At that point, I think again we might have moved on. She—

Senator SPECTER. Might have moved on, or do you not recall the specifics of the conversation?

Ms. HILL. I will complete my thought here. At that point, she said are you saying that you will neither confirm nor deny your knowledge, or are you saying that you will neither confirm or deny that the actual harassment existed, and I told her it was the latter.

Senator SPECTER. What happened next?

Ms. HILL. I told her that I wanted to think about it and that I would get back to her.

Senator SPECTER. Think about what?

Ms. HILL. Think about this issue of sexual harassment.

Senator SPECTER. Did that conclude the conversation?

Ms. HILL. That concluded the conversation.

Senator SPECTER. What happened next?

Ms. HILL. I think in the interim, on the weekend, over the weekend of September 7 or 8, I spoke to Ms. Seidman again. I did speak to her again and I asked her specifically, if I were to discuss this matter, where should I go? That I wanted to talk with someone who was knowledgeable about the issue before I proceeded to tell what I knew. At that point what I was trying to do was to really determine, get some sense of how the committee would approach this and give some—take some effort to weigh what I thought was valuable information, but I wanted to do it from a more objective viewpoint.

Senator SPECTER. And what did Ms. Seidman tell you?

Ms. HILL. At that point she told me that she knew someone who worked on the Senate Labor Committee, James Brudney, who would have information, who had worked in the area of sex discrimination, and that he would be able to give me some indication of the law. She also said that she had his telephone number.

Senator SPECTER. Well, why would you need someone to give you an indication of the status of the law, considering your own knowledge of sexual harassment and the fact that you had been a civil rights professor at Oral Roberts Law School?

Ms. HILL. I had not practiced in the area. I have never actually practiced in the area. I have taught in the area, but it has been—I haven't taught in the area since 1986, and I understand that this is a very fast-developing area of law. In addition, I wanted a more objective evaluation of my situation and I wanted to do it with someone who I could trust. I knew James Brudney and I wanted to talk with him so that I might be able to make that evaluation.

Senator SPECTER. So Ms. Seidman recommended Mr. James Brudney?

Ms. HILL. She gave me his name, and I indicated that he was someone who I knew and who I thought had integrity and who I could trust with confidential information.

Senator SPECTER. OK, and then you did talk to Mr. Brudney?

Ms. HILL. Yes, we talked.

Senator SPECTER. And when was that?

Ms. HILL. Well, we talked on the weekend of September 7 and 8.

Senator SPECTER. And what was the content of that conversation?

Ms. HILL. Actually, I'm sorry, that is incorrect. We talked on September 9.

The content of the conversation was really, "Tell me something. What do you know about the development of sexual harassment? If I disclose to you certain facts, can you make an evaluation of some kind as to what kind of legal conclusion one might make?"

Senator SPECTER. So that at that time there was a doubt in your mind as to whether Judge Thomas was, in fact, guilty of sexual harassment on the facts as you knew them?

Ms. HILL. Well, I want to back up and say something here. In my statement to you I never alleged sexual harassment. I had conduct that I wanted explained to the committee. My sense was, my own personal sense was that yes, this was sexual harassment, but I understood that the committee with their staff could make that evaluation on their own. So I didn't have any doubts but I wanted to talk with someone who might be more objective.

Senator SPECTER. Well, you did call it sexual harassment in your extensive news conference on October 7, even though you did not so characterize it to the FBI or in your statement to this committee.

Ms. HILL. But that news conference on August 7 had not taken place at the time—or, excuse me, on October 7—

Senator SPECTER. October 7.

Ms. HILL [continuing]. On October 7 had not taken place at the time that this conversation was made.

Senator SPECTER. Well, the statement to the committee and the statement to the FBI hadn't taken place, either.

Ms. HILL. The statement to the FBI had not; you are right.

Senator SPECTER. So that you made statements to the FBI during the week of September 23 and you furnished this committee a statement on September 23, both of which occurred after your conversation with Mr. Brudney, but in neither of those statements did you conclude that Judge Thomas was guilty of sexual harassment.

Ms. HILL. I had reached—in either of which statements?

Senator SPECTER. You did not tell the FBI that Judge Thomas was guilty of sexual harassment, did you?

Ms. HILL. I don't recall telling them that he was guilty of sexual harassment, no. I didn't tell them that.

Senator SPECTER. Or you didn't characterize his conduct as sexual harassment.

Ms. HILL. I did or did not?

Senator SPECTER. You did not characterize Judge Thomas' conduct as sexual harassment when you gave the statement to the FBI, correct?

Ms. HILL. Senator, I guess I am not making myself clear. I was not raising a legal claim in either of my statements. I was not raising a legal claim. I was attempting to inform about conduct.

Senator SPECTER. But you did raise a legal claim in your interview on October 7.

Ms. HILL. No, I did not raise a legal claim then.

Senator SPECTER. Well, I will produce the transcript which says that it was sexual harassment.

Ms. HILL. Well, I would suggest that saying that it is sexual harassment and raising a legal claim are two different things. What I was trying to do when I provided information to you was not say to you, "I am claiming that this man sexually harassed me." What I was saying and what I state now is that this conduct that took place, you have your own legal staff and many are lawyers yourselves. You can investigate and determine whether or not it is

sexual harassment, and that is one of the things that I want to get away from.

Were I filing a claim, if I were filing a complaint in court, this would be done very differently, but this does not constitute a legal complaint.

Senator SPECTER. So that you are not now drawing a conclusion that Judge Thomas sexually harassed you?

Ms. HILL. Yes, I am drawing that conclusion.

Senator SPECTER. Well, then, I don't understand.

Ms. HILL. Pardon me?

Senator SPECTER. Then I don't understand.

Ms. HILL. Well, let me try to explain again.

I brought this information forward for the committee to make their own decision. I did not bring the information forward to try to establish a legal claim for sexual harassment. I brought it forward so that the committee could determine the veracity of it, the truth of it, and from there on you could evaluate the information as to whether or not it constituted sexual harassment or whether or not it went to his ability to conduct a job as an Associate Justice of the Supreme Court.

Senator SPECTER. But, Professor Hill, there is a big difference between your articulating your version of events, contrasted with your statement that Judge Thomas sexually harassed you. And in the transcript of your October 7 interview, you responded to a question saying that it was sexual harassment.

Ms. HILL. In my opinion, based on my reading of the law, yes, it was. But later on, immediately following that response, I noted to the press that I did not raise a claim of sexual harassment in this complaint. It seems to me that the behavior has to be evaluated on its own with regard to the fitness of this individual to act as an Associate Justice. It seems to me that even if it does not rise to the level of sexual harassment, it is behavior that is not befitting an individual who will be a member of the Court.

Senator SPECTER. Well, Professor Hill, I quite agree with you that the committee ought to examine the conduct or the behavior and make a factual determination of what you say happened and what Judge Thomas said happened. But when you say that you had not make the statement that he had sexually harassed you, that is at variance with your statement at the October 7 news conference.

Ms. HILL. Senator, I would submit that what I said was, I have not raised a claim of sexual harassment in either of my statements, and I will say again that in the news conference I was simply stating that yes, in my opinion, this does constitute sexual harassment.

Senator SPECTER. OK. Back to Mr. Jim Brudney. You consulted with him because you wanted some expert advice on what—

The CHAIRMAN. Senator, I am not going to interrupt you, but your time is up. Go ahead, finish this line of questioning, and then we will move to our friend from Vermont, but I just wanted you to be aware.

Senator SPECTER. I am sorry. I hadn't noticed.

The CHAIRMAN. That is all right. There is no reason why you should have.

Senator SPECTER. I had recollected your statement, "Take as much time as you want."

The CHAIRMAN. That is true. Go ahead, finish this line, and then we will go to our friend from Vermont. I just wanted to alert you to start to wind down.

Senator SPECTER. Well, this is not necessarily brief, because I think it is important to develop the facts as to the contacts, which end up with the issue as to whether the USA Today report is correct that, "Anita Hill was told by Senate staffers her signed affidavit alleging sexual harassment by Clarence Thomas would be the instrument that 'quietly and behind the scenes' would force him to withdraw his name."

The CHAIRMAN. Well, I understand, and I assumed that is where the Senator was going. Since that will take a little more time, why don't we break here?

Senator SPECTER. That is fine with me, Mr. Chairman.

The CHAIRMAN. And let me ask, because there is a lot of pressure for any witness sitting under the lights this long, would you like to take a break now?

Now before everyone starts to get up and go, let me tell you what we are going to do from here on, if I can. It is our hope and intention that shortly we will take a break. We will then come back to Senator Leahy, and from that point will continue—although we agreed we would stop at this point, the purpose of this is factfinding. We will allow time for any questions from my friend from Pennsylvania has, or from my friend from Vermont may have, speaking for me and for Senator Heflin.

But we are going to try to finish with the witness relatively soon, and then we will break for dinner. It is the intention of the Chair to have Judge Thomas return then. In fairness to him, he should have an opportunity to speak tonight and should not have to wait to respond to what has been asserted, and so that is how we will proceed.

We will recess for 10 minutes.

[Recess.]

The CHAIRMAN. Welcome back. Now again we are waiting to hear from Judge Thomas, whether he wishes to—I know there are a few people in the press who are anxious to know what the schedule will be for tonight.

I have made a commitment, I think it is only fair, that Judge Thomas can come on whenever he wishes after Professor Hill finishes. He has not decided whether he wants to testify tonight. If he wishes to speak tonight, we will go tonight as long as is appropriate or is reasonable, and I can't guess what that would be at this moment.

So I apologize to those who are trying to set their schedules but again, as I said, this is not a trial. This is a fact-finding mission, and we are going to be as fair as we can to all parties.

As it appears now, we have, Professor Hill, two more principal questioners who will question you for roughly a half-hour apiece. Then we are going to yield, as I indicated at the outset, to any of our colleagues who wish to ask up to 5 minutes. It is my sincere hope that all the questions that they wish to have asked will have been asked.

So we will be a minimum of another hour and a maximum of another hour and 40 minutes or thereabouts. We will then break

for dinner. If Judge Thomas wishes to come back, we will break for roughly 45 minutes to 1 hour for dinner. If he does not wish to come back, we will recess until tomorrow morning. We will have to decide on the time when I speak to the ranking member, whether it is 9 or 10 o'clock tomorrow morning.

I can see my friend from Wyoming seeking recognition.

Senator SIMPSON. Mr. chairman, I think that all should be aware that I feel rather positive that Judge Thomas does want to be here this evening. Whether it can be concluded or not, I don't know, but—

The CHAIRMAN [continuing.] I guarantee that he will be, then.

Senator SIMPSON. I know you will be fair. I know you will be.

The CHAIRMAN. So thank you for your patience, Professor Hill, and for everyone else's. Let us now turn to the Senator from Vermont, Senator Leahy.

Senator LEAHY. Thank you, Mr. Chairman.

Professor Hill, let me go back to some of the areas we discussed earlier. I would like to refer first to a comment just made by the chairman, and then I want to go into a couple of the questions posed by Senator Specter.

The chairman said, and quite rightly, that this is not a trial. We are not having a trial on whether sexual harassment under the statute was committed or not, and whether or not the statute of limitations has run. We are trying to find out what the facts are.

And with that in mind, I turn to the questions Senator Specter was asking you. He talked about whether you had called your charges against Judge Thomas "sexual harassment" in your FBI statements. During your October 7 press conference in Norman, OK, you were asked, "Professor Hill, you said that you did not describe this as sexual harassment in your FBI statement." You answered, "I described the incidents. I did not use the term 'sexual harassment.'"

Let me go, if I might—and please just bear with me a couple of minutes on this—let me go to your earlier statement today, your sworn statement. You talked of Judge Thomas calling you into his office and then saying, and I quote from your statement on page 3,

After a brief discussion of work, he would turn the conversation to discussions of sexual matters. His conversations were very vivid. He spoke about acts that he had seen in pornographic films involving such matters as women having sex with animals and films showing group sex or rape scenes. He talked about pornographic materials depicting individuals with large penises or large breasts involved in various sex acts.

Now without saying whether you felt that his conduct met a specific statutory definition of harassment, tell us in your own words, Professor Hill, after one of those conversations, how did you feel?

Ms. HILL. I was embarrassed. I found this talk offensive, completely offensive. It was—I made the point that it was offensive and it was something that was thrust upon me. It was not something that I voluntarily entered into and, therefore, it was even more offensive. It was—just the nature of the conversation was very offensive and disgusting, and degrading.

Senator LEAHY. Without going into a statutory description of what is or is not sexual harassment, how did you feel after—and I

quote from your statement, "on several occasions Thomas told me graphically of his own sexual prowess."

How did you feel then?

Ms. HILL. That was really embarrassing because I thought it even personalized it more to the individual who I was looking at. I mean it is one thing to hear about something that someone has seen, but it is another thing to be face-to-face with an individual who is describing to you things that they have done and that was very embarrassing and offensive and I did not like it. I felt, I just, it was just, I mean it is hard for me to describe. It just made me feel very bad about the whole situation.

Senator LEAHY. And on page 5, without repeating it again, you spoke of discussions he had had with you, about himself and other women, is that correct?

Ms. HILL. Yes.

Senator LEAHY. Professor Hill, you spoke of us all being lawyers and we read the statute and the code words of the statute, let me just ask you one more time, did you consider that, at least as it involved you, harassment?

Ms. HILL. Yes, I did.

Senator LEAHY. Thank you.

Now, Professor, we have spoken in other questions of phone logs. Have you seen the phone logs that Senator Danforth released; I believe the New York Times and the Washington Post and others have had articles about them?

Ms. HILL. Yes, I have seen that.

Senator LEAHY. Now, you left EEOC in 1983. Is that correct?

Ms. HILL. Yes.

Senator LEAHY. Judge Thomas left EEOC in 1990. Is that correct?

Ms. HILL. As far as I recall.

Senator LEAHY. Approximately 7 years there?

Ms. HILL. Yes.

Senator LEAHY. If you count up the phone calls that are shown on those phone logs—assuming that they are accurate—and that amounts to, in the 7 years, what, a dozen phone calls?

Ms. HILL. I think they were described as 10-to-12 or 10-to-11 phone calls.

Senator LEAHY. About one and a half per year?

Ms. HILL. Yes.

Senator LEAHY. So assuming those phone logs are accurate, you were not exactly beating down the doors with phone calls there, were you?

Ms. HILL. I was not at all.

Senator LEAHY. Now, there was a question about Mr. Doggett. Do you have any strong and clear recollection of Mr. Doggett at all?

Ms. HILL. No, not at all.

Senator LEAHY. If you were asked to, would you be able to describe him accurately?

Ms. HILL. I could not with any specificity describe him. I think I remember him as being tall.

Senator LEAHY. It happens to a lot of us.

Who was the legal counsel at EEOC when you started there in the spring of 1982?

Ms. HILL. Legal counsel was Constance Dupre .

Senator LEAHY. I beg your pardon?

Ms. HILL. The legal counsel was, I believe, Constance Dupree at the EEOC.

Senator LEAHY. Did there come a time when there was a change made in this position? After you went to EEOC?

Ms. HILL. After I went to the EEOC, I believe she retired from the Government service altogether, but she left that position.

Senator LEAHY. Was it a short time after you arrived or a long time after you arrived? Do you recall?

Ms. HILL. Oh, I believe it was about mid-way, maybe 4 or 5 months, it may have been shorter than that.

Senator LEAHY. Who became legal counsel then, do you recall?

Ms. HILL. I do not recall the individual's name.

Senator LEAHY. Now, in one of the interviews this morning a witness stated—and this was an interview for which you have not seen the transcript but both the Republican and Democratic counsel were there—the witness said that you had expressed your desire to have the legal counsel's position. Had you done that, had you expressed such a desire at the time that the vacancy occurred, the one you just described?

Ms. HILL. No. I did not express any desire for that position. I had no desire for such a position. I was just new to the EEOC.

Senator LEAHY. So did you have conversations with an Armstrong Williams about getting that job, the job of legal counsel?

Ms. HILL. No, I did not.

Senator LEAHY. And you do not recall applying for the job of legal counsel?

Ms. HILL. I did not.

Senator LEAHY. Thank you.

Senator Specter questioned you at some length about following Judge Thomas from the Department of Education to the EEOC, is that correct?

Ms. HILL. Yes, that is correct.

Senator LEAHY. And am I correct in restating your testimony that those conversations, which you now describe as—just during these questions—have described as harassment, those conversations began at the Department of Education, is that correct?

Ms. HILL. Yes, that is correct.

Senator LEAHY. But notwithstanding that, you went to the EEOC when Judge Thomas went there?

Ms. HILL. Yes.

Senator LEAHY. Do you recall prior to going to the EEOC, how long before that had been the last conversation of the nature that you have described here with Judge Thomas? Of those conversations that you found offensive, how long prior to your transfer had one of those occurred?

Ms. HILL. I would say 4 months or so, about 4 months.

Senator LEAHY. Some time, in fact.

Ms. HILL. Some time.

Senator LEAHY. Now, did anybody tell you that you could stay and have a job at the Department of Education?

Ms. HILL. Nobody told me that.

Senator LEAHY. Had President Reagan pledged and campaigned on such a pledge that he would do away with the Department of Education, if elected?

Ms. HILL. Yes, he had, and that was the understanding within the Department itself. The individuals who were working in the Department understood that to be the case.

Senator LEAHY. And President Reagan was then President?

Ms. HILL. Yes, he was.

Senator LEAHY. And nobody told you that there would be a job in the Department of Education where you could still work in civil rights, is that correct?

Ms. HILL. Nobody told me that.

Senator LEAHY. But you did want to work in civil rights, according to your testimony?

Ms. HILL. Yes, I did.

Senator LEAHY. Now, walk me through again, please, what was the nature of the job that would be available to you at EEOC, how did you hear about it, what did you do to apply for it and so forth?

Ms. HILL. I did not apply for it. I heard about it from Judge Thomas. He indicated to me that I could go with him to the EEOC and I would have the same type of position that I had at the Department of Education.

Senator LEAHY. And that was?

Ms. HILL. That of a special assistant who would be working directly under him, advising him on a number of projects and issues that came up.

Senator LEAHY. Now, Professor Hill, you have told us of the conversations. In answering questions today you have elaborated even on the statement that you gave us early on, is that correct?

Ms. HILL. Yes, I have.

Senator LEAHY. Is there anything you would change, in either your statement or your answers that you have given us today about the kinds of conversations that you had with Judge Thomas that you say were so offensive?

Ms. HILL. No, sir, I would not change anything.

Senator LEAHY. How did you feel at the time that you had those conversations?

Ms. HILL. During the time that I had those conversations I was very depressed. I was embarrassed by the type and the content of the conversations. I was concerned about whether or not I could continue in my position.

Senator LEAHY. Now, that was years ago. As you recount them today, how do you feel today?

Ms. HILL. Today I feel more angry about the situation. Having looked at it with hindsight I think it was very irresponsible for an individual in the position of the kind of authority as was Mr. Thomas, at the time, to engage in that kind of a conduct. It was not only irresponsible, in my opinion, it was in violation of the law. Now, I am much more divorced from it. I am less embarrassed by the fact that I went through that, after having gone through what I have gone through now, I am less embarrassed by it. It is still embarrassing. It is embarrassing that I did not say anything, but I am angrier about it and I think that it needs to be addressed by this committee.

Senator LEAHY. Do you have anything to gain by coming here? Has anybody promised you anything for coming forth with this story now?

Ms. HILL. I have nothing to gain. No one has promised me anything. I have nothing to gain here. This has been disruptive of my life and I have taken a number of personal risks. I have been threatened and I have not gained anything except knowing that I came forward and did what I felt that I had an obligation to do and that was to tell the truth.

Senator LEAHY. And my last question: Would your life be simpler, quieter, far more private had you never come forth at all?

Ms. HILL. Yes. Norman, OK is a much simpler, quieter place than this room today.

Senator LEAHY. I have a good friend in Norman, OK and I have actually visited Norman, OK and I agree with you.

Mr. Chairman, that is all I have.

The CHAIRMAN. Thank you.

Senator THURMOND. Senator Specter, do you want to proceed?

Senator SPECTER. Yes, thank you, Mr. Chairman.

When my time expired we were up to the contact you had with Mr. Brudney on September 9. If you could proceed from there to recount who called you and what those conversations consisted of as it led to your coming forward to the committee?

Ms. HILL. Well, we discussed a number of different issues. We discussed one, what he knew about the law on sexual harassment. We discussed what he knew about the process for bringing information forward to the committee. And in the course of our conversations Mr. Brudney asked me what were specifics about what it was that I had experienced.

In addition, we talked about the process for going forward. What might happen if I did bring information to the committee. That included that an investigation might take place, that I might be questioned by the committee in closed session. It even included something to the effect that the information might be presented to the candidate or to the White House. There was some indication that the candidate or, excuse me, the nominee might not wish to continue the process.

Senator SPECTER. Mr. Brudney said to you that the nominee, Judge Thomas, might not wish to continue the process if you came forward with a statement on the factors which you have testified about?

Ms. HILL. Well, I am not sure that that is exactly what he said. I think what he said was, depending on an investigation, a Senate, whether the Senate went into closed session and so forth, it might be that he might not wish to continue the process.

Senator SPECTER. So Mr. Brudney did tell you that Judge Thomas might not wish to continue to go forward with his nomination, if you came forward?

Ms. HILL. Yes.

Senator SPECTER. Isn't that somewhat different from your testimony this morning?

Ms. HILL. My testimony this morning involved my response to this USA newspaper report and the newspaper report suggested that by making the allegations that that would be enough that the

candidate would quietly and somehow withdraw from the process. So, no, I do not believe that it is at variance. We talked about a number of different options. But it was never suggested that just by alleging incidents that that might, that that would cause the nominee to withdraw.

Senator SPECTER. Well, what more could you do than make allegations as to what you said occurred?

Ms. HILL. I could not do any more but this body could.

Senator SPECTER. Well, but I am now looking at your distinguishing what you have just testified to from what you testified to this morning. This morning I had asked you about just one sentence from the USA Today news, "Anita Hill was told by Senate Staffers that her signed affidavit alleging sexual harassment by Clarence Thomas would be the instrument that quietly and behind the scenes would force him to withdraw his name."

And now you are testifying that Mr. Brudney said that if you came forward and made representations as to what you said happened between you and Judge Thomas, that Judge Thomas might withdraw his nomination?

Ms. HILL. I guess, Senator, the difference in what you are saying and what I am saying is that that quote seems to indicate that there would be no intermediate steps in the process. What we were talking about was process. What could happen along the way. What were the possibilities? Would there be a full hearing? Would there be questioning from the FBI? Would there be questioning by some individual Members of the Senate?

We were not talking about or even speculating that simply alleging this would cause someone to withdraw.

Senator SPECTER. Well, if your answer now turns on process, all I can say is that it would have been much shorter had you said, at the outset, that Mr. Brudney told you that if you came forward, Judge Thomas might withdraw. That is the essence as to what occurred.

Ms. HILL. No, it is not. I think we differ on our interpretation of what I said.

Senator SPECTER. Well, what am I missing here?

Senator KENNEDY. Mr. Chairman, can we let the witness speak in her own words, rather than having words put in her mouth?

Senator SPECTER. Mr. Chairman, I object to that. I object to that vociferously. I am asking questions here. If Senator Kennedy has anything to say let him participate in this hearing.

The CHAIRMAN. Now, let everybody calm down. Professor Hill, give your interpretation to what was asked by Senator Specter. And then he can ask you further questions.

Ms. HILL. My interpretation—

Senator THURMOND. Speak into the microphone, so we can hear you.

Ms. HILL [continuing]. I understood Mr. Specter's question to be what kinds of conversation did I have regarding this information. I was attempting, in talking to the staff, to understand how the information would be used, what I would have to do, what might be the outcome of such a use. We talked about a number of possibilities, but there was never any indication that, by simply making

these allegations, the nominee would withdraw from the process. No one ever said that and I did not say that anyone ever said that.

We talked about the form that the statement would come in, we talked about the process that might be undertaken post-statement, and we talked about the possibilities of outcomes, and included in that possibility of outcome was that the committee could decide to review the point and that the nomination, the vote could continue, as it did.

Senator SPECTER. So that, at some point in the process, Judge Thomas might withdraw?

Ms. HILL. Again, I would have to respectfully say that is not what I said. That was one of the possibilities, but it would not come from a simple, my simply making an allegation.

Senator SPECTER. Professor Hill, is that what you meant, when you said earlier, as best I could write it down, that you would control it, so it would not get to this point?

Ms. HILL. Pardon me?

Senator SPECTER. Is that what you meant, when you responded earlier to Senator Biden, that the situation would be controlled "so that it would not get to this point in the hearings"?

Ms. HILL. Of the public hearing. In entering into these conversations with the staff members, what I was trying to do was control this information, yes, so that it would not get to this point.

Senator SPECTER. Thank you very much.

The CHAIRMAN. Thank you, Senator.

Now, Professor Hill, with your continued indulgence, I will yield to my colleagues, alternating, and limit their questions to 5 minutes, if I may, and I would begin with my friend from Massachusetts, Senator Kennedy.

Senator KENNEDY. Thank you, Mr. Chairman. I will just take a moment.

I know this has been an extraordinary long day for you, Professor Hill, and it obviously has been for Judge Thomas, as well, and I know for your family. I just want to pay tribute to both your courage in this whole procedure and for your eloquence and for the dignity with which you have conducted yourself, and, as is quite clear, from observing your comments, for the anguish and pain which you have had to experience today in sharing with millions of Americans. This has been a service and we clearly have to make a judgment. It certainly I think has been a very important service.

Let me just say, as far as I am concerned, I think it has been enormously important to millions of Americans. I do not think that this country is ever going to look at sexual harassment the same tomorrow as it has any time in its past. If we are able to make some progress on it, I think history books will show that, to a very important extent, it is because of your action.

The viciousness of harassment is real, it is experienced by millions of people as a form of sex discrimination, and I think all of us are hopeful that we can make progress on it, and I just want you to know that I believe that you have made an important contribution, if we do.

Thank you, Mr. Chairman.

Ms. HILL. Thank you.

The CHAIRMAN. Thank you, Senator.

Senator Thurmond.

Senator THURMOND. Thank you, Mr. Chairman.

Mr. Chairman, I appointed Senator Specter to question Professor Hill and those supporting her, so I will now yield my time to him.

Senator SPECTER. Well, with an additional yielding, Mr. Chairman, I would just join in thanking Professor Hill for coming forward. I would join in the comment that this proceeding has been illuminating to tell America what is the law on sexual harassment. That is something which had not been known. From what I have heard in the last few days, there has been a lot of change in conduct in the workplace in this country.

I just would have wished, in retrospect, that we had done this earlier and that this educational process had not come in this forum on a Supreme Court nominee at this stage. But you have answered the questions and I join in thanking you for that.

Ms. HILL. Thank you.

The CHAIRMAN. Senator Metzzenbaum.

Senator METZENBAUM. Ms. Hill, I could not help but think of my own four daughters, as you sat there, and thought to myself how much courage and commitment and concern, but even more, the valor you possess to come before the U.S. Senate and speak out in areas so sensitive, and I am sure are so difficult for you to talk about.

I do not know what impact your testimony will have on the confirmation process, but I know that your testimony will have a tremendous impact on this Nation from henceforth. The women of this country, I am certain, owe you a fantastic debt of gratitude for bringing this issue of sexual harassment to the fore.

But as one of those 98 men in the U.S. Senate, I think I speak for all of us when I say we owe you a debt of gratitude, as well, for bringing this issue up to the fore, in a more striking, more sympathetic, more concerned manner than ever before. I think you have made this Nation, men and women alike, more enlightened, more aware, more sensitive, and the Nation will never be the same, thanks to you.

Thank you.

The CHAIRMAN. There will be order in the chamber. I am serious when I say that, any outburst at all, no matter how small, will result in police removing whomever does it from the chamber.

Senator Hatch.

Senator HATCH. Thank you, Mr. Chairman.

I have been pleased to sit here and listen today, and I just want to say one thing, that I apologize to you on behalf of our committee that you had to be heard under these circumstances, because had the committee considered this matter—and I have to say that Chairman Biden and ranking member Thurmond, when they heard about this the first time, they immediately ordered this FBI investigation, which was the very right thing to do, it was the appropriate thing to do and they did what every other chairman and ranking member have done in the past, and the investigation was done and it was a good investigation.

Then Chairman Biden notified everybody on his side and many of us were notified, as well. Any member of the committee, before we voted, could have put this over for a week for consideration, if

they were concerned. Any member could have insisted on at least an executive session, where neither of you would have had to have appeared in public, or any member could have insisted on an open session. The committee could have voted.

These FBI reports are extremely important and they have raw data, raw information. They take down what people tell them and that is why they are not to be leaked to the press or anywhere else, and that is why these rules are so important. And had an appropriate, fair procedure been followed, you would not have been dragged through the media and through all of these other things that both of you have been dragged through, that both of you have suffered from, as you have.

I have to say that I hope I never see that happen again to anybody in any confirmation proceeding, let alone a confirmation for a Justice of the Supreme Court of the United States of America.

Having said that, I wish you well and I won't make any further comments at this time.

The CHAIRMAN. Thank you very much.

Senator DeConcini.

Senator DeCONCINI. Thank you, Mr. Chairman.

Professor Hill, I join in realizing the difficulty of today's proceedings. It is very obvious and I appreciate that immensely. Sexual harassment is not as new as maybe some members seem to think it is. I just remember, as a young boy, my mother telling me about sexual harassment on her job and losing her job when she was 22 years old. So I grew up with that in my mind. She mentioned it several times as I grew in age.

I had dinner with her the night before last and she got choked up just telling me again about it 60 years later.

So, it is a subject that is very sensitive. Obviously, men have a more difficult time, I believe, of understanding it, but I do believe there are many men in this Senate, in the House of Representatives and other political offices that indeed are sensitive as much as a man can be.

Now, one of the areas that intrigued me today was Senator Heflin's questions of motives. I am not at all indicating any diminution of your motive, but I am interested in your answers to some of those.

Before I ask you that, do you see anything positive coming out of what you have been through here today and the last week or so of this ordeal, other than increasing the awareness of sexual harassment in the workplace? Is there any single thing you see more significant than that coming out of this?

Ms. HILL. Yes, Senator.

Senator DeCONCINI. What do you see as the most significant public thing coming out of this unfortunate experience that you have had to go through now?

Ms. HILL. Other than creating awareness, I see that the information is going to be fully explored, the information that I provided will be fully explored, it will be given a full hearing. In addition, I think that coming out, my coming forward may encourage other people to come forward, other people who have had the same experiences who have not been able to talk about them.

Senator DECONCINI. That would be raising the awareness of sexual harassment in the public.

Ms. HILL. Raising the awareness, but also giving people courage.

Senator DECONCINI. And giving people the courage to step forward and do what you did not do 10 years ago or 6 years ago or even 2 years ago, but you are doing today?

Ms. HILL. Yes.

Senator DECONCINI. Is your motive also an attempt to clear your name from any degrading publicity that has occurred? Do you feel put upon? Do you feel exposed?

Mr. HILL. Coming here today?

Senator DECONCINI. Do you feel injured and damaged as a result of this, even though you obviously have committed yourself to proceed with it?

Ms. HILL. You mean my motive in coming here today or something that I think will be a positive thing from coming here today?

Senator DECONCINI. No, I mean is your motive also to help clarify to the public your own position on sexual harassment, due to the publicity that has resulted from this being brought up to the forefront? Is that one of your motives? Is that one of the reasons you came forward? In other words, was your reputation one of the reasons you came forward. Do you feel that your reputation was being degraded or impugned by the fact that this was printed all over the press and that people were making countercharges and questioning your motives, and what have you? Is that one of the reasons?

Ms. HILL. I definitely—coming here today, yes, I did want to accomplish that. There were a number of very ugly and nasty things that have been said, and I did want to come forward and tell my side.

Senator DECONCINI. Do you think, now having told your side and responded to these questions, that your reputation from your standpoint could ever be fully restored?

Ms. HILL. Not in the minds of many, never, it will not be.

Senator DECONCINI. And in your opinion, Professor Hill, is there any single group or entity that you think caused more damage to you? I am interested in your perception. It seems to me that those who leaked this information certainly caused damage. The press, in my opinion, should be on trial, because they did not have to print this, but they elected to do so. In this country, as we all know they can print anything they want, true or false. Then the committee made a judgment to not address these allegations, and I think that is certainly on trial.

Obviously, Judge Thomas is on trial, though this is not a trial. You are on trial, in the sense of credibility here. Is the committee more culpable for causing you to have to come forward, is the press more culpable, or is everyone equally culpable?

Ms. HILL. I think it is just the reality, Senator, of this situation, the nature of this complaint and I cannot point my finger at any one entity and say you are responsible for it.

Senator DECONCINI. But you said earlier—and correct me if I am wrong—that you did not want today to be what it is, that you had hoped that you could just get the information to this committee, and ultimately you agreed that your name could be used only among the committee members. You had hoped that that would be

sufficient for the members to make a judgment, and that you would not have to do what you are doing today. Is that correct?

Ms. HILL. Yes.

Senator DECONCINI. Yes. Now, that did not happen or we would not be here today. Would you repeat why you think we are here? Why did you have to come forward and make this public presentation, when you had hoped just to bring this information to the committee, without having to do what you are doing today?

Ms. HILL. Well, I think that there are a number of factors. I think that however the material was leaked, that was one factor. I believe that the press is a factor, but I think, in addition, that the information is just going before the public that wants to know and wants to know about this, and so I think, again, there is a variety of situations and factors that caused this to occur today.

Senator DECONCINI. Let me ask you this, if I can, Professor Hill: If this information had not been leaked, would you have come forward in this public forum?

Ms. HILL. No.

Senator DECONCINI. If the press had not published or read your statement to you, and left you with the distinct impression that they were going to publish it, would you still have felt obligated to come forward in this public way?

Ms. HILL. I do not believe that I would have come forward.

Senator DECONCINI. You would not have come forward.

Ms. HILL. I do not believe I would have.

Senator DECONCINI. So, it is safe to say that because the information was first leaked and then made public, that you felt that you no longer could proceed with what you originally felt was proper, which was making the information available only to the committee and not in a public forum. Is that a fair statement?

Ms. HILL. Yes.

Senator DECONCINI. Thank you. I won't be very much longer.

Another concern I have is, when you were at the Department of Education and these, in my terms, God-awful things occurred—grotesque, ugly, I don't know how else I can depict them. Obviously they were extremely offensive, and you did not want them to continue, so you attempted to inform the person that you didn't want them to continue. I have a difficult time understanding, and it is obviously because I am not a woman and have not had that kind of personal experience, I have a difficult time understanding, but how could you tolerate that treatment, even though you didn't have another job? I realize that this is part of the whole problem of sexual harassment in the work place, the fact that women tolerate it.

Maybe you explained this sufficiently, but if you wouldn't mind repeating to me what went through your mind: Why, No. 1, you would stay there after this happened several times; and, No. 2, even though it ceased for a few months, why you would proceed on to another job with someone that hadn't just asked you out and pressed you, but had gotten into the explanations and explorations of the anatomy with you?

Ms. HILL. Well, I think it is very difficult to understand, Senator, and in hindsight it is even difficult for me to understand, but I have to take the situation as it existed at that time. At that time, staying seemed the only reasonable choice. At that time, staying

was the way that—in a way, a choice that I made because I wanted to do the work. I in fact believed that I could make that choice to do the work, and that is what I wanted to do, and I did not want to let that kind of behavior control my choices.

So I attempted to end the behavior, and for some time the behavior did stop. I attempted to make that effort. And so the choice to continue with the same person to another agency involved a belief that I had stopped the behavior that was offensive.

Senator DECONCINI. Is it safe to say, then, Ms. Hill—based on the readings that I have done in this area by professionals who counsel on it—that you were willing to stuff this inside you and go on with your life and keep it from exploding?

Is that a safe assumption? We all have done that under different circumstances. We stuff certain things in and don't explode or react. Is that one way of describing what you did?

Ms. HILL. I did repress a number of my feelings about it, to allow myself to go on and to continue.

Senator DECONCINI. Is it safe to say that you did this for a long period of time?

Ms. HILL. Yes, I did.

Senator DECONCINI. And you obviously saw Chairman Thomas move on to bigger and better positions, including being appointed to an appellate court judge, and still you did not take any action. Did you, at that time, again repress your feelings and have to keep it down? Do you recall going through that any other time?

Ms. HILL. Well, at some point over the last few years, or at various points, I think that I have dealt with many of my repressed feelings about this. I have just dealt with them on my own.

Senator DECONCINI. You didn't hire or solicit any counseling or any assistance. You just dealt with it on your own?

Ms. HILL. Dealt with them on my own.

Senator DECONCINI. And finally we are here today where it is all over, so to speak. It is all out, not that by any means there won't be repercussions, but you finally have let it all out.

Ms. HILL. Well, that is my feeling, but one has to consider that even before this point I had dealt with the feelings of humiliation, realizing that none of this was my fault, and had dealt with a sense that I was helpless to confront this kind of a situation again, so many of the feelings have been dealt with.

Senator DECONCINI. And the fact that you admit that in retrospect maybe you should have done something, do you conclude that it is all someone else's fault, and not your own?

Ms. HILL. Yes.

Senator DECONCINI. Is that your frame of mind?

Ms. HILL. That is my frame of mind.

Senator DECONCINI. Thank you.

Thank you, Mr. Chairman, and thank you for the additional time.

The CHAIRMAN. Thank you very much.

Senator SIMPSON.

Senator SIMPSON. Thank you, Mr. Chairman.

Mr. Chairman, there are two additional documents here, and I am asking and take your advice, from the two FBI agents who are—if this has been furnished for over two hours under the

rules—the affidavits from the two FBI agents indicating the inconsistencies as expressed by Professor Hill this morning. Is that not appropriate?

The CHAIRMAN. It is appropriate. The inconsistencies are not of all that much consequence. At some point maybe we should read it. I think it may be helpful for you to read the entire thing in the record.

Senator SIMPSON. I only have 5 minutes, Mr. Chairman.

The CHAIRMAN. No, no. Well, you go ahead and put it in the record and I will read them, because they are not of much consequence, but—let me put it this way—I think people should know what they say.

Senator SIMPSON. Well, I think that they should know that the witness did not say anything to the FBI about the described size of his penis, the description of the movie "Long Dong Silver," about the pubic hair in the Coke story, and describing giving pleasure to women with oral sex. That is not part of the original FBI report. And the agents are simply saying that there was no pressure upon the witness, and they specifically say—the woman FBI Agent particularly said that she was quite clear that she did not care whether it was general or specific.

The interviewing Special Agent, a woman, said that if the subject was too embarrassing, she did not have to answer, that was Professor Hill's statement, but the Special Agent said that she, the other agent, apologized for the sensitivity of the matter but advised Professor Hill that she should be as specific as possible and give details. She was further advised that if the questions were too embarrassing, Special Agent Luton would leave the room and she could discuss the matter with Special Agent Jameson.

I think that is appropriate only from the standpoint that you describe in your statement so poignantly that these were disgusting things, and yet they did not appear in the FBI report. That is enough. We will enter it into the record.

[The statement referred to follows:]