

Senator SPECTER. Mr. Doggett, what page are you on, please?

Senator METZENBAUM. I don't have that.

Mr. DOGGETT. Page 6 of the unsworn telephone conversation that Ms. Graham had with some staffers.

The CHAIRMAN. Excuse me, let me interrupt for a minute.

Mr. DOGGETT. I'm pissed off, sir.

The CHAIRMAN. It is totally out of line with what the committee had agreed to—

Mr. DOGGETT. I'm sorry.

The CHAIRMAN [continuing]. For there to be entered into this record any unsworn statement by any witness who cannot be called before this committee, and I rule any such statement out of order.

Now, I apologize for being out of the room. Was there any—

Senator METZENBAUM. I was only reading from Mr. Doggett's own statement.

Mr. DOGGETT. My statement was not under oath, sir. That was a telephone conversation and they said we staffers would like to talk with you, we have a court reporter there. I'm a lawyer, sir, it was no deposition, it was not under oath, as Ms. Graham's comments were not under oath. And since you have brought this up, I demand the right to clear my name, sir.

Senator METZENBAUM. I was only reading from his statement, not from—

Mr. DOGGETT. I demand the right to clear my name, sir. I have been trashed for no reason by somebody who does not even have the basic facts right. This is what is going on with Clarence Thomas, and now I, another person coming up, has had a "witness" fabricated at the last moment to try to keep me from testifying.

Senator METZENBAUM. Well, Mr. Doggett—

Mr. DOGGETT. I am here, I don't care, she is wrong, and I would like to be able to clear my name, sir.

Senator METZENBAUM. Please do.

The CHAIRMAN. Sir, you will be permitted to say whatever you would like to with regard to, as you say, clearing your name. If there was no introduction of the transcript of Amy Louise Graham in the record, then that is a different story. I was under the impression that had been read from. That has not been read from.

Senator METZENBAUM. I did not read from that at all.

The CHAIRMAN. It has not been read from, and I don't know what else took place, but—

Senator METZENBAUM. I read from Mr. Doggett's questions asked of him—

The CHAIRMAN. Mr. Doggett, please, as much time as you want to make—

Senator METZENBAUM [continuing]. By the staff of Senator Biden, Senators Heflin, Thurmond, Leahy and Specter. My staff was not even present. I am just asking you if you would please go ahead and respond in any manner that you want to clear your name.

Mr. DOGGETT. Yes, sir.

Senator SPECTER. Mr. Chairman, you were not here, but what happened is that Senator Metzenbaum was reading to Mr. Doggett from Mr. Doggett's unsworn statement of the telephone interview—

Senator METZENBAUM. That's correct.

Senator SPECTER [continuing]. And that statement involved questions from Ms. Graham, who was questioned similarly in an unsworn statement over the telephone, and for Mr. Doggett to reply to what Senator Metzenbaum had asked him, since Senator Metzenbaum was basing his questions on what Ms. Graham had said, it is indispensable that Mr. Doggett be able to refer to what Ms. Graham said—

The CHAIRMAN. It is appropriate for Mr. Doggett to refer to whatever he wishes to refer to at this point, in light of where we are at the moment.

Mr. DOGGETT. Thank you, Mr. Chairman.

The CHAIRMAN. So, Mr. Doggett, proceed.

Mr. DOGGETT. I will tell you, Senators, before I talk about the specifics, I debated, myself and with my wife, whether or not to start the process that resulted in me being here, because this is vicious, and I knew, since anything I said was going to raise the question about the credibility of Professor Anita Hill, as a lawyer, that meant my character was open season.

I have never been involved as a candidate, although I have always said you can't complain about the process, if you're not willing to put your ass on the line—pardon me, I am sorry. I am sorry about that.

Senator METZENBAUM. Mr. Chairman—

Mr. DOGGETT. But I have said if you don't like the way the political process is, then you have to get into it and you have to get into the fray.

So, I said, okay, if I submit this information to this committee, then I am open season and people are going to shoot at me, and I do not care. I have information I think the committee needs to hear. If they feel it is relevant enough for me to be here, I will be here and I will take whatever occurs.

But I will tell you, sir, I have had lawyers and professional people in Texas and around the country say that I was insane to subject myself to the opportunity to have something like this crawl out from under a rock. They have said I should have just stood on the sidelines and let it go by.

I am an attorney, sir—

Senator METZENBAUM. Mr. Doggett—

Mr. DOGGETT [continuing]. I am a businessman and I cannot allow this process of innuendo, unsworn statements and attacks on characters to continue, without saying it is unacceptable.

Now, specifically, page 6 of her unsworn telephone conversation with Senate staff, dated the 12th of October, 2 days ago, says, "I met John Doggett the first day I started there, which, if I remember correctly, was probably Monday, March 20, 1972. At that"—

The CHAIRMAN. I will let you continue, but you ought to seek your own counsel for a minute here. No one has read anything into the record, as I understand—

Mr. DOGGETT. Now—

The CHAIRMAN. No, wait, let me finish.

Mr. DOGGETT. Yes, sir.

The CHAIRMAN [continuing]. That you may be about to read into the record. Let me say that anyone who asks you—that I think it is unfair—that you were in a telephonic interview, whether it is

sworn or unsworn, are asked about an uncorroborated accusation that is not sworn to, and then in open session you are asked from your statement about that same statement, that's no different than as if it was introduced without—if the original statement were introduced, which is inappropriate.

Now, all I am saying to you is this: I believe you are entitled to say whatever you wish to say here, and I believe we are beyond the bounds here.

Mr. DOGGETT. I understand.

The CHAIRMAN. The question I want you to think about is whether you want to further give credence to an unsubstantiated, unsworn to statement of someone that may be completely lying. It is up to you to make that judgment. That is your call, but I would think about it.

Mr. DOGGETT. I appreciate your comments and I apologize for getting angry.

The CHAIRMAN. No, you have no reason to apologize.

Mr. DOGGETT. No, I am going to apologize, sir. This is a difficult process. I have only been up here for a short period of time and you have been here, as I understand it, for a very long period of time.

Let me say, without reading the statement or putting in that "evidence," since I am under oath, comments made by this person, that they are wrong, that at the time the allegations, the unsworn allegations were made, I was in the midst of a major project with McKenzie & Company regarding the Comptroller of the Currency, where we had just found, from a computer analysis, that bank deregulation would result in bank failures and savings and loan failures that exceeded the historical limits of bank failures over the past ten years.

We were in the midst of that analysis, we were frightened by the information that we had found, and we were doing everything we could do to prove ourselves wrong, and it is in the context of that time that this person, whom I do not remember, claims that I would walk up to her and do that.

At the same time, Senator, I had just started a relationship with an attorney, a very intense relationship. The facts are wrong.

Second, that person, as read by Senator Metzenbaum, alleges that I was getting ready to leave the firm at that time. Senator, after I finished that Comptroller of the Currency study, in approximately April of 1982, in May of 1982, McKenzie & Co. sent me to Copenhagen, Denmark, to spend the summer working for our Danish office. That is not exactly an exit strategy, sir. That was one of the most prized assignments that the firm had.

The facts in this uncorroborated, unsworn to statement are not even consistent with the facts of my life. So, without trying to put this thing into the record, all I can say is that I expected somebody to do something like this, because that is what this process has become, and one of the reasons I am here is to work with you gentlemen to try to take the public process back into the pale of propriety.

Now, second, when I was the director of the State Bar of California's Office of Legal Services, I had the opportunity to hire two deputies. Both of those people were women. In fact, when I knew

that I was going to leave the state bar to go to Harvard Business School, the person I hired to replace me was a woman.

I have a very clear long record of commitment, sensitivity and support for women having the greatest role possible, but I am afraid that the outlandish allegations of Anita Hill are going to result in us feeling that it is inappropriate for us to be human beings with people if they happen to be women. Nobody would ever question me if I put my hand around this man, who I have never met.

The CHAIRMAN. He might.

Mr. DOGGETT. Well, maybe he would. [Laughter.]

But I hope we don't get to the point where if anybody by any way, accidentally or purposely, innocently touches somebody of the opposite sex, that becomes sexual harassment.

The CHAIRMAN. I would really like this to end. Let the record show, and I am stating it, there is absolutely no evidence, none, no evidence in this record, no evidence before this committee, that you did anything wrong with regard to anything, none. I say that as the chairman of this committee. I think your judgment about women is not so hot, whether or not people fantasize or don't. You and I disagree in that.

Mr. DOGGETT. Yes, sir.

The CHAIRMAN. But you did nothing. There is no evidence, the record should show, the press should show, there is absolutely no evidence that you did anything improper, period.

Mr. DOGGETT. Thank you, Senator.

Senator THURMOND. Mr. Chairman, would it be proper to expunge from the record, then, that information that came out?

The CHAIRMAN. Well, fine, but Senator, I would hope you would read from his statement of questions asked of him. It is a little bit like if someone asked me over the telephone, "Are you still beating your wife?" and I answer yes or no, it doesn't matter. I am still in trouble. And then someone says, "I am reading only from your statement, Mr. Biden. You are the one that mentioned your wife." I never did.

And I know that is not what the Senator intended, but that is the effect. It is no different than just putting this unsubstantiated material in, and I want the record to show I don't think anything that is unsworn and I don't think anything in an FBI record is anything—up until the time it is sworn or the person is here to be cross-examined—is anything but garbage.

Mr. DOGGETT. Thank you, sir.

The CHAIRMAN. Senator, I apologize for the interruption—

Senator THURMOND. Mr. Chairman?

The CHAIRMAN. Yes?

Senator THURMOND. Would it be proper for you to explain for the record those parts that you feel were improper?

The CHAIRMAN. Yes, and I will.

Senator THURMOND. Thank you.

The CHAIRMAN. Now, Senator, please continue, not along the lines of what someone said he said, and he had to respond to what they said.

Senator METZENBAUM. I am not saying what somebody said he said. I am asking him what he said. He said that he did not remember Ms. Amy Graham, that he did not know Amy Graham.

You also indicated that she was white and 19. How did you know that?

Mr. DOGGETT. Senator, when your staff or the staff of the committee—

Senator METZENBAUM. My staff has not been in touch—

Mr. DOGGETT. Excuse me. When the staff of the committee—I corrected myself—made these allegations to me, one of the things I said, and if you read my complete statement, you will realize it is there, is that although I do not remember this person, that does not mean this person was not there; that it is possible that she did work at McKenzie and Company. I just do not remember her. I said that. OK?

The second thing I did after the staffers of committee hung up was to call an associate of mine who started at McKenzie in the company with me, at the same time, a man named Carroll Warfield, and I asked him if he remembered this woman because I did not remember her name at all. I did not remember her face. Nothing about her came into my mind, but I knew it was possible she could have been there. Senator, it has been eight or nine years and I, even I can forget people.

He said, "Oh, yes, I remember her," and he was the one who indicated to me that she was white. That, as far as the age 19, I believe you read that when you read statements that I responded to from the Senate Judiciary Committee staff, and that is how we got the age 19, sir.

Senator METZENBAUM. No, I think it was your statement, but we will just drop it, Mr. Chairman.

The CHAIRMAN. All right. Thank you. Now let me make one other thing clear. The exception to unsworn statements being placed in the record is when the witnesses stipulate that they are admissible, when the parties mentioned in the statements stipulate they are admissible, and when the committee stipulates they are admissible, which is the case of the Angela Wright stipulation. That is different, so no one is confused later, that there is a fundamental distinction.

Now, Senator, who had the—

Senator THURMOND. The distinguished Senator from Pennsylvania.

Senator SPECTER. Well, thank you, Mr. Chairman. I was in the midst of questioning Mr. Doggett and Professor Kothe when we had to take a brief recess for Professor Kothe, so I shall resume at this point.

I think it is worth noting, Mr. Chairman, to amplify what Mr. Doggett has said—if I could have the attention of the chairman for just a moment—

The CHAIRMAN. Yes. I'm sorry.

Senator SPECTER. Late yesterday evening when we caucused and the chairman stated his intention to try to finish the hearings today—

The CHAIRMAN. Yes.