

Now, I was asked by the panel, they apparently have decided how they would like to proceed, and I would just yield to the panel to proceed in 3-minute intervals seriatim, and we will finish.

I beg your pardon, I am required to swear you all in, I am sorry.

Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you, God?

Ms. JOHNSON. I do.

Ms. TALKIN. I do.

Ms. BROWN. I do.

Ms. NEWMAN. I do.

Ms. JACKSON. I do.

Ms. ALTMAN. I do.

Ms. JENKINS. I do.

Ms. SAXON. I do.

The CHAIRMAN. Thank you very much.

**TESTIMONY OF A PANEL CONSISTING OF PATRICIA C. JOHNSON, DIRECTOR OF LABOR RELATIONS, EQUAL EMPLOYMENT OPPORTUNITY COMMISSION; LINDA M. JACKSON, SOCIAL SCIENCE RESEARCH ANALYST, EEOC; JANET H. BROWN, FORMER PRESS SECRETARY, SEN. JOHN DANFORTH; LORI SAXON, FORMER ASSISTANT FOR CONGRESSIONAL RELATIONS, DEPARTMENT OF EDUCATION; NANCY ALTMAN, FORMERLY WITH DEPARTMENT OF EDUCATION; PAMELA TALKIN, FORMER CHIEF OF STAFF, EEOC; ANNA JENKINS, FORMER SECRETARY, EEOC; AND CONSTANCE NEWMAN, DIRECTOR, OFFICE OF PERSONNEL MANAGEMENT**

Ms. JOHNSON. Good morning, Chairman Biden, Senator Thurmond and other members of this committee.

I am Patricia Cornwell Johnson, and I currently work as the Director of Labor Relations of the Equal Employment Opportunity Commission. I received my bachelor's degree from the American University here in Washington, and my law degree from the Georgetown University Law Center. I am a member of the bar of the District of Columbia, the U.S. Supreme Court, the U.S. Court of Appeals for the District of Columbia Circuit, as well as the majority of other U.S. Courts of Appeals.

I received my labor relations training at the National Labor Relations Boards. I moved from there to corporate America, then to a major transit authority, before going to the EEOC. I work in an area that is dominated by men and I have never met a man who treated me with more dignity and respect, who was more cordial and professional than was Judge Clarence Thomas.

Shortly after joining the Commission—and I must apologize to my mother for making this statement on worldwide TV, and I am grateful that she is asleep—then Chairman Thomas became aware that I used profanity in some exuberant exchanges with union officials. Chairman Thomas made it clear to me that that was unacceptable conduct which would not be tolerated. I was shocked because up until that time, such language had indeed been acceptable, almost expected—it made me “one of the boys.” Chairman Thomas insisted that his managers conducts themselves in a

manner that was above reproach and he held himself to that same high standard.

I had occasion to meet with Chairman Thomas alone to discuss labor relations and strategies. He was always professional. As a labor attorney with approximately 15 years of experience, I have drafted policy statements concerning sexual harassment, I have trained managers concerning what constitutes harassment, how to deal with such allegations.

Furthermore, with a previous employer, I was a victim of sexual harassment. It was the most degrading and humiliating experience of my professional career. I confided in friends and family concerning the best manner to confront it. I did confront it and I eventually left that position. But I must tell you that, during the time I had to continue to work with the perpetrator, I avoided contact, especially one-on-one contact with him, and since leaving that position I have never had any further contact with that man.

I do not believe these allegations that have been leveled against Judge Thomas. Moreover based on my professional experience, as well as my personal experience, I do not believe that a woman who has been victimized by the outrageously lewd, vile and vulgar behavior that has been described here would want to have, let alone maintain, any kind of relationship with a man that victimized her.

The CHAIRMAN. Thank you very much, and thank you for staying within the time.

Whoever is next please move forward.

#### TESTIMONY OF LINDA M. JACKSON

Ms. JACKSON. Chairman Biden, Senator Thurmond and members of the committee: I would like to correct the record. I am employed as a social science research analyst at the EEOC.

When I first met Clarence Thomas in 1981, he was Assistant Secretary for Civil Rights in the Department of Education. My work required him to contact his office to secure certain data and information. After finding out the type of information I needed, Clarence Thomas indicated that any followup contact I had with his office should be through his aide, Anita Hill. He described her as someone who would help me navigate and put me in touch with the right people at OCR. He spoke in terms any mentor would use, explaining she was very bright and knowledgeable about the workings of OCR.

During that time, Anita and I began to have lunch and discuss both work and personal things. She referred to Clarence Thomas with admiration, and never once mentioned anything was going wrong at work. She seemed excited to be a special assistant to a very visible public official. I never saw any strained relations between them, whenever I saw them together in the workplace or at a meeting. She would generally look at him with a smile on her face and have the kind of positive demeanor that would suggest she respected and liked him as a person.

We often discussed the social scene in Washington. In the context of such discussions, it seems that she would have mentioned something, if she were having a problem at the office, even if she did not name a specific person. Subsequent discussions I had with

Anita also yielded no mention of anything improper on the part of Clarence Thomas.

It is difficult for me to believe that Anita would follow her supervisor to another agency, if he was subjecting her to the things she has alleged. I remember Anita Hill as an intelligent woman and one who would have found some way to retain her job at the department or find another in either the public or private sector, if she were unhappy.

After meeting Clarence Thomas through my job, I ran into him in the hallway of my apartment building and found we lived in the same place. We began to have numerous conversations about work, politics and personal issues. We became very good friends in the process.

I believe I know the basic nature of this man better than most people in this room. I believe, unequivocally, Clarence Thomas' denial of these allegations. This is a very honorable man who has the highest respect for women. He always treated me with utmost respect and was more sensitive to women than most men I know. He never engaged me in discussions of any kind that could be considered demeaning to women.

He was often troubled by those women he knew, both professionally and women, who were having difficulties with personal problems, particularly treatment by male friends, coworkers or spouses. He and I had numerous conversations about abuse of women, physically, emotionally and verbally. You see, Senators, he helped me pick up the pieces of my own crushed spirit, after I left an abusive marriage.

His sensitivity and honor, his respect for women, his helping attitude toward all people in need, makes these allegations even more ludicrous.

The CHAIRMAN. Thank you very much.

Who is next?

#### TESTIMONY OF JANET H. BROWN

Ms. BROWN. My name is Janet Brown, Mr. Chairman.

Senator HATCH. Would you pull your microphone over, Ms. Brown?

Ms. BROWN. Yes, I will.

Senator HATCH. I would love to hear you.

Ms. BROWN. This will be very brief.

I have known Clarence Thomas very well for 12 years. We worked for 2 years very closely here in the Senate on Senator Danforth's staff. He is a man of the highest principle, honesty, integrity and honor in all of his personal and professional actions.

A number of years ago, I was sexually harassed in the workplace. It was a demeaning, humiliating, sad and revolting experience. There was an intensive and lengthy internal investigation of his case, which is the route that I chose to pursue. Let me assure you that the last thing I would ever have done is follow the man who did this to a new job, call him on the phone or voluntarily share the same air space ever again.

Other than my immediate family, the one person who is the most outraged, compassionate, caring and sensitive to me was Clar-

ence Thomas. He helped me work through the pain and talk through the options. No one who has been through it can talk about sexual harassment dispassionately. No one who takes it seriously would do it.

I don't subscribe to the belief that men, because they are men, don't understand sexual harassment. My husband, my father and my brother understand it. Clarence Thomas understands it. And because he understands it, he wouldn't do it.

Senator KENNEDY [presiding]. Ms. Saxon?

#### TESTIMONY OF LORI SAXON

Ms. SAXON. I worked at the Department of Education in the Office for Civil Rights from September 1981 until September 1982. I was 24 years old at the time. I was the confidential assistant to Clarence Thomas. In that capacity, I handled congressional relations and public affairs. My office was just down the hall from Anita Hill's during her tenure at the Department of Education.

I never saw any harassment go on in the office. The office was run very professionally. Clarence Thomas and Anita Hill were always very cordial and friendly in their relations. There was never any evidence of any harassment toward any of the female employees. I dealt with Anita Hill on a daily basis in performing my duties. She was happy in her position and she liked working for Clarence Thomas.

Anita Hill never indicated to me that he was harassing her. Clarence Thomas generally left the door of his office open, so if he had any meeting with Hill or any other employees, they were in view. He operated with an open-door policy with every member of the staff, regardless of gender. I never saw him meet in private with a female employee, without someone else present. Unless it was a group meeting and there were many staffers present, the door would be open and his secretary would be right outside the door.

Anita Hill was the only special assistant who accompanied Clarence Thomas to the Equal Employment Opportunity Commission, upon his appointment in August of 1982. Anita told me that she was very excited about the opportunity to work for the Chairman of the EEOC. She related to me that she was pleased that Clarence was taking her with him.

I believe Anita Hill's statements that she felt pressures to accompany Clarence Thomas to EEOC, because of fears of losing her job, are simply untrue. I and the rest of the senior staff of the Office for Civil Rights found other positions within a few months. That is how the process of being a political appointee worked.

I was Clarence Thomas' confidential assistant for a year. My job required that I meet with him at least once a day. He never made an inappropriate advance, uttered an off-color remark, or used coarse language in my presence. I was younger and more politically active than Anita Hill. I introduced him to my friends in Washington, the political community and very social settings. I was the first person to bring and introduce him to a luncheon with Thomas Sowell and others at the Capitol Hill Club. During this entire period, he never made any inappropriate actions toward me or any other female with whom I saw him.

I understand what women in this country go through in the area of sexual harassment. There is no place for sexual harassment in the workplace. I experienced perhaps a different kind of harassment, by being a victim of a violent crime. I know what it is to have one's face violated. I know what it feels like to feel helpless and humiliated.

Let me assure you in no uncertain terms that no harassment took place in the workplace at the Office for Civil Rights.

Senator KENNEDY. Thank you very much.

Ms. Altman.

#### TESTIMONY OF PATRICIA C. ALTMAN

Ms. ALTMAN. My name is Nancy Altman. I consider myself a feminist. I am prochoice. I care deeply about women's issues. In addition to working with Clarence Thomas at the Department of Education, I shared an office with him for 2 years in this building. Our desks were a few feet apart. Because we worked in such close quarters, I could hear virtually every conversation for 2 years that Clarence Thomas had. Not once in those 2 years did I ever hear Clarence Thomas make a sexist or offensive comment, not once.

I have myself been the victim of an improper, unwanted sexual advance by a supervisor. Gentlemen, when sexual harassment occurs, other women in the workplace know about it. The members of the committee seem to believe that when offensive behavior occurs in a private room, there can be no witnesses. This is wrong.

Sexual harassment occurs in an office in the middle of the workday. The victim is in a public place. The first person she sees immediately after the incident is usually the harasser's secretary. Coworkers, especially women, will notice an upset expression, a jittery manner, a teary or a distracted air, especially if the abusive behavior is occurring over and over and over again.

Further, the women I know who have been victimized always shared the experience with a female coworker they could trust. They do this to validate their own experience, to obtain advice about options that they may pursue, to find out if others have been similarly abused, and to receive comfort. Friends outside the workplace make good comforters, but cannot meet the other needs.

It is not credible that Clarence Thomas could have engaged in the kinds of behavior that Anita Hill alleges, without any of the women who he worked closest with—dozens of us, we could spend days having women come up, his secretaries, his chief of staff, his other assistants, his colleagues—without any of us having sensed, seen or heard something.

Senator KENNEDY. Thank you very much.

Ms. Jenkins.

#### TESTIMONY OF ANNA JENKINS

Ms. JENKINS. Chairman Biden, Senator Thurmond and other members of the committee, my name is Anna Jenkins, and I reside in Silver Spring, MD. I am a staff assistant in the Office of Policy Development at the White House. I was not asked by the White House to give a statement. I went to them and asked if it was okay for me to give a statement.

I have been a Federal employee since December 1965 and worked for the Equal Employment Opportunity Commission from May 1970 to September 1989, with intermittent details to the White House under the Carter and Reagan administrations.

I was employed as a secretary in the EEOC's Office of the Chairman in the Executive Secretariat as a staff specialist. During my tenure with the Office of the Chairman, I served under five chairpersons, William Brown, John Powell, Lowell Perry, Eleanor Holmes Norton, and Clarence Thomas. In September 1989, I left the EEOC to join the Bush administration, Office of Policy Development.

When President Reagan appointed Clarence Thomas as Chairman of the EEOC, I was the only employee left in the Chairman's office from the previous administration. Upon Judge Thomas' arrival at the agency, I worked directly for him as his secretary until his confidential assistant Diane Holt and legal assistant Anita Hill came onboard. He brought them from the Department of Education.

Prior to Anita Hill joining the staff, she appeared quite anxious to work for the EEOC. In fact, she called Judge Thomas several times to inquire about the status of her appointment.

I recall the first day Ms. Hill reported to work at EEOC. She was very pleased and excited about being able to select an office with a big picture window overlooking the Watergate Hotel and the Potomac River.

I had daily contact with Anita Hill and Judge Thomas. We shared a suite of offices consisting of a reception area, conference room, kitchen, and five offices. Judge Thomas' conduct around me, Anita Hill, and other staffers was always proper and professional. I have never witnessed Judge Thomas say anything or do anything that could be construed as sexual harassment. I never witnessed him making sexual advances toward any female, nor have I witnessed him engaging in sexually oriented conversations with women.

I have witnessed Judge Thomas and Anita Hill interact in the office. At no time did the relationship appear strained nor Anita appear uncomfortable with the relationship.

I understand that at Anita's press conference she denied knowing Phyliss Berry. I was confused by her denial, since Phyliss Berry often visited the office while Anita worked there. I have seen them exchange greetings.

In closing, I wish to emphasize that I have the highest regard and respect for Judge Thomas. In light of my experience with him and the way I have seen him conduct himself around other females, I find this harassment allegation unbelievable.

Senator KENNEDY. All right.

Ms. Newman.

#### TESTIMONY OF CONSTANCE NEWMAN

Ms. NEWMAN. Constance Newman. I appreciate the opportunity to appear before you.

I am both saddened and optimistic as a result of these proceedings. I am saddened because of the way in which the raw nerves of

America have been touched, the raw nerves of racism and sexism, leading to too much mistrust between too many of us. Many of these feelings are just below the surface of this great Nation, and we are all victims of it. We are all hurt in some way by the side of America that allows bigotry and unfairness to exist. We must come to terms with what is unfair in this basically fair Nation.

I am saddened for my friend, Judge Clarence Thomas, and his family. All who are in public life must sympathize with their plight.

I am saddened for Professor Anita Hill. Her life will never be the same. I don't know her, but I must believe that she must be a talented and conscientious woman, or she would not have completed the tough educational requirements of Yale Law School or be a tenured professor at a major law school. She must be a concerned black woman, or she would not have chosen to work in civil rights.

What was her motivation? Frankly, I do not know. I do not even want to try to speculate.

The waters are muddy around sexual harassment now, but I am optimistic. I am optimistic because I believe that as a result of these proceedings, you will know what I know about Judge Thomas. He is competent, he has integrity, he has true grit, and I do believe that these proceedings will make him even stronger and even more sensitive.

I have known him for 10 years. That does not mean that we have not disagreed. We have. We have argued. Through the years he has changed his mind some; I have changed mine a little. But I have not changed my view about the basic decency and integrity of this man. I know him and have worked with him. I have worked in the halls of EEOC. Not once did I hear a hint of improper conduct. I would have heard. I heard of disagreements, but not improper conduct.

Finally, I am optimistic that positive change will take place as a result of these proceedings. America has seen and understood some of the delicate issues that we must face and will appreciate the governmental process, painful though it may be.

[The prepared statement of Ms. Newman follows:]

STATEMENT OF CONSTANCE BERRY NEWMAN  
BEFORE THE COMMITTEE ON THE JUDICIARY  
UNITED STATES SENATE  
OCTOBER 13, 1991

MR. CHAIRMAN, SENATOR THURMOND AND MEMBERS OF THE COMMITTEE: I APPRECIATE THE OPPORTUNITY TO APPEAR BEFORE YOU IN SUPPORT OF THE CONFIRMATION OF JUDGE CLARENCE THOMAS AS AN ASSOCIATE JUSTICE OF THE UNITED STATES SUPREME COURT.

I AM BOTH SADDENED AND OPTIMISTIC AS A RESULT OF THESE PROCEEDINGS. I AM SADDENED BECAUSE OF THE WAY IN WHICH THE RAW NERVES OF AMERICA HAVE BEEN TOUCHED. THE RAW NERVES OF WHICH I SPEAK ARE SEXISM, AND RACISM, ~~DISCRIMINATION AGAINST OUR~~ LEADING TO MISTRUST BETWEEN TOO MANY OF US. MR. CHAIRMAN, MANY OF THESE THE FEELINGS MOVE JUST BELOW THE SURFACE OF THIS GREAT NATION. WE ARE ALL VICTIMS . . . WE ARE ALL HURT IN SOME WAY BY THE SIDE OF AMERICA THAT ALLOWS BIGOTRY AND UNFAIRNESS TO EXIST. WE MUST COME TO TERMS WITH WHAT IS UNFAIR IN THIS BASICALLY FAIR NATION OR WE WILL BE DESTROYED.

I AM SADDENED FOR MY FRIEND, JUDGE CLARENCE THOMAS AND HIS FAMILY. ALL WHO ARE IN PUBLIC LIFE MUST SYMPATHIZE WITH THEIR PLIGHT. ALL WHO CHOOSE PUBLIC SERVICE AS A PROFESSION UNDERSTAND THAT THE PUBLIC HAS A RIGHT TO KNOW WHETHER WE ARE COMPETENT. THE PUBLIC HAS A RIGHT TO DEMAND THAT WE HAVE INTEGRITY AND THAT WE DO NOTHING TO BRING SHAME TO THE OFFICES IN WHICH WE SERVE. THE PUBLIC HAS A RIGHT TO DEMAND THAT WE BE FAIR TO ALL . . . THAT WE NOT ENGAGE

IN BEHAVIOR SUCH AS SEXUAL HARASSMENT OR DISCRIMINATION OF ANY KIND. IN FACT, THE PUBLIC HAS A RIGHT TO EXPECT THAT PUBLIC SERVANTS WILL USE ALL OF THEIR RESOURCES TO INSURE THAT THE DIVERSITY OF THE NATION IS REPRESENTED AT ALL LEVELS IN THE PUBLIC SERVICE AND THAT THE POLICIES OF THE NATION WILL RESULT ON ALL SHARING IN THE NATION'S GREATNESS. THOSE WHO CHOOSE PUBLIC SERVICE EXPECT THAT A CERTAIN AMOUNT OF OUR PRIVACY MUST BE RELINQUISHED WHEN WE TAKE THE OATH OF OFFICE. BUT THE PUBLIC DOES NOT HAVE THE RIGHT TO EXPECT THAT WE ARE STRIPPED OF ALL OF OUR RIGHT TO PRIVACY. THE PUBLIC DOES NOT HAVE THE RIGHT TO EXPECT THAT PUBLIC SERVANTS RELINQUISH THE GUARANTIES THAT UNDERLIE THE RIGHT TO PRIVACY SUCH AS THOSE RELATING TO FREEDOM OF SPEECH AND RELIGION AND PROTECTION AGAINST SELF-INCRIMINATION. THE DAY THAT IS EXPECTED OF PUBLIC SERVANTS IS THE DAY THAT THE NATION WILL NOT BE ABLE TO ATTRACT THE BEST TO PUBLIC SERVICE.

I AM SADDENED FOR PROFESSOR ANITA HILL. HER LIFE WILL NEVER BE THE SAME. I DO NOT KNOW HER BUT I MUST BELIEVE THAT SHE MUST BE A TALENTED AND CONSCIENTIOUS WOMAN OR SHE WOULD NOT HAVE COMPLETED THE TOUGH EDUCATIONAL REQUIREMENTS OF A YALE LAW SCHOOL OR BE A TENURED PROFESSOR OF A MAJOR LAW SCHOOL. SHE MUST BE A CONCERNED BLACK WOMAN OR SHE WOULD NOT HAVE CHOSEN TO WORK IN CIVIL RIGHTS AT THE DEPARTMENT OF EDUCATION AND THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. WHAT THEN WAS HER MOTIVATION. FRANKLY, I DO NOT KNOW AND WILL NOT EVEN TRY TO SPECULATE. I DO BELIEVE THAT PROFESSOR HILL WAS CAUGHT IN A WHIRLWIND NOT OF HER MAKING AND WAS SWEEPED ONTO

THE PUBLIC STAGE WHERE THE THIRTY AND SIXTY SECOND SOUND BITES CONTROL. SHE WAS THEN IN POSITION WHERE SHE HAD TO MOVE FORWARD . . . SHE COULD NOT TURN BACK THE CLOCK. HOW THE POWER TO TURN BACK THE CLOCK WOULD BE HELPFUL TO US ALL ON OCCASION.

I AM SADDENED BECAUSE I BELIEVE THAT THE WATERS ARE MUDDIER AROUND THE IMMORAL AND ILLEGAL PRACTICE OF SEXUAL HARASSMENT. EVEN IN THIS DAY OF ENLIGHTENMENT IN EMPLOYMENT PRACTICES, WOMEN IN THE WORKPLACE CONTINUE TO SUFFER FROM PRACTICES OF INTIMIDATION. EVEN TODAY, THERE ARE MALE MANAGERS AND EXECUTIVES IN THE WORKPLACE WHO BELIEVE THAT THEIR ONLY RESPONSIBILITY IS TO REFRAIN FROM SEXUAL HARASSMENT THEMSELVES. THEY DO NOT ACCEPT THE RESPONSIBILITY FOR INSURING THAT ALL IN THEIR ORGANIZATIONS UNDERSTAND THAT SEXUAL HARASSMENT WILL NOT BE TOLERATED. I AM SADDENED BECAUSE LITTLE OF THE DISCUSSION OF SEXUAL HARASSMENT THAT I HAVE HEARD SO FAR CONSIDERS THE RIGHTS OF THE ACCUSED. I KNOW THAT IS NOT THE INTENT OF THE WOMEN'S MOVEMENT . . . OF WHICH I HAVE BEEN A PART. THE WOMEN'S MOVEMENT IS SEEKING EQUALITY AND FAIRNESS, BUT NOT BY THE IMPOSITION OF AN UNFAIRNESS AGAINST THE ACCUSED.

MR. CHAIRMAN, I AM ALSO OPTIMISTIC AS A RESULT OF THE PROCEEDINGS. I BELIEVE THAT AS A RESULT OF THE HEARINGS, JUDGE THOMAS WILL BE CONFIRMED BECAUSE OTHERS WILL KNOW WHAT I KNOW - HE HAS THE COMPETENCE, THE INTEGRITY, THE "TRUE GRIT," AND THE SENSE OF FAIRNESS THAT SHOULD BE PRESENT IN A JUSTICE OF THE SUPREME COURT. I ALSO BELIEVE THAT THIS PROCESS HAS MADE HIM AN EVEN BETTER

NOMINEE FOR THE SUPREME COURT THAN HE WAS BEFORE THIS PROCESS. I KNOW THAT HE WOULD PROBABLY NOT AGREE WITH ME. BUT LET ME EXPLAIN. THIS DIFFICULT PROCESS WILL INSURE THAT HE WILL UNDERSTAND MORE THAN EVER BEFORE THE STRUGGLES THAT RESULT IN THE CASES THAT COME BEFORE THE SUPREME COURT. HE WILL BE PREPARED MORE THAN EVER BEFORE TO BE SENSITIVE TO THE TYPES OF CONFLICT THAT BRING CASES BEFORE THE SUPREME COURT. HE WILL ASK TOUGH QUESTIONS FROM THE POINT OF VIEW OF EACH SIDE OF EVERY ISSUE. HE WILL NOT AUTOMATICALLY ACCEPT THE WORD OF ANY PARTY BEFORE THE SUPREME COURT. THAT I BELIEVE.

I HAVE KNOWN CLARENCE THOMAS VERY WELL FOR MORE THAN TEN YEARS. HE IS MY FRIEND. THAT DOES NOT MEAN THAT WE HAVE NOT DISAGREED. THAT DOES NOT MEAN THAT WE HAVE NOT ARGUED - WE HAVE. THROUGH THE YEARS HE HAS CHANGED HIS VIEWS SOME AND I HAVE CHANGED MY VIEWS SOME. BUT I HAVE NOT CHANGED MY VIEWS ABOUT THE BASIC DECENCY AND INTEGRITY OF THIS MAN. ~~He has never been involved in any of the cases that have come before the Supreme Court. He has never been involved in any of the cases that have come before the Supreme Court.~~ IN THE MID EIGHTIES, I PREPARED A COMPREHENSIVE REPORT ON THE UNIFORM GUIDELINES ON EMPLOYEE SELECTION PROCEDURES WHICH REQUIRED THAT I SPEND SOME OF MY TIME IN THE EEOC WITH SOME OF THE LAWYERS AND OTHER STAFF PERSONS. NOT ONCE DID I HEAR A HINT OF IMPROPER CONDUCT ON THE PART OF CLARENCE THOMAS. I WOULD HEAR FROM TIME TO TIME, THAT THERE WAS DISAGREEMENT WITH HIS VOTES ON SOME OF THE ISSUES BEFORE THE COMMISSION. BUT THAT WAS TO BE EXPECTED.

FINALLY MR. CHAIRMAN, I AM OPTIMISTIC THAT POSITIVE CHANGE WILL TAKE PLACE AS A RESULT OF THIS PROCEEDING BECAUSE SEXISM AND RACISM HAVE BEEN ~~ADDRESSED~~ <sup>DISCUSSED</sup> IN A VERY CLEAR MANNER IN THE GIVE AND TAKE BETWEEN ~~YOU AND THE OTHER~~ <sup>THE</sup> MEMBERS OF THE COMMITTEE AND THOSE WHO HAVE TESTIFIED BEFORE YOU. I BELIEVE THAT, ~~MORE~~ <sup>NOT</sup> AMERICANS NOW MORE THAN EVER BEFORE ~~WILL~~ UNDERSTAND THAT THE ISSUE OF SEXUAL HARASSMENT IN THE WORKPLACE MUST BE ADDRESSED. I BELIEVE THAT MORE AMERICANS THAN EVER BEFORE WILL UNDERSTAND THAT THE ISSUE OF RACISM AND STEREOTYPING OF ONE ANOTHER MUST BE STOPPED. AND I BELIEVE THAT MORE AMERICANS WILL IN THE END APPRECIATE THAT THIS AMAZING GOVERNMENTAL PROCESS DOES WORK - PAINFUL THOUGH IT MAY BE.

The CHAIRMAN. You are a great optimist, Ms. Newman, but I am so delighted to hear somebody say that.  
Ms. Talkin.

#### TESTIMONY OF PAMELA TALKIN

Ms. TALKIN. As chief of staff of the EEOC for 3 years, I reported directly to then-Chairman Thomas. We worked very closely. We traveled together frequently, and we spent innumerable hours alone together and as many hours in the company of other women.

Judge Thomas was adamant that the women in the agency be treated with dignity and respect, and his own behavior towards women was scrupulous. There was never a hint of impropriety, and I mean a hint; never a gesture, never a look, never a word, never body language, none of the things that we women have a sixth sense about and that very few men have any sense about. [Laughter.]

The CHAIRMAN. Thank you. [Laughter.]

Ms. TALKIN. Needless to say, there was nothing explicit or coarse in his language. Judge Thomas viewed such conduct, and I quote, as "repugnant," "reprehensible," "deplorable," and "despicable." He would not tolerate it.

I have been in the work force for over 30 years. During that time I have endured varying degrees of sexual harassment, sometimes serious, sometimes subtle. I view myself as very alert to this; some of my men friends say, overly sensitive. It is in that context that I tell you that I have never met a man as sensitive. He has a feminist's understanding of sexual politics. He is a man who loathes locker room talk.

This is a man who, when I had momentary lapses of language, looked discomfited and never responded in kind.

This is a man who looked at his shoes when other men were craning their necks to look at a woman.

This is a man who spent countless hours talking to me about his efforts to raise his adolescent son to be a decent, dignified, reverent man of women, and urging his son to treat his teenage female companions with dignity and respect despite his raging hormones.

This is a man who understood the inherent imbalance of power in the work place between men and women, and frowned upon even consensual romantic relationships because he did not want one woman in the agency to even mistakenly believe that her dignity had been compromised.

I have spent over 18 years enforcing laws against employment discrimination, and I can tell you that I have never worked in a work environment where any individual, man or woman, was more committed to establishing a work place free from discrimination and harassment. It is the saddest of ironies to me that the behavior that Judge Thomas found most abhorrent is the behavior that he is now being accused of.

[The prepared statement of Ms. Talkin follows:]

## Testimony of Pamela Talkin

As Chief of Staff of the Equal Employment Opportunity Commission from 1986 - 1989, I reported directly to then-Chairman Clarence Thomas. We worked very closely, traveled together frequently and spent innumerable hours together, both alone and in the company of employees. In all that time, Judge Thomas never acted with less than the utmost professionalism and courtesy toward me and other women.

It was Judge Thomas' unequivocal, and oft-repeated, policy that sexual harassment, even in its most subtle forms, would not be tolerated. And it was not. If Clarence Thomas was most intolerant of any behavior, it was the very behavior of which he is now being accused.

Without exaggeration, I would say we discussed the issue at least 100 times. Judge Thomas viewed such inappropriate behavior, even if it did not rise to the level of unlawful conduct, as (and I quote) "reprehensible", "despicable", "repugnant", and "disgusting". And these were the more charitable terms he used.

Judge Thomas was adamant in demanding that all female employees be treated with dignity and respect. He was

always scrupulous in his approach to women and his behavior was absolutely above reproach. In the years I worked with and observed him, he invariably conducted all his interactions with women employees in a highly appropriate manner, with never even a hint of impropriety.

As someone who has endured varying degrees of offensive behavior from men in the workplace, I view myself as reasonably alert to such misconduct. It is in this context that I say that I have never known any other man who was as sensitive to and careful about the subtle issues and potential problems arising from relationships between men and women in the workplace. This was a man who had a feminist's understanding of "sexual politics".

Judge Thomas was acutely aware that sexual harassment could occur even where a woman was not imposed upon physically or did not have her livelihood affected or threatened. Before it became the common view, Judge Thomas clearly understood and firmly believed that subjecting women to unwelcome attentions or inappropriate remarks also constituted sexual harassment. Early on, he foresaw and argued that conduct which creates a hostile working environment for women constituted a violation of Title VII of the Civil Rights Act. As we all know, that position was

later adopted by the U.S. Supreme Court in the case of Meritor Savings Bank v. Vinson.

Judge Thomas was rigorous in ensuring high standards of conduct from all male employees of the Agency, particularly those men in supervisory and management positions. I witnessed his outrage and know that he took immediate action when inappropriate conduct occurred. He would not and did not condone even casual, inadvertent, or potential mistreatment of female employees.

Not only were male supervisors or managers forbidden to engage in any unlawful conduct, but Judge Thomas made it clear to them that the inherent imbalance of power between supervisors and employees required that persons in authority not act in any manner that could be even unintentionally coercive or make employees believe, even mistakenly, that their dignity was being compromised or that unfair advantage had been taken of them. To that end, Judge Thomas did not permit even consensual relationships between male supervisors and female subordinates.

Judge Thomas is a man of the highest integrity and character. In my 24 years of public service, over 18 of which have been spent enforcing laws against discrimination

in employment, I have never encountered any other individual who was more committed to the establishment of a work environment free from all forms of discrimination and harassment.

The CHAIRMAN. A very powerful statement, Ms. Talkin.

I apologize for being out of the room while some of you were testifying. I don't believe there are any questions from the panel. Your statements speak for themselves.

Before I dismiss this panel, though, I have an announcement to make, and that is that having spoken with Senator Danforth, and Senator Danforth representing, and that is enough for all of us, that he has spoken with Clarence Thomas—no, has not?

Senator DANFORTH. Mr. Chairman, I have not. If you would like me to call him on this matter, I will—

The CHAIRMAN. I think before I—

Senator DANFORTH [continuing]. But I can absolutely guarantee what the answer will be.

The CHAIRMAN. Well, I think it may be useful to call.

Senator DANFORTH. All right.

The CHAIRMAN. And I think that out of an excess of caution, because this is of such consequence, not that I doubt your judgment on this, but it is—I will withhold. I will excuse the panel, but we will just recess in place for a minute here, and I ask everyone to wait just a minute because I will have an announcement, depending on the phone call, about tomorrow's proceedings that will—today's proceedings. Yes, I am sorry, it is 2 o'clock.

Senator HATCH. You may want to wait, as well. You may just want to wait.

The CHAIRMAN. Well, this 2 o'clock is better than 2 o'clock 2 nights ago. Then I was sitting in a dentist's chair, so it is getting better. At least we are in good company.

Let me suggest once again that Judge Thomas is indeed fortunate to have such friends and supporters as all of you women that are here, and again I thank you, truly thank you, for being here, and particularly at the hour. This is an unusual time to be summoned to the committee—now you weren't summoned—to come to the committee, to testify anywhere in the world, let alone here in this old magnificent room. So thank you all, and you all are dismissed.

Senator THURMOND. If I may say a word?

The CHAIRMAN. I'm sorry. I beg your pardon. Senator Thurmond would like to say a word.

Senator THURMOND. Mr. Chairman.

On behalf of the Republican Senators I wish to commend you for your appearance and for the excellent statements you have made. And because you have made such outstanding statements, we have no questions on this side of the aisle.

The CHAIRMAN. I won't characterize why anybody has no questions, but nonetheless, seriously, thank you all very, very much for being here.

Excuse me. Yes?

Senator METZENBAUM. Mr. Chairman, I just said the Chairman made a valiant effort to justify to the American people why we got a salary increase. We have been here until 2 o'clock.

The CHAIRMAN. No, I learned a long time ago not to attempt to ever justify anything like that, and I am certainly not going to—

Senator SIMPSON. Mr. Chairman, if I may just, not a question, but it is very helpful to hear from women like we have heard over

these days, who have been victims of sexual harassment, which is a very important thing for us. We hear it, we know it, we have hearings, but to hear it from you and especially to hear your reaction to it, and what you do and what your network is, and what it is in the work place, and how that really works in real life, is very, very helpful and very, very informative for me. And I have a very enlightened woman that I have been living with for 37 years, but she has enlightened me a great deal more these last days.

So thank you again. Powerful statements.

Senator KENNEDY. I believe you are excused. Thank you. [Laughter.]

The CHAIRMAN. Gentlemen and ladies and everyone here, and members of the press who have been also equally as patient, both Judge Thomas and Professor Hill have decided that they do not wish to appear tomorrow.

Now there is one caveat. Senator Danforth has represented and indicated, with good reason, that having talked with Judge Thomas earlier, that if Ms. Hill didn't come back, he would not come back, and vice versa. But we formally haven't spoken to him this evening, so that if there were any change it would be 6 o'clock in the morning. There is no way to physically reach him. There is a recording on.

So, at any rate, I see no reasonable probability that anyone will change their mind. Based on that, this entire proceeding is ended.

[Whereupon, at 2:03 a.m., October 14, 1991, the committee was adjourned.]