

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