

and the other one says, "No, it was a short robber," but the robbery takes place. We can understand that. And we can understand the difference of view in how two people might observe an event.

But here, it is like two ships in the night. I mean you seem to be diametrically opposed, certainly, in your testimony and Anita Hill's. I think we would both agree that, on the basic substance of what we are talking about here, you are diametrically opposed, is that correct?

Judge THOMAS. Senator, I just simply said that I deny her allegations categorically.

Senator LEAHY. I understand. If her allegations were correct, if what she has stated under oath was so, that would be sexual harassment, would it not?

Judge THOMAS. Senator, I think it would be.

Senator LEAHY. But, at the same time, you categorically deny that those events ever took place?

Judge THOMAS. I categorically deny, Senator, in the strongest terms.

Senator LEAHY. It would be sexual harassment if they happened, but you say they did not happen?

Judge THOMAS. That's right.

Senator LEAHY. Then we have one of two possibilities, obviously. One of you is not telling the truth. Or is there any possibility that both of you are seeing the same thing, both of you seeing the same robbery but seeing it entirely differently? Which is it? Is it that one of you absolutely is not telling the truth or one of you—or both of you, rather, are viewing the same events differently?

Judge THOMAS. Senator, I am not going to get into analyzing that. I will just simply say that these allegations are false. They were false when the FBI informed me of them, when they were subsequently changed to additional allegations they were false. And they continue to be false.

Senator LEAHY. And there is nothing in her testimony of these allegations, in your mind, where the two of you could be seeing the same thing?

Judge THOMAS. Senator, my relationship with Anita Hill was cordial and professional, just as it was with the rest of my special assistants. And I maintain that that is all there was. My other special assistants are available for you to talk to them to determine exactly how I treated them.

Senator LEAHY. Thank you.

Senator HEFLIN. Judge, Senator Hatch brought up the issue of the tenth circuit case pertaining to Long Dong Silver, and in your responsibility as head of the EEOC, do you keep up with cases involving discrimination and sexual harassment that the circuit court of appeals may decide?

Judge THOMAS. Senator, the way that that is normally done is that if there is a significant case, I did not read specific cases, but if there were a significant case the general counsel would summarize that, would analyze it, and if necessary, would simply provide us with a copy of it.

I would not normally read circuit court opinions unless it was breaking new ground.

Senator HEFLIN. In the field of employment discrimination, how many circuit court of appeals opinions have been written, per year, over the last several years?

Judge THOMAS. Senator, I don't know.

Senator HEFLIN. Now, let me ask you, did you read this case of the tenth circuit that involved this Long Dong Silver?

Judge THOMAS. Senator, this is the first I have heard of it, and I have not read it.

Senator HEFLIN. I have been told that there is a pornographic movie in regards to "Long Dong Silver". Have you ever heard of that name?

Judge THOMAS. No, Senator.

Senator HEFLIN. Now, this issue of pubic hair in the Coke—did you read the book, the Exorcist?

Judge THOMAS. No, Senator.

Senator HEFLIN. Quite a few people have read it, from what I understand. I haven't read it, but—

Judge THOMAS. I don't know. I can't testify. I think the publisher would have to tell you that, Senator.

Senator HEFLIN. All right, have you seen the deposition of Angela Wright that has been taken in this case?

Judge THOMAS. No, Senator.

Senator HEFLIN. Well, then I will wait on that. It has some reference to your relationship with Juan Williams. I suppose Angela Wright is going to testify and the proper time would be to ask then.

You, in your opening remarks made a statement about the lack of corroborating witnesses. I had some discussion with two other people and we were talking about how unusual this case was and how it has attracted attention nationally because of its unusualness. And one of them remarked it is not unusual that this occurs, and the type of situation we are in today occurs in almost every date rape case—that there are no witnesses.

Usually in regard to the prosecution and the defense of those cases, a somewhat wider latitude is allowed relative to background pertaining to it.

Senator HATCH. Mr. Chairman, excuse me, Senator, I have to object to this line of questioning. I don't know of anybody who has accused him of date rape. Is that what you are driving at?

Senator HEFLIN. Well, it is a common term as I understand it. Date rape is where people go out on dates and rape occurs.

Senator HATCH. What does that have to do with this?

Senator HEFLIN. Well, the analogy between the two is that in the trial of such cases, a broader leeway is given relative to investigations of people that have a past history of such tendencies. And the only thing I am asking you, Judge, is whether or not you refuse to answer any questions other than what may have occurred in employment. Do you continue to do that?

Judge THOMAS. Oh, absolutely, Senator. I will not be further humiliated by this process. I think I have suffered enough, my family has suffered enough. I think that I have attempted to address all of the questions with respect to my relationship with Ms. Hill in the work force and I think enough is enough.

Senator HEFLIN. I had an old trial lawyer tell me one time, Judge, that if you've got the facts on your side, argue the facts to the jury. If you've got the law on your side, argue the law to the judge. If you've got neither, confuse the issue with other parties.

Senator HATCH. You mean like date rape?

Senator HEFLIN. That's a statement. I don't simply ask questions. You have been asked questions that really have been asked for the purpose of making speeches. After a long period of time they would ask you a question.

And they would ask you questions about whether that is credible, which, in effect, is asking a participant if such occurred. Let me just ask you these other things. This might have some bearing and it might not.

But I think it should be asked. What was the date of your divorce?

Judge THOMAS. I think it is irrelevant here, Senator. I was separated during—I will only answer during the relevant time period. All of that material is in my FBI file and was available to the committee before. I will only discuss the allegations in this case. My family, Senator, has been humiliated enough. I have been humiliated enough. I was separated from my former wife, once in January of 1981; we reconciled during the summer; and then we separated again in August of 1981.

Senator HEFLIN. All right, I will respect you. Whatever you want to state and however you want to answer it.

There was a question that I believe was asked of Ms. Hill or she brought it out, or I have seen it in files, affidavits, or somewhere, that Professor Hill said you made a statement to her, "You know, if you had any witnesses, you would have a good case against me."

Did any such thing like that ever happen?

Judge THOMAS. That's nonsense, Senator. I never made any statement like that. I never made the statements that she has alleged.

Senator HEFLIN. Well, we get back to the issue of who is telling the truth, and what the motives are. Has any thought come to your mind as to what her motive might be?

Judge THOMAS. Senator, as I said before, I think you should ask the people who helped concoct this and the people who leaked it to the press what the motives were.

Senator HEFLIN. That is when we talk about other issues of both parties.

Judge THOMAS. I understand.

Senator HEFLIN. We are still left with a quandary as to where we are. And as I stated in the first hearing, what is the real Clarence Thomas like? I think an issue now is what is the real Anita Hill like? And we have to make the decisions relative to those issues.

Senator LEAHY. I wonder if I just might—if the Senator would yield on that—I wonder if I might follow on the last, when Senator Heflin spoke to the question of motivation, Judge, and asked what could be her motivation? And you said, we ought to ask the people who concocted this. I think I am accurately re-stating what you said, is that correct? I don't want to put words in your mouth.

Judge THOMAS. Yes.