

A rule like this should ensure, once and for all, that even an 11th hour change, like yours, has been fully considered.

I yield the floor.

You can comment if you want to.

Ms. HILL. I would like, for a moment, to revisit your first question. I am keenly aware that I want to be certain of my answers. The first question was whether or not anyone had contacted me to urge me to come forward with this?

Senator GRASSLEY. Yes.

Ms. HILL. No. No one did that. Ms. Hirschener did contact me and reminded me of the situation and we discussed the fact that we had talked about this in earlier years but she did not urge me to come forward at all.

Senator GRASSLEY. Thank you, Mr. Chairman.

Senator KENNEDY [presiding]. Thank you, very much. Of course the state of the law actually is that women, even in these kinds of situations, don't have adequate remedies. All they have is an injunction. They are not permitted to get any damages which is one of the matters that is being addressed in the Civil Rights Bill.

The Senator from Wisconsin.

Senator KOHL. Thank you, Mr. Chairman.

Professor Hill, as you said, this has been a difficult time for you. You wanted to make the committee aware of your experiences with Clarence Thomas but you also wanted to preserve your privacy and that is understandable and we deeply regret that it has not worked out that way. But while the process may have failed you, Professor Hill, you certainly have not failed the process.

For without making, at this time, any judgments about the ultimate truth of your claims we can make a certain judgment about the value of the public discussions that your claims have created. All of us have learned a great deal about and become more sensitive to the problem of sexual harassment and inappropriate behavior. The issue is complex and our understanding may never be complete, but your perception of your relationship with Judge Thomas is clear in your own mind, and your courage in coming forward and the composure you have demonstrated since this issue became public all speak to your character.

I am sure this has been very painful for you, as it has been for all of us, but I believe the pain will vastly improve the way that men and women respond to this problem throughout our country.

Thank you, very much.

Ms. HILL. Thank you, Senator Kohl.

Senator THURMOND. Senator Brown is next on my side.

Senator BROWN. Thank you, Mr. Chairman.

Professor Hill, you were kind enough to take my call earlier this week and you were very forthcoming and I appreciated that and the information you provided. I had a few additional questions that I thought might be helpful that I would bring up.

My impression was that calls from the staff that had originally prompted you to begin thinking about making a statement included not only questions about sexual harassment but had actually implied to you that there were rumors circulating about sexual harassment at the EEOC and even a suggestion that there might be rumors to sexual harassment related to you.

Now, could you share your view of what those rumors were or what they had suggested to you in those calls?

Ms. HILL. Well, when I received the calls I assumed that someone had known about the incidents as they were occurring who I did not know, who might have contacted the offices that called me. So when the statements were made and the questions were asked, I assumed that it was someone who knew that these things had happened and that they had come forward to the committee or to the individuals who were calling and that they were following up on that.

Senator BROWN. I guess what had occurred to me when I heard that description from you was that, at least the inference in my mind, was that the fact that there were stories or there could be stories circulating relating to sexual harassment, and perhaps the sexual harassment toward you, that that was one of the factors that encouraged you to come forward?

Ms. HILL. That was definitely one of the factors. I did not want the committee to rely on rumors. I did not want the rumors to perhaps circulate through the press without at least considering the possibilities or exploring the possibilities through the committee process of coming forward. So, yes, that call, those calls and that raising the issue with me very much encouraged me to further explore the process to determine how and if I could come forward.

Senator BROWN. You mentioned that you talked to several staffers and then eventually made a decision to come forward and you chatted with the committee and had a variety of conversations there. Were there others that you talked to after you talked to those two staffers and before you decided to speak to the committee?

Ms. HILL. I talked with personal friends. I talked with individuals who knew more about Title VII law than I did.

Senator BROWN. But I take it none of these conversations included people who were actively opposing the nomination?

Ms. HILL. No.

Senator BROWN. On the employment question, I thought I would go back to it. I must tell you that my own impression is that I think if you have a job you are reluctant to leave it without some other offers, but I thought it might be helpful to put a cap on that. At the point that Judge Thomas was leaving the Department of Education and had invited you to accompany him or go with him in terms of a job assignment over to the EEOC. Did you contact anyone in the private sector for a job? You have already talked about not exploring alternatives within the Education Department, but did you contact anyone about a job at that point?

Ms. HILL. I did not contact anyone in the private sector. I had left the private sector 9 months earlier and decided that I did not want to return at that point, to the private sector.

Senator BROWN. At the point that the harassment, or at least the harassment was alleged to have taken place at the Department, Education Department, did you begin to explore job opportunities at that point? As I understand that was a point sometime before the decision to leave?

Ms. HILL. No. I did not explore. I may have read Government hints but I did not actively look for another job.

Senator BROWN. With regard to the Judge, himself, you clearly, in working with him as you had, were familiar with a portion of his philosophy. Do you find you were in agreement with his philosophy on most issues proposed? What can you share with us on that?

Ms. HILL. Well, I am not really sure what his philosophy on many issues is. And so I can't say that I am in agreement or disagreement. I can say that during the times that we were there were, worked together, there were matters that we agreed on and some that we did not agree on and we had discussions about those matters.

But I am not really certain what his philosophies are at this point.

Senator BROWN. Would that be the case with regard to say, abortion or *Roe v. Wade*?

Ms. HILL. That I am not sure of his philosophies?

Senator BROWN. Sure of his philosophy or do you perceive a significant difference between the two of you in that area?

Ms. HILL. Yes.

Senator BROWN. Can you tell us what that might be? I don't mean to pressure you here. If you would prefer not to, please don't. But if there is something that you could share with us in that area, I think the committee would like to hear it.

The CHAIRMAN. Senator, from Judge Thomas' position this was supposed to relate to issues of harassment, and was not intended to be an investigation of Judge Thomas' views on abortion.

Senator BROWN. Mr. Chairman, you are perfectly correct. If there were something that wished to be offered there I thought it would be helpful.

I see the red light is on so I will conclude.

The CHAIRMAN. Now, two of our primary questioners also want to take an additional 5 minutes. Senator Leahy and then Senator Specter.

Senator LEAHY. I will be very brief. I know that everyone is tired. Professor Hill, you were asked questions by Senator Simpson this afternoon regarding the FBI report, which I believe you were shown, and about the question of whether there may be some inconsistencies. Everybody has to determine whether they feel there are or are not, I make no statement to that. Basically, the thrust was that you were less specific about these incidents—the language and the description of these two incidents—when you talked to the two agents than you were in your statement, here today.

Let me just ask three or four very quick questions and I think probably you could just answer, "yes", or "no".

The statement that you made here today was made under oath, is that correct?

Ms. HILL. Yes.

Senator LEAHY. And that statement was more specific than the conversation that you had with the FBI agents, is that correct?

Ms. HILL. Yes, I agree.

Senator LEAHY. And when specific questions were asked by different Senators about that, you went into even more specific details of the language that you say that Judge Thomas used, is that correct?