

Senator SPECTER. Judge Hoerchner, if you had to vote on Judge Thomas, yes or no, what would it be?

Judge HOERCHNER. Senator, I don't have a vote here.

Senator SPECTER. Ms. Wells, if you had to vote yes, or no, on Judge Thomas, what would it be?

Ms. WELLS. Senator, the hearings are not over and you have more witnesses for Anita Hill to hear and I think then you would have a better understanding of her and why we are here saying that her allegations are true.

Senator SPECTER. Mr. Carr, if you had to vote yes or no on Judge Thomas, what would it be?

Mr. CARR. Senator, I have not followed the hearings earlier before the Senate decided to delay, and so I can't make an informed decision based on that, but I do believe the sexual harassment charges, and I think he would have to be one incredible jurist to get over my view that those are true. So I would vote, no.

Senator SPECTER. Would you want to hear the rest of the testimony?

Mr. CARR. I think if I was in the official position to make that choice, then I would definitely hear the rest of the testimony.

Senator SPECTER. Professor Paul, you have already testified that when they came to you, you wouldn't sign the letter.

Mr. PAUL. That's correct, Senator.

Senator SPECTER. Do you have an opinion today, would you vote yes, or no on Judge Thomas?

Mr. PAUL. If these allegations are proved true, Senator, I would say that he is not fit for the Supreme Court.

Senator SPECTER. But you would want to hear the rest of the evidence?

Mr. PAUL. Yes, Senator.

Senator SPECTER. So that none of you is in a position, sitting there today without hearing the rest of the evidence to reject Judge Thomas solely on the basis of what Professor Hill has said?

Mr. CARR. Sir, I am in a position to do that.

Senator SPECTER. I thought you wanted to hear the rest of the evidence, Mr. Carr.

Mr. CARR. I said that I would—I think it would be incumbent upon me to review all of the evidence, but that I have great difficulty imagining that he could be such a great jurist as to justify being confirmed in light of my belief that there was sexual harassment.

Senator SPECTER. No further questions, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Kohl.

Senator KOHL. Thank you, very much, Mr. Chairman.

Just to follow up on what Senator Specter has been asking you. You are in a position, do I understand it, on the basis of your testimony today, to state as a matter of fact that Professor Hill informed you in a way that satisfied you that she was being sexually harassed by Judge Thomas, by Clarence Thomas? Is there any question in your mind about the clarity of the information that she provided to you? The sense that she provided to you?

Judge Hoerchner.

Judge HOERCHNER. There is no question in my mind that that happened.

Senator KOHL. In specific, did she tell you and corroborate to you that he had asked her out on numerous occasions in a manner that made her very uncomfortable and felt that she was being harassed?

Judge HOERCHNER. Yes, she did.

Senator KOHL. Ms. Wells.

Ms. WELLS. She did not get into that detail. She helped me to understand that she was the recipient of inappropriate and offensive behavior in the office.

Senator KOHL. Mr. Carr.

Mr. CARR. My recollection, at the time, is that I believed her and I believed her without question. Since recalling that conversation and listening to and hearing much of the testimony here, I have rethought that view, and I have racked my brain trying to understand it. Having done that, I nonetheless come back to the same position that I believe her.

Mr. PAUL. There is no question in my mind, Senator, that she told me she was sexually harassed by her supervisor at the EEOC and I believed her then and I believe her still.

Senator KOHL. Has she ever discussed with you being sexually harassed by anybody else, any other supervisor?

Mr. PAUL. No, Senator.

Senator KOHL. Any other evidence except this evidence with respect to Clarence Thomas?

Judge Hoerchner.

Judge HOERCHNER. She has never done so. She has been very poised in dealing with men and has had little trouble in laughing off or brushing off unwelcome advances, but in a situation like this where there is such a gross inequity in power she was not able to do so to her satisfaction.

Senator KOHL. Ms. Wells, did she ever discuss with you sexual harassment from anybody else?

Ms. WELLS. No, never, just concerning Judge Thomas.

Senator KOHL. Mr. Carr.

Mr. CARR. No, she didn't, but to be fair, we only discussed for a brief period of time. Our contact was over a limited period of time. No.

Senator KOHL. Judge Hoerchner, we have discussed today the pain and suffering that Anita Hill has endured. I would like to ask you from your vantage point, as a judge, do you have any comment to make on the pain and the suffering that has been endured by Judge Thomas' family here?

Can you give us some insight, offer some words?

Judge HOERCHNER. Yesterday Judge Thomas spoke here very eloquently about the pain that he has experienced. There is only one person to blame for that pain, and I know no one who takes any joy in his suffering. His suffering is very apparent. There is, however, only one person to blame. It is not the press. It is not the person or persons who leaked the information. It is not Anita Hill. He is suffering as a result of his own actions. And there is another person who has been suffering much, much longer. She is suffering now, she was suffering 10 years ago, and she is not suffering as a result of her actions. And that person is Anita Hill.

Senator KOHL. Anybody else wish to comment on that?

[No response.]

Senator KOHL. One more question. This is 1991, that was 1981. Do you have any comment on how you think that sexual harassment might be approached in our society today compared to 10 years ago?

Are we 10 years further ahead, or are we in the same place?

How do you imagine a woman might handle a similar situation today, Judge?

Judge HOERCHNER. Senator, even today, a woman who is 23, 24 years old, as Anita was, just out of law school, working in a situation of such tremendous inequity of power, I really could not realistically advise her that she would have adequate protection were she to make a complaint.

Senator KOHL. Ms. Wells.

Ms. WELLS. I think there is, to a certain extent, a greater sensitivity among men about this, not overwhelming, but there is a greater one. And so I have seen some progress to that extent. But if there is anything that will help women deal with this, I think it is the fact that women seem to rely so much more on one another and have a better understanding that you can come together and talk about this and the best thing to do is to talk about it and to try to work together to resolve it, and to realize that you are not the guilty party. And the sooner that you throw off that idea, the sooner that you can get some healing and some closure to it.

Senator KOHL. Mr. Carr, anything different today from 10 years ago?

If she would have called you today, versus 10 years ago and discussed her problem with you, what might you have recommended differently today from 10 years ago?

Mr. CARR. I am not sure how I would have differed today from then. I may well, at this point, being 10 years older and having a better sense of how my own career has gone and how careers do go, on the one hand been extremely cautious in advising her about the risk. On the other hand, upon reflection, I may have been more supportive of her to take the risk.

Mr. PAUL. Senator, as you know, the Supreme Court did not establish hostile work environment as a cause of action until 1987, I believe, so that in that sense perhaps we have made some progress in our understanding of the law. But I must admit, as a person who does not teach in this area and is not familiar with the law in this area, that 4 years ago when Anita Hill came to me and told me this story and said that she felt she had no recourse at the EEOC, I did not understand why. I think now, when I see what has happened to Professor Hill as a result of these hearings, as a result of coming forward, I can better understand why victims of sexual harassment don't feel that they have any recourse.

Senator KOHL. Well, I, too, want to thank you for coming here today. I think you have given us dramatic evidence of what it is like in our society today to be female and not powerful and not wealthy, and still make an attempt to try and get by what the difficulties are in many cases. In that respect, you have been very enlightening to me, I would like to hope to my colleagues, and to many millions of Americans, so I thank you for being here today.