

1 continually pressure me to go out with him, continually, and  
2 he would not accept my explanation as being valid.

3 Senator Specter. So that when you said you took it to  
4 mean, "We ought to have sex," that that was an inference that  
5 you drew?

6 Ms. Hill. Yes, yes.

7 Senator Specter. Professor Hill, the USA Today reported  
8 on October 9th, "Anita Hill was told by Senate staffers her  
9 signed affidavit alleging sexual harassment by Clarence  
10 Thomas would be the instrument that 'quietly and behind the  
11 scenes' would force him to withdraw his name." Was USA Today  
12 correct on that, attributing it to a man named Mr. Keith  
13 Henderson, a 10-year friend of Hill and former Senate  
14 Judiciary Committee staffer?

15 Ms. Hill. I do not recall. I guess--did I say that? I  
16 don't understand who said what in that quotation.

17 Senator Specter. Well, let me go on. He said, "Keith  
18 Henderson, a 10-year friend of Hill and former Senate  
19 Judiciary Committee staffer, says Hill was advised by Senate  
20 staffers that her charge would be kept secret and her name  
21 kept from public scrutiny."

22 "They would," apparently referring again to Mr.  
23 Henderson's statement, "they would approach Judge Thomas with  
24 the information and he would withdraw and not turn this into  
25 a big story, Henderson says."

1 Did anybody ever tell you that, by providing the  
2 statement, that there would be a move to request Judge Thomas  
3 to withdraw his nomination?

4 Ms. Hill. I don't recall any story about pressing,  
5 using this to press anyone.

6 Senator Specter. Well, do you recall anything at all  
7 about anything related to that?

8 Ms. Hill. I think that I was told that my statement  
9 would be shown to Judge Thomas, and I agreed to that.

10 Senator Specter. But was there any suggestion, however  
11 slight, that the statement with these serious charges would  
12 result in a withdrawal so that it wouldn't have to be  
13 necessary for your identity to be known or for you to come  
14 forward under circumstances like these?

15 Ms. Hill. There was--no, not that I recall. I don't  
16 recall anything being said about him being pressed to resign.

17 Senator Specter. Well, this would only have happened in  
18 the course of the past month or so, because all this started  
19 just in early September.

20 Ms. Hill. I understand.

21 Senator Specter. So that when you say you don't recall,  
22 I would ask you to search your memory on this point, and  
23 perhaps we might begin--and this is an important subject--  
24 about the initiation of this entire matter with respect to  
25 the Senate staffers who talked to you. But that is going to

1 be too long for the few minutes that I have left, so I would  
 2 just ask you once again, and you say you don't recollect,  
 3 whether there was anything at all said to you by anyone that,  
 4 as USA Today reports, that just by having the allegations of  
 5 sexual harassment by Clarence Thomas, that it would be the  
 6 instrument that "quietly and behind the scenes" would force  
 7 him to withdraw his name. Anything related to that in any  
 8 way whatsoever?

9 Ms. Hill. The only thing that I can think of, and if  
 10 you will check, there were a lot of phone conversations. We  
 11 were discussing this matter very carefully, and at some point  
 12 there might have been a conversation about what might happen.

13 Senator Specter. Might have been?

14 Ms. Hill. There might have been, but that wasn't--I  
 15 don't remember this specific kind of comment about "quietly  
 16 and behind the scenes" pressing him to withdraw.

17 Senator Specter. Well, aside from "quietly and behind  
 18 the scenes" pressing him to withdraw, any suggestion that  
 19 just the charges themselves, in writing, would result in  
 20 Judge Thomas withdrawing, going away?

21 Ms. Hill. No, no. I don't recall that at all, no.

22 Senator Specter. Well, you started to say that there  
 23 might have been some conversation, and it seemed to me--

24 Ms. Hill. There might have been some conversation about  
 25 what could possibly occur.

1 Senator Specter. Well, tell me about that conversation.

2 Ms. Hill. Well, I can't really tell you any more than  
3 what I have said. I discussed what the alternatives were,  
4 what might happen with this affidavit that I submitted. We  
5 talked about the possibility of the Senate committee coming  
6 back for more information. We talked about the possibility  
7 of the FBI, asking, going to the FBI and getting more  
8 information; some questions from individual Senators. I  
9 just, the statement that you are referring to, I really can't  
10 verify.

11 Senator Specter. Well, when you talk about the Senate  
12 coming back for more information or the FBI coming back for  
13 more information or Senators coming back for more information,  
14 that has nothing to do at all with Judge Thomas withdrawing,  
15 so that when you testified a few moments ago that there might  
16 possibly have been a conversation, in response to my question  
17 about a possible withdrawal, I would press you on that,  
18 Professor Hill, in this context: You have testified with  
19 some specificity about what happened 10 years ago. I would  
20 ask you to press your recollection as to what happened within  
21 the last month.

22 Ms. Hill. And I have done that, Senator, and I don't  
23 recall that comment. I do recall that there might have been  
24 some suggestion that if the FBI did the investigation, that  
25 the Senate might get involved, that there may be--that a

④ } 1 number of things might occur, but I really, I have to be  
2 honest with you, I cannot verify the statement that you are  
3 asking me to verify. There is not really more that I can  
4 tell you on that.

5 Senator Specter. Well, when you say a number of things  
6 might occur, what sort of things?

7 Ms. Hill. May I just add this one thing?

8 Senator Specter. Sure.

9 Ms. Hill. The nature of that kind of conversation that  
10 you are talking about is very different from the nature of  
11 the conversation that I recall. The conversations that I  
12 recall were much more vivid. They were more explicit. The  
13 conversations that I have had with the staff over the last  
14 few days in particular have become much more blurry, but  
15 these are vivid events that I recall from even eight years  
16 ago when they happened, and they are going to stand out much  
17 more in my mind than a telephone conversation. They were  
18 one-on-one, personal conversations, as a matter of fact, and  
19 that adds to why they are much more easily recalled. I am  
20 sure that there are some comments that I do not recall the  
21 exact nature of from that period, as well, but these that are  
22 here are the ones that I do recall.

23 Senator Specter. Well, Professor Hill, I can understand  
24 why you say that these comments, alleged comments, would  
25 stand out in your mind, and we have gone over those. I don't

1 want to go over them again. But when you talk about the  
2 withdrawal of a Supreme Court nominee, you are talking about  
3 something that is very, very vivid, stark, and you are  
4 talking about something that occurred within the past four or  
5 five weeks, and my question goes to a very dramatic and  
6 important event. If a mere allegation would pressure a  
7 nominee to withdraw from the Supreme Court, I would suggest  
8 to you that that is not something that wouldn't stick in a  
9 mind for four or five weeks, if it happened.

10 Ms. Hill. Well, Senator, I would suggest to you that  
11 for me these are more than mere allegations, so that if that  
12 comment were made--these are the truth to me, these comments  
13 are the truth to me--and if it were made, then I may not  
14 respond to it in the same way that you do.

15 Senator Specter. Well, I am not questioning your  
16 statement when I use the word "allegation" to refer to 10  
17 years ago. I just don't want to talk about it as a fact  
18 because so far that is something we have to decide, so I am  
19 not stressing that aspect of the question. I do with respect  
20 to the time period, but the point that I would come back to  
21 for just one more minute would be--well, let me ask it to you  
22 this way.

23 Ms. Hill. Okay.

(5) 24 Senator Specter. Would you not consider it a matter of  
25 real importance if someone said to you, "Professor, you won't

1 have to go public. Your name won't have to be disclosed.  
2 You won't have to do anything. Just sign the affidavit and  
3 this," as the USA Today report, would be the instrument that  
4 "quietly and behind the scenes" would force him to withdraw  
5 his name. Now I am not asking you whether it happened. I am  
6 asking you now only, if it did happen, whether that would be  
7 the kind of a statement to you which would be important and  
8 impressed upon you, that you would remember in the course of  
9 four or five weeks.

10 Ms. Hill. I don't recall a specific statement, and I  
11 cannot say whether that comment would have stuck in my mind.  
12 I really cannot say that.

13 Senator Specter. The sequence with the staffers is very  
14 involved, so I am going to move to another subject now, but I  
15 want to come back to this. Over the luncheon break, I would  
16 ask you to think about it further, if there is any way you  
17 can shed any further light on that question, because I think  
18 it is an important one.

19 Ms. Hill. Okay. Thank you.

20 Senator Specter. Professor Hill, the next subject I  
21 want to take up with you involves the kind of strong language  
22 which you say Judge Thomas used in a very unique setting,  
23 where there you have the Chairman of the EEOC, the Nation's  
24 chief law enforcement officer on sexual harassment, and here  
25 you have a lawyer who is an expert in this field, later goes

1 on to teach civil rights and has a dedication to making sure  
2 that women are not discriminated against. And if you take  
3 the single issue of discrimination against women, the  
4 Chairman of the EEOC has a more important role on that  
5 question even than a Supreme Court justice--a Supreme Court  
6 justice is a more important position overall, but if you  
7 focus just on sexual harassment.

8         The testimony that you described here today depicts a  
9 circumstance where the Chairman of the EEOC is blatant, as  
10 you describe it, and my question is: Understanding the fact  
11 that you are 25 and that you are shortly out of law school  
12 and the pressures that exist in this world--and I know about  
13 it to a fair extent, I used to be a district attorney and I  
14 know about sexual harassment and discrimination against women  
15 and I think I have some sensitivity on it--but even  
16 considering all of that, given your own expert standing and  
17 the fact that here you have the chief law enforcement officer  
18 of the country on this subject and the whole purpose of the  
19 civil right law is being perverted right in the office of the  
20 Chairman with one of his own female subordinates, what went  
21 through your mind, if anything, on whether you ought to come  
22 forward at that stage, because if you had, you would have  
23 stopped this man from being head of the EEOC perhaps for  
24 another decade? What went on through your mind? I know you  
25 decided not to make a complaint, but did you give that any



1 consideration, and, if so, how could you allow this kind of  
2 reprehensible conduct to go on right in the headquarters,  
3 without doing something about it?

4 Ms. Hill. Well, it was a very trying and difficult  
5 decision for me not to say anything further. I can only say  
6 that when I made the decision to just withdraw from the  
7 situation and not press as claim or charge against him, that  
8 I may have shirked a duty, a responsibility that I had, and  
9 to that extent I confess that I am very sorry that I did not  
10 do something or say something, but at the time that was my  
11 best judgment. Maybe it was as poor judgment, but it wasn't  
12 a dishonest and it wasn't a completely unreasonable choice  
13 that I made, given the circumstances.

14 Senator Specter. My right light is on. Thank you very  
15 much, Professor Hill.

16 Thank you, Mr. Chairman.

17 The Chairman. Thank you, Senator.

18 Thank you, Professor Hill.

19 We will adjourn until 2:15. We will reconvene at 2:15.

20 [Whereupon, at 1:10 p.m., the committee was recessed, to  
21 reconvene at 2:15 p.m., the same day.]

1 Mr. Chairman, that is all I have.

2 The Chairman. Thank you.

3 Senator Thurmond. Senator Specter, do you want to  
4 proceed?

5 Senator Specter. Yes, thank you, Mr. Chairman.

6 When my time expired we were up to the contact you had  
7 with Mr. Brudney on September 9th. If you could proceed from  
8 there to recount who called you and what those conversations  
9 consisted of as it led to your coming forward to the  
10 committee?

11 Ms. Hill. Well, we discussed a number of different  
12 issues. We discussed one, what he knew about the law on  
13 sexual harassment. We discussed what he knew about the  
14 process for bringing information forward to the committee.  
15 And in the course of our conversations Mr. Brudney asked me  
16 what were specifics about what it was that I had experienced.

17 In addition, we talked about the process for going  
18 forward. What might happen if I did bring information to the  
19 committee. That included that an investigation might take  
20 place, that I might be questioned by the committee in closed  
21 session. It even included something to the effect that the  
22 information might be presented to the candidate or to the  
23 White House. There was some indication that the candidate  
24 or, excuse me, the nominee might not wish to continue the  
25 process.

1           Senator Specter. Mr. Brudney said to you that the  
2 nominee, Judge Thomas, might not wish to continue the process  
3 if you came forward with a statement on the factors which you  
4 have testified about?

5           Ms. Hill. Well, I am not sure that that is exactly what  
6 he said. I think what he said was, depending on an  
7 investigation, a Senate, whether the Senate went into closed  
8 session and so forth, it might be that he might not wish to  
9 continue the process.

10          Senator Specter. So Mr. Brudney did tell you that Judge  
11 Thomas might not wish to continue to go forward with his  
12 nomination, if you came forward?

13          Ms. Hill. Yes.

14          Senator Specter. Isn't that somewhat different from  
15 your testimony this morning?

16          Ms. Hill. My testimony this morning involved my  
17 response to this USA newspaper report and the newspaper  
18 report suggested that by making the allegations that that  
19 would be enough that the candidate would quietly and somehow  
20 withdraw from the process. So, no, I do not believe that it  
21 is at variance. We talked about a number of different  
22 options. But it was never suggested that just by alleging  
23 incidents that that might, that that would cause the nominee  
24 to withdraw.

25          Senator Specter. Well, what more could you do than make

1 allegations as to what you said occurred?

2 Ms. Hill. I could not do any more but this body could.

3 Senator Specter. Well, but I am now looking at your  
4 distinguishing what you have just testified to from what you  
5 testified to this morning. And this morning I had asked you  
6 about just one sentence from the USA Today news, "Anita Hill  
7 was told by Senate Staffers that her signed affidavit  
8 alleging sexual harassment by Clarence Thomas would be the  
9 instrument that quietly and behind the scenes would force him  
10 to withdraw his name."

11 And now you are testifying that Mr. Brudney said that if  
12 you came forward and made representations as to what you said  
13 happened between you and Judge Thomas, that Judge Thomas  
14 might withdraw his nomination?

15 Ms. Hill. I guess, Senator, the difference in what you  
16 are saying and what I am saying is that that quote seems to  
17 indicate that there would be no intermediate steps in the  
18 process. What we were talking about was process. What could  
19 happen along the way. What were the possibilities? Would  
20 there be a full hearing? Would there be questioning from the  
21 FBI? Would there be questioning by some individual members  
22 of the Senate?

23 We were not talking about or even speculating that  
24 simply alleging this would cause someone to withdraw.

25 Senator Specter. Well, if your answer now turns on

1 process, all I can say is that it would have been much  
2 shorter had you said, at the outset, that Mr. Brudney told  
3 you that if you came forward Judge Thomas might withdraw.  
4 That is the essence as to what occurred.

5 Ms. Hill. No, it is not. I think we differ on our  
6 interpretation of what I said.

7 Senator Specter. Well, what am I missing here?

8 Senator Kennedy. Mr. Chairman, can we let the witness  
9 speak in her own words, rather than having words put in her  
10 mouth?

11 Senator Specter. Mr. Chairman, I object to that. I  
12 object to that vociferously. I am asking questions here. If  
13 Senator Kennedy has anything to say let him participate in  
14 this hearing.

15 The Chairman. Now, let everybody calm down. Professor  
16 Hill, give your interpretation to what was asked by Senator  
17 Specter. And then he can ask you further questions.

18 Ms. Hill. My interpretation--

19 Senator Thurmond. Speak into the microphone, so we can  
20 hear you.

21 Ms. Hill. I understood Mr. Specter's question to be  
22 what kinds of conversation did I have regarding this  
23 information. I was attempting, in talking to the staff, to  
24 understand how the information would be used, what I would  
25 have to do, what might be the outcome of such a use. We

1 talked about a number of possibilities, but there was never  
2 any indication that, by simply making these allegations, the  
3 nominee would withdraw from the process. No one ever said  
4 that and I did not say that anyone ever said that.

5 We talked about the form that the statement would come  
6 in, we talked about the process that might be undertaken  
7 post-statement, and we talked about the possibilities of  
8 outcomes, and included in that possibility of outcome was that  
9 the committee could decide to review the point and that the  
10 nomination, the vote could continue, as it did.

11 Senator Specter. So that, at some point in the process,  
12 Judge Thomas might withdraw?

13 Ms. Hill. Again, I would have to respectfully say that  
14 is not what I said. That was one of the possibilities, but  
15 it would not come from a simple, my simply making an  
16 allegation.

17 Senator Specter. Professor Hill, is that what you meant  
18 when you said earlier, as best I could write it down, that  
19 you would control it, so it would not get to this point?

20 Ms. Hill. Pardon me?

21 Senator Specter. Is that what you meant, when you  
22 responded earlier to Senator Biden, that the situation would  
23 be controlled "so that it would not get to this point in the  
24 hearings"?

25 Ms. Hill. Of the public hearing. In entering into

1 these conversations with the staff members, what I was trying  
2 to do was control this information, yes, so that it would not  
3 get to this point.

4 Senator Specter. Thank you very much.

5 The Chairman. Thank you, Senator.

6 Now, Professor Hill, with your continued indulgence,  
7 what we will do is, I will yield to my colleagues,  
8 alternating, and limit their questions to 5 minutes, if I  
9 may, and I would begin with my friend from Massachusetts,  
10 Senator Kennedy.

11 Senator Kennedy. Thank you, Mr. Chairman. I will just  
12 take a moment.

13 I know this has been an extraordinary long day for you,  
14 Professor Hill, and it obviously has been for Judge Thomas,  
15 as well, and I know for your family. I just want to pay  
16 tribute to both your courage in this whole procedure and for  
17 your eloquence and for the dignity with which you have  
18 conducted yourself, and, as is quite clear, from observing  
19 your comments, for the anguish and pain which you have had to  
20 experience today in sharing with millions of Americans. This  
21 has been a service and we clearly have to make a judgment.  
22 It certainly I think has been a very important service.

23 Let me just say, as far as I am concerned, I think it  
24 has been enormously important to millions of Americans. I do  
25 not think that this country is ever going to look at sexual