

The CHAIRMAN. Thank you, very much.

Professor, before I begin my questioning, I notice there are a number of people sitting behind you. Are any of them your family members that you would like to introduce?

Ms. HILL. Well, actually my family members have not arrived yet. Yes, they have. They are outside the door, they were not here for my statement.

The CHAIRMAN. We will make room for your family to be able to sit.

Ms. HILL. It is a very large family, Senator.

The CHAIRMAN. Well, we will begin but attempt to accommodate as quietly as we can what may be an unusual arrangement. I might ask, is everyone who is sitting behind you necessary? Maybe they could stand and let your family sit. I would assume the reason that—to make it clear—the reason that your family is not here at the moment is that you did not anticipate coming. If those do not need to be seated behind Miss Hill could stand with the rest of our staffs, we could seat the family.

We will try to get a few more chairs, if possible, but we should get this underway. We may, at some point, Professor Hill, attempt to accommodate either your counsel and/or your family members with chairs down the side here. They need not all be up front here.

Fine, we can put them in the back, as well.

Now, there are two chairs on the end here, folks. We must get this hearing moving. There are two chairs on the end here. We will find everyone a seat but we must begin.

Now, Professor Hill, at the risk of everyone behind you standing up, would you be kind enough to introduce your primary family members to us.

Ms. HILL. I would like to introduce, first of all, my father, Albert Hill.

The CHAIRMAN. Mr. Hill, welcome.

Ms. HILL. My mother, Erma Hill.

The CHAIRMAN. Mrs. Hill.

Ms. HILL. My mother is going to be celebrating her 80th birthday on the 16th.

The CHAIRMAN. Happy birthday, in advance.

Ms. HILL. My sister, my eldest sister, Elreatha Lee is here; my sister Jo Ann Fennell, my sister Coleen Gilcrist, my sister Joyce Baird.

The CHAIRMAN. I welcome you all. I am sorry?

Ms. HILL. My brother, Ray Hill.

The CHAIRMAN. Thank you, Professor.

Ms. HILL. I would also—I am sorry.

The CHAIRMAN. Please?

Ms. HILL. I would also like to introduce my counsel at this time.

The CHAIRMAN. Yes; that would be appropriate.

Ms. HILL. Mr. Gardner, Ms. Susan Roth, and Mr. Charles Ogeltree.

The CHAIRMAN. Thank you.

Now, professor, thank you for your statement and your introductions and I think it is important that the committee understand a little more about your background and your work experience

before we get into the specific allegations that you have made in your statement.

I understand, as you have just demonstrated, you come from a large family and I have been told that you have indicated that you are the youngest in the family, is that correct?

Ms. HILL. Yes, I am.

The CHAIRMAN. Now, I assume, like all families, they have been a great help and assistance to you. Let me ask you tell me again your educational background for the record?

Ms. HILL. I went to primary, elementary and secondary school in Okmulge County, and Morris High School, Morris Jr. High and Erim Grade School in reverse order. I went to Oklahoma State University starting in 1973 and graduated in 1977 from Oklahoma State University with a degree in psychology, and in 1977 I began attending Yale Law School. I graduated, received my J.D. degree from there in 1980.

The CHAIRMAN. Now, what was your first job after graduation from law school?

Ms. HILL. I worked at the firm of Wald, Harkrader & Ross.

The CHAIRMAN. How did you acquire the job—that is a Washington law firm?

Ms. HILL. That is a Washington, DC, law firm.

The CHAIRMAN. And how did you acquire that job?

Ms. HILL. Through the interviewing process. The first interview took place at Yale Law School. I was interviewed for that job. I don't remember the names of the interviewers. I was called to Washington for an interview in the office, of Wald, Harkrader & Ross, I was interviewed by a number of people and I accepted an appointment with them.

Now, I will say that that interview process was proceeded by work that I had done with them as a summer associate, and so the interview process the second time around was really, actually I will say that the interview process took place before the summer associate and then at the end of that summer associateship I was asked to work there full time.

The CHAIRMAN. Who was your immediate supervisor when you were at that law firm?

Ms. HILL. Well, a number of individuals. I worked with a number of different attorneys on different projects.

The CHAIRMAN. So, it would the budget you we are working on?

Ms. HILL. Yes.

The CHAIRMAN. Now, what type of work did you do while you were at the law firm? Was it specialized, or did you do whatever was asked by any of the partners?

Ms. HILL. Well, since I worked there for only 1 year, I was a fairly new associate, most of my work was basically what was available and when I had time available to do it. However, I did some Federal Trade work, I did some environmental law work there, and I participated in the drafting of a manual on banking law while I was there.

The CHAIRMAN. Now, did you decide you wanted to leave that law firm, or was it suggested to you?

Ms. HILL. It was never—

The CHAIRMAN. Did someone approach you and say there's another job you might like, or did you indicate that you would like to leave the law firm to seek another job?

Ms. HILL. I was interested in seeking other employment. It was never suggested to me at the firm that I should leave the law firm in any way.

The CHAIRMAN. How old were you at this time?

Ms. HILL. At the time, I was 24 years old.

The CHAIRMAN. Now, were you dissatisfied at the law firm? Why did you want to leave?

Ms. HILL. Well, I left the law firm because I wanted to pursue other practice, in other practice other than basically the commercial practice, civil practice that was being done at the law firm. I was not dissatisfied with the quality of the work or the challenges of the work. I thought that I would be more personally fulfilled if I pursued other fields of the law.

The CHAIRMAN. Now, again, were you approached as to the opportunity at the Department of Education, or were you aware that there was a potential opening and you sought it out?

Ms. HILL. I spoke only with Clarence Thomas about the possibility of working at the—

The CHAIRMAN. Excuse me. How did you get to Clarence Thomas, that is my question?

Ms. HILL. I was introduced to him by a mutual friend.

The CHAIRMAN. Was the mutual friend a member of the law firm for which you worked?

Ms. HILL. Yes, and his name is Gilbert Hardy. He was a member of the firm for which I worked, Wald, Harkrader & Ross.

The CHAIRMAN. You had expressed to Mr. Hardy that you would like to move into government or move out of the practice? Were you specific in what you wanted to do?

Ms. HILL. I told him only that I was interested in pursuing something other than private practice.

The CHAIRMAN. Now, some of the activities of the Office of Civil Rights at the time were pretty controversial. We heard testimony, in fact, about the fact the office was under court order to change its practice for carrying out its duties, and some have suggested that Mr. Thomas had done an exemplary job in changing things, and some have suggested otherwise.

Did the controversy surrounding the office detract from your interest in taking this job, or did you consider it?

Ms. HILL. I certainly considered it. I considered the fact that there was talk about abolishing the office. I considered all of those things, but I saw this as an opportunity to do some work that I may not get at another time.

The CHAIRMAN. Did you think this was as good job?

Ms. HILL. Pardon me?

The CHAIRMAN. Did you view this as a good job, or did you view this as an intermediate step?

Ms. HILL. I viewed it as a good job, yes.

The CHAIRMAN. Can you describe for the committee your duties, initial duties when you arrived at the Department of Education, in the civil rights area? What were your duties?

Ms. HILL. My duties were really special projects and special research. A lot of the special projects involved commenting on Office for Civil Rights policies, it involved doing research on education issues as they related to socioeconomic factors, and so forth.

The CHAIRMAN. Was Judge Thomas your direct supervisor? Did you report to anyone else but Judge Thomas at the time?

Ms. HILL. I reported only to Judge Thomas.

The CHAIRMAN. So, the Department of Education, your sole immediate supervisor was Judge Thomas?

Ms. HILL. Yes.

The CHAIRMAN. And what was your title?

Ms. HILL. Attorney adviser.

The CHAIRMAN. Attorney adviser. Now, did you have reason to interact with Judge Thomas in that capacity very often during the day?

Ms. HILL. We interacted regularly.

The CHAIRMAN. Did you attend meetings with Judge Thomas?

Ms. HILL. I would attend some meetings, but not all of the meetings that he attended.

The CHAIRMAN. Perhaps you would be willing to describe to the committee what a routine work day was at that phase of your career in working with Judge Thomas.

Ms. HILL. Well, it could—I am not sure there was any such thing as a routine work day. Some days I would go in, I might be asked to respond to letters that Judge Thomas had received, I might be asked to look at memos that had come from the various offices in the Office for Civil Rights.

If there was as meeting which Judge Thomas needed to attend, that he wanted someone there to take information or to help him with information, I might be asked to do that.

The CHAIRMAN. Where was your office physically located relative to Judge Thomas' office?

Ms. HILL. His office was set up down the hall from mine. Inside his set of offices, there was a desk for his secretary and then his office was behind a closed door. My office was down the hall, it was separated from his office.

The CHAIRMAN. Can you describe to us how it was that you came to move over to the EEOC with Judge Thomas?

Ms. HILL. Well, my understanding of—I did not have much notice that Judge Thomas was moving over to the EEOC. My understanding from him at that time was that I could go with him to the EEOC, that I did not have—since I was his special assistant, that I did not have a position at the Office for Education, but that I was welcome to go to the EEOC with him.

It was as very tough decision, because this behavior occurred. However, at the time that I went to the EEOC, there was as period—or prior to the time we went to the EEOC, there was as period where the incidents had ceased, and so after some consideration of the job opportunities in the area, as well as the fact that I was not assured that my job at Education was going to be protected, I made a decision to move to the EEOC.

The CHAIRMAN. Were you not assured of that, because you were a political appointee, or were you not assured of it because—tell me why you felt you weren't assured of that.

Ms. HILL. Well, there were two reasons, really. One, I was a special assistant of a political appointee, and, therefore, I assumed and I was told that that position may not continue to exist. I didn't know who was going to be taking over the position. I had not been interviewed to become the special assistant of the new individual, so I assumed they would want to hire their own, as Judge Thomas had done.

In addition, the Department of Education at that time was scheduled to be abolished. There had been a lot of talk about it, and at that time it was truly considered to be on its way out, and so, for a second reason, I could not be certain that I would have a position there.

The CHAIRMAN. Now, when you moved over to EEOC, can you recall for us, to the best of your ability, how that offer came about? Did you inquire of Judge Thomas whether or not you could go to EEOC? Did he suggest it? Do you recall?

Ms. HILL. I recall that when the appointment at the EEOC became firm, that I was called into his office, and I believe Diane Holt was there, too, and—

The CHAIRMAN. Diane Holt, his personal secretary?

Ms. HILL. Diane Holt was his secretary at Education. We were there and he made the announcement about the appointment and assured us that we could go to the EEOC with him.

The CHAIRMAN. Now, when you went to EEOC, what were your duties there?

Ms. HILL. Well, my duties were really varied, because it was a much larger organization, there were so many more functions of the organization, my primary duties were to be the liaison to the Office of Congressional Affairs and the Office of Review and Appeals, so that I reviewed a number of the cases that came up on appeal, to make certain our office had given proper consideration, I acted as a liaison to the press sometimes for the Chairman's office, through Congressional Affairs and Public Relations.

I had some additional responsibilities as special projects came along.

The CHAIRMAN. Did you have as much occasion to interact personally with Judge Thomas at EEOC as you had with him at the Department of Education?

Ms. HILL. No, no. We were much busier. We were all much busier and the work that we did was work that did not necessarily require as much interaction. A lot of times, at the Education Department, the work required some—there were policy decisions that were to be made and we were trying to do an evaluation of the program, so there was more interaction at that time. At EEOC, there were just projects that had to get out, and so there was less of an opportunity for interaction.

The CHAIRMAN. Who was your immediate supervisor at EEOC?

Ms. HILL. At the EEOC, initially, Clarence Thomas was my immediate supervisor. After a period, Allyson Duncan was appointed to be the Director of the Staff. Initially, the staff consisted of two special assistants, myself and Carleton Stewart. The staff eventually grew to a larger number of assistants, and Allyson Duncan was brought up from the Legal Counsel's Office to take control of that situation.

The CHAIRMAN. Now, how long were you at EEOC with Judge Thomas before Allyson Duncan became the chief of staff?

Ms. HILL. I don't recall.

The CHAIRMAN. Once she became the chief of staff, was she the person who gave you assignments most often and to whom you reported most often?

Ms. HILL. That's right. Occasionally, at the staff meeting assignments would be given out, but that was held only 1 day a week, so during the rest of the week when things came up, Allyson was in charge of giving out assignments.

The CHAIRMAN. Now, did the Judge's chief of staff report directly to him, or did she have an intermediate supervisor?

Ms. HILL. No, she reported directly to him, as I understand.

The CHAIRMAN. Who prepared your performance evaluation?

Ms. HILL. I understood that Judge Thomas prepared the performance evaluations.

The CHAIRMAN. Did the chief of staff, to the best of your knowledge, have the power to fire you?

Ms. HILL. Not to my knowledge.

The CHAIRMAN. Who had that power?

Ms. HILL. Judge Thomas.

The CHAIRMAN. Was there anyone else at EEOC that you believe possessed that power?

Ms. HILL. No; not for that office.

The CHAIRMAN. Was Judge Thomas still then your ultimate boss and the boss of the entire office?

Ms. HILL. Yes.

The CHAIRMAN. Now, was there any routine work day at EEOC that you could describe for the committee?

Ms. HILL. Actually, most of the work that we did, unlike at Education, most of the work was responding to internal memos, instead of responding to things that had come from outside. There were many more of those, because there were many more offices, and so each of us were responsible for a certain area, would respond to a memo or write up a memo to be sent to the Chairman for his response.

We also had hearings and there was always a special assistant who was assigned to sit in the Commission hearings, and so some days, if we were having hearings, well, one of the special assistants—very often it was me—would sit in the hearing to provide the Chairman with information.

During the days of the week that we were not having hearings, we had to prepare the Chairman for the hearings themselves, so that we had to go through the files on the hearings and the records and brief the Chairman on those or write memos that briefed the Chairman on them.

The CHAIRMAN. Professor, you have testified that you had regular contact with Judge Thomas at the Department of Education and you have just described the extent of your contact with Judge Thomas at EEOC, and you have described your professional interaction with him.

Now, I must ask you to describe once again, and more fully, the behavior that you have alleged he engaged in while your boss, which you say went beyond professional conventions, and which

was unwelcome to you. Now, I know these are difficult to discuss, but you must understand that we have to ask you about them.

Professor, did some of the attempts at conversation you have described in your opening statement occur in your office or in his office?

Ms. HILL. Some occurred in his office, some comments were made in mine. Most often they were in his office.

The CHAIRMAN. Did all of the behavior that you have described to us in your written statement to the committee and your oral statement now and what you have said to the FBI, did all of that behavior take place at work?

Ms. HILL. Yes, it did.

The CHAIRMAN. Now, I would like you to go back——

Ms. HILL. Let me clarify that. If you are including a luncheon during the workday to be at work, yes.

The CHAIRMAN. I am just trying to determine, it was what you described and what you believe to be part of the workday?

Ms. HILL. Yes.

The CHAIRMAN. Now, I have to ask you where each of these events occurred? If you can, to the best of your ability, I would like you to recount for us where each of the incidents that you have mentioned in your opening statement occurred, physically where they occurred.

Ms. HILL. Well, I remember two occasions these incidents occurred at lunch in the cafeteria——

The CHAIRMAN. Do you remember which of those two incidents were at lunch, professor?

Ms. HILL. The——

The CHAIRMAN. Let me ask this, as an antecedent question: Were you always alone when the alleged conversations would begin or the alleged statements by Judge Thomas would begin?

Ms. HILL. Well, when the incidents occurred in the cafeteria, we were not alone. There were other people in the cafeteria, but because the way the tables were, there were few individuals who were within the immediate area of the conversation.

The CHAIRMAN. Of those incidents that occurred in places other than in the cafeteria, which ones occurred in his office?

Ms. HILL. Well, I recall specifically that the incident about the Coke can occurred in his office at the EEOC.

The CHAIRMAN. And what was that incident again?

Ms. HILL. The incident with regard to the Coke can, that statement?

The CHAIRMAN. Once again for me, please?

Ms. HILL. The incident involved his going to his desk, getting up from a worktable, going to his desk, looking at this can and saying, "Who put public hair on my Coke?"

The CHAIRMAN. Was anyone else in his office at the time?

Ms. HILL. No.

The CHAIRMAN. Was the door closed?

Ms. HILL. I don't recall.

The CHAIRMAN. Are there any other incidents that occurred in his office?

Ms. HILL. I recall at least one instance in his office at the EEOC where he discussed some pornographic material and he brought up the substance or the content of pornographic material.

The CHAIRMAN. Again, it is difficult, but for the record, what substance did he bring up in this instance at EEOC in his office? What was the content of what he said?

Ms. HILL. This was a reference to an individual who had a very large penis and he used the name that he had referred to in the pornographic material—

The CHAIRMAN. Do you recall what it was?

Ms. HILL. Yes; I do. The name that was referred to was Long John Silver.

The CHAIRMAN. Were you working on any matter in that context, or were you just called into the office? Do you remember the circumstances of your being in the office on that occasion?

Ms. HILL. Very often, I went in to report on memos that I had written. I'm sure that's why I was in the office. What happened generally was that I would write a note to Clarence Thomas and he would call me in to talk about what I had written to him, and I believe that's what happened on that occasion.

The CHAIRMAN. Let's go back to the first time that you alleged Judge Thomas indicated he had more than a professional interest in you. Do you recall what the first time was and, with as much precision as you can, what he said to you?

Ms. HILL. As I recall, it either happened at lunch or it happened in his office when he said to me, very casually, "you are to go out with me some time."

The CHAIRMAN. You ought to or you are to?

Ms. HILL. You ought to.

The CHAIRMAN. Was that the extent of that incident?

Ms. HILL. That was the extent of that incident. At that incident, I declined and at that incident I think he may have said something about, you know, he didn't understand why I didn't want to go out with him, and the conversation may have ended.

The CHAIRMAN. Would you describe for the committee how you felt when he asked you out? What was your reaction?

Ms. HILL. Well, my reaction at that time was a little surprised, because I had not indicated to him in any way that I was interested in dating him. We had developed a good working relationship; it was cordial and it was very comfortable, so I was surprised that he was interested in something else.

The CHAIRMAN. With regard to the other incidents—and my time is running down, and I will come back to them—but with regard to the other incidents that you mentioned in your opening statement, can you tell us how you felt at the time? Were you uncomfortable, were you embarrassed, did it not concern you? How did you feel about it?

Ms. HILL. The pressure to go out with him I felt embarrassed about because I had given him an explanation, that I thought it was not good for me, as an employee, working directly for him, to go out. I thought he did not take seriously my decision to say no, and that he did not respect my having said no, to him.

I—the conversations about sex, I was much more embarrassed and humiliated by. The two combined really made me feel sort of

helpless in a job situation because I really wanted to do the work that I was doing; I enjoyed that work. But I felt that that was being put in jeopardy by the other things that were going on in the office. And so, I was really, really very troubled by it and distressed over it.

The CHAIRMAN. Can you tell the committee what was the most embarrassing of all the incidents that you have alleged?

Ms. HILL. I think the one that was the most embarrassing was this discussion of pornography involving women with large breasts and engaged in a variety of sex with different people, or animals. That was the thing that embarrassed me the most and made me feel the most humiliated.

The CHAIRMAN. If you can, in his words—not yours—in his words, can you tell us what, on that occasion, he said to you? You have described the essence of the conversation. In order for us to determine—well, can you tell us, in his words, what he said?

Ms. HILL. I really cannot quote him verbatim. I can remember something like, you really ought to see these films that I have seen or this material that I have seen. This woman has this kind of breasts or breasts that measure this size, and they got her in there with all kinds of things, she is doing all kinds of different sex acts. And, you know, that kind of, those were the kinds of words. Where he expressed his enjoyment of it, and seemed to try to encourage me to enjoy that kind of material, as well.

The CHAIRMAN. Did he indicate why he thought you should see this material?

Ms. HILL. No.

The CHAIRMAN. Why do you think, what was your reaction, why do you think he was saying these things to you?

Ms. HILL. Well, coupled with the pressures about going out with him, I felt that implicit in this discussion about sex was the offer to have sex with him, not just to go out with him. There was never any explicit thing about going out to dinner or going to a particular concert or movie, it was, "we ought to go out" and given his other conversations I took that to mean, we ought to have sex or we ought to look at these pornographic movies together.

The CHAIRMAN. Professor, at your press conference, one of your press conferences, you said that the issue that you raised about Judge Thomas was "an ugly issue". Is that how you viewed these conversations?

Ms. HILL. Yes. They were very ugly. They were very dirty. They were disgusting.

The CHAIRMAN. Were any one of these conversations—this will be my last question, my time is up—were any one of these conversations, other than being asked repeatedly to go out, were any one of them repeated more than once? The same conversation, the reference to—

Ms. HILL. The reference to his own physical attributes was repeated more than once, yes.

The CHAIRMAN. Now, again, for the record, did he just say I have great physical attributes or was he more graphic?

Ms. HILL. He was much more graphic.

The CHAIRMAN. Can you tell us what he said?

Ms. HILL. Well, I can tell you that he compared his penis size, he measured his penis in terms of length, those kinds of comments.

The CHAIRMAN. Thank you.

My time is up, under our agreement. By the way, I might state once again that we have agreed to go back and forth in half-hour conversation on each side; when the principals have finished asking questions, those members who have not been designated to ask questions, since all have been keenly involved and interested in this on both sides, will have an opportunity to ask questions for 5 minutes.

But let me now yield to my friend from Pennsylvania, Senator Spector.

Senator SPECTER. Thank you, Mr. Chairman.

Professor Hill, I have been asked to question you by Senator Thurmond, the ranking Republican, but I do not regard this as an adversary proceeding.

Ms. HILL. Thank you.

Senator SPECTER. My duties run to the people of Pennsylvania, who have elected me, and in the broader sense, as a U.S. Senator to constitutional government and the Constitution.

My purpose, as is the purpose of the hearing, generally, is to find out what happened.

Ms. HILL. Certainly.

Senator SPECTER. We obviously have a matter of enormous importance from a lot of points of view. The integrity of the Court is very important. It is very important that the Supreme Court not have any member who is tainted or have a cloud. In our society we can accept unfavorable decisions from the Court if we think they are fairly arrived at.

The CHAIRMAN. Senator, excuse me for interrupting but some of our colleagues on this end, cannot hear you. Can you pull that closer? I know that makes it cumbersome.

Senator SPECTER. I have tried carefully to avoid that.

The CHAIRMAN. Well, it worked.

Senator SPECTER. You can hear me all right, can you not, Professor Hill?

Ms. HILL. Yes, I can.

Senator SPECTER. OK. But I was just saying, about the importance of the Court where there should be a feeling of confidence and fairness with the decisions, as we parties can take unfavorable decisions if they think they are being treated fairly. I think this hearing is very important to the Senate and to this committee, because by 20-20 hindsight we should have done this before. And obviously it is of critical importance to Judge Thomas, and you, whose reputations and careers are on the line.

It is not easy to go back to events which happened almost a decade ago to find out what happened. It is very, very difficult to do. I would start, Professor Hill, with one of your more recent statements, at least according to a man by the name of Carl Stewart, who says that he met you in August of this year. He said that he ran into you at the American Bar Association Convention in Atlanta, where Professor Hill stated to him in the presence of Stanley Grayson, "How great Clarence's nomination was, and how much he deserved it."