

for dinner. If Judge Thomas wishes to come back, we will break for roughly 45 minutes to 1 hour for dinner. If he does not wish to come back, we will recess until tomorrow morning. We will have to decide on the time when I speak to the ranking member, whether it is 9 or 10 o'clock tomorrow morning.

I can see my friend from Wyoming seeking recognition.

Senator SIMPSON. Mr. chairman, I think that all should be aware that I feel rather positive that Judge Thomas does want to be here this evening. Whether it can be concluded or not, I don't know, but—

The CHAIRMAN [continuing.] I guarantee that he will be, then.

Senator SIMPSON. I know you will be fair. I know you will be.

The CHAIRMAN. So thank you for your patience, Professor Hill, and for everyone else's. Let us now turn to the Senator from Vermont, Senator Leahy.

Senator LEAHY. Thank you, Mr. Chairman.

Professor Hill, let me go back to some of the areas we discussed earlier. I would like to refer first to a comment just made by the chairman, and then I want to go into a couple of the questions posed by Senator Specter.

The chairman said, and quite rightly, that this is not a trial. We are not having a trial on whether sexual harassment under the statute was committed or not, and whether or not the statute of limitations has run. We are trying to find out what the facts are.

And with that in mind, I turn to the questions Senator Specter was asking you. He talked about whether you had called your charges against Judge Thomas "sexual harassment" in your FBI statements. During your October 7 press conference in Norman, OK, you were asked, "Professor Hill, you said that you did not describe this as sexual harassment in your FBI statement." You answered, "I described the incidents. I did not use the term 'sexual harassment.'"

Let me go, if I might—and please just bear with me a couple of minutes on this—let me go to your earlier statement today, your sworn statement. You talked of Judge Thomas calling you into his office and then saying, and I quote from your statement on page 3,

After a brief discussion of work, he would turn the conversation to discussions of sexual matters. His conversations were very vivid. He spoke about acts that he had seen in pornographic films involving such matters as women having sex with animals and films showing group sex or rape scenes. He talked about pornographic materials depicting individuals with large penises or large breasts involved in various sex acts.

Now without saying whether you felt that his conduct met a specific statutory definition of harassment, tell us in your own words, Professor Hill, after one of those conversations, how did you feel?

Ms. HILL. I was embarrassed. I found this talk offensive, completely offensive. It was—I made the point that it was offensive and it was something that was thrust upon me. It was not something that I voluntarily entered into and, therefore, it was even more offensive. It was—just the nature of the conversation was very offensive and disgusting, and degrading.

Senator LEAHY. Without going into a statutory description of what is or is not sexual harassment, how did you feel after—and I

quote from your statement, "on several occasions Thomas told me graphically of his own sexual prowess."

How did you feel then?

Ms. HILL. That was really embarrassing because I thought it even personalized it more to the individual who I was looking at. I mean it is one thing to hear about something that someone has seen, but it is another thing to be face-to-face with an individual who is describing to you things that they have done and that was very embarrassing and offensive and I did not like it. I felt, I just, it was just, I mean it is hard for me to describe. It just made me feel very bad about the whole situation.

Senator LEAHY. And on page 5, without repeating it again, you spoke of discussions he had had with you, about himself and other women, is that correct?

Ms. HILL. Yes.

Senator LEAHY. Professor Hill, you spoke of us all being lawyers and we read the statute and the code words of the statute, let me just ask you one more time, did you consider that, at least as it involved you, harassment?

Ms. HILL. Yes, I did.

Senator LEAHY. Thank you.

Now, Professor, we have spoken in other questions of phone logs. Have you seen the phone logs that Senator Danforth released; I believe the New York Times and the Washington Post and others have had articles about them?

Ms. HILL. Yes, I have seen that.

Senator LEAHY. Now, you left EEOC in 1983. Is that correct?

Ms. HILL. Yes.

Senator LEAHY. Judge Thomas left EEOC in 1990. Is that correct?

Ms. HILL. As far as I recall.

Senator LEAHY. Approximately 7 years there?

Ms. HILL. Yes.

Senator LEAHY. If you count up the phone calls that are shown on those phone logs—assuming that they are accurate—and that amounts to, in the 7 years, what, a dozen phone calls?

Ms. HILL. I think they were described as 10-to-12 or 10-to-11 phone calls.

Senator LEAHY. About one and a half per year?

Ms. HILL. Yes.

Senator LEAHY. So assuming those phone logs are accurate, you were not exactly beating down the doors with phone calls there, were you?

Ms. HILL. I was not at all.

Senator LEAHY. Now, there was a question about Mr. Doggett. Do you have any strong and clear recollection of Mr. Doggett at all?

Ms. HILL. No, not at all.

Senator LEAHY. If you were asked to, would you be able to describe him accurately?

Ms. HILL. I could not with any specificity describe him. I think I remember him as being tall.

Senator LEAHY. It happens to a lot of us.

Who was the legal counsel at EEOC when you started there in the spring of 1982?

Ms. HILL. Legal counsel was Constance Dupre .

Senator LEAHY. I beg your pardon?

Ms. HILL. The legal counsel was, I believe, Constance Dupree at the EEOC.

Senator LEAHY. Did there come a time when there was a change made in this position? After you went to EEOC?

Ms. HILL. After I went to the EEOC, I believe she retired from the Government service altogether, but she left that position.

Senator LEAHY. Was it a short time after you arrived or a long time after you arrived? Do you recall?

Ms. HILL. Oh, I believe it was about mid-way, maybe 4 or 5 months, it may have been shorter than that.

Senator LEAHY. Who became legal counsel then, do you recall?

Ms. HILL. I do not recall the individual's name.

Senator LEAHY. Now, in one of the interviews this morning a witness stated—and this was an interview for which you have not seen the transcript but both the Republican and Democratic counsel were there—the witness said that you had expressed your desire to have the legal counsel's position. Had you done that, had you expressed such a desire at the time that the vacancy occurred, the one you just described?

Ms. HILL. No. I did not express any desire for that position. I had no desire for such a position. I was just new to the EEOC.

Senator LEAHY. So did you have conversations with an Armstrong Williams about getting that job, the job of legal counsel?

Ms. HILL. No, I did not.

Senator LEAHY. And you do not recall applying for the job of legal counsel?

Ms. HILL. I did not.

Senator LEAHY. Thank you.

Senator Specter questioned you at some length about following Judge Thomas from the Department of Education to the EEOC, is that correct?

Ms. HILL. Yes, that is correct.

Senator LEAHY. And am I correct in restating your testimony that those conversations, which you now describe as—just during these questions—have described as harassment, those conversations began at the Department of Education, is that correct?

Ms. HILL. Yes, that is correct.

Senator LEAHY. But notwithstanding that, you went to the EEOC when Judge Thomas went there?

Ms. HILL. Yes.

Senator LEAHY. Do you recall prior to going to the EEOC, how long before that had been the last conversation of the nature that you have described here with Judge Thomas? Of those conversations that you found offensive, how long prior to your transfer had one of those occurred?

Ms. HILL. I would say 4 months or so, about 4 months.

Senator LEAHY. Some time, in fact.

Ms. HILL. Some time.

Senator LEAHY. Now, did anybody tell you that you could stay and have a job at the Department of Education?

Ms. HILL. Nobody told me that.

Senator LEAHY. Had President Reagan pledged and campaigned on such a pledge that he would do away with the Department of Education, if elected?

Ms. HILL. Yes, he had, and that was the understanding within the Department itself. The individuals who were working in the Department understood that to be the case.

Senator LEAHY. And President Reagan was then President?

Ms. HILL. Yes, he was.

Senator LEAHY. And nobody told you that there would be a job in the Department of Education where you could still work in civil rights, is that correct?

Ms. HILL. Nobody told me that.

Senator LEAHY. But you did want to work in civil rights, according to your testimony?

Ms. HILL. Yes, I did.

Senator LEAHY. Now, walk me through again, please, what was the nature of the job that would be available to you at EEOC, how did you hear about it, what did you do to apply for it and so forth?

Ms. HILL. I did not apply for it. I heard about it from Judge Thomas. He indicated to me that I could go with him to the EEOC and I would have the same type of position that I had at the Department of Education.

Senator LEAHY. And that was?

Ms. HILL. That of a special assistant who would be working directly under him, advising him on a number of projects and issues that came up.

Senator LEAHY. Now, Professor Hill, you have told us of the conversations. In answering questions today you have elaborated even on the statement that you gave us early on, is that correct?

Ms. HILL. Yes, I have.

Senator LEAHY. Is there anything you would change, in either your statement or your answers that you have given us today about the kinds of conversations that you had with Judge Thomas that you say were so offensive?

Ms. HILL. No, sir, I would not change anything.

Senator LEAHY. How did you feel at the time that you had those conversations?

Ms. HILL. During the time that I had those conversations I was very depressed. I was embarrassed by the type and the content of the conversations. I was concerned about whether or not I could continue in my position.

Senator LEAHY. Now, that was years ago. As you recount them today, how do you feel today?

Ms. HILL. Today I feel more angry about the situation. Having looked at it with hindsight I think it was very irresponsible for an individual in the position of the kind of authority as was Mr. Thomas, at the time, to engage in that kind of a conduct. It was not only irresponsible, in my opinion, it was in violation of the law. Now, I am much more divorced from it. I am less embarrassed by the fact that I went through that, after having gone through what I have gone through now, I am less embarrassed by it. It is still embarrassing. It is embarrassing that I did not say anything, but I am angrier about it and I think that it needs to be addressed by this committee.

Senator LEAHY. Do you have anything to gain by coming here? Has anybody promised you anything for coming forth with this story now?

Ms. HILL. I have nothing to gain. No one has promised me anything. I have nothing to gain here. This has been disruptive of my life and I have taken a number of personal risks. I have been threatened and I have not gained anything except knowing that I came forward and did what I felt that I had an obligation to do and that was to tell the truth.

Senator LEAHY. And my last question: Would your life be simpler, quieter, far more private had you never come forth at all?

Ms. HILL. Yes. Norman, OK is a much simpler, quieter place than this room today.

Senator LEAHY. I have a good friend in Norman, OK and I have actually visited Norman, OK and I agree with you.

Mr. Chairman, that is all I have.

The CHAIRMAN. Thank you.

Senator THURMOND. Senator Specter, do you want to proceed?

Senator SPECTER. Yes, thank you, Mr. Chairman.

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

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

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

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

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

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

Ms. HILL. Yes.

Senator SPECTER. Isn't that somewhat different from your testimony this morning?

Ms. HILL. My testimony this morning involved my response to this USA newspaper report and the newspaper report suggested that by making the allegations that that would be enough that the