

Senator SIMON. And I think everyone understands obscene phone calls.

Let me just ask two totally disconnected questions beyond this: You say in your statement, "In February, 1983 I was hospitalized for five days on an emergency basis for an acute stomach pain which I attributed to stress on the job." One of the things we have to do in this committee, and my colleagues in the Senate have to do, is to make an evaluation, who is telling the truth? This is something objective that happened out there. But when you say "which I attributed to stress on the job," did your physician also suggest this as a possibility?

Ms. HILL. My physician suggested that it could be stress-related. They could not identify the nature of the illness. They couldn't give a medical diagnosis, so the physician did suggest that it might be stress related.

Senator SIMON. And then, finally—and this has been partially touched upon—but there are those who say the timing of this is all some kind of a plot. That is the term I hear over and over.

I recall calling you the day before our committee voted, when we talked about the possibility of distributing this, your statement, to Members of the Senate, and I said, "You can't do that and keep it confidential, and keep your name confidential." I sensed that you were really agonizing on this whole thing, and I think I sensed correctly, for obvious reasons.

But this thing gradually built, from the time you first contacted or had contact with the members of the Senate staff and Senate committee. Was there at any point anyone who suggested, "If you hold this out until the last minute, you could have a great impact on this process?"

Ms. HILL. No one ever suggested that, not at all.

Senator SIMON. And then finally let me just make a suggestion. You are always giving assignments to students at the University of Oklahoma Law School.

If I could give you and your fellow faculty members at the University of Oklahoma Law School and your law students an assignment, we face a very difficult problem, and it is not just with the Thomas nomination. How do we deal with a charge that someone makes, that is a substantial charge, but that person says, "I don't want my name used publicly," or even "I don't want the charge made publicly"? We should not simply ignore it. On the other hand, how are you fair to a nominee?

This is the struggle that this committee has gone through and the Senate is going through. I would be interested in you and your colleagues taking a look at that, sending a letter to members of this committee. But again I thank you. I think you have performed a great public service.

Ms. HILL. Thank you.

Senator SIMON. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Grassley.

Senator GRASSLEY. Professor Hill, let me at the outset be very candid and tell you that even though the issues that have been discussed here this afternoon and this morning are very, very important, if I had to ask some of these questions that were asked of you

today, I would not be able to do that. It is just not my nature. But I have one question and a couple of comments.

This is in regard to your testifying that you were approached by Senate staff members about disclosing these allegations. My question is whether or not any other individuals or any other organizations other than those who you publicly stated today or otherwise, or Senator Specter stated, whether any other individuals or organizations have approached you about disclosing these matters to the Judiciary Committee any time since Judge Thomas was nominated by the President on July 1st?

Ms. HILL. No. No other individual, no other organizations or individuals have approached me to disclose this to anyone. Do you mean prior to the contact from this or even after that?

Senator GRASSLEY. Or any time during July, August, or September, other than all those names that have already been discussed here today?

Ms. HILL. No. No one has urged me to do that or even approached me about it.

Senator GRASSLEY. OK.

Now, a couple of points that I would like to make and I suppose I am making these more for my colleagues than I am for anybody else. But one of the hardest parts of this discussion for me is the fact that if any Senate employee had a complaint of sex harassment that individual would not have the same remedy that you had available to you, Professor Hill, when you were an employee of Government, particularly, EEOC, although I know you chose not to pursue that remedy. Because, like so many laws that we pass, the U.S. Senate has exempted itself, as an employer, from the coverage of title VII, including the EEOC rules governing sex harassment. That is a situation that I hope the Senate will soon change so that our employees will be treated fairly just like any other employees.

On another point there has been much said—and, of course, each of us on this committee have had to deal with this, as the press has asked us how come we did not consider all of these things prior to voting this out of committee. This concerns the process of the Judiciary Committee. People are asking how we could have let your statement slip past us? How could we have had the committee vote without airing this matter? Those are valid questions.

And let me say that I am going to work towards assuring that this never happens again. I realize, of course, that our committee gets hundreds, maybe even thousands of allegations in a nomination like this one. And we rely upon our chairman and ranking member to determine which ones need investigation and which ones might be coming from cranks and crackpots. They determined this one needed investigation and they called in the FBI. But somewhere along the process something broke down.

So I would like to work with the chairman and ranking member and other colleagues to establish a new ground rule. Whenever the FBI is dispatched, every committee member should be notified about the nature of the allegation. And when the FBI has completed its work, every committee member should be notified and have access to that report. And a determination by the committee should be made as to how we need to proceed with any allegations.

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.