

Senator THURMOND. Mr. Chairman, aren't we wasting time?

The CHAIRMAN. We are now, Mr. Chairman. Let's move ahead.

Senator THURMOND. Let's move ahead.

Senator HATCH. Well, you people think you are wasting time, but I don't. I think he has been getting—

Senator THURMOND. Use the newspaper, it's the same thing.

Senator HATCH. I will use what I will.

Senator THURMOND. Well, use the newspaper and you will be—

Senator KENNEDY. Can you get them to stop fighting over there? [Laughter.]

The CHAIRMAN. Will the Senator proceed, and proceed under the rules, please.

Senator HATCH. I always follow Senator Kennedy's advice.

So, I will use the newspaper: "Anita Hill, a former special assistant to"—I think this is in the Washington Post, dated Monday, September 9, 1991, just shortly after she was contacted—

Anita Hill, a former special assistant to Thomas at the Education Department and the EEOC, was particularly disturbed by Thomas' repeated public criticism of his sister and her children for living on welfare. It takes a lot of attachment to publicize a person's experience in that way and a certain kind of self-centeredness not to recognize some of the programs that benefited you, said Hill, now an Oklahoma law professor. I think he doesn't understand people, he doesn't relate to people who don't make it on their own.

Then it says in this article, "If liberals consider him a traitor, conservatives within the administration suspect that he was a closet liberal, Thomas said in a 1987 speech."

Now, the reason I brought that up, Judge, is because, basically, what Hill said in that article and what I have brought up was that she thought you had changed your political philosophy and that had been for quotas and now you are against them.

Now, my question is, just the day before the committee hearings began she was one of your opponents, and that was before any of the charges were aired. Now, is political philosophy part of this problem?

Judge THOMAS. Senator, as I have indicated about other motives, I have no reason to believe that it is not a basis for what has happened to me. It is obvious—there is another comment, though, that I would like to make, and that is that there is no record, to my knowledge, and I have no recollection of ever making a statement about my sister in any speeches. That was in one news article on December 16, 1981.

The references with respect to changing my position on quotas, my position on quotas has been pretty much the same, from a policy standpoint, since the mid-1970's.

Senator HATCH. And what is that—well, I can let that go. Judge Thomas, I take it that she disagrees with you on your stand on quotas?

Judge THOMAS. She disagreed with me when she was on my personal staff on that issue, Senator.

Senator HATCH. Was that a matter of some contention between you?

Judge THOMAS. I think in the instances she would get a bit irate on that particular issue, as I remember it.

Senator HATCH. Because she took the opposite position?

Judge THOMAS. That's right.

Senator HATCH. She was for quotas?

Judge THOMAS. I think she was adamant about that position.

Senator HATCH. OK. Well, I think that—

Judge THOMAS. That is my recollection, Senator.

Senator HATCH. Well, I think that needed to be brought up.

Judge, when the President asked you at Kennebunkport whether you and your family could take what would follow in the process, did you have any idea what you were going to have to "take"? Could you have guessed that some people, including people on this committee, people in the media and others would dredge up stories about drug use, wife-beating, advocating Louis Farahkan's anti-semitism, lying about your neutrality in *Roe v. Wade*, sexual harassment, maybe even implications of other things? Did you think you would have to face scurrilous accusations like those, which you have refuted?

Judge THOMAS. Senator, I expected it to be bad and I expected awful treatment throughout the process, I expected to be a sitting duck for the interest groups, I expected them to attempt to kill me, and, yes, I even expected personally attempts on my life. That is just how much I expected.

I did not expect this circus. I did not expect this charge against my name. I expected people to do anything, but not this. And if by going through this, another nominee in the future or another American won't have to go through it, then so be it, but I did not expect this treatment and I did not expect to lose my name, my reputation, my integrity to do public service. Again, I did not ask to be nominated, I did not lobby for it, I did not beg for it, I did not aspire to it.

I was perfectly happy on the U.S. Court of Appeals for the D.C. Circuit, which is a lifetime appointment. I did not expect to lose my life in the process.

Senator HATCH. A Washington Post article just today said that you said—and I recall you saying—you told of reporters sneaking into my garage, interest group lobbyists swarming over divorce papers looking for dirt. I remember you said this is not the American dream, this is Kafka-esque, it has got to stop, enough is enough.

The Post article goes on to say some activists were unmoved by Thomas' emotional plea, dismissing it as a last-ditch effort to salvage his nomination. "The major groups don't have anything to apologize for," said one of the civil rights activists. He went on to say, "The battle has been fought on policy and philosophy," although he acknowledged "it has taken a distressing turn."

The article goes on to say,

That turn illustrates the increasingly symbiotic relationship between committee staffers, liberal interest groups and the news media. It is a phenomena that accelerated with the Reagan administration's attempts to insure conservative domination of the judiciary in the 1980's. Many thought it reached its ultimate expression in the battle over the nomination of Robert H. Bork to the Supreme Court in 1987. But within days after President Bush announced Thomas' nomination, liberal activist groups began the search for ammunition they hoped could defeat him. An informal coalition that included Cropp.

I suppose he is with people for the American Way.

Kate Michelman of the National Abortion Rights Action League, Nan Aaron of the Alliance for Justice, and others began holding almost daily strategy sessions, at first restricting their probes to exposing what they viewed as his track record as a rigid Reagan administration ideologue. Cropp said that his organization, which had played a pivotal role in the Bork fight.

I might add that they put ads in the paper and I accused them of 99, as I recall, errors in the ad, and they never answered the accusations, they could not, really.

Cropp said that his organization, which had played a pivotal role in the Bork fight, assigned four full-time staffers, several interns and four other field organizers to anti-Thomas activities. The group also filed Freedom of Information requests for copies and videotapes of all his public speeches and videotapes while he headed the Equal Employment Opportunity Commission and the Office of Civil Rights in the Department of Education.

Naturally, they can do that if they want to, but these are only a few groups that are mentioned, and there are literally hundreds, if not thousands of groups in this area, and the groups, many feel, have taken over the process.

And in the process the ideology becomes more important than truth, it becomes more important than integrity, it becomes more important than ethics, it becomes more important than preserving people's reputations, it becomes more important than simple, basic decency to human beings.

I think it was said best, again I cite Juan Williams' statement, he said:

This desperate search for ammunition to shoot down Thomas has turned the 102 days since President Bush nominated him for a seat on the Supreme Court into a liberal's nightmare.

Now, this is a journalist who is not particularly conservative, but nevertheless a great journalist.

"Here is indiscriminate"—didn't quite mean it the way that some have taken it, he is a great journalist and I mean that. I don't know how people take that implication but I mean that.

Senator THURMOND. Tell them the name.

Senator HATCH. Juan Williams. "Here is indiscriminate"—he is describing, he is describing this desperate search for ammunition.

Here is indiscriminate mean-spirited mud slinging supported by the so-called champions of fairness. Liberal politicians, unions, civil rights groups, and women's organizations, they have been mindlessly led into mob action against one man by the Leadership Conference on Civil Rights. Moderate and liberal Senators operating in the proud tradition of men, such as Hubert Humphrey and Robert Kennedy, have allowed themselves to become sponsors of smear tactics that have historically been associated with the gutter politics of a Lee Atwater or crazed right-wing self-promoters like Senator Joseph McCarthy. During the hearings on his nomination, Thomas was subjected to a glaring double-standard.

Now, for those of you who laugh, why is it that Juan Williams is one of the few who has pointed out this glaring double-standard. Laugh at that, laugh at that. That's what I am talking about here. I am not talking about liberal and conservative politics. I am talking about decency. I am talking about our country, America.

Thomas was subjected to a glaring double-standard. I have never seen it worse, never. When he did not answer questions that former nominees David Souter and Anthony Kennedy did not answer he was pilloried for his evasiveness. One opponent testified that her basis for opposing him was his lack of judicial experience.

She did not know that Supreme Court Justices, such as liberal icons Earl Warren, and Felix Frankfurter, as well as current Chief Justice William Rehnquist had no judicial experience before taking a seat on the high court.

There is a lot more that could be said. But he says a very interesting paragraph and I think it does sum it up, he said:

This slimy exercise orchestrated in the form of leaks of an affidavit to the Leadership Conference on Civil Rights is an abuse of the Senate confirmation process, an abuse of Senate rules, and an unforgivable abuse of a human being named Clarence Thomas.

Laugh at that. Everybody here knows what I am talking about, everybody here. People have tried to make this, have tried to make sexual harassment the only issue here. Now, sexual harassment is ugly, it is unforgivable. It is wrong. It is extremely destructive, especially to women, but to men, too. Sexual harassment should not be allowed.

I would like you to describe now, for this gathering, what it is like to be accused of sexual harassment. Tell us what it feels like. And let me add the word, unjustly accused of sexual harassment.

Judge THOMAS. Senator, as I have said throughout these hearings, the last 2½ weeks have been a living hell. I think I have died a thousand deaths. What it means is living on one hour a night's sleep. It means losing 15 pounds in 2 weeks. It means being unable to eat, unable to drink, unable to think about anything but this and wondering why and how? It means wanting to give up. It means losing the belief in our system, and in this system, and in this process. Losing a belief in a sense of fairness and honesty and decency. That is what it has meant to me.

When I appeared before this committee for my real confirmation hearing, it was hard. I would have preferred it to be better. I would have preferred for more members to vote for me. But I had a faith that, at least this system was working in some fashion, though imperfectly.

I don't think this is right. I think it's wrong. I think it's wrong for the country. I think it's hurt me and I think it's hurt the country. I have never been accused of sex harassment. And anybody who knows me knows I am adamantly opposed to that, adamant, and yet, I sit here accused. I will never be able to get my name back, I know it.

The day I get to receive a phone call on Saturday night, last Saturday night, about 7:30 and told that this was going to be in the press, I died. The person you knew, whether you voted for me or against me, died.

In my view, that is an injustice.

Senator HATCH. Now, Judge—

Judge THOMAS. As I indicated earlier, it is an injustice to me, but it is a bigger injustice to this country. I don't think any American, whether that person is homeless, whether that person earns a minimum wage or is unemployed, whether that person runs a corporation or small business, black, white, male, female should have to go through this for any reason.

The person who appeared here for the real confirmation hearings believed that it was okay to be nominated to the Supreme Court and have a tough confirmation hearing. This person, if asked by

George Bush today, would he want to be nominated would refuse flatly, and would advise any friend of his to refuse, it is just not worth it.

Senator HATCH. Judge, you are here though. Some people have been spreading the rumor that perhaps you are going to withdraw. What is Clarence Thomas going to do? What is Clarence Thomas going to do?

Judge THOMAS. I would rather die than withdraw. If they are going to kill me, they are going to kill me.

Senator HATCH. So, you would still like to serve on the Supreme Court?

Judge THOMAS. I would rather die than withdraw from the process. Not for the purpose of serving on the Supreme Court but for the purpose of not being driven out of this process. I will not be scared. I don't like bullies. I have never run from bullies. I never cry uncle and I am not going to cry uncle today whether I want to be on the Supreme Court or not.

Senator HATCH. Well, Judge, I hope next Tuesday you make it and I believe you will, and I believe you should. And I believe it is important for every American that you do.

Because I think in your short 43 years of life that you have just about seen it all and if anybody's in a position to help their fellow men and women under the Constitution, then I have to say you are. And I am proud of you. I am proud of you for not backing down.

That's all I have, Mr. Chairman.

The CHAIRMAN. Thank you.

Now, we are down to Senators having 5 minutes and I will begin to yield back and forth. Judge, let me make sure I understand one thing. Do you believe that interest groups went out and got Professor Hill to make up a story or do you believe Professor Hill had a story, untrue from your perspective that groups went out and found. Which do you believe?

Judge THOMAS. Senator, I believe that someone, some interest group, I don't care who it is, in combination came up with this story and used this process to destroy me.

The CHAIRMAN. A group got Professor Hill to say or make up a story?

Judge THOMAS. I believe that in combination this story was developed or concocted to destroy me.

The CHAIRMAN. With Professor Hill? I mean it is a critical question. Are you saying a group concocted a story with Professor Hill and then went out—

Judge THOMAS. That's just my view, Senator.

The CHAIRMAN. I know, I am trying to make sure I understand it.

Judge THOMAS. There are no details to it or anything else. The story developed. I do not believe—the story is not true. The allegations are false and my view is that others put it together and developed this.

The CHAIRMAN. And put it in Professor Hill's mouth?

Judge THOMAS. I don't know. I don't know how it got there. All I know is the story is here and I think it was concocted.