

Ms. Wells, let me ask you this: I appreciate your explanation of why a woman—and perhaps this applies to men, too, in different senses—why a woman would stay on under sexual harassment, and you said you would have done that, and you would have advised her to stay, even though now you say that was wrong, and I appreciate that honesty.

If Professor Hill had told you the explicit that she told this committee, No. 1, would you have felt obligated to give her advice? And would that advice have been, as you said it would have been, to stay on?

Ms. WELLS. If I had learned of the actual nature of the behavior, I would—well, I was stunned, first of all, just to hear the news without details. To hear the details, I think I would have been so outraged that I perhaps would have said, “Well, we have to do something. You cannot live through this.”

Senator DECONCINI. Do something. And personally, you know, nobody can really get inside someone else’s moccasins or shoes, but if that had happened to you, would you have stayed on and moved on in the job—given the explicitness of the testimony given yesterday?

Ms. WELLS. Without getting into details, Senator, and I say this only to try to help you understand what I think went on here, I would be unsure, simply because I was touched in the workplace, not merely on one occasion, and I stayed in that position.

Senator DECONCINI. And you stayed on.

Ms. WELLS. So therefore, I really can’t say what I would have done with words.

Senator DECONCINI. And, judge, did Professor Hill at any time in your conversations mention to you her desire to be advanced in the EEOC, of another position she would like to have had or was seeking?

Judge HOERCHNER. No, not to my recollection.

Senator DECONCINI. There was never any discussion, in that hour-long conversation, of her aspirations or her disappointment or her ambitions?

Judge HOERCHNER. No, but let me clarify, if I may. I don’t know how long that conversation lasted. I do know that we often spoke for up to an hour.

Senator DECONCINI. And none of those conversations, whether they were 10 minutes or up to an hour, ever contained any discussion about her ambitions or her desires to move on and what she thought her chances were, or any discussions along that line?

Judge HOERCHNER. No, absolutely no. The only thing I clearly remember her saying about the nature of the work was that she liked being—

Senator DECONCINI. Excuse me. I didn’t hear your answer.

Judge HOERCHNER. She made no comments about moving upward or—

Senator DECONCINI. Thank you. I did hear your answer.

Judge Hoerchner, did you have to hire a lawyer to come here today?

Judge HOERCHNER. No.

Senator DECONCINI. You didn’t? Do you have a lawyer representing you here?

Judge HOERCHNER. I have a lawyer who was my moot court director at Yale Law School. His name is Ron Allen.

Senator DECONCINI. And he is a pro bono lawyer, or are you paying him?

Judge HOERCHNER. He has not submitted a bill yet. [Laughter.]

Senator DECONCINI. Lots of luck, Mr. Allen.

Thank you.

And just lastly, Dean Paul, you don't consider yourself a friend of Professor Hill. A professional acquaintance, is that fair to say?

Mr. PAUL. I would say that we were professional colleagues.

Senator DECONCINI. Professional colleagues.

Mr. PAUL. We are on friendly terms. I see Professor Hill typically once or twice a year at the annual meetings of the Association of American Law Schools.

Senator DECONCINI. Yes. Do you think you fall into the category, then, in her statement where she said:

It is only after a great deal of agonizing consideration that I am able to talk of these unpleasant matters to anyone but my closest friends.

She must consider you a friend, don't you think?

Mr. PAUL. I think that she considers me a friendly professional colleague. I don't know why she chose to relate the story to me. I don't know if she remembers relating the story to me. As I say, I haven't spoken to Professor Hill since prior to the Thomas nomination.

Senator DECONCINI. Thank you.

And thank you, Chairman, for the additional time. I appreciate it.

Senator THURMOND. Senator Specter?

Senator SPECTER. Thank you, Mr. Chairman.

Ms. Wells, let me pick up with your statement as I wrote it down, when you heard the details as to what Professor Hill had said that Judge Thomas said to her, "so outraged you would have to do something." The issue which we have before us is one of credibility, as to whom to believe. We have gained substantial insights in a lot of testimony which has been given as to the view of a woman in a position of this sort.

You did not know the details. You only knew that it was inappropriate and sexual in nature, as to what Professor Hill had told you. That is what your testimony has been here today.

When you get the details and, as you say, you were outraged that you thought something would have to have been done, we have a situation where Professor Hill went from the Department of Education to the EEOC, and she was a classification attorney where she could have kept her job, and then she went with him voluntarily on a trip to Oral Roberts. I am not suggesting any impropriety, but she went with him. And, after that she called him on many occasions. There are 11 in a log, and we will have a witness later who will testify that she called him on many other occasions that weren't written down in the log because they got through to Judge Thomas.

And we have an astute professor, a law professor, a lawyer, who was concerned about being fired by Judge Thomas, so that when he gave her work assignments she wrote them all down, the date she