

Originally Processed With FOIA(s):
1998-0004-F[2]; 1998-0207-F

FOIA Number:
S

FOIA MARKER

**This is not a textual record. This is used as an
administrative marker by the George Bush Presidential
Library Staff.**

Record Group/Collection: George H.W. Bush Presidential Records
Collection/Office of Origin: Chief of Staff, White House Office of
Series: Sununu, John, Files
Subseries: Issues Files

OA/ID Number: 29173
Folder ID Number: 29173-001

Folder Title:
Clarence Thomas Nomination [4]

Stack:	Row:	Section:	Shelf:	Position:
G	15	25	4	4

INFORMAL BIOGRAPHY

Clarence Thomas was born on June 23, 1948, in a small wood frame house outside of Savannah, Georgia. The house in which he was born, as well as the bed, was owned by Annie Crawford, his young mother's aunt. He was brought into this world by a midwife. His birth certificate reads simply that he was born in Pinpoint, Rural. His mother's name was Leola Thomas and is currently Leola Williams. His father's name is M.C. Thomas. The initials do not represent additional names. Clarence's father left while he was still a toddler, and has lived in Philadelphia most of Clarence's life. Clarence would see him only once during his childhood, at the age of nine.

For the first six and a half years of his life he lived in Pinpoint with his mother, her aunt and uncle, together with his older sister and a younger brother, Myers. They lived in the same wood frame house in which Clarence was born. The community of Pinpoint is one of many Black communities outside Savannah, Georgia. Although development threatens its existence today, in the late 40's and early 50's it was indeed rural. In Drums and Shadows - survival studies among the Georgia Negroes, Pinpoint is described as follows:

"Pinpoint, a Negro community about nine miles southeast of Savannah is scattered over some

twenty or thirty acres on a peninsula overlooking Shipyard Creek. Many of the small wooden cabins are neatly whitewashed and are half hidden by shrubbery and spreading oaks. Flowers and vegetables are planted in the most advantageous sunny spots near the houses and most yards are enclosed by picket fences, giving a cozy and pleasant privacy. The lawns, little more than wagon tracks, twist in and across the settlement. The informal and haphazard scattering of the houses, with high shrubbery bordering the lawns, gives an effect that is pleasing and unusual.

Pinpoint has a church, a pavilion on the tidewater creek, and a crab cannery. The men and women who do not work as domestic servants at the nearby country places find employment in the crab cannery or fish and crab and shrimp for themselves. The life is quiet, soothed by the smell of salt marsh.

* * *

The people are, almost without exception, black or dark skinned, proud, upstanding and loyal, suspicious of strangers but generous and trusting to friends." (cites omitted).

The house in which Clarence and his family lived was simple, but always neat and pleasant. For lighting, they used kerosene lamps, and there were also several electric ceiling lights. They had no indoor plumbing, and shared an outhouse with several neighbors. They carried water from a common pump usually in water buckets. As alluded to in Drums and Shadows, supra, everyone worked. Women did "day" work, cleaning houses for the whites who lived nearby. They also shucked oysters and picked crabs. Kids would often scrub crab barks to earn spending money. The men were usually day laborers and/or they raked oysters, fished or crabbed. They also steamed crabs, which the women then picked. Clarence's mother was among the best crab pickers. His sister, until recently also picked crabs on a regular basis. As children, they played under the houses, or in the woods and marsh. They chased and caught fiddler crabs, and minnows, climbed trees, and played with makeshift toys.

Clarence started the first grade in September, 1954 at Haven Home School, which was segregated. Coincidentally, Brown v. Board of Education was decided that same year. About midway through the

school year, Clarence's brother and their cousin, Little Richard, accidentally burned their house down. As a result, Clarence and his brother moved to Savannah to live with their mother. They lived in one room of a tenement. There was a common kitchen. The kitchen floor consisted of old linoleum on the ground. There was an old gas stove that rarely worked and the old ice box in the upstairs hall rarely had ice in it. There was also a common toilet outside. The wooden structure had rotted, the toilet itself was always filthy and leaked sewage into the backyard. There was a small kerosene stove in the room for heat. Clarence usually slept on a loveseat while his brother slept in the bed with their mother. Their mother worked long hours as a maid, for \$20.00 every two weeks. She left early in the morning and returned at the end of the day. Clarence completed the first grade at Florance Street School. He attended afternoon classes. He had poor attendance and often wandered the streets of Savannah.

In the summer of 1955, Clarence and his brother went to live with their maternal grandparents, Myers and Christine Anderson. Their grandparents had an ice delivery and fuel oil business. Their grandmother had a sixth grade education and their grandfather had gone to the third grade, although he made it very clear that in those three years he learned nothing since he was only allowed to attend school for a small fraction of the school year. He

learned how to read and write a little after he became an adult. Clarence's grandfather was a proud, disciplined man who believed that everyone who could work should work. He never knew his father, and his mother died when he was nine years old. He lived with his grandmother, who according to him was freed from slavery as a young girl. His grandmother died when he was twelve years old. He then went to live with his uncle, who was a hard man, with a family of about 16 children. Clarence's grandfather often told stories of how they had to hunt, fish, farm, and do "piece" work for nearby whites in order to survive. Myers Anderson's very hard life, without mother or father, no education, and in an era of segregation and Jim Crow laws, was a dominant influence on the way he raised his grandsons. They had to learn to work and to survive, no matter what happened in the world.

The world of Clarence's youth was the world of segregated Georgia. All of life was segregated, schools, libraries, movies, and lunch counters. There were separate water fountains and public restrooms for those who were "colored." Clarence recalls an incident when they were traveling from Savannah to the farm in Liberty County. As was customary, they stopped for gasoline. His grandfather asked whether his wife could use the restroom. The attendant said there was no "colored" restroom. Clarence's

grandfather loudly and forcefully told the attendant that if his wife couldn't use their restroom, he couldn't use their gas. And, they sped off and stopped at a gas station with a "colored" restroom. This was the reality in which Myers and Christine Anderson were determined to raise two boys who could do for themselves.

Clarence and his brother worked with their grandfather on the oil truck or at whatever he was doing when there was no need to deliver oil. During the school months, they were required to be dressed and ready for work by 3:00pm. School ended at 2:30pm. There was always work to be done: in the yard, on old houses that their grandparents owned, maintaining the trucks and car, painting, roofing, plumbing, etc. On Saturdays, if there was no oil to be delivered, the car had to be washed; the lawn, cut; the hedges, trimmed; the yard, cleaned, shoes polished and so forth. To Clarence and his brother, there seemed to be no rest for the weary.

Clarence's grandfather believed that he could do just about anything. And when Clarence and his brother would say they couldn't do something, he would chastise them not to use the word "cant." "Old man can't is dead. I helped bury him," he would often say. For example, in the winter of 1957, he decided to build a house on family farm land that had lain fallow for quite

some time. When he said he would build something, he meant exactly that. He had previously built the house in which they lived in Savannah and several of the houses which he owned in the neighborhood. Clarence and his brother were required to work closely with him to build the house carrying cinder blocks, mixing cement, etc. In the spring of 1958, with the house completed, they began to farm. Each year they cleared more and more land to plant and cultivate. They also raised chickens, pigs, and cows. They built garages, barns and a wire fence around a hundred acres or so. Initially, their grandfather plowed with a horse and mule, with Clarence and Myers following him. Later he bought an old Ford tractor. Then Clarence and Myers began to do quite a bit of plowing at the age of 13 or 14. They also used the tractor to haul logs and to cut and rake hay. Aside from plowing with a tractor, the rest of the farm work was done manually. They worked from "sun-up to sun-down" with an hour to an hour and a half for lunch. The extended lunch breaks were necessitated by their grandfather's nap after lunch. Myers Anderson believed, to his grandsons' chagrin, that the sun should not catch anyone still in bed. Everyone should start work as soon as there was enough daylight to see.

Myers Anderson believed strongly in the maxim: early to bed, early to rise. He usually went to bed between 8 and 9 p.m. and rose between 2 and 4 a.m. If his grandsons occasionally were

fortunate enough to sleep surreptitiously until 7 or 8 a.m., he would observe that they must have thought that they were rich. And, he would lecture them that a poor man could not afford to sleep that late.

Clarence's grandparents were honest, hardworking, and deeply religious people. They believed that hard work and decency were indispensable. For example, at no time could the grandsons refuse to do an errand for any neighbor. Adults were to be addressed in a respectful manner: yes ma'am, yes sir, Miss Gladys, Cousin Bee. At no time was a child permitted to debate an adult.

Hard, honest work was the constant lesson. Sometimes it seemed harsh. Clarence's grandfather repeatedly warned his grandsons that if they didn't work they didn't eat. And, on almost a daily basis he would remind them that his goal was to "raise them right", and teach them "to do for yourselves." To his grandparents' way of thinking, their grandsons had to be self-sufficient, especially in an environment in which the odds all seemed to be against them. The objective often seemed to be learning how to live, without coming into contact with or relying on a hostile, segregated world.

Myers Anderson was fiercely independent, and believed that his freedom depended on his ability to survive, without reliance on a hostile government and in an environment in which it seemed that Blacks only had privileges--not rights. Christine Anderson was a quiet, saintly woman. She would often intercede with her husband, on behalf of their two grandsons. Her most constant instruction to her grandsons was "say your prayers." And, each morning she greeted them with their lunch, hot breakfast, and gospel music from the radio station. She, too, worked constantly.

Clarence's grandparents enrolled him and his brother in St. Benedict's Grammar School, a segregated Catholic school. Although the physical plant was old, the education was rigorous.

Franciscan nuns taught them. Education was the number one priority. No excuses. Myers and his brother were informed and reminded, as required, that in any disagreement with the teachers, they were always wrong and the teachers were always right. Clarence and his brother missed one-half day from school during the entire time they lived with their grandparents. Education was seen as the key to a better way of life. Clarence's grandfather felt that Catholic schools were better because there was corporal punishment, discipline, and uniforms. He didn't see how a child could be taught without these.

Clarence, his brother and their grandfather were members of St. Benedict's Catholic Church, where the two boys were altar boys. (Their grandmother attended a Baptist Church.) At St. Benedict's Grammar School, the nuns stressed the inherent equality of all people, and pushed the students to excel. At home, at school, and at Church, Clarence was constantly pushed and encouraged to perform and achieve--no matter what the odds were.

From 1962-64, Clarence attended St. Pius X High School for the 9th and 10th grades. St. Pius X was also segregated and also taught by the Franciscan nuns. In 1964, Clarence transferred to St. John Vianney Minor Seminary near Savannah. He repeated the 10th grade in order to take three years of Latin. He finished his high school education there in 1967. At St. John's, he was the only black student in his class. There was one other black student in the freshman class during Clarence's first year, however, he did not return for his sophomore year. Attending St. John's was Clarence's first regular contact with whites, other than nuns. At St. John's, Clarence redoubled his efforts to achieve. And, he did very well. One indication of what his classmates thought of his efforts can be gleaned from a statement which they placed under his yearbook picture: "Blew that exam, only got a 98."

From 1967-68, his freshman year in college, Clarence attended Immaculate Conception Seminary in Conception Junction, Missouri. He transferred to Holy Cross College in Worcester, Massachusetts for his sophomore year and graduated with honors in 1971. There, he helped found the Black Students Union, where he served as an officer for three years. He worked in the Free Breakfast Program and tutored in the Worcester community. Clarence was an excellent student who was considered by many to be a "grind." His college education was financed by a combination of scholarships, loans and work study. However, there always seemed to be well-intentioned persons who helped when times were most difficult. One such person was an anonymous donor of \$300.00 to finance a speed reading course for Clarence.

From 1971-74, Clarence attended Yale Law School with the intent of returning to Savannah. He worked for New Haven Legal Assistance during law school and the summers of 1971 and 1972. He worked for a small integrated firm in Savannah in the summer of 1973, financed, in part, by a grant from the Law Students Civil Rights Research Council.

During his third year in law school, Clarence decided not to return to Savannah as he had originally planned. Since he was married, had a child, and student loans, he reluctantly interviewed with law firms. In the process, he once again

confronted an old nemesis, racial discrimination. Though he had done well in law school, he was interrogated about his performance in college, high school and even grammar school. The interview process tended to be insulting and condescending. The obvious assumption was that Clarence was not as good as his white classmates, even if his law school grades were higher.

Ultimately, John C. Danforth, then Attorney General of Missouri, offered Clarence a job in his office. Clarence was first impressed by Danforth's sincerity and honesty. He first admitted to Clarence that he did not know how it was to be Black and poor since he was neither. Then he promised Clarence that he would treat him the same as everyone in the office.

Clarence sat for the Missouri bar in the summer of 1974. That summer would be most memorable not for the bar examination but for his two-month stay at the house of Margaret Bush-Wilson, who would later become Chairman of the Board of the NAACP. She allowed Clarence to live at her house, since he had no money and knew no one in Missouri. Her generosity, advice and counsel have influenced and remained with Clarence over the years.

In August of 1974, Clarence and his family moved to Jefferson City, Missouri. The job in the Attorney General's office turned

out to be everything that it had been billed to be. The work was endless, the staff was small, and there was no bureaucracy in the office. It was perfect for a young attorney. Three days after being sworn in as a member of the Missouri bar, Clarence argued his first case before the Supreme Court of Missouri. Over the next 2-1/2 years, he would represent the state in many cases before the trial courts, appellate courts, and Supreme Court of Missouri, in matters ranging from criminal law to taxation.

In 1977, Clarence left the Attorney General's Office and went to work in the law department of Monsanto Company, where he worked on general corporate legal matters such as antitrust, contracts and governmental regulations.

He rejoined now Senator Danforth in August of 1979 as a legislative assistant. During his 1-1/2 years on Capitol Hill, Clarence was responsible for issues involving energy, environment, federal lands and public works.

He was nominated in the spring of 1981 by President Reagan as the Assistant Secretary for Civil Rights in the U.S. Department of Education. In the spring of 1982, he was nominated by President Reagan to become Chairman of the Equal Employment Opportunity Commission. He was sworn in on May 17, 1982. He was renominated and reconfirmed in 1986. Having been Chairman of EEOC for more

than seven years, he has served longer in that position than any of his seven predecessors.

Clarence was appointed by President Bush to the U.S. Court of Appeals for the District of Columbia on March 6, 1990. He was President Bush's first appointee to that court.

Clarence's first marriage ended in divorce. He has one son, Jamal, by that marriage, and has had custody of Jamal since 1983. For most of his tenure at EEOC he has been a single parent. Jamal is now 16 years old and a junior in high school.

Clarence remarried in May of 1987. His bride is the former Virginia Bess Lamp. Mrs. Thomas is a Senior Legislative Officer at the U.S. Department of Labor. Clarence, Virginia, and Jamal reside in northern Virginia.

INFORMAL BIOGRAPHY

Clarence Thomas was born on June 23, 1948, in a small wood frame house outside of Savannah, Georgia. The house in which he was born, as well as the bed, was owned by Annie Crawford, his young mother's aunt. He was brought into this world by a midwife. His birth certificate reads simply that he was born in Pinpoint, Rural. His mother's name was Leola Thomas and is currently Leola Williams. His father's name is M.C. Thomas. The initials do not represent additional names. Clarence's father left while he was still a toddler, and has lived in Philadelphia most of Clarence's life. Clarence would see him only once during his childhood, at the age of nine.

For the first six and a half years of his life he lived in Pinpoint with his mother, her aunt and uncle, together with his older sister and a younger brother, Myers. They lived in the same wood frame house in which Clarence was born. The community of Pinpoint is one of many Black communities outside Savannah, Georgia. Although development threatens its existence today, in the late 40's and early 50's it was indeed rural. In Drums and Shadows - survival studies among the Georgia Negroes, Pinpoint is described as follows:

"Pinpoint, a Negro community about nine miles southeast of Savannah is scattered over some

twenty or thirty acres on a peninsula overlooking Shipyard Creek. Many of the small wooden cabins are neatly whitewashed and are half hidden by shrubbery and spreading oaks. Flowers and vegetables are planted in the most advantageous sunny spots near the houses and most yards are enclosed by picket fences, giving a cozy and pleasant privacy. The lawns, little more than wagon tracks, twist in and across the settlement. The informal and haphazard scattering of the houses, with high shrubbery bordering the lawns, gives an effect that is pleasing and unusual.

Pinpoint has a church, a pavilion on the tidewater creek, and a crab cannery. The men and women who do not work as domestic servants at the nearby country places find employment in the crab cannery or fish and crab and shrimp for themselves. The life is quiet, soothed by the smell of salt marsh.

* * *

The people are, almost without exception, black or dark skinned, proud, upstanding and loyal, suspicious of strangers but generous and trusting to friends." (cites omitted).

The house in which Clarence and his family lived was simple, but always neat and pleasant. For lighting, they used kerosene lamps, and there were also several electric ceiling lights. They had no indoor plumbing, and shared an outhouse with several neighbors. They carried water from a common pump usually in water buckets. As alluded to in Drums and Shadows, supra, everyone worked. Women did "day" work, cleaning houses for the whites who lived nearby. They also shucked oysters and picked crabs. Kids would often scrub crab barks to earn spending money. The men were usually day laborers and/or they raked oysters, fished or crabbed. They also steamed crabs, which the women then picked. Clarence's mother was among the best crab pickers. His sister, until recently also picked crabs on a regular basis. As children, they played under the houses, or in the woods and marsh. They chased and caught fiddler crabs, and minnows, climbed trees, and played with makeshift toys.

Clarence started the first grade in September, 1954 at Haven Home School, which was segregated. Coincidentally, Brown v. Board of Education was decided that same year. About midway through the

school year, Clarence's brother and their cousin, Little Richard, accidentally burned their house down. As a result, Clarence and his brother moved to Savannah to live with their mother. They lived in one room of a tenement. There was a common kitchen. The kitchen floor consisted of old linoleum on the ground. There was an old gas stove that rarely worked and the old ice box in the upstairs hall rarely had ice in it. There was also a common toilet outside. The wooden structure had rotted, the toilet itself was always filthy and leaked sewage into the backyard. There was a small kerosene stove in the room for heat. Clarence usually slept on a loveseat while his brother slept in the bed with their mother. Their mother worked long hours as a maid, for \$20.00 every two weeks. She left early in the morning and returned at the end of the day. Clarence completed the first grade at Florance Street School. He attended afternoon classes. He had poor attendance and often wandered the streets of Savannah.

In the summer of 1955, Clarence and his brother went to live with their maternal grandparents, Myers and Christine Anderson. Their grandparents had an ice delivery and fuel oil business. Their grandmother had a sixth grade education and their grandfather had gone to the third grade, although he made it very clear that in those three years he learned nothing since he was only allowed to attend school for a small fraction of the school year. He

learned how to read and write a little after he became an adult. Clarence's grandfather was a proud, disciplined man who believed that everyone who could work should work. He never knew his father, and his mother died when he was nine years old. He lived with his grandmother, who according to him was freed from slavery as a young girl. His grandmother died when he was twelve years old. He then went to live with his uncle, who was a hard man, with a family of about 16 children. Clarence's grandfather often told stories of how they had to hunt, fish, farm, and do "piece" work for nearby whites in order to survive. Myers Anderson's very hard life, without mother or father, no education, and in an era of segregation and Jim Crow laws, was a dominant influence on the way he raised his grandsons. They had to learn to work and to survive, no matter what happened in the world.

The world of Clarence's youth was the world of segregated Georgia. All of life was segregated, schools, libraries, movies, and lunch counters. There were separate water fountains and public restrooms for those who were "colored." Clarence recalls an incident when they were traveling from Savannah to the farm in Liberty County. As was customary, they stopped for gasoline. His grandfather asked whether his wife could use the restroom. The attendant said there was no "colored" restroom. Clarence's

grandfather loudly and forcefully told the attendant that if his wife couldn't use their restroom, he couldn't use their gas. And, they sped off and stopped at a gas station with a "colored" restroom. This was the reality in which Myers and Christine Anderson were determined to raise two boys who could do for themselves.

Clarence and his brother worked with their grandfather on the oil truck or at whatever he was doing when there was no need to deliver oil. During the school months, they were required to be dressed and ready for work by 3:00pm. School ended at 2:30pm. There was always work to be done: in the yard, on old houses that their grandparents owned, maintaining the trucks and car, painting, roofing, plumbing, etc. On Saturdays, if there was no oil to be delivered, the car had to be washed; the lawn, cut; the hedges, trimmed; the yard, cleaned, shoes polished and so forth. To Clarence and his brother, there seemed to be no rest for the weary.

Clarence's grandfather believed that he could do just about anything. And when Clarence and his brother would say they couldn't do something, he would chastise them not to use the word "cant." "Old man can't is dead. I helped bury him," he would often say. For example, in the winter of 1957, he decided to build a house on family farm land that had lain fallow for quite

some time. When he said he would build something, he meant exactly that. He had previously built the house in which they lived in Savannah and several of the houses which he owned in the neighborhood. Clarence and his brother were required to work closely with him to build the house carrying cinder blocks, mixing cement, etc. In the spring of 1958, with the house completed, they began to farm. Each year they cleared more and more land to plant and cultivate. They also raised chickens, pigs, and cows. They built garages, barns and a wire fence around a hundred acres or so. Initially, their grandfather plowed with a horse and mule, with Clarence and Myers following him. Later he bought an old Ford tractor. Then Clarence and Myers began to do quite a bit of plowing at the age of 13 or 14. They also used the tractor to haul logs and to cut and rake hay. Aside from plowing with a tractor, the rest of the farm work was done manually. They worked from "sun-up to sun-down" with an hour to an hour and a half for lunch. The extended lunch breaks were necessitated by their grandfather's nap after lunch. Myers Anderson believed, to his grandsons' chagrin, that the sun should not catch anyone still in bed. Everyone should start work as soon as there was enough daylight to see.

Myers Anderson believed strongly in the maxim: early to bed, early to rise. He usually went to bed between 8 and 9 p.m. and rose between 2 and 4 a.m. If his grandsons occasionally were

fortunate enough to sleep surreptitiously until 7 or 8 a.m., he would observe that they must have thought that they were rich. And, he would lecture them that a poor man could not afford to sleep that late.

Clarence's grandparents were honest, hardworking, and deeply religious people. They believed that hard work and decency were indispensable. For example, at no time could the grandsons refuse to do an errand for any neighbor. Adults were to be addressed in a respectful manner: yes ma'am, yes sir, Miss Gladys, Cousin Bee. At no time was a child permitted to debate an adult.

Hard, honest work was the constant lesson. Sometimes it seemed harsh. Clarence's grandfather repeatedly warned his grandsons that if they didn't work they didn't eat. And, on almost a daily basis he would remind them that his goal was to "raise them right", and teach them "to do for yourselves." To his grandparents' way of thinking, their grandsons had to be self-sufficient, especially in an environment in which the odds all seemed to be against them. The objective often seemed to be learning how to live, without coming into contact with or relying on a hostile, segregated world.

Myers Anderson was fiercely independent, and believed that his freedom depended on his ability to survive, without reliance on a hostile government and in an environment in which it seemed that Blacks only had privileges--not rights. Christine Anderson was a quiet, saintly woman. She would often intercede with her husband, on behalf of their two grandsons. Her most constant instruction to her grandsons was "say your prayers." And, each morning she greeted them with their lunch, hot breakfast, and gospel music from the radio station. She, too, worked constantly.

Clarence's grandparents enrolled him and his brother in St. Benedict's Grammar School, a segregated Catholic school. Although the physical plant was old, the education was rigorous.

Franciscan nuns taught them. Education was the number one priority. No excuses. Myers and his brother were informed and reminded, as required, that in any disagreement with the teachers, they were always wrong and the teachers were always right. Clarence and his brother missed one-half day from school during the entire time they lived with their grandparents. Education was seen as the key to a better way of life. Clarence's grandfather felt that Catholic schools were better because there was corporal punishment, discipline, and uniforms. He didn't see how a child could be taught without these.

Clarence, his brother and their grandfather were members of St. Benedict's Catholic Church, where the two boys were altar boys. (Their grandmother attended a Baptist Church.) At St. Benedict's Grammar School, the nuns stressed the inherent equality of all people, and pushed the students to excel. At home, at school, and at Church, Clarence was constantly pushed and encouraged to perform and achieve--no matter what the odds were.

From 1962-64, Clarence attended St. Pius X High School for the 9th and 10th grades. St. Pius X was also segregated and also taught by the Franciscan nuns. In 1964, Clarence transferred to St. John Vianney Minor Seminary near Savannah. He repeated the 10th grade in order to take three years of Latin. He finished his high school education there in 1967. At St. John's, he was the only black student in his class. There was one other black student in the freshman class during Clarence's first year, however, he did not return for his sophomore year. Attending St. John's was Clarence's first regular contact with whites, other than nuns. At St. John's, Clarence redoubled his efforts to achieve. And, he did very well. One indication of what his classmates thought of his efforts can be gleaned from a statement which they placed under his yearbook picture: "Blew that exam, only got a 98."

From 1967-68, his freshman year in college, Clarence attended Immaculate Conception Seminary in Conception Junction, Missouri. He transferred to Holy Cross College in Worcester, Massachusetts for his sophomore year and graduated with honors in 1971. There, he helped found the Black Students Union, where he served as an officer for three years. He worked in the Free Breakfast Program and tutored in the Worcester community. Clarence was an excellent student who was considered by many to be a "grind." His college education was financed by a combination of scholarships, loans and work study. However, there always seemed to be well-intentioned persons who helped when times were most difficult. One such person was an anonymous donor of \$300.00 to finance a speed reading course for Clarence.

From 1971-74, Clarence attended Yale Law School with the intent of returning to Savannah. He worked for New Haven Legal Assistance during law school and the summers of 1971 and 1972. He worked for a small integrated firm in Savannah in the summer of 1973, financed, in part, by a grant from the Law Students Civil Rights Research Council.

During his third year in law school, Clarence decided not to return to Savannah as he had originally planned. Since he was married, had a child, and student loans, he reluctantly interviewed with law firms. In the process, he once again

confronted an old nemesis, racial discrimination. Though he had done well in law school, he was interrogated about his performance in college, high school and even grammar school. The interview process tended to be insulting and condescending. The obvious assumption was that Clarence was not as good as his white classmates, even if his law school grades were higher.

Ultimately, John C. Danforth, then Attorney General of Missouri, offered Clarence a job in his office. Clarence was first impressed by Danforth's sincerity and honesty. He first admitted to Clarence that he did not know how it was to be Black and poor since he was neither. Then he promised Clarence that he would treat him the same as everyone in the office.

Clarence sat for the Missouri bar in the summer of 1974. That summer would be most memorable not for the bar examination but for his two-month stay at the house of Margaret Bush-Wilson, who would later become Chairman of the Board of the NAACP. She allowed Clarence to live at her house, since he had no money and knew no one in Missouri. Her generosity, advice and counsel have influenced and remained with Clarence over the years.

In August of 1974, Clarence and his family moved to Jefferson City, Missouri. The job in the Attorney General's office turned

out to be everything that it had been billed to be. The work was endless, the staff was small, and there was no bureaucracy in the office. It was perfect for a young attorney. Three days after being sworn in as a member of the Missouri bar, Clarence argued his first case before the Supreme Court of Missouri. Over the next 2-1/2 years, he would represent the state in many cases before the trial courts, appellate courts, and Supreme Court of Missouri, in matters ranging from criminal law to taxation.

In 1977, Clarence left the Attorney General's Office and went to work in the law department of Monsanto Company, where he worked on general corporate legal matters such as antitrust, contracts and governmental regulations.

He rejoined now Senator Danforth in August of 1979 as a legislative assistant. During his 1-1/2 years on Capitol Hill, Clarence was responsible for issues involving energy, environment, federal lands and public works.

He was nominated in the spring of 1981 by President Reagan as the Assistant Secretary for Civil Rights in the U.S. Department of Education. In the spring of 1982, he was nominated by President Reagan to become Chairman of the Equal Employment Opportunity Commission. He was sworn in on May 17, 1982. He was renominated and reconfirmed in 1986. Having been Chairman of EEOC for more

than seven years, he has served longer in that position than any of his seven predecessors.

Clarence was appointed by President Bush to the U.S. Court of Appeals for the District of Columbia on March 6, 1990. He was President Bush's first appointee to that court.

Clarence's first marriage ended in divorce. He has one son, Jamal, by that marriage, and has had custody of Jamal since 1983. For most of his tenure at EEOC he has been a single parent. Jamal is now 16 years old and a junior in high school.

Clarence remarried in May of 1987. His bride is the former Virginia Bess Lamp. Mrs. Thomas is a Senior Legislative Officer at the U.S. Department of Labor. Clarence, Virginia, and Jamal reside in northern Virginia.

INFORMAL BIOGRAPHY

Clarence Thomas was born on June 23, 1948, in a small wood frame house outside of Savannah, Georgia. The house in which he was born, as well as the bed, was owned by Annie Crawford, his young mother's aunt. He was brought into this world by a midwife. His birth certificate reads simply that he was born in Pinpoint, Rural. His mother's name was Leola Thomas and is currently Leola Williams. His father's name is M.C. Thomas. The initials do not represent additional names. Clarence's father left while he was still a toddler, and has lived in Philadelphia most of Clarence's life. Clarence would see him only once during his childhood, at the age of nine.

For the first six and a half years of his life he lived in Pinpoint with his mother, her aunt and uncle, together with his older sister and a younger brother, Myers. They lived in the same wood frame house in which Clarence was born. The community of Pinpoint is one of many Black communities outside Savannah, Georgia. Although development threatens its existence today, in the late 40's and early 50's it was indeed rural. In Drums and Shadows - survival studies among the Georgia Negroes, Pinpoint is described as follows:

"Pinpoint, a Negro community about nine miles southeast of Savannah is scattered over some

twenty or thirty acres on a peninsula overlooking Shipyard Creek. Many of the small wooden cabins are neatly whitewashed and are half hidden by shrubbery and spreading oaks. Flowers and vegetables are planted in the most advantageous sunny spots near the houses and most yards are enclosed by picket fences, giving a cozy and pleasant privacy. The lawns, little more than wagon tracks, twist in and across the settlement. The informal and haphazard scattering of the houses, with high shrubbery bordering the lawns, gives an effect that is pleasing and unusual.

Pinpoint has a church, a pavilion on the tidewater creek, and a crab cannery. The men and women who do not work as domestic servants at the nearby country places find employment in the crab cannery or fish and crab and shrimp for themselves. The life is quiet, soothed by the smell of salt marsh.

* * *

The people are, almost without exception, black or dark skinned, proud, upstanding and loyal, suspicious of strangers but generous and trusting to friends." (cites omitted).

The house in which Clarence and his family lived was simple, but always neat and pleasant. For lighting, they used kerosene lamps, and there were also several electric ceiling lights. They had no indoor plumbing, and shared an outhouse with several neighbors. They carried water from a common pump usually in water buckets. As alluded to in Drums and Shadows, supra, everyone worked. Women did "day" work, cleaning houses for the whites who lived nearby. They also shucked oysters and picked crabs. Kids would often scrub crab barks to earn spending money. The men were usually day laborers and/or they raked oysters, fished or crabbed. They also steamed crabs, which the women then picked. Clarence's mother was among the best crab pickers. His sister, until recently also picked crabs on a regular basis. As children, they played under the houses, or in the woods and marsh. They chased and caught fiddler crabs, and minnows, climbed trees, and played with makeshift toys.

Clarence started the first grade in September, 1954 at Haven Home School, which was segregated. Coincidentally, Brown v. Board of Education was decided that same year. About midway through the

school year, Clarence's brother and their cousin, Little Richard, accidentally burned their house down. As a result, Clarence and his brother moved to Savannah to live with their mother. They lived in one room of a tenement. There was a common kitchen. The kitchen floor consisted of old linoleum on the ground. There was an old gas stove that rarely worked and the old ice box in the upstairs hall rarely had ice in it. There was also a common toilet outside. The wooden structure had rotted, the toilet itself was always filthy and leaked sewage into the backyard. There was a small kerosene stove in the room for heat. Clarence usually slept on a loveseat while his brother slept in the bed with their mother. Their mother worked long hours as a maid, for \$20.00 every two weeks. She left early in the morning and returned at the end of the day. Clarence completed the first grade at Florance Street School. He attended afternoon classes. He had poor attendance and often wandered the streets of Savannah.

In the summer of 1955, Clarence and his brother went to live with their maternal grandparents, Myers and Christine Anderson. Their grandparents had an ice delivery and fuel oil business. Their grandmother had a sixth grade education and their grandfather had gone to the third grade, although he made it very clear that in those three years he learned nothing since he was only allowed to attend school for a small fraction of the school year. He

learned how to read and write a little after he became an adult. Clarence's grandfather was a proud, disciplined man who believed that everyone who could work should work. He never knew his father, and his mother died when he was nine years old. He lived with his grandmother, who according to him was freed from slavery as a young girl. His grandmother died when he was twelve years old. He then went to live with his uncle, who was a hard man, with a family of about 16 children. Clarence's grandfather often told stories of how they had to hunt, fish, farm, and do "piece" work for nearby whites in order to survive. Myers Anderson's very hard life, without mother or father, no education, and in an era of segregation and Jim Crow laws, was a dominant influence on the way he raised his grandsons. They had to learn to work and to survive, no matter what happened in the world.

The world of Clarence's youth was the world of segregated Georgia. All of life was segregated, schools, libraries, movies, and lunch counters. There were separate water fountains and public restrooms for those who were "colored." Clarence recalls an incident when they were traveling from Savannah to the farm in Liberty County. As was customary, they stopped for gasoline. His grandfather asked whether his wife could use the restroom. The attendant said there was no "colored" restroom. Clarence's

grandfather loudly and forcefully told the attendant that if his wife couldn't use their restroom, he couldn't use their gas. And, they sped off and stopped at a gas station with a "colored" restroom. This was the reality in which Myers and Christine Anderson were determined to raise two boys who could do for themselves.

Clarence and his brother worked with their grandfather on the oil truck or at whatever he was doing when there was no need to deliver oil. During the school months, they were required to be dressed and ready for work by 3:00pm. School ended at 2:30pm. There was always work to be done: in the yard, on old houses that their grandparents owned, maintaining the trucks and car, painting, roofing, plumbing, etc. On Saturdays, if there was no oil to be delivered, the car had to be washed; the lawn, cut; the hedges, trimmed; the yard, cleaned, shoes polished and so forth. To Clarence and his brother, there seemed to be no rest for the weary.

Clarence's grandfather believed that he could do just about anything. And when Clarence and his brother would say they couldn't do something, he would chastise them not to use the word "cant." "Old man can't is dead. I helped bury him," he would often say. For example, in the winter of 1957, he decided to build a house on family farm land that had lain fallow for quite

some time. When he said he would build something, he meant exactly that. He had previously built the house in which they lived in Savannah and several of the houses which he owned in the neighborhood. Clarence and his brother were required to work closely with him to build the house carrying cinder blocks, mixing cement, etc. In the spring of 1958, with the house completed, they began to farm. Each year they cleared more and more land to plant and cultivate. They also raised chickens, pigs, and cows. They built garages, barns and a wire fence around a hundred acres or so. Initially, their grandfather plowed with a horse and mule, with Clarence and Myers following him. Later he bought an old Ford tractor. Then Clarence and Myers began to do quite a bit of plowing at the age of 13 or 14. They also used the tractor to haul logs and to cut and rake hay. Aside from plowing with a tractor, the rest of the farm work was done manually. They worked from "sun-up to sun-down" with an hour to an hour and a half for lunch. The extended lunch breaks were necessitated by their grandfather's nap after lunch. Myers Anderson believed, to his grandsons' chagrin, that the sun should not catch anyone still in bed. Everyone should start work as soon as there was enough daylight to see.

Myers Anderson believed strongly in the maxim: early to bed, early to rise. He usually went to bed between 8 and 9 p.m. and rose between 2 and 4 a.m. If his grandsons occasionally were

fortunate enough to sleep surreptitiously until 7 or 8 a.m., he would observe that they must have thought that they were rich. And, he would lecture them that a poor man could not afford to sleep that late.

Clarence's grandparents were honest, hardworking, and deeply religious people. They believed that hard work and decency were indispensable. For example, at no time could the grandsons refuse to do an errand for any neighbor. Adults were to be addressed in a respectful manner: yes ma'am, yes sir, Miss Gladys, Cousin Bee. At no time was a child permitted to debate an adult.

Hard, honest work was the constant lesson. Sometimes it seemed harsh. Clarence's grandfather repeatedly warned his grandsons that if they didn't work they didn't eat. And, on almost a daily basis he would remind them that his goal was to "raise them right", and teach them "to do for yourselves." To his grandparents' way of thinking, their grandsons had to be self-sufficient, especially in an environment in which the odds all seemed to be against them. The objective often seemed to be learning how to live, without coming into contact with or relying on a hostile, segregated world.

Myers Anderson was fiercely independent, and believed that his freedom depended on his ability to survive, without reliance on a hostile government and in an environment in which it seemed that Blacks only had privileges--not rights. Christine Anderson was a quiet, saintly woman. She would often intercede with her husband, on behalf of their two grandsons. Her most constant instruction to her grandsons was "say your prayers." And, each morning she greeted them with their lunch, hot breakfast, and gospel music from the radio station. She, too, worked constantly.

Clarence's grandparents enrolled him and his brother in St. Benedict's Grammar School, a segregated Catholic school. Although the physical plant was old, the education was rigorous.

Franciscan nuns taught them. Education was the number one priority. No excuses. Myers and his brother were informed and reminded, as required, that in any disagreement with the teachers, they were always wrong and the teachers were always right. Clarence and his brother missed one-half day from school during the entire time they lived with their grandparents. Education was seen as the key to a better way of life. Clarence's grandfather felt that Catholic schools were better because there was corporal punishment, discipline, and uniforms. He didn't see how a child could be taught without these.

Clarence, his brother and their grandfather were members of St. Benedict's Catholic Church, where the two boys were altar boys. (Their grandmother attended a Baptist Church.) At St. Benedict's Grammar School, the nuns stressed the inherent equality of all people, and pushed the students to excel. At home, at school, and at Church, Clarence was constantly pushed and encouraged to perform and achieve--no matter what the odds were.

From 1962-64, Clarence attended St. Pius X High School for the 9th and 10th grades. St. Pius X was also segregated and also taught by the Franciscan nuns. In 1964, Clarence transferred to St. John Vianney Minor Seminary near Savannah. He repeated the 10th grade in order to take three years of Latin. He finished his high school education there in 1967. At St. John's, he was the only black student in his class. There was one other black student in the freshman class during Clarence's first year, however, he did not return for his sophomore year. Attending St. John's was Clarence's first regular contact with whites, other than nuns. At St. John's, Clarence redoubled his efforts to achieve. And, he did very well. One indication of what his classmates thought of his efforts can be gleaned from a statement which they placed under his yearbook picture: "Blew that exam, only got a 98."

From 1967-68, his freshman year in college, Clarence attended Immaculate Conception Seminary in Conception Junction, Missouri. He transferred to Holy Cross College in Worcester, Massachusetts for his sophomore year and graduated with honors in 1971. There, he helped found the Black Students Union, where he served as an officer for three years. He worked in the Free Breakfast Program and tutored in the Worcester community. Clarence was an excellent student who was considered by many to be a "grind." His college education was financed by a combination of scholarships, loans and work study. However, there always seemed to be well-intentioned persons who helped when times were most difficult. One such person was an anonymous donor of \$300.00 to finance a speed reading course for Clarence.

From 1971-74, Clarence attended Yale Law School with the intent of returning to Savannah. He worked for New Haven Legal Assistance during law school and the summers of 1971 and 1972. He worked for a small integrated firm in Savannah in the summer of 1973, financed, in part, by a grant from the Law Students Civil Rights Research Council.

During his third year in law school, Clarence decided not to return to Savannah as he had originally planned. Since he was married, had a child, and student loans, he reluctantly interviewed with law firms. In the process, he once again

confronted an old nemesis, racial discrimination. Though he had done well in law school, he was interrogated about his performance in college, high school and even grammar school. The interview process tended to be insulting and condescending. The obvious assumption was that Clarence was not as good as his white classmates, even if his law school grades were higher.

Ultimately, John C. Danforth, then Attorney General of Missouri, offered Clarence a job in his office. Clarence was first impressed by Danforth's sincerity and honesty. He first admitted to Clarence that he did not know how it was to be Black and poor since he was neither. Then he promised Clarence that he would treat him the same as everyone in the office.

Clarence sat for the Missouri bar in the summer of 1974. That summer would be most memorable not for the bar examination but for his two-month stay at the house of Margaret Bush-Wilson, who would later become Chairman of the Board of the NAACP. She allowed Clarence to live at her house, since he had no money and knew no one in Missouri. Her generosity, advice and counsel have influenced and remained with Clarence over the years.

In August of 1974, Clarence and his family moved to Jefferson City, Missouri. The job in the Attorney General's office turned

out to be everything that it had been billed to be. The work was endless, the staff was small, and there was no bureaucracy in the office. It was perfect for a young attorney. Three days after being sworn in as a member of the Missouri bar, Clarence argued his first case before the Supreme Court of Missouri. Over the next 2-1/2 years, he would represent the state in many cases before the trial courts, appellate courts, and Supreme Court of Missouri, in matters ranging from criminal law to taxation.

In 1977, Clarence left the Attorney General's Office and went to work in the law department of Monsanto Company, where he worked on general corporate legal matters such as antitrust, contracts and governmental regulations.

He rejoined now Senator Danforth in August of 1979 as a legislative assistant. During his 1-1/2 years on Capitol Hill, Clarence was responsible for issues involving energy, environment, federal lands and public works.

He was nominated in the spring of 1981 by President Reagan as the Assistant Secretary for Civil Rights in the U.S. Department of Education. In the spring of 1982, he was nominated by President Reagan to become Chairman of the Equal Employment Opportunity Commission. He was sworn in on May 17, 1982. He was renominated and reconfirmed in 1986. Having been Chairman of EEOC for more

than seven years, he has served longer in that position than any of his seven predecessors.

Clarence was appointed by President Bush to the U.S. Court of Appeals for the District of Columbia on March 6, 1990. He was President Bush's first appointee to that court.

Clarence's first marriage ended in divorce. He has one son, Jamal, by that marriage, and has had custody of Jamal since 1983. For most of his tenure at EEOC he has been a single parent. Jamal is now 16 years old and a junior in high school.

Clarence remarried in May of 1987. His bride is the former Virginia Bess Lamp. Mrs. Thomas is a Senior Legislative Officer at the U.S. Department of Labor. Clarence, Virginia, and Jamal reside in northern Virginia.

INFORMAL BIOGRAPHY

Clarence Thomas was born on June 23, 1948, in a small wood frame house outside of Savannah, Georgia. The house in which he was born, as well as the bed, was owned by Annie Crawford, his young mother's aunt. He was brought into this world by a midwife. His birth certificate reads simply that he was born in Pinpoint, Rural. His mother's name was Leola Thomas and is currently Leola Williams. His father's name is M.C. Thomas. The initials do not represent additional names. Clarence's father left while he was still a toddler, and has lived in Philadelphia most of Clarence's life. Clarence would see him only once during his childhood, at the age of nine.

For the first six and a half years of his life he lived in Pinpoint with his mother, her aunt and uncle, together with his older sister and a younger brother, Myers. They lived in the same wood frame house in which Clarence was born. The community of Pinpoint is one of many Black communities outside Savannah, Georgia. Although development threatens its existence today, in the late 40's and early 50's it was indeed rural. In Drums and Shadows - survival studies among the Georgia Negroes, Pinpoint is described as follows:

"Pinpoint, a Negro community about nine miles southeast of Savannah is scattered over some

twenty or thirty acres on a peninsula overlooking Shipyard Creek. Many of the small wooden cabins are neatly whitewashed and are half hidden by shrubbery and spreading oaks. Flowers and vegetables are planted in the most advantageous sunny spots near the houses and most yards are enclosed by picket fences, giving a cozy and pleasant privacy. The lawns, little more than wagon tracks, twist in and across the settlement. The informal and haphazard scattering of the houses, with high shrubbery bordering the lawns, gives an effect that is pleasing and unusual.

Pinpoint has a church, a pavilion on the tidewater creek, and a crab cannery. The men and women who do not work as domestic servants at the nearby country places find employment in the crab cannery or fish and crab and shrimp for themselves. The life is quiet, soothed by the smell of salt marsh.

* * *

The people are, almost without exception, black or dark skinned, proud, upstanding and loyal, suspicious of strangers but generous and trusting to friends." (cites omitted).

The house in which Clarence and his family lived was simple, but always neat and pleasant. For lighting, they used kerosene lamps, and there were also several electric ceiling lights. They had no indoor plumbing, and shared an outhouse with several neighbors. They carried water from a common pump usually in water buckets. As alluded to in Drums and Shadows, supra, everyone worked. Women did "day" work, cleaning houses for the whites who lived nearby. They also shucked oysters and picked crabs. Kids would often scrub crab barks to earn spending money. The men were usually day laborers and/or they raked oysters, fished or crabbed. They also steamed crabs, which the women then picked. Clarence's mother was among the best crab pickers. His sister, until recently also picked crabs on a regular basis. As children, they played under the houses, or in the woods and marsh. They chased and caught fiddler crabs, and minnows, climbed trees, and played with makeshift toys.

Clarence started the first grade in September, 1954 at Haven Home School, which was segregated. Coincidentally, Brown v. Board of Education was decided that same year. About midway through the

school year, Clarence's brother and their cousin, Little Richard, accidentally burned their house down. As a result, Clarence and his brother moved to Savannah to live with their mother. They lived in one room of a tenement. There was a common kitchen. The kitchen floor consisted of old linoleum on the ground. There was an old gas stove that rarely worked and the old ice box in the upstairs hall rarely had ice in it. There was also a common toilet outside. The wooden structure had rotted, the toilet itself was always filthy and leaked sewage into the backyard. There was a small kerosene stove in the room for heat. Clarence usually slept on a loveseat while his brother slept in the bed with their mother. Their mother worked long hours as a maid, for \$20.00 every two weeks. She left early in the morning and returned at the end of the day. Clarence completed the first grade at Florance Street School. He attended afternoon classes. He had poor attendance and often wandered the streets of Savannah.

In the summer of 1955, Clarence and his brother went to live with their maternal grandparents, Myers and Christine Anderson. Their grandparents had an ice delivery and fuel oil business. Their grandmother had a sixth grade education and their grandfather had gone to the third grade, although he made it very clear that in those three years he learned nothing since he was only allowed to attend school for a small fraction of the school year. He

learned how to read and write a little after he became an adult. Clarence's grandfather was a proud, disciplined man who believed that everyone who could work should work. He never knew his father, and his mother died when he was nine years old. He lived with his grandmother, who according to him was freed from slavery as a young girl. His grandmother died when he was twelve years old. He then went to live with his uncle, who was a hard man, with a family of about 16 children. Clarence's grandfather often told stories of how they had to hunt, fish, farm, and do "piece" work for nearby whites in order to survive. Myers Anderson's very hard life, without mother or father, no education, and in an era of segregation and Jim Crow laws, was a dominant influence on the way he raised his grandsons. They had to learn to work and to survive, no matter what happened in the world.

The world of Clarence's youth was the world of segregated Georgia. All of life was segregated, schools, libraries, movies, and lunch counters. There were separate water fountains and public restrooms for those who were "colored." Clarence recalls an incident when they were traveling from Savannah to the farm in Liberty County. As was customary, they stopped for gasoline. His grandfather asked whether his wife could use the restroom. The attendant said there was no "colored" restroom. Clarence's

grandfather loudly and forcefully told the attendant that if his wife couldn't use their restroom, he couldn't use their gas. And, they sped off and stopped at a gas station with a "colored" restroom. This was the reality in which Myers and Christine Anderson were determined to raise two boys who could do for themselves.

Clarence and his brother worked with their grandfather on the oil truck or at whatever he was doing when there was no need to deliver oil. During the school months, they were required to be dressed and ready for work by 3:00pm. School ended at 2:30pm. There was always work to be done: in the yard, on old houses that their grandparents owned, maintaining the trucks and car, painting, roofing, plumbing, etc. On Saturdays, if there was no oil to be delivered, the car had to be washed; the lawn, cut; the hedges, trimmed; the yard, cleaned, shoes polished and so forth. To Clarence and his brother, there seemed to be no rest for the weary.

Clarence's grandfather believed that he could do just about anything. And when Clarence and his brother would say they couldn't do something, he would chastise them not to use the word "cant." "Old man can't is dead. I helped bury him," he would often say. For example, in the winter of 1957, he decided to build a house on family farm land that had lain fallow for quite

some time. When he said he would build something, he meant exactly that. He had previously built the house in which they lived in Savannah and several of the houses which he owned in the neighborhood. Clarence and his brother were required to work closely with him to build the house carrying cinder blocks, mixing cement, etc. In the spring of 1958, with the house completed, they began to farm. Each year they cleared more and more land to plant and cultivate. They also raised chickens, pigs, and cows. They built garages, barns and a wire fence around a hundred acres or so. Initially, their grandfather plowed with a horse and mule, with Clarence and Myers following him. Later he bought an old Ford tractor. Then Clarence and Myers began to do quite a bit of plowing at the age of 13 or 14. They also used the tractor to haul logs and to cut and rake hay. Aside from plowing with a tractor, the rest of the farm work was done manually. They worked from "sun-up to sun-down" with an hour to an hour and a half for lunch. The extended lunch breaks were necessitated by their grandfather's nap after lunch. Myers Anderson believed, to his grandsons' chagrin, that the sun should not catch anyone still in bed. Everyone should start work as soon as there was enough daylight to see.

Myers Anderson believed strongly in the maxim: early to bed, early to rise. He usually went to bed between 8 and 9 p.m. and rose between 2 and 4 a.m. If his grandsons occasionally were

fortunate enough to sleep surreptitiously until 7 or 8 a.m., he would observe that they must have thought that they were rich. And, he would lecture them that a poor man could not afford to sleep that late.

Clarence's grandparents were honest, hardworking, and deeply religious people. They believed that hard work and decency were indispensable. For example, at no time could the grandsons refuse to do an errand for any neighbor. Adults were to be addressed in a respectful manner: yes ma'am, yes sir, Miss Gladys, Cousin Bee. At no time was a child permitted to debate an adult.

Hard, honest work was the constant lesson. Sometimes it seemed harsh. Clarence's grandfather repeatedly warned his grandsons that if they didn't work they didn't eat. And, on almost a daily basis he would remind them that his goal was to "raise them right", and teach them "to do for yourselves." To his grandparents' way of thinking, their grandsons had to be self-sufficient, especially in an environment in which the odds all seemed to be against them. The objective often seemed to be learning how to live, without coming into contact with or relying on a hostile, segregated world.

Myers Anderson was fiercely independent, and believed that his freedom depended on his ability to survive, without reliance on a hostile government and in an environment in which it seemed that Blacks only had privileges--not rights. Christine Anderson was a quiet, saintly woman. She would often intercede with her husband, on behalf of their two grandsons. Her most constant instruction to her grandsons was "say your prayers." And, each morning she greeted them with their lunch, hot breakfast, and gospel music from the radio station. She, too, worked constantly.

Clarence's grandparents enrolled him and his brother in St. Benedict's Grammar School, a segregated Catholic school. Although the physical plant was old, the education was rigorous.

Franciscan nuns taught them. Education was the number one priority. No excuses. Myers and his brother were informed and reminded, as required, that in any disagreement with the teachers, they were always wrong and the teachers were always right. Clarence and his brother missed one-half day from school during the entire time they lived with their grandparents. Education was seen as the key to a better way of life. Clarence's grandfather felt that Catholic schools were better because there was corporal punishment, discipline, and uniforms. He didn't see how a child could be taught without these.

Clarence, his brother and their grandfather were members of St. Benedict's Catholic Church, where the two boys were altar boys. (Their grandmother attended a Baptist Church.) At St. Benedict's Grammar School, the nuns stressed the inherent equality of all people, and pushed the students to excel. At home, at school, and at Church, Clarence was constantly pushed and encouraged to perform and achieve--no matter what the odds were.

From 1962-64, Clarence attended St. Pius X High School for the 9th and 10th grades. St. Pius X was also segregated and also taught by the Franciscan nuns. In 1964, Clarence transferred to St. John Vianney Minor Seminary near Savannah. He repeated the 10th grade in order to take three years of Latin. He finished his high school education there in 1967. At St. John's, he was the only black student in his class. There was one other black student in the freshman class during Clarence's first year, however, he did not return for his sophomore year. Attending St. John's was Clarence's first regular contact with whites, other than nuns. At St. John's, Clarence redoubled his efforts to achieve. And, he did very well. One indication of what his classmates thought of his efforts can be gleaned from a statement which they placed under his yearbook picture: "Blew that exam, only got a 98."

From 1967-68, his freshman year in college, Clarence attended Immaculate Conception Seminary in Conception Junction, Missouri. He transferred to Holy Cross College in Worcester, Massachusetts for his sophomore year and graduated with honors in 1971. There, he helped found the Black Students Union, where he served as an officer for three years. He worked in the Free Breakfast Program and tutored in the Worcester community. Clarence was an excellent student who was considered by many to be a "grind." His college education was financed by a combination of scholarships, loans and work study. However, there always seemed to be well-intentioned persons who helped when times were most difficult. One such person was an anonymous donor of \$300.00 to finance a speed reading course for Clarence.

From 1971-74, Clarence attended Yale Law School with the intent of returning to Savannah. He worked for New Haven Legal Assistance during law school and the summers of 1971 and 1972. He worked for a small integrated firm in Savannah in the summer of 1973, financed, in part, by a grant from the Law Students Civil Rights Research Council.

During his third year in law school, Clarence decided not to return to Savannah as he had originally planned. Since he was married, had a child, and student loans, he reluctantly interviewed with law firms. In the process, he once again

confronted an old nemesis, racial discrimination. Though he had done well in law school, he was interrogated about his performance in college, high school and even grammar school. The interview process tended to be insulting and condescending. The obvious assumption was that Clarence was not as good as his white classmates, even if his law school grades were higher.

Ultimately, John C. Danforth, then Attorney General of Missouri, offered Clarence a job in his office. Clarence was first impressed by Danforth's sincerity and honesty. He first admitted to Clarence that he did not know how it was to be Black and poor since he was neither. Then he promised Clarence that he would treat him the same as everyone in the office.

Clarence sat for the Missouri bar in the summer of 1974. That summer would be most memorable not for the bar examination but for his two-month stay at the house of Margaret Bush-Wilson, who would later become Chairman of the Board of the NAACP. She allowed Clarence to live at her house, since he had no money and knew no one in Missouri. Her generosity, advice and counsel have influenced and remained with Clarence over the years.

In August of 1974, Clarence and his family moved to Jefferson City, Missouri. The job in the Attorney General's office turned

out to be everything that it had been billed to be. The work was endless, the staff was small, and there was no bureaucracy in the office. It was perfect for a young attorney. Three days after being sworn in as a member of the Missouri bar, Clarence argued his first case before the Supreme Court of Missouri. Over the next 2-1/2 years, he would represent the state in many cases before the trial courts, appellate courts, and Supreme Court of Missouri, in matters ranging from criminal law to taxation.

In 1977, Clarence left the Attorney General's Office and went to work in the law department of Monsanto Company, where he worked on general corporate legal matters such as antitrust, contracts and governmental regulations.

He rejoined now Senator Danforth in August of 1979 as a legislative assistant. During his 1-1/2 years on Capitol Hill, Clarence was responsible for issues involving energy, environment, federal lands and public works.

He was nominated in the spring of 1981 by President Reagan as the Assistant Secretary for Civil Rights in the U.S. Department of Education. In the spring of 1982, he was nominated by President Reagan to become Chairman of the Equal Employment Opportunity Commission. He was sworn in on May 17, 1982. He was renominated and reconfirmed in 1986. Having been Chairman of EEOC for more

than seven years, he has served longer in that position than any of his seven predecessors.

Clarence's first marriage ended in divorce. He has one son, Jamal, by that marriage, and has had custody of Jamal since 1983. For most of his tenure at EEOC he has been a single parent. Jamal is now 16 years old and a junior in high school.

Clarence remarried in May of 1987. His bride is the former Virginia Bess Lamp. Mrs. Thomas is a Senior Legislative Officer at the U.S. Department of Labor. Clarence, Virginia, and Jamal reside in northern Virginia.

v24491tv--

r a AP-Backgrounder: Court Poll

07-02 0328

^AP-Backgrounder: Court Poll

^Poll Indicates Majority Comfortable With Supreme Court Rulings<

LOS ANGELES (AP) - A majority of Americans have a generally favorable impression of the U.S. Supreme Court, despite disagreeing with a recent ruling limiting women's right to abortion counseling, a poll showed.

In the survey by the Los Angeles Times, 53 percent of the respondents said they had a favorable impression of the court; 22 percent said they had an unfavorable view; and 25 percent had no opinion.

Only 26 percent said the court is too conservative, while 15 percent said it is too liberal. Fifty percent said the court's philosophy is "just about right."

"We don't get a sense that the public thinks the court is moving too far to the right or is too powerful or that law enforcement officials have gotten too much authority from the court," said John Brennan, the poll's director.

The survey consisted of telephone interviews with 1,439 adults nationwide from June 28 to 30. The margin of error was plus or minus 3 percent.

The survey began the morning after Associate Justice Thurgood Marshall announced his resignation as the court's only black member. President Bush on Monday nominated another black man, federal appellate Judge Clarence Thomas, to succeed Marshall.

The strongest area of disagreement was with the high court's decision that the government may ban doctors and other health professionals in federally funded family clinics from informing pregnant women that abortion is an option.

Of those polled, 66 percent disagreed with the ruling and 30 percent agreed.

By contrast, 61 percent said they approved of the court's decision allowing states to impose life-without-parole sentences against first-time offenders for possession of large amounts of illicit drugs. Thirty-seven percent disapproved.

Asked about another recent court ruling, 62 percent endorsed a decision that police officers may conduct mass searches of passengers in buses and trains without a search warrant provided they obtain the consent of each person searched.

The public was more ambivalent about the fourth ruling included in the survey - that communities may ban nude dancing. Fifty-three percent of the respondents approved and 44 percent disapproved.

**COMMITTEE ON THE JUDICIARY
NOMINATION HEARING FOR CLARENCE THOMAS
TO BE A JUDGE ON THE U.S. CIRCUIT COURT
OF APPEALS FOR THE DISTRICT OF COLUMBIA**

February 6, 1990
10:00 A.M. ROOM SD-226

WITNESS LIST

SENATORS

Senator Sam Nunn (D-GA)

Senator John C. Danforth (R-MO)

Senator Charles S. Robb (D-VA)

WITNESSES

Clarence Thomas
Alexandria, Virginia

PANEL 1

Daniel Thursz
President
National Council on Aging

Nancy Kreiter
Research Director
Women Employed

Alfred W. Blumrosen
Professor
Rutgers School of Law

PANEL 2

Arthur Green
Federal Liaison
International Association of Official Human Rights Agencies

Frank Quevedo
Past Chairman of the Board
Mexican American Legal Defense and Education Fund

Harriet Ehrlich
District Director - Houston
Equal Employment Opportunity Commission

Willie King
Director - Financial Management Division
Equal Employment Opportunity Commission



THE CHIEF of STAFF
has seen

Suite 500, 419 7th Street, N.W.
Washington, D.C. 20004-2293 — (202) 626-8600 (FAX) 737-9189 or 347-5807

FOR IMMEDIATE RELEASE:

July 1, 1991

FOR FURTHER INFORMATION:

Douglas Johnson, Legislative Director
(202) 626-8820, (301) 502-1170
Nancy Myers, Communications Director
(202) 626-8825

STATEMENT BY NATIONAL RIGHT TO LIFE COMMITTEE

ON THE NOMINATION OF JUDGE CLARENCE THOMAS TO THE U.S. SUPREME COURT

The following statement regarding President Bush's selection of U.S. Court of Appeals (D.C.) Judge Clarence Thomas for the U.S. Supreme Court may be attributed to NRLC Legislative Director Douglas Johnson.

Judge Thomas has never handled an abortion-related case. He has not taken a position on *Roe v. Wade* as far as we know. However, we are pleased that President Bush said today that he sought a nominee who would "faithfully interpret the Constitution and not legislate from the federal bench." Since *Roe v. Wade* has no basis in the text of the Constitution, we expect the erosion of *Roe v. Wade* to continue.

However, the only abortion-related case likely to reach the Supreme Court during the 1991-92 term is *Planned Parenthood of Southeastern Pennsylvania v. Casey*, involving provisions of Pennsylvania law requiring parental consent, informed consent, and spousal notification prior to an abortion; the challenged provisions do not prohibit any abortions. Cases involving laws that prohibit most abortions, such as the Guam and Louisiana laws, are unlikely to reach the Supreme Court before the 1992-93 term.

Pro-abortion groups now will no doubt redouble their pressure on Congress to pass the so-called "Freedom of Choice Act" (S. 25, HR 25), which would invalidate virtually all restrictions on abortion. This bill is being 'marketed' as a "codification of *Roe v. Wade*," but the press should be skeptical of this misleading characterization. Even the ACLU agrees that the bill would invalidate many laws that have been upheld under *Roe v. Wade*, including all parental notification laws-- laws supported by overwhelming majorities.

NRLC is the major pro-life group, representing about 3,000 local chapters.

In 1981, Anita Hill apparently told Susan Hoerchner -- her classmate at Yale Law School -- in general terms about alleged sexual harassment by Clarence Thomas. These allegations apparently did not include any references to pornography. When Hoerchner tried to raise the subject later, Hill apparently resisted discussing it. When Clarence Thomas was nominated to the Supreme Court in early July 1991, Hoerchner called Hill and the two women discussed the harassment allegations at that time.¹

Sometime during the summer, a Yale Law classmate of Hill's, perhaps Hoerchner, apparently contacted the Alliance for Justice (an anti-Thomas lobbying group) with reports of allegations of sexual harassment against Thomas.²

On September 4, perhaps because of actions by Alliance for Justice, a Labor Committee staffer named Gail Laster called Hill. The next day, they spoke on the phone about rumors of sexual harassment by Thomas. Hill offered a "no comment." On September 6, Hill was called by Ricki Seidman, Senator Kennedy's Labor Committee staffer, who formerly worked as a lawyer for People for the American Way (a leading anti-Thomas organization). The Labor Committee did not have jurisdiction over the Thomas nomination. Seidman asked her about allegations of sexual harassment. This time, Hill responded that she would not confirm or deny such allegations.³

On September 7 or 8, Hill talked again to Seidman, suggesting that she may have something to tell. They agreed that Hill would talk to James Brudney, Senator Metzenbaum's Labor Committee staffer. Hill already knew Brudney, and trusted him. Hoerchner also knew Brudney because Hoerchner's brother was in Brudney's law school class.⁴

On September 9, Hill talked with Brudney. They discussed several topics, focusing on the various scenarios that might ensue if she came forward in one or another with allegations of sexual harassment. Specifically, Brudney asserted that such allegations might lead Thomas to withdraw his name as a nominee.⁵

On September 12, Hill contacted Judiciary Committee staff and began relating allegations of sexual harassment. There ensued a series of contacts between Hill and Judiciary staff. Most of these contacts appear to have focused, though perhaps not exclusively, on issues relating to the manner and extent to which Hill's confidentiality could be preserved. Finally, on Sept 23, Hill sent Judiciary staff a signed statement containing detailed allegations of sexual misconduct by Clarence Thomas. That same day, Hill was interviewed by the FBI.⁶

On September 25, Hill asked Judiciary Committee staff to distribute her statement to the Members.⁷ About this time, probably on September 26 or 27, Senator Paul Simon apparently called Hill to find out whether she was a credible witness; during this discussion, Simon informed Hill that the Committee would not be able to act on her allegations unless she was willing to come out publicly.⁸ On October 6, Newsday reported that "Simon said he and most other members of the Senate Judiciary Committee were not aware of the allegations when they voted on the nomination [on September 27]." On October 7, Simon admitted on MacNeil/Lehrer that, not only had he read the allegations before the vote, but that he had interviewed Hill before the vote.

On October 6, the press reported Hill's allegations, apparently as a result of her statement being leaked. On October 7, Hill held a press conference to discuss her charges.

At the October 7 press conference, Hill stated that "I responded to the Committee approach, and I only responded after they approached me." On October 11, Hill testified before the Judiciary Committee: "I took no initiative to inform anyone. But when I was asked by a representative of this committee to report my experience I felt that I had to tell the truth."

1. Hill TV testimony, 10/11, 2/104-105; Hoerchner interview 10/10, pp. 18 ff. Statements on these issues have varied. Hill told the FBI that Hoerchner was the only person she told about the alleged harassment. Later, however, she publicly testified that she had told the story to two other people. On October 10, Hoerchner stated in a Senate staff interview that Hill had recently told her that she (Hoerchner) was the only person to whom Hoerchner had revealed the alleged harassment. After an interruption by Hill's attorney (who, for unknown reasons was present at the interview), Hoerchner changed her story and suggested that an FBI agent was the one who suggested that she was the only corroborating witness.

2. Washington Post, 10/12, A7; New York Times, 10/13, p. 29.

3. Hill TV transcript 3/179-183.

4. Hill TV transcript 3/183-184.

5. Hill TV transcript 3/185, 4/203 ff.

6. Cong. Rec., S14527, 10/8.

7. Ibid.

8. Transcripts of Simon appearances on MacNeil/Lehrer 10/7 and on CBS This Morning 10/8.

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
01. Memo	Status of Telephone Calls to Key Staff (Administrative Assistants) Re: Thomas Nomination (1 pp.)	n.d.	P 2 , P 5	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Sununu, John, Files
Subseries: Issues Files
WHORM Cat.:
File Location: Clarence Thomas Nomination [4]

Open on Expiration of PRA
 (Document Follows)
 By Jf (NLGB) on 10/28/05

Date Closed: 1/5/2005	OA/ID Number: 29173-001
FOIA/SYS Case #: 1998-0004-F[2]	Appeal Case #:
Re-review Case #: 2005-0426-S	Appeal Disposition:
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
AR Disposition Date:	MR Disposition Date:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

P-1 National Security Classified Information [(a)(1) of the PRA]
 P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
 P-3 Release would violate a Federal statute [(a)(3) of the PRA]
 P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
 P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
 P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

(b)(1) National security classified information [(b)(1) of the FOIA]
 (b)(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
 (b)(3) Release would violate a Federal statute [(b)(3) of the FOIA]
 (b)(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
 (b)(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
 (b)(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
 (b)(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
 (b)(9) Release would disclose geological or geophysical information

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Removed as a personal record misfile.

STATUS OF TELEPHONE CALLS TO KEY STAFF (ADMINISTRATIVE ASSISTANTS) RE: THOMAS NOMINATION

-- Calls to Senators themselves tomorrow a.m.

Boren -- believed to be still "ok"

Breaux -- awaiting return phone call

Bryan -- remains firmly undecided

DeConcini -- okay

Exon -- firmly undecided; wants all evidence in first

Fowler -- awaiting return phone call

Hollings -- awaiting return phone call

Handwritten: Johnston -- awaiting return phone call

Nunn -- awaiting return phone call (remember -- he indicated to me and CT that if it came down to Hill's word against CT's, then he would be with CT)

✓ Reid -- leaning towards CT

? Shelby -- awaiting return phone call

Bentsen -- firm "no" according to AA and newspaper reports

Baucus -- no

Dodd -- awaiting return phone call

Graham -- awaiting return phone call

Robb -- believed to be leaning yes

Leiberman -- ok

both by cool / Hated

Handwritten signatures:
Burdick
Dixon
Byrd
Mazuchan

THE WHITE HOUSE
WASHINGTON

10/11

Carens,

Thought you
might find the
attached of
interest.

Truly,

Pho

DAILY TALLY SHEET

NAME <i>Summary</i> <i>as of 3:15 p.m.</i>		STATION #	DAY - M T W T F	DATE - <i>10/11/91</i>	13807
SECTION 1 - INDIVIDUAL					TOTALS
Expression of Feeling Toward the President	+				
	-				
Expression of Feeling Toward the First Lady	+				
	-				
Greeting Requests					
Referrals (Gov't/WH Offices)					
Personal and Nonsubstantive					
Questions					
Miscellaneous Issues					
SECTION 2 - ISSUES			POSITIVE	NEGATIVE	TOTALS
1 PRESIDENT'S PRESS BRIEFING OF <i>Statement</i> SPEECH OF <i>10/11/91</i>			<i>1</i>	<i>249</i>	<i>250</i>
2 DELAYING OF VOTE ON JUDGE THOMAS					
3 SUPPORT CONFIRMATION OF JUDGE THOMAS TO SUPREME COURT			<i>741</i>	<i>374</i>	<i>1,115</i>
4 U.S. RECOGNITION OF CROATIAN INDEPENDENCE					
5 U.S. SUPPORT OF SLOVENIAN INDEPENDENCE					
6 EXTENSION OF UNEMPLOYMENT INSURANCE BENEFITS					
7 POTUS MUST FOCUS ON SOLVING DOMESTIC PROBLEMS/ECONOMY/ UNEMPLOYMENT/HEALTH CARE					

(OVER)

DAILY TALLY SHEET (CONTINUATION SHEET)

SECTION 2 - ISSUES (CONTINUED)	POSITIVE	NEGATIVE	TOTALS
8 PRO LIFE (POSITIVE COLUMN) PRO CHOICE (NEGATIVE COLUMN)			
9 120 DAY DELAY IN LOAN GUARANTEE TO ISRAEL			
10 GUN LEGISLATION			
11 RELEASE OF YAYWEH BEN YAYWEH			
12 U.S. INTERVENTION IN COUP IN HAITI			
SECTION 3 - COMMENTS/SUGGESTIONS FOR THE PRESIDENT			
13. GATES CONFIRMATION			
14. INVESTIGATE CONGRESS RE CHECK BOUNCING/FREE LUNCHES			
15. INVESTIGATE WHO LEAKED THE FBI REPORT ON JUDGE THOMAS			

THIS IS NOT A NORMAL CONFIRMATION. THIS IS A WITCH HUNT. A MAN AND HIS FAMILY ARE BEING RUINED. THIS IS SUPPOSE TO BE OUR GOVERNING BODY. CALLER IS APPALLED, AND THE MEDIA IS PLAYING IT UP AND THE PERSON WHO STARTED ALL THIS BY LEAKING IT MUST BE FOUND. CALLER WASN'T FOR THOMAS BUT NOW SUPPORTS HIM WHOLEHEARTEDLY.

THERE ARE THREE ISSUES HERE ALL DISPARATELY IMPORTANT

1. THE QUALIFICATION OF CLARENCE THOMAS
2. THE IMPORTANCE OF THE ALLEGATIONS BROUGHT FORWARD BY ANITA HILL.
3. THE OUTRAGEOUS BEHAVIOR OF CERTAIN MEMBERS OF THE JUDICIARY COMMITTEE AND THE MISHANDLING OF THIS CASE.

I AM SCARED ABOUT WHAT IS HAPPENING IN WASHINGTON. PLEASE MR. PRESIDENT PUT POLITICS ASIDE AND LOOK TO THE GOOD OF THE WHOLE.

THIS WHOLE (CONGRESS) GOVERNMENT IS TURNING INTO A CIRCUS. THIS CALLER CALLED KENNEDY'S OFFICE TO COMPLAIN AND KENNEDY'S AIDE HUNG UP ON THE CALLER.

MAN SAID THAT POTUS' CLOSED MIND SUPPORT OF THOMAS INDICATES FUNDAMENTAL DISREGARD OF WOMEN.

INSTEAD OF A CONFIRMATION HEARING, WE NOW HAVE A WOMEN'S MOVEMENT CRUSADE. THIS WHOLE THING IS BOGUS. A WOMAN CAN VERY EASILY SAY TO A MAN "GET LOST" IF SHE DOESN'T LIKE HIS ATTITUDE.

I AM TIRED OF ISSUES BEING TRIED IN THE PRESS.

THE FINGER SHOULD BE POINTED AT KENNEDY AND METZENBAUM. THE PERSON WHO LEAKED THE INFO HAS DESTROYED THOSE TWO PEOPLE MORE THAN THEY EVER HARMED EACH OTHER.

HOW CAN THE PRESIDENT SUPPORT EITHER SIDE BEFORE HEARING THE EVIDENCE? OUR PRESIDENT NEEDS TO HAVE AN OPEN MIND. SOME TIMES POLITICS MUST TAKE A BACK SEAT TO COMMON SENSE AND COMMON DECENCY.

THERE SHOULD BE AN IMMEDIATE INVESTIGATION OF WHO LEAKED THE FBI REPORT. ALSO, THERE IS A DICHOTOMY IN THAT WOMEN WANT TO BE TREATED LIKE MEN IN THEIR RIGHTS IN THE WORK PLACE, BUT THEY ALSO WANT TO BE PERCEIVED AS WOMEN. CALLER SAYS SHE WANTS NO PART OF WOMEN'S LIB.

SENATOR OR HIS AIDE MUST BE FOUND OUT AND PUNISHED FOR LEAKING FBI REPORT. THIS WHOLE CHARADE IS APPALLING.

CALLER CAN'T BELIEVE THAT THIS FIASCO IS CONGRESS. SHE AND HER HUSBAND STRONGLY SUPPORT THOMAS.

CALLER, A LAWYER, WHO WAS NOT ORIGINALLY IN FAVOR OF THOMAS NOW FEELS THAT HE IS MORE THAN QUALIFIED FOR THE SUPREME COURT AS A RESULT OF HIS CONSIDERED RESPONSE THIS MORNING.

SIDESHOW ON TV - A DISGRACE TO OUR COUNTRY.

A BLACK WOMAN ASKS "WHAT IS THIS WORLD COMING TO WHEN 2 BLACK PEOPLE HAVING SEX CAN TAKE UP THE CONGRESS' ATTENTION FOR A WHOLE DAY."

THIS IS A VERY CRITICAL TIME FOR OUR COUNTRY. CONGRESS BETTER GET ITS ACT TOGETHER. HOW WAS IT POSSIBLE FOR THIS WHOLE THING TO GET SO OUT OF CONTROL?

SOMEONE BETTER MAKE SURE THAT THOMAS' RIGHTS ARE UPHELD OR WASHINGTON WILL HAVE A PROTEST MARCH SUCH AS IT HAS NEVER SEEN BEFORE.

WHAT A CIRCUS TO SEE KENNEDY WHO COULD HAVE BEEN PROSECUTED FOR MURDER AND RAPE SIT IN JUDGMENT.

THIS IS A NATIONAL DISGRACE. CONGRESS OUGHT TO BE ASHAMED. CALLER FEELS VERY SORRY FOR POTUS AND THOMAS.

THE SENATE SHOULD BE ON TRIAL. IT'S A CIRCUS. THE HILL, THOMAS MATTER IS A PURELY SUBJECTIVE ONE AND DOES NOT DESERVE THE COVERAGE.

THOMAS AND HILL ARE BOTH PAWNS. THE HEARINGS ARE A DISGRACE. MANY CHILDREN MAY BE LISTENING TO THIS FILTH COMING FROM THIS WOMAN'S MOUTH. IT'S PITIFUL THAT THESE HEARINGS ARE BEING TELEVISED. CAN'T THE PRESIDENT STOP IT?

ANITA HILL WAS NOT A DOWN-TRODDEN WOMAN. RATHER SHE WAS HIGHLY WELL EDUCATED AND COULD HAVE MOVED ON AND OUT OF THIS HAD SHE REALLY WANTED TO. AND WHO COULD JEOPARDIZE NATIONAL SECURITY BY LEAKING THIS FBI REPORT. GET HIM.

RE: POTUS COMMENTS TODAY

INCREDIBLE - OUTRAGEOUS - UPSETTING - OFFENDED -
UNSENSITIVE, UNFAIR - RESENT - NARROW-MINDED - NOT FAIR -
JUST PLAIN STUPID TO PREJUDGE - DOES HE THINK WE ARE FOOLS?
POOR JUDGEMENT - IT SCARES ME TO REALIZE THAT MY PRESIDENT
DOES NOT UNDERSTAND WOMEN.

THIS IS A TERRIBLE DAY FOR AMERICA. WHAT HAVE WE DONE?

I'M A DEMOCRAT BUT BECAUSE OF THIS INVESTIGATION, I'M CHANGING PARTIES.

CALLER IS ASHAMED OF HER COUNTRY. THOMAS HAS BEEN DONE A SERIOUS AND IT IS LUDICROUS TO HAVE KENNEDY SITTING THERE JUDGING THIS MAN.

I THINK JUDGE THOMAS SHOULD STEP DOWN. IT IS UNFORTUNATE BUT THIS SITUATION HAS RUINED HIS REPUTATION. THE WATERS ARE TOO MUDDY.

PLEASE CHOOSE SOMEONE CLOSER TO THE IDEOLOGY OF JUSTICE BRENNAN. DEBATE IS THE ESSENCE OF DEMOCRACY IT KEEPS US HONES. WE NEED A BALANCE.

I DISAPPROVE OF THE WAY PRESIDENT BUSH HAS HANDLED THIS JUDGE THOMAS CRISIS.

THIS IS A LOW POINT IN DEMOCRACY, NOT BECAUSE OF THE ALLEGATIONS, BUT BECAUSE OF THE PROCESS. THIS IS A CIRCUS.

I NEVER THOUGHT I WOULD LIVE TO SEE THIS TRAVESTY OF AMERICAN JUSTICE. THOMAS SHOULD WALK OUT OUT THE ALLEGATIONS ARE NOT MADE PUBLIC. THE SPECULATION IS PROBABLY WORSE THAN THE FACT.

THIS IS A KANGAROO COURT. MS. HILL WILL NOT ALLOW HER TESTIMONY. THEY WHOLE THING SHOULD BE DISMISSED.

THIS IS NOT A HEARING IT IS A LYNCHING. GOD HELP US. I THOUGHT MC CARTHY AND WITCH HUNTS WERE DEAD.

THE DEMOCRATS ARE DEMEANING THE DEMOCRATIC SYSTEM. THEY ARE BEING JUDGED BY THE AMERICAN PEOPLE.

HE SHOULD BE ALLOWED TO HEAR THE ORIGINAL ALLEGATION.

GET KENNEDY OUT OF THERE - VOICED OVER AND OVER.

JUDGE THOMAS WAS MAGNIFICENT THIS AM.

THE REPUBLICANS SHOULD WALK OUT OF THESE HEARINGS IF JOE BIDEN'S RULES ARE ALLOWED.

I MAY NOT THINK THAT CLARENCE THOMAS IS QUALIFIED TO SIT ON THE SUPREME COURT. HE DOES NOT DESERVE TO BE CRUCIFIED. THE INTEGRITY OF THE WHOLE PROCESS HAS BEEN CALLED TO QUESTION.

POTUS SHOULD BE A LITTLE BIT MORE CAREFUL - HE SHOULD NOT COMMENT UNTIL HE HAS HEARD BOTH SIDES. THIS CAUSED A FLURRY OF CALLS.

WHAT IS THIS MAN'S PROBLEM (POTUS)? HE IS ALWAYS SO GRUMPY ON TV. TWELVE YEARS OF THIS MAN IS LONG ENOUGH AND HE SHOULD GET OUT OF OFFICE.

BUSH, IN EFFECT, SMEARED THE HILL BY MAKING A STATEMENT BEFORE HEARING HILLS' TESTIMONY. IT WOULD HAVE BEEN BETTER NOT HAVE COMMENTED.

SPECIAL TALLY SHEET

MONDAY, OCTOBER 14, 1991

Total calls
answered
9-5:45

91 OCT 15 17:09

NAME:

Daily Summary

STATION NO:

5,288

ISSUES:

1. **JUDGE THOMAS SHOULD BE CONFIRMED**

POSITIVE

3,147

NEGATIVE

1,342

2. **POTUS SHOULD WITHDRAW THOMAS NOMINATION NOW**

POSITIVE

643

NEGATIVE

3. **POTUS COMMENTS AND SUPPORT STATEMENTS FOR JUDGE THOMAS**

& Handling

POSITIVE

167

NEGATIVE

264

4. **INVESTIGATE THE LEAK OF FBI REPORT BY INDEPENDENT PARTY**

POSTIVE

441

NEGATIVE

5. **MISCELLANEOUS/OBSERVATIONS/SUGGESTIONS RE THOMAS**

Hearings an Embarrassment

840

2 per call

** Some husband & wife*

Judge Thomas made a powerful statement.

This decent, honorable man has been smeared -- his statement was powerful, but the Judge was wrong in one way -- he said "grave" and "irreparable" damage cannot be corrected. The damage may appear grave, but his innate decency and honor are such that even these charges will not do irreparable damage to him.

The American people are fair. They know "character" when they see it.

Today they saw a decent, honest man.

He should be confirmed. I believe he will be confirmed -- and in the end, he will get his good name back.



CNP, Inc.

FAX COVER SHEET

Date: 10 OCT 91TO: JOHN SUNUNUFR: MORTON BLACKWELL

NUMBER OF PAGES INCLUDING COVER

7

INFORMATION ON ANITA HILL
THAT INDICATES HER MINDSET
AND MOTIVATIONS.

Todd A. Cone
947 B Biloxi Dr.
Norman, Ok 73072

October 9, 1991

Senator Alan Simpson
Washington, D.C. 20510

Dear Senator Simpson:

I am a third year law student at the University of Oklahoma. Over the past few days I have had the opportunity to find myself in the middle of the bustle of activities surrounding the Anita Hill allegations.

Contrary to the image painted by the media, the sentiment among the law students at the law school is not unanimous adoration. Not only did most the students I spoke with not admire Ms. Hill, few had nice things to say.

Before coming to the University of Oklahoma Law School, I was forewarned to stay away from classes taught by Ms. Hill because she was very liberal and did not take kindly to males. Therefore, I have had the experience of Ms. Hill as a teacher. However, I spoke with several of my fellow students who did.

I did not choose only students who I knew disliked Ms. Hill, but rather, took a general census of many who had her as a teacher. Most found her "moody" and refused to ever take a class from her again. The majority conveyed the following sentiments:

A third year law student with whom I spoke, found, after being around Ms. Hill, that Ms. Hill had "a really poor attitude." She believed (some rumor and some overall impression) that the black students received favorable treatment both in class and in grades. Her impression was that Ms. Hill felt that the black students had come from rougher backgrounds and and that this was Ms. Hill's way of "evening things out."

A third year student found her "racist in class." His class had one black female in class. Ms. Hill was "hard" in class. (This is not an entirely negative trait for a law professor; in fact, most law professors are.) He found that the one black female received special treatment in class and that Ms. Hill was especially kind to that student. From his experience, he found that quite a few students shared his sentiments.

Another third year student also relayed to me the rumor that black students tended to receive favorable treatment in her class. White males, who normally received high grades, received their lowest grades in her class, while black females fared rather well. (I recognize that this is a rumor. I am merely stating their thoughts as they were conveyed to me)

He also found her extremely sensitive. While he had her as a teacher, there was an incident where Ms. Hill mistakenly gave a student a D+ when he actually received a B+ on the test. Ms. Hill changed the grade after a few weeks. Several other students, however, hearing of the mistake, wanted to make sure their grades were not also wrongly transcribed. Ms. Hill was offended at the students insinuation that she might have made a mistake and she became very angry.

He found it obvious that she has a "chip on her shoulder."

A third year student, who did not support the Clarence Thomas nomination for political reasons, stated that he did not think Ms. Hill treated students unfairly but that she did have "a major chip on her shoulder." Ms. Hill's view of society was white males on top and black females on the bottom. Black females were in constant battle to try and fight their way up and stay up. Further, his impression was that Ms. Hill had a civil rights agenda and she felt women were stepped on and blacks put down.

Finally, he found Ms. Hill extremely sensitive to gender issues. From his experience in class, he found that she "blew gender issues out of proportion."

Another third year student found her extremely sensitive to gender related issues. He conveyed two such examples:

First, during class, when a student would use the pronoun "he," Ms. Hill would jump all over the student and question the student as to how they know it was a man.

Second, at the beginning of every school year, the faculty has a get-together for each of the first year sections. The purpose is for the students professors to mingle and get to know each other. The student walked up to Ms. Hill during the mingling and put his hand on her shoulder. He intended nothing. Ms. Hill became irate. She yelled at him to get his hand off her shoulder and proceeded to let him have a piece of her mind.

A second year law student, who highly respected Ms. Hill as a teacher and who thought she was extremely professional, found it obvious that "she had a feminist agenda." He described her as very active with feminist issues. He found that when even a minor feminist or gender issue arose, Ms. Hill would "jump all over it."

I found, from talking with these students, not an innocent law professor caught up in the Thomas nomination, but rather, a picture of a liberal feminist with an agenda of furthering her feminist goals and looking for a forum for her liberal point of view. Obviously I am not alone in my opinion.

Her treatment of gender issues indicates an obvious and blatant trend towards overreaction, in comparison with any reasonable person; be they conservative or liberal. Furthermore, as evidenced in the earlier example where Ms. Hill reacted almost violently to this student's hand on her shoulder, Ms. Hill has a propensity to misinterpret even the most innocent of actions.

None of the people I spoke with wanted to come forward themselves. The law students fear repercussions of the professors and resentment from other students. For example, a professor went so far as to state that the school community needed to stand behind Ms. Hill for the posterity of the University of Oklahoma Law School. They are afraid to speak out for fear they will be labeled racist or chauvinist. Further, they fear jeopardizing their future legal careers.

I believe the actions of Ms. Hill are extremely questionable and should be closely scrutinized. I feel the above incidents are indicia of a political agenda. Ms. Hill is not merely an innocent law professor thrust into the situation by the media as she would have you believe, but rather a political activist furthering a cause she has so vehemently advanced in the past. This time at the expense of Judge Thomas.



Todd A. Cone

P.S. If you wish to contact me,
you may do so at (405) 329 - 2629

**Christopher S. Wilson
3281 Ridgcrest Ct. #1012
Norman, OK 73072**

October 9, 1991

**Senator Alan Simpson
Washington, D.C. 20510**

Dear Senator Simpson:

I am a first year law student at the University of Oklahoma. During the past few days I have had the unique opportunity of hearing the comments, both favorable and unfavorable, made by fellow students. Many of these comments I feel should be of concern to you and other members of the Judiciary Committee.

A universal concern among students is why did Ms. Hill wait until now to come forward with these allegations when Judge Thomas has been up for Senate confirmation three times in the past. It is my opinion that Ms. Hill's action are part of a liberal agenda to stop Thomas' confirmation. Here is evidence.

On September 14, when speaking of Thomas' nomination to an OU law graduate, he stated to me his opinion that if Anita Hill could do anything to stop Thomas' nomination she would. He went on to later say Hill was liked as a professor, but not respected. She would evoke liberalism at any chance when she taught. She would always take the liberal version of the law.

When the law school was looking to hire a new professor and made their final cut, this same graduate remembers Ms. Hill protesting because there were no women or minorities in the group. As a current student I can assure you there is no shortage of either among the present teachers.

He remembers Ms. Hill as being very political, she was in politics and aware of it. As he put it there was no way she could not know what she was doing and it is absurd to think this is not political.

I also spoke to a third year female who called her class a "bastion of liberalism". She suggested that since I am a white male I should stay away from her classes.

page two

I was told by another third year student, a male, not to take her class for similar reasons. He called her a noted liberal and a "big women's liber" and if she found out I was a conservative I would have a hard time.

Another graduate of OU law school told me of an instance in Contracts class where he had a discussion with Ms. Hill. It was a case in which a woman sued a man she had slept with for child support when there was no proof he was the father. She had been with other men and merely suspected this man. The woman was awarded child support. When asked how this judgement was fair Ms. Hill responded women should be supported regardless of proof.

He also pointed out it is well known around the law school that she is an active liberal. He suggested that, having had her in class, she may be trying to keep Thomas off the court to further what he called the women's lib movement.

I must point out that I have never had Ms. Hill for a class and have never met her. However, I felt I must say something because others are frightened to. All of the above statements were given by people who did not want to come forward themselves. It has been said in class by a professor all the students should stand behind her to protect the law school. Many are afraid to say anything because they could jeopardize themselves with their teachers.

Although Ms. Hill claims her actions are not political I believe this late emergence of allegations fits the pattern of past assaults on conservative nominees. Given her performance in class and the opinions I have given you by others you can see my doubts.

Sincerely,

Christopher S. Wilson

P.S. If you wish to contact me my phone number is (405) 447-3425

News

United States
Department
of Labor



Office of Information

Washington, D.C. 20210

CONTACT: Steve Hofman
OFFICE: 202/523-9711
Johanna Schneider
202/523-2831

USDL: 91-520
FOR RELEASE: Immediate
Thurs., October 10, 1991

Statement by the Secretary of Labor Lynn Martin on Sexual Harassment

I have seen for too many years behavior in the workplace that is rightfully unacceptable. As Secretary of Labor, I believe that change is long overdue.

This is not just to make women "comfortable" in the workplace. It is so that both women and men can have a workplace where each may grow and prosper.

Creating a positive work environment is a critical element to both personal job satisfaction and productivity. This Administration understands that and has been working to educate the government workforce on the issue of sexual harassment.

Sexual harassment is environmental pollution of the worst kind. I felt this as strongly when I was a Member of Congress and fought to bring the House under employment anti-discrimination laws as I do now.

Sexual harassment is wrong and will not be tolerated in any form in the Department of Labor or in this Administration.

Immediately upon my confirmation, I set up a Task Force to review our Department-wide policy on sexual harassment.

The report identified a need for awareness, education and training in addition to specific policies for handling complaints and penalty structures.

I immediately instituted a statement to all employees defining the behaviors that constitute sexual harassment and a strong directive that sexual harassment in any form will not be tolerated. Each employee was required to sign a form acknowledging that they have read the statement.

In addition, we began a massive training program to understand and identify sexual harassment. Since June, we have trained 2,100 managers and supervisors and we intend by the end of 1992 to have trained all 18,000 Department employees.

-more-

-2-

My desire is that the Administration's commitment to eliminate sexual harassment will send a powerful message to all employers and employees in and out of government. The Labor Department will make its model effort available to all employers so that women and men who are the pioneers of this generation of workplace diversity will benefit.

###

III 23 1991

MEMORANDUM FOR ALL DEPARTMENT OF LABOR EMPLOYEES

FROM: LYNN MARTIN
SUBJECT: Sexual Harassment Policy

Over the coming months, we will be taking a number of steps to make the Department of Labor a model workplace. As part of this effort, we must create an environment in which all employees can perform their work free of all types of discrimination, including sexual harassment of any form.

Sexual harassment -- subjecting employees to unwelcome sexual conduct as a condition of their employment -- is a type of sex discrimination prohibited by Title VII of the 1964 Civil Rights Act.

Sexual harassment occurs when employment decisions affecting an individual (such as hiring, firing, promotions, awards, transfers, or disciplinary action) result from submission to or rejection of unwelcome sexual conduct. Thus, it is sexual harassment for a supervisor to coerce an employee into a sexual relationship and then reward the employee with a promotion. It is also sexual harassment for a supervisor to take disciplinary action against or deny a promotion to an employee because he or she rejected sexual advances.

Sexual harassment can also be any activity which creates a hostile or offensive environment for members of one sex -- whether such activity is carried out by a supervisor or by a co-worker. This could include such workplace conduct as displaying "pinup" calendars or sexually demeaning pictures; telling sexually oriented jokes, making sexually offensive remarks or engaging in unwanted sexual teasing; or subjecting another employee to pressure for dates, sexual advances, or unwelcome touching.

I will not tolerate sexual harassment in any form at the Department of Labor. I have instituted a new training program on sexual harassment issues which will be given to all management and supervisory personnel as soon as possible. I have also directed all management officials to take immediate action to ensure that their subordinate employees are not subjected to any form of sexual harassment or intimidation. All supervisors are required to give complaints of sexual harassment swift and serious attention and to take appropriate disciplinary action against any employee who engages in sexual harassment.

Any Department of Labor employee who believes that he or she has been subjected to sexual harassment should report such behavior immediately. This may be done by filing a complaint with the Directorate of Civil Rights or by bringing the matter to the attention of a supervisor or other management official or to the servicing personnel officer. I have directed that complaints of sexual harassment be given fast and effective treatment.

I request that each of you sign the attached form to acknowledge that you have read this memorandum.

Attachment

This is to acknowledge that I received and have read the
Secretary of Labor's policy statement on Sexual Harassment.

SIGNATURE

DATE

Training

- o The BNA training package "Intent vs. Impact", which contains both manager and employee components, will be used to train all Department of Labor employees on sexual harassment.
- o All managers in the National Office and in Regional Office cities will be trained by September 30, 1991.
- o All remaining managers will be trained by December 31, 1991.
- o The training for managers will include a discussion of the Table of Penalties and recording of comments and questions on the proposal.
- o Following notification of Local 12 and NCFLL, all non-supervisory DOL employees will be trained by the end of FY 1992.
- o Training in the National Office will be administered and conducted by the DOL Academy, with technical assistance from the Directorate of Civil Rights.
- o Training in the field will be conducted by the Regional Training Officers and the Regional Civil Rights Officers. Additional trainers will be identified as needed.
- o The DOL Academy will provide guidance to the Regional Training officers on administration of the training, including procedures for recording attendance.

**Time Line for Implementing Report of the
Task Force on Sexual Harassment**

- Policy Statement and accompanying memorandum (to include policy of handling sexual harassment cases expeditiously) for Executive Staff to be signed by The Secretary by.....7/19/91
- Statement and Memorandum delivered to Agency Heads at Executive Staff meeting on.....7/26/91
- Unions notified of Policy Statement and training plans by.....7/26/91
- Executive Staff reports back to The Secretary, certifying distribution of 1) memo to managers and supervisors and 2) Policy Statement and employees receipt and signatures indicating they've read it, by...9/30/91
- All managers and supervisors in National Office and in Regional cities trained by.....9/30/91
- All remaining managers and supervisors trained by.....12/31/91
- Table of Penalties issued by..... 2/01/92
- All employees trained by.....9/30/92

JUL 23 1991

MEMORANDUM FOR THE EXECUTIVE STAFF

FROM: LYNN MARTIN

SUBJECT: Report of the Task Force on Sexual Harassment

On May 22, 1991, Janet Norwood submitted to me the Report of the Task Force on Sexual Harassment (copy attached). After considering the Report and its recommendations, I have accepted them in totality. The major thrust of the recommendations focuses on awareness, education, and training; furthermore, if a case of alleged sexual harassment occurs in your agency, you are to handle it quickly and effectively. Attached is a memorandum for your managers and supervisors, and I would appreciate your seeing to it that all of them receive it.

In accordance with recommendations 6. and 7. of the Report, to raise the consciousness about this important issue, I have signed a comprehensive policy statement to be issued to all DOL employees (copy attached). In this regard, I am asking you to ensure that a copy of the statement is issued to all employees in your agency in both headquarters and the regions. Subsequently, by the end of this fiscal year, please certify back to me that all your employees have read the statement and signed the attached form indicating that they have read it.

Also attached for your information is the time line for implementing the Report's recommendations and a plan for training. Working together, our goal is to define acceptable behavior in the workplace, alert all employees to our commitment to ensure a workplace free of harassment, train our supervisors to carry out their responsibilities, and establish clear policies to deal with harassment if it occurs.

Attachments

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
02. Memo	From Janet Norwood to Lynn Martin Re: Report of the Task Force on Sexual Harassment (5 pp.)	5/22/91	P/5	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Sununu, John, Files
Subseries: Issues Files
WHORM Cat.:
File Location: Clarence Thomas Nomination [4]

Open on Expiration of PRA
 (Document Follows)
 By JP (NLGB) on 10/28/05

Date Closed: 1/5/2005	OA/ID Number: 29173-001
FOIA/SYS Case #: 1998-0004-F[2]	Appeal Case #:
Re-review Case #: 2005-0426-S	Appeal Disposition:
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
AR Disposition Date:	MR Disposition Date:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P-1 National Security Classified Information [(a)(1) of the PRA]
 P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
 P-3 Release would violate a Federal statute [(a)(3) of the PRA]
 P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
 P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
 P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Removed as a personal record misfile.

Freedom of Information Act - [5 U.S.C. 552(b)]

(b)(1) National security classified information [(b)(1) of the FOIA]
 (b)(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
 (b)(3) Release would violate a Federal statute [(b)(3) of the FOIA]
 (b)(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
 (b)(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
 (b)(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
 (b)(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
 (b)(9) Release would disclose geological or geophysical information



MAY 22 1991

MEMORANDUM FOR THE SECRETARY

FROM: JANET L. NORWOOD *Janet L. Norwood*
Commissioner of Labor Statistics

SUBJECT: Report of the Task Force on Sexual Harassment

The task force on sexual harassment has reviewed the issues with which it was charged and submits the following report. The task force membership, in addition to me serving as chair, consisted of Rod DeArment, Shellyn McCaffrey, Tom Komarek, Kathleen Harrington, David Fortney, and Elsie Vartanian.

The task force focused on each of the issues outlined in your March 26 letter. Our report reviews current knowledge about the reality of harassment in our workplace and makes specific recommendations for a) training Department employees on sexual harassment issues; b) a guide of proposed penalties for those in the Department who are guilty of sexual harassment; and c) a Secretarial policy statement making it clear that harassment will be dealt with quickly and effectively and that such behavior will not be tolerated at the Department of Labor.

The task force has benefitted greatly from the generous assistance provided by Sheila Cronan in the Solicitor's Office (SOL), Annabelle Lockhart, Director of Civil Rights, Office of the Assistant Secretary for Administration and Management (OASAM), and from Jean Ann Logan and Larry King from the Bureau of Labor Statistics (BLS). We have also received a great deal of cooperation from Nancy Flynn, Director of the DOL Academy, on questions related to training in the Department.

We propose that you take strong and quick action on sexual harassment, and that you announce these new initiatives as a part of your overall program to create a model workplace at the Department. We believe that the proposals outlined below will help to define acceptable behavior in the workplace, will alert all employees to your commitment to ensure a workplace free of harassment, will train our supervisors to carry out their responsibilities,

and will establish a clear Department-wide set of policies on treatment of harassment cases if they do arise.

DEFINITION OF THE PROBLEM

The task force reviewed material developed through court decisions and by the Equal Employment Opportunity Commission in an effort to define sexual harassment and found very useful a statement prepared for us by the Solicitor's office. (see Attachment A). We felt it important to cover two types of sexual harassment -- "quid pro quo" harassment and "hostile work environment" harassment. We believe that the Department must avoid both types of harassment, and the recommendations that follow address both types of situations.

THE REALITY OF HARASSMENT AT THE DEPARTMENT OF LABOR

We know that sexual harassment has taken place in the Department, but it is difficult to determine how much harassment has occurred. We examined a survey of federal employees undertaken in 1988 by the Merit Systems Protection Board. The response rate for the survey was only about 57 percent, however, and questions can be raised about the wording of the questions used in the survey. The Board itself cautioned that in interpreting the survey results, users should remember that a person's responses might depend on his or her opinion about harassment and not necessarily an agreed upon definition of harassment.

The survey found that in 1987 (the year to which the responses referred) the harassment incidence rate reported by women ranged from a high of 52 percent at the State Department to a low of 29 percent at the Department of Health and Human Services (HHS). The incidence rate at the Department of Labor was 37 percent, higher than the low of 29 percent for HHS, but considerably lower than the 52 percent reported for State. Harassment reported by men -- at 11 percent in the Department of Labor -- was among the lowest in the group.

We believe that although a considerable band of error surrounds these numbers, they do provide some evidence that some employees felt that sexual harassment was a problem at the Department of Labor.

The task force believed that a review of specific cases of harassment in the Department would provide a better picture of what was happening. We found that 12 formal complaints were settled between 1980 and 1987. One of these involved rape; the offender was removed from service in the Department. Several cases involved unwelcome advances or

inappropriate remarks; they were settled either through a letter of apology or a directed reassignment. Approximately 12 additional complaints are pending; two have either been settled or are about to be, with a finding that sexual harassment was not involved. The others are under investigation.

Those were the formal cases in which specific complaints were made. The task force was also interested in the cases which were handled more informally and asked OASAM to collect from the personnel officer in each of the Department agencies a list of cases referred to line management, i.e., those cases which were handled within the agency without a complaint being filed through the EEO complaint processing channels. We found approximately 31 of these cases. The majority -- 19 cases -- involved alleged verbal harassment. The primary means used in dealing with these cases was separation of the offended and the offending parties, either through reassignment or retirement. A smaller number -- 8 cases -- related to allegations of physical harassment, primarily unwelcome touching. Disciplinary action was proposed or taken in 4 of the 8 cases. Of the remaining 4, one involved a handicapped employee (both mentally and physically) and work restrictions have been put in place while a medical evaluation is carried out; in another case, the offending employee has retired. Two cases are more recent and are still being investigated.

It should be noted that the number of formal EEO complaints filed in the Department alleging sexual harassment represents approximately 3 percent of the total formal complaints filed each year. This proportion seems to be about in line with EEOC's report that for Fiscal Year 1988, approximately 3 percent of the complaints filed against Federal Government agencies were based on sexual harassment. Nevertheless, our brief review suggests that sexual harassment is a problem requiring attention at the Department of Labor.

TRAINING

It seemed clear to the task force that the Department needed a carefully designed training package for use especially with supervisors. We wanted to be certain that the training covered "hostile environment" as well as "quid pro quo" and that the training involved helping supervisors to handle allegations of sexual harassment when they are brought to the supervisor's attention.

The DOL Academy reviewed several training packages on sexual harassment, including the course used by the Bureau of Labor Statistics, the training module given to new

Department supervisors, and others. The Academy has decided that the course used by BLS entitled "Intent vs. Impact" (BNA Communications Inc., 1988) is superior to the other courses reviewed. (See Attachment B). The Academy recommended that the course be used for sexual harassment training at the Department.

The course has been used successfully at the BLS, where all national office supervisors and managers (from the lowest level clerical supervisor to the highest level of senior management) were trained during FY 1990. The task force reviewed the video, and was briefed on the training process used at BLS.

1. THE TASK FORCE RECOMMENDS THAT THE COURSE ENTITLED "INTENT VS. IMPACT" BE USED FOR TRAINING AT THE DEPARTMENT OF LABOR.

2. THE TASK FORCE RECOMMENDS THAT THE COURSE BE REQUIRED FOR SUPERVISORS AT ALL LEVELS BOTH IN THE NATIONAL OFFICE AND IN THE FIELD. THE DOL ACADEMY SHOULD PROVIDE THE TRAINING AT THE NATIONAL OFFICE, AND THE ACADEMY SHOULD WORK OUT ARRANGEMENTS WITH THE OASAM REGIONAL TRAINING OFFICER FOR THE TRAINING OF SUPERVISORS IN THE FIELD.

We believe that supervisors have a special responsibility to ensure that the workplace is free of harassment, and that their training, therefore, should take place first.

3. THE TASK FORCE ALSO RECOMMENDS THAT OASAM BE CHARGED TO DEVELOP A PLAN FOR THE TRAINING OF ALL NON-SUPERVISORY EMPLOYEES AND FOR ACCOMPLISHING ANY DISCUSSIONS WITH THE DEPARTMENT UNIONS WHICH MIGHT BE REQUIRED SO THAT THIS TRAINING CAN BE ACCOMPLISHED EFFICIENTLY.

A DEPARTMENT WIDE CODE OF PENALTIES

The task force believes that guidelines for handling those who are guilty of sexual harassment would be useful if applied across the Department. The task force spent a good deal of time on this issue and the guidelines have gone through several drafts. We wanted to be certain that they were simple enough to be understood. We recognized, however, that the facts of each case differ, and that some leeway must be available to the disciplining officer to consider such things as the nature and seriousness of the offense, whether the offense was committed by a supervisor against a subordinate employee, the employment record and length of service of the employee.

4. THE TASK FORCE RECOMMENDS THAT A DRAFT PENALTY GUIDE (ATTACHMENT C) BE ISSUED AND MADE APPLICABLE TO ALL MANAGERS AND SUPERVISORY PERSONNEL IN THE DEPARTMENT OF LABOR.

A penalty guide can, at your direction, be applied in all cases relating to supervisory personnel. For application to bargaining level employees, the Office of Administrative Management would have to undertake discussions with union representatives. We believe that managers and supervisors have a special responsibility in the Department, and we believe that the penalty guidelines should apply only to them at this time.

5. THE TASK FORCE RECOMMENDS THAT THE SECRETARY INSTRUCT ALL AGENCIES TO HANDLE SEXUAL HARASSMENT CASES QUICKLY AND EFFECTIVELY. THEY SHOULD BE PUT ON A "FAST TRACK" IN WHICH IMMEDIATE ACTION IS TAKEN TO STOP THE HARASSMENT WHILE OTHER ASPECTS OF THE CASE ARE BEING CONSIDERED.

EDUCATION OF ALL EMPLOYEES ON DEPARTMENT POLICY

The task force spent a considerable amount of time discussing the need for a statement of policy for the Department which would be shared with all employees. In addition to making it clear that sexual harassment will not be tolerated at the Department of Labor, such a statement could encourage people to report problems of this kind. It would help to emphasize that sexual misconduct complaints will be handled expeditiously and that harassers will be dealt with severely.

6. THE TASK FORCE RECOMMENDS THAT A COMPREHENSIVE POLICY STATEMENT ON SEXUAL HARASSMENT SIGNED BY THE SECRETARY BE ISSUED TO EACH EMPLOYEE. (ATTACHMENT D)

7. THE TASK FORCE RECOMMENDS THAT AGENCIES IN THE DEPARTMENT BE INSTRUCTED TO CALL ATTENTION TO THE SECRETARY'S POLICY STATEMENT, AND THAT EACH EMPLOYEE BE REQUIRED TO SIGN A STATEMENT INDICATING THAT HE OR SHE HAD READ THE STATEMENT.

JUL 23 1991

MEMORANDUM FOR ALL DEPARTMENT OF LABOR MANAGERS AND SUPERVISORS

FROM: LYNN MARTIN
SUBJECT: Sexual Harassment

In March of this year, I commissioned a task force of DOL executives, chaired by Janet L. Norwood, Commissioner of Labor Statistics, to review sexual harassment in the Department of Labor (DOL) and to report back to me its findings. The task force submitted its report and recommendations and, after careful review, I have approved the recommendations in totality.

The recommendations of the task force, and the comprehensive policy statement which you will soon be receiving, are consistent with my desire that DOL become a model workplace. In order for the Department to become a model workplace, we must create an environment free of sexual harassment in any form.

Therefore, it is my expectation that all managers and supervisors will take immediate action to ensure that their subordinate employees are not subjected to any form of sexual harassment or intimidation. All managers and supervisors are expected to give complaints of sexual harassment swift and serious attention and to take appropriate disciplinary action against any employee who engages in sexual harassment.

Additionally, all managers and supervisors will be required to attend a new training program on sexual harassment issues which will be given as soon as possible. Your full cooperation in this matter is appreciated as we move toward making DOL a model workplace a reality.

**AFFIDAVIT OF JOHN N. DOGGETT, III
REGARDING THE ALLEGATIONS OF ANITA HILL**

**THE STATE OF TEXAS,
COUNTY OF TRAVIS.**

Before me, Toby D. Reese, a notary public in and for Travis county, Texas, on this day personally appeared John N. Doggett, III, known to me to be a *credible* person, who having been by me first duly sworn, upon his oath deposes and says:

My name is John N. Doggett, III and I work and live in Austin, Texas. I graduated from Yale Law School in 1972 and was a classmate of Clarence Thomas during his first year at Yale. I also know Anita Hill from the early 1980s when we were both working and living in Washington, DC.

I practiced law as a legal services attorney in Connecticut and California from 1972 to 1979. From 1976 to 1979, I was the Director of the Office of Legal Services of the State Bar of California in San Francisco. In June, 1979, I left the State Bar of California to attend Harvard Business School. I graduated from Harvard with an MBA degree in June of 1981 and moved to Washington, DC in August, 1981 to begin working as a management consultant for McKinsey & Company, Inc. In February, 1983, I left McKinsey to create my own international management consulting practice in Washington, DC. I moved to Austin in March of 1989 and am now the president of an international management consulting group that I formed. I am also an Adjunct Assistant Professor of International Management and Marketing at the Graduate School of Business of the University of Texas at Austin, a member of the Board of Directors of the Greater Austin-San Antonio Corridor Council, Inc. and the President of the Harvard Business School Club of Austin.

I first met Anita Hill in 1982 at a gathering of African-American lawyers on Capitol Hill. During this initial meeting I learned that she worked with Harry Singleton and had worked with Clarence Thomas at the Department of Education. As a former classmate and advisor to first year Black law students at Yale, I was excited to learn that Harry was in Washington, and asked Anita to pass along a note to him and my business card. My contact with Anita was relatively limited during the year and a half that I knew her before she moved to Oklahoma. I talked with her on the telephone approximately three or four times and saw her at one or two other meetings. I also ran into her in the Lincoln Park area of Capitol Hill once when I was jogging. During this same period, I had lunch with Clarence Thomas, visited him at EBOC and talked with him on the telephone and ran into him on the street at least three times.

In all of my conversations with Anita, my primary interest was in communicating with Harry Singleton. During our conversations, I found her to be a friendly person who expressed an interest in getting to know me better. When we both realized that we lived near each other in the Lincoln Park area, we agreed that it would make sense to get

AFFIDAVIT OF JOHN N. DOGGETT, III REGARDING THE ALLEGATIONS OF ANITA HILL

- 2 -

together some time for a drink or dinner. While we did agree to have dinner once during the time we both were in Washington, we never in fact had dinner due a conflict in my schedule. In fact, notwithstanding that we were neighbors, I never went out with her or dated her during the two years that we were both in Washington.

Based upon my observations of Ms. Hill during this period, she appeared to be a reasonably happy, very outgoing woman who very much wanted to be part of Clarence and Henry's inner circle of friends. She appeared to be frustrated that she was not accepted by that group as being "one of them." I felt that she was very interested in finding some way to get into their inner circle and I determined early on that I was not interested in being her vehicle of opportunity.

The last time I saw Anita Hill was at a going-away party that her friends held for her at the Sheraton-Carlton Hotel on K Street just before she left for Oral Roberts Law School. During this party, she said that she wanted to talk to me in private. When we moved to a corner of the room, she said: *"I am very disappointed in you. You really shouldn't lead on women and then let them down."* When she made that statement, I had absolutely no idea what she was talking about. When I asked her what she meant, she stated that she had assumed that I was interested in her. She said that it was wrong for me not to have dinner with her or to try to get to know her better. She said that my actions hurt her feelings and that I shouldn't lead women on like that.

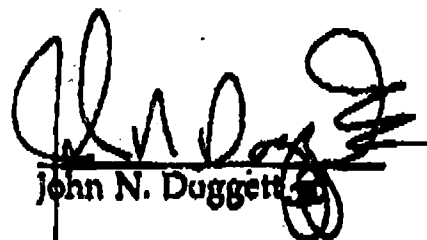
Quite frankly, I was stunned by her statement and told her that I felt that her comments were totally uncalled for and completely unfounded. I reiterated that I had never expressed a romantic interest in her and had done nothing to give her any indication that I might be romantically interested in her in the future. I also stated that the fact that I lived three or four blocks away from her but never came over to her house or invited her to my condominium should have been a clear sign that I had no personal or romantic interest in her. I came away from her going-away party feeling that she was somewhat unstable and that in my case, she had fantasied about my being interested in her romantically.

While I am not a close personal friend of Clarence Thomas, I do consider us friends. At no time during the seven and a half years that Clarence Thomas and I were in Washington did he mention any personal interest in Anita Hill or any other woman. In fact, he never talked about sex or pornographic films. Anita Hill, on the other hand, made it very clear that she wanted to get to know me on a social and personal level and acted in a way that is, in my opinion, totally at odds with her claims that she was the victim of sexual harassment. She also made it very clear that she was very proud to know Clarence Thomas and to have worked with him. In fact, she gave me the impression that she was a more important member of his staff than was justified by my observations and conversations with Clarence Thomas.

AFFIDAVIT OF JOHN N. DOGGETT, III REGARDING THE ALLEGATIONS OF ANITA HILL

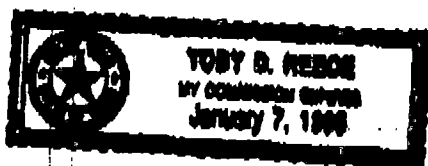
- 3 -

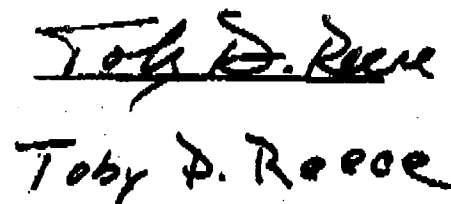
It was my opinion at the time and is my opinion now that Ms. Hill's fantasies about my sexual interest in her were an indication of the fact that she was having a problem with "being rejected" by men she was attracted to. Her statements and actions in my presence during the time when she alleges that Clarence Thomas harassed her were totally inconsistent with her current descriptions and are, in my opinion, yet another example of her ability to fabricate the idea that someone was interested in her when in fact no such interest existed.


John N. Doggett, III

Subscribed and sworn to before me, by the said John N. Doggett, this 10th day of October, 1991, to certify which witness my hand and seal of office.

My commission expires 1/7 1995




Toby D. Reece

Vote Put Off a Week to Probe Allegation

Nominee Asks for Delay, Denies Ex-Aide's Sex Harassment Charge

By Helen Dewar and Ruth Marcus
Washington Post Staff Writers

The Senate ended a frantic, dramatic day of uncertainty about the fate of Supreme Court nominee Clarence Thomas by delaying until next Tuesday a vote on his confirmation and authorizing new hearings on charges of sexual harassment leveled by a former aide.

Thomas, his confirmation in clear danger, yesterday asked the Senate for a chance to "clear my name," and released a sworn statement categorically denying he ever displayed improper behavior toward Anita Hill, now a University of Oklahoma law professor, when she worked for him at the Department of Education and Equal Employment Opportunity Commission in the early 1980s.

John C. Danforth (R-Mo.), Thomas's chief supporter in the Senate, quoted Thomas as saying, "I have to restore what they have taken from me. I have to appear before the appropriate forum and clear my name."

The White House issued a statement after the delay repeating President Bush's support for Thomas. "We believe that Judge Thomas is an excellent candidate for the Supreme Court who should be confirmed. . . . Judge Thomas is an outstanding individual who has demonstrated his honesty and integrity throughout his life."

While Thomas supporters wanted a two- or three-day delay on the vote, they eventually agreed to a compromise with Senate Majority Leader George J. Mitchell (D-Maine) to postpone the vote for a week, until 6 p.m. next Tuesday. Mitchell said there were "serious and highly controversial and unresolved" charges and denials that must be resolved before the Senate can vote.

"I believe the delay now approved is important to the integrity of the Senate," as well as that of the Supreme Court, the confirmation process and the reputations of Thomas and Hill, he added.

More than six out of 10 persons questioned last night in a Washington Post-ABC News poll said that Thomas should not be confirmed if the harassment charges against him are proved.

In September, an ABC News poll found that 63 percent of those questioned said they backed the Thomas nomination. Last night, 50 percent said the Senate should confirm Thomas, 25 percent were opposed and the remainder undecided.

Danforth was flushed with rage as he stood on the Senate floor after the vote originally scheduled for 6 p.m. yesterday

See THOMAS, A7, Col. 1

Hill: 'I Intend To Cooperate' With Inquiry

Friends of Thomas, Accuser Perplexed

By Lynne Duke
and Sharon LaFraniere
Washington Post Staff Writers

As friends of both Supreme Court nominee Clarence Thomas and Anita Hill remained confounded and the Senate tried to free itself from a confirmation quagmire, Hill yesterday attempted to go about her professional duties at the University of Oklahoma, where she was surrounded by a media mob and protective faculty and supporters.

Hill, 35, made only one public comment during a day in which she taught three hours of classes. "I intend to cooperate with the Senate in this investigation," she said at a one-minute campus news conference.

On Monday she held an hour-long meeting with reporters to explain her role in the public airing of her allegations, made officially to the FBI, that Thomas sexually harassed her in the early 1980s when she worked with him at the Education Department and the Equal Employment Opportunity Commission.

Thomas, whose nomination has been put on hold until Tuesday, pending further investigation of Hill's allegations, denied doing anything improper.

Friends of the two described both Thomas and Hill as people of such integrity that the friends are stumped about who is telling the truth.

Michael A. Middleton, a law professor at the University of Missouri, worked at the EEOC and the Education Department's Office for Civil Rights with Thomas and Hill, and said he had daily contact with them. They had similar work styles, he said.

See HILL, A6, Col. 1

AFFIDAVIT OF CLARENCE THOMAS

Clarence Thomas, having been duly sworn, do hereby swear the following:

As I told the Federal Bureau of Investigation on September 28, 1991, I totally and unequivocally deny Anita Hill's allegations of misconduct of any kind toward her, sexual or otherwise. These allegations are untrue.

Clarence Thomas
Clarence Thomas

Outpouring of Anger

Divisions in How the Sexes View Harassment

Revealed a startlingly deep split between men's views of sexual harassment and women's views of women. Before the Senate's one-minute decision to postpone its vote, men reacted angrily—and with apparent shock—to what they saw as the male-dominated chamber's apparent lack of zeal in investigating the charge and its unwillingness to delay the nomination long enough to examine its merits. "What disturbs me as much as the allegations themselves," Sen. Barbara A. Mikulski (D-Md.) told her colleagues—male and one female—yesterday, "is

that the Senate appears not to take the charge of sexual harassment seriously."

Women repeatedly said yesterday that men—at least the men of the Senate—just didn't get it. "I'm taken aback by how incredibly difficult it's been to get them to understand," said Kate Michelman, National Abortion Rights Action League president. "But I know their phones are ringing just like our phones are ringing."

The callers were not just professional women, or those active in women's or-

See WOMEN, A8, Col. 1



House Democrats (left) are Louise Slaughter (N.Y.), Barbara Boxer (Calif.), Eleanor Holmes Norton (D.C.), Nita Lowey (N.Y.), Patsy Mink (Hawaii) and Jolene Unsoeld (Wash.).

ASSOCIATED PRESS

Senate Delays Thomas Vote a Week to Investigate Sex Harassment Allegation

THOMAS, From A1

was postponed. "Clarence Thomas is being crucified," he said. "... This isn't advise and consent. This is slash and burn."

Danforth glowered at Democratic Senate aides he suspects of having a role in making the charges public. "That's the way we do things around here; if we want to beat someone, we destroy them."

Danforth also expressed concern that Thomas would be badly damaged by the new probe. "This is going to be a fishing expedition all over the country ... advertising virtually for people to come forth with whatever they have to dump on Clarence Thomas," he said. "He's never going to be able to recover the reputation he had going into this ... because charges like this stick."

Danforth said last night on ABC-TV's "Nightline" that Thomas had said he was not sure he "wanted to go through another week," but Republicans had told him his nomination would be defeated if the vote were held last night.

Senate Judiciary Committee Chairman Joseph R. Biden Jr. (D-Del.) said the committee would subpoena witnesses if necessary but that the scope of the inquiry would be limited to allegations of sexual harassment, either by Hill or any others who might step forward.

"Anyone who wants to make charges against Thomas would have to be willing to testify in public session," Biden said. "This is not a star chamber." He said the hearings could begin as early as Friday.

In a four-page, single-spaced statement submitted to the committee on Sept. 23, Hill alleged that Thomas harassed her between 1981 and 1983, describing pornographic movies he had watched involving group sex and sex with animals and detailing sexual acts he wanted to perform with Hill, according to those familiar with the statement.

Danforth early in the day tried to challenge the credibility of Hill by releasing a five-sentence affidavit by Thomas denying charges of misconduct and logs of 10 telephone calls from Hill to Thomas after she left the EEOC.

"At all times during the period she worked with me, our relation-

ship was strictly professional," Thomas said in the statement. "During that time and subsequently, the relationship has been wholly cordial."

"I am terribly saddened and deeply offended by these allegations."

Hill called the telephone logs "garbage" and said she had not telephoned Thomas except to return his calls.

Hill, besieged by reporters in Norman, Okla., as she sought to maintain a normal routine and teach her scheduled classes, repeated her willingness to testify about her allegations if called.

"I intend to go to Washington if it is requested," she said.

Meanwhile, a law school classmate confirmed that she told the FBI that Hill had confided in her at the time that "she was experiencing sexual harassment at work from" Thomas. "She just said that he was always after her to go out and was always presenting himself as the ideal man for her and so forth and she didn't get any more explicit than that," said the classmate, who spoke on the condition that she not be publicly identified.

Hill's allegations, and the apparent willingness of the male-dominated Senate to proceed on the vote until the charges became public, triggered a storm of protest yesterday. The Capitol switchboard was swamped with calls. Women representatives, women law professors, and one of the two women senators took the Senate to task for what was viewed as its offhanded treatment of alleged sexual misconduct.

Republicans, infuriated that a National Public Radio reporter received a copy of the FBI file on Hill's allegations, demanded an independent counsel investigation of the source of the leak. The Senate put off consideration of that until after next week's vote on Thomas.

Under Senate rules, any senator or officer of the Senate who is found to have disclosed secret or confidential business or proceedings of the Senate is subject to expulsion or dismissal.

Sen. Hank Brown (R-Colo.) offered a resolution last night instructing Majority Leader Mitchell, in consultation with the minority leader, to appoint a special counsel to conduct a one-month investigation. The special counsel would be similar to those who were ap-

WASHINGTON POST-ABC NEWS POLL

Q Have you heard or read about charges by a former co-worker of Clarence Thomas, the Supreme Court nominee, that he sexually harassed her on the job?

Yes	87%
No	13

Q The Senate tonight delayed a vote on whether to confirm Thomas in order to look further into this charge. Do you approve or disapprove of the delay in the vote on Thomas's nomination?

Approve	50%
Disapprove	39
No opinion	11

Q Do you think the Senate should or should not confirm Thomas's nomination to the Supreme Court?

	October	September
Should confirm	50%	63%
Should NOT confirm	25	24
Wait and see	13	N/A
No opinion	12	13

Q If the charge against Thomas is true, would that be enough of a reason for the Senate to reject his nomination, or not?

Yes	63%
No	31
No opinion	6

Q Overall, do you approve or disapprove of the way the Senate has handled the Thomas nomination?

Approve	46%
Disapprove	42
No opinion	12

Figures based on telephone interviews with 524 randomly selected adults conducted Tuesday night by Chilton Research of Radnor, Pa. Margin of sampling error for a survey of this size is plus or minus 5 percentage points. But the practical difficulties of conducting a survey in a single night represent another potential source of error in this survey.

BY CLARICE BORIO—THE WASHINGTON POST

pointed to supervise the Senate ethics committee investigation of the "Keating Five" and the House ethics committee investigation of former House speaker Jim Wright (D-Tex.).

Brown, who talked by telephone with Hill earlier in the day, said in an interview, "It's clear a violation of Senate rules did occur."

"Miss Hill advised me she did not talk to NPR [National Public Radio] until the reporter simply read verbatim her statement," Brown said. "It's clear confidentiality was broken."

The Thomas nomination appeared assured until the news accounts last weekend. On Friday, he appeared to have the support of at least 54 senators, including 13 Democrats. But Senate Minority Leader Robert J. Dole (R-Kan.) said late yesterday that the count then stood at 41 for Thomas, 41 against and 18 undecided. While many of the 18 were leaning toward Thom-

as, Dole said, he was not sure Thomas could still claim a majority on an immediate vote.

Thomas supporters moved earlier in the day to discredit Hill. Danforth released the telephone logs showing calls from Hill between 1984 and 1987, and one in 1990, with messages in a seemingly friendly tone. They included calls stating, "Just called to say hello; sorry she didn't get to see you last week," "Wanted to congratulate you on marriage," "Please call tonight," and "Needs your advice on getting research grants."

The phone calls, Danforth said, "are inconsistent with a person who believes that she has been mistreated by him ... inconsistent with the charges that have been made."

Hill reacted angrily, disputing that some of the calls had ever been made and saying that she was either returning his calls or, in 1990, making sure he had received an invita-

tion from others at the University of Oklahoma law school to speak at a commencement ceremony.

"If there are messages to him from me, these are attempts to return phone calls. ...," she said. "I never called him to say hello. I found out about his marriage through a third party. I never called him to congratulate him."

Yesterday morning, Hill said she could not answer every challenge to her credibility from Thomas's supporters in the administration and the Senate. "I don't have this arsenal of people to deal with these things. They've got all these people behind the scenes. Here, it's me by myself," she said.

The day began with a serious break in Republican ranks as Sen. Arlen Specter (Pa.), who provided a critical vote for Thomas in the Judiciary Committee, called for a delay in the confirmation vote, although he said he still planned to vote to confirm Thomas.

"The Senate is really the guardian of the Supreme Court, and, if it takes another day or two, I think that it might be well to put any doubts to rest," Specter said on NBC-TV's "Today" show. "I don't think it'll change the outcome a bit."

The Senate session began placidly enough with a low-key appeal to Republican leaders by Patrick J. Leahy (D-Vt.), a senior member of the Judiciary Committee, to ask Thomas to seek a delay so that both he and Hill could appear before the committee.

But then the tension that had been building since Hill's allegations were disclosed last weekend began to spill out onto the floor, pushing the Senate to the edge of collapse.

Sen. Daniel Patrick Moynihan (D-N.Y.) stunned the handful of lawmakers then on the floor with a surprise motion to adjourn the Senate for a week, which he described as the only feasible way around the Senate rule requiring approval of all senators to postpone the Thomas vote.

Within minutes, the Senate doors flew open and Mitchell burst in, calling out, "Mr. President, Mr. President, Mr. President" in a frantic attempt to regain control of the situation. Republicans then got in the act, entering objections every time Moynihan opened his mouth.

Order finally was restored but, within minutes, Howard M. Metzenbaum (D-Ohio) took the floor in

bristling indignation to demand that Sen. Orrin G. Hatch (R-Utah) apologize for suggesting to reporters Monday that Metzenbaum had leaked Hill's allegations against Thomas to the press. "That is wrong, that is untrue," Metzenbaum said. "I'll take you at your word," Hatch responded.

As the day proceeded, Democrat after Democrat came out publicly for delaying the vote and most said that they would vote against Thomas as if forced to decide last night.

After the two parties' weekly luncheons, Democrats said they were prepared to seek a delay and persuade Republicans to go along by demonstrating that they could not get enough votes for confirmation unless Thomas and Hill were called before the Judiciary Committee to answer questions about Hill's allegations. At the least, this appeared to require half of the 13 Democrats who had endorsed Thomas to say they would vote against him if forced to vote last night.

The Post-ABC News poll found that Americans were sharply divided last night over the Senate's decision to delay the Thomas vote, and more than four out of 10 expressed disapproval over the way the Senate has handled the nomination.

The survey of 524 randomly selected adults found that 50 percent said they approved of the Senate's decision to postpone final action on Thomas until hearings could be held on the harassment charges. But 39 percent disapproved of the Senate's action, while the remaining 11 percent were undecided.

The public was even more sharply divided over the way that the Senate has handled the Thomas nomination. The survey found that 46 percent of those questioned expressed approval of the Senate's conduct. But 42 percent expressed disapproval.

The Senate and its all-male Judiciary Committee had come under sharp attack yesterday for appearing to brush aside charges made by Hill that Thomas repeatedly made improper advances toward her while she worked for him in the early 1980s.

Staff writer John E. Yang, polling director Richard Morin and researcher Ralph Gaillard Jr. contributed to this report.

Thomas Vote Put Off a Week to Probe Allegation

Nominee Asks for Delay, Denies Ex-Aide's Sex Harassment Charge

By Helen Dewar and Ruth Marcus
Washington Post Staff Writers

The Senate ended a frantic, dramatic day of uncertainty about the fate of Supreme Court nominee Clarence Thomas by delaying until next Tuesday a vote on his confirmation and authorizing new hearings on charges of sexual harassment leveled by a former aide.

Thomas, his confirmation in clear danger, yesterday asked the Senate for a chance to "clear my name," and released a sworn statement categorically denying he ever displayed improper behavior toward Anita Hill, now a University of Oklahoma law professor, when she worked for him at the Department of Education and Equal Employment Opportunity Commission in the early 1980s.

John C. Danforth (R-Mo.), Thomas's chief supporter in the Senate, quoted Thomas as saying, "I have to restore what they have taken from me. I have to appear before the appropriate forum and clear my name."

The White House issued a statement after the delay repeating President Bush's support for Thomas. "We believe that Judge Thomas is an excellent candidate for the Supreme Court who should be confirmed. . . . Judge Thomas is an outstanding individual who has demonstrated his honesty and integrity throughout his life."

While Thomas supporters wanted a two- or three-day delay on the vote, they eventually agreed to a compromise with Senate Majority Leader George J. Mitchell (D-Maine) to postpone the vote for a week, until 6 p.m. next Tuesday. Mitchell said there were "serious and highly controversial and unresolved" charges and denials that must be resolved before the Senate can vote.

"I believe the delay now approved is important to the integrity of the Senate," as well as that of the Supreme Court, the confirmation process and the reputations of Thomas and Hill, he added.

More than six out of 10 persons questioned last night in a Washington Post-ABC News poll said that Thomas should not be confirmed if the harassment charges against him are proved.

In September, an ABC News poll found that 63 percent of those questioned said they backed the Thomas nomination. Last night, 50 percent said the Senate should confirm Thomas, 25 percent were opposed and the remainder undecided.

Danforth was flushed with rage as he stood on the Senate floor after the vote originally scheduled for 6 p.m. yesterday

was postponed. "Clarence Thomas is being crucified," he said, ". . . This isn't advise and consent. This is slash and burn."

Danforth glowered at Democratic Senate aides he suspects of having a role in making the charges public. "That's the way we do things around here; if we want to beat someone, we destroy them."

Danforth also expressed concern that Thomas would be badly damaged by the new probe. "This is going to be a fishing expedition all over the country . . . advertising virtually for people to come forth with whatever they have to dump on Clarence Thomas," he said. "He's never going to be able to recover the reputation he had going into this . . . because charges like this stick."

Danforth said last night on ABC-TV's "Nightline" that Thomas had said he was not sure he "wanted to go through another week," but Republicans had told him his nomination would be defeated if the vote were held last night.

Senate Judiciary Committee Chairman Joseph R. Biden Jr. (D-Del.) said the committee would subpoena witnesses if necessary but that the scope of the inquiry would be limited to allegations of sexual harassment, either by Hill or any others who might step forward.

"Anyone who wants to make charges against Thomas would have to be willing to testify in public session," Biden said. "This is not a star chamber." He said the hearings could begin as early as Friday.

In a four-page, single-spaced statement submitted to the committee on Sept. 23, Hill alleged that Thomas harassed her between 1981 and 1983, describing pornographic movies he had watched involving group sex and sex with animals and detailing sexual acts he wanted to perform with Hill, according to those familiar with the statement.

Danforth early in the day tried to challenge the credibility of Hill by releasing a five-sentence affidavit by Thomas denying charges of misconduct and logs of 10 telephone calls from Hill to Thomas after she left the EEOC.

"At all times during the period she worked with me, our relation-

Cont'd

ship was strictly professional," Thomas said in the statement. "During that time and subsequently, the relationship has been wholly cordial.

"I am terribly saddened and deeply offended by these allegations."

Hill called the telephone logs "garbage" and said she had not telephoned Thomas except to return his calls.

Hill, besieged by reporters in Norman, Okla., as she sought to maintain a normal routine and teach her scheduled classes, repeated her willingness to testify about her allegations if called.

"I intend to go to Washington if it is requested," she said.

Meanwhile, a law school classmate confirmed that she told the FBI that Hill had confided in her at the time that "she was experiencing sexual harassment at work from" Thomas. "She just said that he was always after her to go out and was always presenting himself as the ideal man for her and so forth and she didn't get any more explicit than that," said the classmate, who spoke on the condition that she not be publicly identified.

Hill's allegations, and the apparent willingness of the male-dominated Senate to proceed on the vote until the charges became public, triggered a storm of protest yesterday. The Capitol switchboard was swamped with calls. Women representatives, women law professors, and one of the two women senators took the Senate to task for what was viewed as its offhanded treatment of alleged sexual misconduct.

Republicans, infuriated that a National Public Radio reporter received a copy of the FBI file on Hill's allegations, demanded an independent counsel investigation of the source of the leak. The Senate put off consideration of that until after next week's vote on Thomas.

Under Senate rules, any senator or officer of the Senate who is found to have disclosed secret or confidential business or proceedings of the Senate is subject to expulsion or dismissal.

Sen. Hank Brown (R-Colo.) offered a resolution last night instructing Majority Leader Mitchell, in consultation with the minority leader, to appoint a special counsel to conduct a one-month investigation. The special counsel would be similar to those who were ap-

pointed to supervise the Senate ethics committee investigation of the "Keating Five" and the House ethics committee investigation of former House speaker Jim Wright (D-Tex.).

Brown, who talked by telephone with Hill earlier in the day, said in an interview, "It's clear a violation of Senate rules did occur."

"Miss Hill advised me she did not talk to NPR [National Public Radio] until the reporter simply read verbatim her statement," Brown said. "It's clear confidentiality was broken."

The Thomas nomination appeared assured until the news accounts last weekend. On Friday, he appeared to have the support of at least 54 senators, including 13 Democrats. But Senate Minority Leader Robert J. Dole (R-Kan.) said late yesterday that the count then stood at 41 for Thomas, 41 against and 18 undecided. While many of the 18 were leaning toward Thom-

as, Dole said, he was not sure Thomas could still claim a majority on an immediate vote.

Thomas supporters moved earlier in the day to discredit Hill. Danforth released the telephone logs showing calls from Hill between 1984 and 1987, and one in 1990, with messages in a seemingly friendly tone. They included calls stating, "Just called to say hello; sorry she didn't get to see you last week," "Wanted to congratulate you on marriage," "Please call tonight," and "Needs your advice on getting research grants."

The phone calls, Danforth said, "are inconsistent with a person who believes that she has been mistreated by him ... inconsistent with the charges that have been made."

Hill reacted angrily, disputing that some of the calls had ever been made and saying that she was either returning his calls or, in 1990, making sure he had received an invita-

tion from others at the University of Oklahoma law school to speak at a commencement ceremony.

"If there are messages to him from me, these are attempts to return phone calls. . .," she said. "I never called him to say hello. I found out about his marriage through a third party. I never called him to congratulate him."

Yesterday morning, Hill said she could not answer every challenge to her credibility from Thomas's supporters in the administration and

the Senate. "I don't have this arsenal of people to deal with these things. They've got all these people behind the scenes. Here, it's me by myself," she said.

The day began with a serious break in Republican ranks as Sen. Arlen Specter (Pa.), who provided a critical vote for Thomas in the Judiciary Committee, called for a delay in the confirmation vote, although he said he still planned to vote to confirm Thomas.

"The Senate is really the guardian of the Supreme Court, and, if it takes another day or two, I think that it might be well to put any doubts to rest," Specter said on NBC-TV's "Today" show. "I don't think it'll change the outcome a bit."

The Senate session began placidly enough with a low-key appeal to Republican leaders by Patrick J. Leahy (D-Vt.), a senior member of the Judiciary Committee, to ask Thomas to seek a delay so that both he and Hill could appear before the committee.

But then the tension that had been building since Hill's allegations were disclosed last weekend began to spill out onto the floor, pushing the Senate to the edge of collapse.

Sen. Daniel Patrick Moynihan (D-N.Y.) stunned the handful of lawmakers then on the floor with a surprise motion to adjourn the Senate for a week, which he described as the only feasible way around the Senate rule requiring approval of all senators to postpone the Thomas vote.

Within minutes, the Senate doors flew open and Mitchell burst in, calling out, "Mr. President, Mr. President, Mr. President" in a frantic attempt to regain control of the situation. Republicans then got in the act, entering objections every time Moynihan opened his mouth.

Order finally was restored but, within minutes, Howard M. Metzenbaum (D-Ohio) took the floor in

bristling indignation to demand that Sen. Orrin G. Hatch (R-Utah) apologize for suggesting to reporters Monday that Metzenbaum had leaked Hill's allegations against Thomas to the press. "That is wrong, that is untrue," Metzenbaum said. "I'll take you at your word," Hatch responded.

As the day proceeded, Democrat after Democrat came out publicly for delaying the vote and most said that they would vote against Thomas if forced to decide last night.

2

Cont'd

High Court Drama Sex Harassment Furor Jeopardizes Thomas, Embarrasses Politicians GOP Could Find Its Problems With Women Worsened; Capital Is Scene of Protests Vote Is Put Off for a Week

By JILL ABRAMSON
AND DAVID SHRIBMAN

Staff Reporters of THE WALL STREET JOURNAL

WASHINGTON—The U.S. Senate got a crash seminar in sexual harassment yesterday, leaving Clarence Thomas's nomination to the Supreme Court in jeopardy.

Whether the conservative Judge Thomas actually made unwelcome advances to one of his staff members may never be known for sure. But the unanticipated outpouring of rage that erupted over

Senate Delays Vote

The Senate agreed to delay its vote on the Supreme Court nomination of Clarence Thomas in order to investigate allegations that he sexually harassed a former aide. The controversy sparked a strong reaction nationwide and focused attention on the harassment issue. Stories on pages A3 and B1.

the Senate's hesitation to air the allegation of sexual harassment prompted an embarrassing and painful about-face on Capitol Hill and left the Bush White House with a black eye.

The furor exacerbates political problems Republicans have with some women, including those who are otherwise ideologically committed to the GOP but who have been put off by the party's anti-abortion position. Some Republican leaders worry that the uproar over the Thomas nomination will open new fissures within the GOP as it prepares for the 1992 elections. "This only goes further to invoke the idea that the party is controlled by good ol' boys who don't give a damn about us," said Ann Stone, who leads Republicans for Choice.

As senators agonized about whether to delay Mr. Thomas's confirmation vote, which had been scheduled for last night, the congressional switchboard was jammed with calls. Female House members marched to the Senate to vent their outrage, and women's groups staged demonstrations outside the Capitol. These actions played a central role in the Senate's stunning decision to delay the vote until next Tuesday.

"They tried every way to get it but we were heard," said Democratic Rep. Patricia Schroeder of Colorado, who led the women lawmakers' highly unusual demonstration in the corridors of Capitol Hill.

From the beginning, the Senate—especially Judiciary Committee Chairman Joseph R. Biden, Democrat of Delaware—bunled the matter, seemingly hoping it would simply disappear. To some, its response to the potentially explosive charges seemed a textbook example of how male-dominated institutions are often paralyzed by allegations of sexual harassment in the workplace and how ill-informed even lawmakers are about the sensitive subject.

A Typical Reaction?

"The Senate's reaction is fairly typical of organizations that are run by men," said Claudia Withers, deputy director for employment programs at the Women's Legal Defense Fund, a Washington-based group that opposes Mr. Thomas's nomination. "They just don't get it."

Even as the chances of his confirmation were clouded, Judge Thomas issued a sworn affidavit "totally and unequivocally" denying the allegations and saying he was "terribly saddened and deeply offended." As the White House mounted a counter-offensive, Judge Thomas's friends and allies rushed to his defense, trying to undermine the credibility of his accuser, Anita Hill, a professor at the University of Oklahoma Law School who was once his personal assistant.

Clint Bolick, a lawyer who worked at the Equal Employment Opportunity Commission with Mr. Thomas and chose him as his son's godfather, said everyone who knows the Supreme Court nominee "is incredulous, and knows first-hand that Clarence Thomas conducts himself in a very proper manner with his employees. He keeps his distance."

Republican Sen. John Danforth of Missouri, who is leading the drive to confirm Judge Thomas, released telephone logs purporting to show continuing, friendly communications between Mr. Thomas and Ms. Hill, including a telephone call of congratulations on Mr. Thomas's wedding and a note reading that she "just called to say hello. Sorry [she] didn't get to see you last week."

Mr. Thomas's allies assailed Ms. Hill's credibility, saying she hadn't lodged any formal complaints at the time of the alleged incidents a decade ago. "If she believed these charges amounted to sexual harassment, the fact she didn't file a charge suggests to me that it didn't happen or that she didn't think it was sexual harassment," said Mr. Bolick.



Clarence Thomas

But experts on sexual harassment say such behavior on the part of victims is not unusual. Many victims fear that if they come forward, their own lives and behavior will be examined in public and that, in a phrase that often recurs, the accuser will be penalized. "A woman doesn't want to make waves," said Amy Wind, a Washington lawyer who has represented many plaintiffs in sexual harassment suits. She added that it isn't uncommon for victims of sexual harassment to delay pressing charges.

As the attacks on Ms. Hill multiplied, so did public defenses of her. Among others, her colleagues at the University of Oklahoma Law School defended Ms. Hill as a truthful person acting without political motivations. So did Stephen Carter, a black professor at Yale Law School who knew Ms. Hill in law school and who, like Mr. Thomas, has expressed reservations about affirmative action.

Although Mr. Thomas's backers sought to portray the sexual harassment allegations as an eleventh-hour tactic, the charges actually arrived on the Senate's doorstep two months ago.

The Alliance for Justice, a liberal organization that was one of the first to publicly oppose Mr. Thomas's nomination, was contacted in late July by a Yale Law School classmate of Ms. Hill's to whom she had confided the purported advances made by the Supreme Court nominee, according to activists opposed to the nomination. The group immediately turned over the potentially explosive information to the office of Sen. Howard Metzenbaum, the liberal Ohio Democrat who was most likely to oppose the nominee in the Senate Judiciary Committee.

Sen. Metzenbaum's press secretary, Nancy Coffey, said the senator's office "received lots of tips and rumors around that time," including allegations of sexual harassment by Judge Thomas. Ms. Coffey



Anita Hill

Cont'd

13

said Ms. Hill was asked about the rumors on Sept. 3, but didn't mention that she herself had been harassed. She later called back and volunteered her story to a member of the Metzenbaum staff.

Comedy of Errors

From there, the matter unraveled into a comedy of errors and misunderstandings. Staffers of both Sen. Metzenbaum and his liberal Democratic colleague, Sen. Edward Kennedy of Massachusetts, contacted Ms. Hill, who was still reluctant to go public with her story. In addition to Ms. Hill's reticence, Sen. Metzenbaum hesitated to make the matter public because he knew Sen. Biden was reluctant to pursue any allegations relating to Judge Thomas's personal behavior and hesitant to make his character a focus of the confirmation hearings.

In a floor speech last night, Sen. Biden defended his handling of the matter. "I took her charges seriously," he said. However, he contended, Ms. Hill's insistence on confidentiality stymied the committee.

Sen. Kennedy, meanwhile, was derailed by his own family problems dealing with allegations of sexual misconduct. So the issue remained dormant.

"For a lot of women, this confirms a lot of the bad things about being represented only by men," said Celinda Lake, a Democratic political consultant. "It says that a lot of these men had only a theoretical commitment to dealing with sexual harassment. If there had been a Judiciary Committee filled only with women, it would have been impossible that this would not have received more serious attention."

Changing Rules

The Senate's code of silence was shattered when Ms. Hill's story leaked to the media over the weekend. "The ground rules have changed," said Sen. Biden. "Prof. Hill has changed them."

Despite the anger that began to mount, Senate Majority Leader George Mitchell of Maine at first held fast to the notion that Senate rules required a vote on the Thomas nomination be held last night. But behind the scenes, he was groping for a way to put off the vote. By midafternoon yesterday, as the Senate Reception Room began to fill with women lobbyists expressing their anger, even Republicans conceded that a swift vote might be unwise.

"Fourteen men don't understand how serious are the allegations," said Anne Bryant, executive director of the American Association of University Women, as she stood behind restraining ropes put up by Capitol police trying to control the overflow crowd of protesting women.

On the Campaign Trail

The fury reached the campaign trail. "She's a credible witness, and the public wants to hear her out," said Sen. Bob Kerrey of Nebraska, who was campaigning in New Hampshire for the Democratic presidential nomination.

Throughout the last several days, Republicans sought to undermine Ms. Hill's credibility. Republicans claimed Ms. Hill had sought job recommendations from Mr. Thomas, something she denied at the news conference she held on Monday in Oklahoma. Other Republicans raised questions about the fact that she followed Mr. Thomas to the EEOC after the alleged harassment of her at the Department of Education. (Ms. Hill said she was fearful of not finding other employment.)

But in this case, because of pressure from women, it's the jury as much as the victim or the accused that's on the defensive. Even Beltway insiders seem utterly disgusted with the whole incident.

Toss Them Out

"This is a rotten bunch of scum up there," said David Keene, president of the American Conservative Union. "The public ought to toss all these people out—Republicans and Democrats." Former Democratic vice presidential nominee Geraldine Ferraro added: "We can't walk around saying the Democrats are terrific on these issues. There is a real need for consciousness-raising in a predominantly male world."

The controversy also spilled over into the House, which has no role in confirming judicial candidates. When a group of Democratic women sought to make speeches against Judge Thomas, Republicans lodged parliamentary objections. A number of women House Democrats came to the Senate throughout the day to lobby against the nominee.

With both parties bloodied by the affair, activists on women's issues were hoping to capitalize on heightened attention to sexual harassment.

"There is a scandalously low level of understanding about sexual harassment in this country," said Estelle Rogers, a Washington lawyer active in women's issues. Ms. Rogers said most men think "what sexual harassment means is someone physically hitting on a woman," but the legal definition does not say that touching another person is required for harassment.

The laws governing sexual harassment, which were in effect when Mr. Thomas served as head of the EEOC, address "unwelcome" physical or verbal contact that focuses on the employee's sexuality or gender. In at least one recent case, a finding that an employer had created a hostile environment by letting employees post sexually explicit photographs has been enough to substantiate a sexual harassment charge.

Biden's Panel to Inquire Into Several Allegations

By MARTIN TOLCHIN
Special to The New York Times

WASHINGTON, Oct. 8 — Joseph R. Biden Jr., chairman of the Senate Judiciary Committee, said today that he would use any delay in Senate action on the Supreme Court nomination of Judge Clarence Thomas to look into several allegations against the nominee.

But Senator Bob Dole, the Republican leader, warned that a delay would lead to a flurry of new charges. "Then you check that out and you leak that and then you start again," Mr. Dole said.

The latest allegations involve Judge Thomas's use of Government money to pay for what may have largely been a private trip, his treatment of an aide who was said to have criticized the Equal Employment Opportunity Commission under Mr. Thomas's leadership and his testimony before the committee concerning his knowledge that a close friend was a lobbyist for South Africa.

Senator Paul Simon, an Illinois Democrat who is a member of the Judiciary Committee, and several Senate aides said the panel had failed to fully investigate those three allegations, in addition to Prof. Anita F. Hill's accusation of sexual harassment.

Allegations 'Fully Investigated'

In the first two cases, the committee failed to seek the testimony of witnesses who had indicated that they were willing to provide information, although one said he would testify if subpoenaed, aides said. In the third case the committee is said to have failed to seek witnesses who could confirm or dispute the allegation.

An aide to the Judiciary Committee contended that all three allegations were "fully investigated by the majority staff of the committee," and that the results were made available to all Democratic Senators on the committee. The aide noted that committee members were free to question Mr. Thomas on all the allegations and did so, although briefly, about the lobbyist friend and the report that he punished an aide.

Judy Smith, a White House press aide, said records showed that Mr. Thomas did conduct business on the questioned trip for which he billed the E.E.O.C. She said that the charge of retaliatory action against an aide who had criticized the agency under Mr. Thomas was unfounded, and noted that Judge Thomas had given his testimony about the South African lobbyist under oath.

Last August, aides to two leading

Democratic critics of Judge Thomas's nomination who are on the Senate Labor Committee, Howard Metzenbaum of Ohio and Edward M. Kennedy of Massachusetts, received reports that Judge Thomas, when chairman of the Equal Employment Opportunity Commission, had improperly billed the agency for a trip to Boston in May 1984 to attend graduation ceremonies at the College of the Holy Cross in Worcester, Mass. Mr. Thomas summoned Thomas Saltonstall, the employment agency's district director, to his Boston hotel for a 10-minute meeting, which was the only official business conducted on the trip.

The Senators' aides said that they advised the Judiciary Committee staff of the incident. Mr. Saltonstall was subsequently informed that Mr. Biden was not interested in initiating any inquiry into Judge Thomas's travel, and considered the matter, if anything, "a minor ethical lapse." Mr. Saltonstall was invited to come forward, but committee aides said that he would do so only under subpoena.

The Boston Globe reported today that Senator Biden was aware that Mr.

New accusations are made against Thomas as a vote is delayed.

Saltonstall was prepared to testify that Mr. Thomas improperly billed the government for a personal trip to Boston in May 1984.

But the aides said Mr. Biden indicated he would consider exploring the matter only if it became an issue in the media. The aides then tried to put Mr. Saltonstall in touch with reporters, but he resisted. Mr. Saltonstall, reached by telephone in Boston, declined to comment.

Punished for Comments?

Another case involves Frank Quinn, the E.E.O.C.'s district director in San Francisco, who was quoted in Newsweek in December, 1983, as criticizing the agency's headquarters for failing to act on several cases referred by his office. Mr. Quinn denied making the statement.

Nevertheless, early the next year, he was ordered transferred to Birmingham in a letter signed by Mr. Thomas.

nine months before his scheduled retirement. Mr. Quinn filed suit in Federal court in San Francisco, which granted a restraining order, enabling him to retire.

Although this case received wide attention in the media, and Senate aides contend that it was known to the committee, Mr. Quinn was not asked to testify during the confirmation hearings.

Senator Simon, who opposes Judge Thomas's nomination, said that the case "indicates an attitude and an insensitivity to people, and an insensitivity to the freedom of speech guaranteed in the First Amendment."

The Senator said that his staff had talked to Mr. Quinn, who was willing to testify.

South Africa Lobbyist

The third case involved an allegation in Newsday on Sept. 12th by an anonymous former aide to Mr. Thomas at the E.E.O.C. who charged that the nominee falsely told the committee that he was unaware that Jay Parker, a close friend, was a lobbyist for South Africa.

The former aide told Newsday that Mr. Thomas talked about Mr. Parker's representation of South Africa for 45 minutes at a staff meeting in 1986. "He said that somebody had to represent the South Africans and that if sanctions were passed it would affect the black people more harshly than supporters of apartheid," the aide told Newsday.

Senator Simon briefly questioned Mr. Thomas about the article, and Mr. Thomas said that he knew that Mr. Parker had represented some South African "homelands," but not South Africa itself.

However, the committee staff made no effort to follow up on the allegation, and find other aides to Mr. Thomas who attended that meeting, according to those familiar with the case.

Harassment Accusation

Senate colleagues said that Mr. Biden had indicated that he would focus on Professor Hill's accusations of sexual harassment. Judge Thomas has denied those allegations.

According to a report on Sunday by National Public Radio, Judge Thomas told the Federal Bureau of Investigation that he had asked Professor Hill to go out with him, but Senator Arlen Specter, Republican of Pennsylvania, said that in a conversation Judge Thomas, "denied ever having asked her out or talked to her about anything like that."

Meanwhile, the Alliance for Justice, which opposes Judge Thomas's nomination, today released copies of documents it said were written by Judge Thomas in December 1980 that recommended that the E.E.O.C. limit employer liability in sexual harassment guidelines.

George Kassouf, director of the group's Judicial Selection Project, said in an interview, "This adds yet another piece of evidence for the Senate to consider when they investigate Professor Hill's charges."

Ricky Silberman, the vice chairman of the E.E.O.C., dismissed the disclosure as "silly," and said that Judge Thomas had worked to secure strong laws on sexual harassment.

17

USA TODAY

DATE: 10-9-91

PAGE: 1

COVER STORY

'Events put the Senate on trial'



By Shawn Spence, USA TODAY
REP. BARBARA BOXER:
 'This is about women.'

By Richard Wolf
 USA TODAY

The Senate looked in the mirror Tuesday, and wasn't sure it liked what it saw.

Rather than render a hasty verdict on a woman's charge of sexual harassment against a man who was one step from the Supreme Court, the world's most exclusive club — which includes only two women — agreed to look again.

"How are 98 men going to make a judgment about sexual harassment in the workplace?" asked Sen. John Kerry, D-Mass.

The dramatic twist in the 100-day-old confirmation process of federal court judge Clarence Thomas was more than a reaction to accusations leveled by University of Oklahoma law professor Anita Hill.

Hiding behind the murky details of FBI reports, telephone logs and sworn affidavits were more powerful influences: fierce lobbying by women's groups, fears of political retribution, concerns about placing a cloud over the court — and the realization that the Senate was on center stage.

"The series of events have in a sense put the Senate on trial," said Sen. Arlen Specter, R-Pa.

All day Tuesday, those forces gathered steam as chances for confirmation — a lock until last weekend — stalled.

Ultimately, it was Thomas who saved the Senate from procedural chaos, seeking a short delay to clear his name.

Thomas told Sen. John Danforth, R-Mo., his mentor and chief Capitol Hill lobbyist: "I have to clear my name."

But if Thomas was troubled, the Senate was downright perplexed.

"The reputation that will be damaged is that of the Senate if we do not wait," said Sen. Bill Bradley, D-N.J.

Neither declarations of war nor presidential impeachments managed to tie the institution in knots any better than Hill's bombshell.

Sen. Daniel Patrick Moynihan, D-N.Y., summed it up early Tuesday. He was prepared to vote for Thomas, he said, until realizing the sexual harassment charge was "an issue of enormous consequence."

Asked how he came to the realization, Moynihan said, "I talked it over with my wife."

If the Senate is a male bastion, then Tuesday represented women's turn to invade the locker room.

As senators closeted themselves in closed luncheons and meetings, representatives of women's groups fanned out across the Capitol, denouncing the Senate's intention to confirm Thomas at 6 p.m. sharp.

"Whether you are for or against Thomas, the sexual harassment charge needs to be addressed," said Marla Greenspon, a Cornell University junior-turned-lobbyist. "The Supreme Court is too important to our justice system to let it go."

Martha Burk, of the Center for the Advancement of Public Policy, said the delay was needed "in fairness to the women of America. ... Too many women have experienced these things and know how it feels."

Those sympathies led seven female House members to lobby their Senate colleagues, demanding a meeting with Majority Leader George Mitchell, D-Maine, and hovering in the back of the Senate chamber during debate.

"This is about women, and there's no women over there but two," said Rep. Barbara Boxer, D-Calif.

The accusation activated women across the nation, said Eleanor Smeal of the Fund for the Feminist Majority.

"Our phones are ringing off the hooks in all of our offices," she said. "I can't remember such a spontaneous reaction."

The differences between male and female views of the harassment allegations were plain to see. "It sounds like '91 standards being applied to '81 actions, retroactively," said Rep. Sherwood Boehlert, R-N.Y.

But Hill's statements were taken seriously by women throughout the Capitol — even in the press gallery.

"I've never seen an issue that so upset women correspondents," said Myron Waldman, head of the Standing Committee of Correspondents.

Many senators — who have been called upon in recent years to consider such personal peccadilloes as alcoholism and marijuana use — quickly realized they all could lose by voting without all the facts.

"Let's tell the American people that we're not so hamstrung by our well-known procedures," said Sen. Al Gore, D-Tenn. "Surely this body of 98 men and two women should have a little self-doubt. We cannot dismiss Professor Hill as cavalierly as that. To do so would be to dismiss everyone we represent."

"The women of this nation need to know that a majority of the 98 men are not trying to sweep this issue under the rug," said Sen. Alan Cranston, D-Calif.

But some Republicans hell-bent on confirming Thomas disputed the notion they cannot consider sexual harassment charges fairly.

"All of us are involved with spouses and daughters and mothers and try to be exceedingly sensitive to these issues," said Sen. Alan Simpson, R-Wyo.

Another consideration haunting lawmakers was raw politics: the fear an ill-considered vote could damage them in the future.

To that end, 18 wavering Democrats spent much of the afternoon closeted in Mitchell's office, seeking a delay that would give Thomas and Hill a chance to face off.

"Put them under oath and let them make sworn statements," said Sen. James Exon, D-Neb. "One of them's not telling the truth."

18

Cont'd



DATE: 10-9-91

PAGE: 3A

'Hill assured Thomas would withdraw 'quietly'

By Tom Squitieri
and Sam Meddis
USA TODAY

Anita Hill was told by Senate staffers her signed affidavit alleging sexual harassment by Clarence Thomas would be the instrument that "quietly and behind the scenes" would force him to withdraw his name.

Keith Henderson, a 10-year friend of Hill and a former Senate Judiciary Committee staffer, says Hill was advised by Senate staffers that her charge would be kept secret — and her name kept from public

scrutiny.

"They would approach Judge Thomas with the information and he would withdraw and not turn this into a big story," Henderson says.

Hill first spoke with Labor Committee staff members, and then with Judiciary Committee staff members.

On Tuesday, each committee blamed the other for the suggestion. Sens. Edward Kennedy, D-Mass., and Howard Metzenbaum, D-Ohio, belong to both panels.

Sen. Joseph Biden Jr., D-Del., on Tuesday vigorously

defended his Judiciary Committee's handling of Hill's allegations amid charges of excessive delay.

In interviews and in comments on the Senate floor, Biden insisted the delay was caused by Hill's desire last week to keep her charge confidential.

"Look, there's a balance here," said Biden. "The balance is between the committee's obligation to tell the entire Senate and the obligation to the complainant so the complainant does not become victimized by the process. I conclud-

ed the only right, moral and proper thing to do was to accede to her request."

But Hill, on NBC's *Today* show Tuesday, said that while she did not want her charges to become a "public issue," she never suggested that they be withheld from committee members or from Thomas.

Rather, Hill says, the delay was caused by Senate indifference to her charges.

"At all times during the time that I was talking with the staff of the Judiciary Committee, Chairman Biden's staff and with other individuals, what I

said was that I want to make sure that the entire committee has this information," Hill said.

"I never said that I did not want Chairman Biden to disseminate it to the committee members," she continued. "I never said that I did not want to give the nominee an opportunity to respond to it."

Metzenbaum, concedes that the Judiciary Committee erred.

"We should have done more to learn about her allegations ... should have insisted on hearing privately" from both Thomas and Hill, he said.

Sen. Exon Reconsiders Nominee He Supported

Nebraskan First Thomas Backer to Ask Delay

By Eric Pianin
Washington Post Staff Writer

Sen. J. James Exon (D-Neb.) was about to leave his home in Lincoln Monday morning to catch a plane back to Washington when his wife, Patricia, called to him, "Jim, you ought to listen to this."

On their television screen, Anita Hill, a University of Oklahoma law professor who has claimed she was sexually harassed by Supreme Court nominee Clarence Thomas, was delivering a self-assured defense of her decision to reveal her experiences to the Senate Judiciary Committee.

"She was some witness," Exon recalled.

Several hours later, Exon was back on the floor of the Senate, the first declared supporter of Thomas to urge his colleagues to delay a final vote until the Senate Judiciary Committee could get to the bottom of Hill's allegations.

"I still may vote for Clarence Thomas," Exon said yesterday, while the Senate agonized over whether to put off the vote. "But right now I don't feel comfortable I have all the information I need."

Exon, a former governor and 13-year veteran of the Senate, holds some sway over members. He was the first Democrat on the Armed Services Committee to announce he would vote against former senator John G. Tower (R-Tex.) for secretary of defense.

Like scores of other Democrats and Republicans, Exon's deliberations have been turned inside out since the weekend revelation of Hill's complaints about Thomas. Exon spent more than an hour interviewing Thomas, heard out President Bush, and carefully

sounded out black politicians and activists here and back home before announcing last Friday that he would support Thomas.

Exon said he had been troubled by reports suggesting Thomas was extreme in his conservative political views. He also was bothered by reports that Thomas once ridiculed his sister for staying on welfare.

But after meeting with Thomas and Sen. John C. Danforth (R-Mo.), Thomas's chief sponsor, Exon felt comfortable with the nominee, concluding that he was an intelligent man with good credentials, if not "the best man for the job on the

merits," as President Bush contended.

Now, he and his colleagues are pondering accusations which, if substantiated, would be enough to persuade Exon to vote against Thomas.

In an affidavit, Hill described what sources characterized as sexual harassment by Thomas while she worked with him at the Education Department and Equal Employment Opportunity Commission. The sources said she also claimed that Thomas attempted to talk to her about pornographic films. Thomas has denied the allegations, and Exon said that, even with more hearings, there may not be conclusive evidence of what happened.

An aide to Exon said his office was swamped yesterday with calls from constituents and special interest groups arguing for and against Thomas.

"In the end, you've got to fly by the seat of your pants and make the best decision your conscience will allow," he said.

In calling for a postponement of the vote, Exon said it is important that Thomas be given a chance to clear his name. He said it was also important to get a full airing of the matter to ensure the integrity of the process and to allay concerns of women's groups that the Senate is insensitive to problems of women, including sexual harassment in the workplace.

"This is considered an all-male club here," Exon said. "I guess if I were on the outside looking in, I might think this place is not as sensitive as it should be to women and women's rights."

Accusations kept from panel until last minute

By Michael Hedges
THE WASHINGTON TIMES

As late as her news conference Monday, Anita Hill believed her sexual harassment charges had been heard by the Senate Judiciary Committee in early September as part of the Clarence Thomas confirmation process.

But Miss Hill was misled, senators said yesterday.

Members of the committee did not hear her charges until days — or hours — before voting on the federal appeals judge, too late for them to be fully proved, refuted or denied.

The initial interviews Miss Hill thought were with Judiciary Committee aides were really with the staffs of two anti-Thomas senators on the committee — Democrats Edward M. Kennedy of Massachusetts and Howard M. Metzenbaum of Ohio.

The full committee was kept in the dark for weeks after those interviews with Miss Hill. The committee deadlocked 7-7 in a Sept. 27 vote that included votes against Judge Thomas by Mr. Metzenbaum and Mr. Kennedy.

At Monday's news conference, Miss Hill, a University of Oklahoma law professor, seemed genuinely baffled about how her statements had stayed under wraps until leaked over the weekend in a fashion leaving her at the mercy of dozens of reporters.

She said: "I was approached by the Senate Judiciary Committee in early September. . . . They asked me specifically about harassment and issues involving women in the workplace."

But that is not what happened, according to several senators.

The first contact with Miss Hill was by a staff member of Mr. Metzenbaum, a vocal critic of Judge Thomas, on Sept. 3 or 4, Mr. Metzenbaum said yesterday.

At that time, no charges of sexual harassment were made by Miss Hill.

The next contact was by an aide for Mr. Kennedy. According to a statement by Mr. Kennedy's press secretary, Kennedy aide Ricki Seidman called Miss Hill on Sept. 5.

Neither the Kennedy aide nor the Metzenbaum aide had any role with the Judiciary Committee.

The Kennedy aide talked with Miss Hill about allegations the aide

said she had heard about sexual harassment by Judge Thomas, according to the Kennedy statement.

But in the second meeting Miss Hill again failed to confirm any sexual harassment.

On Sept. 10, Miss Hill was called by an old friend, a man named James J. Brudney who had been her classmate at Yale University Law School.

Mr. Brudney now works for Mr. Metzenbaum, but not as a member of the Judiciary staff. In this conversation — the third with a Senate aide

— the allegations about sexual harassment first surfaced, according to Mr. Metzenbaum.

It would be more than two weeks before the other senators on the Judiciary Committee found out about the charges.

Miss Hill described this period as one of frustration for her as she tried to get her allegations before the full committee. "I suggested to them throughout that I wanted to make this information available to every member of the Senate," she said.

Joseph R. Biden Jr., chairman of the Judiciary Committee who also voted against Judge Thomas, released a five-page statement yesterday trying to explain what happened between Miss Hill's remarks to Mr. Brudney and the Sept. 27 committee vote.

The statement said Miss Hill first talked to a Judiciary Committee aide on Sept. 12 after Mr. Brudney passed along the allegations. At that time, according to Mr. Biden, she requested her statement to be "completely confidential."

Miss Hill denied that at Monday's news conference in Norman, Okla., in which she said she always wanted the full committee to know her charges.

It was a week later — Sept. 19 — before the committee contacted her again, according to Mr. Biden's statement. The statement says that it was at that point she agreed to let all the

senators on the committee know her allegations. That is contrary to Miss Hill's statement.

The Biden chronology said Miss Hill finally agreed to talk with the FBI on Sept. 23, and agreed to let her statement be released to all the Judiciary Committee on Sept. 25 — two days before the committee vote.

Miss Hill denied that Monday, saying she thought she had been dealing with the Judiciary Committee since early September and had wanted the entire committee to have her statement from the beginning.

Some senators said yesterday they did not see Miss Hill's statement until hours before the vote.

According to Mr. Biden, Delaware Democrat, pains were taken to keep the woman's statement secret. He said, "Committee staff retrieved Miss Hill's statement immediately after the vote."

Senate sources said yesterday that no one below the level of senator had the affidavit that was leaked to the press last weekend. They pointed out that the vote on Judge Thomas was to be last Friday, but Mr. Metzenbaum and Sen. Paul Simon, Illinois Democrat, pushed for a delay until early this week.

Mr. Metzenbaum yesterday denied he had leaked the Hill statement after he said he heard he had been fingered by others on committee.

Mr. Simon also denied he leaked the affidavit.

Leak prompts call for special probe

By Paul M. Rodriguez
THE WASHINGTON TIMES

Republican Sen. Hank Brown of Nevada last night introduced a resolution calling for the appointment of a special independent counsel to investigate leaks to the media about allegations of sexual misconduct by Supreme Court nominee Clarence Thomas.

The resolution, said Mr. Brown, who is a member of the Senate Judiciary Committee, calls for Senate Majority Leader George Mitchell of Maine to appoint the special counsel after consulting with his Republican counterpart, Sen. Robert Dole of Kansas.

Earlier in the day, a majority of the Judiciary Committee members said they would support a General Accounting Office investigation of the leaks but only if the panel's Democratic chairman and ranking Republican approved.

Initial speculation among senators and their top aides was that the

leaks to National Public Radio and Newsday were orchestrated by either Sen. Howard Metzenbaum, Ohio Democrat, or one of his aides.

"That is wrong and untrue," Mr. Metzenbaum said on the Senate floor yesterday while opposing Mr. Thomas' nomination and calling for new hearings on the sexual misconduct allegations.

"The very people who are professing outrage over leaks and violations of the process are the very same people who are on this floor selectively leaking portions of the confidential FBI report that only senators may read," said Mr. Metzenbaum, a member of the Judiciary Committee.

Under Senate Rule 29, paragraph 5, members who leak "secret or confidential business or proceedings of the Senate" can be expelled by the full Senate. Officials and staff can be fired.

Although the rule has never been used against a member, attempts

have been made in recent times to identify members and congressional officials who have leaked confidential information to the press.

Mostly recently, the GAO was employed by the Senate Ethics Committee to probe leaks about the panel's deliberations on the Keating Five investigation of senators who allegedly did favors for a savings and loan kingpin in return for political contributions.

Although the GAO report has remained secret thus far, Senate sources said it suggests that two, possibly three persons — including two members — were the leakers. But because none in the media has been contacted about the leaks, the GAO probe of Keating Five leaks has remained an internal document.

Sen. Patrick J. Leahy, Vermont Democrat and a member of the Judiciary Committee, resigned as vice chairman of the Senate Select Committee on Intelligence in early 1987 after giving a reporter confidential information on the Iran-Contra affair.

Members and staffers of the Senate Judiciary Committee yesterday denied any role in leaking the allegations against Judge Thomas by law professor Anita Hills of the University of Oklahoma.

Lawyers Advise Concerns to Provide Precise Written Policy to Employees

By STEPHEN J. ADLER
Staff Reporter of THE WALL STREET JOURNAL

The Equal Employment Opportunity Commission defines sexual harassment as "unwelcome" sexual attention, whether verbal or physical, that affects an employee's job conditions or creates a "hostile" working environment.

That relatively simple definition makes for complicated and unpredictable lawsuits with significant risks both for the plaintiff and the corporate defendant.

Plaintiffs lawyer Judith Vladeck says she advises many women with harassment complaints against supervisors or fellow employees not to bother suing, and she tries hard to settle those cases she does bring before they go to trial. "I don't like to litigate them, because I think the burden to the woman is often greater than any sense of vindication can compensate for," the New York lawyer says.

A person who believes she or he has been harassed must file a charge with the EEOC within 300 days of the alleged incident. The person doesn't need a lawyer to do so. The agency then has 180 days to investigate and decide whether it wants to sue on behalf of the individual. If, as in most instances, the agency doesn't sue, the person then must decide whether to find a lawyer and sue on her or his own. The plaintiff has 90 days to file.

A plaintiff who sues is likely to name both the employee who allegedly engaged in harassment and the company as defendants. Most courts have found that when a supervisor seeks sexual favors as a condition of employment or advancement, the company is also liable, even if other officials didn't know about the misconduct. In cases alleging more broadly that a hostile working environment exists, usually courts won't hold the company liable unless company officials were, or should have been, aware of the problem.

Therefore, employment lawyers say, a plaintiff typically tries to prove that the company's management condoned workplace behavior—such as the posting of pornographic photos or the telling of lewd jokes at meetings—that was offensive to women. The corporate defendant, in turn, attempts to show that top officials publicly opposed harassment and were unaware that any was taking place.

To make this case effectively, corporate defense lawyers say, it is vital for companies to tell employees unequivocally, preferably in writing, that sexual harassment won't be tolerated in the workplace.

One model policy used by some companies begins, "It is our company's policy to prohibit sexual harassment of one employee by another employee, supervisor or even customers. The purpose of this policy is not to regulate our employees' personal morality. Rather, it is to insure that, in the workplace, no one may harass another individual." Harassment is then defined in terms similar to those used by the EEOC, with specific warnings that improper joking or teasing can be unlawful.

Most important, such a policy—supplemented by training sessions for supervisors—can cut down on harassment and improve the work environment. In addition, the existence of such a policy makes it easier for a company to maintain in court that it never condoned misconduct.

Lawyers say such a company policy should provide an easy way for employees to lodge complaints with someone in the personnel department—preferably both a man and a woman should be designated—and should provide for quick, thorough investigations. If the company finds a problem, it should be prepared to discipline, and even dismiss, the wrongdoer.

"Most people want a fair resolution, and if you give it to them quickly you generally satisfy most of their needs," says Barbara Brown, a Washington lawyer at Paul, Hastings, Janovsky & Walker, who represents companies in such cases.

The first goal, as employment lawyer Gregory Rasin of Jackson, Lewis, Schnitzler & Krupman says, is to resolve complaints before any lawsuit is filed. "There's more than just money involved here," Mr. Rasin says. "There are people's reputations involved. People will remember that the case was filed longer than they could remember the result."

Once a case is filed, however, the company must determine whether to admit wrongdoing and seek to settle—or to back the employee and fight. If the company chooses to fight, it is likely to pursue a dual defense: attempting to discredit the plaintiff's version of the alleged encounter while distancing the company from the event in case a judge or jury finds that the law has been violated.

Because there usually are no witnesses to the alleged harassment, discrediting the plaintiff can be an unseemly business, the equivalent of questioning the behavior of an alleged victim in a rape case. Defense lawyers typically explore whether the

plaintiff has ever filed harassment cases before, whether she has any other reason to resent the defendant, whether she made it clear that she was offended at the time of the incident and whether she reported it promptly. (Most plaintiffs in sexual harassment cases are women.)

At times, evidence concerning the plaintiff's provocative dress, conduct and even sexual fantasies can be admissible to help determine whether the advances were unwanted, the U.S. Supreme Court has ruled. In criticizing this approach, Ms. Vladeck says, "Unless the woman has lived the life of a cloistered virgin, the woman is in jeopardy of having all of her sexual history explored." As a result, she says, court action may be too traumatic for many women to pursue.

Plaintiffs have received some help from the courts recently, however. In two jurisdictions, courts have ruled that the perspective of a "reasonable woman" must be considered in deciding whether the defendant's behavior was unwelcome or offensive. The shift away from judging the behavior from a male or theoretically gender-neutral perspective is significant.

Even if the sexual attention is found by the court to be unwelcome, however, liability under Title 7 of the Civil Rights Act of 1964 is likely to be minimal—typically payment of the plaintiff's lost wages and reinstatement if the plaintiff had been fired or had quit under duress.

Additional liability may be possible under various state laws or under so-called tort theories such as intentional infliction of emotional distress, assault and negligent hiring. These allegations, which have been allowed by courts in sexual harassment cases in a number of states, may result in significant damages against a company. Last year, California's highest court ruled that workers may seek punitive damages in workplace harassment cases brought under that state's fair employment law.

An additional factor is that many of the state lawsuits permit trial by juries, which may be more inclined to grant large awards, while Title 7 cases are tried before judges. Further, while Title 7 charges must be filed within 300 days of the alleged incident, various tort claims allow a filing from one to three years afterward.

Judge tried to extend bias laws to Congress

By George Archibald
THE WASHINGTON TIMES

Clarence Thomas, in the congressional dock this morning for allegedly harassing a young woman nearly a decade ago, tried as chairman of the Equal Employment Opportunity Commission to get Congress to apply U.S. anti-discrimination laws to itself.

He failed.

"For equal employment opportunity and civil rights laws to have the appropriate clout and relevance in this society and throughout the government, these laws must apply to Congress," Mr. Thomas wrote to Sen. Patrick Leahy, Vermont Democrat, in May 1988.

Three months earlier, he made a similar plea to the House employment opportunities subcommittee.

He failed on that occasion, too. Congress then, as it had before and as it has since, resolutely exempted itself from the laws prohibiting sexual harassment.

Members of Congress, whose offices are staffed with large numbers of attractive young women and men eager to please their bosses, are thus under no legal obligation to refrain from the sexual harassment practices they prohibit to others.

Last year, after Democratic Rep. Jim Bates of California was accused of fondling the breasts of a female aide and sexually harassing other employees, the House adopted an internal complaint and mediation process for congressional staffers alleging unfair employment practices.

But the procedures lack the teeth and punitive remedies of federal anti-discrimination laws that apply to all other employers.

In the past year, there were 262 counseling "inquiries" by congressional aides to the House Fair Employment Practices Office, but none resulted in findings of discrimina-

tion or sexual harassment by lawmakers or their top aides. Deputy House Clerk Raymond C. Kelly said yesterday.

The Senate has "no specific procedures" for employment discrimination or sexual harassment complaints by Senate personnel, said Ethics Committee staff director Wilson Abney. The committee handles such matters confidentially, he said.

In recent years, Congress was rocked by repeated scandals involving unwanted sexual advances by senators and congressmen who are still serving on Capitol Hill.

• Sen. Edward Kennedy, Massachusetts Democrat, was accused in 1988 by a waitress at La Brasserie, a Capitol Hill restaurant, of tossing her across a table into the lap of Sen. Christopher Dodd, Connecticut

Democrat, and then jumping on top of her.

• Sen. David Durenberger, Minnesota Republican, used government funds to carry on a lengthy sexual affair with a congressional secretary in Washington and Minnesota, where a condominium for the trysts was paid for with Senate expense allowances. Mr. Durenberger was denounced by the Senate in July 1990 for improperly receiving Senate reimbursements for stays in his Minneapolis condominium and other ethics violations.

• Sen. Brock Adams, Washington Democrat, was accused in summer 1988 of sexually assaulting the 24-year-old daughter of a family friend at his home in the District while his wife was out of town. Mr. Adams denied the charge, and there has been no criminal prosecution of the case, although the woman and her family continue to insist that it is true.

• Rep. Gus Savage, Illinois Democrat, was accused by a Peace Corps volunteer in Zaire of making sexual advances and fondling her in the back seat of a U.S. Embassy car during a 1989 government-paid trip. The incident was witnessed by a government driver. Mr. Savage received a letter of reproof from the House ethics committee, its lowest level of punishment, as a result of the allegation.

• Rep. Barney Frank, Massachusetts Democrat, used his office to help a male prostitute gain favorable treatment from his probation officers and to fix parking tickets received by the prostitute while he was using the congressman's car. The House reprimanded Mr. Frank in August 1990 for misuse of his office.

• Rep. Gerry Studds, another Massachusetts Democrat, used official expense allowances to travel

with a male House employee with whom he was having a homosexual affair. Mr. Studds was censured.

Even the Senate Judiciary Committee has had brushes with sexual impropriety.

Quentin Crommelin, the committee's former chief counsel, sexually assaulted two congressional co-workers. He was employed by Republican Sens. Strom Thurmond of South Carolina and Jesse Helms of North Carolina despite a police report to Congress about the first assault in 1982. Crommelin was convicted in July 1989 of felony sodomy in Arlington County and no longer works on Capitol Hill.

Ironically, Mr. Thomas, who stands accused of making sexual overtures to a female aide at EEOC, was a leading advocate of tougher anti-sexual-harassment laws and regulations as the agency's chairman from 1982-90. He fired or demoted two senior regional EEOC officials who harassed female subordinates.

According to EEOC regulations, sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964.

"Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile or offensive work environment," according to EEOC guidelines.

Hill: 'I Intend To Cooperate' With Inquiry

Friends of Thomas, Accuser Perplexed

By Lynne Duke
and Sharon LaFraniere
Washington Post Staff Writers

As friends of both Supreme Court nominee Clarence Thomas and Anita Hill remained confounded and the Senate tried to free itself from a confirmation quagmire, Hill yesterday attempted to go about her professorial duties at the University of Oklahoma, where she was surrounded by a media mob and protective faculty and supporters.

Hill, 35, made only one public comment during a day in which she taught three hours of classes. "I intend to cooperate with the Senate in this investigation," she said at a one-minute campus news conference.

On Monday she held an hour-long meeting with reporters to explain her role in the public airing of her allegations, made officially to the FBI, that Thomas sexually harassed her in the early 1980s when she worked with him at the Education Department and the Equal Employment Opportunity Commission.

Thomas, whose nomination has been put on hold until Tuesday, pending further investigation of Hill's allegations, denied doing anything improper.

Friends of the two described both Thomas and Hill as people of such integrity that the friends are stumped about who is telling the truth.

Michael A. Middleton, a law professor at the University of Missouri, worked at the EEOC and the Education Department's Office for Civil Rights with Thomas and Hill, and said he had daily contact with them. They had similar work styles, he said.

"She was your typical brainy, dedicated egghead type . . . that was Anita," said Middleton. "And by the same token, Clarence was like that too. He was a hard working, serious, no-nonsense kind of guy who didn't have time for that kind of frivolity. The two of them were a match made in somewhere. They would get together and do their work. No suggestion of anything happening—which is why it's hard to believe these allegations, which is why it's hard to disbelieve these allegations."

"I can't believe that she is inventing this,

but I can't believe that Clarence Thomas took inappropriate liberties," said Middleton.

Lovida H. Coleman Jr., a Washington attorney and friend of Thomas since both were in law school, said she spoke with him at length on Sept. 26, the day before the Senate Judiciary Committee vote and after Thomas had been interviewed about Hill's allegations.

Coleman said she remarked that, however grueling the process had been, "everyone said you are a good guy." He said, "There is one person who has hurt me very deeply in this process." A person who he thought he had helped and been really kind to.

"I don't think she's making a bald-faced lie," Coleman said. "Something happened to her that really bothers her." But the allegation "doesn't seem to make sense," she said. "His seduction methods don't have anything to do with talking about dirty movies. He's a teddy bear. He wants to be cuddled. That's his approach. He wants to be lovable. He is not one for the big-time move" on women, Coleman said. "I know what a decent guy he is."

Hill was described in similar terms. Stephen L. Carter, a Yale University law professor and author who has known Hill for 14 years, said, "She is a person of the highest

integrity, compassion, thoughtfulness and spiritual substance. . . . I don't think they should impugn Anita Hill's motives, which are only the best."

Two friends have said that Hill told them she was being sexually harassed at the time the alleged incidents occurred. One of them, who was interviewed by the FBI, said Hill told her that Thomas "was always after her."

Sen. John C. Danforth (R-Mo.) said records of telephone messages taken for Thomas at the EEOC showed numerous phone calls from Hill after the alleged harassment and that that was not suggestive of someone who had been harassed.

In an interview Monday, however, Hill denied she had made such phone calls.

Hill said yesterday morning that she has been bolstered by support from faculty and friends. "I'm not only taking comfort from that but I am hearing from people from all over the country," she said. "One person said, 'Why did you wait so long?' but people from all over are saying, 'I believe you. They ought to investigate.'"

Staff writers Al Kamen and Ruth Marcus in Washington contributed to this report. Duke reported from Washington; LaFraniere from Norman, Okla.

Hill, in Glare of Spotlight, Seeks Quiet of Law Classes

By ROBERTO SURO
Special to The New York Times

NORMAN, Okla., Oct. 8 — Anita F. Hill was teaching the dry subject of commercial law this afternoon while the United States Senate debated how to handle her allegations of sexual harassment against Judge Clarence Thomas, whose nomination to the Supreme Court was hanging in the balance.

After three hours in a University of Oklahoma classroom she emerged, appearing tense, to give one comment on the events in Washington. "My only reaction is to say that if called to Washington, I will fully cooperate with the efforts of the Senate."

Professor Hill appeared to be doing her best to have a normal day, even though her accusations against Judge Thomas had made her a subject of intense scrutiny and criticism by some of the most powerful politicians in Washington.

Back to Work

After giving an interview on the NBC-News show "Today," she spent several hours preparing for her classes, friends said.

A little before 1 P.M. she drove to the University of Oklahoma College of Law, where she is a tenured professor and a specialist in contract law. In the parking lot of the Law Center she was met by several plainclothes university police officers, who formed a phalanx to escort her through a crowd of reporters and cameramen.

Her first class was a basic course on contracts. Then she taught two advanced classes on commercial law governing transactions.

Late in the afternoon, law school officials said that she would give a brief news conference when the last class ended.

When Professor Hill arrived at the faculty lounge, where members of the press had assembled, she appeared somewhat nervous and unsettled, in contrast to her poised, steady performance in a lengthy news conference on Monday.

Instead of answering questions, she offered her single comment expressing a willingness to cooperate with the Senate. The news conference was then called to a halt.

Although she limited her public comments today about the furor, Professor Hill was in touch with a network of close friends with whom she has discussed her allegations against Judge Thomas since first making the charges to the Senate Judiciary Committee early last month.

Kim A. Taylor, an associate profes-

sor at the Stanford Law School who was a classmate at Yale Law School, said they had conferred regularly during the time that Professor Hill was trying to bring her charges to the Senate's attention. Professor Taylor said the two spoke as recently as Monday night, but she would not say whether Professor Hill had complained about Judge Thomas before he was nominated to the Supreme Court.

Describing Professor Hill as "exhausted," Professor Taylor said today that "she continues to feel that it's important that the Senate has this information."

Professor Taylor said there was no question that Professor Hill "grasps the enormity and gravity of the issue" and that raising the issue at this time "has potential for causing her professional problems."

Professor Taylor continued: "But she felt the principle was important enough that she was willing to risk that personally. It is not in her character to make an accusation lightly."

Throughout the day in Washington a major point of contention was Professor Hill's relationship with Judge Thomas in the years after she quit her job as his special assistant at the Equal Employment Opportunity Commission in 1983.

Senator John C. Danforth, Republican of Missouri, released records of the Judge's telephone calls showing that

A High Court nominee's accuser offers a single comment.

Professor Hill had phoned the Judge about a dozen times between 1984 and 1990. Senator Danforth and other supporters of the nominee suggested that this conduct was not consistent with a person holding a serious grievance. A friend of Professor Hill who said he discussed Judge Thomas with her during this period said he believed she was merely being discreet.

Harry F. Tepker Jr., a colleague of Professor Hill on the faculty of the University of Oklahoma law school, said that in 1988 when he took a temporary assignment as a professor-in-residence at the commission, he asked her what it was like to work at the agency.

"I remember she mentioned that it was an agency that had been in trouble, that there were bureaucratic problems," he said. "But she never gave the impression that she had any inside information about Judge Thomas."

Professor Tepker, who said Professor Hill discussed the allegations with him during the period she was dealing with the Senate Judiciary Committee, said, "I absolutely take her at her word that she did not want to make this a public issue, and that is why she was not going around talking about it until the people on the Senate staff raised the issue with her."

Some Critical Memories

Some of the most critical recollections of Professor Hill's behavior came from Charles Kothe, who was dean of the law school at Oral Roberts University in Tulsa when she joined the faculty there after leaving her job in Washington.

Mr. Kothe, now in practice in Tulsa, said in a telephone interview on Monday that he first approached Professor Hill with a job offer when she and Judge Thomas, then still at the commission, came to Tulsa for a seminar. Mr. Kothe said he sat next to Professor Hill at lunch, learned she was from Oklahoma and a Yale Graduate, and told her about a vacancy he had for a civil rights professor. Professor Hill said Monday that at her request Judge Thomas wrote a letter recommending her for the job.

While Professor Hill was at Oral Roberts, Mr. Kothe said, Judge Thomas spoke at another seminar and remained overnight as a guest in his home. He said Professor Hill had breakfast with him, and if his memory served, she drove Judge Thomas to the airport.

"In all my experiences with her, she never once mentioned anything irregular in their relationship," Mr. Kothe said.

Mr. Kothe said that he discussed Judge Thomas with Professor Hill during his second confirmation to the commission, and again when he was appointed to the Circuit Court of Appeals and that she never mentioned the allegations.

He said it was "out of sync with anything" they had ever discussed. "I can't believe it. It seems preposterous."

38

Judge Thomas and the 'hostile environment'

Setting the stage for the turmoil on the Senate floor yesterday, on Monday at high noon a jury of nobody's peers assembled, grinning and excited, in the Senate Radio and TV Gallery. They were there to convict Democratic Sen. Dennis DeConcini for failing to convict without trial Supreme Court nominee Clarence Thomas. The Democrat from Arizona hadn't faced a press corps this happy and hostile since his ties to bankrupt thrift owner Charlie Keating were first revealed.

"Do you think," shouted one female defender of the people's right to know, "that this may be a case of the members of the Judiciary Committee not being sensitive to the issue of sexual harassment because they are all white, male and over 50?"

Mr. DeConcini, an Italian-American whose masculinity was first identified by a Tucson obstetrician on May 8, 1937, repeatedly explained why he put more credibility in Judge Thomas' denial of having sexually harassed Anita Hill, a former assistant, than he put in his Miss Hill's claim. Why had she waited 10 years to make her accusation? he asked. Why had she tried to do so only anonymously? Why, if Judge Thomas really harassed her, did she follow him from one job at the Department of Education to another at the Equal Employment Opportunity Commission?

But the jury of the daily press was unappeased. "What do you think this says to other victims of sexual harassment in terms of their coming forward and not being believed?" asked another female reporter.

"I'll tell you what it says to this senator; that if you're sexually harassed, you ought to get mad about it and you ought to do something about it and you ought to complain instead of hanging around a long time and then all of a sudden calling up anonymously and saying, 'Oh, I want to complain.'"

A mouth-dropping wave of disgust rippled across the now otherwise tightly drawn faces of the assem-

bled moralists. A third female reporter raised an important point of law. "One last question, senator," she bellowed. "It sounds like you're putting the burden of proof ... on Ms. Hill and yet didn't want to hear from Ms. Hill herself." Imagine, putting the burden of proof on the accuser — the sheer insensitivity of it all.

Meanwhile, down in Norman, Okla., and live on national television, the aggrieved Miss Hill was laying down the natural-law theory of sexual harassment for any American who cared to listen. "Do you suspect that there may be more women out there that he has harassed?" a reporter asked her. "Well, one of the things that I will say about sexual harassment generally," said this tenured law professor, "and I suspect that it's true in this case, too — in fact, I've heard rumors to that effect, but I cannot substantiate any of those — but I will say, however, that harassment usually isn't an individual issue, it's not an issue of one person. It is behavior that people engage in. So I don't think that this is something that was directed at me personally. I think it was behavior that an individual felt that they could engage in. And I think that's generally true for sexual harassment. I'm not personalizing this."

Mr. Thomas never touched her, she explained. But by "creating a hostile work environment" he had committed "sexual harassment." It was unclear whether she meant in the first job she accepted with him or the second. Or why the non-personal sexual harassment beams Mr. Thomas allegedly emitted don't seem to have caused any other antennae to wiggle.

One thing is for sure, there was no hostile environment at the Oklahoma press conference. Miss Hill got a couple of nice rounds of applause. Some of it came, no doubt, from supporters among her students in attendance. Because the cameras were mainly trained on her, it's anybody's guess whether the press corps was clapping too.

✓

The Delayed Judgment

IT WAS probably inevitable that as uncertainty grew on the Senate floor yesterday, Judge Clarence Thomas would agree to a delay in the vote on his confirmation. In the climate that prevailed in the hours before the scheduled vote, the easy road for most senators, even for those who had pledged support, was to put off the decision and call for further hearings. That is exactly what the judge's opponents hope for, of course, for even though there may be no new information forthcoming about the allegations made by Miss Hill, the added time will be used to build public opinion and to persuade senators that they would be better off safe than sorry. That attitude is terribly unfair to the nominee.

The charges made by Miss Hill are serious, though the exact nature of the words allegedly spoken are not known. But how are they to be proven or disproved? Judge Thomas has given a sworn affidavit affirming his complete innocence, but how can he prove that in further hearings? Miss Hill speaks with feeling, but for the first time in 10 years on this subject. The judge's supporters fairly ask why she never objected to this alleged conduct until this final hour, why she maintained a friendship with the judge, repeatedly telephoned him over the years and followed

him from one job to another when that was not necessary. She has made an accusation that is sufficient to destroy a man's reputation and keep him from high office, and she must explain these apparent inconsistencies if she is to be believed.

Putting the burden on the accuser is not, as some have characterized it, blaming the victim. It is especially important that she be expected to make her case because here the accused will not have physical evidence or eyewitnesses to refute her. It comes down to his word against hers, and senators must take care to keep the burden of proof where it belongs.

The behavior of members of the Judiciary Committee who have backed and filled during this debate is not edifying. It should be remembered that all 14 had Miss Hill's accusations and the FBI report before them when they voted. No new facts have caused them to reconsider, and the only thing that has changed is that the public release of the report has given the nominee's opponents time and opportunity to broadcast these sensational charges in the hope of torpedoing the nomination. In that respect, the judge has not been treated fairly. That can be corrected if the coming hearings are conducted with dignity and a determination to do what is right.

PRUDEN ON POLITICS

By Wesley Pruden



Feminist hysteria and sex-baiting

The hysterical feminists and their thoroughly emasculated male toadies — someone noted the other day that all the men on National Public Radio sound like women, and vice versa — owe a debt to the red-baiters of a generation ago.

Cries of "Sexism!" and "Harassment!" have replaced "Communist!" and "Pinko!" as the last refuge of the scoundrels in media and politics.

There really were Communists and fellow travelers embedded in American institutions in the years just after World War II. Hubert Humphrey, to cite one illustrious example, made his reputation by kicking some of them out of the Democratic Party in Minnesota. But the accusation of "Communist" and "pinko" was so heinous that to be accused was to be convicted, and in the hysteria of the day the reputations of innocent men occasionally dissolved in the culture of terror and mindless fear.

And there really are "sexists" and "sexual harassers" today, men who (like, say, Teddy Kennedy) have been taught, often by their fathers, that women are merely vessels for their animal pleasures, and if occasionally a woman must pay with her reputation or her health or even (as with a certain famous politician) her life, well, that's just a price women have to pay for the pleasure of these men. The family that dates together rapes together. In a more robust time, such a man's neighbors would have taken him to the barn with a horsewhip.

But every man who was accused of being a Communist was not a Communist, and every man who is accused of harassing women is neither a harasser nor a "sexist," whatever that has come to mean.

Anita Hill, by her own words, renders herself a liar in the judgment of reasonable men and women. She says Clarence Thomas offended her by (1) asking her out on a date, and (2) by talking dirty about sex. She was so offended that she (1) pursued the man for years, going from one government agency to another when he moved up, (2) solicited his support for a job in Oklahoma, (3) invited him to Okla-



Paul Simon

Thomas to speak to her law students. Phone logs reveal that she recovered from her trauma enough to call, frequently, just to say "hi". Several witnesses describe how, on one of his visits, Miss Hill seemed perfectly euphoric to be in Judge Thomas' company. Poor Miss Hill. Several black women of my acquaintance have suggested, perhaps unkindly, that Miss Hill turned on Mr. Thomas only after he

married someone else — and the someone else was white.

No wonder the members of the Judiciary Committee, most of them Democrats, were unimpressed by the "evidence" and paid it no attention until Nina Totenberg and the government radio network, who have been leading the campaign to discredit Judge Thomas, got a dump of the confidential Senate files — from Howard Metzenbaum, by all accounts — to create her "October surprise."

None of his colleagues were surprised by Mr. Metzenbaum's thievery; several of his colleagues, including Democrats, carry Air-Wicks in their briefcases against the chance they'll get stuck in the Senate elevator with him, such is his reputation. You can read a growing similar contempt for Paul Simon in the faces of his colleagues.

Mr. Simon heard Anita Hill's accusations, and read the FBI's report of its investigation and its conclusions that she was blowing stale smoke, several days before the committee took a vote. He said nothing. He offers the explanation now, transparent to everyone, that he couldn't say anything because she would not agree to making her charges public. This is nonsense, and Mr. Simon does not expect anyone to believe it. He could have brought up his concerns in an executive session. But he didn't.

If the Democrats had had the votes to defeat Mr. Thomas last night, all logic and common sense says there would have been no delay. But the Republicans blinked, as Republicans often do. Joe Biden suggests that the perennial losers should now share in the selection of Supreme Court nominees, which the Constitution awards to the winners, to avoid further abuses of the process. Well, of course. That's what these struggles are all about.

William Raspberry

On Thomas, the Good Guys Played Dirty

The political/judicial chapter that began with President Bush's nomination of Judge Clarence Thomas to the Supreme Court, and whose end is not in sight, has been one massive disappointment after another.

There was, to begin with, the nomination itself. I never thought of Thomas as some sort of judicial Tonto, willing to betray his people for his own selfish interests. I thought he was okay, albeit too inexperienced and untested for so important a post. My disappointment was over President Bush's willingness to treat the whole matter as clever politics, with so little regard for the well-being of the court.

Surely there were other black lawyers (yes, I thought it important that the court not revert to its all-white status) of experience and stature who would be politically acceptable to the president. My private hope had been that he would nominate someone like William T. Coleman, the Republican secretary of transportation under President Ford.

There were other disappointments along the way: the utter politicization of the confirmation process (by friend and foe of the nomination), the calculated unfairness of some members of the Senate Judiciary Committee during the confirmation hearings, Thomas's own willingness to abandon every controversial view he ever held in exchange for confirmation.

Disappointments all. Still, the saddest disappointment for me lies elsewhere—in the conduct of the people I think of, almost reflexively, as the "good guys": the elected and unelected black leadership, the liberal advocates of the interests of the little folk, the people and institutions who have striven to put right above expediency. The good guys have let me down.

I'm thinking of the Congressional Black Caucus, which, with no debate,

having heard no witnesses or evidence, voted to oppose the Thomas nomination almost as soon as it was made. Only the caucus's one Republican member kept the vote from being unanimous. I'm thinking of Virginia Gov. Doug Wilder's assault on Thomas's "Catholicism," before he learned that the nominee attends an Episcopal church. I'm thinking of the NAACP and the Leadership Conference on Civil Rights, which made up their minds to oppose Thomas and then set about garnering the evidentiary basis for doing so. I'm thinking of the manifestly unfair treatment of Thomas at the hands of Sens. Kennedy and (particularly) Metzenbaum—men I have long respected politically.

The disappointment, let me be clear, is not in the fact that any of

these ladies and gentlemen opposed the nominee, who, so far as I know, never had much more than lukewarm support from any reputable quarter. No, the disappointment was in their utter lack of interest in elemental fairness.

Is that naive? I suppose it must be. Why, when one side is using Willie Horton and "quotas" the way Richard Nixon used "law and order," should I expect the other side to engage in civil, reasoned and thoughtful debate? Why would I expect those who oppose Thomas's views on affirmative action and other issues to challenge his views without deliberately distorting them? Why would I expect a higher level of decency from Thomas's opponents than from the political manipulators who brought about his nomination?

Why would I expect even the most vociferous opponents of the nominee to say of the latest unfairness, the sexual harassment allegations of Anita Hill: No. This is too much. We oppose Thomas, but we also oppose

cheap shots, 11th-hour flimflammy and character assassination.

I suppose I expected it because they were still, to my mind, the good guys. Not that I necessarily believe everything they believe or support every cause they advocate. They frequently have more confidence than I do in the ability of government to solve our difficult social problems, or in the usefulness of racism as the universal explanation for our troubles.

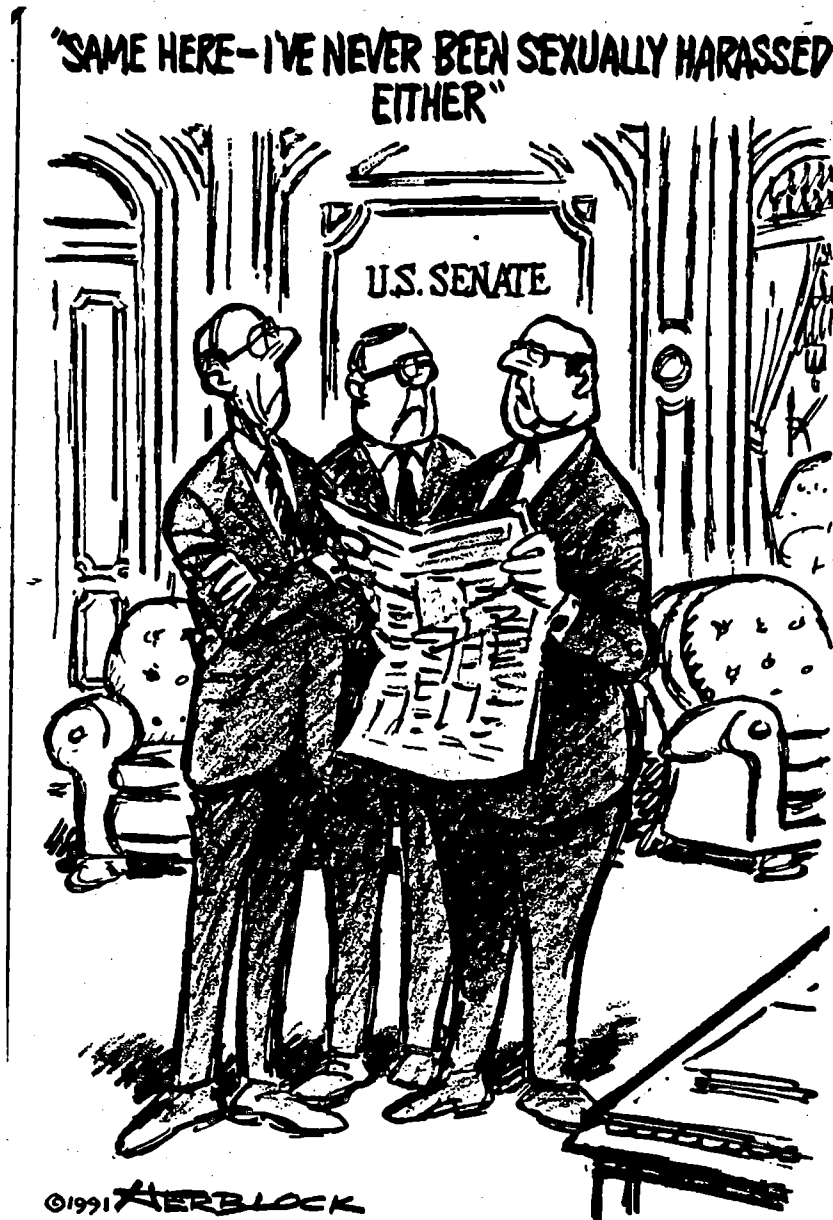
Being good guys, though, they have managed to disagree without questioning each other's commitment to our mutual goals. We have retained the ability to have a different view and still see one another as in the ranks of good guys.

But not in the case of Clarence Thomas. The good guys have been as nasty, as calculatedly unfair, as willing to subordinate principle to politics as our racist and reactionary opponents. They are, in a chapter studded with disillusionments and letdowns, a special disappointment.

43

The Washington Post

DATE: 10/9/91
PAGE: A24



Forced to Be Fair

By Susan Estrich

LOS ANGELES
Had it not been for an 11th-hour leak, Clarence Thomas would today be a member of the Supreme Court. But the delay agreed on by the Senate yesterday to address Prof. Anita Hill's charges that she was sexually harassed by Judge Thomas did not come about because the nomination process works. Nor did it come about because our leaders finally recognized that sexual harassment is a serious charge that cannot be disposed of summarily. It came about because politicians know when they're caught in a firestorm.

I don't expect George Bush to choose Supreme Court nominees who will agree with my views on constitutional law. The Presidential election decided that question. But like most Americans, I do expect the President to choose men and women of honor and dignity. And I certainly expect the Senate, in its confirmation process, to insist on it.

For two weeks, America watched as the Senate Judiciary Committee tried to force Clarence Thomas to say where he stood on any issue of significance in constitutional law. They failed, as did he. Well-coached by the White House, Judge Thomas understood that a majority of the Senate

Susan Estrich is professor of law at the University of Southern California.

The Senate will judge claims of sexual harassment.

would not vote against him if he denied the significance of everything he had written and insisted that his mind was open.

What is most striking, however, are the questions Judge Thomas was not asked. His views on natural law were thoroughly parsed. But apparently no one found it necessary to ask him whether he had sexually harassed Anita Hill, a young lawyer who had worked as his assistant at the Education Department Office of Civil Rights and later at the Equal Employment Opportunity Commission.

In its confirmation hearings, the Senate Intelligence Committee insisted on public testimony from Robert Gates's accusers and on a response from the nominee himself. And yet it seems that none of Judge Thomas's supporters in either the Senate or the Administration found it necessary to even meet, let alone listen to, Professor Hill before concluding that she was lying.

Better late than never. The Senate must now deal with the charges against Clarence Thomas in a way that is fair to the accuser and the accused, and that recognizes the serious, and unique, aspects of sexual harassment accusations.

Very few people harass a woman sexually with witnesses around. Like rape, this conduct tends to take place in private. Sometimes, when a woman comes forward, others do as well. But not always. Even if Professor Hill is the only woman to accuse Judge Thomas, and even if there are no witnesses to her account, her charges demand consideration.

There are questions that will be asked Professor Hill: did she complain to anyone, even if not to officials who also worked for her boss? Why did she follow Judge Thomas from one job to another? And why has she come forward now?

These are fair questions, but the Senate must also be fair in evaluating her answers. The truth is that most women who are harassed don't complain about it publicly, especially when doubly disadvantaged by their race and their gender. It is humiliating and embarrassing. Whatever the law says about retaliation, complaining about the boss may lead to your being fired for tardiness.

Many women tolerate harassment, even though it is debilitating and destructive. The willingness of women to tolerate hostile work environments often has less to do with how bad the workplace is and more to do with how badly they need their jobs.

Not every slight in a workplace amounts to a Federal case. But whose perspective should govern, particularly if men and women see harassment differently — if men tend to assume that their advances are welcome and women tend to find them threatening?

Ultimately, the Senate must decide who is telling the truth. In an era when the nomination process has been drained of substantive content, the least we can expect of the Senate is that it thoroughly investigate a nominee's character and judge it fairly. If Anita Hill is lying, Clarence Thomas deserves to have his name cleared. If she is telling the truth, he does not deserve a seat on the Supreme Court. □

Thomas Vote Put Off a Week to Probe Allegation

Nominee Asks for Delay, Denies Ex-Aide's Sex Harassment Charge

By Helen Dewar and Ruth Marcus
Washington Post Staff Writers

The Senate ended a frantic, dramatic day of uncertainty about the fate of Supreme Court nominee Clarence Thomas by delaying until next Tuesday a vote on his confirmation and authorizing new hearings on charges of sexual harassment leveled by a former aide.

Thomas, his confirmation in clear danger, yesterday asked the Senate for a chance to "clear my name," and released a sworn statement categorically denying he ever displayed improper behavior toward Anita Hill, now a University of Oklahoma law professor, when she worked for him at the Department of Education and Equal Employment Opportunity Commission in the early 1980s.

John C. Danforth (R-Mo.), Thomas's chief supporter in the Senate, quoted Thomas as saying, "I have to restore what they have taken from me. I have to appear before the appropriate forum and clear my name."

The White House issued a statement after the delay repeating President Bush's support for Thomas. "We believe that Judge Thomas is an excellent candidate for the Supreme Court who should be confirmed. . . . Judge Thomas is an outstanding individual who has demonstrated his honesty and integrity throughout his life."

While Thomas supporters wanted a two- or three-day delay on the vote, they eventually agreed to a compromise with Senate Majority Leader George J. Mitchell (D-Maine) to postpone the vote for a week, until 6 p.m. next Tuesday. Mitchell said there were "serious and highly controversial and unresolved" charges and denials that must be resolved before the Senate can vote.

"I believe the delay now approved is important to the integrity of the Senate," as well as that of the Supreme Court, the confirmation process and the reputations of Thomas and Hill, he added.

More than six out of 10 persons questioned last night in a Washington Post-ABC News poll said that Thomas should not be confirmed if the harassment charges against him are proved.

In September, an ABC News poll found that 63 percent of those questioned said they backed the Thomas nomination. Last night, 50 percent said the Senate should confirm Thomas, 25 percent were opposed and the remainder undecided.

Danforth was flushed with rage as he stood on the Senate floor after the vote originally scheduled for 6 p.m. yesterday

was postponed. "Clarence Thomas is being crucified," he said. ". . . This isn't advise and consent. This is slash and burn."

Danforth glowered at Democratic Senate aides he suspects of having a role in making the charges public. "That's the way we do things around here; if we want to beat someone, we destroy them."

Danforth also expressed concern that Thomas would be badly damaged by the new probe. "This is going to be a fishing expedition all over the country . . . advertising virtually for people to come forth with whatever they have to dump on Clarence Thomas," he said. "He's never going to be able to recover the reputation he had going into this . . . because charges like this stick."

Danforth said last night on ABC-TV's "Nightline" that Thomas had said he was not sure he "wanted to go through another week," but Republicans had told him his nomination would be defeated if the vote were held last night.

Senate Judiciary Committee Chairman Joseph R. Biden Jr. (D-Del.) said the committee would subpoena witnesses if necessary but that the scope of the inquiry would be limited to allegations of sexual harassment, either by Hill or any others who might step forward.

"Anyone who wants to make charges against Thomas would have to be willing to testify in public session," Biden said. "This is not a star chamber." He said the hearings could begin as early as Friday.

In a four-page, single-spaced statement submitted to the committee on Sept. 23, Hill alleged that Thomas harassed her between 1981 and 1983, describing pornographic movies he had watched involving group sex and sex with animals and detailing sexual acts he wanted to perform with Hill, according to those familiar with the statement.

Danforth early in the day tried to challenge the credibility of Hill by releasing a five-sentence affidavit by Thomas denying charges of misconduct and logs of 10 telephone calls from Hill to Thomas after she left the EEOC.

"At all times during the period she worked with me, our relation-

ship was strictly professional," Thomas said in the statement. "During that time and subsequently, the relationship has been wholly cordial.

"I am terribly saddened and deeply offended by these allegations."

Hill called the telephone logs "garbage" and said she had not telephoned Thomas except to return his calls.

Hill, besieged by reporters in Norman, Okla., as she sought to maintain a normal routine and teach her scheduled classes, repeated her willingness to testify about her allegations if called.

"I intend to go to Washington if it is requested," she said.

Meanwhile, a law school classmate confirmed that she told the FBI that Hill had confided in her at the time that "she was experiencing sexual harassment at work from" Thomas. "She just said that he was always after her to go out and was always presenting himself as the ideal man for her and so forth and she didn't get any more explicit than that," said the classmate, who spoke on the condition that she not be publicly identified.

Hill's allegations, and the apparent willingness of the male-dominated Senate to proceed on the vote until the charges became public, triggered a storm of protest yesterday. The Capitol switchboard was swamped with calls. Women representatives, women law professors, and one of the two women senators took the Senate to task for what was viewed as its offhanded treatment of alleged sexual misconduct.

Republicans, infuriated that a National Public Radio reporter received a copy of the FBI file on Hill's allegations, demanded an independent counsel investigation of the source of the leak. The Senate put off consideration of that until after next week's vote on Thomas.

Under Senate rules, any senator or officer of the Senate who is found to have disclosed secret or confidential business or proceedings of the Senate is subject to expulsion or dismissal.

Sen. Hank Brown (R-Colo.) offered a resolution last night instructing Majority Leader Mitchell, in consultation with the minority leader, to appoint a special counsel to conduct a one-month investigation. The special counsel would be similar to those who were ap-

pointed to supervise the Senate ethics committee investigation of the "Keating Five" and the House ethics committee investigation of former House speaker Jim Wright (D-Tex.).

Brown, who talked by telephone with Hill earlier in the day, said in an interview, "It's clear a violation of Senate rules did occur."

"Miss Hill advised me she did not talk to NPR [National Public Radio] until the reporter simply read verbatim her statement," Brown said. "It's clear confidentiality was broken."

The Thomas nomination appeared assured until the news accounts last weekend. On Friday, he appeared to have the support of at least 54 senators, including 13 Democrats. But Senate Minority Leader Robert J. Dole (R-Kan.) said late yesterday that the count then stood at 41 for Thomas, 41 against and 18 undecided. While many of the 18 were leaning toward Thom-

as, Dole said, he was not sure Thomas could still claim a majority on an immediate vote.

Thomas supporters moved earlier in the day to discredit Hill. Danforth released the telephone logs showing calls from Hill between 1984 and 1987, and one in 1990, with messages in a seemingly friendly tone. They included calls stating, "Just called to say hello; sorry she didn't get to see you last week," "Wanted to congratulate you on marriage," "Please call tonight," and "Needs your advice on getting research grants."

The phone calls, Danforth said, "are inconsistent with a person who believes that she has been mistreated by him . . . inconsistent with the charges that have been made."

Hill reacted angrily, disputing that some of the calls had ever been made and saying that she was either returning his calls or, in 1990, making sure he had received an invita-

tion from others at the University of Oklahoma law school to speak at a commencement ceremony.

"If there are messages to him from me, these are attempts to return phone calls. . . ." she said. "I never called him to say hello. I found out about his marriage through a third party. I never called him to congratulate him."

Yesterday morning, Hill said she could not answer every challenge to her credibility from Thomas's supporters in the administration and

the Senate. "I don't have this arsenal of people to deal with these things. They've got all these people behind the scenes. Here, it's me by myself," she said.

The day began with a serious break in Republican ranks as Sen. Arlen Specter (Pa.), who provided a critical vote for Thomas in the Judiciary Committee, called for a delay in the confirmation vote, although he said he still planned to vote to confirm Thomas.

"The Senate is really the guardian of the Supreme Court, and, if it takes another day or two, I think that it might be well to put any doubts to rest," Specter said on NBC-TV's "Today" show. "I don't think it'll change the outcome a bit."

The Senate session began placidly enough with a low-key appeal to Republican leaders by Patrick J. Leahy (D-Vt.), a senior member of the Judiciary Committee, to ask Thomas to seek a delay so that both he and Hill could appear before the committee.

But then the tension that had been building since Hill's allegations were disclosed last weekend began to spill out onto the floor, pushing the Senate to the edge of collapse.

Sen. Daniel Patrick Moynihan (D-N.Y.) stunned the handful of lawmakers then on the floor with a surprise motion to adjourn the Senate for a week, which he described as the only feasible way around the Senate rule requiring approval of all senators to postpone the Thomas vote.

Within minutes, the Senate doors flew open and Mitchell burst in, calling out, "Mr. President, Mr. President, Mr. President" in a frantic attempt to regain control of the situation. Republicans then got in the act, entering objections every time Moynihan opened his mouth.

Order finally was restored but, within minutes, Howard M. Metzenbaum (D-Ohio) took the floor in

bristling indignation to demand that Sen. Orrin G. Hatch (R-Utah) apologize for suggesting to reporters Monday that Metzenbaum had leaked Hill's allegations against Thomas to the press. "That is wrong, that is untrue," Metzenbaum said. "I'll take you at your word," Hatch responded.

As the day proceeded, Democrat after Democrat came out publicly for delaying the vote and most said that they would vote against Thomas if forced to decide last night.

2

Cont'd

High Court Drama Sex Harassment Furor Jeopardizes Thomas, Embarrasses Politicians GOP Could Find Its Problems With Women Worsened; Capital Is Scene of Protests

Vote Is Put Off for a Week

By JILL ABRAMSON
And DAVID SHRIBMAN

Staff Reporters of THE WALL STREET JOURNAL

WASHINGTON—The U.S. Senate got a crash seminar in sexual harassment yesterday, leaving Clarence Thomas's nomination to the Supreme Court in jeopardy.

Whether the conservative Judge Thomas actually made unwelcome advances to one of his staff members may never be known for sure. But the unanticipated outpouring of rage that erupted over

Senate Delays Vote

The Senate agreed to delay its vote on the Supreme Court nomination of Clarence Thomas in order to investigate allegations that he sexually harassed a former aide. The controversy sparked a strong reaction nationwide and focused attention on the harassment issue. Stories on pages A3 and B1.

the Senate's hesitation to air the allegation of sexual harassment prompted an embarrassing and painful about-face on Capitol Hill and left the Bush White House with a black eye.

The furor exacerbates political problems Republicans have with some women, including those who are otherwise ideologically committed to the GOP but who have been put off by the party's anti-abortion position. Some Republican leaders worry that the uproar over the Thomas nomination will open new fissures within the GOP as it prepares for the 1992 elections. "This only goes further to invoke the idea that the party is controlled by good ol' boys who don't give a damn about us," said Ann Stone, who leads Republicans for Choice.

As senators agonized about whether to delay Mr. Thomas's confirmation vote, which had been scheduled for last night, the congressional switchboard was jammed with calls. Female House members marched to the Senate to vent their outrage, and women's groups staged demonstrations outside the Capitol. These actions played a central role in the Senate's stunning decision to delay the vote until next Tuesday.

...ally every way to go but we were least," said Democratic Rep. Patrick Schroeder of Colorado, who led the women lawmakers' highly unusual demonstration in the corridors of Capitol Hill.

From the beginning, the Senate—especially Judiciary Committee Chairman Joseph Biden, Democrat of Delaware—bunled the matter, seemingly hoping it would simply disappear. To some, its response to the potentially explosive charges seemed a textbook example of how male-dominated institutions are often paralyzed by allegations of sexual harassment in the workplace and how ill-informed even lawmakers are about the sensitive subject.

A Typical Reaction?

"The Senate's reaction is fairly typical of organizations that are run by men," said Claudia Withers, deputy director for employment programs at the Women's Legal Defense Fund, a Washington-based group that opposes Mr. Thomas's nomination. "They just don't get it."

Even as the chances of his confirmation were clouded, Judge Thomas issued a sworn affidavit "totally and unequivocally" denying the allegations and saying he was "terribly saddened and deeply offended." As the White House mounted a counter-offensive, Judge Thomas's friends and allies rushed to his defense, trying to undermine the credibility of his accuser, Anita Hill, a professor at the University of Oklahoma Law School who was once his personal assistant.

Clint Bolick, a lawyer who worked at the Equal Employment Opportunity Commission with Mr. Thomas and chose him as his son's godfather, said everyone who knows the Supreme Court nominee "is incredulous, and knows first-hand that Clarence Thomas conducts himself in a very proper manner with his employees. He keeps his distance."

Republican Sen. John Danforth of Missouri, who is leading the drive to confirm Judge Thomas, released telephone logs purporting to show continuing, friendly communications between Mr. Thomas and Ms. Hill, including a telephone call of congratulations on Mr. Thomas's wedding and a note reading that she "just called to say hello. Sorry [she] didn't get to see you last week."

Mr. Thomas's allies assailed Ms. Hill's credibility, saying she hadn't lodged any formal complaints at the time of the alleged incidents a decade ago. "If she believed these charges amounted to sexual harassment, the fact she didn't file a charge suggests to me that it didn't happen or that she didn't think it was sexual harassment," said Mr. Bolick.

But experts on sexual harassment say such behavior on the part of victims is not unusual. Many victims fear that if they come forward, their own lives and behavior will be examined in public and that, in a phrase that often recurs, the accuser will be penalized. "A woman doesn't want to make waves," said Amy Wind, a Washington lawyer who has represented many plaintiffs in sexual harassment suits. She added that it isn't uncommon for victims of sexual harassment to delay pressing charges.

As the attacks on Ms. Hill multiplied, so did public defenses of her. Among others, her colleagues at the University of Oklahoma Law School defended Ms. Hill as a truthful person acting without political motivations. So did Stephen Carter, a black professor at Yale Law School who knew Ms. Hill in law school and who, like Mr. Thomas, has expressed reservations about affirmative action.

Although Mr. Thomas's backers sought to portray the sexual harassment allegations as an eleventh-hour tactic, the charges actually arrived on the Senate's doorstep two months ago.

The Alliance for Justice, a liberal organization that was one of the first to publicly oppose Mr. Thomas's nomination, was contacted in late July by a Yale Law School classmate of Ms. Hill's to whom she had confided the purported advances made by the Supreme Court nominee, according to activists opposed to the nomination. The group immediately turned over the potentially explosive information to the office of Sen. Howard Metzenbaum, the liberal Ohio Democrat who was most likely to oppose the nominee in the Senate Judiciary Committee.

Sen. Metzenbaum's press secretary, Nancy Coffey, said the senator's office "received lots of tips and rumors around that time," including allegations of sexual harassment by Judge Thomas. Ms. Coffey



Clarence Thomas



Anita Hill

Cont'd

13

said Ms. Hill was asked about the rumors on Sept. 3, but didn't mention that she herself had been harassed. She later called back and volunteered her story to a member of the Metzenbaum staff.

Comedy of Errors

From there, the matter unraveled into a comedy of errors and misunderstandings. Staffers of both Sen. Metzenbaum and his liberal Democratic colleague, Sen. Edward Kennedy of Massachusetts, contacted Ms. Hill, who was still reluctant to go public with her story. In addition to Ms. Hill's reticence, Sen. Metzenbaum hesitated to make the matter public because he knew Sen. Biden was reluctant to pursue any allegations relating to Judge Thomas's personal behavior and hesitant to make his character a focus of the confirmation hearings.

In a floor speech last night, Sen. Biden defended his handling of the matter. "I took her charges seriously," he said. However, he contended, Ms. Hill's insistence on confidentiality stymied the committee.

Sen. Kennedy, meanwhile, was derailed by his own family problems dealing with allegations of sexual misconduct. So the issue remained dormant.

"For a lot of women, this confirms a lot of the bad things about being represented only by men," said Celinda Lake, a Democratic political consultant. "It says that a lot of these men had only a theoretical commitment to dealing with sexual harassment. If there had been a Judiciary Committee filled only with women, it would have been impossible that this would not have received more serious attention."

Changing Rules

The Senate's code of silence was shattered when Ms. Hill's story leaked to the media over the weekend. "The ground rules have changed," said Sen. Biden. "Prof. Hill has changed them."

Despite the anger that began to mount, Senate Majority Leader George Mitchell of Maine at first held fast to the notion that Senate rules required a vote on the Thomas nomination be held last night. But behind the scenes, he was groping for a way to put off the vote. By midafternoon yesterday, as the Senate Reception Room began to fill with women lobbyists expressing their anger, even Republicans conceded that a swift vote might be unwise.

"Fourteen men don't understand how serious are the allegations," said Anne Bryant, executive director of the American Association of University Women, as she stood behind restraining ropes put up by Capitol police trying to control the overflow crowd of protesting women.

On the Campaign Trail

The fury reached the campaign trail. "She's a credible witness, and the public wants to hear her out," said Sen. Bob Kerrey of Nebraska, who was campaigning in New Hampshire for the Democratic presidential nomination.

Throughout the last several days, Republicans sought to undermine Ms. Hill's credibility. Republicans claimed Ms. Hill had sought job recommendations from Mr. Thomas, something she denied at the news conference she held on Monday in Oklahoma. Other Republicans raised questions about the fact that she followed Mr. Thomas to the EEOC after the alleged harassment of her at the Department of Education. (Ms. Hill said she was fearful of not finding other employment.)

But in this case, because of pressure from women, it's the jury as much as the victim or the accused that's on the defensive. Even Beltway insiders seem utterly disgusted with the whole incident.

Toss Them Out

"This is a rotten bunch of scum up there," said David Keene, president of the American Conservative Union. "The public ought to toss all these people out—Republicans and Democrats." Former Democratic vice presidential nominee Geraldine Ferraro added: "We can't walk around saying the Democrats are terrific on these issues. There is a real need for consciousness-raising in a predominantly male world."

The controversy also spilled over into the House, which has no role in confirming judicial candidates. When a group of Democratic women sought to make speeches against Judge Thomas, Republicans lodged parliamentary objections. A number of women House Democrats came to the Senate throughout the day to lobby against the nominee.

With both parties bloodied by the affair, activists on women's issues were hoping to capitalize on heightened attention to sexual harassment.

"There is a scandalously low level of understanding about sexual harassment in this country," said Estelle Rogers, a Washington lawyer active in women's issues. Ms. Rogers said most men think "what sexual harassment means is someone physically hitting on a woman," but the legal definition does not say that touching another person is required for harassment.

The laws governing sexual harassment, which were in effect when Mr. Thomas served as head of the EEOC, address "unwelcome" physical or verbal contact that focuses on the employee's sexuality or gender. In at least one recent case, a finding that an employer had created a hostile environment by letting employees post sexually explicit photographs has been enough to substantiate a sexual harassment charge.

Biden's Panel to Inquire Into Several Allegations

By MARTIN TOLCHIN
Special to The New York Times

WASHINGTON, Oct. 8 — Joseph R. Biden Jr., chairman of the Senate Judiciary Committee, said today that he would use any delay in Senate action on the Supreme Court nomination of Judge Clarence Thomas to look into several allegations against the nominee.

But Senator Bob Dole, the Republican leader, warned that a delay would lead to a flurry of new charges. "Then you check that out and you leak that and then you start again," Mr. Dole said.

The latest allegations involve Judge Thomas's use of Government money to pay for what may have largely been a private trip, his treatment of an aide who was said to have criticized the Equal Employment Opportunity Commission under Mr. Thomas's leadership and his testimony before the committee concerning his knowledge that a close friend was a lobbyist for South Africa.

Senator Paul Simon, an Illinois Democrat who is a member of the Judiciary Committee, and several Senate aides said the panel had failed to fully investigate those three allegations, in addition to Prof. Anita F. Hill's accusation of sexual harassment.

Allegations 'Fully Investigated'

In the first two cases, the committee failed to seek the testimony of witnesses who had indicated that they were willing to provide information, although one said he would testify if subpoenaed, aides said. In the third case the committee is said to have failed to seek witnesses who could confirm or dispute the allegation.

An aide to the Judiciary Committee contended that all three allegations were "fully investigated by the majority staff of the committee," and that the results were made available to all Democratic Senators on the committee. The aide noted that committee members were free to question Mr. Thomas on all the allegations and did so, although briefly, about the lobbyist friend and the report that he punished an aide.

Judy Smith, a White House press aide, said records showed that Mr. Thomas did conduct business on the questioned trip for which he billed the E.E.O.C. She said that the charge of retaliatory action against an aide who had criticized the agency under Mr. Thomas was unfounded, and noted that Judge Thomas had given his testimony about the South African lobbyist under oath.

Last August, aides to two leading

Democratic critics of Judge Thomas' nomination who are on the Senate Labor Committee, Howard Metzenbaum of Ohio and Edward M. Kennedy of Massachusetts, received reports that Judge Thomas, when chairman of the Equal Employment Opportunity Commission, had improperly billed the agency for a trip to Boston in May 1984 to attend graduation ceremonies at the College of the Holy Cross in Worcester, Mass. Mr. Thomas summoned Thomas Saltonstall, the employment agency's district director, to his Boston hotel for a 10-minute meeting, which was the only official business conducted on the trip.

The Senators' aides said that they advised the Judiciary Committee staff of the incident. Mr. Saltonstall was subsequently informed that Mr. Biden was not interested in initiating any inquiry into Judge Thomas' travel, and considered the matter, if anything, "a minor ethical lapse." Mr. Saltonstall was invited to come forward, but committee aides said that he would do so only under subpoena.

The Boston Globe reported today that Senator Biden was aware that Mr.

New accusations are made against Thomas as a vote is delayed.

Saltonstall was prepared to testify that Mr. Thomas improperly billed the government for a personal trip to Boston in May 1984.

But the aides said Mr. Biden indicated he would consider exploring the matter only if it became an issue in the media. The aides then tried to put Mr. Saltonstall in touch with reporters, but he resisted. Mr. Saltonstall, reached by telephone in Boston, declined to comment.

Punished for Comments?

Another case involves Frank Quinn, the E.E.O.C.'s district director in San Francisco, who was quoted in Newsweek in December, 1983, as criticizing the agency's headquarters for failing to act on several cases referred by his office. Mr. Quinn denied making the statement.

Nevertheless, early the next year, he was ordered transferred to Birmingham in a letter signed by Mr. Thomas,

nine months before his scheduled retirement. Mr. Quinn filed suit in Federal court in San Francisco, which granted a restraining order, enabling him to retire.

Although this case received wide attention in the media, and Senate aides contend that it was known to the committee, Mr. Quinn was not asked to testify during the confirmation hearings.

Senator Simon, who opposes Judge Thomas's nomination, said that the case "indicates an attitude and an insensitivity to people, and an insensitivity to the freedom of speech guaranteed in the First Amendment."

The Senator said that his staff had talked to Mr. Quinn, who was willing to testify.

South Africa Lobbyist

The third case involved an allegation in Newsday on Sept. 12th by an anonymous former aide to Mr. Thomas at the E.E.O.C. who charged that the nominee falsely told the committee that he was unaware that Jay Parker, a close friend, was a lobbyist for South Africa.

The former aide told Newsday that Mr. Thomas talked about Mr. Parker's representation of South Africa for 45 minutes at a staff meeting in 1986. "He said that somebody had to represent the South Africans and that if sanctions were passed it would affect the black people more harshly than supporters of apartheid," the aide told Newsday.

Senator Simon briefly questioned Mr. Thomas about the article, and Mr. Thomas said that he knew that Mr. Parker had represented some South African "homelands," but not South Africa itself.

However, the committee staff made no effort to follow up on the allegation, and find other aides to Mr. Thomas who attended that meeting, according to those familiar with the case.

Harassment Accusation

Senate colleagues said that Mr. Biden had indicated that he would focus on Professor Hill's accusations of sexual harassment. Judge Thomas has denied those allegations.

According to a report on Sunday by National Public Radio, Judge Thomas told the Federal Bureau of Investigation that he had asked Professor Hill to go out with him, but Senator Arlen Specter, Republican of Pennsylvania, said that in a conversation Judge Thomas, "denied ever having asked her out or talked to her about anything like that."

Meanwhile, the Alliance for Justice, which opposes Judge Thomas' nomination, today released copies of documents it said were written by Judge Thomas in December 1980 that recommended that the E.E.O.C. limit employer liability in sexual harassment guidelines.

George Kassouf, director of the group's Judicial Selection Project, said in an interview, "This adds yet another piece of evidence for the Senate to consider when they investigate Professor Hill's charges."

Ricky Silberman, the vice chairman of the E.E.O.C., dismissed the disclosure as "silly," and said that Judge Thomas had worked to secure strong laws on sexual harassment.

17

USA TODAY

DATE: 10-9-91

PAGE: 1

COVER STORY

'Events put the Senate on trial'



By Shawn Spence, USA TODAY
REP. BARBARA BOXER:
 'This is about women.'

By Richard Wolf
 USA TODAY

The Senate looked in the mirror Tuesday, and wasn't sure it liked what it saw.

Rather than render a hasty verdict on a woman's charge of sexual harassment against a man who was one step from the Supreme Court, the world's most exclusive club — which includes only two women — agreed to look again.

"How are 98 men going to make a judgment about sexual harassment in the workplace?" asked Sen. John Kerry, D-Mass.

The dramatic twist in the 100-day-old confirmation process of federal court judge Clarence Thomas was more than a reaction to accusations leveled by University of Oklahoma law professor Anita Hill.

Hiding behind the murky details of FBI reports, telephone logs and sworn affidavits were more powerful influences: fierce lobbying by women's groups, fears of political retribution, concerns about placing a cloud over the court — and the realization that the Senate was on center stage.

"The series of events have in a sense put the Senate on trial," said Sen. Arlen Specter, R-Pa.

All day Tuesday, those forces gathered steam as chances for confirmation — a lock until last weekend — stalled.

Ultimately, it was Thomas who saved the Senate from procedural chaos, seeking a short delay to clear his name.

Thomas told Sen. John Danforth, R-Mo., his mentor and chief Capitol Hill lobbyist: "I have to clear my name."

But if Thomas was troubled, the Senate was downright perplexed.

"The reputation that will be damaged is that of the Senate if we do not wait," said Sen. Bill Bradley, D-N.J.

Neither declarations of war nor presidential impeachments managed to tie the institution in knots any better than Hill's bombshell.

Sen. Daniel Patrick Moynihan, D-N.Y., summed it up early Tuesday. He was prepared to vote for Thomas, he said, until realizing the sexual harassment charge was "an issue of enormous consequence."

Asked how he came to the realization, Moynihan said, "I talked it over with my wife."

If the Senate is a male bastion, then Tuesday represented women's turn to invade the locker room.

As senators closeted themselves in closed luncheons and meetings, representatives of women's groups fanned out across the Capitol, denouncing the Senate's intention to confirm Thomas at 6 p.m. sharp.

"Whether you are for or against Thomas, the sexual harassment charge needs to be addressed," said Marla Greenspon, a Cornell University junior-turned-lobbyist. "The Supreme Court is too important to our justice system to let it go."

Martha Burk, of the Center for the Advancement of Public Policy, said the delay was needed "in fairness to the women of America. ... Too many women have experienced these things and know how it feels."

Those sympathies led seven female House members to lobby their Senate colleagues, demanding a meeting with Majority Leader George Mitchell, D-Maine, and hovering in the back of the Senate chamber during debate.

"This is about women, and there's no women over there but two," said Rep. Barbara Boxer, D-Calif.

The accusation activated women across the nation, said Eleanor Smeal of the Fund for the Feminist Majority.

"Our phones are ringing off the hooks in all of our offices," she said. "I can't remember such a spontaneous reaction."

The differences between male and female views of the harassment allegations were plain to see. "It sounds like '91 standards being applied to '81 actions, retroactively," said Rep. Sherwood Boehlert, R-N.Y.

But Hill's statements were taken seriously by women throughout the Capitol — even in the press gallery.

"I've never seen an issue that so upset women correspondents," said Myron Waldman, head of the Standing Committee of Correspondents.

Many senators — who have been called upon in recent years to consider such personal peccadilloes as alcoholism and marijuana use — quickly realized they all could lose by voting without all the facts.

"Let's tell the American people that we're not so hamstrung by our well-known procedures," said Sen. Al Gore, D-Tenn. "Surely this body of 98 men and two women should have a little self-doubt. We cannot dismiss Professor Hill as cavalierly as that. To do so would be to dismiss everyone we represent."

"The women of this nation need to know that a majority of the 98 men are not trying to sweep this issue under the rug," said Sen. Alan Cranston, D-Calif.

But some Republicans hell-bent on confirming Thomas disputed the notion they cannot consider sexual harassment charges fairly.

"All of us are involved with spouses and daughters and mothers and try to be exceedingly sensitive to these issues," said Sen. Alan Simpson, R-Wyo.

Another consideration haunting lawmakers was raw politics: the fear an ill-considered vote could damage them in the future.

To that end, 18 wavering Democrats spent much of the afternoon closeted in Mitchell's office, seeking a delay that would give Thomas and Hill a chance to face off.

"Put them under oath and let them make sworn statements," said Sen. James Exon, D-Neb. "One of them's not telling the truth."

18

Cont'd



DATE: 10-9-91

PAGE: 3A

'Hill assured Thomas would withdraw 'quietly'

By Tom Squitieri
and Sam Meddis
USA TODAY

Anita Hill was told by Senate staffers her signed affidavit alleging sexual harassment by Clarence Thomas would be the instrument that "quietly and behind the scenes" would force him to withdraw his name.

Keith Henderson, a 10-year friend of Hill and a former Senate Judiciary Committee staffer, says Hill was advised by Senate staffers that her charge would be kept secret — and her name kept from public

scrutiny.

"They would approach Judge Thomas with the information and he would withdraw and not turn this into a big story," Henderson says.

Hill first spoke with Labor Committee staff members, and then with Judiciary Committee staff members.

On Tuesday, each committee blamed the other for the suggestion. Sens. Edward Kennedy, D-Mass., and Howard Metzenbaum, D-Ohio, belong to both panels.

Sen. Joseph Biden Jr., D-Del., on Tuesday vigorously

defended his Judiciary Committee's handling of Hill's allegations amid charges of excessive delay.

In interviews and in comments on the Senate floor, Biden insisted the delay was caused by Hill's desire last week to keep her charge confidential.

"Look, there's a balance here," said Biden. "The balance is between the committee's obligation to tell the entire Senate and the obligation to the complainant so the complainant does not become victimized by the process. I conclud-

ed the only right, moral and proper thing to do was to accede to her request."

But Hill, on NBC's *Today* show Tuesday, said that while she did not want her charges to become a "public issue," she never suggested that they be withheld from committee members or from Thomas.

Rather, Hill says, the delay was caused by Senate indifference to her charges.

"At all times during the time that I was talking with the staff of the Judiciary Committee, Chairman Biden's staff and with other individuals, what I

said was that I want to make sure that the entire committee has this information," Hill said.

"I never said that I did not want Chairman Biden to disseminate it to the committee members," she continued. "I never said that I did not want to give the nominee an opportunity to respond to it."

Metzenbaum, concedes that the Judiciary Committee erred.

"We should have done more to learn about her allegations ... should have insisted on hearing privately" from both Thomas and Hill, he said.

Sen. Exon Reconsiders Nominee He Supported *Nebraskan First Thomas Backer to Ask Delay*

By Eric Pianin
Washington Post Staff Writer

Sen. J. James Exon (D-Neb.) was about to leave his home in Lincoln Monday morning to catch a plane back to Washington when his wife, Patricia, called to him, "Jim, you ought to listen to this."

On their television screen, Anita Hill, a University of Oklahoma law professor who has claimed she was sexually harassed by Supreme Court nominee Clarence Thomas, was delivering a self-assured defense of her decision to reveal her experiences to the Senate Judiciary Committee.

"She was some witness," Exon recalled.

Several hours later, Exon was back on the floor of the Senate, the first declared supporter of Thomas to urge his colleagues to delay a final vote until the Senate Judiciary Committee could get to the bottom of Hill's allegations.

"I still may vote for Clarence Thomas," Exon said yesterday, while the Senate agonized over whether to put off the vote. "But right now I don't feel comfortable I have all the information I need."

Exon, a former governor and 13-year veteran of the Senate, holds some sway over members. He was the first Democrat on the Armed Services Committee to announce he would vote against former senator John G. Tower (R-Tex.) for secretary of defense.

Like scores of other Democrats and Republicans, Exon's deliberations have been turned inside out since the weekend revelation of Hill's complaints about Thomas. Exon spent more than an hour interviewing Thomas, heard out President Bush, and carefully

sounded out black politicians and activists here and back home before announcing last Friday that he would support Thomas.

Exon said he had been troubled by reports suggesting Thomas was extreme in his conservative political views. He also was bothered by reports that Thomas once ridiculed his sister for staying on welfare.

But after meeting with Thomas and Sen. John C. Danforth (R-Mo.), Thomas's chief sponsor, Exon felt comfortable with the nominee, concluding that he was an intelligent man with good credentials, if not "the best man for the job on the

merits," as President Bush contended.

Now, he and his colleagues are pondering accusations which, if substantiated, would be enough to persuade Exon to vote against Thomas.

In an affidavit, Hill described what sources characterized as sexual harassment by Thomas while she worked with him at the Education Department and Equal Employment Opportunity Commission. The sources said she also claimed that Thomas attempted to talk to her about pornographic films. Thomas has denied the allegations, and Exon said that, even with more hearings, there may not be conclusive evidence of what happened.

An aide to Exon said his office was swamped yesterday with calls from constituents and special interest groups arguing for and against Thomas.

"In the end, you've got to fly by the seat of your pants and make the best decision your conscience will allow," he said.

In calling for a postponement of the vote, Exon said it is important that Thomas be given a chance to clear his name. He said it was also important to get a full airing of the matter to ensure the integrity of the process and to allay concerns of women's groups that the Senate is insensitive to problems of women, including sexual harassment in the workplace.

"This is considered an all-male club here," Exon said. "I guess if I were on the outside looking in, I might think this place is not as sensitive as it should be to women and women's rights."

Accusations kept from panel until last minute

By Michael Hedges
THE WASHINGTON TIMES

As late as her news conference Monday, Anita Hill believed her sexual harassment charges had been heard by the Senate Judiciary Committee in early September as part of the Clarence Thomas confirmation process.

But Miss Hill was misled, senators said yesterday.

Members of the committee did not hear her charges until days — or hours — before voting on the federal appeals judge, too late for them to be fully proved, refuted or denied.

The initial interviews Miss Hill thought were with Judiciary Committee aides were really with the staffs of two anti-Thomas senators on the committee — Democrats Edward M. Kennedy of Massachusetts and Howard M. Metzenbaum of Ohio.

The full committee was kept in the dark for weeks after those interviews with Miss Hill. The committee deadlocked 7-7 in a Sept. 27 vote that included votes against Judge Thomas by Mr. Metzenbaum and Mr. Kennedy.

At Monday's news conference, Miss Hill, a University of Oklahoma law professor, seemed genuinely baffled about how her statements had stayed under wraps until leaked over the weekend in a fashion leaving her at the mercy of dozens of reporters.

She said: "I was approached by the Senate Judiciary Committee in early September. . . . They asked me specifically about harassment and issues involving women in the workplace."

But that is not what happened, according to several senators.

The first contact with Miss Hill was by a staff member of Mr. Metzenbaum, a vocal critic of Judge Thomas, on Sept. 3 or 4, Mr. Metzenbaum said yesterday.

At that time, no charges of sexual harassment were made by Miss Hill.

The next contact was by an aide for Mr. Kennedy. According to a statement by Mr. Kennedy's press secretary, Kennedy aide Ricki Seidman called Miss Hill on Sept. 5.

Neither the Kennedy aide nor the Metzenbaum aide had any role with the Judiciary Committee.

The Kennedy aide talked with Miss Hill about allegations the aide

said she had heard about sexual harassment by Judge Thomas, according to the Kennedy statement.

But in the second meeting Miss Hill again failed to confirm any sexual harassment.

On Sept. 10, Miss Hill was called by an old friend, a man named James J. Brudney who had been her classmate at Yale University Law School.

Mr. Brudney now works for Mr. Metzenbaum, but not as a member of the Judiciary staff. In this conversation — the third with a Senate aide

— the allegations about sexual harassment first surfaced, according to Mr. Metzenbaum.

It would be more than two weeks before the other senators on the Judiciary Committee found out about the charges.

Miss Hill described this period as one of frustration for her as she tried to get her allegations before the full committee. "I suggested to them throughout that I wanted to make this information available to every member of the Senate," she said.

Joseph R. Biden Jr., chairman of the Judiciary Committee who also voted against Judge Thomas, released a five-page statement yesterday trying to explain what happened between Miss Hill's remarks to Mr. Brudney and the Sept. 27 committee vote.

The statement said Miss Hill first talked to a Judiciary Committee aide on Sept. 12 after Mr. Brudney passed along the allegations. At that time, according to Mr. Biden, she requested her statement to be "completely confidential."

Miss Hill denied that at Monday's news conference in Norman, Okla., in which she said she always wanted the full committee to know her charges.

It was a week later — Sept. 19 — before the committee contacted her again, according to Mr. Biden's statement. The statement says that it was at that point she agreed to let all the

senators on the committee know her allegations. That is contrary to Miss Hill's statement.

The Biden chronology said Miss Hill finally agreed to talk with the FBI on Sept. 23, and agreed to let her statement be released to all the Judiciary Committee on Sept. 25 — two days before the committee vote.

Miss Hill denied that Monday, saying she thought she had been dealing with the Judiciary Committee since early September and had wanted the entire committee to have her statement from the beginning.

Some senators said yesterday they did not see Miss Hill's statement until hours before the vote.

According to Mr. Biden, Delaware Democrat, pains were taken to keep the woman's statement secret. He said, "Committee staff retrieved Miss Hill's statement immediately after the vote."

Senate sources said yesterday that no one below the level of senator had the affidavit that was leaked to the press last weekend. They pointed out that the vote on Judge Thomas was to be last Friday, but Mr. Metzenbaum and Sen. Paul Simon, Illinois Democrat, pushed for a delay until early this week.

Mr. Metzenbaum yesterday denied he had leaked the Hill statement after he said he heard he had been fingered by others on committee.

Mr. Simon also denied he leaked the affidavit.

Leak prompts call for special probe

By Paul M. Rodriguez
THE WASHINGTON TIMES

Republican Sen. Hank Brown of Nevada last night introduced a resolution calling for the appointment of a special independent counsel to investigate leaks to the media about allegations of sexual misconduct by Supreme Court nominee Clarence Thomas.

The resolution, said Mr. Brown, who is a member of the Senate Judiciary Committee, calls for Senate Majority Leader George Mitchell of Maine to appoint the special counsel after consulting with his Republican counterpart, Sen. Robert Dole of Kansas.

Earlier in the day, a majority of the Judiciary Committee members said they would support a General Accounting Office investigation of the leaks but only if the panel's Democratic chairman and ranking Republican approved.

Initial speculation among senators and their top aides was that the

leaks to National Public Radio and Newsday were orchestrated by either Sen. Howard Metzenbaum, Ohio Democrat, or one of his aides.

"That is wrong and untrue," Mr. Metzenbaum said on the Senate floor yesterday while opposing Mr. Thomas' nomination and calling for new hearings on the sexual misconduct allegations.

"The very people who are professing outrage over leaks and violations of the process are the very same people who are on this floor selectively leaking portions of the confidential FBI report that only senators may read," said Mr. Metzenbaum, a member of the Judiciary Committee.

Under Senate Rule 29, paragraph 5, members who leak "secret or confidential business or proceedings of the Senate" can be expelled by the full Senate. Officials and staff can be fired.

Although the rule has never been used against a member, attempts

have been made in recent times to identify members and congressional officials who have leaked confidential information to the press.

Mostly recently, the GAO was employed by the Senate Ethics Committee to probe leaks about the panel's deliberations on the Keating Five investigation of senators who allegedly did favors for a savings and loan kingpin in return for political contributions.

Although the GAO report has remained secret thus far, Senate sources said it suggests that two, possibly three persons — including two members — were the leakers. But because none in the media has been contacted about the leaks, the GAO probe of Keating Five leaks has remained an internal document.

Sen. Patrick J. Leahy, Vermont Democrat and a member of the Judiciary Committee, resigned as vice chairman of the Senate Select Committee on Intelligence in early 1987 after giving a reporter confidential information on the Iran-Contra affair.

Members and staffers of the Senate Judiciary Committee yesterday denied any role in leaking the allegations against Judge Thomas by law professor Anita Hills of the University of Oklahoma.

Lawyers Advise Concerns to Provide Precise Written Policy to Employees

By STEPHEN J. ADLER
Staff Reporter of THE WALL STREET JOURNAL

The Equal Employment Opportunity Commission defines sexual harassment as "unwelcome" sexual attention, whether verbal or physical, that affects an employee's job conditions or creates a "hostile" working environment.

That relatively simple definition makes for complicated and unpredictable lawsuits with significant risks both for the plaintiff and the corporate defendant.

Plaintiffs lawyer Judith Vladeck says she advises many women with harassment complaints against supervisors or fellow employees not to bother suing, and she tries hard to settle those cases she does bring before they go to trial. "I don't like to litigate them, because I think the burden to the woman is often greater than any sense of vindication can compensate for," the New York lawyer says.

A person who believes she or he has been harassed must file a charge with the EEOC within 300 days of the alleged incident. The person doesn't need a lawyer to do so. The agency then has 180 days to investigate and decide whether it wants to sue on behalf of the individual. If, as in most instances, the agency doesn't sue, the person then must decide whether to find a lawyer and sue on her or his own. The plaintiff has 90 days to file.

A plaintiff who sues is likely to name both the employee who allegedly engaged in harassment and the company as defendants. Most courts have found that when a supervisor seeks sexual favors as a condition of employment or advancement, the company is also liable, even if other officials didn't know about the misconduct. In cases alleging more broadly that a hostile working environment exists, usually courts won't hold the company liable unless company officials were, or should have been, aware of the problem.

Therefore, employment lawyers say, a plaintiff typically tries to prove that the company's management condoned workplace behavior—such as the posting of pornographic photos or the telling of lewd jokes at meetings—that was offensive to women. The corporate defendant, in turn, attempts to show that top officials publicly opposed harassment and were unaware that any was taking place.

To make this case effectively, corporate defense lawyers say, it is vital for companies to tell employees unequivocally, preferably in writing, that sexual harassment won't be tolerated in the workplace.

One model policy used by some companies begins, "It is our company's policy to prohibit sexual harassment of one employee by another employee, supervisor or even customers. The purpose of this policy is not to regulate our employees' personal morality. Rather, it is to insure that, in the workplace, no one may harass another individual." Harassment is then defined in terms similar to those used by the EEOC, with specific warnings that improper joking or teasing can be unlawful.

Most important, such a policy—supplemented by training sessions for supervisors—can cut down on harassment and improve the work environment. In addition, the existence of such a policy makes it easier for a company to maintain in court that it never condoned misconduct.

Lawyers say such a company policy should provide an easy way for employees to lodge complaints with someone in the personnel department—preferably both a man and a woman should be designated—and should provide for quick, thorough investigations. If the company finds a problem, it should be prepared to discipline, and even dismiss, the wrongdoer.

"Most people want a fair resolution, and if you give it to them quickly you generally satisfy most of their needs," says Barbara Brown, a Washington lawyer at Paul, Hastings, Janovsky & Walker, who represents companies in such cases.

The first goal, as employment lawyer Gregory Rasin of Jackson, Lewis, Schnitzler & Krupman says, is to resolve complaints before any lawsuit is filed. "There's more than just money involved here," Mr. Rasin says. "There are people's reputations involved. People will remember that the case was filed longer than they could remember the result."

Once a case is filed, however, the company must determine whether to admit wrongdoing and seek to settle—or to back the employee and fight. If the company chooses to fight, it is likely to pursue a dual defense: attempting to discredit the plaintiff's version of the alleged encounter while distancing the company from the event in case a judge or jury finds that the law has been violated.

Because there usually are no witnesses to the alleged harassment, discrediting the plaintiff can be an unseemly business, the equivalent of questioning the behavior of an alleged victim in a rape case. Defense lawyers typically explore whether the

plaintiff has ever filed harassment cases before, whether she has any other reason to resent the defendant, whether she made it clear that she was offended at the time of the incident and whether she reported it promptly. (Most plaintiffs in sexual harassment cases are women.)

At times, evidence concerning the plaintiff's provocative dress, conduct and even sexual fantasies can be admissible to help determine whether the advances were unwanted, the U.S. Supreme Court has ruled. In criticizing this approach, Ms. Vladeck says, "Unless the woman has lived the life of a cloistered virgin, the woman is in jeopardy of having all of her sexual history explored." As a result, she says, court action may be too traumatic for many women to pursue.

Plaintiffs have received some help from the courts recently, however. In two jurisdictions, courts have ruled that the perspective of a "reasonable woman" must be considered in deciding whether the defendant's behavior was unwelcome or offensive. The shift away from judging the behavior from a male or theoretically gender-neutral perspective is significant.

Even if the sexual attention is found by the court to be unwelcome, however, liability under Title 7 of the Civil Rights Act of 1964 is likely to be minimal—typically payment of the plaintiff's lost wages and reinstatement if the plaintiff had been fired or had quit under duress.

Additional liability may be possible under various state laws or under so-called tort theories such as intentional infliction of emotional distress, assault and negligent hiring. These allegations, which have been allowed by courts in sexual harassment cases in a number of states, may result in significant damages against a company. Last year, California's highest court ruled that workers may seek punitive damages in workplace harassment cases brought under that state's fair employment law.

An additional factor is that many of the state lawsuits permit trial by juries, which may be more inclined to grant large awards, while Title 7 cases are tried before judges. Further, while Title 7 charges must be filed within 300 days of the alleged incident, various tort claims allow a filing from one to three years afterward.

Judge tried to extend bias laws to Congress

By George Archibald
THE WASHINGTON TIMES

Clarence Thomas, in the congressional dock this morning for allegedly harassing a young woman nearly a decade ago, tried as chairman of the Equal Employment Opportunity Commission to get Congress to apply U.S. anti-discrimination laws to itself.

He failed.

"For equal employment opportunity and civil rights laws to have the appropriate clout and relevance in this society and throughout the government, these laws must apply to Congress," Mr. Thomas wrote to Sen. Patrick Leahy, Vermont Democrat, in May 1988.

Three months earlier, he made a similar plea to the House employment opportunities subcommittee.

He failed on that occasion, too. Congress then, as it had before and as it has since, resolutely exempted itself from the laws prohibiting sexual harassment.

Members of Congress, whose offices are staffed with large numbers of attractive young women and men eager to please their bosses, are thus under no legal obligation to refrain from the sexual harassment practices they prohibit to others.

Last year, after Democratic Rep. Jim Bates of California was accused of fondling the breasts of a female aide and sexually harassing other employees, the House adopted an internal complaint and mediation process for congressional staffers alleging unfair employment practices.

But the procedures lack the teeth and punitive remedies of federal anti-discrimination laws that apply to all other employers.

In the past year, there were 262 counseling "inquiries" by congressional aides to the House Fair Employment Practices Office, but none resulted in findings of discrimina-

tion or sexual harassment by lawmakers or their top aides. Deputy House Clerk Raymond Carter said yesterday.

The Senate has "no specific procedures" for employment discrimination or sexual harassment complaints by Senate personnel, said Ethics Committee staff director Wilson Abney. The committee handles such matters confidentially, he said.

In recent years, Congress was rocked by repeated scandals involving unwanted sexual advances by senators and congressmen who are still serving on Capitol Hill:

- Sen. Edward Kennedy, Massachusetts Democrat, was accused in 1988 by a waitress at La Brasserie, a Capitol Hill restaurant, of tossing her across a table into the lap of Sen. Christopher Dodd, Connecticut

Democrat, and then jumping on top of her.

- Sen. David Durenburger, Minnesota Republican, used government funds to carry on a lengthy sexual affair with a congressional secretary in Washington and Minnesota, where a condominium for the trysts was paid for with Senate expense allowances. Mr. Durenburger was denounced by the Senate in July 1990 for improperly receiving Senate reimbursements for stays in his Minneapolis condominium and other ethics violations.

- Sen. Brock Adams, Washington Democrat, was accused in summer 1988 of sexually assaulting the 24-year-old daughter of a family friend at his home in the District while his wife was out of town. Mr. Adams denied the charge, and there has been no criminal prosecution of the case, although the woman and her family continue to insist that it is true.

- Rep. Gus Savage, Illinois Democrat, was accused by a Peace Corps volunteer in Zaire of making sexual advances and fondling her in the back seat of a U.S. Embassy car during a 1989 government-paid trip. The incident was witnessed by a government driver. Mr. Savage received a letter of reproof from the House ethics committee, its lowest level of punishment, as a result of the allegation.

- Rep. Barney Frank, Massachusetts Democrat, used his office to help a male prostitute gain favorable treatment from his probation officers and to fix parking tickets received by the prostitute while he was using the congressman's car. The House reprimanded Mr. Frank in August 1990 for misuse of his office.

- Rep. Gerry Studds, another Massachusetts Democrat, used official expense allowances to travel

with a male House employee with whom he was having a homosexual affair. Mr. Studds was censured.

Even the Senate Judiciary Committee has had brushes with sexual impropriety.

Quentin Crommelin, the committee's former chief counsel, sexually assaulted two congressional coworkers. He was employed by Republican Sens. Strom Thurmond of South Carolina and Jesse Helms of North Carolina despite a police report to Congress about the first assault in 1982. Crommelin was convicted in July 1989 of felony sodomy in Arlington County and no longer works on Capitol Hill.

Ironically, Mr. Thomas, who stands accused of making sexual overtures to a female aide at EEOC, was a leading advocate of tougher anti-sexual-harassment laws and regulations as the agency's chairman from 1982-90. He fired or demoted two senior regional EEOC officials who harassed female subordinates.

According to EEOC regulations, sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964.

"Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile or offensive work environment," according to EEOC guidelines.

Hill: 'I Intend To Cooperate' With Inquiry

Friends of Thomas, Accuser Perplexed

By Lynne Duke
and Sharon LaFraniere
Washington Post Staff Writers

As friends of both Supreme Court nominee Clarence Thomas and Anita Hill remained confounded and the Senate tried to free itself from a confirmation quagmire, Hill yesterday attempted to go about her professorial duties at the University of Oklahoma, where she was surrounded by a media mob and protective faculty and supporters.

Hill, 35, made only one public comment during a day in which she taught three hours of classes. "I intend to cooperate with the Senate in this investigation," she said at a one-minute campus news conference.

On Monday she held an hour-long meeting with reporters to explain her role in the public airing of her allegations, made officially to the FBI, that Thomas sexually harassed her in the early 1980s when she worked with him at the Education Department and the Equal Employment Opportunity Commission.

Thomas, whose nomination has been put on hold until Tuesday, pending further investigation of Hill's allegations, denied doing anything improper.

Friends of the two described both Thomas and Hill as people of such integrity that the friends are stumped about who is telling the truth.

Michael A. Middleton, a law professor at the University of Missouri, worked at the EEOC and the Education Department's Office for Civil Rights with Thomas and Hill, and said he had daily contact with them. They had similar work styles, he said.

"She was your typical brainy, dedicated egghead type . . . that was Anita," said Middleton. "And by the same token, Clarence was like that too. He was a hard working, serious, no-nonsense kind of guy who didn't have time for that kind of frivolity. The two of them were a match made in somewhere. They would get together and do their work. No suggestion of anything happening—which is why it's hard to believe these allegations, which is why it's hard to disbelieve these allegations."

"I can't believe that she is inventing this,

but I can't believe that Clarence Thomas took inappropriate liberties," said Middleton.

Lovida H. Coleman Jr., a Washington attorney and friend of Thomas since both were in law school, said she spoke with him at length on Sept. 26, the day before the Senate Judiciary Committee vote and after Thomas had been interviewed about Hill's allegations.

Coleman said she remarked that, however grueling the process had been, "everyone said you are a good guy." He said, "There is one person who has hurt me very deeply in this process. A person who he thought he had helped and been really kind to."

"I don't think she's making a bald-faced lie," Coleman said. "Something happened to her that really bothers her." But the allegation "doesn't seem to make sense," she said. "His seduction methods don't have anything to do with talking about dirty movies. He's a teddy bear. He wants to be cuddled. That's his approach. He wants to be lovable. He is not one for the big-time move" on women, Coleman said. "I know what a decent guy he is."

Hill was described in similar terms. Stephen L. Carter, a Yale University law professor and author who has known Hill for 14 years, said, "She is a person of the highest

integrity, compassion, thoughtfulness and spiritual substance. . . . I don't think they should impugn Anita Hill's motives, which are only the best."

Two friends have said that Hill told them she was being sexually harassed at the time the alleged incidents occurred. One of them, who was interviewed by the FBI, said Hill told her that Thomas "was always after her."

Sen. John C. Danforth (R-Mo.) said records of telephone messages taken for Thomas at the EEOC showed numerous phone calls from Hill after the alleged harassment and that that was not suggestive of someone who had been harassed.

In an interview Monday, however, Hill denied she had made such phone calls.

Hill said yesterday morning that she has been bolstered by support from faculty and friends. "I'm not only taking comfort from that but I am hearing from people from all over the country," she said. "One person said, 'Why did you wait so long?' but people from all over are saying, 'I believe you. They ought to investigate.'"

Staff writers Al Kamen and Ruth Marcus in Washington contributed to this report. Duke reported from Washington; LaFraniere from Norman, Okla.

Hill, in Glare of Spotlight, Seeks Quiet of Law Classes

By ROBERTO SURO
Special to The New York Times

NORMAN, Okla., Oct. 8 — Anita F. Hill was teaching the dry subject of commercial law this afternoon while the United States Senate debated how to handle her allegations of sexual harassment against Judge Clarence Thomas, whose nomination to the Supreme Court was hanging in the balance.

After three hours in a University of Oklahoma classroom she emerged, appearing tense, to give one comment on the events in Washington. "My only reaction is to say that if called to Washington, I will fully cooperate with the efforts of the Senate."

Professor Hill appeared to be doing her best to have a normal day, even though her accusations against Judge Thomas had made her a subject of intense scrutiny and criticism by some of the most powerful politicians in Washington.

Back to Work

After giving an interview on the NBC-News show "Today," she spent several hours preparing for her classes, friends said.

A little before 1 P.M. she drove to the University of Oklahoma College of Law, where she is a tenured professor and a specialist in contract law. In the parking lot of the Law Center she was met by several plainclothes university police officers, who formed a phalanx to escort her through a crowd of reporters and cameramen.

Her first class was a basic course on contracts. Then she taught two advanced classes on commercial law governing transactions.

Late in the afternoon, law school officials said that she would give a brief news conference when the last class ended.

When Professor Hill arrived at the faculty lounge, where members of the press had assembled, she appeared somewhat nervous and unsettled, in contrast to her poised, steady performance in a lengthy news conference on Monday.

Instead of answering questions, she offered her single comment expressing a willingness to cooperate with the Senate. The news conference was then called to a halt.

Although she limited her public comments today about the furor, Professor Hill was in touch with a network of close friends with whom she has discussed her allegations against Judge Thomas since first making the charges to the Senate Judiciary Committee early last month.

Kim A. Taylor, an associate profes-

sor at the Stanford Law School who was a classmate at Yale Law School, said they had conferred regularly during the time that Professor Hill was trying to bring her charges to the Senate's attention. Professor Taylor said the two spoke as recently as Monday night, but she would not say whether Professor Hill had complained about Judge Thomas before he was nominated to the Supreme Court.

Describing Professor Hill as "exhausted," Professor Taylor said today that "she continues to feel that it's important that the Senate has this information."

Professor Taylor said there was no question that Professor Hill "grasps the enormity and gravity of the issue" and that raising the issue at this time "has potential for causing her professional problems."

Professor Taylor continued: "But she felt the principle was important enough that she was willing to risk that personally. It is not in her character to make an accusation lightly."

Throughout the day in Washington a major point of contention was Professor Hill's relationship with Judge Thomas in the years after she quit her job as his special assistant at the Equal Employment Opportunity Commission in 1983.

Senator John C. Danforth, Republican of Missouri, released records of the Judge's telephone calls showing that

A High Court nominee's accuser offers a single comment.

Professor Hill had phoned the Judge about a dozen times between 1984 and 1990. Senator Danforth and other supporters of the nominee suggested that this conduct was not consistent with a person holding a serious grievance. A friend of Professor Hill who said he discussed Judge Thomas with her during this period said he believed she was merely being discreet.

Harry F. Tepker Jr., a colleague of Professor Hill on the faculty of the University of Oklahoma law school, said that in 1988 when he took a temporary assignment as a professor-in-residence at the commission, he asked her what it was like to work at the agency.

"I remember she mentioned that it was an agency that had been in trouble, that there were bureaucratic problems," he said. "But she never gave the impression that she had any inside information about Judge Thomas."

Professor Tepker, who said Professor Hill discussed the allegations with him during the period she was dealing with the Senate Judiciary Committee, said, "I absolutely take her at her word that she did not want to make this a public issue, and that is why she was not going around talking about it until the people on the Senate staff raised the issue with her."

Some Critical Memories

Some of the most critical recollections of Professor Hill's behavior came from Charles Kothe, who was dean of the law school at Oral Roberts University in Tulsa when she joined the faculty there after leaving her job in Washington.

Mr. Kothe, now in practice in Tulsa, said in a telephone interview on Monday that he first approached Professor Hill with a job offer when she and Judge Thomas, then still at the commission, came to Tulsa for a seminar. Mr. Kothe said he sat next to Professor Hill at lunch, learned she was from Oklahoma and a Yale Graduate, and told her about a vacancy he had for a civil rights professor. Professor Hill said Monday that at her request Judge Thomas wrote a letter recommending her for the job.

While Professor Hill was at Oral Roberts, Mr. Kothe said, Judge Thomas spoke at another seminar and remained overnight as a guest in his home. He said Professor Hill had breakfast with him, and if his memory served, she drove Judge Thomas to the airport.

"In all my experiences with her, she never once mentioned anything irregular in their relationship," Mr. Kothe said.

Mr. Kothe said that he discussed Judge Thomas with Professor Hill during his second confirmation to the commission, and again when he was appointed to the Circuit Court of Appeals and that she never mentioned the allegations.

He said it was "out of sync with anything" they had ever discussed. "I can't believe it. It seems preposterous."

38

Judge Thomas and the 'hostile environment'

Setting the stage for the turmoil on the Senate floor yesterday, on Monday at high noon a jury of nobody's peers assembled, grinning and excited, in the Senate Radio and TV Gallery. They were there to convict Democratic Sen. Dennis DeConcini for failing to convict without trial Supreme Court nominee Clarence Thomas. The Democrat from Arizona hadn't faced a press corps this happy and hostile since his ties to bankrupt thrift owner Charlie Keating were first revealed.

"Do you think," shouted one female defender of the people's right to know, "that this may be a case of the members of the Judiciary Committee not being sensitive to the issue of sexual harassment because they are all white, male and over 50?"

Mr. DeConcini, an Italian-American whose masculinity was first identified by a Tucson obstetrician on May 8, 1937, repeatedly explained why he put more credibility in Judge Thomas' denial of having sexually harassed Anita Hill, a former assistant, than he put in his Miss Hill's claim. Why had she waited 10 years to make her accusation? he asked. Why had she tried to do so only anonymously? Why, if Judge Thomas really harassed her, did she follow him from one job at the Department of Education to another at the Equal Employment Opportunity Commission?

But the jury of the daily press was unappeased. "What do you think this says to other victims of sexual harassment in terms of their coming forward and not being believed?" asked another female reporter.

"I'll tell you what it says to this senator; that if you're sexually harassed, you ought to get mad about it and you ought to do something about it and you ought to complain instead of hanging around a long time and then all of a sudden calling up anonymously and saying, 'Oh, I want to complain.'"

A mouth-dropping wave of disgust rippled across the now otherwise tightly drawn faces of the assem-

bled moralists. A third female reporter raised an important point of law. "One last question, senator," she bellowed. "It sounds like you're putting the burden of proof ... on Ms. Hill and yet didn't want to hear from Ms. Hill herself." Imagine, putting the burden of proof on the accuser — the sheer insensitivity of it all.

Meanwhile, down in Norman, Okla., and live on national television, the aggrieved Miss Hill was laying down the natural-law theory of sexual harassment for any American who cared to listen. "Do you suspect that there may be more women out there that he has harassed?" a reporter asked her. "Well, one of the things that I will say about sexual harassment generally," said this tenured law professor, "and I suspect that it's true in this case, too — in fact, I've heard rumors to that effect, but I cannot substantiate any of those — but I will say, however, that harassment usually isn't an individual issue, it's not an issue of one person. It is behavior that people engage in. So I don't think that this is something that was directed at me personally. I think it was behavior that an individual felt that they could engage in. And I think that's generally true for sexual harassment. I'm not personalizing this."

Mr. Thomas never touched her, she explained. But by "creating a hostile work environment" he had committed "sexual harassment." It was unclear whether she meant in the first job she accepted with him or the second. Or why the non-personal sexual harassment beams Mr. Thomas allegedly emitted don't seem to have caused any other antennae to wiggle.

One thing is for sure, there was no hostile environment at the Oklahoma press conference. Miss Hill got a couple of nice rounds of applause. Some of it came, no doubt, from supporters among her students in attendance. Because the cameras were mainly trained on her, it's anybody's guess whether the press corps was clapping too.

✓

The Delayed Judgment

IT WAS probably inevitable that as uncertainty grew on the Senate floor yesterday, Judge Clarence Thomas would agree to a delay in the vote on his confirmation. In the climate that prevailed in the hours before the scheduled vote, the easy road for most senators, even for those who had pledged support, was to put off the decision and call for further hearings. That is exactly what the judge's opponents hope for, of course, for even though there may be no new information forthcoming about the allegations made by Miss Hill, the added time will be used to build public opinion and to persuade senators that they would be better off safe than sorry. That attitude is terribly unfair to the nominee.

The charges made by Miss Hill are serious, though the exact nature of the words allegedly spoken are not known. But how are they to be proven or disproved? Judge Thomas has given a sworn affidavit affirming his complete innocence, but how can he prove that in further hearings? Miss Hill speaks with feeling, but for the first time in 10 years on this subject. The judge's supporters fairly ask why she never objected to this alleged conduct until this final hour, why she maintained a friendship with the judge, repeatedly telephoned him over the years and followed

him from one job to another when that was not necessary. She has made an accusation that is sufficient to destroy a man's reputation and keep him from high office, and she must explain these apparent inconsistencies if she is to be believed.

Putting the burden on the accuser is not, as some have characterized it, blaming the victim. It is especially important that she be expected to make her case because here the accused will not have physical evidence or eyewitnesses to refute her. It comes down to his word against hers, and senators must take care to keep the burden of proof where it belongs.

The behavior of members of the Judiciary Committee who have backed and filled during this debate is not edifying. It should be remembered that all 14 had Miss Hill's accusations and the FBI report before them when they voted. No new facts have caused them to reconsider, and the only thing that has changed is that the public release of the report has given the nominee's opponents time and opportunity to broadcast these sensational charges in the hope of torpedoing the nomination. In that respect, the judge has not been treated fairly. That can be corrected if the coming hearings are conducted with dignity and a determination to do what is right.

PRUDEN ON POLITICS

By Wesley Pruden



Feminist hysteria and sex-baiting

The hysterical feminists and their thoroughly emasculated male toadies — someone noted the other day that all the men on National Public Radio sound like women, and vice versa — owe a debt to the red-baiters of a generation ago.

Cries of "Sexism!" and "Harassment!" have replaced "Communist!" and "Pinko!" as the last refuge of the scoundrels in media and politics.

There really were Communists and fellow travelers embedded in American institutions in the years just after World War II. Hubert Humphrey, to cite one illustrious example, made his reputation by kicking some of them out of the Democratic Party in Minnesota. But the accusation of "Communist" and "pinko" was so heinous that to be accused was to be convicted, and in the hysteria of the day the reputations of innocent men occasionally dissolved in the culture of terror and mindless fear.

And there really are "sexists" and "sexual harassers" today, men who (like, say, Teddy Kennedy) have been taught, often by their fathers, that women are merely vessels for their animal pleasures, and if occasionally a woman must pay with her reputation or her health or even (as with a certain famous politician) her life, well, that's just a price women have to pay for the pleasure of these men. The family that dates together rapes together. In a more robust time, such a man's neighbors would have taken him to the barn with a horsewhip.

But every man who was accused of being a Communist was not a Communist, and every man who is accused of harassing women is neither a harasser nor a "sexist," whatever that has come to mean.

Anita Hill, by her own words, renders herself a liar in the judgment of reasonable men and women. She says Clarence Thomas offended her by (1) asking her out on a date, and (2) by talking dirty about sex. She was so offended that she (1) pursued the man for years, going from one government agency to another when he moved up, (2) solicited his support for a job in Oklahoma, (3) invited him to Okla-



Paul Simon

married someone else — and the someone else was white.

No wonder the members of the Judiciary Committee, most of them Democrats, were unimpressed by the "evidence" and paid it no attention until Nina Totenberg and the government radio network, who have been leading the campaign to discredit Judge Thomas, got a dump of the confidential Senate files — from Howard Metzenbaum, by all accounts — to create her "October surprise."

None of his colleagues were surprised by Mr. Metzenbaum's thievery; several of his colleagues, including Democrats, carry Air-Wicks in their briefcases against the chance they'll get stuck in the Senate elevator with him, such is his reputation. You can read a growing similar contempt for Paul Simon in the faces of his colleagues.

Mr. Simon heard Anita Hill's accusations, and read the FBI's report of its investigation and its conclusions that she was blowing stale smoke, several days before the committee took a vote. He said nothing. He offers the explanation now, transparent to everyone, that he couldn't say anything because she would not agree to making her charges public. This is nonsense, and Mr. Simon does not expect anyone to believe it. He could have brought up his concerns in an executive session. But he didn't.

If the Democrats had had the votes to defeat Mr. Thomas last night, all logic and common sense says there would have been no delay. But the Republicans blinked, as Republicans often do. Joe Biden suggests that the perennial losers should now share in the selection of Supreme Court nominees, which the Constitution awards to the winners, to avoid further abuses of the process. Well, of course. That's what these struggles are all about.

Thomas to speak to her law students. Phone logs reveal that she recovered from her trauma enough to call, frequently, just to say "hi". Several witnesses describe how, on one of his visits, Miss Hill seemed perfectly euphoric to be in Judge Thomas' company. Poor Miss Hill. Several black women of my acquaintance have suggested, perhaps unkindly, that Miss Hill turned on Mr. Thomas only after he

William Raspberry

On Thomas, the Good Guys Played Dirty

The political/judicial chapter that began with President Bush's nomination of Judge Clarence Thomas to the Supreme Court, and whose end is not in sight, has been one massive disappointment after another.

There was, to begin with, the nomination itself. I never thought of Thomas as some sort of judicial Ton-to, willing to betray his people for his own selfish interests. I thought he was okay, albeit too inexperienced and untested for so important a post. My disappointment was over President Bush's willingness to treat the whole matter as clever politics, with so little regard for the well-being of the court.

Surely there were other black lawyers (yes, I thought it important that the court not revert to its all-white status) of experience and stature who would be politically acceptable to the president. My private hope had been that he would nominate someone like William T. Coleman, the Republican secretary of transportation under President Ford.

There were other disappointments along the way: the utter politicization of the confirmation process (by friend and foe of the nomination), the calculated unfairness of some members of the Senate Judiciary Committee during the confirmation hearings, Thomas's own willingness to abandon every controversial view he ever held in exchange for confirmation.

Disappointments all. Still, the saddest disappointment for me lies elsewhere—in the conduct of the people I think of, almost reflexively, as the "good guys": the elected and unelected black leadership, the liberal advocates of the interests of the little folk, the people and institutions who have striven to put right above expediency. The good guys have let me down.

I'm thinking of the Congressional Black Caucus, which, with no debate,

having heard no witnesses or evidence, voted to oppose the Thomas nomination almost as soon as it was made. Only the caucus's one Republican member kept the vote from being unanimous. I'm thinking of Virginia Gov. Doug Wilder's assault on Thomas's "Catholicism," before he learned that the nominee attends an Episcopal church. I'm thinking of the NAACP and the Leadership Conference on Civil Rights, which made up their minds to oppose Thomas and then set about garnering the evidentiary basis for doing so. I'm thinking of the manifestly unfair treatment of Thomas at the hands of Sens. Kennedy and (particularly) Metzenbaum—men I have long respected politically.

The disappointment, let me be clear, is not in the fact that any of

these ladies and gentlemen opposed the nominee, who, so far as I know, never had much more than lukewarm support from any reputable quarter. No, the disappointment was in their utter lack of interest in elemental fairness.

Is that naive? I suppose it must be. Why, when one side is using Willie Horton and "quotas" the way Richard Nixon used "law and order," should I expect the other side to engage in civil, reasoned and thoughtful debate? Why would I expect those who oppose Thomas's views on affirmative action and other issues to challenge his views without deliberately distorting them? Why would I expect a higher level of decency from Thomas's opponents than from the political manipulators who brought about his nomination?

Why would I expect even the most vociferous opponents of the nominee to say of the latest unfairness, the sexual harassment allegations of Anita Hill: No. This is too much. We oppose Thomas, but we also oppose

cheap shots, 11th-hour flimflammy and character assassination.

I suppose I expected it because they were still, to my mind, the good guys. Not that I necessarily believe everything they believe or support every cause they advocate. They frequently have more confidence than I do in the ability of government to solve our difficult social problems, or in the usefulness of racism as the universal explanation for our troubles.

Being good guys, though, they have managed to disagree without questioning each other's commitment to our mutual goals. We have retained the ability to have a different view and still see one another as in the ranks of good guys.

But not in the case of Clarence Thomas. The good guys have been as nasty, as calculatedly unfair, as willing to subordinate principle to politics as our racist and reactionary opponents. They are, in a chapter studded with disillusionments and letdowns, a special disappointment.

10/10/91 16:42 2202 829 0374

H M SINGLETON

2002

**STATEMENT OF THE HON. HARRY M. SINGLETON
FORMER ASSISTANT SECRETARY OF EDUCATION FOR CIVIL RIGHTS
SUBMITTED TO THE U.S. SENATE COMMITTEE ON THE JUDICIARY
IN THE MATTER OF THE CONFIRMATION OF
THE HON. CLARENCE THOMAS AS ASSOCIATE JUSTICE
OF THE SUPREME COURT OF THE UNITED STATES**

I immediately succeeded Judge Clarence Thomas as Assistant Secretary of Education for Civil Rights. I was brought on in the capacity of a Deputy Assistant Secretary in the Office for Civil Rights (OCR) as a means of transition to the position of Acting Assistant Secretary pending my confirmation as Assistant Secretary. During that transition period, Judge Thomas and I overlapped at OCR for approximately 4-6 weeks before his departure for the Equal Employment Opportunity Commission (EEOC). During that period of time, I met Ms. Anita Hill who was serving as an Attorney Adviser to the Assistant Secretary (Judge Thomas) and had an opportunity to observe her and her interaction with Judge Thomas. I worked closely with Judge Thomas during this period. At no time did I observe any conduct on his part remotely resembling that which has been alleged by Ms. Hill nor did I observe any behavior on her part which would have suggested that she was having problems with him, in general, or that she felt intimidated by him, in particular, as one might suspect of someone who was being sexually harassed.

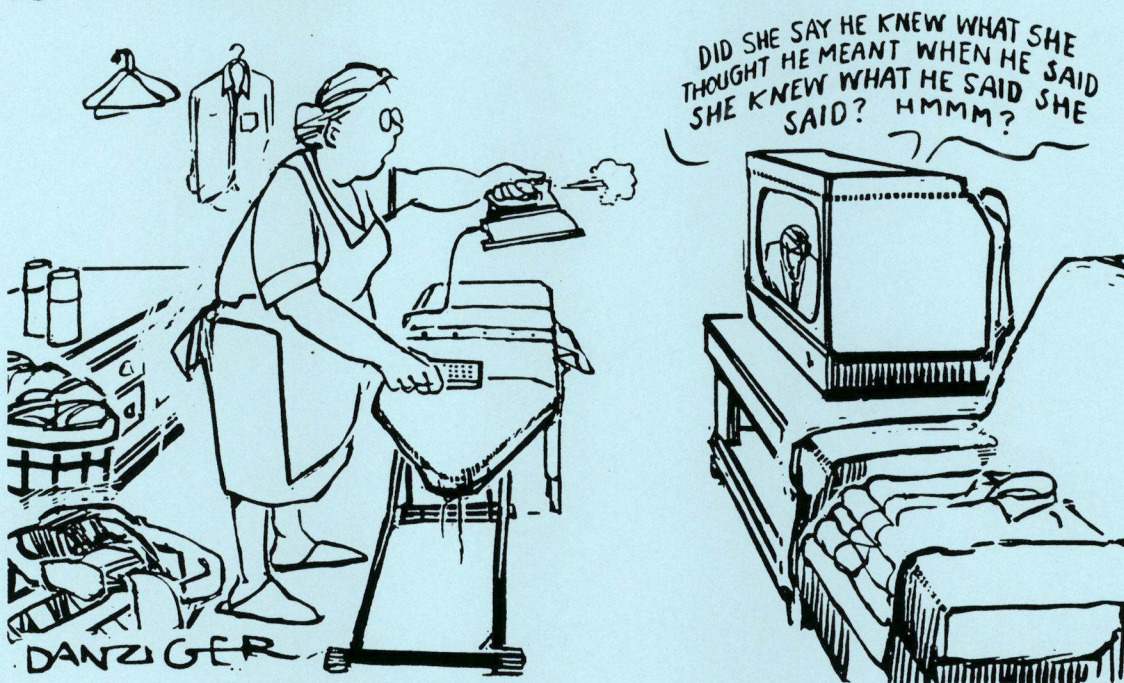
More important, however, and the point upon which I specifically want to comment, is the statement made by Ms. Hill on numerous occasions that she followed Judge Thomas to the EEOC because she would have been without a job had she not done so. In fact, during a recent appearance on the Today Show program she stated, according to the transcript from that program, "[I] didn't have the option of staying at Education, so it would have meant that I would have had no job." I submit that this is not an accurate statement.

As I recall, Ms. Hill was a Schedule A attorney. As such, she had career rights. If Ms. Hill was being harassed by Judge Thomas and did not feel comfortable continuing to work with him, she could have remained at OCR. Had she approached me, and she did not, to request that she remain at OCR, she certainly would have been accommodated. In fact, I was prepared to retain her as one of my attorney advisers, but it was always made very clear that she was going on to the EEOC with Judge Thomas.


Harry M. Singleton
October 10, 1991

Friday Follies

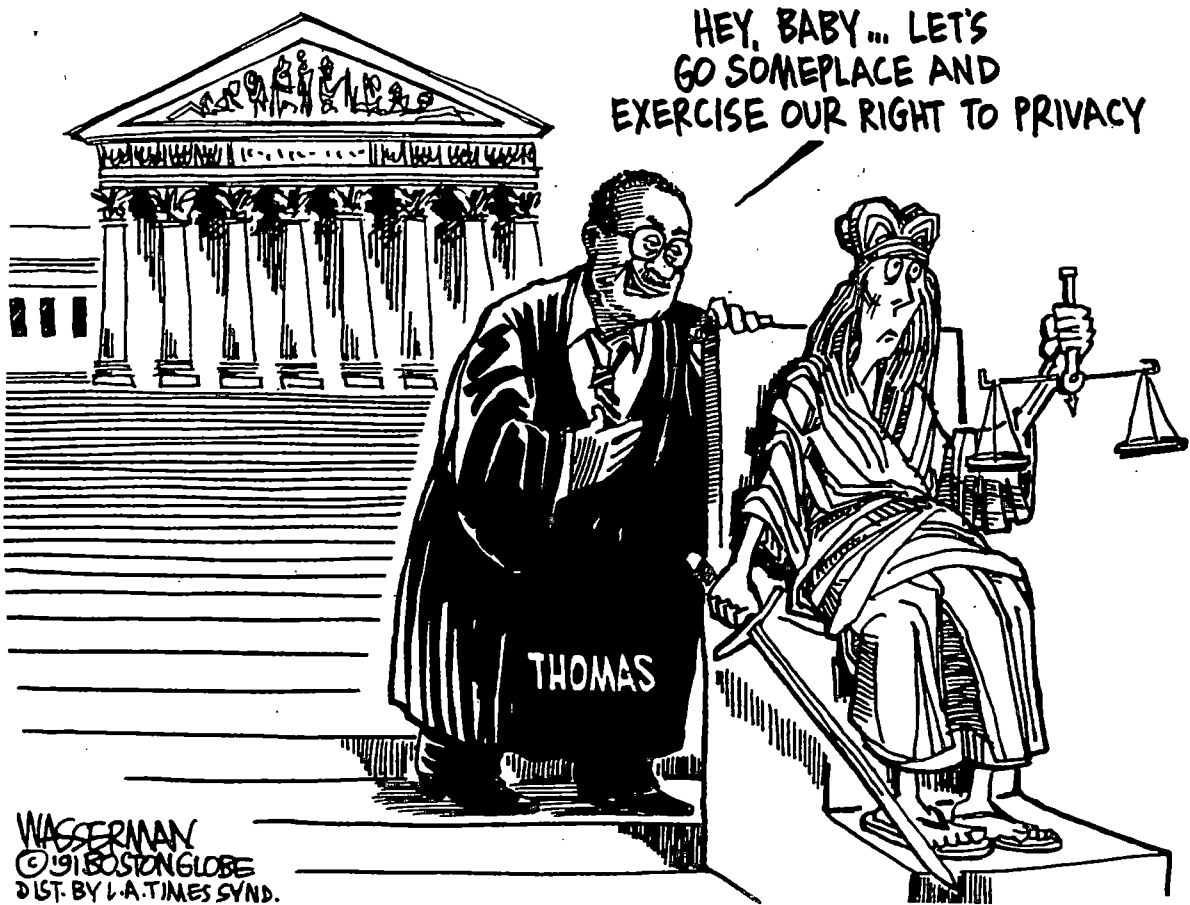
LATELY, MRS. FRUM HAS BEEN CONFUSING THE SENATE THOMAS DEBATES WITH "DAYS OF OUR LIVES"



- a look at politics through the eyes of the political cartoonist -

"I don't care a straw for your newspaper articles. My constituents don't know how to read. But they can't help seeing them damned pictures."
(William Marcy "Boss" Tweed speaking of Thomas Nast, 1871)

WHITE HOUSE NEWS SUMMARY SPECIAL EDITION
VOLUME III ISSUE 41 -- October 11, 1991



MIKE LUCKOVICH ATLANTA CONSTITUTION

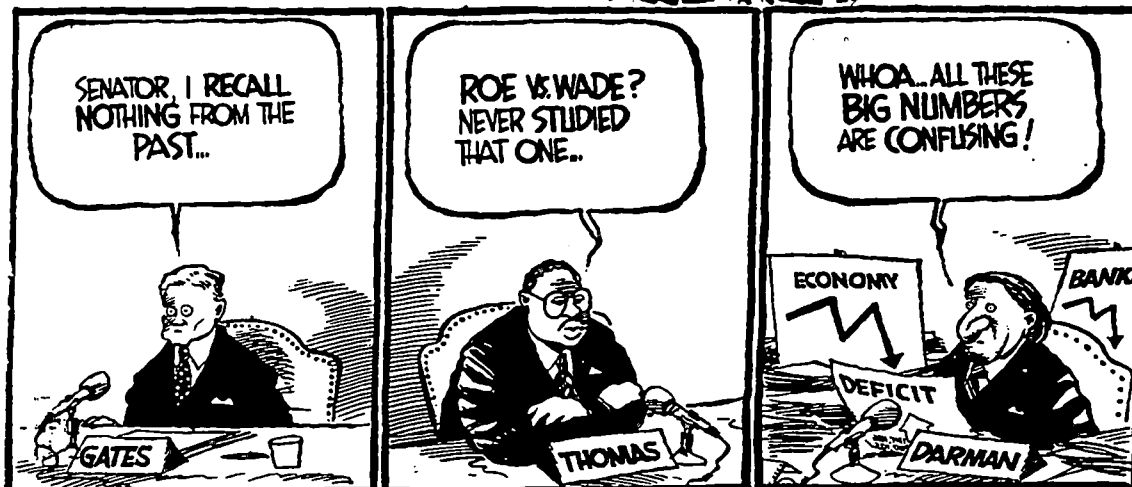


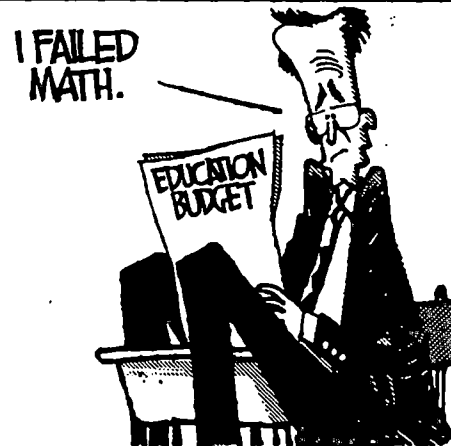
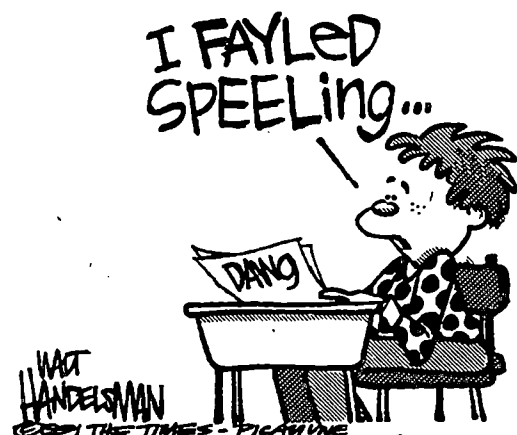
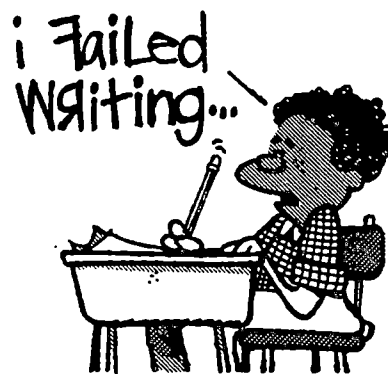
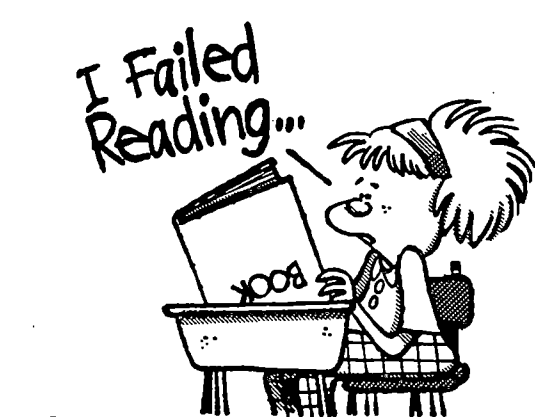
OWMAN THE OREGONIAN (1999) BY HERBLOCK

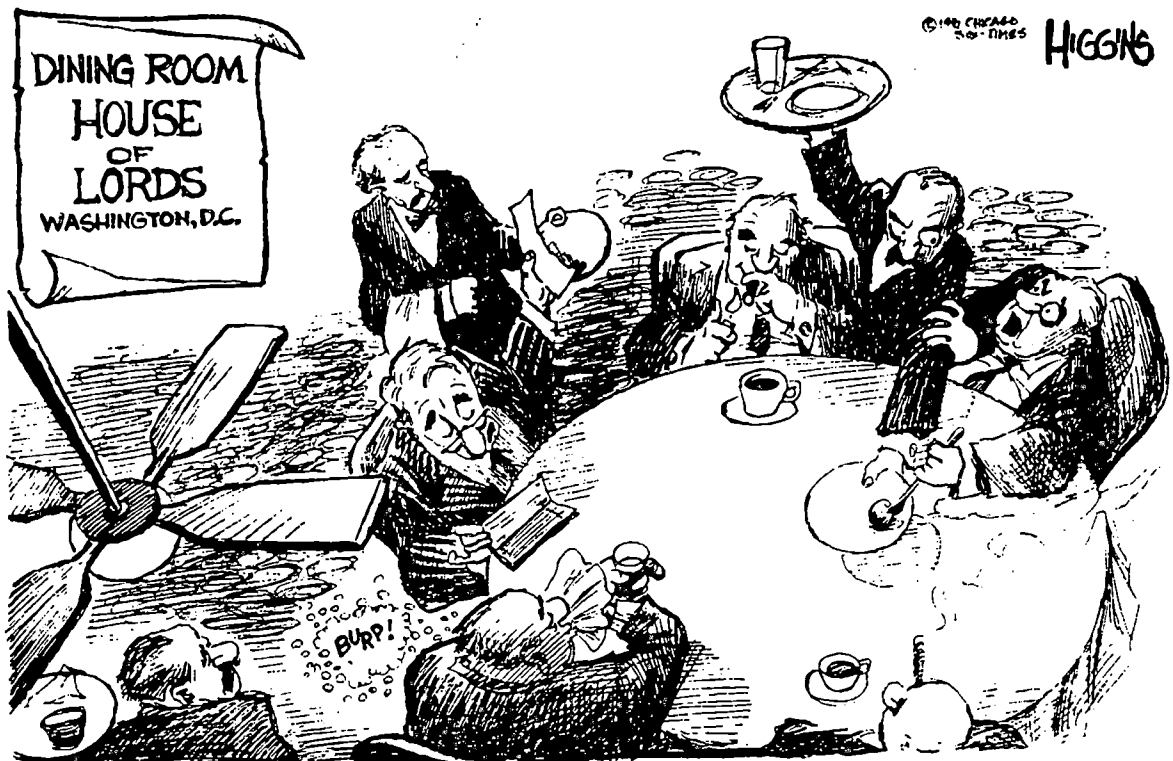
Hey, Kids!
**PRESIDENT BUSH
 SAYS...**



...It's cool
 to be
SMART!







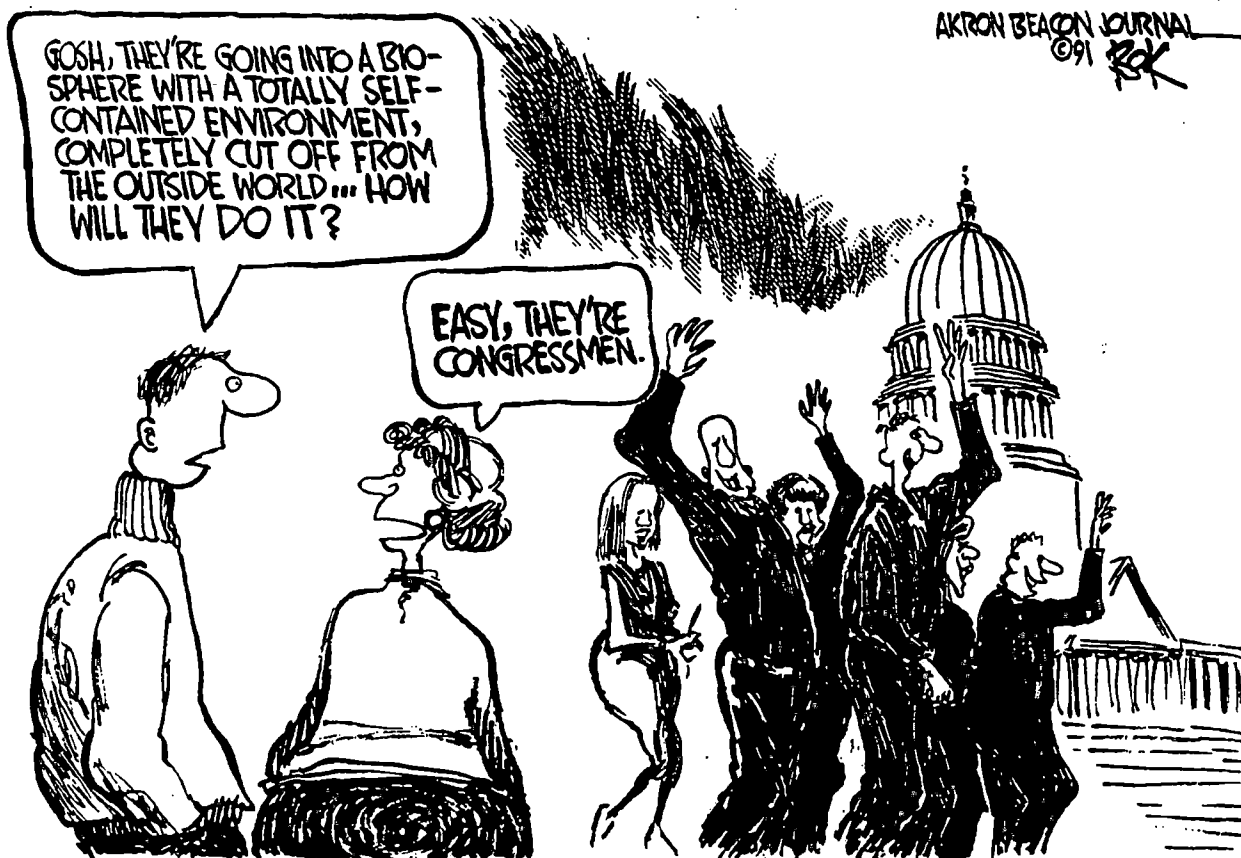
"CASH THIS CHECK AT THE HOUSE BANK, DEPOSIT IT IN A 21 DAY C.D., COLLECT THE DIVIDEND AND KEEP 10% FOR YOURSELF."



SCHEDULE

- 9:00am: park in free parking space
- 9:15am: exercise in private capitol gym.
- 10:30am: mail letters free-of-charge
- 11:30a.m.: lunch in private capitol restaurant (charge it)
- 1:15pm.: empathize with plight of the "little guy"
- 1:16p.m.: cash bad check from private Capitol bank acct. (no penalty)
- 2:00pm.: free medical check-up"

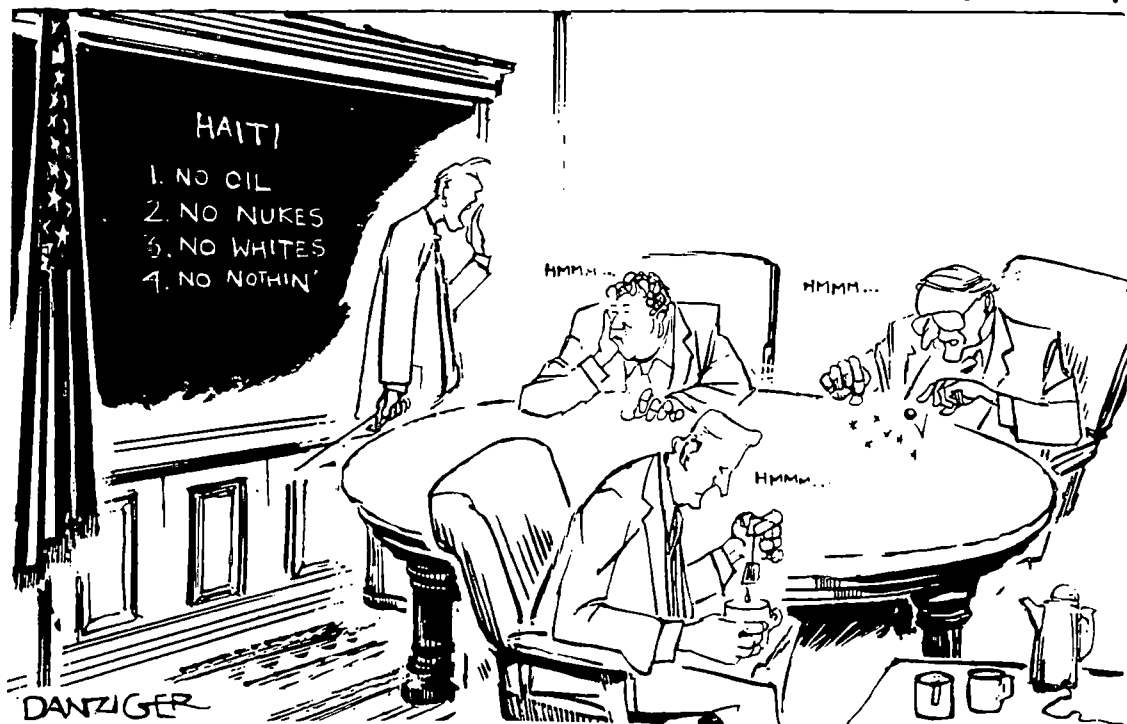
INCRIMINATED The Miami Herald



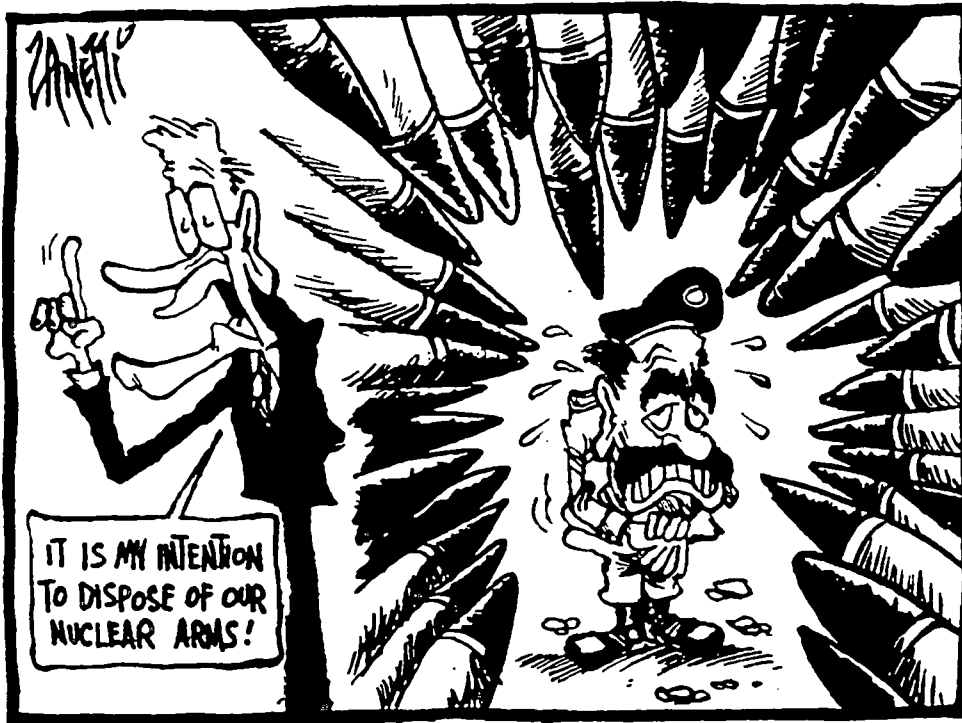
AKRON BEACON JOURNAL
©91 RK

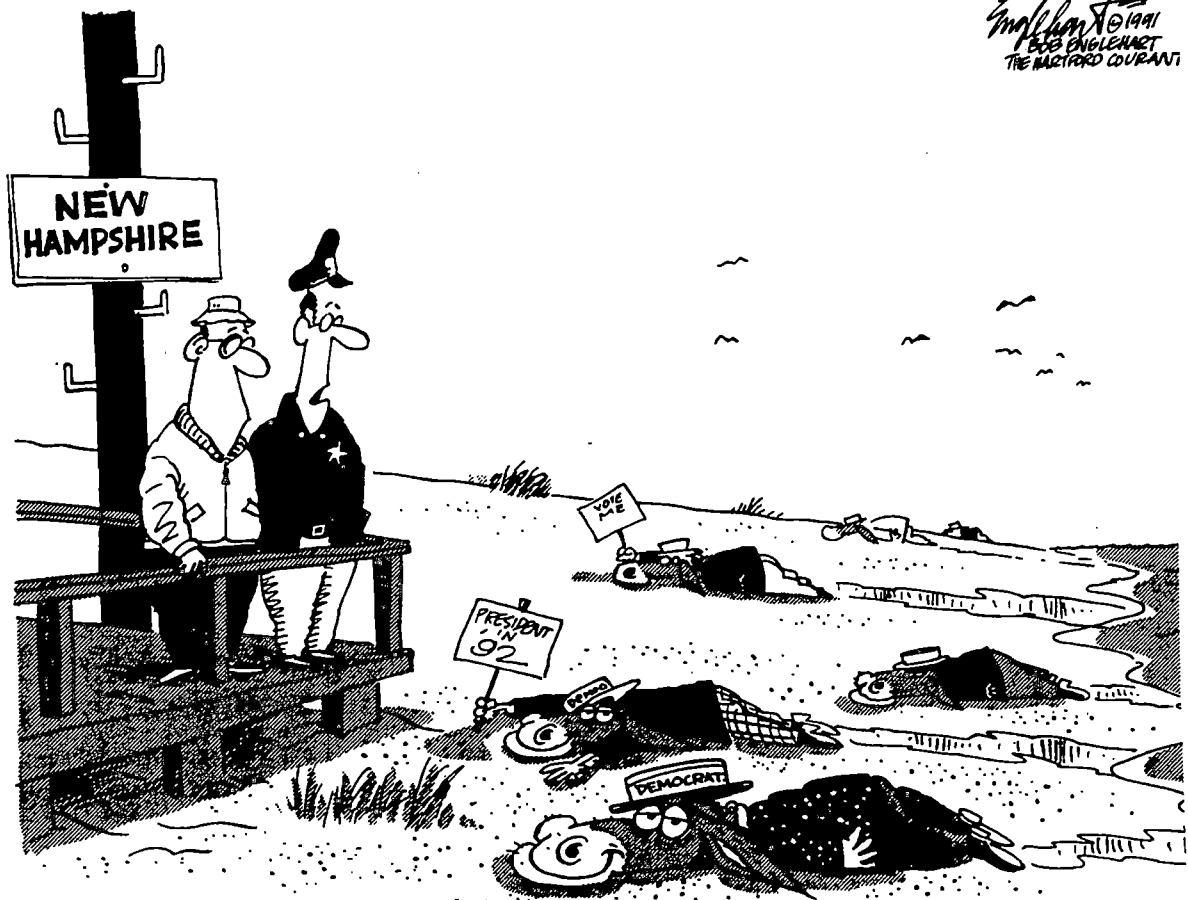


POLICY WRANGLE! WHAT TO DO ABOUT HAITI? HMMM?

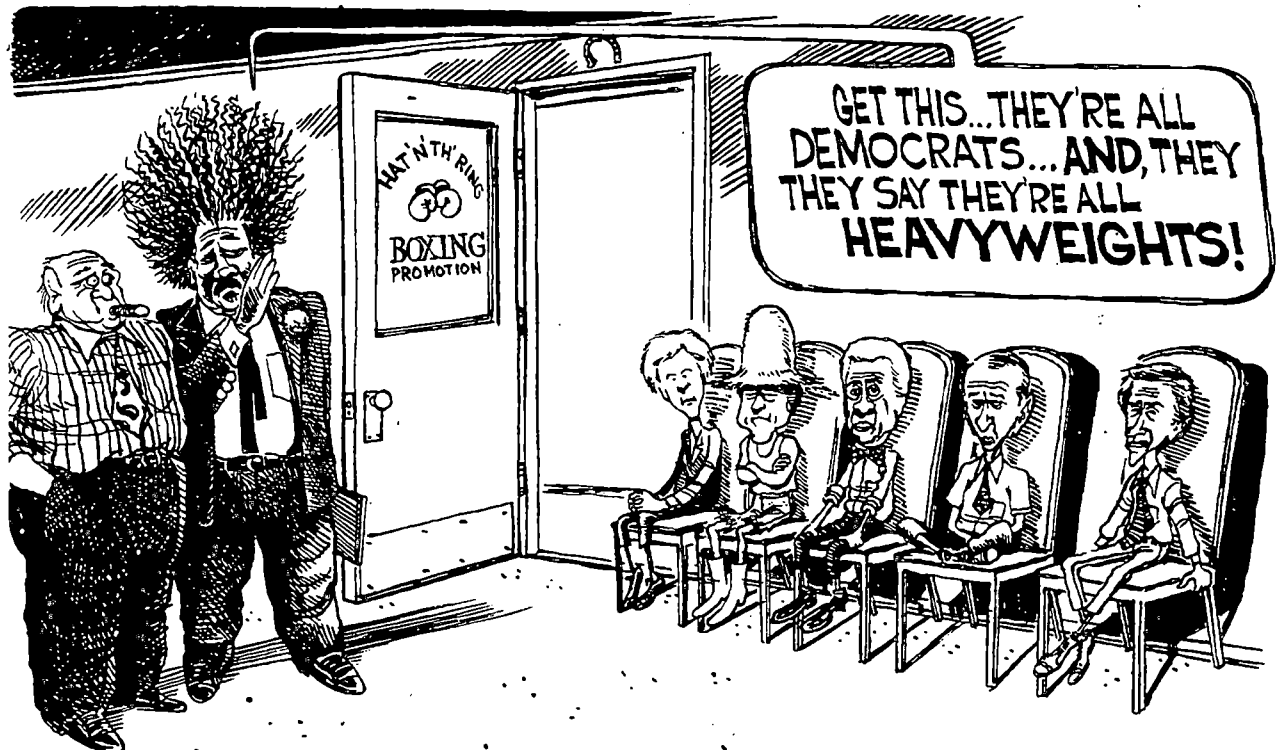


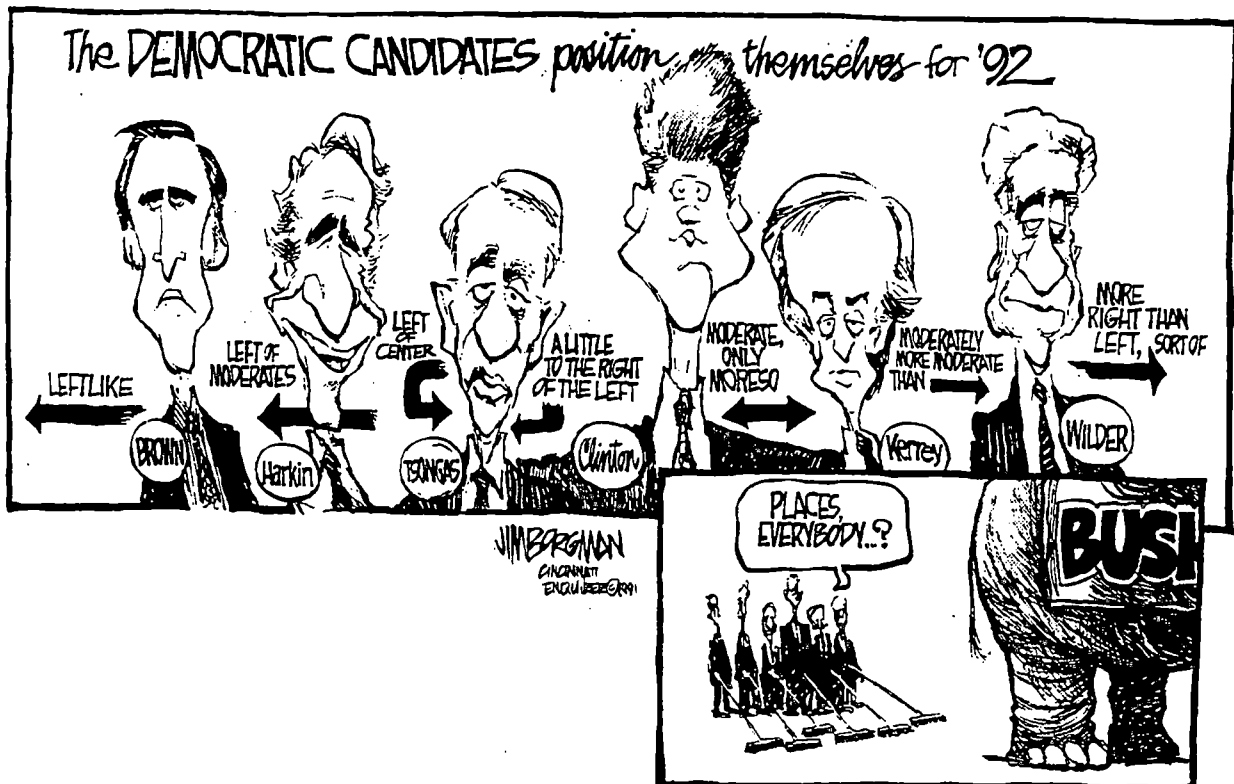


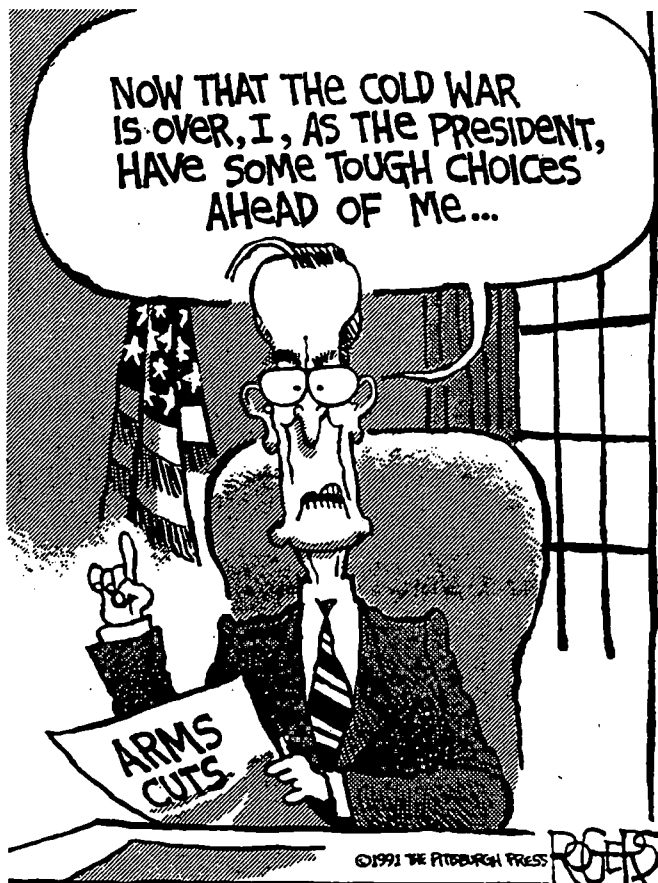
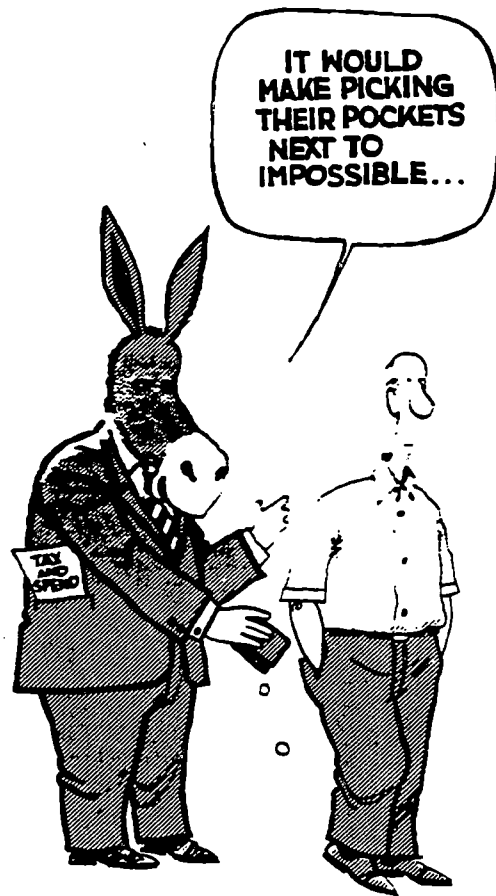
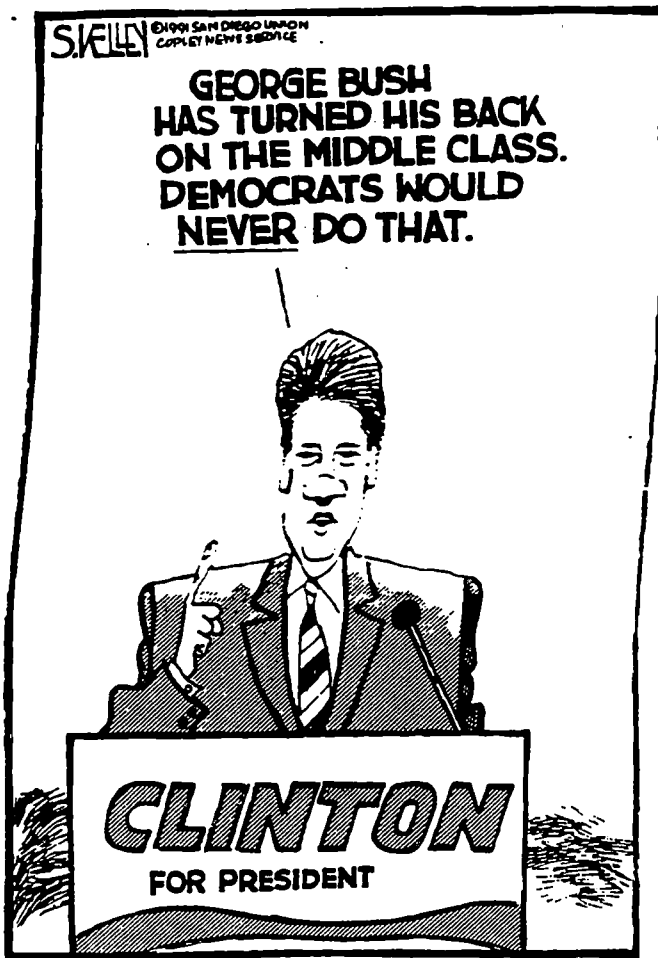


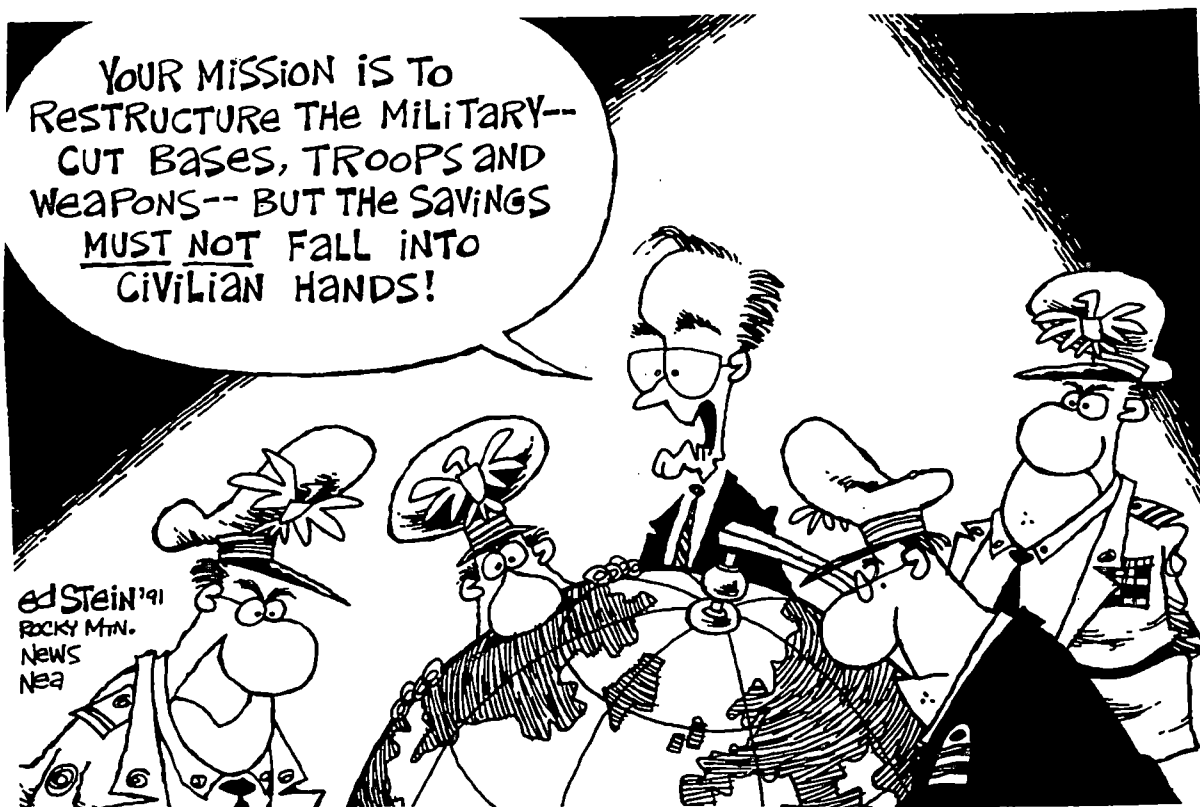
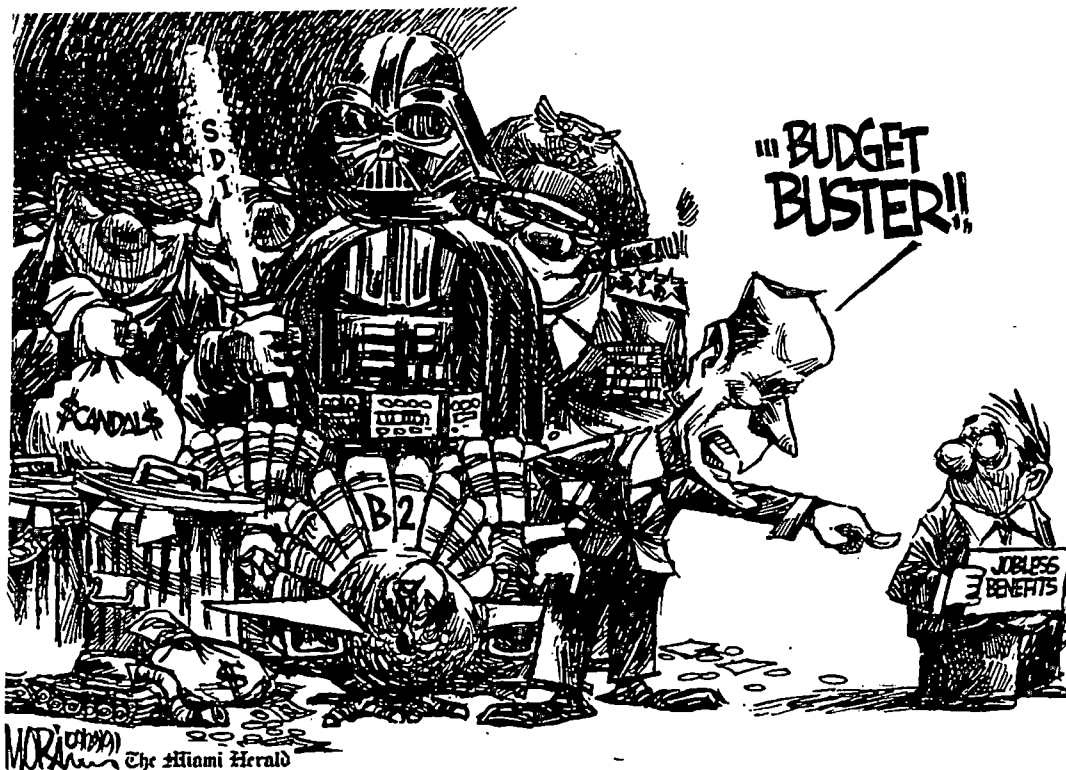


" STRANGEST DANG THING...EVERY FOUR YEARS THEY BLEACH THEMSELVES



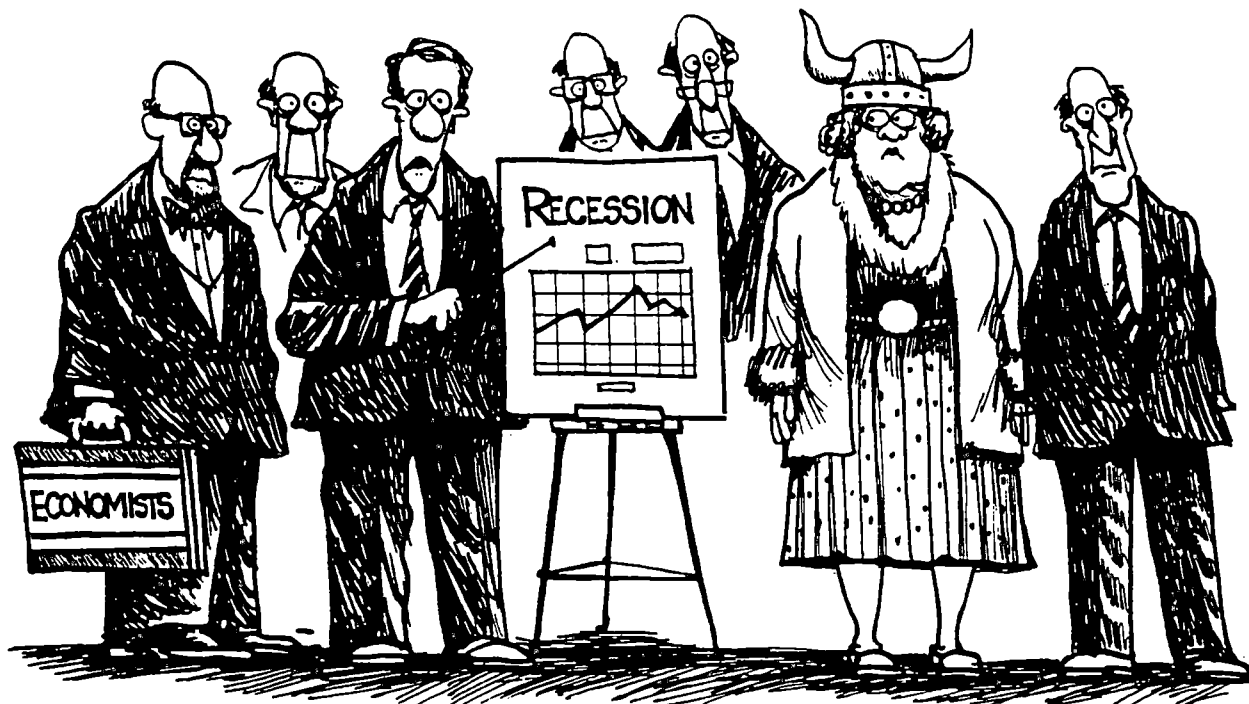








©91 Daytona Beach Sunday News-Journal/
Copley News Service
BEATTIE



"You've all heard the expression: 'IT AIN'T OVER TILL THE FAT LADY SINGS.'
Well, she was only lip-synching."

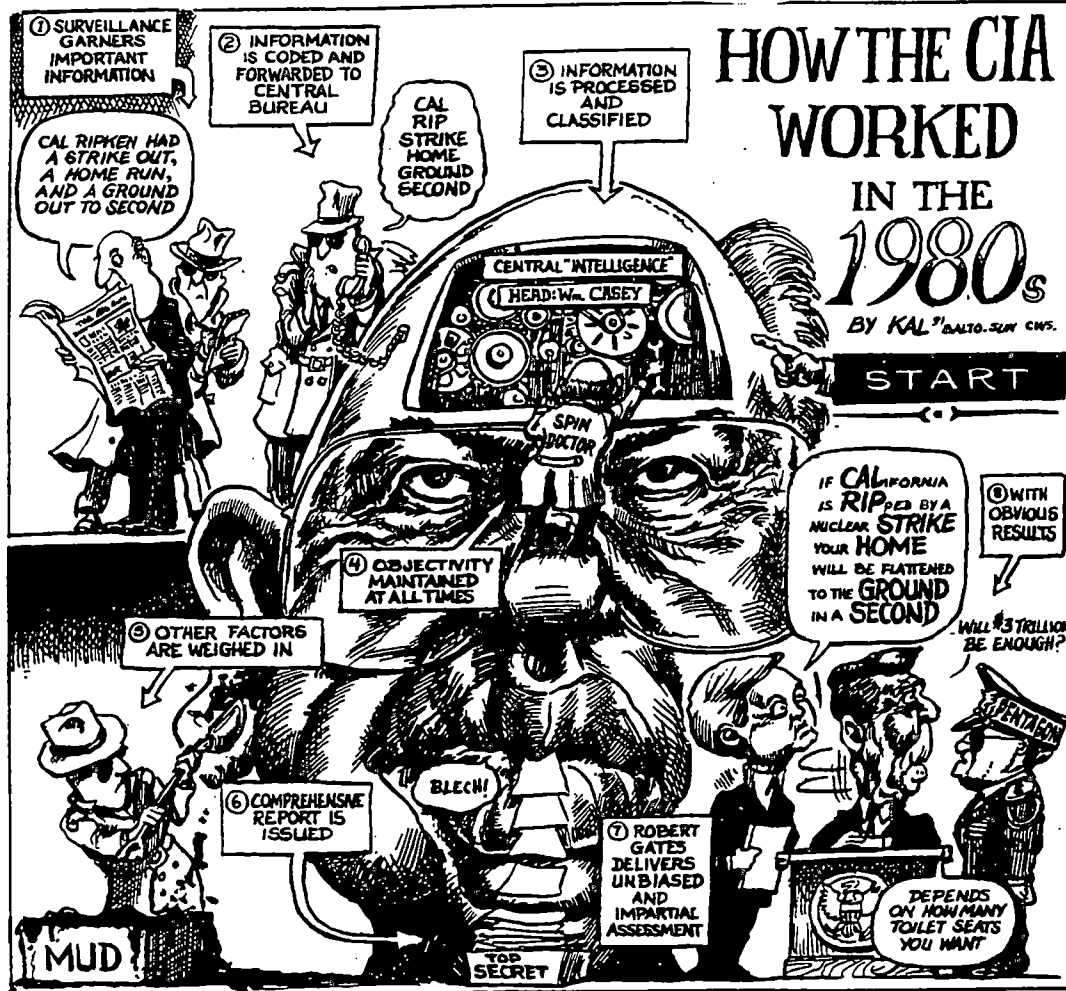
Bruce Beattie/Copley News



Flashback to the '80s



"WE HAVE AN ORDER FROM THE SENATE INTELLIGENCE COMMITTEE TO DIG UP WILLIAM CASEY FOR QUESTIONING!"



ALL IS QUIET AS CAPTAIN COLDWAR PATROLS THE GRIM FRINGES OF THE IRON CURTAIN....



IDLY PONDERING THE RAVENOUS, IMPLACABLE EVIL OF THE SOVIET EMPIRE, HE'S SUDDENLY NABBED BY A BAND OF POLITICOIDS, INTENT ON SHATTERING HIS ELEGANTLY SIMPLE WORLD-VIEW....

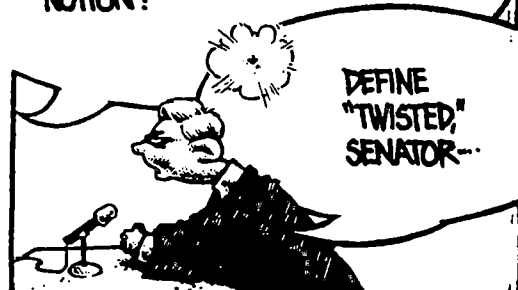


PEN SARGENT
© 1984 by Pen Sargent
All rights reserved.

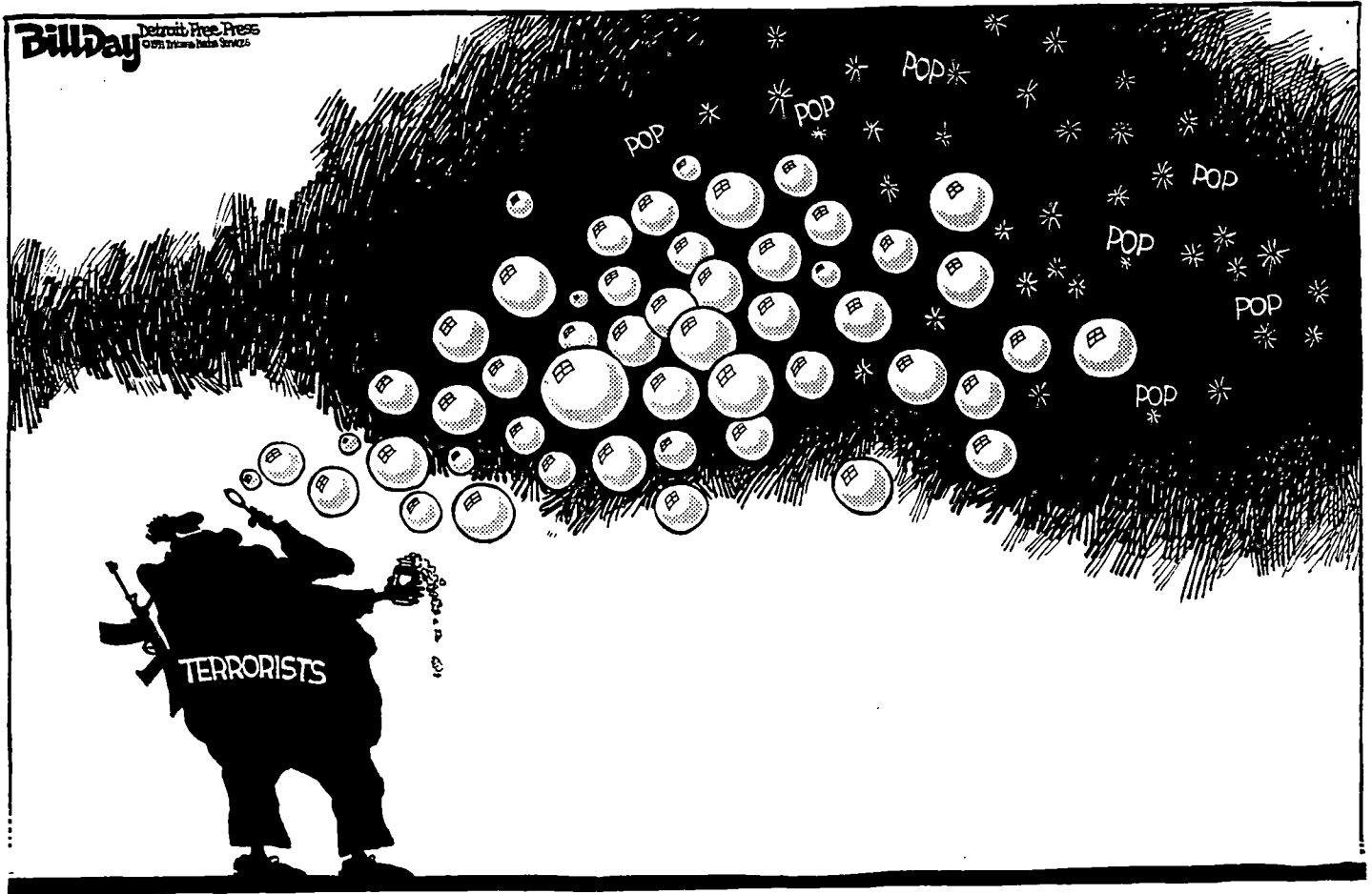
THE GRUELING INTERROGATION DRAGS ON FOR DAYS, BUT CAPTAIN COLDWAR'S AGILE MIND, ACCUSTOMED TO THE WILES OF THE RED AGGRESSOR, ALWAYS RACES A STEP AHEAD OF HIS INQUISITOR'S....



SO, MR. GATES, YOU'VE NEVER TWISTED INTELLIGENCE DATA TO FIT SOME PRECONCEIVED NOTION?



DEFINE "TWISTED," SENATOR...

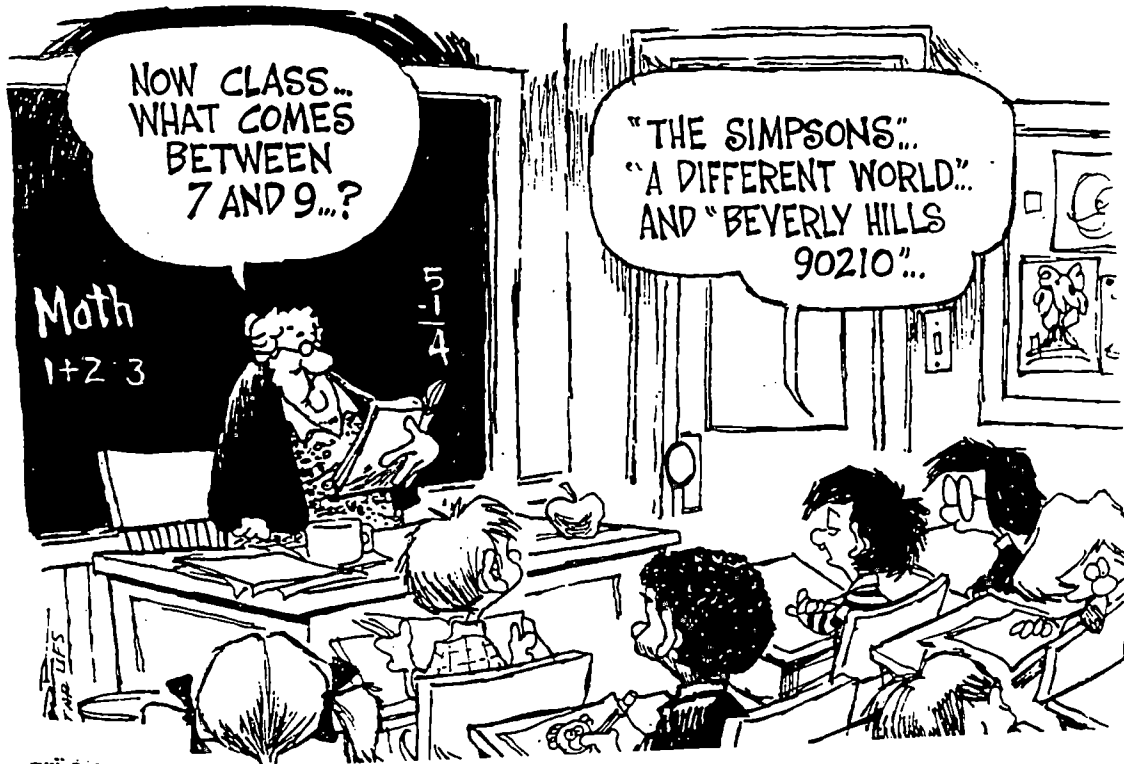


HOSTAGE RELEASE HOPES

THE HOSTAGE RELEASE SCENARIO (FOR BEGINNERS)

THE LEBANESE HEZBOLLAH MILITIA (a) DELIVERS PHOTO EVIDENCE (b) OF ISRAELI MIA'S TO ISRAEL (c) WHICH RELEASES ARAB PRISONERS (d) PROMPTING THE REVOLUTIONARY JUSTICE ORGANIZATION (e) TO RELEASE HOSTAGE (f) FOR PHOTO OP WITH SYRIA'S HAFEZ ASSAD (g) AND BIG MAC (h)

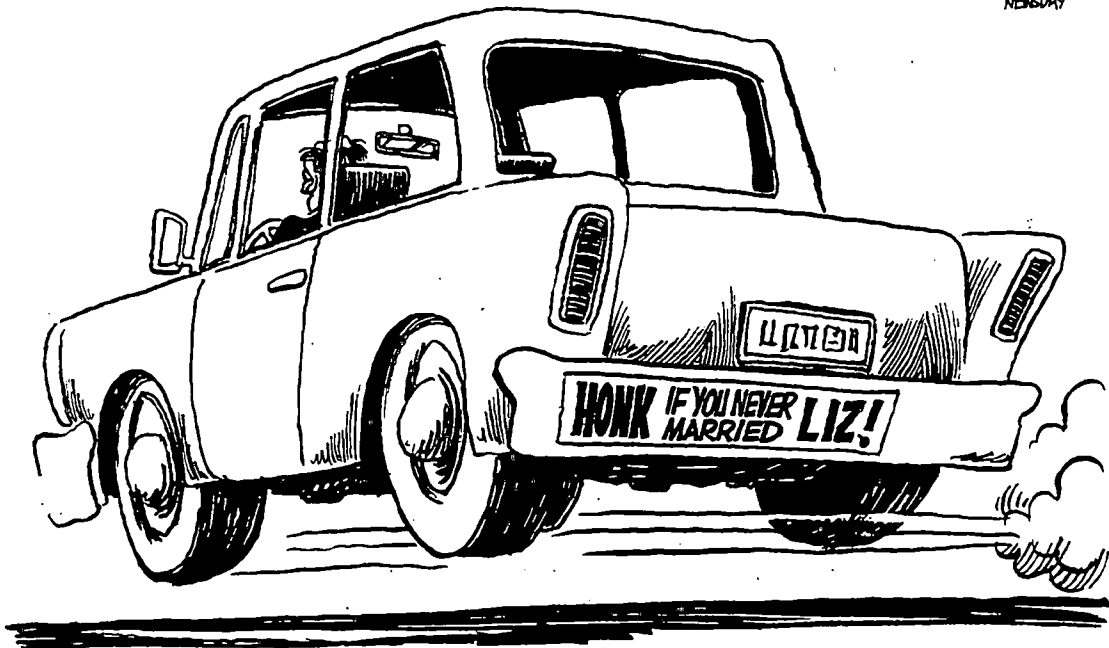




Bill Schorr
Kansas City Star

MARLETTE'S VIEW

MARLETTE.COM
MONDAY





DATING PRACTICES OF FUTURE PUBLIC OFFICIALS







USA TODAY

VIA SATELLITE

MEMORANDUM

Nationwide telephone poll of 758 adults, conducted by Gordon S. Black Corp. Sunday, Oct. 13, from 5:30 p.m. to 8:30 p.m. EDT. Poll included an oversample of blacks for a total of 204 blacks in the poll.

1. Based on what you now know, do you think the Senate should or should not confirm Clarence Thomas's nomination to the Supreme Court?

	ALL	MEN	WOMEN	BLACK	WHITE
Should	55	57	53	63	55
Should not	27	27	28	18	29
Don't know	18	16	21	19	16

2. Clarence Thomas has been charged with sexual harassment by Anita Hill, and he has denied the charges. Who do you believe is telling the truth?

	ALL	MEN	WOMEN	18-	35-	55+	GOP	DEM	IND	BLK	WHIT
Thomas	47	49	45	51	47	42	64	38	43	47	47
Hill	24	22	26	26	24	22	18	31	23	21	25
Neither (vol.)	5	5	6								
Both	5	5	4								
Don't know	19	20	19								

3. Have you found yourself believing Clarence Thomas at one point and Anita Hill at another point since the hearings began?

	ALL
Yes	40
No	49
Don't know	11

4. Clarence Thomas says he is a victim of racism in the way the Senate committee has handled the charges. Do you agree or disagree?

	ALL	BLACK	WHITE
Agree	24	43	20
Disagree	62	44	65
Don't know	14	13	15



USA TODAY

VIA SATELLITE

MEMORANDUM

Page 2

5. Which party do you think has done the best job of getting to the truth during this weekend's hearings: the Democrats or the Republicans or both equally?

ALL

Democrats	10
GOP	20
Both	46
Neither	8
Don't know	16

6. Do you think the process the Senate used to investigate these charges has been fair to: both Clarence Thomas and Anita Hill; only to Thomas; only to Hill; or to neither?

ALL

Both	39
Only Thomas	3
Only Hill	8
Neither	36
Don't know	14

7. Are you aware that Anita Hill passed a lie detector test?

ALL

Yes	48
No	50
Don't know	2

ABCNEWS POLL

FOR IMMEDIATE RELEASE

MAJORITY THINK THOMAS SHOULD BE CONFIRMED FOR 1ST TIME SINCE HARASSMENT CHARGES MADE

Clarence Thomas' confirmation to the Supreme Court has recovered half the distance it fell last week. Fifty-six percent of Americans said Sunday they favored his nomination, a majority for the first time since sexual harassment charges against him were made public.

The poll found more Americans inclined to believe Thomas than his accuser, former aide Anita Hill, and fewer likely to feel he has gotten a fair shake. Sixty-eight percent said they believed Hill had been treated fairly since the controversy arose; 40 percent said Thomas had gotten fair treatment.

CHARGES NOT TRUE - More respondents as of Sunday evening were inclined to believe Thomas had not harassed Hill sexually. Fifty-four percent said they were inclined to believe the charge was untrue; 37 percent were inclined to believe it true. A majority of men - 59 percent - and only somewhat fewer women - 49 percent - were inclined to believe Thomas did not do it.

Similarly, 46 percent of respondents said they found Thomas a more believable witness than Hill; 26 percent found Hill more believable. In a sizable split between the sexes, men believed Thomas over Hill by 54 to 20 percent; women divided by 39-31 percent.

BLACKS FOR THOMAS - ABC and ABC/ Washington Post polling also finds that blacks are more likely to have remained supportive of Thomas. Combining Saturday and Sunday results, 70 percent of blacks supported his confirmation, compared to 50 percent of whites. Among all respondents the combined two-day support is 53 percent, with 29 percent opposed and 12 percent undecided.

Support for Thomas' confirmation fell from 63 percent in an ABC News poll in mid-September to 50 percent in an ABC News/ Post poll last Tuesday, after the harassment charge was made public. It went to 47 percent in an ABC poll Wednesday, then stabilized at 50 percent Saturday.

OPPOSITION HAS NOT INCREASED - Through that period, however, respondents who left Thomas' support column did not increasingly oppose him; instead, they said they were reserving judgment. The new poll Sunday indicates that some of them were moving back to his side.

GENDER GAP - Sunday's result also found a continuation of the gender gap that first appeared in the Saturday poll. But in terms of support for the nomination this gap is not as wide as some observers have suggested it would be. A plurality of women - 49 percent - supported Thomas' nomination, as did a majority of men - 64 percent.

	-----10/13/91-----		
	Total	Men	Women
Support Confirmation	56	64	49
Oppose Confirmation	29	23	34
Wait & See (vol) or Don't Know	15	12	18

The survey was conducted Sunday evening as testimony by character witnesses for Thomas continued before the Senate Judiciary Committee.

On Hill and Thomas themselves, the poll Sunday found 71 percent approval for the way Thomas has handled his role in his nomination, compared to 48 percent approval for Hill. Other approval ratings for their handling of the Thomas nomination were 64 percent for George Bush, 49 percent for the Senate Judiciary Committee, 62 percent for committee Chairman Sen. Joseph Biden, 46 percent for Democrats on the committee and 53 percent for committee Republicans.

METHODOLOGY - This ABC News poll is based on telephone interviews with 506 adults nationally on Oct. 13, 1991. The results have a margin of sampling error of plus or minus 5 percentage points. For more information contact Jeff Alderman or Gary Langer in the Polling Unit, (212) 887- 2621.

FULL RESULTS FOLLOW:

1. *Anita Hill, a former co-worker of Supreme Court nominee Clarence Thomas, has charged that he sexually harassed her on the job. How closely have you been following the testimony by Hill, Thomas and others? Would you say you've been following, his very closely, somewhat closely, not too closely or not closely at all?

*wording changed to include others testifying on 10/13

	-----10/13/91-----			-----10/12/91-----		
	Total	Male	Female	Total	Male	Female
Closely (net)	74	77	71	68	74	63
Very closely	32	34	30	31	38	25
Somewhat closely	42	44	41	37	36	38
Not Closely (net)	26	22	29	31	26	36
Not too closely	13	11	15	18	14	22
Not closely at all	12	11	14	13	12	14
DK/No opinion	-	-	-	1	-	1

2. Who do you think was the more believable witness - Hill or Thomas?

	-----10/13/91-----			-----10/12/91-----		
	Total	Male	Female	Total	Male	Female
Hill	26	20	31	24	20	28
Thomas	46	54	39	46	56	38
(vol)Equal	10	9	10	11	12	9
DK/No opinion	18	16	21	19	12	24

3. Do you think the Senate should or should not confirm Thomas' nomination to the Supreme Court?

	-----10/13/91-----											
	Total	Male	Female									
Should confirm	56	64	49									
Should NOT confirm	29	23	34									
(vol)Wait and see	7	5	9									
No opinion	8	7	9									

	-----10/12/91--			-10/9/91-----			-----10/8/91-----			9/15/91
	Tot	Male	Female	Total	Male	Female	Total	Male	Female	Total
Should confirm	50	59	43	47	51	43	50	54	47	63
Should NOT confirm	29	28	31	23	23	23	25	24	26	24
(vol)Wait and see	11	8	13	21	18	25	13	12	14	na
No opinion	9	5	13	9	8	9	11	10	13	4

4. If the charge against Thomas is true, would that be enough of a reason for the Senate to reject his nomination, or not?

	----10/13/91----		
	Total	Male	Female
Yes	64	66	63
No	31	31	31
No opinion	5	3	7

	-----10/12/91-----			-----10/9/91-----			-----10/8/91-----		
	Total	Male	Female	Total	Male	Female	Total	Male	Femal
Yes	67	70	64	63	62	64	63	64	62
No	28	27	29	31	32	30	31	32	30
No opinion	5	3	7	5	5	5	7	5	8

5. Just your best guess - do you think the charge against Thomas is true or not true, or don't you know enough about it to say?

	-----10/13/91-----		
	Total	Male	Female
True	25	21	29
Not True	38	42	34
No opinion	37	36	37

	-----10/12/91-----			-----10/9/91-----			-----10/8/91-----		
	Total	Male	Female	Total	Male	Female	Total	Male	Femal
True	20	19	22	11	12	11	11	13	10
Not True	39	46	34	26	26	27	22	22	22
No opinion	40	35	44	62	62	63	67	65	68

6. (If No Opinion in Q5, ask:) Well, are you more inclined to believe it's true or not true?

	----10/13/91-----			-----10/12/91-----			-----10/9/91-----		
	Total	Male	Female	Total	Male	Female	Total	Male	Female
True	33	31	34	33	33	33	32	28	36
Not True	42	46	39	39	51	31	35	40	30
No opinion	25	23	27	29	18	36	33	32	34

Net q.5/6 Belief of charges

	-----10/13/91-----		
	Total	Male	Female
Inclined to believe charges are true	37	33	41
Inclined to believe charges NOT true	54	59	49
No opinion	9	8	10

	-----10/12/91-----			-----10/9/91-----		
	Total	Male	Female	Total	Male	Female
Inclined to believe charges are true	34	31	36	31	29	33
Inclined to believe charges NOT true	55	64	48	49	51	46
No opinion	12	6	16	20	19	21

7. Do you think Thomas has been treated fairly or unfairly as a Supreme Court nominee?

	-----10/13/91-----		
	Total	Male	Female
Fairly	40	37	42
Unfairly	53	60	48
DK/No opinion	7	4	10

8. How about Hill, has she been treated fairly or unfairly since this issue came up?

-----10/13/91-----
 Total Male Female

Fairly	68	69	68
Unfairly	23	25	21
DK/No opinion	9	6	11

9. Anita Hill originally made her charge against Thomas in a secret statement to the Senate Judiciary Committee, and someone leaked that statement to the news media. If the person can be identified, do you think that person should face criminal charges, or not?

----10/13/91----
 Total Male Female

Yes	59	62	56
No	33	31	35
No opinion	9	8	9

10. I'm going to name some people and groups who have been involved in the Sena hearings on Thomas. After each one please tell me whether you approve or disapprove of they way they have handled their role in the Thomas nomination: (READ ITEM):

The news media

-----10/13/91-----
 Total Male Female

Approve	43	44	43
Disapprove	48	51	46
No opinion	8	5	11

Clarence Thomas

-----10/13/91-----
 Total Male Female

Approve	71	77	66
Disapprove	19	16	23
No opinion	9	7	12

Anita Hill

-----10/13/91-----
 Total Male Female

Approve	48	47	48
Disapprove	41	44	39
No opinion	11	8	13

President Bush

-----10/13/91-----
 Total Male Female

Approve	64	73	56
Disapprove	26	20	31
No opinion	11	8	13

The Senate Judiciary Committee

-----10/13/91-----
Total Male Female
Approve 49 51 46
Disapprove 34 39 30
No opinion 17 10 24

The head of the Senate Judiciary Committee, Senator Biden

-----10/13/91-----
Total Male Female
Approve 62 66 59
Disapprove 22 25 19
No opinion 16 9 22

The National Organization of Women

-----10/13/91-----
Total Male Female
Approve 41 37 43
Disapprove 30 38 24
No opinion 29 25 33

The NAACP

-----10/13/91-----
Total Male Female
Approve 35 36 35
Disapprove 25 31 20
No opinion 39 33 46

The Democrats on the Senate Judiciary Committee

-----10/13/91-----
Total Male Female
Approve 46 45 46
Disapprove 39 45 33
No opinion 16 9 21

The Republicans on the Senate Judiciary Committee

-----10/13/91-----
Total Male Female
Approve 53 63 44
Disapprove 31 27 33
No opinion 16 9 23

Embargoed for 11:30 p.m., Tuesday, Oct. 8

ABCNEWS/Washington Post Poll

SUPPORT FOR THOMAS DOWN BUT NOT OUT

A charge of sexual harassment has diminished but not shattered public support for Clarence Thomas' nomination to the Supreme Court. Fifty percent of Americans still favored his confirmation after the Senate delayed its vote Tuesday, but that was down from 63 percent support three weeks ago.

Almost all those who no longer supported Thomas said they were now undecided, rather than opposing him. At the same time, 63 percent of respondents to an ABC News/Washington Post poll said that if the charges were substantiated, it would be sufficient reason to reject the nomination.

In a tense and dramatic day of debate, the Senate voted Tuesday night to delay its scheduled vote on Thomas' nomination for a week while it investigates the charge of sexual harassment brought by a former aide, Anita Hill.

Thomas issued a statement Tuesday saying he unequivocally denied the allegation. Hill, a law professor, has charged that Thomas made repeated lewd remarks to her while she worked for him in Washington 10 years ago.

PUBLIC SPLITS ON DELAY - The public was split on the Senate action: Fifty percent approved of the delay in the vote on Thomas; 39 percent opposed it and the rest were unsure. Similarly, 46 percent approved of the Senate's overall handling of the nomination and 42 percent disapproved.

The vast majority of respondents, 87 percent, said they had heard of the charge by Hill. But 80 percent said they had not changed their opinion on Thomas because of the charge, and 67 percent said they didn't know enough about it to have an opinion on whether or not it was true. Among the rest, 22 percent were inclined to believe Thomas and 11 percent were inclined to believe his accuser.

These numbers were virtually identical among men and women. Indeed there was very little difference between the sexes in their response to the charges. Thomas' confirmation was supported by 54 percent of men and 47 percent of women, and opposed by 24 percent of men and 26 percent of women. The rest said they had no opinion or wanted to wait and see.

	-----10/8/91-----			9/15/91
	Total	Men	Women	Total
Senate Should Confirm	50	54	47	63
Senate Should Not Confirm	25	24	26	24
Wait and See (vol.)	13	12	14	na
Don't Know	11	10	13	14

There was one question that found a significant difference between men and women: Personal experience with sexual harassment. Sixteen percent of the women in the survey said they had been sexually harassed at work; among men that fell to 5 percent.

METHODOLOGY - This poll is based on telephone interviews with 524 adults nationally on Oct. 8, 1991. The results have a margin of sampling error of plus or minus 5 percentage points. For more information contact Jeff Alderman or Gary Langer in the Polling Unit, x2621.

FULL RESULTS:

The following results are based on 524 random telephone interviews of adult men and women across the United States. The interviewing took place after the evening news programs in each time one on Tuesday, Oct. 8. The results have a margin of error of plus or minus five percentage points.

1. Have you heard or read about charges by a former co-worker of Clarence Thomas, the Supreme Court nominee, that he sexually harassed her on the job?

	-----10/8/91-----		
	Total	Male	Female
Yes	87	87	87
No	13	13	13
No Opinion	*	0	*

2. The Senate tonight delayed a vote on whether to confirm Thomas in order to look further into this charge. Do you approve or disapprove of the delay in the vote on Thomas' nomination?

	-----10/8/91-----		
	Total	Male	Female
Approve	50	49	52
Disapprove	39	42	37
No Opinion	10	9	11

3. Do you think the Senate should or should not confirm Thomas' nomination to the Supreme Court?

	-----10/8/91-----			9/15/91
	Total	Male	Female	
Should confirm	50	54	47	63
Should NOT confirm	25	24	26	24
(vol) Wait and see	13	12	14	na
No opinion	11	10	13	4

4. Have you changed your opinion on whether or not to support Thomas because of this charge of sexual harrassment?

	-----10/8/91-----		
	Total	Male	Female
Yes	13	10	16
No	80	84	77
No opinion	7	7	7

5. If the charge against Thomas is true, would that be enough of a reason for the Senate to reject his nomination, or not?

	-----10/8/91-----		
	Total	Male	Female
Yes	63	64	62
No	31	32	30
No opinion	7	5	8

6. Just your best guess - do you think the charge against Thomas is true or not true, or don't you know enough about it to say?

	-----10/8/91-----		
	Total	Male	Female
True	11	13	10
Not True	22	22	22
No opinion	67	65	68

7. Overall, do you approve or disapprove of the way the Senate has handled the Thomas nomination.

	-----10/8/91-----		
	Total	Male	Female
Approve	46	49	43
Disapprove	42	40	44
No opinion	12	10	13

8. Have you ever been sexually harassed at work, or not?

	-----10/8/91-----		
	Total	Male	Female
Yes	10	5	16
No	90	96	85
No Opinion			

U.S. DEPARTMENT OF LABOR

SECRETARY OF LABOR
WASHINGTON, D.C.

October 8, 1991

MEMORANDUM FOR GOVERNOR SUNUNU

FROM: LYNN MARTIN 
SUBJECT: DOL's Sexual Harassment Training

As I mentioned to you on the phone, attached are materials describing our sexual harassment policy in the Department of Labor, including:

1. My July 23, 1991 memo to all DOL employees stating the sexual harassment policy;
2. A copy of the acknowledgement form every DOL employee must sign indicating that the employee has read the policy statement;
3. A description of the training package and a timeline for implementation;
4. A copy of the May 22, 1991 report of my Task Force on Sexual Harassment.

We are on time for implementation of our plans to train all DOL employees by September 30, 1992. We are starting with supervisory personnel first and as of this week, over 2,000 DOL managers and supervisors have gone through the training process.

Attachments

/// 23 1991

MEMORANDUM FOR ALL DEPARTMENT OF LABOR EMPLOYEES

FROM: LYNN MARTIN

SUBJECT: Sexual Harassment Policy

Over the coming months, we will be taking a number of steps to make the Department of Labor a model workplace. As part of this effort, we must create an environment in which all employees can perform their work free of all types of discrimination, including sexual harassment of any form.

Sexual harassment -- subjecting employees to unwelcome sexual conduct as a condition of their employment -- is a type of sex discrimination prohibited by Title VII of the 1964 Civil Rights Act.

Sexual harassment occurs when employment decisions affecting an individual (such as hiring, firing, promotions, awards, transfers, or disciplinary action) result from submission to or rejection of unwelcome sexual conduct. Thus, it is sexual harassment for a supervisor to coerce an employee into a sexual relationship and then reward the employee with a promotion. It is also sexual harassment for a supervisor to take disciplinary action against or deny a promotion to an employee because he or she rejected sexual advances.

Sexual harassment can also be any activity which creates a hostile or offensive environment for members of one sex -- whether such activity is carried out by a supervisor or by a co-worker. This could include such workplace conduct as displaying "pinup" calendars or sexually demeaning pictures; telling sexually oriented jokes, making sexually offensive remarks or engaging in unwanted sexual teasing; or subjecting another employee to pressure for dates, sexual advances, or unwelcome touching.

I will not tolerate sexual harassment in any form at the Department of Labor. I have instituted a new training program on sexual harassment issues which will be given to all management and supervisory personnel as soon as possible. I have also directed all management officials to take immediate action to ensure that their subordinate employees are not subjected to any form of sexual harassment or intimidation. All supervisors are required to give complaints of sexual harassment swift and serious attention and to take appropriate disciplinary action against any employee who engages in sexual harassment.

Any Department of Labor employee who believes that he or she has been subjected to sexual harassment should report such behavior immediately. This may be done by filing a complaint with the Directorate of Civil Rights or by bringing the matter to the attention of a supervisor or other management official or to the servicing personnel officer. I have directed that complaints of sexual harassment be given fast and effective treatment.

I request that each of you sign the attached form to acknowledge that you have read this memorandum.

Attachment

This is to acknowledge that I received and have read the
Secretary of Labor's policy statement on Sexual Harassment.

SIGNATURE

DATE

Training

- o The BNA training package "Intent vs. Impact", which contains both manager and employee components, will be used to train all Department of Labor employees on sexual harassment.
- o All managers in the National Office and in Regional Office cities will be trained by September 30, 1991.
- o All remaining managers will be trained by December 31, 1991.
- o The training for managers will include a discussion of the Table of Penalties and recording of comments and questions on the proposal.
- o Following notification of Local 12 and NCFLL, all non-supervisory DOL employees will be trained by the end of FY 1992.
- o Training in the National Office will be administered and conducted by the DOL Academy, with technical assistance from the Directorate of Civil Rights.
- o Training in the field will be conducted by the Regional Training Officers and the Regional Civil Rights Officers. Additional trainers will be identified as needed.
- o The DOL Academy will provide guidance to the Regional Training officers on administration of the training, including procedures for recording attendance.

**Time Line for Implementing Report of the
Task Force on Sexual Harassment**

- Policy Statement and accompanying memorandum (to include policy of handling sexual harassment cases expeditiously) for Executive Staff to be signed by The Secretary by.....7/19/91
- Statement and Memorandum delivered to Agency Heads at Executive Staff meeting on.....7/26/91
- Unions notified of Policy Statement and training plans by.....7/26/91
- Executive Staff reports back to The Secretary, certifying distribution of 1) memo to managers and supervisors and 2) Policy Statement and employees receipt and signatures indicating they've read it, by...9/30/91
- All managers and supervisors in National Office and in Regional cities trained by.....9/30/91
- All remaining managers and supervisors trained by.....12/31/91
- Table of Penalties issued by..... 2/01/92
- All employees trained by.....9/30/92

JUL 23 1991

MEMORANDUM FOR ALL DEPARTMENT OF LABOR MANAGERS AND SUPERVISORS

FROM: LYNN MARTIN
SUBJECT: Sexual Harassment

In March of this year, I commissioned a task force of DOL executives, chaired by Janet L. Norwood, Commissioner of Labor Statistics, to review sexual harassment in the Department of Labor (DOL) and to report back to me its findings. The task force submitted its report and recommendations and, after careful review, I have approved the recommendations in totality.

The recommendations of the task force, and the comprehensive policy statement which you will soon be receiving, are consistent with my desire that DOL become a model workplace. In order for the Department to become a model workplace, we must create an environment free of sexual harassment in any form.

Therefore, it is my expectation that all managers and supervisors will take immediate action to ensure that their subordinate employees are not subjected to any form of sexual harassment or intimidation. All managers and supervisors are expected to give complaints of sexual harassment swift and serious attention and to take appropriate disciplinary action against any employee who engages in sexual harassment.

Additionally, all managers and supervisors will be required to attend a new training program on sexual harassment issues which will be given as soon as possible. Your full cooperation in this matter is appreciated as we move toward making DOL a model workplace a reality.

JUL 23 1991

MEMORANDUM FOR THE EXECUTIVE STAFF

FROM: LYNN MARTIN

SUBJECT: Report of the Task Force on Sexual Harassment

On May 22, 1991, Janet Norwood submitted to me the Report of the Task Force on Sexual Harassment (copy attached). After considering the Report and its recommendations, I have accepted them in totality. The major thrust of the recommendations focuses on awareness, education, and training; furthermore, if a case of alleged sexual harassment occurs in your agency, you are to handle it quickly and effectively. Attached is a memorandum for your managers and supervisors, and I would appreciate your seeing to it that all of them receive it.

In accordance with recommendations 6. and 7. of the Report, to raise the consciousness about this important issue, I have signed a comprehensive policy statement to be issued to all DOL employees (copy attached). In this regard, I am asking you to ensure that a copy of the statement is issued to all employees in your agency in both headquarters and the regions. Subsequently, by the end of this fiscal year, please certify back to me that all your employees have read the statement and signed the attached form indicating that they have read it.

Also attached for your information is the time line for implementing the Report's recommendations and a plan for training. Working together, our goal is to define acceptable behavior in the workplace, alert all employees to our commitment to ensure a workplace free of harassment, train our supervisors to carry out their responsibilities, and establish clear policies to deal with harassment if it occurs.

Attachments

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
03. Memo	From Janet Norwood to Lynn Martin Re: Report of the Task Force on Sexual Harassment (same as doc 02) (5 pp.)	5/22/91	P/5	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Sununu, John, Files
Subseries: Issues Files
WHORM Cat.:
File Location: Clarence Thomas Nomination [4]

Open on Expiration of PRA
 (Document Follows)
 By JF (NLGB) on 10/28/05

Date Closed: 1/5/2005	OA/ID Number: 29173-001
FOIA/SYS Case #: 1998-0004-F[2]	Appeal Case #:
Re-review Case #: 2005-0426-S	Appeal Disposition:
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
AR Disposition Date:	MR Disposition Date:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

P-1 National Security Classified Information [(a)(1) of the PRA]
 P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
 P-3 Release would violate a Federal statute [(a)(3) of the PRA]
 P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
 P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
 P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Removed as a personal record misfile.

(b)(1) National security classified information [(b)(1) of the FOIA]
 (b)(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
 (b)(3) Release would violate a Federal statute [(b)(3) of the FOIA]
 (b)(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
 (b)(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
 (b)(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
 (b)(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
 (b)(9) Release would disclose geological or geophysical information



MAY 22 1991

MEMORANDUM FOR THE SECRETARY

FROM: JANET L. NORWOOD *Janet L. Norwood*
Commissioner of Labor Statistics

SUBJECT: Report of the Task Force on Sexual Harassment

The task force on sexual harassment has reviewed the issues with which it was charged and submits the following report. The task force membership, in addition to me serving as chair, consisted of Rod DeArment, Shellyn McCaffrey, Tom Komarek, Kathleen Harrington, David Fortney, and Elsie Vartanian.

The task force focused on each of the issues outlined in your March 26 letter. Our report reviews current knowledge about the reality of harassment in our workplace and makes specific recommendations for a) training Department employees on sexual harassment issues; b) a guide of proposed penalties for those in the Department who are guilty of sexual harassment; and c) a Secretarial policy statement making it clear that harassment will be dealt with quickly and effectively and that such behavior will not be tolerated at the Department of Labor.

The task force has benefitted greatly from the generous assistance provided by Sheila Cronan in the Solicitor's Office (SOL), Annabelle Lockhart, Director of Civil Rights, Office of the Assistant Secretary for Administration and Management (OASAM), and from Jean Ann Logan and Larry King from the Bureau of Labor Statistics (BLS). We have also received a great deal of cooperation from Nancy Flynn, Director of the DOL Academy, on questions related to training in the Department.

We propose that you take strong and quick action on sexual harassment, and that you announce these new initiatives as a part of your overall program to create a model workplace at the Department. We believe that the proposals outlined below will help to define acceptable behavior in the workplace, will alert all employees to your commitment to ensure a workplace free of harassment, will train our supervisors to carry out their responsibilities,

and will establish a clear Department-wide set of policies on treatment of harassment cases if they do arise.

DEFINITION OF THE PROBLEM

The task force reviewed material developed through court decisions and by the Equal Employment Opportunity Commission in an effort to define sexual harassment and found very useful a statement prepared for us by the Solicitor's office. (see Attachment A). We felt it important to cover two types of sexual harassment -- "quid pro quo" harassment and "hostile work environment" harassment. We believe that the Department must avoid both types of harassment, and the recommendations that follow address both types of situations.

THE REALITY OF HARASSMENT AT THE DEPARTMENT OF LABOR

We know that sexual harassment has taken place in the Department, but it is difficult to determine how much harassment has occurred. We examined a survey of federal employees undertaken in 1988 by the Merit Systems Protection Board. The response rate for the survey was only about 57 percent, however, and questions can be raised about the wording of the questions used in the survey. The Board itself cautioned that in interpreting the survey results, users should remember that a person's responses might depend on his or her opinion about harassment and not necessarily an agreed upon definition of harassment.

The survey found that in 1987 (the year to which the responses referred) the harassment incidence rate reported by women ranged from a high of 52 percent at the State Department to a low of 29 percent at the Department of Health and Human Services (HHS). The incidence rate at the Department of Labor was 37 percent, higher than the low of 29 percent for HHS, but considerably lower than the 52 percent reported for State. Harassment reported by men -- at 11 percent in the Department of Labor -- was among the lowest in the group.

We believe that although a considerable band of error surrounds these numbers, they do provide some evidence that some employees felt that sexual harassment was a problem at the Department of Labor.

The task force believed that a review of specific cases of harassment in the Department would provide a better picture of what was happening. We found that 12 formal complaints were settled between 1980 and 1987. One of these involved rape; the offender was removed from service in the Department. Several cases involved unwelcome advances or

inappropriate remarks; they were settled either through a letter of apology or a directed reassignment. Approximately 12 additional complaints are pending; two have either been settled or are about to be, with a finding that sexual harassment was not involved. The others are under investigation.

Those were the formal cases in which specific complaints were made. The task force was also interested in the cases which were handled more informally and asked OASAM to collect from the personnel officer in each of the Department agencies a list of cases referred to line management, i.e., those cases which were handled within the agency without a complaint being filed through the EEO complaint processing channels. We found approximately 31 of these cases. The majority -- 19 cases -- involved alleged verbal harassment. The primary means used in dealing with these cases was separation of the offended and the offending parties, either through reassignment or retirement. A smaller number -- 8 cases -- related to allegations of physical harassment, primarily unwelcome touching. Disciplinary action was proposed or taken in 4 of the 8 cases. Of the remaining 4, one involved a handicapped employee (both mentally and physically) and work restrictions have been put in place while a medical evaluation is carried out; in another case, the offending employee has retired. Two cases are more recent and are still being investigated.

It should be noted that the number of formal EEO complaints filed in the Department alleging sexual harassment represents approximately 3 percent of the total formal complaints filed each year. This proportion seems to be about in line with EEOC's report that for Fiscal Year 1988, approximately 3 percent of the complaints filed against Federal Government agencies were based on sexual harassment. Nevertheless, our brief review suggests that sexual harassment is a problem requiring attention at the Department of Labor.

TRAINING

It seemed clear to the task force that the Department needed a carefully designed training package for use especially with supervisors. We wanted to be certain that the training covered "hostile environment" as well as "quid pro quo" and that the training involved helping supervisors to handle allegations of sexual harassment when they are brought to the supervisor's attention.

The DOL Academy reviewed several training packages on sexual harassment, including the course used by the Bureau of Labor Statistics, the training module given to new

Department supervisors, and others. The Academy has decided that the course used by BLS entitled "Intent vs. Impact" (BNA Communications Inc., 1988) is superior to the other courses reviewed. (See Attachment B). The Academy recommended that the course be used for sexual harassment training at the Department.

The course has been used successfully at the BLS, where all national office supervisors and managers (from the lowest level clerical supervisor to the highest level of senior management) were trained during FY 1990. The task force reviewed the video, and was briefed on the training process used at BLS.

1. THE TASK FORCE RECOMMENDS THAT THE COURSE ENTITLED "INTENT VS. IMPACT" BE USED FOR TRAINING AT THE DEPARTMENT OF LABOR.

2. THE TASK FORCE RECOMMENDS THAT THE COURSE BE REQUIRED FOR SUPERVISORS AT ALL LEVELS BOTH IN THE NATIONAL OFFICE AND IN THE FIELD. THE DOL ACADEMY SHOULD PROVIDE THE TRAINING AT THE NATIONAL OFFICE, AND THE ACADEMY SHOULD WORK OUT ARRANGEMENTS WITH THE OASAM REGIONAL TRAINING OFFICER FOR THE TRAINING OF SUPERVISORS IN THE FIELD.

We believe that supervisors have a special responsibility to ensure that the workplace is free of harassment, and that their training, therefore, should take place first.

3. THE TASK FORCE ALSO RECOMMENDS THAT OASAM BE CHARGED TO DEVELOP A PLAN FOR THE TRAINING OF ALL NON-SUPERVISORY EMPLOYEES AND FOR ACCOMPLISHING ANY DISCUSSIONS WITH THE DEPARTMENT UNIONS WHICH MIGHT BE REQUIRED SO THAT THIS TRAINING CAN BE ACCOMPLISHED EFFICIENTLY.

A DEPARTMENT WIDE CODE OF PENALTIES

The task force believes that guidelines for handling those who are guilty of sexual harassment would be useful if applied across the Department. The task force spent a good deal of time on this issue and the guidelines have gone through several drafts. We wanted to be certain that they were simple enough to be understood. We recognized, however, that the facts of each case differ, and that some leeway must be available to the disciplining officer to consider such things as the nature and seriousness of the offense, whether the offense was committed by a supervisor against a subordinate employee, the employment record and length of service of the employee.

4. THE TASK FORCE RECOMMENDS THAT A DRAFT PENALTY GUIDE (ATTACHMENT C) BE ISSUED AND MADE APPLICABLE TO ALL MANAGERS AND SUPERVISORY PERSONNEL IN THE DEPARTMENT OF LABOR.

A penalty guide can, at your direction, be applied in all cases relating to supervisory personnel. For application to bargaining level employees, the Office of Administrative Management would have to undertake discussions with union representatives. We believe that managers and supervisors have a special responsibility in the Department, and we believe that the penalty guidelines should apply only to them at this time.

5. THE TASK FORCE RECOMMENDS THAT THE SECRETARY INSTRUCT ALL AGENCIES TO HANDLE SEXUAL HARASSMENT CASES QUICKLY AND EFFECTIVELY. THEY SHOULD BE PUT ON A "FAST TRACK" IN WHICH IMMEDIATE ACTION IS TAKEN TO STOP THE HARASSMENT WHILE OTHER ASPECTS OF THE CASE ARE BEING CONSIDERED.

EDUCATION OF ALL EMPLOYEES ON DEPARTMENT POLICY

The task force spent a considerable amount of time discussing the need for a statement of policy for the Department which would be shared with all employees. In addition to making it clear that sexual harassment will not be tolerated at the Department of Labor, such a statement could encourage people to report problems of this kind. It would help to emphasize that sexual misconduct complaints will be handled expeditiously and that harassers will be dealt with severely.

6. THE TASK FORCE RECOMMENDS THAT A COMPREHENSIVE POLICY STATEMENT ON SEXUAL HARASSMENT SIGNED BY THE SECRETARY BE ISSUED TO EACH EMPLOYEE. (ATTACHMENT D)

7. THE TASK FORCE RECOMMENDS THAT AGENCIES IN THE DEPARTMENT BE INSTRUCTED TO CALL ATTENTION TO THE SECRETARY'S POLICY STATEMENT, AND THAT EACH EMPLOYEE BE REQUIRED TO SIGN A STATEMENT INDICATING THAT HE OR SHE HAD READ THE STATEMENT.

**Market
Strategies**

1000 Town Center
Suite 1600
Southfield, MI 48075
(313) 350-3020
FAX (313) 350-3023

Frederick T. Steeper
Principal

MEMORANDUM

TO: Mr. John Sununu
FROM: Fred Steeper *Fred*
DATE: October 14, 1991
SUBJECT: Clarence Thomas/Anita Hill U.S. Senate Hearings

I thought you might be interested in the results to two questions on the Thomas/Hill Senate hearings. These interviews were conducted on October 13, 1991 in Louisiana (statewide) and Pennsylvania (statewide).

Voters in both states, nearly two-to-one, believe Clarence Thomas.

Question: In the Anita Hill, Clarence Thomas case currently before the U.S. Senate, who do you believe (ROTATE: Anita Hill or Clarence Thomas)?

	Louisiana Tracking Oct. 13 (N=150)	Pennsylvania Tracking Oct. 13 (N=227)
Anita Hill	18%	21%
Clarence Thomas	56	48
Both Equal (Vol.)	3	4
Neither (Vol.)	1	10

SPECIAL TALLY SHEET

Total calls

MONDAY, OCTOBER 14, 1991

3,042

NAME: *Summary 9-2:00* STATION NO: _____

ISSUES:

1. **JUDGE THOMAS SHOULD BE CONFIRMED**

POSITIVE _____ *1,658*

NEGATIVE _____ *783*

2. **POTUS SHOULD WITHDRAW THOMAS NOMINATION NOW**

POSITIVE _____ *403*

NEGATIVE _____ *70*

3. **POTUS COMMENTS AND SUPPORT STATEMENTS FOR JUDGE THOMAS**

Handling by Administration
POSITIVE _____ *110*

NEGATIVE _____ *158*

4. **INVESTIGATE THE LEAK OF FBI REPORT BY INDEPENDENT PARTY**

POSTIVE _____ *237*

NEGATIVE _____ *0*

5. **MISCELLANEOUS/OBSERVATIONS/SUGGESTIONS RE THOMAS**

*Hearings an
embarrassment* *318*

COMMENTS OF OCTOBER 13TH & 14TH, 1991 - 9:00am - 5:00pm

CALLER FEELS THIS IS GOOD AMMUNITION - HILL'S WITNESSES ONLY KNEW HER - THOMAS'S WITNESSES WERE ACQUAINTED WITH BOTH.

CAUCUS ROOM IN THE RUSSELL BUILDING SHOULD BE RENAMED THE "CIRCUS" ROOM.

MALE CALLER FROM NEW HAMPSHIRE FEELS POTUS MAY GAIN A FEW BLACK VOTES BUT WILL LOSE A LOT OF WOMEN'S VOTES.

17 REPUBLICAN WOMEN IN BREWARD COUNTRY IN FLORIDA TORE UP THEIR VOTER REGISTRATIONS.

LIBERAL DEMOCRATS HAVE USED BLACKS AND WOMEN TO DISCREDIT AN HONORABLE MAN.

A WOMAN CALLER SAID SHE WAS NEVER PROUDER TO CALL HERSELF A REPUBLICAN. SHE IS PROUD OF THEIR HANDLING OF THIS HEARING.

OF 63 MEMBERS AT A FAMILY REUNION, 40 SAID THEY WOULD WITHDRAW THEIR SUPPORT OF POTUS IF THOMAS IS CONFIRMED.

POTUS ON THE GOLF COURSE REALLY UNDERScoreD HIS DISREGARD FOR WOMEN'S ISSUES.

WOMAN CALLER SAID SHE WILL ALWAYS REMEMBER THE PRESIDENT AS THE PRESIDENT WHO WAS IN FAVOR OF SEXUAL HARASSMENT, PORNOGRAPHY, AND FILTHY LANGUAGE.

IN GENERAL THE CALLERS SUPPORTING MS. HILL AND AGAINST THE THOMAS NOMINATION FEEL THAT POTUS DOES NOT SUPPORT WOMEN - ONE WOMAN SAID THE ISSUE HERE WAS ABORTION AND A WOMAN'S RIGHT TO CHOOSE - THEY FEEL POTUS IS INSENSITIVE TO WOMEN'S ISSUES AND FEEL THE PRESIDENT WILL NEVER RECOVER FROM THIS INSENSITIVITY - THEY WILL NOT VOTE FOR BUSH AGAIN AS THEY ARE AFRAID TO HAVE GEORGE BUSH IN OFFICE. MANY IDENTIFIED THEMSELVES AS REPUBLICAN VOTERS AND WERE SWITCHING TO DEMOCRAT.

MANY CALLERS WANT THE LEAK INVESTIGATED BY SOMEONE OTHER THAN THE SENATE.

INTEREST GROUPS HAVE REALLY OVERSTEPPED THEIR BOUNDS IN THE THOMAS CASE.

THOMAS IS NOW DAMAGED GOODS.

A NUMBER OF CALLERS SAID THEY WERE SWITCHING TO REPUBLICAN.

THERE IS MUCH DUMPING ON TED KENNEDY. THEY FEEL HE IS NOT DESERVING TO BE ON THE JUDICIARY COMMITTEE - SOME VERY NASTY COMMENTS ABOUT KENNEDY.

PAGE 2

GETTING THROUGH THESE HEARINGS WILL HELP THOMAS TO BE ONE OF THE FAIREST AND FINEST JUSTICES ON THE SUPREME COURT THAT WE'VE EVER HAD. HE SHOULD BE CONFIRMED.

CAMPAIGN AGAINST PROFESSOR HILL WAS ORCHESTRATED BY POTUS AS A SYMBOLIC RAPE OF WOMANKIND.

MALE CALLER SAID "I'M A RACIST BUT JUDGE THOMAS IS TOTALLY QUALIFIED AND WOULD MAKE ONE OF OUR MOST DIGNIFIED JUDGES.

THIS IS A KANGAROO COURT.

RAPID SHIFTING OF CLARENCE THOMAS' EYES AS HE ANSWERS QUESTIONS INDICATE THAT HE IS LYING.

FEDERATED WOMEN OF NEW MEXICO SUPPORT JUDGE THOMAS.

A GENTLEMAN EMPLOYER OF 3500 PEOPLE SAID

NO MAN IS SAFE TO EVER HAVE A WOMAN IN ;HIS WORKPLACE.

I WILL NEVER HIRE A WOMAN AGAIN AFTER THE WAY ANITA HILL HAS LIED AND DECEIVED JUDGE THOMAS.

THE WOMEN'S MOVEMENT HAS BEEN SET BACK YEARS AND YEARS BY ANITA HILL.

CAVING IN TO INTEREST GROUPS IS THE SAME AS NEGOTIATING WITH TERRORIST.

THIS WHOLE FARCE CAN BE BLAMED ON THE PRESIDENT'S LACK OF DOMESTIC LEADERSHIP.

POTUS HAS FORGOTTEN HE LEADS ALL AMERICANS NOT JUST REPUBLICANS. HE IS BEING VERY DIVISIVE.

SEVERAL CALLERS MENTIONED HOW IMPRESSIVE SEN SPECTER IS.

POTUS SHOULD BEAR IN MIND THE WOMEN VOTERS OUT NUMBER THE MEN.

THOMAS IS THE FIRST HERO WE HAVE HAD SINCE DAVEY CROCKETT.

JUDGE THOMAS HAS EARNED HIS BATTLE STRIPES AND SHOULD BE CONFIRMED.

POTUS MUST STOP THE SMEARING OF PROFESSOR HILL. IT IS NOT WORTHY OF OUR PARTY.

POTUS IS FAILING THE COUNTRY. WHY CONFIRM A JUDGE OVER WHOM THERE IS THIS HUGE CLOUD? SECONDLY, THE COUNTRY MORE AND MORE HAS LESS AND LESS CONFIDENCE IN OUR GOVERNMENT.

PAGE 3

LEAHY IS A LAUGHING-FOOL AND SIMON IS THE NEW LIAR. THIS IS A POLITICAL AND JUDICIAL LYNCHING. THE SYSTEM STINKS AND THE PRESIDENT CAN'T DO ANYTHING. IF WE THE PEOPLE WANT THOMAS, WHAT GOOD IS IT IF 50 MEN ARE AGAINST HIM? WHAT GOOD IS OUR GOVERNMENT BY REPRESENTATION?

THE MEN REPRESENTING OUR GOVERNMENT IN CONGRESS (THE DEMOCRATS) ARE A DISGRACE. CALLER IS APPALLED. AND WHOEVER LEAKED THIS REPORT MUST BE FOUND AND PROSECUTED. CALLER IS SO PROUD OF MR. BUSH, AND SORRY THAT HE HAS TO DEAL WITH THIS BUNCH OF DEMOCRATS.

POLITICS HAS ANOTHER NAME AND IT'S CALLED ASSASSIN. CALLER WILL WORK IN HER STATE OF KENTUCKY TO SEE THAT THERE BE ONLY SIX YEAR TERMS FOR SENATORS. THE SPECTACLE OF THESE LONG-TIME SENATORS SITTING IN JUDGEMENT IS APPALLING.

CALLER IS TIRED OF CONGRESS (DEMOCRATS) THINKING THEY ARE ABOVE THE LAW. BIDEN IS THE ONLY ONE WHO THINKS IT'S WORKING.

THERE ARE CONSERVATIVE WOMEN IN THIS COUNTRY AND THEY ARE SUPPORTING THE PRESIDENT AND HIS CHOICE FOR THE SUPREME COURT.

IN ALL OF THIS UNITED STATES, SURELY SOMEONE ELSE COULD BE NOMINATED WHO IS EQUALLY QUALIFIED. IF THE WHITE HOUSE GOES AHEAD AND DOGMATICALLY SUPPORTS THOMAS IT WILL BE A SHADOW OVER HIM. BUSH IS GENERALLY STUBBORN AND DOGMATIC IN HIS OPINIONS BUT MUST NOT BE IN THIS CASE. WHY MUST THOMAS BE CONFIRMED AFTER ALL THIS WHEN SOMEONE ELSE COULD BE APPOINTED?

THE LORD IS GOING TO CHARGE THE CONGRESS WITH THE MURDER OF THOMAS. HALLELUJAH JESUS.

PEOPLE WHO TESTIFIED FOR THOMAS WERE A CREDIT TO THE AFRO-AMERICAN RACE. THEY WERE FORTHRIGHT AND EXTREMELY ARTICULATE AND BELIEVABLE.

SIX OF ONE - 1/2 DOZEN OF ANOTHER. CALLER SAYS IT'S A CIRCUS AND SHE NO LONGER CARES ABOUT THE WHOLE THING. OUR GOVERNMENT IS A MESS.

IF JUDGE THOMAS IS NOT CONFIRMED, IT WILL BE A GREAT LOSS TO THE BLACKS AND MINORITIES AND ESPECIALLY TO THE UNITED STATES OF AMERICA. I THINK JUDGE THOMAS HAS HIS OWN AGENDA. THE WAY TO CORRECT INEQUITIES IN THE SYSTEM IS TO WORK YOUR WAY UP THROUGH THAT SYSTEM TO A POSITION THAT ALLOWS YOU TO CORRECT THE WRONGS. AS A SUPREME COURT JUSTICE, HE WOULD SURPRISE US ALL. LET'S HOPE HE HAS THE OPPORTUNITY.

Sunday

EVENING TALLY SHEET

FOR

10/13/91

NAME: _____

DATE _____

TOTAL NUMBER OF CALLS

2:30 - 6:30pm

TOTALS

769

OVERALL ATTITUDE OF SPEECH

POSITIVE _____

NEGATIVE _____

REACTION TO SPECIFIC ISSUES

1. SUPPORT FOR JUDGE THOMAS NOMINATION

POSITIVE _____

374

NEGATIVE _____

280

2. POTUS STATEMENT OF SUPPORT FOR JUDGE THOMAS

POSITIVE _____

25

NEGATIVE _____

135

3. UNDECIDED CALLS

POSITIVE _____

18

NEGATIVE _____

4. MISCELLANEOUS/OBSERVATIONS, SUGGESTIONS ON THOMAS ISSUE

POSITIVE _____

44

NEGATIVE _____

DAILY TALLY SHEET

NAME <i>Daily Summary</i>		STATION #	DAY - M T W T <u>F</u>	2,216	
			DATE - 10, 11, 91		
SECTION 1 - INDIVIDUAL				TOTALS	
Expression of Feeling Toward the President	+			70	
	-			61	
Expression of Feeling Toward the First Lady	+			0	
	-			0	
Greeting Requests				37	
Referrals (Gov't/WH Offices)				12	
Personal and Nonsubstantive				11	
Questions				5	
Miscellaneous Issues				78	
SECTION 2 - ISSUES			POSITIVE	NEGATIVE	TOTALS
1 PRESIDENT'S PRESS BRIEFING OF <i>Statement re: Thomas</i> <i>SPEECH OF 10/11/91</i>			3	312	315
2. THOMAS HEARINGS			65	193	258
3 SUPPORT CONFIRMATION OF JUDGE THOMAS TO SUPREME COURT			869	505	1,374
4 U.S. RECOGNITION OF CROATIAN INDEPENDENCE			41	6	47
5 U.S. SUPPORT OF SLOVENIAN INDEPENDENCE			5	0	5
6 EXTENSION OF UNEMPLOYMENT INSURANCE BENEFITS			44	7	51
7 POTUS MUST FOCUS ON SOLVING DOMESTIC PROBLEMS/ECONOMY/ UNEMPLOYMENT/HEALTH CARE			48	0	48

(OVER)

THIS IS NOT A NORMAL CONFIRMATION. THIS IS A WITCH HUNT. A MAN AND HIS FAMILY ARE BEING RUINED. THIS IS SUPPOSE TO BE OUR GOVERNING BODY. CALLER IS APPALLED, AND THE MEDIA IS PLAYING IT UP AND THE PERSON WHO STARTED ALL THIS BY LEAKING IT MUST BE FOUND. CALLER WASN'T FOR THOMAS BUT NOW SUPPORTS HIM WHOLEHEARTEDLY.

THERE ARE THREE ISSUES HERE ALL DISPARATELY IMPORTANT

1. THE QUALIFICATION OF CLARENCE THOMAS
2. THE IMPORTANCE OF THE ALLEGATIONS BROUGHT FORWARD BY ANITA HILL.
3. THE OUTRAGEOUS BEHAVIOR OF CERTAIN MEMBERS OF THE JUDICIARY COMMITTEE AND THE MISHANDLING OF THIS CASE.

I AM SCARED ABOUT WHAT IS HAPPENING IN WASHINGTON. PLEASE MR. PRESIDENT PUT POLITICS ASIDE AND LOOK TO THE GOOD OF THE WHOLE.

THIS WHOLE (CONGRESS) GOVERNMENT IS TURNING INTO A CIRCUS. THIS CALLER CALLED KENNEDY'S OFFICE TO COMPLAIN AND KENNEDY'S AIDE HUNG UP ON THE CALLER.

MAN SAID THAT POTUS' CLOSED MIND SUPPORT OF THOMAS INDICATES FUNDAMENTAL DISREGARD OF WOMEN.

INSTEAD OF A CONFIRMATION HEARING, WE NOW HAVE A WOMEN'S MOVEMENT CRUSADE. THIS WHOLE THING IS BOGUS. A WOMAN CAN VERY EASILY SAY TO A MAN "GET LOST" IF SHE DOESN'T LIKE HIS ATTITUDE.

I AM TIRED OF ISSUES BEING TRIED IN THE PRESS.

THE FINGER SHOULD BE POINTED AT KENNEDY AND METZENBAUM. THE PERSON WHO LEAKED THE INFO HAS DESTROYED THOSE TWO PEOPLE MORE THAN THEY EVER HARMED EACH OTHER.

HOW CAN THE PRESIDENT SUPPORT EITHER SIDE BEFORE HEARING THE EVIDENCE? OUR PRESIDENT NEEDS TO HAVE AN OPEN MIND. SOME TIMES POLITICS MUST TAKE A BACK SEAT TO COMMON SENSE AND COMMON DECENCY.

THERE SHOULD BE AN IMMEDIATE INVESTIGATION OF WHO LEAKED THE FBI REPORT. ALSO, THERE IS A DICHOTOMY IN THAT WOMEN WANT TO BE TREATED LIKE MEN IN THEIR RIGHTS IN THE WORK PLACE, BUT THEY ALSO WANT TO BE PERCEIVED AS WOMEN. CALLER SAYS SHE WANTS NO PART OF WOMEN'S LIB.

SENATOR OR HIS AIDE MUST BE FOUND OUT AND PUNISHED FOR LEAKING FBI REPORT. THIS WHOLE CHARADE IS APPALLING.

CALLER IS ASHAMED OF HER COUNTRY. THOMAS HAS BEEN DONE A SERIOUS AND IT IS LUDICROUS TO HAVE KENNEDY SITTING THERE JUDGING THIS MAN.

I THINK JUDGE THOMAS SHOULD STEP DOWN. IT IS UNFORTUNATE BUT THIS SITUATION HAS RUINED HIS REPUTATION. THE WATERS ARE TOO MUDDY.

PLEASE CHOOSE SOMEONE CLOSER TO THE IDEOLOGY OF JUSTICE BRENNAN. DEBATE IS THE ESSENCE OF DEMOCRACY IT KEEPS US HONES. WE NEED A BALANCE.

I DISAPPROVE OF THE WAY PRESIDENT BUSH HAS HANDLED THIS JUDGE THOMAS CRISIS.

THIS IS A LOW POINT IN DEMOCRACY, NOT BECAUSE OF THE ALLEGATIONS, BUT BECAUSE OF THE PROCESS. THIS IS A CIRCUS.

I NEVER THOUGHT I WOULD LIVE TO SEE THIS TRAVESTY OF AMERICAN JUSTICE. THOMAS SHOULD WALK OUT OUT THE ALLEGATIONS ARE NOT MADE PUBLIC. THE SPECULATION IS PROBABLY WORSE THAN THE FACT.

THIS IS A KANGAROO COURT. MS. HILL WILL NOT ALLOW HER TESTIMONY. THEY WHOLE THING SHOULD BE DISMISSED.

THIS IS NOT A HEARING IT IS A LYNCHING. GOD HELP US. I THOUGHT MC CARTHY AND WITCH HUNTS WERE DEAD.

THE DEMOCRATS ARE DEMEANING THE DEMOCRATIC SYSTEM. THEY ARE BEING JUDGED BY THE AMERICAN PEOPLE.

HE SHOULD BE ALLOWED TO HEAR THE ORIGINAL ALLEGATION.

GET KENNEDY OUT OF THERE - VOICED OVER AND OVER.

JUDGE THOMAS WAS MAGNIFICENT THIS AM.

THE REPUBLICANS SHOULD WALK OUT OF THESE HEARINGS IF JOE BIDEN'S RULES ARE ALLOWED.

I MAY NOT THINK THAT CLARENCE THOMAS IS QUALIFIED TO SIT ON THE SUPREME COURT. HE DOES NOT DESERVE TO BE CRUCIFIED. THE INTEGRITY OF THE WHOLE PROCESS HAS BEEN CALLED TO QUESTION.

POTUS SHOULD BE A LITTLE BIT MORE CAREFUL - HE SHOULD NOT COMMENT UNTIL HE HAS HEARD BOTH SIDES. THIS CAUSED A FLURRY OF CALLS.

WHAT IS THIS MAN'S PROBLEM (POTUS)? HE IS ALWAYS SO GRUMPY ON TV. TWELVE YEARS OF THIS MAN IS LONG ENOUGH AND HE SHOULD GET OUT OF OFFICE.

BUSH, IN EFFECT, SMEARED THE HILL BY MAKING A STATEMENT BEFORE HEARING HILLS' TESTIMONY. IT WOULD HAVE BEEN BETTER NOT HAVE COMMENTED.

CALLER CAN'T BELIEVE THAT THIS FIASCO IS CONGRESS. SHE AND HER HUSBAND STRONGLY SUPPORT THOMAS.

CALLER, A LAWYER, WHO WAS NOT ORIGINALLY IN FAVOR OF THOMAS NOW FEELS THAT HE IS MORE THAN QUALIFIED FOR THE SUPREME COURT AS A RESULT OF HIS CONSIDERED RESPONSE THIS MORNING.

SIDESHOW ON TV - A DISGRACE TO OUR COUNTRY.

A BLACK WOMAN ASKS "WHAT IS THIS WORLD COMING TO WHEN 2 BLACK PEOPLE HAVING SEX CAN TAKE UP THE CONGRESS' ATTENTION FOR A WHOLE DAY."

THIS IS A VERY CRITICAL TIME FOR OUR COUNTRY. CONGRESS BETTER GET ITS ACT TOGETHER. HOW WAS IT POSSIBLE FOR THIS WHOLE THING TO GET SO OUT OF CONTROL?

SOMEONE BETTER MAKE SURE THAT THOMAS' RIGHTS ARE UPHELD OR WASHINGTON WILL HAVE A PROTEST MARCH SUCH AS IT HAS NEVER SEEN BEFORE.

WHAT A CIRCUS TO SEE KENNEDY WHO COULD HAVE BEEN PROSECUTED FOR MURDER AND RAPE SIT IN JUDGMENT.

THIS IS A NATIONAL DISGRACE. CONGRESS OUGHT TO BE ASHAMED. CALLER FEELS VERY SORRY FOR POTUS AND THOMAS.

THE SENATE SHOULD BE ON TRIAL. IT'S A CIRCUS. THE HILL, THOMAS MATTER IS A PURELY SUBJECTIVE ONE AND DOES NOT DESERVE THE COVERAGE.

THOMAS AND HILL ARE BOTH PAWNS. THE HEARINGS ARE A DISGRACE. MANY CHILDREN MAY BE LISTENING TO THIS FILTH COMING FROM THIS WOMAN'S MOUTH. IT'S PITIFUL THAT THESE HEARINGS ARE BEING TELEVISED. CAN'T THE PRESIDENT STOP IT?

ANITA HILL WAS NOT A DOWN-TRODDEN WOMAN. RATHER SHE WAS HIGHLY WELL EDUCATED AND COULD HAVE MOVED ON AND OUT OF THIS HAD SHE REALLY WANTED TO. AND WHO COULD JEOPARDIZE NATIONAL SECURITY BY LEAKING THIS FBI REPORT. GET HIM.

RE: POTUS COMMENTS TODAY

INCREDIBLE - OUTRAGEOUS - UPSETTING - OFFENDED -
UNSENSITIVE, UNFAIR - RESENT - NARROW-MINDED - NOT FAIR -
JUST PLAIN STUPID TO PREJUDGE - DOES HE THINK WE ARE FOOLS?
POOR JUDGEMENT - IT SCARES ME TO REALIZE THAT MY PRESIDENT
DOES NOT UNDERSTAND WOMEN.

THIS IS A TERRIBLE DAY FOR AMERICA. WHAT HAVE WE DONE?

I'M A DEMOCRAT BUT BECAUSE OF THIS INVESTIGATION, I'M CHANGING PARTIES.

PAGE 4 - 10/11/91 3:15PM - 5:00PM

ANITA HILL HARASSED ME TODAY IN MY OWN LIVING ROOM AND HOME.

ANITA HILL DID NOT EVEN BLINK AN EYE AS SHE DISCUSSED
PORNOGRAPHIC MATERIAL.

SHE DID MANY A DISSERVICE BY NOT STATING CHILDREN SHOULD BE TAKEN
OUT OF THE ROOM.

SHE HARMED ME AND MY CHILDREN, AND OTHER WOMEN IN THIS COUNTRY.

CALLER:

MRS. MARTHA HURLBUT
ROUTE 1, BOX 896
PHOENIX, NEW YORK 13135
(315) 695-3958

THE WHITE HOUSE
WASHINGTON

10/9

Governor,

Would you
might find yesterday
(and particularly) today
Comments fine talks
of interest with respect
to Judge Thomas. I
have sent them to
the President & C. I.

Thank you, Sir.

DAILY TALLY SHEET

742 29

NAME <i>Daily Summary</i>		STATION #	DAY - M <u>T</u> W T F	
			DATE - 10/8/91	1689
SECTION 1 - INDIVIDUAL				TOTALS
Expression of Feeling Toward the President	+			18
	-			51
Expression of Feeling Toward the First Lady	+			2
	-			0
Greeting Requests				49
Referrals (Gov't/WH Offices)				17
Personal and Nonsubstantive				21
Questions				47
Miscellaneous Issues				112
SECTION 2 - ISSUES		POSITIVE	NEGATIVE	TOTALS
1 PRESIDENT'S PRESS BRIEFING OF _____ SPEECH OF _____				
2 DELAY VOTE ON JUDGE THOMAS		* 616	** 235	851
3 U.S. RECOGNITION OF CROATIAN INDEPENDENCE AND SUPPORT U.S. 6TH FLEET TO ADRIATIC TO INTERVENE IN CIVIL WAR		217	0	217
4 U.S. RECOGNITION OF SLOVENIAN INDEPENDENCE		78	0	78
5 EXTENSION OF UNEMPLOYMENT INSURANCE BENEFITS		101	0	101
6 POTUS MUST FOCUS ON SOLVING DOMESTIC PROBLEMS/ECONOMY/ UNEMPLOYMENT/HEALTH CARE		44	0	44
7 PRO LIFE (POSITIVE COLUMN) PRO CHOICE (NEGATIVE COLUMN)		13	16	29

(OVER)

* 151 CALLERS FEEL HE SHOULD NOT BE CONFIRMED AT ALL.
 ** MAJORITY OF THESE CALLERS ARE FOR THOMAS ALL THE WAY.

DAILY TALLY SHEET (CONTINUATION SHEET)

SECTION 2 - ISSUES (CONTINUED)	POSITIVE	NEGATIVE	TOTALS
8 120 DELAY OF \$10 BILLION LOAN GUARANTEE TO ISRAEL	28	12	40
9 SUPPORT POTUS ON NUCLEAR DISARMAMENT	1	5	6
10 GUN LEGISLATION	0	21	21
11 RELEASE OF YAYWEH BEN YAYWEH FROM PRISON	4	0	4
12 U.S. INTERVENE IN COUP IN HAITI	92	2	94

SECTION 3 - COMMENTS/SUGGESTIONS FOR THE PRESIDENT

GATES CONFIRMATION

8

7

15

INVESTIGATE CONGRESS RE CHECK
BOUNCING AND FREE LUNCHES

19

0

19

FROM A TEL AIDE - MANY OF THE CALLERS ABOUT THE THOMAS SEX HARASSMENT INCIDENT SAY THEY ARE REPUBLICANS. THEY FEEL THAT THE PRESIDENT IN HIS REMARKS TO THE PRESS IN THIS REGARD HAVE BEEN A BRUSH OFF THAT SHOWED LITTLE SENSITIVITY TO SUCH ISSUES AND FURTHER AGGRAVATES THE GENERAL FEELING AMONG MANY WOMEN THAT HE HAS LITTLE FEELING AND SUPPORT FOR WOMEN'S ISSUES. SOME VOW NEVER TO VOTE REPUBLICANS AGAIN.

CALLER WITH A FOREIGN ACCENT SAID AMERICANS DO NOT KNOW HOW TO APPRECIATE FREEDOM - WE HAVE TOO MUCH OF IT. THIS WHOLE THING WITH JUDGE THOMAS IS RIDICULOUS - THERE IS NO FREEDOM WHEN A PRIVATE CONVERSATION OR THINGS THAT ARE DONE IN PRIVATE CAN BECOME A PUBLIC ISSUE.

FROM A WOMAN CALLER - MS. HILL SHOULD BE PUT ON THE STAND AND QUESTIONED IN DETAIL EXACTLY WHAT WAS SAID DURING THIS SO CALLED SEX HARASSMENT BY JUDGE THOMAS, THE DATE, AND IN WHAT CONTEXT DID JUDGE THOMAS SAY IT. ALSO, WHY DID SHE MAKE THE MOVE FROM THE DEPARTMENT OF EDUCATION TO THE EEOC? IS IT TRUE THAT SHE ASKED JUDGE THOMAS FOR A RECOMMENDATION TO LAW SCHOOL AFTER HE ALLEGEDLY SAID THOSE VILE THINGS TO HER? I THINK JUDGE THOMAS IS THE VICTIM, NOT MISS HILL.

FRANCES AHERN OF OHIO CALLED TO SAY THAT SENATOR METZENBAUM'S OFFICE SHOULD BE INVESTIGATED. THEY HAVE BEEN TOLD THAT SOMEONE ON HIS STAFF WENT TO OKLAHOMA THIS PAST WEEKEND TO GET MISS HILL TO TALK. MR. AHERN SAID THAT METZENBAUM HAS NOTHING TO LOSE BECAUSE HE HAS SAID THAT HE WILL NOT RUN AGAIN. METZENBAUM IS TERRIBLE.

AS A LIFE LONG DEMOCRAT, I WANT THE PRESIDENT TO HOLD FIRM ON THE NOMINATION OF JUDGE THOMAS.

WE'RE THROUGH WITH THE DEMOCRATS. THIS THOMAS INCIDENT IS THE HEIGHT OF SLEAZE.

I AM KEEPING YOU AND YOUR FAMILY IN MY PRAYERS EVERY DAY.

YOU'VE GOT YOUR FOOT ON SMALL BUSINESSES. YOU ARE HOLDING US DOWN.

THE PRESIDENT SHOULD TAKE THE THREATS OF THE ISRAELI LOBBIES VERY SERIOUSLY. THEY ARE OUT TO HURT HIS ELECTION.

DON'T CLOSE THE VA HOSPITAL IN MARTINEZ, CA.

DON'T GIVE UP LAND FOR PEACE IN THE ARAB/ISRAELI PEACE TALKS.

THE PRESIDENT SHOULD RELEASE THE SILVER SPRING MONKEYS.

IF CLARENCE THOMAS WITHDRAWS, PLEASE CONSIDER EDITH JONES OF TEXAS.

OCTOBER 8, 1991

MEMORANDUM FOR SHIRLEY M. GREEN

FROM: C. DIAN MOORE

SUBJECT: COMMENT OFFICE RE DELAYING VOTE
ON JUDGE CLARENCE THOMAS

OUTRAGED CALLERS, MAINLY WOMEN AND SOME IDENTIFYING THEMSELVES AS REPUBLICANS, ARE ASKING POTUS TO DELAY THE VOTE FOR JUDGE THOMAS UNTIL AN INVESTIGATION INTO SEXUAL HARASSMENT CAN BE COMPLETED. MOST CALLERS ARE URGING US TO RELAY THEIR CONCERNS TO THE PRESIDENT BEFORE 6:00 PM THIS EVENING.

CALLS AS OF 12:00 PM TO DELAY VOTE

POSITIVE - 349

NEGATIVE - 41

TOTAL - 390

TOTAL CALLS AS OF 12:00 NOON - 807

SOME COMMENTS -

GEORGE BUSH IS LYING IF HE PUSHES THOMAS IN. THIS IS GOING TO MAKE HIM LOSE. WOMEN ARE GOING TO BEAT HIM.

IF THOMAS IS CONFIRMED THIS WILL DAMAGE HIM AND THE INTEGRITY OF THE SUPREME COURT.

THE VOTE ON THOMAS MUST BE DELAYED. A CALLER FROM TEXAS WHO SAID SHE WAS AN IMPORTANT SUPPORTER IS GETTING CALLS FROM EVERYONE IN HER CIRCLE OF FRIENDS FROM ALL OVER THE COUNTRY. THIS WILL HURT POTUS IF THIS NOMINATION IS NOT STUDIED FURTHER.

DO NOT LET JUDGE THOMAS BE CONFIRMED UNDER THIS DARK CLOUD.

ARDENT SUPPORTER OF POTUS FEELS PROFESSOR HILL IS A CREDITABLE PERSON.

GENTLEMAN CALLED TO SAY IF THOMAS IS CONFIRMED, IT WILL DAMAGE THE PRESIDENT GREATLY.

MOST WOMEN CALLING CLAIM THEY WERE VICTIMS OF SEXUAL HARASSMENT THEMSELVES AND GIVE DETAILS.

IF PRESIDENT BUSH DOES NOT DELAY THIS VOTE HE WILL LOSE THE VOTES OF ALL WOMEN IN AMERICA.

DAILY TALLY SHEET

NAME <i>Summary</i>		STATION #	DAY - M T <u>W</u> T F	DATE <i>10/19/91</i>	<i>as of 2:00 pm 1/15/3</i>
SECTION 1 - INDIVIDUAL					TOTALS
Expression of Feeling Toward the President	+				
	-				
Expression of Feeling Toward the First Lady	+				
	-				
Greeting Requests					
Referrals (Gov't/WH Offices)					
Personal and Nonsubstantive					
Questions					
Miscellaneous Issues					
SECTION 2 - ISSUES			POSITIVE	NEGATIVE	TOTALS
1 PRESIDENT'S PRESS BRIEFING OF _____ SPEECH OF _____					
2 DELAYING OF VOTE ON JUDGE THOMAS			<i>150</i>	<i>138</i>	<i>288</i>
3 SUPPORT CONFIRMATION OF JUDGE THOMAS TO SUPREME COURT			<i>407</i>	<i>108</i>	<i>515</i>
4 U.S. RECOGNITION OF CROATIAN INDEPENDENCE					
5 U.S. SUPPORT OF SLOVENIAN INDEPENDENCE					
6 EXTENSION OF UNEMPLOYMENT INSURANCE BENEFITS					
7 POTUS MUST FOCUS ON SOLVING DOMESTIC PROBLEMS/ECONOMY/ UNEMPLOYMENT/HEALTH CARE					

(OVER)

DAILY TALLY SHEET (CONTINUATION SHEET)

SECTION 2 - ISSUES (CONTINUED)	POSITIVE	NEGATIVE	TOTALS
8 PRO LIFE (POSITIVE COLUMN) PRO CHOICE (NEGATIVE COLUMN)			
9 120 DAY DELAY IN LOAN GUARANTEE TO ISRAEL			
10 GUN LEGISLATION			
11 RELEASE OF YAYWEH BEN YAYWEH			
12 U.S. INTERVENTION IN COUP IN HAITI			
SECTION 3 - COMMENTS/SUGGESTIONS FOR THE PRESIDENT			
13. GATES CONFIRMATION			
14. INVESTIGATE CONGRESS RE CHECK BOUNCING/FREE LUNCHES			
15. INVESTIGATE WHO LEAKED THE FBI REPORT ON JUDGE THOMAS			

FROM A TEXAS MAN - MY PRIVACY IS BEING INVADED. THE SENATE HAS VIOLATED EVERY CITIZEN'S RIGHT. I SHUDDER TO THINK THAT SOME ONE COULD LEAK INFORMATION FROM MY FBI FILE WHEN I JOINED THE ARMY RESERVE. THEY HAVE TRIVIALIZED WHAT I THOUGHT WERE CONFIDENTIAL RECORDS. THE SENATE JUDICIARY COMMITTEE IS NO DAMN GOOD.

THE WOMEN IN CONGRESS DO NOT SPEAK FOR ME. JUDGE THOMAS SHOULD BE CONFIRMED. - TENAFLY, NEW JERSEY.

WOMAN FROM MINNESOTA FEELS THE MUD SLINGING SENATORS SHOULD BE DUMPED. CONFIRM JUDGE THOMAS.

ELDERLY WOMAN FROM CALIFORNIA - ALL WOMEN IN THE NATION ARE NOT UPSET WITH JUDGE THOMAS - JUST THE LIBERAL FEMINIST WOMEN. TED KENNEDY IS THE LEAK IN MORE THAN ONE WAY. THE FBI LEAK IS UNFORGIVABLE. KENNEDY PROBABLY HAS MORE SEXUAL HARASSMENT CHARGES AGAINST HIM THAN ANYBODY.

SEN. METZENBAUM'S STAFF MEMBER CONTACTED MISS HILL. HE SHOULD BE FIRED. THOMAS SHOULD BE CONFIRMED.

WHEN I WAS YOUNG, I APPRECIATED BEING "CHASED" AROUND THE DESK. IF I SAID "NO", THE CHASE ENDED. - MARYLAND WOMAN.

SENATOR BUMPERS IS OFF TRACK. THOMAS HAS OUR SUPPORT. TWO ARKANSAS VOTERS.

WHY DID MISS HILL DELAY FOR 10 YEARS? THIS INFO WAS AVAILABLE TO THE SENATE COMMITTEE IN SEPTEMBER. WHY DIDN'T THEY LET IT BE KNOWN BEFORE NOW? THEY WERE TOO BUSY COVERING THEIR OWN MISCONDUCT. MAD AS HELL IN L.A. - LADY.

MAN FROM KANSAS SAYS HE IS PRO-CHOICE AND FOR THOMAS. "POMPOUS ASSES AND THEIR FREEBIES - SHOULD BE THROWN OUT OF OFFICE. INVESTIGATE KENNEDY.

NEW JERSEY WOMAN IS IRATE AT CHICKEN SENATORS. CONFIRM THOMAS.

DEMOCRAT IN TAMPA, FLA. SAYS TO TELL JUDGE THOMAS TO KEEP HIS CHIN UP. WE ARE ALL FOR HIM.

DISMAY WITH OUR SENATORS ON THE COMMITTEE - NO INTEGRITY AMONG THEM. THEY HAVE IT IN FOR GEORGE BUSH, NOT JUDGE THOMAS. CONFIRM THOMAS.

FROM A WOMAN - GET KENNEDY TO BACK OFF WOLF WATCHING THE HEN HOUSE. KENNEDY IS A MALE WHORE. MANY ANGRY WOMEN AGAINST KENNEDY.

KENNEDY SHOULD RESIGN AND LOOK FOR A CAR THAT FLOATS.

PAGE 2

WOMEN ARE GOING TO RISE IN RIGHTEOUS WRATH AGAINST POTUS IN THE NEXT ELECTION.

LET'S HEAR FROM ALL THE FEMALE WORKERS FOR JUDGE THOMAS WHO CAN GIVE CHARACTER REFERENCES OVER THE PAST 10 YEARS. CHANCES ARE IT'S OVERWHELMINGLY POSITIVE. CRIMINAL BEHAVIOR REPEATS ITSELF. THERE IS NO PATTERN HERE.

SUPPORT FOR JUDGE THOMAS FROM IOWA, NORTH CAROLINA, ARIZONA, CALIFORNIA, TENNESSEE, OHIO - MANY OUTRAGED CALLERS.

"WABC" IN NEW YORK CITY IS GIVING OUT THE WH COMMENT LINE NUMBER ASKING CALLERS TO CALL AND OBJECT TO THE NOMINATION OF JUDGE THOMAS.

A RAPID CITY, SOUTH DAKOTA WOMAN SAYS THAT NOW DOES NOT REPRESENT HER - TELL PAT SCHROEDER TO SHUT UP - I'M 100% FOR JUDGE THOMAS.

FROM DETROIT WOMAN - FORGET THE URN BURNERS.

PORT TOWNSEND, WASHINGTON WOMAN SUPPORTS JUDGE THOMAS. NO WOMAN WOULD WAIT 10 YEARS TO MAKE SUCH A CLAIM.

GENTLEMAN FROM PHILADELPHIA SAYS WHAT IS HAPPENING TO JUDGE THOMAS IS STUPID. A LIBERAL DEMOCRAT CANNOT STAND A SUCCESSFUL BLACK MAN. THOMAS HAS MY SUPPORT.

STAND UP GEORGE BUSH. DON'T LET THIS DESPICABLE ASSAULT DESTROY THIS MAN.

WOMEN DO SUPPORT JUDGE THOMAS - THIS ENRAGED CALLER HOPES ALL THE CRAZY DEMOCRATS WILL BE VOTED OUT.

THIS SEXUAL HARASSMENT IS JUST MEANNESS ON THE PART OF THE DEMOCRATS. I'M SWITCHING PARTIES TO REPUBLICAN.

POTUS AND THE REST OF THE REPUBLICANS MUST SHOW SOME BACKBONE ALONG WITH THE REST OF THE REPUBLICANS. THEY MUST STAND UP AND FIGHT FOR THOMAS AND FIGHT THE SENATORS.

TED KENNEDY - MORAL ARBITER - GIVE ME A BREAK.

THE CONDUCT OF THE SENATE AND IN PARTICULAR KENNEDY AND METZENBAUM, IS AWFUL. THEY ARE NOT LEADERS. I SUPPORT THOMAS - MORGAN HILL, CA.

A LOT OF WOMEN SUPPORT THOMAS - METZENBAUM IS A POLITICAL HACK AND SHOULD NOT BE SITTING IN ON JUDGEMENT OF ANYONE. CALIFORNIA.

THE COMMENT OFFICE AIDES HAVE BEEN COMPLIMENTED ON THEIR COURTEOUS MANNER - GETTING RUDE TREATMENT ON THE HILL.