

■ Clarence Thomas Hearing Excerpts

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Authors: Clarence Thomas; Anita Hill; members of Senate Judiciary Committee

Genre: Senate hearing

Summary Overview

In July 1991 President George H.W. Bush nominated Federal Appeals Court Judge Clarence Thomas to replace the retiring Thurgood Marshall on the United States Supreme Court. According to the Constitution, the Senate must confirm all nominees to the Supreme Court. In the confirmation hearings Thomas was accused of sexual harassment by Anita Hill, a University of Oklahoma professor who had formerly worked with Thomas at the Office of Civil Rights (OCR) and the Equal Employment Opportunity Commission (EEOC). Appearing before the Senate Judiciary Committee, Hill testified that Thomas frequently discussed pornography in the offices of the EEOC and pressured her to date him. Under intense questioning from Committee members, especially Republicans, Hill maintained that Thomas had sexually harassed her and that the experience was both “embarrassing” and “humiliating.”

Defining the Moment

In June 1991 Supreme Court Justice Thurgood Marshall announced his retirement from the Court. Appointed by President Lyndon Johnson in 1967, Marshall was the first African American associate justice and during his 24-year tenure on the court he established a reputation as one of the most liberal jurists in American history. George H.W. Bush had to choose a successor and he chose Clarence Thomas, a black conservative, who had previously served as Assistant Secretary of Education for the OCR, chair of the EEOC, and as an appellate court judge in Washington, D.C. Bush's decision was met with immediate criticism as Thomas had been an appellate court judge for only fifteen months. Additionally, it seemed offensive and contradictory to many African Americans and liberals that Bush would replace an icon of liberal causes, especially civil rights, like Marshall with a conservative like Thomas, who opposed affirmative action programs. Nonetheless, Thomas's appointment would have almost certainly been approved by the Senate without controversy had it not been revealed that Anita Hill, a law professor, a black woman, and also a conservative,

had accused Thomas of sexual harassment when she worked for him.

Hill's statements initially came after a confidential FBI investigation, but when her comments were leaked to the press, she agreed to appear before the Senate Judiciary Committee. Over a three day period, the eleven members of the Judiciary Committee, all white males, interrogated Hill. She maintained that Thomas had sexually harassed her on more than one occasion and frequently acted inappropriately in her presence. The commentary of Senators Arlen Specter and Orrin Hatch, included in the excerpt reprinted here, reveals that many Republicans were dismissive, if not outright hostile towards Hill and her testimony. They seemed more intent on discrediting Hill than investigating the veracity of her claims. For his part, Thomas vehemently denied Hill's allegations and claimed that he was a victim of a “high-tech lynching.” The controversy touched upon such sensitive issues as race, gender, and workplace harassment. Despite the controversy, the Senate confirmed Thomas by a narrow 52-48.

Author Biographies

Anita Hill was born on July 30, 1956, in Lone Tree, Oklahoma. In 1980 she earned her J.D. from Yale University and was admitted to the bar in Washington, D.C. The following year she began working as an attorney-advisor to Clarence Thomas at the OCR. In 1982, she became Thomas's assistant when he became chairman of the EEOC. She left the job the following year and began teaching law first at Oral Roberts University and then at the University of Oklahoma.

Clarence Thomas was born on June 23, 1948, in Pin Point, Georgia. In 1974 he earned his J.D. from Yale University. After working in private practice, Thomas served as Assistant Secretary of Education for the OCR in 1981. The following year he was appointed chairman of the EEOC, a position he held until 1990. On October 30, 1989, President George Bush nominated Thomas to the United States Court of Appeals for the District of Columbia. In July 1991 President George H.W. Bush nominated Thomas to replace Thurgood

Marshall on the United States Supreme Court. When Anita Hill testified that Thomas had sexually harassed her it appeared that his nomination might be derailed.

However, the Senate voted narrowly 52-48 to confirm his nomination.

HISTORICAL DOCUMENT

[Excerpts of Testimony by Anita Hill before the Senate Judiciary Committee]

(Questioning by Sen. Joseph Biden, Dem.-Md.)

HILL: I recall at least one instance in his office at the EEOC where he discussed some pornographic material.

BIDEN: Again, it's difficult, but for the record, what substance did he bring up in this instance at EEOC in his office? What was the content of what he said?

HILL: This was a reference to an individual who had a very large penis and he used the name that he had been referred to in the pornographic material.

BIDEN: Do you recall what it was?

HILL: Yes, I do. The name that was referred to was Long Dong Silver.

BIDEN: Let's go back to the first time that you alleged Judge Thomas indicated he had more than a professional interest in you. Do you recall what the first time was and, with as much precision as you can, what he said to you?

HILL: As I recall, it either happened at lunch or it happened in his office when he said to me very casually, "You ought to go out with me some time."

BIDEN: Can you describe for the committee how you felt at that time when he asked you out?

HILL: Well, my reaction at that time was a little surprised because I had not indicated to him in any way that I knew that I was interested in dating him. We had developed a good working relationship, it

was cordial, it was very comfortable, so I was surprised that he was interested in something else.

BIDEN: With regard to the other incidences ... can you tell us how you felt at the time? Were you uncomfortable, were you embarrassed, did it not concern you? How did you feel about it?

HILL: The pressure to go out with him I felt embarrassed about because I didn't—I had given him an explanation that I thought it was not good for me as an employee working directly for him to go out. I thought he didn't take seriously my decision to say no and that he did not respect my having said no to him.

I—the conversations about sex I was much more embarrassed and humiliated by. The two combined really made me feel sort of helpless in a job situation because I really wanted to do the work that I was doing. I enjoyed that work, but I felt that that was being put in jeopardy by the other things that were going on in the office and so I was really, really very troubled by it and distressed over it.

BIDEN: Can you tell the committee what was the most embarrassing of all the incidences that you have alleged?

HILL: I think the one that was the most embarrassing was his discussion of pornography involving these women with large breasts and engaged in a variety of sex with different people or animals. That was the thing that embarrassed me the most and made me feel the most humiliated.

BIDEN: If you can, in his words, not yours, in his words can you tell us what on that occasion he said to you?

HILL: I really cannot quote him verbatim. I can remember something like: "You really ought to see these films that I've seen or this material I've seen. This woman has this kind of breasts that measure this size and they've got her in there with all kinds of things. She's doing all kinds of different sex acts ..."

BIDEN: Why did you think he was saying these things to you?

HILL: Well, coupled with the pressure about going out with him, I felt that implicit in this discussion about sex was the offer to have sex with him, not just to go out with him. There was never any explicit thing about going out to dinner or going to a particular concert or movie. It was, "We ought to go out," and given these other conversations, I took that to mean "We ought to have sex, or we ought to look at these pornographic movies together."

BIDEN: Now again, for the record, did he just say "I have great physical capability and attributes," or was he more graphic?

HILL: He was much more graphic.

BIDEN: Can you tell us what he said?

HILL: Well, I can tell you that he compared his penis size, he measured his penis in terms of length, those kinds of comments.

(Questioning by Sen. Arlen Specter, Rep.-Pa.)

SPECTER: Professor Hill, you testified that you drew an inference that Judge Thomas might want you to look at pornographic films, but you told the FBI specifically that he never asked you to watch the films; is that correct?

HILL: He never said: Let's go to my apartment and watch films, or go to my house and watch films. He did say: You ought to see this material.

SPECTER: ... But the fact is, flatly, he never asked you to look at pornographic movies with him?

HILL: With him? No, he did not.

SPECTER: Professor Hill, you said that you took it to mean that Judge Thomas wanted to have sex with you, but in fact he never did ask you to have sex, correct?

HILL: No, he did not ask me to have sex. He did continually pressure me to go out with him, continually, and he would not accept my explanation as being valid.

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[Excerpt of Testimony by Clarence Thomas]

(Questioning by Sen. Orin Hatch, Rep.-Ut.)

HATCH: Did you ever talk about pornography with Prof. Hill?

THOMAS: I did not discuss any pornographic material or pornographic preferences or pornographic films with Prof. Hill.

HATCH: So you never even talked or described pornographic materials with her?

THOMAS: Absolutely not.

HATCH: See, one of the problems that has bothered me from the front of this thing is these are gross. Accumulated, I don't know why anybody would put up with them or why anybody would respect or work with another person who would do that. And if you did that, I don't know why anybody would work with you.

THOMAS: I agree. ... If you really want an idea of how I treated women, then ask the majority of the women who worked for me. They're out here. Give her—give them as much time as you have given one person, the only person who has been on my staff who has ever made these sorts of allegations about me. ... Senator, I have worked with hundreds of women in different capacities. I have promoted and mentored dozens. I will put my record against any member of this committee in promoting ... and mentoring women. And I think that if you want to really be fair, you parade every single one before you and you ask them in their relationships with me

whether or not any of this nonsense, this garbage, trash that you've siphoned out of the sewers against me, whether any of it is true. Ask them. They've worked with me. Ask my chief of staff, my former chief of staff. She worked shoulder to shoulder with me.

HATCH: At any time in your tenure in the Department of Education, did Prof. Hill ever express any concern about or discomfort with your conduct towards her?

THOMAS: No.

HATCH: All right. Now, Judge Thomas, I understand that on occasion, and you correct me if this is wrong, but I've been led to believe that on occasion Prof. Hill would ask you to drive her home, and that on those occasions she would sometimes invite you into her home to continue a discussion, but you never thought of any ... of any of this as anything but a more than normal friendly or professional conversation with a colleague.

THOMAS: It was not unusual to me, senator. As I remember it, I lived in Southwest Washington and would ... she lived some place on Capitol Hill, and I would drive her home and sometimes stop in and have a Coke or a beer or something and continue arguing about politics for maybe 45 minutes to an hour. But I never thought anything of it.

HATCH: ... Did she treat you as though you were a mentor at the time?

THOMAS: She certainly sought counsel and advice from me.

HATCH: Now, at any time during your tenure at the EEOC did you ever discuss sexual matters with Prof. Hill?

THOMAS: Absolutely not, senator.

HATCH: At any time during your tenure at the EEOC did Prof. Hill ever express discomfort or concern about your conduct towards her?

THOMAS: No, Senator.

HATCH: Well, before you first heard of Prof. Hill's allegations during this confirmation process, did you have any reason to believe that she was unhappy with you?

THOMAS: Senator, on Tuesday, on Sept. 24th, the day before I heard from the FBI, I would have told you if you asked me that my relationship with Anita Hill was cordial, professional, and that I was very proud of her for all she'd done with her life and the things that she had accomplished.

HATCH: What was your reaction when you first heard of these allegations against you?

THOMAS: Senator, when the FBI informed me of the allegation, the person first, there was shock, dismay, hurt, pain and when he informed me of the nature of the allegations I was surprised, disbelief, and again hurt and I have reached a point over the last two weeks plus—I have reached a point where I can't go over each and every one of these allegations again. As I said in my statement this morning, that when you have allegations of this nature by someone that you think—have thought the world of and felt that you have done the best for, it is an enormously painful experience and it is one, when you ask yourself, you rip at yourself what could you have done and why could this happen, or why would it happen?

HATCH: How do you feel right now, Judge, after what you have been through?

THOMAS: Senator, as I indicated this morning, it just isn't worth it. The nomination isn't worth it, being on the Supreme Court isn't worth it. There is no amount of money that's worth it. There is no amount of money that can restore my name. Being an associate justice of the Supreme Court will never replace what I have been robbed of. I wouldn't recommend that anyone go through it. This has been an enormously difficult experience, but I don't think that that's the worst of it.

Document Themes and Analysis

On October 11, 1991, Anita Hill began her testimony about her experiences working for Clarence Thomas. Questioned by Senator Joseph Biden, a Democrat from Delaware and the Senate Judiciary Committee Chair, Hill alleged that Thomas had acted inappropriately towards her on a number of occasions while she was employed as his assistant at the EEOC. She recalled that Thomas openly bragged about his interest in pornography and perhaps most infamously his predilection for films starring the pornographic actor “Long Dong Silver.” Equally problematic, Hill alleged that Thomas once insisted “you ought to go out with me sometime.” When asked by Senator Biden how this made her feel, Hill stated that she felt embarrassed but also disrespected as she did not believe that Thomas took her refusal to date him seriously. However, Hill noted that Thomas’s explicit discussions of pornographic films depicting “a variety of sex with different people or animals...embarrassed me the most and made me feel the most humiliated.” According to Hill, Thomas even went so far as to suggest that she watch these films herself. Hill believed that Thomas’s suggestion, coupled with his previous expressed desire to date her, was meant as a less than subtle hint that “they ought to have sex, or we ought to look at these pornographic movies together.” Additionally, Hill’s conclusion that Thomas wanted to have sex with her was supported by his discussion of his own sex life.

Biden’s questioning was fairly straightforward, but his Republican counterparts were openly hostile towards Hill and dismissive of her allegations against Thomas. Senator Arlen Specter, a Republican from Pennsylvania, questioned Hill as to whether Thomas ever explicitly asked her to watch pornography with him. She reasserted that while he never explicitly invited her to watch the films with him, he did state “you ought to see this material.” Hill admitted that Thomas never explicitly asked her to have sex with him, but “he did continually pressure me to go out with him, continually, and he would not accept my explanation as being valid.” Thomas’s insistence on dating her and his discussions of pornography led Hill to conclude that he obviously wanted to have a sexual relationship with her.

Under questioning from Senator Orrin Hatch, a Republican from Utah, Thomas denied ever discussing

pornography with Hill. He also maintained that in the course of his career he had worked with many women, none of whom had ever complained about his behavior. Hatch suggested that Hill’s allegations were hard to believe as in his mind anyone who experienced that type of behavior would have simply quit. Thomas maintained that he and Hill always had a friendly relationship, and he was shocked and dismayed when he heard her allegations. He concluded that Hill’s allegations were so damaging to him that “the nomination isn’t worth it, being on the Supreme Court isn’t worth it.”

Despite Hill’s allegations, Thomas was confirmed largely along partisan lines by a narrow majority of 52-48. However, in direct reaction to some of the issues raised during Thomas’s nomination hearing, employers across the United States began implementing anti-harassment policies and diversity training. The controversy resulting from Hill’s accusations and Thomas’s subsequent confirmation raised larger questions involving contemporary issues such as race, gender, sexism, and workplace harassment. The rise of the Me Too Movement in 2017 has placed these issues in the forefront once again. Biden, for his part, later apologized for not doing more to defend Hill and for failing to subpoena other women who supported Hill’s account. Anita Hill would remain a lawyer and professor, first at University of California (Berkeley) and then at Brandeis University. Clarence Thomas would prove to be one of the most conservative Supreme Court Justices in American history and remains on the court to this day.

—Gerald F. Goodwin, PhD

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