

whether or not to vote for or against Judge Thomas because he did not answer enough questions, there is no way he could answer enough questions if we held the committee hearings for 2 years to answer all the questions about law that the distinguished Senator might have, or any other Senator might have.

The fact is, the process was a reasonable process. It was a decent process. It was a good process.

Mr. President, this process has been full; it has been an informative process. I would like to put into the RECORD at this time a chronology of the committee's contacts with Professor Hill. You will note it was extensive.

I ask unanimous consent that we print that in the RECORD at this particular time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR JOSEPH R. BIDEN, JR., ON THE NOMINATION OF JUDGE CLARENCE THOMAS, OCTOBER 7, 1991

I am releasing today a chronology of the Committee's contacts with Professor Hill. The chronology provides the complete details of the Full Committee staff's contacts with Professor Hill from the time we were made aware of her charges to the day of the Committee vote.

I want to emphasize two points in conjunction with this matter.

First, throughout, our handling of the investigation was guided by Professor Hill's repeated requests for confidentiality.

Second, Professor Hill's wishes with respect to the disposition of this matter were honored. The Republican leadership and all Democratic members of the Committee were fully briefed of her allegations, and all were shown a copy of her statement prior to the Committee's vote on the Thomas nomination.

FULL JUDICIARY COMMITTEE STAFF CONTACT WITH ANITA HILL

What follows is a chronology of all conversations between Judiciary Committee staff and Professor Anita Hill. Several key points should be mentioned at the outset:

First, in conversations with the full committee staff, Professor Hill has never waived her confidentiality—except to the extent that, on September 19, she stated that she wanted all committee members to know her concerns even if her name were disclosed. Yet it was not until September 23, that she allowed the FBI to interview Judge Thomas about the allegation and to respond to her concerns.

Second, Professor Hill has never asked full committee staff to circulate her statement to anyone other than Judiciary Committee members; specifically, she has never requested committee staff to circulate her statement to all Senators or any non-committee member.

Third, the committee followed its standard policy and practice in investigating Professor Hill's concerns: Her desire for confidentiality was paramount and initially precluded the committee from conducting a complete investigation—until she chose to have her name released to the FBI for further and full investigation, which—as is customary—includes the nominee's response.

Professor Hill first contacted full committee staff on September 12, 1991. Any contacts

Professor Hill had with Senate staff prior to that date were not with full committee staff members. At that time, she began to detail her allegations about Judge Thomas' conduct while she worked with him at the Department of Education and the EEOC. She, however, had to cut the conversation short to attend to her teaching duties. It was agreed that staff would contact her later that night.

In a second conversation, on September 12, full committee staff contacted Professor Hill and explained the committee process. Staff told her:

"If an individual seeks confidentiality, such a request for confidentiality will not be breached. Even the nominee, under those circumstances, will not be aware of the allegation.

"Of course, however, there is little the committee can do when such strict instructions for confidentiality are imposed on the investigative process: The full committee staff will have an allegation, but will have nowhere to go with it unless the nominee has an opportunity to respond.

"In the alternative, an individual can ask that an allegation be kept confidential, but can agree to allow the nominee an opportunity to respond—through a formal interview."

Professor Hill specifically stated that she wanted her allegation to be kept completely confidential; she did not want the nominee to know that she had stated her concerns to the committee. Rather, she said that she wanted to share her concerns only with the committee to "remove responsibility" and "take it out of [her] hands."

Professor Hill then did tell committee staff that she had told one friend about her concerns while she still worked at the Department of Education and then at the EEOC. Committee staff then explained that the next logical step in the process would be to have Professor Hill's friend contact the committee, if she so chose.

Between September 12 and September 19, full committee staff did not hear from Professor Hill, but received one phone call from Professor Hill's friend—on September 18—who explained that she had one conversation with Professor Hill—in the spring of 1991. During that conversation, Professor Hill provided little details to her friend, but explained that Thomas had acted inappropriately and that it caused Hill to doubt her own professional abilities.

On September 19, Professor Hill contacted full committee staff again. For the first time, she told full committee staff that:

She wanted all members of the committee to know about her concerns; and, if her name needed to be used to achieve that goal, she wanted to know.

She also wanted to be apprised of her "options," because she did not want to "abandon" her concerns.

The next day—September 20—full committee staff contacted Professor Hill to address her "options." Specifically, committee staff again explained that before committee members could be apprised of her concerns, the nominee must be afforded an opportunity to respond: That is both committee policy and practice. It was then proposed that if Professor Hill wanted to proceed, her name would be given to the FBI, the matter would be investigated and the nominee would be interviewed.

At the close of the conversation, Professor Hill stated that while she had "no problems" talking with the FBI, she wanted to think about its "utility." She told committee staff

she would call later that day with her decision on whether to proceed.

Late that afternoon—September 20—Professor Hill again spoke with committee staff and explained that she was "not able to give an answer" about whether the matter should be turned over to the FBI. She asked that staff contact her on September 21.

On September 21, full committee staff spoke with Professor Hill for the sixth time. She stated that:

"She did not want to go through with the FBI investigation, because she was 'skeptical,' about its utility, but that if she could think of an alternate route, or another 'option,' she would contact staff."

On September 23, Professor Hill contacted committee staff, stating that she wanted to send a personal statement to the committee, outlining her concerns. Once that information was in committee hands, she felt comfortable proceeding with an FBI investigation. Later that day, she faxed her statement to the committee.

On September 24, Professor Hill contacted full committee staff to state that she had been interviewed by the FBI late on the 23d. Committee staff assured her that, as previously agreed, once the committee had the FBI report, her concerns—and the FBI investigative report—would be made available to committee members.

On September 25, Professor Hill again called committee staff and explained that she was sending a new copy of her statement to the committee: While this new statement did not alter the substance of her concerns, she wanted to correct inadvertent typographical errors contained in her initial statement.

For the first time, she then stated that she wanted the statement "distributed" to committee members. Committee staff explained that while the information would be brought to the attention of committee members, staff could not guarantee how that information would be disseminated—whether her statement would be "distributed" or communicated by oral briefing.

Once again, however, committee staff assured Professor Hill that her concerns would be shared with committee members. She concluded her conversation by stating that she wanted her statement "distributed," and that she would "take on faith that [staff] will do everything that [it] can to abide by [her] wishes."

Every Democratic member of the committee was orally briefed, had access to the FBI report and had a copy of Professor Hill's statement prior to the committee vote.

To continue to comply with her request for confidentiality, committee staff retrieved Professor Hill's written statement immediately after the vote.

Mr. HATCH. Mr. President, I again reiterate that every Senator on the committee had full access to the FBI report and full access to the statement of both Professor Hill and Judge Thomas. In all honesty, some of the information that has been brought out since leads to questions about the veracity of some of the statements that have been made by Professor Hill, and I think deserve to be brought out.

The process has become a nasty one. And we could continue it forever. We have been through it before. Every time we get into one of these nasty confrontations, no matter how far extended, somebody else comes up with