

BACKGROUND MATERIALS

DAVID BROCK

David Brock

**THE AUTHOR:  
DAVID BROCK:  
BIOGRAPHY**

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- ◆ 1983: Editor at the campus paper at the University of California at Berkeley, a bastion of left-wing activism. The Reagan administration had just invaded Grenada, and Brock wrote an editorial supporting the military action. 'All hell broke loose,' he said. 'There was an attempt to recall me as editor. I became disenchanted with liberalism. I found it intellectually intolerant.'
- ◆ Came to Washington in 1986. Writer for *Insight*, the conservative magazine published by the parent company of The Washington Times. Wrote Times editorials.
- ◆ 1990-1991: Fellow at the Heritage Foundation. \$50,000 salary was picked up by the conservative Olin Foundation.
- ◆ Began contributing to the *American Spectator*, a monthly journal of in-your-face conservatism.
- ◆ March, 1992: Wrote a wickedly critical piece on Anita Hill. This spawned a book proposal that was snapped up by Macmillan's Free Press division, which publishes such prominent conservatives as Robert Bork.
- ◆ "The Real Anita Hill: The Untold Story" was subsidized by the right, with the Olin Foundation (\$5,000) and the equally conservative Bradley Foundation (\$6,000) kicking in \$11,000 (although that was a fraction of his six-figure advance).

- Washington Post, 6/10/93

## THE AUTHOR'S LAST BOOK: DAVID BROCK

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*"In reality, the book 'proves' nothing."* - Kevin Willey, Arizona Republic

*"...shoddy hatchet job disguised as objective investigation..."* - Robert Dean Pope, Richmond Times Dispatch

*"sleaze with footnotes..."* - Anthony Lewis, New York Times

*"...documenting distortions, omissions and outright lies on virtually every page..."* - Gabriel Demombynes, Daily Texan

### BROCK: HATCHET MAN OF THE FAR-OUT RIGHT

- ◆ "In attacking Napolitano, David Brock has abandoned the pretense that an impartial investigative reporter. He is a hatchet man of the far-out right, trying to rescue the tattered credibility of his book." [Anthony Lewis, San Diego Union-Tribune, 11/9/93]

### BOOK FINANCIALLY SUPPORTED BY JOHN M. OLIN FOUNDATION

- ◆ "He was financially supported by the ultra-conservative John M. Olin Foundation. (Several of its board members served on committees to help usher through the Thomas confirmation.)" [Tina Hester, Louisville Courier Journal, 7/31/93]
- ◆ "...he received \$5,000 from the conservative John M. Olin Foundation, a grant he used to hire a researcher." [Carol Horner, Sacramento Bee, 6/6/93]

### PARTISAN ORIENTED BOOK WITH ERRORS IN RESEARCH

- ◆ "Some reviewers of the book have detected errors in Brock's own research and arguments. Unfortunately, who was telling the truth will never be proven conclusively, making it unlikely that strongly held opinions will be changed by a partisan-oriented book." [Marjorie Lewellyn Marks, Los Angeles Times, 9/5/93]

### SEVERAL CRACKS IN ATTEMPT AT SMOOTH ACCOUNT

- ◆ "...there are several cracks in his attempt to plaster a smooth account of Anita Hill's motives in charging the then Supreme Court nominee with repeated sexual harassment." [Tina Hester, Louisville Courier Journal, 7/31/93]

### BROCK TWEAKS FACTS AND USES ANONYMOUS SOURCES

- ◆ "Brock builds his entire case by tweaking facts...and quoting dozens of anonymous sources with dirt on Hill." [Gabriel Demombynes, Daily Texan, 6/29/93]



### BOOK SINKS TO LOW LEVEL TO PAINT PORTRAYAL OF HILL

- ♦ "The book sinks into bottom-feeding when it ventures into Hill's career after leaving Washington. Brock relies on too many unnamed sources to lend much credibility to his attempt to portray her as an angry, self-serving, man-hating ideologue." [Tina Hester, Louisville Courier Journal, 7/31/93]

### "DISTORTIONS, OMISSIONS AND OUTRIGHT LIES"

- ♦ "Brock's book has garnered fawning reviews from the usual conservative hacks - William Buckley, George Will, and the patron saint of the ignorant Rush Limbaugh - and even more moderate reviewers have been impressed by Brock's extensive research, which he catalogues in 35 pages of footnotes. But recent reviews in the New Yorker and the Nation reveal the book for the sham it really is, documenting distortions, omissions and outright lies on virtually every page." [Gabriel Demombynes, Daily Texan, 6/29/93]

### "OODLES OF FACTS WRONG." ERRORS "DRIP OFF EVERY PAGE"

- ♦ "Brock also gets oodles of facts wrong. Brock says testimony by Angela Wright, one of the four women who corroborated Hill's story, was not sworn (yes, it was). Brock says radical feminist law professor Catharine MacKinnon 'advised Anita Hill before she testified' (no, she did not). Brock suggests the man who administered Hill's lie detector test was inexperienced (no, he was a full-time polygraph for 15 years, until he retired as chief of the FBI polygraph division in 1987). A few such errors are understandable, but when they drip off every page, one has to question whether they're just honest mistakes. Brock twists seemingly insignificant details like these, blends them with strings of half-truths and obfuscations to build a perverse portrait of Anita Hill as a multiheaded hydra-bitch." [Gabriel Demombynes, Daily Texan, 6/29/93]

### 35 PAGES OF FOOTNOTES DO NOT EQUAL CREDIBILITY

- ♦ "But despite those 35 pages of footnotes, the book is nothing more or less than a dressed-up version of the wildly vitriolic piece he wrote for The American Spectator last year. In that article, Brock described Hill as 'a bit nutty, a bit slutty,' and that was the nice stuff." [Ellen Goodman, Kansas City Star, 5/24/93]

## THE PUBLICATION: THE AMERICAN SPECTATOR

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### AMERICAN SPECTATOR IS A CONSERVATIVE POLITICAL MONTHLY:

- ◆ "For the last 25 years, Tyrrell, known as "Bob," has been editor in chief of the American Spectator, an acerbic, at times strident, but rarely boring conservative political monthly." [Chicago Tribune, 1/3/93]
- ◆ "At a dinner in honor of The American Spectator's 20th anniversary, the crowd of more than 600 at the Omni Shoreham Hotel was thick with conservative/ neoconservative/all-other-forms-of-conservative faithful." [Washington Post, 11/5/87]
- ◆ "R. Emmett Tyrrell Jr. -- "call me Bob" -- claims he hasn't combed his hair in 30 years. And for years he hawked T-shirts in his influential opinion magazine, the American Spectator, that said "Nuke the Whales." His nationally syndicated newspaper column appears in the Washington Post. But Tyrrell's main forum is the American Spectator, a high-spirited, sharply edited but money-losing monthly that he originally founded in the mid-'60s at Indiana University in Bloomington, Ind., where he still lives with his wife Judy and their three kids. The Spectator regularly features important conservative and neoconservative writers and is subscribed to by everyone from Margaret Thatcher and G. Gordon Liddy to Hollywood screenwriter Steve Tesich." [Los Angeles Times, 2/17/85]

### THE SPECTATOR IS A "FLAGSHIP OF ANTI-CLINTONISM":

- ◆ "The American Spectator attributes its spectacular surge to zappier content, effective marketing -- and the presence of Bill Clinton in the White House. The right-wing monthly is rapidly becoming a flagship of anti-Clintonism." [Economist, 12/4/93]

### TYRRELL PREDICTS HE WILL BE CRITICAL OF PRESIDENT CLINTON:

- ◆ "The whole thing, this whole administration, will be an absolute orgy!" said an ebullient R. Emmett Tyrrell Jr., positioned neatly to be one of its most merrily unrelenting bashers. [Chicago Tribune, 1/3/93]
- ◆ "Ah, [Clinton'll] be a picnic," said Tyrrell, an appealing traditionalist who remains a fanatical handball player. "We started in the late 1960s, fighting this type of people, the coat-and-tie radicals. We're ready to fight them again. They're still coat-and-tie radicals, but now they have had their hearts gutted out; they're going through the motions with their teach-in (Clinton's economic gabfest in Little Rock), saying palpably absurd things, like about their great diversity. The only diversity at that ~~seance~~ was between those whose economic views were discredited in the 1980s and those who have no economic views." [Chicago Tribune, 1/3/93]



#### **TYRRELL PLANS TO WRITE A BIOGRAPHY ON PRESIDENT CLINTON:**

- ♦ "Mr. Tyrrell grins smugly at the thought of the others he has in the pipeline. He is writing a biography of Mr Clinton, whom he calls 'an instinctive liar'." [Economist, 12/4/89]

#### **SPECTATOR USES HILLARY-BASHING AS A SALES TECHNIQUE:**

- ♦ "American Spectator ran a much-publicized cover piece on Hillary Rodham Clinton, titled "Boy Clinton's Big Mama." Daniel Wattenberg's article argued that "standing well to the left of her husband and enjoying an independent power base within his coalition, Hillary is best thought of as the Winnie Mandela of American politics." The Spectator poured money into a direct-mail campaign aimed at hooking new subscribers with a letter embossed with the illustration of the "Big Mama" cover piece: a blown-up Hillary, in headband, with her arm draped around a pipsqueaky Bill. Above the picture was the headline: "HAD ENOUGH?" [National Journal, 9/18/93]

#### **SPECTATOR FOUNDER IS A LONG-TIME OPPONENT OF LIBERALISM:**

- ♦ "The American Spectator has its roots in opposition. It was founded in 1967 by the man who still edits it, R. Emmett Tyrrell, when he was a graduate student at Indiana University and was appalled at the prospect of the campuses being taken over by "beatniks and hippies". In the 1980s the magazine was a cheer-leader for Ronald Reagan, who popped over to Mr Tyrrell's Virginia home for dinner." [Economist, 12/4/89]

#### **SPECTATOR AD CRITICIZES ANITA HILL:**

- ♦ "History catches up with Anita Hill," the television commercial begins. Now available, the narrator explains, is a "shocking expose" of "her lifetime pattern of crime." Learn how the "Anita Hill effect" helped elect "radical feminists" to Congress and Bill Clinton to the White House. Where was this juicy material first published? In The American Spectator -- the conservative monthly edited by R. Emmett Tyrrell Jr." [National Journal, 9/18/93]

#### **AMERICAN SPECTATOR HAS TIES TO RUSH LIMBAUGH:**

- ♦ "Wladyslaw Pleszczynski, the Spectator's managing editor, says that the magazine has tapped into "the phenomenon that created Rush Limbaugh" -- which the editor views as a long-overdue cultural response to liberal political correctness. This is the main theme of a Spectator TV ad that has run on Limbaugh's television show; a young, well-dressed, professional-looking woman declares of the magazine: "It's so incorrect. I like that." [National Journal, 9/18/93]
- ♦ "The American Spectator, after bashing Hillary Clinton last month, sings the praises of conservative radio commentator Rush Limbaugh in its September issue." [Atlanta Journal & Constitution, 8/25/92]

#### **AMERICAN SPECTATOR LISTS ITS ENEMIES:**

- ♦ "The conservative American Spectator has its annual list of people its readership should consider enemies. Among them: Ralph Nader, Spike Lee, People for the Ethical Treatment of Animals and Turner Broadcasting, "for the disgusting and hypocritical union of monopolistic company owner Ted Turner and known communist Jane Fonda'." [Boston Globe, 11/2/92]

#### **TYRRELL CRITICIZED FOR NOT PRACTICING WHAT HE PREACHES:**

- ♦ "In 1984, R. Emmett Tyrrell Jr., editor of the American Spectator, Rush Limbaugh's favorite conservative monthly, published "The Liberal Crack-Up." The book was a cannonade against all that was crazy about the American left, from enviro-nuttery to tax-and-spend mania to anti-family values. Last year, Tyrrell set his sights on his own ideological camp with "The Conservative Crack-Up." That book too featured a broken home -- Tyrrell's own, sundered after 16 years of marriage and three children. Tyrrell was now a "bachelor again" and a frequent visitor to trendy Manhattan clubs, occasionally in the company of a "physiologically well-appointed" woman. Call it the Tyrrell Paradox: commending traditional family values for the masses while reserving an explicit exemption for one's bon vivant self." [Washington Times, 10/17/93]

#### **AMERICAN SPECTATOR DISAPPROVES OF HOMOSEXUALITY:**

- ♦ "Bruce Bawer is that most uncanny of paradoxes, a conservative gay Republican. [He served] a five-year stint as the movie critic of the neoconservative publication. The American Spectator, from which - to his credit - he resigned in disgust in 1990 after the magazine's editor gave him the homophobic ultimatum of including in his review of the gay film "Longtime Companion" a disclaimer stating that, while he liked the movie, he disapproved of its characters' homosexuality." [Newsday, 12/6/93]

#### **TYRRELL SITS ON BOARD OF RACIST AND SEXIST PUBLICATION:**

- ♦ American Spectator editor R. Emmett Tyrrell Jr. is on the advisory board of The Dartmouth Review, which has been denounced for printing racist and sexist articles. [Facts on File, 11/30/83]



## AMERICAN SPECTATOR: LOOK WHAT THEY'VE BEEN SAYING:

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### ON AIDS:

- ♦ "The most striking instance of politicized science in recent years has been the phenomenon called AIDS, which is thought of as a disease but which more nearly resembles a federal program. It now seems likely that the 12-year government research and publicity effort has been based on the wrong hypothesis - that the various diseases called AIDS are caused by a single infectious agent, the human immunodeficiency virus. It is possible that AIDS is not infectious at all, but is the result of damage to the immune system caused by behavior." [June, 1993]

### ON HOMOSEXUALS:

- ♦ "From the love that dare not speak its name to the love that can't shut up -- in barely twenty-five years. Gays march on Washington. Gays want to come out in the military. Gays parley with the president. Gays boycott Colorado. Gays protest the St. Patrick's Day parade. Gays want this. Gays demand that. Last winter the budget crisis and the Super Bowl took a backseat to The Crying Game at dinner tables in Georgetown and on Manhattan's Upper East Side. And now forget everything else!" [July 1993]

### ON SEXUAL HARASSMENT:

- ♦ "Like so many other contemporary outrages, sexual harassment is the unanticipated consequence of a congeries of reforms that the left was once fain to boast of as The Sexual Revolution. In the 1960s, the left led the way in breaking down barriers against sexual restraint, indecent language, and lascivious manners. When those of a prudish cast of mind objected, the left raucously derided them. When some feminists, however, noted that sexual utopia made them at times uncomfortable, the left was moved to action - not against the sexual revolution, which could stay in place, but against any American man who in any way had crossed an indignant woman." [July 1993]

### ON MULTICULTURALISM:

- ♦ "Most of the arguments for so-called "multicultural" education are so flimsy, inconsistent, and downright silly that it is hard to imagine that they would have been taken seriously if they were not backed up by shrill rhetoric, character assassination, and the implied or open threat of organized disruption and violence on campus... You want to see multiculturalism in action? Look at Yugoslavia, at Lebanon, at Sri Lanka, at Northern Ireland, at Azerbaijan, or wherever else group "identity" has been hyped. There is no point in the multiculturalists' saying that this is not what they have in mind. You might as well open the floodgates and then say that you don't mean for people to drown. Once you have opened the floodgates, you can't tell the water where to go." [April 1993]

#### ON WOMEN:

- ♦ "Why are the traditional classics of Western civilization written by dead white males?...Should there be any mystery as to why they were written by males? Is anyone so utterly ignorant of history that they do not know that females had more than enough other work to keep them busy for most of the history of the human race?" [April 1993]

#### ON RUNNING A SUCCESSFUL CAMPAIGN:

- ♦ "The Coverdell race bodes well for the upcoming Senate race in Texas and the 1994 elections, where the Democrats must defend twenty-two seats to the Republicans' twelve. First, the conservative coalition of small businesses, taxpayers, gun owners, pro-lifers, right-to-work supporters and pro-family activists can defeat the get out the vote efforts of politicized black churches and labor unions." [March, 1993]

#### ON RUSH LIMBAUGH:

- ♦ "[Rush Limbaugh] is a sociologist, an historian of heft, and a philosopher, and - let me add - a humorous and perceptive writer, but his greatest contribution is made as a patriot, and in The Way Things Ought to Be he contributes to his country in almost every paragraph. He reminds us of the wisdom of our constitution, of the greatness of our history, of the nincompoopery of the left, and of the fact that conservatives are winning-despite an occasional setback. Finally, he suggests ways we might improve our country, for instance: "I have come up with a new national symbol for the United States...replace the eagle with a huge sow that has a lot of nipples and a bunch of fat little piglets hanging on." With President William Jefferson Clinton ensconced in the White House, Limbaugh's sow will be an appropriate adornment for Air Force One." [February 1993]

#### ON ANITA HILL:

- ♦ "St. Anita raised - so legend has it - "sexual harassment" to its rightful eminence atop the left's catalogue of American outrages. Sexual harassment has indeed, as David Brock duly notes, become an outrage, but it is indicative not of American history but of recent liberal history. I have an axiom: most of the outrages that American leftists are most ardent to reform are, in truth, the unanticipated consequences of prior left-wing reforms. Consider the homeless: most are the result of such left-wing reforms as rent control and deinstitutionalization. Or urban poverty - begotten by decades of good-government reforms that have made the plight of the poor more wretched and intractable than ever in this country. Or the benighted condition of American education - begotten by endless experimentation in our schools. Such reflections lead to a second axiom of mine: any institution that comes under the dominance of liberal reformers eventually loses all sight of its original purposes, along with its capacity to accomplish them." [July 1993]

#### ON MAYA ANGELOU:

- ◆ "[Maya Angelou's inaugural poem] Rock, River was little more than a portentous recital of politically correct categories: the gay, the straight, the French, the Swede, the homeless, the teacher, the Apache, the Native American: what rot. I suppose we were all meant to admire the thoughtful "inclusiveness" of Angelou's lists...The truth is that Maya Angelou is a Quotapoet, and "Rock, River and Tree" is a Quotapoem. Does anyone believe she would have been asked to compose it if she had not been a black woman? She demonstrated, rather dramatically, that affirmative action involves lowering standards for the benefit of those who otherwise can't make the grade; which in turn demeans members of legally privileged groups who need no such assistance." [March 1993]



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PHOTOCOPY  
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Divider Title: \_\_\_\_\_ A

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Copyright 1994 The American Spectator  
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SECTION: FEATURE

LENGTH: 17960 words

HEADLINE: Living With the Clintons;  
Bill's Arkansas bodyguards tell the story the press missed.

BYLINE: David Brock;  
David Brock is the author of The Real Anita Hill (Free Press) and an investigative writer for The American Spectator.

BODY:

I

In a remarkable but little-noticed article buried inside the Sunday Washington Post four months before the 1992 presidential election, top Clinton campaign aide Betsey Wright said she had been spending the better part of her time since the Democratic National Convention trying to quell potential "bimbo eruptions."

Through the Little Rock gossip mills, the campaign was tracking nineteen potential allegations that had surfaced in the first week following the convention, in addition to seven others that had appeared earlier in the year, Wright said. The extensive effort to short-circuit such stories, Wright said, included the campaign's hiring of a private investigator to obtain information damaging to the credibility of the women involved, which was then used, presumably, to persuade them to stay quiet.

Perhaps unintentionally, the phrase "bimbo eruptions" cut two ways. Wright's choice of the epithet "bimbo" -- and a later reference to "gold-digger growth" -- was obviously meant to discredit in advance any reports of sexual liaisons between Arkansas governor Bill Clinton and women other than his wife, Hillary. Yet at the same time, Wright also seemed to be conceding, if not promising, that there was more to come -- i.e., the imminent appearance of an unspecified number of such women, and a subsequent round of stories raising questions about Clinton's private life.

Wright was not the first to talk about the campaign's aggressive efforts to discredit sources and lobby reporters and editors to spike emerging news stories. Writing in the New York Times in March, Gwen Ifill reported:

There have been constant, though undocumented, reports of articles that were never published because the Clinton damage controllers were on full alert before final publication decisions were made. This works "more often than you think," said George Stephanopoulos.

Even the recently released documentary about the 1992 campaign, *The War Room*, showed Stephanopoulos on the telephone on the eve of the election, warning a caller not to go public with damaging information about Clinton's private life.

The campaign had gone on "full alert" when Gennifer Flowers, the former cabaret singer, alleged in an interview with the *Star* supermarket tabloid that she had carried on a 12-year affair with Clinton ("Mistress Tells All, The Secret Love Tapes That Prove It"). With Hillary at his side, Clinton appeared on "60 Minutes" to deny that he had ever had an affair with Flowers, calling her only "a friendly acquaintance," but acknowledging unspecified "wrongdoing" and "causing pain in my marriage."

Flowers's story was tainted at the outset, when she was reportedly paid \$150,000 to cooperate with a publication of no journalistic repute. It was then discovered by the *Arkansas Democrat-Gazette* that she had misrepresented parts of her educational background and work history. Writing in the *New Republic*, Sidney Blumenthal described Flowers as "the woman in red, trimmed in black to match the roots of her frosted hair."

On the other hand, there was direct evidence weighing in favor of Flowers. Though they had some unexplained pauses and ambiguous references, Flowers had tapes of conversations with Clinton, including his instruction that she deny that they had talked about her obtaining a state job ("If they ever ask you if you've talked to me about it, you can say no"). She also had corroboration for her story from her mother Mary, as well as from her roommate at the time, Lauren Kirk, who declared in an interview with the *New York Post*'s Cindy Adams, "There can be no doubt that she and Bill Clinton had sex with one another."<sup>1</sup> And finally, Clinton never denied the authenticity of the tapes; in fact, he apologized to Mario Cuomo for a taped remark imputing Mafia ties to the New York governor.

Yet with very few exceptions -- Phil Donahue and the *Washington Monthly*'s Charles Peters among them -- the press was untroubled by these wrinkles in Clinton's denial of the Flowers affair and accepted his suggestion that any marital indiscretions were history. Pressed by Donahue, Clinton seemed to assert that any peccadilloes were a thing of the past: "I've told you the only facts I think you're entitled to know. Have I had any problems with my marriage? Yes. Are we in good shape now? Yes." The contention that any marital infidelity was no longer occurring was crucial to Clinton's ability to put out the fire. As the *New York Times* paraphrased Clinton pollster Stan Greenberg at the time, "As long



as voters believed the candidate had not lied and that his marriage was 'real,' they will not turn on him."

For the most part, the press coverage quickly devolved into a tortured colloquium on whether or not infidelity was a Legitimate Issue. To the extent that members of the press corps had come to believe that it no longer was, that they had gone too far in destroying Democratic front-runner Gary Hart's political career by exposing his ties to model Donna Rice in 1987, Clinton may have been treated with kid gloves on the womanizing issue. Though opinion polls showed that 14 percent of the electorate would not vote for an adulterer, the indifferent public response to the Flowers story may have convinced many in the media that the public desire for "change" outweighed any concerns about Clinton's character. In addition, it was clear that many reporters viewed Clinton as "one of us," a product of the 1960s not only politically, but on sexual matters as well -- a "liberal semi-hip contemporary who seems to share their (reporters') values," as the Boston Globe described the candidate. Clinton booster Eleanor Clift of Newsweek candidly stated after the Flowers revelations, "Truth is, the press is willing to cut Clinton some slack because they like him and what he has to say."

Nonetheless, a competing if minority view among some journalists held that the press must not repeat the slavish self-censorship of the Kennedy days. Surely a number of news organizations continued to scrutinize Clinton's private life after the Flowers story faded, and even more so following his presidential nomination. Despite Clinton's tacit admission of infidelity, however, after Flowers no other "bimbos" erupted.<sup>2</sup>

Having recently spent a good deal of time in Arkansas with people who were close to the Clintons in their Little Rock years, I'm fairly certain that it was less a lack of professional interest in the subject, and more the lack of on-the-record sourcing due to the strong-arm tactics acknowledged by Wright and Stephanopoulos, that kept what could have been one of the biggest political stories of the campaign from seeing the light of day.

## II

Much has been written of Clinton's fascination with JFK, dating back to the time he was introduced to the president while visiting Washington as a teenager in 1963. When Clinton returned from Washington, he announced to his mother that he was going to enter politics. This past September, President Clinton summoned journalist Richard Reeves, the author of the recent biography *President Kennedy*, to the White House to discuss his book. Reeves writes of how Kennedy and his handlers worked hard to keep stories of the president's womanizing out of the papers, much as the Clinton campaign would do some thirty years later:

(Kennedy) understood an important fact about the press and scandal: respectable

journals generally avoided being the first to report on rumors or evidence concerning sex. But he knew that once something had been printed, no matter where, newspapers and magazines quickly quoted each other, using the first publication as a peg for their own reports. . . . The idea was to stop the first mention.

Clinton followed his idol's strategy, and thus far he's been amazingly successful. On the Flowers tapes, Clinton is heard saying, "They can't run a story like this unless somebody said, 'Yeah, I did it with him.'" Given the way Flowers was made an example of by Wright, Blumenthal, and others, women who have been linked to Clinton were less likely to come forward. But aside from the women, there was another group of sources sought after by reporters in the fall of 1992 because they were uniquely positioned to have first-hand knowledge of the subject: the dozen or so Arkansas state police officers assigned to the governor's security detail both before and during the presidential run.

Under state law, these troopers are charged with safeguarding the first family of Arkansas, as well as the grounds of the gubernatorial mansion in downtown Little Rock. In practice, at least during the six terms that Clinton held office, the troopers functioned as chauffeurs, butlers, bodyguards, errand boys, and baggage handlers. They did everything for the Clintons, from receiving and placing telephone calls to changing bicycle tires and cleaning up after Socks the cat (who apparently retches with alarming frequency).

In late August and in September and October, I spent more than thirty hours interviewing four state troopers who had worked for the Clintons at various times over the years; in total, their experience covered most of the period from early 1979, when Clinton first took office, to January 16, 1993, when Clinton left Little Rock and flew east for his presidential inauguration. The meetings took place after I received an unsolicited tip that a group of Arkansas troopers was considering coming forward to tell all they knew about the Clintons, including extensive first-hand information about Bill's philandering.

The troopers' proximity to the Clintons had prompted reporters from many national news organizations to seek them out for interviews in 1992, calling them at home all hours of the day and night for weeks. Up until last fall, when I interviewed them, they had not talked. I spoke with the troopers separately and in various combinations and then re-interviewed them several times on tape to test and re-test their account for inconsistencies and embellishment.

Ultimately, two of the troopers, Larry Patterson and Roger Perry, decided to go on the record with the material and allow their names to be used in this piece. At that point, they retained two lawyers: Cliff Jackson, a former Oxford classmate of Clinton's, who had accused Clinton of lying about his draft history in a series of media interviews in 1992; and Lynn Davis, a former director of



the Arkansas state police and a former prosecutor.<sup>3</sup>

The troopers also spoke on the record and swore to affidavits furnished to the Los Angeles Times, which may make use of some of the material for a broader piece being developed on how the Clinton campaign kept these and similar stories from surfacing in 1992. The other two troopers have decided against going public at this time; their recollections are included here only if what they related to me in our off-the-record interviews corresponds with specific experiences they confided contemporaneously to one or both of the on-the-record troopers.

The troopers seem to have mixed motives. They say they are moved by public-spiritedness. They have come forward now because they believe the reckless personal behavior and poor judgment they witnessed by then-governor Clinton, if continued by the president, a subject on which they cannot speak authoritatively, could constitute a risk to the national security of the U.S. by making the president easy prey for blackmailers.

But as with all sources, there is also an element of self-interest and score-settling in their decision to speak to the media. As the troopers see it, Clinton behaved ungratefully and even rudely toward them after election day. "We lied for him and helped him cheat on his wife, and he treated us like dogs," Patterson said. When one of the troopers asked Clinton to sign some photographs for his family after the election, he said the president-elect snapped: "I don't have time for that s -- -." Clinton assured Patterson that he would secure for him a lateral transfer within the state police organization before leaving office, but he never found five minutes to make the telephone call. (The current governor, Jim Guy Tucker, later did.)

There is also a prospective financial interest. Patterson, 47, the articulate senior member of the group, with twenty-seven years of service in the state police, and Perry, 43, with sixteen years of service, hope to collaborate on a book about life at the governor's mansion. Perry, who worked for Clinton in his first term, returned to duty at the governor's mansion in 1989 and remains on Tucker's detail. Patterson had worked for Clinton on several special assignments before assuming full-time duties in 1987. They both served Clinton until his last day as governor in 1993.

The experiences of Patterson and Perry, only a selection of which will be described here, show that, in addition to lying to the American public when he denied his relationship with Gennifer Flowers and claimed that any infidelity had occurred only earlier in his marriage, Clinton had an elaborate damage-control operation that was reminiscent of John Kennedy's -- and for a very good reason: For at least a decade, Clinton has been prone to extramarital affairs, often more than one at a time, and to numerous one-night stands. According to the troopers, the clandestine sexual encounters occurred even after

the presidential election and continued through Clinton's final days in Little Rock.

Clinton is a man of gargantuan appetites and enormous drive, and not only in relation to women. "When he would eat an apple," said Roger Perry, a stout 6'2" chain-smoker who does not seem easily offended, "he would eat the whole thing, core, stem, and seeds. He would pick up a baked potato with his hands and eat it in two bites. I've never seen anything like it."

The troopers said their "official" duties included facilitating Clinton's cheating on his wife. This meant that, on the state payroll and using state time, vehicles, and resources, they were instructed by Clinton on a regular basis to approach women and to solicit their telephone numbers for the governor; to drive him in state vehicles to rendezvous points and guard him during sexual encounters; to secure hotel rooms and other meeting places for sex; to lend Clinton their state cars so he could slip away and visit women unnoticed; to deliver gifts from Clinton to various women (some of whom, like Flowers, also had state jobs); and to help Clinton cover up his activities by keeping tabs on Hillary's whereabouts and lying to Hillary about her husband's whereabouts.

How important such revelations are in any assessment of Bill Clinton as a man, and as a political leader, can be left for the reader's judgment. The Newsweek reviewer of the Reeves book identified the dilemma for journalists and historians:

Kennedy scholars have by now proved that his private life was less than admirable. He was a compulsive womanizer and, like most such men and many presidents, an accomplished liar. A biographer has to decide how far to interpret Kennedy's public performance as president through the medium of his private foibles.

Surely, it is nothing new that many politicians use their positions to solicit sexual favors and come to believe that the laws and mores that govern others don't apply to them. So far as the troopers knew, Clinton's activities did not include abuse of drugs or alcohol, and all of the women appear to have been willing participants in the affairs and liaisons. Some may well conclude, therefore, that Bill and Hillary Clinton's loose sexual morals and their habitual foul language are irrelevant to their public roles and, in any event, are not uncharacteristic of their generation as a whole.

Still, the Clintons hold positions that, it is possible to argue, ought to be subject to a higher standard, particularly for people so inclined to argue for their public policies in a moral context. While rumors of extramarital dalliances have surrounded many presidents in this century, the scale of Clinton's past indiscretions, if it has been sustained in the White House, as



has been widely rumored, would appear to far exceed that of any of his predecessors, with the possible exception of John Kennedy. If, as the troopers describe it, he is a sexual predator and exploiter of women, his behavior may be more egregious than that which destroyed the political careers and reputations of Gary Hart, John Tower, and most recently Bob Packwood.

### III

But there is a larger point in the case of Clinton that goes well beyond any moral or ethical judgment about -- or prurient interest in -- his private life. When sources come forward of their own volition to describe how Clinton's private activities have caused lies to be told, threats to be made, and cover-ups to be undertaken, an issue of public integrity is raised, and the public's right to know outweighs a public figure's claim to privacy or journalistic discretion. Thus, even if one is inclined to give the issues of character, judgment, and self-control raised by the troopers' account of Clinton's behavior little weight -- much of the material should strike readers as more farcical than scandalous, a view shared by the troopers, who chuckled through some of the telling -- it became evident in the reporting of this story that Clinton and his surrogates continue to regard his private behavior as a political time bomb. Their effort to try to thwart publication of the story is itself newsworthy -- and quite illustrative of how this information was kept from voters during the 1992 campaign.

Shortly after my first session with the troopers, three of the four (Perry and the two who wished to remain off the record) received telephone calls from their former supervisor on the governor's security detail, Captain Raymond L. "Buddy" Young, who last July was named by Clinton to head a regional Federal Emergency Management Agency office in Texas. Perry said Young told him that he was aware that they had hired lawyers and were thinking of going public with a book or a story. Perry said that Young told him, "I represent the president of the United States. Why do you want to destroy him over this? You don't know anything anyway. . . . This is not a threat, but I wanted you to know that your own actions could bring about dire consequences." Patterson said Young sent him a handwritten note expressing concern for Patterson's health.

In an interview, Young confirmed that he had been in contact with the three troopers to discuss this matter. "I called Roger as a friend, and I told him I thought this was wrong, it was unethical, and it was a disgrace to security people. But I never said I spoke for the president, because I don't." Young denied having been in contact with the president or anyone in the White House on this subject. Young also confirmed that he sent a note to Patterson about his health, but denied any implication that the note was a veiled threat. "Larry has heart problems, and I was concerned about his cholesterol," Young said.

He went on to say that the thrust of Patterson and Perry's account was not

true and that I should look closely at their motives. "These boys made this up to sell a book and because they were mad that Clinton didn't give them promotions," he said.<sup>4</sup>

Young also confirmed that one of the two troopers who decided not to go on the record -- but whom Young voluntarily named, Danny Ferguson -- subsequently obtained part-time employment at a Little Rock company, National Safety Consultants, in which Young owns an interest. "I started this consulting service for safety training for truck drivers a few years back as a part-time deal. I own an interest, but I don't have anything to do with the operation. They subcontracted with Danny. But it had absolutely nothing to do with what we're talking about. It was totally unrelated." Young also confirmed that the second trooper interviewed by me who decided not to come forward -- whom he also

voluntarily named, Ronnie Anderson -- had a part-time job at this same company that pre-dated our first meeting. The job provides several thousand dollars a year in supplemental income to Anderson, Young said.

Ferguson also confirmed the arrangement but denied that it was related to his having decided not to go on the record with his stories about the Clintons. "I talked to Buddy more than a year ago about this job. But when I started, it was Ronnie Anderson who arranged it. Buddy didn't even know about it until after I started. I started a month ago, and I only made \$190 last month (November). If I was going to do something not to talk, it wouldn't be for that kind of money," Ferguson said.

Another attempt to suppress the story was allegedly made by Paul "Rocky" Wilmoth, a Clinton fundraiser and Arkansas bulk-oil dealer and distributor. According to Perry, Wilmoth recently stopped by the governor's residence and told two troopers who have not been involved with this story, Frank Tappin and Derrick Flowers, to convey to Perry and Patterson that they would be "destroyed" if they talked to the press. Wilmoth denied the story, as did Flowers. Tappin declined to comment.

Perry said that Ferguson told him that Clinton called him personally while he was on duty at the Arkansas governor's mansion on at least two occasions after our first interview. During the initial call, according to Perry, Clinton let it be known that he was willing to offer favors in return for the troopers' refusal to cooperate further. Clinton told Ferguson to tell Roger Perry that "Roger can have whatever he wants (not to talk)." In another call to Ferguson, Clinton asked what precisely Perry and Patterson were saying, Perry said. "If you tell me what stories Roger and Larry are telling, I can go in the back door and handle it and clean it up," Clinton allegedly said. Perry said that Ferguson told him that in the course of the conversations Clinton offered Ferguson a federal job -- either as the U.S. marshal in Little Rock or as a regional FEMA



director -- explicitly in exchange for his help in thwarting publication of any stories. This could be a violation by Clinton of a criminal statute barring the solicitation of money or anything of value (in this case, information) in consideration for the promise of federal employment. Ferguson said, "I'm not going to confirm anything Roger is saying I said." Asked if he was denying receiving calls from Clinton, he said, "I've talked to a lawyer and I'm not denying it. No comment." (The White House did not return calls for this story.)

These rumblings from the Clinton machine notwithstanding, Perry and Patterson have hung tough and decided to be the first to pierce the shield of secrecy surrounding Clinton's indiscretions that has been so effectively maintained up to now. Readers should be forewarned about two aspects of their story. First, the many subjective observations and judgments made about the Clintons are the troopers' own and should be considered in the light of the troopers' inherent biases and limitations. That said, the unvarnished observations of these men warrant disclosure because they provide the kind of texture that would likely not be revealed until presidential biographies were published, years or decades after the Clintons left office. Second, the reader should be warned that when the troopers are describing events they witnessed and quoting verbatim statements made in their presence, much of what they have to say is vulgar tabloid fare. This, however, reflects not on them, but on the behavior of the first couple.

#### IV

As the troopers saw it, the Clintons' relationship is an effective political partnership, more a business relationship than a marriage. They described Bill as the public face, the communicator, the conciliator, a man who likes to be liked and even talked with them about his "star" qualities. "One time we got to talking while I was driving him back from a political event and he said, 'You know, I'm going to have to stay in politics now, because I'm too old to be a movie star,'" Patterson recalled.

The troopers charted a distinct change between the headstrong radical of Clinton's first term -- "kind of a hippie," as Perry put it -- and the chastened compromiser of later years. Rejection by the voters in 1980 left Clinton with a propensity to try to please all sides, therefore often pleasing none, and an aversion to taking potentially unpopular decisions, according to Patterson and Perry.

Clinton is a very quick study -- Perry remembered a time when Clinton was filming a commercial and took a typed page he had never seen before, glanced at it for less than a minute, and then recited it verbatim into the camera -- and a highly energetic, tenacious worker, consumed by ambition. "He would call legislators late into the evening, lobbying for votes," said Patterson, "and we had to place the calls, waking up important state legislators well after



midnight." One thing he wasn't was lazy. Clinton thrived on four hours of sleep a night, they said.

For all his intelligence and diligence, though, the troopers viewed Clinton as something of a klutz in matters of ordinary life. Patterson said he will never forget that he had to show Clinton how to operate a Mr. Coffee machine one Saturday morning -- and then had to show him again on Sunday.

To be sure, Clinton rarely had to do anything for himself. During his twelve years as governor, Clinton had a full household staff, including several cooks and a babysitter on the premises paid for by the state, not to mention several inmates from Arkansas penitentiaries who worked gratis as gardeners and handymen on the grounds. (They were also made to provide free labor on the Little Rock home of the Rodhams, Hillary's parents.) The Clintons owned no property, and the state rented Bill the Lincoln town car in which he was driven.

In private moments with his bodyguards, often on long highway drives through the state, Clinton -- with little experience of work outside the public sector -- would sometimes reveal his insecurities. "He told me that if he was forced out of politics, he'd have no idea how to make a living," Perry said.

Clinton was perhaps more out of touch with the average voter than President Bush. One day during the presidential campaign, the troopers witnessed a group of aides briefing the governor on the prices of various common groceries following media reports (later shown to be erroneous) that President Bush did not recognize a price-scanner at a supermarket in Florida. When Clinton was later asked by a viewer on "CBS This Morning" if he knew the price of bread and milk, and he answered correctly, campaign strategist James Carville cited this performance in a New York Times op-ed as an example of Clinton's ability "to empathize with average people."

Spending virtually every waking hour with him, the troopers were well positioned to judge both the private and the public man. They marveled at Clinton's ability to pass himself off as something he was not, viewing it as the key to his political success. Perry thought Clinton's facility with language allowed him to bridge the gap with the Arkansas voter. "He would always try to come across as old Joe the rag man, working beside you in Pine Bluff building shelves. He could give a great speech to the common people," said Perry. This false populism manifested itself in other ways, too, they said. Throughout his tenure, Clinton was careful to fly coach-class into and out of Little Rock; but during the rest of his itinerary, he insisted on flying first-class.

At other times, Clinton would enthusiastically talk shop, explaining to the troopers how he -- a career politician who chuckled privately that he "never met a tax he didn't like," as Perry recalled it -- managed to get elected and

re-elected in Arkansas. Clinton told Perry that his strategy amounted to little more than old-fashioned interest-group politics: If he could hold the black vote, generally about 18 percent in a state election, his victory would be sealed. "He used to say that that meant his opponent had to get his 51 percent out of 82 percent," Perry said. "It was pretty smart politics."

His outsized ego notwithstanding, the troopers found Clinton to be personable and easy to be around. When his adolescent arrogance shone through, he was always quick to apologize to the troopers for his outbursts, which have included throwing an apple at the windshield of his car from the back seat, busting a cellular phone on cement pavement, and clearing the contents of an entire desk onto the floor. "They were the kind of tantrums that you would not tolerate in a child," said Perry.

One of the worst explosions of temper that Larry Patterson remembered followed Clinton's ill-fated speech to the 1988 Democratic National Convention. Clinton spoke so long that delegates were shouting at him "Get off, get off" by the end. The speech had been written to last no more than seven minutes, but the Dukakis staff demanded the insertion of various lengthy passages. When Clinton arrived, the lights in the hall were supposed to be dramatically dimmed, as they had been for Ann Richards and Jesse Jackson. Instead, the lights glared, and monitors on either side of the podium mistakenly beamed "Jesse! Jesse!" causing the crowd to chant incongruously.

As Clinton left the podium, Patterson was standing on the platform along with various Democratic dignitaries. He saw Clinton stomp about, denouncing "that little Greek motherf -- -er" and promising to "get his ass, because he tried to kill me politically." A few weeks later, Dukakis called Clinton in Arkansas. Clinton put the telephone down for a moment and summoned Patterson in to hear what he was about to say. "He called him every kind of son of a bitch you can think of. Then he refused to endorse him until a few weeks before the election," Patterson recounted. Dukakis did not return a call seeking comment.

Dukakis was not the only Democratic competitor who met with Clinton's scorn. He seemed to delight in sharing his views on various politicians. The troopers said they remember Clinton commenting privately on Cuomo's alleged "Mafia connections" and joking about how Ted Kennedy "couldn't get a whore across a bridge." Perry said that after meeting with Jesse Jackson in October 1991 in Little Rock to get the reverend's blessing before announcing his presidential candidacy, Clinton told him that Jackson -- who is reportedly contemplating a 1996 primary challenge to Clinton -- was "a smart man, but I can't stand that motherf -- -er."

The troopers also saw first-hand that their fiercely competitive boss was not above a dirty trick or two. In the 1990 governor's race, Clinton asked Larry Patterson to locate a woman who was rumored to have had an illegitimate child by



one of Clinton's primary opponents. "He was always having us research his opponents. If he had a source, he'd ask us to drop a dime on them and report back, even though he knew it was a violation of state law for us to take part in political campaigns," Patterson said. "On this one occasion, Clinton told me to go to the Holiday Inn at the (Little Rock) airport, find the woman, and offer her money or a job to sign a statement (about the illegitimate child)." Patterson followed Clinton's instructions to offer the illegal bribe, but the woman declined the offer and never came forward.

## V

The troopers were closer to Bill than to Hillary Clinton, who in their telling comes off as unflatteringly one-dimensional. The troopers chauffeured Clinton on a daily basis and were privy to his every move. Hillary, on the other hand, kept her distance. When she left the residence, she never informed them of her schedule. In fact, when she could, Hillary avoided even speaking to them, preferring to speak through Bill or some other third party, possibly because she disdained their role in facilitating his philandering.

Although Hillary's circle of friends and advisers included more activist liberals, the troopers saw Hillary -- like Bill -- as a shrewd and practical operator concerned primarily with personal political advancement. While the troopers saw Clinton playing the candidate, they saw Hillary playing the bad cop, gutsy and decisive, all backbone. They remembered well the now-famous time that Hillary showed up at a news conference of Tom McRae, Clinton's opponent in the 1990 governor's race, and interrupted the candidate's statement with a sustained defense of her husband.

From their direct observations, Patterson and Perry said they believe that Hillary is more obsessed than Bill with his political fortunes. She expressed this concern, as she did most everything, in language that makes the Watergate tapes sound like a Sunday school lesson. "I remember one time when Bill had been quoted in the morning paper saying something she didn't like," Patterson said. "I came into the mansion and he was standing at the top of the stairs and she was standing at the bottom screaming. She has a garbage mouth on her, and she was calling him motherf -- -er, c -- -sucker, and everything else. I went into the kitchen, and the cook, Miss Emma, turned to me and said, 'The devil's in that woman.'"

Hillary, as described by the troopers, pursued power with a single-minded intensity, had few friends outside politics, and was not especially close to her family -- just like her husband. "Everything was politics. They wouldn't go out to dinner with friends the way you or I would or the way I've seen this governor (Tucker) do," said Perry. "If they were invited to a private party, and there were only going to be eight or ten people there, she would say, 'We're not going to waste time at that thing. There aren't enough people there.' I never saw



Hillary just relax and have a good time."

While Bill genuinely enjoyed shaking every hand in a room, Hillary seemed to view retail politics as a distasteful if necessary evil. "She hated Arkansas. She would always say how 'backward' the state was," Perry said. One trooper told Perry that Hillary forbade him to speak when he accompanied her on a trip to Washington because, as she put it, he "sounded like a hick from Arkansas."

One of Hillary's pet projects in Arkansas was HIPPY, the Home Instruction Program for Preschool Youngsters, which provided the mothers of underprivileged pre-school youth with in-home instruction by state-sponsored tutors. During the presidential campaign, a commercial was filmed at the governor's mansion featuring dozens of the impoverished HIPPY children, who stood for several hours in the baking heat while the scene was set. For security purposes, the governor's residence is fitted out with several video cameras and one audio monitor -- at the rear door -- that connected it to the guard house. "They would usually forget that thing was on, and we would pick up a lot of what they said. On this particular day, I heard Hillary come out on the rear porch and say, 'I want to get this s -- - over with and get these damn people out of here,'" Perry remembered.

The troopers were also objects of Hillary's wrath. Patterson recalled the early morning of Labor Day in 1991, when Hillary came out of the mansion, got in her car, and drove off. Within a minute or so of leaving the gate, her aging blue Cutlass swung violently around and came charging back onto the grounds, tires squealing in the dust. "I thought something was terribly wrong, so I rushed out to her. And she screamed, 'Where is the goddamn f -- -ing flag?' It was early and we hadn't raised the flag yet. And she said, 'I want the goddamn f -- -ing flag up every f -- -ing morning at f -- -ing sunrise.'"

Such displays made Hillary by far the most unpopular member of the first family. Troopers volunteered to work several days of consecutive 16-hour shifts just to avoid traveling with her. Though it may have been a reflection of chauvinism on their part, the troopers thought Hillary "liked to intimidate men," Perry said. She would remark that troopers' guns are "phallic symbols." Or she would phone the mansion from her law office and order troopers to fetch feminine napkins from her bathroom and deliver them to her at the firm.

Though they believe she advised her husband on all important matters of state, it seemed to the troopers that the Clintons led very separate lives otherwise. Hillary drove herself in the Cutlass each morning to the Rose Law Firm, about a mile from the mansion. Clinton worked either from his office in the capitol or in the residence. More often than not, one of the troopers drove the Clintons' daughter, Chelsea, to school. In the evenings, the family members generally dined separately.

When Bill and Hillary did spend time together, they were barely civil to one another, in the troopers' assessment. Many times the couple would be driven to an event an hour or more outside Little Rock -- with Bill sitting in the front seat of the Lincoln with the driver and Hillary in the back seat -- and say nothing at all to each other, which struck the troopers as quite tragic. "If he was dead politically, I would expect a divorce in 30 days," Roger Perry said.

## VI

Over the years, the troopers have seen Bill Clinton in compromising situations with dozens of women. They said their facilitation of the activities ranged from wiping make-up off his shirt collar, to standing "Hillary watch" while Clinton cavorted, to arranging sex sessions in hotel rooms and parking lots, to sneaking women into the governor's mansion while Hillary and Chelsea slept.

The troopers said Clinton devised and they executed an elaborate plan to accommodate his sexual appetites. Not all of the dozen or so troopers were assigned to these special duties. Perry and Patterson were two of a select handful, chosen by Clinton because he evidently trusted them to protect him and appreciated their street-smarts. It was kind of a down-home replay of the Kennedy days, as described by Richard Reeves:

The logistics of Kennedy's liaisons with Judith Campbell and dozens of other women in the White House and in hotels, houses, and apartments around the country and around the world required secrecy and devotion rare even in the annals of the energetic service demanded by successful politicians. The arrangements were frequent. . . . The routine of clandestine comings and goings had to be taught to the willing among the women Kennedy regularly propositioned, often within a couple of minutes of introduction. Some of the action was somewhat graceful -- or at least roses were sent with a card that said: "Friends of Evelyn Lincoln" (Lincoln was JFK's private secretary). Some of it was in the back seats of cars. . . . The delivery duty was shared by old friends and by almost everyone in the White House from the military attaches and typists -- some of whom had made the backstairs trip a few times themselves -- to members of the Cabinet. . . . The women, secretaries, stars, the wives of friends, were symbols and rewards of aggressive privilege. Sneaking around, cleaning up the mess, covering up was all part of the game. . . . It was all good fun to those who knew -- part of the thrill of being inside one of the president's closer circles. Keeping the secrets was part of the price of admission, and those who knew didn't tell those who didn't.

According to Clinton biographers Charles F. Allen and Jonathan Portis in *The Comeback Kid*, stories of Clinton's womanizing date back to the period when he was rejected by the voters in 1980 in his bid for a second term. "Clinton,



seeing his political future vanish overnight, became careless about his actions," they wrote.

He had achieved so much so fast. Now it was gone. Rumors began filtering into the newsrooms and throughout the state offices that Clinton was having an affair with another woman. Such rumors about politicians are commonplace, but this one had a persistence about it. Because Clinton was no longer in the public light, the reporters and editors decided to ignore the talk.

As the troopers described the situation, the scale of Clinton's extramarital activities only increased after he won election to a second term in 1982. When Perry returned to security duty at the mansion in the late 1980s, other troopers regaled him with tales of Clinton's affairs in the 1982-to-1987 period. During the last five years of Clinton's governorship, while Patterson worked at the residence, he said he gained first-hand knowledge that Clinton was involved with a group of Little Rock women -- regular mistresses or girlfriends -- numbering about a half-dozen. The names of the mistresses with whom Patterson was familiar, some of whom are married and have children, are known to me, but will not be revealed here, so as not to exploit them more than Clinton already has, or to punish innocent family members. Each of the names given me by Patterson was corroborated by Perry -- who has knowledge of them dating back to 1989 -- and the other two troopers with whom I met. I located each of the women by telephone, but each either denied involvement or would offer no comment.

According to Patterson, the long-term mistresses since 1987, in addition to Jennifer Flowers, included a staffer in Clinton's office; an Arkansas lawyer Clinton appointed to a judgeship; the wife of a prominent judge; a local reporter; an employee at Arkansas Power and Light, a state-regulated public utility; and a cosmetics sales clerk at a Little Rock department store. They ranged in age from their early 30s to their early 40s. According to both Patterson and Perry, throughout the period of their employment at the governor's residence, Clinton visited one of these women, either in the early morning or the late evening, or one of them came to the residence to see him, at least two or three times a week.

Clinton also had a series of brief affairs and one-time encounters from 1987 through early 1993 of which the troopers had direct knowledge. He often met women at social functions in Little Rock or on the road. Sometimes he would even use troopers as intermediaries, sending them off with messages and outright propositions to women to retire to back rooms, hotel rooms, or offices with him.

One of the troopers told the story of how Clinton had eyed a woman at a reception at the Excelsior Hotel in downtown Little Rock. According to the trooper, who told the story to both Patterson and Perry as well, Clinton asked him to approach the woman, whom the trooper remembered only as Paula, tell her



how attractive the governor thought she was, and take her to a room in the hotel where Clinton would be waiting. As the troopers explained it, the standard procedure in a case like this was for one of them to inform the hotel that the governor needed a room for a short time because he was expecting an important call from the White House. (Not a terribly plausible story during the Reagan and Bush years, but it seemed to work like a charm with hotel clerks in Arkansas.) On this particular evening, after her encounter with Clinton, which lasted no more than an hour as the trooper stood by in the hall, the trooper said Paula told him she was available to be Clinton's regular girlfriend if he so desired.

Patterson -- tall and trim, with the upright demeanor and closely cropped hair of a military officer -- recalled another example he witnessed late in the evening on the night after Clinton's disastrous speech to the 1988 Democratic convention. "Norman Lear gave us a suite of offices in a building next to the CNN building where the governor and his staff were working. Sandy Berger (a longtime Clinton adviser and now deputy national security adviser) had flown in to write the speech. The day after, Clinton spent the day 'spinning' the press. Well, that night, when we finished, we went back to the offices around midnight and a young lady of about 30 or 32, (name withheld), who the governor had just met at the convention, was there to meet us. He took her back in a private office, closed the door, and stayed in there for an hour or so while I waited to take him back to the Marriott where he and Hillary were staying."

According to the troopers, Clinton often visited his regular Little Rock girlfriends in the early morning, during what were ostensibly long jogs. "He would jog out of the mansion grounds very early most mornings and then we would go pick up him at a McDonald's at 7th Street and Broadway," Patterson said. "When we picked him up, half the time he would be covered in sweat and the other half of the time there wouldn't be a drop of sweat on him, even in the middle of July in Little Rock. Sometimes I'd ask him, 'How far did you run today governor?' And he would say, 'Five miles.' I'd tell him there must be something wrong with his sweat glands because he didn't have a drop of sweat on him. He'd say, 'I can't fool you guys, can I?'"

As the troopers recounted events, several times a month in the late evening, Clinton would leave the residence in a state car borrowed from one of the troopers, because the governor's Lincoln was easily recognizable on the streets of Little Rock. "We were told to keep our cars clean for this purpose," said Perry, who often lent Clinton his green Corsica. A few minutes after the lights clicked off in the first couple's bedroom, Clinton would get out of bed and "go out for a drive," leaving instructions at the guard house that if Hillary woke up, he was to be alerted on his cellular phone. On more than a dozen occasions since 1987, Patterson said he saw one of the troopers' cars parked outside one particular girlfriend's condominium as he drove home after being relieved from his shift at the mansion at midnight. The woman lived just a few doors from

Patterson on Shadow Oaks in Sherwood, on the outskirts of Little Rock.

The troopers also drove Clinton from the capitol late in the evening to various women's homes and waited for hours for him to emerge. They became expert at parking unobtrusively, by backing into driveways and the like. Patterson recalled that the first time he parked in this manner outside the home of the Clinton staffer in 1987, where he sat from midnight until about 4:30 a.m. waiting on the governor, Clinton congratulated him on his stealthiness. "He told me it was our responsibility to cover his ass so he wouldn't get in trouble," Patterson said.

By all accounts, whenever Clinton returned to the residence after one of these encounters, he went to the bathroom in the troopers' guard house, where he washed up before entering the main house.

During the day, when Hillary was in town but not at home and Clinton wanted privacy in the residence with a woman, the troopers said, they were instructed to buzz him on the intercom as soon as Hillary's car approached the front gate of the compound. When Hillary was out of town, the troopers remembered innumerable occasions when Bill wouldn't hesitate to seize the opportunity to entertain women at all hours of the day and night, clearing them through the gates for what the troopers said he called a "personal tour of the mansion."

After the presidential election, Bill instructed the troopers to clear women through the outer Secret Service blockade on the street by falsely identifying them as staff, or as cousins of the troopers. Shortly before the Clintons left Little Rock for Washington, Roger Perry said, one of the troopers (whom I also interviewed) told him that he had arranged for the AP&L employee to arrive at the governor's mansion at 5:15 a.m., dressed in a trench coat and a baseball cap at Clinton's instruction. The trooper told Perry he had told the Secret Service that she was "staff coming in very early." Clinton had arranged for the trooper to bring the woman through a basement door, which opened into a game room, where Clinton was waiting. The trooper said he was instructed to stand at the top of the stairs leading from the basement to the main floor of the residence and to alert Clinton if Hillary woke up, according to Perry.

Over time, as both Patterson and Perry described it, each mistress was assigned a particular trooper whose job it was to call her and find out when she could see Bill at her home, drive her to various events where Bill was appearing, and deliver gifts to her. "Three times after the (presidential) election I called (the judge's wife) to see if she was at home for the governor," Patterson said. They also said Clinton regularly slipped them cash to pay for gifts for the women they were told to pick up from Victoria's Secret in the Little Rock mall and other women's shops around town. "He told us to make sure they were kept in the trunk of the cars and never bring them into the house



where Hillary might see them," Perry said. At Christmas 1992, the trooper whose request for autographed photos for his family Clinton had waved away was able to get his autographs only by insisting on a signature each time Clinton asked him to pick up and deliver a gift to a woman.

In everyone's estimation, Clinton built relationships with each of the long-time girlfriends and treated them well, though perhaps manipulating them to his own ends. He once told Roger Perry he was in love with one of them, though there is debate among the troopers as to which of the women he meant.

When speaking to the troopers about these liaisons, Clinton was usually quite circumspect, but on some occasions he inexplicably permitted himself to be caught in flagrante delicto. More than once, Larry Patterson said, he stood guard and witnessed the department store clerk performing oral sex on Bill in a parked car, including in the parking lot of Chelsea's elementary school, and on the grounds of the governor's mansion.

In one instance, in the fall of 1988 or 1989, as Patterson remembered it, he was driving Clinton to an annual reception for the Harrison County Chamber of Commerce in a hospitality suite at the Camelot Hotel in Little Rock. On the way, Clinton suggested a detour to Chelsea's school, Booker Elementary. When they arrived, Clinton told Patterson the sales clerk was sitting in her car, which was parked in the otherwise deserted front parking lot. "I parked across the entrance and stood outside the car looking around, about 120 feet from where they were parked in a lot that was pretty well lit. I could see Clinton get into the front seat and then the lady's head go into his lap. They stayed in the car for 30 or 40 minutes," Patterson said.

In a second instance, Patterson was on duty at the residence, again late in the evening, when the same woman drove up in a yellow and black Datsun or Nissan pick-up truck and asked to see Clinton. "The governor came out of the residence and climbed into the front seat of the truck, which she parked in an area off the rear drive," Patterson recalled. This time, Patterson said, with a gleam in his eye, he got an even clearer view of the sex act by aiming a remote-controlled camera with a swivel base mounted on a 30-foot pole in the back yard of the house right into the truck. The image was projected onto a 27-inch video screen in the guard house. "He was sitting on the passenger side and she was behind the wheel. I pointed the thing directly into the windshield, and watched on the screen as the governor (received oral sex)," Patterson said.

As this act was occurring, Chelsea's babysitter at the time, Melissa Jolley, drove into the compound. Realizing that she would usually drive right by the area where the pick-up was parked on her way to the guest house where she lived, Patterson quickly intercepted her, told her there was a security problem on the grounds, and then instructed her to drive by a different route, go in her house, and stay there. "When they were done Clinton came running over to me and asked,

'Did she see us? Did she see us?' I told him what I'd done and he said 'Atta boy,'" Patterson said.

On yet another occasion that Patterson described, the governor and his security detail arrived at the Little Rock airport and Clinton told his bodyguards that he was going to be driven back to the residence by the Arkansas lawyer, who had met the plane, so that she could show him her new Jaguar. "On the ride back he drove and she was nowhere to be seen in the car," Patterson said. "Later he told me that he had researched the subject in the Bible and oral sex isn't considered adultery."

Like many men, Clinton and the troopers shared locker room comments about women and sex. "When he was in a down mood, all you had to do was start talking about sex and he would come alive," said Perry. "I remember one time when I asked him to sign an autograph for a female friend, and he asked me, 'Does she have big titties?'"

"He told me there are two kinds of f -- -ing redheads," Patterson said. "Beautiful f -- -ing redheads and ugly f -- -ing redheads." About a local reporter (not the one with whom he was involved), Clinton told Patterson, "I bet she could give (good oral sex)." Complaining about the same woman, Clinton later said, "If you were a buddy you would f -- - her and get her off my ass."

## VII

Hillary apparently was aware of Bill's hanky-panky, at least in general terms. Patterson recalled one Sunday afternoon in the late 1980s when he heard Hillary complain to Bill in highly colorful language about their inadequate sex life. Listening to the audio monitor at the rear porch of the main house, Patterson said he sat in the guard house and heard Hillary tell Bill, during an argument in the kitchen, "I need to be f -- -ed more than twice a year." When Clinton spent an inordinate amount of time speaking with an attractive woman at a public event -- apparently a common occurrence -- several troopers said they have heard Hillary complain bitterly. "She would say, 'Come on Bill, put your dick up. You can't f -- - her here,'" as Patterson remembered the unforgettable phrasing.

"Even though she knew what was going on, he would hide it because he didn't want the confrontation," Perry said. Bill did get caught every once in a while. Generally a heavy sleeper, Hillary once woke up in the middle of the night, flicked on the bedroom light, and called down to the guard house looking for Bill. "The sorry damn son of a bitch!" she exclaimed when told the governor had gone out for a drive. Perry grabbed the cellular phone, turning Clinton up at one of the women's homes, and told him to get back to the residence fast. "He started saying 'Oh god, god, god. What did you tell her?'" Perry recalled. When Clinton arrived soon after, Hillary was waiting in the kitchen, where, not unexpectedly, a wild screaming match ensued. When Perry entered the kitchen



after the dust had settled, the room was a wreck, with a cabinet door kicked off its hinges.

Another fight ensued on the Clintons' final day in Little Rock, according to Patterson. Clinton asked him to bring one of his women friends to the send-off ceremony at the Little Rock airport before he departed for Washington. "When I got there with (the judge's wife), Hillary turned to me and said, 'What the f -- - do you think you're doing? I know who that whore is. I know what she's doing here. Get her out of here.' Clinton was standing right there. I looked at him and he just shrugged his shoulders, so I took her out of there and dropped her at the Holiday Inn Center City."

The troopers speculated that Hillary tolerated this behavior much as eighteenth-century aristocrats maintained marriages of convenience to suit the social and material needs of both parties. Hillary herself was intimately involved with the late Vincent Foster, a partner at the Rose Law Firm and later deputy White House counsel. Foster killed himself in July under circumstances that remain murky. "It was common knowledge around the mansion that Hillary and Vince were having an affair," said Larry Patterson, though he conceded that the evidence for this is more circumstantial than his first-hand knowledge of Clinton's behavior.

According to all of the troopers, whenever Clinton left town, no sooner would he be out of the mansion gates than Foster would appear, often staying in the residence with Hillary into the wee hours of the morning. One of the off-the-record troopers drove Hillary and Foster to a mountain cabin in Heber Springs, maintained by the Rose firm as an out-of-town retreat for its lawyers, where the two spent significant amounts of time alone. Patterson and Perry were both aware of this at the time. On several chance occasions -- at the Heber Springs retreat, and once stopped at a traffic light in Little Rock -- troopers said they observed Foster and Hillary embracing and open-mouth kissing.

Patterson once saw the two in a compromising position at a birthday party for Hillary held at the Little Rock French restaurant Alouette's. Bill also attended. While seated at the restaurant's bar, outside the dining room, Patterson said he observed Hillary and another woman from the Rose firm, Carolyn Huber, come out to the bar for a private chat. Soon thereafter, Foster emerged from the dining room on his way to the men's room. "He came up behind Hillary, and squeezed her rear end with both of his hands. Then he winked and gave me the 'OK' sign," Patterson said. "On the way back, Huber was turned away, and Vince put his hand over one of Hillary's breasts and made the same 'OK' sign to me. And she just stood there cooing, 'Oh Vince. Oh Vince.'" Huber, now an assistant to the president, said she never attended such a party.

The only person Bill Clinton has specifically denied having an affair with is Gennifer Flowers, yet all of the troopers agreed that Clinton and Flowers were romantically involved for several years.<sup>5</sup> They said Flowers called the mansion regularly, asking to speak with "Bill." As the troopers described the routine, when Hillary was not at home, Clinton generally took the calls. When she was, Clinton always instructed a trooper to tell Flowers that he would call her back. Soon thereafter, Clinton would trundle down to the troopers' guard house and retreat to a private back room, where he would then get on the telephone -- a line that Hillary could not pick up from inside the mansion. This is how he regularly handled personal calls from women.

Patterson said he often drove Clinton to the Quapaw Towers in Little Rock, where Flowers lived, late in the evening, waiting in the parking lot for as long as two hours for Clinton's return. "Every place we ever went, even a private party, we would go in with him, except a woman's house," Patterson said. Perhaps because his relationship with Flowers began long before he began to acknowledge his behavior to the troopers, Clinton had a story to cover his tracks. Clinton told Patterson that he was visiting Maurice Smith, director of the state highway department, who lived in the same building, but Patterson believes that if this were true he would have gone into the building with Clinton, as was usual with business meetings.<sup>6</sup>

Yet despite this cover story, Clinton evidently couldn't resist bragging about his sexual exploits. On one occasion, Perry recalled, Clinton said that Gennifer Flowers "could suck a tennis ball through a garden hose."

According to Patterson and Perry, in the late spring of 1991, as Clinton was seriously considering making a presidential run, Flowers began calling him incessantly, sometimes four or five times a week. Shortly after this spate of calls, Flowers got a job as an administrative assistant for the Arkansas Board of Review's appeal tribunal, which hears unemployment cases. According to published news accounts, Flowers first asked Clinton about obtaining a state job in September 1990, and Clinton turned the request over to his special assistant Judy Gaddy. After applying for one position and being turned down, Flowers complained in a letter to Clinton the following January and mentioned allegations linking the two romantically. Shortly thereafter, Judy Gaddy inquired about a job opening at the Board of Review for Flowers. Flowers applied. Bill Gaddy, Judy's husband and another Clinton appointee, is the director of the state's Employment Security Division, which oversees the review board. According to a state committee which later investigated the matter, with Gaddy's approval, Don K. Barnes, the chairman of the review board who hired Flowers, improperly waived certain hiring procedures, and Flowers got the job. Barnes later said that Gaddy had recommended Flowers for the job, but Gaddy has denied this. Flowers told the Star that Clinton "pulled strings" to secure the job for her, which Clinton has denied. Patterson, however, corroborated



Flowers's allegation. "I remember I was driving the car when Clinton got on the phone and discussed that particular job with Bill Gaddy. There is no doubt in my mind that he was asking Gaddy to give it to Gennifer," Patterson said. Gaddy denied ever having a telephone conversation with Clinton about Flowers. (Flowers lost the job for failing to show up for work three days in a row, shortly after coming forward with her story in the Star. She is currently circulating a book proposal in New York.)

Even before the Flowers story broke, Clinton was aware that the issue of his womanizing would plague him in a presidential campaign. "He was walking along one day in 1991 with Bruce Lindsey (now a senior White House aide) and he said, 'If I make the race, I'm going to keep Larry around to deal with all the women,'" Patterson said. ("That never happened," Lindsey said.) According to Perry, Clinton told him in 1990 that he was considering not running for re-election in Arkansas because he feared his history of womanizing would be exposed. As it happened, during that year's campaign, a disgruntled former state employee named Larry Nichols filed a lawsuit linking Clinton to five named women and making the unsubstantiated charge that he had been fired as part of an attempted cover-up involving a secret fund used to facilitate Clinton's trysts. The suit was reported in Arkansas, but neither the precise nature of the allegations nor the women's names were mentioned.

In 1992, the task of "dealing with the women" was ultimately assigned to Buddy Young, the supervisory trooper in governor's security, the troopers said. "Buddy Young specifically told me that he was trying to keep a lid on the other women," Patterson said. "If one more came out, they knew Gennifer would be credible. He said they could weather the storm on one, but not two. He told me he went to Texas to talk to Elizabeth Ward (a former Miss America named in the Nichols suit). He said that she had told him that she didn't need any money, but he said, 'If the money's right, I know she'll keep her mouth shut.'"7 Young denied this. "I've never spoken to Elizabeth Ward," he said. Ward could not be reached for comment.

According to Perry, about six weeks before the Star interview was published, Flowers again began calling the residence day and night asking to speak with Bill. Word around the guard house was that Flowers might be trying to blackmail Clinton by threatening to expose their affair. "She was constantly calling, sometimes several times a day. And we were aware that she was up to something. We were told that she might be trying to tape the calls with Clinton, so I called her Gennifer Fowler so it would look like I didn't know who she was."

Here is an excerpt from a transcript of the Flowers tapes:

PERRY: Governor's mansion, Roger Perry.

FLOWERS: Is Bill Clinton in please?

Perry: Ma'am, he's with some people right now. May I ask who's calling?

Flowers: This is Gennifer Flowers, I'm returning his call.

Perry: Gennifer Fowler?

Flowers: Flowers.

Perry: OK. Hang on just a second. . . .

After the story broke, the damage-controllers went into high gear. Pursuing the story further, reporters began filing requests for various state records, including personnel files and phone records. Up to the time the Star story appeared, the troopers said they kept two logs at the guard house. One was a gate log, produced on a typewriter, noting all vehicles coming into or out of the mansion gates. A second record was a standard telephone message log, with one copy of any telephone message going to Bill or Hillary and one copy retained in the log book.

Patterson said he was told by Buddy Young that Hillary Clinton ordered that the gate log no longer be maintained. And a new procedure was instituted for handling the phone log. Previously, old log books were stored in a maintenance house on the property after they were filled. Post-Flowers, the troopers said, they were told to bring the message log book directly to Buddy Young, who disposed of it. It was Patterson's understanding that the old logs from the maintenance house -- records kept by state employees -- were destroyed on Hillary's orders.

In another instance in the spring of 1992, aides to Clinton pored over telephone records for evidence of personal calls to women, Patterson said. "I was told by Buddy Young that there were several calls made by the governor on his cellular phone to a number in Sherwood, Arkansas, that belonged to (the Clinton girlfriend who lived near Patterson). At the time, the media was covering the Flowers story. I was told that if the records were made public Betsey Wright had told Buddy that I was going to have to take responsibility for making the calls to protect the governor and he asked me to write a check to pay for them." In what Patterson believes was seen as an act of disloyalty by the Clinton clique, he refused to do so.

Young flatly denied this story. Wright, now a Washington lobbyist, said Patterson's account was "absurd." When she was the governor's chief of staff, Wright did regularly review all telephone records and ask people to pay for their personal calls, she said. "But I would never have asked someone to pay for



calls that were not their own. Poor Larry has all of that screwed up." When I asked Wright if she knew this particular Sherwood woman, she said, "It is not an unfamiliar name, but one of the wonderful things about a place like Little Rock is that you get to know everyone."

Throughout the tense period, Young constantly warned the troopers, "If you're smart, you won't talk to the press," the same warning they said he delivered a year later as they prepared to go public with this story.

Clinton, meanwhile, was by turns angry and very worried. From the back of his Lincoln he would say, "What does that whore think she's doing to me?" He also referred to Flowers as a "f -- -ing slut," according to Patterson. On the Flowers tapes, after telling Flowers "if they ever hit you with it just say 'no' and go on," Clinton had said he would be free and clear on the womanizing issue so long as "they don't have pictures." In a conversation in the kitchen of the governor's mansion after Flowers went public, Clinton asked one of the troopers for advice on how to handle the situation. Clinton said that without photos, nothing could be proved. "I told him, 'Then lie your ass off,'" the trooper said, and Clinton apparently did.

1. After speaking to the press, Kirk was fired from her job as a realtor in Dallas.

2. Other names surfaced in the tabloids but, unlike Flowers, were never mentioned in the mainstream press. Appearing on the Sally Jesse Raphael show in July 1992, Sally Perdue, a former Miss Arkansas, claimed that she had had an affair with Clinton, but the media generally did not report this. After the appearance, Perdue was fired from her job in the admissions office of a Midwestern university. A second woman had actually surfaced prior to Flowers, in Penthouse. Connie Hamzy of Little Rock said she had been sunbathing by a pool at a hotel in North Little Rock in August 1984 when an aide to Clinton approached her and arranged a sexual encounter with Clinton.

3. The process of getting the material from Patterson and Perry on the record was a long one. In October we signed a written agreement authorizing me to publish this piece in this magazine while protecting their right to sell a book later. So great was their fear of retaliation from what they called "the Clinton machine," that the troopers then had Jackson make inquiries about establishing a defense fund to cover potential legal costs and lost income that could result from coming forward. In early December, however, the troopers decided to go on the record with no such protection, in order to guard against the potential criticism that they had been induced to talk for money. To allay my own concerns on this issue, I requested and received written assurance from Jackson prior to publication that no money had been paid or promised to his clients by anyone for disclosing any information.

4. Young is currently being sued in Arkansas for allegedly lying in federal

court to discredit a witness who claimed to have information about illegal drug money being funneled through the Arkansas bond market during Clinton's tenure.

5. It could be argued that Clinton did not categorically deny any romantic involvement with Flowers. For example, in the Kroft interview, Clinton was asked about Flowers's allegation of a "12-year affair" and Clinton answered, "That allegation is false." This could leave open the possibility that the affair lasted less than twelve years.

6. According to Flowers in a Penthouse interview in December 1992, Clinton often jogged over to her apartment from the nearby governor's mansion, "arriving sweaty but eager." On other occasions, Flowers said, Clinton's driver sat in the car in the complex driveway and waited for two hours or so. In an interview with me, Flowers said she knew Larry Patterson and also knew that Clinton's drivers waited for him in the parking lot. During the initial visits, Clinton entered the building through the lobby and was seen getting off the elevator at the second floor, where Flowers lived. Rumors soon circulated through the building. Thereafter, Flowers said, she waited on her balcony until she saw the governor's Lincoln pull in and then went to the first floor to prop open a fire exit door with a newspaper so Clinton could enter the building undetected.

7. When Ward appeared in the May 1992 issue of Playboy, which did not mention the alleged affair, the Clinton campaign quickly circulated a written statement from Ward in which she denied any romantic involvement with Clinton.

LANGUAGE: ENGLISH

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January 20, 1994, Thursday

SECTION: Column, Pg. 10

LENGTH: 1980 words

HEADLINE: THE REAL DAVID BROCK. YECCH.

BYLINE: tom fitzpatrick david brock, anita hill

BODY:

First, David Brock wrote a devastating profile of Anita Hill, the law professor who testified against Clarence Thomas. Then he took on Hillary Rodham Clinton.

Calling a hatchet man like Brock a legitimate journalist is like reading Crime and Punishment and deciding that Raskolnikov really carried that ax around with him under his coat because he was an undercover policeman.

Brock's now-famous article, titled "The Real Anita Hill," appeared in the far-right American Spectator magazine in March 1992. Conservatives reacted to it with such great glee that Brock followed it up with a best-selling book of the same title.

Brock is hardly a reincarnation of Woodward and Bernstein. His technique consisted of journeying into Hill's past and coming up with all the far-out anecdotes of a sexual nature he could collect. Brock admits there are some elements of satire in his work. Satire? It is a technique widely used in the supermarket-tabloid field, but it has never been used as a tool in the journalism of the far right.

This month, Brock added a new notch to his belt by adopting his technique to Arkansas for four months, he says, to discover the backgrounds of President Bill Clinton and his wife, Hillary Rodham Clinton.

Until now, Brock had been pretty much ignored by the mainstream press. His sleazy attack on Hill was so astonishing and titillating that would-be critics backed off rather than engage Brock in a frontal debate. They wrote him off as a salacious weirdo and let it go at that.

Here is a sample of the prose Brock served up against Hill, the woman who

came close to preventing Justice Thomas from being confirmed to a seat on the U.S. Supreme Court.

"Hill's behavior struck more than one of her colleagues not as feminism, but as plain sexism in reverse," Brock wrote.

"Her flirtatiousness, her provocative manner of dress, was not sweet or sexy, it was sort of angry, almost a weapon."

Having thus set up Hill as an angry, black woman, Brock then proceeded to relate this account of an incident that supposedly occurred while she was teaching law at Oral Roberts University. He wrote:

"The most bizarre incident is alleged to have happened in the school year of 1983-84 at Oral Roberts, according to an affidavit dated October 13, 1991, and filed with the Senate Judiciary Committee, in which Lawrence Shiles, a lawyer in Tulsa, recounted the following:

"Shortly after class had begun, Professor Hill gave us a written assignment which I completed and duly turned in. When this assignment was passed out to the class after having been marked by the professor, sitting next to me were fellow students Jeffrey Londoff and Mark Stewart. Upon opening the assignments and reviewing our grades and comments made by Anita Hill, I found ten to 12 short, black pubic hairs in the pages of my assignment. I glanced over at Jeff Londoff's assignment and saw similar pubic hairs in his assignment, also.

"At that time, I made the statement to Londoff that either she had a low opinion of our works or she had graded our assignment in the bathroom. Mark Stewart overheard the conversation and said that he had similar pubic hairs in his assignment, also."

Brock concludes this astonishing passage this way:

"So Hill may be a bit nutty and a bit slutty. . . ."

This month, writing again in the American Spectator, Brock devoted his attention not only to President Clinton's sex life but also to what he perceived as an ongoing sexual dalliance between first lady Hillary Rodham Clinton and the late Vincent Foster.

Foster was a partner of Mrs. Clinton's in a Little Rock law firm. This is the same Foster whose suicide after becoming a presidential aide has never stopped haunting the White House. Foster, the Clintons' personal lawyer, handled the papers for Whitewater Development, which is now the focal point of a special prosecutor's attention.



Brock quotes state troopers assigned to protect Clinton as seeing Mrs. Clinton being embraced numerous times by Foster and also of seeing her engage in "open-mouthed kissing" with him. The troopers also cite instances in which the two would go off and spend long hours together, either at the governor's mansion or at a cabin owned by the law firm in which both were partners.

The attacks on Clinton were met head-on. Those on Mrs. Clinton were, I think, considered so distasteful that it was better not to even confront them.

All of these charges, however, were lent some credibility because the Los Angeles Times and CNN reacted to the tales of the unhappy Arkansas troopers at the same time.

One of the first reactions I saw to Brock's attack came from columnist Anthony Lewis on the op-ed page of the New York Times.

He referred to Brock as "chief manure spreader for the extreme right. . . . There is much to criticize in this administration . . . but only someone driven by hate would make the president's most intimate life the test. As the record of great figures in history shows, the correlation between a politician's sexual fidelity and his or her contribution to mankind is zero."

Robert Scheer, a highly respected former investigative reporter for the Los Angeles Times, wrote on that newspaper's op-ed page:

"There is no legitimate journalistic excuse for this preoccupation with the previous peccadilloes, real or imagined, of the president. The issue keeps coming up because it titillates the audience. . . ."

It was not until New York Times columnist Frank Rich attacked Brock that things turned white-hot.

I had seen the smarmy Brock fending off critics during television appearances . . . on C-SPAN and on CrossFire, during which he referred to President Clinton, cavalierly, as "a bizarre guy."

On television, the impression Brock gives us is that of a sanctimonious, self-satisfied young man on a dubious holy mission.

The irony is that Brock seems hell-bent on ferreting out not so much evil-doing as low-down common sleaze.

To see the prissy Brock interviewed is to want to reach into the television screen, grab him around the neck with two hands and strangle him before Rush Limbaugh or Robert Novak can come to his aid.

Brock, now 31, is a graduate of the University of California at Berkeley. He moved to Washington, D.C., and found jobs, successively, at the Reverend Sun Myung Moon's Washington Times and at the Heritage Foundation, the conservative think tank.

This is, coincidentally, the career path followed by one of Brock's great admirers on the local scene, William P. Cheshire, the Arizona Republic's editorial columnist.

Rich, formerly the New York Times' drama critic, has only recently shifted his attention to politics, and now appears twice a week on the Times' op-ed page.

I was interested in the Rich approach, because he had taken the trouble to go back and read Brock's previous article on Anita Hill to see what that might reveal.

Rich wrote:

"His motives are at least as twisted as his facts. It's women, not liberals, who really get him going. The slightest sighting of female sexuality whips him into a frenzy of misogynist zeal."

Rich further pointed to Brock's quoting the Little Rock state troopers as saying that Mrs. Clinton spoke of her "desire to have more frequent sex with her husband."

Speaking of Brock's "rage at women," Rich pointed out the author's admiration for the state troopers, who he described as "tall and trim, with an upright demeanor and closely cropped hair of a military officer."

Rich cited this one passage from Brock's 11,000-word attack on the Clintons in the American Spectator:

"She would phone the mansion from her law office and order troopers to fetch feminine napkins from her bedroom and deliver them to her at her firm."

Rich asked: "Why does Mr. Brock care? Would he have told this story if Mrs. Clinton were fetching aspirin?"

He concluded by saying of Brock, "His animus is so transparent that there will be no need for anyone to write a book in search of the real David Brock."

Nothing in Washington, D.C., journalism ever ends.



The Rich column caught the eye of Howard Kurtz, the Washington Post's media critic. Kurtz contacted Brock for his reaction to the attack by Rich in the Times.

Wrote Kurtz: "Brock, who is gay, strongly objected to the focus on his sexual views."

This brought me up short. I had never known that Brock was gay or that it mattered. And I certainly didn't learn he was gay from reading the Rich column.

"It's ironic," Brock said, "that those who say Clinton's sex life is irrelevant seem to find mine relevant. My sexual orientation has never been a factor in my journalism, and it never will."

"Any sophisticated reader would interpret the Rich column as a thinly veiled 'outing.' I think one has to look at the journalistic ethics of playing to antigay stereotypes."

"It's particularly dismaying that the New York Times decided to publish a vulgar attack, and it will be interesting to see if the mainstream media regard it as acceptable because it is aimed at a conservative."

I admit that much of this Rich-Brock imbroglio is over my head. In reading Brock's articles on both Anita Hill and Hillary Rodham Clinton, I failed to detect that the thrust of his reporting was prompted by Brock's sexual orientation.

Further, in reading Rich's dissection of Brock, I was not sophisticated enough to spot this as a public revelation that Brock was a homosexual.

But I have never been particularly alert to these things. I still remember being in Philadelphia one time with Christina the Lawyer and walking into a bar with her for a drink. There were no seats available either at the bar or on the cushions placed along the floor, so I suggested we go to some other place.

When we were out on the street, she pointed out to me that I was the only one she knew who wouldn't have spotted the place we had just departed as a gay bar.

Once you start talking about gays and straights, you lose me. When I watched the film Philadelphia the other day, it struck me that the two male lovers seemed to have nothing in common and no reason to even hang around together.

But I think Brock protests too much. No one is attacking him because he is gay. Brock makes the mistake of overestimating his own importance.

"Why is the New York Times so threatened by me?" he demanded. "They consider me more dangerous than Rush Limbaugh."

It is an added mistake for Brock to elevate himself in this manner, because it will not only bring him more attention, but turn the egoistic Limbaugh against him, too. There is, of course, Brock's curious way of getting to what he believes to be the heart of his investigative searches.

With Anita Hill, it was her pubic hairs. With Hillary Rodham Clinton, it was her feminine napkins. And he defends himself by saying, "Did anyone make an issue of what Woodward thought of Nixon? If that anecdote was about Nancy Reagan, the cultural elite would have taken it as a significant detail."

Michael Kinsley of the New Republic refers to Brock's work as "comically sleazy journalism." For some reason, that conjures up memories for me of Evelyn Waugh and Scoop, his hilarious and marvelous novel about journalism.

But this, of course, gives Brock too much credit.

Brock doesn't specialize in the theatre of the absurd. He never makes you laugh, he only makes you cringe. He specializes in the kind of bizarre detail that common decency would prevent anyone else from committing to paper. It is a kind of fine madness.

Brock is one of those obsessed, totally self-satisfied investigators who finds shame under every rock but can't stop himself from continuing to turn them over. Some people with this affliction end up wearing restraining garments and residing in locked hospital wards.

Others go on to work as radio talk-show hosts and become quite famous.



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HEADLINE: Lloyds of Clinton;  
Lloyd Cutler and Lloyd Bentsen's unseemly cooperation in suppressing investigations into the Washington phase of Whitewater is only one of many new facts emerging in the wake of this summer's hearings--all of them suggesting that we ain't seen nothing yet.

BYLINE: David Brock;  
David Brock is the author of *The Real Anita Hill* (Free Press), recently issued in paperback, and an investigative writer for *The American Spectator*.

BODY:

"I smell a rat here."  
--Rep. Toby Roth (R-Wisc.)

Assuming that Hillary Clinton's fears about the independent counsel "poking into 20 years of public life in Arkansas" are not misplaced, the major revelations of the Whitewater scandal are yet to come. Nonetheless, White House claims that the so-called Washington phase of Whitewater has received a "clean bill of health" should not go unchallenged.

Time and again during this summer's House and Senate hearings, Clinton officials, led by White House counsel Lloyd Cutler, took the witness stand and said that no laws or ethical rules were broken in the White House Treasury contacts on Whitewater. If nothing else was clear after the dust had settled, the Clintons' efforts to thwart the investigation have soiled the reputations of everyone whose help they have engaged. Cutler used to be regarded as a Zeus-like figure in Washington, but he has now been exposed as just another well-heeled hired gun.

The Two Lloyds

Acting, incongruously, as both advocate for and judge of his client, Cutler did not behave as if the Clintons were innocent. In violation of a House rule requiring that written testimony be submitted to the committee 48 hours prior to a witness's appearance, Cutler handed over his report on White House contacts 30

minutes before he was to begin testifying. This ensured that the questioning would be soft. During a break, the man who insisted that he was not a special pleader for the president, but rather was representing the institution of the presidency, was seen on the dais reserved for members and staff, whispering with administration point man Rep. Barney Frank, the Massachusetts Democrat. One upstart committee member admonished Cutler to return to the witness table. Cutler posed as Mr. Openness, making a big point of Clinton's having waived executive privilege, yet behind the scenes he was achieving unprecedented control over the flow of information to Capitol Hill. Contrary to Cutler's suggestion, executive privilege is very rarely asserted. Rather than denying information to the Congress, prior White Houses have always negotiated with Congress to make even highly sensitive documents available to some select group of members or staff.

Cutler, however, simply withheld certain information by routinely redacting out portions of documents that he deemed "non-responsive." In civil litigation, if a document is deemed responsive in part, the entire document is held to be responsive. When documents are denied and motions to compel are brought, judges assess the merits of such claims in camera. Cutler achieved a kind of super-executive privilege through the back door, with no check or means of appeal. Whether recently dismissed independent counsel Robert Fiske operated with the same White House filter is not known.

Before testifying, Cutler importuned treasury secretary Lloyd Bentsen--supposedly a subject of the on-going investigation--to supply him with copies of interviews White House staff had given to the inspector general of the Treasury Department, which provided raw data for a separate Office of Government Ethics review. Bentsen had the Treasury official phoned at home on a Saturday night and ordered to fork over the material. This gave the White House lawyer time to iron out any bothersome inconsistencies in the testimony, and it violated Bentsen's own instruction to Treasury officials not to be in contact with the White House during the investigation. The two Lloyds also set up their two probes to run simultaneously with the congressional hearings, leaving the House and Senate committees competing with the White House and Treasury for access to witnesses. As a result, certain key witnesses were still being interviewed by committee lawyers as the hearings were proceeding.

#### More Sham

The House was outgunned by the Senate. The upper body, for example, had former Treasury counsel Jean Hanson in for twenty-six hours of depositions, while the House interviewed her for less than six hours. To make matters worse, banking committee chairman Henry Gonzalez had appropriated no funds for the investigation, nor had he hired a lawyer for the majority. And unlike their Senate counterparts, House members had difficulty developing a line of questioning because Gonzalez limited each member to five-minute intervals. Gonzalez and Frank defended the gavel-pounding with constant references to the five-minute rule, conveniently ignoring that the original concept of the rule



was to ensure junior members the chance to get into the game. That is, the rule was conceived as a minimum, not a maximum, and certainly not as a way of frustrating the process.

How could it be that thirty House Democrats and eleven Senate Democrats could look at the same set of facts so differently? With the exception of Rep. Eric Fingerhut of Ohio, House Democrats treated the hearing with derision and a cavalier attitude bordering on contempt, while the Senate treated the matter with the utmost gravity and seriousness. The low point of the entire two weeks was of course achieved in the House, when Democratic Rep. Maxine Waters of California took up a line of questioning designed to show a panel of White House aides as God-fearing, hard-working, well-intended people. ("I understand you even attend church regularly?" Waters asked presidential counselor Mack McLarty.)

Bentsen's collusion with Cutler foreshadowed his thoroughly dishonorable conduct on the stand. Though Bentsen, former deputy secretary Roger Altman, Bentsen chief-of-staff Joshua Steiner, and Hanson provided conflicting accounts of their roles in the White House contacts, Bentsen was the only one of the four to escape grilling by both the committee and the inspector general. Two days after Bentsen, in an interview, denied knowledge of a February 2 meeting at the White House attended by Altman and Hanson, the IG received Bentsen's calendar log showing meetings with his two subordinates on February 1 and 3. Yet the IG didn't go back and ask Bentsen about these logged-in meetings. In the hearing, Bentsen flatly denied being briefed about the White House Treasury contacts, despite testimony and memoranda from Altman, Hanson, and Steiner indicating that he had been.

The question of his own candor aside, however, as the head of an embattled organization, Bentsen had the duty to either forthrightly defend his subordinates before the committee, or concede that the criticism leveled against them was correct. Instead, the cowardly Bentsen was permitted by the Senate and a deferential press corps to step out of the line of fire and disassociate himself from the controversy.

### The Ethics "Report"

Cutler, therefore, was left to brandish the Office of Government Ethics report issued on the eve of the hearings, but it generally escaped notice that the OGE report examined only the conduct of the Treasury Department officials, not of the White House staff. He merely lifted the OGE's analysis of the behavior of implicated Treasury officials and grafted it onto the conduct of the White House staff that he was supposedly evaluating. Contrary to impressions, there was no independent review of the White House staff. (Nor was there consideration of White House ethics policies that set a standard above the OGE's. Those policies say that on investigative or regulatory matters, contacts must go through the White House counsel's office; at a minimum, White House aides George Stephanopoulos--who improperly brought the FBI into Travelgate--and Harold Ickes broke those rules. For more on Ickes, see sidebar on p. 27)

Close observers know that if there is a way of construing a set of facts so that

there is no violation, OGE will unfailingly protect executive branch officials, unless their name is spelled Sununu. In fact, among the documents obtained by Senate investigators was a White House copy of a March 3 Bentsen statement to the press announcing the OGE review, the day before Fiske subpoenaed White House officials on the contacts. At the bottom someone scrawled, "Mack, Per Joel, 'This will cover us so we don't have to do anything further'--P." The notation appears to be a message to chief of staff Mack McLarty from deputy White House counsel Joel Klein. (McLarty had a personal secretary named Patsy.) Once it was completed, Cutler deployed the report to great effect with the public, never tiring of pointing out that the head of OGE, Stephen Potts, is a Republican. He did not add that Potts also likes his job.

The most familiar ethics rule prohibits government employees from using their office for financial gain. Although it is obviously irrelevant to the Washington phase of Whitewater, both Cutler and the Treasury IG spent the bulk of their time explaining why that standard was not violated. The two relevant rules say a government official should not improperly use nonpublic information to further his own private interest or that of another, nor should an official act partially or give preferential treatment to any individual.

Let's take just one contact--the infamous September 29 meeting between Hanson and White House lawyers Bernard Nussbaum and Clifford Sloan--as an example of the OGE's approach. On the first standard, the OGE found that the criminal referrals were indeed "nonpublic," but it went on to argue that Hanson's disclosure served "an official interest" rather than a private one. On the question of whether the disclosure constituted preferential treatment for the president, the report concluded that it did not, noting, "There was an assumption here, arising from the unique nature of the Office of the President, that the contacts were made pursuant to a proper White House function."

The sticking point in the report is that all of the contacts involving the president are regarded on their face as "official," and if there are only "official" interests, there can be no violations. Yet distinctions between a president's official and private interests and actions are recognized all the time: Otherwise, the Justice Department would be representing Clinton in the independent counsel's inquiry on Whitewater and the Paula Jones case. Certainly Hanson had no official purpose in mind when she later attempted to get RTC general counsel Ellen Kulka to brief the Clintons' private attorney on the referrals.

Once one dislodges this false notion, the Hanson disclosures could be construed both as preferential treatment for Clinton and as use of nonpublic information to further his private interests. RTC vice president William Roelle testified that to his knowledge the RTC had never before provided insider notice of criminal referrals. The disclosures arguably put the president in a better position with respect to his personal liability or exposure in an investigation



of events that occurred before he became president.

What if Hanson's contacts with the White House (which she says were either ordered by or known to the president's friend Altman) were intended not for the "proper White House function" of answering press calls--as the OGE report assumes--but to allow Clinton to alert others targeted in the referrals, talk to witnesses, shred documents, and the like? The report was designed so that this possibility could not even be explored. For example, Hanson and deputy chief of staff Harold Ickes met on February 2. The IG asked Ickes what information he received at the meeting, and what he immediately did with it. Ickes answered that he passed it on to Clinton, but since Ickes's conduct was not being evaluated, he wasn't asked for details of the conversation.

Nonetheless, in a later section of the report, the OGE managed to undermine its own key assumption. Of a September 30 phone call from Hanson to Sloan, the OGE said:

Mr. Sloan's notes would suggest that information other than that contained in the press inquiry from Ms. Schmidt [of the Washington Post] may have been conveyed by Ms. Hanson. . . . Ms. Hanson's disclosure of information other than that relating to the President would seem to go beyond what was necessary to achieve her stated purpose of assisting the White House with its press function.

Hanson, for example, disclosed that Arkansas Gov. Jim Guy Tucker was named in the referrals, which the press was then unaware of.

A related bit of evidence was unearthed in an unsworn interview with House investigators. White House staff secretary John Podesta (who was not interviewed for the OGE report) revealed that he remembered that in a meeting with Nussbaum on March 1, Nussbaum said that he had briefed White House aide Bruce Lindsey on the referrals back in September, following the contact with Hanson, because Lindsey handled press calls on Arkansas matters. Yet Nussbaum failed to instruct Lindsey not to tell Clinton, suggesting an ulterior motive.

According to the Cutler chronology, Lindsey then asked the counsel's office whether it was legal for the White House to be getting the information Hanson was providing. Cutler testified that Hanson's information "was coming to her [Hanson] from the press," not through regulatory channels. But why would Lindsey have been concerned about the legality of getting a heads-up on information gleaned from press inquiries, which he had no intention of acting on? More plausibly, Lindsey may have wanted to know whether he legally could have nonpublic information coming from inside the RTC that was far more detailed than that which the press could have conveyed, and that reached well beyond a simple heads-up for dealing with press calls.

The clearest indication that the disclosures were not made pursuant to an "official function" is that the information was never actually used for any official purpose--neither to brief the press, nor, as Cutler testified, to keep the president from "embarrassing or compromising encounters" with those targeted in the probe. Neither Nussbaum nor Lindsey shielded the president from twice meeting with Tucker, a subject of the referrals, on October 6 and again on November 18. Clinton had been told by Lindsey of the referrals before the first meeting, but Lindsey denied telling Clinton that Tucker was named.

In the end, the report's conclusions are hedged to such an extent that they are virtually worthless. "On the basis of our review," the OGE said, "we believe that you might reasonably conclude that the conduct detailed in the report of officials presently employed by the Department of the Treasury did not violate the Standards of Ethical Conduct for Employees of the Executive Branch." The implication, of course, is that one might reasonably conclude that the conduct did violate the standards.

#### Fishy Fiske

A second component of the administration's defense was the deification of special counsel Robert Fiske, who had concluded that no laws were violated in the White House Treasury contacts. As with the ethics report, that conclusion should be subject to closer scrutiny, because Congress and the Treasury inspector general were almost certainly able to develop a more complete picture of the contacts than Fiske did.

As congressional investigators deposed various witnesses in preparation for the hearings, they discovered that some witnesses had never been interviewed by Fiske, and some lines of inquiry had not been pursued in the interviews that Fiske did conduct. Among several witnesses deposed by the Senate, but not interviewed by Fiske, was Joan Logue-Kinder, Treasury's assistant secretary for public affairs. The Senate was able to uncover the fact that Logue-Kinder had called RTC public affairs director Steve Katsanos in October 1993 for information about reporters' inquiries on the Rose Law Firm's representation of Madison Guaranty. Logue-Kinder then instructed Katsanos to brief Hillary Clinton's press secretary, Lisa Caputo.

Fiske also failed to interview Ben Nye, who was Altman's special assistant after Steiner left his office to join Bentsen's staff. And Senate investigators, not Fiske, unmasked the sequence of contacts between the White House, including the president himself, and Eugene Ludwig, the comptroller of the currency. Clinton asked Ludwig for advice about Whitewater at the December 1993 Renaissance Weekend, and Ludwig secretly funneled copies of reporters' FOIA requests on Whitewater to Bruce Lindsey.

Senate investigators are quick to concede that the press of time meant that



they, too, were unable to depose all of the potentially relevant witnesses. For example, they didn't depose John Bowman, a Treasury attorney who worked for Hanson and had extensive responsibilities for the RTC beginning in 1993 and ending with the appointment of Ellen Kulka as RTC general counsel in early 1994. Bowman was physically on site at the RTC during the entire period under investigation. He rebuffed Hanson during a January 1994 meeting when she asked RTC officials to provide her with copies of the Whitewater criminal referrals so that Altman could fend off Republican demands that the deadline for filing civil charges in the Madison case be extended by announcing that the case was closed.

The upshot is that new independent counsel Kenneth Starr will want to take a fresh look at the series of contacts--provided that the full court press by Clinton lawyer Robert Bennett questioning his independence does not intimidate Starr, who is said to be susceptible to liberal media pressure, into accepting Fiske's judgment.

#### What About George and Bruce?

Though the media focused heavily on Altman and Hanson, the two most promising areas of further probing on criminal obstruction of justice charges, according to congressional investigators familiar with the evidence, involve Bruce Lindsey and George Stephanopoulos. Belying the Cutler line that no wrongdoing occurred since the investigation was not in fact influenced, the statute proscribes not only a successful obstruction but also any endeavor to obstruct, provided there is corrupt motive.<sup>1</sup>

After learning of the referrals, Lindsey spoke by telephone on October 4 or 5 with Denver lawyer James Lyons, who had authored a false report for the Clinton campaign to deflect reporters' questions about Whitewater. In this conversation, Lindsey learned that reporters were asking questions about who had endorsed checks written on Madison Guaranty accounts to the Clinton gubernatorial campaign that were at issue in the referrals. As he was being questioned during the Senate hearing about this call, Lindsey flashed a satanic grin and referred to contemporaneous written notes of the conversation that he had failed to surrender in the Senate's document request; nor is it clear that Fiske had them. The Senate did not depose Lyons. Copies of FBI interviews with Lyons supplied to Congress indicate that Fiske did not question him about his contacts with Lindsey.

After an October 14 meeting with Treasury Department public affairs director Jack DeVore about the checks, Lindsey testified, he called the custodians of the campaign contribution records in Little Rock and requested copies of them. Two months later, when the Washington Post was finally able to break the story about the fishy checks, Susan Schmidt reported that "former Clinton campaign aides said they would not make their own records from the 1984 campaign available." Clinton aide Betsey Wright was quoted as saying she was "unable to locate"

copies of post-election contribution reports required to be filed by state law. The originals had disappeared from the county clerk's office; Wright said she "probably forgot" to file them. Did someone in Arkansas take the checks and other evidence and deep-six them?

The problem for Stephanopoulos involves his discussions with Steiner and Altman about Jay Stephens, a Republican former prosecutor who was hired by the RTC in mid-February 1994 to pursue the civil case against Madison. Though he was able to portray these two contacts as his sole role in the controversy, largely unnoticed evidence was developed in the House that Stephanopoulos had been involved in the ouster of former RTC chief Albert Casey in March 1993, which put Altman in control of the agency. Shortly thereafter, the RTC reversed its position on extending the statute in the Madison case from favorable to opposed. Senate sources say that last November--shortly after word that the civil case was back in play reached the White House--Stephanopoulos was involved in a White House decision to pull the plug on the troubled nomination of Republican Stanley Tate to head the agency, leaving Altman in place for several more months.

#### The Jay Stephens Thicket

White House officials first learned of the Stephens hiring during the week of February 14. Steiner testified that he heard about it from either John Podesta or his deputy Todd Stern. Nussbaum testified that he also learned of it at this time and complained to other White House staffers of its unfairness. Neil Eggleston, a Nussbaum aide, called Hanson to find out how Stephens got hired. Steiner, too, contacted Hanson and asked how Ellen Kulka hired Stephens; he then passed on the information to the White House.

According to Hanson's deposition, Steiner called back and said that Ellen Kulka should be fired for hiring Stephens. Hanson also said Steiner suggested that the civil case be transferred from Kulka and Stephens and assigned to Robert Fiske--a suggestion that originated in early February with Nussbaum, who, obviously believed that Fiske was less aggressive. (Interestingly, Steiner testified that Fiske did not ask him about these particular contacts with Hanson.) Finally, the Cutler chronology revealed that Clinton himself expressed concern to deputy chief of staff Ickes about Stephens.

Stephanopoulos testified that he first learned of the Stephens hiring on February 24 or 25. This is doubtful, since, even in the unlikely event that Stephanopoulos was unaware of the foregoing chain of events, as he testified, he could have learned of the Stephens hiring in the February 17 edition of the Washington Post, which reported that Pillsbury, Madison & Sutro, Stephens's firm, had been hired by the RTC to investigate civil claims against Madison.



Stephanopoulos testified that in two telephone conversations on the 25th, one with Altman (with Ickes on speakerphone) and one with Steiner, he merely inquired about how Stephens was hired. He said he also "blew off steam," since he believed Stephens was out to get Clinton for removing him and all other U.S. attorneys in February 1993. Note that in the same conversation, Altman revealed he was going to recuse himself from the Madison case, leaving Stephens unchecked.

Did Stephanopoulos's inquiries mean something more, particularly since the White House already knew not only that Stephens had been hired but also how? Three independent and mutually corroborating sources provided evidence suggesting Stephanopoulos's real motive. An entry in the Steiner diary, which Steiner was not able to convincingly disavow, read: "George then suggested to me that we needed to find a way to get rid of him [Stephens]." Altman testified that Stephanopoulos suggested firing Stephens. And Hanson testified that Steiner told her that people at the White House wanted to get rid of Stephens.

Stephanopoulos testified that he did not recall asking Steiner if the RTC could get rid of Stephens. But when asked "did you ever tell, request, ask, or suggest that Mr. Steiner or Mr. Altman or anyone else for that matter find a way to fire or get rid of Mr. Stephens," Stephanopoulos retreated to the nonresponsive assertion that he "never directed anyone to take any action to impede an investigation." He then insolently used the verb "directed" six more times, even after GOP Sen. Orrin Hatch of Utah called attention to his ducking.

That answer should trigger a review by Starr of Stephanopoulos's role. Even if the contacts don't lead to an obstruction charge, Stephanopoulos's testimony--as well as that of many of the administration officials who testified in a cavalcade of poor recollections--may provide grounds for the filing of secondary charges, such as making false statements and lying to Congress. Can evidence be found that Stephanopoulos knew of the Stephens hiring before the 25th? Even if not, there are cases when "I don't recall"--a phrase used thirty-one times in Stephanopoulos's Senate deposition--would constitute perjury.

#### Roger Altman and Elliott Abrams

The main question before Fiske concerned Roger Altman's unsworn testimony February 26 before a congressional oversight hearing. In a curiously sweeping sentence that followed a more detailed section on obstruction, Fiske wrote, "We have also concluded that the evidence does not justify a criminal prosecution for violation of any other federal statute," an apparent reference to false statements charges. But the hearings produced hints that Fiske may not have seriously considered whether Altman's testimony was indictable. Bentsen, for instance, testified that Fiske did not even ask him about what he knew about the circumstances surrounding Altman's testimony.

Altman's claim that he knew of only one "substantive" contact, when in fact there were 40 White House Treasury contacts, was a crimped and artificially constructed answer designed to mislead. But Fiske may have concluded that he could not prove that this was a lie. He therefore would have had to pursue a dicier charge that Altman withheld information from Congress--for example, when he failed to disclose that his recusal was discussed in the course of the contact.

This is the sort of charge that Iran-contra prosecutor Lawrence Walsh forced Reagan State Department official Elliott Abrams to plead guilty to. Perhaps Fiske reasonably does not think that withholding information from Congress in unsworn testimony is a crime, because if it is Altman is certainly guilty of it. If so, Fiske should have cleared the air and stated in the report that he was applying the standards of the Justice Department, and not the unjust standards of Walsh (who was Fiske's law partner in New York).

Fiske's conclusion notwithstanding, some banking committee lawyers believe a good case could still be made against Altman. The weakness of the Abrams case, which amounted to nothing more than the criminalizing of policy differences, ought not rule this out. First off, there is a difference between withholding information for a national security reason--Abrams had made an absolute pledge of confidentiality to a third country in a sensitive foreign policy initiative--and the situation in Whitewater, where there was a private reason for the withholding, arguably to conceal an abuse of power by high government officials for personal gain. Secondly, Altman's statements came while an investigation was proceeding, while Abrams's didn't. (The false statements charges filed against Oliver North and John Poindexter for their testimony during the Iran-contra investigation seem more warranted.)

Furthermore, Abrams's testimony came in response to an unexpected question for which he was not briefed, while a briefing memo for Altman specifically listed the recusal issue. (The White House expected a rough time. A "to do" list prepared by Podesta's shop said, "Line up a Senator or two (e.g. Boxer, Murray, Sarbanes) to counterpunch.") And lastly, on the sole point on which Abrams's testimony was wrong, no government official contacted him in the ensuing weeks to tell him so. Altman, on the other hand, was informed within a few days that his testimony was incorrect and continued to fail to correct it.

#### The Foster Suicide

Second-guessing prosecutors, of course, is difficult if not impossible; prosecutors assess the likelihood of success differently, and Fiske did not present his evidence, citing grand jury secrecy rules. But in the one aspect of his investigation where he did publish his evidence, the death of Vincent Foster, Fiske's methods don't inspire confidence.



Fiske regarded the testimony of the so-called confidential witness who discovered Foster's body as highly credible in establishing certain facts, such as the time of death and the position of the body. Yet he gave no credence to the witness's statement that there was no gun in Foster's hand when he came upon the body, which may have contradicted Fiske's predetermined conclusions. If the witness had credibility problems, Fiske's judgment in taking his word for anything without further sourcing is suspect. If not, all of his story should have been weighed.

Another problem concerns Fiske's conclusion that although Foster's head was "straight up" when found, a blood stain on his right cheek that came from contact with the shoulder of his blood-stained shirt indicated that the head must have been moved by someone who came upon the body before the confidential witness. But Fiske couldn't find any such person. Moreover, he appears to have made no effort to determine the source of carpet fibers and hairs found on Foster's clothing, nor did he even mention that semen was found on Foster's undershorts. Incredibly, the prosecutor did not bother interviewing the pathologist who conducted Foster's autopsy.

All of this is not to suggest that Foster was murdered or that he died somewhere other than where his body was discovered. Rather, it shows that by failing to convincingly lay to rest the nagging inconsistencies surrounding the death scene, the Fiske report in its sloppiness and lack of initiative provided fodder for conspiracy theorists. And if Fiske couldn't be trusted on the little things, Starr is going to have to start from scratch on the big ones. On the most important question before him--why Foster killed himself--Fiske concluded emphatically that Whitewater played no role. Yet according to those who have seen it, the Fiske deposition of Bill and Hillary Clinton shows that he didn't ask the first couple if they had spoken to Foster about Whitewater before his death.

A bigger question still is whether the White House obstructed the investigation of Foster's death. Fiske was replaced before he could issue findings. But the few bits of evidence that emerged in the hearing made it look as if the administration had interfered with the investigation, as the park police's chief criminal investigator, Charles Hume, told the Senate in a sworn deposition. Hume was supposed to testify but mysteriously didn't show up. Park police investigator John Rolla testified that a police sergeant called him at home the evening of the death and ordered him to turn over the key to his desk to the Secret Service--or it would be busted open. In addition to personal effects, the desk contained Foster's White House pager, which would have stored the numbers called in that day even if turned off. It might have been a way to chart Foster's movements during the five hours or so between the time he left the White House and his death, had investigators preserved the numbers. Rolla told the sergeant where to locate the spare key, the Secret Service took the

pager, and this evidence was lost.

We now know where this trail is likely to lead: right into the Oval Office. The Secret Service was acting on orders from the president, Rolla said.

Li'l Abner in Dogpatch

Worse still for Clinton, in this next round he won't have the services of a smoothie like Cutler to pull the wool over everyone's eyes. Cutler's replacement as White House counsel, one of the few top jobs in government where one actually has to do one's own thinking and writing, is Judge Abner Mikva, a former Democratic congressman. Mikva is neither a skilled lawyer nor a distinguished judge; he spent most of his time clumsily attempting to use his position as chief judge of the D.C. circuit to fix the outcomes of cases by importing liberal "visiting" judges to stack the three-judge panels. Think of him as the Henry Gonzalez of the Court of Appeals.

1 There is a technical legal question about whether the RTC's civil investigation constituted a "pending proceeding" under the criminal code. As a general matter, courts of appeals have broadly construed the term "proceeding" to include preliminary inquiries by agencies.

LANGUAGE: ENGLISH

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SHOW: Crossfire 7:30 pm ET

December 21, 1993

Transcript # 990

TYPE: Show; Interview

SECTION: News; Domestic

LENGTH: 4969 words

BODY:

DAVID GERGEN, Counselor to the President: The smear campaign then started up with money, and it was going to be very painful for the President and for his family.

ANNOUNCER: Live from Washington, Crossfire. On the left, Mike Kinsley. On the right, John Sununu. Tonight, The Arkansas Allegations. In the crossfire, David Brock of The American Spectator magazine; and Democratic strategist Ann Lewis.

JOHN SUNUNU: Good evening. Welcome to Crossfire. Two Arkansas state troopers have gone on the record in public statements, accusing President Clinton of extramarital affairs that required them, as state employees, to help him hide those liaisons. Their on-the-record comments were supported by two other troops who asked that their names not be used. While the White House has branded these allegations as ridiculous, the use of public security could be a misuse of public resources. Supporters of the President point out that the troops could be no more than disgruntled former employees acting out of spite. The troops counter with the charge that the President and the White House have been improperly trying to encourage them not to go public with the comments. Is there any fire that goes with the smoke? And even if there is, does it really deserve to be a headline story? Does anyone really care? Alex Beckel's brand new daddy Bob Beckel is sitting in for Mike Kinsley tonight. Bob?

BOB BECKEL: Thank you, John, and a great baby he is, too. David Brock, now these officers come out now right around the Christmas season, right when Bill Clinton is getting up in the polls. If this was in the public interest and these people knew about these allegations and saw them over several years, why, when the opportunity presented itself in the 1992 campaign, when this issue swirled around Bill Clinton didn't these- why did they not come forward then, instead of waiting, searching for a book contract, to do it?



DAVID BROCK, 'The American Spectator': Well, I think they feared reprisal and retaliation. They never expected Clinton to win the presidency. They expected today to still be working for him, and they clearly would have been fired from their jobs then. They may still be.

BECKEL: In all the allegations here, with all the women that have been mentioned, a number of reporters, yourself included, have contacted these women. This has happened now for several years by several different people. Every one of those women, not only will not confirm any of these stories, but they deny the stories. Now, what you're suggesting is that these women are all lying and that these troopers are telling the truth, when we know that these troopers are being guided by Cliff Jackson, who's been out to beat up Bill Clinton for several years, when they have been out seeking a book contract. Why in the world do you take the word of these guys versus these women and continue to perpetuate this four story?

Mr. BROCK: Well, there's no word of the women. Some have denied, some have refused to comment, some have not returned calls. So I am not saying-

BECKEL: Have any of them confirmed, even off the record-

Mr. BROCK: Look, the question isn't if the women are lying. Some of them won't even respond at all, won't comment at all. Secondly, let me talk about the Cliff Jackson issue. Cliff Jackson did not instigate this, and you know, I was there at the beginning. The Los Angeles Times was there at the beginning, in August, when this process started. The troopers found Lynn Davis and Cliff Jackson, two attorneys in Arkansas, to help represent them with the press. It was not the other way around. No words were put in their mouth.

BECKEL: OK, and you-

Mr. BROCK: And there's no effort of-

BECKEL: One last question, and I'll get to you, John.

Mr. BROCK: There's no effort to sell a book.

BECKEL: There is an effort to sell a book. You know, these guys are looking to sell a book.

Mr. BROCK: There was a general discussion four months ago about perhaps selling a book, but look, if they wanted to make money on this, they could have sold this story for a half a million dollars to the tabloids.

BECKEL: A lot easier to make money when the guy's a sitting president than when he's not, but-

Mr. BROCK: Well, why didn't they sell it to the tabloids?

BECKEL: The allegations by Ferguson, one of the officers, is that Bill Clinton picked up the phone and offered him a job and suggested that he call this other trooper and offer him a job when Clinton was sitting in the Oval Office. Now, don't you find it a little strange that a sitting president of the United States would do something as overt as that on open phone lines when he could have gotten, I assume, somebody else to do that work for him? It really stretches credibility here. Every one of these things-

Mr. BROCK: It doesn't stretch credibility 'cause the White House has already confirmed the call has been made.

BECKEL: You may not like Bill Clinton, but he's a smart man-

Mr. BROCK: Wait, right out of the box-

BECKEL: Do you think a smart man would do that?

Mr. BROCK: It's so embarrassing that perhaps he couldn't have a surrogate handle it.

SUNUNU: Ann Lewis, let me give you the tone of the comments made today by Mrs. Clinton addressing this issue. She said, 'I find it is not an accident that every time he is on the verge of fulfilling his commitment to the American people and they respond, out comes yet a new round of these outrageous terrible stories that people plant for political and financial reasons.' Comments in exactly the same vein were used by Bruce Lindsey, the Assistant White House Press Secretary, in addressing this issue. All the comments that have come out of the White House have been in that context, all containing a calculated choice of words that never contain a specific denial of the alleged misconduct. Why won't they come out and deny the misconduct?

ANN LEWIS, Democratic Strategist: Maybe they were trying to be polite, but I will not be restrained, and let me say what I think of this language. (1) This is, so we understand it, and, David Brock, when you say there was no word of the women, when women say no, they mean no. When some of those-

Mr. BROCK: When they don't call back, they don't mean no.

Ms. LEWIS: When some of those women, when reached, said no, so could you at least give some credibility to the fact that some of the women-

Mr. BROCK: Yes, I'm just saying that-

Ms. LEWIS: -when called said no.



Mr. BROCK: -they didn't all deny it.

Ms. LEWIS: No, what you said was there was no voice of the women.

Mr. BROCK: The Los Angeles Times-

Ms. LEWIS: Not every one of them may have yet been reached, but some of the women said no.

Mr. BROCK: One of the women told The Los Angeles Times she didn't know Bill Clinton, then she said she had a relationship, but it wasn't improper. So what do you make of that?

Ms. LEWIS: So we do have the voices of women. We do have the voices of women, and the contradict what has been- this is recycled garbage. It's being peddled by people who are enemies of Bill Clinton. Let me talk again about-

SUNUNU: But, Ann, for the sake of the presidency-

Ms. LEWIS: Let me talk about the voices of women-

SUNUNU: For the sake of the presidency, shouldn't they come out with a flat out denial?

Ms. LEWIS: You know, it's very hard to get into a fight with people who are peddling garbage-

Mr. BROCK: No, it's-

Ms. LEWIS: -because almost no matter- you would know, David, but we're going to talk about this. I've read that story in The American Spectator.

SUNUNU: Why don't they deny it, Ann, honest?

Ms. LEWIS: How would-

SUNUNU: Tell me why they don't deny it.

Ms. LEWIS: Because I read that story, and there was a picture in that story that goes on for pages of Hillary Clinton as being foul-mouthed, as being out of control, and as showing contempt for the state of Arkansas. Now, I know Hillary Clinton, and I admire her, and I think a lot of us who've gotten to see her in the last year, that is not the woman we know and like. How do you stand up, call a press conference and say, 'No, I am not foul-mouthed- a foul-mouthed harridan.'?

SUNUNU: But talk about that-

Ms. LEWIS: The moment you talk about- it's in the article.

SUNUNU: I'm talking about denying the alleged misconduct.

Ms. LEWIS: It's hard to deny that-

SUNUNU: Deny the alleged misconduct. That's a very simple thing to do.

Ms. LEWIS: But, in fact, they did deny it. What I have seen denied is, 'No, we did not call and offer jobs.' Let us be clear, if there's a misuse of power here, it is the misuse of the power of the press that is taking its-

SUNUNU: Ann, you're doing the same thing here. Ann, you're doing the same thing.

Ms. LEWIS: Wait a minute. This story went on for eight pages. You want me to stop and deny every single line by line-

SUNUNU: Deny one of them.

Ms. LEWIS: I'm saying it's inaccurate.

SUNUNU: Deny one of the really most critical items-

Ms. LEWIS: I did deny one-

SUNUNU: -using the troopers-

Ms. LEWIS: I was-

SUNUNU: How about using the troopers improperly.

Ms. LEWIS: Using the troopers? These troopers are-

BECKEL: John, John-

Ms. LEWIS: David Brock interviewed these troopers, he says, 30 times. That's why he knows they're such good witnesses. Somehow he never found out about their records or never asked them. Either he never asked them whether there was anything in their background that might cause us to wonder about their word. The New York Daily News today, which also has investigative reporters, found out in the background of these troopers, some of them have been suspended. One of them was suspended for beating his wife. None of that kind of information is in that story.

SUNUNU: Well, then, are you here today-

Ms. LEWIS: How do we get in there and deny it?

SUNUNU: Are you here today on behalf of the administration-

Ms. LEWIS: No.



SUNUNU: -denying categorically the misconduct?

Ms. LEWIS: I'm not here on behalf of the administration. I'm here as a citizen, and I find this outrageous, and I'm like a lot of other Americans, common citizens-

BECKEL: Wait a second, John.

Mr. BROCK: You don't have a political interest here?

Ms. LEWIS: I was born in this country, and I am not a spokesperson-

SUNUNU: You still haven't asked the question why they don't deny it.

BECKEL: John, listen, you've been carrying it-

Ms. LEWIS: I'm denying it. I'm not-

SUNUNU: Are you denying it for them? Are you their spokesman?

BECKEL: I find it all ridiculous, incredible, and yes, if I were in a position to officially deny it, I would deny it. There, are you happy? Now, stop this line of questioning-

SUNUNU: But you're not.

BECKEL: -and let's get back

SUNUNU: You're not in a position to deny it.

BECKEL: Hold it. Wait a second. You guys- this is a classic attack from the right, this dirty, insidious stuff. Deny, deny, deny.

SUNUNU: The Los Angeles Times is the right?

BECKEL: John, George Bush didn't-

SUNUNU: The Los Angeles Times is the right?

BECKEL: Hold it, John. George Bush denied Iran-Contra. He's up to his neck in it. You know it.

SUNUNU: The Los Angeles Times is the right?

BECKEL: Wait a second. Excuse me, excuse me.

SUNUNU: You're ridiculous.

BECKEL: Excuse me. Wait a second.

Mr. BROCK: CNN airs-

BECKEL: Can I ask you a couple-

Mr. BROCK: -it 15 hours, Sunday night until Monday morning.

BECKEL: Instead of having you sitting here shouting at me, can I ask you some specific questions about your supposedly researched piece of work-

Mr. BROCK: Yes.

BECKEL: -and these thugs- excuse me, these police officers, whose impeccable wife-beating records?

Mr. BROCK: Why not?

BECKEL: Let me ask you this. A lot of these allegations said that these supposed sexual arrangements went right up through after the time Bill Clinton was elected President and during the campaign. Now, I've been on a national presidential campaign. The Secret Service is at the hip of a president, presidential campaign, and particularly a president-elect every minute of the day or night, and the Secret Service denies any of this took place. I will believe the Secret Service of the United States before I'll believe a couple of rogue cops who were trying to cash in. Did you ever ask the Secret Service agents, any of them?

Mr. BROCK: I certainly did.

BECKEL: And they told you no, right?

Mr. BROCK: They didn't tell me no.

BECKEL: Did you put it- did you print it in your article?

Mr. BROCK: They're not denying it.

BECKEL: Excuse me. Did you print in your article that the Secret Service denied categorically that anything like this happened?

Mr. BROCK: No, because-

BECKEL: You're suggesting, Mr. Brock-

Mr. BROCK: They say they have no knowledge of it. That's not denying it.

BECKEL: I would suggest to you, Mr. Brock, that you do not take the word of this punk Cliff Jackson, who's been against Bill Clinton all these years and you ask somebody else-



SUNUNU: Let him answer.

BECKEL: Excuse me-

SUNUNU: Bob, let him answer.

BECKEL: I did, but I'm asking, John, you guys are sitting there throwing this at us. I'm asking this question. I asked him, did he decide to interview the Secret Service agents who were there and who-

Mr. BROCK: All right, all summer.

BECKEL: What did they say?

Mr. BROCK: Various things.

BECKEL: What did they say? Did any of them ever say any of this happened?

Mr. BROCK: No one corroborated it.

BECKEL: That's exactly right. Now, did you-

Mr. BROCK: But you're missing the point here.

BECKEL: Wait a minute. Can I just ask one last question, and I'll let you talk?

Mr. BROCK: These guys-

SUNUNU: Let him talk about the Secret Service.

Mr. BROCK: -after the election, these guys, and in Little Rock for three months, these guys were still charged with clearing people through the governor's residence. There was a Secret Service checkpoint, they were an inner checkpoint. They cleared a woman, they allege, three times after Clinton was elected president through the Secret Service by lying, by saying this woman was on the President-elect's staff. She was dressed in a raincoat and a hat and came in at 5:15 in the morning and had a liaison with Clinton in the game room in the bottom floor of the governor's mansion.

BECKEL: David, this is getting a little bizarre. Next thing we're going to see-

Mr. BROCK: It's bizarre, but hey, Bill Clinton is a bizarre guy.

BECKEL: -that Jane Fonda's going to come by. Wait a second. If the Secret Service of the United States, which is a very good force, allowed a woman in a trench coat to come into the governor's mansion at 5:15, the governor-elect's office- the

President-elect's residence, that is so incredible that it boggles the mind, but I repeat my question, if I may, John, why did you not see fit to print the fact that the Secret Service agents, who were at the site, denied these things happened?

Mr. BROCK: I'm telling you, they didn't deny it.

BECKEL: Did you put that in your article?

Mr. BROCK: That they didn't deny it?

BECKEL: Did you say anything about the Secret Service?

Mr. BROCK: No.

BECKEL: No, you did not. Good. That's my point. Thank you.

SUNUNU: Ann, let me go to what I think is a more serious issue, and that's the issue of what happened in Vince Foster's office after his suicide, the fact that there was a deliberate use of language again by Mark Gearan who knew that certain things had happened in there. He admits now that he chose his words to mislead without making an absolute denial of what went on. The taking of the documents out of there, and he knew those documents had been taken. Isn't the taking of the documents a terrible act? And (b) isn't deliberately misleading the public that those documents were taken out of there sufficient?

Ms. LEWIS: Wait a minute, but I want to talk about the use of language, because just now we heard David Brock say about the President of the United States, 'Bill Clinton's a pretty bizarre guy.' I find that an outrageous statement. This is the author who said in his article about Anita Hill that Professor Hill was, and I quote-

Mr. BROCK: Leave Anita Hill out of it. Stay on the subject.

Ms. LEWIS: This is your article.

Mr. BROCK: Why don't we- hey, The Los Angeles Times-

Ms. LEWIS: Because you're the expert, and Professor Anita Hill was-

Mr. BROCK: -ran a piece almost exactly like mine today, so this has got nothing to do with me.

Ms. LEWIS: Isn't there a reason why he doesn't want it to be said?

Mr. BROCK: I do, because this is not-

Ms. LEWIS: For those who want to hear whether David Brock-



Mr. BROCK: -an issue about me.

Ms. LEWIS: -is a source-

SUNUNU: Ann, Ann-

Mr. BROCK: This is not an issue about me.

Ms. LEWIS: This is the guy who just said that Bill Clinton is bizarre.

BECKEL: Wait a second. Stop, please. Stop. John, hold it.

SUNUNU: I have a question.

BECKEL: I know, but I'm going to have to go to a break. All right. Go ahead. Could you quickly answer the Vince Foster question?

SUNUNU: I had a question on the table.

Ms. LEWIS: Yes.

SUNUNU: Isn't the fact that documents were taken out of Vince Foster's office and deliberately misrepresented by choice of language, isn't that an act that in itself is an indictment of the style of operation of that White House?

Ms. LEWIS: Absolutely not, and I've looked at Mark Gearan, and I think we mean Mark Gearan's language, and what he said was he chose his words carefully.

BECKEL: OK. All right. Let me choose my words carefully and say we're going to take a break. We'll be back in a minute, and we'll answer the question about whether this story has legs and whether Bill Clinton will have a merry Christmas.

[Commercial break]

BECKEL: Welcome back to Crossfire. Tonight we're discussing new reports that then Governor Bill Clinton used members of his security detail, Arkansas state troopers, to facilitate extramarital affairs. The White House and First Lady Hillary Rodham Clinton are dismissing those reports as an attempt to smear the President. So who's telling the truth, Bill Clinton or the men who protected him when he was governor of Arkansas? Joining us are David Brock, an investigative journalist who wrote a lengthy piece on the allegations in this month's edition of The American Spectator, a monthly magazine specializing in very conservative opinion. Also joining us is Democratic strategist Ann Lewis. John?

SUNUNU: Ann, let's go back to where we left off. Mark Gearan, the

White House communications office, admits he knew of the search and the pulling of documents out of Vince Foster's office and admits he chose words that misled the public that that took place. Now we see the words that have been carefully chosen in statements out of the White House that fail to deny the specific affairs that the President was accused of having. Is not this idea of carefully choosing words that sound like they're saying one thing but actually saying something else as bad as anything else in this whole sordid thing?

Ms. LEWIS: Are you going to try to tell our audience, John Sununu, that when you were in the White House you never carefully chose your words to give people one impression or the other? I think people who work in the White House ought to carefully choose their words.

SUNUNU: So you're acknowledging that this is a process of misleading even on this affair.

Ms. LEWIS: No, carefully choosing words is different from misleading. Carefully choosing words-

SUNUNU: But Mark says he chose them to mislead.

Ms. LEWIS: You're missing two very different issues, one is where Mark says, 'I chose my words very carefully to give this impression.' That's a different issue. Today you're saying if Bill Clinton and Hillary Clinton do not specifically deny every single allegation in this piece of garbage-filled article-

Mr. BROCK: How about the thrust of the article?

Ms. LEWIS: I will tell you that the thrust of those allegations that Bill Clinton misused the White House and that you, sir, are a serious investigative reporter, who comes to this with anything less than the most right-wing bias, is absolutely-

Mr. BROCK: Then why aren't they denying it?

Ms. LEWIS: -is absolutely outrageous. I just denied it. They have chosen not to get into-

Mr. BROCK: You can't deny it. You didn't do it.

BECKEL: Let me go- wait, can we stop and go back-

SUNUNU: Let me go to-

BECKEL: Wait a minute. We've been to the deny thing. Can I just say one thing to you, John, about this Foster issue and Mark Gearan? Mark Gearan never said that he misled anybody. He said he chose his words carefully. I would not make that allegations, 'cause he didn't say it, and secondly, Bruce Lindsey is assistant to the President, just for the record, not assistant press



secretary.

SUNUNU: Let me get-

BECKEL: Can I ask Mr. Brock a question?

SUNUNU: Not yet, not yet. What we had was another item that was broken this week by The New York Times, and this was the Whitewater Development Corporation issue, in which they alleged the possible improper actions by the Clintons on their investment. Isn't it ironic that this extramarital issue may actually now keep the press from following up on that story?

Ms. LEWIS: I don't think there's anything ironic about the fact that you suddenly have this interest in very bad news at a time when the economy is going well, when Bill Clinton's numbers are going well. I would remind you that the people who are complaining the loudest about some of these 'allegations' are the ones who three months ago were writing stories saying that Bill Clinton's budget was going to ruin the economy. Well, the economy's going well. They had to find something else to complain about, and we're now seeing a whole new series of-

SUNUNU: You're saying these troopers are doing that because the economy's going well?

Ms. LEWIS: Oh, no, the people who are using them-

BECKEL: Excuse me for a second-

SUNUNU: The Los Angeles Times?

BECKEL: Excuse me.

Ms. LEWIS: The people who are peddling-

BECKEL: Excuse me. Could I get in here?

Ms. LEWIS: You should know where you speak.

Mr. BROCK: They've been speaking of coming forward for a year. OK. It's not timed to anything.

Ms. LEWIS: They told you that, but you forget to ask them whether any of them had ever been suspended for misconduct or about their records.

BECKEL: Excuse me.

Ms. LEWIS: You were so busy-

Mr. BROCK: Their record is fine.

BECKEL: Excuse me. Can I please get in here for a second, please? First of all, I find it ironic that a guy can't be beaten at the polls so they try to beat him in other ways, but let me go back to this. The allegations about the troopers. I misspoke, and I want to apologize. Maybe it hasn't been proven this guy was a wife beater, but there have been allegations about this guy in the past. This other officer, apparently, has been angered at President Clinton because he didn't get a job. There were lots of other people assigned to the security detail of then Governor Clinton. None of these other people have come forward to confirm these stories. I find it ironic that when all this time has passed and all the opportunity to say something after he became President that these two guys choose this time, I go back to the point, in search of a book, and nobody else has confirmed it, and yet you guys are treating this as if it's a serious story. It is such an unserious, unsubstantiated story that what it's going to do is once again poison the political process and everybody out there, including me, that cares about it, that has to sit here and be subjected to this kind of crap, this is now the President of the United States. You're not messing- SUNUNU: Is this a question or a statement?

BECKEL: Wait, no- part of it is a statement.

SUNUNU: It's a filibuster.

BECKEL: You're not messing here with a governor or a candidate. This is the President of the United States. This is dangerous territory.

Mr. BROCK: I'm not messing with anybody. I'm reporting what four troopers have said in interviews with me, with The Los Angeles Times, with CNN, with ABC News.

BECKEL: OK.

Mr. BROCK: They've all reported it. It's news.

BECKEL: But, David, did you report what the other troopers said? Did you report what the other troopers on the security detail said?

Mr. BROCK: What did they say?

BECKEL: They deny-

Mr. BROCK: That's like saying- look, that's like saying- I didn't report what you said about this. You don't know anything about it.

BECKEL: They denied- the other members of the security force denied that this took place, and yet you have not-

Mr. BROCK: They did not. They said they had no knowledge of it.



BECKEL: And you have not seen fit, nor have these officers, to accept the fact that others have denied it.

SUNUNU: Let me test one fundamental issue that I think is the biggest issue in this, not the alleged misconduct by the President, but the fact that what was involved in here was using state troopers to either arrange for the liaisons, to stand guard for the liaisons, to take presents to these women or to be a part of the process which made them extremely uncomfortable. If that's true, you have to acknowledge that that would be a serious misuse of the public resource.

Ms. LEWIS: I want to hear a lot more about who these people were and where this story comes from. As I said, I have my own opinion about who's misusing public resources right now, and that is the kind of attention that's being given to two people with no corroboration whatever. So, again, let's be very clear about what's going on, and I notice the fundamental issue has now shifted once again. So now we're going way back in time-

SUNUNU: When did it shift?

Ms. LEWIS: Well, a little while ago we were talking about the misuse of power on whether or not Bill Clinton called them from the White House, and now we want to talk about who was driving in the state patrol-

SUNUNU: They're all part of the story. They're all part of the story, Ann.

Ms. LEWIS: So no matter which one we deny, again- and that's what gets me back to this issue, unless we deny one, two, three through 10, John is left with saying, 'Aha, that's-

SUNUNU: You ought to pick at least one or two to deny, Ann.

Ms. LEWIS: I did. I picked several. I say, (1) I do not believe and I categorically deny and Bill Clinton has denied that he called these guys and tried to offer them a job. So we're clear, the reason-

SUNUNU: So that's what you're denying and the rest is-

Ms. LEWIS: See what I mean? No matter what else I deny-

SUNUNU: Ann, thank you for joining us tonight, Ann Lewis. And thank you, David Brock, for joining us tonight. Bob Beckel and I will be back in a minute.

[Commercial break]

BECKEL: John, you know I find this story is so full of holes, so lacking in anybody to confirm it, and particularly the women supposedly involved in this thing, who have denied this, why is

it that Bill Clinton, after having a very good year, he raises the question, why, after such a good year, all of a sudden they're dumping all this stuff on him?

SUNUNU: Bob, it wasn't a good year. He's got problems in Somalia. He's got problems in Bosnia. He's got problems in dealing with some of the issues in this country. He hasn't got a real head start on his health care program-

BECKEL: John, George Bush would have wished he ever had a good year like this.

SUNUNU: Yeah, and he's got the situation now with the Whitewater Development Corporation. He's got the situation with the taking of the documents out of Foster. This has not been a good year, and I think they're not handling this issue well.

BECKEL: Well, whether they're handling it well or not, the point is that this is a man, I think, who deserves some credit and does not deserve to have these stories recycled. In any event, I think this story's going to go away-

SUNUNU: But, Bob, I think the big issue is the misuse of the staff when he was governor, to me is more serious than the allegations about the affairs.

BECKEL: Well, in any event, Merry Christmas, John. From the left, I'm Bob Beckel. Good night for Crossfire.

SUNUNU: And from the right, I'm John Sununu. Join us again tomorrow night for another edition of Crossfire. PrimeNews is next. Here's Jeanne Meserve to fill us in on what's coming up. Jeanne?

JEANNE MESERVE, PrimeNews: Thanks, John. Just ahead on PrimeNews, the director of the Arkansas State Police questions the credibility of two of his subordinates, who have leveled charged of infidelity against President Clinton. And two members of Michael Jackson's defense team resign, as the super star entertainer gets ready to speak publicly about the allegations against him. Those stories and more at the top of the hour on PrimeNews.

The preceding text has been professionally transcribed. However, although the text has been checked against an audio track, in order to meet rigid distribution and transmission deadlines, it has not yet been proofread against videotape.

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The Washington Times

January 7, 1994, Friday, Final Edition

SECTION: Part A; COMMENTARY; EDITORIALS; Pg. A18

LENGTH: 508 words

HEADLINE: Frank Rich, ordinary man?

BODY:

Here at the editorial page of The Washington Times, we are a determinedly literal-minded, thick and plodding lot, ungiven to flights

of fancy, deconstruction or (heaven forfend) reading between the lines. Thus, that is exactly how we shall approach the remarkable little article the New York Times' Frank Rich published on his paper's op-ed page yesterday. "David Brock's Women" is an attack on our former colleague, whose recent article in the American Spectator recounted Arkansas state troopers' descriptions of President Clinton's extramarital sexual adventures.

Mr. Rich writes, so far as we dolts are able to tell, because he purports to find an animus against women in Mr. Brock's work. Mr. Brock has written unflattering things about 1) Anita Hill; 2) Angela Wright (a woman Clarence Thomas once fired who subsequently accused him of ungentlemanly behavior); and 3) Hillary Clinton. Thus, as Mr. Rich puts it, "It's women, not liberals, who really get him going."

Well, Mr. Rich certainly has a right to an opinion. What are we supposed to do, quote disparaging remarks Mr. Brock has made about Thomas defender John Doggett (who is neither a female person nor a liberal) or Thomas attacker Sen. Howard Metzenbaum (likewise non-female, but very liberal) to disprove Mr. Rich's contention?

In any case, the truly striking thing in Mr. Rich's article is this sentence: "On 'Crossfire,' a smirking Mr. Brock called Bill Clinton 'a bizarre guy,' not recognizing that the Fornigate charges, if true, would make the President seem all too pathetically ordinary, not bizarre."

Let's go over the Arkansas state troopers' charges again. Here's a partial list:

\* Mr. Clinton frequently pretends to be jogging, actually is

meeting women.

\* Mr. Clinton frequently borrows troopers' private cars to sneak out of mansion after wife is asleep to meet women.

\* Mr. Clinton frequently has troopers sneak women into mansion.

\* Mr. Clinton has trooper approach woman named Paula at reception and tell her to meet Mr. Clinton in hotel room, where they spend an hour.

\* Mr. Clinton meets young woman at 1988 Democratic Convention, takes her to private office for an hour or so.

\* Mr. Clinton receives oral sex in parked car at daughter's elementary school.

\* Mr. Clinton receives oral sex in parked truck on grounds of governors' mansion.

\* Mr. Clinton receives oral sex while driving Jaguar from Little Rock airport.

Now, considering Mr. Rich's assessment of this, we dense types here are asking ourselves: "Ordinary"? This is "ordinary"? Even "pathetically ordinary"? Who thinks this is "ordinary"?

Maybe this is what they think in New York. Or anyway in the New York Times. At least it's what Mr. Rich thinks, that's for sure.

It's almost enough to set off a round of speculation about whether Frank Rich considers himself ordinary. Thankfully, at The Washington Times, we haven't got the imagination.

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January 2, 1994, Sunday, Final Edition

SECTION: EDITORIAL; PAGE C7

LENGTH: 1018 words

HEADLINE: I Judged the Troopers To Be Credible

SERIES: Occasional

BYLINE: David Brock

**BODY:**

In the wake of the reporting of allegations by Arkansas state troopers about the Clintons by me in the American Spectator, by CNN and by the Los Angeles Times, important questions have been posed in The Post by Michael Kinsley [op-ed, Dec. 23] and E. J. Dionne Jr. [op-ed, Dec. 28] and in Newsweek by Joe Klein about the veracity and newsworthiness of the story.

I agree that if allegations are "uncorroborated" (Kinsley) or "elide easily into gossip" (Dionne) they should not be published. This story, however, was based on the word of four independent eyewitnesses to certain events (two named and two unnamed) who were cross-examined by me (and other reporters) for many hours and judged to be credible. Subsequent efforts by Clinton operatives to discredit the troopers have done nothing to shake any part of their story.

"But where are the women?" Klein and others have asked. As it happens, three women -- Gennifer Flowers, Sally Perdue and Connie Hamzy -- had made prior public statements substantiating parts of the troopers' account, as I noted in my piece. And it would hardly be surprising if other women stay quiet. Why should they disrupt their lives only to be derided as "bimbos"?

Additional corroboration came from a record of extensive telephone calls linking Clinton to a fourth woman identified by the troopers -- calls that one of the troopers has alleged he was ordered by Clinton aides to claim fraudulently as his own. The troopers' former supervisor, Buddy Young, confirmed a key aspect of their story, as even the White House now has in a statement acknowledging several presidential phone calls to troopers.

(Incidentally, to the charge of hypocrisy leveled by Dionne and Klein, I plead not guilty. My principal criticism of the airing of Anita Hill's charges was not that they were politically motivated or that they were distasteful but

that there was no evidence for them. In fact, the preponderance of evidence suggested that they were false.)

The arguments of Kinsley, Dionne and Klein, all political supporters of the president, are strikingly self-contradictory. On the one hand, they call the story "baloney" (Klein) and "unbelievable" (Kinsley); yet, on the other hand, each also insists that many Americans already knew that the general thrust of these charges was true and voted for Clinton anyway. This mirrors the response of the Clintons themselves, who have called the stories "outrageous" while not denying them.

The real controversy, then, seems to revolve not around whether the charges are true but whether they are news. Skeptics and even some conservatives too hastily dismiss the gravamen of the charges by portraying them as being about "just sex," admittedly a private matter. But there are several aspects of the troopers' story that raise legitimate public issues.

The core allegations concern alleged misuse of the state police to procure and conceal sexual activities, as well as alleged efforts by the president and his aides to derail the troopers' story through intimidation and bribery. Contrary to some incomplete press reports, these latter charges have not been recanted by any of the troopers. In fact, they have been reaffirmed in subsequent interviews with the Los Angeles Times.

A second issue is the frenetic nature of the alleged sexual activities. A president must exercise great judgment; indeed, many historians agree that in hindsight what makes John F. Kennedy's private conduct so relevant -- and so troubling -- is the lack of discipline and discretion he displayed.

Finally, the troopers corroborated the claim of Gennifer Flowers that she and Bill Clinton carried on a long-term affair, which he denied during the presidential campaign. And they said Clinton continued to engage in extramarital relations even after the "60 Minutes" interview in which he led the public to believe that any such indiscretions were in his past. The issue here is not infidelity per se. For a president to deliberately deceive the American people has always been considered by political observers of every stripe to be a grave offense.

Reasonable people, of course, will draw different conclusions about all of this. Yet I must demur when liberals such as Kinsley concede that the allegations of post-"60 Minutes" philandering and bribery by a sitting president are serious, yet seem to conclude that news organizations should have suppressed the charges anyway. Suddenly, it is unconscionable to report such charges against a public figure. Suddenly, scandals touching on sex are beyond the pale



of public discourse. It all depends, I suppose, on whose ox is being gored.

Then there is the "shoot-the-messenger" strain in so much of the commentary, something I have observed with more than a passing interest. Words like "dishonest" and "sleazy" have been hurled in my direction, the sort of opprobrium that can only chill the efforts of other reporters to pursue this story further.

Kinsley has also charged me with "bad faith," a typical attempt to deflect the substance of my piece with phony facts and semantics. He cites, for example, my contention that Clinton aide Betsey Wright's use of the phrase "bimbo eruptions" was "little-noticed" and produces 324 Nexis references to the colorful phrase. But only 55 of these references were to Wright's use of the phrase, and many of those came after my story broke. Other mentions were in stories about Mary Matalin's wedding (127) and the travails of Joey Buttafuoco. The bad faith, I'm afraid, is on Kinsley's side.

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David Brock is a writer at the American Spectator and author of "The Real Anita Hill."

LANGUAGE: ENGLISH

LOAD-DATE: January 1, 1994

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The Times Union (Albany, NY)

January 5, 1994, Wednesday, THREE STAR EDITION

SECTION: MAIN, Pg. A9

LENGTH: 560 words

HEADLINE: CLINTON'S BACKERS IN THE PRESS RALLY AROUND HIM

BYLINE: DAVID BROCK

BODY:

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LOAD-DATE: December 1, 1994

Copyright 1994 The Dayton Daily News  
The Dayton Daily News

January 6, 1994 THURSDAY, CITY EDITION

SECTION: EDITORIAL, Pg. 7A

LENGTH: 1011 words

HEADLINE: ARGUMENTS SELF-CONTRADICTORY;  
TROOPERS JUDGED CREDIBLE IN ALLEGATIONS

BYLINE: David Brock

BODY:

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The core allegations concern alleged misuse of the state police to procure and conceal sexual activities, as well as alleged efforts by the president and his aides to derail the troopers' story through intimidation and bribery. Contrary to some incomplete press reports, these latter charges have not been recanted by any of the troopers. In fact, they have been reaffirmed in subsequent interviews with the Los Angeles Times.

A second issue is the frenetic nature of the alleged sexual activities. A president must exercise great judgment; indeed, many historians agree that in hindsight what makes John F. Kennedy's private conduct so relevant - and so troubling - is the lack of discipline and discretion he displayed.

Finally, the troopers corroborated the claim of Gennifer Flowers that she and Bill Clinton carried on a long-term affair, which he denied during the presidential campaign. And they said Clinton continued to engage in extramarital relations even after the 60 Minutes interview in which he led the public to believe that any such indiscretions were in his past. The issue here is not infidelity per se. For a president to deliberately deceive the American people has always been considered by political observers of every stripe to be a grave offense.

Reasonable people, of course, will draw different conclusions about all of this. Yet I must demur when liberals such as Kinsley concede that the allegations of post-60 Minutes philandering and bribery by a sitting president are serious, yet seem to conclude that news organizations should have suppressed the charges anyway. Suddenly, it is unconscionable to report such charges against a public figure. Suddenly, scandals touching on sex are beyond the pale of public discourse. It all depends, I suppose, on whose ox is being gored.

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GRAPHIC: PHOTOS: (#1) State trooper Roger Perry, (#2) State trooper Larry Patterson

LOAD-DATE: August 30, 1994



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THE ARIZONA REPUBLIC

January 6, 1994 Thursday, Final Chaser

SECTION: EDITORIAL/OPINION; Pg. B7

LENGTH: 1049 words

HEADLINE: JUDGING CLINTON'S HONOR ;  
FORGET BELTWAY INSIDERS; REST OF AMERICA WANTS TO KNOW OF  
ESCAPADES

BYLINE: By David Brock

BODY:

In the wake of the reporting of allegations by Arkansas state troopers about the Clintons by me in the American Spectator, by CNN and by the Los Angeles Times, important questions have been posed by Michael Kinsley and E.J. Dionne Jr. and in Newsweek by Joe Klein about the veracity and newsworthiness of the story.

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Derided as 'bimbos'

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A second issue is the frenetic nature of the alleged sexual activities. A president must exercise great judgment; indeed, many historians agree that in hindsight what makes John F. Kennedy's private conduct so relevant - and so troubling - is the lack of discipline and discretion he displayed.

Kept having affairs

Finally, the troopers corroborated the claim of Gennifer Flowers that she and Bill Clinton carried on a long-term affair, which he denied during the presidential campaign. And they said Clinton continued to engage in extramarital relations even after the 60 Minutes interview in which he led the public to believe that any such indiscretions were in his past. The issue here is not infidelity per se. For a president to deliberately deceive the American



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LANGUAGE: ENGLISH

LOAD-DATE: January 19, 1994

Copyright 1994 Star Tribune  
Star Tribune

January 7, 1994, Metro Edition

SECTION: News; Pg. 25A

LENGTH: 937 words

HEADLINE: Disliking the sex story, they blamed the writer

BYLINE: David Brock

BODY:

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David Brock, a writer at the American Spectator and author of "The Real Anita Hill," wrote this article for the Washington Post.

GRAPHIC: Cartoon

LANGUAGE: ENGLISH

LOAD-DATE: January 7, 1994



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## **Clinton Presidential Records Digital Records Marker**

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Copyright 1994 The American Spectator  
The American Spectator

September, 1994

SECTION: FEATURE

LENGTH: 4560 words

HEADLINE: Where Was Hillary?  
And where's the desk she told the IRS she bought for \$1,116?

BYLINE: David Brock;  
David Brock is the author of *The Real Anita Hill* (Free Press), now in paperback, and an investigative writer for TAS. Matt Labash helped in the research for this article.

BODY:

In all of the shady Arkansas financial dealing and Washington strong-arming that have been lumped under the rubric of Whitewater, no single fact, taken by itself, has proved of great legal or ethical or political import. But scandals as complex as Whitewater unfold slowly, and it is the accumulation of facts that will eventually yield, like brush strokes on a canvas, a complete picture of the First Couple.

The most recent stipple is provided by the First Lady--specifically, by her claim that she made her own trading decisions during a nine-month foray into the commodity futures market in the late 1970s. As is well known, Hillary invested \$1,000 in cash in a margin account in October 1978 with the brokerage Ray E. Friedman & Co. (Refco). By July 1979, when the Refco account was closed, she had made trading profits of approximately \$99,537.

When this extraordinary profit was first reported by the New York Times this past spring, the White House said Hillary had "invested . . . in her own accounts." This was immediately contradicted by her broker, Robert L. "Red" Bone, who said, "I can't recall ever dealing with the Clintons."

The White House then revealed that Tyson Foods lawyer James B. Blair had been "consulted on many of the commodities trades and was viewed as an important financial adviser." Blair initially downplayed his role, saying, "I passed on my advice. She may have taken it sometimes, and she may not have taken it sometimes."

Within a week, the White House acknowledged that "most of the commodity



orders . . . were placed by James B. Blair." Blair now conceded that "I turned the orders in." But both he and Hillary insisted that she made her own decisions (sometimes consulting with Blair) and controlled the trades. The trades--thirty-two in all--were then called in to Refco by Blair.

None of these explanations squares with Hillary's schedule at the time. In fact, in the case of at least one major trade, her various alibis and fallback positions appear untrue because they are logistically impossible.

In her press conference in late April, her final statement to date on the controversy, Hillary tried hard to further the impression that she made the calls on when to buy and sell the futures contracts. She clearly hoped to dispel the suspicion that Blair (or someone else) had essentially conducted the trades in her name, raising the issue of whether Blair was buying political influence for Tyson Foods through the arrangement. (Others who benefited from Blair's advice conceded to the New York Times on July 5 that they left the trades entirely to him, and allegations that Tyson received favorable treatment during both Clinton's governorship and his presidency have been the subject of numerous media reports.)

"So [Blair] would talk to me, and he'd say: 'Here's what I think is going on. What do you think?'" Hillary explained. She consulted with Blair, she said, but she did "not make every trade he recommended" and "used some other advice as well," including keeping abreast of the market herself by reading the Wall Street Journal and consulting other unnamed advisers. Asked flatly if she had been "riding on [Blair's] coattails," Hillary replied, "No, I wasn't . . ."

However forthright Hillary's denials, there is now evidence that someone other than herself directed her trades. On two days during which Hillary traded in futures in 1979 and 1980, she was presiding over day-long meetings of the Legal Services Corporation board and thus could not plausibly have tracked futures markets on her own throughout the day to take advantage of price fluctuations, as someone who was directing her own trades would have done.

In 1977, President Carter appointed Hillary to the Legal Services Corporation, which oversees the government's legal assistance programs for the poor. She served as chairman from 1978 to late 1980, and remained on the LSC board until 1982. Both positions required Hillary's participation in board meetings.

According to records released by the White House in April of this year, on January 26, 1979, Hillary purchased eleven live cattle contracts and made a second purchase of three live cattle contracts. These trades are especially interesting because they represent Hillary's second most successful trading day as a cattle speculator, resulting in a net profit of \$25,280 when these fourteen contracts were sold a month later.

Yet on this very same day, Hillary was busy conducting an LSC board meeting, which was open to the public and covered by a court reporter, as is the board's usual practice. According to the transcript of the meeting, which is a public record, Hillary chaired the "1979 Board Retreat" at the Airlie House in Airlie, Virginia, on January 26 and 27. On the 26th, the day of the two trades, the meeting run by Hillary started at 9:45 a.m. ("I'm Hillary Rodham," she began, "and I'm chair--whatever--person, thing, or whatever") and lasted all day (adjourning at 5:15 p.m.) with a short break for lunch. According to the minutes, there were supplementary activities for the LSC board scheduled during lunch.

The official transcript shows Hillary did not seem to desire any extra time to consult with her cattle-futures advisers in Arkansas or check the market herself:

CHAIRMAN RODHAM: Get something to eat in the dining room and go to the Garden Room. We are going to be back here at 1:00--2:00? Why so long?  
No, I don't want to wait until 2:00. Let's be back. (Whereupon, at 12:10 p.m. o'clock, the meeting was recessed, to reconvene at 1:00 p.m., this same day, Friday, January 26, 1979.)

Thus, Hillary may have been able to excuse herself for at most a few moments during two short recesses--one in the morning and one in the afternoon--to give the okay for the transactions, as the non-discretionary Refco account required her to do, but she would not have had the time to focus her attention on market fluctuations that day.

The size of this day's trades is telling: Since she made more than \$25,000 on the trades, a market swing in the opposite direction could have left her \$25,000 poorer, a significant chunk of money to wager on the fly when one considers that her husband's salary was only \$35,000.

The second trading day, May 1, 1980, is somewhat less interesting because it was in Hillary's second futures account, at Stephens Inc. This was a discretionary account, meaning that trades could be ordered by a broker without her personally giving the go-ahead for every trade. According to the records released by the White House, Hillary sold one SEP '80 T BOND that day--a short sale, because she then bought the SEP '80 T BOND on May 13 for a profit of \$533.25.

But Hillary's chairing of yet another all-day LSC board meeting on May 1--this time at the Rivermont Hotel in Memphis, Tennessee--suggests again that she would not have had the time to monitor the markets and decide for herself whether and how to trade. That meeting convened at 9:00 a.m. and adjourned at 6:00 p.m.



It would later be revealed that during the period of her tenure at the LSC, Hillary was aggressively avoiding taxes--the now-famous deductions for Bill's used underwear being only the tip of the iceberg. Indeed, in 1980, the last year Hillary was LSC chairman, the Clintons failed to declare \$6,498 Hillary made in capital gains on the Stephens trades, recording only a \$449 commodity loss for the year. (This past April, when the problem was discovered, the Clintons paid \$14,615 in back taxes and interest.)

Tax records from those days, reluctantly released by a White House under media pressure, show that Hillary also took dubious deductions to defray the tax liability on her Legal Services Corporation board of directors income. Rather than report it as wages, she reported it as business income on Schedule C (listing her business as "consulting"), which made it easier to write off office furnishings, supplies, and books.

For example, in 1979, when she was board chairman, Hillary reported \$8,823 in gross income from the LSC; against this, she took deductions of \$555 for car expenses and \$644 for depreciation on furnishings. She placed the cost of a desk at \$1,116; shelves at \$120; a sofa at \$750; and books at \$57--deductions someone in business for herself might take to furnish an office.

But was the furniture a legitimate deduction (if in fact there was any furniture)? After all, in 1979, Hillary was the wife of the governor, and the governor's mansion in Little Rock presumably comes fully furnished. She was also working at the Rose firm, which surely didn't require its lawyers to provide their own desks. And as LSC board chairman, she had use of furnished offices and conference rooms in Washington.

I canvassed four former members of the LSC board, none of whom claimed deductions on their taxes for furniture or supplies or their automobile, and each of whom laughed out loud when read the list of Chairman Rodham's deductions. "Purchases of equipment?" Mike Wallace, a Mississippi lawyer who served as board chairman in the mid-1980s, asked incredulously. "That's a new one on me." Former board member Basile Uddo, who served during the Bush administration, called the deductions "way out of line and unheard of."

Interestingly, in the LSC years, the Clintons' tax returns were prepared by the Little Rock accounting firm of Frost & Co. The Clintons' little-noticed ties to Frost & Co. raise some of the same troubling questions as Hillary's representations of Madison Guaranty and of the U.S. government in a case against Clinton cocaine crony Dan Lasater--that is, questions that go directly to Hillary's ethics as a lawyer.

In 1984, Frost & Co. conducted an audit of Madison Guaranty Savings & Loan.

giving the bank a clean bill of health. In 1985, when Hillary and other Rose lawyers appeared before state regulators appointed by her husband to ask that Madison be allowed to raise needed capital by issuing preferred stock, she cited the Frost & Co. audit--which had been written by an accountant who had two outstanding loans from Madison. (The plan was approved, but the stock deal never went through because the capital was never raised.) In 1988, Madison sued its accountants for breach of contract, claiming that Frost & Co.'s audits misrepresented the failing bank's financial condition.

In 1989, the bank was closed and the Federal Deposit Insurance Corporation was appointed to manage the conservatorship, which included pursuing legal claims by the bank. The Rose Law Firm was chosen to represent the U.S. government in the suit against Frost & Co. after Rose partner Vince Foster wrote a letter soliciting the FDIC work on behalf of Rose.

With Webb Hubbell as lead attorney, Rose in 1991 settled the original \$10 million suit with Frost & Co. for only \$1 million, which was less than the insurance coverage held by Frost & Co. at the time. The Rose firm was paid \$400,000 in fees, a whopping sum for a non-litigated settlement. Frost appeared happy with the settlement; its managing partner Steven Humphries said at the time that his firm's attorneys had "no problem" with Rose's involvement in the suit.

Since Hillary's firm was suing her former accountants, the ethics issue was whether Hillary should have told the government about her business ties to Frost & Co. For one thing, the firm had prepared her taxes at a time when she was doing everything possible to avoid paying her fair share. For another, Frost & Co. and TCBY Yogurt--on whose board Hillary served from May 1989 to May 1992, during the period that the case against Frost & Co. proceeded--were partners in Capitol Avenue Development Co., which owned the \$68 million TCBY Tower in downtown Little Rock. If Frost & Co. were bankrupted by the litigation, TCBY would suffer.

There was also an undisclosed political relationship between Bill Clinton and Frost & Co., a contributor to Clinton campaigns. Indeed, in August 1990, when Rose was seeking to settle the suit for the government, Frost & Co. gave \$1,000 to Clinton's gubernatorial re-election campaign. (H.G. "Jack" Frost, the company's namesake, left the firm in 1980, and he says he retained no financial interest in the firm other than yearly income from a non-compete agreement.

Jack Frost gave both money and gifts of air transportation to both Clintons over the years, state records show.)

Though Hillary herself was not involved in the 1989 case, for purposes of conflict-of-interest rules, one partner's work is generally attributed to all of the partners in the firm. In other words, the judgment of Hillary's law firm



might have been colored by the fact of Frost & Co.'s political contributions to her husband and the prior fiduciary relationship between Frost & Co. and both Clintons. As the Clintons' tax preparers in the late 1970s, the small firm may have had access to damaging information about both the Clintons' Whitewater investment and Hillary's cattle-futures speculation. As the auditors for Madison Guaranty, Frost & Co. may have found links between the bank and the Whitewater development--such as insured deposits from Madison diverted to Whitewater. Might Rose's lawyers have had an incentive, then, to negotiate a settlement favorable to Frost & Co.? If that was the case, the U.S. taxpayer was not properly represented by Rose.

Even if the representation was not compromised, the Hillary-Frost relationship is the sort of link most clients would want to know about. Arkansas adopted the American Bar Association's "Model Rules of Professional Conduct" for attorneys in 1985. The provision relevant to the Frost case states:

A lawyer shall not represent a client if the representation of that client may be materially limited by the lawyer's responsibilities to another client or to a third person, or by the lawyer's own interests, unless: (1) the lawyer reasonably believes the representation will not be adversely affected; and (2) the client consents after consultation.

In 1990, the FDIC's legal division adopted policies governing conflicts of interests for the lawyers it retains. The policy says:

A conflict of interest may arise because the law firm or a lawyer associated with the firm has a position or an interest of its or his or her own that places the law firm in a posture adverse to the FDIC. . . . A conflict of interest is generally regarded as existing whenever the law firm or lawyer in question either has or represents an interest adverse to the client of a nature sufficient to affect counsel's legal judgment and ability to represent the client zealously.

The upshot is that Hillary's business and political links to Frost & Co. could have presented a conflict for the Rose lawyers in the Madison case; the government should have known about it. In and of itself, the non-disclosure may be judged a minor matter; but it is part of a now-established pattern, the fourth such non-disclosure in Rose's legal work for the federal government to date.<sup>1</sup>

Earlier this year, the FDIC conducted an investigation into whether Hillary's prior representation of Madison before the Arkansas Securities Commission presented a conflict in the 1989 case. At the time of the earlier case, she was on a \$2,000-a-month retainer from the bank. The FDIC found that no written record existed to show what the Rose firm disclosed to the government before taking the 1989 case. The FDIC said its attorneys had no recollection of the

Rose firm mentioning that its lawyers, including Hillary Clinton, had represented Madison before state regulators in 1985, or that Hillary was connected to James McDougal.

But the agency concluded that, if Rose had known, it would not have been a conflict in any event, reasoning that in both the 1985 and 1989 cases Rose was representing the S&L's interests. The 1989 Frost case, however, raises a different type of conflict, because a Rose lawyer had ties to a party (Frost) whose interests were adverse to Rose's client's.

The FDIC review was fishy from the start, since the agency was investigating itself. Some of the lawyers involved in the review had even overruled contemporaneous reports of Rose Firm conflicts from FDIC field personnel. The review so angered Republican senators (Lauch Faircloth of North Carolina called it "an eight-page insanity plea") that the agency's acting chairman agreed to re-open it. A probe by the agency's inspector general is continuing. Ken Boehm of the National Legal and Policy Center--the ethics watchdog group that has sued Hillary's health-care task force for operating in secret--has asked the FDIC inspector general to determine whether Rose's representation was affected by the undisclosed Hillary-Frost connection.

Don't expect much: The FDIC also found no problem in a 1987 case involving Dan Lasater, who gave the president's brother Roger \$8,000 to pay off drug debts. Hillary and Vince Foster represented the U.S. government in a suit against Lasater, who had been sued by a failed Illinois S&L for money lost in alleged unauthorized trades by the Lasater firm. Rose settled the \$3.3 million case for just \$200,000.

1 The only one not discussed here concerns Webb Hubbell, whose father-in-law Seth Ward, an officer of Madison Financial Corp., defaulted on substantial loans to Madison. Ward sued Madison for unpaid commissions, and the case was settled on appeal. Despite Hubbell's interest and involvement in the Ward proceedings, which were ongoing during the Madison case against Frost, the FDIC found no conflict because Hubbell was not Ward's attorney.

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HEADLINE: MR. SYMMS GOES TO JAMBA.  
A Kind Word for Congress in Foreign Policy

BYLINE: DAVID BROCK; DAVID BROCK, a journalist in Washington, D.C., is writing a book on Congress and foreign policy for HarperCollins.

**BODY:**

Three years into the administration of George Bush, the salient features of U.S. foreign policy on his watch have been brought into sharp focus. These have been described by a number of foreign affairs analysts as a penchant for order over change; an emphasis on pragmatic reactions as opposed to fixed principles; a high regard for the authority of multilateral institutions and process; and a heavy reliance on personal relationships and secrecy in the conduct of diplomacy.

The president and his foreign-policy cohort exhibit a marked distaste for just about all of the hallmarks of foreign policy under Ronald Reagan -- most notably a concern for freedom and democracy, a vigorous public diplomacy, and an uncompromising anti-Communism.

The dramatic triumphs of the West since 1989 -- the fall of Communism in Eastern Europe, the seemingly successful prosecution of the Gulf War, the economic and political liberalization of Mexico, and finally the dissolution of the Soviet Union -- have so far muted most open criticism of Bush's foreign policy, at least in his own party. Yet many conservatives are increasingly disturbed by the direction of American foreign policy -- particularly Bush's scorn for self-determination in the Soviet republics, his acquiescence in China's crackdown on liberty, and the moral equivalence he ascribes to Israel and the Arabs in Middle East peace negotiations.

A close look at how the momentous events of the past decade were influenced in the foreign-policy process in Washington nevertheless ought to cheer conservatives about the prospects for turning policy in a more desirable direction. It will also lead them to a surprising place -- the corridors of the much-vilified U.S. Congress, which has had a more salutary effect of foreign policy over the past 15 years than most conservatives realize.



## Near Heresy

Given that this is a near-heretical notion in conservative circles, some clarifications are in order. First, in using the term "conservative," I am not referring to right-wing isolationist, or to the more influential (but no more numerous) advocates of realpolitik who give short shrift to the goal of promoting liberty, democracy, and other American values throughout the world. I am referring to the sizeable majority of conservatives who support the continued projection of U.S. power, influence, and values abroad -- commitments affirmed in the last three national GOP platforms.

Second, this is not an effort to debate theoretical separation-of-powers questions that will never be settled. The plain fact is that Congress has recently inserted itself into foreign policy-making on an unprecedented scale, and will continue to do so in the years to come.

Third, I have no intention of defending all that Congress had done in the foreign policy-making field. Dozens of congressional procedures and practices desperately need to be reformed, such as the bundling of unrelated spending bills into massive appropriations legislation with the deliberate objective of confusing voters and making it more difficult for presidents to exercise their constitutional veto authority. And I certainly do not mean to defend the laziness, incompetence, and colossal policy misjudgments of too many individual members of Congress -- in particular, the sympathy many exhibited toward tyrants such as the Nicaraguan Sandinistas and the knee-jerk opposition by most congressional Democrats to even humane and judicious use of military force by the United States.

My goal, rather, is to stress the important role that Congress has played in advancing the conservative foreign policy agenda. The prevailing conservative view of executive-legislative relations is that foreign policy is the prerogative of the president. Most conservative politicians and pundits would limit congressional involvement in foreign policy to ratify treaties, approving nominations, passing budgets, and declaring war -- and they have interpreted this last power granted Congress in the Constitution so narrowly of late as to have rendered it mostly pro forma.

This view is totally out of sync with the reality of the past 15 years, during which many conservative goals have been achieved only as the result of pressure from Capitol Hill over the opposition, even in the Reagan administration, of the State Department and military bureaucracies. What is more, conservative policy ends have frequently been achieved by the same unconventional means that conservatives vehemently criticize when liberals in Congress employ them, namely micromanaging executive branch programs, holding nominations hostage for policy reasons, leaking stories to the media, unleashing

their staffers, even conducting free-lance personal diplomacy.

### Nicaraguan Distortion

There has long been an influential strain of thought, dating to Alexander Hamilton's admonitions in *The Federalist*, in support of an unfettered presidency in foreign affairs. Historically, such views have prevailed among the foreign-policy elites of both political parties. But in the 1980s this became the rank-and-file Republican orthodoxy.

The spread of this view resulted largely from the bitter contest over aid to anti-Communist guerrillas in Nicaragua, where Democrats in Congress undermined a cause that most conservatives thought was morally just and strategically necessary. Still unsatiated, the Democrats sought to criminalize the actions of executive branch officials responsible for Nicaragua policy. The Contra battle greatly distorted the lens through which conservatives analyzed the executive-legislative power struggle. It led to ill-considered defenses of presidential power rather than presidential policies, and denigrations of congressional power rather than of congressional actions.

This has been a fairly new phenomenon. For most of the 20th century, a long line of liberal internationalist Democratic presidents (Woodrow Wilson, Franklin Roosevelt, Harry Truman, John F. Kennedy, and Lyndon Johnson) have been avatars of presidential power in their battles with a more skeptical, isolationist Congress.

Republicans, by contrast, distrusted a super-charged executive. The GOP Senate rejected Woodrow Wilson's Treaty of Versailles, with the League of Nations covenant, in 1919. In the "Great Debate" of 1951, Senator Robert Taft of Ohio and other leading Republicans contended that the president had no authority to send troops to Korea or Western Europe without congressional authorization. A 1954 amendment offered by Senator John Bricker, also a Ohio Republican, would have restrained the president's power to reach executive agreements in foreign affairs. It failed by one vote.

But by the 1970s, the foreign-policy programs of the two major parties, and their viewpoints on the executive-legislative relationship, had inverted. Mainline Republicans, in both the White House and Congress, had completed their turn toward internationalism, which had begun after World War II, and having won the presidency in 1968 and 1972, were wary of the foothold in Congress gained by the left wing in the elections of 1972 and 1974. The Democratic Party in Congress was split, with the post-Vietnam neo-isolationists ascendant, and the old-style liberal interventionists (soon to be called neoconservatives) embattled. The former group campaigned against the "Imperial Presidency," a



model that the latter group had championed.

The story of how the Democrat-controlled Congress battered the Nixon and Ford administrations on foreign policy -- allowing South Vietnam to fall to the Communists by refusing to send it ammunition when the North violated the Paris Peace Agreement, passing the War Powers Act, subjecting the intelligence agencies to new oversight provisions, establishing a congressional veto over arms exports -- bears no re-telling here. Certainly, as we saw in the more recent debates over U.S. policy in Nicaragua and the Persian Gulf, the reflexive opposition to presidential use of force and the deep-seated doubts about the morality of extending American influence that undergirded these moves still hold sway today among a majority of Democrats in Congress.

But the political and policy divisions between the executive and legislative branches were never so neat, as became clear in the Ford and Carter presidencies. The executive branch also was beleaguered by critics of detente in Congress, both neoconservative Democrats and New Right Republicans, who passed the Jackson-Vanik amendment barring most-favored-nation trade status to Communist countries that denied their citizens free emigration, thwarted President Carter's first choice to head the CIA, exposed the presence of a Soviet combat brigade in Cuba, caused the cancellation of Carter's plan to withdraw troops from South Korea, and sank SALT II.

Thus in the mid- and late 1970s the exertion of congressional authority in foreign policy was no longer solely associated with isolationists on the Right or the Left. The conservative victories of that period were precursors to more muscular interventions in foreign policy by conservatives (often in bipartisan coalitions) from their base camp on Capitol Hill. Congress has since been just as often a step ahead of the executive branch in foreign policy, as it has been constraining of presidential action. Furthermore, the dispersal of foreign-policy power within Congress has meant that a small band of committed conservative legislators and staffers can affect foreign policy irrespective of the views of the majority party in Congress.

#### Turning Point in Afghanistan

Consider the Reagan Doctrine of support for the anti-Communist guerrilla forces battling Soviet-backed regimes in Afghanistan, Angola, Cambodia, and Nicaragua. With the important exception of Nicaragua, the record shows that the Reagan Doctrine was initiated and implemented by bipartisan majorities in Congress over the objections of an executive branch bureaucracy that consistently underestimated the importance of military pressure in bringing about negotiated political settlements to so-called regional conflicts.

Since Reagan's personal commitment to the rebel movements was not in

question, the lesson is that empowering the president in foreign policy often translates into empowering an unelected bureaucracy whose aims, whatever else they may be, are almost always inimical to conservative policy goals. In each of the three cases, if congressmen had not assumed the role that some would like to reserve for the secretary of state, the political arrangements on track in each country now would have been reached on terms far more favorable to the Communists.

Thanks to the efforts of New Hampshire Republican Gordon Humphrey in the Senate, and Texas Democrat Charlie Wilson in the House, among other members, Congress doubled the amount of military and humanitarian assistance sent to the Afghan mujahideen between 1984 and 1988, aided allies in the executive branch who favored supplying the mujahideen with Stinger missiles, scuttled the secret deal by which the U.S. State Department had agreed to cut off aid to the rebels on the first day of a Soviet troop withdrawal, and helped redirect U.S. covert aid away from Islamic fundamentalists favored by the Pakistanis and the CIA and toward more pro-Western guerrilla commanders.

Much of this was achieved through traditional legislative channels, but some resulted from what conservatives might call micromanagement. In dozens of letters Senator Humphrey and his staff hounded recalcitrant State Department and Agency for International Development officials who were dragging their feet in setting up humanitarian programs for the mujahideen that had been mandated by Congress. The decision in 1986 to send Stingers led directly to the Soviet retreat from Afghanistan, and marked the beginning of the end of the Cold War. This decision was opposed by the State Department, Joint Chiefs of Staff, National Security Council, and CIA bureaucracies; it resulted from personal appeals to Reagan, CIA Director William Casey, and Secretary of State George Shultz by Senator Orrin Hatch of Utah, who was accompanied on two congressional delegations to Pakistan by his former (and current) aide Michael Pillsbury, then an assistant secretary of defense who strongly advocated supplying the Stingers.

### Stingers for Savimbi

The successful repeal of the Clark Amendment, which since 1975 had prohibited U.S. assistance to the Angolan anti-Communist resistance, sprang from a private meeting between rebel leader Jonas Savimbi and Senator Steven Symms, an Idaho Republican, in Jamba in 1984. In the House, Democrats Claude Pepper of Florida and Sam Stratton of New York led the Clark Amendment repeal effort.

Pepper then quickly introduced a bill to provide the rebels with humanitarian assistance. Republican Representative Mark Siljander of Michigan attracted over 100 co-sponsors on a bill for military assistance. Secretary of State Shultz opposed both; in a letter to House Republican Leader Bob Michel of Illinois he



called the Pepper proposal "ill-timed" and not conducive to "the settlement we seek."

Nonetheless, after Shultz met with a group of pro-Savimbi Republican senators led by Bob Dole of Kansas, the administration soon decided to provide Savimbi effective aid, including Stingers. From 1986 to 1990, both the Reagan and Bush administrations left it largely to bipartisan task forces in the Senate and House -- and particularly to two Democrats, Senator Dennis DeConcini of Arizona and Representative Dave McCurdy of Oklahoma -- to beat back attempts by their colleagues to condition or cut Savimbi's aid.

#### Solarz Energy in Cambodia

An influential Democrat, New York Representative Stephen Solarz, is widely credited as the architect of U.S. policy toward Cambodia since 1985, when, unprompted by the Reagan administration, he introduced an amendment that authorized the government to give aid to two anti-Communist resistance groups opposing the Vietnamese-backed Cambodian regime: the Khmer People's National Liberation Front and the Sihanouk National Army. Solarz argued that aid would put pressure on Phnom Penh while strengthening the anti-Communist alliance against the forces of a third opposition group, the genocidal Khmer Rouge backed by China.

As a result of Solarz's political support, the Reagan and Bush administrations provided enhanced humanitarian assistance, both overtly and covertly, to the two groups, although military aid was never provided. As Vietnam began withdrawing its forces from Cambodia in 1989, the administration came under pressure by congressional critics to abandon the resistance and acquiesce to the regime in Phnom Penh. In the face of this, Solarz remained a more articulate proponent of the administration's policy than the administration itself. In 1989 Solarz shepherded through the House an authorization for military aid, which was later scotched by a liberal coalition in the Senate.

In 1990 the administration tilted toward Phnom Penh and away from the non-Communist resistance. Solarz helped guide through the House a \$ 20-million appropriation for the resistance, \$ 7 million of which the administration was to release that October. The skittish State Department, perhaps concerned about strictures placed on the aid in the Senate, which prohibited all covert assistance, refused to release the funds until four House Republicans who support the resistance forces, Helen Bentley of Maryland, Bill McCollum of Florida, Robert Dornan of California, and Don Ritter of Pennsylvania, wrote an insistent April 17, 1991, letter to Assistant Secretary Richard Solomon. The aid was released the next day.

Unfortunately, the puppet regime is still in power, and is forming a coalition government that includes the dreaded Khmer Rouge. The non-Communist

forces remain weak, perhaps in part because not enough congressional conservatives adopted Cambodia as a cause.

### Scuttling SALT II

Another area of policy where Congress has contributed greatly to America's national security is arms control. The legally mandated objective for all American arms control agreements is the Jackson Amendment to the congressional resolution that ratified SALT I, which states that "equal levels of forces" should result from any post-1972 U.S.-Soviet arms-control agreement. Conservatives in both parties used this issue among others to doom President Carter's SALT II accord in 1980.

Yet even though Reagan had campaigned against SALT II as "illegal," once he took office the administration adopted a policy of adherence to the unratified accord and signed secret executive agreements with the Soviets to this effect. Conservatives in Congress mounted a campaign to expose Soviet violations of both SALT I and SALT II. They also drew public attention to the Soviet radar system at Krasnoyarsk, a violation of the ABM Treaty, long before the Reagan administration was willing to make the change.

In 1983, a watershed amendment by Senator James McClure of Idaho, fought tooth and nail by the State Department, forced the executive to report annually to Congress on Soviet violations of arms-control treaties, giving legislators access to classified information that was essential in proving Soviet cheating. By 1986, deluged with letters from a treaty-blocking group of 34 senators and with strategic leaks in the press on unacknowledged Soviet violations, President Reagan renounced the policy of compliance with SALT II.

The executive's emphasis on verifiability in the INF and START accords was a direct result of this Senate pressure, especially from Jesse Helms of North Carolina and David Sullivan, a long-time arms-control staffer to conservative Republicans. Their critique of Soviet violations has been vindicated in the START accord by the Soviets' own data, which shows that two Soviet ICBM systems were in violation of both SALT I and SALT II all along. In recent years, Helms has been a virtual one-man truth squad, raising important concerns about both START and the treaty on Conventional Forces in Europe -- such as whether Mikhail Gorbachev was even an appropriate partner for such discussions.

### Correcting Bush's Tilt to Gorbachev

During the Bush years, it is difficult to find one major issue of foreign policy that has not benefitted from the influence of Congress. Congress has been on the right track, and the Bush administration has been behind the curve, half-hearted, or just plain wrong, on U.S.-Soviet affairs, the strategic defense initiative, China, the buildup to and aftermath of the Persian Gulf War, and



## U.S. relations with Israel

Congress seriously began to question the Bush administration's pro-Gorbachev tilt last year, when it criticized Bush's weak response to the Soviet Union's violent crackdown in Lithuania and the neighboring Baltic states. Both houses passed resolutions, sponsored by leading Democrats, condemning the suppression and calling on Bush to consider cutting off economic aid to the Soviets until troops were withdrawn from the Baltics. The State Department, however, warned against any such tough moves. (This was a replay of what had happened in the spring of 1990, when the Senate called upon Bush to tie a pending trade agreement to Soviet actions in Lithuania shortly after Moscow imposed an oil embargo. Bush went ahead with the pact anyway.)

When Boris Yeltsin, the newly elected Russian president, visited Washington in June 1991, Congress accorded him treatment befitting a head of state, a far warmer reception than he received from the administration. Bush had previously refused even to meet with Yeltsin, although in June Bush received Yeltsin in a low-key fashion at the White House. Senate Minority Leader Bob Dole of Kansas, who met Yeltsin at the airport, where only a deputy assistant secretary of state was representing the administration, urged Yeltsin to tell Bush that lawmakers "want to engage in more direct contact with the republics rather than with the central government." Bush's answer was to fly to Kiev and rebuke the Ukrainians for seeking independence. It was not until late November that the administration looked favorably on Ukrainian self-determination.

In the early summer of 1991, with the Soviet Union still intact, Congress was hostile to the notion of aid to the central government, while the administration seemed to favor it. In June, Congress passed amendments prohibiting all assistance to the Soviet government unless it negotiated independence for the Baltic states, cut defense spending, stopped aid to Cuba and North Korea, and implemented economic reforms. Senator Bill Bradley, a New Jersey Democrat, even warned that Gorbachev's demands for Western aid might be interpreted as "nuclear blackmail."

In the immediate aftermath of the August coup in Moscow, the divisions between the administration and members of Congress became more apparent still. Dave McCurdy, the chairman of the House Intelligence Committee, maintained that the Gorbachev era had given way to "the Yeltsin era" -- this, at a time when the White House was sticking with its pro-Gorbachev line, and unnamed White House officials were casting aspersions on the Russian Republic president.

The unraveling of the Soviet Union in late August also vindicated the long-standing congressional support of independence for the Baltic states. Bush, in an embarrassing concession to Gorbachev, did not announce U.S. recognition of Baltic independence until September 2 -- after more than 30 countries had already done so. Later in the month, supporters of the Baltics

such as Dole put an earmark into the foreign aid bill for them -- the kind of practice conservatives often criticize when used by the other side.

### Breathing Life into SDI

The congressional role on strategic defense is less clear-cut; certainly SDI has had a troubled time in Congress since President Reagan first unveiled it in 1983. Between 1984 and 1990, Congress reduced presidential budget requests for SDI by a total of about 22 percent, with \$ 31 billion requested and \$ 24 million appropriated.

The executive branch, however, put the wrong question to Congress. Reagan's ultimate vision was at best a long-term proposition, and opponents of strategic defenses in the military bureaucracy worked hard to foreclose nearer-term options. As Senator Malcolm Wallop of Wyoming often pointed out, Congress was asked to fund a research program into the feasibility of creating a perfect astrodome defense against ballistic missile attack rather than vote yes or no on building anti-missile weapons that could disrupt (even if they could not completely protect against) a Soviet attack.

The Reagan administration also fumbled the ball with respect to the ABM Treaty, announcing hastily and with no congressional consultations an arcane reinterpretation of the document rather than arguing against the wisdom of the treaty as it was traditionally understood. This miscalculation allowed cynical SDI opponents in Congress to win the substantive debate on procedural and semantical grounds.

In 1991, however, Congress reversed itself dramatically, taking the initiative and breathing new life into strategic defense. The action began shortly after the end of the Gulf War, where it was demonstrated that antimissile technology could be effective against Scud missiles. (The Patriot, originally designed to shoot down aircraft, was upgraded with antimissile capability in the mid-1980s by congressional advocates of strategic defenses like then-Senator Dan Quayle, despite opposition from the Pentagon and the Democratic congressional leadership.)

Fearing that the administration would squander this political capital, Republican Senators John Warner of Virginia and William Cohen of Maine issued a white paper outlining a plan for building limited ballistic missile defenses on the ground, renegotiating the ABM Treaty, which prohibits effective missile defenses, and foregoing space-based components in the initial deployment. White House National Security Adviser Brent Scowcroft, an SDI opponent, tried to sabotage the effort, but failed.

Last summer, Senate Armed Services Committee Chairman Sam Nunn of Georgia



signed off on a plan similar to Warner's. Then, during committee negotiations, Wallop was able to secure a 50-percent funding boost over 1991 levels for the space-based components of a limited defense known as "Brilliant Pebbles."

As it had in 1989 and 1990, the Bush administration sat on the sidelines through all of this. One senior Pentagon official told me after the Senate plan passed that it moved the United States closer to building defenses than the administration ever would have, since it set a timetable for deploying a ground-based system (by 1996) and set a deadline for renegotiation of the ABM Treaty. The Bush plan, called Global Protection Against Limited Strikes (GPALS), did neither. In October, Nunn was able to preserve the Senate's plan in conference with the House, where reception to it was less hostile than anticipated.

### Tiananmen Showdown

Congress has on several occasions stopped presidents from making excessive concessions to Communist China. In 1979, it balked at President Carter's termination of U.S. legal authority to sell weapons and defense technology to Taiwan. An amendment to the Taiwan Relations Act by conservative senators required that Taiwan's self-sufficiency in weapons be maintained forever, providing for Taiwan's future survival.

More recently, the Bush administration and Congress have been divided over most-favored-nation trading status for China in the wake of the massacre in Tiananmen Square of students seeking democracy. The administration has continued to ask Congress for extensions of MFN status for China -- with no conditions attached -- as part of its policy of business as usual with Beijing. The administration and its supporters have sought to portray the debate as about means, not ends. After all, it is argued, everyone wants to see reform in China, the question is only how best the United States can bring its influence to bear.

Congress is more attuned to the moral dimensions of the issue. "There is nothing moral about upholding power that is misused," said Senate Majority Leader George Mitchell of Maine. In July 1991, the House voted 313-112 to extend MFN status for China in 1991, but only if the president certifies that China has released and accounted for all prisoners from the Tiananmen Square demonstrations, ended the practice of coercive abortion, stopped assisting other nations in acquiring nuclear weapons, and ended human rights abuses. The amendment was sponsored by Representative Nancy Pelosi, a California Democrat, and drew support from liberal Democrats and conservative Republicans alike. Mitchell proposed a similar move in the Senate that also contains a provision that would revoke MFN status if China provides medium-range missiles or nuclear

weapons technology to either Syria or Libya. The administration opposes the measures and a veto threat lingers at this writing.

Senator Joseph Biden of Delaware and Hatch put a provision into the State Department's authorization bill this year establishing a commission to draw up plans for Radio Free China. In addition, two Republican members of the House, John Porter and Helen Bentley, have introduced similar legislation to disseminate through our international broadcasting services information on democracy and free markets to China, North Korea, Vietnam, Cambodia, Laos, and Burma. The State Department's Richard Solomon has turned a cold shoulder toward these efforts.

### Protecting the Kurds

Even the Persian Gulf War, which the president and his advisers consider their strong suit going into the 1992 election campaign, found Congress doing more good than harm. Before the war, the record of Congress vis-a-vis Iraq, while hardly a model of firmness, was less appeasing than that of either the Reagan or Bush administrations.

In 1983 and again in 1984, in reauthorizing the Export Administration Act, Congress attempted to get the administration to put Iraq back on the State Department's list of countries that support terrorism. When the act was finally passed in 1985, the administration lobbied successfully against the provision in the House-Senate conference. In 1988, both houses passed amendments to impose sanctions on Iraq after it came to light that Saddam Hussein had used chemical weapons against the Kurds (although neither became law).

In 1989, over administration opposition Congress banned Export-Import Bank financing for exports to Iraq. A year later, following Saddam's threat to "burn up half of Israel," the Senate adopted sanctions against countries using chemical weapons; in November 1990, Bush pocket-vetoed the measure. Finally, six days before Iraq invaded Kuwait, both houses agreed, in the face of a presidential veto threat, to cut off Iraq's agricultural credits.

Once troops were developed, congressional pressure helped impress upon an aloof White House the need to advance publicly a convincing rationale for the action. Senator Wallop was the first to call for a congressional authorization for the war. On the other side of the aisle, Representative Solarz was indispensable in patching together a bipartisan coalition for military action in the House. In the end, Bush backed off his prior position that no congressional authorization would be sought, and Congress did the right thing -- despite the opposition of 80 percent of Senate Democrats. Putting war authorization to an up-or-down vote forced Congress to take partial responsibility for the outcome, a responsibility that it too often has tried to avoid.



On the battlefield, the benefit of the Goldwater-Nichols Act of 1986, which streamlined the military chain-of-command over Pentagon opposition, was indisputable. After Iraq withdrew from Kuwait, and Saddam attacked the Kurds and Shiite Moslems who were rising up against him, Congress made its presence strongly felt once again. "We're not going to get sucked into this by sending precious American lives into this battle," Bush declared in early April 1991. "We have fulfilled our obligations."

What happened next was a classic instance of domestic political pressure impinging on foreign policy. A confluence of extensive media coverage, a bipartisan outcry in Congress, and a widely publicized fact-finding mission by Peter Galbraith, a Democratic staffer on the Senate Foreign Relations Committee, led the administration to reverse its policy and agree to protect the refugees (something Bush indicated he would do before the massacre). Members of Congress attacked Bush, arguing that he should have gone further and removed Saddam from power.

No Sir, Yasir

Since the war, U.S. relations with Israel have increasingly become a point of friction between the administration and supporters of Israel in Congress, who are concerned that the administration's design for peace in the Middle East is insensitive to Israel's security interests.

Of course, the Arabist executive branch bureaucracy has long been out of step with the strong pro-Israel views of the American public, which are more accurately reflected in Congress. For example, in May 1991 the State Department fought an amendment to the foreign aid authorization in the House that states that no U.S. official "shall negotiate with the PLO or representative thereof" until the group amends its charter calling for Israel's destruction.

But something more is going on at the highest levels of the Bush administration, where pressure on democratic Israel, and appeasement of Arab dictators, seems to be the order of the day. Secretary of State James Baker fanned the flames last May when he declared that the administration considered new Israeli settlements in the so-called occupied territories to be the biggest "obstacle to peace" in the region.

Thus, while the administration's official position was that a halt in Israeli settlements would not be a precondition for any peace negotiations, Baker seemed to be implying the opposite. Israel's supporters on Capitol Hill maintained that there should be no such linkage. GOP Senator Alfonse D'Amato of New York observed that Baker seemed to be giving the Arabs reasons not to negotiate; and Senator Bob Kasten of Wisconsin, another Republican, said the settlements were a matter to be addressed "by the democratically elected government of Israel."

Tensions were further exacerbated in September, when the issue was raised of Israel's request for \$ 10 billion in loan guarantees to help it absorb the one million Soviet immigrants expected to arrive in the country over the next five years. Although even many Israel supporters in Congress backed Bush's decision to ask Congress to delay consideration of the loan guarantees for 120 days, members of Congress were right to criticize the tenor of Bush's remarks about pro-Israel lobbyists.

They were also right to remain wary of the administration's intentions as the peace conference got under way this fall. After all, the issue of settlements can't be considered in a vacuum. The Bush administration's attitude toward them seemed to stack the deck against Israel in advance of the negotiations by suggesting it would favor a Mideast peace agreement in which Israel gave up control of the West Bank. A joint administration of the land between Israel and the Arabs, of course, would not necessarily require an end to the settlements.

#### Barometer of Public Opinion

If conservatives are to develop a consistent view of executive-legislative relations in foreign policy, they either have to condemn congressional foreign-policy intervention from the Right just as vociferously as they do when the intervention comes from the Left; or, they must find more room for a congressional role in foreign policy than their current constitutional, procedural, and political interpretations seem to allow.

In practice, the theoretical conservative bias for a strong president gives the unelected executive bureaucracy an unintended opportunity to pursue its own objectives without democratic accountability. It also deprives right-thinking officials in the executive branch of a vital level in their internal battles: the ability to go to the Hill for support.

Conservatives have nothing to fear in the development of a more openly political, democratic environment for discussing and setting the nation's foreign policy. With the exception again of aid to the Nicaraguan Contras, every recent exertion of American power, from the invasion of Grenada, to the bombing of Libya, to the Persian Gulf War was overwhelmingly popular with the public, and Congress is, at the end of the day, a fairly reliable barometer of public opinion.

Conversely, executive foreign-policy initiatives have gained more public support when they have been debated and approved in Congress, a function of Congress that conservatives ought not slight. Of course, most supporters of the Nicaraguan Contras still maintain today that that battle, properly fought, was winnable in Congress. Assistant Secretary of State Elliott Abrams' legislative



victory in 1986 is a testament to this view. The administration never recovered from the subsequent Iran-Contra revelations. Congressional Democrats, meanwhile, brokered policy in the region in secret negotiations with the Sandinistas, to the great dismay of the administration and conservative Contra supporters. Even this incursion into foreign policy, however, is best criticized for what was done, rather than for how it was done.

The biggest fear for conservatives should not be of congressional overreaching in foreign policy. It should be that their own political leaders and opinion-setters will continue to sit on their hands, blithely reciting passages from *The Federalist* in deference to executive power, while ceding the foreign-policy field to the bureaucrats and the congressional Left. It would be far more effective for conservatives to get in the trenches and throw more grenades.

Nothing written here is to be construed as necessarily reflecting the views of The Heritage Foundation or as an attempt to aid or hinder the passage of any bill before Congress.

GRAPHIC: Photo 1, Boris Yeltsin with Senator Bob Dole. Russia's first elected president received a warmer welcome from Congress than from the Bush administration. AP/Wide World Photos; Picture 1, Angola's freedom fighter Jonas Savimbi didn't get effective military aid until congressional pressure forced the Reagan administration to let it through. UPI/Bettmann; Picture 2, Congress has stopped presidents from Carter to Bush from making excessive concessions to Communist China. Reuters/Bettmann; Photo 2, The State Department has fought congressional restrictions on negotiations with the PLO until it stops calling for the destruction of Israel. Associated Press; Photo 3, Stingers for the mujahideen were opposed by the State Department, Joint Chiefs of Staff, National Security Council, and CIA bureaucracies. AP/Wide World Photos

LANGUAGE: ENGLISH

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## **Clinton Presidential Records Digital Records Marker**

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March, 1992

SECTION: FEATURE

LENGTH: 16160 words

HEADLINE: The Real Anita Hill;  
James Brudney, Jeanne Simon, Roy Meyers, Timothy Phelps, Nina Totenberg, Gail Laster, Terrel Bell, Ricki Seidman -- and the hidden hand of Judge Susan Hoerchner.

BYLINE: David Brock;  
David Brock, a Washington-based investigative reporter, is at work on a book on Congress and foreign policy for HarperCollins.

BODY:

On October 3 -- three days before Anita Hill's accusations against Supreme Court nominee Clarence Thomas were first published in Newsday and aired on National Public Radio -- Kate Michelman, the national director of the National Abortion Rights Action League in Washington, called a pro-abortion socialite about a possible contribution. In the course of a discussion of NARAL's activities, Michelman mentioned that the group's leaders were "very excited because we have Anita Hill."

The woman asked who Anita Hill was. "She's going to come forward with a claim of sexual harassment against Clarence Thomas," Michelman said. "We've been working on her since July." (Michelman wouldn't comment on the call.)

The woman was subsequently moved to contact a Republican senator after listening to the following exchange between GOP Sen. Hank Brown of Colorado and Hill during the first day of the second round of Thomas hearings:

BROWN: You mentioned that you talked to several staffers and then eventually made a decision to come forward and you chatted with the committee and had a variety of conversations there. Were there others that you talked to after you talked to those two staffers and before you decided to speak to the committee?

HILL: I talked with personal friends. I talked with individuals who knew more about Title VII law than I did.

BROWN: But I take it none of these conversations included people who were

actively opposing the nomination?

HILL: No.

There are two possible interpretations of this exchange. One is that Hill had talked with Michelman or other feminist activists and was lying about it. A more likely one is that Michelman was speaking figuratively: NARAL had been "working on" Hill, pressuring her, since July, through Hill's personal friends, congressional staffers, and reporters. It is with these people, of course, that the sordid story begins.

Despite immediate threats from the anti-Thomas camp that Thomas would be "Borked," his opponents got off to a rocky start. By the end of July, a month after the Thomas nomination, the National Organization for Women, NARAL, the Women's Legal Defense Fund, People for the American Way, the Alliance for Justice, and the Congressional Black Caucus were all allied against Thomas. However, the Leadership Conference on Civil Rights, the NAACP, the NAACP Legal Defense and Educational Fund, and the National Urban League were all withholding judgement.

This put the Black Caucus in an embarrassing position. According to one member, the Caucus had blindly followed the lead of D.C. Delegate Eleanor Holmes Norton, who had been the EEOC chairman under President Carter and considers herself in line to be the first black woman on the Supreme Court. Norton harbors a personal antipathy towards Thomas, whose superior management of the EEOC made Norton look like a bureaucratic bungler. She also is infamous for her fierce intolerance of black leaders like Thomas who don't toe the line of the civil rights establishment on questions such as racial quotas.

By late July, panicky Black Caucus members enlisted the help of sympathetic officials at the AFL-CIO in getting the other civil-rights groups into an anti-Thomas posture. Although big labor, a major financial backer of both the Leadership Conference and the NAACP, put the screws to black trade unionists on the NAACP board, the first NAACP vote on Thomas was split; in the second round, some pro-Thomas holdouts thwarted a unanimous no vote. Over at the Leadership Conference, executive director Ralph Neas banged heads together for weeks to produce what he called a "consensus" against the nomination. Thus, in a pattern familiar to dissident black academics, the civil rights leadership coalesced, if hesitantly, to squelch Thomas and his unorthodox views.

With the divisions among themselves papered over, the anti-Thomas coalition faced another hurdle: they had little or no ammunition with which to shoot him down. Thomas had been the top decision-maker at a large and closely watched federal agency for seven years. He was the premier black neoconservative in the Reagan Administration, having given numerous speeches and written a host of articles on the hot-button topics of the day. The fact that he had been



investigated by the FBI, and confirmed by the Senate, four times and that he'd survived innumerable contentious oversight hearings meant that there was not much ore left to mine. Only his tenure on the D.C. appeals court, short and unremarkable, had been theretofore unexamined by the opposition.

It was perhaps inevitable that the anti-Thomas campaign would turn on charges, true or not, of private ethics or beliefs; the public Thomas was virtually spotless.

Already before the first round of hearings, a pattern along these lines had emerged in the anti-Thomas stories marketed by the interest groups to the press. A pre-cooked story broke once every ten days or so, in a steady rhythm, throughout the summer. One negative story never sat on another. And the stories were always given as exclusives to one media outlet for maximum play. Thomas was a secret sympathizer of Louis Farrakhan, or of the apartheid regime in South Africa; he'd experimented with marijuana and watched porn films at Yale; he'd hung a Confederate flag in his office in Missouri; he had an unpaid tax bill; he had billed the government inappropriately for personal travel. Questions were raised about why Thomas had married a white woman, and about Thomas's religion (a theme explored by Democratic Sen. Paul Simon of Illinois, in perhaps the lowest point of the first round of hearings: "He attends an Episcopal Church that has made a crusade out of the [anti-abortion] stand").

None of these scandal stories got up and walked, either because they were trivial or just plain false (for example, the flag in question, which had been fodder for a long New York Times take-out, was a Georgia state flag). In making his case, Thomas had the assistance of well-organized partisans who left no challenge unmet, no charge unanswered. For instance, on the same day that the Women's Legal Defense Fund announced its opposition to Thomas, an ad hoc group calling itself Women for Judge Thomas held a press conference to praise him. This at least produced neutral headlines: "Women Divided on Thomas." Paul Weyrich's Free Congress Foundation matched the anti-Thomas interest groups press release by press release. During the first round of hearings, the Thomas spokesmen huddled in the conference room of GOP Sen. Thad Cochran of Mississippi, watching on television, and at every break they would hurry GOP Sen. John Danforth of Missouri, Thomas's chief Senate sponsor, to the set of microphones outside the hearing room. A senator will always attract the television cameras; Danforth would try to talk through the break, denying Michelman, Neas, & Co. the chance to put their spin on the story.

Having failed to wound Thomas through two weeks of hearings, thanks in part to the successful (but not terribly enlightening) White House coaching, the Thomas foes faced the prospect of a 9-5 favorable vote in committee. The committee numbers shifted to 8-6 when, according to Senate staffers, Howell Heflin, a moderate Democrat from Alabama, was somehow convinced by liberal black

Republican Bill Coleman and NAACP lobbyist Elaine Jones that a vote against Thomas wouldn't backfire with blacks in his home state. Adhering to the view that it is politically perilous to be to the right of Heflin on anything, Biden decided to vote against Thomas, too.

Nonetheless, after the committee vote, it was clear that the momentum was with Thomas. Two Republicans who had voted against Bork, John Warner of Virginia and Arlen Specter of Pennsylvania, were backing Thomas, and important Southern Democrats like Bennett Johnston of Louisiana began announcing for him, too. So concerned were the Thomas opponents, that word went out in the Democratic cloakroom to stop announcing before the Senate debate. In short, in late September, Thomas's confirmation was a near-certainty.

Enter Anita Hill, whose sexual harassment story had been circulating, as Michelman averred in her fund-raising phone call, since July. It was a private matter, impossible to disprove -- a charge tailor-made for the fix that the Thomas foes found themselves in. For despite the anti-Thomas camp's desperation, the Hill affair could never have happened without the complicity of the Senate and press, both of which unquestioningly accepted Hill's "credibility" without investigating.

Michelman, of course, wasn't the only one who knew about Anita Hill's story as early as July; so did some members of the press with good connections with Senate staffers. Timothy Phelps, the Newsday reporter who broke the Hill story, stated on "Nightline," in a town meeting following Thomas's confirmation, that he had heard the story in July but that it wasn't solid enough to report. National Public Radio's Nina Totenberg, the other reporter who simultaneously broke the story, said in a January Vanity Fair interview that she had known about it in July as well.

But how and why did the story surface for the first time in July? The only person so far to emerge who had made a connection between Hill and Thomas and sexual harassment at the moment of his nomination on July 1 is Susan Hoerchner, a friend of Hill's who later testified publicly on her behalf. (Neither Hill nor Hoerchner responded to calls requesting interviews.) In a previously undisclosed deposition given to Senate Judiciary Committee staffers on October 10, Hoerchner was asked:

Q. What were your views when Judge Thomas was nominated for the Court. What were your personal views about that?

A. Shock.

Q. Why was that?



A. I just remember waiting for them to explain his background and then yelling to my husband, "He's the one."

It seems likely from the record that Hoerchner was mistaken in her recollection of the events of 1981, and as a result she set the entire train of events in motion, with Anita Hill going along for the ride. In her staff deposition and on another occasion, Hoerchner told interviewers that the call in which Hill said she was being sexually harassed occurred before September 1981, i.e., before Hill had gone to work for Thomas.

In her testimony to the Judiciary Committee, Anita Hill stated: "I began working with Clarence Thomas in the early fall of 1981. . . . Early on, our working relationship was positive. . . . After approximately three months of working together, he asked me to go out with him socially." She told him no, and the first alleged incident of harassment occurred in "the following few weeks" -- i.e., in late December 1981 or January 1982.

Now, consider Hoerchner's deposition:

Q. And, in an attempt to try to pin down the date a little bit more specifically as to your first phone conversation about the sexual harassment issue in 1981, the year you mentioned, you said the first time you moved out of Washington was September of 1981; is that correct?

A. Right.

Q. Okay. Were you living in Washington at the time you two had this phone conversation?

A. Yes.

Q. When she told you?

A. Yes.

Q. So it was prior to September of 1981?

A. Oh, I see what you're saying.

Moments later, Hoerchner's attorney Janet Napolitano, a feminist activist who was also advising Anita Hill, asked for a recess. Remember, Hoerchner had told interviewers several times that the call occurred before September 1981. After conferring with Napolitano, Hoerchner, back on the record again, was asked by a Democratic staff counsel:

Q. When you had the initial phone conversation with Anita Hill and she spoke for the first time about sexual harassment, do you recall where you were living -- what city?

A. I don't know for sure.

According to a GOP Senate staffer, such pre-interviewing of public witnesses is somewhat unusual for the committee; it is useful primarily as a damage control device. In her statement to the Senate three days later, Hoerchner made a point of disclaiming any knowledge of the date of the conversation. "I remember, in particular, one telephone conversation I had with Anita. I should say, before telling you about this conversation, that I cannot pin down its date with certainty."

But immediately beforehand, Hoerchner implied that the critical telephone conversation took place when she was speaking with Hill on a regular basis, beginning in 1980, when they both moved to Washington from Yale, and ending in September 1981, when Hoerchner went on assignment to California. "We were both busy with our new jobs, so we did not get together with great frequency. What we did do, however, was keep in touch by telephone. Those conversations would often last as much as an hour. I remember, in particular, one telephone conversation I had with Anita . . ."

When Biden asked her, "How did you know that the problem continued after first being made aware of it in the conversation that you related to us, here today?" Hoerchner responded: "In telephone conversations I asked and she led me to understand that it was happening, and often would say, she didn't want to talk about it at that time." Yet Hoerchner had described her contacts with Hill after leaving Washington in September 1981 as "sporadic" and provided only one example in her deposition, of meeting Hill at a professional seminar in 1984.

If the regular telephone calls stopped when Hoerchner moved to California, Hill could not have been referring to Thomas in those calls: she wasn't working for him yet.

In addition to Hoerchner's deposition, there is another record of the crucial Hoerchner-Hill phone call that places it prior to Hill's working for Thomas. Buried in a report issued by Biden on Judiciary Committee contact with Hill is this passage, based on Judiciary Committee staff notes: "Between Sept. 12 and Sept. 19, full committee staff did not hear from Professor Hill, but received one phone call from Professor Hill's friend -- on Sept. 18 -- who explained that she had one conversation with Professor Hill -- in the spring of 1981." (Emphasis mine.)

In the spring of 1981, Hill could only have been referring to conduct by



someone at Wald, Harkrader, and Ross, the law firm where she worked before moving to the Education Department. Hill may have been sexually harassed at the firm. But according to several people who worked at Wald, Harkrader at the time, the word around the office was that Hill had leveled a charge of sexual harassment to deflect attention from serious professional difficulties; none of the firm's partners, however, say they knew about any such charge being made formally. Whether or not she was harassed or charged harassment, then, Hill apparently told Hoerchner she had been, and the story came back to haunt her on July 1 of last year.

In an affidavit submitted to the Senate Judiciary Committee, John Burke, Jr., the Wald, Harkrader partner who coordinated assignments for attorneys in Hill's division, told of his evaluation of Hill in late winter or early spring 1981: "I expressed my concerns, and those of my partners, that her work was not at the level we would expect from a lawyer with her credentials, even considering the fact that she was a first-year associate. During the course of that performance evaluation, I suggested to Anita Hill that it would be in her interest to consider seeking employment elsewhere because, based on the evaluations, her prospects at the firm were limited."

Other attorneys who were considering coming forward to corroborate Burke's affidavit say they were called and talked out of doing so by Bob Wald, one of the original partners and the husband of Patricia Wald, a liberal Carter appointee on the D.C. Circuit Court of Appeals. Wald bad-mouthed another former Wald, Harkrader attorney who was trying to get the attorneys to tell what they knew, saying the attorney was getting involved only because the attorney wanted Thomas's seat on the D.C. Circuit. Wald denies exerting such pressure.

The only other attorney to come forward from Wald, Harkrader was Donald Green, whose affidavit was portrayed in the press as contradicting Burke's. Yet the best thing Green could say about Hill was that "her performance was not held to be unsatisfactory by the Wald firm" -- a fairly damning statement to anyone familiar with law firm lingo. Green also said: "Certainly the Associate Development Committee, which I chaired, did not ask or press her to leave." But what if the Committee, which kept routine track of associates' progress, knew only that Hill's performance was lackluster, but did not know about another fix she was in -- an ethical one? One Wald attorney -- who did not provide any documentary proof -- says that Hill was caught falsifying time sheets used to bill clients, because she couldn't meet the demands placed on young associates at the firm.

Hill's propensity to cover up this history was on display in her Senate testimony. When asked by Biden about the circumstances of her leaving the firm, she replied: "I was interested in seeking other employment. It was never suggested to me at the firm that I should leave the law firm in any way."

Given Hill's problems at Wald, Harkrader, Hoerchner's description of the call to Hill begins to make sense: "It was clear when we started this conversation that something was badly wrong. Anita sounded very depressed and spoke in a dull monotone. I asked Anita how things were going at work. Instead of a cheery, 'Oh, just busy,' her usual response, this time she led me to understand that there was a serious problem."

Indeed there was. So serious -- according to a close associate of Thomas -- that Gilbert Hardy, a Wald, Harkrader partner who was a friend of Clarence Thomas, called Thomas, told him that a young associate at the firm was in trouble, and suggested Thomas might hire her as an assistant in his office at Education.

Hoerchner's confusion about -- or embellishment of -- the call to Hill was apparent throughout her deposition:

Q. Just moving ahead in the time frame, did you ever discuss with Anita Hill her reasons for leaving her job at the EEOC?

A. Yes, I did. When we had that major telephone call that I can -- at least the major one in my memory, she said that she was going to give herself some time and she was going to leave because of that, whether or not she had another job.

Hill, of course, left the EEOC at least eighteen months after this conversation would have taken place. The reference could only have been to Hill's troubles at the law firm.

Later in the deposition, Hoerchner was confronted with the impossibility of Hill's having spoken about the EEOC in a 1981 phone call:

Q. Is it possible, Judge Hoerchner, that she was referring to -- again, I understand the comments you made about your recollection -- is it possible that she was referring to the same time period in which she worked at EEOC?

A. Well, I was trying to remember all of this at first. At one point, I thought it was EEOC, but I was drawing conclusions based on other parts of my memory.

An interesting formulation, that. On July 1, Hoerchner, tapping into some part of her memory, recalled her belief that Clarence Thomas had sexually harassed her friend Hill. She immediately telephoned Hill. In the deposition, Hoerchner was asked why she had called Hill, and she said she believed Thomas had an "attitude towards power." She continued: "It came from the idea that most of the positions that he had that I knew about were in civil rights, equal employment opportunity, and that this behavior really showed a disregard for general principles of equal opportunity or the rights of individuals, and it led



me to believe that he possibly thought that the law was for other people."

And there we have the initial motive. At some point after she had the phone call about sexual harassment from Hill, and after Hill had gone to work for Thomas, the politically prejudiced Hoerchner must have wrongly connected the two facts. (Bear in mind that, according to some of her colleagues at the National Labor Relations Board at the time, Hoerchner had a reputation as notoriously obtuse and discombobulated, stretching back to her days at Yale.) When Thomas was nominated to the Supreme Court, it became her duty to get Hill to come forward to stop him. Hoerchner became so sure of Thomas's guilt in the ensuing weeks that she likely never stopped to examine her own story with care. In the phone call with Senate staff, and in the staff deposition, Hoerchner blurted out the truth, eventually realized that it didn't fit the story she was telling, and then recanted any knowledge of the date of the call.

It is also evident that Hoerchner, like Hill, was quite capable of misleading the committee. She herself brought a charge of sexual harassment against a fellow workman's compensation judge -- a man in his sixties -- in Norwalk, California. The judge resigned during the ensuing publicity, perhaps supplying Hoerchner with grounds for believing that leveling an accusation is tantamount to proving it. Yet when asked by Senator Alan Simpson about this imbroglio, Hoerchner twice denied it:

SIMPSON: Judge Hoerchner, I asked you if you had ever filed a charge of sexual harassment. I don't think you indicated to me that you had.

HOERCHNER: That's correct.

Simpson then produced a record of the charge, and asked again:

SIMPSON: But you did file a claim of sexual harassment against a fellow judge within your system?

HOERCHNER: I cannot say that I didn't.

Next, let's examine what is revealed in Hoerchner's deposition about the Hoerchner-Hill phone conversation on July 1. Hoerchner asked Hill, "Well, you've heard the news?" Apparently, there was only the vaguest discussion of the circumstances of the harassment of ten years ago: "You know, she knew I knew. I knew she knew I knew," Hoerchner told the staff interviewers.

But what if Hill "knew" no such thing? According to the deposition, Hill only "verified" that the sexual harasser was Thomas, indicating that it was Hoerchner, not Hill, who first came up with his name. Hoerchner asked her "whether she was going to say anything and she did not answer that directly.

And she really surprised me with her answer."

My theory is that rather than correct Hoerchner's wrong impression, and thus open to unwelcome scrutiny the unpleasant Wald, Harkrader episode of 1981, Hill went along with Hoerchner's assumption while at the same time implying that she wanted to drop the whole matter. But Hoerchner likely wouldn't take no for an answer and must have been the one to bring the story, for the first time ever, to Washington. This explains why it never surfaced in prior Thomas confirmations. It had to spring from outside the Beltway at a moment when Thomas began to make national headlines.

There is one person that Hoerchner would have turned to for help. She knew James Brudney, counsel to a Senate subcommittee chaired by Howard Metzenbaum. They'd been at Yale together and Brudney had been a classmate of Hoerchner's brother. Hoerchner in the deposition said she knew that Hill knew Brudney. According to Hill's former co-workers at the EEOC, she knew Brudney quite well. They say that Hill often spoke of going out with Brudney, and of having spent weekends at his apartment when she worked there.

More than any other Hill staffer, Brudney, acting in the name of Metzenbaum, made it his aim to defeat Clarence Thomas. He has a reputation as a fierce and unprincipled partisan, willing to misread the law or go back on compromise agreements to serve his ends. As part of the anti-Thomas chicanery, he worked hand-in-glove with Nan Aron, the director of the Alliance for Justice, and if one compares the Alliance for Justice's critique of Thomas's record at the EEOC with Metzenbaum's, the similarities are too striking to be mere coincidence.

It can be assumed that once Brudney had heard even a hint of an allegation involving Thomas and sex, in short order questions were being asked and gossip was being traded through the circle of staffers, left-wing interest groups, and journalists who concern themselves with digging up dirt on conservative nominees.

At some point after the July 1 call, Hill reversed her position about talking. The only hint of the timing of the change is in the transcript of Hill's October 6 interview with NPR's Totenberg, who said: "... in early September, she changed her mind." Under questioning from Sen. Arlen Specter, Hill testified about a series of calls in early September from three Senate staffers. They were Gail Laster, an investigator for Sen. Howard Metzenbaum; Ricki Seidman, an aide to Sen. Ted Kennedy; and Brudney. (None of these staffers serves the Judiciary Committee, which Biden has tried to keep free of left-wing crazies.)

Laster was the first to call, on September 4, but didn't reach Hill. On



September 5, Hill called Laster: "... during that call she asked me if I knew anything about allegations of sexual harassment. . . . My response was that I did not have any comment . . . we [then] talked about general issues involving women in the workplace, what I thought of [Thomas's] views on that, on those issues," Hill testified.

On September 6, Ricki Seidman called Hill. Seidman had joined the Kennedy staff just days after Thomas's nomination. Previously, she had been the research director of People for the American Way, and was largely responsible for that organization's gross misrepresentation of Robert Bork's record in 1987.

In her testimony about this call, Hill said: "... she again asked me about rumors or did I know anything or had I heard any rumors while I was at the EEOC involving his tolerance, Judge Thomas' tolerance of sexual harassment. . . . At that point I told Ms. Seidman that I would neither confirm nor deny any knowledge of that." But later in the conversation, Hill testified, she told Seidman "that I wanted to think about it and that I would get back to her."

On September 7 or 8, Hill said she called Seidman and asked her "if I were to discuss this matter, where should I go? . . . At that point she told me she knew someone who worked on the Senate Labor Committee, James Brudney. . . . She also said that she had his telephone number." Hill, of course, already knew Brudney and may have spoken with him previously; these are only the calls that are known to have taken place, from the public record.

According to a chronology given by Metzenbaum on the Senate floor, Hill called Brudney on September 9, and Brudney returned the call on September 10. Hill was never asked in the hearing to relate the specific contents of that conversation. However, Senator Brown, in what I am told was a reference to what Hill -- in a telephone conversation prior to her testimony -- had told him about the Brudney call, asked:

**BROWN:** I guess what had occurred to me when I heard that description from you was that, at least the inference in my mind, was that the fact that there were stories or there could be stories circulating relating to sexual harassment, and perhaps the sexual harassment towards you, that that was one of the factors that encouraged you to come forward?

**HILL:** That was definitely one of the factors. I did not want the committee to rely on rumors. I did not want the rumors to perhaps circulate through the press without at least considering the possibilities or exploring the possibilities through the committee process of coming forward . . .

Brudney was the first staffer to tell Hill that it was known that the sexual

agency.

How to explain the other witnesses' accounts, all of which, unlike Hoerchner's, correspond to periods when Hill was in fact working for Thomas? It turns out that Anita Hill may have complained off and on about sexual harassment during the time she worked for Thomas -- but her complaints were never directed against Thomas.

Then-Education Secretary Terrel Bell received several allegations of sexual harassment from Anita Hill during the time she worked at the department, according to a former Department of Education official who was told of this by Bell in recent weeks. The charges were directed at Education officials other than Clarence Thomas. Bell told this official that Hill insisted on bringing the charges, in confidence, to the personal attention of the Secretary; Bell had the charges checked out, but nothing came of them. Bell "didn't want to get involved" in the Hill-Thomas tussle, according to the former official, and so he stayed unforgivably silent on the matter during the October hearings.

Bell, however, says he must have been misunderstood. He told me he remembered that Hill had once come to his office asking to see him, but she spoke only to an aide, who put Hill off. Bell says he never found out why she had come to him. Yet if this was so, how on earth would Bell have recalled the event at all? "Can't help you," he says.

As for the EEOC, there is no question Hill had a supervisor other than Thomas who sometimes spoke of sexual matters in the office, including references to his collection of pornographic movies, according to several EEOC co-workers of Hill's. While none of these sources can recall a negative reaction from Hill to these comments, it's conceivable that she mentioned them in passing to Wells, Carr, and Paul.

So the explanation for Hill's seemingly counterintuitive actions toward Thomas -- inviting him to her apartment, following him from one job to another, and keeping in touch by telephone for years after leaving his employ -- seems, in the end, rather simple: Thomas was innocent.

All of which leads us to the question that so bedeviled the Thomas-Hill inquiry -- what motive would Anita Hill have had for knowingly making a false charge of sexual harassment against Clarence Thomas? Such a question can only begin to be answered by delving into a subject that neither the Senate nor the press corps dared try to answer: Who is Anita Hill?

This was not necessarily for lack of trying. GOP Judiciary Committee staff wanted to subpoena employment records from Wald, Harkrader, and medical records



rumors related specifically to her. This seems to have tipped the  
told Brown in their telephone conversation that Brudney told her  
one in Washington knew that she had been sexually harassed, and that  
to herself to come forward. Brudney was also the first staffer to  
Hill the possibility that Thomas might withdraw if she came

hid her contacts with these Senate staffers, as well as later  
ons with Democratic staffers on the Judiciary Committee. John B.  
of the FBI agents who interviewed Hill on September 23, submitted a  
statement to the Senate Judiciary Committee dated October 11,  
crepancies in her testimony when compared with statements she made in  
interview. "She advised the interviewing Agents that she made the  
prepare the statement after several telephone conversations with her  
friend, Susan Hoerchner. . . . She did not mention the telephone  
ons that she had had with representatives of the Judiciary Committee."

ember 10, Hoerchner -- tipped off by Brudney? -- called Hill again.  
surprised because at this point she [Hill] was interested in making  
of statement," Hoerchner told the staff interviewers. She then  
a series of subsequent calls leading up to September 23, the day Hill  
statement to the Judiciary Committee.

re other signs pointing to Hoerchner as the link between Hill and  
ashington who wanted the story out. According to Senate sources,  
had been in contact with the Alliance for Justice, probably at  
suggestion, which sent entreaties to Hill through Hoerchner. "I had  
that I was calling her," Hoerchner said. "At first it wasn't, I  
-- let me see -- either once a week or every week and a half, just to  
knew what had happened or if someone was going to call me . . ." At  
ent in the deposition, Hoerchner said: "I was putting out the  
... You know, if there was a question someone would contact. Either it  
believed, accepted, rejected, or more information requested . . ."

had persuaded Hill to do something, but she ran up against Judiciary  
rules. The barrier to any investigation of Hill's charges, including  
erview of both Hill and Thomas, was Hill's insistence on total

ember 12, three days after speaking with Brudney, Hill first contacted  
Judiciary Committee staffer Harriet Grant and was told that the committee  
ttle with a totally anonymous allegation, according to the Biden  
committee contact with Hill. On September 20, Judiciary Committee  
heard from Hill, who wanted to review her "options." "It was then  
the report stated, "that if Professor Hill wanted to proceed, her  
be given to the FBI, the matter would be investigated, and the

nominee would be interviewed."

Hill balked at involving the FBI. According to the staff deposition of Hoerchner, Hill called Hoerchner on September 22 and asked how she could avoid involving the FBI. Hoerchner said Hill "was told [by Senate staff] her only option was to be investigated by the FBI, and we both thought it was odd, and I thought there should have been some alternative where she could make a statement with her name being used, as some sort of an intermediate measure." On September 23, Hill took Hoerchner's advice. She faxed a statement to the Senate Judiciary Committee claiming that when she worked for Thomas he had pressured her to date him, and had spoken to her about sexual acts in a graphic manner in the office. Interestingly, the words "sexual harassment" didn't appear anywhere in the statement.

Contrary to almost all media reports, including Totenberg's, the Hill statement was simply a statement -- signed, but not notarized. It was not a sworn affidavit -- Hill, after all, is a lawyer, and she must have known the rules of evidence, and the penalties for lying under oath.

Finally, Hill suggested in the statement that some person (or persons) had been feeding the story to the press even before her statement was made. She wrote, "In the past few weeks, I have had numerous opportunities to present my story to the press and have declined to do so." In other words, those who knew about Hill in Washington were already acting to take the decision on whether to come forward out of Hill's hands.

After faxing the statement, Hill called Harriet Grant and the subject of the FBI came up again. This time, Hill indicated that she no longer objected to speaking with the FBI, and that night in Norman, Oklahoma, two FBI agents interviewed her.

In the FBI interview, the only person identified as a possible corroborating source for Hill was Susan Hoerchner. Only after the story made national headlines did three additional sources of corroboration come forward on their own (as had Hoerchner) to remind Hill that they recalled her mentioning sexual harassment to them. Moreover, none of the three testified that she had identified Clarence Thomas as the perpetrator.

Hoerchner was the only witness who testified that Hill referred to "my boss Clarence." Someone had to do it, and I think Hoerchner perjured herself on this point for the cause. (In her deposition the prior week, Hoerchner had said about the harasser's identity: "I think she referred to him as Clarence.") The other three -- Ellen Wells, John Carr, and Joel Paul -- testified that she complained of harassment by an unnamed "supervisor," a curious term for a special assistant to use in reference to an assistant secretary or the chairman of a federal



agency.

How to explain the other witnesses' accounts, all of which, unlike Hoerchner's, correspond to periods when Hill was in fact working for Thomas? It turns out that Anita Hill may have complained off and on about sexual harassment during the time she worked for Thomas -- but her complaints were never directed against Thomas.

Then-Education Secretary Terrel Bell received several allegations of sexual harassment from Anita Hill during the time she worked at the department, according to a former Department of Education official who was told of this by Bell in recent weeks. The charges were directed at Education officials other than Clarence Thomas. Bell told this official that Hill insisted on bringing the charges, in confidence, to the personal attention of the Secretary; Bell had the charges checked out, but nothing came of them. Bell "didn't want to get involved" in the Hill-Thomas tussle, according to the former official, and so he stayed unforgivably silent on the matter during the October hearings.

Bell, however, says he must have been misunderstood. He told me he remembered that Hill had once come to his office asking to see him, but she spoke only to an aide, who put Hill off. Bell says he never found out why she had come to him. Yet if this was so, how on earth would Bell have recalled the event at all? "Can't help you," he says.

As for the EEOC, there is no question Hill had a supervisor other than Thomas who sometimes spoke of sexual matters in the office, including references to his collection of pornographic movies, according to several EEOC co-workers of Hill's. While none of these sources can recall a negative reaction from Hill to these comments, it's conceivable that she mentioned them in passing to Wells, Carr, and Paul.

So the explanation for Hill's seemingly counterintuitive actions toward Thomas -- inviting him to her apartment, following him from one job to another, and keeping in touch by telephone for years after leaving his employ -- seems, in the end, rather simple: Thomas was innocent.

All of which leads us to the question that so bedeviled the Thomas-Hill inquiry -- what motive would Anita Hill have had for knowingly making a false charge of sexual harassment against Clarence Thomas? Such a question can only begin to be answered by delving into a subject that neither the Senate nor the press corps dared try to answer: Who is Anita Hill?

This was not necessarily for lack of trying. GOP Judiciary Committee staff wanted to subpoena employment records from Wald, Harkrader, and medical records

from Hill's hospitalization in 1982, but the Democrats blocked it.

At this writing, there are two exceptions to the lack of national media attention on Hill. Shortly after the hearings, Lally Weymouth, a Washington Post columnist, published an op-ed piece in the Wall Street Journal that had been refused by the Post. Weymouth was able to shed a good deal of light on Hill's politics. Bob Cohn, a Newsweek reporter, wrote a piece for the New Republic on what was billed as his unsuccessful foray down the "Thomas-Hill dirt trail." What was interesting about Cohn's piece was that while the so-called dirt on Thomas didn't check out at all, the Hill dirt, which Cohn pooh-poohed with equal fervor, came from on-the-record interviews and sworn affidavits.

Although the most popular theory to account for Hill's anti-Thomas feelings is that she had a "fatal attraction" to him, the evidence suggests that his rejection of her was professional, not personal. At the EEOC, it seems that a young, ambitious, but not terribly talented woman developed some hard feelings against her boss. At Education, Hill had little competition from anyone for Thomas's ear. But, according to several EEOC co-workers, at the agency it became quickly apparent that Hill would be one of many attorney-advisers on the chairman's staff, and that she was probably the least capable of the bunch.

Hill was rejected twice for a position she had her eye on, that of chief attorney-adviser. The second time, Hill took particular umbrage, because the job went to Alyson Duncan, an attractive black lawyer. "I'm just as smart as she is," Hill told one co-worker after the Duncan appointment was announced.

Eventually frustrated at not commanding the attention she thought her due, she left her job working for a rising star in the Reagan Administration to take a position at a fourth-rate law school. As former colleague Phyllis Berry put it in a letter to GOP Sen. Strom Thurmond of South Carolina: "I found her to be untrustworthy, selfish, and extremely bitter following a colleague's appointment to head the Office of Legal Counsel at EEOC. . . . After she was passed over for the promotion, she was adamant in her desire to leave the agency and discussed this with me privately." (Thomas supporters like Berry were presumed to have come forward to protect their connections to him. But Berry, in fact, had been fired by Thomas.)

A secondary political motivation was likely. It is difficult to say whether Hill was in sync with Thomas when the two worked together but later veered toward the left, or whether the differences were there all along. In any event, at two crucial junctures in her testimony, Hill clearly indicated that as of 1991, she saw herself as opposing some of Thomas's views, specifically on *Roe v. Wade*. First came an exchange with Sen. Brown:

HILL: Well, I am not really sure what his philosophy on many issues is. And so I



can't say that I am in agreement or disagreement. I can say that during the times that we were there, worked together, there were matters that we agreed on and some that we did not agree on and we had discussions about those matters. But I am not really certain what his philosophies are at this point.

BROWN: Would that be the case with regard to say, abortion or Roe v. Wade?

HILL: That I am not sure of his philosophies?

BROWN: Sure of his philosophy or do you perceive a significant difference between the two of you in that area?

HILL: Yes.

BROWN: Can you tell us what that might be? I don't mean to pressure you here. If you would prefer not to, please don't. But if there is something that you could share with us in that area, I think the committee would like to hear it.

At this point, Biden interrupted Brown and ruled that the subject of the hearing was possible sexual harassment by Thomas, not Thomas's views on abortion. The conventional interpretation of this interruption, advanced by committee Democrats, was that Biden was trying to protect Thomas, who had indicated that he had no formed opinion about Roe. But it is just as conceivable that Biden was trying to protect Hill from divulging further her views on Roe.

At another, largely overlooked, juncture in her testimony, Hill had this exchange with Sen. Strom Thurmond, the South Carolina Republican:

THURMOND: Professor Hill, I understand you told the FBI that you had concerns about the political philosophy of Judge Thomas and that he may no longer be open-minded. Is that accurate?

HILL: I told them that I did not quite understand, but as they had been represented, yes, that I did have some concerns.

THURMOND: I have the FBI report here, and I just wondered if you remember telling them that.

HILL: I remember discussion about political philosophy and I remember specifically saying that I'm not quite sure that we understand his political philosophies. But based on what I understand, yes, there is some discomfort.

After leaving Washington, Hill fared even worse as a law professor, according to many of her former students at Oral Roberts and the University of Oklahoma. (While several students I contacted offered no comment on Hill, none had

anything good to say about her.) "We had some high-quality instructors and we had some bad ones," says one former Oral Roberts student. "Anita Hill was the worst of the lot."

According to several students, Hill was known to show up late and unprepared for class, and not show up at all for her scheduled office hours. One student described her as "kooky." Another said, "She had no grasp of the material, and when she was asked a question she couldn't answer or was challenged in any way, she would get visibly angry and then say something irrational, like 'Well, the case was decided that way because women are always right.'" Another refrain favored by Hill was that "It doesn't matter who's right or wrong, it's who controls the court."

As Weymouth reported, extreme sensitivity to gender politics also characterized Hill in the classroom, another indication that Hill is not the political conservative that the media made her out to be. Many students remembered Hill going through the roof if the pronoun "he" was used by a student in a hypothetical example. Hill's feminism, however, never appeared to be deep. "You got the strong idea that she was for women's rights. She'd say, 'Women are always taken advantage of,' things like that, but there was no philosophy or point of view," said another former student.

In fact, Hill's behavior struck more than one of her colleagues not as feminism, but as plain sexism-in-reverse. "Her flirtatiousness, her provocative manner of dress, was not sweet or sexy, it's sort of angry, almost a weapon," said one former colleague. Many men in Hill's classes felt that she gave men a more difficult time than she did women, letting women who couldn't answer questions off the hook, while grilling the men. Some male students told me they started writing their exams in an elaborate cursive style, hoping to fool Hill into thinking they were women. One time, Hill made the statement in class that "there is nothing lower on the evolutionary scale than a white male," according to two separate accounts.

Some white students felt that Hill showed the same sort of preference to black students generally, which put black women at the top of Hill's pecking order -- in the classroom, anyway. Hill's romantic interests, as near as I can tell, have always been white men: the possible affair with Brudney; an affair with a young student in Oklahoma; and an affair with a University of Oklahoma faculty member, who later dropped Hill for one of his students.

Hill's obsessive, even perverse, desire for male attention is another sign that she may have been suffering from some kind of love-hate complex. "She always bragged that all the men in the office were coming on to her," said one former EEOC co-worker of Hill's. While he made for an obnoxious witness on national television, John Doggett, who told how Hill had approached him at a party in 1983 and, apropos of nothing, told him that he shouldn't lead women on



and then let them down, is not the only one to have received unwelcome and inexplicable sexually suggestive comments from Hill.

I've been told of several other Doggett-like scenarios. Once, at the EEOC, Hill ran into a male colleague on a plaza at lunchtime near the office. According to the man, who did not know Hill well, she said, "You know, everybody knows we're sleeping together." At Oral Roberts University, a former student of Hill's said that he was approached by Hill while checking his telephone messages on a bulletin board near her office. "I know your favorite flavor is chocolate," Hill told him. Another former student, who contacted the Senate Judiciary Committee with his information but refused to come forward for fear of damaging his career in law and politics, said that Hill had mentioned "Long Dong Silver" to him in a social conversation in 1984.

But the most bizarre incident is alleged to have happened in the school year 1983-84 at Oral Roberts, according to a sworn affidavit, dated October 13, 1991, and filed with the Senate Judiciary Committee, in which Lawrence Shiles, now a lawyer in Tulsa, recounted the following:

Shortly after the class had begun, Professor Hill gave us a written assignment which I completed and duly turned in. When this assignment was passed out to the class after having been marked by [the] professor, sitting next to me were fellow students Jeffrey Londoff and Mark Stewart. Upon opening the assignments and reviewing our grades and comments made by Anita Hill, I found ten to twelve short black pubic hairs in the pages of my assignment. I glanced over at Jeff Londoff's assignment and saw similar pubic hairs in his work. At that time I made the statement to Londoff that either she had a low opinion of our work or she had graded our assignment in the bathroom. Mark Stewart overheard the conversation and said that he had similar pubic hairs in his assignment also. This became the standing joke among many students for the remainder of the year in her classes.

Other students in that class confirmed the story. Londoff says he couldn't be certain that the hairs were pubic, but he said he thought it was unlikely that they could have come from Hill's head, since they were short, coarse, and curly, and Hill had had the hair on her head straightened. Another student who saw the hair, but did not want to be identified, said of its origins: "You just know it when you see it."

So Hill may be a bit nutty, and a bit slutty, but is she an outright liar? Consider this: In late September, in the parking lot of Baptist Hospital in Oklahoma City, a woman was returning to her car when she saw another car back into it with a good deal of force. The woman ran over to her car to talk to the person who hit it. But the other car sped off. The woman jumped into her car and

followed the other car, copying down the tag number. Through contacts at the Department of Motor Vehicles, she found the name of the owner of the car that hit hers: Anita Hill. That evening, the woman called Hill and confronted her. And Hill's immediate response was: "It's your word against mine." End of discussion.

Hill's precise reason for coming forward to jettison the Thomas nomination will probably never be known, not least because she probably never had one. But based on what we know of her attitude toward Thomas, her uneven temperament, her underwhelming intellect, her political and sexual prejudices, her weird relations with men, her history of frivolously charging sexual harassment, and finally her petty dishonesty, it is at least easier to imagine how and why Hill could have allowed herself, almost accidentally, to become the secret weapon in the war on Clarence Thomas.

It has been well established that Hill wanted the war waged behind the scenes. Under questioning from Senator Specter, Hill at first denied, but then admitted, that in her discussions with Senate staff, she was told that her confidential statement would be shown to the nominee and might cause him to withdraw. If the staffers believed this, it would follow that they made the decision to leak the charge after it failed to cause Thomas to withdraw, and then failed to affect the vote in the Judiciary Committee.

But consider the stronger possibility that the staffers never believed what they told Hill about maintaining confidentiality. They knew the story had been circulating for weeks without making it into the press. But once they had something in writing, they could make sure it got out. In an October 7 speech on the Senate floor, GOP Sen. Orrin Hatch of Utah described the process: "I am concerned because I have seen some of the staff operate. Once witnesses make a statement or are pushed into making certain statements . . . then that person is stuck with the statements."

Some of the members of the Judiciary Committee were probably in on the plan as well. Although the feminist line held that the fourteen white men on the committee simply didn't take Hill's charges seriously, it is not plausible that dyed-in-the-wool Thomas opponents like Metzenbaum or Simon would have known about such an allegation and allowed it to die on the vine.

The problem was not that the allegation was judged unserious, but that, as Senator Kennedy explained on October 8: "When the unanimous consent agreement [on when to vote on the Thomas nomination] was reached, many of us were under the impression, correct or incorrect, that Professor Hill wished her name and her allegation to be kept confidential." (Metzenbaum was far less sheepish than Kennedy in leading the charge for Hill, though his staff worried that he, too, had a credibility gap on women's issues. The very married Metzenbaum is frequently seen in Georgetown on Friday nights, cavorting at two favored



restaurants, Jaimalito's and Filomena, with a female Brazilian companion in tow.) If the committee had taken up the Hill allegations before its vote, it would have done so in confidence -- in accord with Hill's wishes -- and no doubt produced a stalemate. In other words, for maximum effect, Senate procedures would have to be violated, and Hill would have to be outed.

This explains why there was so much talk -- by Metzenbaum, Simon, Michelman, Neas, et al. -- following the committee vote on September 27 that the Senate "needed more time" before voting on the nominee. Why? The Senate had concluded its fifth investigation of Thomas in a decade, and the opponents had spent three months in the trenches without wounding the nominee even slightly. The momentum was more strongly in Thomas's favor with each passing day. But still, "we need more time, we need more time."

During the week of September 30, with the Senate due to recess on Friday, the anti-Thomas forces objected to a vote that week. "Every effort was made to invoke the rules and to delay the matter and to try to get it past last Friday, because I guess they presumed that there would be an interim 10-day recess and there would be a full two weeks where Judge Thomas could be smeared while all of us were out of town," Senator Hatch recalled on the Senate floor on October 7. Sen. Bob Dole of Kansas added: "And I know what some on the other side said, oh, they would like to have another weekend. I have been around here a while. I knew last weekend when we did not vote on Friday what was going to happen on Saturday and Sunday, and it did. There is always somebody out there willing to collaborate and to print classified, or to go on the radio with classified information, and they did."

Sen. Alan Simpson of Wyoming was even more to the point:

The fact is that the FBI report on the matter was submitted to the Senate Judiciary Committee and the ranking member and the chairman and various members before the vote. That is a fact. No one chose to delay it in any way, to create a stumbling block or an obstacle with it, except -- except -- I carefully recall the negotiations last week for the unanimous consent agreement, and it was said that we would start on that Thursday morning, and that we thought we could finish by Friday evening, even if we went late, to which there was objection, unnamed, oddly enough, just to fit the scenario of the Saturday slap and the Sunday slap and the Monday slap. So that when we get to 6 o'clock tomorrow night, it will be full feeding frenzy.

It got so crazy that by Friday, October 4, one reporter was standing on a street corner outside the EEOC building in downtown Washington offering employees \$100 bribes to smuggle the agency telephone directory out of the building. He had to be removed by police. Also that week, a woman who had left the EEOC under a cloud during Thomas's tenure was approached by a producer for a

popular evening network news show desperate for on-camera interviews with women who had worked for Thomas. The producer faxed to the office of the woman, who is now a public official, a letter threatening to expose her if she failed to respond.

What triggered all of this, of course, was the now-infamous leak, about which we know this much: According to Senate staff, the three least scrupulous staffers dealing with the nomination were Brudney, Seidman, and John Trasvina, an aide to Sen. Paul Simon on his Judiciary subcommittee. All three are seasoned Washington players. And any savvy Senate staffer knows that the way to leak a confidential document like an FBI report is to use a private citizen (or, in the case of an intelligence leak, a staffer without a security clearance) as a cut-out. The sensitive material is either left out in the open, where it can be read by the cut-out, or it is discussed by two staffers while the cut-out happens to overhear them. The cut-out then leaks the material, and the staffers can technically deny that they "leaked" it.

I've come across several plausible cut-outs for the FBI report leak. One of them is Sen. Paul Simon's wife, Jeanne, who undoubtedly heard about the FBI report from her husband, and who was so interested in the Thomas hearings that she attended many of the sessions, sitting in the audience with feminist activists.

Another is Roy Meyers, a former press secretary to Metzenbaum who now works as a lobbyist with Cassidy & Associates in Washington. Meyer is still close to Metzenbaum and Brudney and is a frequent visitor to Metzenbaum's offices. More tellingly, he is the only person who has been described to me as close to both Totenberg and Phelps. Totenberg would have been an obvious choice to receive the scoop, but Phelps, working for a second-tier newspaper, would have to have been on excellent terms with the leaker. (Meyers called the speculation "ludicrous.")

Since the unsworn Hill statement had about as much legal standing as a piece of constituent mail, there was less danger in leaking actual copies of it. It appears as though Hill was given some advice, presumably through Hoerchner, that unbeknownst to Hill would ensure her statement's wide circulation. The Biden report describes a September 25 call to committee staff:

For the first time, she then states 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 [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.

NPR's Nina Totenberg also clearly had a copy; in the Vanity Fair article, her NPR producer said she had it five days before the story broke. Phelps in Newsday referred only to the FBI report. But significantly, neither Totenberg nor Phelps appear to have had the actual FBI document and neither was able to quote directly from it; either they were briefed on it, or they hid the fact that they had it. Phelps refers in his story to "the source who had access to the FBI documents," and Totenberg says the source had "seen the FBI report."

That is about all that can be said at this point. The matter may or may not ultimately be settled by the special Senate counsel investigating the leak (he has subpoena power; I don't). We do, however, have a rough approximation of what came after the leak, from Simpson, who said in his October 8 floor speech:

[It] was a very curious type of inducement by one of the media: "We have your statement" -- "affidavit," they called it -- "and there is a lot of rumor going around the city, and I think you better come forth, and if you do not, it is going to be very hard on you, it is going to be very difficult, it will be uncomfortable for you." That is what Ms. Hill was told, as the persons with the information leaked in their hands said, "Maybe you will want to say something and follow it up, because if you do not have anything to say, we are going to come out with it anyway . . ."

Sounds an awful lot like the James Brudney method.

Once the reluctant Hill was outed, she seems to have shifted course once again, playing her role to the hilt and willing to lie under oath, which suggests an additional motivation. Previously, Hill had been a disgruntled former Thomas employee, uncomfortable with some of Thomas's political views, who allowed herself to be pressured into doing him in behind closed doors by divulging that he had discussed pornographic movies with her.

Now, however, she would become, in the words of Susan Hoerchner, "the Rosa Parks of sexual harassment," with all the lavish attention (awards from the ACLU and Glamour magazine), and even career advancement (lecture fees, book advances), that that appellation has already brought and will continue to bring. Hoerchner, for her part, recently told the Long Beach Press-Telegram of her own new-found fame: "People recognize me and come up to me and say very nice things, and they pick up the tab in restaurants."

This change seems to account for the rather dramatic additions to Hill's account -- from dirty talk to outright harassment -- that can be found by

comparing her original statement to the committee with what she told the FBI. For example, Hill's statement said that Thomas told her if she ever talked about what happened between them, it would ruin his career. But she told the FBI that Thomas had said he would ruin her career. Hill's handlers and advisers appear to have been trying to construct a case for so-called "hostile environment" sexual harassment. Hill apparently had a group of feminist advisers in Norman, including O.U. faculty members and local attorneys. In a conversation with a Senate staffer, Tulsa attorney Mary Constance Matthies said that she had been told in early October by Catherine Beaugardt, a Norman attorney and a member of a local feminist group, that she was helping prepare Hill for possible closed-session Senate testimony by holding mock hearings, according to the staffer. (Matthies refused to comment on the matter).

Hill's week in Washington no doubt swelled her head further. A public relations agency and a battery of high-powered lawyers went to work on her behalf, including Charles Ogletree of Harvard University; Warner Gardner of Shea, Gardner; Don Green, Robert Skitol, and Coleman Bird from Pepper, Hamilton, and Sheets; Charles Ruff of Covington and Burling; and, according to a Pepper, Hamilton attorney who read the visitors' log book at the firm, Lloyd Cutler, Jimmy Carter's White House counsel. (Cutler did not return calls seeking confirmation.) After two days of prep work at Pepper, Hamilton, Hill went on national television with her newly embellished story.

The additions in her testimony did not sit well with the FBI agents who had interviewed Hill. In his statement to the Judiciary Committee following Hill's testimony, special agent John Luton said:

Professor Hill stated that she was advised by the interviewing Agent that she did not have to answer questions if they were too embarrassing, as she would possibly be re-interviewed by FBI Agents at a later date. In fact, she was told by Special Agent Luton to provide the specifics of all incidents. She was also told that it might be necessary to re-interview her at a later time regarding this matter, but that occurred at the end of the interview. . . . Professor Hill in her testimony identified a number of specific incidents in which Judge Clarence Thomas made embarrassing comments to her about sexual activities. Among these was the reference to a pornographic movie in which an individual by the name of Long Dong Silver played a role. She cited an instance in which she was in his office and he referred to a coke can and made the statement, "Who left their pubic hair on my coke?" or words to that effect. During the interview on September 23, 1991, Professor Hill did not mention any of the above incidents.

The rest, as they say, is herstory. In the end, all that fancy advice counted for little. Hill's own attorneys apparently realized that she had given an unconvincing performance, because they decided not to call her back to rebut Thomas, something any good trial lawyer would have done. Then, they moved with



alacrity to cancel the second pro-Hill panel on Sunday because of the severe credibility problems of her witnesses. Even senators who had opposed Thomas before Hill emerged, and would vote against him October 15, came away from the hearings with the same gut instinct as the American public. In the wee hours of Monday morning, when it was all over, Joe Biden stopped two of Thomas's witnesses in the hallway outside the hearing room. Biden told the women: "I believe him, not her."

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For the record, the best-selling author of The Real Anita Hill re-reports  
Strange Justice: The Selling of Clarence Thomas, a bogus new book by Jane Mayer  
and Jill Abramson.

BYLINE: David Brock is an investigative writer for The American Spectator and  
the author of The Real Anita Hill [Free Press].

BODY:

I. Out to Lunch

CHARLIE ROSE: Make any mistakes?

JANE MAYER: I hope not. --from PBS's "The Charlie Rose Show," Nov. 7, 1994  
Shortly after my book on the Clarence Thomas-Anita Hill hearings, The Real Anita  
Hill, was published in April 1993, Wall Street Journal reporters Jane Mayer and  
Jill Abramson alleged in The New Yorker that my conservative politics had led me  
to intentionally fabricate, mis-report, and omit various pieces of information  
in writing the book. The New Yorker refused to publish an extensive rebuttal [it  
eventually ran in the August 1993 American Spectator]. The authors refused to  
discuss the review with me on national television [Larry King and Charlie Rose  
had called]. They have continued to duck me during their promotion of Strange  
Justice, though they agreed to answer questions for this review.

It wasn't always so unpleasant between us. In April 1992, following the  
publication of my American Spectator article on Anita Hill, Mayer and Abramson  
took me to lunch. One of the most memorable moments came when Mayer and Abramson  
described a trip to Oklahoma and their interview with Anita Hill. In Abramson's  
words, as I recall them, the two had found her "less than impressive." We spoke  
on the telephone occasionally in the subsequent year.

Otherwise, that's the last I've seen of them. So it came as a shock when I  
read in the prologue to Strange Justice [1.] that Anita Hill had declined to  
respond to two interview requests the authors had made prior to August 1993,  
when, following the publication of my book, Hill agreed to "break her silence."  
What had happened to the interview Mayer and Abramson told me about in early  
1992? Had an inconvenient fact been glossed over for the sake of the narrative?



[For the record, Mayer and Abramson say my recollection is "ridiculous."]

But one need not even crack open this book to discern the animus that drives it. The very title, *Strange Justice*, is an obvious double entendre. Its point is not only that the process for confirming Thomas was peculiar, which it surely was [though not in the ways the authors suggest], but that Thomas himself is somehow "strange." Those familiar with judicial confirmation fights of the past decade will recognize this adjective. During the last hotly contested Supreme Court nomination before Thomas's, Democratic Senator Howell Heflin of Alabama attacked Judge Robert Bork as a "strange individual" because he wore a beard and, according to a whispering campaign generated by the left, might be agnostic on the existence of God. *Strange Justice* is in the same disgraceful tradition.

~~Indeed, *Strange Justice* rivals the Washington Post's Janet Cooke episode and the October Surprise "scandal" as one of the most outrageous Journalistic hoaxes in recent memory [2.]~~ It accuses a sitting Supreme Court justice not only of sexual harassment but also by implication of committing perjury to attain Senate confirmation. Mayer and Abramson have made these accusations on the basis of accounts from sources who tell me they were either flatly misquoted or misrepresented, or refused to confirm information attributed to them. The list of these people who say they were misquoted includes the only woman whose allegations against Thomas have not been previously reported--and refuted--in prior books or articles. ~~In addition to relying on fake evidence, doctored quotes, and unsupported hearsay, the book is brimming with anonymous and discreditable sources. Key figures were never interviewed. Where evidence does not fit the authors' point, it is ignored entirely. And a whole array of alleged facts--small and large--are simply wrong.~~ [3.]

That others in the media have leapt to embrace the reckless assertions in the book only broadens the scandal. Mayer and Abramson's colleague Albert Hunt described this pastiche on national television as "meticulously researched." Frank Rich favored "meticulously reported." Martin Walker went over the top in *The New York Times* to describe it as "a fine and rational work, a cogent and persuasive account of the Thomas nomination and confirmation in which the rules of logic are observed, evidence is judiciously weighed and Justice Thomas is convincingly portrayed by named sources as a man with a penchant for pornography and for talking dirty." Mayer and Abramson don't even come close.

## II. Pornography and Dirty Talk

The sections in *Strange Justice* on pornography are one of two parts of the book [the second being the so-called "other women" who have accused Thomas] that were presented as news in *The Wall Street Journal* excerpt of *Strange Justice* on November 2, the day the book was published, and on the now-defunct ABC newsmagazine "Turning Point" and "Nightline" that evening. How such august media institutions were snowed by *Strange Justice* is a subject for another day. Let us consider only the substance of the new allegations.



Whether a demonstrated interest in pornography on the part of Thomas makes it more likely that he sexually harassed Anita Hill is arguable. Writing about the pornography rumors that had reached the Judiciary Committee during the hearings in his book *Advice and Consent*, Thomas critic Senator Paul Simon conceded, "Even if we found them to be completely true, and we did not investigate them, I am not sure there is a direct tie-in between watching pornographic films and sexual harassment, at least I have not seen evidence of that."

Investigating and publicizing material about a nominee's private reading habits or his video rental records also raises civil liberties questions; when a reporter pursued the question of what movies Judge Bork was renting for home consumption, the Democratic Congress's reaction was to pass a law prohibiting video stores from releasing this type of information on privacy grounds.

Mayer and Abramson apparently disagree. They argue that the evidence they present shows not only that Thomas was capable of uttering the kinds of remarks that Hill claimed he made when he was her boss at a federal agency in Washington, but also that he demonstrated a pattern of conduct that corroborates her testimony. Going well beyond what is already in the record, the authors claim that Thomas "habitually" consumed pornographic videos into the late 1980s and that he regularly discussed their contents in the most graphic of terms.

Let us first take up the claim, made by surrogates for the authors like Michael Kinsley on "Crossfire" and Lincoln Caplan in *Newsweek* [which published an excerpt of the book alongside an enthusiastic news story], that Thomas may have committed perjury in denying that he had ever looked at or spoken about pornography. Thomas made no such denials. Rather, he adamantly refused to discuss his private life. He said only that he had never discussed pornography with anyone in the office and had never discussed pornography with Anita Hill at any time. In this regard, the following exchange with Democratic Senator Patrick Leahy of Vermont is instructive:

LEAHY: . . . Let me ask you--she has been asked whether this happened--let me ask you: Did you ever have a discussion of pornographic films with Professor Hill? THOMAS: Absolutely not. LEAHY: Have you ever had such discussions with any women? THOMAS: Senator, I will not get into any discussions that I might have had about my personal life or my sex life with any person outside the workplace. LEAHY: I'm not asking -- THOMAS: I will categorically say that I have not had any such discussions with Professor Hill.

If the information on pornography is irrelevant to any perjury issue, it may still be argued that it is relevant as character evidence. The next question, then, is: What sort of information do Mayer and Abramson have? This section essentially relies on four named sources. Though their accounts are presented to appear otherwise, two of them are second-hand, a third comes from a supposedly



important eyewitness who now says he was misquoted, and the fourth is based on a source who says a key quote has been intentionally cast in a completely false light.

That Thomas viewed pornographic videos in college and joked about their contents with his friends has been previously reported: prior to the Thomas-Hill hearings in U.S. News and World Report and The New York Times; in Capitol Games, a book co-authored by Timothy Phelps, the Newsday reporter who broke the story of Anita Hill's allegations simultaneously with Nina Totenberg of National Public Radio; and in my own book.

Some of the details Mayer and Abramson add to this previous reporting actually weigh in Thomas's favor. What, for example, did Thomas's purported habit of engaging in "crude sexual banter" during his college days specifically consist of? Mayer and Abramson paraphrase a male friend of Thomas's from Holy Cross College as saying, "He and [Gil] Hardy used to call each other 'bitch' routinely in a kind of rough, affectionate banter that would generate into gross excess as they tried to one-up each other in their insults."

"Bitch" is the most offensive word the authors are able to report Thomas as having uttered. Significantly, they present no evidence that Thomas ever used such language in the presence of women. The only woman quoted in this section of the book--an anonymous former graduate student--says that the young Thomas would "talk and laugh" about sex with his male friends, "then the men [not Thomas] would come and tell us about it."

Here is an early example of the way Mayer and Abramson put the worst interpretation possible on every aspect of Thomas's behavior. The fact that he excluded women from this sexual talk is "a sign that he couldn't relate to women," they write. They fail to note that at this very time at Holy Cross Thomas was steadily dating his college sweetheart, Kathy Ambush, whom he would marry on the day after graduation in 1971.

As for X-rated movies, the reports referenced above have established that Thomas, like many of his fellow students, attended such films as Deep Throat, shown on the Yale campus by the law school film society in the early 1970s. Yet the authors allege an "avid interest in pornographic materials" that went well beyond the law school films. The only evidence that Thomas ventured off-campus to a harder-core X-rated movie house in downtown New Haven comes from a single source--one Henry Terry, a Yale law school classmate of Thomas's--who also peddled this story in Capitol Games more than two years ago.

According to Terry, Thomas regularly attended pornographic movies--not with him, but with another student named Frank Washington. When Washington was contacted by Mayer and Abramson, he wouldn't talk to them, according to the

notes. Nonetheless, the authors chose to publish Terry's second-hand allegation as if it were substantiated; *Strange Justice* is riddled with this sort of Journalistic sleight-of-hand. When I contacted Washington and read him Terry's account, he denied it.

Other than Anita Hill's and Angela Wright's allegations, only one piece of first-hand evidence is presented that Thomas ever spoke in a lewd fashion after his college days. This comes in "Joining the Club," the third chapter, which focuses on Thomas's experience working in the office of then-Missouri attorney general John Danforth, on Senator Danforth's staff in Washington, and in the early Reagan administration:

There was one jarring recollection in the generally positive picture painted by Thomas's colleagues in the attorney general's office. According to Andy Rothschild, now an attorney in St. Louis but then a friend and fellow lawyer, Thomas liked to taunt another [male] member of the office, who was prim and painfully shy, by making outrageous, gross and at times off-color remarks. "Clarence was loud and boisterous, kind of the office clown. He couldn't help himself but to needle the guy--he just liked to get under his skin," Rothschild recalled in an interview.

Note that Rothschild himself says nothing about gross or off-color remarks; those are the authors' words. The use of a tantalizing summary sentence to introduce a quote that doesn't support the introductory sentence is another common tactic throughout the book.

When I called Rothschild, who was unaware that he was quoted in the book, he told me of a conversation with Jill Abramson, who had interviewed him for the first and only time in July 1991 when she was covering the Thomas nomination for the *Journal*. "She called me and asked me if I knew anything about Thomas's views on abortion, and I said I didn't," Rothschild said. "Then I told her about Thomas's great sense of humor. I never said anything about gross or off-color remarks because to my knowledge Thomas never said anything gross or off-color." Indeed, it seems unlikely that Abramson would have even been asking about off-color remarks in July 1991, three months before Anita Hill's allegations were first published.

Thus Jane Mayer's oft-quoted rationale for publishing this material--that Thomas invited such an inquiry by saying in his testimony that if he had been guilty of the Anita Hill charge there would have been "bits and pieces" of it in his life--is entirely bogus. What Thomas actually said was, "If I used that kind of grotesque language with one person, it would seem to me that there would be traces of it throughout the employees who worked closely with me; there would be other individuals who heard it, or bits and pieces of it, or various levels of it." This book produces no co-workers who ever heard Thomas use foul language. The strongest evidence that he ever used a foul word at all comes from



a college friend who described the harmless "bitch" banter at Holy Cross.

So much for talking dirty.

The case that Thomas exhibited an interest in pornography after his student days rests on the accounts of two people: Barry Maddox, the proprietor of a Washington, D.C. video rental shop, and Frederick Cooke, a Washington attorney. [A third source, Kaye Savage, who claims to have information linking Thomas to Playboy magazine, is discussed later in this review.] Mayer and Abramson write:

But the interest in pornography that Thomas first exhibited at Yale apparently continued through the early 1980s, when Long Dong Silver was a well-known figure among fans of X-rated movies. According to Barry Maddox, the proprietor of Graffiti, a video rental and equipment store just off Dupont Circle, a few blocks from the EEOC's headquarters, the store began to rent pornographic videos in 1982. Not long afterward, Maddox recalled, Thomas became a regular customer.

There are several problems with this account, including that the EEOC's headquarters at 18th and L Streets NW, a few blocks south of the Dupont Circle area, did not open until August 1989. Thomas worked at that location for only a matter of months, and during the entire time he was in the middle of a brutal confirmation fight for a seat on the D.C. Circuit Court of Appeals, which he won in March 1990. In the early 1980s, when Maddox claims Thomas was a regular customer, the EEOC's headquarters were at Columbia Plaza at 24th and E Streets NW--nowhere near Dupont Circle or Graffiti.

National Public Radio's Nina Totenberg has punched a far bigger hole in Maddox's account. In response to a question after giving a speech at Stanford University in the spring of 1992, Totenberg said:

Let me take first the primary rumor that I've heard about Justice Thomas. And that is that he was a regular renter of pornographic movies including "Long Dong Silver" movies, and that various news organizations have a list of the movies that he rented from a Washington video store and have suppressed it. As far as I know, this isn't true. There is an individual who called first me and then I think other news organizations telling us that Judge Thomas had rented pornographic videos at a particular store in Washington, that the owner of the store would corroborate that, and that they liked to talk about the details of the movies, and that they had, that the owner of the store, I talked to the owner, he denied remembering renting any particular pornographic videos to Judge Thomas who he did remember as a customer of the store, Thomas with his son, and in addition to that the owner of the store told me, and I corroborated this elsewhere, that the store routinely destroys its computer records of rentals every thirty days. So none exist. So that story evaporated like the morning mist.

I called Totenberg to find out if she had been referring to Barry Maddox of Graffiti in these remarks; she confirmed that she had. She further explained, "I got this tip, I think right after Thomas was confirmed. And I called the guy [Maddox] and he indicated on the phone that he may have rented pornographic videos to Thomas. But when I went into the store to talk to him, he kept changing his story. He denied it. So I didn't have a story. I wouldn't have used it anyway without written records--and as you know Graffiti doesn't keep records--because I thought the guy was scuzzy, not reliable."[4.]

Next, I called Maddox directly, who came to the phone and said simply: "I was misquoted in the book. I'm not talking to reporters. I was misquoted. That's it." He refused to answer other questions, but did confirm that he had been interviewed by Totenberg a few years ago on the subject.

About Frederick Cooke, the only other witness who purportedly could testify about Thomas's interest in pornography after the Yale Law School film society days, the authors report:

It was also in Graffiti that Frederick Douglass Cooke, Jr., a Washington attorney and the former D.C. corporation counsel, saw Thomas at the cashier's counter in the late 1980s with another "freak-of-nature" kind of film. Cooke thought it pretty amusing to run into the chairman of the EEOC, whom he had met once or twice on a social basis, standing with a triple X videotape entitled *The Adventures of Bad Mama Jama*.

These sentences appear on page 107 of the book, where, though he is not quoted directly, it appears as if Cooke himself has told the authors what he supposedly saw. There is no note indicating otherwise. Not until flipping to a note for page 330, where efforts by Thomas opponents to extract damaging information from Cooke are discussed, do we learn, "Reached on two separate occasions, Cooke would neither confirm nor deny the account."[5.]

In an interview with me, Cooke confirmed that he had been contacted twice by the authors, who had traced the source of the *Mama Jama* rumor back to him, but that he declined to confirm or deny anything. "They called and I told them just what I'm telling you. I'm not discussing anything with the media. I didn't tell them what you just read to me."

Mayer and Abramson also report that Cooke found the *Mama Jama* episode "unusual enough to mention . . . to a colleague at work." I asked Cooke if he could tell me who that was. "No, because I don't know what they're talking about," he said.

The authors identify John Payton, Cooke's "liberal Democratic" successor as the D.C. Corporation counsel, as one who was pushing Cooke to contact the Judiciary Committee after Anita Hill's story hit the papers. Payton, they write,



"had thought the Mama Jama story funny when he first heard it, not long after the incident occurred." But Payton said in an interview, "No, that's wrong." Payton told me that Cooke had mentioned the story to him in passing a few days before Thomas was nominated to the Supreme Court in 1991. "It was just before everyone knew it was going to happen. It was in the cauldron of rumors," Payton said.

Payton hadn't thought anything of it until Anita Hill surfaced. When she did, despite the efforts of Payton and others, Cooke refused to confirm the story, as he has ever since, but it quickly made the rounds of the liberal interest groups trying to defeat the Thomas nomination. Mayer and Abramson describe a conference call involving Christopher Edley, a Democratic activist now in the Clinton Office of Management and Budget; Elaine Jones, the head of the NAACP Legal Defense Fund; and Cooke. "Cooke still declined to play a public role, as notes taken of this conversation [by Edley] show," they report. But as Mayer and Abramson quote them, the Edley notes do not even establish that Cooke confirmed the substance of the story, only that Cooke declined to say anything. [Edley did not return a telephone call about his notes.]

Though one can't quite determine the sourcing from the text, Payton confirmed to me that he was a source of this information in *Strange Justice*. One person's second-hand statement is a very thin reed on which to hang any allegation; certainly, neither Payton nor Edley nor Jones can say that Thomas ever rented even one pornographic video, let alone that he was a "habitual" consumer of pornography, as the authors repeatedly claim.

The authors contend that Cooke did not come forward because he would have been jeopardizing his career and entering a political maelstrom for which he had no stomach. How Mayer and Abramson would know this is a mystery, since Cooke wouldn't be interviewed. It's also possible that he didn't come forward because the rumor was wrong. Totenberg told me that she had been aware of the rumor during the Thomas-Hill hearings, but "Cooke wouldn't talk to me, so it wasn't a story." So much for Thomas the pornography addict.

### III. The Devil in Clarence Thomas

If there is a discernible theme in *Strange Justice*, it is that Thomas and his associates, supporters, and friends are a collection of liars, cranks, crooks, and lunatics. The portraits are so relentlessly negative that even a reader who wishes to think the worst of Thomas is likely to regard them as crude caricatures. His dedication to the Dallas Cowboys [a rival of his hometown football team, the Washington Redskins] is described as "perverse." And Thomas is seen as "suspicious of romance" because at one point he enjoyed listening to a popular Whitney Houston song, "The Greatest Love of All," whose theme, we are told, is "self-love." Thomas just can't do anything right: When he helps set up Anita Hill's stereo, a friend of Hill's is found to proclaim that Thomas did a "lousy" job.

Cheap shots aside, the assault on Thomas's veracity is a key element of the book. This is only natural--everyone writing on the subject acknowledges that since there are no eyewitnesses to support Anita Hill's story, the Thomas-Hill case basically comes down to a contest over who was the more credible witness. What is unusual is the slipshod way the authors try to establish inconsistencies on Thomas's part. The reporting, is thin, inaccurate, and--in at least two cases--contains what Mayer and Abramson's own sources say are fabricated quotes. In the few other places where the sources can be identified, they turn out to be at best acquaintances of Thomas who don't like him or former employees who were fired by him.

The authors certainly aren't the first to try to find someone who would contradict Thomas's sworn claim to have never discussed the contents of the Roe v. Wade decision with anyone. Despite the fact that no one ever has, Democratic senators like Patrick Leahy continue to insist publicly that Thomas lied to the committee about Roe. In the category of the dog that didn't bark, the authors appear to settle this question once and for all by conceding that "no one recalled his expressing any opinion on the subject of Roe."

But they do claim to have caught Thomas in smaller lies. The authors write, "Although Thomas later praised his grandfather fondly, acquaintances said that in his early years he sometimes complained of the tough treatment at home"--as if the two statements were mutually exclusive! The authors also attempt to show that Thomas lied about growing up poor; they come up with a former neighbor who is quoted as saying that Thomas and his younger brother "always had pocket money."

Mayer and Abramson report that Thomas once told the story of how he had lectured his grandparents so persuasively in 1982, the year before they both died, that the lifelong Democrats finally voted Republican. The smoking gun here is a record from the registrar of voters in Hinesville, Georgia, showing that Thomas's grandfather, Myers Anderson, voted in the Democratic primaries in 1982. Left unconsidered is the distinct possibility that the conversation between Thomas and his father took place after the primaries and before the general election.

Mayer and Abramson acknowledge that the EEOC was in a state of managerial chaos when Thomas inherited it from Eleanor Holmes Norton. While they credit Thomas at one point with making the agency "more efficient," they later describe his managerial style as "authoritarian." Then Mayer and Abramson really get carried away, describing the Thomas regime as "one of Prussian order during which impropriety of any sort, sexual or otherwise, was simply not tolerated." How that statement squares with Anita Hill's story is anybody's guess.

This isn't the only place where the authors lose track of their argument and try to have it both ways. To show that Thomas was "ungrateful" to Senator



Danforth for hiring him to work in the Missouri attorney general's office, a Thomas friend is quoted as saying, "he never wanted to be part of government, in fact he resented it." This was in 1974. Yet a few pages later, it is alleged that as early as 1981 Thomas was plotting to get a lifetime government job in the federal judiciary.

Thomas is characterized as so "aloof" that "while other lawyers in the firm [where Thomas once worked as a summer associate] used a form book to file motions--a universally accepted shortcut--Thomas insisted on writing every word of each motion himself." His performance in various posts is judged to be "admirable," and he is even referred to as "an achiever to the core." In other parts of the book, though, Thomas is seen as floundering and out of his depth, a lazy creature of right-wing speech-writers, fellow judges, and law clerks who never did his own thinking.

When Thomas is eventually nominated to the high court, Vernon Jordan advises Thomas to spend every waking hour studying Supreme Court cases as if he were preparing for the bar before his confirmation hearings. The authors duly applaud Jordan for this sage advice. Yet when Thomas follows the advice, Mayer and Abramson make fun of him for being so unqualified that he had to prepare. The effort to describe Thomas's relation to the conservative movement is also confused and contradictory. Throughout the book the authors often slip into passive voice, perhaps to conceal their own ignorance of why an event occurred [if it occurred at all]. "But from 1985 on, Thomas's public stands were almost uniformly synchronized with those of the most conservative elements in the Justice Department," they report. Did Thomas change? Did the Justice Department conservatives coerce him? There is no support for dating any supposed shift in 1985.

In some sections of the book, Thomas is portrayed as a wanna-be operating on the periphery of the conservative movement while desperately doing anything necessary to pander to it. In 1988, we learn, "no one in the conservative community knew Clarence Thomas." The evidence for this? That year, at a dinner sponsored by the Council of One Hundred, a group of prominent black Republicans, Thomas didn't have a good seat.

In a particularly low blow, it is seriously suggested that Thomas married his second wife Ginni Lamp in 1987 for her "stronger Republican credentials." Yet within a page or two, the authors report that both Gary Bauer, President Reagan's domestic policy adviser, and conservative kingmaker William Kristol were big admirers of Clarence Thomas "from the time they first met during the Reagan administration." In 1986, they note, the supposedly invisible Thomas was asked to participate in Bauer's high-profile "report on the state of the American family."

Then there's the authors' confused account of a dinner conversation in the summer of 1988 between the conservative Free Congress Foundation's Patrick McGuigan, an influential voice in judicial selection during the Reagan years, and Thomas. Undercutting their own contention that Thomas was unknown on the right, they reveal that McGuigan was already a "huge fan" of Thomas's. Yet they are wrong that McGuigan "had never met" Thomas before the dinner. According to McGuigan, he first met Thomas in 1981 and saw him face-to-face several times before 1988.

More troubling is the distortion contained in the following passage:

Whatever else the two talked about that night remains private, but it seemed clear from the enthusiasm McGuigan demonstrated regarding Thomas's candidacy for the court that no disagreements arose about McGuigan's on-going crusades: the outlawing of abortion, the abolition of affirmative action, and the restoration of what he considered "family values"--including a war on pornography.

Clear to whom? Only to Mayer and Abramson: McGuigan told me that he discussed none of those issues with Thomas that evening--or ever--and that Mayer never asked him if he had. This dinner came shortly after the notion of a court appointment for Thomas had been mentioned for the first time by the Reagan Justice Department following Judge Bork's resignation from the circuit court. Thomas's name was only one of several mentioned, and he was not seriously considered by Reagan. Like Timothy Phelps before them, Mayer and Abramson claim that Thomas had been scheming to get on the Supreme Court since 1981, when he first joined the Reagan administration in the relatively low-profile job of assistant secretary of education for civil rights.

The claim is supported only by a couple of offhand comments attributed to Thomas by a couple of individuals who appear not to have known him well, to the effect that he was seeking to someday replace Thurgood Marshall. The same sources pop up to disparage Thomas on other grounds elsewhere in the book.

One of them is Kaye Savage. Another is Michael Middleton, who worked with Thomas at both the education department and the EEOC. Middleton, who was eventually dismissed by Thomas, surfaces later with a story about pubic hair. Early on he is quoted as saying: "The first day I met him [Thomas] in 1981, he told me he was going to be on the Supreme Court. . . . He'd point out that Marshall wouldn't last forever, and that he [Thomas] was the highest-ranking black lawyer in government." At least part of this recollection is almost certainly fake. It seems inconceivable that Thomas would have referred to himself as the highest-ranking black lawyer in government. That title belonged to Samuel Pierce, the secretary of housing and urban development, whose name surfaced well before Thomas's on lists of potential Supreme Court nominees.



The idea that Thomas was campaigning for a court seat is inconsistent with Thomas's pattern of behavior throughout the decade. Particularly notable are the vigorous and widely publicized policy battles that Thomas as EEOC chairman waged with the very Reagan administration conservatives--William Bradford Reynolds and Kenneth Cribb--who were doing the judge-picking. Mayer and Abramson take note of these disputes, but fail to draw the logical conclusions.

I have spoken to dozens of Thomas's friends and colleagues over the past few years--not one of whom believes that he wanted to be a judge before the subject was first broached with him in the late 1980s, let alone that he launched "an aggressive, canny" campaign to get on the court, as the authors have it. Richard Leon, a Washington lawyer and Holy Cross classmate of Thomas's with whom he had many discussions about career moves during the 1980s, called the suggestion that he positioned himself for a court appointment "sickeningly ridiculous." Clifford Faddis, a St. Louis lawyer and close friend of Thomas's for twenty years, said: "This is the kind of stuff we talked about all the time. He never wanted to be a judge until the appeals court was offered in 1989."

Michael Uhlmann, a Washington lawyer who directed the Justice Department's transition team for President-elect Bush, met privately three or four times with Thomas after the November 1988 election to discuss various jobs in the Bush administration. "I first called him about the deputy's job at Justice under [Richard] Thornburgh and he was interested. I ran it by Thornburgh, but I think he had basically already decided he wanted [Robert] Fiske," Uhlmann recalled.

"Then I tried to sell Clarence on a deputy slot in one of the other departments, like Transportation. It would be a move into a commercial area, and I think he would have been interested in that, but [Sam] Skinner had his own deputy in mind, too.

"It was clear to me that Clarence wanted to serve," Uhlmann recalled, "but it was also clear that he had not given much thought to any particular job. It wasn't until well into the conversation that I brought up the circuit [court]. If he was scheming to get on the court, he was so clever that no one else knew about it."

Judge Laurence Silberman, a close friend who served with Thomas on the D.C. circuit, corroborates Uhlmann's recollection. "At some point, Uhlmann mentioned the appeals court [to Thomas]," Silberman told me. "[Thomas] called me and told me that that wasn't what he had in mind at all. I had to persuade him that being a judge is a wonderful life, that the contemplative, academic side of it could be quite rewarding. I had to use considerable persuasion."

Neither Leon, Faddis, Uhlmann, nor Silberman was interviewed for the book. Moreover, Bush White House counsel C. Boyden Gray and his deputy Lee Liberman weren't asked by the authors about any supposed campaign for the appeals court.

Since Gray and Liberman were the most influential voices in judicial selection, they certainly would have seen evidence of it [phone calls and the like], and they say they didn't. "It's nuts," Gray told me. "Mike was the first to bring it up and my response was he would be brilliant but would he take it? And we didn't know."

The authors address Thomas's nomination to the Supreme Court in a chapter called "The Deal." They allege that conservative dissatisfaction with the choice of David Souter for the high court led the Bush White House to promise the Free Congress Foundation that it could dictate the next pick. "The Deal" was supposedly struck between White House chief of staff John Sununu, Souter's patron, and Tom Jipping, who had succeeded Patrick McGuigan as the director of Free Congress's judicial project.

The notes indicate that Sununu declined to be interviewed. Jipping told me he was available to be interviewed, but the authors never asked. "Jill called me to verify a quote that she said was in Tim Phelps's book. She read me one thing and said, 'Is it true?'"

The notes say that "correspondence between Jipping and Sununu confirms Jipping's account." Jipping's "account," however, was lifted by Abramson from Phelps, and she does not even credit it. Turning back to the text, the only cited correspondence is two memos from Jipping to Sununu; since there is no correspondence from Sununu, the word "between" is misleading. The only evidence for the "deal" consists in a one-sided conversation. In the ways of Washington, the Jipping memos were likely written in a self-serving manner, designed to foster just the impression that Mayer and Abramson have drawn: That he is more powerful than he is.

Most importantly, Mayer and Abramson ignore a crucial fact that undermines their notion of any "deal." On the day that Thurgood Marshall resigned, they report, "Sununu was on the phone to Jipping, asking for his advice on a replacement. That same evening, Jipping faxed back a detailed reply. . . . Jipping's candidate was a forty-three-year-old appeals court judge named Clarence Thomas." Yet Thomas had emerged as the frontrunner within an hour of Marshall's resignation late that morning. By 4:30 p.m.--hours before the Jipping fax arrived at the White House--Thomas was already meeting with Boyden Gray and Richard Thornburgh, firming up his place on the inside track. Sununu, it turns out, was not calling for Jipping's suggestions on a replacement for Marshall, but rather to build support in the conservative movement for a Thomas nomination. "Sununu was not in a position to deliver any deal," Gray said. "He wasn't very involved in the decision."

Much of the reporting on Thomas is anonymously sourced. In the rare instance when one of these anecdotes is actually sourced to a named person so that it can be double-checked, the material doesn't hold up:

At Yale he talked bitterly about the "light-skinned elite" blacks who he thought



had it easier than the darker ones. His closest friends at Yale, such as Harry Singleton and Frank Washington, recalled how the three of them would spend hours around Singleton's kitchen table discussing the advantages that lighter, better-connected blacks in the school enjoyed."

The notes indicate "interview with Singleton" for this passage. Singleton, however, told me, "Frank and I were among the lightest-skinned blacks there. That is complete nonsense. No such conversations ever took place like that with me. . . . I don't recall Abramson asking about it, but I have a very clear memory of her sitting here trying to force words into my mouth about how Clarence supposedly only liked light-skinned women." Though the authors didn't interview Washington, he told me that the conversation described above never happened. As a way of explaining away the fact that scores of Thomas's friends and co-workers have sworn that they have never seen Thomas exhibit anything remotely like the qualities ascribed to him by Anita Hill, the authors posit a race-based theory: Thomas is a Jekyll-Hyde character who acts one way among whites and another among blacks, and then acts one way among light-skinned blacks and another among dark-skinned blacks. "Interestingly, all the people who recalled this [crude] side of Thomas are black," they report.[6.]

Judith Winston, a former Department of Education colleague of Thomas's who later worked for the Women's Legal Defense Fund, which strongly opposed the Thomas nomination [we do not learn this when she is first introduced], is presented as the only identified source who supposedly "confirms" that Thomas used foul language in front of blacks, not whites. Yet it is evident from the quote that Winston doesn't confirm this at all; she simply says, "He was more relaxed around blacks, as most of us are."

It is a fair presumption that Winston never saw Thomas say or do anything untoward: Though the authors conveniently overlook the fact, Winston was one of two women contacted by former Senator Howard Metzenbaum's staff when Hill's charge first reached them. Seeking corroboration of Hill's allegations, the staff learned from Winston that she had no reason to believe the charge was true, according to the report of Senate investigator Peter Fleming released in the spring of 1992. [Winston did not return a call seeking comment.]

Before her sexual allegations are disclosed, Angela Wright is introduced to say that she was disturbed when she saw Thomas attacking black recipients of welfare in front of "white conservatives." Later in the book Wright is trotted out again to observe, "He has more respect for light-skinned women. It's racist, but I think he definitely treats white differently than black, and among black women I have seen a real difference depending on skin color." The authors continue: "Wright pointed out that both she and Hill are dark, while most whom Thomas promoted and who testified on his behalf during the hearings were light, Hispanic or white."

Surely Mayer and Abramson know better. Thomas has been as critical of black welfare dependency in speeches before black audiences and in interviews with black-oriented publications as he has with predominantly white audiences. He has dated [and married] white women and black women, light-skinned and dark-skinned blacks. There were men and women, black and white, light-skinned and dark-skinned black men and black women, who supported and testified for Thomas. And there were dark-skinned blacks who said under oath that the Thomas they knew was incapable of speaking lewdly.

The authors inject their racial attitudes into the story through elaborate descriptions of Thomas's physical attributes and their purported effect on his personality--"big lips, nappy hair . . . if he were any blacker, he'd be blue. . . . [Thomas] felt inferior and wasn't attractive to women." The middle-class family of Thomas's first wife, according to an unidentified friend, "must have seemed to Thomas like a black version of *Leave It To Beaver*." [This last dig, of course, undercuts the earlier attempt to show that Thomas didn't really grow up poor.]

Race even creeps into the authors' analysis of Thomas's record on the Supreme Court. The suggestion that Thomas is not living up to a supposed commitment that "as a black man he would bring empathy to the high court" is not only a racist and non-legal critique but wrong as a factual matter. Thomas has confronted the ill-effects of left-wing judicial activism on his race--apparently not the kind of "empathy" Mayer and Abramson think fitting for a black justice. In *United States v. Fordice*, the court ruled that a state that had previously sponsored de jure segregation in its colleges did not satisfy its constitutional obligations by merely adopting racially neutral policies. In a separate concurrence, Thomas wrote that while eliminating discrimination in colleges is desirable, the court should be careful not to destroy historically black colleges in the process. In, an 8-1 case with Thomas dissenting, the justice wrote that a state should not be constitutionally barred from introducing as evidence at the capital sentencing of a defendant the fact that the defendant belonged to a racist prison gang known as the Aryan Brotherhood. And in *Holder v. Hall*, a powerful Thomas concurrence warned that racial gerrymanders has resulted in "racial 'balkanization'"--and the stereotyping of blacks.

The authors also insinuate throughout the book that Thomas is less than highly intelligent. We are told that Thomas is "not especially gifted," though no evidence is offered for the assertion. Thomas is said to have an unusual "reliance" on his fellow circuit judge Laurence Silberman, but the authors don't say what that means or how they know it.

They also seem automatically and patronizingly to conclude that because two justices agree with each other and one of them is black, ipso facto the black must be the one who is following. "[Thomas] frequently seemed content to let [Justice Antonin] Scalia write his dissenting opinions, to which he merely added



his consent," they report. They revel in the statistic that Justices Scalia and Thomas vote together 85 percent of the time. The authors don't seem to realize that the overwhelming majority of non-unanimous cases involve only one dissenting opinion, usually from the most senior justice. Nor do they seem aware that Justices David Souter and Harry Blackmun voted together 81 percent of the time last term, and in their last six years together on the court, Justices William Brennan and Marshall ranged from a high of 100 percent agreement in 1984 to a low of 91 percent agreement in 1985. Some of the important opinions where Thomas wrote and Scalia joined him include *Holder*; *Hudson v. McMillian*; *Foucha v. Louisiana*; and *Evans v. United States*.

But to return to Mayer and Abramson's concern: If the subject of race is worth raising at all, it would be to show the reverse of what the authors contend: in the black community, lighter-skinned, better-educated, liberal, higher-income blacks were more apt to oppose Thomas; he drew his strongest support from darker-skinned, less privileged black men and women. During the Hill hearings, polls showed the clear majority of all blacks believed Thomas, not Hill.

Mayer and Abramson's final run at Thomas is an effort to show that none of his associates is reliable. They all take their lumps, beginning with his wife. Ginni Thomas is depicted as a psychotic: a sunny, trusting, sweetly naive, invariably warm and cheerful woman who spends her time taking homeless strangers to lunch and attending a church that was a "center of anti-abortion political activity." The church, as the authors see it, filled an emotional void opened when Ginni Thomas withdrew from Lifespring, depicted as a brain-washing assertiveness training group based on the use of ridicule and embarrassment to which she had lost "her balance."

Phyllis Berry-Myers, one of the supposedly non-existent dark-skinned black women who testified on Thomas's behalf in the hearings, allegedly stood on toilets in EEOC bathrooms eavesdropping for Thomas and "conducted animated conversation with herself over tea set for two." Not surprisingly, these charges are attributed to an unnamed "former colleague" of Berry-Myers. Berry-Myers told me that while she was interviewed by Abramson [who said she was writing an article for the Journal and never mentioned a book], she was never asked about these derogatory stories. "I've never stood on a toilet in my life, and if I had, who would know?" Berry-Myers said. "And I don't even drink tea."

Another witness for Thomas, Charles Kothe, the former dean of Oral Roberts University law school, is dismissed by anonymous sources as "something of an eccentric, a kind of elderly problem case who had to be kept busy and out of the way." Mayer did interview Kothe, who was so disturbed by the encounter that he wrote her a letter the following day. "My misgiving arose from your style and what appeared to be your mission. Your misquotation of what I said in several instances when you repeated my response . . . gave me serious concern."

Jeffrey Zuckerman is introduced as "a white lawyer and White House ally" who became Thomas's chief of staff in 1984. He is skewered for supposedly advancing the view that the Equal Pay Act "actually hurt blacks because it deprived them of jobs that employers would be willing to give them if they could be paid less than whites." Zuckerman told me that the argument was about the act's impact on women and men, not blacks and whites. "The Equal Pay Act has nothing to do with whites and blacks. On its face, that's a false statement. It's an impossible statement."

It is also reported that Zuckerman and Thomas made a habit of roaming the halls of the EEOC together as Zuckerman chanted, "Heads are gonna roll."

Zuckerman says: "I rarely walked the halls of the EEOC, and certainly not with Thomas. Thomas sometimes walked the halls to develop relationships with the professional staff who were trying to undo everything he was trying to do. He didn't take me with him. I was controversial and I would have been a liability. I defy a single person to come forward and say publicly that I ever said or did any such thing as Mayer and Abramson describe." The authors did not bother approaching Zuckerman for an interview, he says. And as it happens, no one has in fact publicly accused him of anything: the anecdote is simply not sourced at all.

A Thomas speechwriter at the EEOC, Ken Masugi, is introduced as having been a "law professor at the University of California at Irvine" before he joined the staff in 1986. But Masugi was a political science professor, not a law professor, and he taught one course at UCI in the fall of 1982, several years before meeting Thomas. UCI doesn't even have a law school. Masugi is described as a "follower of the arcane conservative legal thinker Harry Jaffa, a professor at Claremont College" [actually Claremont-McKenna]. Jaffa's first major book on constitutional law wasn't published until 1994--it consists largely of attacks on the conservative legal views of Chief Justice William Rehnquist, Judge Robert Bork, and Edwin Meese.

Mayer and Abramson further assert that Masugi and Jaffa are among the "cult-like followers of the German philosopher Leo Strauss." What sort of "cult" is this? Leo Strauss was an American, a Jew born in Germany, in 1899, who went on to teach generations of political philosophy students at the New School for Social Research in New York and the University of Chicago, among other institutions.

Those who supported and handled Thomas's Supreme Court nomination are not spared this skewed treatment, either. The authors view "the right" as a monolithic, unthinking entity--a bunch of flying monkeys ready to be summoned at will by the Wicked Witch of the West. The Landmark Legal Foundation is described as "a legal group allied with the New Right leader Paul Weyrich."



Clint Bolick, then the institute's director, told me, "We had no connection with Weyrich, but merely worked independently toward the same goal."

The authors report [not for the first time; Tim Phelps broke the story] that Bolick privately discussed with a reporter for the Baltimore Sun, Arch Parsons, who was friendly with NAACP executive director Ben Hooks, what position Hooks might take on the Thomas nomination. "According to Bolick, Parsons offered to suspend any pretensions to Journalistic objectivity and serve as an intermediary for Thomas between the White House and Hooks," the authors report. Bolick, who was interviewed for the book, told me, "Good grief. I never said that about Arch Parsons."

The authors rely heavily on the contention that White House efforts to win support for Thomas had an aura of illegality because the federal anti-lobbying act prohibits executive branch officials from encouraging members of the public to lobby Congress about certain matters. The authors theorize that the White House efforts were organized to skirt this law, but that in some instances they ran afoul of it. They draw an analogy between the pro-Thomas efforts and the Reagan administration's efforts on behalf of the contras, which were widely believed to violate another federal law, the Boland Amendment.

The problem with the authors' theory is that it is perfectly clear that the anti-lobbying act does not apply to nominations. By its terms, it covers only legislation and appropriations. Walter Dellinger, head of the Clinton Justice Department's Office of Legal Counsel, agrees with this interpretation, echoing a formal Justice Department opinion given two years before Thomas's nomination.

Ethics laws can be complicated, but this one isn't, and the authors' misrepresentation hardly appears an innocent mistake. In an unmarked note 170 pages after their accusations of illegality, the authors acknowledge that the White House effort "may have been legal." Citing the text of the act, they note the obvious fact that "a nomination isn't legislation or an appropriation." They also note that lawyers from the White House counsel's office told them that the act did not cover nominations, and they offer no contrary legal opinion from anyone. Their only named source for an interpretation of any aspect of the anti-lobbying law is David Demarest, a former White House official who is not a lawyer, whose job was public relations, and whose statements as quoted do not go to the question of whether the law applies to nominations, even though they are couched by the authors to appear to do so.

Finally, Mayer and Abramson report that former Reagan chief of staff Kenneth Duberstein, who was retained by the Bush White House as an outside political strategist, divulged the fact that Thomas's sister had once had an abortion to foster the impression that Thomas supported abortion rights. Leafing to the back of the book, we learn:

In a completely off-the-record conversation--which meant that the information

was barred from ever getting into print--he [Duberstein] hinted at Thomas's open-mindedness concerning his sister to The New York Times, evidently in the hopes of softening the influential liberal paper's coverage of the nominee.

If the information was barred from ever getting into print, how did it get into print? "When Jane asked me about it, I told her first of all that I don't remember the interview," Duberstein told me. "Then I said, 'If it was off-the-record, how would you know about it anyway?' And she said 'I was dating the reporter.' At that point I terminated the interview. She's using material from an off-the-record interview from a paper where neither of them [Mayer or Abramson] had worked. It just showed me these two can't be trusted."

#### IV. St. Anita and Acolytes

"If there was ever a perfect person, it was Faye," one source confides to Mayer and Abramson about Anita Faye Hill. Once one gets beyond this kind of media boilerplate, the sections of the book dealing with Hill turn out to be surprisingly informative--though there is no sign that the authors comprehend the implications of what they've dug up. The new material redounds to the detriment of Hill's case against Thomas.

Or perhaps they really just don't get it: Readers familiar with the record of the hearings, as well as my book, will recall that at every point at which Hill's sworn testimony touches the real world, her veracity has been impugned or contradicted by the accounts of independent witnesses or publicly available records. Thus, the authors find themselves in the unenviable position of having to argue that everyone but Anita Hill is a liar. In dealing with Hill's testimony and her witnesses--the substance of the case--Mayer and Abramson leave the impression that they are simply not conversant enough with the record of the hearing to write intelligently about it.

The authors' argument, in essence, is that Hill's case was stronger than it appeared to be during the hearings. Hill supplies new explanations for some of the more troubling aspects of her Senate testimony. But in so doing, she raises new questions about her own veracity and credibility. Hill's witnesses are re-interviewed with an eye toward shoring up some of the weak spots in their testimony, but they end up in deeper holes. And we meet a few new "corroborators" for Hill who don't corroborate. One of them, in fact, turns out to be another smoking gun who proves indisputably that Anita Hill is a liar.

Mayer and Abramson dismiss out of hand any inconsistencies, contradictions, and falsehoods in Hill's testimony: "Questions can be raised, and were during the hearings, about the accuracy of her memory, the precision of her language, and even the clarity of her judgment about herself and others. But by all accounts, Hill had been scrupulous about being truthful all her life."

By all accounts? What about Clarence Thomas's sworn testimony? What about



Harry Singleton, who replaced Thomas as the assistant secretary of education in 1982, and who has said publicly that Anita Hill lied when she testified that she followed Thomas from Education to the EEOC because she feared for her job and that she did not know who Thomas's replacement was going to be? Singleton says he specifically asked Hill to stay on as his attorney-adviser and Hill turned him down to go with Thomas.

The authors deal with this key discrepancy not by trying to find others who may have known about the Singleton offer [or, alternatively, by attacking Singleton's credibility] but taking Anita Hill's word at face value [as much of the media did during the hearings]. They seem to have little idea of how to go about proving their own case. We're just supposed to accept it on faith.

In the interview she gave the authors, we discover that "Hill said she recalled no such discussion with Singleton." Interestingly, however, the implication here is that Hill has backed off her sworn claim not to have even known Singleton. [Since publishing my book, I have found a corroborator for Singleton's version of the story: Patricia Healy, who worked as his deputy at the time.]

Among the other purported liars in this book are then Judiciary Committee chairman Senator Joseph Biden and his senior staffers [Harriet Grant told special counsel Fleming that Hill wanted to make the charge without letting the nominee know her name; Hill, the authors write, "would dispute this assessment"]; the two FBI agents who said in sworn affidavits that Hill had been asked for all of the details of her allegations during the initial interview [the affidavits were filed after Hill said under oath that she hadn't been asked for all the details]; and John Burke, the liberal Democratic lawyer who filed an affidavit directly contradicting Hill's sworn claim that she had never been asked by anyone to leave the Wald, Harkrader & Ross law firm.

The authors' handling of the Burke controversy is a good example of their inability to rebut certain testimony impeaching Anita Hill's credibility. The issue is whether Burke, for whatever reason, counseled Hill that it would be in her best interest to leave the firm. Burke had described the conversation as a private one-on-one review.

In an effort to refute Burke, other Wald partners, one of whom coached Anita Hill in her testimony against Thomas [though the authors don't mention this], are quoted as saying they had no knowledge of Burke or anyone else asking Hill to leave the firm. Someone who worked in Burke's department is quoted as saying that he didn't recall Burke's ever having complained about Hill. Another partner says, "If Anita was having trouble, I probably would have known it." None of this conjecture, needless to say, "directly contradicts Burke," as the authors claim. Mayer and Abramson then go on to seriously suggest--with the racist tinge to which we have now grown accustomed--that Burke had Hill confused with another

black associate. Burke, who wasn't interviewed by the authors, has strongly denied this to me and many other reporters.[7.]

The authors also expend much energy arguing that Hill's performance was not quite poor enough to have caused her to have been formally dismissed by the firm. But Burke never said she was dismissed by the firm, only that he advised her privately to seek work elsewhere because her opportunities for advancement looked poor.

Hill's personnel records--which the Senate Republicans had sought unsuccessfully to subpoena during the hearing, after Hill said no one had asked her to leave the firm and Burke swore otherwise--are described by the authors. To anyone familiar with law firm evaluations, Hill's reviews were pretty terrible. According to Mayer and Abramson, the Wald records show Hill was making "satisfactory but not outstanding progress. . . [T]here were more than a few criticisms. One partner complained that she was prone to disappear into the library and had left work altogether during one emergency assignment. . . . Her recorded billable hours--which law firms use as a measure of productivity--were among the lowest of all the associates." When the partners met for her first review, she was told that her work was "generally adequate" but "uneven."

It is now clear why the Democrats fought and voted down the subpoena: The records end up supporting, not hurting, Burke's credibility. The Democrats' suppression of these records is actually more of a cover-up than I had known until recently, when I learned that Burke had first contacted Senators Ted Kennedy and Howard Metzenbaum about Hill's statement before he approached Senator Danforth and swore out his affidavit. Kennedy used the tip not to investigate, but to engineer a party-line vote to shut down Republican efforts to get to the truth of the matter.

The authors' reporting on Hill's politics is also telling. At the time of the hearings, Hill was widely portrayed in the press [notably in *The New York Times* and *Time*] as a Bork-supporting Reagan Republican who couldn't possibly have had an ideological motive to derail the Thomas nomination. This was baloney, as every reporter who has looked into the matter subsequently has concluded, and as Hill herself has conceded in several interviews since the hearings.

At some points in the book, the authors seem intent on sticking to the old mythology:

That Friday, [Sen. Hank] Brown did succeed in posing a general question about whether there were areas of serious philosophical disagreement between the two of them when Hill worked for Thomas. When she responded that they had disagreed on certain issues and had discussed them, Brown interjected, "Would that be the case with regard to say, abortion, or *Roe v. Wade*?" The Caucus Room was utterly silent as Hill leaned forward to answer; then she paused and looked quizzically



at Biden. The hearings, he had said repeatedly, were to stay within the narrow scope of Thomas's alleged sexual harassment, and the abortion question was clearly outside this boundary. Biden ruled the question out of order, but the inference that some disagreement had occurred between them was left hanging in the air.

There was more than an "inference" in the room. Mayer and Abramson have left out Hill's answer to Brown's question:

HILL: That I am not sure of his philosophies?

BROWN: Sure of his philosophy or do you perceive a significant difference between the two of you in that area?

HILL: Yes.

It was at this point--after Hill had admitted to a philosophic difference--that Chairman Biden intervened and ruled the line of questioning out of order.

Mayer and Abramson can't seem to conceive of any issue other than abortion that could possibly provide sufficient motive for Hill. Thus they go on to concede that there were other political differences between the two, but portray them as insignificant. They confirm that Hill is a registered Democrat, a committed civil rights activist, and the chief faculty sponsor of a "hate speech" resolution at the University of Oklahoma [not Oklahoma State University, as the index wrongly indicates]. They further report:

Besides her troubling memories of Thomas's upsetting and perhaps unlawful behavior, she had reservations about the nomination for philosophical reasons. After she left the EEOC, Hill had watched Thomas harden from the independent thinker she had known into a man she regarded as a doctrinaire ideologue. When she was working for him, they had often argued about issues such as affirmative action, but Hill thought Thomas's mind was still receptive to other points of view. In the later Reagan years, she felt Thomas had ceased to have the open mind required of a judge.

It is now quite evident why Anita Hill has avoided for three years doing precisely the kind of interview she has done with Mayer and Abramson, commenting on the facts of the case. Though the interview was done under carefully controlled circumstances--lawyers for Hill were present, and she reserved the right to pre-screen the questions as well as review her quotations before publication--she wasn't quite careful enough to avoid shedding light on her motives. Worse still, some of her new statements can be proved false.

For instance, Hill offers a completely new explanation of why she followed Thomas from Education to the EEOC while she was allegedly being harassed. In her

testimony, Hill stated that she had feared for her job, a claim later contradicted by Singleton. She now maintains that she followed Thomas because:

According to Hill and others, his relationship with [Lillian] McEwen was an on-and-off again affair that, at least when it began, in the spring of 1982, allowed Hill to feel "relief and hope" [that the harassment had ended]. Note that this is sourced from Hill and unidentified "others." Yet only one "other" is identified in the notes: Sukari Hardnett, who surfaces later to accuse Thomas of having been interested in her. Hardnett wasn't even working at the agency in the spring of 1982.

Why did Hill never previously mention that Thomas was dating another woman if that is what allowed her to believe she could safely follow him from one job to another? Perhaps because Hill is now seeking to counter inconvenient information divulged long after the hearings were over. For example, two sources in my book were quoted as saying that Thomas would not have asked Hill for dates because he was in a serious relationship with McEwen during the entire time that Hill worked for Thomas. Hence this twisted "on-again, off-again" story.

Harry Singleton, for one, confirmed to me in a recent interview that Thomas was involved with McEwen, then an aide to Senator Biden, before Hill went to work for him in September 1981--not 1982. Thomas, in fact, had already met McEwen by the time his marriage finally dissolved in August 1981. "The relationship was very serious from the time it began," he said. "Then it ended a few years later [in August 1985]. There was absolutely no on-and-off quality to it. We talked about this kind of stuff all the time, and I would have known about rocky periods. There weren't any." Other friends of Thomas and McEwen with first-hand knowledge of this history, including Barbara Lawrence, a former Biden staffer, and Carlton Stewart, corroborate Singleton's recollection and strongly dispute Hill's unsubstantiated suggestion.

The authors also appear to be attempting to strengthen the recollections of Hill's panel of witnesses long after they gave what was presented by Hill's lawyers as corroborating testimony in the Senate hearing. Most notable is the opportunity given Susan Hoerchner, the California workmen's compensation claims mediator who was given the honorific title of "judge" throughout the hearing, to correct the record on when she supposedly received a telephone call from Hill complaining about Thomas's harassing behavior. Hill testified that the behavior began three months or so after she first went to work for Thomas at the Education Department in September 1981.

Both in her interview with Senate Judiciary Committee staff and later in her testimony, Hoerchner said that she was unsure of the date of the conversation with Hill. Her best guess was that the call had occurred in the spring of 1981. This memory lapse is perfectly understandable, given that the call had allegedly taken place some ten years ago.



But in her interview with the Senate staff, Hoerchner was sure about one thing: She was living in Washington at the time the two had spoken. Hoerchner further stated that she had left Washington for California in September 1981, and at that point had no further contact with Hill until a chance meeting in 1984. Thus her testimony can't possibly corroborate Hill's account of harassment by Thomas.

In my book, I suggest that Hill had perhaps complained to Hoerchner not about Thomas but about a boss at Wald, Harkrader, where she was working during the time that Hill and Hoerchner were speaking regularly on the phone in Washington. Two sources had told me that when Hill joined Thomas at Education, she told co-workers she had left Wald because she'd been sexually harassed.

Mayer and Abramson try to confront the Hoerchner problem, but they don't seem to understand what the problem is. They therefore miss the target. On page 97, they report:

[Hoerchner] acknowledged that her recollection, particularly when it came to the timing of events, was hazy, but she said she distinctly remembered that at some point after Hill began working for Thomas, she had asked Hill in one of their many phone conversations how things were going.

That this is merely a clumsy patching job, however, is exposed in the prior paragraph, where we find this sentence: "As Thomas's behavior caused her increasing distress, Hill confided in one of her closest friends from law school, Susan Hoerchner, who was also working for the government in Washington." The fact that Hoerchner was working in Washington at the time of Hill's complaint, now reconfirmed by Hoerchner herself, is precisely the reason that her original testimony has been discredited. To repeat: Hill at that time wasn't working for Thomas, so how could he have been the one she told Hoerchner about?

Regarding another important discrepancy, the authors report from their interview with Anita Hill a new variation on her purported complaint to Hoerchner. "Hill later explained that she had hoped Hoerchner might have some ideas on how she could get Thomas to stop," they write. "Hoerchner confirmed this early discussion to congressional investigators, to the FBI, and in her testimony."

But Hoerchner did no such thing. Hoerchner stated just the opposite in her sworn testimony:

BIDEN: Did you advise her to take any action?

HOERCHNER: She did not ask for advice.

BIDEN: Did you say, you should complain? Did you give her any advice?

HOERCHNER: She did not ask for advice, and I did not give her advice.

Either Hill or Hoerchner is wrong about this, and the entire point is lost on Mayer and Abramson.

As with Hoerchner, the authors simply make matters worse for Anita Hill in writing about her other witnesses. For example, we learn for the first time that the witness John Carr--the New York corporate lawyer who was unable to state under oath that Hill had named Thomas as her victimizer in 1983, only that she had referred to an unnamed supervisor[8.]--had an ideological motive in concluding a decade later that Hill has been referring to Thomas all along.

Reporting on their interview with Carr, Mayer and Abramson write: "He remembered that rather than thinking less of Hill, he decided that this proved he had been right all along about how strange Thomas was. Apparently Carr had enjoyed teasing Hill about Thomas's contrary ways; it was odd, he believed, for a black man to be so conservative, Republican, and outspoken against traditional civil rights remedies."

The sections on the witness Joel Paul, the American University law professor, further underscores the sheer idiocy of what is passed off as serious reporting in this book. Paul, who is gay, apparently harbored fears about being "outed" by the Republicans during the hearings. Here is how our credulous reporters describe the moment:

Soon Paul had even more reason to worry. A friend of his lawyer's who was close to Republicans on the Judiciary Committee called with a warning. He said the Republicans behind the campaign to confirm Thomas had compiled briefing books, which he described as being two inches thick, filled with detailed information on the backgrounds of Hill's potential witnesses, including Joel Paul.

The notes indicate no better sourcing for this passage than the unidentified sources of an unidentified friend of Joel Paul's lawyer. There's no indication the authors made any effort to confirm any of this with Republican staffers--even the existence of the dossiers, let alone the information about Paul's personal life. I have spoken with most of the Republican staff in preparing this review and have found no evidence whatsoever to support these allegations. One GOP aide on the Judiciary Committee told me: "We had no such dossiers and almost no information on these witnesses--only what their depositions revealed, i.e., very little. Until reading it in the book, I never suspected--or would have cared about--Joel Paul's alleged homosexuality. The Republican staff then--and now--contained gay staffers; it is a completely unremarkable fact." [When I reached Paul, he said, "We have nothing to talk about," and hung up.]

The ironies abound. In order to demonize the Republicans for allegedly plotting to "out" Paul, Mayer and Abramson go ahead and "out" him. Then, in a subsequent description designed to paint Paul as a committed civil rights



activist, the authors wreck their own plot line:

Paul was open about his sexuality to his friends and family and in the past had championed a number of gay rights issues, including the effort to admit gays to the military. In 1984, when he supported the presidential candidacy of Gary Hart, he had attended the Democratic National Convention as a gay delegate. And before that he had headed a gay bar association in San Francisco, called Bay Area Lawyers for Individual Freedom.

In other words, the entire "outing" issue was phony to begin with: Paul isn't a closeted gay.

The authors have about as much success trying to find new corroborators for Hill.

First up are two former EEOC colleagues who claim to remember a story about pubic hair and a Coke can making the rounds at the office. One is Marguerite Donnelly, a former EEOC attorney who "distinctly recalled being told by a co-worker in the early 1980s that Chairman Thomas 'had said--and I thought it was in the presence of several people--that there was a pubic hair on his can of Coke.'" Donnelly says she told her husband, Allan Danoff, also a former EEOC attorney, about the comment contemporaneously. "We certainly did hear about it back then," Danoff says.

Michael Middleton, a former Thomas aide whom the authors misidentify as a professor of law at Missouri North Central University [there is no such institution], also describes a "quite hazy" memory. "I have this vision of Clarence at the EEOC picking up a Coke and saying, 'Who put this pubic hair on my Coke?'" Middleton is quoted as saying. In the next paragraph, however, we learn that Middleton "can't say for sure whether he witnessed Thomas's saying it or just had it described to him back then. He also worked with Hill, and it is possible she may have told him about it herself--although he doubted it and she had no recollection of it."

After conceding that the foregoing statements "do not necessarily corroborate [Hill's] account," the authors conclude:

What seems unlikely, however, is that three senior lawyers in the agency could remember the same statement coming from a man who says he never uttered it to Hill or anyone else.

But by their own reporting it is clear that three senior lawyers did not remember the statement coming from Thomas. None of the three claims to have heard the remark personally or to recall exactly how the remark came to their attention. One lawyer, Danoff, heard about it only from his wife. His wife, Donnelly, remembers only an unnamed individual telling her that Thomas had said

it. And Middleton isn't sure whether he remembers the statement coming from Thomas or Hill or someone else.

There are other problems with these passages that go unacknowledged by the authors. The first is that Anita Hill testified that the remark was made to her by Thomas when the two were alone in his office, and that she never told anyone about it. If either Donnelly or Middleton witnessed it; if someone else had witnessed it and told them; or if they were told about it by Hill, then Hill's account of the incident is false.

The second problem is that both Danoff and Middleton were fired by Thomas, and so they aren't the best witnesses against him. The Danoff firing was one of the most celebrated firings during Thomas's stormy tenure--he fired lots of people in a bid to professionalize the agency--and the matter ended up in the courts. Danoff's firing isn't mentioned in the book, nor is the fact that Danoff was quoted at the time of the Supreme Court nomination battle harshly criticizing Thomas's record at the agency.

Middleton's firing is noted, but only much later in the book. A far more curious aspect of Middleton's history, however, is not treated. Mayer and Abramson report that during the hearings, Middleton supposedly turned to his wife "and asked her if she remembered the [pubic hair and Coke] story, and she told him that she did." The question this raises is why Middleton didn't say something about it at the time.

It turns out that while Middleton didn't say anything about the pubic hair remark, he did have quite a bit to say to the press after he heard Hill's testimony about the remark and Thomas's denial of ever having made it. The quotes don't indicate that he knew anything about the pubic hair remark in 1991 that would implicate Thomas in any way. Take the following passages in the Chicago Tribune:

University of Missouri law professor Michael Middleton, who worked with Thomas and Hill at the Department of Education and the EEOC, said he cannot reconcile the conflict between the stories. "It is as muddy to me as it is to anyone," he said. "She is as credible as she appeared on TV, and he is as credible as he appeared in the hearings."

Middleton said that during the time Hill worked at the Education Department and the EEOC she was "totally loyal" to Thomas. "She was his confidential assistant and she performed her job in an exemplary fashion. There was no inkling of anything beyond a professional relationship. It was almost unusually professional."

He said the idea of Clarence Thomas describing the viewing of a pornographic movie as part of a come-on was "almost ridiculous. My impression of him was that



he was one of the most upright people around."

From these quotes, we can deduce that Middleton was either misleading the press in 1991--surely he would not be as perplexed as he professed to be about which witness was telling the truth if he had seen or heard Thomas make the gross pubic hair remark--or he now sees it as in his interest to allow Mayer and Abramson to present a faint recollection of a story about Thomas, pubic hair, and a Coke can as support for Hill's allegations. One conceivable motive for the latter possibility: It has been publicly reported that Middleton has been under consideration to be named general counsel of the EEOC under Clinton, though the authors don't say so. [He didn't return a call seeking comment.]

In any event, the evidence about this anecdote, such as it is, could be entirely valid and still bring us no closer to proving that Thomas ever said it. A story about pubic hair and a Coke can may have made its way through the EEOC gossip mill in the early 1980s. A decade later, Thomas denied having made it when Hill attributed it to him. Nobody but Hill recalls Thomas saying it, and nobody claims Hill told them of it.

We are now told that Donnelly may have heard something about such a story, and so may have Middleton. Maybe Hill did too. Maybe that's the origin of the bizarre story in the first place: Hill heard the story just as Donnelly and Middleton did: as it made the rounds of office gossip. Ten years later she seized on it, claiming to be its original source, thinking that it would be somehow corroborable. But despite Mayer and Abramson's best efforts, it still isn't.

Next we meet Bradley Mims, who is presented as one of two new "witnesses" for Hill. Mims and Hill had met in 1982 in a night class for federal employees who wished to improve their writing skills. Mims was working on Capitol Hill for a Democratic congressman and Hill was working for Thomas at the education department. As Mims tells it, only a couple of weeks after they met, Hill confided to him that Thomas had begun saying "really crazy stuff to her--talking wild." Mims says that he "knew" that "talking wild" meant using explicit sexual language. Ten years later, during the hearing, he was working in a civil service job at the Smithsonian Institution and stayed quiet because the "Republicans headed the government," according to Mayer and Abramson.

One of the many cheap aspects of this book is that supposed new evidence is presented by a "witness" who has never appeared under oath to have his story cross-examined. Soon enough it's also clear that Mayer and Abramson will conduct no such cross-examination. The "witness" then goes into hiding, never to be heard from again. Mims refused to be interviewed for this article.

On its face, Mims's account doesn't add up to much. He makes the leap from Hill's alleged comment about Thomas's "talking wild" to the conclusion that Hill

meant Thomas was using sexually explicit language. Mims is apparently unable to corroborate any of the specific language Hill attributed to Thomas in her testimony, let alone to state that Hill told him Thomas was using sexually explicit language. After Hill's testimony, such recollections as Mims's are inevitably tainted by what she said; he may now intend for the words "talking wild" to take on a meaning that they may or may not have had at the time Hill allegedly spoke of them. There is also the inconvenient fact that Anita Hill said in her affidavit to the Senate Judiciary Committee, and then to the FBI, that Susan Hoerchner was the only person she had told of Thomas's harassment between 1981 and 1983.

When other witnesses came forward of their own volition before the hearing, contradicting what Hill had told the FBI, she then claimed that she had "repressed" the fact that she had told others of the harassment contemporaneously. In her Senate testimony, she said: "It is only after a great deal of agonizing consideration that I am able to talk of these unpleasant matters to anyone but my closest friends." But Joel Paul was not a friend of Hill's; she barely knew him when she supposedly told him of the harassment in the summer of 1987. Likewise, according to Mims's account, he had just met Hill when she supposedly told him of Thomas's "talking wild."

Odder still is that Hill apparently did not even recognize Mims's name when Mayer and Abramson asked her about him. "Hill had forgotten that she had also confided in a fifth person. . . . And once reminded of him, Hill confirmed his account," they report. Corroboration usually works the other way. Perhaps Hill did forget telling Mims something about Thomas, but the second new witness presented in *Strange Justice* is one Hill is not allowed to have forgotten: Linda Lambert Jackson. When she was first interviewed by Metzenbaum staffer James Brudney in September 1991--six weeks before her public testimony--Anita Hill appears to have told him that in 1983, soon after leaving the EEOC, she told her friend and former EEOC colleague Jackson about Thomas's "two-year-long campaign of sexual harassment." Mayer and Abramson have obtained the notes of Brudney's conversation with Hill. Jackson is quoted by Hill as having said in 1983, "I don't believe it." The authors further report:

This conversation with Lambert became seminal in her thinking about whether to discuss the experience with anyone ever again. As she told Brudney, she "felt if my friend reacted this way, others on his side would react [the] same way." So, for nearly a decade, she "never brought it up again."

Mayer and Abramson seem unaware that they've stumbled on a significant revelation. This is an entirely new explanation by Hill of why she stayed quiet for ten years: the conversation with Jackson traumatized her. She did not mention this conversation--when she testified under oath just a few weeks after she told Brudney about it--in any of her various explanations as to why she stayed quiet: that she feared for her job; that she feared Thomas would exact



retribution on her when she returned to Oklahoma and worked for Dean Kothe, a Thomas associate; and that despite prior Senate confirmations of Thomas, no one had ever asked her for information about the nominee until Brudney did in 1991.

Jackson, it may be recalled, testified for Thomas at the hearing: "Anita referred to Clarence with admiration. . . . It seems that she would have mentioned something if she were having problems at the office, even if she did not name a specific person. Subsequent discussions I had with Anita also yielded no mention of anything improper on the part of Clarence Thomas." Hill tells Mayer and Abramson of her reaction to this testimony: "I don't know how people can go to sleep at night having lied as some of them did. Certainly I couldn't. But in the end, they have to live with themselves."

Here we have an allegation of perjury lodged against Linda Jackson. Mayer and Abramson report:

?

Later, Jackson, who still worked for the EEOC during and after the hearings, refused to comment on the telephone when asked whether Hill hadn't told her of the harassment years before. She then quickly hung up.

Jackson told me this isn't how it happened at all. According to her, Abramson telephoned and said that she wanted Jackson to confirm or deny something that Abramson had heard. Abramson didn't say what it was. Jackson said she didn't want to be interviewed but would be willing to answer questions in writing. The conversation ended and no questions ever arrived. Thus the implication left by Mayer and Abramson--that Jackson was informed of the substance of what Hill had said and hung up rather than deny it--is entirely false. [For the record, the entire encounter that Hill described is also fake, according to Jackson.] Finally, the authors don't seem to appreciate the issue raised by this new information about Brudney's conduct during the hearings, much less about Hill's credibility. At some point after Hill first named Jackson to Brudney as a corroborator and before she went on to tell another Senate staffer and the FBI that she had told only Hoerchner, Jackson disappeared from the story. The only plausible explanation for this would be that Hill never intended the original conversation with Brudney to go as far as it did; at that point, she was hoping to take out Thomas with an anonymous charge and needed it to sound as convincing as she could make it. Later, when told by the Biden staff that she would have to name herself and allow her witnesses to be interviewed by the FBI, Hill, knowing that Jackson would not back her up, said only Hoerchner knew of the harassment.

If the account in the Brudney notes is correct, Hill's "repression" explanation--which could conceivably cover Carr, Paul, Ellen Wells, and even Mims, since they all contacted Hill, offering to testify--doesn't work for Linda Jackson. Not only does Hill claim that the 1983 conversation with Jackson was so

memorable that it kept her silent for a decade. There is now evidence that Hill had told Brudney of a second person mere weeks before saying on three different occasions--a sworn affidavit, an interview with the FBI, and her sworn Senate testimony--that she remembered telling only one person.

Brudney--a friend of Hill's from Yale who spoke to her more than a dozen times before she filed her allegations with the Senate--watched Anita Hill testify under oath without mentioning Jackson. Surely if he was interested in investigating the truth of the allegations rather than conspiring with Hill in a false account, he would have forwarded those notes to his colleagues in the Senate and seen to it that both Hill and Jackson were asked about the supposed conversation when they appeared to testify. Instead, he covered up his knowledge of Anita Hill's perjury.

#### V. The "Other" Women

The final attempt to bolster Hill's case consists of the testimony of four "other women," whom the authors present as providing proof that Thomas exhibited a pattern of behavior consistent with Hill's charges of sexual harassment. They imply that the four were generally unknown to the public at the time of the hearings and were prevented from testifying by a sinister conspiracy of pro-Thomas forces. Each of these claims is false.

The accounts of three of these women--Angela Wright, Rose Jourdain, and Sukari Hardnett--had been reported and refuted before the appearance of *Strange Justice*. Nonetheless, it is worth combing through them once more to dispel the notion that there is anything even approaching a pattern of sexual harassment in Thomas's personal history. [Indeed, the authors themselves admit at one point, "No one else has come forward during the hearings or since to accuse Thomas of sexual harassment."]

Of the three, only Woman Number One--Angela Wright--claims first-hand knowledge that Thomas ever did anything untoward in the workplace, though she does not believe she was ever sexually harassed by him. A former EEOC employee who now works as a Journalist, Wright was the first "other woman" to surface in the case.

A few days after Hill's charges first broke publicly, Wright wrote a draft column for the *Charlotte Observer* in which she said that personal experience led her to believe Thomas capable of doing what Hill was claiming. While the column was never published, it was leaked to the Democratic Judiciary Committee staff, which then interviewed Wright and subpoenaed her to testify. While her possible appearance made front-page news and network headlines throughout the country--thanks to a briefing given for numerous reporters by Senator Joseph Biden, then the chairman of the Judiciary Committee--she never testified.

In retrospect, this was unfortunate, because it was inevitable from the very



moment that Wright did not testify that Thomas's opponents would forever promote her story as the one that would have changed the course of history. This book sets out to advance the strongest such revisionist claim yet.[9.]

In her interview with Senate Judiciary Committee lawyers, Wright stated that Thomas had asked her for dates and made comments about the size of her breasts. She also said the comments did not disturb her. She reprises that interview in this book, maintaining that she took Thomas's alleged conduct so much in stride that she never once "ruminated" on it. "I was never afraid of Clarence Thomas," Wright is quoted as saying.

Mayer and Abramson believe that Wright's account is strong corroboration for Hill's, because Wright was interviewed before Hill testified. In fact, [a] Nina Totenberg had gone on the air three days before the Wright interview and read Hill's detailed statement virtually verbatim; [b] Hill held a nationally televised press conference the next day in which she publicized her charges; and [c] the Judiciary Committee lawyers who were prompting Wright with questions had already read Hill's statement.

Woman Number Two, Rose Jourdain, was an EEOC co-worker of Wright's who makes no first-hand claims about Thomas's behavior. She says that she can corroborate Wright's story. But in her interview with the Senate staff, Jourdain remembered Wright telling her about comments Thomas made about different parts of her anatomy [her legs], and that Wright was very upset by these comments. In the book, Jourdain takes this a bit further, describing how Wright allegedly came to her office in tears on several occasions seeking her advice on how to get Thomas to stop. Mayer and Abramson either don't notice the plain discrepancies between the Wright and Jourdain statements, or they pretend not to.

The question of why Wright and Jourdain didn't testify has been a matter of heated debate ever since they didn't. One of the explanations for their failure to appear has to do with their credibility as potential witnesses, an issue that gets short shrift from Mayer and Abramson.

Before working for Thomas and being fired by him, Wright had been fired from two jobs and had quit the Agency for International Development just as she was about to be fired. After learning that she was about to be fired at AID, Wright made an unsupported charge of racism against her boss, Kate Semerad, which later made its way to a Senate committee when Semerad was up for confirmation to a new post. These incidents are glossed over in a couple of sentences.

There is also a good deal of evidence in the public domain that after she was fired by Thomas, Wright promised several former colleagues she would get revenge. Phyllis Berry-Myers has said that she received a telephone call on the day Wright was fired in which Wright had told her to tell Thomas to "watch his back." Nancy McPhail, an EEOC colleague of Wright's, also recently confirmed

this to me: "I remember Phyllis saying back then that she had gotten this call, the weirdest call, from Angela, threatening Thomas." Thelma Duggin, a mutual friend of Thomas and Wright, told the FBI that as recently as two months before Hill's charges were made public, Wright told her that she was looking for a way to avenge her firing. Neither of these incidents is mentioned in this book.

Armstrong Williams, yet another former EEOC colleague of Wright's, had disclosed that in 1989 he had dinner with Wright, and she told him that someday she would get back at Thomas for the firing. Typically, the authors never confront the Williams story. They allow Angela Wright to deny Williams's account entirely and create a very different conversation in which Williams essentially threatens her to keep her mouth shut about Thomas. Though the authors interviewed Williams about other matters, they never asked him about this supposed conversation. Williams told me it's an utter fabrication. [Wright did not respond to messages left at the Observer.]

Though a side issue during the hearings, the circumstances of Wright's firing by Thomas take on a new importance here. Thomas testified that he fired Wright because she had called a co-worker "faggot." If Wright is to be viewed as another Anita Hill, of course, the idea that she uttered an insensitive remark must be expunged from the record. On the word of a single source with only second-hand knowledge of the alleged remark, Mayer and Abramson identify former EEOC employee John Seale as the person to whom Thomas was referring when he testified that Wright had called someone on the staff "faggot." They call Seale, who tells them that he has no recollection of being called "faggot" by Wright. Wright is then quoted as saying, "The faggot line was made up out of thin air. I'd never say that--I'd put my hand on a stack of Bibles."

Seale may be right about this, but Wright surely isn't. Mayer and Abramson apparently have the wrong "faggot." I have now located the only source to emerge so far claiming to have been an eyewitness to the events surrounding Wright's firing, including the anti-gay slur. Jaime Ramon, now a lawyer in private practice, was the chief legal adviser to EEOC commissioner Tony Gallegos during Wright's tenure at the EEOC. He told me that Wright, the public affairs director, had angered Thomas one morning by failing to invite certain commissioners, including Gallegos, to an important commission press conference. "Afterwards Thomas stopped me in the hall and said, 'Why weren't you guys there?' I told him because we weren't invited."

Later in the day, after speaking again with Thomas on the matter, Ramon was standing outside Thomas's office when Wright emerged. "He had called her in to chew her out about the press conference. She came flying out, looked at Denaro Sims, and said, 'You faggot.' Thomas wrote out a note firing her right then and there and put it on her chair. She found it the next morning," Ramon said. Sims, a male secretary who worked for Thomas, was known within the agency to be sick with AIDS at the time Wright insulted him. [When he died, Thomas attended the



funeral).[10.]

Senator Biden and Angela Wright continue to offer conflicting accounts as to why Wright wasn't called to testify, with each wishing to lay the ultimate decision on the other. Mayer and Abramson add little to what has been previously published about this subject; they depict Biden as the initiator of the decision and imply with no basis that he was doing the bidding of the Republicans, who are said to have feared Wright's testimony. But asserting this won't make it so; the fact remains that the Democrats [i.e., the Thomas opponents] controlled the Senate and the Judiciary Committee, and established all of the rules and procedures that governed the hearings. It was thus a combined decision of the Democrats [who had legitimate fears that Wright's manifest credibility problems would hurt Hill] and Wright [who wished to spare herself the personal embarrassment of cross-examination] that stopped Wright's testimony.

No conspiracy was necessary.

So much for Wright and Jourdain, the sole corroborator for Wright, who was also fired by Thomas.

There is also nothing new in the statements of Woman Number Three, Sukari Hardnett, whose affidavit hit the Associated Press wire at the time of the hearings: Hardnett stated that there was a "sexual dimension" to serving on Thomas's EEOC staff, but she didn't define the situation further. We now learn she spoke in more detail to Biden staffer Mark Schwartz at the time, telling him that she was "forced to have coffee with Thomas," according to the contemporaneous notes of Schwartz, which Mayer and Abramson obtained. These conversations with Thomas made her uncomfortable, she said. Once again buried in the notes, however, there surfaces a witness to the Thomas-Hardnett conversations, one Aysa McCullough, who did not consider the informal "chitchat" before or after working hours to be inappropriate at all. [Hardnett was also dismissed by Thomas.]

Woman Number Four is Kaye Savage, the only woman presented in the book who tells a story that had not been previously published. Thus Savage holds a very special status in *Strange Justice*; the Wall Street Journal's excerpt of the book led with her story. Moreover, in light of the baselessness of the foregoing indictment against Thomas, Savage's account is the only thing standing between Thomas and total vindication.

A civil service worker in the Carter years, Savage accepted a low-level staff job in the Reagan White House on civil rights matters, which brought her into contact with both Thomas and Hill, first at the education department and then at the EEOC. Savage's allegation boils down to one incident on a Saturday in the summer of 1982, when she says she volunteered to pick up Thomas at his Southwest Washington apartment and take him shopping for running shoes. [Thomas had sold

his car to pay for his son's tuition.]

Thomas had moved into the apartment soon after his marriage ended the prior summer. Here is how Mayer and Abramson describe the scene:

He had only recently set up housekeeping, and the place, as she recalled, was still underfurnished: there was little more than a mattress on the floor and a stereo. But one feature made a lasting impression on Savage. Thomas had compiled and placed on the floor "a huge, compulsively organized stack of Playboy magazines; five years' worth of them, organized by month and year." The walls of the apartment were also memorably covered. There was only one main room, but all of its walls--as well as the walls of the little galley kitchen and even the bathroom door--were papered with centerfolds of large-breasted nude women.

When Anita Hill's allegations became public, Savage, after first speaking with Joel Paul's lawyer [she had met Paul through Hill in 1987], contacted the Judiciary Committee. Like Hardnett, she spoke to Schwartz. And Schwartz made notes of this conversation, too, which Mayer and Abramson obtained. They then approached Savage for confirmation and published the above passage.

Astute viewers of ABC's "Turning Point," which featured an interview with Savage, noticed that the story she told wasn't the same as the one that had appeared that very morning in the Journal excerpt, whose language tracked closely with the above passage. In the TV interview, suddenly the pinups plastered all over the apartment had become only one pinup, in the galley kitchen.

I telephoned Savage for an explanation. Unlike the phantom "corroborator," Bradley Mims, Savage was available for an interview. We met at the downtown Marriott for lunch.

According to Savage--who five days later faxed a written statement to me from her office summarizing our discussion--Mayer and Abramson substantially distorted the information she had reported to the Judiciary Committee back in 1991. She said she had told Schwartz of the Playboy magazines and two pinups, one in the kitchen and one in the bathroom. She told me the apartment walls were not covered in pinups, as Mayer and Abramson report her having said.

Savage said that she confirmed on an off-the-record basis the existence of two pinups and the Playboys to Jane Mayer in 1992, because Mayer already had Schwartz's notes. In the summer of 1993, Savage said, Mayer sent her page proofs of *Strange Justice* that contained a colored-up, sensationalized interpretation of what she had told Schwartz. Savage said she objected and was then presented with a second set of page proofs that she found more accurate. But when she saw the book, the apartment was wrongly described as having been covered in pinups.



Mayer and Abramson have informed me that "all of the named women who were in contact with the Senate Judiciary Committee as possible witnesses but were not called, were given the opportunity to review the sections in this book about themselves in advance, and to correct any factual inaccuracies. In every case that a correction was requested, it was made. Documentation of this process exists, and has been reviewed by Houghton Mifflin." Mayer and Abramson and their publisher have refused to give me access to these documents and to the Schwartz notes. When I asked Savage if she'd kept copies of the proofs, she became visibly nervous; later, she said she couldn't locate them.

The Schwartz notes would establish what sort of allegation Savage made to the committee in the first place. According to Savage, she reported Playboys and two pinups to Schwartz and to Mayer and Abramson (and now to me), and Mayer and Abramson grossly distorted her observations in their book. They do not quote Savage directly, which may be a sign that they've embellished her story. The difference between the two versions, of course, is immense. It is the difference between the bachelor apartment of any young heterosexual man and the apartment of a sex-obsessed weirdo. If Savage is right, maybe Mayer and Abramson should find another line of work.

Mayer and Abramson say Savage signed off on the description of the completely covered walls. Either they can prove this or they can't; yet even if they can prove that they reported Savage's account accurately and to her satisfaction, they still have a problem in that Savage has told me in writing that the story as it appears in *Strange Justice* isn't true. In other words, if Mayer and Abramson are right, then Savage has lied to me and they don't have a witness worth fighting over anyway. However this dispute between the reporters and their source gets resolved, there is another problem with Savage's story even as she now presents it in a much scaled-down form: It is not clear that there is any truth to it.

I have spoken to a number of people who were in Thomas's apartment in the summer of 1982, each of whom has denied to me seeing any pinups or Playboys: Harry Singleton, Armstrong Williams, Clifford Faddis, and the Thomas witnesses J.C. Alvarez, Carlton Stewart, and Stewart's wife, Barbara. Most of them mentioned that Thomas's son Jamal, then nine, was a frequent visitor to the apartment and that Thomas would not have exposed his son to that sort of environment. And most of them challenged the description of the apartment as barely furnished. "My wife and I had dinner there several times during that period and we sat at a table on chairs," Stewart said. "There was a bed on a frame, not on the floor. There were posters on the wall, one of a Rolls Royce. There was a Soloflex machine. And there were lots and lots of books. Literary books. I wouldn't have exposed my wife to the apartment [Savage] describes."

Of this group, only Singleton and Williams were interviewed for the book, and neither recalls being asked anything about the contents of Thomas's apartment. Savage is the sole source--and she does not appear to be a credible one.

Savage seems unsure of whether there were one or two pinups. On "Turning Point," she spoke of only one, in the kitchen. In our interview, she seemed certain of one as well, but it was in the bathroom. Her written statement to me a few days later then claimed two, the number she had used in her statements to the Judiciary Committee.

If the pinups are in question, so too are the Playboys. Within the space of a couple of minutes, Savage gave me three answers as to how she knew the stacks of magazines were all Playboys, going back five years. She told me that she asked Thomas about them and that's what he told her; she told me they were in five separate stacks so she assumed there were five years' worth; and she told me she bent down and flipped through the stacks.

There is also the matter of Savage's statement in the book and on "Turning Point" that she was "aghast" at seeing the pinups and Playboys, and found it "a little crazy." She told me she was so offended that she ended her acquaintanceship with Thomas. Yet in the book we find this passage: In January, Hill made a New Year's resolution: to get a new job. According to her testimony, she began making discreet inquiries about other employment. Kaye Savage confirmed this, saying that she recalled Hill's confiding that she was looking for work elsewhere and even thinking about returning to Oklahoma--a plan that to Savage, at least, seemed to make no sense, given Hill's terrific position. If Savage was really "aghast" at Thomas's "crazy" behavior, why would she think Hill's position working closely with him was so "terrific"?

Yet even if the claim of Savage of a couple of pinups and some Playboys is accepted as valid--despite the fact that it is completely uncorroborated and indeed flatly contradicted by a half-dozen others--it seems hardly enough to prove anything, certainly not anything like Anita Hill's allegations. Thomas was a 34-year-old bachelor in 1982 and we are, after all, talking only about Playboy, not hard-core pornography.[11.] And Savage was never a Thomas employee.

A final issue bearing on her credibility as a witness concerns Savage's views about Thomas's politics--which seem to mirror those of Anita Hill, who had maintained a friendship with Savage for more than a decade. Savage told me that Mayer pushed her to identify herself as a Republican so she would appear more credible in attacking Thomas. But Savage is no Republican. During our interview, she became emotional in telling me that Thomas "was against everything he should have been for" in the Reagan administration. "He was our only hope and he was against us," she said. "He was against everything--minority



set-asides, goals and timetables--everything." At another point, she snapped, "He's no Thurgood Marshall, you know." [12.]

#### VI. 99-Percent Fact-Free

If all of Mayer and Abramson's key points are riddled with errors, there remains the question of how careful they were to get the smaller points right. As Mayer has said in justifying her assault on Thomas, "All of the evidence points one way."

Many of the errors concern the public record of the hearing. The authors report that after testifying Friday morning, Thomas "repaired to Danforth's office" where he remained during Hill's testimony. Later they write, "For much of the day he had been closeted in Danforth's office." Wrong on both counts. The press reported that Thomas actually returned immediately home to Virginia upon finishing his testimony, where he smoked cigars in his driveway with a security guard as his wife watched Hill's testimony on television in an upstairs bedroom.

The authors allege that GOP Senator Orrin Hatch "coordinated" his line of questioning on pornography and the negative stereotyping of black men with Thomas. Hatch mentioned to Thomas that he was going to bring up the subject, but the questions were far from coordinated; this was evident, as the authors themselves later note, when Thomas took such a long time to understand where Hatch's questioning was going. The authors also state that this important exchange took place on Friday evening, when in fact it occurred on Saturday morning.

The claim that Senator Howell Heflin bungled his questioning of Thomas regarding the latter's possible familiarity with Long Dong Silver is also wrong. "The gentlemanly southern judge stumbled badly, referring to the character as Long John Silver," it is reported on page 305. Yet on page 106 the authors themselves give an account of the same exchange in which they show Heflin correctly propounding the question about "Long Dong Silver" and Thomas answering it.

given some papers by an aide to Boyden Gray," the book says. The papers contained the affidavit submitted by John Doggett. A well-known photograph was taken of this event: it was Gray himself, not an aide, who handed the papers to Bush.

The authors describe Hill as a "civil rights scholar," but as she testified she teaches contracts and business law, also the subjects of her scholarly articles. And she currently lives in Laguna Beach, not Los Angeles, which is 65 miles away.

One also finds several interpretive mistakes, which are particularly surprising in the case of Abramson, who is purportedly a lawyer. "One theory

that seemed especially appealing to Thomas was the idea that God-given 'natural law' should take precedence over man-made law," the book explains. ". . . At a time when Attorney General Meese was encouraging conservative politicians to disregard liberal Supreme Court rulings if they disagreed with them, this view of a higher legal authority than the written law was radical indeed." However, Meese's notion had nothing whatsoever to do with natural law. It had to do with the separation of powers. Meese argued that the president has an independent authority and responsibility to carry out his duties as he believes the law requires.

As EEOC chairman, Thomas had taken the position that certain affirmative action plans were illegal. The Supreme Court upheld them, and Thomas went along. The authors portray this as an unprincipled reversal of position on Thomas's part, when in fact he was simply upholding the law.

The authors report that Thomas's Supreme Court votes rarely go against the position of "the state." They fail to note that the U.S. government's or state's position rarely loses at the Supreme Court, or in lower courts for that matter. The statement is also wrong, as Thomas's votes in *Buckley v. Fitzsimmons*, *United States v. Burke*, *United States v. William*, *Rowland v. California Men's Colony*, and *Evans v. United States* demonstrate.

In discussing the infamous pubic hair affidavit from Hill's former students, the authors report that "Senate aides arranged for [Lawrence] Shiles to make his statement legally binding with a notarized signature." This is completely incorrect. In no jurisdiction does the notarization or lack of notarization of a statement affect its binding nature. Notarization's purpose is to answer any doubts as to the identity of the person who signed, should that become an issue.

Nor would its later notarization make Angela Wright's committee interview "an affidavit," as is claimed; at best it would be a retroactively created deposition.

The rest of the bloopers--and this is by no means an exhaustive list--may owe to sloppiness.

The Senate, supposedly repentant for abusing Anita Hill, is said to have passed legislation "aimed at helping women--overriding President Bush's veto of family leave legislation." The veto wasn't overridden.

The claim that a private swearing in for Thomas at the Supreme Court was "the first such in 50 years" is also incorrect. Chief Justice William Rehnquist was sworn in that way as an associate justice. There is also nothing unusual about this practice, as the authors imply. Clinton appointees Ruth Bader Ginsburg and Stephen Breyer also had private swearings-in.



The authors report that Lovida Coleman, a friend of Thomas and the daughter of William Coleman of the NAACP Legal Defense and Education Fund, prevailed upon her father to write a letter endorsing Thomas's circuit court nomination. Lovida Coleman told me, "I had nothing to do with that letter. They [Mayer and Abramson] never called me and asked."

"As soon as the news broke, [Boyden] Gray's deputy, Mark Paoletta, arranged for [Phyllis] Berry to speak to the nation's most influential newspaper, the New York Times," Mayer and Abramson report. Paoletta, however, told me, "I don't know anyone at the New York Times. That never happened." Berry-Myers also denied this account.

Janet Brown, who testified for Thomas, is listed in the index as referenced on page 345, but she is nowhere to be found on that page or anywhere in the text. Another woman who testified for Thomas, Pam Talkin, is also listed in the index as appearing on page 345. She isn't there either. Their testimony must have ended up on the cutting room floor.

The book says that when Ginni Lamp first moved to Washington she took a job "in the Senate office of Republican Hal Daub of Nebraska." Daub was a representative, not a senator. Senator Hatch, according to the book, is "known for his Savile Row suits." Not so. Hatch buys all of his suits at Mr. Mac's, a well-known high-volume off-the-rack discount store in Utah, and he makes a point of publicly touting this fact at election time.

Gil Hardy, we are told, died in a diving accident off the coast of Aruba. It was Morocco. William Clark was nominated by Reagan to be the deputy secretary of state, not the secretary. A young White House intern who drove to National Airport to ferry one potential Thomas witness to the hearing is called a member of the "prestigious White House Fellows program." He wasn't.

Kenneth Duberstein's office is on Pennsylvania Avenue, not K Street. Gary Bauer and Bill Kristol are shown plotting confirmation strategy at the beach in July 1991. They were actually doing it in August.

On Saturday night in her hotel room, the authors report Anita Hill turned the channel on her TV to a basketball game for relief. There was no basketball game on television that night. It would either have been football or baseball.

Former White House aide Ede Holiday's first and last names are misspelled twice. Jim Dire should be Jim Dyer. And Nat Turner's rebellion was in 1831, not 1832.

Finally, a note to the epilogue reads: "Suzanne Garment, 'Confirming Anita Hill?,' American Spectator, January/February 1993." No such article appeared in the Spectator, nor was Garment cited or quoted in the Spectator on Hill--then or

ever. There wasn't even a Spectator issue bearing that date.

Need I say more?

[1.] Strange Justice: The Selling of Clarence Thomas, Houghton Mifflin, 406 pages, \$24.95.

[2.] The parallels to the October Surprise are of more than passing interest. ABC's News ["Nightline" in particular] promoted the story, as did the Wall Street Journal's Al Hunt, who referred at one point to the "respected" Gary Sick, the former Carter NSC aide who originated the allegations in the New York Times. Sick, of course, has now been completely discredited.

[3.] The notes to the book are a scandal in their own right. Since they are not flagged in the main text [as in a typical footnote or endnote], the reader must flip back to the notes section upon completing each page to see if any of the information on it has been documented. Assuming there is a note, the reader must then go back to the page by locating the first three words of the sentence to which the note refers. Much of the material presented as fact in the main text is refuted, contradicted, or substantially weakened by material buried in the notes.

[4.] Totenberg did not directly fault Mayer and Abramson for publishing the information. She argued that there is a different journalistic standard for a book than for a news story. In Capitol Games, Timothy Phelps reported that the video store story was "unsubstantiated" and therefore not publishable.

[5.] The Wall Street Journal excerpt did not indicate that the anecdote was second-hand. Cooke later wrote to the newspaper protesting the "clear and false impression that I provided the account to the authors." [The Journal ran this and other critical letters on the Friday after Thanksgiving, a day when far fewer readers see the Friday after Thanksgiving, a day when far fewer readers see the paper.] Mayer and Abramson concede that the Journal excerpt "left the sourcing of the Cooke anecdote ambiguous [and] should have made it explicit that Mr. Cooke would not comment for the record on the anecdote involving him, as our footnote [sic] in the book does." They do, however, stand by the anecdote. "The publisher at Houghton-Mifflin is entirely conversant with the provenance of the Cooke anecdote, and the documentary evidence supporting it," they wrote me. They declined to provide me with this purported evidence, however.

[6.] For more on the authors' attitude on race, see the December 1994 issue of Mirabella magazine, in which Abramson speaks of the difficulties and frustrations she encountered dealing with what she called "black interview subjects."

[7.] At an earlier point in the book, we are told inexplicably that Hill also looked like Angela Wright, so much so that they could be sisters.

[8.] Hill had an EEOC supervisor other than Thomas in 1983 who was a known sexual harasser.

[9.] Shortly after the close of the hearings, Spy magazine and the "Doonesbury"



comic strip started arguing that history would have been different had the Judiciary Committee called Wright and her corroborating witness, Jourdain. On the one-year anniversary of the hearings, U.S. News and World Report published a cover story that gave prominent play to Wright, Jourdain, and Hardnett. Both Timothy Phelps and Senator Paul Simon made the same claim in their books. The behavior of Simon, who announced his retirement as soon as the Republicans took control of the Senate, is especially noteworthy. When Hill's initial charges against Thomas were leaked, Simon, in order to force a further hearing, claimed that he had not known about them at the time the Judiciary Committee voted and that he would have sought a postponement had he been told of them. It turned out this was a lie: Simon later admitted that he not only had read the FBI report about Hill's charges, but had actually interviewed her over the telephone before voting. Similarly, on ABC's "Turning Point," Simon claimed that had he known that Wright had a corroborating witness, he would have insisted that Wright and Jourdain be called. This must be another lie: It is impossible that Simon did not know of Jourdain, who was mentioned in various news accounts and referred to as "your corroborating witness" in Biden's letter to Wright regarding her decision not to testify, which Biden read aloud to the committee. Simon's remarks have been wrongly construed, by the Journal's Al Hunt, among others, to mean that he would have switched his vote on the confirmation if Wright had testified. This makes no sense, since Simon had come out against Thomas even before Anita Hill appeared.

[10.] Florence George Graves made the same misidentification in reporting about Wright's case in the October 9, 1994 issue of the Washington Post.

[11.] More than 2.6 million copies of Playboy go through the U.S. mail each month. Attorney General Edwin Meese, who headed a pornography commission for President Reagan, said in 1987 that he had read both Playboy and Penthouse, determined that they were not obscene, and did not believe efforts should be undertaken to thwart their sale. In October 1994, a U.S. District Court in California struck down the banning of Playboy magazine on the premises of a Los Angeles firehouse on the grounds that it did not contribute to a sexually harassing environment.

[12.] The hatred that many liberal blacks feel toward Thomas can't be emphasized enough. Julianne Malveaux, a PBS commentator, recently said of Thomas: "I hope his wife feeds him lots of eggs and butter and he dies early, as many black men do, of heart disease."

LANGUAGE: ENGLISH

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