

David Brock

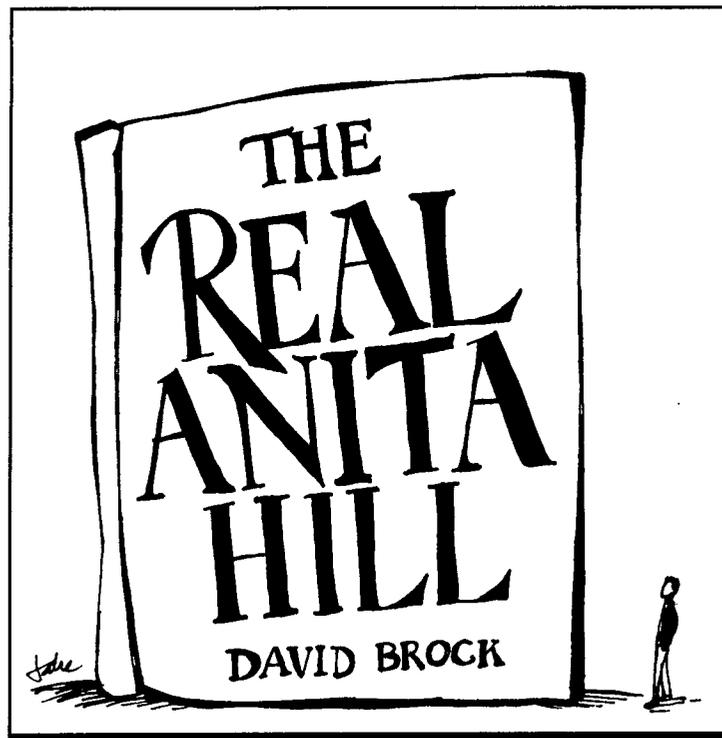
# Jane and Jill and Anita Hill

*At the New Yorker, they don't know jack.*

**I**n response to a review of my book *The Real Anita Hill* in the May 24 issue of the *New Yorker*, I wrote the following eight-page single-spaced reply. The review had appeared on Monday, May 17. On May 20, my editor at the *Free Press*, Adam Bellow, sent a letter to *New Yorker* editor Tina Brown requesting that the magazine print the reply. Noting that the *New Yorker* does not traditionally publish letters to the editor, Bellow wrote that considering the “innovative and adventurous spirit you [Brown] have brought to the magazine . . . we hope you will agree that it is only fair to allow our author the right of response to his critics.”

Having received no timely response from the *New Yorker*, on May 26 I wrote to the authors of the review, Jane Mayer and Jill Abramson, asking them to meet me in debate on the facts of the Hill-Thomas case in any forum of their choosing. Earlier in the week, the two had declined invitations to appear opposite me on both “Larry King Live” and the “Charlie Rose Show” to discuss my

David Brock is an investigative writer for *The American Spectator* and author of *The Real Anita Hill: The Untold Story* (*Free Press*).



book and their review. I have yet to receive any response. (Their refusal to appear resulted in the cancellation of those bookings—apparently I may not appear on television unless accompanied by someone who will brand my book a lie at the very moment it is being presented to the public.)

On June 14, the *New Yorker* finally reached a judgment. Not surprisingly, after a month-long investigation, the magazine's fact-

checking department had determined that all of Mayer and Abramson's facts were right and all of mine were wrong. “After reviewing both the [Brock] letter and the [fact-checkers'] memorandum, I remain confident that our review is factually sound, and I see nothing in the letter that would merit its publication in our pages,” Brown wrote.

Newspapers and magazines, of course, regularly publish letters that the editors of those publications may find unpersuasive. The question was not whether the *New Yorker* found my reply to be correct, but rather whether a free exchange on the issues raised in the book and the review would be permitted in the magazine's pages.

That issue now settled, my publishers and I have decided to print the reply in a magazine that has offered

to do so in full. In the weeks that have passed since I first wrote it, I have edited the reply somewhat to reflect new information that has come to my attention. To further clarify certain issues in dispute I have also amended the reply to include, where appropriate in my judgment, any relevant information disclosed in the 30-page, 48-point memorandum from the New Yorker in reply to my reply.

**T**he *New Yorker* has published a review of my book *The Real Anita Hill* by Jane Mayer and Jill Abramson, reporters for the *Wall Street Journal*. The reporters are themselves writing a book on the same subject, to be published later this year, entitled *Strange Justice: The Selling of Clarence Thomas*. Their review impugns my professional reputation and integrity, and purports to disprove or contradict many of the factual assertions in my book.

Mayer and Abramson's misuse of the facts is a technique instantly recognizable to anyone who has read the chapters of my book dealing with the "borking" strategies employed against those deemed to be politically incorrect. As the reviewers themselves note, "all nonfiction books contain errors," and I acknowledge that my book will be found to contain some minor ones. But Mayer and Abramson go much further, alleging—but never demonstrating—a pattern of deliberate distortion on my part. This allows them to avoid any discussion of the massive evidence I cite for questioning Hill's credibility.

### The Hoerchner Testimony

Mayer and Abramson assert that I do not explore the possibility that Susan Hoerchner—who told Senate investigators and the FBI that the now-famous call from Hill complaining of sexual harassment came in the spring of 1981, six months before Hill went to work for Thomas—simply "got the date of the conversation wrong by a few months." This objection—that I have taken an insignificant lapse of memory and inflated it into a massive credibility problem—has been raised by a number of reviewers. However, I spent virtually an entire chapter carefully considering whether or not this was simply a slip by Hoerchner.

In the end, I argue against the possibility that Hoerchner simply got the date wrong, on these grounds: By Hoerchner's own account, given in an interview with the Senate Judiciary Committee before she testified publicly, she moved from Washington to California in September 1981, the same month that Anita Hill went to work for Thomas. Hoerchner further described the call as having come in the context of weekly local calls while both she and Hill were

working in Washington. She said that in subsequent calls she raised the subject of harassment, but that Hill declined to discuss it. And she said she lost touch with Hill after moving to California.

Therefore, by Hoerchner's own account—a transcript of which Mayer and Abramson appear to have been unable to obtain—Hill's complaint of "harassment" to Hoerchner could not have been made during the time Hill worked for Thomas. Furthermore, when this discrepancy was pointed out to Hoerchner in the course of the interview, Anita Hill's attorney asked that the interview with Hoerchner go off the record so that she could confer with the witness. When Hoerchner returned, she could suddenly recall nothing about the circumstances of the call. But she was now adamant that Hill had named her "boss Clarence" as the harasser during the call, a point on which she had previously been unsure.

Mayer and Abramson try to create the impression that I am unaware or have willfully failed to report that

---

*Not surprisingly, after a month-long investigation, the New Yorker's fact-checking department had determined that all of Mayer and Abramson's facts were right and all of mine were wrong.*

---

Hoerchner characterized her recollection about the date as a "guess," and contend that I would have found this out had I simply interviewed Hoerchner or her attorney, Ronald Allen. I attempted on several occasions, once by certified letter, to obtain an interview with Hoerchner, and had

several conversations with Allen. Hoerchner declined to be interviewed, but she did set forth her version of events in a letter to me, which I duly cite in the book. More importantly, I quote Hoerchner (at page 212) as saying in her committee interview, "... I have only been able to guess at the time—prior to September 1981..."

Mayer and Abramson assert that in her FBI interview, Hoerchner characterized the date of her phone call with Hill as a "wild guess." Apparently, Mayer and Abramson have ascertained this "fact" from Hoerchner's latest attempt—in the wake of the publication of my book—to explain the discrepancy, in a letter to *Newsweek* of May 10, 1993: "My estimate was made Sept. 23, 1991—about ten years after the fact—during my FBI interview, at the agent's insistence, and only after I had repeatedly told him that any such estimate could only be a wild guess," Hoerchner wrote. But as Hoerchner and Mayer and Abramson mistakenly imply, the phrase "wild guess" does not appear anywhere in the FBI interview of Hoerchner, a copy of which Mayer and Abram-

---

<sup>1</sup> More recently, Hoerchner has come up with yet another variation on her original story. She told *Time* (June 28, 1993) that she did not lose touch with Hill "until much, much later, after she left the EEOC [in July 1983]." This is a distinct change from her prior statement that her contacts with Hill were "less than sporadic" after she moved to California in September 1981, consisting of a chance meeting at a professional conference in 1984.

son do not appear to have seen, nor does it appear anywhere in the record.<sup>1</sup> My contention is that Hoerchner's "realization" of the discrepancy came in her Judiciary Committee staff interview, not in her sworn testimony, as Mayer and Abramson claim I said.

Mayer and Abramson falsely charge that I have omitted from the book the following Hoerchner testimony: "[Hill] had gone to work for Clarence Thomas in the Department of Education before she mentioned any problems with harassment." Yet I reported (at page 215) the following Hoerchner testimony: "I should say, before telling you about this conversation, that I cannot pin down its date with certainty. I am sure that it was after she started working with Clarence Thomas because in that conversation she referred to him as her boss, Clarence."

Obviously, Judge Hoerchner testified publicly that Hill complained of harassment by Thomas; the question is whether her testimony was true—and there is a good deal of evidence indicating that it was not. Mayer and Abramson make no attempt to deal with any of that evidence.

#### The Shiles Affidavit

Mayer and Abramson claim that my use of an affidavit charging that Hill put pubic hair in her students' papers is "the most egregious . . . of the book's distortions." Jeff Londoff, named in the affidavit of Lawrence Shiles

as one of the students who received the hairs in his term paper, is quoted by Mayer and Abramson as characterizing the original pubic hair story as a "joke," and says, "No one would know if the hairs were pubic or not."

Though Mayer and Abramson try to show that Londoff has either changed his story or been misquoted by me, I reported *the exact same thing* (at page 356) they are now reporting: that Londoff "could not be sure" whether or not the hairs were pubic. Further, contrary to the charge that I "distorted a puerile student joke into a corroborated instance of seriously strange behavior," in Note 30 of Chapter Nine, I myself dismissed the import of the entire Shiles affidavit: "The fact that the students joked that the hairs were pubic at the time was confirmed by other students in the class. But this may have simply been a sexist and even racist joke made about the sole black female professor in the school." I also quoted one Justice Department official (at page 355) as saying that the story was regarded as "akin to an Elvis sighting" by department lawyers.

Mayer and Abramson further purport to reveal that the Shiles story was discovered by GOP Senate staff and imply that I covered up this fact. Yet in introducing the pubic hair story, I wrote (at page 355):

Republican Senate staffers were busy canvassing students and former students of Hill's looking for dirt on the professor,

about whom almost nothing was known. The staffers did not have to look very far before they came upon the story of a former ORU student of Hill's who claimed that she had put pubic hair in one of his law school exams.

My statement that Shiles was "under no pressure from the divided Thomas camp" to swear the affidavit, viewed in its context, clearly refers to the split between Senator Danforth, Thomas's Senate sponsor, and the Justice Department on the issue. This "divided Thomas camp" ultimately decided to do nothing with respect to Shiles, as I reported. As I clearly stated at more than one point in the book, my references to "the Thomas camp" were not meant to include free-lancing Republican Senate staffers, nor even Republican Senators other than Danforth.

#### Wald, Harkrader

Mayer and Abramson assert that I did not present the reader with information contradicting John Burke's account that he

had told Anita Hill, in a conversation in the spring of 1981, that it would be in her best professional interests to leave the Wald, Harkrader law firm, where she worked before she joined Clarence Thomas at the Department of Education. Yet (at page 224) I reported Donald Green's sworn statement that "Certainly, the Associate Development Committee,

which I chaired, did not ask or press her to leave." I also reported Green's statement that "Hill's performance was not held to be unsatisfactory by the Wald firm."

But this does not contradict Burke, because it does not address whether Burke or anyone but the Associate Development Committee as a body suggested to Hill that she leave the firm. As I argued in the book, the point is not whether Green (or anyone else at the firm) did *not* know of the Burke conversation or that the firm's records allegedly do *not* show that Hill worked with Burke; the only relevant point is whether or not Burke had a conversation with Hill in which he told her she should leave the firm. If he did, Hill was lying when she said that "no one asked me to leave the firm in any way."

Robert Wald and Green—both of whom played indirect roles in helping to prepare Hill for her Senate testimony against Thomas—appear to have refused to give even friendly reporters Mayer and Abramson the actual records of the firm. What is in the records? Would they necessarily document every instance in which every Wald lawyer worked with another? What is meant by the phrase "not . . . unsatisfactory?" How do the records characterize Hill's performance? Could it be the case that while Hill's performance was "not . . . unsatisfactory" her prospects were "limited," as Burke claims he told her?

---

*Robert Wald and Donald Green—both of whom played indirect roles in helping to prepare Hill for her Senate testimony against Thomas—appear to have refused to give even friendly reporters Mayer and Abramson the actual records of the firm.*

---

Mayer and Abramson ignore my corroboration for Burke's affidavit, including the statements of Judith Hope and David Berz. Then, having previously dismissed my Hoerchner theory as an "extraordinary case of mistaken identity," they try to discredit Burke by suggesting that he confused Hill with another black woman in the firm who Mayer and Abramson allege was having performance problems at the same time!

I am thoroughly familiar with this suggestion, since it was first made by Green himself in a letter to Senator Biden after the hearings concluded. I asked Burke about it in a 1992 interview; he said it was ridiculous to think he could not tell one black woman from another. I also wrote to Green asking for the name of the phantom black woman, but he did not respond. Mayer and Abramson are unable to name the alleged woman; and by omitting the corroboration for Burke, they are able to overlook the obvious fact that if Burke has the wrong woman, then Hope, Berz and others from the Wald firm must all have the wrong woman as well.

I was able to determine that another black woman by the name of Loretta Argrette worked for Burke at the firm, but Argrette was regarded by Burke and the attorneys in Burke's division of the firm as highly competent. She was certainly never asked to leave the firm by Burke. Therefore, I did not feel obliged to report an unsubstantiated suggestion raised by Hill's supporters then—and now produced as a new "fact" by Mayer and Abramson. In retrospect, I would have noted Green's suggestion in a footnote.

The *New Yorker's* fact-checking department insists that the alleged absence of any indication in the firm's records that Hill ever worked for Burke "makes it highly unlikely that [Burke] would have had any role in evaluating Hill's work . . ." and that Burke, "as the juniormost partner in the firm at the time, with no role in the firm's associate-evaluation process, was in no position to tell an associate to leave the firm." But if Burke was "in no position to tell an associate to leave the firm," does the theory that Burke had told a black female associate other than Hill to leave the firm make sense? The name of this other woman remains undisclosed, though it is clear that even a name will not be enough to disprove or directly contradict Burke's affidavit.

The recollections of Hope and Berz do not, in the judgment of the *New Yorker's* fact-checkers, constitute "sub-

stantial corroboration" for Burke's affidavit. Hope is dismissed because she did not submit an affidavit against Hill at the time. And Berz has apparently told the *New Yorker* that he feels I "misrepresented" his remarks about Hill's performance problems at the firm and took them "out of context." He does not believe he has corroborated Burke's account. Berz was quoted accurately. I refer readers to page 224 to judge the import of his remarks for themselves.

To the extent that this matter still remains in dispute, it seems to me that Mayer and Abramson cannot rely on descriptions of the firm's records by former partners who supported Anita Hill during the Senate hearings to make their case. The release of the now-defunct firm's records is essential, though even that may not

prove definitive, and seems quite unlikely. "It has always been the policy of the partners . . . to maintain the confidentiality of its personnel files. . . . [T]ime records and evaluation records contain privileged client information, and so cannot be made public," according to the *New Yorker*.

I reported that Judiciary Committee Republicans attempted to secure a subpoena for the Hill employment records after the Burke affidavit was sworn, but the Democrats quashed the request on a party-line vote. In this connection, I also wrote that Circuit Judge Patricia Wald, wife of Robert Wald, "was close to" Senators Kennedy and Simon. The link was raised to suggest that

Patricia Wald was a possible conduit of information regarding Hill's work history at Wald, Harkrader from Hill's legal team to Hill's partisans on the committee.

Mayer and Abramson say that Wald and Simon "agree" that they have never met. I did not mean to suggest that Wald and Simon have a personal relationship, only that they are political allies. Whatever the case with Simon, Wald does not seem to contest the relationship with Kennedy, so the general point stands.

#### Hill's Other Witnesses

I have no access to interviews Mayer and Abramson say they have conducted with Hill's three other witnesses. They are incorrect in claiming I have not interviewed any of the three. All three received certified letters requesting an interview. John Carr and Joel Paul declined. But the phrase "in an interview" appears at page 252 before a reference to Ellen Wells. I can only stipulate to what the witnesses said under oath, and in the extensive interviews done by the



Senate Judiciary Committee before they testified. At that time, neither Carr nor Paul could name Thomas as the perpetrator of the harassment; and Wells could not provide one detail of the alleged behavior by Thomas, nor could she in my interview. If they later left Mayer and Abramson “[with] no doubt that Hill confided both the nature and the source of her harassment problem,” one has to wonder why they didn’t provide this information to the committee under oath at the time. (Wells told the *New Yorker* that “she may have spoken briefly with someone who may have been Brock, but that she never gave him anything that she considers an interview . . .”)

Mayer and Abramson hint that there are other—unnamed—corroborators for Hill’s charge who never came forward at the time of the hearings and have not been interviewed by me. If this is so, where were they two years ago, when Anita Hill was adamant in telling the FBI that Hoerchner was the only witness for her charge and then later changed her story and testified that she had told only three additional people? Could it be that memories are being enhanced even now, as Anita Hill’s credibility is being undermined in a best-selling book?

This raises the more general problem of being reviewed by journalists who are writing their own competing book on the subject. More than once, Mayer and Abramson try to raise doubts about my reporting by implying that they know more than I do, yet they do not say what. The reader is thus unable to fairly evaluate their contention, because Mayer and Abramson have yet to show their hand. I had thought it was a convention of book reviewing to avoid such blatant conflicts of interest.

### Angela Wright

In an attempt to re-establish the credibility of Angela Wright, the so-called “other woman” with a harassment charge against Thomas, Mayer and Abramson fail to address any of the substantive issues raised in the book: Wright’s own statement that she was not going to charge Thomas with harassment; Wright’s general credibility problems and particular threats to retaliate against Thomas for firing her; and Wright’s decision not to testify.

Instead, they focus on the minor matters of whether or not Wright had been interviewed by the FBI and whether or not her statement to the committee was “sworn.” While I correctly reported that Wright had “refused to be inter-

viewed by the FBI,” she eventually yielded and was interviewed by the bureau on Saturday, October 12, 1991, as Mayer and Abramson assert, and as I have been able to verify independently. Yet I have obtained the section of the FBI report dealing with Angela Wright’s charges and there is no interview of Wright in it; Mayer and Abramson seem unable to produce a record of the interview, much less report what it says. Thus the mere fact that Wright was interviewed by the FBI does nothing to enhance our knowledge of the substance of her statement against Thomas, nor does it establish the credibility of that statement.

When Wright issued her statement to the Senate Judiciary Committee on October 11, 1991, the statement was in fact unsworn, as I reported. Having reviewed the record once again, I cannot locate any “legal affidavit under oath” made by Wright subsequent to her unsworn statement to the committee. In the transcript of the hearing, Biden, quoting from a letter he had written to Wright, referred to “the transcribed interview of you.” He then quoted this statement from Wright: “I agree [to] the admission of the transcript of my interview . . . in the record.” Nowhere is there a reference to any alleged affidavit made by Wright retroactively conferring sworn status on her statement, nor is the statement anywhere referred to as “sworn.” In the Federal News Service transcript of the hearings, the full text of the unsworn Wright statement appears in the record, but the affidavit that Mayer and Abramson refer to does not.

According to Senate staff, after the hearings had concluded, the committee realized that under Senate rules Wright’s unsworn statement could not be entered into the record. Wright was then sent a form in which she swore to the truth of the prior statement.

These two technical points could have been cleared up easily had Wright granted me an interview. There is no way one could determine from the record that Wright had been interviewed by the FBI or that she had signed this affidavit subsequent to her committee interview. If Wright told Mayer and Abramson that I made no attempt to contact her on these or any other matters, this is a lie. Wright was called at the *Charlotte Observer* in North Carolina in late 1992 and asked for an interview. She declined, as Mayer and Abramson should have been aware from page 416 of the book.

### Hill and James Brudney

In disputing my claim that Hill and Jim Brudney—the for-



mer aide to Senator Metzenbaum whom I accuse of leaking Hill's confidential committee statement to the press—were friends during the time that Hill worked for Thomas at the EEOC, Mayer and Abramson endeavor to attack the credibility of my two sources. They are both named in the book, but Mayer and Abramson leave them unnamed in their review, creating the misleading impression that the sourcing was anonymous. They say that one source (Armstrong Williams) mistakenly "told Senate investigators that Brudney was working for the Senate at the time." I do not know which "investigators" Mayer and Abramson are referring to, nor am I aware of any such alleged statement by Williams. Can Mayer and Abramson produce a record of it, or at least name the "investigators"?

The *New Yorker's* fact-checkers write: "According to a knowledgeable source, the statement appears in the transcript of the interview of Williams by Senate Judiciary Committee members Biden and Thurmond. Williams claimed that Brudney was "one of the few people that Ms. Hill ever talked about at the agency with [him]," and that she "let [Williams] know that [Brudney] was on the staff of a Senator."

I do not have this transcript—nor, apparently, do Mayer and Abramson. To my knowledge, the committee members did not conduct any interviews of potential witnesses, so I would question how "knowledgeable" this source is.

In any event, even if Williams did misremember where Brudney was employed at the time, this has no bearing on his clear testimony that Hill mentioned Brudney by name and received numerous telephone calls from him during the time Williams and Hill worked together at the EEOC.

Williams's statement is independently corroborated by another named source, Diane Holt, who recalls Hill speaking of dates with Brudney and of having spent weekends at his apartment. Holt's recollection that the apartment was "in Foggy Bottom, I think" is seized upon by Mayer and Abramson to discredit her entire statement. Brudney, they write, "has never lived in Foggy Bottom."

"During the years that Anita Hill lived in Washington," the *New Yorker's* fact-checkers reveal, "James Brudney lived at two addresses: 20th Street and Calvert Street, and 18th Street and Summit Place. Both are in Adams Morgan, which is 'near' Foggy Bottom only in the sense that the Upper East Side is 'near' Harlem. The Dupont Circle and Kalorama Road neighborhoods separate Foggy Bottom from Adams Morgan. Culturally, they are loosely comparable to the East Village (Adams Morgan) and Park Avenue in the upper fifties (Foggy Bottom)."

Finally, Mayer and Abramson produce an unnamed "spokesman for Brudney" to deny that he was in touch with

Hill during her EEOC years; why won't Brudney himself go on the record and deny my account? Obviously, neither Williams nor Holt needed to have personal knowledge of Brudney's employment or his domicile to say that Brudney was friendly with Hill during the period. I cannot believe that Williams and Holt conspired to lie to me about this or have the same mistaken recollection.

According to the *New Yorker*, Mayer and Abramson continue to believe that Williams and Holt are mistaken about any Hill-Brudney connection. The Brudney spokesman is now identified by the *New Yorker* as one Joel Johnson, chief of staff to Senator Metzenbaum. He says, "Hill and Brudney were never anything but friends of friends . . ." As to the silence of Brudney, "Brudney has consistently refused to be interviewed on the subject of the Clarence Thomas/Anita Hill affair."

The main argument made in my book still stands: Brudney used his prior acquaintance with Hill—whatever the extent of the acquaintance—as leverage to pull Hill forward and charge Thomas. Why would she accept thirteen calls in as many days from a stranger and surrender to him a secret copy of her confidential allegations against Thomas? By their own account, Mayer and Abramson show that the two had to have known each

other. Brudney, they wrote, "saw and spoke to Hill once when they were both in Washington, when he bumped into her on the street." Surely you must know someone in order to be able to "bump into" them. And why the phrase "saw and spoke"? This would not rule out friendly telephone calls, would it?

### The Polygraph

Mayer and Abramson purport to disclose that Paul Minor, the man who conducted Hill's polygraph test and comes under criticism in my book, "was a full-time polygraph examiner for the federal government from 1972 until 1987, when he retired as chief of the FBI's polygraph division." Yet (at page 283) I identified Minor as "a former chief polygrapher for the FBI." The more serious problems—including the circumstances under which the exam was given, the refusal to release control questions and the actual polygraph chart, and Minor's prior false results and his attempts to hide these in the press conference when the results were announced—are not broached at all by Mayer and Abramson.<sup>2</sup>

<sup>2</sup>In a June 9 letter to the *Washington Times*, Paul Minor disputed my account that he had two results that later were shown to be false. The first result, Minor says, was contradicted by other examiners but not proven wrong. Minor concedes that the second result—in which he found a witness to be lying—was later contravened when the story was corroborated in part, but Minor considers the truth of the matter still "unresolved." →

---

*In early May, Abramson told Armstrong Williams that . . . overall she found the book "very factual" and consistent with her own reporting on this matter.*

---

### Simon, Metzenbaum, and the Fleming Report

I drew the conclusion that Simon and Metzenbaum had not been interviewed by leak investigator Peter Fleming from the footnotes in the Fleming report. Where a witness had been interviewed, Fleming's practice was to refer, to take one example, to "interview of Senator Leahy." Only in the cases of Senators Simon and Metzenbaum do the notations read, for example, "statement of Senator Simon, Para. No. 5." Fleming is a careful lawyer, and thus there must be some reason for the different notation in the Simon and Metzenbaum cases. Neither Simon nor Metzenbaum (both recipients of certified letters requesting interviews), nor their staffs, nor Fleming, would speak to me. Since Mayer and Abramson do not provide the basis for their assertion that both senators were in fact interviewed by Fleming, and the supporting documentation of the Fleming report (texts of interviews, depositions, and written statements) has been sealed by the Senate for fifty years, I cannot independently verify this claim. The *New Yorker* attributes the information to the senators' "public information representatives."

If in fact the two senators were interviewed, this was nothing more than an innocent error on my part. To the extent that a dispute exists about the matter, however, the proper thing for the Senate to do is to release the Fleming records to the public.

### Correction

I have asked the Free Press to make one factual correction in my 438-page book. I reported that law professor Catharine MacKinnon had advised Anita Hill's attorneys by telephone prior to Hill's appearance before the Senate Judiciary Committee. I based my statements to this effect on a confidential source and a published report (in the *New Republic* by *Newsweek* reporter Bob Cohn, who covered the Thomas-Hill hearings). It has recently been brought to my attention that the published report was later corrected, and I now believe that my source was simply mistaken. Accordingly, I have asked the publisher to take immediate steps to correct this error in the next printing of the book.

### The Foundations

I have no comment on Mayer and Abramson's attack on my motives, except to correct their insinuation that my author's note constituted something less than "full disclosure." The reviewers make much of the fact that William Simon, the chairman of the board of the Olin Foundation, which gave me a \$5,000 grant for my book, was also the finance chairman of the Citizens Committee to Confirm Clarence Thomas. I had no knowledge of Simon's connection to the Citizens Committee, and would have told them so had they asked. When the two inquired about the amount of the grant, they were told by Olin, yet they preferred to use the word "bankrolled" to describe the contribution, leaving the amount unreported.

Secondly, Mayer and Abramson's assertion that "the well-funded conservative coalition" supporting the Thomas nomination "was backed in part by the same foundations

that have supported this book" is misleading. Despite Simon's involvement with the Committee (consisting of the use of his name for fundraising and a small personal donation), to my knowledge no Olin Foundation or Bradley Foundation money was specifically used in any pro-Thomas lobbying effort.

### What Remains Unchallenged

In conclusion, I think it is worth noting briefly what Mayer and Abramson do *not* contest. This includes the full sequence of events, with Senate staff and interest groups pressuring Hill in the days leading up to her televised testimony; my argument that the committee acted properly in this case (contrary to the many unfounded assertions in Abramson's own reporting for the *Journal* at the time, which comes under heavy criticism in my book—another interest which Abramson does not disclose in the review); my naming of Simon and Brudney as the leakers of Hill's allegations to the press; the entire list of false, incorrect, and misleading statements in Hill's sworn testimony; the case that Hill's charge was not "typical" of sexual harassment charges; the fact that Thomas exhibited no pattern of harassment; my exhaustive account of the relationship between Thomas and Hill when they worked together; my conclusion that Hill was falsely presented as a Bork-supporting Reagan conservative when in fact she is a feminist and liberal activist, giving her an ideological motive to stop the Thomas confirmation; the revelation that Hill had a supervisor other than Thomas at the EEOC who was a known sexual harasser . . . and so on.

In early May, Jill Abramson told Armstrong Williams that while she found my book "too speculative" in parts, overall she found the book "very factual" and consistent with her own reporting on this matter. Her book would "end up corroborating" much of what I reported, she told Williams. Either Abramson was misleading Williams, or something happened in the intervening period—perhaps the favorable reviews and strong sales of *The Real Anita Hill*?

According to the *New Yorker's* fact-checkers, "Abramson denies ever having said anything of the sort to Williams, and says she has told him so, in a conversation in which Williams told her that Brock had mischaracterized the purported conversation between Williams and herself. Mayer, who heard the conversation on a speakerphone, confirms this."

In a June 15 letter to me, Williams denied telling Abramson that I had mischaracterized the conversation. He told her only that he had regretted that I made the contents of these conversations public. Furthermore, as I understand it, Abramson was in California when she called Williams, and Mayer was not. Thus the "speakerphone" scenario does not ring true.

Mayer and Abramson charge that I have an "agenda" and they have the facts; I invite readers to examine my book, their article, and decide for themselves. □

Daniel Wattenberg

# Gunning for Koresh

*It was only when their funding was up for review—and a pattern of sexual harassment emerged at their agency—that the federal Bureau of Alcohol, Tobacco and Firearms decided to make an example of David Koresh and his Branch Davidian followers.*

Appearing before the House Judiciary Committee nine days after the incineration of David Koresh's Mount Carmel Center and most of those who dwelt within its walls, Bureau of Alcohol, Tobacco, and Firearms director Stephen Higgins referred to the search and arrest warrants his agents had tried to execute two months earlier. The affidavit filed in support of the warrants, said Higgins, detailed some of Koresh's "clear messages that he and his followers were bound together in a vision that promised them all—and others who were in their paths—death."

Although Higgins mischaracterized the warrant, he did faithfully encapsulate the government's theory of the Texas barbecue of the Branch Davidians: Koresh—or Vernon Howell, as he was originally called—set himself and his followers ablaze on April 19, and this mass self-immolation represented the inevitable self-fulfillment of his apocalyptic teaching. By now this is the generally accepted theory.

It is nonetheless a theory predicated almost wholly on forgetting. Forgetting, for example, that while it was Koresh who purportedly willed an apocalyptic showdown, it was the ATF that dictated—twice—the timing and setting of confrontation. Koresh seems to have taken no steps toward

*Daniel Wattenberg is an investigative writer for The American Spectator.*



fulfilling any deadly vision except on two extraordinary occasions—February 28, when a hundred heavily armed ATF agents arrived unannounced at his door, and April 19, when combat engineering vehicles began tearing holes in his domicile and suffusing it with a severe chemical irritant known as CS.

Had the members of the House Judiciary panel carefully read their copies of the affidavit, they might have questioned whether it warranted Higgins's confident conviction that Koresh willed the two-part holocaust that claimed the lives of four ATF agents and more than eighty Branch

Davidians. Indeed, they might have questioned whether the ATF affidavit even established grounds for believing that Koresh was apt to commit a violent crime or endanger anyone beyond the boundaries of his property.

They might even have considered another possibility that has not yet made its way into the popular consciousness: Maybe the bureau never seriously tried to tailor its enforcement means to the size of the actual threat. Maybe it did the reverse. Maybe it first choreographed its lightning strike on the Davidians and later—for bureaucratic reasons best known to itself—fabricated from the disparate investigative materials at hand a threat of such frightening proportions that it licensed the otherwise inexplicable means. Close inspection of the publicly available material on the ATF investigation of David Koresh invites just such a hypothesis. →