

Ms. BERRY. I mean what is happening to Clarence Thomas is, in my estimation, a——

Senator KOHL. Ms. Alvarez, then I will be finished.

Ms. ALVAREZ. No, I guess I am not sure quite the point you are trying to make.

Senator KOHL. Well, I am trying to understand why you——

Ms. ALVAREZ. You are trying to say this isn't a lynching?

Senator KOHL [continuing]. I can't understand why you are saying and that Thomas is saying that this is a racist conspiracy against——

Ms. ALVAREZ. I did not say that.

Senator KOHL. Well, you are saying, we, meaning the committee, are beating up on the Judge.

Ms. ALVAREZ. Yes.

Senator KOHL. He is calling it a lynching and you are saying we are beating up on a Judge, but what we are doing here is trying to understand whether there is any truth in the allegation made by an African-American woman against an African-American man.

Ms. ALVAREZ. I think there is a much better way that it could have been done, not in this kind of forum——

Senator KOHL. Well, that's true.

Ms. ALVAREZ [continuing]. And not in broad daylight and not on television and——

Senator KOHL. Well, that's true, but the allegation, itself, is an allegation made by an African-American woman against an African-American man. That is just a fact.

Ms. ALVAREZ. But what does that have to do? I mean that means it is okay to beat him up? I am not sure what you are saying. I am saying when I made that statement I think there was a better way for this whole thing to have been investigated and to have been handled. I think we did both of them a disservice by handling it the way we did, because you just beat him up in broad daylight and you took his name, his reputation, and his character and you can't give it back to him. That was my point.

The CHAIRMAN. Senator, do you have more? Is that it?

Senator KOHL. Yes. Thank you.

The CHAIRMAN. Thank you.

If there are not any more questions I do have two very, very short questions. And Ms. Fitch, if I ever need an advocate you are the one I want to hire. You are all very good, but let me ask you this. I think that one of the points has confused me in this process not merely who is telling the truth because that perplexes me as much as it perplexes the American public apparently. I don't know what the American public thinks. I take that back. It perplexes me.

Now, you were asked a question by Senator Hatch a while ago, if I recall, that was an echo of an assertion that Judge Thomas made yesterday in a very articulate fashion and it was this:

That isn't this a stereotypical attack on a black man? Judge Thomas—and I am not criticizing his statement, I just want to understand it, and as a black historian maybe you can help me—he indicated that he believed this was—I won't use exactly his words, because they are not appropriate coming from my mouth—but something to the effect that if an uppity black person is being put

down by other people, that's what this is about, putting down any black person who goes against the grain.

Now, I can understand that. What I can't understand though is how can one say that and not say the counter charges against Professor Hill are not equally, if not more stereotypical, of not taking seriously a black woman?

How can one charge about stereotypical behavior apply to the Judge and not equally apply to Professor Hill. This is not who is telling the truth—I am talking about this notion of stereotypical behavior we keep hearing hurled back and forth, across in front of me and this way as well, not by you but by others.

Can you shed some light on that point for me?

Ms. FITCH. I am not sure I really understand the question.

The CHAIRMAN. Well, the statement was made that the attack on Judge Thomas, along the lines relating to harassment, were stereotypical attacks on black men, they stereotyped black men.

Ms. FITCH. OK.

The CHAIRMAN. And what I am saying is if that is true, and I am not arguing whether it is or isn't, is it not equally true to immediately question the veracity of a black woman who comes forward to make an allegation against a black man as preposterous? Doesn't that just as neatly fit into a stereotypical treatment of black women who dare speak up? That's my question.

Ms. FITCH. I think I see where you are going to with this and in terms of both black men and white men, of course, that is a problem historically.

Yes, it is a no-win-no-win.

The CHAIRMAN. That doesn't go to the veracity of anything. I am just trying to understand because I heard for the first time the other day the phrase stereotypical treatment of black men who dare run against the stream.

Ms. FITCH. Yes, but in terms of the stereotypical response to black women it comes first from their experience with white men in this country. And I—

The CHAIRMAN. I agree with that—

Ms. FITCH. Yes.

The CHAIRMAN [continuing]. I agree with that, with white men.

Ms. FITCH [continuing]. Yes, and of course, it can be extended to any other men.

The CHAIRMAN. I understand, okay, thank you for clarifying that. Now, the absolutely last question I have is this: There was reference made earlier that there was a need to be able to establish a pattern of behavior. I don't know which of you said it.

Ms. FITCH. I think I might have talked about patterns and in trying to explain why I take the Judge's position in this and I am saying there was not any behavior that was ever evidenced by me over 7 years by myself, hearing from anyone else and that established a portfolio for him for me.

The CHAIRMAN. Okay, for you?

Ms. FITCH. Yes.

The CHAIRMAN. But you were not speaking as an expert in the field?

Ms. FITCH. Oh, heaven's no. I think—

The CHAIRMAN. Because experts tell me that it is equally plausible and it happens as often that you have a sexual harassment incident, as well as you have sexual harassment incidents coming from a single person. So there is not a need to be able to establish a pattern of behavior in order to establish that there is sexual harassment.

Ms. FITCH. Senator, I was very careful in the beginning to talk about possibility and probability.

The CHAIRMAN. I see.

Ms. FITCH. And I was addressing myself to probability.

The CHAIRMAN. You are a good lawyer and witness.

Ms. FITCH. Oh, God, I am not a lawyer.

The CHAIRMAN. On behalf of the Senate, it is presumptuous of me to say that but you are extremely clear and precise and it is impressive. You all are impressive and I thank you all for being here. It has been very, very late. You have spent a lot of time and Clarence Thomas is, indeed, fortunate to have four such loyal supporters who obviously believe every word they said and their experiences are as they have cited and I appreciate it.

Senator THURMOND. On behalf of this side of the aisle I wish to express appreciation to all of you and your splendid testimony.

Ms. ALVAREZ. Thank you.

Ms. BERRY. Thank you.

Ms. FITCH. Thank you.

Ms. HOLT. Thank you.

The CHAIRMAN. Thank you all very much. It has been a long evening for you. It has been a longer evening, I might add, for the next panel who has been waiting.

Now, ordinarily what we had agreed to do was the next panel of witnesses was going to be a panel of several people testifying on behalf of Professor Hill. Professor Hill has contacted us and indicated that in the interest of time she is fully prepared to forego having that panel testify. So we will move that as her decision, not the committee's decision.

We will now move to the panel to follow that one. They will be testifying on behalf of and in support of the position of Judge Thomas, and that is our first is Stanley Grayson, vice president with the firm of Goldman Sachs in New York; the second is Carlton Stewart with the Stewart firm in Atlanta, Georgia; the third witness is John M. Doggett III, a management consultant in Austin, Texas; and the fourth is Charles Kothe, former Dean of Oral Roberts University Law Center.

If you will all please come forward and before you sit we will swear you in if you will be prepared to stand and be sworn.

Do you all swear that your testimony will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GRAYSON. I do.

Mr. STEWART. I do.

Mr. DOGGETT. I do.

Mr. KOTHE. I do.

The CHAIRMAN. Thank you, and welcome. Thank you for your patience in waiting so long. Now let me ask the panel, is there any particular way in which you would like to proceed? Have you talked among yourselves how you would like to proceed?