

Senator HATCH. Well, after Professor Hill denied that she knew you the press conference erupted in applause, which is the largest ovation of the day. What were you thinking at that moment?

Ms. BERRY. I didn't see her press conference.

Senator HATCH. You didn't see it?

Ms. BERRY. I am sorry. I was working on Little League stuff and I wasn't watching television.

Senator HATCH. Well, you have indicated that the reason why Professor Hill has been so reluctant to acknowledge your existence appears to be the fact that you have advanced a theory for why Professor Hill is making these allegations, and your theory is, to say the least, unflattering to her in her position.

Can you repeat that theory as you gave it to the New York Times, and tell us if it still seems accurate to you?

Ms. BERRY. It still seems accurate to me.

Senator HATCH. And what was your theory?

Ms. BERRY. Because Clarence Thomas did not respond to her heightened interest, didn't respond to her in that way. He treated her just like he treated everybody else on the staff. That her feelings were hurt.

And I think opportunities that she thought that she ought to have, access that she ought to have and she didn't receive. I mean it was competitive. We were a tough, strong group of women around Clarence Thomas and he based—we had to perform. We had strict performance agreements, and you had to perform. And, if you couldn't hang, if you couldn't perform, you got his wrath. If you performed, you got his praise.

I think because she was at EEOC not treated special that she didn't feel comfortable there.

Senator HATCH. OK. Ms. Fitch, I was impressed by your statement, as I have been of all of your statements. I am impressed with each and everyone of you, and I think Judge Thomas was very lucky to have you working with him.

But I particularly notice you used the term "decent"—

Ms. FITCH. I'm sorry.

Senator HATCH. I particularly noticed you the used the term "decent" in describing Clarence Thomas.

Ms. FITCH. Yes.

Senator HATCH. Do you use that very often?

Ms. FITCH. Yes. If you talk to the people who talked to me even before I left the Commission, when I went to Lynchburg, VA, when I went to Temple, even at the time that he was nominated for the Supreme Court, I've always used that term about the Judge, and it kicked out for me some time ago, at least a year or two ago, if not longer, that I don't use that term for everybody, and it's not that there aren't other decent people, because there certainly are.

But what intrigues me about him is that I always paid a great deal of attention to his character, this man that I felt had a conscience that operated all the time, that realized the gravity of his position, and I found that impressive and that has a lot to do with my use of that term, and I still don't throw it around indiscriminately and I still call him a decent person.

Senator HATCH. Did you consider yourself a friend of Anita Hill's, and did you have a relationship with her outside of Washington?

Ms. FITCH. Anita Hill and I did not spend a lot of time together. We did not go to lunch, because I don't go to lunch often. We maybe went out three times after work for dinner. We were not prowling Washington or anything. I went to her house on one occasion. When she was in the hospital, I visited her there. At her farewell party at the Sheraton, I was in attendance and I believe I was the only person from the Commission who was there.

After she left the Commission, I stayed in touch with her. We did meet once when she came into town. Subsequently, we tried to get together. I had a house-warming gift for her, but we never caught up with each other.

Senator HATCH. I see. Did you ever hear her mention any problems with Clarence Thomas?

Ms. FITCH. Never. Never. Never, even after she left the Commission.

Senator HATCH. So, both during the time she was there and after she left?

Ms. FITCH. Yes, Senator.

Senator HATCH. OK. Now, your statement mentions that you knew both Anita Hill and Phyllis Berry while you were at the EEOC.

Ms. FITCH. Yes.

Senator HATCH. Is it possible, in your view, that Anita Hill was telling the truth at this press conference on Monday, when she stated, "I don't know Phyllis Berry and she doesn't know me"?

Ms. FITCH. Senator, when I heard that, I was very surprised. I don't know what she meant by it. I took it to mean that she was unaware of Ms. Berry's existence, and I knew that not to be the case.

Senator HATCH. Have you ever heard or ever known Anita Hill to lie on any other occasion?

Ms. FITCH. No, I haven't, Senator.

Senator HATCH. OK.

Ms. ALVAREZ, did you know Phyllis Berry and Professor Hill at the EEOC?

Ms. ALVAREZ. Yes, sir, I did.

Senator HATCH. So, you knew they worked together?

Ms. ALVAREZ. Yes.

Senator HATCH. In your statement, you noted that Professor Hill was "not a team player," and "appeared to have her own agenda." Could you elaborate on that?

Ms. ALVAREZ. Well, there seemed to be all of us in the group kind of working toward the same goal, and I think we got along with each other, we would occasionally talk, and Anita mostly kept to herself. She was very strong-willed, she liked to do things her way, and that was always the way she—that was the way she gave the impression, that she kind of had her own agenda, her own way of doing things. So, no matter what the rest of the team was doing, she was going to do it Anita's way.

Senator HATCH. Now, you say you knew Judge Thomas well.

Ms. ALVAREZ. Yes.

Senator HATCH. Did you ever hear him ask Anita Hill for a date, the whole time you knew both of them?

Ms. ALVAREZ. No, never.

Senator HATCH. And you knew her well.

Ms. ALVAREZ. I knew her at the office.

Senator HATCH. OK. Did you ever see any indication that either of them had a romantic interest in the other?

Ms. ALVAREZ. No.

Senator HATCH. Did you ever hear of Judge Thomas discussing sex with anybody, including Anita Hill?

Ms. ALVAREZ. At the office, never, sir.

Senator HATCH. Again, I am going to ask you this question. You are his close friend and you worked closely with him. Is it conceivable that Clarence Thomas, the Clarence Thomas you have known and worked with for the past 13 years, that he could have made the perverted statements that Professor Hill said he did?

Ms. ALVAREZ. Not a chance, sir.

Senator HATCH. Did you ever hear Professor Hill express any dissatisfaction with then Chairman Thomas or the way he treated her?

Ms. ALVAREZ. No. No, not at all.

Senator HATCH. If you had a young daughter in her early twenties, would you want her to work with Judge Thomas?

Ms. ALVAREZ. Absolutely. Absolutely.

Senator HATCH. From your experience of working with Professor Hill and Judge Thomas at the EEOC, did Professor Hill think that she had some sort of a special relationship with Judge Thomas?

Ms. ALVAREZ. Yes, she used to give that impression. She used to like to tout the fact that she had worked with him before. You know, when we would get into debates on how we were going to handle an issue, she would say, "Well, I know how he thinks, I know how he likes his papers written or I know the position he wants to take," or something like that. That was something she always sort of held out in front of everyone at the staff, that she had this sort of inside track to him.

Senator HATCH. What I would like to ask each and every one of you is, rack your brains, as people who were around both of them, who have known both of them during that period of time, who really have had a close working relationship professionally and even a friendship relationship with Judge Thomas. How could she have testified the way she did here?

Ms. FITCH. Senator, to me it was incredible. I don't know. I can't answer that. I was dumb-struck. I have no idea.

Senator HATCH. Ms. Fitch?

Ms. HOLT. I have no idea, Senator.

Senator HATCH. Well, let me ask you this: Do any of you believe her testimony here?

Ms. HOLT. I do not believe a word, not one word.

Ms. FITCH. Senator, I don't believe it, either.

Senator HATCH. I didn't hear you.

Ms. FITCH. I'm sorry. Senator, I do not believe a word of it, either.

Senator HATCH. You don't believe a word of it.

Ms. FITCH. No, I don't.

Senator HATCH. How about you, Ms. Myers?

Ms. BERRY. When she could stand up in front of the world and say "I did not know Phyllis Berry and Phyllis Berry does not know me," I can imagine she probably would say anything. I mean, I exist and I existed then. I worked very closely with her, and that wasn't the truth, so it seems to me that if she could not tell the truth on one thing, she could not tell the truth on another.

Senator HATCH. Ms. Alvarez?

Ms. ALVAREZ. I cannot believe one word of her testimony. That is not the Clarence Thomas I know. That is not the Clarence Thomas I worked with.

Senator HATCH. You heard Chairman Thomas' testimony with regard to the allegations that she made on three successive occasions, once to the FBI, once in her 4-page single-spaced typewritten statement, and another one when she appeared here before this committee last Friday, and you heard Judge Thomas' response to that.

Ms. FITCH. Yes, Senator, he said he categorically denied her allegations.

Senator HATCH. He did deny them.

Ms. FITCH. Yes.

Senator HATCH. Did you hear his response on the negative stereotypes?

Ms. FITCH. I heard most of it, Senator.

Senator HATCH. What do you think of those comments made by her attributed to him and his comments back about those comments?

Ms. FITCH. As a historian, I know those comments to be stereotypical.

Senator HATCH. Why would you think she would say that?

Ms. FITCH. Senator, I have no idea. I don't know, but they are certainly kind of pat formulaic statements that people have historically made about black men in this country.

Senator HATCH. Don't they play on white prejudices about black men?

Ms. FITCH. Of course they do, Senator.

Senator HATCH. Of course they do, but why would she use that language, and why would he use it?

Ms. FITCH. Senator, I think what I am trying to say is that it is incomprehensible that she would say these things, incomprehensible that she might believe them. I do not know. I have not talked to her in three years. I don't know.

Senator HATCH. Would those kind of statements, had they been—would those kind of statements, as they are, would they tend to turn some people in this country against Clarence Thomas?

Ms. FITCH. Senator, I have been in the street a lot lately listening to people's conversations, and they have been talking about this process and about this man, and I am finding that most people are concerned about the seriousness of the allegations, they take the issue of sexual harassment seriously. They are not discounting that. They do not believe the things that are being said about this man. They are too pat, they don't—even for people who don't know him—don't think they seem to hang very well together.

Senator HATCH. Now, have any of you women ever heard of any male using that type of language, in order to obtain a date with a woman?

Ms. FITCH. Senator, this was not to obtain a date with me, but when I taught at Sangamon State University in Illinois, in a room with four other people, including an older man who was old enough to be my father, a Federal contract compliance officer said some things like that to me, and nobody said anything in response. I was very hurt by that. I stayed away from him. He had no jurisdiction or authority over me. It's possible for people to say things like that. It is improbable that this man said those things.

Senator HATCH. Well, what do the rest of you feel about that?

Ms. HOLT. I agree that it's impossible for Clarence Thomas to have said those things.

Senator HATCH. Ms. Alvarez.

Ms. ALVAREZ. I agree that it is absolutely impossible for Clarence to have said it.

Senator HATCH. Ms. Berry.

Ms. BERRY. It's impossible and not a great deductive method in my way of thinking. [Laughter.]

Senator HATCH. Well, you know, I hate to tell you this, but I agree with that. You know, people all over this country are trying to figure out how somebody could testify in such a believable manner and say the cumulative total of those awful, ugly, terrible sexual things and expect a woman to date him or expect some form of a relationship with a woman.

It bothers me, because she appears to believe everything that she said, and I myself don't want to call her a liar. But as an old trial lawyer, I have seen witnesses just like that who believe every word they say and every word is absolutely wrong and we have proven it wrong and they still believe it.

I am highly offended, having been the coauthor, along with Senator Kennedy, of the Polygraph Protection Act to protect employees from being forced to go through polygraphs, that this group of handlers of Professor Hill have had her undergo a polygraph.

I can tell you right now, you can find a polygraph operator for anything you want to find them for. There are some very good ones and there are some lousy ones, and a whole raft in between. And to do that and interject that in the middle of this is pathetic, as if it has any relevance whatsoever. It wouldn't even be admissible in a court of law.

Now, I just want to ask you this last question. I have known Judge Thomas for 11 years. I have sat in on all five of his confirmation proceedings. I presided over three of them, as chairman of the Labor Committee. And I have never seen anything to indicate that he would treat any human being like this woman says he treated her.

I am going to ask you to search your minds one last time: Is there anything that could have been misconstrued or construed, in your opinion, that could have caused anyone, including Anita Hill, to say what she did here to the whole world?

Ms. HOLT. Senator, since these allegations surfaced, that is all I've really done, is wonder why——

Senator HATCH. Me, too.