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October 21, 1991

Honorable Joseph R. Biden, Jr.
Chairman, Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, D. C. 20510

Re: Professor Anita Hill

Dear Senator Biden:

I write to correct an unfair and false impression of Professor Anita Hill's performance at the law firm of Wald, Harkrader and Ross created by the affidavit of John Burke, Esquire, a former Wald, Harkrader and Ross partner, filed with the Committee on October 13, 1991.

During Professor Hill's tenure at Wald, Harkrader and Ross in 1980-1981, I was chairman of the firm's Associate Development Committee, which was responsible for associate evaluation. I accordingly have direct knowledge of Professor Hill's performance evaluation. On October 14, 1991, I learned through inquiries from the press, that Senator Danforth had released a statement to the effect that a former partner of Wald, Harkrader and Ross had told the Committee on the Judiciary that Professor Hill's performance had not been satisfactory and that she had been asked to leave the firm. I immediately prepared and sent to you my own affidavit which stated that Professor Hill's performance at the firm had not been unsatisfactory, that she was not asked to leave the firm, and that she had left of her own volition to pursue an alternative professional path. I said that my memory of the events was clear and that I had contacted the other two members of the Associate Development Committee and they concurred in my recollection. My interest in submitting the affidavit was not to oppose the nomination of Judge Thomas but to assure that in the Committee's consideration of the nomination

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Professor Hill received fair treatment. A copy of my affidavit is enclosed for your convenience.

At the time I submitted my affidavit, I had not seen the affidavit of Mr. Burke. I have now obtained a copy which I enclose. I have also had an opportunity to examine further the remaining files of Wald, Harkrader and Ross, which merged with my present firm in 1987.

The firm's records show that:

- 1) Contrary to Mr. Burke's affidavit, there is no indication that Professor Hill ever worked on any legal matter with Mr. Burke or under his direct or indirect supervision or on assignment for him.
- 2) Professor Hill did perform a brief assignment for another partner more senior to Mr. Burke in the field of law in which Mr. Burke practices. Professor Hill's work was favorably reviewed by that partner.
- 3) There was another first-year African-American woman associate who did work with Mr. Burke during the time described in his affidavit, who was given an unsatisfactory evaluation and who was asked to seek other employment.

At the time set forth in his affidavit, Mr. Burke was a new, quite junior partner in the firm. My recollection is that he had joined the firm only two or three months before Professor Hill. He was not then, or at any time prior to his withdrawal from the firm in 1985, a member of the Associate Development Committee nor was he at any time given authority to act on the firm's behalf to terminate associates.

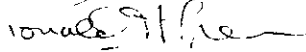
I consider Mr. Burke a friend and regret the necessity of disputing his affidavit. An effort has been made to bring the information from the firm's records to his attention. I hope that he will correct his affidavit but, in any event, I wanted the Committee to have this additional information. If you

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believe it desirable, I am prepared to restate the information in
affidavit form.

Respectfully,

A handwritten signature in dark ink, appearing to read "Donald H. Green", written over a horizontal line.

Donald H. Green

DHG:iar
Encis.

cc: Professor Anita Hill
John Burke, Esquire