

disappointment and frustration that Mr. Thomas did not show any sexual interest in her."

You were asked about Ms. Barry at the interview on October the 7th and were reported to have said, "Well, I don't know Phyllis Barry and she doesn't know me." And there were quite a few people who have come forward to say that they saw you and Ms. Barry and that you knew each other very well.

Then Ms. Hill answered.

I would disagree with that. Ms. Barry worked at EEOC. She did attend some staff meetings at EEOC. We were not close friends. We did not socialize together and we had no basis for making a comment about my social interest with regards to Clarence Thomas or anyone else. I might add at the time that I had an active social life and that I was involved with other people.

Then later Senator Specter asked her:

So that when you said Ms. Barry doesn't know me and I don't know her you weren't referring to just that, but to some intensity of knowledge.

And Ms. Hill answered:

Well, this is a specific remark about my sexual interest and I think one has to know another person very well to make those kind of remarks unless they are very openly expressed.

Now, I am asking, you don't have any question in your mind that Anita Hill knew you. It is a question as to the degree of intensity she knew you relative to whether or not you could form an opinion as to whether or not she had a sexual interest with Mr. Thomas?

Ms. BERRY. Senator, as I indicated in my statement, I worked very closely with Anita and I think that—I don't have the record before me, but I do believe that Senator Specter asked her also, "And she had the opportunity to observe you and Clarence Thomas at the office?" and she indicated that yes, not only did I have the—yes, I did have the opportunity to observe them. And I did have that opportunity.

And my opinion is that Anita had more than a professional interest in Clarence Thomas.

Senator HEFLIN. Well, did he ever indicate any return of it?

Ms. BERRY. No. And, if you continue reading the New York Times article, that is exactly what I said. And I said that "And because of that I think her feelings were hurt."

Senator HEFLIN. Now, Ms. Holt, in regard to telephone calls other than those that you logged, do you have a recollection as to whether there were any additional phone calls that came in from Anita Hill to Mr. Thomas?

Ms. HOLT. What I recall, Senator, is that there were occasions when Ms. Hill would call the office and would be put directly through to Clarence Thomas.

Senator HEFLIN. You have taken a deposition in this case where people asked you questions, and a question was asked you, "Do you have a recollection?"—on page 44—"of Anita Hill calling Clarence Thomas any more times than may have been sporadically shown up on these three other pages?" And the answer: "I would not even guess about that. I don't know."

Have you had changes in recollection since giving that deposition?

Ms. HOLT. As I just indicated to Senator Leahy, I was saying that I would not fathom a guess about any particular day or time or year that she had called him without it being in the log.

Senator HEFLIN. So you are saying that he could have called, or do you know that she called or what?

Ms. HOLT. I know, Senator, that there were occasions when she called and was put directly through to Judge Thomas.

Senator HEFLIN. But those were not recorded and no record is made, is that what you are saying?

Ms. HOLT. Exactly.

Senator HEFLIN. Do you know how often they occurred?

Ms. HOLT. No, I don't. But there weren't that many of them.

Senator HEFLIN. Wasn't that many of them. And over a period of how many years are these phone—that is from 1984, these logs are 1984, 1985, 1986, 1987. Would there have been as many as two or three?

Ms. HOLT. Four or five. Six, maybe.

Senator HEFLIN. It would have probably been what, in the neighborhood of no more than one a year?

Ms. HOLT. Possibly, sir.

Senator HEFLIN. Well, my time has run out.

Senator KENNEDY [presiding]. Senator Hatch.

Senator HATCH. Thank you. Now, let me go back to you, Ms. Berry. If I can call you Ms. Berry for the purposes of this hearing.

Ms. BERRY. That is fine.

Senator HATCH. Did you hear Anita Hill's press conference last Monday?

Ms. BERRY. Pardon me?

Senator HATCH. Did you see Anita Hill's press conference last Monday, or hear it?

Ms. BERRY. Last Monday? Was that October—I don't know dates anymore.

Senator HATCH. Whenever it was, the first press conference.

Ms. BERRY. October 7? No, I did not see her press conference. Reporters starting calling my home asking me had I seen Anita Hill's press conference where she indicated that she was responding to my quotes in the Times article and she indicated that she did not know me and that I did not know her.

And so I issued a statement saying that this is in response to Anita Hill's statement at an October 7 press conference indicating that she did not know me and I did not know her, that is not true. And then I went on to explain how it is that I did, in fact, know Anita Hill.

Senator HATCH. Well, when you heard Professor Hill claim "I don't know Phyllis Berry and she doesn't know me," did you think, as Professor Hill claimed on Friday, that her remark was only meant to indicate that you were not in a position to speculate about her private life or did you give those words what I would call their natural meaning and think that she was not telling the truth?

Ms. BERRY. When I heard it I thought she wasn't telling the truth. Obviously, she knew me. We worked together for many years, and we worked closely together, particularly in the Office of Congressional Affairs, particularly on the Chairman's staff, and I knew of her at the Department of Education. So I had no idea what she was talking about, except that I took her at face value. She said she didn't know me.

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.

Ms. HOLT [continuing]. Why would she want to tell these lies, and I haven't come up with an answer yet. But I can certainly say that I don't believe a word of it.

Senator HATCH. I think that sums it up pretty well.

Thank you very much.

The CHAIRMAN. Thank you.

Senator THURMOND. Mr. Chairman, I have one question I would like to propound.

The CHAIRMAN. I could ask a couple, too, but you go right ahead, Senator. Instead of going back, we will go to you.

Senator THURMOND. Is it possible that Professor Hill had a crush on Judge Thomas and felt rejected, because he would not date her? Any of you care to answer that?

Ms. BERRY. Since I am the one who said that, you have got to understand, I guess, what kind of man Clarence Thomas is. In many ways, I think he is atypical in his treatment of women. He is respectful of our abilities and our talents and expertise, allowed us to have opportunities that ordinarily women did not have at the Commission.

My own title, as the Director of the Office of Congressional Affairs, is a good example. That is usually the purview of a man. He allowed us to do things that women ordinarily did not have the opportunity to do. He made sure that women were included in almost every aspect of Commission life as it related to job opportunities.

He is courteous, he is generous, he is caring, and I can understand any woman responding to a man that has those kinds of attributes.

Ms. FITCH. Senator, as I said before, on the three occasions—and I don't think it was more than that—that Anita Hill and I did go out after work, from work, it was clear to me that she had very friendly feelings towards now Judge Thomas and that she felt that they were returned.

I knew that she had been with him at the Department of Education. I knew that they had met through a mutual friend, and I knew that she had friendly feelings for him. That made it all the more surprising to me, therefore, that she made these allegations. I never got any sense from her that she had any romantic interest in him at all. From my experience with her, that was not what she was concerned about. As I said before, she saw him as a person who was going places and was going to make a contribution in this country, and both of us felt that we wanted to do whatever we could to help him do that.

In my case, at last, it was not to follow a rising star, necessarily, and I can't say that that was her intention, either. I don't know. We did not talk about him in those terms, but we did talk about him when we went off together, and we talked about work and how we could make him almost perfect. I think it was unreasonable, the things that we wanted him to do, to be completely flawless, to be 100 percent perfect. No human being is that way, and when I was in my twenties I was very judgmental and wanted people to be perfect, too, and I think that was part of the problem. But I don't see that that would have led to this kind of an allegation.

Senator THURMOND. Any other comments?

[No response.]

Senator THURMOND. Thank you very much.

The CHAIRMAN. Just for the record, as the Senator said, I appreciate your direct answer, Ms. Fitch, and yours, Ms. Myers. But I could ask you, for example, is it possible that there is life in outer space? Is it possible there is life in outer space?

Ms. FITCH. Of course, it's possible, Senator.

The CHAIRMAN. Ms. Myers, is it possible there's life in outer space?

Ms. BERRY. It's possible.

The CHAIRMAN. Thank you.

Now, let me ask you another question, if I may. Before I ask you the question, let me make it clear that there has been a lot of discussion about records here and the testimony taken, when you were giving testimony over the telephone or in person or to the FBI, and I am not reading from the FBI. There are things that are said here that seem inconsistent.

I am not accusing you of inconsistency here, but I just want to make sure I understand. You said in a question from staff, in the staff interview—and it is only one thing, so I don't think you have to have the whole page, but if you need it, I would be happy to give it to you, page 57—the staff person asked you, "Did you see Anita Hill's press conference on television?" And your answer was yes.

Then the next question asked you, "Did you find her credible?" Your answer was, "She sounded credible."

Now, that is not necessarily inconsistent with what you said today, but I want to make sure I understand. Today, you said that you believed that you don't believe one word of Anita's Hill testimony. Can you make a distinction between your saying "she sounded credible" and what you said here?

I might point out, before you answer it, I think that other Senators who question for the record should be able to understand that there are these kinds of discrepancies that aren't nearly the discrepancies they are made out to be, but go ahead.

Ms. HOLT. What I meant was, if someone did not know Anita Hill, she sounded credible. I know Anita Hill and I know Clarence Thomas, and I know Clarence Thomas is not the kind of person that would do those things.

The CHAIRMAN. So, notwithstanding the fact you said she sounded credible, in response to the staff—

Ms. HOLT. Right, if I did not know her—

The CHAIRMAN [continuing]. You really meant to say, if you did not know her, you thought she sounded credible?

Ms. HOLT. She sounded credible. She presents herself well.

The CHAIRMAN. And you just failed to say the first part, if you did not know her, she sounded credible, is that correct?

Ms. HOLT. That's correct.

The CHAIRMAN. I accept that. I just want to make two points, one, to clear up the discrepancy, and, two, to point out that witnesses can appear to have discrepancies in these records, and there would be no discrepancy at all, in fact.

Now, let me ask you, Ms. Fitch, you have been extremely precise in your answers. I think you have been extremely precise, you made it absolutely clear that you think Clarence Thomas is an in-

credibly admirable man, an admirable person and one whom you don't believe said this.

For example, in response to my good friend from Utah, you pointed out what I think everyone in America does know, and that is that there are men who do say things like that alleged to have been said by the Judge.

Now, you don't believe that the Judge said that, but you explained to us that you believe——

Ms. FITCH. Yes.

The CHAIRMAN. From other men, not from the Judge.

Ms. FITCH. Not from Judge Thomas, and I do not believe he would say those things.

The CHAIRMAN. I understand that, and I want to make it clear. You do not believe that. You believe he is totally credible.

Ms. FITCH. Yes.

The CHAIRMAN. You believe everything he is saying, but I want the record to show what I think every woman in America knows, that there are men who do say things exactly like what Judge Thomas is accused of saying, notwithstanding my friend from Utah's research creating the impression that it is so unusual that it never happens.

Senator HATCH. Not as a cumulative whole, though.

Ms. FITCH. Oh, no.

Senator HATCH. Well, see, that is what he is trying to get you to say.

Ms. FITCH. Yes.

Senator HATCH. The fact is, he said one statement, but a cumulative whole, if you hung around that fellow——

Ms. FITCH. Well, there might be two or three statements strung together, but no, it is not a whole litany like that.

The CHAIRMAN. Let me put it another way, Ms. Fitch. And I was very fastidious about never interrupting my friend from Utah, and I assume he won't interrupt me again.

Now what do you think, let me ask you, that man who said those things to you, do you think if you had been in his company the next 7 days, he might not have said similar things to you again and again?

Ms. FITCH. Senator, I was very sure he would say those things to me in private if I was in his orbit, so I stayed away from him.

The CHAIRMAN. Thank you very much. That is cumulative.

Now let me make another point, if I may. I want to make it clear, because I understand and I believe everything that all of you are saying. It is clear that you truly believe what you say to be correct and to be a legitimate and accurate characterization of Clarence Thomas. I don't doubt that for a minute. You are under oath, and it is clear that you all believe that. I am not suggesting anybody has been put up to anything by anybody. I believe you believe it.

Now one of the things that has been indicated here is this notion of maybe that the witness, Professor Hill, really was basically the woman scorned, that she really had this romantic interest in Clarence Thomas and that she was spurned, and after being spurned she took up the role in the way that Shakespeare used the phrase,

"Hell hath no fury like . . .," and that is what is being implied here.

Now, Ms. Fitch, you said you have no doubt, as I understand it, that the Professor wanted very much to see the Judge move on and do great things for America.

Ms. FITCH. Be successful in his career, yes.

The CHAIRMAN. Be successful. But I want the record to note—and correct me if I am wrong—that in those conversations with the professor where you drew that conclusion, that she wished to see him succeed.

Ms. FITCH. Yes.

The CHAIRMAN. You also went on to say, unless I misunderstood you, that you did not believe there was any romantic element to that.

Ms. FITCH. Oh, no, Senator, and we both said the same things about him, and for neither one of us was there any romantic talk about him at all.

The CHAIRMAN. Thank you.

Now, Ms. Alvarez, in a statement that you issued after Professor Hill's allegations became public, you observed, and I quote.

Ms. Hill was not a team player and appeared to have her own agenda. She always attempted to be aloof from the staff, constantly giving the impression she was superior to others on the staff.

Then your statement goes on to conclude that Professor Hill had a "pendant for being self-serving and condescending toward others," and that the allegations she made "are absurd and are clearly an attempt on her part to gain notoriety." You also said the charges are "outrageous, ridiculous and totally without merit."

Now, Ms. Alvarez, my question to you is this: Could there be a different conclusion drawn from your observation that during her tenure at EEOC, Professor Hill appeared "aloof from the staff"? You draw the conclusion from that that she was self-serving and condescending. Could Professor Hill's aloofness have resulted from feeling uncomfortable around the Chairman of the Commission?

Ms. ALVAREZ. No, it was not her aloofness that made me feel like she was condescending. She was aloof, and she has been described that way by a number of people. The way she made me feel, she acted condescending towards others, was that she would say she had this inside track, she knew the Chairman better than anyone else, and therefore she had some sort of rights, because she had worked with him before, because she was close to him, because she knew how he thought and that sort of thing. So she condescended to others in that way.

The CHAIRMAN. Well, how about the aloofness part. Could the aloofness be—

Ms. ALVAREZ. Well, she was not aloof from him. She was aloof from the rest of the staff.

The CHAIRMAN. I see. Now how do you know she wasn't aloof from him?

Ms. ALVAREZ. Just in the dealings that I saw. She never seemed to avoid him. She never seemed to try and stay away—

The CHAIRMAN. I see.

Ms. ALVAREZ [continuing]. Or she didn't respond to him in a staff meeting or anything like that. I am saying that with the other staff she was very stand-offish.

The CHAIRMAN. I see.

Ms. Holt, did you find her condescending and aloof? You dealt with her probably more than anybody.

Ms. HOLT. She wasn't condescending to me, Senator.

The CHAIRMAN. She was not?

Ms. HOLT. No.

The CHAIRMAN. I can understand why. She wanted to get in that door, right?

Ms. HOLT. That could have been it.

The CHAIRMAN. Ms. Myers—and my apologies, do you wish me to refer to you as Ms. Berry-Myers or would you prefer—

Ms. BERRY. It doesn't matter, Senator.

The CHAIRMAN. All right.

Ms. BERRY. I know who you are talking to, either way.

The CHAIRMAN. All right. Ms. Myers, did you find her to be aloof and condescending?

Ms. BERRY. I found her to be aloof, and a woman scorned can mean not just in the romantic context, but if your ideas are not longer, the ones that are considered the ones that the Chairman adopts, if your point of view is not given more weight than someone else's, if your—there are many ways, and not just in the romantic sense, but in the ways that—

The CHAIRMAN. I'm sorry. How did you mean them, then?

Ms. BERRY. Pardon me?

The CHAIRMAN. How did you mean?

Ms. BERRY. I meant it with both of those contexts.

The CHAIRMAN. You mean both romantic and in terms of being rejected professionally, in a sense?

Ms. BERRY. Yes. Those were my observations of Anita and the situation.

The CHAIRMAN. I see. Can you give me an example?

Ms. BERRY. Of what?

The CHAIRMAN. Of where she was either rejected and you observed the reaction to her rejection, either in terms of romantic entre or an intellectual entre?

Ms. BERRY. Or an intellectual entre? That was my job, as I said, to be the political eyes and ears, and that sometimes meant that I had to advise the Chairman to take a position that was in his best interest and that of the Commission, and not oftentimes a position that was in the best interests of the bureaucracy or of one side or the other. We had to do what was best in terms of enforcing the law, administering and managing the agency, et cetera, et cetera, and sometimes there were ideological conflicts in that way.

And I have heard Anita characterized in the press as a conservative, and I guess I have a different opinion of what that means. At the Commission I would not have characterized Anita as a conservative. I would have characterized her more as a moderate person or a liberal, and there were times when it was necessary that the conservative view prevail, in my opinion, on some positions that the Chairman took that she adamantly disagreed with.