

**ORIGINAL**  
**TRANSCRIPT OF PROCEEDINGS**

**UNITED STATES SENATE**

**\* \* \***

**COMMITTEE ON THE JUDICIARY**

**\* \* \***

**In the Matter of:**

**THE NOMINATION OF JUDGE CLARENCE THOMAS  
TO BE AN ASSOCIATE JUSTICE TO THE U. S.  
SUPREME COURT**

**Interview of GARY LIMAN PHILLIPS**

**Pages 1 thru 37**

**Washington, D.C.  
October 12, 1991**

**MILLER REPORTING COMPANY, INC.**  
507 C Street, N.E.  
Washington, D.C. 20002  
546-6666

GAS

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

-----: :  
In the Matter of the Nomination of :  
Judge Clarence Thomas to be an Associate :  
Justice of the U.S. Supreme Court :  
-----: :

Saturday, October 12, 1991  
Washington, D.C.

The interview of GARY LIMAN PHILLIPS, called for examination by counsel for the Senate Committee on the Judiciary in the above-entitled matter, pursuant to notice, in the offices of the Senate Committee on the Judiciary, Room SD-234, Dirksen Senate Office Building, Washington, D.C., convened at 12:15 p.m., when were present on behalf of the parties:

- JAMES COOPER, Staff of Senator Biden
- JEFFERY HARTLEY, Staff of Senator Heflin
- TRIS COFFIN, Staff of Senator Leahy
- THAD STROM, Staff of Senator Thurmond
- BARRY CALDWELL, Staff of Senator Specter

## P R O C E E D I N G S

1  
2 MR. COOPER: My name is James Cooper. I am counsel  
3 with Senator Biden's full Committee staff.

4 MR. COFFIN: I'm Tris Coffin, counsel of Senator  
5 Leahy's.

6 MR. CALDWELL: I'm Barry Caldwell, counsel to  
7 Senator Specter.

8 MR. STROM: Thad Strom, counsel with Senator  
9 Thurmond.

10 MR. HARTLEY: Jeffery Hartley, counsel to Senator  
11 Heflin.

12 MR. PHILLIPS: And I'm Gary Phillips, the witness.

13 Whereupon,

## GARY LIMAN PHILLIPS

14  
15 was called for examination and was examined and testified, as  
16 follows:

17 BY MR. COOPER:

18 Q Mr. Phillips, if you could, would you state your  
19 address and place of birth?

20 A Yes. I live currently at 114 F Street, Southeast,  
21 Washington, D.C. I was born in New York.

22 Q And would you describe your educational history?

23 A Yes. I graduated from Duke University in 1977. I  
24 graduated from the law school in 1980.

Q Since 1980, could you describe your employment

1 history?

2 A Yes. After graduating law school, I worked for the  
3 Washington office of the law firm Cadwalader, Wickersham &  
4 Taft. I worked there for about 2-1/2 years. In I believe it  
5 was May of '83 I moved to a smaller law firm called Becker &  
6 Chameides. At the time while I was there it became Chameides  
7 & Partners and I was made a limited partner in the law firm.  
8 I left the law firm in the -- in September, approximately  
9 September of 1986 and took a job as an attorney-adviser at  
10 the Federal Communications Commission, and I am still there  
11 today.

12 Q In that position, what are your responsibilities?

13 A I work in the Policy Division of the Common Carrier  
14 Bureau, and my responsibilities initially were to conduct  
15 rulemaking proceedings concerning telecommunications policy.  
16 My responsibilities recently have changed somewhat and I am  
17 now more in the position of supervising other attorneys in  
18 their handling of rulemaking proceedings.

19 Q Okay. Do you know Judge Clarence Thomas?

20 A No.

21 Q Have you ever met Judge Clarence Thomas?

22 A No.

23 Q Do you know Professor Anita Hill?

24 A Yes.

25 Q How do you know Professor Anita Hill?

1           A     I met Anita my first year in law school, our first  
2 year in law school, in 1977, and we have been friends since  
3 that time.

4           Q     How frequently do you have contact with her either  
5 by telephone or otherwise?

6           A     During law school I would have considered her a  
7 close friend, I did consider her a close friend, and we had  
8 probably daily contact. When we graduated from law school,  
9 until 1980 -- we both moved to Washington. She stayed in  
10 Washington until 1983 and during that time we had I would say  
11 regular contact. It's hard for me -- I know it varied from  
12 time to time and there would be periods when I would see more  
13 of her and other periods when I would see less of her. If  
14 regular contact is specific enough, I would --

15          Q     Once a month?

16          A     I would say at least once a month, and once or  
17 twice a month would be my best guess. Since that time,  
18 obviously, our contact has ben less frequent, except during  
19 the summer of 1987 when she was in Washington, living in  
20 Washington and I saw her again more regularly, fairly  
21 regularly over that summer.

22                   And I have maintained phone contact. She comes to  
23 Washington fairly often, and I don't know the times that she  
24 comes to Washington and doesn't call me, but she has called  
me when she has come to Washington and we've gotten together

1 for dinner.

2 We keep up with occasional phone calls, just sort  
3 of checking in and seeing how one or the other is doing.

4 Q When did you first come to know of Professor Hill's  
5 allegations of sexual harassment?

6 A Shortly after Judge Thomas was nominated, Anita  
7 called me at work, just to say hello and to catch up, and we  
8 were just, you know, talking about things in general, how we  
9 were. Then I said, "You're probably sick of this question  
10 but what's your impression, what do you think?" and she then  
11 told me that the reason she left the EEOC was that she had  
12 been sexually harassed by Judge Thomas when she was there.

13 I asked her whether she planned to go forward with  
14 this information and she indicated that she was not inclined  
15 to, although -- I mean it appeared to me that she was  
16 bothered by the issue and struggling to some extent with the  
17 issue.

18 She also told me that when she left -- at the time  
19 she left the EEOC Judge Thomas told her that if you say  
20 anything about this it could ruin my career.

21 Q Did she ever mention anything like this during the  
22 period when she was still in Washington working for Judge  
23 Thomas?

24 A She did not -- she did not mention this. I will  
25 say that during the period in Washington, that she was in

1 Washington she wasn't particularly happy it seemed to me and  
2 she had stomach problems. She was hospitalized once, but  
3 even beside that hospitalization she seemed to have frequent  
4 stomach problems.

5 Q Were you aware at the time of these problems that  
6 she had been hospitalized or did you learn that recently?

7 A No. I knew that she had been hospitalized. And --  
8 I mean I knew that when she was in the hospital. And, I just  
9 remember, it was odd because -- it was odd to me because she  
10 had a lot of friends, there were a lot of us from law school  
11 that moved to Washington and she also had a whole circle of  
12 friends that were not from the law school in Washington. I  
13 just knew that -- I mean I didn't know them directly but I  
14 had heard of them. And she had what I thought was a terrific  
15 job and she was dating somebody and it was -- sometimes I  
16 would ask her, you know, what's going on or she would just  
17 sort of not seem happy, and she was very ambiguous about why.

18 You know, sometimes she said something to the --  
19 she said she missed her -- one of the reasons was she said  
20 she missed her family, and I don't want to characterize this  
21 as I said why and she said I miss my family. I mean it  
22 wasn't that clearcut, and, to be perfectly honest, I mean I --  
23 -- that was just the reason that -- it sticks in my mind now  
24 that was one of the reasons I heard her give. And generally,  
it was never clear to me why.

1 Q I'm confused. Is this a reason for the unhappiness

2 --

3 A Right.

4 Q -- or a reason for, or did she attribute this as a  
5 reason for her stomach problems?

6 A Well, I think the two were, were interrelated. It  
7 seemed to me, I mean not knowing about what was going on in  
8 the office I thought that all the ingredients were there for  
9 her to be very, very happy. Everything seemed to be going  
10 very well. Nevertheless, she had this nervous stomach that  
11 she had never had before. And you know, I, when I tried to  
12 figure out why and what it was that was going wrong I really  
13 -- I couldn't.

14 And Anita would say she missed her family but it  
15 didn't make sense to me because she was away from her family  
16 for three years in law school, and although I know she was  
17 very close to her family, she was always yanking out pictures  
18 of her nieces and nephews, it just, ah, it didn't really make  
19 sense to me.

20 Q Is this something that you were, that you thought  
21 about at that time, the reason for her stomach problems and  
22 her unhappiness?

23 A I just remember -- I'm one of those people where if  
24 a friend of mine is unhappy and I'm around I almost like feel  
guilty, and I felt a little bit helpless. I couldn't like --



1 I didn't know why Anita was unhappy.

2 And Anita is a very private person and if you asked  
3 Anita something and she deflected the question, you know, you  
4 wouldn't necessarily keep probing. I mean you would, you  
5 would stop at a certain point.

6 BY MR. STROM:

7 Q Is this the time when she was at the Education <sup>Dept.</sup> -- I  
8 mean Education with Judge Thomas?

9 A This was towards the end of her stay in Washington.

10 Q So that was after --

11 A I can't tell you, I can't tell you precisely  
12 whether this started at EEOC or Education.

13 Q Let me ask you, did she call you on a regular basis  
14 when she was working at the Education Department and discuss  
15 her work with you?

16 A I don't think that we discussed -- and when you say  
17 discussed?

18 Q Did she call you on a regular basis and discuss  
19 work with you when she was <sup>at</sup> Education?

20 A Discuss work?

21 Q Yes.

22 A I mean we would discuss work in the sense of how is  
23 work going, and it's just in the way that two friends discuss  
24 work.

25 Q Oh, I know. But my question is did she do that on

1 a regular basis or was that just when you happened to run  
2 into each other?

3 A We had regular contacts during that time. I don't  
4 know whether every time we had contact we discussed work.

5 Q Did she call you on a regular basis when she was at  
6 EEOC and discuss work with you? On a regular basis?

7 A Again, the same answer. We had regular contact  
8 during that time. Sometimes we would discuss work. We  
9 wouldn't, I mean I don't -- once in a while, if there was an  
10 interesting case or something, we might have a discussion.  
11 We didn't discuss in her office, no.

12 Q My point is so you all talked, obviously, a good  
13 bit. You said you were a very close friend to her in law  
14 school and you both came to Washington and you were close.

15 Did she ever mention to you while she was at  
16 Education or while she was at EEOC, in her many discussions  
17 with you did she ever mention to you any untoward conduct by  
18 Judge Thomas to her, ever?

19 A The only thing that happened was that I remember  
20 when Anita first got the job with Judge Thomas all of her  
21 friends were excited for her, including myself, because we  
22 had heard of him and he seemed to be a rising star. He was  
23 what we thought was a moderate black Republican. And -- the  
24 specific answer to your question is no, Anita never mentioned  
the sexual harassment.

1           The only thing I would say is Anita -- Anita's  
2 enthusiasm for the job and for Judge Thomas seemed to  
3 diminish, and she was never specific about it.

4           Q     You watched her testimony yesterday, and I guess  
5 you knew she went from Education, followed Judge Thomas to  
6 EEOC and worked with him there.

7           A     Right.

8           Q     Did you know that after she worked with him at  
9 Education and EEOC that she stayed in touch with him over the  
10 years, she called him when she was in town, that she invited  
11 him out to speak? Were you aware of all these things going  
12 on even after she left EEOC working for him?

13          A     She never called him in my presence. I may have on  
14 one occasion -- well, this is, this would be speculative so I  
15 wouldn't want to -- I don't think I would want to get into it.

16                   I mean, my comment about that is, my only comment  
17 about that, and this is me speaking, is that I think Anita  
18 did not want to burn her bridges and I know -- I will say  
19 something else too. I know Anita was very concerned about  
20 making tenure at Oklahoma. And my assumption is that Anita  
21 had occasional contact with Judge Thomas to keep up the  
22 networking, to make sure she wasn't burning her bridges, to  
23 make sure she didn't make an enemy.

24          Q     You said that --

MR. COOPER: Could I move it forward to get this

1 story on the record, and the go back to this?

2 MR. STROM: Absolutely.

3 MR. COOPER: Okay.

4 BY MR. COOPER:

5 Q At the time when -- well, you said this was July of  
6 this year?

7 A Yes. And let me -- I think I said this before. I  
8 cannot tell you the specific date of the conversation. I  
9 know it was shortly after the nomination. It was before any  
10 of this broke. And I remember specifically opening up the  
11 conversation by saying, "You're probably sick of this  
12 subject," which leaves me to believe that it was probably  
13 more than a day or two after the nomination was announced.

14 And I was quoted in the Washington Post as having  
15 said it was a day or two, and I think that when I spoke to  
16 that reporter I started off by saying a day or two and then  
17 realized that that was too specific and that I couldn't  
18 verify that, and then said shortly afterwards. And what I  
19 got quoted as saying is a day or two.

20 Q Did she tell you the specific nature of her  
21 allegations or did she -- well, go ahead.

22 A No. And I didn't ask because, as I said, Anita was  
23 a very private person and she was respectful of other  
24 people's privacy and I felt like this was probably awkward  
and an invasion of her privacy to press for lurid details.

1 BY MR. STROM:

2 Q Can I ask one other question, please, if I might?

3 Here is what I am having a hard time understanding.  
4 You all just talked regularly while she was in Education and  
5 at EEOC and then you kind of lost contact when she moved away  
6 from Washington. You remained here and, in your words, I  
7 believe you said you only, you got occasional calls from  
8 Anita Hill.

9 And then -- if I could just finish the question.

10 And then --

11 A Well, let me clarify that occasional.

12 Q Yes.

13 A When I say occasional calls -- I also use the term  
14 occasional contact with Judge Thomas. I was I think -- and  
15 that was, according to the record, something like 10 phone  
16 calls over a period of whatever number of years, eight years.

17 I had more frequent contact than that with Anita  
18 Hill but it wasn't as regular as when she was here. It  
19 wasn't once a month.

20 Q Well, even -- that's fine, too. Let me -- here is  
21 my problem with this. She testified yesterday, and you said  
22 you heard it, that this was one of the most agonizing,  
23 anguishing, painful decisions that she had to make, that she  
24 hardly discussed it with anyone. And yet you said after the  
nomination she called you to say hello and to catch up, I

1 believe that is what you said, and then the conversation  
2 turned to Judge Thomas' nomination.

3 A I turned the conversation to Judge Thomas'  
4 nomination.

5 Q You turned it. And, of course, you inquired about  
6 what she thought, and then this most agonizing, painful,  
7 anguishing moment in her life came right to the surface and  
8 she told you about it, although you all only talked on  
9 occasion and she never mentioned it to you before ever while  
10 working with Judge Thomas.

11 Is that the way it happened?

12 A Would you just mind repeating the last part of it?

13 Q Sure.

14 A I'm sorry --

15 Q No. No. That's fine. You said after she left  
16 Washington and you said, and you clarified occasional, but  
17 you said you only had occasional conversations with Ms. Hill.  
18 Sometimes when she would come back to Washington, you would  
19 get together for dinner. And I am just assuming here, but I  
20 assume she never discussed Judge Thomas at dinner when she  
21 came back into Washington, about things that may have  
22 happened or may not have happened while she worked for him.

23 But then sometime after the announcement of the  
24 nomination she called you to say hello and to catch up, is  
25 what you said.

1 A Right.

2 Q So, after you all visited and you caught up, the  
3 conversation turned to Judge Thomas. She testified yesterday  
4 how painful this was. She had not told anyone or just a few  
5 people.

6 And I guess you all maintained that relationship.  
7 I am just wondering were you that close? Does it surprise  
8 you that she would tell you something that she said that she  
9 has kept all these years and hardly told anyone, and now that  
10 you have become something less than a close friend, just a  
11 friend, because you hadn't been around her in a while, does  
12 it surprise you that she would reveal that to you after  
13 hearing her testimony yesterday, and having not heard from  
14 her while working at Education and EEOC when you were close  
15 friends.

16 A I understand your question now. Your question is  
17 was I surprised that she chose me to tell this information  
18 too.

19 I can't say I was Anita's best friend at the time,  
20 but we had been very close and I think the only thing that  
21 kept us apart during recent years was the distance of --  
22 between us. And no, we -- I mean, no, we were close friends  
23 and I really can't answer the question other than that.

24 We were close -- we were very close friends. I  
think we would -- and we still are close friends. We just

1 don't talk to each other as much as we did.

2 BY MR. COOPER:

3 Q You stated earlier that she expressed her reticence  
4 about bringing this information forward, whether publicly or  
5 otherwise. Did you encourage her --

6 A No.

7 Q --to come forward?

8 A No. Absolutely not.

9 BY MR. STROM:

10 Q When did you talk to her last before she called you  
11 concerning Judge Thomas' nomination -- or just to catch up?  
12 I'm sorry.

13 A I honestly can't remember. It had been longer than  
14 usual and it had been probably a few months. Now let me  
15 clarify one other thing or mention one other thing. It's we,  
16 a good friend of mine is Keith Henderson. In fact, I -- he  
17 is -- I introduced Anita and Keith and they subsequently  
18 became friends, and they spoke as well. And sometimes I  
19 would hear from Keith that he spoke to Anita and she said  
20 "Hi" and so on. So, I mean I sometimes would get sort of a  
21 hello from Anita through another person as well.

22 Q So you hadn't talked to her probably in two or  
23 three months, your estimate, or four --

24 A Or possibly -- or possibly three

Q It had been longer than usual.



1 A Um-hum.

2 Q And, in this conversation when you all were  
3 catching up she revealed this incident to you before it  
4 became public --

5 A That's right.

6 Q -- and before she decided to go forward and share  
7 this painful experience that she alleges occurred?

8 A Yes.

9 Q Okay. That's fine. That's what I wanted. Thank  
10 you.

11 BY COOPER:

12 Q Okay. You did not encourage her to come forward  
13 with the information?

14 A Absolutely not.

15 Q When did you know that she had told someone other  
16 than you about her allegations?

17 A I had a conversation with Keith Henderson and he  
18 told me that he had spoken to Anita and that Anita had told  
19 him that she had been contacted by Senate staff and that she  
20 had agreed to provide them with the information that she had  
21 told me about, and that she had done so with the idea that  
22 the matter would be handled discreetly by the Senate Judiciary  
23 Committee.

24 Q Before we get into that, could you explain who  
25 Keith Henderson is?

1           A     Keith Henderson is a friend of mine. He's just a  
2 friend that I made in Washington. He did not go to Yale Law  
3 School. He's a close friend of mine. And he's a friend that  
4 goes back to, maybe, 1981.

5           BY MR. STROM:

6           Q     How did he know Anita Hill?

7           A     He met Anita through me.

8           Q     Oh, I see.

9           BY CALDWELL:

10          Q     So when you spoke with Anita on the phone, you  
11 didn't ask her or she didn't state whether or not she had  
12 told anyone else this information about the events?

13          A     I don't recall that conversation. I recall some of  
14 the conversation, the parts that I have mentioned, and I  
15 recall them very vividly. I can't tell you for sure that  
16 that part of the conversation never took place, but I can tell  
17 you for sure that I don't recall it.

18          Q     I want to explore that conversation just a little  
19 bit.

20                   What was your general reaction to her comments?

21          A     I think my first reaction was "poor Anita," what a  
22 horrible thing for somebody to have to go through. At some  
23 point shortly after that I linked in my own mind her unhappi-  
24 ness with these allegations and it was all of a sudden the  
puzzle seemed to me to make more sense. I, it seemed to me,

1 no wonder. This is why Anita was unhappy. This is why Anita  
2 moved back to Oklahoma.

3 Q Did you express that to her on the phone?

4 A No. I mean, I, I -- I hung up the phone and I  
5 thought about it for a while. It was disturbing to me. And  
6 I think it was after that.

7 Q Before the phone call, is there a circle of friends  
8 that you may have just discussed generally, "Gee, Anita seems  
9 unhappy in light of having this experience"?

10 A I think a lot of her friends were aware of that and  
11 a lot of her -- I mean, any of her friends that you asked I  
12 think would say that.

13 Q After the phone call, did you discuss this with  
14 those friends?

15 A I remember mentioning this to three people. So I  
16 mentioned it to three friends of Anita's and mine. One of  
17 the people wasn't really a friend of Anita's, someone who had  
18 met Anita, was my roommate. Two of the people were mutual  
19 friends of Anita, one of whom was Keith Henderson.

20 I didn't mention this right away. I mentioned this  
21 to Keith sometime in September.

22 BY MR. STROM:

23 Q Mr. Phillips, you said you were aware that she was  
24 having stomach problems while she was at EEOC, I guess it  
25 was, because you all were close at that time and you talked

1 on a regular basis. And I guess you knew then or you learned  
2 after her testimony yesterday that she was hospitalized for a  
3 period of time because of that.

4 A Um-hum.

5 Q Were you aware of that at the time that she was  
6 hospitalized.

7 A Yes.

8 Q Did you attribute that to -- those stomach problems  
9 to her diet or to some stress-related problems? And,  
10 considering your closeness to her, did you go visit her in  
11 the hospital during that time?

12 A I think I found out about it right at the end of  
13 her hospital stay and I didn't visit her in the hospital.

14 Q What did you attribute her stomach problems to,  
15 just based on your conversations with her? Or did you have  
16 conversations --

17 A I thought it was stress.

18 Q You thought it was stress?

19 A Right.

20 Q Is that based on your discussions with her? Did  
21 she tell you?

22 A I don't, I mean I have it in my mind right now that  
23 it was stress and I don't know. I would imagine that Anita,  
24 that maybe Anita told me it was stress. I mean I don't know  
25 why I would have come to that conclusion myself.

1 Q From her workload? Or what did you attribute the  
2 stress to, I mean, being as close as you were to her? Did  
3 she mention something at work caused the stress, or something  
4 in her family life, or something here in Washington?

5 A It was not attributed to her family life and there  
6 was nothing wrong with her social life in Washington. You  
7 know, as I said, she had a lot of friends -- and let me make  
8 this clear. Anita was very, very well liked in law school.  
9 Everybody liked Anita. She was one of these people that had  
10 friends sort of in every corner of the law school. She  
11 really was someone who could bridge gaps.

12 And a lot of people from Yale came to Washington,  
13 and there were a lot of us here. And I know she had other  
14 friends. And I attributed it, I think, to work pressures.

15 Again, I had no -- you know, I didn't even imagine  
16 that sexual harassment was going on.

17 Q Because she didn't discuss that with you then.

18 A She did not discuss it with me.

19 Q But yet she called you after she had moved away  
20 from Washington, after -- you said that then you didn't see  
21 her on a regular basis, you all didn't talk on a regular  
22 basis, just occasionally, but she would come back -- my  
23 problem is that you all were very close at that time, yet she  
24 chose to come and tell you this after a long period of time  
when you all had not been that close.

1 Q From her workload? Or what did you attribute the  
2 stress to, I mean, being as close as you were to her? Did  
3 she mention something at work caused the stress, or something  
4 in her family life, or something here in Washington?

5 A It was not attributed to her family life and there  
6 was nothing wrong with her social life in Washington. You  
7 know, as I said, she had a lot of friends -- and let me make  
8 this clear. Anita was very, very well liked in law school.  
9 Everybody liked Anita. She was one of these people that had  
10 friends sort of in every corner of the law school. She  
11 really was someone who could bridge gaps.

12 And a lot of people from Yale came to Washington,  
13 and there were a lot of us here. And I know she had other  
14 friends. And I attributed it, I think, to work pressures.

15 Again, I had no -- you know, I didn't even imagine  
16 that sexual harassment was going on.

17 Q Because she didn't discuss that with you then.

18 A She did not discuss it with me.

19 Q But yet she called you after she had moved away  
20 from Washington, after -- you said that then you didn't see  
21 her on a regular basis, you all didn't talk on a regular  
22 basis, just occasionally, but she would come back -- my  
23 problem is that you all were very close at that time, yet she  
24 chose to come and tell you this after a long period of time  
25 when you all had not been that close.

1 A Well.

2 Q Do you find that unusual?

3 A I mean not necessarily. I mean I -- there are lots  
4 of possible explanations. An obvious one is that at the time  
5 the sexual harassment was going on Anita didn't feel  
6 comfortable talking to it about -- didn't feel comfortable  
7 talking about it to very many people at all. I think to a  
8 certain degree Anita still feels uncomfortable talking about  
9 it, but she is more secure professionally, she is, has been -  
10 - she has distanced herself from it in time, so she may just  
11 feel more comfortable talking about it generally and that's  
12 why she was able to talk about it with me now, rather than at  
13 the time it was happening.

14 Q Well, when you say now, you mean before, before  
15 that information was leaked and before she was confronted  
16 with her statement but after Judge Thomas' nomination? It  
17 was before she had--

18 A Right.

19 Q -- had had to discuss it in the press.

20 A Right. Right.

21 Q So it is not now contemporaneously with her  
22 testimony?

23 A No. No. No. Right.

24 BY MR. CALDWELL:

Q Mr. Phillips, would you consider her relaying to

1 you the events a very private thing with her?

2 A Could you be more specific?

3 Q Well --

4 A I mean private in what way? The fact that she had  
5 been sexually harassed?

6 Q Something very personal to her. Something very  
7 private. Deep, dark secret. Something that a person may,  
8 you know, write into a diary. Something personal of that  
9 nature. Would you consider that?

10 A Well, yes and no. Obviously, it's a personal  
11 matter. But she hadn't told me about it and I would not ask  
12 her the details. I consider that to be personal.

13 The fact that she had been sexually harassed, I  
14 wouldn't go telling that, broadcasting it to the world. I  
15 did share that information to, with two of her close friends.

16 Q Throughout your relationship, say from law school  
17 up to the present, can you recall whether there is anything  
18 else -- I use this word a little loosely -- similarly  
19 personal or private which she may have conveyed to you?

20 A I don't think there ever was anything similarly  
21 personal or private.

22 Q That is why I use it loosely. Were there other  
23 private personal events in her life that she may have related  
24 to you?

25 A There were none of anything approaching this level



1 of significance. We talked about our social lives in general  
2 terms. As I said, Anita was, was a private person. I would  
3 know that she was dating somebody. I would know whether she  
4 liked the person or not and generally, and how things were  
5 going. I wouldn't know any of the more intimate aspects of  
6 their relationship.

7 BY MR. STROM:

8 Q Mr. Phillips, when she called you after President  
9 Bush nominated Judge Thomas to sit on the Supreme Court and  
10 you all -- as you say, the call was just to catch up. When  
11 the conversation turned to Judge Thomas and you asked her  
12 opinion of it, did she say, I'm disappointed because he  
13 sexually harassed me, or did she say, Well, Gary, I want to  
14 discuss something with you very personal and very private and  
15 I want you to keep it confidential, or did she say --

16 A She said -- sorry to interrupt. Do you want to  
17 finish?

18 Q No. Or did she say, Keep this private, Gary, but I  
19 want to tell you what happened? Did she give any opinion  
20 other than what she allege{ occurred while working with Judge  
21 Thomas as to his fitness to serve on the bench, or did she  
22 just start right in with what she says happened?

23 A She said that the reason she left the EEOC was that  
24 she had been sexually harassed.

25 Q That was her response to Judge Thomas' --

1           A     She may have said, and I think she said -- I can't  
2 swear to it -- she may have prefaced that by saying I never  
3 told you this before but the reason I left the EEOC was that  
4 I was sexually harassed.

5           Q     What was your question to her to prompt that  
6 response?

7           A     My question to her was to ask her what she thought  
8 of the nomination.

9           Q     She didn't tell you what she thought other than the  
10 reason I left. I guess it was implicit in your mind then how  
11 she felt about the nomination?

12          A     We discussed -- to my recollection, we discussed  
13 that. I mean I had posed the question thinking of it in  
14 more, you know, what do you think of his mind, and I think  
15 that the -- to my recollection, that was her response.

16                   BY MR. CALDWELL:

17          Q     No other expansion on that? You didn't talk about  
18 his philosophy, you didn't talk about his mind? Did it stop  
19 right there, to the best of your recollection?

20          A     I don't remember. And just, it's possible we could  
21 have, but it strikes me as -- that we wouldn't have because  
22 it would just seem almost ridiculous to, well, what did you -  
23 - you know, after she says he sexually harassed me to say,  
24 "Well, what did you think of his legal scholarship?"

                  BY MR. STROM:

1 Q But she responded when you said, "What do you think  
2 of Judge Thomas' nomination?" she responded, "I left the EEOC  
3 because he harassed me."

4 A I don't remember whether she said something  
5 inconsequential before that. Let me clarify that. I mean I  
6 don't, I can't sit here and tell you the chit-chat that we  
7 had before this conversation. The significant aspects of the  
8 conversation stick out vividly in my mind, and it's possible  
9 that there was sort of some, you know, kind of stuff that  
10 didn't stick out in my mind that was the prelude to that.

11 But I know that she said, after I asked her what  
12 she thought of the nomination -- she did not bring up the  
13 subject. I brought up the subject. And, after I brought up  
14 the subject, she may have said something sort of innocuous or  
15 certainly less dramatic first. But whether it was the first  
16 thing she said or the second or the third, she then said,  
17 "The reason I left the EEOC was that I had been sexually  
18 harassed by him."

19 Q Did she tell you she was going to go forward and  
20 tell anyone else of this during the nomination process?

21 A She told me she was not. She told me she was not  
22 inclined to.

23 Q And did she tell you that of her own volition or  
24 did you further inquire?

A I think that was my next question when she said

1 that. I asked her if she was going to go forward and she  
2 indicated that she wasn't going to.

3 Q That was between July and when she was contacted by  
4 Senate staffers here?

5 A That's right.

6 Q And she told you she was not inclined to go forward?

7 A That was between the announcement of the nomination  
8 and before she was contacted.

9 BY MR. HARTLEY:

10 Q Why do you think she changed her mind and chose to  
11 go forward?

12 A Well, as I said, when I asked her if she was going  
13 to go forward she didn't unequivocally say no way, absolutely  
14 not. She indicated that she was not inclined to, and it  
15 seemed to me that she was struggling with that issue. It  
16 just -- and she was bothered by that.

17 And I don't remember the specific words she said,  
18 but the clear impression to me was that she was -- at that  
19 time did not intend to go forward but, you know, hadn't  
20 closed the door on it.

21 Q Have you talked to her subsequent to that phone  
22 conversation?

23 A We've traded phone calls and we played a pretty  
24 long game of telephone tag and kept missing each other.

BY MR. STROM:

1 Q You know she taught some civil rights courses, she  
2 worked at EEOC. Did she specifically use the term "sexually  
3 harassed" to you in that phone conversation, or did she give  
4 you specifics of what she alleged?

5 A No, she used the term.

6 Q Sexually harassed?

7 A Yes.

8 Q Because I know she did not use it in her statement  
9 and that's why I find that significant.

10 A Well, I mean my understanding of that issue is that  
11 her view was that Clarence Thomas had engaged in sexual  
12 harassment. She felt that whether legally it was sexual  
13 harassment was really irrelevant. What was relevant was that  
14 this was -- or was not relevant in the sense that this is not  
15 a legal claim of sexual harassment. Obviously, the difference  
16 between breaking the law and not breaking the law is relevant.  
17 But she felt that what was important was to get the informa-  
18 tion before the Committee and have them consider it for what  
19 it was.

20 So, I think that was -- I mean that is my under-  
21 standing of that issue.

22 Q She knows sexual harassment is a term of art. She  
23 worked at EEOC. She has taught civil rights courses, and she  
24 knows that that is a legal term that is used to describe  
25 certain actions. So she, I guess, felt comfortable telling

1 you that that is what occurred.

2 A I think in her mind what occurred is sexual  
3 harassment. I think she believes that the conduct that  
4 occurred or that she alleges occurred, I will say that, you  
5 know, for the record --

6 Q How do you explain then when she later talked to  
7 the press that she said I did not use the term sexual  
8 harassment in my statement?

9 A I haven't seen her statement, so I don't know  
10 whether she did or not.

11 Q She said yesterday that she did not, and she said  
12 to the press that she did not.

13 A I think she testified yesterday on that point, and  
14 she testified as I said just now, which is that it was her  
15 intention to bring this information to the Committee so that  
16 the Committee could consider it. This is not a court of law  
17 and she was not bringing a legal claim. And she said, yes,  
18 in my mind this is sexual harassment but I think whether or  
19 not as a legal matter this is sexual harassment may be to  
20 disguise the real issue, because this may be considered  
21 inappropriate and disqualifying conduct even if as a legal  
22 matter this is not sexual harassment. So, to get into an  
23 argument as to whether this is sexual harassment is really to  
24 create a red herring.

1 knowledge that you have that you can bring to bear on this  
2 matter? Is there anything else that you want to discuss?  
3 Because if not, I have concluded my questions.

4 BY MR. COFFIN:

5 Q When you were in law school with Anita Hill, who  
6 were her three or four closest friends?

7 A I will just qualify this by -- I will qualify my  
8 answer by saying this is my perception of who were.

9 Q Of course.

10 A Okay. I will name a few of her closest friends.  
11 Sonia Jarvis would have to be one. Kim Taylor would have to  
12 be another. I know that she was very close to Sue Hershner,  
13 but I was closer to Sonia and Kim than I was to Sue Hershner.  
14 So I was more aware of her relationship with Sonia and Kim,  
15 so it's hard for me to say.

16 Q Okay. And, when you were in Washington with her,  
17 who were three or four of her closest friends here in  
18 Washington, during the time -- you know, that time frame?

19 A She was dating somebody when she was in Washington.  
20 He was a resident, medical resident, and so I would assume  
21 that he would be. But I -- that's not a friend, so let me,  
22 let me back-track a little bit.

23 Sonia was in Washington and Anita lived with Sonia,  
24 so obviously Sonia would have to be one. I don't know, see -  
- I mean, again, as I said, Anita had a whole circle of

1 friends outside of her law school friends and I wasn't part  
2 of that other circle in Washington. So I sort of saw her in  
3 the context of

4 Q Okay. Well, among the law school friends, though,  
5 you said Sonia --

6 A Among the law school friends, I would say Sonia and  
7 Kim. Kim was in Washington.

8 Q Kim?

9 A Yes.

10 Q Okay. Now, the next question for you is do you  
11 know John Carr?

12 A No.

13 Q You don't.

14 BY MR. HARTLEY:

15 Q Do you know who John Carr is?

16 A I've heard the name.

17 Q Do you know if he -- if John Carr and Anita Hill  
18 are friends? And where did you hear the name?

19 A I just heard the name in the context of this  
20 hearing, and I may have heard the name before but I don't  
21 remember.

22 BY CALDWELL:

23 Q Just a couple of things with regard to her

24 indication that she was not inclined to go forward in the  
conversation you had with her. Did she ask you or did you



1 sense she was asking you your advice on whether or not she  
2 should go forward?

3 A I don't think so, and I would not have felt like it  
4 was my position to advise her on something like that. I think  
5 that is an intensely personal matter and it is something that  
6 only she can decide for herself.

7 Q And the only other question I have is --

8 A I just want to say one other thing which is  
9 relevant, and this is again my understanding. Anita, I mean  
10 the suggestion has been raised that Anita might have been a  
11 political pawn or something like that. Anita is not at all a  
12 political person. Anita, in fact, was -- I mean to the  
13 extent that Anita had political views, they tended to be  
14 moderate to conservative, and in my opinion any suggestion  
15 that she might captive to a liberal special interest group is  
16 completely out of character with Anita. In my own view that  
17 is just completely ludicrous.

18 Q That seems to suggest political in the movement  
19 sense. What about political or opportunistic in the career  
20 advancement sense?

21 A Well, I don't see how anyone would think that this  
22 would advance her career.

23 Q But there are questions about why she--and she  
24 admits that, that it was an advancement, her accession, if  
you will, in the civil rights field, to move from OCR over to

1 EEOC.

2 A Oh, okay. I think going to the EEOC clearly was,  
3 and I think that the questions on that issue tended to focus  
4 on why Anita thought she might lose her job if she stayed at  
5 Education, and that was, she said, one of the factors she  
6 considered. I mean, everybody in this room I am sure knows  
7 that one of the things you don't do, if you are an attorney  
8 in Washington, is take a step down, especially if you are  
9 young in your career.

10 And wholly apart from the issue of whether she  
11 could have worked for Thomas' successor at Education, to go  
12 from being the special assistant to an Assistant Secretary to  
13 being a staffer would be a terrible career move, and at the  
14 same time she was being offered a very, very good career  
15 position. You know, if you are a young attorney interested  
16 in civil rights law and you are two years out of law school,  
17 being a special assistant to the head of the EEOC is about as  
18 good a job as you can get.

19 So I think that combining all those factors, and  
20 most especially the fact that the harassment had ceased at  
21 that point and she had no reason to believe that it would  
22 start up again, I think that decision was retrospectively  
23 maybe the wrong one, but at the time, for her, a reasonable  
24 one.

Q And my last question is, how did we find out about

1 you and about the conversation? How did we find out about  
2 that?

3 A You tell me that.

4 MR. COOPER: I am not sure how we found out about  
5 him, and I can't say how the committee found out about him.  
6 I have certainly read about you, but I am not the person that  
7 brought you to the committee.

8 BY MR. HARTLEY:

9 Q Who have you talked to? Who have you spoken to?

10 A I spoke to Morgan Frankel, and I believe that, and  
11 this is the extent of my knowledge on this--I was a fellow  
12 classmate. Morgan Frankel was a classmate of mine. And a  
13 classmate named Jeff Cunard must have read the account in the  
14 paper, and I don't know whether Morgan did independently, but  
15 I was talking to them at about the same time, and then just a  
16 few minutes later you called me.

17 BY MR. CALDWELL:

18 Q I'm sorry. Who is Morgan Frankel?

19 A I thought he was--is he not a Judiciary Committee  
20 staffer?

21 BY MR. HARTLEY:

22 Q I have never heard the name before in my life.

23 A I do not know.

24 BY MR. CALDWELL:

Q Did he tell you that he was a Judiciary Committee

1 staffer?

2 A Obviously not, if he wasn't.

3 Q No. I mean, that could happen. There are a lot of  
4 people up here.

5 BY MR. HARTLEY:

6 Q Did he say, "I am Morgan Frankel, and I work  
7 for..." --

8 A I thought he did. This all happened just on  
9 Thursday. Was it Thursday? I was planning on going away  
10 this weekend. In fact, I did.

11 Q Where to?

12 A I had a non-refundable ticket to Miami, and I was  
13 going to visit my brother down there. I had tickets to the  
14 Miami Hurricanes-Penn State game today, and I had a 6 o'clock  
15 flight. I was in my office, and at about--it was late  
16 afternoon, I mean it was probably 4 o'clock in the afternoon,  
17 I got a call from Jeff Cunard, and Jeff Cunard asked me if I  
18 was going to be testifying.

19 Q Excuse me. Who is he?

20 A He is a law school classmate.

21 Q Oh, okay.

22 A He asked me if I was going to be testifying. I  
23 said I hadn't heard anything about that. I had left a  
24 message with Sonya Jarvis, who is close friends with Anita  
and is sort of, I think, working closely on this, that I was

1 planning on going away for the weekend, and if I was going to  
2 be needed, to let me know, and I hadn't heard anything so I  
3 assumed I wasn't going to be called.

4 And then Jeff, a party line, hooked up on a  
5 conference call with Morgan, and I thought that Morgan then  
6 called you.

7 BY MR. COOPER:

8 Q I don't know. That is a possibility. Morgan did  
9 not, this person did not call me personally. Whether this  
10 person called any person connected with any Senator on this  
11 committee--

12 A And then you called me back and I spoke to you, and  
13 at that point it wasn't clear whether I was going to testify  
14 or not, so I decided to go.

15 BY MR. CALDWELL:

16 Q So Cunard is a friend of yours. Is he associated  
17 with the staff or the committee?

18 A No, not that I know of.

19 BY MR. HARTLEY:

20 Q What does he do for a living? Do you know?

21 A He graduated in our law school class. I believe he  
22 works for a law firm but I don't know for sure. I know he  
23 did at one time. I hadn't spoken to him in many months, and  
24 I am sure that he contacted me. I don't know for sure, I am  
speculating, but given that I hadn't spoken to him, I assume

1 that he was contacting me because he had read what I told the  
2 Washington Post

3 BY MR. CALDWELL:

4 Q And the Post did not indicate how they found out  
5 about you?

6 A In the article?

7 Q No, you personally, when you were approached by the  
8 Post reporter.

9 A I approached the Post reporter, but the Post  
10 reporter approached one of my housemates from law school.  
11 There were a few of us that lived in a house off-campus.  
12 Bill Hassler. And this is what I was told. I don't know this  
13 first-hand.

14 The article appeared on a Monday--I am getting a  
15 little confused as to time--the article appeared Monday  
16 morning. On Sunday evening I was at home, and one of my  
17 other housemates, Larry Starfield, called me at home and said  
18 that a Washington Post reporter had contacted Bill and she  
19 was doing a story on Anita. He didn't give her my name  
20 because he respected my right to not say anything if I didn't  
21 want to. He had her name and number, and I took it and I  
22 called her because I had read, frankly, I had read the story,  
23 the account--no, it was the next day--I guess I had read sort  
24 of some of the smears that were beginning and, you know, I  
mean, this was--I think it was clear to me that people were

1 going to be engaging in character assassination. And I can  
2 tell you I feel very, very strongly that as far as I know,  
3 Anita is a person of absolute integrity. And I don't like  
4 being here; I would have much rather been in Miami, frankly.  
5 I am nervous about the prospect of testifying, and I would  
6 not have made myself as available as I did if I didn't feel  
7 from the bottom of my heart that Anita is a person of  
8 absolute integrity.

9 MR. COOPER: I have no questions. Did you want to  
10 say anything else for the record? If you feel like putting  
11 anything in, you know--

12 MR. PHILLIPS: No.

13 MR. COOPER: Okay. Thank you very much.

14 [Whereupon, at 1:10 p.m., the interview concluded.]