

# NOMINATIONS OF NATHAN J. STARK, WILLIAM B. WELSH, AND BILL M. WISE

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## HEARING BEFORE THE COMMITTEE ON FINANCE UNITED STATES SENATE NINETY-SIXTH CONGRESS

FIRST SESSION

ON

THE NOMINATIONS OF

NATHAN J. STARK, TO BE UNDER SECRETARY OF HEALTH,  
EDUCATION, AND WELFARE; WILLIAM B. WELSH, TO BE  
ASSISTANT SECRETARY OF HEALTH, EDUCATION, AND WEL-  
FARE FOR LEGISLATION; AND BILL M. WISE, TO BE ASSIST-  
ANT SECRETARY OF HEALTH, EDUCATION, AND WELFARE  
FOR PUBLIC AFFAIRS

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OCTOBER 30, 1979

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Printed for the use of the Committee on Finance



U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1979

HG 96-46

54-087

5361-70

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**NOMINATIONS OF NATHAN J. STARK, TO BE UNDER SECRETARY OF HEALTH, EDUCATION, AND WELFARE; WILLIAM B. WELSH, TO BE ASSISTANT SECRETARY OF HEALTH, EDUCATION, AND WELFARE FOR LEGISLATION; AND BILL M. WISE, TO BE ASSISTANT SECRETARY OF HEALTH, EDUCATION, AND WELFARE FOR PUBLIC AFFAIRS**

**TUESDAY, OCTOBER 30, 1979**

**U.S. SENATE,  
COMMITTEE ON FINANCE,  
Washington, D.C.**

The committee met, pursuant to notice, at 10:15 a.m. in room 2221, Dirksen Senate Office Building, Hon. Russell B. Long (chairman of the committee) presiding.

Present: Senators Long, Talmadge, Ribicoff, Bentsen, Bradley, Dole, Chafee, Heinz, Wallop, and Durenberger.

The CHAIRMAN. I would suggest that we call the committee to order and hear from Mr. Nathan J. Stark, the Under Secretary of Health, Education, and Welfare.

Is he here?

Mr. STARK. Yes.

[The biographical data of Mr. Stark follows:]

**NATHAN J. STARK**

1974 to present: Senior Vice Chancellor for Health Sciences, University of Pittsburgh. President, University Health Center of Pittsburgh. Responsible for academic and operation of six schools of health sciences, and for the coordination of six hospitals. Coordinate joint services for the health center.

1959-74: Senior Vice President Operations, Hallmark Cards, Inc., Kansas City, Mo. Responsible for all domestic operations including manufacturing, advance technical services; as well as functional responsibility for all international operations. Member, Board of Directors.

1954-59: Vice President, Rival Manufacturing Company, Inc., Kansas City, Mo. General Manager for all plants.

1953-54: Private Practice of Law, Downey-Abrams-Stark & Sullivan, Kansas City, Mo. Engaged in the general practice of law.

1951-53: Assistant General Manager, Rival Manufacturing Company, Inc., Kansas City, Mo.

1949-51: Plant Manager, The Englander Company, Chicago, Ill., and North Kansas City, Mo. Started as a management trainee immediately following discharge from service. Became personnel manager in Chicago and then plant manager in North Kansas City. Responsible for the manufacturing of mattresses and box springs.

1942-46: Active duty, U.S. Merchant Marine and Lecturer, U.S. Maritime Service Officers' Upgrade School, New York, N.Y.

1943: U.S. Merchant Marine Academy, Kingspoint, Long Island, Bachelor of Science

1947: Illinois Institute of Technology, Chicago Kent College of Law, J.D. Member of Illinois and Missouri bar.

1965-70: Vice Chairman, Health Insurance Benefits Advisory Council, DHEW. Appointed by Secretary Gardner for a four year term. Advised the Secretary on regulations for Medicare.

1973: Elected member of the National Academy of Sciences, Institute of Medicine. Served three years as a member of the Institutes Council.

The CHAIRMAN. Mr. Stark, I would invite you to take a chair there.

Mr. Stark, did you discuss any potential conflict of interest with the members of the staff and the administration?

### STATEMENT OF NATHAN J. STARK

Mr. STARK. Yes, I have, Senator.

The CHAIRMAN. Have those matters been cleared?

Mr. STARK. Yes, sir.

The CHAIRMAN. Now, do you have any questions to ask of the witness?

Senator TALMADGE. I have no questions, Mr. Chairman, Mr. Stark gave me the courtesy of coming by for a brief visit. He seems to be professionally well qualified.

The CHAIRMAN. I have no further questions to ask of Mr. Stark. We will just excuse you for a moment.

Is Dr. M. Oskoui here?

Thank you. Mr. Oskoui, if you would have a seat?

Mr. OSKOU. Thank you very much.

### STATEMENT OF DR. M. OSKOU, ASSOCIATE PROFESSOR, UNIVERSITY OF PITTSBURGH

Mr. OSKOU. I have a prepared statement which has been turned in to the staff director. With your concurrence, I would like to introduce it into the record and summarize it very briefly here.

Mr. Chairman and members of the committee, thank you for the privilege and honor of this opportunity to appear before the committee to offer you certain information which is important that you have in your consideration of Mr. Nathan J. Stark who has been nominated for the position of Under Secretary of the Department of HEW.

I posit the assessment based on his record at the University of Pittsburgh that Nathan Stark should not be confirmed for this important position at HEW for three reasons. These are: that he has a deplorable record of violation of civil rights laws, he is not a capable manager and he will, if confirmed, have a conflict of interest since he is to remain an employee of the University of Pittsburgh as well as a civil servant in this high office.

The records of HEW, the Department of Labor, and other Federal agencies show that historically the University of Pittsburgh, and specifically the schools of the health professions have been cited by these agencies for noncompliance with equal employment programs and with violations of civil rights law, and by more than 100 individual employees who have registered complaints of employment discrimination.

In 1976, for example, the then-Secretary of Labor filed suit against the University of Pittsburgh in U.S. District Court of Western Pennsylvania (Civil Action No. 76-138) for violation of the provisions of

the Fair Labor Standards Act, indicating that defendant University of Pittsburgh had repeatedly violated the act by "discriminating on the basis of sex \*\*\*."

These charges and citations have been generally ignored by the university which has consistently refused to redress and correct violations of law and acted with immunity and impugntiy with respect to the law. Mr. Stark in his administration from 1974 on; has not only ignored these serious situations but these conditions throughout his tenure have been exacerbated. Reprisal and harassment of those who have brought charges of discrimination have continued with intensity.

Considering the millions of tax dollars that HEW grants to this institution, especially to the health professional schools, the taxpayers have had a right to expect proper response to the civil rights mandate and contract compliance at this institution, which however, it has never received. On this basis, Mr. Stark should not be further rewarded by placement in an even more sensitive and responsible role as Under Secretary of HEW.

In 1976, the report of the National Commission on the Observance of International Women's Year to the President highlighted the struggle in education at the University of Pittsburgh against employment discrimination toward women. The record also shows Federal Judge Knox, when he reviewed the University of Pittsburgh Health Center, in his opinion, stated the health center had a negative affirmative action program. Several professional women in the schools of the health professions either have committed suicide or have died in situations of extreme stress connected with acts of discrimination against them at this university.

As a tenured associate professor at the University of Pittsburgh, I have had occasion to observe and experience employment discrimination and retaliation and violation of contract compliance. The EEOC investigated my charges and found cause to believe that my charges were true and that the university had indeed engaged "in unlawful employment practices under title VII of the Civil Rights Act of 1964, as amended."

I have protested several specific situations of employment discrimination at the University of Pittsburgh and have made public statements in support of equal employment opportunity. As retaliation and punishment for these honorable acts, in the United States of America I have been progressively more severely harassed and discriminated and retaliated against.

Nathan Stark has had numerous opportunities and the authority over the last 5 years to resolve and redress the injustices in this case and in others, but has not done so.

A further reason why Mr. Nathan Stark should not be confirmed as Under Secretary of HEW is that he is not a capable administrator in the health professions. Since his arrival in 1974, numbers of capable professional people at the University of Pittsburgh have left and the university has concomitantly been unable to attract capable replacement professors, particularly those for positions as chairmen.

Many positions are filled on an acting basis.

In medical circles, the schools for the health professions are humorously referred to as "acting schools of health professions."

Is this the kind of stewardship talent that you wish to see at the highest levels of the Department of HEW? Finally, it is stated for the

record that Nathan Stark has been granted a leave of absence for a period of 18 months to take up his duties at HEW. In fact, he is already in residence at HEW. However, he remains very much an employee of the University of Pittsburgh.

Given the fact that HEW annually awards the University of Pittsburgh several millions of dollars in grants and contracts, it places considerable doubt that conflict of interest in administering these taxpayers' funds can be avoided.

Because he is Under Secretary, the likelihood is that those under his supervision who award these funds will be more generous in their awards to the University of Pittsburgh, and less critical of failure to comply with title VI and title IX by the receiving institution, the University of Pittsburgh, which has always had a deplorable record of discrimination and violation of contract compliance even when one of its own was not sitting at HEW distributing the largesse.

In closing, I strongly urge—on behalf of the taxpayers and the minorities of this country—that you decline to confirm Nathan Stark and I recommend that an administrator of proven managerial qualifications and commitment to equal employment opportunity be recommended to you. Also, an effective hearing and investigation of the discriminatory practices at the University of Pittsburgh is badly needed.

It is of the utmost importance that Congress not overlook in the qualifications of persons it considers confirming, their record of violation or compliance with the civil rights laws which have been made by Congress itself. If the Congress does not thus firmly espouse the cause of the oppressed in this country, then the appropriate U.S. Government stand and expressions of support for human dignity and American justice will be globally undercut and opposition to social and political injustice and criticism of human rights violations in other countries will be meaningless.

I have been committed to those principles of equal opportunity and the freedom to speak out without fear of reprisal. I have already paid dearly for this commitment and may again for having come to you today.

It is my belief that it is a human duty to ask other men to do good deeds and also to keep men from doing wrong. By virtue of your offices and your good intentions you have a great opportunity and power to contribute to the effective implementation of the laws of this land and through them the preservation of human and civil rights.

Thank you again for the privilege and honor of this opportunity to appear before you. Mr. Chairman, that concludes a summary of my statement. I will be glad to answer any questions you or any member of the committee may have.

The CHAIRMAN. Any questions?

Senator TALMADGE. No questions.

The CHAIRMAN. Do you have any questions?

Senator HEINZ. No.

The CHAIRMAN. Thank you very much.

Mr. OSKOU. Thank you very much.

[The prepared statement of Dr. M. Oskoui follows:]

STATEMENT OF DR. M. OSKOU, ASSOCIATE PROFESSOR

Mr. Chairman and members of the Committee, good morning. I am Dr. Oskoui, a tenured Associate Professor of Pharmacology at the University of Pittsburgh Health Center to which I came in 1968. Thank you for the privilege and honor of this opportunity to appear before the Committee to offer you certain information which is important that you have in your consideration of Mr. Nathan J. Stark who has been nominated for the position of Undersecretary of the Department of HEW. The record shows that Mr. Nathan J. Stark has been Vice Chancellor of the Schools of Health Professions at the University of Pittsburgh since the Fall of 1974. It is his record at this University which I wish to bring to your attention. I posit the assessment based on his record at the University of Pittsburgh that Nathan Stark should not be confirmed for this important position at HEW for three reasons. These are: that he has a deplorable record of violation of and non-support of civil rights law, he is not a capable manager, and he will, if confirmed, have a conflict of interest since he is to remain an employee of the University of Pittsburgh as well as a civil servant in this high office.

Nathan Stark should not be confirmed to a position of Undersecretary in HEW with its enormous authority and administrative responsibility for supervision of the Office for Civil Rights because of his own poor performance in administering the equal employment opportunity and compliance responsibilities at the University of Pittsburgh Health Center over the last five years. HEW provides by contract and grant, millions of dollars to institutions of higher learning all over the country, which it is now proposed Nathan Stark be given considerable authority over.

The records of HEW, the Department of Labor, and other Federal agencies show that historically the University of Pittsburgh, and specifically the Schools of the Health Professions have been cited by these agencies for non-compliance with equal employment affirmative action plans and programs and with violations of civil rights laws, and by more than 100 individual employees who have registered complaints of employment discrimination in charges to the Office for Civil Rights of HEW, the Department of Labor and the EEOC. In 1976 the then Secretary of Labor filed suit against the University of Pittsburgh in U.S. District Court of Western Pennsylvania (Civil Action No. 76-138) for violation of the provisions of the Fair Labor Standards Act, indicating that defendant University of Pittsburgh had repeatedly violated the Act by "discriminating on the basis of sex . . ."

These charges and citations have been generally ignored by the University which has consistently refused to redress and correct the violations of law and acted with immunity and impunity with respect to the law. Mr. Stark in his administration from 1974 on has not only ignored these serious situations and violations of law but these conditions throughout his tenure have been exacerbated. Reprisal and harassment of those who have brought charges of discrimination and violation of Civil Rights laws have continued unabated and with intensity.

Considering the millions of tax dollars that HEW grants to this institution, especially to the Health Professional Schools, the taxpayers have had a right to expect proper response to the civil rights mandate and contract compliance at this institution, which however, it has never received. On this basis, Mr. Stark should not be further rewarded by placement in an even more sensitive and responsible role as Undersecretary of HEW.

Discrimination and retaliation at this University and especially in the Schools of Health Professions has been rampant and unrelenting over the years. In 1976 the Report of the National Commission on the Observance of International Women's Year highlighted Dr. Sharon Johnson's struggle at the University of Pittsburgh against discrimination toward her. The record also shows Federal Judge Knox when he reviewed the University of Pittsburgh Health Center, in his opinion, stated the Health Center had a negative affirmative action program. Several professional women in the Schools of the Health Professions either have committed suicide or have died in situations of extreme stress connected with acts of discrimination against them at this University. The records have also shown that numerous other women have not received equal employment consideration and others have left as a solution to discrimination. Similarly, discrimination based on race and national origin has been charged over and over at this University.



As a tenured Associate Professor at the University of Pittsburgh, I have had occasion, unfortunately to file charges of employment discrimination and retaliation and violation of contract compliance with HEW, DOL and with the EEOC against my employer, the University of Pittsburgh. The EEOC investigated my charges and found cause to believe that my charges were true and that the University had indeed engaged "in unlawful employment practices under Title VII of the Civil Rights Act of 1964, as amended". The Commission invited the parties to join with it in a collective effort toward a just resolution of this matter. However, the University did not do so in good faith and continued as they do today, discrimination and retaliation against me.

In 1972, Congress extended coverage of the Civil Rights Act to institutions of higher learning because of pervasive violations of law within these institutions. I protested several specific situations of employment discrimination at the University of Pittsburgh and made public statements in support of equal employment opportunity. As retaliation and punishment for these honorable acts, in the United States of America I have been progressively more severely harassed and discriminated and retaliated against. Matters have gone from bad to worse as the environment has become more acrimonious. I have been increasingly ostracized. Equal access to general departmental research facilities has been denied and now in 1979 I am totally excluded from all academic activities and responsibilities although I am a tenured faculty member having succeeded in satisfying the competitive merit considerations for the award of tenure, based on my qualifications and my performance. All of this has ensued although the EEOC made a finding in my favor that the University has violated civil rights law requiring equal employment opportunity and has discriminated against me and retaliated for my having filed charges and having spoken out. Even so, the University has continued to be unwilling to comply with law and the requirements to redress this violation.

Nathan Stark has had numerous opportunities and the authority over the last five years to resolve and redress the injustices in this case but has not done so. He has ignored it. The case remains in impasse. Further, with the merits of my case confirmed by EEOC in harassment and reprisal Nathan Stark consented and approved sending his Assistant Vice Chancellor to NIH in Rockville, Maryland, to attempt the termination of a substantial research grant on which I was the Principal Investigator. With similar vindictiveness, this administration, while I was away attending and chairing a scientific session of the 7th International Congress of Pharmacology in Paris where I also presented some of my work, entered my locked office and laboratory and broke the lock of my storage room and left all opened and unprotected as I discovered on my return.

This action by University administrators reflected irresponsible disregard for the properties of all therein as well as for my human rights and normal civility. This was an action in retaliation because I had gone to HEW, DOL, and EEOC to discuss the violations of Title VI, Title VII and contract compliance in my case and the cases of many others, by the University of Pittsburgh.

In the long run the people who are supposed to be protected by Civil Rights laws are not represented at all in the political process. The position of Undersecretary of HEW is, and I think quite properly, a political appointment. Since key political appointees by their nature have such an important opportunity to interfere with or to enhance the Congressional mandate of civil rights law, it is very important that key political appointees at HEW in particular have a commitment and a sensitivity to the equal employment opportunity legislation which was designed to protect and enhance and realize a fundamental human right and equality in employment opportunity which is guaranteed by the American Constitution. On the basis of his record at the University of Pittsburgh, it is clear that Nathan J. Stark does not have this commitment nor capability to function with sensitivity and in accordance with the law. Therefore, if you confirm his appointment for political considerations, you will also tend to erase the protection of civil rights statutes on behalf of minorities and women, which the Congress enacted into law.

A further reason why Mr. Nathan Stark should not be confirmed as Undersecretary of HEW is that he is not a capable administrator in the health professions. Since his arrival in 1974, numbers of capable professional people at the University of Pittsburgh have left and the University has concomitantly been unable to attract capable replacement professors, particularly those for positions as chairmen. Many positions are filled on an acting basis. In medical circles the

Schools for the Health Professions are humorously referred to as "Acting Schools of Health Professions." Is this the kind of stewardship talent that you wish to see at the highest levels of the Department of HEW?

Finally, it is stated for the record that Nathan Stark has been granted a leave of absence for a period of 18 months to take up his duties at HEW. In fact, he is already in residence at HEW. However, he remains very much an employee of the University of Pittsburgh. Given the fact that HEW annually awards the University of Pittsburgh several millions of dollars in grants and contracts, it places considerable doubt that conflict of interest in administering these taxpayers' funds can be avoided. Because he is Undersecretary, the likelihood is that those under his supervision who award these funds will be more generous in their awards to the University of Pittsburgh, and less critical of failure to comply with Title VI and Title IX by the receiving institution, the University of Pittsburgh, which has always had a deplorable record of discrimination and violation of contract compliance even when one of its own wasn't sitting at HEW distributing the largesse.

In closing, members of the Committee, I strongly urge, on behalf of numbers of us at the University of Pittsburgh who know Nathan Stark well and on behalf of the taxpayers and the minorities of this country, that you decline to confirm Nathan Stark and recommend that an administrator of proven managerial qualifications and commitment to equal opportunity be recommended to you. Also an effective hearing and investigation of the discriminatory practices at the University of Pittsburgh is highly relevant.

It is of the utmost importance that Congress not overlook in the qualifications of persons it considers confirming, their record of violation or compliance with the civil rights laws which have been made by Congress itself. If the Congress does not thus firmly espouse the cause of the oppressed in this country, then the appropriate U.S. Government stand and expressions of support for human dignity and American justice will be globally undercut and opposition to social and political injustice and criticism of human rights violations in other countries will be meaningless. I have been committed to those principles of equal opportunity and the freedom to speak out without fear of reprisal that are the promise of the Constitution of this land. I have already paid dearly for this commitment and may again for having come before you today. I have lost a lot but I would like to emphasize to you that I believe no loss in defense of human rights can be interpreted as a loss but rather a sacrifice in selflessness for the sake of the benefit and provision of justice and preservation of the human dignity.

It is my belief that it is a human duty to ask other men so do good deeds and also s keep mankind from wrong doing. By virtue of your offices and your good intentions you have a great opportunity and power to contribute to the effective carrying out of the mandate of laws of this land and through them the preservation of the human and civil rights.

Thank you again for the privilege and honor of this opportunity to appear before you. Mr. Chairman, that concludes my prepared statement. I will be glad to answer any question you or any Member of the Committee may have.

#### DR. M. OSKOU, ASSOCIATE PROFESSOR, UNIVERSITY OF PITTSBURGH

Dr. Oskoui received his training in Pharmacology and Experimental Therapeutics at the Medical Schools of the University of Pennsylvania and the University of Louisville. He subsequently received U.S. Public Health Service post-doctoral training at the New York Hospital Cornell Medical College. He was appointed Associate Professor of Pharmacology at the University of Pittsburgh in 1968. In 1969 he was granted permanent tenure by this University. In the same year he was elected to membership of the Graduate Faculty. In 1970 he was elected to membership in the American Society for Pharmacology and Experimental Therapeutics and is also a Member of the New York Academy of Sciences and The Society of Sigma Xi.

In 1972 he was awarded \$122,000 Research Grant as Principal Investigator, by the National Institutes of Health. Dr. Oskoui has been a participating scientist in other research projects. Earlier in Dr. Oskoui's career he received a Meritorious Service Cash Award (1957) and a Meritorious Bronze Medal awarded by the late John Foster Dulles, Secretary of State, for outstanding performance (1958).

[The following was subsequently supplied for the record:]

NOVEMBER 2, 1979.

Mr. MICHAEL STERN,  
Staff Director, Committee on Finance,  
U.S. Senate, Washington, D.C.

DEAR MR. STERN: On October 30, 1979, at the Senate Committee on Finance hearing on the confirmation of Nathan J. Stark for the position of Undersecretary of DHEW, since I did not have the opportunity to respond orally to Mr. Stark's statements, I indicated to you I would be glad to correct erroneous and misleading statements made by Nathan Stark to the Chairman and Members of this Committee. I would appreciate that you print and include the following statements of mine and their attachments in the record. These statements and attachments are important to gain a fuller understanding of the statements I have given considering Mr. Stark's qualifications and the extent of his conflict of interest and his misrepresentations to the Committee.

SUPPLEMENTARY STATEMENT OF DR. M. OSKOU I

Mr. Chairman and Members of the Committee, Mr. Stark, in response to the Chairman's first question about my statement, has avoided any response at all to the central issue of my statement which was of the extent and prevalence of employment discrimination against minorities and women at the University of Pittsburgh, and about the deplorable record of compliance with Titles VI, VII, IX and contract compliance. Mr. Stark has substantively passed over any reply to this issue.

Mr. Stark has also conveniently refused to admit to any knowledge of the three professional women at the University of Pittsburgh who have committed suicide or died in situations of extreme stress connected with acts of discrimination against them, to which I referred in my statement. For the record, these three women are: (1) Dr. Dorothy South, a biochemist who in September 1977 committed suicide. The news received notable writeup in the Pittsburgh newspapers and Dr. South killed herself in her laboratory located in the same building in which Mr. Stark had his office. (2) Dr. Ottie Andrus and (3) Dr. Ina Braden, both of whom were struggling with cases of employment discrimination, both have died in the last two years.

Mr. Stark instead of addressing the central issues of my statement, has sought to detract from my observations and testimony about his qualifications by certain misleading and erroneous statements concerning my employment relationship with the University of Pittsburgh.

To correct the record in 1972 and thereafter, I have informed the University Senate, the Chancellor and the Office of the Vice Chancellor of the violations of my civil rights and academic freedom and tenure. On October 4, 1972, after a careful review of the matter, the Senate Committee found that my Chairman (Buckley) not I, had breached University policies in violation of the University By Laws. Nonetheless, the Chairman and the Dean in 1973 and later postured and pursued termination proceedings in retaliation and discrimination. In both instances, the University Senate did not find any cause for my termination. The University's Senate Committee stated, "The Committee sees no basis for the termination of Dr. Oskoui in the memorandum and supporting affidavits."

This is why I am still an Associate Professor at the University of Pittsburgh albeit underpaid and without academic assignment and responsibility. The University did not and does not have cause to dismiss me. The University has acted in retaliation against me because I have objected to employment discrimination in specific cases at the University and I have publicly supported equal employment opportunity and civil rights laws. I predict it will soon start another retaliatory termination because I have spoken before you of violations of law at the University of Pittsburgh.

To the Chancellor, the dean and the chairman of my department, I have repeatedly asserted my willingness to teach, participate fully in academic affairs, however, only on the same basis and equal basis that other tenured faculty members of this University also are accorded. However, the University has continued to attempt to impose unequal and special conditions that did not apply to other tenured faculty who like me had met the standards for tenure. See my April 15, 1979 letter attached. The EEOC has investigated my charges against the University of Pittsburgh and on March 31, 1975, more than six months after Nathan Stark assumed his position at the University, found that the University has unlawfully discriminated and retaliated against me in violation of Civil Rights

Act of 1964. The EEOC is at this time, again in 1979, actively investigating further charges of discrimination and reprisal against me by the University of Pittsburgh.

Since 1972 I have been denied annual cost of living and other increases in salary, in discrimination and retaliation. Therefore, I have found it difficult to afford attorney fees for attorney assistance to meet the evasive and delaying tactics of this large University and its legal staff. In 1977, I was without attorney. I could not, therefore, respond to certain Court procedures without the help of an attorney. The reference by Mr. Stark to my not appearing for the taking of a deposition refers to a situation at this time, but his reference was only a fragment of the matter. The whole truth was that to that point the University had refused to make any of its officials available for the taking of a deposition and had refused to provide any other information toward discovery although the University officials were defendants in the case. I who was the plaintiff was without attorney and was reluctant without an attorney to proceed with the deposition.

At this juncture, I urgently asked EEOC for attorney assistance and I also appeared April 21, 1977, before the Subcommittee of Senator Hollings (Subcommittee on State, Justice, Commerce, the Judiciary) to present this plight and ask for assistance from the EEOC (See copy of my statement which is attached). However, at that time, no assistance was forthcoming. In an extreme effort to prevent the dismissal of my case, pursuant to the Court order, I personally, without legal assistance and legal knowledge, wrote my own pretrial statement, which is here provided for the insight it may offer into my case.

My case was ultimately dismissed on procedural grounds. The merits of my case have never received judicial review. Contrary to Mr. Stark's statement, I have, in fact, never had "my day in Court".

Judge McCune who had jurisdiction in my case, on December 24, 1975 in Court did say (which appears in the record of that date), "You both refer to the Sharon Johnson case" (another University of Pittsburgh professional woman with a discrimination case).

"Let me point out to both of you that that case has consumed one of the members of this court with respect to his schedule for weeks and weeks; and the Court is ill equipped to take another Sharon Johnson case much less to say a number of Johnson cases, and we already have, I am afraid, a great many cases involving the University, and they are coming in with respect to other universities."

"It is apparent to you that we are not equipped, in other words, to operate, if we get a great many of these cases."

"I am told that the Johnson case involves interminable hearings."

"I suppose this could get into the same problem, because people in the academic world have a great deal to say about their courses and their procedures that we don't even know about and don't contemplate."

"I do not think that this Court is in possession of the equipment with which to run Universities or make decisions respecting academic affairs."

"So I repeat that I have some desire to head this matter off and to come to some other decision than a Sharon Johnson type proceeding."

"Do you understand? As a practical matter, the Courts cannot deal with any more Sharon Johnson cases or at least very many more of them." Judge McCune was biased, not only toward my case individually, but was and is biased to all cases of employment discrimination at this University. No, contrary to Mr. Stark's contention, I never did have my day in Court. My case was never tried in judicial proceedings, on its merits.

Judge McCune acknowledged numbers of discrimination cases at this University, like mine. Discrimination has been on the basis of race, sex, national origin and religion.

Finally, there is a clear conflict of interest in the proposed appointment of Mr. Stark, senior Vice Chancellor at the University of Pittsburgh, on leave to serve as Undersecretary of DHEW. First of all, there is a great difference between a professor and a vice chancellor. The analogy between Nathan Stark's appointment and Henry Kissinger's appointment is not apt. Henry Kissinger was a faculty professor; Nathan Stark is a high administrative officer of his university. Henry Kissinger accepted a post to the State Department. He was not involved in cases of employment discrimination, as is Nathan Stark. The State Department does not in any important way, fund Harvard University. The State Department also does not supervise the compliance with Titles VI and IX and contract compliance. In contrast Nathan Stark is an administrator not faculty member in the Schools for Health Professions which is heavily funded

by HEW. HEW supervises Titles VI and IX and contract compliance in the Schools for Health Professions. And the University of Pittsburgh where Nathan Stark has held forth has a deplorable record of compliance with these statutes. There is a conflict of interest here. Nathan Stark's situation is not like Professor Kissinger's.

May I make a minor edit which appears a recording or transcription error. On page 5, line 18, I am reported to have said the EEOC found the University engaged "in lawfully . . ." The text should read, "in unlawfully . . ."

Thank you again for the opportunity to contribute my observations and statements in this matter before the Committee and to amend the record with these further statements and documents of exhibit. I hope the Committee, for the sake of justice and fairness, will print this statement and its attachments<sup>1</sup> which will illuminate the matter of the proposed appointment of Mr. Stark and the conflict of interest involved.

Sincerely yours,

Dr. M. OSKOU, *Associate Professor.*

The CHAIRMAN. I think it might be appropriate to call Dr. Stark back. I would like to ask him a question or two.

#### STATEMENT OF NATHAN J. STARK—Resumed

The CHAIRMAN. What is your reaction to the statement you have just heard?

Mr. STARK. This is the first time I have seen Dr. Oskoui. I have heard about Dr. Oskoui. I know that as a matter of fact, he has had more than one day in court. Each time his case was dismissed.

I also know that the chancellor has given him an additional period of time to prove that he is capable of being both a teacher and a researcher, subject to evaluation during this current fiscal year. I do know, thus far, that has not submitted results to the goals that were established for him by the chancellor of the university.

I have prepared a letter which I have given to Mr. Stern which might give you more information and detail.

The CHAIRMAN. Some of these statements are rather strong. Would you comment on this?

Several professional women in the school of health professions either have committed suicide or died in situations of extreme stress connected with acts of discrimination against them at this university.

Could you tell me what he is referring to?

Mr. STARK. No, I am sorry, I cannot. I have no knowledge of that, if it occurred. It has not come to my attention.

The CHAIRMAN. Are you aware of any professional woman who has committed suicide in the school of health professions?

Mr. STARK. No, I have not.

The CHAIRMAN. Or someone who has died in situations of extreme stress?

Mr. STARK. I do not, not at our particular school. I have heard of this happening, but I have no personal knowledge of this having happened at Pittsburgh.

The CHAIRMAN. Could you tell us what court proceeding he referred to?

Mr. STARK. I have a very brief summary here.

In 1968, Dr. Oskoui was appointed associate professor of pharmacology in the school of pharmacy. In 1969, he was awarded tenure.

<sup>1</sup>The attachments referred to are made a part of the official files of the Committee.

Thereafter, he began to have differences with his department chairman, Dr. Buckley. Efforts were made to reconcile these differences, by the vice chancellor—then Dr. Cheever—but those efforts met with no success.

On April 25, Dr. Oskoui sent a lengthy telegram to the university's chancellor, Dr. Poswar, complaining of violations of academic principles in his school and department. The telegram included damaging statements about his dean, department chairman, and faculty colleagues.

Efforts were made to bring Dr. Oskoui to a meeting in the vice chancellor's office to informally settle the differences. Dr. Oskoui refused to appear.

This, by the way, I am not repeating anything I have firsthand knowledge of because it occurred long before I came to the university. He indicated he had evidence to support his allegations. To date, he has never shared that evidence with the university administration.

After he repeated these allegations elsewhere, the faculty of his department voted to petition the chancellor to dismiss Dr. Oskoui for cause. The dean, Dr. Bienicali, concurred.

A senate committee of the university faculty reviewed the case and advised the chancellor that there was sufficient justification for dismissing Dr. Oskoui for cause.

This occurred in 1973.

Since Dr. Oskoui then began litigation in the courts, the chancellor merely reprimanded him in writing, directed him to submit pieces of unsubstantiated allegations and submit to evaluations of his teaching and research like every other faculty member.

Dr. Oskoui filed EEOC complaints and EEOC urged reconciliation and permitted him to bring suit in Federal court on the grounds of discrimination. Dr. Buckley resigned and was replaced as department chairman by Dr. Dixon, against whom Dr. Oskoui then began to complain.

In late 1974, I arrived at the university to assume the post of vice chancellor about the time of the EEOC complaint. In 1975, Dr. Oskoui entered his complaint in the U.S. district court. The case was dismissed in late 1977 in application of rule 37 of the Federal Rules of Civil Procedure which empowers the court to dismiss a case if the plaintiff fails to appear for a deposition. Dr. Oskoui had not appeared for the deposition during the entire course of discovery spanning a period of more than a year and a half.

Judge Barron McKuen specifically ordered him to do so on October 1976, March 1977, April and June of 1977. Dr. Oskoui ignored court orders and subpoenas in three separate lawsuits brought against the university by Dr. Oskoui. I understand he discharged or accepted the resignations of five attorneys whom he had engaged to represent him.

He never appeared for a deposition or made himself available on some alternate date to provide a deposition.

Accusing Judge McKuen of bias, he petitioned the judge to remove himself from the case. The motion was denied.

In late 1977, the U.S. district court dismissed the case. None of the three cases was ever heard in court.

In 1978, Dr. Oskoui petitioned the U.S. Supreme Court for an appeal. Petition was denied.

In 1979, after 2 years in which he had no teaching or other university assignments, he was directed by the university to arrange a teaching schedule with his department chairman, a new dean, Dr. Dittert, against whom he has also complained to the chancellor.

His teaching has still not been evaluated. He never submitted a final report on his research grant from the Federal Government of \$120,000. To our knowledge, he has never published a scholarly paper since 1968 and I think that we feel that he has had his day in court at least three times and has been denied a Supreme Court review of his complaint.

The CHAIRMAN. Let me ask you, did Dr. Oskoui work under your supervision?

Mr. STARK. Not directly, no. Very far removed.

The CHAIRMAN. Would you mind explaining what was your relationship?

Mr. STARK. I was senior vice chancellor for the university in charge of six schools of health. Each of the schools has a dean and in each of the schools there are chairmen of departments. Dr. Oskoui would have worked for the chairman of the department of pharmacology, one of several departments within the school of pharmacy.

The CHAIRMAN. Then do I understand by your statement that Dr. Oskoui was there on the campus when you arrived on the scene complaining about the type of things that he is complaining against you now?

Mr. STARK. Yes, sir. Complaining both before and after I suppose.

The CHAIRMAN. Are there any further questions, gentlemen?

Senator CHAFEE. I would just like to ask about the leave of absence situation, Mr. Stark. Is that not fairly common when people go into government service to get a leave of absence from their institution? In other words, I presume leave of absence means you have a right to go back.

Mr. STARK. Senator Chafee, that is generally the way we are able to come into government service for a short period of time. I think that is rather common practice. I know the same thing was true of my predecessor as Under Secretary.

Senator CHAFEE. Mr. Champion?

Mr. STARK. Yes.

Senator CHAFEE. He had a leave of absence from Harvard?

Mr. STARK. Yes, sir.

Senator CHAFEE. Thank you.

The CHAIRMAN. Any further questions, gentlemen?

Senator HEINZ. Yes. Thank you, Mr. Chairman. As a matter of fact, I think that Secretary Kissinger had a leave of absence from Harvard which he declined to take up on his leaving public service.

I just wanted to say that I have known Nate Stark for a number of years, ever since he moved to Pittsburgh from Kansas City where he did an outstanding job in building a medical facility and school and institution from scratch.

I know him as an able man and I think he will do a very fine job as Under Secretary for HEW.

The CHAIRMAN. Thank you very much.

We can vote on this nomination, or we can let it go over and have the staff look at the matter further. What is the pleasure of the committee?

Senator CHAFEE. I am ready to vote.

The CHAIRMAN. All in favor of confirming the nomination recommending confirmation say aye.

[A chorus of ayes.]

The CHAIRMAN. Opposed no?

[No response.]

The CHAIRMAN. The ayes have it.

Let us consider now Mr. William B. Welsh to be Assistant Secretary of Health, Education, and Welfare.

[The biographical data of William B. Welsh follows:]

#### WILLIAM B. WELSH

##### PERSONAL

Married to Jean Justice Welsh and have three children.

##### EMPLOYMENT

January 15, 1979 to present: Assistant Secretary for Legislation and Intergovernmental Relations, Department of Housing and Urban Development. Responsible for developing HUD's legislative program and coordinating the work of the Department with state and local governmental officials. Also responsible for overseeing the legislative program of the Department in the Congress.

April 1972 to January 1979: Executive Director, Governmental Affairs, American Federation of State, County and Municipal Employees. Responsible for coordinating the legislative public policy development and political action programs of the union; directing the union's responsibilities for public policy formation as it relates to the federal, state, and local government. Also responsible for overseeing legislative and policy activities.

February 1969 to April 1972: Executive Director, Democratic National Committee. Responsible for day-to-day management of the National Democratic Party's programs, including relations with state and local party organizations.

October 1966 to February 1969: Administrative Assistant, Office of Vice President Hubert H. Humphrey, U.S. Senate. Responsible for general management of the office, including personnel, correspondence, and travel. Accompanies Vice President on official travel. Direct contact with the press. Overview of all legislation.

January 1959 to October 1966: Administrative Assistant, Senator Philip A. Hart. Responsible for all aspects of general management of the office, including personnel, correspondence, and travel. Direct contact with the press. Overviews all legislation.

December 1956 to January 1959: Research Director, Democratic National Committee. Responsible for coordination of all political research for the Committee.

March 1952 to December 1956: Legislative Assistant, Senator Herbert Lehman. Responsible for review of legislation from the time it is introduced through passage, and advises Senator on legislation and all amendments thereto. Attends Committee hearings, markups, conferences, and assists Senator during Senate Floor action. Drafts correspondence for constituents concerning legislation.

##### EDUCATION

1949: A.B. Degree in Political Science, Berea College, Berea, Kentucky.

1950: M.A. Degree, University of Kentucky, Lexington, Kentucky.

1950-52: Graduate Fellow, Maxwell Graduate School, University of Syracuse, Syracuse, New York. Fellow, Southern Regional Training Program in Public Administration, Universities of Alabama, Tennessee, and Kentucky.

##### MILITARY

1943-46: Served in the United States Army.

The CHAIRMAN. Mr. Welsh, have you discussed any possible conflict of interest with the administration and with the committee staff and have those matters been resolved satisfactorily?



## STATEMENT OF WILLIAM B. WELSH

Mr. WELSH. Yes, as far as I am aware, Mr. Chairman.

I am presently the Assistant Secretary at HUD for Legislation and Intergovernmental Affairs. I do not know of any conflict-of-interest problems.

The CHAIRMAN. Is your situation a promotion within the Department?

Mr. WELSH. My situation is moving from one Department to another Department.

The CHAIRMAN. I see. Yes, sir.

Mr. WELSH. A lateral transfer, I think they call it technically.

The CHAIRMAN. Right.

Any questions, gentlemen?

Thank you very much, sir. I am impressed by your record.

Mr. WELSH. Thank you.

The CHAIRMAN. All in favor of recommending confirmation say aye.

[A chorus of ayes.]

The CHAIRMAN. Opposed, say no.

[No response.]

The CHAIRMAN. The ayes have it.

Senator TALMADGE. Next is the nomination of Billy M. Wise to be Assistant Secretary of Health, Education, and Welfare.

[The biographical data of Mr. Wise follows:]

## BILL M. WISE

Professional experience: October 1977 to present—Assistant to the Secretary for Public Affairs, Dept. of Housing and Urban Development. Serves as advisor to the Secretary on public affairs issues, participates in all major decisionmaking affecting HUD policy and programs, and manages a Department-wide, comprehensive public affairs program. October 1969 to October 1977—Press Secretary to Senator Birch Bayh. Organized, staffed and supervised comprehensive communications departments serving Bayh's Senate Office and three subcommittees, his 1974 re-election campaign and his Presidential campaigns in 1970-71 and 1975-76. October 1961 to October 1969—Correspondent and Bureau Chief, *Life Magazine*. October 1961 to October 1962, correspondent, New York. October 1962 to May 1966, correspondent, Washington Bureau. May 1966 to January 1968, correspondent, Paris Bureau. January 1968 to October 1969, Middle East Bureau Chief, Beirut. Covered the White House, Congress and Federal Agencies and Departments, Presidential campaigns in the United States, national elections in Europe, the civil rights struggle, the impact of the surge in industrial automation, development of North Sea oil and the war in Vietnam. As Middle East Bureau Chief, was responsible for reporting and writing, and supervising the news-gathering efforts of photographers and reporters in 14 countries under my jurisdiction. May 1960 to October 1961—Reporter, *The Tulsa Tribune*. Covered police, courts, and education with responsibility for editing a special section.

Publications: Author of "The Wisdom of Sam Ervin," 177 pp, Ballantine Books, 1973, and hundreds of magazine and newspapers articles.

Military service: 1958-60—Commissioned Officer, United States Air Force.

Education: BA in Journalism, University of Oklahoma, 1958. Served as Managing Editor, and Editor of the *Oklahoma Daily*. Tecumseh High School, Tecumseh, Oklahoma, 1954. Published and edited a financially successful semi-weekly newspaper.

Place of birth: Shawnee, Oklahoma, 1936.

Personal: Married to Gail-Joy Alexander Wise. Three children: Anne 13, Eric 11, Lindsay 7 mo.

Senator TALMADGE. Mr. Wise, do you have any statement you desire to make?

## STATEMENT OF BILL M. WISE

Mr. WISE. No, I do not, Senator.

Senator TALMADGE. What will be your area of responsibility, public affairs and public relations?

Mr. WISE. That is correct, sir.

Senator TALMADGE. You will be calling on the Members of Congress?

Mr. WISE. If they so desire, and there is any information they may want that I would supply.

Senator TALMADGE. You will not have any policymaking responsibilities?

Mr. WISE. Only within the area of public affairs.

Senator TALMADGE. You did me the honor of dropping by for a visit. I appreciate that. Your record seems to indicate you are well-qualified.

Any questions, gentlemen?

Senator CHAFEE?

Senator CHAFEE. Mr. Chairman, I have not had the privilege of knowing Mr. Wise so I would—as a matter of fact, I did not even know this was down today. He would be, as the chairman brought out in his questions, you would be——

Mr. WISE. Assistant Secretary for Public Affairs, Senator.

Senator CHAFEE. Does that encompass congressional liaison?

Mr. WISE. No, it does not. That is a responsibility of the Assistant Secretary for Legislation, Mr. Welsh.

Senator CHAFEE. I see. Fine.

Thank you, Mr. Chairman.

Senator TALMADGE. Any other questions?

Thank you very much, Mr. Wise.

Mr. WISE. Thank you, sir.

Senator TALMADGE. Are you ready for the vote, gentlemen?

Are there any objections to advising and consenting to this nomination? Without objection, it is so ordered.

[Thereupon, at 10:45 the committee proceeded to other business.]