

The Sacramento Bee

SACRAMENTO, CALIFORNIA, Wednesday, January 25, 1978

Procurier Tells Infighting Over Firing Of Mondanaro

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Chief state health administrator Ray Procurier Tuesday praised Josette Mondanaro as one of the best administrators in the Health Department and said he quit at one point rather than fire her.

In afternoon testimony before a state Personnel Board hearing officer on Dr. Mondanaro's appeal, Procurier also said Xavier Mena, an executive assistant to state Health and Welfare Agency Secretary Mario Obledo, apparently lied about how Mena obtained the controversial letter which purportedly prompted Dr. Mondanaro's dismissal.

Mena, who testified earlier under intensive questioning by Dr. Mondanaro's attorney, Ephraim Margolin, was in the large audience of spectators during Procurier's testimony and listened grimly as his earlier statement about the letter was contradicted.

Procurier, Dr. Mondanaro's immediate superior in her job as director of the state Health Department's Substance Abuse Division, said Mena told him the allegedly obscene personal letter, on state stationery, was sent to Mena anonymously in the mail.

Earlier, however, Mena testified under oath that he learned of the June 24 letter in early October and asked Obledo aide Bill Wilder to "obtain" it for him. Wilder, he said, obtained it "within 24 hours" from Jim Miller, a former substance abuse employee. Mena said the letter was "well-known" among division employees.

"I remember fairly distinctly what he (Mena) told me," Procurier testified. "He either lied to me or he lied here."

Dr. Mondanaro was ordered fired by Gov. Brown last Oct. 25, the day before her probationary period expired and four months after the letter was written in response to an inquiry from a doctor friend requesting her views on an article about child pornography. A pediatrician, Dr. Mondanaro vehemently opposes the sexual abuse of children and responded, in vivid terms, that she felt the article's author was soft on the use of children in pornography.

She contends she was fired for political reasons, because she is a lesbian who might be a political threat to Gov. See Back Page A22, Col. 4

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Brown and because she repeatedly clashed with Obledo and Mena over program and personnel issues.

Procurier said "incredible" demands were placed on Dr. Mondanaro by agency heads. In effect, his testimony supported her contention that she was harassed by Obledo and Mena, who she claims used the letter as an excuse to force her firing.

In an apparent effort to show the letter was circulated long before the dismissal, Margolin subpoenaed Frank McCulloch, managing editor of The Sacramento Bee, who testified that the letter was sent or brought to The Bee sometime last summer, possibly in July.

McCulloch said Bee editors decided not to print the letter because "despite the fact it was on state stationery, it was a personal communication." To publish it, he said, might be "an invasion of privacy." He said he did not know who provided The Bee with the letter.

Procurier said agency pressure was of such magnitude that he repeatedly told Mena to channel all requests to Dr. Mondanaro through the chief state health administrator.

"We had an original meeting (with Mena) where we laid down the ground rules," Procurier said, "and it was just a few hours later when they violated it as far as I was concerned ...

"I was dealing with this all the time because every time I turned around Josette and Sally (Sally Davis, Dr. Mondanaro's assistant) were telling me he'd violated the rules. I wasn't in favor of his being around as liaison (between the agency and the department) because we didn't need him as far as I was concerned ...

"We drew up some pretty rigid rules as to how he would relate to the Substance Abuse Division. All communication, written or phoned, was to go through me so they (division staff) could do their work ... The basic

rules were, don't bother Josette and her staff, to go through me and if I think it's necessary I'll do it. If I don't we'll go to war."

Based on Procurier's and Mena's testimony, there were apparently many occasions when they did just that.

Under intensive questioning by Margolin Monday and Tuesday, Mena denied harassing Dr. Mondanaro and said he expected a division director to have readily available the information Mena requested. Margolin contends the requests were incessant, harassing and on impossibly short notice.

Procurier said he objected to some of Mena's requests because Dr. Mondanaro and her staff had other, more pressing, work to do.

"That's what people get paid for in state government — work — and I guard that very jealously," he said. "I don't see why they should be writing up reports all the time just to satisfy someone's need to fill their filing cabinets ... I give out more information to people than the average bureaucrat, but make-work makes me mad."

Asked by Margolin if, in 30 years of state service Procurier had seen anything which exceeded the demands placed on Dr. Mondanaro by the agency, he said: "It was incredible."

Procurier said he first learned of the letter a week or two before the firing from state Health Director Dr. Jerome Lackner, who testified earlier that he was apprised of the letter by Obledo. Dr. Lackner also testified that he dismissed Dr. Mondanaro because of pressure from agency heads and that he opposed the firing.

"I was sitting in my office and Lackner came in and shut the door, and I knew there was trouble because he never shuts the door," Procurier said. After he read the letter, Procurier said he asked Dr. Lackner:

"Which side (of the child pornography issue) was she on?" Dr. Lackner testified earlier that he told Procurier Dr. Mondanaro was strongly opposed to the sexual abuse of children.

"So I said, no problem," Procurier testified.

He said he then reprimanded Dr. Mondanaro for writing the letter on state stationery. He said she accepted the reprimand and promised not to do it again.

"The way I discipline people, they understand what I say or they don't and they go," Procurier said.

Procunier said he considered the matter closed, although he initiated an investigation into how the letter came to be removed from her files — an infraction which he considered to be more serious than the language contained in Dr. Mondanaro's letter.

"The thing that bothered me was that nobody could know about that letter unless they had been going through the files," Procunier testified. "That's a very serious breach of security. I think there should have been a big turmoil throughout the administration as to why someone was putting the creep on her. If some sucker brought me that letter, my first question would have been, where did you get it and how?"

Procunier generally supported Dr. Lackner's earlier testimony that the two health administrators met with J. Anthony Kline, Gov. Brown's legal affairs secretary, before the Mondanaro firing. Dr. Lackner testified that Kline expressed concern about the possible political ramifications of Dr. Mondanaro's letter getting into the hands of Brown opponents in the re-election campaign.

The governor and his top aides insist the only reason for Dr. Mondanaro's dismissal was the language contained in the letter.

Procunier said he also met with Brown, but refused to divulge the

contents of that meeting "because I have had a policy all my career that I do not make public my conversations with governors." He said he would discuss the "end result," which was that Brown ordered her fired and would take responsibility for it.

"The end result, very simply, was that he wanted Dr. Mondanaro fired," Procunier said. "My resistance was that I was not going to do it unless he goes public," which Procunier said the governor agreed to do.

At one point in events leading to Dr. Mondanaro's dismissal, Procunier said he told Dr. Lackner and Obledo he was resigning rather than fire the drug abuse director. During his first meeting with Obledo — after he decided a reprimand was sufficient punishment for Dr. Mondanaro — Procunier said he met with the agency secretary.

"We sat down and exchanged pleasantries," Procunier said. "He either said or communicated clearly that he wasn't satisfied with what I'd done. I told him I was satisfied, so it was his

move. I told him I wouldn't fire her, that he'd have to fire me first. He said that was possible, and I left."

After a second meeting with Obledo, Procunier said he asked Dr. Mondanaro to resign. "She said, 'Do you really want me to?' I said, 'No.'"

Procunier said he then told Dr. Lackner he was resigning, "and I went home."

Procunier and Dr. Lackner said Dr. Mondanaro was an excellent administrator with a well-known professional reputation in drug abuse work.

"I had seven deputy directors, and she was one of the top ones," Procunier testified. "She was a truly outstanding deputy director."

Asked by Margolin if he found the language in Dr. Mondanaro's letter an appropriate response to an inquiry about "gonorrhoea of the throat in an 18-month-old" — a portion of the inquiry to which Dr. Mondanaro's letter was a response — Procunier said:

"I would have said something similar, probably less creative."