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Fired Aide Last Witness

Mondanaro Raps Brown, Agency

FINAL EDITION

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Mondanaro Hearing

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Testimony on Dr. Josette Mondanaro's dramatic appeal from her Oct. 25 dismissal as state drug abuse director ended late Friday after five grueling days of unusual public inquiry into the inner workings of government.

Looking pale and tired, battling a cold and the flu along with her dismissal, the 32-year-old pediatrician testified most of the day — speaking in a strong, even voice and leveling a lengthy barrage of accusations against the ad-

ministration of Gov. Brown and his state Health and Welfare Agency.

Much of her testimony merely substantiated the sensational earlier statements of state Health Director Jerome Lackner and his chief deputy, Ray Procnier, that the firing was ordered by Gov. Brown and state Health and Welfare Agency Secretary Mario Obledo over the vehement objections of the two state health administrators who were her immediate superiors.

Dr. Mondanaro also gave additional support to the testimony of Lackner and Procnier that Obledo and Dr. Xavier Mena, an executive assistant to the secretary, harassed her as director of the state Health Department's Division of Substance Abuse and lied at various points in their testimony about the circumstances of her dismissal.

Dr. Mondanaro and her attorney, Ephraim Margolin, contend Gov. Brown ordered her fired for political reasons, because she is a lesbian who might pose a political threat to the governor's future in public office, and because she repeatedly clashed with agency officials.

Gov. Brown — who testified in his office late Thursday at a private session which was boycotted by Dr. Mondanaro and Margolin because it

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was not public — has consistently said she was fired solely because of an allegedly obscene letter which she wrote on state stationery.

The letter was in response to an inquiry from attorney-psychiatrist Dr. Judianne Densen-Gerber, a friend of Dr. Mondanaro who asked for the latter's views on an article concerning child pornography. The June 24, 1977, letter, which Dr. Mondanaro said was personal and lifted from her files, contained vivid, sexually explicit language to comment on what she believed to be tolerance of child pornography. Dr. Mondanaro testified that she likens child pornography to child abuse and vehemently opposes both.

Dr. Mondanaro was reprimanded by Procnier for writing the letter on state stationery, and Procnier refused to take stronger action — as he and Lackner testified was demanded by Obledo and eventually ordered by Brown. Obledo testified that he did not order the firing, which he said was ordered by Brown.

Dr. Mondanaro says the dismissal — four months after the letter was written and the day before her probationary period expired — represented the culmination of a concerted campaign by Mena and Obledo to discredit her.

State Personnel Board Hearing Officer James Waller is expected to make his recommendation on the appeal to the board in the next month.

Dr. Mondanaro testified that Gov. Brown expressed in meetings or conversations with her, what she regarded as improper concern about the political ramifications of reported problems in some drug abuse and offender programs. Because of Brown administration statements, she says those programs have been inaccurately combined in the public eye and have suffered unfairly.

She said Brown has demonstrated "shocking callousness and insensitivity to the needs of people being treated" in drug programs — a view stated earlier in the hearing by a representative of the California

Association of County Drug Program Coordinators who said state administration of drug programs has deteriorated since Dr. Mondanaro's dismissal.

She typified Brown's view of drug treatment with a statement she said was a "direct quote" from the governor in a conversation with her just before her dismissal — the same night, based on Obledo's testimony, that he gave Brown the controversial letter which purportedly prompted her firing.

At one point in that hurriedly called Oct. 19, 1977, meeting of state drug abuse professionals and agency officials in the governor's office, she said Brown remarked that "nobody cares about drug addicts, because they don't vote."

She accused Brown and his new drug abuse chief, Doug Cunningham, of "grandstanding" on the drug abuse issue — exaggerating the extent of corruption in drug programs and promising solutions to problems the administration has in effect created by "terribly" underfunding those same programs.

She described Cunningham's appointment as state drug abuse chief — a position he holds jointly with his directorship of the state Office of Criminal Justice Planning — "like putting the fox out to watch the chicken coop." She said OCJP approved funding for accused murderer Michael Delia's Get Going Project while Substance Abuse refused to fund it. She said Cunningham backed down on the funding only after federal funds were withdrawn from the corruption-riddled program.

"I think he's shown himself as a man who takes direct orders," she said of Cunningham, "be they legal, quasi-legal or illegal. I think to believe this man is going to clean up drug abuse is ridiculous."

Dr. Mondanaro described her first meeting as drug abuse chief with Gov. Brown in "either January or February of 1977" at a conference in Lake Tahoe.

She said she asked the governor

why he had not signed a government reorganization plan that would merge the state Office of Narcotics and Drug Abuse with Substance Abuse in the Department of Health. Brown told her, she said, that persons in the Health and Welfare Agency office had advised him he "didn't need to sign it."

She strongly urged him to sign the bill, saying it would save money and eliminate a duplication of efforts, and he signed it that evening, Dr. Mondanaro said.

Then she related a telephone call in June 1977 when Brown called her asking whether he should sign or veto a bill by Assemblywoman Leona Egeland, D-San Jose.

"After we finished discussing the bill, he asked me, 'Are you generating any data that would hurt me in my reelection?'" she testified. "I was shocked by the question — it didn't have anything to do with drug treatment. I told him we'd certainly been generating a lot of data."

Asked if her division had been generating any data for political purposes, she said, "no."

In that conversation, she related, Brown gave her his theory "about the medical-industrial complex" during which she said Brown said he believes physicians generally continue to do research to discover new diseases so they can make more diagnoses and "make more money."

Then she described the Oct. 19 meeting in the governor's office, to which she had been summoned by Mena, Obledo's deputy. She said the meeting included Mena, Obledo and herself plus other top administration officials, who waited several hours for Brown to show up.

It was a meeting that was described in *The Bee* just a few days later, but the governor has consistently denied that description was accurate.

Dr. Mondanaro said it was "clear" the meeting was called as a reaction to an article in the *Reader's Digest's* November issue, of which the Brown administration had an advance copy.

At one point during that meeting,

Dr. Mondanaro said Brown remarked that "he could just see that (Los Angeles Police) Chief Ed Davis would have people out in their vans taking pictures (of drug abuse problems)." Davis has since resigned as police chief and announced he is a Republican candidate for governor this year.

Brown further said he "didn't want any time bombs prior to the election" and later that he wanted "no explosion prior to election," she testified.

Asked about that testimony later, Brown said, "I'm not going to try to reconstruct a conversation I had (then)."

After a discussion of the controversial Get Going program for ex-offenders in East Los Angeles — a program which has been connected to the Mexican Mafia and the murder of Ellen Anne Delia in Sacramento last February — she said Obledo asked "if I couldn't close one of the Chicano programs in East Los Angeles, and I was flabbergasted."

She said there was no proof the program suggested for closure — which she did not mention by name — was corrupt, "and I was certainly against the idea of a sacrificial lamb. He said he knew the program must be corrupt because he knew the people who ran it."

She also discussed the position of agency official William Wilder, who was the number two man in the state Office of Narcotics and Drug Abuse (SONDA) when it was merged with her division in July. Wilder, she said, was using a position borrowed from her division, and Mena wanted Wilder to continue to use that slot and stay in the agency offices after the merger. He is currently an executive assistant to Obledo.

She said she had to battle to get the \$70,000 allotted for that position and a secretary back into her division. Wilder worked closely with Mena in the agency investigation last spring and summer of several East Los Angeles drug and ex-offender programs.

She also testified that she was pressured by Mena to hire favored Obledo acquaintance Henry Collins in a drug abuse position despite the fact he was not qualified for that position.

Obledo and Mena have denied interfering in personnel matters concerning Collins, who Lackner testified has held three state jobs in the agency and been terminated from all three for "improprieties" in the hiring process.

She said Mena also pressured her about funding favored drug and drug-related programs and at one point suggested that an agency-supported program for battered women be funded without other programs even being considered.

For the first time in the hearing, the matter of Dr. Mondanaro's lesbianism was raised — by her attorney, who said he was raising it to clarify media accounts of her sexuality's relevance to her dismissal.

"It's a private matter," she said, "... But in the last seven or eight years, I have not denied or lied about my sexual preference."

The issue was raised only in reference to Obledo's alleged efforts to block her hiring, Margolin said, and not directly in relation to the decision to fire her. Implicit throughout her appeal, however, is the belief that she would not have been fired if (1) she had not clashed with agency officials and (2) she were not homosexual.

Questions about her lesbianism were raised, she testified, by Gov. Brown's appointments secretary, Carlotta Mellon, who Dr. Mondanaro said approved her hiring over Obledo's objections; Dr. Mellon has refused to discuss that 1976 interview or its apparent departure from a stated Brown administration policy prohibiting questions about the private lives of prospective appointees.

Dr. Mondanaro testified the appointment was held up even after approval by the appointments secretary, until after the 1976

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Presidential primary in which Brown was a candidate.

In a dramatic summation late Friday, Margolin said the Mondanaro case is "about an administration that devours the best of its children" — a reference to Dr. Mondanaro's extensive professional qualifications in drug treatment and the considerable support for her from other drug professionals and state health officials.

"What you have witnessed in the last five days deals with the issue of morality," Margolin said, "but morality deals with more than dirty and semi-dirty words . . . There is a time when making an issue of a dirty word is the greatest immorality of all . . ."

"This is not a hearing for small purposes or petty gains. It is a hearing about what constitutes morality in government."

Deputy state Attorney General Anthony DaVigo — who questioned witnesses during the course of Margolin's case but made no direct presentation other than the governor's testimony — said, as he has throughout the hearing, that the issue in the Mondanaro case is solely the language of the letter.

"The case for the good of the service does not depend on rhetoric," he said. "This is not a discussion of child pornography or an inquiry into interagency disputes . . . Whatever becomes of this civilization will depend on the moral conduct of the public service."

Margolin contends Dr. Mondanaro's dismissal "raises the specter of what will happen when real power comes into the hands" of those who fired her — an obvious reference to Brown's interest in the U.S. Presidency.

"The question is whether any government, any regime, has the right to be above the law," Margolin said. "We all make errors. My client made a tiny error. It is okay to make errors. It is not okay to cover them up."

"To paraphrase Aristotle, this is not the end, this is the beginning."

Chief Davis Emerges As Mondanaro Backer

Embattled Dr. Josette Mondanaro has found a somewhat unlikely ally in her fight with the Brown administration over being fired for writing an allegedly obscene letter on state stationery — it's tough law and order Police Chief Ed Davis of Los Angeles, now a candidate for governor.

Davis says Dr. Mondanaro "should probably be given some kind of plaque of recognition" for writing a letter condemning child abuse.

Not only would he not have fired her, Davis says Gov. Brown may have violated Dr. Mondanaro's constitutional rights to free speech by doing so.

Davis said — had he been governor — he may have suggested the former

drug abuse director not write in "that lurid a fashion," but he said it "certainly is not grounds for firing" an otherwise qualified employee. Especially, the conservative Republican candidate says, when the letter was a private communication, not intended for the general public.

"Good gracious," Davis said, after concluding a talk to California agribusiness leaders Friday in Sacramento, "it's almost infringing on the right to say anything."

Davis said if the letter had been sent by Dr. Mondanaro to a newspaper, it would have been different. "What she wrote was never intended to be uttered publicly. If some spy hadn't dug it out of the files (in the health department)" neither

the governor nor the general public ever would have seen it.

Davis, in answer to a reporter's question, said he would hire a homosexual into government if the position was not such that would present "some possible hazard to children." Dr. Mondanaro contends she was fired partly because Gov. Brown feared her avowed lesbianism represented a threat to his re-election campaign.

But Davis indicated it would have been "a much better political judgment" had an "equally qualified heterosexual" — if one could have been found — had been hired to head the drug abuse programs. "I would not necessarily go out and seek a lesbian," Davis said.