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Says His Boss Played Role In Firing

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State Health Director Dr. Jerome Lackner has angrily differed with Health and Welfare Agency Secretary Mario Obledo on events leading to the firing of Dr. Josette Mondanaro as state drug abuse director.

"There is a 180-degree, frank, outrageous contradiction of my testimony on Monday," Lackner said of said of his superior's statements.

Lackner was recalled Thursday by Mondanaro's attorney Ephraim Margolin to repeat his testimony following Obledo's four hours on the stand in the fourth day of the personnel hearing on Dr. Mondanaro's appeal of her firing last Oct. 25.

In his second recounting of Obledo's role in Dr. Mondanaro's dismissal, Lackner late Thursday said that Obledo actively participated in the firing. Obledo had testified earlier in the day that the firing was ordered solely by Gov. Brown.

Speaking loudly, clearly and often from the edge of his seat, Lackner essentially reiterated his and chief state health administrator Ray Procnier's testimony that Obledo wanted Dr. Mondanaro fired — ostensibly

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because she wrote an angry, allegedly obscene letter, on state stationery, in which she opposed the use of children in pornography.

Lackner said Obledo told him to fire Dr. Mondanaro; Procnier testified Tuesday that Obledo clearly indicated his displeasure with Procnier's refusal to fire her. At one point, Procnier said, he quit rather than fire Dr. Mondanaro, whom he and Lackner considered to be an exemplary administrator.

Procnier said he believed his reprimand of Dr. Mondanaro for writing a personal letter on state stationery was sufficient punishment. He said he met twice with Obledo before her firing and on both occasions refused to fire her.

Obledo repeatedly stated in his Thursday testimony that he did not order Dr. Mondanaro fired although he considered the language in her letter obscene, unnecessary and improper for a government official to put on a state letterhead.

Frequently responding to Margolin's questions with statements that he did "not recall" details in the chain of events leading to her dismissal, Obledo said he learned of the letter from Dr. Xavier Mena, an executive assistant to the secretary, about 10 days before she was fired. After he read the letter, he said he called Lackner.

"I told Dr. Lackner I had received the letter, that it had been presented to me, and I asked him to read it," Obledo testified. "His reaction was one of shock. I don't think he said anything for a few minutes.

"I did not tell him to fire her. I said, 'What do you think should be done?' He said he had best communicate with Mr. Procnier about it. I don't recall when I spoke to him again . . .

"I believe I spoke to Mr. Procnier on Oct. 16, when he was in the office on other matters . . . I did not order her fired."

Under intensive questioning by Margolin, Obledo said he showed the letter to Gov. Brown around Oct. 19 after a meeting in the governor's office — a meeting which included Dr. Mondanaro and other drug abuse professionals.

"The governor read the letter," Obledo said, "and he said something to the effect that, 'I don't believe a person who writes this kind of letter belongs in my administration.'"

In morning testimony Obledo said he could not recall from whom he learned that Brown wanted Dr. Mondanaro fired. After the lunch break, he said Procnier had reminded him that the chief state health administrator advised Obledo of the order.

"I had heard," Obledo said, "that (the governor) had issued an order that she be fired . . . I never made a decision as far as I know to fire Dr. Mondanaro."

Procnier testified earlier in the hearing that he told Brown he would not fire Dr. Mondanaro, that the governor would have to take full public responsibility for the dismissal — which he said Brown agreed to do.

Gov. Brown told reporters following a hearing in which he gave a deposition in the case that he was unable to

remember whether he told Procnier he too would lose his job if Ms. Mondanaro was not fired.

"I'm not going to reconstruct all those conversations. I will just say this in summary: It was not his opinion that she should be fired. I said this letter in and of itself is grounds for termination."

Asked if Procnier went along with that judgment, the governor replied: "He indicated that to me, yes."

Obledo said at the Thursday hearing that he spoke separately with Lackner and Procnier on Oct. 21, four days before the firing and the day Lackner says Procnier quit. "I asked (them) what was happening," Obledo said. "I wanted to have the orders carried out that were issued . . .

"I visited with Mr. Procnier, and he said he'd call me back. He didn't. I called him. He said he'd speak to Lackner . . . When I know the governor has ordered something, I want to see it carried out."

On Oct. 25, the day of the termination, Obledo said he personally ordered and helped draft the language of a dismissal notice to be delivered to Dr. Mondanaro. Lackner signed the official dismissal notice — under duress, he testified — and Dr. Mondanaro said she received it Oct. 27.

Lackner said Procnier handled the bulk of negotiations with the agency and Gov. Brown about the Mondanaro firing. But the health director specifically recalled a Friday, Oct. 21, telephone conversation with Obledo in which Lackner says the secretary told him to fire the drug abuse director.

"I can remember that day because it was a horrible day for me," he said, his voice rising. "That was the day Mr. Procnier quit . . . When Mr. Obledo asked me had we terminated, fired, rejected — whatever the term is — Dr. Mondanaro, I said no. He said, 'Well you had better do it'."

"I said Procnier has quit, so he will not fire her. If he has not quit, I will not fire him because he did not fire her. But if in fact he has quit and

the responsibility is mine, I will not fire her, and you will have to fire me . . .

"He spoke of no one else. He did not mention the governor's name."

Lackner said another person was in his office when Obledo called and listened to Lackner's half of the conversation. He would not identify that individual "because there is a climate of

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fear in my department in regard to standing up on this issue."

Earlier in the hearing Procunier testified that Obledo aide Mena apparently lied about how he came to be in possession of the controversial letter which purportedly prompted Dr. Mondanaro's firing. Mena had testified he "heard" about the letter and asked Obledo aide Bill Wilder to obtain it. He said Wilder in turn "obtained" it from former Substance Abuse Division employee Jim Miller.

Procunier said Mena told him he received the letter anonymously in the mail. "Either he lied to me," Procunier testified, "or he lied here."

The chief state health administrator also said he was more concerned about employees going through Dr. Mondanaro's files as deputy director of the Health Department's Substance Abuse Division than he was about the letter's language — which condemned, in explicit terms, persons she believes are too tolerant of child pornography.

Obledo said Thursday Mena feared Procunier would make good on his promise to fire the employee who took the letter from her files if Mena told him how he obtained the letter.

Obledo said Mena did not identify to Procunier the carrier of the letter — which Mena said was readily available and well-known in Dr. Mondanaro's division — "because Mr. Procunier said he would fire the person who delivered the letter if he could ascertain who that person was."

Dr. Mondanaro has contended throughout the hearing that her firing was political — because she is a lesbian viewed by Gov. Brown and his staff as a political liability and because she repeatedly clashed with Obledo and Mena over program and personnel issues.

Procunier and Lackner have essentially supported her contention, saying she was bombarded by unending agency requests for detailed information on drug abuse.

Mena and Obledo said they expected division heads like Dr. Mondanaro to have such information readily available.

Gov. Brown says she was fired solely because of the language in the letter.