



MERVYN M. DYMALLY  
LIEUTENANT GOVERNOR

State of California  
OFFICE OF THE LIEUTENANT GOVERNOR

November 15, 1976

Dear Friend:

You may have noticed a recent news article in which I criticized certain aspects of news coverage of my two years as Lieutenant Governor.

More specifically, it dealt with a story carried by the Sacramento Bee in which the Bee attempted to raise questions about my relationship with a constituent, John David Gardner, a Los Angeles pharmacist, who has at times run afoul of the law.

The Bee ran a reply article from me, and the Associated Press then carried a wire story attempting to condense my main points.

I thought you might like to see a copy of my original article. The first ten pages were run by the Bee; the other four pages were omitted by the Bee, apparently for space reasons, but contain points of a general nature on media coverage of Black elected officials. They are also attached, and so designated.

I think these are questions on which we need a continuing dialogue. I welcome any comments you may have, favorable or unfavorable.

Sincerely,

*Mervyn M. Dymally*  
MERVYN M. DYMALLY

4/11/76-1-1

LL-1-P-1

Sacramento Bee, November 3, 1976

# 'The View From Where I Sit'

By MERVYN M. DYMALLY  
California's Lieutenant Governor  
SINCE TAKING office as lieutenant governor of the State of California, I have been subjected to repeated scrutiny by some newspapers around the state, most notably the Los Angeles Times and, more recently, by The Sacramento Bee. It has long been my policy to maintain an open office, to facilitate to the fullest extent possible media access to myself and my activities. It has always been my conviction that the press has a responsibility to report fully and accurately on all aspects of government in order to inform the public of the doings of their elected and appointed representatives.

My conviction is no less firm, though I have come to question seriously how responsibly the press carries out its responsibility. Consequently, I find myself reassessing my policy of openness and access. In considering a change in that policy, I feel an obligation to set forth the reasons for the shift in my thinking.

SIMPLY STATED, I can only describe my experiences of the past two years with the printed media as a horror, as an unending nightmare. I find an image being projected of myself as a person and as an elected official that totally denies my sense of values, that misrepresents my intentions, that impugns my integrity, that mocks my commitments.

One can speculate endlessly as to the reasons for the treatment I have been accorded:

— It may be as blatant as the fact that I am black and the powers in a racist society are obliged to discredit — if not destroy — a high-level black official who has obtained — if not in reality, at least in appearance — the semblance of power. I would like to think not.

— Or, it may be as subtle as the seemingly insignificant innuendos and implications made by white reporters, out of ignorance and insensitivity that cumulatively reveal their unconscious racism.

— Or it may well be sloppy reporting and editing, and a tendency among some reporters, once they have decided on a story, to select only the facts that support their conclusions, and disregard the rest. I have seen definite evidence of this in some instances, in The Bee and in other publications.

— Perhaps it is that the media Capitol bureaus, while well meaning, still are all white and thus unable to grasp the realities of black politics and black politicians.

— Or on the other hand, maybe it is that the imbalance in the news reported about me results from the

*This statement from Lt. Gov. Mervyn Dymally was written in response to a news story published in The Bee Sept. 10 concerning Dymally's relationship with John Gardner, a controversial Los Angeles pharmacist. The lieutenant governor contends the story contains innuendos that are unfair and misleading. The Bee stands behind the story.*

fact that most newsmen are still uncomfortable reporting good news, or writing about some seemingly dull but good thing that an individual does. It is much more normal to dig up the sensational. That's what wins the pats on the back from editors, the media awards, etc. But is it accurate reporting of the total picture about a situation or individual?

— In fact, there are those who say that there is government as it actually exists in reality, and government as it is reported to us through the news media, and that the two are not necessarily the same — indeed, are not the same. I never realized just how true this is until this past two years of news coverage of myself, for I see myself portrayed in the media too often as an unscrupulous politician, and I know that this is just not an accurate picture of Mervyn Dymally.

I AM TIRED of it; I protest, and I have decided to tell my side of the story. The view from where I sit looks very different, indeed, and I thank The Bee editors for allowing me to present it.

I think all of the shortcomings of news coverage I went into above, are illustrated in recent articles about a Los Angeles pharmacist, John David Gardner, and his involvement with me. Let me explain. (The first article appeared in The Bee.)

Anyone elected to public office quickly finds a large portion of his or her duties revolve around responding to constituent complaints, requests for information and pleas for assistance.

A person who has been long established and actively involved in the community from which he or she is elected finds the demands multiplied by virtue of the network of relationships that have developed over the years, and the multitude of persons who feel that they have special access to their now-elected representative. A black official representing a low-income black community, who has campaigned on a platform promising solutions to problems that plague the daily life of the community, is deluged with an incredible diversity and volume of requests for help.

I responded to these requests. Letters from me are in the files of

hundreds of people who are in prison or have had problems with school or welfare, or have run afoul of the state regulations or rules in some other way. Often the mother or a relative would come into my office and ask for a letter or a phone call or just "some help." I never tried to judge these individuals, which was not my job, and I always did what I could — which was very much my job.

A TYPICAL CASE was the family that approached me in 1963 when I was a freshman assemblyman representing the ghetto of Los Angeles. A member of this family, a pharmacist, was serving a prison term, having been convicted of illegally selling drugs, and was shortly to be eligible for parole. I agreed to go see him and, in that way, met John David Gardner for the first time.

If a constituent asks for help and is denied, that person is unlikely to ask a second time. If a constituent receives a response, he or she is likely to ask a second time. So it was that over the years, John Gardner moved in and out of my political career in a very minor way — one of thousands of individuals. I wrote a letter in his behalf to the California Adult Authority before he was paroled, stressing his positive attributes in much the same socially accepted way that employers, almost without thought, write letters of recommendation for former employees. I also appeared, as did several other community leaders, before the State Board of Pharmacy in support of his license being restored at a public hearing.

My interpretation of the system of justice in this country, admittedly a literal one, is that once a person has served his time in prison, he has paid his "debt to society." There is no provision in the system of law for perpetual punishment. My understanding of the philosophy of "rehabilitation" of convicted offenders is that unless they become reintegrated in a meaningful way in society, it is nearly inevitable that they will again turn to crime and return to prison. Fundamental to such reintegration is economic security. Thus, I tried to help John Gardner, and for a brief time — about two months, not two years as reported in The Bee, at a salary of \$200 a month —

LL-1-P-2

John Gardner worked as a part-time aide in my Los Angeles office in the mid-1960s. He performed some odd jobs at my office and became acquainted with my family. He worked for a time at a small filling station leased by my brother-in-law, pumping gas and occasionally doing minimal bookkeeping.

WHEN THE CONCEPT of prepaid health plans emerged, John Gardner, with some prominent medical doctors, pursued his pharmaceutical interests, and had a health consultant in Los Angeles develop a proposal for consideration by the State Health Department. I, too, saw potential in prepaid health plans as a possible way to provide health care at a reasonable cost to low-income communities.

I have consistently worked with black doctors in the interest of giving them a voice in the organized medical profession of this state. On more than one occasion, I supported or sponsored legislation in support of health care for my district. I often carried plans for proposals, some relating to health services, to Sacramento as I traveled between Los Angeles and the Capitol — including, I am told, a plan developed by Gardner and some doctors. (I do not specifically recall it.)

Performing these duties for constituents is a routine part of a legislator's responsibilities. I have carried countless documents back and forth for constituents. I arranged meetings between State Health Department officials and organized black doctors' groups in hopes of assuring that contracts for prepaid health plans in black communities would be awarded to black professionals.

THE MOST concentrated period of negotiations for such plans occurred during the Reagan administration while I was a state senator. It should go without saying that as a black legislator from Watts, my influence in that administration was not exactly overwhelming. The Health Department fought awarding any contracts to black doctors; and while the department resisted, it approved contracts with four large white medical corporations, two of which moved into South-Central Los Angeles.

By the time a contract was awarded to a black group, most of the patients had been signed up by white plans, and failure for the black plan was guaranteed.

Gardner's plan was not approved, apparently because of his record. He consequently requested a certificate of rehabilitation in the Superior Court

in pursuit of a pardon. The Bee reported that a letter over my signature in support of a pardon appears in the file on this case. I do not recall writing the letter, but may very well have done so.

ON AUG. 12, 1976, I spent an hour and a half with two reporters from The Sacramento Bee. The thrust of the interview was an ill-disguised attempt to link me in a negative way with John Gardner and the allegations against Omni-Rx, a health care company in Los Angeles. Evidently, though I knew it only from The Bee article, Gardner's pharmacy had filled Omni-Rx prescriptions. The primary issue for the reporters seemed to be that people connected with John Gardner had purchased tickets to a fund-raising dinner held in my behalf during my campaign for re-election as state senator in 1972.

On Friday, Sept. 10, 1976, an article appeared in The Sacramento Bee entitled "Campaign Fund Donations? Dymally is Linked to Controversial Pharmacist." At the time of the interview, a number of staff members in my office speculated that no story would be printed; that the integrity of The Bee management and ownership would preclude the release of such a charade. What was not taken into consideration was the need to print something in order to justify the hours of research that had led nowhere. The story that appeared was a nonstory. It was a stringing together of unrelated bits of information and innuendos, well sprinkled with my candid quotes, refutations and explanations.

The story, for example, said that "Dymally and Gardner were frequently seen meeting together at the Shanty, a downtown Los Angeles cocktail lounge." Anyone who knows me at all knows that my life-style is not characterized by frequenting bars or cocktail lounges. I still don't know where the Shanty is — or if there even is such a place. Furthermore, I have had no contact with Gardner ever since I became lieutenant governor — and prior to that had contact largely when he informally dropped by the office.

The story said, "Other . . . sources . . . say that Gardner was connected with a number of enterprises operated by the Dymally family." Any check of the facts will show that there are no Dymally enterprises. I have no business interests. My sister owns a struggling beauty school in Los Angeles (and, incidentally, has studiously avoided accepting any federal funds that most other schools receive for fear that the media would use that as the basis for another negative story about me). My brother-in-law previously leased a service station and no longer has even that. Those are the "enterprises" of the Dymally family.

The health consultant who prepared Gardner's proposal for a health plan was quoted as saying that Gardner referred to me as "Brother Merv." No one calls me "Brother Merv," including John Gardner. I am called many things by many people but that is not one of them. In fact, much of The Bee's story is based on circumstantial, third-hand information from this health consultant whom I do not know. It seems significant that this consultant is white; that the reporters took his word about a black man and presented it as truth; that they apparently did not interview Gardner himself.

IN THE STORY, the health official to whom I reportedly delivered Gardner's plan quotes me as saying, "He (Gardner) is a constituent of mine from Los Angeles. I am not asking you to do any favors for him. But I ask you to hear him out." That quote and its significance apparently fell on deaf ears among The Bee staff; it surely didn't deter them from attempting to build a structure on a nonexistent foundation.

The story concluded nothing, it asserted nothing, it charged nothing. It presented no evidence of legal violations, no conflict of interest, or of exertion of unethical pressure. It was an indictment based on the logic of guilt by association, with no consideration of whether Gardner made contributions to other campaigns, which he did, and no consideration of whether other officials have identical histories of responding to requests of

constituents — parolees or otherwise. It titillated, it implied, it left the readers to draw their own conclusions. It was not a substantive investigative story, though it ran in length for over half a page. But it was damaging.

Picked up by the UPI and AP wire services the story was run by newspapers all over the state — largely without presenting my version of the story — headlined variously as: "Dymally Reportedly Aided Man With Crime Record"; "Dymally, Dope Dealer Tie Probed"; "Dymally Link to Ex-Opium Dealer Bared"; "Report Details Dymally Association with Known L.A. Crime Figure"; "Dymally Crime Link Revealed."

SO INSTEAD of a responsive public official who once assisted a young black man trying to build a new life in a hostile society, I have become, as the media would have it, a fellow traveler with the criminal underworld dealing in drug traffic.

The view from where I sit is indeed different.

LL-1-p-3

First of all, I didn't "reportedly" aid a man with a criminal record. I did aid him, and hundreds of others like him, and I fully intend to continue doing so. Second, my appearing before any public board on behalf of any individual, as I choose, is an exercise of my rights, even my duty — a common act of public officials, and not "political intervention." Third, Gardner was not an "opium dealer" but a pharmacist convicted of illegally selling drugs. Fourth, such a conviction does not make anyone a "known crime figure" in the sense that that phrase is commonly used. Fifth, most black doctors, lawyers and other professionals have purchased tickets to my fund-raisers at one time or another, not because of personal favors, but because they appreciated my efforts for my district, and because they are about the only people in the black community who can afford to help blacks get elected to positions of power.

**BLACKS HAVE** only recently come into office in any sizeable number after a long, long period of absence and silence that began with post-Reconstruction. They have come into office only after the long struggle of the civil rights movement, the leadership of Martin Luther King Jr., the marches of thousands of blacks, many of whom were beaten and killed in their determination to secure the Voting Rights Act of 1965.

We have come into office not through the grace of the corporate system, not through the support of money interests, not through the provision of ample budgets by big donors. We have come into office through the faith of black constituents; through a spirit of identification with one another that some reporters often find incomprehensible; through helping one another in the struggle to survive when no one else heard our pleas for political status.

As long as those denied opportunity are arrested, convicted and imprisoned, far out of proportion to their numbers in the total population, I will respond to their needs and lives as they are presently constituted, even as I continue to fight for the creation of alternatives and options.

And perhaps that is the reason the media characterize me as they do. The story I have just related is not an isolated incident. It is only one in a long series of incidents which have resulted in sustained harassment and distortion during my short tenure as Lieutenant governor — a degree of harassment which has not been applied to any other elected officials.

**THE LOS ANGELES Times** was reported to have 12 or more investigations going on me at one time. The Bee has had four or five. The rumors about me and my activities have taken on a life of their own, despite the fact they are regularly refuted and disproved, and that the other persons involved regularly deny and point out the untruth of the accusations.

I have no objection to an honest inquiry. In fact, I would welcome one. It would be a refreshing change from much of what I've experienced over the last two years.

Wednesday, November 3, 1976



Lt. Gov. Mervyn Dymally

LL-1-P-4

the Voting Rights Act of 1965.

We have come into office not through the grace of the corporate system, not through the support of money interests, not through the provision of ample budgets by big donors. We have come into office through the faith of black constituents; through a spirit of identification with one another that some reporters often find incomprehensible; through helping one another in the struggle to survive when no one else heard our pleas for political status.

As long as those denied opportunity are arrested, convicted, and imprisoned, far out of proportion to their numbers in the total population, I will respond to their needs and lives as they are presently constituted, even as I continue to fight for the creation of alternatives and options.

And perhaps that is the reason the media characterize me as it does. The story I have just related is not an isolated incident. It is only one in a long series of incidents which have resulted in sustained harassment and distortion during my short tenure as Lieutenant Governor--a degree of harassment which has not been applied to any other elected officials.

The Los Angeles Times was reported to have twelve, or more-- investigations going on me at one time. The Bee has had four or five. The rumors about me and my activities have taken on a life of their own despite the fact they are regularly refuted and disproved, and that the other persons involved regularly deny and point out the untruth of the accusations.

Let me show you the ludicrous extent, the invasions of privacy that have resulted:

- Last year my brother visited me in my office for a few days. A reporter immediately wanted to know if he were on my payroll.

beginning here,  
next four pages are not included in Bee article

- I enrolled in graduate school to work toward a Ph.D. A reporter tried to check my grades to see if I was being graded too easily.
  - A reporter asked another state official about my sex life.
  - Another reporter examined my Master's thesis at Sacramento State University, to see if I had really written it.
  - A magazine suggested that I obtained money from Senator Humphrey's 1972 campaign, an allegation refuted by the Senator himself.
  - I was named chairman of the Commission of the Californias. A San Diego reporter immediately began investigating handling of an eight-year-old assistance fund managed by the commission (never any similar investigation during previous Lieutenant Governors).
  - My son ran an errand in Sacramento for his part-time employer. A reporter wanted to know if he and I were in the legislative mailing business.
  - A state health department official was fired. I was the immediate subject of a Bee story saying I was primarily responsible, though the reporter did not even check with me for my side, and though his subsequent stories indicated the real causes for the man's dismissal.
  - I objected to naming of a man I felt unqualified to the Los Angeles School Board. The Los Angeles Times claimed I used a red light to pull a school official off the road and threatened him--even though the Times was given positive proof that my car had no red light by the California Highway Patrol.
- I have generally found the Bee to be one of the more responsible papers in the U.S., though I admit to having been struck at

their unswerving support of the "Fresno Bee Four", who were jailed for violating a court order, while attacking me on spurious, fallacious grounds when I had broken no laws. It seems there is more meaning attached to the concept of "freedom" when it involves the press than when it involves a black official seeking to realize for the historically disenfranchised, the other freedoms guaranteed in the Constitution.

Ironically, it was a group of black church members from San Francisco who waged an around the clock vigil in Fresno in support of the "Fresno Bee Four" until they were freed.

But if the Bee is relatively more conscionable, the L.A. Times is imminently less so.

It is difficult, upon reviewing the series of stories on me by the media, to consider their motive. This question is more puzzling when one considers the fact that no legal charges have been made against me by any law enforcement agency. Accepting this conclusion, the question follows: what can be done about it. In order to arrive at any answer to that question, it seems to me we need to examine one of the basic issues raised by such coverage, and I can only suggest here what I consider to be the primary issue. And that is the tendency of the press to justify all their actions by appealing to the First Amendment.

Personally the experience I have undergone is hardly pleasurable, does little for one's self concept and sense of achievement. I'm sure the media would tend to say, "That's your problem, not ours"

But I think it is far more than just my problem. It is the media's problem; it is the problem of our society in general. When-- and if--and whether intentionally or for a host of reasons--the news media distort or misrepresent the record, the accomplishments or

the character of a public official, then I think it is a problem affecting all of us.

Professionally I have established a strong record of achievement in the fields of education, political reform, women's rights and civil liberties. When such an advocate--myself or anyone else-- is impugned or discredited unfairly or thoughtlessly, then I maintain that more than just that individual suffers.

My effectiveness in these areas in the future remains to be seen, after I have been dragged through the mire of character assassination, innuendo, rumor and hyped-up reporting.

And as a Black elected official, I represent, along with all other Black officials, a symbol of opening up of the system, a symbol of the struggle for justice through political participation. The significance then, of course, transcends one individual. We are, for countless citizens, the vestige of hope that sustains them in the never-ending effort to realize the promise of democracy in the society.

Consideration must be given to whether the creating of impediments to further progress in human rights is precisely the intent of this harassment. For nationwide, the same thing is happening to a score of major Black political leaders. And historically, traditionally, what better way is there to destroy or lessen the effectiveness of any movement, than to discredit its leaders?

Am I asking that the press, and society, to judge us differently or treat us with kid gloves because we are Black? Precisely not. All we ask is:

--- That news media, and society, understand the Black perspective, try to realize that problems faced by Black leaders were not-- are not--necessarily the same as those faced by white estab-



lishment politicians, and that our responses cannot always be the same.

~~That~~ That we be subjected to the same level of investigation, probing, and scrutiny as other political leaders, no more, no less.

~~That~~ That the media realize that the current mania for investigative reporting, probing, exposing--commendable as it may be--does not relieve them of the responsibility to report accurately and fairly, that which is not destructive and sensational.

Finally, I raise the question of the extent to which the printed media have a responsibility to be fair in their portrayal of public officials. There is no law requiring fairness; in fact, the law makes it practically impossible for an elected official to sue a newspaper for libel. There are probably no economic rewards for being fair. Sensational falsehoods are likely to sell more papers than the sober truth.

Thus, my only recourse is to appeal to the moral sense of the publisher or editor or news director who decides what we are to receive in the way of news and to the people who must judge the accuracy and fairness of the news they read. Any person, white or black, Republican or Democrat, in politics or not, can be made to look questionable through a careful juxtaposition of unrelated facts--as happened to me in the Gardner story. In this way the press can destroy almost anyone, regardless of his positive accomplishments.

But if this is the intention of the press or the unintended result of their coverage then it is highly irresponsible. Every elected official has been chosen by thousands of Californians, in my case hundreds of thousands against strong opposition. The press

should respect this, at least to the point of doing an honest job of evaluation. Such a story limits itself to valid criticism, and sets it in perspective against whatever favorable comment may be relevant.

I have no objection to an honest inquiry. In fact, I would welcome one. It would be a refreshing change from much of what I've experienced over the last two years.

Mervyn M. Dymally  
October 21, 1976

10/21/76

26

-15-

LL-1-P-10



MERVYN M. DYMALLY  
LIEUTENANT GOVERNOR

State of California  
OFFICE OF THE LIEUTENANT GOVERNOR

November 15, 1976

Dear Friend:

You may have noticed a recent news article in which I criticized certain aspects of news coverage of my two years as Lieutenant Governor.

More specifically, it dealt with a story carried by the Sacramento Bee in which the Bee attempted to raise questions about my relationship with a constituent, John David Gardner, a Los Angeles pharmacist, who has at times run afoul of the law.

The Bee ran a reply article from me, and the Associated Press then carried a wire story attempting to condense my main points.

I thought you might like to see a copy of my original article. The first ten pages were run by the Bee; the other four pages were omitted by the Bee, apparently for space reasons, but contain points of a general nature on media coverage of Black elected officials. They are also attached, and so designated.

I think these are questions on which we need a continuing dialogue. I welcome any comments you may have, favorable or unfavorable.

Sincerely,

*Mervyn M. Dymally*  
MERVYN M. DYMALLY

LL-2-b-1

Sacramento Bee, November 3, 1976

# 'The View From Where I Sit'

By MERVYN M. DYMALLY  
California Lieutenant Governor

SINCE TAKING office as lieutenant governor of the State of California, I have been subjected to repeated scrutiny by some newspapers around the state, most notably the Los Angeles Times and, more recently, by The Sacramento Bee. It has long been my policy to maintain an open office, to facilitate to the fullest extent possible media access to myself and my activities. It has always been my conviction that the press has a responsibility to report fully and accurately on all aspects of government in order to inform the public of the doings of their elected and appointed representatives.

My conviction is no less firm, though I have come to question seriously how responsibly the press carries out its responsibility. Consequently, I find myself reassessing my policy of openness and access. In considering a change in that policy, I feel an obligation to set forth the reasons for the shift in my thinking.

SIMPLY STATED, I can only describe my experiences of the past two years with the printed media as a horror, as an unending nightmare. I find an image being projected of myself as a person and as an elected official that totally denies my sense of values, that misrepresents my intentions, that impugns my integrity, that mocks my commitments.

One can speculate endlessly as to the reasons for the treatment I have been accorded:

— It may be as blatant as the fact that I am black and the powers in a racist society are obliged to discredit — if not destroy — a high-level black official who has obtained — if not in reality, at least in appearance — the semblance of power. I would like to think not.

— Or, it may be as subtle as the seemingly insignificant innuendos and implications made by white reporters, out of ignorance and insensitivity that cumulatively reveal their unconscious racism.

— Or it may well be sloppy reporting and editing, and a tendency among some reporters, once they have decided on a story, to select only the facts that support their conclusions, and disregard the rest. I have seen definite evidence of this in some instances, in The Bee and in other publications.

— Perhaps it is that the media Capitol bureaus, while well meaning, still are all white and thus unable to grasp the realities of black politics and black politicians.

— Or on the other hand, maybe it is that the imbalance in the news reported about me results from the

This statement from Lt. Gov. Mervyn Dymally was written in response to a news story published in The Bee Sept. 10 concerning Dymally's relationship with John Gardner, a controversial Los Angeles pharmacist. The lieutenant governor contends the story contains innuendos that are unfair and misleading. The Bee stands behind the story.

fact that most newsmen are still uncomfortable reporting good news, or writing about some seemingly dull but good thing that an individual does. It is much more normal to dig up the sensational. That's what wins the pats on the back from editors, the media awards, etc. But is it accurate reporting of the total picture about a situation or individual?

— In fact, there are those who say that there is government as it actually exists in reality, and government as it is reported to us through the news media, and that the two are not necessarily the same — indeed, are not the same. I never realized just how true this is until this past two years of news coverage of myself, for I see myself portrayed in the media too often as an unscrupulous politician, and I know that this is just not an accurate picture of Mervyn Dymally.

I AM TIRED of it; I protest, and I have decided to tell my side of the story. The view from where I sit looks very different, indeed, and I thank The Bee editors for allowing me to present it.

I think all of the shortcomings of news coverage I went into above, are illustrated in recent articles about a Los Angeles pharmacist, John David Gardner, and his involvement with me. Let me explain. (The first article appeared in The Bee.)

Anyone elected to public office quickly finds a large portion of his or her duties revolve around responding to constituent complaints, requests for information and pleas for assistance.

A person who has been long established and actively involved in the community from which he or she is elected finds the demands multiplied by virtue of the network of relationships that have developed over the years, and the multitude of persons who feel that they have special access to their now-elected representative. A black official representing a low-income black community, who has campaigned on a platform promising solutions to problems that plague the daily life of the community, is deluged with an incredible diversity and volume of requests for help.

I responded to these requests. Letters from me are in the files of

hundreds of people who are in prison or have had problems with school or welfare, or have run afoul of the state regulations or rules in some other way. Often the mother or a relative would come into my office and ask for a letter or a phone call or just "some help." I never tried to judge these individuals, which was not my job, and I always did what I could — which was very much my job.

A TYPICAL CASE was the family that approached me in 1963 when I was a freshman assemblyman representing the ghetto of Los Angeles. A member of this family, a pharmacist, was serving a prison term, having been convicted of illegally selling drugs, and was shortly to be eligible for parole. I agreed to go see him and, in that way, met John David Gardner for the first time.

If a constituent asks for help and is denied, that person is unlikely to ask a second time. If a constituent receives a response, he or she is likely to ask a second time. So it was that over the years, John Gardner moved in and out of my political career in a very minor way — one of thousands of individuals. I wrote a letter in his behalf to the California Adult Authority before he was paroled, stressing his positive attributes in much the same socially accepted way that employers, almost without thought, write letters of recommendation for former employees. I also appeared, as did several other community leaders, before the State Board of Pharmacy in support of his license being restored at a public hearing.

My interpretation of the system of justice in this country, admittedly a literal one, is that once a person has served his time in prison, he has paid his "debt to society." There is no provision in the system of law for perpetual punishment. My understanding of the philosophy of "rehabilitation" of convicted offenders is that unless they become reintegrated in a meaningful way in society, it is nearly inevitable that they will again turn to crime and return to prison. Fundamental to such reintegration is economic security. Thus, I tried to help John Gardner, and for a brief time — about two months, not two years as reported in The Bee, at a salary of \$200 a month —

LL-25-2

John Gardner worked as a part-time aide in my Los Angeles office in the mid-1960s. He performed some odd jobs at my office and became acquainted with my family. He worked for a time at a small filling station leased by my brother-in-law, pumping gas and occasionally doing minimal bookkeeping.

WHEN THE CONCEPT of prepaid health plans emerged, John Gardner, with some prominent medical doctors, pursued his pharmaceutical interests, and had a health consultant in Los Angeles develop a proposal for consideration by the State Health Department. I, too, saw potential in prepaid health plans as a possible way to provide health care at a reasonable cost to low-income communities.

I have consistently worked with black doctors in the interest of giving them a voice in the organized medical profession of this state. On more than one occasion, I supported or sponsored legislation in support of health care for my district. I often carried plans for proposals, some relating to health services, to Sacramento as I traveled between Los Angeles and the Capitol — including, I am told, a plan developed by Gardner and some doctors. (I do not specifically recall it.)

Performing these duties for constituents is a routine part of a legislator's responsibilities. I have carried countless documents back and forth for constituents. I arranged meetings between State Health Department officials and organized black doctors' groups in hopes of assuring that contracts for prepaid health plans in black communities would be awarded to black professionals.

THE MOST concentrated period of negotiations for such plans occurred during the Reagan administration while I was a state senator. It should go without saying that as a black legislator from Watts, my influence in that administration was not exactly overwhelming. The Health Department fought awarding any contracts to black doctors; and while the department resisted, it approved contracts with four large white medical corporations, two of which moved into South-Central Los Angeles.

By the time a contract was awarded to a black group, most of the patients had been signed up by white plans, and failure for the black plan was guaranteed.

Gardner's plan was not approved, apparently because of his record. He consequently requested a certificate of rehabilitation in the Superior Court

in pursuit of a pardon. The Bee reported that a letter over my signature in support of a pardon appears in the file on this case. I do not recall writing the letter, but may very well have done so.

ON AUG. 12, 1976, I spent an hour and a half with two reporters from The Sacramento Bee. The thrust of the interview was an ill-disguised attempt to link me in a negative way with John Gardner and the allegations against Omni-Rx, a health care company in Los Angeles. Evidently, though I knew it only from The Bee article, Gardner's pharmacy had filled Omni-Rx prescriptions. The primary issue for the reporters seemed to be that people connected with John Gardner had purchased tickets to a fund-raising dinner held in my behalf during my campaign for re-election as state senator in 1972.

On Friday, Sept. 10, 1976, an article appeared in The Sacramento Bee entitled "Campaign Fund Donations? Dymally Is Linked to Controversial Pharmacist." At the time of the interview, a number of staff members in my office speculated that no story would be printed; that the integrity of The Bee management and ownership would preclude the release of such a charade. What was not taken into consideration was the need to print something in order to justify the hours of research that had led nowhere. The story that appeared was a non-story. It was a stringing together of unrelated bits of information and innuendoes, well sprinkled with my candid quotes, refutations and explanations.

The story, for example, said that "Dymally and Gardner were frequently seen meeting together at the Shanty, a downtown Los Angeles cocktail lounge." Anyone who knows me at all knows that my life-style is not characterized by frequenting bars or cocktail lounges. I still don't know where the Shanty is — or if there even is such a place. Furthermore, I have had no contact with Gardner ever since I became lieutenant governor — and prior to that had contact largely when he informally dropped by the office.

The story said, "Other . . . sources . . . say that Gardner was connected with a number of enterprises operated by the Dymally family." Any check of the facts will show that there are no Dymally enterprises. I have no business interests. My sister owns a struggling beauty school in Los Angeles (and, incidentally, has studiously avoided accepting any federal funds that most other schools receive for fear that the media would use that as the basis for another negative story about me). My brother-in-law previously leased a service station and no longer has even that. Those are the "enterprises" of the Dymally family.

The health consultant who prepared Gardner's proposal for a health plan was quoted as saying that Gardner referred to me as "Brother Merv." No one calls me "Brother Merv," including John Gardner. I am called many things by many people but that is not one of them. In fact, much of The Bee's story is based on circumstantial, third-hand information from this health consultant whom I do not know. It seems significant that this consultant is white; that the reporters took his word about a black man and presented it as truth; that they apparently did not interview Gardner himself.

IN THE STORY, the health official to whom I reportedly delivered Gardner's plan quotes me as saying, "He (Gardner) is a constituent of mine from Los Angeles. I am not asking you to do any favors for him. But I ask you to hear him out." That quote and its significance apparently fell on deaf ears among The Bee staff; it surely didn't deter them from attempting to build a structure on a nonexistent foundation.

The story concluded nothing, it asserted nothing, it charged nothing. It presented no evidence of legal violations, no conflict of interest, or of exertion of unethical pressure. It was an indictment based on the logic of guilt by association, with no consideration of whether Gardner made contributions to other campaigns, which he did, and no consideration of whether other officials have identical histories of responding to requests of

constituents — parolees or otherwise. It titillated, it implied, it left the readers to draw their own conclusions. It was not a substantive investigative story, though it ran in length for over half a page. But it was damaging.

Picked up by the UPI and AP wire services the story was run by newspapers all over the state — largely without presenting my version of the story — headlined variously as: "Dymally Reportedly Aided Man With Crime Record"; "Dymally, Dope Dealer Tie Probed"; "Dymally Link to Ex-Opium Dealer Bared"; "Report Details Dymally Association with Known L.A. Crime Figure"; "Dymally Crime Link Revealed."

SO INSTEAD of a responsive public official who once assisted a young black man trying to build a new life in a hostile society, I have become, as the media would have it, a fellow traveler with the criminal underworld dealing in drug traffic.

The view from where I sit is indeed different.

LL-2-b-3

First of all, I didn't "reportedly" aid a man with a criminal record. I did aid him, and hundreds of others like him, and I fully intend to continue doing so. Second, my appearing before any public board on behalf of any individual, as I choose, is an exercise of my rights, even my duty — a common act of public officials, and not "political intervention." Third, Gardner was not an "opium dealer" but a pharmacist convicted of illegally selling drugs. Fourth, such a conviction does not make anyone a "known crime figure" in the sense that that phrase is commonly used. Fifth, most black doctors, lawyers and other professionals have purchased tickets to my fund-raisers at one time or another, not because of personal favors, but because they appreciated my efforts for my district, and because they are about the only people in the black community who can afford to help blacks get elected to positions of power.

**BLACKS HAVE** only recently come into office in any sizeable number after a long, long period of absence and silence that began with post-Reconstruction. They have come into office only after the long struggle of the civil rights movement, the leadership of Martin Luther King Jr., the marches of thousands of blacks, many of whom were beaten and killed in their determination to secure the Voting Rights Act of 1965.

We have come into office not through the grace of the corporate system, not through the support of money interests, not through the provision of ample budgets by big donors. We have come into office through the faith of black constituents; through a spirit of identification with one another that some reporters often find incomprehensible; through helping one another in the struggle to survive when no one else heard our pleas for political status.

As long as those denied opportunity are arrested, convicted and imprisoned, far out of proportion to their numbers in the total population, I will respond to their needs and lives as they are presently constituted, even as I continue to fight for the creation of alternatives and options.

And perhaps that is the reason the media characterize me as they do. The story I have just related is not an isolated incident. It is only one in a long series of incidents which have resulted in sustained harassment and distortion during my short tenure as Lieutenant governor — a degree of harassment which has not been applied to any other elected officials.

THE LOS ANGELES Times was reported to have 12 or more investigations going on me at one time. The Bee has had four or five. The rumors about me and my activities have taken on a life of their own, despite the fact they are regularly refuted and disproved, and that the other persons involved regularly deny and point out the untruth of the accusations.

I have no objection to an honest inquiry. In fact, I would welcome one. It would be a refreshing change from much of what I've experienced over the last two years.

Wednesday, November 3, 1976



Lt. Gov. Mervyn Dymally

LL-2-6-4

the Voting Rights Act of 1965.

We have come into office not through the grace of the corporate system, not through the support of money interests, not through the provision of ample budgets by big donors. We have come into office through the faith of black constituents; through a spirit of identification with one another that some reporters often find incomprehensible; through helping one another in the struggle to survive when no one else heard our pleas for political status.

As long as those denied opportunity are arrested, convicted, and imprisoned, far out of proportion to their numbers in the total population, I will respond to their needs and lives as they are presently constituted, even as I continue to fight for the creation of alternatives and options.

And perhaps that is the reason the media characterize me as it does. The story I have just related is not an isolated incident. It is only one in a long series of incidents which have resulted in sustained harassment and distortion during my short tenure as Lieutenant Governor--a degree of harassment which has not been applied to any other elected officials.

The Los Angeles Times was reported to have twelve, or more-- investigations going on me at one time. The Bee has had four or five. The rumors about me and my activities have taken on a life of their own despite the fact they are regularly refuted and disproved, and that the other persons involved regularly deny and point out the untruth of the accusations.

Let me show you the ludicrous extent, the invasions of privacy that have resulted:

- Last year my brother visited me in my office for a few days. A reporter immediately wanted to know if he were on my payroll.

beginning here,  
next four pages are not included in Bee article

- I enrolled in graduate school to work toward a Ph.D. A reporter tried to check my grades to see if I was being graded too easily.
  - A reporter asked another state official about my sex life.
  - Another reporter examined my Master's thesis at Sacramento State University, to see if I had really written it.
  - A magazine suggested that I obtained money from Senator Humphrey's 1972 campaign, an allegation refuted by the Senator himself.
  - I was named chairman of the Commission of the Californias. A San Diego reporter immediately began investigating handling of an eight-year-old assistance fund managed by the commission (never any similar investigation during previous Lieutenant Governors).
  - My son ran an errand in Sacramento for his part-time employer. A reporter wanted to know if he and I were in the legislative mailing business.
  - A state health department official was fired. I was the immediate subject of a Bee story saying I was primarily responsible, though the reporter did not even check with me for my side, and though his subsequent stories indicated the real causes for the man's dismissal.
  - I objected to naming of a man I felt unqualified to the Los Angeles School Board. The Los Angeles Times claimed I used a red light to pull a school official off the road and threatened him--even though the Times was given positive proof that my car had no red light by the California Highway Patrol.
- I have generally found the Bee to be one of the more responsible papers in the U.S., though I admit to having been struck at



their unswerving support of the "Fresno Bee Four", who were jailed for violating a court order, while attacking me on spurious, fallacious grounds when I had broken no laws. It seems there is more meaning attached to the concept of "freedom" when it involves the press than when it involves a black official seeking to realize for the historically disenfranchised, the other freedoms guaranteed in the Constitution.

Ironically, it was a group of black church members from San Francisco who waged an around the clock vigil in Fresno in support of the "Fresno Bee Four" until they were freed.

But if the Bee is relatively more conscionable, the L.A. Times is imminently less so.

It is difficult, upon reviewing the series of stories on me by the media, to consider their motive. This question is more puzzling when one considers the fact that no legal charges have been made against me by any law enforcement agency. Accepting this conclusion, the question follows: what can be done about it. In order to arrive at any answer to that question, it seems to me we need to examine one of the basic issues raised by such coverage, and I can only suggest here what I consider to be the primary issue. And that is the tendency of the press to justify all their actions by appealing to the First Amendment.

Personally the experience I have undergone is hardly pleasurable, does little for one's self concept and sense of achievement. I'm sure the media would tend to say, "That's your problem, not ours"

But I think it is far more than just my problem. It is the media's problem; it is the problem of our society in general. When-- and if--and whether intentionally or for a host of reasons--the news media distort or misrepresent the record, the accomplishments or

the character of a public official, then I think it is a problem affecting all of us.

Professionally I have established a strong record of achievement in the fields of education, political reform, women's rights and civil liberties. When such an advocate--myself or anyone else-- is impugned or discredited unfairly or thoughtlessly, then I maintain that more than just that individual suffers.

My effectiveness in these areas in the future remains to be seen, after I have been dragged through the mire of character assassination, innuendo, rumor and hyped-up reporting.

And as a Black elected official, I represent, along with all other Black officials, a symbol of opening up of the system, a symbol of the struggle for justice through political participation. The significance then, of course, transcends one individual. We are, for countless citizens, the vestige of hope that sustains them in the never-ending effort to realize the promise of democracy in the society.

Consideration must be given to whether the creating of impediments to further progress in human rights is precisely the intent of this harassment. For nationwide, the same thing is happening to a score of major Black political leaders. And historically, traditionally, what better way is there to destroy or lessen the effectiveness of any movement, than to discredit its leaders?

Am I asking that the press, and society, to judge us differently or treat us with kid gloves because we are Black? Precisely not. All we ask is:

— That news media, and society, understand the Black perspective, try to realize that problems faced by Black leaders were not-- are not--necessarily the same as those faced by white estab-

lishment politicians, and that our responses cannot always be the same.

~~That~~ That we be subjected to the same level of investigation, probing, and scrutiny as other political leaders, no more, no less.

~~That~~ That the media realize that the current mania for investigative reporting, probing, exposing--commendable as it may be--does not relieve them of the responsibility to report accurately and fairly, that which is not destructive and sensational.

Finally, I raise the question of the extent to which the printed media have a responsibility to be fair in their portrayal of public officials. There is no law requiring fairness; in fact, the law makes it practically impossible for an elected official to sue a newspaper for libel. There are probably no economic rewards for being fair. Sensational falsehoods are likely to sell more papers than the sober truth.

Thus, my only recourse is to appeal to the moral sense of the publisher or editor or news director who decides what we are to receive in the way of news and to the people who must judge the accuracy and fairness of the news they read. Any person, white or black, Republican or Democrat, in politics or not, can be made to look questionable through a careful juxtaposition of unrelated facts--as happened to me in the Gardner story. In this way the press can destroy almost anyone, regardless of his positive accomplishments.

But if this is the intention of the press or the unintended result of their coverage then it is highly irresponsible. Every elected official has been chosen by thousands of Californians, in my case hundreds of thousands against strong opposition. The press

should respect this, at least to the point of doing an honest job of evaluation. Such a story limits itself to valid criticism, and sets it in perspective against whatever favorable comment may be relevant.

I have no objection to an honest inquiry. In fact, I would welcome one. It would be a refreshing change from much of what I've experienced over the last two years.

Mervyn M. Dymally  
October 21, 1976

26

-15-

LL-2-6-10