



Tuesday, Jul. 21, 2009

Councilman apologizes for racially offensive e-mails

Atwater City Councilman Gary Frago says he will not resign

By JONAH OWEN LAMB
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EDITOR'S NOTE: The Sun-Star repeats language in this story used in some of the e-mails that are its focus. The language is offensive to many and is not allowed, for example, in public comments on our Web site. We reprint the exact language -- without asterisks or euphemism -- so that our readers will understand just why the content and context of the e-mails are the focus of our story, as well as why they are widely viewed as offensive.

Gary Frago, an Atwater city councilman, has apologized after forwarding at least seven racist e-mails to city officials and others aimed at President Barack Obama, the first lady and black people.

"I made a mistake," he said of the e-mails, circulated from October 2008 to February 2009. "It was a mistake I shouldn't have made and I apologize for it. I wasn't being racist, I was just passing on e-mails."

Despite his apology, the councilman may still be in hot water.

Some residents have called for his resignation, while several City Council members have distanced themselves from him.

Despite the uproar, the city still refuses to provide additional e-mails sent by Frago, which first amendment advocates say the city has little legal standing to do.

After the Sun-Star published a series of e-mails that Frago forwarded to local officials from his private e-mail account, the story made its way to a national audience. It was then that Frago realized he had offended people, he said.

"I didn't think it would go nationwide, to tell you the truth. If it would have stayed local, we would have been able to handle it a lot easier," said Frago.

Frago, who first told the Sun-Star that he did not regret sending the e-mails, said he will not resign.

The City Council's reaction was measured but firm.

Mayor Joan Faul, who received none of the e-mails, condemned Frago's actions and distanced herself from him. In a prepared statement she wrote, "As mayor of the City of Atwater, I wish to apologize on behalf of the City. I have no authority to instruct Mr. Frago on how to rectify this situation, and furthermore have no authority to take any action in my official capacity as your Mayor to affect his current position as a City councilman. The reason I do not have the authority is because he was elected by the voters. I can share with you that I know Mr. Frago has offended many people not only in the City of Atwater, but the nation, as the dozens of letters I have received attest to."

Near the end of the letter she wrote, "Let me reassure you that I do not make any apologies on behalf of Gary Frago or attempt to defend his actions. For his actions, he is accountable to you, his constituents."

She did not call for Frago's resignation.

City Councilman Nelson Crabb, who neither sent nor received any racist e-mails forwarded by Frago, said that he wanted to make it clear that while his name appeared with Frago's in the Sun-Star's first story about the e-mails, he was not involved.

(When the Sun-Star requested Frago's e-mails, it also requested Crabb's, so his name appeared in the paper even though the newspaper has no evidence that he sent or received any such e-mails.)

"The people who elected me are not of this mind-set," said Crabb. "They want me to treat everybody equally."

Crabb did not say if he thought Frago should resign, but said the council has no power when it comes to other council members. "He has to answer to the people who elected him," said Crabb of Frago's future.

Neither Councilman Joe nor Jeff Rivero returned calls made by the Sun-Star.

City Manager Greg Wellman, who received several e-mails from Frago, said that he hopes that Frago's apology will be the start of a new culture within city government. "Personally, I have been involved in reading material from all over the United States for the past two days," he said. "I would like to think that the apologies offered are a starting point in changing a culture."

Merced County Supervisor Mike Nelson did not return phone calls from the Sun-Star.

Much of the public was unequivocal about its reaction.

Rick Barreto, of Merced, said he finds no excuses for Frago's behavior. "I take high offense to that city councilman," he said. "Words are powerful."

Al Mayfield, an Atwater resident, said he will be at the next City Council meeting to ask for Frago's resignation. Mayfield said that he received an e-mail sent to Frago from Cecil Samples, who said he did not recall sending or receive any such e-mails. The e-mail read: "Breaking News: Barack Obama announced today he cannot fix the economy but he is pretty sure he can nigger rig it!"

Mayfield asked to be removed from the e-mail list after the incident.

Rubby Tiggler of Atwater said that she is more than upset about Frago's e-mails.

Collis Cason, another Atwater resident, said that the National Association for the Advancement of Colored People had better be at

the next city council meeting asking the hard questions.

Meanwhile, Napoleon Washington, the president of Merced County's NAACP chapter, said that he condemns Frago's actions. But the organization has not yet taken an official stance on if Frago should step down from office, said Washington.

Despite Frago's apology and public outrage, the city still refuses to release to the Sun-Star any additional e-mails sent by Frago.

According to their attorney Dennis Myers, the city's legal opinion stands. The city refused to release numerous additional e-mails from Frago because they are not deemed public documents since they do not pertain to city business.

But Terry Francke, with California Aware, an open government group, said that the city's legal opinions are dubious when it comes to e-mails sent on or through a city server.

"I don't think there's any controversy anywhere as to whether e-mails sent by public officials using an official e-mail account or server are anything but public records," said Francke. "If the city doesn't have something it really needs to hide, it should not create that impression by making a mystery out of commonplace."

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Tuesday, Jul. 28, 2009

Atwater city councilman Gary Frago gets an earful from angry constituents

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ATWATER -- Gary Frago, the Atwater city councilman who sent a series of racist e-mails to city staff and others in late 2008 and early 2009, faced a chorus of outrage on Monday evening as protesters and angry citizens lambasted him at a special council meeting in Atwater's community center

The more than 250 people filling the auditorium included local activists, who picketed outside of the city hall and then marched down Bellevue Avenue, members of the local chapter of the NAACP and residents from across Merced County.

While the City Council voted only to issue Frago a letter of disapproval, the majority of speakers at the heated special meeting asked for Frago's resignation.

But Frago was not without supporters who accepted his apology and said he was not a racist -- just a man who made a mistake.

Tensions were high.

In anticipation of a raucous gathering, Mayor Joan Faul said to the crowd, "Please, no catcalls or anything like that."

Frago read a brief statement of apology. "I have made a mistake, I should have known better," he said in part of the statement.

Most of the speakers at the gathering did not accept his apology and asked for his resignation.

Shirley Vaughn-Hulbert, a 17-year Atwater resident who now lives in Merced, called for Frago's recall. "What kind of models are we setting for our children?" she asked Frago.

The president of Merced's NAACP chapter, Napoleon Washington, echoed the group's sentiment, condemning Frago's actions and calling for his resignation.

Joe Fontella Jr. said the whole episode had disappointed him. He expected the City Council to stand for higher principles and its failure to act quickly and decisively had not done that. "I want you to be leaders and I don't think that's happening," he said.

Others showed a personal and emotional reaction to the e-mails.

Mary Jones, a Merced resident, said that when she read the Sun-Star's story about Frago's e-mails she was in shock.

"I was frozen where I was standing. You wounded me that morning when I opened that paper," she said to Frago.

In all, 25 people spoke against Frago's actions.

While Frago supporters were less in number, they were a vocal minority.

Todd White, of Atwater, said he accepted Frago's apology and asked him to stay in office despite all the calls for his resignation.

"Please do not resign," he said. He said that everyone in the room was an American and the sooner people left behind their divisive hyphenated identities, the better.

Barbara Riis-Christensen said that the e-mails had been blown out of proportion. "Let's not allow the protesters to manipulate our fears," she said.

Jack Lancaster, one of the eight people who spoke in support of Frago, said he accepted the man's apology. "Gary Frago I forgive you," he said. "Gary Frago is a wonderful person."

After listening to more than 40 people speak, the council voted unanimously to write a letter of disapproval for Frago's actions.

Aside from that the council disagreed on how the issue was handled.

Councilman Nelson Crabb, who apologized for the e-mails even though he did not send or receive any, said he had to fight other council members just to make sure the meeting was held in the community center where it could accommodate the large crowd.

Councilmen Joe Rivero and Jeff Rivero, who had until Monday night been silent on the matter, publicly stated their disapproval of the e-mails.

Jeff Rivero said that the e-mails were wrong, but he also attacked Faul for sending out a letter condemning Frago's e-mails without consulting the other council members. "I am not running to the press," he said, adding that he would have like to send a press release from the council instead of positions from individual members.

His brother Joe Rivero also mentioned that the e-mails were wrong. But he added that the Sun-Star had acted irresponsibly when the paper published the jokes sent by Frago.

The City Council also decided to hand over additional e-mails requested by the Sun-Star.



Merced Sun-Star

SUN-STAR PHOTO BY BEA AHBECK
Atwater councilmember Gary Frago listens to the public's reactions to e-mails he sent containing racist jokes during Monday's city council meeting at the community center in Atwater, Calif. July 27, 2009.




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A Sun-Star story on July 17 revealed that Frago sent at least seven racist e-mails to city and county officials from October 2008 to February 2009. The e-mails denigrated President Obama and the first lady and black people in general.

While Frago has apologized, at first he said he did not regret sending the e-mails. "I don't see where there's a story, I'm not the only one that does it," he told the Sun-Star in a story July 21. "I didn't originate them, they came to me and I just passed them on."

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Dozens call for Frago to resign at Atwater City Council meeting:

Frago apologizes for sending e-mails