

Validity of Pill Test in Noguchi Case Attacked

BY RICHARD WEST
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Not until nearly two months after Dr. Thomas T. Noguchi was accused of taking drugs in excessive quantities and fired from his coroner's job was a "test" ordered to determine what kind of capsules he had allegedly taken, the Noguchi hearing was told Monday.

Noguchi's counsel, Godfrey Isaac, denounced the test procedure as "an error or a lie" as the County Civil Service Commission hearing, at which Noguchi is seeking reinstatement to the coroner's job, went into its second week.

A witness called by the county, Dr. Donald A. Stuart, deputy medical examiner and acting inquest officer here, testified the test was ordered by Herbert McRoy, administrative deputy in the coroner's office and one of Dr. Noguchi's accusers.

Stuart told the hearing in the Hall of Administration that he himself conducted the test.

It consisted, he said, of putting 40 capsules—all partly green in color and containing different drugs—into a box and then having McRoy and another office worker select the capsule which appeared to be the type they saw Noguchi take.

None of the 40 pills used in the test was ever in Noguchi's possession, testimony showed.

McRoy and Mrs. Nancy Palmer, a medical transcriber-typist, each selected a half-green, half-transparent capsule containing Dexamyli, an amphetamine "pep" pill. Mrs. Palmer also testified earlier against Dr. Noguchi and said that she herself took Dexamyli while on a diet.

Identified 'Visually'

Stuart said the capsule was identified "visually" by Dr. Ramesh C. Gupta, head toxicologist in the coroner's office, as Dexamyli, and that the capsule was then sent to the sheriff's department for analysis.

Gupta also has testified against Noguchi at the hearing.

Before Stuart, who was being questioned by Dep. County Counsel William Kerr, could disclose the

results of the sheriff's analysis, Isaac objected vigorously to the line of questioning, saying, "This test has no validity."

The lawyer noted that Noguchi was fired March 18 by the Board of Supervisors and that the report of the sheriff's analysis was dated May 14—two days after the Noguchi hearing started.

"There is something terribly wrong here," Isaac said, pointing out that the county first identified the drug as Dexamyli in March "and then made a test in May."

Isaac demanded to know when the test was made.

Stuart said he did not remember exactly but that it was "prior to the commencement of the hearing."

"They already made a charge and then later ran a test," Isaac scoffed.

O. Richard Capen, commission president, ordered the county to bring in the sheriff's officer who made the analysis to testify.

Capen said that the commission wanted to see all 40 capsules used in the test.

The commission president also called attention to the fact that the Dexamyli capsule selected in the test had never been in the possession of Dr. Noguchi.

Stuart said later McRoy was instructed to order the test by Dep. County Counsel Martin Weekes, who is presenting the county's case against Noguchi, and that the capsules used were furnished by Dr. Gupta from his laboratory.

Isaac called one of his witnesses, Dr. Frederick J. Hacker of Beverly Hills, a specialist in neuropsychology, clinical professor of psychiatry at USC and "president of the Sig-

Please Turn to Back Page, Col. 1

Continued from Third Page

mund Society in Austria."

Hacker said he gave Noguchi a "battery of (psychiatric) tests and found him to be, 'to use a conventional term, normal.'"

The psychiatrist said Noguchi showed no signs of any abnormality in "the present or the past."

Behavior, Hacker went on, "is very largely influenced by cultural factors, particularly early cultural factors . . . childhood."

He said Japanese have a habit of smiling "even in

sad or dangerous situations."

"One observer said," he added, "They (Japanese) smile so much one could confuse them or hit them."

He said he did not find Noguchi's speech "rambling" but did find that some "colloquial expressions" were "not immediately apprehended" by Noguchi.

On cross-examination, Dep. County Counsel Weekes asked Hacker if he was familiar with the "simulation of sanity phenomenon."

Hacker said yes, it is when "someone is really crazy and acts as if he is normal."

On redirect examination, Isaac asked Hacker if the tests he made on Noguchi "ruled out drug psychosis or drug effects."

"Yes, they did," the psychiatrist replied. "Dr. Noguchi does not have, did not have in the past, any such thing."

Hacker said there could not have been "anything

even approaching psychosis" in Noguchi.

The psychiatrist noted that there is a distinct difference between "unusualness" and "abnormality" in a person.

Leaders in various fields have "unusual characteristics," Hacker said. "However, by no stretch of the imagination can they be called abnormal."

If the "unusualness" was synonymous with "abnormality," he said, "every genius or leader would be a nut."

Weekes asked Hacker if persons suffering from severe mental problems could have "periods of lucidity."

"Sometimes," the psychiatrist said.

"Could there not have been a time when Dr. Noguchi had hallucinations?" the deputy county counsel pressed.

"No, he could not . . ." Hacker said.

Hacker volunteered that he himself jumps "from one subject to another" in his speech at times, and that this is "not erratic."

When Dr. Stuart was

later recalled to the jury, he was asked by Isaac if he ever asked Dr. Noguchi for a prescription for Hydoden, a pain-killing drug containing codeine.

Stuart said he had, that Dr. Noguchi said he would give him one, but that the coroner forgot about it.

"How often do you take the drug?" Isaac asked.

"Very rarely," Stuart said, explaining that he used it for a painful hernia condition.

Isaac asked Stuart if he