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LISTENER — Thomas T. Noguchi appearing at his dismissal hearing Monday. Defense did not call him to testify.

Times photo

Noguchi Decides Not to Testify in Dismissal Hearing

BY RICHARD WEST
Times Staff Writer

Counsel for former Coroner Thomas T. Noguchi suddenly rested his case Monday without calling his client to testify at the County Civil Service Commission hearing into Noguchi's dismissal.

In a defense statement which the commission refused to hear, attorney Godfrey Isaac said Noguchi abhorred "the cheap success which would come from castigating a handful of his subordinates" if he testified.

Isaac had indicated Friday that he planned to conclude his case by putting Noguchi on the stand to testify in his own defense.

But as the hearing began its fifth week Monday morning Isaac informed the commission that after "a soul-searching weekend" he had decided not to let Noguchi testify.

Isaac said he was resting his case.

Maneuver Upsets County
The maneuver upset County

Counsel Martin Weekes, who complained, "I think we have been led astray."

Weekes said he had been told that Isaac would call Noguchi and two other persons as witnesses Monday, so the county had subpoenaed rebuttal witnesses to appear today. He said he was forced to request a recess.

Commission President O. Richard Capen continued the hearing until 9:30 a.m. today.

Also disappointed were scores of Noguchi's fellow Japanese-Americans and others who had jammed themselves into the small hearing room on the fifth floor of the Hall of Administration to hear Noguchi personally give his side of the controversy.

Isaac had wanted to read a three-page statement explaining why he was not letting Noguchi testify, but

the commission ruled that such a statement was not admissible.

The statement, which was rejected as evidence by the commission before the start of Monday's session, read in part:

"Dr. Noguchi has expressed to me his concern for his departmental family in the coroner's office . . .

"Dr. Noguchi's feelings for the employees of the coroner's office are the same today as they were during his tenure of office as chief medical examiner-corer.

"He has stated to me, 'I am interested in the salvation, not the destruction, of the family' . . .

"He now has instructed me that he, an experienced expert witness in some 500 cases, although eager to testify in this matter, will not engage in an oratory where condemnation of some employees cannot be avoided and future harmony would be jeopardized.

"As a dedicated public servant, he abhors the cheap success which would come from castigating a handful of his subordinates."

Isaac said in his statement that he had reviewed the testimony to date and found "nothing which

would warrant the discharge of Dr. Noguchi."

"I take full responsibility for this opinion which I have expressed to him," the lawyer added.

Isaac and Noguchi, the statement went on, believe that the hearing could be closed now for the good of the coroner's office.

Wants Model Office

"Dr. Noguchi, the unadmissible statement said, "wants the office to . . . become a model for coroners' offices all over the world.

"He desires to resume his duties as its chief and to preserve the dignity of both the office and himself. He is striving for excellence, not paralysis."

Isaac said that the nearly 60 witnesses he called "have told the Noguchi story."

Before Isaac rested his case, he called as a witness

Lt. Col. William Berner, an Army flight surgeon who took part in the investigation of the crash of a Los Angeles Airways helicopter in May, 1968.

Berner, then attached to the National Transportation Safety Board, testified that Noguchi's processing of the crash victims was "well organized—much better than we find in many other places."

He said he dictated a letter to the Los Angeles County Board of Supervisors on behalf of the Safety Board commending Noguchi and other county officials for their part in the investigation into the crash.

Berner said he found Noguchi to be "a normal human being, calm and reserved."

Under Submission

Rebuttal testimony is expected to take several days, and then the three-member Civil Service Commission will take the entire case under submission.

President Capen estimates that it could take the commission up to a month to review all the lengthy testimony and decide whether Noguchi

should be reinstated to the coroner's job.

The other two commissioners are Mrs. Thelma Mahoney and Harry Albert.

Noguchi was fired from the \$31,104-a-year job last March 13 by the Board of Supervisors.

He had been accused by L. S. Hollinger, county chief administrative officer, of taking drugs in excessive quantities, acting erratically, threatening to kill county officials, bullying employes and expressing a desire for air crashes here with large losses of life.

Noguchi has indicated that he will take his case to the courts if the Civil Service Commission does not overrule the Board of Supervisors and give the coroner's job back to him.