

The Long, Strange Case

Set St. Pierre Hearing

By Diane Maddex
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Saipan - Not too long ago one of the Trust Territory's assistant public defenders telephoned TT headquarters to find out who his boss is.

He isn't a new employe. Neither has he been asleep at his desk.

He is only one of the many people here who are confused about just who the TT's chief public defender is - and why Roger L. St. Pierre is sitting in his old office five months after he received a notice of proposed termination from his job.

The word is that J. Leo McShane, assistant public defender for Palau, is still the acting chief public defender, as he has been since late April.

St. Pierre, the TT's chief public defender since 1962, was told on April 18 that the administration wanted to remove him. As reasons Deputy

High Commissioner Peter T. Coleman cited St. Pierre's acceptance of a fee while he was acting in his "official capacity as public defender" and his failure "to properly supervise an employe" under his supervision.

Coleman informed St. Pierre he would temporarily serve as "acting special assistant on the High Commissioner's staff."

It was learned on Saipan this week - five months later - that an appeal hearing for St. Pierre has been set to begin on Saipan on Nov. 14. Presiding will be Judge Robert C. Snashall of the Interior Department's Office of Hearings and Appeals in Portland, Oregon.

According to a copy of a letter from Snashall received by the TT Department of Personnel, a pre-hearing conference will begin at 9 a.m. At that time St. Pierre and the government will present a list of witnesses together with the substance of their testimony.

The hearing, which could last for days or weeks, is due to start when this conference is concluded.

St. Pierre is being represented by Washington attorney Lawrence Speiser. The government's case will be presented by Francis F. Grambo of the Interior Department's Office of the Solicitor.

A grievance hearing was first requested by St. Pierre's attorney on May 24. Although Speiser asked for a hearing provided under TT regulations, the forum for St. Pierre's appeal has now been switched to the Interior Department. No one seems to know just why or wants to explain it.

For one thing, Speiser's May 24 letter attacked the constitutionality of both the TT grievance procedures and the seven-page letter notifying St. Pierre of the proposed termination.

Under the Interior Department hearing now planned, says a TT Personnel spokesman, Snashall will present his findings and recommendations "to a deciding official" for final action on the proposed termination. It is possible that other administrative or legal avenues of appeal might be open if St. Pierre is not reinstated or the case resolved to his satisfaction.

In the meantime St. Pierre is still on the TT payroll, he is still living in his TT house and he is still, on paper, an "acting special assistant on the High Commissioner's staff."

You won't find him at TT headquarters on Capitol Hill, though.

St. Pierre spends his days in the Public Defender's office at Saipan's Civic Center where much of his time is devoted preparing his defense. He maintains, as he did in an affidavit sworn to in May, that he has "committed no legal, moral or ethical wrong."

Rebutting the TT administration's charges, St. Pierre states in the affidavit that he made repeated attempts to refuse \$7,500 given to him December 1969 by Marshallese woman, Tot Samuel.

St. Pierre says he was told to "show gratitude" for assistance on a probationary job which she was awarded more than \$45,000.

He states that he gave \$1,500 to Anibar Timothy, the public defender representative for the Marshalls, who acted as interpreter for St. Pierre. The affidavit also disclosed that St. Pierre learned only in December that Timothy had been given \$7,500 as well as Mrs. Samuel.

St. Pierre's affidavit contends that a ruling by a former TT Chief Justice allowing public defenders to accept fees in certain civil matters applies in this case.

The TT's second charge, that St. Pierre failed to properly supervise an employe would seem to be directed at Timothy although he is not specifically cited.

The November hearing, to be held in one of the courtrooms at the Civic Center, is expected to be open to the public.