

Ousted medical chief set to fight for his job

By **BARBARA YUNCKER**
DR. MICHAEL Baden has hired a politically savvy lawyer to assess his chances of winning back his job as Chief Medical Examiner by going to court.

He says he's also considering suing Health Commissioner Dr. Reinaldo Ferrer — his chief critic — for libel.

At the same time he denied all the charges which led Mayor Koch to dismiss him on the final day of his year's probation.

Baden said he hired Edward Costikyan, former head of Tammany Hall, to "evaluate whether the Mayor made a proper legal decision" and to weigh whether to sue Ferrer for libel.

It was on the advice of Ferrer and Manhattan District Attorney Robert Morgenthau that Koch fired Baden.

He called Morgenthau "misinformed by inexperienced" assistants.

He said he would not guess at the reasons for Ferrer's charges, which he called "totally false and possibly libelous."

"It is not correct at this time to say I'm fighting for my job," Baden said in an interview.

However, he said that "until the dust settles," he

is staying in the ME's office in his permanent Civil Service rank as Deputy Chief Medical Examiner at \$42,000 a year. He made \$50,000 as Chief.

Baden issued a blanket denial of eight charges of "poor judgment" and bad administration by Ferrer and four charges of bad case-handling by Morgenthau.

The most sensational charge was that he had indicated to a Lenox Hill Hospital meeting that former Vice President Nelson Rockefeller had died during sexual intercourse.

Baden's reply was that



ROCKEFELLER
Allegation denied.

he had referred only to the fact that deaths from natural causes are not cases for the ME's attention.

A Lenox Hill spokesman tended to back his version. Dr. Ira Hoffman who chaired the meeting was quoted as saying that "Rockefeller's death was mentioned only briefly in relation to the subject of autopsies."

Ferrer was not available for questions but said through the Health Dept. spokesman Marvin Bogner that his version of the episode came from several persons at the meeting whom he had agreed not to identify.

Another Ferrer charge — involving an allegedly illegal effort to get confidential records of a methadone patient — is not wholly borne out by records at Beth Israel Medical Center.

Contrary to Ferrer's July 13 memo to Koch, the hospital did supply the records — to Ferrer himself — after he got legal advice and made a pledge of "absolute confidentiality."

The patient had died and the question was one of deciding between natural

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3. Dr. Baden follows no rules and directions of the Office and does not devote his full time activity to his job. He cannot be controlled and has not shown professional managerial responsibility and has always acted in his own interest and that of his wife. I consider him professionally unqualified for the position of Chief Medical Examiner.

SECTION OF A CONFIDENTIAL MEMO TO THE DEPUTY MAYOR FROM FORMER MEDICAL EXAMINER MILTON HELPERN



Baden kisses his wife Judianne after she read statement to the press in behalf of her husband yesterday.

Post photo by William Jacobellis

causes or possible homicide, Baden said.

Baden's differences with Morgenthau's staff go back many months, letters released yesterday show.

Morgenthau cited four allegedly bungled cases in his memo of July 12 which Koch called influential in his decision not to leave Baden permanently in the ME spot.

Morgenthau's five-page indictment elicited an itemized fifteen-page defense by Baden which in turn called forth another Morgenthau memo this week accusing Baden of "errors, misstatements

and manifestations of ignorance about the criminal justice system."

Baden and his wife, Dr. Judianne Densen-Gerber, founder of Odyssey House, suggested a political motivation in Baden's dismissal.

In his press conference announcing the ouster, Koch said he had known the couple for a dozen years and considered them friends.

He said the decision was made entirely on the evaluations of Ferrer, who is nominally the ME's superior, and of Morgenthau.