

Professionals Voice Concern Over Dismissal of Baden

By RICHARD SEVERO

The ouster of Dr. Michael M. Baden as Chief Medical Examiner of New York brought expressions of shock and indignation yesterday among physicians and other professionals in many parts of the country who have worked with him.

Dr. Thomas T. Noguchi, the Los Angeles County Medical Examiner, called Dr. Baden an "intense, intelligent, idealistic scientist."

In Maine, Dr. Henry Ryan, the State Medical Examiner, said he was "shocked," and added: "I was born and raised in New York and now I'm here and when I hear about things like this, I'm not upset about being in Maine."

Dr. Cyril Wecht, a forensic pathologist who is the elected coroner of Pittsburgh, said he had talked with colleagues all over the country yesterday. "All of them," he said, "expressed their amazement that something like this could happen to a man of Dr. Baden's stature."

Dr. Wecht said he believed the ouster was "an obviously superficial attempt to rationalize a despicable action," adding that it was "political chicanery or some sort of political vindictiveness."

Dr. Baden, who was ousted on Tuesday just before his appointment as Chief Medical Examiner of New York City was

to become permanent, essentially resigned himself to the Bronx yesterday and gave every indication that he planned to resist efforts to depose and discredit him.

Dr. Baden lost the chief's position and reverted to deputy, protected by Civil Service, when Mayor Koch announced that he would not make Dr. Baden's provisional appointment permanent because he had received criticism of Dr. Baden from one of the city's five District

Continued on Page B7, Column 1

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Continued From Page A1

Attorneys and the Health Commissioner. The other four District Attorneys gave Dr. Baden high praise.

No decision has been made by Dr. Baden or his attorney, Edward N. Costikyan, as to whether there will be a lawsuit. The complaints against Dr. Baden, brought by Dr. Reinaldo A. Ferrer, the Health Commissioner, and District Attorney Robert M. Morgenthau of Manhattan, generally accused Dr. Baden of poor record-keeping and a lack of cooperation.

In his letter to the Mayor, Mr. Morgenthau said that dissatisfaction with Dr. Baden and his office was "very widespread" among assistant district attorneys assigned to homicide cases. He said the assistants had accused Dr. Baden and his staff of being unavailable to help prepare cases, showing rudeness to the assistants and demonstrating a cavalier attitude about their responsibilities.

Dr. Baden has denied the charges brought by Mr. Morgenthau and Dr. Ferrer and sent a lengthy rebuttal of them to Mayor Koch.

Ferrer Silent on Source

Dr. Ferrer was asked yesterday to reveal the source for one of his complaints — that Dr. Baden told a group of physicians last Feb. 3 that former Governor Rockefeller "had died during sexual intercourse."

Dr. Ferrer said that Dr. Baden made the statement at Lenox Hill Hospital; Dr. Baden denies having made such a statement. A spokesman for Lenox Hill Hospital said the minutes of the meeting Dr. Baden addressed show that it was on Feb. 9, not Feb. 3, and contain no reference to Mr. Rockefeller's death. The hospital, in a statement later, said the meeting's chairman recalled a brief mention of the Rockefeller death as a case that did not call for an autopsy.

Through a spokesman, Dr. Ferrer re-

fused to name the source, explaining that such an elaboration now would be "unethical" because of the possibility that he might be sued by Dr. Baden.

Meanwhile, the ouster of Dr. Baden — a forensic pathologist who served on the House Select Committee that investigated the assassinations of both President Kennedy and the Rev. Dr. Martin Luther King Jr. — brought forth strong supportive statements from doctors and other professionals who know his work.

'Uncommon Sensitivity'

In Albany, Clarence Sundram, chairman of the State Commission on the Quality of Care for the Mentally Disabled, issued a lengthy statement praising Dr. Baden, who has served the commission as a volunteer.

"Dr. Baden has demonstrated an uncommon sensitivity and compassion for the families of the mentally disabled," Mr. Sundram said. "This commission and its board investigate causes and circumstances of unnatural deaths of mentally disabled persons from all parts of the state. As such, we are in a position to judge the comparative quality of forensic

pathology as practiced around the state."

He called Dr. Baden "among the best" and added that he hoped "that he will continue to serve this commission and the board with the same distinction that he has in the past."

In Pittsburgh, Dr. Wecht said:

"I would like to ask by what right does a single District Attorney pass judgment on the activities of a forensic pathologist? Does anyone in New York ever go to a Medical Examiner and ask him what he thinks of a District Attorney?"

"I would very much like to see an evaluation of Mr. Morgenthau's office: How many cases have they flubbed? How many pieces of evidence have they lost?"

Asked about Dr. Wecht's queries, Mr. Morgenthau said, "Sure, we make mistakes."

Saying that he stood by his evaluation of Dr. Baden, which, he emphasized, had been requested by the Mayor, and not volunteered, Mr. Morgenthau added, "It was not so much the loss of evidence as his attitude about the loss that bothered us."

Meanwhile, with the Medical Examiner's Office continuing to operate without a chief officer, a spokesman for the Mayor said last night that no decision had been made on a replacement for Dr. Baden and that no decision would be made until the Director of Personnel had detailed the Civil Service procedures required.

In general, the Mayor must select a Chief Medical Examiner from among the three top scorers on the most recent Civil Service test for the position.

When the test was last given three years ago, Dr. Baden made the top score, followed by Dr. Elliott Gross, a one-time assistant medical examiner who is now Connecticut's Chief Medical Examiner and Dr. Millard Hyland, a deputy chief medical examiner in Dr. Baden's office.

It was not clear last night whether Dr. Baden will continue as one of the three eligible for appointment or whether his name will be removed.