

Dr. Baden: the wrong victim

By MURRAY KEMPION

THESE ought to be some norms of civility and honor even in the management of a city; and yesterday's removal of Michael Baden as Chief Medical Examiner violates those standards in the shabbiest fashion.

District Attorney Morganthau's complaints that his office has gotten less cooperation from the medical examiner than it is entitled to, while subject to the suspicions of exaggeration familiar in bureaucratic quarrels, at least have the dignity of an argument founded on some conception of the public weal.

But the comments of Mayor Koch's Commissioner of Health are permeated with so debased a concept of a civil servant's duty as to suggest that the Mayor has punished the wrong party.

1. Health Commissioner Reinaldo Ferrer arraigns Dr. Baden for having reported that the late Arthur Miller came to his death last summer because a policeman applied the billy club to his throat for too long a period while he was resisting arrest.

That finding was, to be sure, issued not by Dr. Baden but by the Brooklyn Deputy Medical Examiner, whose judgment as to the cause of Miller's death has never been challenged. The Medical Examiner's conduct in this matter nonetheless offends the Health Commissioner because it "further exacerbated an understand-

dably tense situation."

Are we to infer that the Mayor feels himself satisfactorily served by a Health Commissioner who believes that a Medical Examiner ought to suppress the results of an autopsy?

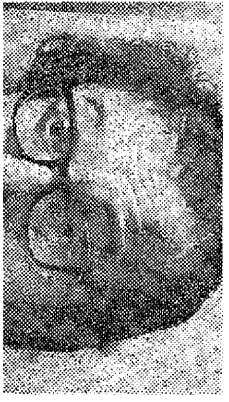
Are we further to infer that the Mayor imagines that withholding the truth contributes to public trust and the soothing of civic tensions?

2. Dr. Ferrer is further distressed because Dr. Baden refused to change a finding of cause of death from "suicide" to "accident." In this particular case, the decedent's family had sued to overturn the suicide finding because it made his insurance policy uncollectible.

The plaintiffs won their case by default because the Corporation Counsel's office failed to appear in court to exercise its responsibility to defend the Medical Examiner's judgment.

The Court and the Corporation Counsel thereupon ordered the Medical Examiner to change the certificate of cause of death from "suicide" to "accident." Dr. Baden has until now refused to do so.

First the Corporation Counsel's office neglects its duty to defend the Medical Examiner's professional reputation.



Post Photo by William Jacobellis

Dr. Michael Baden: he wouldn't suppress an autopsy.

Then it attempts to remedy its own fault by pressuring the Medical Examiner to certify what he believes to be a falsehood.

And now the Health Commissioner condemns as "slow and unresponsive" the conduct of a public official who failed to show the requisite alacrity in signing a perjurious affidavit.

3. The Health Commissioner further charges that, in a speech at Lenox Hill Hospital, Dr. Baden indicated that Gov. Rockefeller demonstrated this life in the throes of a demonstration of affection. If Dr. Baden said that, he would deserve the severest censure. Yesterday he produced a crowd of witnesses who denied ever hearing any such implication about

the Governor's passing.

The Health Commissioner, on the other hand, offered no evidence for this allegation beyond its bald assertion. In this case, any injustice he may have done Dr. Baden is compounded by the far worse injustice he has done the young woman who was Gov. Rockefeller's companion on his last night.

The Medical Examiner is, after all, an expert witness on causes of death. When the Health Commissioner announces, however thin his proof, that the Medical Examiner has said that the Governor died under the stimulation of Erois, he is adding to gossip the specious weight of expert testimony; and he is indulging the wholesale distribution of slander against a young woman who has every right to be forgotten and left alone.

It is, of course, a little too much in these casual times to suggest that the Health Commissioner be flogged; but civic decency ought certainly to suggest that people who spread slanders ought not to be Health Commissioners.

Witnesses to the Mayor's explanation of Dr. Baden's removal yesterday united in reporting that he seemed embarrassed. A certain embarrassment would have clearly been his closest approach to propriety in this otherwise totally seamy business.

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