

Testimony of
Dr. Michael Baden

July 31, 2003

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY
SUBMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS
JULY 31, 2003
Michael M. Baden, M.D.

Mr. Chairman and Members of the Subcommittee,

Thank you for the honor of inviting me to testify before this Subcommittee.

Let me introduce myself. I am a physician and I have been a medical examiner for 43 years. I was the Chief Medical Examiner for the City of New York. I was the Chief Forensic Pathologist for the United States House of Representatives Select Committee on Assassinations that reinvestigated the deaths of President John F. Kennedy and Dr. Martin Luther King (1977-1979). I am presently the Director of the Medicolegal Investigations Unit of the New York State Police. The opinions I express are my own.

There will be 45 murders today in this country. More than one-third will not be solved. Most of the autopsies will be performed by hospital pathologists who are well-trained in the examination of natural diseases and not by forensic pathologists who are specifically trained to investigate trauma, homicide and unnatural death - as it was with President Kennedy where serious autopsy mistakes were made. Our Select Committee urged in 1979 that it was necessary that medicolegal investigation offices and crime labs be improved nationally so that murders and violent death could be more accurately, effectively and fairly investigated. Nothing was done to this end. Today, of 800,000 physicians in this country, less than 400 are full-time forensic pathologists. Some states have no forensic pathologists.

Today, medical examiner offices and crime labs are also the early warning agencies for any death from acts of terrorism or from chemical or biological weapons. It is the medical examiner and forensic scientists who must determine if a death is from anthrax, smallpox, SARS, sarin gas, cyanide; who must recover identifying bullets or bomb fragments from the body.

During the past 15 years the development of DNA technology has been a wondrous addition to the medical community and to the ability of the forensic scientist and police to investigate sex crimes, and to identify the unknown dead. But less than 1% of all murders involve sexual assault. In less than 10% of murders the perpetrator leaves DNA evidence behind. About 5% of a crime lab's workload involves DNA analysis.

The ability to properly investigate crimes such as murder, robbery, illicit drug possession, assaults, arson and rape requires teamwork: properly trained police, medical examiners, forensic scientists, district attorneys, defense attorneys, and judges.

Medical examiner offices and crime labs require properly trained forensic pathologists, crime scene investigators, criminalists, toxicologists, ballistics experts, odontologists, etymologists, autropologists, as well as expertise in DNA analysis. The criminal justice system requires

teamwork among all of the forensic sciences to function properly.
Please consider all of the members of the team in your deliberations.
To paraphrase Voltaire, we owe truth to all of the dead.