

DR. OGDEN ACQUITTED OF 3 CHARGES

Fire Unit Surgeon Put On Probation In 4th Narcotic Count

Dr. Frank N. Ogden, Fire Department surgeon, yesterday was acquitted of three narcotics charges and placed on probation before verdict in a fourth charge, about which Judge Joseph L. Carter declared he disagreed with experts in the medical profession.

In a ten-page opinion disposing of the criminal matters that had been pending since last December, Judge Carter disclosed that Dr. Ogden has voluntarily surrendered a narcotic stamp he held for nearly 40 years, thereby giving up his right to ever again prescribe dope.

Judge Carter acquitted the physician of charges of prescribing dope for two addicts in bad faith and of keeping inadequate records of drugs administered, dispensed or professionally used other than by prescription.

But he placed the 61-year-old physician on probation on a charge of prescribing narcotics for a man he had not examined or seen. This prescription was obtained, testimony revealed, by an addict who pretended to have an ill friend waiting outside the doctor's offices.

Jurisdiction Discussed

Judge Carter dealt at length with the question of where the jurisdiction of the medical profession ends and that of law-enforcement begins in the handling of the narcotics problem.

"This case brought to light," he said, "the feeling that is apparently prevalent in the medical profession. In the course of his testimony, one of the doctors said that he felt as though indirectly the entire medical profession was on trial."

A number of medical experts sat through the week-long trial and testified that in their judgment Dr. Ogden treated addicts in good faith and in the course of professional conduct. One or two said the accused may have used bad judgment in prescribing dope for an unseen patient.

Judge Carter said he saw no reason for the attitude that the medical profession was on trial.

"It seems to me we are working in an area that requires the co-operation of the medical profession and the law enforcement agencies," he said.

"Our laws relating to the dispensation of narcotics do not attempt to regulate the practice of medicine or to prescribe the course of treatment that a physi-

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Annapolis, April 2.—Democratic Senator suggested Senate floor that last roll calls be held in honor of Ward Tawes, State's first Governor as evidence of working with the Democrats.

The point made by H. Winship Wheeler (Prince Georges) Democrats in the house, though in an overwhelming majority, were no longer in a Republican Government purely political.

Almost simultaneously the same feeling was expressed in the last night of the session.

Delegate Jerome D. (D., Fourth District) declared it was the Governor's legislation he was not what he doesn't want.

Both legislators

TICKET-H PROBE I

Action Being Parking V

An investigation by Governor McKee into the handling of parking tickets by the Traffic Commission "within the next few days," Meyer M. Cardin said yesterday.

First, he said, he would see when he is to be named new chief magistrate and also himself with court. Cardin's nomination for the position was confirmed by the House Monday night.

Stanley Scheraga succeeded by Mr. Cardin as magistrate, was named yesterday as general manager of the Public Service Commission.

To Be Ap

And Governor Cardin last night he will be named magistrate Standley as acting chief magistrate until Mr. Cardin is named to the office. He will be named to the office of the court magistrate.

Normally, the new chief magistrate would not be named until early May. But the fact that Mr. Scheraga is out, he added, Mr. Cardin took when he wants to.

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OGDEN GETS PROBATION

Doctor Acquitted Of Three Narcotics Charges

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cian should recommend to his patient.

"Neither do they pretend to substitute the judgment of an enforcement officer for that of a physician; nor do they make the court the arbiter of the practice of medicine.

"There is no dogmatic rule laid down for the purpose of determining what is good or bad professional practice. The law simply requires the prescription of narcotics in good faith and in the course of professional practice.

"In determining whether a physician has acted in good faith in prescribing narcotics, courts and/or juries under instructions of the court must consider the accepted opinion of the medical profession together with all of the other evidence presented in any particular case; and if there is reasonable doubt as to what constitutes good faith, or bad faith, or as to what fair medical practice would require, the benefit of such reasonable doubt must be given to the accused.

Problem Discussed

"The narcotics problem is not a case of medicine versus law enforcement, but it is, or at least should be, that of medicine and law enforcement in co-operation with each other.

"The duty of a physician, among other things, calls for the treating and healing of the sick and the relief of suffering, and the physician must be allowed to use his own judgment to a very great extent.

"He is subjected to all sorts of trickery by drug addicts, many of which he is able to detect, but it is undoubtedly true that sometimes a skilled addict can and does fool him.

"On the other hand, there is certainly no one who better knows or ought to have superior knowledge of the sad results of drug addiction than the physician himself.

"Therefore, it seems to me that it should be the desire of the medical profession—and I am absolutely certain that it is—to co-operate with the law enforcement agencies in their effort to wipe out, if possible, all illicit drug traffic.

Equally Incumbent

"And it is equally incumbent upon those in charge of law enforcement to recognize the physician's frequent difficult position—and while I cannot speak for any other area, I am equally certain that this is the attitude of those in charge of law enforcement in Baltimore city."

Judge Carter declared it "does not make much sense" to argue that the opinion of the informed physicians should take precedence over that of law enforcement officers, or vice-versa.

He said, on the basis of his experience in the Criminal Courts, he has found that strict and severe penalties should be maintained in the law. Such treatment of dope-law offenders has "had a valuable and deterrent effect," the Judge asserted.

In granting probation before verdict, Judge Carter stated that he could not ignore "the enviable reputation enjoyed by Dr. Ogden" for many years, as

evidenced by many eminent character witnesses.

"I do not wish," he said, "to interfere with his work . . . or to jeopardize his privilege of practicing his profession."

Judge Carter said the action of Dr. Ogden in surrendering his narcotics license will not prevent the physician from prescribing for patients in such cases where a prohibited narcotics is a component part of the prescription.

The defendant was required to pay court costs amounting to \$17.25. He was represented by G. C. A. Anderson and Edward A. Smith, attorneys.

John C. Weiss, prosecuted the cases.

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