

# Delta dentist gains support in fight with feds

By PAUL JENKINS  
The Associated Press

Delta Junction — When dentist James Goodman was

convicted of filing \$1,300 in false dental claims with the Public Health Service, many folks in this tiny crossroads

community thought he got a raw deal. Now, a lot of them are just plain angry.

Government attorneys are suing Goodman, the only dentist this interior Alaska settlement of about 1,000 has ever had.

They want \$87,000 in addition to the \$31,000 fine and five-year's probation he received after his conviction.

The civil action seeks damages on all 22 of the criminal counts on which Goodman was convicted, 10 on which he was found innocent, one which was dismissed, and on eight other counts not even contained in the criminal case.

For supporters of the 33-year-old dentist — and they are many and vocal — the lawsuit was the last straw. In the past few months, they have stirred a blizzard of letters and petitions supporting Goodman.

They say Goodman was targeted for prosecution by federal agencies willing to go to extremes to demonstrate their willingness to pursue white-collar criminals.

Several residents contend FBI agents circulated in Delta Junction's dozen or so bars before Goodman's trial to ask about his drinking habits and marital situation. The FBI denies it.

Patients, former employees and friends formed a group called Alaskans Against Double Jeopardy to gather thousands of dollars for large newspaper ads and bumper stickers which ask, "Feds vs. Dr. Goodman: Again?"

Businesses and individuals in the town held an auction and letter-writing rally Feb. 25 to add \$3,600 and a pile of letters to the campaign.

"Our ultimate goal is to se-

cure a presidential pardon, and I hope the federal government will drop the civil suit," says state game biologist Dave Johnson, a leader in the effort. "I believe he's innocent."

"We're going to keep this going," says Sandy Muth, a former employee of Goodman's and now secretary of Alaskans Against Double Jeopardy. "We want somebody to listen."

Goodman, a bespectacled former military dentist who was stationed at nearby Fort Greely, continues to work in an office in the basement of his home. He says his legal bills are approaching \$140,000.

In his waiting room, magazines such as Ducks Unlimited and The American Rifleman compete for table space with "Out of the Sugar Rut." A placard on the wall asks patients to write letters of support.

He was convicted in Anchorage last year on 22 of 33 counts of billing the Public Health Service for work he did not perform on Native patients, mostly children. The jury acquitted him on 10 other counts; one count was dismissed.

After his conviction, his 4-year-old son, Michael, asked if he was going to jail, Goodman says. His parents in Tecumseh, Michigan, knew nothing of his troubles and had to be told.

"It was the hardest thing I've ever had to do. I seriously wanted to kill myself," he says. "I can deal with it a little better now."

While the legal machinery grinds on, Goodman says he's left with a sense of awe about

(Continued on Page Eight)

# Delta dentist

(Continued from Page Two)

his community.

"I'm going to be as good to people as they've been to me," he says, tears welling up, "The only way I'll ever leave Delta is kicking and screaming."

The civic uproar has produced some results.

In response to complaints from constituents, Rep. Don Young, R-Alaska, has asked the Justice Department to outline its reasons for filing the lawsuit against Goodman.

In Juneau, a resolution urging President Reagan to grant Goodman a pardon is pending in the state senate.

In Fairbanks, the Daily News-Miner, in an editorial headlined "When is enough enough?" questioned whether the lawsuit is warranted.

"Punishment meted out as a result of the criminal trial seems adequate," the newspaper said.

In Delta Junction, the Justice Department's name is mud.

"It's kind of an injustice from every standpoint I can see," says George Wiggin, pastor of the Assembly of God Church when he's not working as a brick mason. "It seems to be somebody out to get somebody, and that's not right. It's just purely orneriness on somebody's part."

Some critics believe Goodman was targeted because he's from a rural region and lacks political clout.

But Sue Ellen Tatter, the assistant U.S. attorney who handled the government's criminal case against Goodman, says he wasn't singled out in either the criminal case or the civil litigation.

"If the government failed to prosecute him because of the small amount involved in the case, it would be 'creating a white-collar exception,'" she says. "We're not going to except Dr. Goodman because he's a dentist."

"We can't justify going after people for their \$3,000 student loans if we don't go after the others."

She says she cannot discuss the civil action because it is pending litigation, but she says it's not an example of double jeopardy as many residents in Delta Junction believe.

She says nothing in the criminal case precludes the government from seeking restitution, even on the counts of which Goodman was acquitted.

"We try to recoup the government's losses whenever it's economically feasible," she says. "It's not a special case with Dr. Goodman."

Federal prosecutors incurred a variety of expenses in bringing Goodman to trial. Although there is no estimate available on the amount of money spent to secure his conviction, she says it was probably less than \$50,000.

"We could have lost every single count and he still could go back for civil action," she

says. "The criminal process has such a high standard of proof for conviction. Civil disputes have a much lower standard."

Talking at a machinegun pace, Goodman maintains his innocence, saying the problems were the result of mixups and clerical errors.

Some of the discrepancies were uncovered by another dentist who took over public health service dental work at the village of Mentasta from Goodman. He found that some of the work Goodman had billed the government for had not been performed.

Goodman says the errors were discovered after he sent his records back to the village so the public health nurse would have them for later use.

"If I was going to defraud the government I wouldn't have sent my records to Mentasta," he says. "I'm not that dumb. Nobody gave me the opportunity to explain."

Afterwards, he says, he sent a check to government attorneys to cover what they said he owed, but it was returned.

"I did not intentionally file false claims against the government," he says.

And many in this community nestled at the intersection of the Richardson and Alaska Highways believe him.

"Most people here have been very angry about it," says Loretta Nistler, editor of the Delta paper. "They were not intentional errors. If he intended to steal from the government, he would have stolen more than \$1,300 over three years."

"Nobody's burning flags here or anything, but anybody who deals with federal forms knows it could happen to them," she says.

Her newspaper has editorialized in support of Goodman and run a series of articles on his case. Mrs. Nistler says she's received only one letter to the editor supporting the government's action.

The city council, with two opposing votes, passed a resolution supporting Goodman. The two dissenters said they support Goodman, but just didn't think city councils should get involved in such issues.

Goodman, who opened his practice in 1978 and became the only civilian dentist within 100 miles, says he's dropped an appeal filed immediately after his conviction.

"I can't sit through that again," he says. "I'm afraid I couldn't pull myself back together again. All the appellate court can do is to let me go through it again. I'm not going through it again three years from now."

Now, in addition to the civil suit, he faces possible revocation of his state dental license.

He continues to be active in community projects such as going to schools for dental education and a fluoride program.