

Introduced: 3/14/83
Referred: Judiciary

1 IN THE SENATE

BY MOSS

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SENATE JOINT RESOLUTION NO. 19

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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THIRTEENTH LEGISLATURE - FIRST SESSION

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Requesting a presidential pardon for Dr.

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Jim Goodman and restoration of his civil

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rights through executive clemency grant-

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ed by the governor.

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BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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WHEREAS Dr. Jim Goodman of Delta Junction was convicted in June 1982,

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in federal district court in Anchorage of filing false claims for dental

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service with the Public Health Service totaling \$900 over three years; and

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WHEREAS the prosecution appears to have been initiated by Dr. Smole,

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Public Health Service Administrator, after a heated discussion with Dr.

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Goodman on a separate matter and thus as a personal vendetta against Dr.

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Goodman rather than extending to Dr. Goodman the customary practice of

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notifying him of discrepancies in submitted claims with an opportunity to

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respond and clarify or correct the claims; and

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WHEREAS the current federal administration has emphasized that combat-

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ing fraud, waste, and abuse in U.S. Government programs is an essential

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element in maintaining public confidence in government; and

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WHEREAS the United States Attorney responsible for prosecution has

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been so consumed with using the case as an opportunity to respond to the

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federal administration's emphasis that the interests of justice have been

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overshadowed by the quest for political acclaim, causing the people of

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Alaska to lose confidence in the federal government; and

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WHEREAS the conviction stemming from this questionable prosecution

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appears to have resulted largely from bookkeeping errors by Dr. Goodman's

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office and, inter alia, from testimony by Dr. Smole that the dates of

1 certain claimed dental services could not be accurate because of the corro-
2 sion on fillings of Dr. Goodman's patients while the testimony could and
3 should have been easily refuted by expert testimony of the numerous factors
4 affecting the rate of corrosion; and

5 WHEREAS Dr. Goodman was fined \$31,000 and placed on probation for five
6 years, during which time he forfeits such civil rights as the right to
7 vote, the right to bear arms, the right to serve as a juror, and the right
8 to hold public office or public trust, authority, or power; and

9 WHEREAS the prosecuting attorney decided that a \$31,000 fine and
10 suspension of Dr. Goodman's civil rights does not make the government whole
11 for the \$900 in false claims established in this questionable prosecution,
12 and, therefore, instigated filing of a civil claim against Dr. Goodman for
13 approximately \$100,000 in damages; and

14 WHEREAS the tarnished zeal of the federal prosecutor in collaboration
15 with a federal program administrator motivated by personal vendetta is
16 costing the federal taxpayers literally tens of thousands of dollars in
17 attempting to "maintain confidence in government" at the expense of the
18 reputation, health, peace, financial security, freedom, and livelihood of
19 Dr. Goodman, and the confidence of the people of Alaska in the administra-
20 tion of justice by the federal government under the principles of the
21 United States Constitution; and

22 WHEREAS hundreds of Alaskans have voiced their concern over the
23 extreme injustice to which Dr. Goodman fell victim and the anxiety suffered
24 by Dr. Goodman's family and friends, the dental profession in Alaska, and
25 the community of Delta Junction, who all hold him in highest esteem; and

26 WHEREAS justice would be served and public confidence in government
27 would be restored if Dr. Goodman were to be granted a pardon by the Presi-
28 dent of the United States, have his civil rights restored by the Governor
29 of the State of Alaska, and receive assurance from the Alaska Board of

1 Dental Examiners that he would retain his right to practice dentistry in
2 Alaska;

3 BE IT RESOLVED by the Alaska State Legislature that the President of
4 the United States is respectfully requested to grant a petition for pardon
5 submitted by Dr. Jim Goodman for the reasons stated in the petition and for
6 the reasons contained in this resolution; and be it

7 FURTHER RESOLVED that the President of the United States is respect-
8 fully requested to direct Michael R. Spaan, U.S. Attorney responsible for
9 prosecution of Dr. Goodman, to effect a dismissal of the civil action
10 instigated at Mr. Spaan's behest, since the United States has been made
11 whole by the imposition of a \$31,000 fine; and be it

12 FURTHER RESOLVED that the Governor of the State of Alaska is respect-
13 fully requested to grant a petition by Dr. Jim Goodman for executive clem-
14 ency, thereby restoring all civil rights suspended as a result of the
15 federal conviction for the reasons stated in such petition and for the
16 reasons contained in this resolution; and be it

17 FURTHER RESOLVED that the Governor of the State of Alaska is respect-
18 fully requested to direct the Board of Dental Examiners to refrain from any
19 license action against Dr. Jim Goodman stemming from the above federal
20 prosecution.

21 COPIES of this resolution shall be sent to the Honorable Ronald
22 Reagan, President of the United States, the members of the Board of Dental
23 Examiners, Michael R. Spaan, U.S. Attorney, and to the Honorable Ted
24 Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable
25 Don Young, U.S. Representative, members of the Alaska delegation in Con-
26 gress.