

Specter Stretches a Point or Two

Engages in Plea Bargaining, Tries to Hush It 5/24/74



ARLEN SPECTER
... plea bargaining

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Arlen Specter, who in public life spoke out against plea bargaining, bargained a plea for a client Thursday and asked the court to keep it a secret.

Specter, now in private law practice after eight years as Philadelphia's district attorney, represented Dr. William Silverman, 63, who pleaded "nolo contendere" — no contest — to all 30 counts in a Medicare fraud indictment.

Dr. Silverman, a Wyncote physician with offices at 5823

Chestnut st., was one of four doctors indicted last February for billing the government Medicare program for services never rendered.

U. S. District Judge Donald Van Arsdale sentenced him to three years probation, a \$15,000 fine and a \$12,000 civil judgment. The judge also ordered Dr. Silverman to donate two days a week to charity, probably at the Lower Kensington Rehabilitation Center, for the next three years.

Two other doctors convicted of Medicare fraud

have been sentenced to prison terms recently. However, Judge Van Arsdale suggested that the circumstances in those cases were more serious than in Dr. Silverman's.

Thursday's sentencing ended six weeks of legal maneuvers. Throughout the unusually long Thursday session, a jury waited in another room in case the bargaining failed.

Specter's initial plea offer came in an April 17 letter to Judge Van Arsdale, stating that Dr. Silverman would (See SPECTER on 2-A)

Specter Stretches a Point On Plea Bargain Aversion

SPECTER, From 1-A
plead guilty to five misdemeanors and one felony "in accordance with (Assistant U.S. Attorney Victor Schwartz's plea bargaining). Specter also asked that the pleading be put off until the day of sentencing because "I have already had inquiries from the press and I believe that my participation will subject Dr. Silverman to more extensive news coverage than a defendant would normally receive."

But in a special conference in Judge Van Arsdale's chambers, Schwartz pressed Specter for names and newspapers who had made inquiries. Specter reportedly could not name anyone specifically.

"I further respectfully request," Specter wrote, "that the court issue an instruction that there be no comment to

the news media about the case."

On April 22, the prosecutors responded to the Specter plea offer by agreeing to go along with a six-count guilty plea. They opposed Specter's request of secrecy in matters that are normally public record, and the judge agreed with them.

Then Thursday, in a tense and crowded courtroom, Judge Van Arsdale rejected the doctor's negotiated guilty plea because he refused to admit he deliberately falsified records. After further bargaining, the nolo contendere plea was accepted.

In helping his client in plea bargaining, Specter found himself on an unaccustomed side of more than one issue. As district attorney he frequently criticized the practice of plea bargaining, although

he did not criticize lawyers who bargained for pleas for their clients.

He also stressed the seriousness of medical care fraud offenses. "Anybody who cheats because he doesn't make enough out of the program should go to another program at Holmesburg," he said at a press conference.

"He oughtn't to be a doctor, he ought to be an inmate."

Specter, who is now in private practice with the firm of Dechert, Price and Rhoads, refused to discuss the case.