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Waiting for Pardon in Draft Case

By Mary McGrory
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Washington

Richard Nixon got his unconditional pardon from President Ford one month to the day after he left office.

David Ganger, 22, of Murray, Ky., a draft offender, who was recommended last

**A
Personal
View**

February for unconditional pardon by the President's Clemency Board, still is waiting for his.

The President has had Ganger's warrant at hand either since March 1 or May 5, depending on whom you talk to. But he has not signed it or any of the cases the Clemency Board has sent to him. These number either 301 or 389—again depending on whom you talk to.

He signed the last of 65 on December 31 before the photographers and has not picked up his pen since, nobody can say exactly why.

Ganger's pardon was of considerable urgency, as he kept explaining in weekly calls to the Clemency Board. His mother, a widow, had undergone open-heart surgery. Last July a doctor at St. Thomas Hospital in Nashville told her it was "a matter of life and death" for her to be near a hospital with a cardiac unit, which the small Murray hospital lacks.

But under the terms of his probation, Ganger was pinned down in the western district of Kentucky and required to report twice monthly to his probation officer. What he and his mother hoped to do was to rent or sell their house and use the money to go west for the further cardiac surgery she needed.

Ganger, who served five months for what he terms unintentional draft evasion—he was under the impression he had a student deferment—pleaded with the board to expedite his case. After his attorney made an oral presentation before a Clemency Board panel on February 8 he was advised confidentially by a board

staff lawyer that he should be "optimistic."

Late in February, he called again, and was told the full board was going to recommend his unconditional pardon. In March, he was told his papers had been sent to the White House. His mother kept telling him that the official word would come "tomorrow."

Tomorrow never came.

On April 13, his mother died.

Two days later, he called the Clemency Board.

"I was looking for someone to blame for the inevitable, I guess," says Granger. "I was feeling kind of bitter. If it came through at the end of February, my mother might not be dead. That's a big if, of course, and I am not going to torture myself about it."

Neil Broder, the staff attorney in charge of Granger's case, said he was sorry about what had happened. He told Ganger that the pardon had been recommended and had, as far as Broder knew, been on the President's desk for four weeks.

On April 23 Broder, at Ganger's request, called Ganger's probation officer in Paducah and told him that Ganger had been recommended for unconditional pardon and that the documents were already at the White House. A notation to this effect is on file in the U.S. probation headquarters in Louisville.

Presidential staff assistant Jay French, however, says that Ganger's file was not received until May 5. French says he wishes the Clemency Board had notified the White House of the urgency of the matter.

"There are hundreds of them marinating at the White House, and they've been there for months, and we don't know why," said



CHARLES GOODELL
'Inexcusable' delay

one Clemency Board attorney who did not wish to be quoted by name.

"Ganger's case was tragic enough without this," says clemency general counsel Lawrence R. Basquier. "He never should have been in prison in the first place."

Clemency Board Chairman Charles E. Goodell says the "inexcusable" delay in processing Ganger's case was his fault, because he put highest priority, after the President extended the program, on informing thousands of others who might wish to avail themselves of similar ministrations.

Goodell cannot explain the White House delay other than to say they are working out new processes "designed to avoid precipitate action"—which certainly seems to have been averted in the Ganger case.

All cases finally reach the desk of presidential counsel Philip A. Buchen, the Grand Rapids attorney who arranged, in record time, the pardon of Richard Nixon, 11 days after the President said he would not interfere in the legal process. Buchen says he is very sorry about David Ganger's mother, and wishes he had known of the special nature of the case.

"We could have pushed it through," he says. "We were waiting for a whole group to get the whole universe and find typical examples for each category. We didn't realize there were any hardship cases."

When Buchen was asked why the President had bothered to set up a clemency board if he intended to make his own review, Buchen said:

"Of course, we usually accept the recommendations of a presidential board, but we want to review these in a large block, because it is a question of all sorts of different situations."

Actually the Clemency Board deals only with convicted and punished draft offenders and deserters.

Buchen did not say how many recommendations he would amass before presenting them for presidential signature. The President need sign only two covering warrants, one for military and one for civilians.

Buchen insisted there was "no political reason whatsoever" for the five-month delay.

Some sources at the Clemency Board say that the board has made 800 recommendations. Goodell puts the figure at 300. The board is expanding its staff and moving its quarters, and several people questioned said that such information was lodged in cartons still in transit.

"I think it's too much for the President to review every case personally," says Ganger. "He has a lot to do, I don't know if my mom would be alive if we had been able to leave Murray. I would just like to be free."

Case No. 32, which is how David Granger is registered in Clemency Board files, is not closed yet. So far, it only serves to revive suspicion that the President's "clemency" program was not set up to offer mercy to the likes of David Ganger but to soften the country for case No. 1—the pardon of Richard Nixon.