



U. S. Department of Justice

Criminal Division

Connally
H6

Washington, D.C. 20530

OCT 20 1993

Mr. Harold Weisberg
7627 Old Receiver Road
Frederick, Maryland 21702

Dear Mr. Weisberg:

Your letter to the Attorney General was referred to the Criminal Division of the Department of Justice for reply. You referred to the death of Texas Governor John Connally, and to bullet fragments allegedly left in Governor Connally's body after he was wounded during President Kennedy's assassination. You observed that any fragments remaining in his body were important physical evidence from the assassination.

The Department of Justice did make an effort to secure the permission of Governor Connally's family to remove any remaining bullet fragments from his body before his burial. The request was made by senior officials of the Department, in the interest of attempting to examine all evidence of potential relevance to the assassination. Governor Connally's family denied the Department's request.

While the Department of Justice has the legal authority to investigate the assassination of President Kennedy, and to evaluate evidence as part of that effort, such authority should be distinguished from law enforcement powers which are linked to the Department's prosecutorial responsibilities. It is clear that the Department has the authority to expend resources to conduct scientific examinations of any bullet fragments or other alleged assassination evidence. It is not clear, however, that the Department has or should have the authority to seize such alleged evidence in the absence of an intent to use the results in the prosecution of a federal offense. As you are probably aware, the federal presidential assassination statute was enacted after President Kennedy's assassination and is not retroactively applicable; accordingly, any prosecution resulting from the assassination probably would be handled pursuant to State of Texas criminal statutes in Texas courts.

Apart from the legal considerations cited above, we believe as a matter of public policy that at this time the evidentiary potential of any remaining bullet fragments in the Governor's body is so minimal that it fails to justify the extraordinarily intrusive measure of seeking the exhumation of the Governor's

remains over the objections of his family. In our view, the analysis of the bullet fragments recovered from the Governor after the assassination has already provided most of the results that would emerge from the analysis of any additional fragments.

While the Department remains committed to considering any available evidence of potential value to the investigation of the Kennedy assassination, we do not believe that acting against the wishes of Governor Connally's family in this situation is appropriate. We hope that this information will be of assistance to you, and we appreciate your offer of assistance regarding this matter of mutual concern.

Sincerely,

John C. Keeney
Acting Assistant Attorney General



Mary C. Spearing, Chief
General Litigation and
Legal Advice Section