

Ms. Mary C. Spearing, Chief  
General Litigation and Legal Advice Section  
Criminal Division  
Department of Justice  
1001 G St., NW 1001  
Washington, DC 20530

10/22/93

Dear Ms. Spearing,

What you say in your letter of 10/20 is, I am certain, what you were told: that the Department "did make an effort to secure the permission of Governor Connally's family to remove any remaining bullet fragments from his body..." and I have no doubt that this was not done until after the governor had died, when his family was in trauma, and that it was done without any meaningful explanation for the real need to do that. If any of those "senior officials of the Department" knew, which I am confident they did not.

I did not urge exhumation and I doubt that the family would now agree to that.

The Department's real failing was in not discussing that with the governor when he was alive.

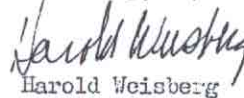
My letter to the attorney general was not like those reported in the papers, to which I did not speak. I said and you may live long enough to learn that removing those fragments, from three, not the one part of his body reported by both the FBI and the Commission, was necessary to the national integrity.

I've had considerable experience in the filed, including with a dozen of so FOIA lawsuits, mostly against the Department. In these suits I did depose FBI Lab agents. Their mendacity in the first of my suits for the results of the scientific tests was so great that suit was cited as requiring the 1974 investigatory files exemption <sup>amending</sup> in the Senate debates. Despite the most successful FBI stonewalling when I refiled that as the first suit under the amended Act, I did receive what disproves the entire official "solution." This is not what the Civil Division or the FBI will tell you or the Attorney General but it is true. I think it would be wise for someone in the attorney general's office to be aware of this for the future because this controversy is not going to end.

I will appreciate copies of the records reflecting that this request was made of the Connally family and if an FOIA request is required for that, please accept this as my request.

I apologize for my typing. I am 80, unwell, and it cannot be any better.

Sincerely,

  
Harold Weisberg



U. S. Department of Justice  
*Criminal Division*

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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



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