



The Attorney General of Texas

December 28, 1978

JOHN L. HILL
Attorney General

Honorable Steven C. Oaks
Secretary of State
Austin, Texas 78711

Supreme Court Building
P.O. Box 12548
Austin, TX. 78711
512/475-2501

Re: RQ-1959 Authority to grant pardon

Dear Secretary Oaks:

We have carefully reviewed your request for an opinion on the authority of the Governor to grant a pardon to a deceased person. As you indicated in your letter your request contemplates that we review Attorney General Opinion C-471 and decide whether it should be overruled.

We have carefully reviewed that opinion and the law relating to pardons, and we have found no legal basis to alter the conclusion reached by the Attorney General thirteen years ago.

Since the law is such that any opinion could only reaffirm what was said in Attorney General Opinion C-471, we believe there is nothing that can be added by the issuance of a new opinion. Accordingly, we will close our file on this request.

Even though a pardon may not be granted you may want to consider expressing the position of the state by means of a legislative resolution or gubernatorial proclamation. While this would not technically be a pardon, it could have a similar effect in this instance and would avoid the legal problems set out in Attorney General Opinion C-471.

Yours very truly

C. Robert Heath, Chairman
Opinion Committee

CRH/mw

ccs: Dr. Hector Garcia
Lauro Cruz

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