

December 26, 1995

Ms. Celia Winter  
FOIA/Privacy Act Officer  
Veterans Health Administration  
810 Vermont Avenue, NW  
Washington, DC 20420

Re: Evidence on behalf of withholding Ivo Tucci Medical Records

Dear Ms. Winter:

Thank you for your letter of December 6th regarding House Select Committee on Assassination (HSCA) records which our Board must review under the terms of the President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. §2107 (note) (JFK Act). I especially appreciate your prompt response given that the National Archives and Record Administration had not previously forwarded these documents to you.

Our Board voted to open HSCA document 012342 in full at its meeting of December 13, 1995. In your letter, you expressed no objection to the release of this record.

Inasmuch you request that the medical records of Mr. Ivo Tucci (HSCA file number 000678) continue to be withheld, these records will be taken up by our Board at its January 30, 1996 meeting. Since the VHA opposes the release of these records, you are invited to provide any evidence you believe the Board should be aware of in considering them.

In Section 11 of the JFK Act, Congress determined that the JFK Act takes precedence over other laws relating to the release of government records. The JFK Act also contains a strong presumption for release of assassination records. Records that may otherwise be protected under the Privacy Act, therefore, might be released under the JFK Act. Because Mr. Tucci's medical records were obtained by the HSCA, they are, by definition, assassination records.

Ms. Celia Winter  
December 26, 1995  
Page 2

Again, please accept my thanks for your cooperation with our efforts.

Sincerely yours,

T. Jeremy Gunn  
General Counsel