

February 24, 1998

Mr. Joseph A. Procaccino, Jr.  
Legal Advisor to the Surgeon General  
HQ AFMOA/SGJ  
110 Luke Avenue, Room 400  
Bolling AFB, DC 20332-7050

Re: Requested Air Force postponements in United States Secret Service Records  
Relating to the Brady Hugh Fonden File

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Dear Mr. Procaccino:

Attached to this letter is a copy of excerpts from the United States Secret Service file on Brady Hugh Fonden, for which your Agency requested postponements as outlined in your September 24, 1997 letter to John Machado of the United States Secret Service.

It is my understanding that you have also spoken with Kim Herd, an attorney on the Review Board staff, regarding your requested postponements.

In support of the requested postponements, your staff cites the Privacy Act, 5 U.S.C. 552(a), and Section 6(2) and (3) of the JFK Act, namely that "(2) the public disclosure of the assassination record would reveal the name or identity of a living person who provided confidential information to the United States and would pose a substantial risk of harm to that person" and "(3) the public disclosure of the assassination record could reasonably be expected to constitute an unwarranted invasion of personal privacy, and that invasion of privacy is so substantial that it outweighs the public interest." With regard to your arguments under the Privacy Act, please be advised that Section 11(a) of the JFK Act provides that the JFK Act "shall take precedence over any other law (except section 6103 of the Internal Revenue Code)." Further, although you have cited Section 6(2) and (3) of the JFK Act, you have not provided specific evidence in support of your arguments for postponement under these sections.

Please determine whether you wish to provide additional, specific evidence in support of your requested postponements, and submit this to the Review Board by the close of business on April 8, 1998. The Review Board will evaluate whatever evidence you can provide at its April 13, meeting.

Should the Air Force not provide specific evidence in support of Section 6(2) and (3) of the JFK Act by the above deadline, the Review Board will infer a lack of interest in defending your agency's equities, and will act accordingly by opening the documents in full. Should you have any questions, please contact Kim Herd, or myself, at (202) 724-0088.

Sincerely,

T. Jeremy Gunn  
Executive Director

Enclosure