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**From:** CN=Jeremy Gunn/O=ARRB  
**DisplayFromDomain:**  
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**DisplayDate\_Time:** 11:57:08 AM  
**ComposedDate:** 09/29/1995  
**ComposedDate\_Time:** 11:42:21 AM  
**Subject:** FBI's September 19 letter

On September 19, Howard Shapiro of the FBI sent a letter to Jack Tunheim regarding the FBI records that were appealed to the President. The letter does not contain any restriction marking (such as a security classification or a third agency request). John Hartingh called me today to say that the FBI considers the document to be the property of the FBI and is subject to the third-agency rule. Hartingh reported that the FBI General Counsel stated that the September 19 letter ord cannot legally be given to any person outside the ARRB without the prior approval of the FBI. I told Hartingh that we had not given the record to anyone outside the FBI and that we do not intend to do so. I said that that we had already considered what we would do if we received a FOIA request for it and that we had decided that we would refer it to the FBI on the third-agency rule. Hartingh was pleased with this response and satisfied that we recognized his concern.I advised him that it would be in the Bureau's interest, in the future, to mark documents appropriately. He assured me that the FBI would do so.All staff should be advised that they should not, under any circumstances, disclose or make available the September 19 letter -- or any other internal or external correspondence -- to anyone outside the ARRB Board and Staff without express prior approval

**Body:**  
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**Categories:**