



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

HRD

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B-199238

August 14, 1980

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The Honorable Ray Marshall
The Secretary of Labor

Dear Mr. Secretary:

This is in response to your letter of August 8, 1980, in which you expressed concern regarding the fact that the Department might not have the opportunity to review a copy of the testimony regarding the Senate Permanent Subcommittee on Investigations' request that GAO [inquiry into Labor's investigation of the Teamsters' Central States, Southeast and Southwest Areas Pension Fund] ^{Statement} You stated that the need for an advance review was necessary to give the Department an opportunity to determine whether any material in the statement might be prejudicial to its suit brought pursuant to ERISA (Marshall v. Fitzsimmons et al.) which was filed February 1, 1978.

We have not repudiated or otherwise deviated from the understandings reached between representatives of the Department of Labor and this Office at the June 19, 1978, meeting referred to in your letter. At that meeting Labor representatives expressed serious concern over the potential harm which disclosure of certain information might have on the Fitzsimmons litigation and on Labor's continuing investigative efforts regarding the Fund. Labor representatives also requested that they have the opportunity to review, prior to release by GAO, any report resulting from our review. Our representatives pointed out that it is GAO's general policy to permit review and comment by the subject of an inquiry prior to the public release of a report, and that we would do our best to insure that this policy was followed in this case. At the same time, we cautioned the Labor representatives that any final decision respecting agency comments rested with the Senate Permanent Subcommittee on Investigations, which had requested the review.

We performed our review with the above understandings in mind, as we advised the Labor representatives on several occasions during the review. Consistent with these understandings of your concern, and because of our normal policy, our staff members met with the Subcommittee staff on August 6, and requested permission to release a copy of the statement to the Department. At the meeting the Subcommittee staff agreed that we could provide the statement in advance

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of the hearings. Accordingly, we have enclosed a copy of our statement for your review. The statement is in draft form and is, therefore, subject to revision. We would appreciate your safeguarding this draft to prevent publication or other improper disclosures.

Our staff will be happy to meet with your representatives after they have reviewed the statement so that they may make us aware of any concerns the Department may have regarding the matters included in the statement. Should you have any questions, Harry Coffman or Raymond Kowalski of our Human Resources Division may be contacted on (202) 523-8706.

Sincerely yours,

Signed Elmer B. Staats

Comptroller General
of the United States

Enclosure