

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

Plaintiffs, :

-v- :

INTERNATIONAL BROTHERHOOD OF TEAMSTERS, et al., :

Defendants. :

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MEMORANDUM & ORDER
88 Civ. 4486 (DNE)

EDELSTEIN, District Judge:

WHEREAS on May 24, 1999, the Independent Review Board ("IRB") issued an Investigative Report and forwarded it to the General Executive Board of the International Brotherhood of Teamsters ("IBT") recommending charges against Local 707 member Joseph Aligo ("Aligo") for bringing reproach upon the IBT by knowingly associating with a member of organized crime, in violation of Article II, Section 2(a) and Article XIX, Section 7(b) (1), (2) and (9) of the IBT Constitution; and

WHEREAS by letter dated May 27, 1999, James P. Hoffa, General President of the IBT, advised the IRB he had adopted and filed the recommended charges against Aligo and that the charges were referred back to the IRB for adjudication; and

WHEREAS on June 8, 1999, at the direction of the IRB, John

J. Cronin, Jr. ("Cronin"), the IRB administrator, notified Aligo, by UPS overnight letter, that a hearing was scheduled for Thursday July 8, 1999, at 10:00 a.m., at the offices of the IRB, located at 444 North Capitol Street, N.W., Suite 528, Washington, D.C., and also gave Aligo the opportunity, in the alternative, to have the hearing in New York City, if he were to reply within five days stating his preference; and

WHEREAS by fax dated June 14, 1999, Aligo requested that the IRB conduct his hearing in New York City; and

WHEREAS on June 17, 1999, at the direction of the IRB, Cronin informed Aligo, by UPS overnight letter, that the hearing was rescheduled for August 3, 1999, at 10:00 a.m., at the law offices of LeBoeuf, Lamb, Greene & MacRae, 125 West 55th Street, 19th Floor, New York, NY; and

WHEREAS on August 3, 1999, the noticed hearing went forward before the IRB and Aligo did not attend, did not submit any papers in his behalf, and was not represented at the hearing; and

WHEREAS on October 29, 1999, the IRB issued an opinion based on evidence, including the FBI's expert opinion that Michael Sciarra ("Sciarra") is a member of the New Jersey La Cosa Nostra and Aligo's sworn testimony taken April 14, 1999 in which he admitted (1) to purposeful contact with Sciarra; (2) to knowing

of Sciarra's ban from the union; and (3) to knowing that he could not associate with Sciarra if he ran for office; and

WHEREAS the IRB also found that Aligo's alleged disavowal of knowing the reason for Sciarra's ban from the union was untenable based on (1) the numerous metropolitan area newspaper and national magazine articles that consistently reported Sciarra's ties to organized crime and (2) the length and nature of Aligo's and Sciarra's relationship from which Aligo's knowledge of Sciarra's organized crime ties can be inferred; and

WHEREAS by letter dated November 4, 1999, this Court offered Aligo the opportunity to submit written objections to Application LXXIII by November 19, 1999 at 5:00 p.m.; and

WHEREAS on November 15, 1999, this Court received a letter from Aligo, objecting to Application LXXIII; and

WHEREAS on December 3, 1999, this Court received a letter from the Government asking this Court to grant Application LXXIII; and

WHEREAS the findings of the IRB are accorded "great deference"; and

WHEREAS having reviewed the IRB's October 29, 1999 Opinion and Decision and all accompanying exhibits, including Aligo's own testimony, this Court finds that the charge against Aligo has

been proven by a preponderance of the evidence; and

WHEREAS having reviewed Aligo's letter this Court finds that the letter presents no reason to question the findings of the IRB; and

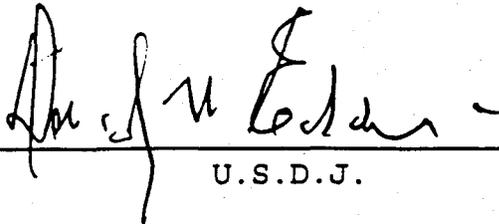
WHEREAS having reviewed the sanctions imposed by the IRB, this Court finds that the sanctions are proportionate to the severity of the misconduct of which Aligo is guilty; and

WHEREAS accordingly, this Court finds that Application LXXIII of the IRB should be granted;

IT IS HEREBY ORDERED THAT Application LXXIII of the Independent Review Board regarding the charges and sanctions imposed against Joseph Aligo is GRANTED.

SO ORDERED.

DATED: New York, New York
June 13, 2000.



U.S.D.J.