

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,      :
:                               : 88 Civ. 4486 (DNE)
:                               :
:                               : APPLICATION LXXIII OF THE
:                               : INDEPENDENT REVIEW BOARD
:                               : --OPINION OF THE
INTERNATIONAL BROTHERHOOD      : INDEPENDENT REVIEW BOARD
OF TEAMSTERS, et al.,         : IN THE MATTER OF THE HEARING
:                               : OF JOSEPH ALIGO
:                               :
:                               :
:                               :
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Pursuant to Paragraph O. of the Rules of Procedures for Operation of the Independent Review Board ("IRB") for the International Brotherhood of Teamsters ("IRB Rules"), Application is made by the IRB for ruling by the Honorable David N. Edelstein, United States District Judge for the Southern District of New York, on the issues heard by the IRB during a hearing on August 3, 1999, and thereafter determined, on the charges filed against Joseph Aligo ("Aligo").

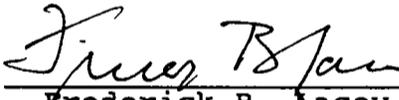
Aligo was charged with knowingly associating with Michael Sciarra, a member and associate of organized crime. Additionally, Aligo was charged with knowingly associating with Michael Sciarra after he was permanently barred from the IBT by the IRB and Your Honor's November 20, 1995 Order. Having considered the evidence and post-hearing submissions, by the Chief Investigator and Aligo, the IRB found that the charge against Aligo was proved. As a penalty, Aligo has been permanently barred from membership in the IBT and may not hereafter obtain employment, consulting or other work with the IBT or any IBT-affiliated entity.

Given the IRB's determination, we do not find it appropriate to stay the Opinion or the penalty imposed pending review by Your Honor as we found it in the best interest of the IBT that Aligo immediately be barred from IBT membership.

Enclosed with the October 29, 1999, Opinion are the following exhibits:

- 1) May 24, 1999, IRB Investigative Report with exhibits 1-16;
- 2) August 3, 1999, Aligo Hearing Transcript with IRB's exhibits IRB 1 - IRB 6.

It is respectfully requested that an Order be entered affirming the IRB's October 29, 1999, Opinion if Your Honor finds it appropriate.

By: 
Frederick B. Lacey
Member of the
Independent Review Board

Dated: October 29, 1999

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.