5. Teamsters International: United States v. International Brotherhood of Teamsters: Appendix A. Congressional Petition to Justice Department; Appendix B. Association for Union Democracy, Letter to Members of Congress; Appendix C. Deposition of

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Teamsters International:  
United States v. International 
Brotherhood of Teamsters  
(Complaint filed June 1988; Settlement signed March 1989)

Introduction

United States v. International Brotherhood of Teamsters is the Department of Justice's most ambitious labor racketeering suit and perhaps the most far-reaching effort at institutional reform through litigation ever attempted. The civil RICO suit charged Cosa Nostra members and the Teamsters' general executive board (GEB) with running the nation's largest union as a racketeering enterprise in which union officials obtained mob support for their union careers and the mob obtained all kinds of opportunities for siphoning money out of the union and its employers. Ultimately, the suit was settled, with the Teamsters agreeing to a three-person trusteeship that, over the course of three years, purged almost two hundred corrupt officials from the union and, in 1991, supervised the first direct GEB election. After the election, an independent review board (IRB) was established to continue investigating and monitoring the union.

Background

Charges that the International Brotherhood of Teamsters Union (IBT) was tied to organized crime were made as early as the 1940s and 1950s. The
1958 report of the Senate Select Committee on Improper Activities in the Labor Management Field ("McClellan Committee") revealed widespread contacts with organized crime by union president Jimmy Hoffa. The sharp exchanges between the committee's chief counsel, Robert Kennedy, and union president Jimmy Hoffa drew national attention. Less well remembered is the 1958–1960 three-person Board of Monitors that was imposed on the union via a consent agreement which resulted from a lawsuit filed by thirteen rank-and-file Teamsters from the New York area who alleged that Hoffa had stacked the 1956 union convention with illegal delegates in order to guarantee his election as president. In the end, due to union stonewalling, this trusteeship failed. Hoffa and the GEB continually frustrated the board by refusing to bring charges against corrupt union officials and litigating virtually every Board of Monitors decision. These tactics, combined with in-fighting on the board itself, resulted in the collapse of the trusteeship in early 1961. Shortly thereafter, the union reelected Jimmy Hoffa as president.

When Robert Kennedy became attorney general of the United States, he made convicting Hoffa a top Justice Department priority. In 1964, Hoffa was finally convicted of pension fraud and jury tampering and sentenced to prison. The presidency passed to Hoffa's hand-picked successor, Frank Fitzsimmons. Several years later, after his release from prison, Hoffa began campaigning to regain control of the union on a platform of freeing the union from mob domination. He disappeared in 1975, the presumed victim of a mob assassination.

Throughout the 1960s and 1970s, leading Teamster officials joined with mob figures to devise ways to defraud the IBT. Some of these methods were related to the multibillion-dollar Central States Pension Funds, managed by mob associate Allen Dorfman. The funds, in effect, functioned as a "mob bank," providing organized crime with extensive loans for ventures in Las Vegas and for other criminal activities.

In 1981, after Frank Fitzsimmons died of cancer, Roy Williams assumed the union presidency. In 1982, the Senate Permanent Subcommittee on Investigations heard testimony about widespread corruption, racketeering, and violence in the Teamsters Union. Charles Allen, a self-confessed killer and enforcer who worked for Teamster local officials as well as for important Cosa Nostra figures such as Russell Buffalino and Tony Provenzano, explained his role to Senator Warren Rudman:

Senator Rudman: What was your job, your responsibility, what were you supposed to do?
MR. ALLEN: I actually did anything that I was told to do, from murder to selling drugs, from extortion to beating up people, hijacking. Whatever they told me to do, I did.\(^4\)

These hearings also revealed how the Teamsters attempted to bribe Nevada Senator Howard Cannon to oppose the trucking deregulation bill.\(^5\)

Roy Williams was convicted of attempting to bribe Senator Cannon and sentenced to a long prison term. Facing the prospect of spending the rest of his life in jail, he decided to cooperate with the government. He provided valuable testimony to the President’s Commission on Organized Crime and in an extraordinary deposition in the civil RICO suit that is the subject of this chapter. In his deposition, Williams explained how his career in the Teamsters was orchestrated all the way to the presidency by Nicholas Civella, head of the Kansas City Cosa Nostra crime family. In 1981, Williams became president only with the consent of other Cosa Nostra leaders, including the “commission.”\(^6\) In 1982, Williams was convicted of attempting to bribe a United States senator and resigned the presidency.

Williams’ successor, Jackie Presser, was the son of Big Bill Presser, an associate of the Cleveland Cosa Nostra crime family. Jackie Presser himself was allegedly involved with organized crime. Unlike Williams, Presser refused on Fifth Amendment grounds to answer any questions when he was deposed by the President’s Commission on Organized Crime. While the civil RICO suit was pending, Presser was indicted for arranging a no-show job for his friend and sometime bodyguard, Tony Hughes. In July 1988, before either criminal or civil charges were resolved against him, Presser died of a heart attack.\(^7\)

In *United States v. Salerno* (the Commission case), former Cleveland underboss Angelo Lonardo testified that the Cosa Nostra commission approved and insured the elections of Williams and Presser to the Teamsters presidency. In 1986, the President’s Commission on Organized Crime, drawing on Roy Williams’s testimony, branded the Teamsters the union “most controlled” by organized crime and called for a civil RICO suit to be brought against the union’s general executive board.\(^8\) As the President’s Commission found,

The leaders of the nation’s largest union, the International Brotherhood of Teamsters (IBT), have been firmly under the influence of organized crime since the 1950s. Although many of the hundreds of IBT locals and joint councils operating throughout the country are not criminally infiltrated, organized crime influences at least 38 of the largest locals and a joint council in Chicago, Cleveland, New Jersey, New York,
Philadelphia, St. Louis, and other major cities. Former Teamster President Roy L. Williams told the Commission, "Every big [Teamster] local union . . . had some connection with organized crime.

Criticism also came from within the union from Teamsters for a Democratic Union (TDU). Begun in 1976 as a rank-and-file reform movement, TDU initially focused on the need for better contracts, safer working conditions, and more union democracy. Soon, its energies also included exposing corruption and demanding an end to mob ties with the union.

As rumors flew around Washington that the Justice Department was contemplating a RICO suit against the Teamsters' general executive board, more than two hundred congressmen sent a petition to the Justice Department urging that no such suit be brought. This formal appeal by so many members of Congress to the Justice Department was unprecedented. After the suit was filed, many labor leaders denounced it as a sinister attempt by the Reagan administration to destroy the labor movement—by attacking the Teamsters, who ironically had endorsed Reagan's candidacies in 1980 and 1984.

The Lawsuit and Settlement

Despite intense political opposition, the government did move forward with a civil RICO suit against the IBT. A jurisdictional dispute between Rudolph Giuliani, the United States attorney for the Southern District of New York, and Dave Margolis, the head of the organized crime and racketeering section of the Department of Justice, was resolved in favor of Giuliani. Randy Mastro, an assistant United States attorney working for Giuliani, drafted the complaint, which was filed in June 1988.

The Complaint

The complaint named as defendants (1) the International Brotherhood of Teamsters; (2) the Cosa Nostra commission; (3) twenty-six Cosa Nostra members and associates (including Anthony Salerno, Matthew Ianiello, and Anthony Provenzano); (4) the IBT's general executive board; and (5) eighteen present and former members of the IBT's general executive board (including the president, Jackie Presser, and the general secretary-treasurer, Weldon Mathis). The RICO enterprise, labeled "the Teamsters International Enterprise," was defined as "the Teamsters International Union and various of its area conferences, joint councils, locals and benefit funds." The first RICO
count charged that the organized-crime defendants, aided and abetted by the union defendants, "unlawfully, wilfully, and knowingly acquired and maintained, directly and indirectly, an interest in and control of the Teamsters International Enterprise through a pattern of racketeering activity." The second RICO count alleged a conspiracy (i.e., an agreement) to do what was alleged in the first RICO count.

The racketeering activities allegedly committed by the mob and aided and abetted by the union defendants were (1) defrauding the union members' intangible rights to select their own leaders, to their benefit from leaders' fair and honest performance of their duties, and to be informed about the Cosa Nostra control over their leaders; and (2) depriving the union and the union members of money that was unlawfully diverted from the unions and its members to the defendants.

The complaint further alleged that the defendants' racketeering activity involved extorting union members' democratic rights by creating a climate of intimidation and fear. In support of that allegation, the government recounted Teamsters violence, beginning with the 1961 Provenzano assassination of a union rival, Anthony Castellitto, and including the "disappearance" of Jimmy Hoffa. According to the complaint, the climate of intimidation and fear was reinforced by the union defendants' repeated appointments of persons with known criminal histories and/or criminal records to union offices and union employment and to the defendants' open association with persons with known criminal histories and/or records.

In addition to creating and/or tolerating a climate of fear and intimidation, the union defendants were charged with creating or tolerating pervasive corruption:

The Teamster International Union officer defendants have consistently failed to take action to rid the Teamsters International Union and various of its affiliated Area Conferences, Joint Councils, Locals and Benefit Funds of corruption. These defendants have repeatedly allowed corrupt union officials to remain in office, failed to investigate charges of union corruption, and failed to redress demonstrated instances of pervasive and long-standing corruption.

From the government's perspective, the advantage of the civil RICO suit was that no new FBI investigations were necessary. The entire case was constructed from the record of past convictions and government reports. Since this was a civil suit, once the complaint was filed the historical record could be supplemented with depositions obtained from Angelo Lonardo, Roy Williams, and others.
As a remedy, the government asked for the removal of any IBT general executive board members found to have committed RICO violations, the appointment of a trustee to oversee the union’s executive, collective-bargaining, and/or political activities, and new elections designed to protect against the possibility of corruption. The IBT moved to dismiss the complaint on three grounds: (1) the complaint violated IBT members’ First Amendment rights to free association; (2) federal labor law preempted RICO; and (3) the complaint failed to state a RICO claim. In the alternative, the defendants sought to have all IBT-affiliated local unions and councils joined as defendants. Judge David Edelstein denied these motions, as well as the government’s motion for summary judgment against certain defendants, and set the case for trial.  

Many of the mob defendants, already in jail on related criminal charges, signed settlement agreements, promising not to have anything to do with the union. Since most of them were facing long jail terms, as a result of the Commission case and other prosecutions, and since they could not claim to have any legitimate role in the union’s affairs, there was no point in contesting the suit. Mounting legal fees and poor prospects of ultimate success also led a number of the union defendants to sign agreements with the government promising to be bound by whatever final relief the court entered.

The Consent Decree

On March 13, 1989, the government and the remaining defendants (including the GEB) entered into a consent decree. The defendants admitted “that there have been allegations, sworn testimony and judicial findings of past problems with La Cosa Nostra corruption of various elements of the IBT.” They agreed “that there should be no criminal element or Cosa Nostra corruption of any part of the IBT.” They accepted the principle that “it is imperative that the IBT, as the largest trade union in the free world, be maintained democratically, with integrity and for the sole benefit of its members without unlawful outside influence.”

The consent decree provided for three court-appointed officers to oversee union operations: an independent administrator, an investigations officer, and an elections officer. Judge Edelstein filled these positions with former federal judge Frederick Lacey, former assistant United States attorney Charles Carberry, and labor lawyer Michael Holland. The independent administrator (Lacey) was empowered to take disciplinary action, including suspension or termination of membership rights, against any corrupt union officials (including the general president) and to veto appointments of union officials.
and expenditures of any union funds used to further racketeering activity. He was invested with all the disciplinary powers of the general president. The investigations officer (Carberry) was given broad power to investigate corruption and bring disciplinary charges before Administrator Lacey. The decree authorized the elections officer (Holland) to supervise a direct, rank-and-file, secret-ballot election for the union's top officers.

Resistance to the Suit

Jackie Presser's death in July 1988 triggered a scramble for the presidency among various Teamster vice-presidents. The GEB eventually elected William McCarthy, a long-time union official from Boston.

Almost before the ink was dry on the consent decree, the union, especially President McCarthy, began a campaign of resistance to the court-appointed officers. Various IBT locals were encouraged to attack the consent order by filing lawsuits in Chicago, Cleveland, New Jersey, and elsewhere. The suits sought to force the government to defend the jurisdiction of the consent decree over Teamster locals all over the country. In response, the government moved to have all matters pertaining to the IBT case brought before the District Court for the Southern District of New York. Judge Edelstein granted that motion, concluding that nationwide jurisdiction in the Southern District would promote judicial economy and avoid possible inconsistent interpretations of the consent decree. This crucial decision kept the government from having to contest a multitude of lawsuits around the country. It meant that the court-appointed officers would not be paralyzed by litigation, as their predecessors had been in the late 1950s.

The union opposed all sorts of expenditures by the officers (whose salaries and expenses the union was paying) and tried to limit their authority at every turn. For example, the IBT refused to pay for office space for the investigations officer in New York City, arguing that the decree only provided for office space in Washington, D.C. Lacey applied to the court to force the IBT to provide the office space. Judge Edelstein held that proper investigative efforts implied a broad reading of the investigations officer's authority and approved the Manhattan office. Subsequently, Lacey had to petition the court to force the IBT to fund the elections officer's staffing requests; once again, Judge Edelstein ruled in his favor.

Lacey also faced resistance with respect to communications between the court-appointed officers and the membership. In order to disrupt the flow of information to the rank and file about the independent administrator's findings and sanctions for corruption, the GEB threatened to discontinue the
International Teamster, a monthly newsletter. Siding with the administrator, the court found that the consent decree mandated continuation of the monthly publication. In order to educate the membership and promote union democracy, Judge Edelstein also ordered that the court's decisions and the independent administrator's reports be made available to union members.

Electoral Reform

The consent decree provided for the first direct, rank-and-file secret-ballot election of the IBT's president and GEB. The federal prosecutors believed that, ultimately, the mob could only be purged from the union if the rank and file had the opportunity to participate in free and fair elections of their representatives. They concluded that this goal could best be achieved by a direct and secret election of national officers (as opposed to the highly controllable "delegate system"). TDU had been campaigning for just such a direct election since the mid-1970s.

Trustee Holland initiated a three-step process. First, the IBT locals would hold secret-ballot elections for delegates to the IBT convention. Second, the delegates would nominate candidates for office. Third, the rank and file would vote in a nationwide direct, secret-ballot election.

This electoral reform generated much controversy and conflict. The government and the IBT disagreed on the election officer's authority to supervise the IBT election. The IBT argued that the term "supervise" in the consent decree merely meant monitoring the IBT electoral process for fraud and, in the event of any fraud, suggesting remedial action. The Teamsters took the position that the election officer had no authority to propose rules for the upcoming election. As for the rules that were proposed, the IBT objected to Holland's plan for alternate delegates, widespread dissemination of campaign literature through the International Teamster, and secret ballots.

The Association for Union Democracy (AUD), a civil rights organization, also criticized the proposed election rules. The AUD objected to Holland's proposal that the local unions maintain control over such election matters as printing ballots, deciding the eligibility of potential candidates, running the election, and storing and counting the ballots. In its amicus brief, the AUD argued that local officials were just as influenced by Cosa Nostra as the GEB and could not be trusted to conduct fair elections. In a rare decision overruling one of his appointees, Judge Edelstein agreed with the AUD and amended the proposed election rules to provide for more stringent supervision by the elections officer.

The 1991 election was vigorously contested by three serious candidates...
and a few minor ones. At the union nominating convention, Ron Carey, who carried the reform banner, obtained the support of only 15 percent of the delegates (who were mostly established office holders of the more than six hundred locals); 85 percent voted for one or the other of the two old-guard candidates. Moreover, the delegates voted not to make some of the changes in the union constitution required by the consent decree. Judge Edelstein held this vote to be void and declared the consent decree binding on the IBT via its own constitution.

Despite widespread apprehensions about intimidation and voter fraud, Carey, who ran with TDU support, was elected president, drawing almost 50 percent of the vote in the direct secret-ballot election. The lock on the union held by a ruling elite allied with Cosa Nostra appeared to be broken.

Carey immediately took the following reformative steps: (1) he removed thirty-nine union officials who were earning multiple salaries from the union's payroll; (2) he sold the union's jets and allocated the proceeds to a union organizing fund; (3) he created the Ethical Practices Committee and a Human Relations Commission; and (4) he imposed trusteeships over a number of corrupt locals. However, ultimate reform is far from guaranteed since many local unions remain in the hands of the old guard.

**Investigative Efforts**

Under the consent decree, the investigations officer was authorized to investigate corruption and bring disciplinary actions before the administrator. The charges resulted from information supplied by the FBI, investigations of books and records of the various locals, interviews of union officers, sworn testimony, previous information supplied by IBT members, and a systematic review of old criminal cases.

Judge Lacey served as the trier of fact and sentencing authority on almost two hundred charges brought by Carberry against Teamster members and officials. These included having an association with, and membership in, Cosa Nostra, failure to investigate corruption, embezzlement, assault, and refusal to testify at the disciplinary hearings.

In most cases, Lacey found that the investigations officer had met his "just cause" burden in proving the charges. Some union members and officers sought and obtained settlement agreements; others resigned. Lacey's punishments varied according to the seriousness of the misconduct. He expelled some officers from the union for associating with Cosa Nostra members. Lacey stated, "There is only one just and reasonable penalty to be imposed when a Union Officer . . . sees fit to hobnob with mob bosses and
underlings—permanent debarment from the very union that he has tainted." 25 Officials who failed to meet their responsibility to investigate corruption were also expelled. 26 Some officials who refused to testify in response to the investigations officer’s request for information were suspended for varying periods. 27 In addition, Lacey placed nine locals under trusteeship.

One of the more important confrontations between Judge Lacey and the GEB concerned the administrator’s authority to interpret the IBT constitution. At the behest of then-IBT Vice-President Theodore Cozza, who faced disciplinary charges for knowingly associating with members of organized crime, the board, asserting that the consent decree did not give the administrator authority to interpret the IBT constitution, passed a resolution that limited the type of conduct that could be disciplined, in effect circumscribing the authority of the court’s appointed officers. Judge Edelstein rejected the resolution, ruling that the consent decree gave the administrator the same disciplinary powers as the general president and GEB, including the power to interpret the IBT constitution. 28

Some years later, Judge Edelstein would reflect that the “IBT [has] embarked on a fierce campaign to avoid the reforms that it agreed to in the Consent Decree. In over three years of constant litigation in this Court and the Court of Appeals, the IBT repeatedly has sought to advance its cause by arguing for a narrow, restrictive interpretation of the Consent Decree.” 29

**Independent Review Board**

With the certification of the 1991 election results and the accession of Ron Carey to the IBT presidency, the reform process entered a new phase. The terms of the independent administrator and the investigations officer expired; they were replaced by an independent review board (IRB), designed to continue supervision of the IBT. (The elections officer’s authority extends to the 1996 election. Holland has been replaced by Amy Goldstein, a labor lawyer from New York City.) Under the consent decree, the IRB consists of three members, one appointed by the government, one by the IBT, and the third by both parties. The government chose Lacey, while the IBT picked E. Harold Burke, Carey’s former campaign manager. Burke has since been replaced by Grant Crandall, a labor lawyer from West Virginia. The two parties could not agree on the third member and thus Judge Edelstein confirmed the administrator’s recommendation of William H. Webster, former director of both the FBI and the CIA and a former federal judge. 30

The IRB has the same investigative duties and responsibilities as the general president and the GEB. It can investigate corruption, issue written
reports, and hold adjudicatory hearings in which binding decisions are rendered. One important difference between the IRB and the court-appointed officers, however, is the scope of the IRB’s involvement. While the independent administrator had the power to veto major contracts and appointments, the IRB is not authorized to oversee the day-to-day operations of the IBT. Also, the IRB must give the GEB an opportunity to act before it holds a hearing.

Conclusion

For decades, the IBT served as a Cosa Nostra power base, providing mob leaders with money, jobs, and political clout. The Cosa Nostra commission and other leaders controlled many locals and played a major role in choosing the IBT presidents. Influence in the IBT was used to control the massive Central States Pension Fund and to obtain favored positions in locals throughout the country. Teamster affiliation gave some Cosa Nostra members a legitimate status that they could parlay into political power. The marriage between the mob and the Teamsters was the subject of many commissions, hearings, books, and exposés, but until the mid-1980s this relationship seemed indissoluble.

The construction of the civil RICO suit demonstrates the enormous power and flexibility that the RICO statute provides the government. The Department of Justice converted criminal convictions into a followup civil RICO. The Department of Justice was able to bring about an extensive purge of mobsters and their allies under the speedy procedures used by the court-appointed officers, who could exercise extensive powers to review IBT records and compel testimony. Moreover, under the extraordinary authority granted to the court-appointed officers, consorting with mobsters became an “offense” punishable by expulsion or suspension. Most importantly, the government was able to break organized crime’s lock on the GEB and presidency through election reform.

The civil RICO suit against the IBT may well constitute the most ambitious institutional reform litigation in American history. The challenge of purging Cosa Nostra and its allies from central headquarters and its six hundred far-flung locals, with 1.6 million members, is truly mind boggling. Given the ambition of the suit, it is not surprising that no one is yet ready to declare complete success.

It would be naive to think that Cosa Nostra will simply cede its power and prerogatives in the IBT. Many locals remain under the influence of organized crime. It will take continuing effort and a major commitment by the
Carey regime to purge the mob from all these power bases. The Local 560 case demonstrates all too clearly how entrenched the mob is in some union locals and how hard it is to dislodge, even with the assistance of a court-appointed trustee who has been on the job for years. Although Carey has set up an ethical practices committee and has placed at least two locals into trusteeship, he has drawn criticism for not working quickly or aggressively enough.31 Unlike the court-appointed officers, the Carey administration has many priorities other than purging organized crime. The danger is that, over time, the goal of ridding the IBT of all organized-crime influence will be abandoned before the job is done.

The RICO suit and Ron Carey's election offer the possibility that the decades-old alliance between the Teamsters and Cosa Nostra may be broken, but whether that possibility becomes a reality will not be clear for years.

**Chronology of the United States v. IBT Litigation: Partial List of Most Important Reported Decisions**

*United States v IBT*, 708 F Supp 1388 (SDNY 1989). (The district court denied the defendants' motion to dismiss the complaint as well as the government's motion for summary judgment.


*United States v IBT* (Election Officer Order), 723 F Supp 203 (SDNY 1989) stay and certification denied, 728 F Supp 920 [SDNY 1989], aff'd 931 F2d 177 [2d Cir 1991]. (The district court approved broad supervisory powers for the elections officer, granted the election officer's staffing requests, and created a $100,000 fund for the operating expenses of the court-appointed officers.)

*United States v IBT*, 728 F Supp 1032 (SDNY 1990), aff'd 907 F2d 277 (2d Cir 1990). (The district court granted the government's request to exercise its powers under the All Writs Act to preclude collateral suits by subordinate entities of the IBT in any other forum.)

*United States v IBT*, 905 F2d 610 (2d Cir 1990). (The appeals court affirmed one-year suspensions of certain union officials and recognized the independent administrator's ability to disregard a GEB resolution limiting his powers.)

*United States v IBT*, 742 F Supp 94 (SDNY 1990). (The district court approved the promulgation of campaign literature in the union magazine, provided candidates with access to membership lists, applied final election rules to Canadian locals, and mandated that the elections officer supervise every facet of the union election.)

*United States v IBT*, 745 F Supp 908 (SDNY 1990), aff'd, 941 F2d 1292 (2d Cir 1991). (The district court determined that the union's interest in ridding all organized-crime influence outweighed a union official's right to associate freely.
United States v IBT, 754 F Supp 333 (SDNY 1990). (The district court affirmed the two-year suspensions of certain union officials and held that a preponderance of evidence standard to sustain charges, rather than a clear and convincing standard, was not arbitrary and that the officials' failure to investigate alleged misuse of union funds could provide evidence of intent to defraud the union of its funds.)

United States v IBT, 777 F Supp 1133 (SDNY 1991), aff'd, 970 F2d 1132 (2d Cir 1992). (The district court affirmed the independent administrator's suspension of a union official and allowed the administrator's determination that an official brought reproach upon the union by invoking the Fifth Amendment during a deposition.)

United States v IBT, 787 F Supp 345 (SDNY 1992). (The district court affirmed the lifetime suspension of a union business agent on assault and embezzlement charges.)

United States v IBT, 803 F Supp 761 (SDNY 1992). (The government's motion seeking the promulgation of rules for the operation of the IRB was granted.)

United States v IBT, 803 F Supp 806 (SDNY 1992), aff'd 12 F3d 360 (2d Cir 1993). (The district court approved the choice of William Webster as the third member of the IRB, over the objections of the IBT.)

Notes


3. Dorfman was the son of Paul Dorfman, a powerful associate of the Chicago crime family that backed Hoffa's rise to the IBT presidency. Hoffa rewarded this support by arranging for Allen Dorfman to control the Central States Pension Fund. Dorfman was later convicted of conspiracy to influence an employee benefit plan by accepting a bribe, wire fraud and conspiracy to commit wire fraud. See *United States v Dorfman*, 470 F2d 246 (2d Cir 1972), cert. dismissed, 411 US 923 (1973).

4. Allen was a member of Teamsters Local 326 in Wilmington, Delaware, and acted at the direction of Frank Sherran (a defendant in the Teamsters case).

5. See United States v Dorfman, et al., 81 CR 269 (ND Ill 1981), aff'd sub nom United States v Williams, 737 F2d 594 (7th Cir 1984), cert. denied, 470 US 1003 (1985) (Roy Williams, Allen Dorfman, Joseph Lombardo, Andrew Massa, and Thomas O'Malley were convicted of attempting to bribe a U.S. senator in this case.)

6. Depositions by Lonardo and Williams indicate that, upon a vacancy in the union presidency, the commission met to choose the next president and then
manipulated the delegate system through its control over many key locals to assure that individual's victory.


14. By the 1991 Teamsters convention and elections, McCarthy's support had deteriorated severely; the evaporation of political support, plus a stroke, convinced him not to seek reelection.


16. In the fall of 1993, however, rumors surfaced regarding Carey himself. Alfonse "Little Al" D'Arco, former acting boss of the Lucchese crime family and currently a cooperating government witness, charged that Carey was tied to Cosa Nostra through a former Teamster vice-president. After the investigation, however, the IRB found no support for these accusations.


18. Although the independent administrator had the same investigatory powers as the investigations officer, Judge Lacey decided that, in order to avoid conflicts of interest and to give the proceedings a stamp of impartiality, he would refrain from exercising this power too often.


23. See Investigations Officer v Calagna.


26. Judge Lacey defined the standard for adequate investigation in Investigations Officer v Crapanzano and Lanza, Decision of the Independent Administrator (30 March 1992), aff'd, United States v IBT, 803 F Supp 740 (SDNY 1992). This standard required that union officers make all reasonable efforts to discern the truth of any allegations of corruption. Therefore, failure to investigate corruption meant anything from endorsing corruption to sitting idly by and ignoring blatant criminal activity.


30. The IBT has unsuccessfully appealed this appointment, arguing that Webster's selection was premature (i.e., before the government and the IBT had reached an impasse). The appeal also asserted that Webster has a conflict of interest due to the fact that he presently serves on the boards of directors of two corporations, one of which is a Teamsters employer and the other of which has a reputation for strikebreaking. See 803 F Supp 806 (SDNY 1992), aff'd, 12 F3d 360 (2d Cir 1993).

Appendix A

Congressional Petition to Justice Department

Congress of the United States
Washington, DC 20515

December 10, 1987

The Honorable Edwin Meese, III
Attorney General
U.S. Department of Justice
Main Justice Building
Room 5111
Washington, D.C. 20530

Dear Attorney General Meese:

Numerous press articles have stated that the Department of Justice is preparing civil suits under the Racketeer Influenced and Corrupt Organizations Act (RICO) with the intention of imposing federal trusteeships over the International Brotherhood of Teamsters, the Laborers' International Union of North America, the Hotel Employees and Restaurant Employees International Union and the International Longshoremen's Association. We are concerned over the accuracy of these reports and seek clarification of the Department's efforts thus far and information regarding its future intentions. We are also writing to express our serious reservations regarding both the utility and equity of imposing federal control over private institutions. This concern is intensified in these circumstances since the historic position of this government is one of minimal intervention in the internal affairs of labor organizations.

Congress has enacted numerous laws which ensure that unions function as democratic institutions. In addition to the full panoply of criminal statutes, laws including the Labor-Management Relations Act, the Labor-Management Reporting and Disclosure Act and the Labor-Management Racketeering Act ensure both that unions function as democratic institutions and that those who abuse union office may be effectively prosecuted and promptly removed from positions of trust.

This legislation has been carefully drafted to deal with specific problems within the labor movement without unduly intruding into the operation of private organiza-
tions. Thus, we are very troubled by reports that the Department of Justice has chosen a broad and unprecedented enforcement strategy that must, of necessity, undermine the ability of a union to perform its statutory functions as the collective bargaining representative of its members. Labor unions in this society serve as a counter-balance to the institutions of government and corporations and afford workers a vehicle for exercising a voice in the determination of national policy as well as their wages and working conditions. To function properly, unions must be independent of government or corporate control in order to reflect and represent the interests of their members. The imposition of trustees to administer an international union by the government is, on its face, inherently destructive of the ability of workers to represent and speak for themselves through their unions. The exercise of such authority by the government to essentially remove one of the major participants in the democratic process, establishes a precedent which strikes at the very foundation of our democracy.

We strongly and wholeheartedly support enforcement of the law to rid unions of those individuals who misuse their positions. We cannot support, however, the abandonment of the carefully constructed network of law which achieves the desired goals with limited government intervention in favor of a broad effort which sweeps out the fundamental rights of the rank-and-file union member as well as the wrongdoers.

In conclusion, we would appreciate such information as you may appropriately share regarding the efforts of your agency in this area. Further, we would urge the Department to consider carefully the options available to it and to reject those that are inconsistent with the overall national goal of fostering an independent and democratic union movement. [Signed by 264 members of Congress]
Association for Union Democracy, Letter to Members of Congress

Association for Union Democracy, Inc.
YWCA Building
30 Third Avenue
Brooklyn, N.Y. 11217
(718) 855-6650

August 4, 1988

Dear Congressman——

You were listed as a signator on a letter signed by 264 members of Congress criticizing in advance the recent RICO suit filed by the Department of Justice against officials of the Teamsters union and members of La Cosa Nostra. Intervention by the government in this instance, you insist, "is inherently destructive of the ability of workers to represent and speak for themselves through their unions." The actuality is quite different in my opinion. Existing law has proven inadequate to assist members of unions dominated by organized crime. The government suit aims to take power out of the hands of racketeers and their abettors and restore the right of members to control their own unions. From this standpoint, the action of Justice should be applauded as a welcome, even overdue, action by government to end racketeer infiltration of a major union.

I am not writing, however, to argue the merits of the government's case. Choices are admittedly difficult, and differences of opinion are inevitable even among partisans of a strong, democratic, free labor movement. As a private citizen I can only express an opinion, hoping that my views can somehow affect events. As a member of Congress, you, however, are endowed with enormous power to determine the policies our country will follow. If you are convinced that the Department of Justice is acting improperly in its method of addressing racketeering and anti-democracy in the Teamsters unions, you have a moral and political responsibility to go beyond expressing an opinion and to take action that will help to combat racketeering in unions effectively and properly.
I pose two questions: 1) In exercising your legislative powers, how do you propose to eradicate the racketeer combine in the Teamsters union? It is apparent that past law enforcement efforts have resulted in this or that individual corrupt union official being sent to jail, only to be replaced by a twin. In the meantime, the members' democratic rights are continually violated by a powerful and ruthless criminal enterprise operating on a national scale.

2) How do you propose to defend the rights of those courageous members of the Teamsters union who have been fighting against organized crime control of their union and who have been victimized for their efforts? In this connection, I call attention to the enclosed letter of John Kuebler, a member of Teamsters Local 282 here in New York. He fought against a corrupt local officialdom; he impelled law enforcement authorities to act and send a crooked official to jail. But Kuebler himself, after this service to his union and to the public, lost his job because of fraudulent actions of his union's officials. He appealed to the National Labor Relations Board which upheld his claim, and vindicated his charges. It ordered the offending union to pay him his lost wages.

Ten years have passed. The NLRB has failed to enforce its own decision; Kuebler has not collected one single cent.

John Kuebler is only one example of the hundreds of union members who have turned to the NLRB for help after suffering retaliation for their reform activity. The NLRB has proven impotent to provide defense and recourse for union reformers who face racketeers. Legislative oversight of NLRB policies and correction of remedial deficiencies are obviously essential. You were moved to speak out on behalf of the rights of the Teamster establishment. What do you have to say for those who have been victimized by the union's officials?

Reformers like John Kuebler have little money to donate to campaigns backed by PAC's; they have no political clout. But in their unions they do carry on the battle for American democracy that we all cherish. Don't you think that now is the time to come to their assistance?

Sincerely yours,

Herman Benson
Executive Director
Association for Union Democracy
Appendix C

Deposition of Roy Williams

Q. Mr. Williams: Did you know a man named Nick Civella?
A. Yes.

Q. When did you first meet Nick Civella?
A. 1952. Late in '52 or early '53

Q. What were the circumstances?
A. Kansas City operated with an eastern judge, a western judge, and a central—I mean a presiding judge. During that time there was—I know seven and there could be eight different democratic clubs because at that time Kansas City and Jackson County was basically democrat. I was the head of the Teamsters Club. Civella was the head of the North End Political Club. Bill Cirman, who was the mayor of Independence, was the chairman of the Eastern Democratic Club. And a man by the name of Moran, Tim, I believe; Moran, was the head of the Central Club. And every time there was an election come up, you wouldn't want your man to run for auditor. You'd want him to run here. This club would want his man to run. And anyway, you could have as many as seven or eight people.

I was appointed by our group as the chairman of our club. Nick Civella was the chairman of his club. If there was an argument as to who we thought we could win with, it came to our committee, the four of us, and we determined who we thought we could win with. And we had the authority to direct the clubs to withdraw their particular candidate for the particular political job and put the one in that we suggested.

Q. After you first met Mr. Civella in connection with this political club, how long did you know him?
A. I knew him starting in 1952 or early '53, and I knew him till he died sometime in '81 or early '82. I'm not sure.

Q. After you met Nick Civella in 1952, did there come a time later when you learned what position, if any, he had in organized crime?
A. Well, there again, you're calling my attention to dates, and I'm not sure. The first time that I thought that he was mixed up with some group was after the Apalachin meeting, and I believe the Apalachin was in New York. I'm not sure. He and a man by the name of Falardo were arrested at that Apalachin meeting, and the papers in Kansas City played it up big. That was my first impression that he might be a head of an undesirable group.
Q. Was that Apalachin meeting in the late 1950s?
A. Yes.

Q. After that Apalachin meeting, did you meet with Mr. Civella and discuss the Apalachin meeting?
A. Not to—well, I met with him, but it wasn't solely to discuss the Apalachin.

Q. At the time you met him after the Apalachin meeting, did he tell you anything about what happened at the Apalachin meeting?
A. Civella told me that, among other things, territory and cooperation was discussed.

Q. What did he tell you about territory and cooperation?
A. Civella said that he had Kansas City as his territory. He had working relations with other areas. He had friends in Wisconsin, he had friends in Chicago, he had friends in Cleveland, and he had friends in New Orleans.

Q. Did he say he had friends in New York?
A. No, he never mentioned New York.

Q. Did he say anything about how they had divided up the territories?
A. No, he did not, other than just what I said that Nick told me. He didn't tell me about anybody else.

Q. How did he refer to these other people with whom he had met at the Apalachin conference?
A. My people are my friends.

Q. Did you learn whether or not Nick Civella had been arrested at this Apalachin meeting?
A. That's what the papers said.

Q. Did you discuss that with Mr. Civella?
A. No, I did not.

Q. Was there anyone else present at the time you had this conversation with Mr. Civella?
A. No, sir.

Q. Did Mr. Civella say anything to you about how you could benefit from his friends?
A. No.

Q. Did Mr. Civella say anything to you about how his friends might be of help to you?
A. Later but not at that meeting.

Q. Did Mr. Civella say anything to you about helping you if you went into other areas of the country?
A. Yes.

Q. What did he tell you in that regard in his conversation?
A. He told me if I went into areas that I thought there would be some problems, to get ahold of him and he would get ahold of his friends.

Q. Did there later come a time when you did contact Mr. Civella and ask for his help?
A. Twice.
Q. Can you describe those?
A. Once was in San Francisco at a bad strike. I didn't know anybody in San Francisco. I was sent in there by Mr. Hoffa, and when I got to this meeting, I had kind of a hostile president of that union. I always went in alone. I started to meet him, and Hoffa told me to break up the strike. I started the meeting. I noticed some people standing around the room with topcoats on, never sat down. Plenty of seats but didn't sit down. The meeting was over. I got a vote on the strike to where it ended and the meeting broke up and everybody left, including the people with the trench coats.

Q. Before you went to San Francisco, had you gone to Mr. Civella to tell him about your trip?
A. I just said yes, I contacted him and told him I was going, and he said he'd get ahold of his friends.

Q. What was the second occasion in which you asked for Mr. Civella's help with his friends?
A. In New Orleans, Louisiana. Hoffa called me and wanted me to meet him in New Orleans at the hotel across from the airport. I went to New Orleans. I told Nick that I was going to New Orleans with Hoffa, and the oil workers was wanting to go into the Teamsters Union. When they found out—when the city fathers or whoever it is—they had already rented a hall. When they found out it was James R. Hoffa that wanted to rent the rooms or meeting hall, they refused to give it to him. There was quite a few Teamster members there that had no place to meet. I'm a veteran. I contacted the Veteran's Administration, and they let us use their hall just outside of New Orleans.

Hoffa conducted the meeting. The weather was warm. There again, there was other chairs to sit in, but there was maybe five or six people standing around the outside. They didn't have trench coats. They said nothing, nor neither did they sit down, and there was no problems at that particular meeting except one man that kept coming to the front and arguing and so forth. And he got hit in the head with a mallet, and Jimmy Hoffa said, "Sergeant of arms, please remove this object on the floor so we can continue the meeting." The sergeant of arms come and got him, took him outside. About 20 minutes he was back in, and I have to say he acted like a gentleman when he came back in.

Q. When approximately did this meeting in New Orleans take place, if you recall?
A. I don't recall.

Q. Do you know whether these men who were in the back of the room in the meeting hall in New Orleans were Teamsters?
A. No, sir. I think he was an oil worker and was probably sent there by the oil workers' people.

Q. Mr. Williams, I wasn't referring to the man who was removed.
A. I thought that's what you said.

Q. The men in the back of the room, sir, do you know whether or not they were Teamsters?
A. No, I do not.
Q. Did you recognize them to be Teamsters?
A. I didn't even pay any attention whether they were Teamsters, oil workers, or who they were. I just know they stood up in the back of the room like they did—certain people done in San Francisco.
Q. Were there any seats in the meeting hall?
A. Lots of them.
Q. Were there seats in the meeting hall in San Francisco?
A. Yes.
Q. When approximately was this meeting in San Francisco, if you recall?
A. I don't recall.
Q. Mr. Williams, directing your attention to the period after this discussion you had with Nick Civella about the Apalachin meeting, did there come a time when you received a threat from two men who identified themselves as friends of Nick Civella?
A. Well, first I have to go back just a little bit.
Q. Certainly.
A. As I said earlier, the pension fund was instituted in '55. We started paying small pensions in '57. I started getting a lot of conversation from Nick that he wanted to support particular loans.
Q. When was this, sir?
A. Sir?
Q. When was this that you got those requests?
A. Sometime later in the later part of '58 when the pensions started getting a few dollars, and I put up with that and refused to do any of these things that he was asking me to do regarding the pension fund. I told him how it was set up and how it was to be operated and so forth, about the A and O committee and so forth.

One night when I'm coming out of a meeting—we were in the old building. 116 West Linwood is where our office was, and we kind of shared with McGilley Funeral Home. On Sundays if we had big meetings and they had no funerals, we used their lot and vice versa.
Q. What city was this in?
A. Kansas City.
Q. What happened next?
A. When I come out to get in my car, there was two men standing, one on each side. They said, "Get in, Mr. Williams, and park your car over in the other lot. Take the keys because we intend to bring you back." They shoved me in a big car, in the middle, between the two of them. About a half a block they put a blindfold on me. It seemed like about 20 minutes we stopped. They took me inside of a building. They sat me on a chair. The place was dark. At least it was to me. I couldn't see nothing. And they took the blindfold off.

There was a great big light over my head that showed around about ten feet of my stool that I was sitting on. They told me that I was brought there for a reason.
That I was going to have to cooperate closer with Nick Civella. I didn’t recognize any of them. I knew none of them. I didn’t know how many was in the room. The acoustics in the ceiling sounded similar to a basketball court or something. I don’t know how many people was in the room because I couldn’t see nobody.

They threatened my family, named my two children. They were both young at that time. My oldest daughter was twelve. My youngest daughter was six. They said if I didn’t cooperate, they were going to kill my children, my wife, and you will be the last to go. Do you understand what we’re talking to you about? I said yes. They asked me if I was going to cooperate with Nick closer, and I said I’ll have to think about it. They put the blindfold back on me, took me back to my car. I got in my car and went home.

And I don’t know—I can’t describe the feeling I had. I mean, it just never happened to me. I come from a family of 13 on a farm. I had a sixth grade education, and I never knew there was these kinds of people in the world. So I didn’t say nothing to my family because I didn’t want to excite them. I went looking for help.

Q. The room where these two men took you, could you see anything in the room?
A. Nothing.

Q. Why was that, sir?
A. Because it was dark. There was no lights on other than the one over my head.

Q. Was the light over your head a bright light?
A. Real bright. It looked like it was sort of a spotlight, and I only presume that it covered about ten feet around my stool that I was sitting on.

Q. When you say you went for help after you received this threat, who did you go speak to?
A. I went to talk to Tom Flynn first.

Q. Who was Tom Flynn at that time?
A. Tom Flynn at that time was an assistant to Van Tobin—no, excuse me. He was a director of the central conference—I mean the eastern conference at that time because he left as assistant to Tobin in 1952 so I had forgotten that. But anyway, I went to him because I knew him real well. He sent me to Jimmy Hoffa.

Q. First, what did Mr. Flynn say to you when you went to speak to him?
A. He said, “I think you should go talk to Jimmy.” He didn’t want to make any comments at that time.

Q. Did you then go see Mr. Hoffa?
A. Yes.

Q. What happened when you went to see Mr. Hoffa?
A. I told Mr. Hoffa what happened, and he said, “Roy, it’s a bad situation.” He said, “You can run, but you can’t hide. You could quit. You still can’t hide. My advice to you is to cooperate or get your family killed.”

Q. Did Mr. Hoffa say anything to you about whether he was aware of Nick Civella and his friends?
A. Mr. Hoffa said, “Roy, there are bad people. And they were here a long time
before you and I come, and they'll be here a long time after we're gone." He said, "They're either infiltrated into every local union, big local union, every conference, pension funds, even the AFL-CIO." And he says, "They're bad and certainly I think you should go cooperate with them." He says, "I'm tied tight as I can be."

* * *

Q. Subsequently did Mr. Civella tell you what kind of cooperation he wanted from you?
A. He wanted me to vote for some loans that he was interested in in Las Vegas. He told me on one particular loan that he wanted me—I believe it was Argent. He told me that he wanted me to follow Plug's lead. That was the nickname for Bill Presser who had taken over the chairmanship with Fitzsimmons of the health and welfare and pension—excuse me. Not health and welfare. Pension.

Q. In addition to the Argent loan, did Mr. Civella tell you he wanted you to support other loans?
A. I don't know whether he wanted me to do that other than to follow The Plug or Fitzsimmons. He didn't want any—me to oppose any of the loans that Fitzsimmons or The Plug or Bill Presser recommended.

Q. What were some of the loans that were recommended in this manner?
A. Well, we had an executive committee by that time. The executive committee was attended by Frank Ranney, Fitzsimmons, Bill Presser, and I believe Joe Morgan. And anybody requiring a loan of any description went to see this particular executive committee. The auditors were there, the lawyers were in there, the actuaries. All of them including the asset manager was all in these meetings. They'd give us a book. We met every three months, and they'd give us a book so thick. On the first page it identified the fact that they had looked at it. They recommended approval, recommended hold, or recommended that it be denied. 98 percent of the time we went along with the recommendations of the committee.

Q. Mr. Williams, after you received this threat, how would you characterize Nick Civella's influence, if any, over you within the Teamsters?
A. Well, to be right frank about it, if I didn't want to get killed, I was his boy. And I characterized the fact that I cooperated with him, but I never had to oppose any of these loans because they were recommended by the executive committee after they had all met.

* * *

Q. How did it come about that Nick Civella gave you money in 1974?
A. I think he had just gotten the Argent loan or something to that effect. I don't know what else it would have been. He just told me this was my share. Now, I
believe it was the Argent Corporation and the Hacienda owned by—I forget his name now. A little lawyer.

Q. Was that Allen Glick who was the owner of Argent?
A. Allen Glick, yeah.

Q. Had the Argent Corporation sought a loan for the Stardust Casino?
A. I think it was for the Stardust and possibly for the Hacienda. I'm not sure.

Q. How big a loan had the Argent Corporation sought?
A. I believe it was something around 60 million dollars.

Q. Had you voted in favor of that loan?
A. Yes.

Q. Had you had any discussions prior to your vote on that loan application with Mr. Civella about whether Mr. Civella wanted you to support that loan application?
A. He told me to follow The Plug's lead on that application.

Q. Again, who was The Plug that you just referred to?
A. Bill Presser.

Q. Did you follow Bill Presser's lead on that application?
A. Yes.

Q. Did you vote in favor of that application?
A. Yes.

Q. When did you start to receive money from Mr. Civella?
A. Sometime in 1974.

Q. What was the first occasion on which you received money from Mr. Civella?
A. I don't know, sir.

Q. Who gave you the money on this first occasion?
A. Nick Civella. Other times it was delivered by Sam Ancona.

Q. How much money did you receive on the first occasion?
A. Fifteen hundred as I stated a while ago.

Q. How often did you receive this money after this first $1500 payment in 1974?
A. I thought I said earlier every month.

Q. How much money did you receive each month?
A. 1500 sometimes, 1200 sometimes, 1300 sometimes, 1,000 sometimes, but it was made up later so it averaged out 1500 a month.

Q. Mr. Williams, I'd like to refer you to your testimony at the deposition in the
Salerno case starting on Page 129 and going on to Page 130, starting at Line 18 on Page 129 and continuing until Page 130.

Q. Mr. Williams, I ask you to read beginning at Line 18 on Page 129 continuing on to Page 130 down to Line 6.

THE WITNESS: On 18 the prosecutor at the hearing—Line 18 now I'm talking about—where he asked me, "As International vice president, members of the executive board, did you become aware that other members of the board knew of your ties to Nick Civella?" My answer is this. I said, "Yes." "How did you become aware?" "Because I made no bones about it."

Q. And the answer continues doesn't it, Mr. Williams?
A. Yes.

Q. What's the rest of the answer after "because I made no bones about it"?
A. "I was controlled by Nick, and I think everybody knew it because Hoffa told me that Nick was in the hierarchy of the so-called organized crime group. And when he threatened me, why that's when I became his boy."

Q. Now, at the deposition in the Salerno case do you recall being asked those questions and giving those answers about being controlled by Nick Civella?
A. I saw it on the tape that I said I became his boy.

Q. You do recall giving that testimony; correct, sir?
A. Yes, I do.
Appendix D

Deposition of Angelo Lonardo

Q. You testified earlier about Milton Rockman. Directing your attention to Mr. Rockman, what role if any did he have with the Cleveland La Cosa Nostra family?
A. Well, he was an associate of ours. He was not a member.
Q. As an associate what activities was he involved in?
A. Mostly the unions, Teamsters union.
Q. Was there anyone in particular in the Teamsters union that Mr. Rockman dealt with?
A. Well, he dealt with Bill Presser and Jackie Presser.
Q. Did Mr. Rockman ever tell you what type of relationship he had with Bill Presser and Jackie Presser?
A. They were very very close and he could control them.
Q. Mr. Lonardo, have you ever heard of a man named Frank Fitzsimmons?
A. Yes.
Q. Do you know what position if any he held with the Teamsters union?
A. He was president of the union.
Q. Of the international union?
A. Of the whole thing, yeah.
Q. Did there come a point in time when he ceased to be president of the international union of the Teamsters?
A. Yes, he died.
Q. Directing your attention to the period a few months before Mr. Fitzsimmons’ death. Did you have any conversations with Milton Rockman about Mr. Fitzsimmons?
A. Yes, we did.
Q. Can you describe those conversations please?
A. Well, Mr. Rockman said it looks like Fitzsimmons is going. He says don’t look like he’ll last too much longer. He says it looks like we better start getting ready. He said Nick Civella had already talked to him about Roy Williams in case Fitzsimmons dies and that Nick Civella, who happened to be the boss of the Kansas City LCN, says that Roy Williams was his man and that he could control him.
And Maishe said “Well, I’ll talk to the Pressers in Cleveland and we’ll get together later, you know.” And Jackie agreed, and I believe Bill Presser was still living at the time—he was—and he agreed that Roy Williams would be all right.
Q. After you had these conversations with Maishe Rockman, what did you do next?
A. Well, we thought best was to get ready and talk to people in Chicago and the people in New York. We went to Chicago first and met with Joey Aiuppa, the boss of Chicago, and Jack Cerone who was the underboss.

Q. Who went to Chicago?
A. Jack Licavoli, I and Maishe Rockman, Milton Rockman.

Q. How soon after these conversations you had with Maishe Rockman did you go to Chicago?
A. It wasn't too long.

Q. Who arranged for the trip to Chicago?
A. I think Jack White had somebody from Cleveland call Jackie Cerone's son to tell him that we were coming in to see him, to see Jackie Cerone and Joey Aiuppa and what day would be best for us to come there.

And Jackie Cerone's son, he made the appointment with his dad, and he got word back to this fellow in Cleveland and he told Jack about it. We went, we got a car and the next day or two, whenever it was, and we went to a suburb of Chicago.

Q. When you say that you said you should "get ready" what did you mean by that?
A. To get ready so we could have the delegates ready to vote for Roy Williams.

Q. When you went to the suburb of Chicago where did you go?
A. We went to a restaurant there. I don't remember the name of it. It was in the outskirts of Chicago, and we met with Joey Aiuppa and Jackie Cerone there.

Q. At that point in time what position if any did Jackie Cerone hold in La Cosa Nostra?
A. He was the underboss.

Q. Of what family?
A. In the Chicago family.

Q. And at that time what position if any did Joey Aiuppa hold in La Cosa Nostra?
A. He was the boss.

Q. Of what family?
A. Chicago family.

Q. When you got to the restaurant did you have discussions with Aiuppa and Cerone?
A. Yes, we did, but before we started to talk, Joey Aiuppa, he thought we were there to talk about family business. And he knew Maishe wasn't Italian and he was not a member. He asked Maishe, you know, if he would excuse himself and walk out for a little bit and come back.

Q. And did Rockman leave at that point?
A. Yes, he did.

Q. After Rockman left the meeting did you have discussions with Aiuppa and Cerone?
A. Yes, I did.

Q. What was discussed?
A. I says to Joey Aiuppa and Jack Cerone, I says "What we are here for mostly is to talk about Fitzsimmons is dying and talking about getting Roy Williams to run."
We told them that Maishe Rockman knew more about this union stuff than any one of us did, and we thought he should have stayed, you know. He said, well, Joey Aiuppa apologized for excusing Maishe, he says he didn’t know what we were there for, and he says “I’ll apologize to Maishe when he comes back in.” He says “I thought it was for something else concerning family matters.”

So we said no, it was about Roy Williams, if it would be all right with you fellows after Fitzsimmons dies if you go along with Roy Williams.

Q. Did you tell Aiuppa and Cerone anything about Nick Civella?
A. We told him that Nick Civella was interested in Roy Williams running because he controlled Roy Williams and he knew him very well, that he would listen to him.

Q. What position if any did Nick Civella hold in La Cosa Nostra at that time?
A. He was the boss of the Kansas City LCN.

Q. Did you tell Aiuppa and Cerone anything about Jackie Presser during this conversation?
A. Yeah, we also told him that Roy Williams promised to Jackie Presser that he would have control of the central states.

Q. What did Aiuppa and Cerone tell you in this conversation?
A. Well, they said that they would go along with Roy Williams; they were satisfied with everything.

Q. Did they tell you what they would do for Roy Williams?
A. That they would line up the delegates, whatever they had to do they would have everybody ready.

Q. After this conversation, did there come a point in time when Maishe Rockman returned to the table?
A. He did.

Q. When Maishe Rockman returned to the table was there any further discussion?
A. Yeah, well, Joey Aiuppa apologized to Maishe for excusing him and Maishe told him, he says, “after all, I knew more about this than either one or Jack” and he says “I could have explained it better” but he says “as long as everything is straightened out, no use talking about it any more.”

Q. When Maishe Rockman returned to the table was he informed of what had been discussed?
A. He was.

Q. What was he told?
A. He was told that we discussed about Roy Williams running for the president, presidency. And we told him everything else and he was satisfied with what went on.

* * *

Q. Did there come a time when you went to New York?
A. Yes, there was.
Q. Who went to New York?
A. Milton Rockman, I, and John Tronolone met us at the airport. He arrived about—well, we arrived there about five minutes before he did.

Q. How long after the meet you'd had outside Chicago was your arrival in New York?
A. About a week later.

Q. Where did you go?
A. 116th Street to the social club.

Q. Who did you see there?
A. Tony Salerno.

Q. Was there anyone else there at the time?
A. Well, Fish was there, Fish Cafaro, he was around there. Pepe was there.

Q. Did you have a meeting at that point?
A. We did.

Q. Who did you meet with?
A. Tony Salerno.

Q. Did you have any discussions at that point with Mr. Salerno?
A. Well, we had told him that since Fitzsimmons was dying we were getting ready.

Q. What did you say to him, Mr. Salerno?
A. That we were getting ready and we'd—we had talked—Maishe had talked to Roy Civella and Roy Civella was interested in getting—Carl Civella was interested in getting Roy Williams in there and we had told him—I told him we had talked to Chicago and Chicago was well satisfied with Roy Williams and they were getting ready with their delegates if he would be interested.

He said that would be all right. He said Nick knows him and he could control him, it's all right with us. And we also told him that about Jackie Presser getting the central states and Roy Williams.

Q. When you just mentioned Nick, to whom were you referring?
A. Nick Civella.

Q. And when you just said Chicago, to whom were you referring?
A. Joey Aiuppa and Jackie Cerone.

Q. What, if anything, did Tony Salerno say to you after you told him this?
A. He said that he would get ahold of Sammy Provenzano and that he would talk to him in lining up the delegates.

Q. In support of whom?
A. Roy Williams.

Q. What position if any did Sammy Provenzano hold at that time in the Teamsters union?
A. I think he was president of his local there, something. He was also international vice-president.

Q. Are you familiar with a man named Tony Provenzano?
A. I know of him or heard of him. I didn't know him.

Q. What position if any did Tony Provenzano hold in La Cosa Nostra at that time?
A. He was a capo, had been a capo in the Genovese family.
Q. Do you know if there was any familial relationship between Sammy Provenzano and Tony Provenzano?
A. They were brothers.

Q. What was your understanding of what Tony Salerno meant when he said that he would contact Sammy Provenzano to line up the delegates?
A. He said that he would talk to him and get ready with the delegates.

Q. After this meeting in New York with Tony Salerno did you return to Cleveland?
A. Yes, we did.

Q. Did there come a time thereafter when Frank Fitzsimmons died?
A. There was.

Q. Do you know who then became president of the Teamsters?
A. Right after that Roy Williams ran and he got elected.

Q. After Roy Williams became president of the Teamsters international did something happen to him?
A. Well, Roy Williams got indicted and a couple of months after that we says, well, looks like maybe he might get convicted, better start getting ready for the next president.

* * *

Q. Did you meet with Tony Salerno?
A. Yes, we did.

Q. Did you have discussions during this meeting?
A. We did.

Q. What did you discuss at this meeting?
A. Well, we told him what we came there for, to see how he felt about Jackie Presser running for president of the Teamsters union, and we told him that we already had been to Chicago and first they objected to him and then they agreed that they would go along.

And Tony says "well, why did they object to Jackie Presser first?" So we told him that Jackie Cerone had said that they heard that he was an informant.

And he didn't tell us where they heard it from but that's what he heard, and it come from a reliable source and at first they didn't go along with it, but the next day Maishe got the call and he agreed to go along with Jackie Presser.

Q. In this conversation with Tony Salerno did you say anything about Milton Rockman's relationship with Jackie Presser?
A. Yeah, we did. We told him that Maishe controlled Jackie Presser and Jackie would listen to anything he would tell him to do.

Q. What did Tony Salerno say to you in this conversation?
A. Well, at first, when we started to talk, he said "if you have any trouble in Chicago," he says, "let me know, I'll talk with them."

But we told him that they agreed and that they would go along with Jackie
Presser. He says, "Well, as far as I'm concerned, I'll go along with it too. I'll start doing the same thing I did for Roy Williams. I will get hold of Sammy Pro, Sammy Provenzano and tell him to get ready with the delegates."

Q. After the meeting did you go back to Cleveland?
A. Yes, we did.

Q. Did there come a point thereafter when something happened to Roy Williams?
A. Well, Roy Williams got convicted.

Q. Who succeeded Roy Williams as Teamsters president, if you know?
A. Jackie Presser.

Q. After you returned to Cleveland, did you have any conversations with Maishe Rockman about Jackie Presser?
A. Oh, we talked about Jackie Presser a few times. I know one time he told Jackie Presser—Jackie Presser said to him "thanks for all the help I'm getting from you." He said "Don't thank me," he said "thank Chicago and New York and Angelo, if you get elected, he would be responsible for you getting the job."

Q. By "the job" to what are you referring?
A. President of the Teamsters union.

* * *

Q. Returning for a moment and directing your attention to the discussions that you had about Roy Williams and Jackie Presser becoming president of the Teamsters. Why were you interested in who became president of the Teamsters?
A. So we'd have somebody there in case we needed any favors with the central states or we also used to get favors putting men to work in the union.

Q. What kind of favors would you get from the Teamsters union?
A. Well, putting different men to work there and if we needed any loans from the Central States' Pension Fund, something big, you had control of it.

Q. What about union charters?
A. Charters.

Q. Can you recall any example of when a La Cosa Nostra member wanted a union charter from the Teamsters?
A. Well, Tony Salerno had said to Maishe, he said "Maishe, when you get back will you talk to Jackie Presser if you could get a friend of mine a charter here in New York in the Teamsters local?" So Maishe said yeah, and he gave Maishe the name I guess and Maishe took care of [it] with Jackie.

Q. When was that in time, when did that conversation occur?
A. During one of the trips we had made to see Tony.

Q. When was that approximately?
A. 1981 or early '82, something like that.

Q. Did you ever have any conversations with Milton Rockman about Harold Friedman?
A. Well, after Jackie Presser took his dad's place Maishe was thinking of putting
Harold Friedman with Jackie. So he went down to see Jackie Presser and he told him, he says "I think you should put Harold Friedman on that job."

He said "I already did. I know you were going to tell me to do it and I got Harold Friedman in there with him."

Q. Did Milton Rockman tell you why he wanted Harold Friedman in that position?
A. Well, that he knew him and he knew him very well to talk to and could handle him and get favors done over him, too.

Q. What position was it that Harold Friedman got that you were just describing?
A. He was vice-president of that local, joint council 41.

Q. Was that in Cleveland?
A. In Cleveland.

Q. In terms of favors from the Teamsters union, in addition to charters, union jobs and loans from the Central States Pension Fund, were there any other kinds of favors that you got from the Teamsters union?
A. I didn't, no.

Q. Did you ever get any favors in terms of vending or skimming in connection with the Teamsters union? Not you personally. La Cosa Nostra members or associates.
A. Well, we got the loan for Allen Glick at the Stardust Hotel in Las Vegas.

Q. I'd like to direct your attention to the period just after you became underboss of the Cleveland La Cosa Nostra family in 1976. Did you have any discussions with Maishe Rockman at that point about the Stardust?
A. Yes, I did.

Q. Can you tell me the substance of the conversations?
A. Well, he told me how the money was coming from Vegas and how it got started.

Q. What did he tell you on that subject?
A. He says that Allen Glick had gone to see Frank Balistrieri from Milwaukee who was the boss there and Allen Glick had asked Frank Balistrieri if he could do him a favor and he said "Well, if I could I will."

He said "Could you get some other people in that pension fund to go along for a loan for the Stardust for me?" And he said "I'll see that you get something out of it."

Q. When you say "in that pension fund" to what are you referring to?
A. From the Teamsters pension fund, to get money to loan. So Frank Balistrieri says "well, I got Frank Ranny on there as a trustee." He says "he's my man, he says I could talk to him." He says "I'll get ahold of Nick Civella to get ahold of Roy Williams" and he says "I'll get Nick Civella to talk to Cleveland where he knows the people in Cleveland to talk to Bill Presser."

And he went over and see Nick Civella about it and he said, Yeah, I could talk to Roy and get ahold of Maishe and meet with Maishe and Maishe—Nick Civella had talked to Maishe about talking to Bill Presser, and he says OK, he says, as
soon as I get back to Cleveland I'll talk to my brother-in-law and I'll get back to you.

Q. What position if any did Frank Balistrieri hold in La Cosa Nostra at that time?
A. He was the boss of the Milwaukee family.

Q. What position if any did Nick Civella hold in La Cosa Nostra at that time?
A. Boss of Kansas City.

Q. What position if any did Roy Williams hold in regard to the Teamsters Central States' Pension Fund at that time?
A. He was a trustee.

Q. What position if any did William Presser hold in connection with the Teamsters Central States' Pension Fund at that time?
A. He was a trustee.

Q. What position if any did Frank Ranney hold in connection with the Teamsters Central States' pension fund at that time?
A. Trustee.

Q. The Maishe who you were just referring, who was that?
A. Milton Rockman.

Q. What did Milton Rockman tell you if anything about the contacts made with Roy Williams and Bill Presser?
A. Well, after Maishe had talked to Civella he come back to Cleveland, he talked to Johnny Scalish about it and Johnny says to him, he says “how much money do them guys need? How much do they want to make?” He says “why don’t you mind your own business, leave it alone?”

So Maishe told him “Johnny, we could make money there.” And [Johnny] said “I don’t care what you could make.”

So finally Maishe finally convinced him. So Johnny says, “listen, you go ahead do what you have to, in case you get into any trouble over that, don’t you come to me for help because I’m not going to give you no help.”

And he said OK. And from there he went down and talked to Bill Presser and naturally Bill Presser went along with Maishe and he took care of the loan, and they got it.

Q. When you say “they got it” what do you mean?
A. Allen Glick, got the money for the Stardust from the pension fund.

Q. What pension fund?
A. The Teamsters’ pension fund.

Q. What position if any did Johnny Scalish hold with La Cosa Nostra at that time?
A. At that time he was the boss of the Cleveland LCN.

Q. And these conversations with Milton Rockman, was there any discussion of why Bill Presser or Roy Williams approved the loan?
A. Well, they knew that we would get a piece of—at the time I didn’t. This was told to me later on. After I got to be underboss—that we would get 10 percent of the Stardust, each member, plus the skim money.

Q. Who would get 10 percent of the Stardust?
A. Cleveland would get 10, Chicago would get 10 I think. I think they got 10, I don’t know.
Q. When you say Cleveland and Chicago, to whom are you referring?
A. And Kansas City also. I mean Milwaukee, too.
Q. When you say Cleveland, Chicago, Kansas City and Milwaukee, to whom are you referring?
A. To the LCN.
Q. In these conversations you had with Maishe Rockman after you became the underboss of the Cleveland La Cosa Nostra family in 1976, was there any discussion of whether any Teamsters officials had received payoffs in connection with this loan?
A. Well, Roy Williams was getting $1500 a month and Bill Presser was getting something.
Q. Did Milton Rockman tell you this?
A. Yeah. He also told Jack Licavoli, too.
Q. Did Milton Rockman tell you who was paying Roy Williams $1500 a month?
A. Nick Civella.
Q. And Milton Rockman told you that?
A. Yeah.
Q. Did Milton Rockman tell you who was paying off Bill Presser?
A. He was taking care of it.
Q. Who?
A. Maishe was.
Q. Taking care of Bill Presser? You have to answer yes or no.
A. Yes, he did.
Q. What interest did the Cleveland La Cosa Nostra family get in connection with the Stardust after this loan was approved for Allen Glick?
A. Well, we were supposed to have 10 percent of the Stardust, and we got the skim money.
Q. How much skim money—how often did you get skim money?
A. Monthly, every month.
Q. How much skim money did you get every month?
A. It was an average of $40,000 a month for each city, for Milwaukee, Kansas City and Cleveland.
Q. Each city got a separate 40,000?
A. Yeah.
Q. Did the Cleveland La Cosa Nostra family continue to get this skim money after Roy Williams was elected president of the Teamsters?
A. Yes, we did.

Mr. Lonardo, before the break I was asking you questions about skim money from the Stardust casino. Do you recall that questioning?
A. Yes, I do.

Q. Who among the La Cosa Nostra families collected the skim money?
A. You mean who got it?
Q. Yes.
A. Who split it up?
Q. Yes.
A. It was Kansas City first. Kansas City, Milwaukee and Cleveland.
Q. Who if anyone collected the skim money for the Cleveland La Cosa Nostra family?
A. Milton Rockman.

* * *

Q. Now, I direct your attention to your testimony yesterday about the Cleveland La Cosa Nostra family helping certain individuals get Teamsters' jobs. Do you recall that testimony?
A. Yes.
Q. Besides the testimony you've already given about Harold Friedman, Nick Nardi, Roy Williams and Jackie Presser, do you know anyone who obtained a job with the Teamsters through the Cleveland La Cosa Nostra family?
A. Yes, I do.
Q. Who?
A. Besides what I said yesterday, it was Carmine Parise.
Q. Who is Carmine Parise?
A. He's the business agent for the truck drivers union that works with the Plain Dealer.
Q. Is that a Teamsters union?
A. Yes, it is, Local 436.
Q. How did Mr. Parise obtain that job, if you know?
A. Well, there was a fellow by the name of DePalma, he passed away, who was the business agent, and Carmine Parise went to Jack Licavoli and asked Licavoli if he could talk for him in regards to getting DePalma's job.

And Jack says, "Well, I'll see what I could do for you." And he talk to Maishe and Maishe talked up for Carmine Parise and he got the job as business agent to replace DePalma.
Q. How did you learn that?
A. Through Jack and through Milton Rockman.
Q. Have you ever heard of an individual named Babe Triscaro?
A. Yes.
Q. Who is Babe Triscaro?
A. He was president of the Local 436.
Q. Did there come a time when Babe Triscaro ceased to be president of Local 436?
A. Yeah, he died.
Q. Who succeeded Babe Triscaro, if anyone?
A. His son-in-law, Sam Busacca.
Q. What role if any did the Cleveland La Cosa Nostra family play in Sam Busacca becoming the president of Teamsters Local 436?
A. Well, Johnny Scalish had told Maishe to talk for Sam Busacca to get that job so Sam Busacca could keep on taking care of Babe Triscaro’s wife financially.
Q. Was there any familial relationship between Sam Pistol and Babe Triscaro?
A. Sam Pistol was Babe’s son-in-law.
Q. What steps if any did Johnny Scalish take on Sam Pistol’s behalf?
A. Well, he talked to Maishe to see that Sam Busacca would get Babe’s job.
Q. What was the result?
A. He got it.
Q. How do you know that?
A. Oh, I know it.
Q. From whom?
A. Well, I know it personally and I know it through Maishe and everybody else.
Q. What position if any did John Scalish hold in La Cosa Nostra at that time?
A. He was the boss.
Q. Of what family?
A. Cleveland family.
Q. When did this occur, approximately?
A. Well, it was just right after Babe died. I don’t know what year Babe died, around 1975. Somewhere around there. I don’t quite remember.
Q. Was there a Teamsters local that Sam Busacca became the president of?
A. Yes, it was.
Q. Who was it from the Cleveland La Cosa Nostra family if any who dealt with Jackie Presser?
A. Milton Rockman.
Appendix E

United States v. International Brotherhood of Teamsters, Appeal of Disciplinary Actions (July 30, 1992)

McLaughlin, Circuit Judge:

Appellant ("Parise") is the former Secretary-Treasurer of International Brotherhood of Teamsters ("IBT") Local 473, and the former President of Joint Council 41, an IBT affiliate. Both organizations are headquartered in Cleveland, Ohio. He asks us to review an order of the United States District Court for the Southern District of New York (David N. Edelstein, judge), upholding disciplinary sanctions imposed on him.

For the reasons set forth below, we affirm the order of the district court.

Background

The case law within our circuit swells with decisions emanating from the Teamsters Litigation. Our earlier decisions exhaustively discuss the genesis of the Consent Decree settling the government's charges against the IBT and its officials. See United States v. International Bhd. of Teamsters, 931 F.2d 177, 180-81 (2d Cir.1991); United States v. International Bhd. of Teamsters, 905 F.2d 610, 612-13 (2d Cir.1990) [hereafter Friedman & Hughes]. Accordingly, we need recount only those provisions of the Consent Decree that are necessary to understand the current dispute.

Pursuant to the Consent Decree, the Investigations Officer served charges on Parise on July 30, 1990. The charges accused Parise of bringing reproach upon the IBT, in violation of the IBT constitution, by (1) assaulting, threatening and harassing Jerry Jones, a Local 473 member; and (2) refusing to testify about his involvement in a beating Jones suffered at the hands of Frank Costanzo, another Local 473 member.

The Independent Administrator scheduled a hearing on the charges for December 18, 1990. Before the hearing began, however, Parise and the Investigations Officer signed a settlement agreement to resolve the charges (the "Proposed Agreement"). Under the Proposed Agreement, Parise would be suspended from the IBT for three months, beginning on January 8, 1991.

In the Proposed Agreement, Parise stated, in two paragraphs that lie at the heart of this appeal, his understanding of the authority of the Independent Administrator and the district court:
7. I agree that this agreement will be submitted to the Independent Administrator for his review and approval. If approved by the Independent Administrator, I understand he will submit it to the district court for that court to enter as an order.

8. I understand the Investigations Officer makes no representation as to the determination of the Independent Administrator or the court with respect to this agreement.

Without holding a hearing or making any factual findings, the Independent Administrator approved the Proposed Agreement. He then submitted the Agreement to the district court for its approval. The court refused to do so, advising the Independent Administrator that “In light of the severity of the charges against Mr. Parise, I find the terms of the . . . agreement unacceptable. I am returning the . . . agreement unapproved.”

With the agreement thus unravelled, the Independent Administrator scheduled a hearing.

The scheduled hearing went forward on April 9, and the Investigations Officer presented a compelling case against Parise. Perhaps the most damaging evidence on the first charge were the tape and transcript of a conversation between Parise and fellow union member Jerry Jones. Upset with Jones’ alleged attempts to steer an upcoming IBT election free from his influence, Parise fired a verbal fusillade at Jones. In various diatribes laced with colorful, macho expletives, Parise threatened to “bust [Jones’] head” and “have somebody give [Jones] a . . . beating.” He further told Jones that he would “never work again,” and would not “get a . . . job anywhere Teamsters are at.” Parise concluded “[T]he day after [the election] win, lose, or draw you’re fucked and I want you to know it.”

The Investigations Officer presented convincing evidence on the second charge as well. Specifically, he introduced the transcript of a deposition in which Parise had relied on his Fifth Amendment privilege against self-incrimination to refuse to testify about Frank Costanzo’s assault on Jones.

Beginning his defense case, Parise’s counsel moved to suspend the hearing, arguing that, despite the district court’s disapproval of the Proposed Agreement, an associate of the Independent Administrator told him that the Agreement had resolved all charges against Parise. Counsel claimed that the associate told him that the district court’s approval would only be required if the court sought to impose contempt sanctions when Parise later failed to comply with the Agreement. The Independent Administrator expressly rejected this claim:

It has never been my position that Judge Edelstein’s signature was not necessary for approval of any agreements that have been entered into by the investigations officer and counsel for the respondent in any charge and there have been many of them. That's why I forward them automatically to Judge Edelstein.

Accordingly, the Independent Administrator denied counsel’s motion and ordered the hearing to continue.
Parise then testified. Unable to challenge the tape and transcript of his philippic against Jones, he delivered ad hominem attacks on Jones, claiming that he had “urinated off the docks” in Cleveland, “antagonized people” and “spent a great deal of . . . time in saloons and coming back from lunch half tanked and just bothering everybody and anybody.” Parise also attempted to downplay his failure to testify at the deposition, claiming that this decision was made “against [his] better judgment [because he] listened to [his] lawyers.” He also testified that he did not know about Costanzo’s attack on Jones until the day after the incident.

The Independent Administrator determined that the Investigations Officer’s evidence “conclusively proved” that Parise had “violently threatened” Jones, and that Parise would likely have carried out the threats had Jones not recorded them. He further found that Parise’s invocation of his Fifth Amendment privilege against self-incrimination at his deposition “precluded the Investigations Officer’s authorized scrutiny into possible corrupt and dishonest activities in Parise’s local.” He ordered Parise suspended for twenty-four months from the IBT and its affiliates, but allowed Parise credit for his self-imposed three-month suspension. Finally, he determined that because Parise had committed acts of union misconduct, Local 478 could not pay his legal fees to defend the charges.

Parise sought review of the Independent Administrator’s decision in the district court. On October 24, 1991, the district court issued an order finding that there was “overwhelming evidence” to support the charges against Parise, and an “ample basis” to impose a twenty-four month suspension. The court, therefore, affirmed the Independent Administrator’s decision, and Parise now appeals.

Parise renews his claim that the Proposed Agreement took effect despite the district court’s explicit rejection of it. Alternatively, he contends that the district court erred in refusing to approve the Proposed Agreement. Finally, he argues that the district court erred in affirming the Independent Administrator’s decision suspending him from IBT membership for twenty-four months, and preventing Local 473 from paying his attorney’s fees.

Discussion

I. The Effect of the Proposed Agreement

Parise claims that, because of his settlement with the Investigations Officer, the district court was not empowered to reject the Proposed Agreement. In his view, the Proposed Agreement became effective when the Independent Administrator signed it; and it was thereafter submitted to the district court for the sole purpose of being “so ordered.”

[1] Parise relies upon Paragraph 7 of the Proposed Agreement:
I agree that this agreement will be submitted to the Independent Administrator for his review and approval. If approved by the Independent Administrator, I understand he will submit it to the District Court for that court to enter as an order. (emphasis added).

Parise interprets this paragraph to mean that while the Independent Administrator could review the Proposed Agreement, the district court’s role was to “rubber stamp” it. We disagree.

Paragraph 8 of the Proposed Agreement explodes Parise’s argument:

I understand the Investigations Officer makes no representation as to the determination of the Independent Administrator or the court with respect to this agreement.

II. The District Court’s Review of the Proposed Agreement

[2] A court must scrutinize a proposed settlement before giving it a judicial imprimatur. . . . The district court must ensure that the agreement “does not put the court’s sanction on and power behind a decree that violates Constitution, statute, or jurisprudence.” We hold that the district court appropriately exercised its authority in refusing to approve the Proposed Agreement.

[3] The Investigations Officer’s charges against Parise were serious. They accused Parise of assaulting, harassing, and threatening to beat Jones, and refusing to testify about Costanzo’s attack on Jones. Judge Edelstein, who has scrupulously overseen the Teamsters Litigation since its inception and has ruled on scores of the Independent Administrator’s applications of the Consent Decree, was in the best position to determine whether the Proposed Agreement imposed a punishment commensurate with the charges against Parise. We see no reason to disturb the district court’s decision that the severity of the charges against Parise required a suspension greater than the three months envisioned in the Proposed Agreement.

Parise also contends that, in reviewing the Proposed Agreement, the court failed to defer to the “findings” of the Independent Administrator, as required by our decision in Friedman & Hughes. The difficulty with this argument, however, is that it rests on the false premise that the Independent Administrator actually made “findings” when he approved the Proposed Agreement. There are no such findings in the record. The Proposed Agreement itself does not refer to any “findings.” Nor did Parise make any admissions in the Proposed Agreement that could be construed as findings. Thus, because the Independent Administrator did not make any findings in conjunction with the Proposed Agreement, the district court owed no deference to the Administrator’s decision to approve the Agreement.
III. The Decision of the Independent Administrator

[4] The Independent Administrator concluded that the evidence against Parise warranted a twenty-four month suspension from the IBT. He further ruled that Local 478 could not pay Parise's attorney's fees for his defense. The district court affirmed the Independent Administrator's decision in its entirety. On appeal, Parise claims that the evidence against him did not warrant such a severe punishment. Once again, we are not persuaded.

The district court must give "great deference" to the decisions of the Independent Administrator. Consistent with Friedman & Hughes, the district court reviewed the Independent Administrator's decision to determine whether it was arbitrary or capricious, and concluded that it was not.

Our standard of review is not so clearly defined. Friedman & Hughes permitted us to affirm a district court decision that is supportable under "any reasonable standard of review." The district court's decision here certainly fell within the realm of reason. Thus, we again leave the question of the precise standard of appellate review to another day.

Parise's threats of physical and economic harm resonated throughout his conversation with Jones. And, as the Independent Administrator noted after listening to Parise testify at the April 9 hearing, Parise was not a man given to idle threats, and would likely have harmed Jones if the conversation were not taped. Moreover, prior to the April 9 hearing, Parise had refused to testify about Costanzo's assault on Jones. Parise did not contest any of the Investigations Officer's evidence against him. In sum, there was a plethora of evidence to support the charges against Parise, and a sufficient basis to suspend him from the IBT for twenty-four months.

In challenging his suspension, Parise contends that the Independent Administrator should have imposed a punishment closer to the three-month suspension provided in the Proposed Agreement. We disagree. The Independent Administrator based his approval of the Proposed Agreement on factors different from those that led him to determine that Parise deserved a suspension of twenty-four months. The Independent Administrator did not review the evidence against Parise before the April 9 hearing. He was not given the tape and transcript of Parise's threats against Jones until the very morning of the April 9 hearing. After considering the damning evidence against Parise, the Independent Administrator determined that a harsher sanction was warranted than that delineated in the Proposed Agreement.

[5] Finally, the Independent Administrator did not err in ordering Local 478 not to pay Parise's attorney's fees. A union official may obtain reimbursement of his legal expenses only when his actions inure to the benefit of the union. Here, the Independent Administrator found that Parise had brought reproach upon the IBT, and thus had violated the IBT constitution. In so doing, Parise obviously acted in a manner that did not inure to the benefit of the IBT.
Conclusion

We hold that the district court (1) had the authority to review the Proposed Agreement, and (2) did not err in withholding approval. We also hold that the district court did not err in (3) affirming the Independent Administrator's decision suspending Parise from IBT membership for twenty-four months, and (4) preventing Local 473 from paying Parise’s attorney’s fees.

AFFIRMED.