

INTERNATIONAL BROTHERHOOD OF TEAMSTERS

JAMES P. HOFFA
General President

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KEN HALL
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Dear Brother Hoffa:

Today's 12-11 vote by General Executive Board accepting Brother Rome Aloise's settlement agreement has done nothing to lessen my concerns about the entire process of the Rome Aloise charges. I am disappointed that you or Brad Raymond or anyone else would consider the terms of that settlement to be appropriate or acceptable. Acceptance of this settlement is a step backwards from an already inadequate Report and Recommendation because it does not even contain an acknowledgement of guilt by Brother Aloise, as unanimously found by the Panel. The settlement also appears to be the culmination of an aggressive effort to protect a political ally of yours and others on the Board.

In late December 2017 Brother Rome Aloise was suspended from holding Teamster office for two years. His suspension was the result of having been found guilty by the Independent Review Officer for having brought reproach upon the IBT. The IRO found that Brother Aloise had done so by, among other things: (1) soliciting tickets to a Super Bowl party at the Playboy Club from an employer with which he was involved in contract negotiations; (2) engaging in acts of racketeering; (3) engaging in collusive, sham contracts with employers; (4) breaching his fiduciary duties to the Union and its members' (4) illegally using Union resources to promote the candidate in a Union election; and (5) attempting to interfere with Union members' rights. While serving his suspension, Brother Aloise was required to refrain from engaging official Union business. Brother Aloise violated the terms of his suspension by conducting Union business directly and by proxy while under suspension. When he found himself subject to yet another investigation by the Independent Investigations Officer because of his actions, Brother Aloise commenced a retaliatory campaign against Union members and staff who were required to testify as part of the IIO's investigation.

Earlier this year, the IIO referred three charges against Brother Aloise to the General Executive Board relating to these matters. The GEB took jurisdiction over the charges. You appointed a Panel to hear the charges and to submit to the General Executive Board a report of its findings relating to guilt and recommendations relating to punishment in the event it determined that Brother Aloise was guilty of any or all of the charges. The Panel submitted its report to you in early September. The Panel unanimously determined that Brother Aloise was guilty on all three charges and recommended that he serve a 30 day suspension from holding office. On September 22, 2020, following receipt of the Panel's Report and Recommendation, I wrote to you expressing my concerns that it did not address significant matters raised in the charges and because the penalty was inadequate. Our GEB meeting today was convened for the purpose of addressing the Report and Recommendation and to decide

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whether to accept its findings and recommendations. Earlier this week, however, the GEB was provided with a settlement agreement proposed by Brother Aloise. The GEB was told that it would be required to vote to accept or reject the settlement before considering the Panel's Report and Recommendation. Through his settlement agreement, Brother Aloise disclaimed all guilt and wrongdoing while accepting a 30-day suspension of office.

The very process of accepting the Aloise settlement is inconsistent with the rules and decisions that the International Union adopted when it entered into the Final Order ending the Consent Decree in 2015. The IIO referenced one very important decision in the charges against Brother Aloise that he referred to the GEB earlier this year and that the GEB assumed jurisdiction over. In that case, which involved Harold Friedman and is cited at page 26 of the February 2020 charges against Brother Aloise, Friedman, a member who, like Aloise, had been suspended from office, was charged with conducting union business during his suspension. The Independent Administrator who found Friedman guilty of violating his suspension instructed that

[A suspended member] must not seek to exert any pressure, no matter how subtle, upon those who have learned to follow his lead. He must not seek to give direction of any type to any IBT body, so matter what that means. In short, he must not in any way attempt to give the impression, either to the Union leadership or membership, that he still retains any power of any sort.

Also in page 26 of the charges against Brother Aloise, the IIO quoted Judge Edelstein, who reviewed the Friedman case and upheld it. The Judge held that:

The suspended IBT official must approach his suspension with a grave sense of respect. He must accept its provisions not only in form but in substance and spirit. Those around him must share this sense of respect and do everything within their power to see that the suspension is truly effectuated. Indeed, a suspension is not a matter of concern solely to the suspended individual, but also the IBT community around him. Thus, when an IBT is suspended from holding any officer or trusteeship position with the Union, but is permitted to retain his membership in the IBT, the suspended individual is afforded the opportunity to remain a members of the IBT in return for the covenant the he and his IBT community will scrupulously abide by the terms of the suspension. A violation of the suspension is a breach of this covenant and merits imposition of a more serious penalty.

The Aloise settlement that a bare majority of the GEB voted to accept today does not provide for a "more serious" penalty even though, no one, not even Brother Aloise, has seriously disputed prior to the settlement agreement that Brother Aloise did in fact engage in official Union business and activities contrary to the terms of his suspension. By allowing Brother Aloise to dictate the terms a settlement by which he does not even admit the undisputed violations of his original suspension but nevertheless "accepts" a punishment as

though it is a mere insubstantial nuisance, I believe that the GEB has done a disservice to the Union and its membership by failing to abide by its commitments included in the 2015 Final Order with the Government terminating the 1989 Consent Decree. Those commitments included the promise that the Union would diligently and indiscriminately police itself and that it would take the necessary steps required to right wrongdoing committed by union officials.

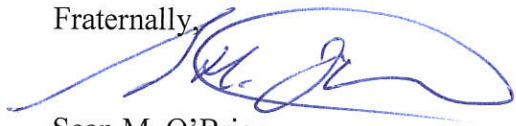
I am also concerned that the Aloise settlement agreement will be viewed as an effort to conceal very serious allegations that are included in the Aloise record. For example, and perhaps most troubling of all, is the fact that two witnesses who gave sworn depositions to the IIO both testified that Brother Aloise had told them that during the IIO's investigation of him, he had been assisted by someone working inside the International Union by giving him information, including redacted travel records, that enabled him to find out where the IIO investigators had gone and who they had questioned. One of those witnesses testified that Brother Aloise disclosed these facts to him at a meeting at Local 853's office. Both of those witnesses, independently of each other, explained that they took Aloise's comments about his inside knowledge and assistance from the International Union as a threat that he knew who had already testified to the IIO against him and would know who would in the future testify against him to the IIO and that he would retaliate against them by ruining their careers.

That testimony, from two long-time Teamsters who have devoted their adult lives and careers and who have stood shoulder-to-shoulder with us in many battles against the enemies of the workers, was not considered and not addressed in the Report and Recommendation. The testimony of these two individuals is damning to say the least. Their sworn testimony suggests International Union acquiescence or even complicity in the interference with the independent and confidential duties of the IIO. I am not aware that you have ever initiated an investigation to determine how confidential information relating to what was an ongoing IIO investigation was leaked out to Brother Aloise, the subject of that IIO investigation, or by whom. The absence of any such investigation, any report of such investigation to the GEB and any action correcting the underlying misconduct is quite troubling and at the very least invites accusations that the International Union condones the obstruction of the IIO's confidential investigations. Such conduct most assuredly is in contravention of the commitments the International Union made when it entered into the Final Order, disservices the interests of the International Union, and breaches the trust of the membership to whom we have taken solemn oaths to faithfully, exclusively at all times serve.

Finally, in response to your comment in your September 28, 2020 letter to me, I note that you are not the only one who has held "fervent" hopes. Like you, I fervently hoped the deliberations by the GEB regarding the Aloise charges would be conducted with due respect for the opinions of other Board members and of the effort of the Panel members who you tasked with addressing those charges. I also had fervently hoped that those deliberations would have served as a positive example of our ability to address and resolve distasteful and challenging matters involving allegations of corruption by union officials free from any doubt

concerning the propriety of our actions and free from even a perception of any such impropriety or ulterior motive. I am very disappointed that the action taken by a slim majority of the GEB today regarding the Aloise charges has disserved the Union and its members.

Fraternally,



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Cc: General Executive Board ~ International Brotherhood of Teamsters