

# How I Was Illegally Expelled from CWA Without Notice, Charges or a Hearing

By Harry Kelber

In a trial in which I was not allowed to appear to defend myself or even face my accusers to refute their false charges, the CWA Executive Board on March 29 upheld the decision of President Morton Bahr to expel me from the New York Typographical Union No. 6 (CWA Local 14156), where I had been a dues-paying member and activist for a total of 20 years.

I was informed of the Board's decision by fax one week later. It said: "This will advise that the CWA Executive Board has considered your appeal after which they adopted the following motion: Move that President Bahr's decision regarding the membership status of Harry Kelber be upheld and the appeal be denied." That was all.

This deliberate, vengeful effort to bar me from CWA membership violated basic legal procedures and my personal rights, from beginning to end. Here are the facts about my case that are beyond dispute:

Local 6 secretary Marvin Mantelman told me that the officers were not required to give me notice about a lapse in dues payments before expelling me. I was never presented with charges or given an opportunity to defend myself at a local trial board, the usual practice in disciplinary cases. In fact, the only way I found out I was expelled was when I called the union to ask how much I owed in back dues so that I could pay the amount.

My request for a printout of my dues payments going back to January 1954 when I joined Local 6 was denied. Repeated telephone calls to Local 6 president Arthur DiLanni went unanswered.

To make sure that I can never be reinstated as a Local 6 member, DiLanni wrote me on Nov. 18, 2003: "You can only assume active membership status by applying as a new member or as a member seeking reinstatement, both of which are limited to those currently working in covered employment (under contract with Local 6)." DiLanni also informed me that I did not "qualify as a retiree with membership rights."

President Bahr's decision upholding my expulsion is in violation of both the Local 6 By-Laws and the CWA Constitution. Article II, Sec. 5 of the Local 6 By-Laws states: "Any accused members, including Officers of the Local, shall be tried under the provisions of Article XX of the CWA Constitution."

Article XX, Section 2(a) states "Charges against a member of the Union or an officer of the Local shall be in writing, signed and sworn to by the accuser."

When I complained about my expulsion to President Bahr, he wrote me on January 7, 2004: "I am considering your letter of November 30, 2003 as an appeal to the decision of CWA Local 14156 denying you membership in the local. We will get back to you soonest."

Bahr did not tell me where and when my appeal would be held or allow me to attend. I had a strong impression that he had already decided to uphold my expulsion even before he told me that in a letter on February 4, 2004.

For the record, I have been involved with the labor movement for 70 years as an educator, journalist and constructive critic, and I deeply resent the way I

have been treated by Bahr, the CWA Executive Board and the Local 6 officers.

I believe that any judicial court would rule that, on the basis of the evidence, I deserve a new trial on my expulsion from the CWA. Under our American system of justice, even hardened criminals have the right to face their accusers and defend themselves in court. Why didn't the CWA grant me that same right?

## **A Request for a 'Retrial' on My Appeal**

I am proposing a solution that I think is fair and equitable, and has been in use at the United Auto Workers for about 50 years. The UAW has a Public Review Board where UAW members can get a fair hearing in cases, just like mine, where they have been wrongfully disciplined, fined or expelled. The independent board consists of six respected individuals: lawyers, educators, clergy and public figures.

I am hoping that labor activists are sufficiently outraged by the circumstances surrounding my expulsion, they will become involved in setting up a similar Public Review Board, not only for my case but for the many other trade unionists who have suffered a similar fate.

To contact me, my e-mail address is <hkelber@igc.org>. My phone number is (718) 858-7728.