



July 15, 2004

BY HAND

Lester A. Heltzer
Executive Secretary
National Labor Relations Board
1099 14th Street, NW, Room 11-600
Washington, D.C. 20570

Re: Dana Corporation,
Case 8-RD-1976
Metaldyne Corporation,
Cases 6-RD-1518, 6-RD-1519

Dear Mr. Heltzer:

We respectfully request that you accept this letter as the letter brief submitted by American Rights at Work (“ARAW”) in response to the June 14, 2004 invitation to interested amici issued by the Executive Secretary of the National Labor Relations Board (“the NLRB” or “the Board”) at the direction of the Board.

ARAW is a nonprofit organization founded in 2003, dedicated to improving the environment in which workers can exercise their rights in the workplace to form unions and engage in collective bargaining. To educate the public, ARAW publicizes the obstacles faced by workers trying to achieve a concerted voice in the workplace; increases public awareness about re-establishing the freedom of workers to organize and bargain as a fundamental human right; exposes employer abuses of that right; chronicles employer lawlessness during organizing and contract campaigns; and demonstrates the value of collective bargaining and the role of a strong labor movement in society.

ARAW produces and distributes original research materials on the state of workers’ rights and collective bargaining, such as Some of Them Are Brave: The Unfulfilled Promise of American Labor Law and No Bargain: Comcast and the Future of Workers’ Rights in Telecommunications; tracks data of employer abuses; and monitors decisions of the NLRB through a website feature, Workers’ Rights Watch: Eye on the NLRB, profiling how the

limitations of the National Labor Relations Act (“the NLRA” or “the Act”) permits employers to extinguish or delay organizing campaigns and does little to discourage employers from firing, harassing, and discriminating against workers who exercise their rights to form a union and engage in collective bargaining.

To strengthen workers’ rights under the Act and to rectify the imbalance in the workplace already favoring management, ARAW supports voluntary recognition when a majority of workers in a workplace manifest their desire to engage in collective bargaining through a representative of their choice, including through neutrality and card-check agreements, and the continued application of the voluntary recognition bar.

ARAW has a strong interest in this case because the issues raised vitally concern the rights of workers in America to organize and engage in collective bargaining.

ARAW urges the Board to uphold its decades-old precedent in favor of the recognition bar doctrine. As expressed in the dissenting opinion, undermining the principle “that has been endorsed time and again by the Board and the courts” would only further limit workers’ ability to engage in collective bargaining.

For the reasons stated in the dissent to the decision to grant the request for review, the Board should not modify the recognition bar rule. For the reasons set forth in the decisions of the Regional Directors dismissing the Petitions, the dismissals of the Petitions based on the recognition bar should be affirmed.

This letter has been served on counsel for the parties as set forth on the annexed statement of service.

Thank you for your consideration of this letter.

Respectfully submitted,

David Bonior
Chairman

Mary Beth Maxwell
Executive Director

Enclosure: Statement of Service