RACIAL DIVERSITY AND UNION ORGANIZING IN THE UNITED STATES, 1999–2008

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Does racial diversity make forming a union harder? Case studies offer conflicting answers, and little large-scale research on the question exists. Most quantitative research on race and unionization has studied trends in membership rather than the outcome of specific organizing drives and has assumed that the main problem is mistrust between workers and unions, paying less attention, for example, to the role of employers. The author explores the role of racial and ethnic diversity in the outcomes of nearly 7,000 organizing drives launched between 1999 and 2008. By matching the National Labor Relations Board's information on union activity with the Equal Employment Opportunity Commission's surveys of large establishments, the author reconstructs the demographic composition of the work groups involved in each mobilization. The study finds that more diverse establishments are less likely to see successful organizing attempts. Little evidence is found, however, that this is because workers are less interested in voting for unions. Instead, the organizers of more diverse units are more likely to give up before such elections are held. Furthermore, this higher quit rate can be explained best by considering the other organizations involved in the organizing drive. In particular, employers are more likely to be charged with unfair labor practices when the unit in question is more racially diverse. This effect persists when the study controls for heterogeneity among industries, unions, and regions.

Does racial diversity make forming a union harder? Most work by industrial relations scholars (Sayles and Strauss 1953; Dunlop 1958), labor sociologists (Nelson 2001; Clawson 2003; Fantasia and Voss 2004), and historians (Lichtenstein 2002) has presumed that it does. Unions' histories of

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racial conflict among and beyond their own memberships are well documented. Surveys of union members have tended to find less trust and less union commitment among more diverse groups of employees (Bacharach and Bamberger 2004). Such patterns are worrisome because, given the past and projected changes in the ethnic composition of the U.S. workforce, unions that want to grow must build bridges to workers who differ from their existing members. The difficulty of building such bridges has often been cited as a key challenge facing contemporary unions (Clawson 2003; Milkman and Voss 2004; Rosenfeld and Kleykamp 2009).

Surprisingly little empirical research has been done on racial diversity's effects on union formation, however, and what work does exist has two limitations. First, "[m]uch of the literature on blacks and organized labor is dated, historical, or both" (Rosenfeld and Kleykamp 2012: 1462). Second, the research has focused on the problem of building trust and solidarity among the potential union members, to the exclusion of other organizational actors. Taken together, these two limitations bias our thinking about the effects that racial and other ascriptive differences may have on union organizing, in two ways. First, studies assume that racial diversity affects union formation the same ways today as it did in the past. Even though tremendous changes have occurred in unions' attitude toward female and minority workers over the years, accompanied by large changes in union memberships (Isaac, McDonald, and Lukasik 2006; Milkman 2006; Rosenfeld and Kleykamp 2009, 2012), and unions today are among the most integrated organizations in the United States (Freeman and Rogers 1999), few analyses have been done to check this assumption. Second, the focus on trust, solidarity, and other dynamics among workers presumes that racial diversity matters most during union-representation elections, when workers' votes decide the outcome (Heneman and Sandver 1983; Barling, Fullagar, and Kelloway 1992). But the U.S. industrial-relations regime has been transformed in recent decades (Kochan, Katz, and McKersie 1986; Rosenfeld 2014), eroding unions' organizing capacities even as the older ethnic animus has moderated. Employers increasingly take the initiative in fighting union-organizing campaigns, employing means both legal and illegal to stymie organizers (Freeman and Kleiner 1990; Cohen and Hurd 1998; Bronfenbrenner 2009). Unions have tried to revamp their organizing routines, focusing as much on convincing employers not to resist the union's efforts as on mustering votes among the workers themselves (Voss and Sherman 2000; Martin 2008a). These shifts in employer and union tactics mean that many organizing drives are decided before workers ever get to express their preferences (Ferguson 2008). Yet the role that racial diversity has on those organizational actors, who can clearly influence such campaigns, has largely been ignored.

In this article, I explore the effects of racial diversity on the success at various stages of a union organizing drive. I employ unique data that combine a decade of National Labor Relations Board (NLRB) records of union-representation cases with surveys of workforce composition from the Equal Employment Opportunity Commission. I examine not only whether unions win representation elections but also whether they go through with elections in the first place, as opposed to giving up and withdrawing their petitions.

I find that the work groups that win union representation are less racially diverse than the population of work groups that initially filed the election petitions. This is consistent with existing assumptions. I find no evidence, however, that this winnowing of diverse work groups happens through the representation vote. If anything, the more diverse work groups are more likely to vote for unionization. Instead, organizing drives among more racially diverse groups are more likely to end in withdrawal before the election takes place.

I also find that the actions of the employers and unions influence the likelihood of such withdrawals. Most strikingly, employers are more likely to commit unfair labor practices (ULPs)—to intimidate and fire employees for their union activity—when a work group is more racially diverse. This propensity persists in models that control for differences among the geographical regions, for differences among the unions and industries involved in these drives, and for endogeneity in the choice to withdraw before the vote.

These findings make three contributions. First, they reinforce the argument that contemporary union organizing is better understood as a multistage organizational process than as a discrete instance of collective action (Ferguson 2008). Focusing solely on representation elections skews our understanding of labor union formation, given the multiple opportunities for failure and self-selection inherent in the process. Second, the different response by employers to campaigns by more diverse workers is in line with research on the repression of collective action (Gamson 1990; Soule and Davenport 2009; Davenport, Soule, and Armstrong 2011) and highlights a hurdle that unions share with other types of social movements. Third, the greater influence of employers and (to a lesser extent) unions in the earlier, less formalized and regulated parts of the campaign jibes with studies on when and how collective action influences formal organizational structures (Burstein, Einwohner, and Hollander 1995; Burstein and Linton 2002; King, Cornwall, and Dahlin 2005). Thus, in addition to updating our understanding of the challenges (and opportunities) that racial diversity poses for new union organizing, this study connects unions' seemingly idiosyncratic problems to the larger study of mobilization for social change.

Race and Union Organizing

U.S. labor unions' fraught racial history is well documented. Well into the 1930s, most unions reflected the racial prejudices and practices of U.S. society, reserving jobs for members of preferred ethnic and racial groups, and often clashing bitterly with the black or immigrant workers whom employers sometimes used to break strikes (Zeiger 1986; Olzak 1989; Cohen 1990). The industrial unions of the Congress of Industrial Organizations (CIO) bucked this trend during the Depression and war years, explicitly trying to build coalitions across groups of workers of different races (Zeiger 1995;

Halpern 1997; Stromquist and Bergman 1997). In the wake of the Civil Rights movement, black Americans joined unions in unprecedented numbers (Isaac et al. 2006), even as persistent discrimination by some unions, particularly in the building trades, spurred early government efforts at affirmative action (Schuwerk 1972; Pedriana and Stryker 1997).

Although acknowledging the strides that unions have made in integrating their memberships (Freeman and Medoff 1984), labor scholars point out unions' continuing difficulties with building coalitions across racial and ethnic lines (Clawson 2003). Most such calls for building a "culture of inclusion" (Fletcher and Hurd 2000) focus on the racial and ethnic divides between unions' existing members and unorganized workers (Lüthje and Scherrer 2001; Nissen 2002; Yates 2005; Wilson 2008). Such critiques are often juxtaposed with case studies in which unions have built cross-racial coalitions to enroll new members. The most prominent example is probably the Service Employees International Union (SEIU) Justice for Janitors campaign (Milkman 2006; Widener 2008; Yu 2008), with other examples in meatpacking (Brueggemann and Brown 2003), the hotel industry (Sharpe 2004), and health care (Clawson 2003). Such case studies often focus on black and white workers, but the cases on the West Coast, in particular, dovetail with analyses of unions' assimilation of newer, typically Latino workers (Fletcher and Hurd 2000; Reitz and Verma 2004; Yu 2008).

Case studies offer details and inspiration but can say little about broader trends. For those, larger-scale studies have presented some suggestive findings. Isaac et al. (2006) detailed how and when minority membership in unions rose in the wake of the Civil Rights movement, and Rosenfeld and Kleykamp (2012) found that blacks were more likely to join unions when the potential wage benefit and protection from arbitrary managerial authority were greater. Latinos and other immigrant groups join unions at higher rates the longer they are resident in the country, even though the wage premiums from doing so have fallen over time (Reitz and Verma 2004; Rosenfeld and Kleykamp 2009), but their membership rates overall still lag black and white workers. Blacks tend to join unions at higher rates than whites, even when studies control for differences in education, industry, and occupation (Freeman and Medoff 1984; DeFreitas 1993; Rosenfeld and Kleykamp 2009). Studies such as these give us rich detail about aggregate trends in minority unionization over time but, because they draw on surveys that ask about current union membership, they cannot directly investigate the role that racial diversity might play in specific union organizing efforts.

A focus on diversity's role in such efforts is important because, otherwise, what a rising share of minority members implies about the dynamics of diversity in labor unions is ambiguous. A national union can become more racially diverse in several ways. It can add minority workers to its existing locals, as for example the United Autoworkers did when black workers were added to the auto companies' assembly lines (Milkman 1987; Lichtenstein 1995). It can enroll new workers in new, heterogeneous union locals while preserving the older, homogeneous ones. The Brotherhood of Firemen and Oilers, for example, took this approach when the union expanded from the furnace and machine rooms of hospitals and other large institutions and organized the more diverse janitorial staffs. Finally, the union can form new, homogeneous minority locals, thus preserving the unit-level segregation even as union diversity rises. The Longshoremen on the East Coast tried such a tactic for many years, forming locals of black dockworkers in the South, Italian dockworkers in New Jersey, and so on. In other words, although the rising share of minority members documented in studies such as those of Isaac et al. (2006) and Rosenfeld and Kleykamp (2012) is encouraging, we would interpret that trend very differently if most of those new members were enrolled in segregated locals. Given that occupational segregation has remained stagnant in recent years, even as establishment-level segregation has declined (Tomaskovic-Devey et al. 2006), grounds for such concern exist.

The other angle from which the relationship between diversity and unionization has been studied is research into workers' opinions about unions. Sayles and Strauss (1953) and Perline and Lorenz (1970), for example, both found that participation in union activities was greatest among ethnically homogeneous work groups; more recently, Iverson and Kuruvilla (1995) found that workers in homogeneous units have greater satisfaction with and loyalty to their unions. The advantage of opinion studies is that they can include workers who are not (but might become) union members. Studies of members and nonmembers have less definitive findings. Bacharach and Bamberger (2004) found mixed results regarding union trust and commitment in a random sample of nonexempt workers, and they reviewed similar, sometimes contradictory, results. In one of the few previous studies that compared organizing outcomes on this dimension, Milkman (1993) found that win rates were highest in units that were evenly split between men and women. Suggestive evidence exists, therefore, that unit heterogeneity plays a role in nascent unions that is different from its role in established ones, but researchers have speculated very little about the mechanisms involved. Virtually all these studies have taken an essentially group-psychological approach (Barling et al. 1992 review prior work) and presumed that diversity reduces the likelihood of unionization insofar as it reduces trust and commitment among employees who must engage in costly collective action.

Such an assumption echoes the research on diversity and work-group performance (Williams and O'Reilly 1998; van Knippenberg and Schippers 2007). In its focus on the dynamics within groups, however, this psychological approach downplays or ignores the *organizational* dimension of union organizing drives. Thus a gap exists in our understanding of diversity's role in this process. We have few large-scale studies of diversity's impact on union formation, and we have little theory about why diversity might matter, save that it makes workers less likely to trust unions or one another. This gap is important because, as I discuss later in the article, ignoring the organizational, processual nature of the organizing drive encourages us to place more weight on individual workers' choices and opinions than we perhaps should. Accordingly, I next review the stages of the union organizing process and hypothesize the role that diversity might play at different stages.

Stages of the Organizing Drive

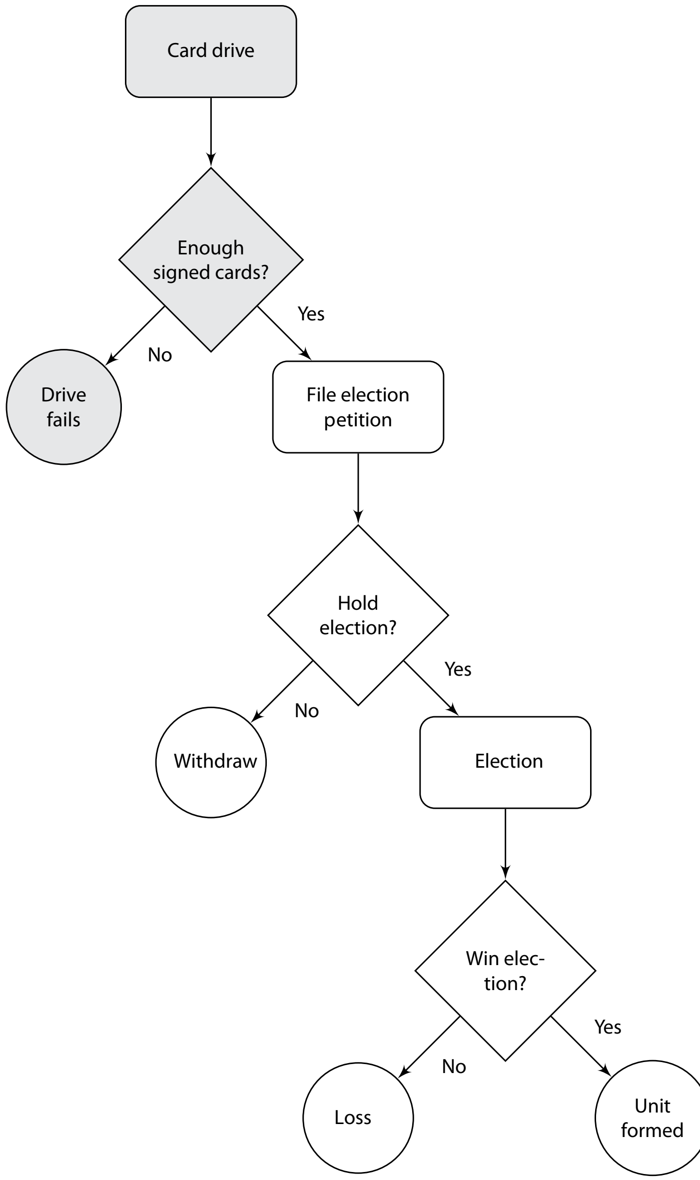
Although most studies of union organizing drives focus on the outcomes of representation elections (Heneman and Sandver 1983; Riddell 2004; Tope and Jacobs 2009), forming a union in the United States is a multistep process. Many hurdles must be cleared, and different actors influence the outcome at different stages. Narrative accounts of union organizing implicitly describe a multistep process, emphasizing, for example, how building the initial contacts between a union and potential members requires skills that are different from contesting a representation election or bargaining with an employer (Rooks 2004; Yu 2008).

Figure 1 shows a schematic of the organizing process (McGuiness and Norris 1986 describe this process in detail). Organizing begins with a card drive, the period during which organizers develop initial contacts with employees and canvas for support. The card drive is probably the highest hurdle of the entire process because this is when the most uneven support for the union among the workforce exists and little collective capacity has been developed to respond to countermoves by the employer. The failure rate of card drives is hard to assess because the NLRB opens case files only for organizing drives, after the card drive has succeeded—hence, in Figure 1 I have grayed out this stage as unobserved. The groups that pass through the card drive have only begun the process; other hurdles, which can be observed and modeled, remain.

A card drive succeeds when the organizers collect, from at least 30% of the workers in the proposed bargaining unit, signed cards that state the workers' interest in an NLRB-supervised secret-ballot election, in which they can vote whether to have the union as their representative for collective bargaining with their employer. The NLRB then rules on the appropriateness of the proposed unit and any other challenges. Assuming that the NLRB goes forward with the unit as suggested or modified, the parties come to an agreement about the type and date of the election. Within seven weeks, on average, after the petition is filed, the NLRB supervises the election; a simple majority of votes cast wins. If the union wins and no objections are sustained, then the NLRB certifies the union as the employees' representative and the employer is obligated to bargain "in good faith" with the union for at least one year. The goal of such bargaining is a formal contract governing the pay and conditions of employment, which typically runs for three years.[1]

[1]Figure 1 shows the procedure for forming a union through the NLRB election system. This is not the only way to form a union local. At any time, a group of employees, a union, and an employer can come to an agreement that the employer will recognize and bargain with the union, without having to invite the NLRB in. Although rare, such voluntary recognition has received much attention in recent years because many unions have acknowledged that, in a more hostile political and economic environment, they cannot rely simply on the NLRB (Fantasia and Voss 2004; Bronfenbrenner and Hickey 2004). Many of the most high-profile organizing successes of the last 20 years have come through strategic campaigns that bypass the election procedure. Nonetheless, here I focus on the election process for two reasons. First, no systematic data are available on voluntary recognition, so we do not know how common such drives are and how many employees they affect (but see Brudney 2004 and Martin 2008b for attempts to assess this). Second, the election process, flawed as it is, is still the main legal recourse for employees who do not have their employer's support or at least neutrality in organizing. Understanding the hurdles and outcomes of the election process is still important for large numbers of working people.

Figure 1. The Union Organizing Process



Note: Gray nodes are unobserved in these data.

An inherent feature of this process is that the hurdles produce sample selection. Workers can vote for a union only if the election takes place. The organizing drive can break down at any of the stages shown in Figure 1: the card drive can sputter out, the organizers can give up and withdraw their petitions before the election, or the vote could go against the union. Most quantitative studies of union organizing generalize from the election results, ignoring the earlier stages of the organizing drive (Heneman and Sandver 1983; Riddell 2004). But doing so can distort inferences about how different actions influence the process. For example, Ferguson (2008) found that employers' ULP charges have little effect on election outcomes but make the possibility that unions will withdraw their election petitions before a vote can be held substantially more likely.

This description of the organizing process is sufficient to demonstrate that the election, which has often been treated as *the* hurdle by which an organizing drive succeeds or fails and the stage when the employees have the most influence, is the capstone of a longer process that has already selected out many potential bargaining units. To understand the role racial diversity plays in that process, we need to consider the impact of earlier stages as well. Next, I theorize about the likely impact of racial diversity on this process.

Collective Action, Race, and Repression

That the organizing process has several distinct stages has implications for how diversity might affect the outcomes of organizing drives. Most fundamentally, a focus on interpersonal mechanisms in the work group is too narrow. Consider, for example, how the record of an organizing drive is generated. All representation elections in the NLRB's data were proceeded by successful card drives, yet that earlier stage is when much of the risk and drama of union organizing happens and when most tales are set about racial division and animosity among groups of workers (Botsch 1980; Hill 1996; Milkman 2006). We can argue, quite reasonably, that the success or failure in building trust across racial lines or the other interpersonal mechanisms that prior research has emphasized better explains the outcomes of the *card drives* than the outcomes of elections. Although mistrust can still derail collective action after the election petition has been filed, the data here comprise those work groups that sufficiently overcame mistrust to file the petition. We should be less likely to see diversity derailing these cases, and we should be less willing to attribute the derailing to intragroup dynamics if we do.

Instead, we might consider influences from outside the work group. Although the National Labor Relations Act (NLRA) originally envisioned that unionization was a process of self-organization among workers and unions (Tomlins 1985), employers have increasingly taken steps to influence the pre-election stages. Employers have for a generation been increasingly ruthless in opposing union organizing drives, using both legal tactics such as union-avoidance consultants and illegal ULPs such as firing and intimidating workers for engaging in union activity (Freeman and Kleiner 1990; Cohen and Hurd 1998; Bronfenbrenner 2009). If employers feel particularly threatened by collective action by diverse groups or if they think that interventions against diverse groups are particularly likely to succeed, then we would see more aggressive employer resistance against efforts to organize more diverse work groups.

Given the long-supposed negative relationship between racial diversity and trust among workers, employers may think that strong interventions in such situations will be more effective. As Gamson argued in his classic study of the strategy of social movements, "[I]t is not the weakness of the user but the weakness of the target that accounts for violence" (1990: 82). Violence is rare in contemporary labor organizing,[2] but employers have access to several tactics that are formally illegal. The two most common types of ULPs, defined by section 8(a) of the Wagner Act, are unlawful intimidation and the firing of employees for their union activity. Firing a worker who is visibly active in the union is a strong signal of employer willingness to fight an organizing attempt, but this is also risky in that some chance exists of being charged, investigated, and possibly prosecuted for doing so. The same holds true for intimidating workers in one-on-one meetings with management (Bronfenbrenner and Juravich 1995; Cohen and Hurd 1998), explicitly threatening to close an establishment if it becomes unionized (Bronfenbrenner 1996), and other techniques. A workforce divided along racial and ethnic lines is, all else being equal, a workforce in which such employer actions are more likely to exacerbate existing fear and doubt and, thus, in which employers are more likely to take such actions.[3]

Alongside this "weakness" explanation for why racial diversity might provoke stronger employer responses, social movement researchers advance a threat explanation (Earl, Soule, and McCarthy 2003; Soule and Davenport 2009). Although authorities may not believe that challenges from more diverse groups are easier to defeat, they may feel more threatened by such challenges and therefore respond disproportionately to them. Thus, for example, protests with more black participants have tended to draw harsher police responses (Davenport et al. 2011). The broader literature on union organizing includes multiple accounts of employers reacting with alarm and often force to organizing attempts that bridged traditional racial divides (Jeffreys-Jones 1979; Botsch 1980; Griffith 1988; Cowie 1999). In their studies of various organizing campaigns, both Milkman (2006) and Cohen and Hurd (1998) also argued that employers in industries with more nonwhite workers are less hesitant to break the law.

I cannot distinguish between the weakness and threat mechanisms using these data, but both theories make the same prediction: that employers will react more harshly to organizing drives in more diverse work groups. Because employer ULPs have a much stronger impact on the probability that the petition will be withdrawn than on the election results (Ferguson 2008), more aggressive employer responses to work groups that are more diverse may help to account for the higher failure rates of organizing campaigns among these groups.

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[2]The incidence of violence is higher in union organizing, however, than in most other social movements (see Smith 2003).

[3]Gamson (1990) also found that violence or other forceful responses against social movements are more likely when the movement in question is a target-displacement group, one that cannot achieve its goals without somehow reducing the power of another, established group. Because they almost necessarily infringe on managerial prerogatives (Chamberlain 1948), unions are an archetypical target-displacement group.

Data and Variables

Data Sources

The primary data for this study come from three sources: the case records for union-representation elections and the complaint records about ULPs, which are both maintained by the NLRB; and the annual Equal Employment Opportunity (EEO)-1 establishment surveys, which are recorded by the U.S. Equal Employment Opportunity Commission (EEOC). Under the provisions of the NLRA of 1935, the NLRB oversees the formation of new bargaining units and the investigation of ULPs. The NLRB opens a representation case when a union, employer, or individual files an election petition, as previously described. The case is closed if the election petition is dismissed or withdrawn, or after the election is held (McGuiness and Norris 1986 review the process in detail). The NLRB opens a complaint case when a union, employer, or individual charges that another party has committed an ULP under the terms of the NLRA.[4] As in a representation case, the complaint case is closed when the original complaint is either withdrawn, dismissed, settled, or judged by the NLRB. NLRB data become public after cases are closed.[5] The NLRB records are available beginning in fiscal year 1999, when the agency adopted a new case-tracking database; thus, I start my analysis in that year.

Under the Civil Rights Act (amended) of 1964, private employers with more than 100 employees must file annual EEO-1 reports with the EEOC.[6] These reports include a matrix that details the race and sex of employees across nine broad occupational categories. These are the most detailed establishment-level data on workforce composition available (Robinson et al. 2005), and they have been used in multiple studies, in particular of women's and minorities' progress in achieving management positions (Kalev, Dobbin, and Kelly 2006; Cohen, Huffman, and Knauer 2009; Huffman, Cohen, and Pearlman 2010). Here I focus on the nonmanagerial workforce described in the reports. I obtained EEO-1 data from the EEOC through an Intergovernmental Personnel Act (IPA) agreement. Taken together, the NLRB's and EEOC's data allow an analysis of workplace diversity and collective action that is both fine-grained and representative because they cover establishments across the United States.

To construct a linked data set, I first matched the NLRB's representation cases with the EEO-1 surveys, based on establishment address.[7] Of the 45,269

[4]I focus here on 8(a) violations, those committed by employers. The NLRA also defines 8(b) violations, which are ULPs committed by the union. Such charges account for less than 20% of all ULP charges filed each year, and they are rarer still during organizing drives, when the union is not established. Fewer than 4% of the drives examined here had 8(b) charges, and controlling for such charges has no effect on the presented results.

[5]The corresponding records are available at http://data.gov.

[6]Executive Order 11246 extends this annual reporting requirement to establishments of 50 or more employees, if those establishments have at least $50,000 of federal contract work annually.

[7]I matched NLRB and EEOC data using the RECLINK package in Stata (Blasnik 2010), which allows for inexact matching of strings. To match the records, I first standardized address information (placing words in lower case, standardizing abbreviations and so on) and then used RECLINK to calculate a score for each possible match based on the Levenshtein distance between the address strings. I counted as matches any candidates with a score of 0.9 or higher. See the RECLINK documentation for details.

establishments where representation cases were opened during the period, 7,921 had a corresponding EEO-1 survey. Recall that the EEOC surveys only large establishments. A nonmatch with the NLRB data is most probably attributable to the targeted establishment's being below the EEOC's employment threshold rather than a missing record. Indeed, the 7,921 matched records cover 91% of the representation cases that propose bargaining units of more than 100 employees.

A potential concern when linking these data is how to identify the work group that is being targeted by the union organizing campaign, which may be a subset of the establishment workforce. The EEOC analyzes establishment workforces into nine occupational categories; the NLRB classifies cases into 10 bargaining-unit types. The two organizations' categories do not directly correspond. For example, both break out "Craft workers" and "Professionals" from other job types, but their criteria for assigning specific establishments or work groups to those categories may differ. Also, how to map the NLRB's "Departmental" category onto the EEOC categories is not obvious. Nonetheless, we need to specify the composition of the targeted work groups as exactly as possible because the racial demography of work groups can vary considerably by job type within an establishment (Tomaskovic-Devey et al. 2006). Simply using establishment-wide measures of workforce composition can introduce considerable measurement error.

Specifying the subset of the workforce on the EEO-1 survey to treat as the targeted work group for calculating diversity measures is therefore subjective. I detail my assignment procedure in the appendix. To get a sense of whether my results are sensitive to that procedure, I reproduced my analyses using diversity metrics calculated from the full establishment population listed on the EEO-1 survey. My rationale for doing this is that using the full establishment population for comparison gives a sense of whether and how sensitive my results are to my choice of which subgroups to match with the different NLRB unit types. The substantive pattern of results did not change in these models.[8]

To determine how many of the organizing drives were associated with ULP charges, I matched these 7,921 records with the NLRB's complaint cases, following a procedure similar to the one employed in Ferguson (2008). The representation-case record has fields in which NLRB staff can note corresponding ULP charges; similarly, the complaint-case record has fields for related representation cases. Based on such direct documentary evidence, I found ULP charges associated with 1,667 of the organizing drives. This 21% rate of exposure closely matches the rate calculated by Ferguson (ibid.) for all organizing drives between 1999 and 2004. The NLRB staff are not required to fill in all such documentary fields, so this rate is almost certainly an understatement of the actual rate of ULP charges. I therefore also linked the representation and complaint records using the establishment address, as with the EEO-1 surveys. This procedure yields

[8]The models are available on request.

another 1,589 matches, for a 41% rate of exposure. Although a two-in-five rate of charges of illegal activity may seem disconcertingly high, it is not out of line with similar analyses done by Bronfenbrenner (2009). The 21% and 41% rates may be thought of as the upper and lower bounds on the actual rate of illegal opposition to union activity between 1999 and 2008. Using the more conservative and liberal match criteria yields substantively similar results. Here I present results using the conservative match criterion.[9]

The data for control variables come from several sources. State- and industry-level information on union density comes from the cross-tabulations of the Current Population Survey compiled by Hirsch and Macpherson (2004). The right-to-work status of states is reported by the National Right to Work Foundation's website. The political composition of the NLRB is compiled from the NLRB website.

Variables

The dependent variables in the analysis presented here are whether an election was Held in a proposed bargaining unit and whether the election was Won. Both are binary variables. I code an election as Held if the NLRB's case record includes information on the conduct of an election. I code the outcome as a withdrawal if the case's closing method is specified as a withdrawal by the petition filer. The two outcomes are exclusive but not exhaustive because a small portion (2.8%) of the election petitions are dismissed or put on some sort of administrative abeyance. I exclude such cases from the analyses. I code an election as Won based on the NLRB's published vote count, as well as the case-closing method's being specified as "Certification of Representative" rather than "Certification of Results" (the NLRB's term for a loss). A few cases ended in administrative limbo, and I exclude them from the analysis.

The main independent variable of interest is an index of the racial diversity of the workforce in the proposed bargaining unit. The EEO-1 survey includes separate information for seven racial or ethnic classes: white, black or African American, Hispanic or Latino,[10] Native Hawaiian or other Pacific Islander, Asian, American Indian or Alaska Native, and two or more races. In my preliminary analyses, I found no substantial differences when breaking out the last four classes, which account for small or zero shares in most establishments. (In 88% of all cases, all the nonblack, non-Latino workers were white.) I thus construct a Simpson index of diversity, $D = \sum_1^4 p_i^2$, where p_i are the shares of white, black, Latino, and "other" workers. The value of the Simpson index decreases as diversity increases; I subtract the index from unity to aid in interpreting the model coefficients.

[9]The alternative models using liberal match criteria are available on request.

[10]Well-documented measurement problems exist with treating black, white, and particularly Latino as exclusive categories (Snipp 2003; Hitlin, Brown, and Elder 2007). Model results for Latinos are often attenuated thanks to the measurement error inherent in the classification. When I run specific analyses for Latinos, I find such a pattern: the coefficients for Latino workers variously resemble those for black and white workers, with larger standard errors.

Table 1. Survival Rates of Organizing Drives among Homogeneous and Heterogeneous Work Groups

-	*Filed petitions*	*Held elections*	*Won elections*	*Cumulative survival rate (%)*
Homogeneous units	1,125	824	435	38.7
Survival rate (%)		73.2	52.8	
Heterogeneous units	6,838	4,115	2,452	35.8
Survival rate (%)		60.2	59.6	
Ratio, by stage	1:7.1	1:5.9	1:6.6	

Note: All differences in survival rates are significant at $p < 0.05$.

To give an idea of how diversity changes at different stages of the organizing process, in Table 1 I show the number of organizing drives that pass through each observed stage. Table 1 compares the cases in which the workforce is homogeneous (i.e., $D = 0$) to those in which it is not. As the cumulative survival rate suggests, homogeneous units were more likely to make it through an entire organizing drive, which seems to support the idea that diversity hurts collective action. This higher survival rate, however, is not because homogeneous units were more likely to vote for the union—unions won the election in only 52.8% of the homogeneous work groups, compared to 59.6% of the heterogeneous ones. Rather, diverse work groups exit the process at higher rates before elections are held; whereas unions give up and withdraw their election petitions 26.8% of the time when the work group does not have racial diversity, they withdraw 39.8% of the time when the work group is diverse. This difference in the withdrawal rates is large enough to swamp the difference in election results. I explore the possible causes of these different survival rates later in the article.

The coding of whether an ULP charge occurred has already been described. The construction of the other controls is straightforward. The size of the work group is an obvious confound, both because diversity usually increases as size increases and because unit size has a well-documented negative relationship with election victory (Farber 2001). When modeling whether an election was held, I use the logged proposed size of the bargaining unit on the election petition. When modeling whether an election was won, I use the logged number of eligible voters. These numbers are correlated but rarely identical because of the NLRB's rulings on eligible workers. The right-to-work laws prevent the unions at a workplace from requiring employees to join and pay dues while giving those employees the benefits of the contract; as such, they are recognized as weakening the unions' ability to organize (Elliott and Huffman 1984). Controlling for such laws controls for spurious associations derived from the anti-union political environment in states that have passed them. Because such laws have historically been common in the states of the former Confederacy, controlling for right-to-work laws may also control for spurious associations with the broader race relations of the local economy. I record the presence of a right-to-work law as a binary variable. The private-sector union density of the state is also included to control for other unobserved historical or political factors that might make organizing easier or harder. Unobserved events that lower the likelihood of an organizing drive's success, such as strife among groups of workers or legal resistance by the employer, also tend to drag out the period between the petition and the election. Unions also typically file election petitions when they think conditions are best for a vote, so unexpected delays often can cause employees to become discouraged or disinterested (Miller and Leaming 1962; Flanagan 1989). Accordingly, I follow the practice in previous studies of organizing drives and include the linear and squared effects of delay, measured as the number of days between a petition's filing and either its withdrawal or the holding of the election. Finally, I present most models with the successive inclusion of fixed effects for the establishment's two-digit industry, the union involved in the drive, and the region of the country (Northeast, Midwest, South, Plains states, Mountain states or West Coast).[11] Table 2 presents descriptive statistics for the variables used in each stage of the models.

Models and Results

Effects of Diversity

When considering the effects of diversity as such, the null hypothesis should be that any difference in group outcomes is attributable to different subgroup characteristics and that the combination of subgroups has no additional effect. In this context, this means controlling for the different propensities of racial subgroups to go through with elections and to vote for unions. Black workers are more likely to be unionized and more likely to vote for unions in elections (Freeman and Medoff 1984; Isaac et al. 2006; Rosenfeld and Kleykamp 2012). How the voting patterns of Latinos and other nonwhite workers differ from whites is less clear from theory, and the evidence about whether they favor unions at higher rates than whites is mixed (Rosenfeld and Kleykamp 2009). Accordingly, any observed effects of diversity—a higher likelihood to vote for unions, for example—could simply be attributable to the presence of more minority workers in the unit.

Table 3 summarizes a simple test of this null hypothesis, showing the relationship between diversity and the various outcomes while controlling for specific group memberships. It presents logit models of holding and winning elections, first as a function of diversity and then as a function of diversity and the unit's share of various minority workers. Considering models 1 and 5, more diverse work groups are less likely to hold elections but are more likely to win them. Model 6 demonstrates that the effect of diversity

[11]State-level or even metropolitan statistical area (MSA)-level fixed effects would be preferable to regional fixed effects, but including those 50 or more variables in the models often causes them to fail to converge. I have, instead, created broad regions that are internally consistent with regard to their history of trade unionism. Models using state-level random effects produce substantively similar results.

Table 2. Summary Statistics for Regressions

Variable	*Mean*	*SD*	*Minimum*	*Maximum*
A. Stage 1: Holding election (N = 6,692)				
Diversity	0.358	0.225	0	0.747
Share black	0.183	0.225	0	1
Share Latino	0.165	0.236	0	1
Share other	0.049	0.095	0	1
ln(Unit size, proposed)	3.33	1.41	1.61	12.37
ULP charge	0.216	0.493	0	1
Right-to-work state	0.209	0.407	0	1
State density	16.82	6.4	3.3	27.9
ln(Case delay)	3.54	0.897	1.95	8.01
ln(Case delay)^2	13.31	6.88	3.8	64.08
Democratic administration, Democatic board	0.041	0.198	0	1
Republican administration, Democratic board	0.018	0.132	0	1
Republican administration, no majority	0.136	0.343	0	1
B. Stage 2: Winning election (N = 3,939)				
Diversity	0.347	0.227	0	0.747
Share black	0.191	0.235	0	1
Share Latino	0.164	0.242	0	1
Share other	0.046	0.091	0	1
ln(Unit size)	3.49	1.35	1.95	8.43
ULP charge	0.431	0.495	0	1
Right-to-work state	0.21	0.408	0	1
State density	16.53	6.19	3.3	27.9
ln(Election delay)	3.74	0.465	1.95	7.44
ln(Election delay)^2	14.24	4.08	3.79	55.37

Note: SD, standard deviation; ULP, unfair labor practice.

on election success can be accounted for by the presence of more black workers. Model 2, by contrast, shows that, although drives with more black workers are more likely to go through with elections, that effect partially masks a strong reduction in the likelihood of holding a vote that is associated with diversity. The 0.653 coefficient on Share black in model 2 implies that a completely black workforce is 15.8% more likely to hold an election than a homogeneous, nonblack workforce.[12] Given a mean election rate of 62%, this translates into a $(0.62\times1.158)-0.62=9.79$ percentage-point difference. By contrast, the diversity coefficient in model 2 shows that a workforce that is evenly divided among whites, Latinos, and others is 17.6% less likely to hold an election than a homogeneous workforce is (using the same math, a 10.9 percentage-point difference).

Table 3 demonstrates three things. First, in line with Table 1, diversity seems to be positively correlated with election success, in contrast with much prior theorizing. Second, little evidence exists that diversity, as such, drives union voting. The positive effect suggested in Table 1 is largely reducible to

[12]This is the marginal effect calculated from the logit coefficient, using Stata's mfx command.

Table 3. Logistic Models of Diversity and Minority Shares of Employment on Holding and Winning a Union-Representation Election

	Held				*Won*			
Variable	*Model 1*	*Model 2*	*Model 3*	*Model 4*	*Model 5*	*Model 6*	*Model 7*	*Model 8*
Diversity	–0.487**	–0.728**	–0.518**	–0.43**	0.399**	0.238	0.438**	0.274#
	(0.108)	(0.118)	(0.112)	(0.117)	(0.138)	(0.148)	(0.142)	(0.149)
Share black		0.653**				0.439**		
		(0.122)				(0.145)		
Share Latino			0.111				–0.144	
			(0.107)				(0.133)	
Share other[a]				–0.352				0.812*
				(0.272)				(0.377)
Constant	0.538**	0.507**	0.531**	0.535**	0.141*	0.115*	0.151**	0.147**
	(0.046)	(0.046)	(0.047)	(0.046)	(0.057)	(0.058)	(0.058)	(0.057)
N	7,053	7,053	7,053	7,053	4,159	4,159	4,159	4,159
Log-likelihood	–4,764	–4,750	–4,764	–4,764	–2,838	–2,833	–2,838	–2,836

Notes: Standard errors in parentheses.
[a]Other includes the two categories "Asian or Pacific Islander" and "American Indian or Alaskan Native," as listed on Equal Employment Opportunity survey forms (EEO-1 forms).
**Indicates $p < 0.01$; * indicates $p < 0.05$; # indicates $p < 0.1$.

the different propensities of the different racial groups, particularly blacks, to favor unionizing. Third, diversity is associated with higher rates of withdrawal before elections, and that higher rate of withdrawal swamps the difference in voting behavior. But Table 3 has two weaknesses: 1) It does not include controls for confounding variables, and 2) equally serious, it treats the two outcomes as independent events. Yet, precisely because unions can withdraw their election petitions, and indeed are likely to do so if they think they are going to lose, we cannot assume independence. Rather, the withdrawal decision is endogenous to the election outcome.

To see why endogeneity is a potential problem, presume that organizing drives among more diverse work groups are more likely to collapse, for reasons unrelated to diversity per se. For example, employment diversity varies by industry, as do withdrawal rates. The correlated likelihood of withdrawal biases the sample of elections, in that the "real" likelihood of winning the election is higher than expected because the predicted losers have selected out. The two outcomes can be thought of as a selection model (Heckman 1979). If y_i is the observed election outcome for organizing drive i and d_i is the diversity of the work group involved in the organizing drive, then we can presume that a latent relationship exists between the two variables:

$$y_i^* = \delta d_i + x_i \beta + u_{1i} \tag{1}$$

and that we observe y_i only if $y_i^* > 0$. Whether the election is held, h_i, is the result of a separate selection equation:

$$h_i = \nu d_i + z_i \gamma + u_{2i} \tag{2}$$

In this setup, u_1 and u_2 both follow standard normal distributions and $\mathrm{corr}(u_1, u_2) = \rho$. Because the u_1 and u_2 are correlated, the coefficient δ in Equation (1) suffers from omitted variable bias.

I account for this bias by estimating bivariate probit models, which directly model the correlation between the error terms in the two stages of the organizing process. To satisfy the exclusion restriction for the first stage of these models (Winship and Mare 1992), I rely on differences between the proposed and voting-unit size, previously discussed; the overall case delay compared to the delay before elections in noncensored cases (Miller and Leaming 1962); and shifts in the opportunity structure for appealing to the NLRB, which I operationalize based on the changes during the time period in the presidential administration and the political affiliation of the majority of NLRB members. The administration and NLRB-composition variables are particularly useful in this case because, although organizers typically pay close attention to the relative sympathy of regulators when deciding whether to go to election or to withdraw, we have little reason to assume that these political variables affect workers' votes, except indirectly through the decision to hold an election.

Table 4 shows the estimates from such two-stage models. The sign on the coefficient of diversity for holding an election in models 9 to 12 is the same as in Table 3, although the magnitude of the effect is considerably smaller.

Table 4. Bivariate Probit Models of Racial Diversity's Effect on Holding and Winning a Union-Representation Election

Variable	*Model 9*	*Model 10*	*Model 11*	*Model 12*
A. Holding election (*N* = 6,692)				
Diversity	–0.243**	–0.395**	–0.269**	–0.222**
	(0.071)	(0.077)	(0.074)	(0.076)
Share black		0.417**		
		(0.078)		
Share Latino			0.086	
			(0.070)	
Share other				–0.147
				(0.177)
Unit size (proposed)	0.109**	0.108**	0.109**	0.109**
	(0.011)	(0.011)	(0.011)	(0.011)
ULP charge	–0.249**	–0.242**	–0.251*	–0.248*
	(0.082)	(0.091)	(0.092)	(0.090)
Right-to-work state	–0.149**	–0.178**	–0.149**	–0.146**
	(0.055)	(0.056)	(0.055)	(0.056)
State density	–0.013**	–0.014**	–0.014**	–0.013**
	(0.004)	(0.004)	(0.004)	(0.004)
ln(Case delay)	0.086**	0.086**	0.086**	0.086**
	(0.031)	(0.032)	(0.032)	(0.032)
ln(Case delay)^2	–0.0016**	–0.0016**	–0.0016**	–0.0016**
	(0.0003)	(0.0003)	(0.0003)	(0.0003)
Democratic administration, Democatic board	0.131*	0.133*	0.135*	0.129#
	(0.067)	(0.067)	(0.067)	(0.067)
Republican administration, Democratic board	0.186#	0.188#	0.191#	0.181#
	(0.105)	(0.106)	(0.105)	(0.106)
Republican administration, no majority	–0.01	–0.007	–0.013	–0.008
	(0.037)	(0.037)	(0.037)	(0.037)
Constant	0.158#	0.159#	0.155#	0.149#
	(0.082)	(0.082)	(0.082)	(0.082)
B. Winning election (*N* = 3,939)				
Diversity	0.017	–0.134#	0.022	0.0001
	(0.074)	(0.078)	(0.076)	(0.078)
Share black		0.419**		
		(0.075)		
Share Latino			–0.016	
			(0.070)	
Share other				0.123
				(0.189)
Unit size	–0.028*	–0.029*	–0.028*	–0.029*
	(0.014)	(0.013)	(0.014)	(0.013)
ULP charge	0.153**	0.146**	0.151**	0.154**
	(0.033)	(0.033)	(0.033)	(0.034)
Right-to-work state	–0.021	–0.054	–0.023	–0.022
	(0.058)	(0.058)	(0.058)	(0.059)
State density	–0.003	–0.004	–0.004	–0.004
	(0.004)	(0.004)	(0.004)	(0.004)
ln(Election delay)	–0.038*	–0.036*	–0.038*	–0.039*
	(0.015)	(0.016)	(0.017)	(0.017)

(continued)

Table 4. Continued

Variable	*Model 9*	*Model 10*	*Model 11*	*Model 12*
ln(Election delay)^2	0.0008*	0.0008*	0.0009*	0.0008*
	(0.0003)	(0.0004)	(0.0004)	(0.0004)
Constant	–0.296**	–0.296**	–0.295**	–0.29**
	(0.085)	(0.085)	(0.084)	(0.086)
Log-likelihood	–7,050	–7,032	–7,049	–7,049
ρ	0.971**	0.974**	0.974**	0.966**

Notes: Standard errors in parentheses. ρ, correlation between error terms in the two stages; ULP, unfair labor practice.
**Indicates $p < 0.01$;* indicates $p < 0.05$; # indicates $p < 0.1$.

This is consistent with endogeneity between the two outcomes, as suggested by the significant correlation between the error terms of the stages ($\rho = .971; p < .01$). Diversity has no apparent relationship with winning an election, once other controls are included.

Models 10 to 12 introduce controls for different racial subgroups. Even when controlling for other factors, larger shares of black workers are associated with greater probabilities of both holding and winning elections. The negative effect of diversity on holding elections persists in these models.

The other controls in Table 4 move in expected directions. Unit size has the negative relationship typically seen with winning elections (Olson 1965; Farber 2001) and also the positive relationship with holding elections (Ferguson 2008). A ULP charge is associated with a higher probability of withdrawal, although among elections the drives that had ULP charges were more likely to succeed. This, again, is consistent with sample selection, as is the estimated effects of right-to-work laws: more likely to result in withdrawal but no effect on election. Delay's effect moves in the expected direction in each stage, increasing the likelihood of an election for about 60 days before starting to reduce it[13] and decreasing the likelihood that the election succeeds. Unions were more likely to go through with elections rather than withdraw when a Democrat was in the White House and when the NLRB had a Democratic majority.

State union density has a small but significant negative relationship with holding elections. This probably reflects differences in the opportunity structures that unions face. All else being equal, a union is more likely to go ahead with an organizing drive in a state such as New York or Pennsylvania than in a state such as North Carolina or Texas. Such lesser selectivity means that the union is more likely both to file and to withdraw a weak election petition in the more labor-friendly states. In more hostile environments, where unions are more selective about starting a drive, that weaker petition would not be filed. Consistent with this idea, any effect of state union density disappears by election time.

[13]Delay's effect is necessarily nonlinear when modeling whether an election is held because a minimum period exists during which the NLRB processes the election petition and signs off on the unit as proposed.

Why Might Diversity Increase Withdrawals?

The results so far show that diversity is associated with a greater likelihood of withdrawal of election petitions but not with a greater likelihood of failed election votes. The question remains: *Why* does diversity have this effect on withdrawal rates? I have theorized that more diverse units face stiffer employer resistance. To test this idea, I fit logistic models in which the outcome is the presence of a ULP charge and the independent variable of interest is my measure of diversity. Table 5 presents those models. Model 13 shows that more diverse units do have a greater likelihood of having ULP charges associated with them.[14] This effect persists in models 14 to 16, which include the shares of black, Latino, and other workers. These groups face higher, lower, and comparable rates of ULP charges, respectively, than white workers. Model 17 includes several other likely predictors of ULP charges: fixed effects for each organizing drive's state, two-digit industry, and union involved.[15] Here, too, diversity is associated with a higher likelihood of ULP charges.

Model 17 (Table 5) shows that diversity's relationship to ULP charges is robust to multiple fixed effects. The obvious question is what including such fixed effects would do to diversity's relationship to holding and winning elections. Table 6 reproduces the models from Table 4, adding in similar fixed effects.[16] Models 18 and 19 show that diversity's negative relationship with holding elections cannot be explained by unobserved differences between the unions or industries involved. Model 20 shows that the relationship can be mediated by differences between geographical regions.[17] This mediation suggests that both diversity and withdrawal behavior vary systematically by region.

What might produce such covariance? In general, the regions of the United States that are more anti-labor tend to have more homogeneous workforces. If unions pick their battles more carefully in the more anti-labor regions (Wessels 1981), then withdrawal rates will also be lower in anti-labor regions. In other words, if unions in more diverse, more pro-labor areas are inclined to go ahead and file election petitions in marginal organizing campaigns, they will induce some spurious correlation between diversity and petition withdrawal.

The bivariate probit models fit here offer a way to test this possibility, albeit indirectly. Recall that the argument for fitting such models turns on the potential endogeneity between the two stages resulting from unions

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[14]In other analyses (available on request), I fitted models with variables for each decile of diversity rather than constraining a linear effect. These models suggest that most of the effect of diversity shows up between the first decile and the rest, that is, between homogeneous units and diverse ones.

[15]Including Share black, Share Latino, or Share other as covariates in model 17 (results available on request) produces comparable point estimates for diversity and comparable significance levels. Replicating models 13 through 16 on the subsample used in the fixed-effects specification of model 17 also produces similar results.

[16]Adding racial subgroup shares to the models in Table 6 does not change the substantive results.

[17]The states in each region are listed in Table 7.

Table 5. Logistic Models of the Relationship between Diversity and the Presence of an Unfair Labor Practice Charge

Variable	*Model 13*	*Model 14*	*Model 15*	*Model 16*	*Model 17*
Diversity	0.416**	0.257*	0.523**	0.436**	0.494**
	(0.115)	(0.128)	(0.122)	(0.116)	(0.148)
Share black		0.34**			
		(0.119)			
Share Latino			–0.293**		
			(.110)		
Share other				–0.002	
				(0.001)	
Unit size (proposed)					0.171**
					(0.023)
Right-to-work state					0.742
					(0.916)
Democratic administration, Democatic board					0.196 (0.149)
Republican administration, Democratic board					0.492* (0.206)
Republican administration, no majority					–0.024 (0.076)
Two-digit NAICS					Y
Union					Y
State					Y
N	7,053	7,053	7,053	7,053	6,277
Log-likelihood	–4,778	–4,774	–4,775	–4,777	–3,879

Notes: Standard errors in parentheses. NAICS, North American Industry Classification System.
**Indicates $p < 0.01$;* indicates $p < 0.05$.

withdrawing when they expect to lose elections. The more often that unions withdraw in the face of likely losses, the larger the correlation between the errors in the two stages of the model—the ρ parameter—will be. This type of endogeneity maps well onto the differences between pro- and anti-labor regions, just discussed. If unions are more cautious about filing petitions in anti-labor regions, they will have fewer occasions to withdraw in anticipation of a loss than they will in pro-labor regions. Thus, the ρ parameter will be smaller in less labor-friendly regions such as the South and the Great Plains.

I fit model 9 (Table 4) separately for six regions. Table 7 presents the ρ paramater for each. In the comparatively union-friendly regions of the Northeast, Midwest, and Pacific West, ρ is large and statistically significant. By contrast, in the Mountain West, ρ is marginally significant, and in the South and the Plains states, it is nonsignificant (and much smaller). Taken together, the results in Tables 6 and 7 suggest that differences in diversity and in withdrawal behavior among regions help to explain some of diversity's effect on withdrawals.

We can thus observe two channels through which diversity can be associated with higher withdrawal rates. One stems from differences in union behavior across different regions and is arguably spurious. The other stems

Table 6. Fixed-Effects Bivariate Probit Models of Holding and Winning a Union-Representation Election

Variable	*Model 18*	*Model 19*	*Model 20*
A. Holding election			
Diversity	–0.279**	–0.238**	–0.141#
	(0.070)	(0.080)	(0.125)
Unit size (proposed)	0.07**	0.064**	0.066**
	(0.012)	(0.014)	(0.014)
ULP charge	–0.298**	–0.198**	–0.143**
	(0.033)	(0.036)	(0.036)
Right-to-work state	–0.098#	–0.032	0.045
	(0.057)	(0.063)	(0.087)
State density	–0.013**	–0.008#	–0.007
	(0.004)	(0.004)	(0.005)
ln(Case delay)	0.012**	0.015**	0.002**
	(0.003)	(0.003)	(0.0003)
ln(Case delay)^2	–0.0019**	–0.002**	–0.002**
	(0.0003)	(0.0003)	(0.0003)
Democratic administration, Democatic board	0.106	0.103	0.089
	(0.074)	(0.089)	(0.091)
Republican administration, Democratic board	0.193#	0.209#	0.197
	(0.113)	(0.128)	(0.129)
Republican administration, no majority	–0.012	–0.026	–0.027
	(0.047)	(0.050)	(0.049)
Two-digit NAICS	Yes	Yes	Yes
Union		Yes	Yes
Region			Yes
Constant	0.219	0.03	0.013
	(0.338)	(0.373)	(0.384)
B. Winning election			
Diversity	0.048	0.048	0.049
	(0.107)	(0.106)	(0.103)
Unit size	–0.077*	–0.116**	–0.117**
	(0.030)	(0.029)	(0.028)
ULP charge	0.146**	0.122**	0.125**
	(0.040)	(0.044)	(0.044)
Right-to-work state	0.026	0.078	0.171
	(0.068)	(0.075)	(0.104)
State density	–0.003	0	–0.001
	(0.005)	(0.005)	(0.006)
ln(Election delay)	–0.005	–0.002*	–0.015*
	(0.005)	(0.001)	(0.007)
ln(Election delay)^2	–0.0006	–0.0007	–0.0002
	(0.0005)	(0.0007)	(0.0007)
Two-digit NAICS	Yes	Yes	Yes
Union		Yes	Yes
Region			Yes
Constant	–0.08	–0.078	–0.127
	(0.406)	(0.480)	(0.482)
N	6692	5866	5866
Log-likelihood	–6915	–5907	–5893
ρ	0.809*	0.685*	0.694*

Notes: Standard errors in parentheses. ρ, correlation between error terms in the two stages; NAICS, North American Industry Classification System; ULP, unfair labor practice.
**Indicates $p < 0.01$; * indicates $p < 0.05$; # indicates $p < 0.1$.

Table 7. Correlation of Error Terms (ρ) in Bivariate Probit Models of Holding and Winning Representation Elections, Estimated by Region

Variable	ρ
Northeast[a]	0.924**
	(0.290)
Midwest[b]	0.787**
	(0.323)
South[c]	0.211
	(0.189)
Plains[d]	0.188
	(0.180)
Mountain West[e]	0.751#
	(0.388)
Pacific Coast[f]	0.877**
	(0.355)
Pooled national	0.902**
	(0.306)

Notes: Standard errors in parentheses.
[a]Northeast: CT, DE, MA, MD, ME, NH, NJ, NY, PA, RI, and VT.
[b]Midwest: IL, IN, KY, MI, MN, OH, WI, and WV.
[c]South: AL, AR, FL, GA, LA, MS, NC, SC, TN, TX, and VA.
[d]Plains: IA, KS, MI, ND, NE, OK, and SD.
[e]Mountain West: AZ, CO, ID, NM, MT, UT, and WY.
[f]Pacific Coast: AK, CA, HI, NV, OR, and WA.
**Indicates $p < 0.01$; # indicates $p < 0.1$.

from different employer responses to more diverse work groups. This second channel cannot be attributed to spurious compositional differences, as the robustness of the coefficient on diversity to fixed effects in Table 5 (and of the coefficient on ULP charges in Table 6) demonstrates. The crucial association between workforce diversity and lower rates of union formation, therefore, operates through the increased likelihood of employer ULPs in the stage before election and the higher rate of petition withdrawals in the wake of ULPs. The greater propensity of some minority groups to vote for unions in elections is not enough to balance this effect.

Discussion

Union formation is a contentious activity in which we must consider actions taken to repress collective action as well as mobilization in favor of it. It requires trust and solidarity among the mobilized. Work groups vary in their diversity, which gives researchers an unusual opportunity to see how ascriptive differences affect the outcomes of such mobilization attempts. Because of the deep historical record of difficulties in engaging in collective action across racial lines in the United States, we have a strong prior prediction about the effects of racial and ethnic diversity in these cases.

This study has shown that, in line with such beliefs, bargaining units that actually form are less diverse than bargaining units that try to form. Yet I have also shown that, when given the chance to express their preferences at election, more diverse groups opt for unions. As befits a process involving other potentially influential actors (King et al. 2005; Ferguson 2008), we gain more understanding of the relationship between racial diversity and union formation if we widen our focus to include other stages of that process beyond the election and to include actors beyond the workers themselves. Although workers' cohesion matters, so too do the union's skill at choosing where to file petitions and, most important, the employer's willingness to respond beyond what the law allows. Perhaps the most surprising finding here is that employers are charged with intimidating and firing people more often in more racially diverse work groups. One contribution of this study, then, is to propose a mechanism that is different from the one often proposed for why racial diversity makes unionizing harder for workers.

Much of the prior writing about the tribulations of cross-racial organizing concerns the early, informal stages of the organizing drive, the card drive in particular. This focus on the very early stages is often justified. Before the 1935 Wagner Act, such informal organizing was essentially the only type available. And if the researcher's interest lies in how unions build trust with workers from different racial or ethnic backgrounds, such early-stage work is critical. Yet most union organizing efforts are directed toward and happen through the formal, bureaucratic process that is stipulated by the Wagner Act. Labor organizing historically resembled other types of social-movement mobilization (and still does in the organizing drive's early stages), but the Wagner Act created a mechanism to channel such mobilization into a state-supervised system in which both the outcomes and the behavior of the parties could be monitored, adjudicated, certified, and recorded. Union formation is thus a hybrid organizational process, one that shares features both with less formal social mobilizations, such as the antiwar or environmental movements, and with more formal organizational routines, such as passing laws (Soule and King 2006) or hiring employees (Fernandez and Weinberg 1997). Stratification research has shown that increasing the bureaucratization of employment relations has not eliminated racial or ethnic bias but has channeled its expression, often in unanticipated ways (Dobbin 2009). Given the interest in applying theories from social movements to formal organizations and vice versa (Davis, McAdam, Scott, and Zald 2005; Davis, Morrill, Rao, and Soule 2008; Soule 2009), another contribution of this article is its exploration of how the formalization of union organizing drives channels the expression of such bias.

Results such as these, in which a group-level effect such as diversity is correlated with larger groups that also vary in their demographic composition, pose complicated causal questions. Do some employers become more willing to violate the law as their workforce becomes peopled by disadvantaged social groups, or do worsening employment conditions cause more advantaged social groups to seek opportunities elsewhere, leaving positions to be filled by the less advantaged? Little definitive work on distinguishing between such mechanisms has been done. The limits of the available data force me to bracket the question in this study. I demonstrate here that much of the variance in group outcomes can be accounted for by differences in racial composition across regions and employers' reactions, but the causes of those relationships should be the focus of future research.

Two potential concerns about these findings are worth addressing. The first involves how organizing drives enter the data set. All the units considered here went through a successful card drive. We could argue that the sort of intragroup racial and ethnic conflict that older union research emphasized best explains the outcomes of card drives. I do not argue otherwise. Rather, this study demonstrates that, even among diverse groups that were cohesive enough to succeed in a card drive, diversity has further negative effects associated with it that are, at best, only indirectly related to interpersonal interactions in the work group. Thus I have argued that the filtering provided by the card drive is helpful to this analysis. If such a difficult hurdle did not have to be cleared before organizing efforts came under observation, then chalking up the higher rates of petition withdrawal in diverse establishments to lack of enthusiasm or commitment would be much easier. The prescreening makes this conclusion less plausible, as does the systematic covariance of diversity and withdrawal in different states.

The second concern is that the NLRB records the charges of ULPs against employers, not the practices themselves. Possibly, union campaigns in more diverse work groups fail because of the social distance among employees, but to save face, the union charges the employer with ULPs when it withdraws. This would exaggerate both the negative effects of diversity and the negative effects of ULP charges. Empirical risks such as these motivate my use of the two-stage selection model shown in Table 4. In models that do not control for endogeneity between holding and winning elections, the relevant effects on withdrawal appear nearly twice as large.[18] In other words, unions probably *do* file ULP charges against employers strategically, often to save face; however, controlling for that source of bias does not wipe out the effects seen here.[19]

Finally, one part of the empirical findings demands further study. Why do employers intimidate and fire workers more often when work groups are more diverse? As with the withdrawal rate, this is not simply the result of different employer reactions to workers of different races. Table 5 shows that employers are more likely to be charged with ULPs when more black workers are involved in the organizing drive[20] but that diversity carries an additional risk even when controlling for this. I have argued that stronger

[18]Models available on request.

[19]As might be expected, the magnitude of that bias is smaller when we use the liberal matching criterion for ULP charges (mentioned earlier) because of likely measurement error.

[20]ULP charges are less likely as the share of Latino workers increases. This may reflect the interaction of immigration status and the lack of propensity to seek legal recourse among many working-class Latinos. Although the NLRA protects the union rights of workers regardless of immigration status, noncitizens have other reasons to be wary of making their presence known to law enforcement or formally challenging their employers. Unfortunately, neither the NLRB nor the EEOC record the immigration-status data necessary to test this directly.

employer reactions to the mobilization of diverse work groups is in line with other research on the repression of collective action (Earl et al. 2003; Davenport et al. 2011), and indeed, this trend may just reflect the divide-and-rule tactics that U.S. employers have long used in fighting union organizing campaigns (Lichtenstein 2002; Clawson 2003; Fantasia and Voss 2004). The obvious next step for future research in this vein is to flesh out the characteristics of the employers involved to understand what, if any, features those who commit ULPs share beyond the demographics of their workforces. Such research will require more detailed employer data than were available for this study, but the potential contribution to our understanding of the dynamics both of union membership diversification and the response of private actors to social mobilization could be considerable.

Appendix

Union organizing drives often target a subset of the workforce in a given establishment. Thus, when calculating metrics of diversity for the work group targeted by an organizing drive, we would like to know which employees of the establishment are in the relevant work group. Because the NLRB and the EEOC classify workers into coarse categories that do not perfectly correspond to one another, exact matching is impossible. Furthermore, the NLRB's unit-type field is prone to significant measurement error.[21] To develop correspondences between the unit types used by the NLRB and the job categories in the EEO-1 establishment survey, I initially relied on the EEOC's "EEO-1 Job Classification Guide" (U.S. Equal Employment Opportunity Commission 2010). This guide maps the 2000 Census job codes and titles onto the EEO-1 survey's 10 job categories. I then read the descriptions of targeted workers in the NLRB case files and mapped those descriptions onto the unit types to which the NLRB most commonly assigned such units. I thus used the descriptions of targeted workers in the NLRB case files as the "hinge" for a mapping between the NLRB bargaining unit types and EEO-1 job categories. The mapping is shown in Table A.1.

As we can see in the leftmost column of Table A.1, more than half of the 7,921 NLRB cases list "Other" as the unit type. For these cases, I calculated the diversity metrics using the establishment's entire nonmanagerial workforce. Note that more than half the cases used in the main analyses *cannot* be affected by this mapping.

As a robustness check on my assignment procedure, I recalculated the diversity metrics as though every case had been classified as "Other," using the full establishment workforce. The rationale behind this alternative calculation is that using the full establishment for all cases gives a sense of what the results would look like if I had made no substantive decisions about how to define the work groups, albeit at the cost of substantial measurement error.[22]

[21]I thank an anonymous reviewer for emphasizing this point.

[22]Results are available on request.

Table A.1. Mapping between NLRB Bargaining-Unit Types and EEO-1 Job Categories

Percentage of cases with bargaining-unit type	*NLRB bargaining-unit type*	*EEO-1 categories*
1.76	Clerical	Sales workers; Office & clerical; Service workers
6.03	Craft	Technicians; Craft workers (skilled)
14.21	Departmental	Craft; Operatives (semi-skilled); Laborers (unskilled); Service
2.99	Guard	Service
1.48	Health	Technicians; Office & clerical; Operatives; Laborers; Service
11.79	Industrial	Operatives; Laborers; Service
2.79	Professional/clerical	Professionals; Technicians; Office & clerical
1.24	Professional	Professionals; Technicians
4.23	Truck drivers	Operatives; Laborers
53.48	Other	All nonmanagerial categories

Notes: N = 7,921. EEO-1, Equal Employment Opportunity survey; NLRB, National Labor Relations Board.

Most of the patterns of results from the main analyses remain unchanged in these robustness checks. The main exception inheres in the models that include Share other. Fitting model 4 (Table 3) does not converge when I use this coarser measure of Asian and Native American shares. Perhaps for similar reasons, fitting model 12 with this coarser measure gives divergent results from those in Table 4. Note also that, although Share black moderates the effects of diversity on winning elections in model 6 (Table 3), it does not do so when I use this coarser measure. In contrast, the mediation seen in model 10 (Table 4) *is* reproduced with this coarser measure.

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