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Let's Talk About Race

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Let's Talk About Race*

Ronald Wheeler**

Despite other scholars' suggestions that law librarianship and the American Association of Law Libraries lack diversity, Mr. Wheeler examines numerical and anecdotal data indicating that efforts to promote racial and ethnic diversity within AALL and the profession are beginning to show positive results.

¶1 Our professional literature is rife with commentary about the lack of racial and ethnic diversity in law librarianship and in the American Association of Law Libraries (AALL).¹ The assumption seems to be not only that law librarianship and AALL are not diverse but that “over the last forty years, there has been little noticeable change in levels of diversity among members of the profession.”² However, this assertion runs counter to my perceptions of AALL and of the profession. In fact, I experience AALL as an organization that has continued to grow increasingly more racially and ethnically diverse, especially over the past decade. Therefore, I think it will be instructive to look more closely at AALL and to examine some of the numerical and anecdotal data available to get a clearer picture of the association's current racial and ethnic diversity.³

¶2 For me, AALL is the correct focal point for this type of inquiry. After all, AALL is the premier association serving the profession of law librarianship. I know of no other organization that has a larger membership of law librarians and others committed to serving the interests of the profession of law librarianship. Focusing on AALL is therefore likely to yield information that can be extrapolated to the larger profession. Moreover, the association has data, albeit limited, that can aid this type of examination.

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1. E.g., Alyssa Thurston, *Addressing the “Emerging Majority”*: Racial and Ethnic Diversity in Law Librarianship in the Twenty-First Century, 104 LAW LIBR. J. 359, 2012 LAW LIBR. J. 27; Yvonne J. Chandler, *Why Is Diversity Important for Law Librarianship?*, 90 LAW LIBR. J. 545 (1998).

2. Thurston, *supra* note 1, at 360, ¶ 3.

3. Because Thurston's article is the most recent examination of diversity in law librarianship available and it contains the most current data, I refer to it often. My intent is not to prove anything about Thurston's conclusions. Instead, I intend to offer a different interpretation of some of the current data.

AALL Diversity Committee Survey

¶3 In May 2011, the AALL Diversity Committee, of which I was a member, conducted an online survey of the AALL membership regarding diversity.⁴ To my knowledge, this survey was the first of its kind to be done in AALL history.⁵ In her piece on diversity, Alyssa Thurston refers to this survey and concludes that the numbers of racial and ethnic minorities in AALL were “difficult to glean from the survey.”⁶ While I agree with her assessment, a more thorough mining of the survey data does reveal useful insights about the makeup of AALL that her article leaves unexplored. Some may argue that the survey may have been flawed in some way, and its results might therefore be characterized as less than scientifically or statistically sound.⁷ Nevertheless, the survey numbers are the numbers that we have to work with, and these numbers have never before been thoroughly and earnestly scrutinized.

¶4 Let’s look at some of these numbers. AALL has approximately 5000 members.⁸ The 2011 Diversity Committee online survey received only 767 responses, yielding a return rate of approximately 15%.⁹ Although relatively low, given the survey size this return rate should yield data that can be considered statistically accurate.¹⁰ Thurston rightly asserts that 29% of those responding, or 223 people, reported being a member of an underrepresented community.¹¹ For the purposes of this survey, however, the underrepresented community included the differently abled or physically challenged and the LGBTQ community. In order to isolate race and ethnicity it is necessary to dig deeper. The survey later asked respondents

4. The survey was the brainchild of 2011 Diversity Committee Chair Prano Amjadi, director of public services at the Santa Clara University Heafey Law Library, Santa Clara, California.

5. I checked this fact with AALL Executive Director Kate Hagan, who also knows of no other previous surveys.

6. Thurston, *supra* note 1, at 363–64, ¶ 10.

7. For a very brief discussion of survey design and reliability, see *Surveys: Tracking Opinion, To Trust or Not?*, NAT’L SCI. FOUND., http://www.nsf.gov/news/special_reports/survey/index.jsp?id=trust (last visited Mar. 4, 2014).

8. See Frank G. Houdek, *AALL History in Brief: A Chronology*, in AM. ASSOC. OF LAW LIBRARIES, AALL MEMBERSHIP DIRECTORY 2013–2014, at 15, 31. This chronology notes that in June 2001 “AALL Membership soared to its highest count on record—5,149—consisting of 5,068 dues-paying members.” The membership numbers have declined since then, so 5000 is admittedly an overstatement; AM. ASS’N OF LAW LIBRARIES, MEMBERSHIP STATISTICS 2009–2013, available at <http://www.aallnet.org/main-menu/Leadership-Governance/executiveboard/meetings/boardbooks/2013/5yrmemstats.pdf> (online version available to AALL members only), which puts the total 2012–2013 AALL membership at 4755.

9. AALL Diversity Survey Results 2011, <http://www.zoomerang.com/Shared/SharedResults>PasswordPage.aspx?ID=L26626QZVVBGZ> (last visited Mar. 4, 2014).

10. See, e.g., Susan E. Wyse, *What Is a Good Response Rate for a Random Survey Sample?*, SNAP SURVEYS (Mar. 29, 2012), <http://www.snapsurveys.com/blog/good-response-rate-random-survey-sample/> (asserting that a survey of a population of 5000 needs only 357 responses, or a 7% response rate, to have a 95% confidence level and a 5% margin of error); Donna, *Survey Response Rates*, SURVEYGIZMO (Jan. 28, 2010), <http://www.surveygizmo.com/survey-blog/survey-response-rates/> (asserting that a 10–15% response rate on an external survey is average); Am. Acad. of Political & Soc. Sci., *The Nonresponse Challenge to Surveys and Statistics*, SOCIAL SCIENCE SPACE (May 7, 2013), <http://www.socialsciencespace.com/2013/05/the-nonresponse-challenge-to-surveys-and-statistics/> (arguing that “high rates of nonresponse do not necessarily translate into bias”).

11. AALL Diversity Survey Results 2011, *supra* note 9.

which communities they identified with, and 250, or 32%, identified with one of the many communities listed.¹² From that group, 229, or 30%, of respondents chose an identification with one (or more) of the racial or ethnic categories listed.¹³ That percentage comes quite close to the 2010 census data calculation that 27.6% of the United States population comprises people of color.¹⁴ While 229 members comprise only 4.5% of AALL, we should be able to draw somewhat accurate conclusions about the makeup of the overall membership by comparing this number to the number of survey respondents, a somewhat random sampling, as opposed to the overall number of AALL members.

Believing the Numbers

¶5 While it would be erroneous to draw definitive conclusions about the racial and ethnic makeup of AALL from these numbers, I reject the notion that the numbers are entirely meaningless. I think it is safe to presume that the survey results have some similarity to the demographics of the larger membership. Many will disagree with me on this point. Some will argue that the numbers overestimate the racial and ethnic makeup of AALL because people of color are likely to have responded in higher numbers than others. With this argument I cannot entirely agree. My experience as a person of color working on diversity issues within AALL has been that even people of color may lack concern over diversity issues. I would estimate that the percentage of people of color who engage with the diversity committee, attend diversity events and programs, and invest their time on diversity issues is comparable to that of the overall membership. Thus, many people of color are likely not to have responded to the survey.

¶6 Second, comparing the survey numbers with the demographic data reported in the annual AALL directory seems to support this conclusion. In the 2013–2014 AALL membership directory, 319 people identified themselves as minorities.¹⁵ This number is 27.6% larger than the 250 survey respondents who identified themselves as underrepresented, which appears counterintuitive. The directory number is pulled from membership data gathered in response to one check box on the AALL membership application. It reads, “I am a member of an ethnic minority group and would like to be included in the Minority Librarians Directory.”¹⁶ By design then, the directory number excludes LGBTQ members, differently abled members, and those who do not define themselves as minorities or who prefer not to respond to such questions.¹⁷ Yet the number of people responding affirmatively to the application

12. This figure could be misleading, however, because respondents were able to choose more than one category.

13. AALL Diversity Survey Results 2011, *supra* note 9. The racial and ethnic categories listed were American Indian or Alaskan Native, Black or African American, East Asian, Hawaiian or Pacific Islander, Hispanic or Latina/-o, Middle Eastern, Mixed Race, South Asian, and Other.

14. Karen R. Humes et al., *Overview of Race and Hispanic Origin: 2010*, 2010 CENSUS BRIEFS, Mar. 2011, at 4 tbl.1 (Mar. 2011), available at <http://www.census.gov/prod/cen2010/briefs/c2010br-02.pdf>.

15. AM. ASS'N OF LAW LIBRARIES, AALL MEMBERSHIP DIRECTORY 2013–2014, at 363, 363–76 (2013).

16. AALL Membership Application, AM. ASS'N OF LAW LIBRARIES, <http://www.aallnet.org/Home-page-contents/Join-benefits/new-member-brochure.pdf> (last visited Mar. 4, 2013).

17. See BRIDGETT A. KING, THE EFFECT ON STATE POLICY OF INDIVIDUAL VOTE DECISIONS OF AFRICAN AMERICANS IN PRESIDENTIAL AND MIDTERM ELECTIONS, 1996 TO 2008 (2012) (unpublished Ph.D.

query exceeds the number of Diversity Committee survey respondents who identified with a list of underrepresented groups that included even nonracial categories. My point here is that the survey is more likely to have underreported rather than overestimated the minority population in AALL.

Other Numbers from AALL

¶7 There are other indications that progress is being made and that the level of diversity within AALL has increased over the years. If we accept the numbers in Thurston's article, we can even see progress there. Thurston reports that in 1993 the percentage of minorities in law librarianship was 8.9%.¹⁸ She cites the 1999 AALL salary survey as indicating a 12% racially nonwhite identification among AALL professional members.¹⁹ That same survey in 2005 reported that 14.7% of law librarians were nonwhite.²⁰ These numbers demonstrate steady progress toward increasing racial and ethnic diversity.

¶8 Another indicator is the AALL membership directory's listing of minority law librarians. For the sake of simplicity, let's assume a membership of 5000. The 2011–2012 directory numbers indicate that 280, or 5.6%, of the AALL membership reported minority status.²¹ The 2013–2014 directory numbers indicate that 319, or 6.4%, of the AALL membership reported minority status.²² So even without including the Diversity Committee survey, there is indeed evidence of progress.²³

Numbers from ALISE

¶9 Recent data from many library schools suggest that librarianship is a quickly diversifying profession even though discussions of this trend are absent from the academic literature. In fact, the literature suggests the opposite. Thurston reports that library and information science programs “struggle with diversity issues”²⁴ and that the numbers of minorities in graduate library and law library programs are low,²⁵ based on data from the Association for Library and Information Science Education (ALISE).²⁶ Yet a closer look at the data compiled by ALISE reveals that racial minorities are graduating from many library schools in significant and noteworthy numbers. Thurston points out that “minorities composed only 25% of

dissertation, Kent State University), https://etd.ohiolink.edu/ap/0?0:APPLICATION_PROCESS%3DDOWNLOAD_ETD_SUB_DOC_ACCNUM:::F1501_ID:kent1342496746%2Cattachment (discussing why many African Americans do not identify as minorities).

18. Thurston, *supra* note 1, at 363, ¶ 8.

19. *Id.* at 363, ¶ 9.

20. *Id.*

21. AM. ASS'N OF LAW LIBRARIES, AALL MEMBERSHIP DIRECTORY 2011–2012, at 379, 379–91 (2011).

22. AM. ASS'N OF LAW LIBRARIES, *supra* note 15, at 363, 363–76.

23. We know that the AALL membership is less than 5000, so these numbers are used not as proof of the exact percentages but rather to demonstrate a steady upward trend. Indeed because many people of color do not identify as minorities, I suspect the percentages are in reality higher.

24. Thurston, *supra* note 1, at 368, ¶ 26.

25. *Id.* at 369, ¶ 28.

26. *Id.* at 368 n.63.

applicants and 18.8% of those admitted for the 2006–07 academic year” to the University of Washington Information School’s law librarianship program.²⁷ Yet with only 27.6% of the U.S. population identifying as people of color, those percentages seem right on target to soon mirror the racial and ethnic demographics of the country.²⁸

¶10 Moreover, many library and information science schools have similarly good statistics. Here is a randomly selected and geographically diverse sampling of the data. In 2010–2011, 20% of the University of North Texas School of Information’s graduates earning master’s LIS degrees were ethnic and racial minorities, 30% of the University of Michigan School of Information’s graduates earning master’s LIS degrees were ethnic and racial minorities, 24% of the Graduate School at Valdosta State University’s graduates earning master’s LIS degrees were racial and ethnic minorities, and 27% of the San Jose State University School of Library and Information Science’s graduates earning master’s LIS degrees were racial and ethnic minorities.²⁹ Although diversity varies widely from school to school, these numbers suggest to me that progress is being made.³⁰

Anecdotal Observations

¶11 Even anecdotal observations point to an ever more racially diverse AALL membership. Take our very recent AALL Executive Board election results as an example. The winners of the election for 2014 included an African American woman and an openly gay man.³¹ The tradition of diversity among the AALL leadership cannot be characterized as merely intermittent. As I pointed out in a previous installment of *Diversity Dialogues*, the AALL Executive Board has included at least one person of color and one LGBTQ person for the past thirteen years.³²

¶12 Consider another of my observations. Back in 2001, when I attended the Conference of Newer Law Librarians (CONELL) as a new law librarian, I recall being one of only a couple of people of color in attendance. More recently I attended CONELL in 2013 as a speaker, and I noticed far greater numbers of people of color participating. In 2012 and 2013 there were no fewer than ten visually identifiable people of color attending CONELL, or about 10% of those attending.³³

27. *Id.* at 368, ¶ 27.

28. Humes et al., *supra* note 14, at 4 tbl.1 (sum of all nonwhite percentages of total population listed for 2010).

29. ASS’N FOR LIBRARY & INFO. SCI. EDUC., LIBRARY AND INFORMATION SCIENCE EDUCATION STATISTICAL REPORT 2012 at 123, 123–30 tbl.II-3-c-2-LIS.

30. *Id.* The totals for the fifty-six ALA Accredited Library Schools listed revealed that overall 13.6% of the master’s LIS degrees awarded in 2010–2011 went to ethnic and racial minorities.

31. Donna Nixon, Electronic Resources Librarian, University of North Carolina at Chapel Hill, Chapel Hill, North Carolina; John Adkins, Director of Libraries, San Diego Law Library, San Diego, California. See Steven P. Anderson, *AALL Election Results for 2014*, AM. ASS’N OF LAW LIBRARIES, <http://www.aallnet.org/Home-page-contents/NewsCallout/AALLElectionResultsfor2014.html>.

32. Ronald Wheeler, *AALL Diversity Redelineated*, 106 LAW LIBR. J. 135, 136 n.4, 2014 LAW LIBR. J. 8.

33. I confirmed these observations with Jocelyn Kennedy, Associate Law Librarian for Library Services at the University of Connecticut School of Law Library, Hartford, Connecticut, who served on the CONELL Committee from 2008 to 2012 and who shared with me the 2011 and 2012 CONELL membership rosters.

¶13 One final anecdotal observation is the product of my own less-than-scientific tabulations over the years. In 2003, I served on the search committee for a new law library director at the University of New Mexico, and I became interested in the number of people of color in academic law library directorships nationally.³⁴ I called several people and accumulated a list through observation, inquiry, and reference. At that time there were about twelve academic law library directors of color in the United States.³⁵ Today, the number is about twenty-one.³⁶ I really do think that these anecdotal observations point to real progress.

Importance

¶14 Let me here mention, briefly, why these small and often anecdotal demonstrations of progress toward racial and ethnic diversity are important. Several articles have been written about the importance of racial diversity in law librarianship.³⁷ Themes such as serving diverse populations, the changing demographic of the United States, multicultural curricula, and library collections for diverse populations appear regularly in the professional literature. This is ground that has perhaps been sufficiently covered. I would therefore like to point out one of the less frequently discussed benefits of racial and ethnic diversity in our profession.

¶15 Diversity begets diversity. Racial homogeneity enforces homogeneity in ways that have nothing to do with intentional bias. “Over 85 percent of Americans, for example, get their jobs through acquaintance contacts. [Therefore] racially homogeneous friendship networks can segregate people out of important networks, and thus out of important opportunities.”³⁸ The lesson to be learned here for law librarians is that even seemingly small efforts at diversifying our profession can yield larger results in the long term.

¶16 This idea is demonstrated by the example I offered earlier concerning the number of academic law library directors of color. For years the small number of minority law librarians coupled with the relatively homogeneous group of aca-

34. Using this measure admittedly overlooks significant portions of our profession, including law firm librarians; private and other corporate law librarians; and state, county, court, city, federal government, and other agency law librarians. Nevertheless, academic law librarians are the population with whom I am most familiar and whose demographics I continue to monitor.

35. Although I cannot recall all of their names, law library directors of color worked at the following law schools in 2003: Florida A&M, Stetson, John Marshall—Chicago, Duquesne, Howard, Texas Tech, Villanova, Kansas, Hawaii, Texas Southern, North Carolina Central, and Southern.

36. Including Pauline Aranas, Rhea Ballard-Thrower, Roy Balleste, Femi Cadmus, Lauren Collins, Helane Davis, Vicenç Feliú, Ruth Hill, Robert Hu, Ulysses Jaen, June Liebert, Julie Lim, Frank Liu, Joyce McCray Pearson, Raquel Ortiz, Phebe Poydras, Michelle Rigual, DeCarlous Spearman, Arturo Torres, and Ronald Wheeler.

37. See, e.g., Chandler, *supra* note 1; Raquel J. Gabriel, *Diversity in the Profession*, 102 LAW LIBR. J. 147, 2010 LAW LIBR. J. 8; Joan S. Howland, *Diversity Deferred*, 90 LAW LIBR. J. 561 (1998); Dwight King, Rhea A-L Ballard, Helena Lai & Grace M. Mills, *Profiling Minority Law Librarians: A Report on the 1992–93 Survey*, 87 LAW LIBR. J. 247 (1995); Joyce A. McCray Pearson, *Diversity in AALL—It Does Exist*, 90 LAW LIBR. J. 541 (1998); Roy M. Mersky, Commentary, *AALL and the Road to Diversity*, 85 LAW LIBR. J. 859 (1993); Thurston, *supra* note 1.

38. CLAUDE M. STEELE, WHISTLING VIVALDI: HOW STEREOTYPES AFFECT US AND WHAT WE CAN DO 25 (2010).

democratic directors served to enforce the status quo. But as the numbers of minority middle managers increased, people of color became a part of social and professional networks that provided more connections and more opportunities.

¶17 Here is an example from my own professional life. Before I moved to Atlanta to work as the associate director at the Georgia State University College of Law Library (GSU) in 2006, I had been quite active in professional associations, I knew lots of people, and I felt relatively well connected in the profession. However, it wasn't until I began working for Nancy Johnson at GSU that I became part of her much larger and longer-established network of both academic law library directors and other long-time members of our profession.³⁹ Although Ms. Johnson had an extremely diverse group of friends and professional acquaintances, and her commitment to diversity in the profession is undeniable, her largely white network of law librarians with twenty to thirty years of experience was far vaster than any network that I had access to at the time.⁴⁰ Although I like to think my own talent and charisma weighed heavily in my career trajectory, the ability to begin conversations by saying "I work for Nancy Johnson" clearly opened doors and facilitated entry into circles that otherwise might have been more difficult to penetrate. It is a mistake, therefore, to discount the importance of even small numerical gains or seemingly insignificant efforts to increase racial and ethnic diversity in our profession.

Conclusion

¶18 Efforts to promote racial and ethnic diversity within AALL, in the profession of law librarianship, and in library and information science schools are beginning to show positive results. There are numerous sources of racial and ethnic data, none of which are completely thorough and reliable, but they do show slow and steady progress, in my opinion. That does not mean that success is ours with regard to diversity. It also does not mean that our work is done. It does mean, however, that the time, effort, energy, and money that we continue to invest in diversifying our profession has not been wasted. It does mean that our profession is beginning to look demographically more and more like the larger population of the United States. It also means that continued efforts are needed. Most of all, though, it means that we can be proud of our efforts. On a personal note, it means that we are a profession that I am proud to be a part of.

39. For a biography of Nancy P. Johnson's career, links to her curriculum vita, and a listing of her many publications, see *Directories: Nancy P. Johnson*, GA. STATE UNIV. COLL. OF LAW, <https://law.gsu.edu/directory/affiliations.php?id=53> (last visited Mar. 4, 2014).

40. Nancy P. Johnson has taught, developed, and mentored countless librarians of color over the years. Her many accomplishments and efforts that helped diversify the profession of law librarianship are detailed in a letter nominating her for the 2014 AALS Section on Law Libraries and Legal Information Award (on file with author).