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## Diversity Deferred

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# Diversity Deferred\*

Joan S. Howland\*\*

*Professor Howland explores the historical antecedents of racism in librarianship and examines their enduring influence on the profession even today.*

“While it is true that today we rarely observe overt discrimination in this country, covert discrimination has arisen nevertheless and is just as mean-spirited and destructive as the overt form.”—E. J. Josey (1993)<sup>1</sup>

“What is diversity, anyway? . . . It’s a way of ignoring the real issues of racism.”—Jon Cawthorne (1997)<sup>2</sup>

## A Serendipitous Discovery

“Serendipity”<sup>3</sup> is the first five-syllable word I could either pronounce or comprehend. The addition of this word to my vocabulary at the age of ten was not the result of any intellectual prowess on my part, but rather the fortuitous consequence of having two bright, multitalented, highly competitive, older siblings. Since preschool age, as is often the torturous plight of the youngest child in a family, I was forever being cast in the role of a practice audience for speeches, debate competitions, poetry recitations, talent contests, mock interviews, and cheerleader tryouts. Although I complained bitterly, this was actually relatively light duty since I was only required to look engaged and refrain from making any critical comments.

As valedictorian of her junior high school graduation class, my sister decided to address the theme “Serendipity: A Hundred Million Miracles.” I was

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\* © Joan S. Howland, 1998. The author recommends a similarly titled article to those readers wishing a broader perspective on the issues associated with recruitment, promotion, and retention of minorities in libraries: Kathleen de la Peña McCook & Paula Geist, *Diversity Deferred: Where Are the Minority Librarians*, LIBR. J., Nov. 1, 1993, at 35.

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1. E. J. Josey, *The Challenges of Cultural Diversity in the Recruitment of Faculty and Students From Diverse Backgrounds*, 34 J. EDUC. FOR LIBR. & INFO. SCI. 302, 303 (1993).

2. Interview by Jon Cawthorne, reference librarian/coordinator of outreach services, Univ. Of Oregon Libr., with Evan St. Lifer & Corinne Nelson, eds., *Library Journal*, quoted in Evan St. Lifer & Corinne Nelson, *Unequal Opportunities: Race Does Matter*, LIBR. J., Nov. 1, 1997, at 42, 43.

3. The term “serendipity” is defined as “the faculty of finding valuable . . . things not sought for.” MERRIAM-WEBSTER’S COLLEGIATE DICTIONARY 1069 (1996).

conscripted to listen to my sister rehearse her speech at least twenty times, including once when she stood in front of a full length mirror in her graduation dress so that she could make certain her mannerisms, appropriated in equal measure from Jacqueline Kennedy and Diana Ross, were flawless. I can still remember verbatim lines from this speech, such as: "The Greek mathematician Archimedes inadvertently discovered the principle of buoyancy while in the bathtub, inspiring him to run naked through the streets of Syracuse shouting, 'Eureka, Eureka.'" Needless to say, the word serendipity is firmly rooted in both my conscious and subconscious vocabulary; for me, this is irrefutable proof that visual images promote long-term memory.

Over the past several decades, I have found serendipity an apt term to describe a variety of experiences in my life, including those connected with my profession as a law librarian. Many times, while searching for a specific piece of information, I have by chance found an important case, statute, article, or concept that was not the object of my initial quest. These discoveries have often added an unanticipated dimension to my original project. Sometimes their significance has been so great they have prompted me to reconsider the path I was on or even to totally redefine the course of my scholarly journey.

One such experience—and serendipitous is the only way to describe it—occurred this past summer while I was doing research to compare recruitment, promotion, and retention of minorities within the law library and legal professions. While exploring the existing scholarship and getting bogged down with conflicting analyses of demographic tables and statistical data, I came across two articles that I found informative, provocative, and deeply disturbing. The first of these two articles, *The Struggle of Virginia Proctor Powell Florence: A Black Woman Wants To Be A Professional*,<sup>4</sup> describes the life of the first African-American woman to obtain a degree from a professional program in librarianship.<sup>5</sup> This article led me to a second one, *Hiring Practices in Law Libraries*,<sup>6</sup> written by Magdalene O'Rourke, an African-American reference librarian employed at the University of Southern California Law Library in the 1960s and early 1970s. These articles both describe racism within the library profession from the perspective of individuals who are intimately knowledgeable about the subject.

What struck me as obvious after reading them was that, while much has been written from a variety of perspectives on the recruitment, promotion, and retention of minorities in librarianship, very few authors have looked deep into the history of the profession to determine how past events, policies, and attitudes

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4. Arthur C. Gunn, *The Struggle of Virginia Proctor Powell Florence: A Black Woman Wants To Be A Professional*, 20 AM. LIBR. 154 (1989).

5. Ms. Florence received her degree from the Pittsburgh Carnegie Library School in 1923. Edward Christopher Williams was the first professionally trained male African-American librarian. He graduated from the New York State Library School in 1890. *See id.* at 154.

6. Magdalene O'Rourke, *Hiring Practices in Law Libraries*, in *THE BLACK LIBRARIAN IN AMERICA* 247 (E. J. Josey ed., 1970) [hereinafter *THE BLACK LIBRARIAN*].

contributed to the current situation. Also, it appears from the scholarship written to date that many authors have approached the issues of recruitment, promotion, and retention almost entirely within the context of the library profession, with little reflection on broader social issues and the history of those issues. Due to this serendipitous discovery, I decided to begin this article with an analysis of the two articles and then discuss the indicators that signal that racism remains a real issue within the law library profession. Certainly, anyone who has been the victim of racism, or is sensitive to those who are its victims, is well aware of the pain and injustices caused by racism. However, many members of the majority who work in librarianship tend to ignore the prevalence of racism, demonstrated not only in the past, but also in many aspects of the current profession, including its institutions and associations.

### Author's Caveat

In her 1988 article, *Racism: It Is Always There*,<sup>7</sup> Elizabeth Martinez, later to be executive director of the American Library Association, wrote:

Racism has been constantly on my mind. . . . I found myself highly sensitive to and aware of the subject. I worried that I was not worthy to speak on racism and that, regardless of what I said, someone would take offense. It seemed a no-win situation.<sup>8</sup>

Although Martinez's views come from a knowledgeable and sensitive perspective, and I am glad she made the decision to express her opinions on racism within librarianship, I am equally confident that I am not qualified to address the topic. Part of the reason I do not feel qualified to write on this topic is that, although my father was American Indian and grew up in a tribal community in the early part of this century surrounded by the bigotry of the rural South, I was born into the white culture. I have witnessed racism in both my personal and professional life, and I am very conscious of its invasive presence in almost all aspects of American society. But I have never been the victim of racism or discrimination in any form. I feel that there are many others better qualified and more astute than I who should address this subject. However, I also agree with Judy Dimes-Smith who wrote in 1992:

Law librarianship only mirrors the society in which it must exist. The fact is that prejudice is still alive and well. The harsh reality is that when it comes to race, complacency is the norm among our new standard bearers. These attitudes are born not out of malice, but out of sheer insensitivity and what is needed is a change in attitude on the part of our membership in its acceptance of differences.<sup>9</sup>

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7. Elizabeth Martinez Smith, *Racism: It Is Always There*, *LIBR. J.*, Nov. 1, 1988, at 35.

8. *Id.* at 35.

9. Judy Dimes-Smith, *Law Librarianship: An African-American Perspective*, *L. LIBR. LIGHTS*, Mar.-Apr. 1992, at 4, 4.

My purpose in writing this article then is, in my own way, to respond to Dimes-Smith's challenge not to be complacent. By exploring the antecedents of racism in librarianship and their enduring influence on the profession, I hope to show how recognizing the history of racism can shed light on a complex and still very critical issue.

### A Black Woman Wants to Be a Professional

As noted earlier, the first article that led me to a new direction in my research agenda was *The Struggle of Virginia Proctor Powell Florence: A Black Woman Wants To Be A Professional*,<sup>10</sup> by Arthur C. Gunn. The article describes the life of Virginia Florence, an African-American woman, who despite discrimination and other obstacles, obtained a degree in library science and subsequently achieved great success in her chosen profession. Graduating with a degree in education from Oberlin College shortly after the end of World War I, Florence moved to St. Paul, Minnesota, for a year and then returned to her hometown of Pittsburgh, Pennsylvania. Due to a city-mandated policy of hiring only white teachers, even for schools with primarily African-American student bodies, Florence was unable to secure a teaching position in Pittsburgh and, for lack of other options, took a job in her aunt's beauty parlor.<sup>11</sup>

Two years later, Florence applied to and was eventually admitted to the Carnegie Library School in Pittsburgh. As Professor Gunn states in his article, her admission was "not without controversy."<sup>12</sup> Florence was the first African-American to be allowed to enroll in the Carnegie School, and according to Gunn:

[T]here was concern among school officials about the reaction white students might have to a black classmate. Moreover, there was anxiety about the potential difficulty of placing a black librarian following graduation; no black had ever been hired in any capacity in a Pittsburgh-area library, and there seemed to be little likelihood that the situation would soon change . . . yet no real basis could be found on which to deny her admission to the school. After much debate and delay, she began her studies in fall 1922.<sup>13</sup>

Gunn describes not only the high level of success Florence achieved in library school, but also the racism she encountered directly and indirectly. For example, in response to a 1925 demographic survey sent to the admissions officers of all existing professional library science programs, the Carnegie Library School reported Florence's race as Caucasian.<sup>14</sup> Gunn writes that in a 1983 interview, Florence stated that she believed her race was not revealed because she "was an

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10. Gunn, *supra* note 4.

11. *See id.* at 154.

12. *Id.* at 155.

13. *Id.*

14. *See id.* at 157 n.3.

experiment and that the school did not want to send a signal that blacks could feel free to apply for admission."<sup>15</sup>

Perhaps the most disturbing passage of Gunn's article is one that discusses the discrimination faced by Florence during "practical-work class." This required course consisted of a series of two-week rotations which exposed students to a variety of library environments and provided them with practical skills training. In discussing this aspect of Florence's educational experience, Gunn writes:

Unlike other students in the class, who were allowed to sharpen their skills and apply their classroom learning in this real library setting, Virginia's practical work experience was, to say the least, unusual. The supervising librarians believed that, as a black student, Virginia should not be allowed to assist white patrons. Thus, her experience was restricted to observing the librarians in action and reading through the reference and children's books in the collection. She was instructed to stand aside when approached by patrons and allow a white librarian to respond to the question being posed. During storytelling hour, she was permitted to sit beside the white librarian and observe her technique, but not to become involved with the children. Yet, in spite of these and other restrictions placed on her, Virginia was able to learn from her mentors and left the practical-work class with a reputation as a fast learner who was well liked by all who came to know her.<sup>16</sup>

Despite the discriminatory attitudes and hiring practices prevalent in the United States in the 1920s, after graduation Florence secured a position at the New York Public Library and began a professional career which was to span forty years. In 1927, Florence was the first African-American to sit for the New York High School Librarian certification test. After passing the exam on her first attempt, she became the librarian at Brooklyn's Seward Park High School. Following her marriage to Charles Florence in 1931, she took a hiatus from librarianship and devoted her energies to assisting her husband who had been appointed president of Lincoln University in Jefferson City, Missouri. Ms. Florence returned to librarianship in 1938 when her husband was named chairman of the Education Department at Virginia Union University in Richmond, Virginia. At this time, Ms. Florence became the librarian at Cardozo High School in Washington, D.C. In 1950, she joined the Richmond school system as the librarian at the Maggie L. Walker Senior High School and held this position until her retirement in 1965.<sup>17</sup>

Professor Gunn's article is compelling not only for the insights it offers about an extraordinary woman's remarkable life,<sup>18</sup> but also because it forces the reader to confront the reality that racism has been an issue in librarianship just as it has been an element in almost every other aspect of American society. It also encourages one to reflect upon the fact that, at a time when African-Americans—albeit

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15. *Id.*

16. *Id.* at 155.

17. *See id.* at 156.

18. In 1981 the University of Pittsburgh's library school presented a special award to Ms. Florence for outstanding professional service. *See id.* at 154.

in limited numbers—could gain access to professional training in fields such as law, medicine, and education, the doors to library schools were generally still firmly shut. Perhaps what makes the article compelling is that it is not a litany of demographic statistics nor a dry philosophical discussion, but rather a straightforward account of the racist practices that have long existed in higher education and the library profession. Although Florence's story is a celebration of one woman's determination and tenacity, one must also acknowledge that there were many equally gifted and driven individuals who, but for the lack of opportunities, the prevalence of bigoted social attitudes, and the perpetuation of legalized discrimination, would have become outstanding librarians.

### *Hiring Practices In Law Libraries*

The article about Ms. Florence led me to the next step in my unanticipated journey, *The Black Librarian in America*,<sup>19</sup> the groundbreaking collection of essays compiled by the distinguished library science educator E. J. Josey. The first book published focusing solely on the African-American experience within the library profession, this work included essays written by twenty-five librarians with a wide range of professional experiences and career paths. As Josey commented in his introduction:

It is this editor's hope that *The Black Librarian in America* will make white librarians conscious of the widespread racism in librarianship, of the immense costs it imposes on librarianship, because of the underutilization of black librarians in the profession, and of the immense hardship it places on black librarians. It is hoped that white librarians may now know black librarians better, after having discovered through these pages what some of their hopes, aspirations, and dreams are.<sup>20</sup>

I have clear memories of reading essays included in *The Black Librarian in America* while in library school in the mid-1970s, and I have referred to the collection frequently over the past twenty years. Upon returning to it this past summer, I encountered an essay entitled *Hiring Practices in Law Libraries* by Magdalene O'Rourke,<sup>21</sup> an African-American reference librarian employed at the University of Southern California Law Library.<sup>22</sup> I could not remember ever having read this essay nor had I found it referred to in any of the articles I had uncovered on recruitment, retention, and promotion in law libraries.

O'Rourke, who entered Ohio State University in 1946 with the goal of becoming a librarian, was a member of the generation that followed Virginia

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19. THE BLACK LIBRARIAN, *supra* note 6. See also THE BLACK LIBRARIAN IN AMERICA REVISITED (E. J. Josey ed., 1994).

20. THE BLACK LIBRARIAN, *supra* note 6, at xv.

21. O'Rourke, *supra* note 6.

22. Appreciation is extended by the author to Professor Albert Brecht, current director of the USC Law Library, and Professor Francis Gates, its former director, for their generous assistance in providing additional information about Magdalene O'Rourke.

Florence. In discussing her decision to pursue a career in librarianship, O'Rourke reflected on her professional aspirations as well as her commitment to combating the racism that had often hindered gifted and ambitious individuals: "Librarianship appealed to me for a number of reasons, not the least of which was that, unlike teaching and social work, it was not repeatedly presented to me as a career suitable for Negroes."<sup>23</sup>

In her essay, O'Rourke reflected on the racism, which she personified as "the Giant," that she experienced throughout her career, from her first attempts to obtain a student job as a "library helper" in the public library<sup>24</sup> until she retired in the early 1970s from her position as a reference librarian at USC. She wrote: "As a career librarianship offers much that is gratifying and enjoyable but it also offers Negroes that extra dimension, ever present throughout our lives—racism."<sup>25</sup>

O'Rourke, who became a law librarian in 1964, probed three specific questions in her essay, the first of which was "What are the odds in 1970 that individual worth will prevail over racist hiring practices in the library field?" After referring to the Civil Rights Act of 1964,<sup>26</sup> she raised two additional questions: "Have librarians responded as law-abiding citizens by actually carrying out the letter and the spirit of the law? Or have they, like most of the racist majority, either ignored the law or engaged in sly, devious practices which frustrate the spirit of the law?"<sup>27</sup> In the final analysis, O'Rourke found the answers to these questions to be, respectively, not good, no, and, emphatically, yes.

O'Rourke qualified her opinions by writing that "my discussion of these questions is limited to this distinctive and relatively independent segment of the library field [law librarianship]."<sup>28</sup> O'Rourke continued: "Clear cut answers about job discrimination in any profession are difficult to obtain and often impossible to prove, but there are always reliable sign posts which point to answers."<sup>29</sup> To set the context for her comments, she noted that of the 1,414 law librarians in the country as of 1970,<sup>30</sup> there were "perhaps a dozen"<sup>31</sup> African-American librarians.

O'Rourke used three "sign posts" to analyze hiring practices in law librarianship. The first of these sign posts was the "absence of an official Association [referring to AALL] policy regarding discriminatory hiring practices. . . ."<sup>32</sup> She felt that due to the association's role in promoting and facilitating the placement of law librarians, "it would appear that the Association has a clear duty to formulate and

23. O'Rourke, *supra* note 6, at 247.

24. *Id.* at 248.

25. *Id.* at 247.

26. Civil Rights Act of 1964, Pub. L. No. 88-352, 78 Stat. 241 (1964).

27. O'Rourke, *supra* note 6, at 248.

28. *Id.* at 249.

29. *Id.*

30. *Id.* at 249 (citing RECRUITMENT COMM., AM. ASS'N L. LIBR., ANNOTATED RECRUITMENT CHECKLIST (1969)).

31. O'Rourke, *supra* note 6, at 249.

32. *Id.* at 250.

implement a policy of fair employment."<sup>33</sup> In identifying AALL's failure to meet this responsibility, O'Rourke remarked:

Like hundreds of other small occupational groups that function quietly in unnoticed corners of our very complicated society, law librarians have not met their responsibility as a group to support fair employment practices. They remain comfortably in a "let-sleeping-dogs lie" position.<sup>34</sup>

O'Rourke expanded on this concept by stating:

A strong fair employment policy by the Association will not make discrimination vanish from law libraries but it is a necessary first step in providing leadership to this end. It will also bring closer the time when Negro law librarians' thirty dollar annual membership fees will buy them the same high quality placement as is available to other members of the Association.<sup>35</sup>

The second sign post O'Rourke pointed to was the "simple fact" that many law librarians served the legal profession. In O'Rourke's opinion:

The legal profession has a long and distinguished history of racial discrimination. If the top brass of a law firm, law school, or governmental agency sets a policy of discriminatory hiring, it is unlikely that a head librarian will jeopardize his position with his bosses by hiring a Negro.<sup>36</sup>

O'Rourke's third sign post signaling the presence of discriminatory hiring practices was the fact that although large law library staffs often included African-Americans, usually these employees were confined to positions within the lowest job classifications. She used the Los Angeles County Law Library as a clear-cut example of this situation. According to O'Rourke's calculations in 1970, that library had "neat racial groupings of employees."<sup>37</sup> The behind-the-scenes clerical staff was predominantly Asian, the public paraprofessional staff was entirely white, and the part-time pages were African-American. O'Rourke stated that she knew of two qualified African-Americans who had sought professional positions without success at the library. In O'Rourke's view, "The persistent absence of Negroes at the full-time professional level and at the full-time clerical level would appear to be something more than merely coincidental."<sup>38</sup>

After identifying these three sign posts, O'Rourke concluded by noting:

My observations on the state of the art of discrimination in law librarianship, admittedly, have not been derived from an expensive, elaborate, and time-consuming study. They derive from a commonsense look at the realities of a field with which I am familiar. Work in law libraries is stimulating and interesting, and this field is steadily growing. I fervently hope that more and more young black librarians will consider law librarianship as a possible

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33. *Id.* at 249.

34. *Id.* at 250.

35. *Id.*

36. *Id.*

37. *Id.* at 251.

38. *Id.*

career. But the odds are better than even that they will be confronted, in this as in most other careers, by the Giant.<sup>39</sup>

### The Legacy of Virginia Proctor Powell Florence

When Virginia Florence entered the Carnegie Library School in 1922, she was the only African-American enrolled in any library school in the country and only the second African-American to have been accepted to a professional library science degree program. At that time, the doors of America's library schools were closed not only to African-Americans, but also to Asians, Hispanics, and American Indians.<sup>40</sup> The alleged reasons for nonadmission, as articulated by library school admissions officers, were relatively the same for all groups—lack of adequate educational preparation, poor speaking and writing abilities, fear of making white students uncomfortable, and few professional employment opportunities for minorities upon graduation.<sup>41</sup>

In the 1990s, the openly discriminatory admissions practices of Florence's era are both illegal and almost universally censured by educators as well as the general public. As of 1996, 1,138 minorities were registered in graduate library science programs throughout the country. However, the fact that library and information science programs are no longer closed to minorities does not mean that nonwhite populations necessarily see librarianship as an accessible or attractive profession.

Although statistics show a significant number of minorities graduating from library science programs over the past thirty years, on an annual basis this number has never represented more than 10 percent of the total number of graduates. Perhaps most troubling is that the percentage of library science graduates who are minorities is declining. In 1979, out of a total of 3,829 graduates from accredited library graduate science programs, 369 or 9.63 percent were minorities.<sup>42</sup> Of these 369 graduates, 175 were African-American, 118 were Asian/Pacific Islander, 66 were Hispanic, and 10 were American Indian/Alaskan Native.<sup>43</sup> In 1996, of the 5,881 individuals who graduated from library and information science programs, 454 or 7.7 percent were minorities. Of these, 177 were African-American, 141 were Asian/Pacific Islander, 117 were Hispanic, and 19 were American Indian/Alaskan Native.<sup>44</sup>

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39. *Id.*

40. See Circular letter from Board of Education for Librarianship, American Library Association, to library schools (July 7, 1925).

41. *See id.*

42. See Lorene Brown, *A Crisis in Librarianship: The Decline in the Number of Minorities Entering the Profession Since 1979*, tbl 1. (Jan. 19, 1986) (unpublished manuscript, on file with the author). Statistical information used by Brown was derived from the 1979–1985 statistical reports of the Association of Library and Information Science Education.

43. *See id.*

44. See LIBRARY AND INFORMATION SCIENCE EDUCATION STATISTICAL REPORT 71 (Evelyn H. Daniel & Jerry D. Saye eds., 1997).

The question arises: Why, now that the doors are open and experts are touting library and information science as one of the most employable careers in the technological age, are minorities not flocking to the library profession? Perhaps a look at O'Rourke's three sign posts, as they appear in 1998, will help to answer this question, at least in regard to law librarianship.

### Where Do O'Rourke's Sign Posts Point in 1998?

In 1970, Magdalene O'Rourke identified three sign posts that clearly pointed to job discrimination within the law library profession. To determine the amount of progress law librarianship has made in the last 28 years, it is worth analyzing where these sign posts point in the late 1990s when, although discrimination based on race is illegal, racism persists in the form of "glass ceilings" and other realities.

The first of O'Rourke's trinity of indicators was the absence of an AALL policy regarding discriminatory hiring practices.<sup>45</sup> O'Rourke would be gratified to see that within five years of writing her article, the AALL members attending the 1975 Annual Meeting voted in favor of a Policy Statement on Job Security, Remuneration, and Employment Practices.<sup>46</sup> The last paragraph of this policy statement read: "Employers of law librarians should also be aware of federal, state, and local laws forbidding discrimination on the basis of race, sex, or other grounds, and at all times seek to comply with the letter and spirit of such laws."<sup>47</sup>

As O'Rourke stated in her 1970 essay, the creation of such a statement will "not make discrimination vanish from law libraries, but it is a necessary first step. . . ."<sup>48</sup> Obviously, AALL does not have any enforcement mechanisms, but the statement does indicate that the membership and Executive Board of AALL will not condone discrimination in any way, nor will the association support the efforts of employers who try to skirt the intent of antidiscrimination laws. To use O'Rourke's terminology, a fair employment statement is a good "first step." AALL has taken a "second step" by articulating in its most recent strategic plan a commitment to "foster diversity—broadly defined to include gender, race and sexual orientation—among the membership and leadership of the Association."<sup>49</sup> This is a laudable concept which reflects the sensitivity of AALL and its leadership to diversity concerns. However, as with the policy statement adopted in 1975, it stops short of voicing a commitment to condemning racism. If I could speak

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45. See *supra* notes 32–35 and accompanying text.

46. *Proceedings of the 68th Annual Meeting of the American Association of Law Libraries, Held at Los Angeles, California, June 22–26, 1975*, 68 L. LIBR. J. 374, 382–83 (1975).

47. *Id.* at 383.

48. O'Rourke, *supra* note 6, at 250.

49. *AALL 1998–2000 Strategic Challenge*, in AM. ASS'N L. LIBR., LEVERAGING OUR STRENGTHS, 1997/98 YEAR IN REVIEW [7] (1998).

with O'Rourke today in regard to her first sign post, I would say that in 1998 it definitely points away from any suggestion of discrimination in hiring practices. However, I would be compelled to tell O'Rourke that the sign post is pointing in a neutral rather than a positive direction.

In 1970, O'Rourke identified as her second sign post the fact that law librarians serve the legal profession, with its "long and distinguished history of racial discrimination," and the racism within the legal profession made it highly unlikely that law librarians would take a firm stand against biased hiring practices. Unfortunately, although the legal profession, like law librarianship, has generally adhered to the letter of the law in regard to fair hiring practices, the profession is still predominantly white. The 1996 *National Law Journal* periodic survey found that 10 percent of law associates in the nation's 250 largest law firms were minorities.<sup>50</sup> This same survey found that only 3 percent of the partners were nonwhite.<sup>51</sup> In addition, the survey reported that 68 of the 250 largest firms have no partners of color and 89 have only one.<sup>52</sup> Although these figures are disturbingly low, the percentages are significantly better than those reported in 1970 when O'Rourke was identifying her sign posts. In that year, fewer than 2 percent of the lawyers in the United States were minorities, and the number of minority partners in large law firms was infinitesimal.<sup>53</sup>

There is clear evidence that law firms no longer discriminate in the hiring of minorities to the degree they did in 1970. In fact, the 1990s appears to be a period of aggressive hiring of minorities, even in the most elite law firms.<sup>54</sup> However, law firms often fail in the "critical task of making sure minorities can succeed and prosper in the law firm culture once they're on board."<sup>55</sup> As a result, "while the practice of law is no longer the exclusive province of white males . . . people of color as yet have not gained the levels of power and influence that their increasing numbers might suggest."<sup>56</sup>

In 1970, O'Rourke contended that it was characteristic for law firms, law schools, and governmental agencies to set policies of discriminatory hiring, and therefore, it would be difficult for a law librarian in that environment to implement hiring practices based on merit and racial equality.<sup>57</sup> In the 1990s, O'Rourke would most likely find that in most areas of the legal profession discriminatory hiring practices are no longer rampant to the extent that they were in past decades. However, that is not to suggest that discrimination is nonexistent. The literature

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50. Ann Davis, *Big Jump in Minority Associates*, NAT'L L.J., at Apr. 29, 1996, at A1, A1.

51. *Id.*

52. *Id.* at A21.

53. See Valerie Fontaine, *Cultivating a Diverse Work Force*, NAT'L L.J., Jan. 10, 1994, at 25, 25.

54. See Pedro Ponce, *For Minorities, Recruitment Isn't Everything: Verdict Against Katten Muchin Implores Firms to Consider How they Treat Minority Hires*, LEGAL TIMES, Apr. 1, 1996, at S32.

55. *Id.* at S32.

56. Fontaine, *supra* note 53, at 25.

57. O'Rourke, *supra* note 6, at 250.

appears to suggest that in the 1990s there is a more subtle form of racism in place, especially in corporate law firms, which disadvantages minorities.<sup>58</sup>

In my imagined conversation with O'Rourke today, I would tell her that her second sign post probably was not pointing in a negative direction anymore—hiring practices of the legal profession are significantly more even-handed than they were twenty-eight years ago. I would add that, unlike in 1970, a librarian in any type of law library would most likely not jeopardize her position by hiring a minority. However, I would caution O'Rourke that most legal environments, especially law firms, are driven by the majority culture, with its own unique values and reward system, one that often disadvantages minorities in the workplace.

O'Rourke's third sign post—the actual demographics of the law library profession—was, perhaps, the most damning. She related her impression of the racist hiring practices common in law libraries that resulted in racially stratified organizational structures. The accuracy of O'Rourke's assumptions about the demographics of the law libraries was confirmed by two surveys produced in the 1970s. The first survey studying minorities in law libraries was conducted by Vernon A. Rayford in 1972.<sup>59</sup> Rayford's study, limited to African-Americans in academic law libraries, reported that of 346 professional librarians employed in 95 responding institutions, 12 or 3.4 percent were African-American. In regard to paraprofessionals, 69 out of 552 or 8 percent were African-American.<sup>60</sup> Rayford's study was followed in 1977 by a survey administered by Albert Brecht and Robin Mills.<sup>61</sup> This second study surveyed American Indians, Asians, African-Americans, and Hispanics employed in academic, corporate, government, law firm, and other types of law libraries. In reporting their findings, Brecht and Mills determined that out of a total of 1,110 professionals studied, 124 (11.2 percent) were minorities. Of these minority professionals, 6 (.6 percent) were American Indian, 47 (4.2 percent) were Asian, 49 (4.4 percent) were African-American, and 22 (2 percent) were Hispanic.<sup>62</sup> In regard to minority paraprofessionals, a total number of 336 was reported. Of these minority paraprofessionals, 9 (.6 percent) were American Indian, 63 (4.4 percent) were Asian, 206 (14.4 percent) were African-American, and 58 (4 percent) were Hispanic.<sup>63</sup> These figures clearly demonstrate that there were 2.7 times as many minority paraprofessionals as minority professionals working in law libraries.

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58. See, e.g., Robert Schmidt, *Minority Lawyers and the D.C. Firm: Race, Culture, and Sexism Make Integration Difficult at Law Offices*, LEGAL TIMES, Sept. 26, 1994, at S42.

59. See Vernon A. Rayford, *A Black Librarian Takes a Look at Discrimination: By a Law School Library Survey*, 65 L. LIBR. J. 183 (1972).

60. *Id.* at 184.

61. Albert Brecht & Robin Mills, *Minorities Employed in Law Libraries*, 71 L. LIBR. J. 283 (1978).

62. *Id.* at 283.

63. *Id.*

As of 1998, there has been no analysis of the number of minority professional and paraprofessionals in law libraries in more than twenty years.<sup>64</sup> AALL reports that 9.1 percent of the association membership is comprised of minorities, but there is no comprehensive statistical data regarding the positions held by these individuals nor the number of minority paraprofessionals employed in law libraries throughout the country. Therefore, I have no statistical foundation to support my general impression that, although there are many highly visible minority librarians in all positions in all type of law libraries across the country as well as in AALL leadership positions, these individuals do not comprise 9.1 percent of the management positions in law libraries nor 9.1 percent of the leadership positions within AALL.

Like O'Rourke in 1970, my impressions of a lack of wholehearted acceptance of and commitment to cultural and ethnic differences is not "derived from an expensive, elaborate, and time-consuming study. They derive from a common-sense look at the realities of a field with which I am familiar."<sup>65</sup> I also find support for my views in an article written in 1997 titled *Unequal Opportunities: Race Does Matter*.<sup>66</sup> The authors, Evan St. Lifer and Corinne Nelson, used a telephone survey and interviews to explore the issue of whether librarianship is professionally limiting to minorities. The results of their research confirmed "that racism and discrimination in the library profession—its attitudes toward them and its recent record in combating them—are not unlike those in the rest of society. No better, no worse."<sup>67</sup>

One particularly disturbing aspect of the St. Lifer-Nelson study was the discordant view minority and white librarians have on the question as to whether racism exists in librarianship to the same degree it exists in other professions.<sup>68</sup> According to the survey results:

The majority of the black, Asian, and Latino librarians surveyed say racism in the library profession is just as prevalent as in other professions. Whites see it differently, with almost two-thirds saying that racism in the ranks is less prevalent.<sup>69</sup>

The report also refers to the views of Patricia Tarin, a Latina Ph.D. student in the Rutgers School of Library and Information Sciences, a consultant who writes

64. In the early 1990s, Dwight King, Rhea A-L Ballard, Helena Lai, and Grace M. Mills conducted a comprehensive and invaluable survey of minority law librarians. However, the survey was not designed to study the proportion of minority professionals and paraprofessionals in law libraries, and therefore the data is not applicable to a discussion of the presence and relative distribution of minorities in the professional and paraprofessional ranks of law libraries. See Dwight King et al., *Profiling Minority Law Librarians: A Report on the 1992-93 Survey*, 87 L. LIBR. J. 247 (1995).

65. O'Rourke, *supra* note 6, at 251.

66. St. Lifer & Nelson, *supra* note 2.

67. *Id.* at 43.

68. See *id.* at 43-44. Throughout their article St. Lifer and Nelson reference a collection of essays written by twenty-six minority librarians. IN OUR OWN VOICES: THE CHANGING FACE OF LIBRARIANSHIP (Teresa Neely & Khafre Abif eds., 1996). I strongly suggest that anyone concerned with issues associated with race, diversity, and equality in librarianship read this collection from beginning to end.

69. St. Lifer & Nelson, *supra* note 2, at 43-44.

extensively on minority issues within librarianship. In noting Tarin's views that whites and minorities have very different perspectives on racial equality within the library profession, St. Lifer and Nelson quote Tarin as commenting:

The white middle class, where the bulk of librarians are coming from, that's their world, that's their cultural environment, and they move in and out of the environment they were born in. . . . Minorities, even if their education is equal to that of whites, don't come with the same cultural attitudes, language, social connections, and ways of doing things as whites do; thus, they don't have the same cultural advantage. . . . White culture gets to have its way because they're the ones who set the standard. If you're born into that, you don't see the advantage; if you're not born into it, you're bucking the trend.<sup>70</sup>

If I were to speak to O'Rourke today in regard to her third sign post that in 1970 pointed to blatant discrimination in hiring practices and promotional practices within the law library profession, I would tell her that her sign post was now pointing in much the same direction as that of the practices of the legal profession. Blatant illegal discrimination is no longer prevalent in the law library profession. However, the statistical information on the demographics of the law library profession and the results of the St. Lifer and Nelson survey appear to reflect a two-dimensional problem within law libraries and libraries in general: there are a lack of minorities within the profession and there appear to be impediments for minorities to move up to positions of influence in their institutions and within professional organizations. In regard to minorities entering the library profession, Florence Simkins Brown, director of the North Miami Beach Public Library, says: "There is nowhere for our young people to go unless a white person likes you and wants to involve you. . . . You have to be anointed: someone white has to say, 'I want to bring you with me,' and the doors open."<sup>71</sup> This remark echos Judy Dimes-Smith's statement in 1992 about what the law library profession could do to more fully embrace diversity: "Be honest and sincere in promoting the [law librarianship] profession, versus promoting personalities within the profession."<sup>72</sup>

## Conclusion

There are no "quick fixes" nor "silver bullets" that will address the issues associated with the need to recruit more minorities to law librarianship and to ensure that, once these individuals enter the profession, they are accorded every opportunity to reach their career goals utilizing the strengths and wisdom they bring from their unique experiences and cultures. No one individual within the law library profession can identify all the dimensions of racism in our profession nor design an action agenda to ensure the eradication of racism as well as the creation

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70. Interview by Patricia Tarin with Evan St. Lifer & Corinne Nelson, eds., *Library Journal*, quoted in *id.* at 44.

71. *Id.* at 45.

72. Dimes-Smith, *supra* note 9, at 4.

of optimal inclusion and diversity within law librarianship. However, I think that we should all heed Judy Dimes-Smith's guidance, written earlier in this decade, but still relevant:

The fact remains that hiring practices [within law librarianship for minorities] are still discouraging, and advancement opportunities are limited. These practices can only be reversed by an honest assessment of attitudes and a sincere desire to change negative patterns of behavior. This will take introspection on the part of our [AALL's] membership if we are to see increased diversity in our field in the twenty-first century . . . the surest way to bring about a change of attitudes is the willingness to challenge old patterns of thinking and behavior. Change will come about when groups in control risk sharing it with others different from themselves. . . . We have much to gain by embracing newness. Law librarianship can only grow from fresh, new, diverse ideas, and individuals.<sup>73</sup>

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73. *Id.* at 5.

