

Justice Scalia and the Myth of the Black Brain

As the Supreme Court prepares to decide on *Fisher v. University of Texas*, let's hope deep-rooted bias doesn't creep into the decision-making process.

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Those of you who work in diversity or higher education are likely familiar with *Fisher v. University of Texas*, a case that set what many have called a landmark precedent for affirmative action in college admissions. The gist of the case is if higher education institutions should have programs aimed at building racial diversity on campus.

The Supreme Court is preparing to decide on *Fisher v. University of Texas*, and this week Justice Antonin Scalia tendered the following opinion (<http://www.newsweek.com/justice-scalia-comments-affirmative-action-case-403581>):

“There are those who contend that it does not benefit African-Americans to get them into the University of Texas, where they do not do well, as opposed to having them go to a less advanced school, a slower-track school where they do well ...”

He says “those who contend,” meaning that this may not be his feeling, but let's say for the sake of argument this statement is representative of his belief. The very idea that someone with this much power to decide policy, to either bolster or help to dismantle systemic barriers to diversity and inclusion, feels black people would be better served to attend lesser educational institutions is frightening.

Black people are already behind the eight ball, as my momma likes to say. You start shipping students off to schools that are “slower track,” how will we ever catch up?

To even consider such a thing as a solution for the affirmative action dilemma is like telling the world, black brains are incapable of doing the same critical thinking and learning as any other brain.

But here's the thing: Your brain doesn't have a color. Your skin does.

If you feed your brain, provide equitable primary and secondary education, and then ensure that access to higher education is not prohibitive for certain demographic groups — ensure admissions tests are fair and inclusive, that scholarships are distributed appropriately (which is part of the affirmative action dilemma under legal review) — students of color at the University of Texas are just as capable as anyone else of earning a degree and making a decent life for themselves with that degree.

I like to look a few steps down the road. If Scalia's belief took root, if the Donald Trumps' of the world — people with power, platforms and influence — got the bit between their teeth, how long would it be before schools in black or even Hispanic neighborhoods had their funding cut? How long would it be before prime resources were reallocated to "faster-track" schools? How long would it be before the best teachers migrated to environments where they were given the tools needed to excel at their jobs?

The iniquities that diversity executives currently battle within the workplace would expand exponentially. Without education, minorities don't stand a chance of closing the skills gaps that keep us in low paying jobs, in poverty-level income brackets. Without education black people — any people — won't be able to participate in the knowledge economy, those jobs that require higher-level thinking and educational credentials, which is most of them if you want to make a decent living.

I'm saddened and disappointed that Justice Scalia voiced such an opinion. And I sincerely hope that as the highest court in the land decides *Fisher v. University of Texas*, the myths about the inherent inequities associated with the black body do not translate into policy that will further hurt a demographic group already suffering terribly from a lack of quality, formal higher education.



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