

SusanBishop_FAV_SB531

Uploaded by: bishop, susan

Position: FAV

Natural Hair Bill Testimony – Senate Bill 531 - Discrimination - Definition of Race - Hair Texture and Hairstyles

Susan L Peterkin

Mom – to Oronde & Iyanu Bishop

Grandmother – to Chloe & Aiden Bishop

Salon Owner/Natural Hair Stylist - Jaha Hair Studio, LLC

Certified Hair Loss Specialist – PeterKindred Hair & Scalp Wellness Center

Educator – Montgomery College, Montgomery County Correctional Facility

Community Organizer – Discover Bonifant, Downtown Silver Spring

The Natural hair Industry Convention – Co-Founder

I have experienced hair discrimination in several aspects of my life and career. I have deliberately had to teach my daughter that while her does not define who she is, it's also her choice as black girl, a human being.

As a Mom:

- My son at 3 years old(now a 20 year old young man) came home from pre-school to tell me the teacher's aid said his hair was dirty and that I should wash it properly. My son at the time had an afro, he had never gotten a haircut at that point in his life. I don't believe she meant any harm, so I went to the school to have a conversation with the director. I decided that this was a teachable moment. (2003/2004)
 - o She did not understand that a curly/kinky afro was not dirty just because it did not fit the common standard look of a "neatly" cut and smooth hair.
 - o Kinky coily hair is not naturally shine, which gives it a more matte look
 - o It has texture to the touch, it is not smooth
 - o All the above means that kinky coily hair is healthy

As a Salon Owner:

- A 14-year-old female was told she would have to cut her midback length locs she has been growing since she was 7 years to be admitted in a prominent dance school in the area. (early 2000's)
- Female clients requesting hairstyles that are "smooth" as not to be distracting or to bring attention to themselves at work. (1996 to present)
- When we as women of color consistently straighten our curls whether by chemicals or direct heat, we break the natural bonds that keeps our hair naturally healthy.
- This leads to hair breakage and in may cases permanent hair loss.

As a Certified Hair Loss Specialist:

- I see every day firsthand how hair and scalp health are compromised to meet a standard that has been set by society.
- I see the negative effects that certain hair styling choices have caused to the hair and scalp.
- In many cases hair loss is the result of certain hairstyles worn by Black women to meet standards set.

This Natural Hair Senate Bill 531 would be a beginning:

- Hold the ones accountable who are deliberately mean and maliciously, discriminating against a certain race because of their hair and chosen styling preferences.
- Create an atmosphere of respect and appreciation for the differences in culture.
- There must be a conversation around the various ways we can create educational opportunities for those who don't know better, so they can understand and do better.

This law will enforce what should be a human right! People with kinky/coily natural hair with or without extensions are human beings who chose to embrace their natural hair, the way they were born.

PJC_Ashley Black_FAV_SB 531

Uploaded by: Black, Ashley

Position: FAV



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SB 531

Discrimination - Definition of Race - Hair Texture and Hairstyles
Hearing before the Senate Judicial Proceedings Committee
February 18, 2020

Position: SUPPORT

The Public Justice Center (PJC) is a not-for-profit civil rights and anti-poverty legal services organization which seeks to advance social justice, economic and racial equity, and fundamental human rights in Maryland. The PJC strongly **SUPPORTS SB 531**, which would ban discrimination against natural hairstyles, including braids, twists and locks.

SB 531 Acknowledges the Persistence of Race-Based Discrimination Against Women of Color in the Workplace, and the Coding of Such in 'Neutral' Policies. Women of color, and Black women in particular, are harmed and put at risk of losing their jobs, housing, public accommodations, and a multitude of other opportunities based off of beauty and grooming standards centered on Eurocentric cultural norms. These Eurocentric cultural norms, which are deemed 'neutral,' do not take into account the ways in which hair naturally grows out of people of colors' head, or the ways that people of color style their hair. When these norms are put into employment policies, school codes of conduct and dress codes, it provides a pass for racial bias, whether explicit or implicit.

SB 531 Would Help Eliminate Race-Based Discrimination Against Black People in the Workplace and Other Needed Sectors. For many people of color, their hair is part of their identity.¹ Black children should not be required to cut off their hair to participate in a sporting event, as Andrew Johnson was in New Jersey.² Black women should not be forced to choose between a job offer and wearing their hair how they are comfortable, as Chastity Jones was in Alabama.³ For instance, Dena Robinson, the Murnaghan Appellate Advocacy Fellow with the PJC has locs. She has described the anxiety she feels around her hair and job interviews and said that she

¹ Deborah Pergament, *It's Not Just Hair: Historical and Cultural Considerations for an Emerging Technology*, Chicago-Kent Law Review Vol. 75, Issue 1 (Dec. 1999).

² Michael Gold and Jefferey C. Mays, *Civil Rights Investigation Opened After Black Wrestler Had to Cut His Dreadlocks*, <https://www.nytimes.com/2018/12/21/nyregion/andrew-johnson-wrestler-dreadlocks.html> (Dec. 21, 2018).

³ Chanté Griffin, *How Natural Black Hair at Work Became a Civil Rights Issue*, <https://daily.jstor.org/how-natural-black-hair-at-work-became-a-civil-rights-issue/> (Jul. 3, 2019).

always gets her hair done a day or two before job interviews to mitigate the likelihood of being read as unprofessional. Stories like these happened and continue to happen across the country, and SB 531 will finally provide legal protection to populations of people who have experienced and been harmed by hair discrimination for a substantial length of time.

SB 531 is Modeled Off of Legislation Recognizing the Above Points and Will Propel Maryland Towards Greater Racially Equitable Standards of Practice. California⁴, New York⁵, and New Jersey⁶ were the first states in the country to enact legislation to ban discrimination against natural hairstyles. Montgomery County, Maryland,⁷ and Cincinnati, Ohio,⁸ have also passed local laws banning the same. Race discrimination hurts students and workers, decreases overall wellbeing, and inhibits economic opportunity. It is already illegal to discriminate based on race; SB 531 simply provides further clarity on what constitutes race discrimination.

For the foregoing reasons, the PJC strongly **SUPPORTS SB 531** and urges a **FAVORABLE** report. Should you have any questions, please contact Tyra Robinson at robinson@publicjustice.org.

⁴ California SB 188.

⁵ S.6209A/A.7797A Human Rights Law and Dignity for All Students Act.

⁶ S3945 CROWN Act.

⁷ Montgomery County CROWN Act, Bill No. 30-19.

⁸ Cincinnati Ordinance No. 379 (2019).

OrlenaNwokah_FAV_SB531

Uploaded by: blanchard, orlena nwokah

Position: FAV



The Senate Judicial Proceedings Committee
Sen. William C. "Will" Smith Jr., Chair
Miller Senate Office Building, 2 East
11 Bladen Street
Annapolis, MD 21401

February 18, 2020

Re: Support for Senate Bill 531

Good afternoon distinguished committee members and attendees,

My name is Orlena Nwokah Blanchard. I am the President of JOY Collective, a poly-cultural marketing and creative agency incorporated in this great state of Maryland. We are also a certified women-owned, minority-owned small business. I am, as is my co-owner and founder Kelli JOY Richardson Lawson, a proud Maryland resident and have been for over two decades.

For those who don't know us, our team at JOY has been working behind the scenes for almost two years now, on behalf of the CROWN Coalition, to lead the nationwide effort to advance hair discrimination legislation. The CROWN Coalition is an alliance of organizations committed to inclusivity and racial equity and was founded by DOVE, The National Urban League, Color Of Change, and Western Center on Law & Poverty. The primary mission of the CROWN Coalition is to raise awareness for the injustice of hair discrimination and advocate for legal protections through the CROWN Act. The Coalition is now supported by over 60 over community and advocacy organizations including the NAACP, NAACP Legal Defense Fund, National Council for Negro Women, Delta Sigma Theta, and many more. We are proud to have facilitated the CROWN Coalition's sponsorship of the inaugural CROWN Act introduced in the state of California by Senator Holly J. Mitchell and signed into law by Governor Gavin Newsom on July 3 2019. We also proudly supported Assemblywoman Tremaine Wright in the state of New York and Senator Sandra Cunningham and Assemblywoman Angela McKnight in New Jersey; both bills signed into law in 2019.

Last year we conducted research that revealed the burden Black women face trying to conform to Eurocentric standards of beauty and the microaggressions we are subject to that ultimately impact our opportunities for social and economic advancement. As an African immigrant who came to this country as a middle schooler over 35 years ago, I have spent the better part of those years putting painfully toxic chemicals and endless hours into manipulating my hair to appear in a way I believed would be perceived as beautiful, and thus acceptable. Calling it a long, arduous, expensive, and often painful journey would be an understatement. That is why I personally, as a Black woman, as the mother of three Black sons, and as a Maryland resident, am particularly encouraged that the very space in which I live and work will ensure a respectful and open world for me, my family, and my community. Thank you Senator Will Smith. On behalf of the CROWN Coalition, we stand with you, your brilliant team and fellow distinguished leaders in Maryland in support of this bill.

Kind regards,

Orlena Nwokah Blanchard
President, JOY Collective

JordanBondari_FAV_SB531

Uploaded by: bonardi, jordan

Position: FAV

Good afternoon Committee Chairmen and Members of the Judicial Proceedings Committee:

My name is Jordan Bonardi. I am a senior at The Gilman School in Baltimore, and I am here to provide testimony in support of SB531/HB1444.

Each Gilman senior is required to give a speech to the Upper School. When deciding what to share about my high school experience, I was compelled to share my experience growing up of mixed heritage. When I reflected on my life, I realized that much of my identity is defined by my hair. Some argue that hair is a mutable characteristic; and therefore, it cannot be the basis for discrimination. I beg to differ. The first incident of racism I recall occurred when I was 7 years old while swimming at a club pool when a grandmother stopped her grandson from playing with me. The boy and I had similar skin complexions, but my hair was much darker, curlier, and more coarse than the boy I was playing with. I wanted to change my hair, believing that it would allow me to fit in, allow me to play with anyone, without fear.

If I can experience discrimination, due to my hair type, or Andrew Johnson is forced to cut his hair to compete in a wrestling match, or DeAndre Arnold is denied his right to graduate from his high school due to his choice to wear his hair in a natural style of his choosing, then I know that discrimination can occur in the work place.

The NAACP's Legal Defense Fund recently argued that modern-day racial discrimination is not as overt as it was 40 years ago, and that the courts need to recognize that.

"In an age where employment discrimination rarely presents itself in policies that explicitly exclude employees based on skin color, the vitality of Title VII depends on its ability to root out more subtle practices — facially neutral policies, racial proxies, stereotyped thinking — that still operate to disfavor applicants based on their race."

Natural styles worn by African-Americans remain the target of scorn based on long-held stereotypes that natural Black hair is unkempt and unprofessional. For example, the term "dreadlocks" originated from slave traders' descriptions of Africans' hair that had naturally formed into "locks" during the Middle Passage as "dreadful." Dreadlocks. The stereotype that Black natural hairstyles are dirty or unkempt and therefore not appropriate for more formal settings remains unfortunately widespread today. For example, until 2014, the U.S. military banned a number of common Black hairstyles, including cornrows and braids. School administrators and dress codes also often restrict Black natural hairstyles without any consideration for the racial origins and bias involved in the drafting of the policies.

I urge this committee to follow the lead of states such as: California, New York, and New Jersey, as well as, local governments including Montgomery County, MD and Cincinnati, OH in determining that natural hair is a characteristic of race in which a person should be protected from discrimination. I ask that you support the passage of SB531/HB1444. Thank you for your time and consideration.

Respectfully submitted,

Jordan T. Bonardi
The Gilman School, Senior
Jack and Jill of America, Inc.
Greater Baltimore County Chapter, Legislative Chair

Ron Busby_FAV_SB531

Uploaded by: busby, ron

Position: FAV



U.S. BLACK CHAMBERS, INC.

The National Voice of Black Business

**Not affiliated with the National Black Chamber of Commerce*

February 18, 2020

The Honorable William C. Smith
Chair of Judicial Proceedings Committee
2 East Miller Senate Office,
Annapolis, MD. 21401

Re: SB 188 - Support

On behalf of the U.S. Black Chambers, Inc. (USBC), I write today in strong support of S.B. 188, the Creating a Respectful and Open Workplace for Natural hair (CROWN) Act. USBC is an association of over 100 self-sustaining, viable Black Chambers and small business associations nationwide whose collaboration with strategic partners increases the capacity to serve. We take pride in being the national voice of Black business; providing committed, visionary leadership and advocacy in the realization of economic empowerment.

USBC's mission is to help Black businesses thrive, bolster the American economy, create responsible policies, and prepare the next generation of Black entrepreneurs. As advocates for the Black business community, we encourage our members to adopt inclusive policies that prevent discrimination based on the basis of hair. Today there are no laws specifically related to hairstyles, leaving many companies to write their own policies regarding hair. These subjective positions around what is considered neat or unkempt disproportionately impacts the Black community, hereby causing additional barriers to economic growth.

With advocacy being the first of our five pillars, USBC often collaborates with policymakers to advocate for policies that best serve the interests of the Black community. Subsequently, we proudly support SB 188 - the CROWN Act- as it addresses a major obstacle in the issue of discrimination. We believe that this important piece of legislation will empower historically disadvantaged groups and ensure discrimination based on hair is outlawed. We look forward to working with the Maryland General Assembly on the passage of SB 188.

Sincerely,

A handwritten signature in black ink, appearing to read "R Busby".

Ron Busby, Sr.
President/CEO

Cc: Honorable Jeff Waldstreicher
Honorable Members, Judiciary Proceedings Committee

Realtors_FAV_SB531

Uploaded by: Castelli, Bill

Position: FAV



Senate Bill 531 – Discrimination – Definition of Race – Hair Texture and Hairstyles

Position: Support

Maryland REALTORS® support SB 531 which adds clarification to the definition of race as a protected class.

SB 531 make clears that “race” is inclusive of protected hairstyles and other traits historically associated with race. Recent events have made clear that there is confusion over whether such traits fall under the protected class of race.

Given the confusion, it is important that all parties have clarity so that individual’s rights in housing, employment and daily life are respected.

For these reasons, the REALTORS® recommend a favorable report.

**For more information contact bill.castelli@mdrealtor.org or
susan.mitchell@mdrealtor.org**

Gardner_FAV_SB531

Uploaded by: gardner, shamoyia

Position: FAV



To: Chair Smith and members of the Judicial Proceedings Committee Name
From: Shamoyia Gardiner, Education Policy Director
Re: Senate Bill 531: Discrimination - Definition of Race - Hair Texture and Hairstyles
Date: February 18, 2020
Position: Support

Black students in Maryland's public schools represent just 33.6% of total enrollment.¹ Conversely, Maryland's public schools disproportionately push Black students out, at nearly twice the rate they exist in the general population. 58.54% of students suspended or expelled in the 2018-2019 school year were Black.² There is simply no justification for the overrepresentation of Black students in school push-out cases, particularly when nearly half of the offenses that all students are disciplined for are non-violent.

There is a clear culprit, however—white supremacist systems and culture which maligns Black students in school and Black people in life. Actively resisting and dismantling the systemic and cultural structures of white supremacy is necessary to ensure the realization of ACY's vision of a Maryland in which all children and young people are treated equitably.

Senate Bill 531 would extend the definition of racial discrimination to include textures historically associated with race, including those specific to members of the African Diaspora, and protective hairstyles including twists, braids, and locs. Passage of this bill would be that active resistance, not only providing recourse and language to support claims of discrimination but making clear to all Marylanders that the State is committed to the protection of all its residents.

SB 531 offers new protections for all Black people in Maryland, but will specifically benefit gender and sexual minorities, people whose identities are not cis-gender and heterosexual, because the bill would codify these anti-discrimination protections on the basis of hair texture and style rather than sex or gender. That is to say, this bill will not only protect boys with locs who compete in wrestling tournaments and girls with afros who give valedictorian speeches, but extend such protection to gender non-conforming youth who enjoy presenting themselves in multiple ways and transgender young people stepping into their truest selves. **With equity for all kids in mind, ACY urges a favorable report on this bill.**

¹ MSDE. *Maryland Public School Enrollment by Race/Ethnicity*. September 2018.

² MSDE. *Suspensions, Expulsions, and Health Related Exclusions*

Hughes_FAV_SB531

Uploaded by: hughes, glendora

Position: FAV

State of Maryland

Commission on Civil Rights

“Our vision is to have a State that is free from any trace of unlawful discrimination.”



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Rabbi Binyamin Marwick
Gina McKnight-Smith, PharmD, MBA
Shawn M. Wright, Esq.

February 18, 2020

Senate Bill 531 – Discrimination - Definition of Race - Hair Texture and Hairstyles **Position: Support**

Dear Chairperson Smith, Vice Chairperson Waldstreicher, and Members of the Senate Judicial Proceedings Committee:

The Maryland Commission on Civil Rights (“MCCR”; “The Commission”) is the State agency responsible for the enforcement of laws prohibiting discrimination in employment, housing, public accommodations, and state contracts based upon race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, gender identity, genetic information, and physical and mental disability.

Senate Bill 531 adds a definition for “protective hairstyle” in Maryland’s employment anti-discrimination law, and declares that race protections include “traits historically associated with race, including hair texture, Afro hairstyles, and protective hairstyles”. In other words, this bill protects individuals from race-based employment discrimination if they wear their natural hair or a protective hairstyle in the workplace.

Presently, MCCR is unable to take complaints of alleged unlawful employment discrimination from individuals who are prohibited from wearing their natural hair in the workplace. African American women are most often required to change their hair from their natural state in order to secure or retain employment. Many employers’ perceptions of what is considered professional for a woman does not include natural hair or protective hair that would be worn by an African American woman. Those individuals who do not change their natural hair may be perceived as unprofessional by their employer and customers, and are more likely to be subjected to scrutiny and discrimination in the workplace.

Currently, these protections have been adopted in California, New Jersey, New York, and Montgomery County, Maryland. Twenty-two states (including Maryland) and the federal government have bills pending to add these protections into law.

For these reasons, the Maryland Commission on Civil Rights urges the committee to vote favorably on SB531.

Irwin_FAV_SB 531

Uploaded by: Irwin, Laura

Position: FAV



Testimony in Support of SB531
Discrimination - Definition of Race - Hair Texture and Hairstyles
Tuesday, February 18, 2020

TO: The Honorable William C. Smith, Jr., Chair; The Honorable Jeff Waldstreicher, Vice Chair;
and Members of the Senate Judicial Proceedings Committee
FROM: Laura E. Irwin, Chair, Montgomery County Community Action Board

The Montgomery County Community Action Board, the County's federally designated anti-poverty group, strongly supports SB531. This bill would outlaw discrimination based on a person's protective hairstyle and would expand the definition of race to include traits historically associated with race, including hairstyle and texture. As the governing body for the Community Action Agency, which grew out of the Civil Rights Movement, our Board believes that discrimination based on a person's membership in a historically oppressed group should be outlawed at all levels. We strongly believe that a person's protective hairstyle should never prevent him/her from obtaining employment, housing, public accommodations, or any other opportunity. Those who are discriminated based on protective hairstyle should have grounds to seek recourse.

This bill is especially important in the context of employment because hairstyle policies are often used as the basis for employment discrimination. Our Board supports policies that help individuals move towards self-sufficiency and we continue to advocate for removing barriers to jobs that provide adequate income to cover the cost of basic necessities. Such opportunities can be hard to find in expensive areas like Montgomery County where the Self-Sufficiency Standard for a single adult with one infant and one school-age child is \$91,257 – over three times the County's current minimum wage.¹ Obstacles such as discrimination based on hairstyle should never present a barrier to any employment opportunity.

Here in Montgomery County, recent legislation outlawed discrimination based on protective hairstyle. Our board strongly believe that this protection must be expanded to all Marylanders. We ask that you pass SB531 and continue to explore policies that eliminate discrimination and increase equity throughout the state.

¹ <http://www.selfsufficiencystandard.org/maryland>

MAP_FAV_SB531

Uploaded by: Jefferson, Stacey

Position: FAV



TESTIMONY IN SUPPORT OF SB 531

Discrimination- Definition of Race-Hair Texture and Hairstyles

Judicial Proceedings

February 18, 2020

Submitted by Stacey Jefferson and Margo Quinlan, Co-Chairs

Member Agencies:

Advocates for Children and Youth
Baltimore Jewish Council
Behavioral Health System Baltimore
CASH Campaign of Maryland
Catholic Charities
Episcopal Diocese of Maryland
Family League of Baltimore
Fuel Fund of Maryland
Health Care for the Homeless
Homeless Persons
Representation Project
Job Opportunities Task Force
League of Women Voters of Maryland
Loyola University Maryland
Maryland Catholic Conference
Maryland Center on Economic Policy
Maryland Community Action
Partnership
Maryland Family Network
Maryland Hunger Solutions
Paul's Place
Public Justice Center
St. Vincent de Paul of Baltimore
Welfare Advocates

Marylanders Against Poverty

Stacey Jefferson, Chair
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Margo Quinlan, Co-Chair
C: 410-236-5488

E: mquinlan@familyleague.org

Marylanders Against Poverty (MAP) supports Senate Bill 531 because hair discrimination based on texture and style directly affects African Americans who are judged based on their physical appearance, their culture, or religious beliefs. African American women, men, and children have been denied employment, education, and housing opportunities solely based on their hair styles and/or textures. SB 531 changes the definition of race in the state to include traits historically associated with African Americans including hair texture, afro hairstyles and protective hairstyles

A person's hair should not prevent them from being employed or having access to quality education. Currently in the state of Maryland 13.6% of Black or African Americans live below the poverty line. In comparison the total rate of poverty in Maryland is 9.6%. ¹MAP continues to support legislation that address the inequities that cause poverty in our state. Hair discrimination is just one of many unnecessary barriers to education and employment opportunities for African Americans that in turn lead to higher rates of poverty and unemployment.

In 2019 the CROWN Coalition along with DOVE published a groundbreaking study that confirmed that workplace bias and corporate grooming policies unfairly impact Black women. The study found that Black women are 1.5 times more likely to be sent home from the workplace because of their hair. They also found that hairstyles such as locs, braids, etc. were ranked the lowest for 'job readiness'. ² This study along with countless stories has helped to lead a national movement to end hair discrimination.

Across the nation, legislation banning hair discrimination is creating change. California and New York were the first states to enact laws this past summer which prohibited race-based hair discrimination. ³ This bill will allow Maryland to join the national movement to end hair discrimination policies and protect African Americans who express their culture and or religious beliefs through their hair texture and hairstyles.

MAP appreciates your consideration, and urges a favorable report on Senate Bill 531

Marylanders Against Poverty (MAP) is a coalition of service providers, faith communities, and advocacy organizations advancing statewide public policies and programs necessary to alleviate the burdens faced by Marylanders living in or near poverty, and to address the underlying systemic causes of poverty.

¹ http://mapadvocacy.org/wp-content/uploads/2020/02/Maryland-Poverty-Profiles_2020-FINAL.pdf

² <https://www.thecrownact.com/research>

³ Nicquel terry Ellis, and Charisse Jones USA TODAY Oct 14, 2019 "Banning Ethnic hairstyles upholds this notion of white supremacy. States pass laws to stop natural hair discrimination."

AfiyaMbilishaka_FAV_SB531

Uploaded by: Mbilishaka, Dr. Afiya Mangum

Position: FAV

Statement in Support of the CROWN Act in Maryland

Dr. Afiya Mbilishaka
Clinical Psychologist
University of the District of Columbia
4200 Connecticut Avenue, NW
Washington, DC 20008

Everyday across this country, Black people have to navigate institutions that meet their presence with policies that police their hair (Greene, 2011; Greene 2017). Recent trending examples of customary, discriminatory practices target Black people at school and work through their hair and demonstrate how policies manifest as active forms of oppression, surveillance, “othering”, and marginalization. Clearly, Black hair styles, textures, and lengths are sites of political struggle, positioning psycho-emotional demands on Black people to anticipate, diagnose, critique, and hopefully dismiss attacks on their aesthetics (see Perez Huber & Solórzano, 2015).

To explain scientifically, Black people in America have a range of hair textures, from silky straight to tightly-coiled (Jablonski & Chaplin, 2014). Highly textured hair, emerging from elliptical shaped hair shafts, may have evolved as thermoregulatory adaptation to help keep the scalp and brain cool under conditions of high environmental heat (Jablonski & Chaplin, 2014). The curliness of the hair shaft is caused by retrocurvature of the hair bulb, which gives rise to an asymmetrical alphabet shaped hair follicles (Jablonski & Chaplin, 2014). Highly coiled hair is susceptible to shrinkage, dryness, and breakage due to the make-up and the abundance of curves in each hair strand (Walton & Carter, 2013). Shrinkage occurs when natural hair is washed; in reality, hair could be shoulder length, but after a wash, the shrinkage may draw up the coils short enough to remain at the ears with a “cottony” appearance (Davis-Sivasothy, 2011). This hair needs to be cared for gently, with minimal manipulation and includes styles like braids and locs that can last from months to years.

Black hair care techniques are intricate and psychologically meaningful due to the culture and history of hair (Mbilishaka, 2018). In traditional African societies, hair represented a complex language system to communicate pride, health, wealth, and rites of passage (Byrd & Tharps, 2014). However, through acts of dehumanization to enslaved Africans, European slave masters desecrated the crowns of our African ancestors by labeling their hair as “fur” (Byrd & Tharps, 2014). Several laws emerged in the United States about how people were permitted to wear their hair. From the Tignon Laws of 18th century Louisiana that forced Black women to cover their hair in public spaces to the military regulations of 2015 that stated that braids and locs were out of dress code, the government has been outlawing natural hair (Mbilishaka, 2018b).

Hair discrimination creates emotional consequences. Psychological studies suggest that Black people with natural hair face prejudices within the family unit, romantic relationships, in the media, education, and employment (Lewis, 1999; Lewis, 2014; Lewis, 2015; Lewis, 2016; Mbilishaka, 2018c; Smith, Mbilishaka & Kennedy, 2017; Neil & Mbilishaka, 2019; Davis, Mbilishaka & Templeton, 2019; Opie & Phillips, 2015). These aesthetic traumas fueled by memories of rejection and encoded with sadness and shame (Wilson, Mbilishaka & Lewis, 2018; Mbilishaka, Mitchell, & Conyers, 2019; Mbilishaka, Rall, Hall & Wilson, 2019), are reinforced by daily reminders of how wearing natural hair is non-conforming to White ideals of beauty perpetuated by systems of oppression (Mbilishaka, 2018c). This results in hair stress (Winfield-Thomas & Whaley, 2019, p. 162), the “harmful physical and psychological effects of hair styling methods used to transform the hair from its natural state to achieve and maintain an unnatural texture and appearance.” Chemically or thermally straightening Black hair can result in self-induced hair loss, hair damage, lowered self-esteem, social anxiety, and depression (Winfield-Thomas & Whaley, 2019). We need a cultural redefinition of natural hair that is fortified by law.

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Mbilishaka_FAV_SB531

Uploaded by: Mbilishaka, Dr. Afiya Mangum

Position: FAV

The Senate Judicial Proceedings Committee
Sen. William C. “Will” Smith Jr., Chair
Miller Senate Office Building, 2 East
11 Bladen Street
Annapolis, MD 21410

February 18, 2020

Re: Support for Senate Bill 531

Everyday across this country, Black people have to navigate institutions that meet their presence with policies that police their hair (Greene, 2011; Greene 2017). Recent trending examples of customary, discriminatory practices target Black people at school and work through their hair and demonstrate how policies manifest as active forms of oppression, surveillance, “othering”, and marginalization. Clearly, Black hair styles, textures, and lengths are sites of political struggle, positioning psycho-emotional demands on Black people to anticipate, diagnose, critique, and hopefully dismiss attacks on their aesthetics (see Perez Huber & Solórzano, 2015).

To explain scientifically, Black people in America have a range of hair textures, from silky straight to tightly-coiled (Jablonski & Chaplin, 2014). Highly textured hair, emerging from elliptical shaped hair shafts, may have evolved as thermoregulatory adaptation to help keep the scalp and brain cool under conditions of high environmental heat (Jablonski & Chaplin, 2014). The curliness of the hair shaft is caused by retrocurvature of the hair bulb, which gives rise to an asymmetrical alphabet shaped hair follicles (Jablonski & Chaplin, 2014). Highly coiled hair is susceptible to shrinkage, dryness, and breakage due to the make-up and the abundance of curves in each hair strand (Walton & Carter, 2013). Shrinkage occurs when natural hair is washed; in reality, hair could be shoulder length, but after a wash, the shrinkage may draw up the coils short enough to remain at the ears with a “cottony” appearance (Davis-Sivasothy, 2011). This hair needs

be cared for gently, with minimal manipulation and includes styles like braids and locs that can last from months to years.

Black hair care techniques are intricate and psychologically meaningful due to the culture and history of hair (Mbilishaka, 2018). In traditional African societies, hair represented a complex language system to communicate pride, health, wealth, and rites of passage (Byrd & Tharps, 2014). However, through acts of dehumanization to enslaved Africans, European slave masters desecrated the crowns of our African ancestors by labeling their hair as “fur” (Byrd & Tharps, 2014). Several laws emerged in the United States about how people were permitted to wear their hair. From the Tignon Laws of 18th century Louisiana that forced Black women to cover their hair in public spaces to the military regulations of 2015 that stated that braids and locs were out of dress code, the government has been outlawing natural hair (Mbilishaka, 2018b).

Hair discrimination creates emotional consequences. Psychological studies suggest that Black people with natural hair face prejudices within the family unit, romantic relationships, in the media, education, and employment (Lewis, 1999; Lewis, 2014; Lewis, 2015; Lewis, 2016; Mbilishaka, 2018c; Smith, Mbilishaka & Kennedy, 2017; Neil & Mbilishaka, 2019; Davis, Mbilishaka & Templeton, 2019; Opie & Phillips, 2015). These aesthetic traumas fueled by memories of rejection and encoded with sadness and shame (Wilson, Mbilishaka & Lewis, 2018; Mbilishaka, Mitchell, & Conyers, 2019; Mbilishaka, Rall, Hall & Wilson, 2019), are reinforced by daily reminders of how wearing natural hair is non-conforming to White ideals of beauty perpetuated by systems of oppression (Mbilishaka, 2018c). This results in hair stress (Winfield-Thomas & Whaley, 2019, p. 162), the “harmful physical and psychological effects of hair styling methods used to transform the hair from its natural state to achieve and maintain an unnatural texture and appearance.” Chemically or thermally straightening Black hair can result in self-

induced hair loss, hair damage, lowered self-esteem, social anxiety, and depression (Winfield-Thomas & Whaley, 2019). We need a cultural redefinition of natural hair that is fortified by law.

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Owusu_FAV_SB531

Uploaded by: owusu, pokuaa

Position: FAV



THE PRINCE GEORGE'S COUNTY GOVERNMENT

OFFICE OF THE COUNTY EXECUTIVE

BILL: Senate Bill 531 - Discrimination - Definition of Race
- Hair Texture and Hairstyles

SPONSOR: Senator Smith, *et al.*

HEARING DATE: February 18, 2020

COMMITTEE: Judicial Proceedings

CONTACT: Intergovernmental Affairs Office, 301-780-8411

POSITION: SUPPORT

The Office of the Prince George's County Executive **SUPPORTS Senate Bill 531 - Discrimination - Definition of Race - Hair Texture and Hairstyles**, which defines "race," for the purposes of specified laws prohibiting discrimination, as including traits historically associated with race, including hair texture, afro hairstyles, and protective hairstyles. The bill also defines "protective hairstyle" as a hairstyle designed to protect the ends of the hair by decreasing tangling, shedding, and breakage, including braids, twists, and locks.

Black hair in its natural state is typically defined by its curly or coiled texture. African American hair is as diverse as the African American experience. According to the U.S. Census Bureau, there are over 40 million individuals who identify as Black or African American in the United States. With that, there are over 40 million different ways to be Black in America. However, regardless of age, geographic location, religious beliefs, socio-economic status, education, or politics, black hair and its resilience are symbols of the African American experience and a connection to the history of the African Diaspora. Whether worn in an afro, braided, twisted, or locked, black hair defined is a phenotypical ancestral bond.

The Prince George's County Human Relations Commission (HRC) advocates for freedom and enforcement of equal civil and human rights within 13 protected classes, including race and personal appearance. By expanding the discrimination definition of race to include hairstyles and texture, this bill prohibits the denial of opportunities and differential treatment that minorities of color may experience in an employment capacity and other protected areas.

For the reasons stated above, the Office of the Prince George's County Executive **SUPPORTS Senate Bill 531** and asks for a **FAVORABLE** report.

Women's Law Center of MD - FAV_SB 531

Uploaded by: Ruth, Laure

Position: FAV

BILL NO: Senate Bill 531
TITLE: Discrimination – Definition of Race – Hair Texture and Hairstyles
COMMITTEE: Judicial Proceedings
HEARING DATE: February 18, 2020
POSITION: **SUPPORT**

Senate Bill 531 seeks to address employment discrimination based on racist attitudes towards hairstyles and hair textures traditionally worn within the Black community. Because the Women's Law Center of Maryland fully supports bodily autonomy, including the ability to wear hairstyles with cultural or historical significance, and recognizing the continued existence of discriminatory practices, specifically against Black women who choose to wear these hairstyles, the WLC believes this legislation is necessary.

While our current law already prohibits employers from discriminating or engaging in adverse employment practices based on an employee's race, the fact remains that hair discrimination exists and has a detrimental effect on employees' abilities to advance, grow, and connect, in the workplace¹. Policies and practices that have a negative impact are not based on any legitimate business or safety rationale, but are rooted in bias and negative stereotypes. Hair discrimination has a measurable impact on Black women – both in terms of societal acceptance and also in terms of their economic security.

By changing the definition of race within Title 20 of the State Government article to include “traits historically associated with race, including hair texture, afro hairstyles, and protective hairstyles” workers across the state will gain increased protection from racist and biased policies and practices within the scope of their employment. New York, New Jersey, and California have already passed similar legislation and the WLC believes Maryland should join the growing list of states prohibiting these practices.

Therefore, the Women's Law Center of Maryland, Inc. urges a favorable report on Senate Bill 531.

The Women's Law Center of Maryland is a private, non-profit, membership organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change. The Women's Law Center operates two hotlines, Protection Order Advocacy and Representation Projects in Baltimore City, Baltimore County and Carroll County and the Multi-Ethnic Domestic Violence Project.

¹ The Crown Research Study, 2019, <https://www.thecrownact.com/research>, last visited 2/15/2020

Amber Taylor_FAV_SB531

Uploaded by: Taylor, Amber

Position: FAV

Testimony for the Senate Judiciary Committee
February 18, 2020

SB 531 Discrimination - Definition of Race - Hair Texture and Hairstyles

FAVORABLE

I fully support prohibiting discrimination based on hairstyle, type, or texture. As a Black woman with natural hair, the passage of this law would make me feel seen as a heard, and my fears understood.

I, like many Black women growing up, was told you had to straighten your hair to succeed in this county. That my skin and my gender were enough barriers to overcome, I was told to do everything I could do to look pretty i.e., conform my body to meet a white or Eurocentric idea of beauty.

The worst part of this is that they were right. I always felt that I had to work three times as hard to get half as much as white people. One part for my skin color, one part for my gender, and one part for my 4c hair. Over my lifetime, I saw that Black women who wore their hair the natural way came out of this head compare to dirty, unkempt, unprofessional, and ugly. When I decided to wear my natural hair, I heard the comments made my white and Black people that undermined my professionalism and my worthiness. Indeed, in one implicit bias test, white women showed the strongest bias against textured hair, rating it as less professional than smooth hair. This is the subtle racism that Black women have had to face centuries.

Black hair is a prompt that too often reveals the bigotry of people who imagine themselves to merely be upholding professional "standards," standards that too often treat textured hair and protective styles as unsuited for the office, classroom, and board room. This discrimination, rooted in a long legacy of racism, white supremacy, and gender bias, remains a harmful practice with severe consequences, particularly within the education and employment settings. Hair discrimination forces Black women, in particular, to struggle with professional discrimination both on the basis of sex and with regard to gender stereotypes requiring us to conform to specific kind of Eurocentric femininity that fails to include the material realities of Black hair. This standard fails to see the beauty in our skin, our lips, and our hair.

To be clear: the US Supreme Court has decided that hair discrimination is legal by letting hair discrimination firings stand. Indeed, in 2010, Chastity Jones was offered a job as a customer service representative at a call center in Mobile, Alabama. During the interview, Jones wore her hair in short, natural locs and was dressed in a business suit and pumps. An HR manager later told Jones that dreadlocks violated the company's grooming policy because they "tend to get messy." She told Jones she couldn't wear her hair that way at work, and when Jones refused to cut her locs, the job offer was rescinded. The NAACP LDF filed a motion to intervene with the Supreme Court in 2018 after the case had moved through the EEOC and the Federal courts. In their motion, they argued that "facially neutral policies, racial proxies, [and] stereotyped thinking — operate to disfavor applicants based on their race" and that the HR manager in Jones' case denied her a job based on harmful racial stereotypes that African-American hair is naturally

unprofessional. The Supreme Court refused to hear the case. One would be hard-pressed to find any circumstances in grooming guidelines where white bodies or white hair characteristics are targeted similarly.

It must also be noted that efforts by black employees or students to conform to or mimic Eurocentric hair patterns and styles cannot be seen as a viable solution if the voluntariness of those efforts is stripped away. While some decisions to have straight hair are purely for fashion, for many, it is about keeping up very particular appearances, sometimes at the cost of the consumer's health.^[1] A recent study by the American Journal of Epidemiology determined that the use of hair relaxers may be linked to uterine fibroids in Black women and girls, a condition that is estimated to affect 80% of Black women over their lifetime.^[2]

The repeated manipulation of installing weaves can lead to weakened hair and hair loss. Ironically, protective styles used to maintain hair health, including "locs", afros or twists, may place Black employees outside of the range of many employment-based grooming standards, standards that have not been afforded anti-discrimination protections. The great author Maya Angelou once said, "I would say that hair is a woman's glory and that you share that glory with your family. And they get to see you braiding it and they get to see you washing it...But it is not a bad thing or a good thing, it's hair."

This law would tell Black people across Maryland that they don't have to be afraid of wearing this hair in whatever style they choose. It would show our government is here to protect us against this type of discrimination. I hope that within a few decades, Black parents in Maryland will not have to tell their children to wear their hair the white way in order for people to see their talents. I hope that we will create a Maryland where it is understood that this form of discrimination is wrong and that Black people's hair will feel a bit freer.

I am here today, however, because this legislature has proposed a bill to interrupt this stigma and to end the perpetuation of the racist notions of "professionalism" and "appropriateness" that lead to it. It's time for Maryland to join New York, New Jersey, California and Montgomery County, Maryland in making hair discrimination illegal and choosing to protect and defend Black hair.

Sincerely,

Amber Taylor
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^[1] Nourbese N. Flint, Teniope Adwumi, Natural Evolutions One Hair Story, Black Women for Wellness, <http://www.bwwla.org/natural-evolutions-one-hair-story/> (last visited Nov. 17, 2019).

^[2] Lauren A. Wise, Julie R. Palmer, David Reich, Yvette C. Cozier, Lynn Rosenberg, Hair Relaxer Use and Risk of Uterine Leiomyomata in African-American Women, American Journal of Epidemiology, <https://academic.oup.com/aje/article/175/5/432/175919> (last checked Nov. 17, 2019).

OAG_FAV_SB531

Uploaded by: WILLIAMS, JESSICA

Position: FAV



STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

February 18, 2020

TO: The Honorable William C. Smith, Jr.
Chair, Senate Judicial Proceedings Committee

FROM: Office of the Attorney General

RE: Senate Bill 531: Discrimination – Definition of Race – Hair Texture and
Hairstyles (SUPPORT)

The Office of the Attorney General submits this position paper in support of Senate Bill 531, which expands the definition of “race,” for certain laws prohibiting discrimination, to include traits historically associated with race, such as hair texture, afro hairstyles, and protective hairstyles. The bill also defines the term “protective hairstyle” to include “braids, twists, and locks.” Ultimately, SB531 seeks to ban discrimination against individuals based on their natural hair texture and cultural hairstyles.

While there are a range of hair textures that are common among people of African descent,¹ natural hair textures—hair that is tightly-coiled or tightly-curved—is most closely associated with people of African descent.² Furthermore, natural hairstyles like braids, twists, and locks, are often worn by Black people.³ The decision to wear a natural “protective hairstyle” may

¹ This support letter will use the terms African descendant, African American, and Black, as well as the phrase “people of African descent” interchangeably to describe individuals who identify as having African ancestry.

² NYC Comm’n on Human Rights, *Legal enforcement Guidance on Race Discrimination on the Basis of Hair*, NYC 1, 3 (2019), <https://www1.nyc.gov/assets/cchr/downloads/pdf/Hair-Guidance.pdf>.

³ *Id.*



STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

be due to a desire to maintain hair-health or may be the result of other financial, medical, religious, or personal reasons, including maintaining one's cultural identity.⁴

For decades, natural hair textures, afro hairstyles, and protective styles worn by Black people have been described as messy,⁵ matted,⁶ and unkempt⁷—styles that are not suited for professional settings, such as schools and the work place.⁸ Educational institutions and employers throughout the United States have routinely instituted policies that prohibit common hairstyles worn by Black children and adults alike.

In 2014, the Army adopted new grooming regulations banning twists, dreadlocks, and large cornrows, which are styles that are popular amongst Black women.⁹ After receiving backlash from thousands of servicewomen, the Army reversed its ban in 2017.¹⁰ Many viewed the prohibition of these protective styles as an outright rebuke against Black women and a mechanism used to deter Blacks from joining the Army.¹¹ Underlying the Army's regulations and similar policies is the

⁴ *Id.* at 3-4.

⁵ *Equal Employment Opportunity Comm'n v. Catastrophe Mgmt. Sols.*, 852 F.3d 1018, 1021 (11th Cir. 2016).

⁶ Helene Cooper, *Army's Ban on Some Popular Hairstyles Raises Ire of Black Female Soldiers*, N.Y. TIMES (Apr. 20, 2014), <https://www.nytimes.com/2014/04/21/us/politics/armys-ban-on-some-popular-hairstyles-raises-ire-of-black-female-soldiers.html>.

⁷ *Id.*

⁸ *Supra* note 2, at 4.

⁹ *Supra* note 6.

¹⁰ Zeba Blay, *U.S. Army Lifts Ban On Dreadlocks*, HUFF POST (Feb. 21, 2017, 4:31 PM), https://www.huffpost.com/entry/us-army-lifts-ban-on-dreadlocks_n_589e1cfee4b03df370d64723.

¹¹ *See supra* note 6.



STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

lack of understanding about African American hair and the validation of negative stereotypes associated with natural hair and protective hairstyles.¹²

These restrictive policies have not only affected Black women, but also harm Black men and children. For example, in 2018, A Brook’s Christian Academy—a private Christian school in Florida—denied entry to a 6-year-old African American boy because of his dreadlocks.¹³ The School cited its student handbook which prohibited boys from wearing “dreads” as justification for its actions.¹⁴ Likewise, in 2019, a high school student in New Jersey was forced by a Caucasian referee to cut his dreadlocks prior to participating in a wrestling match.¹⁵

Unfortunately, this type of race-based hair discrimination has become prevalent in our society, particularly in schools and workplaces. It is unjust for Black people to be penalized for the natural texture of their hair (i.e. the way in which their hair naturally grows) or for deciding to wear a protective style consistent with their cultural identity. The harm caused by race-based hair discrimination places undue burdens on an already vulnerable population. Given the United States

¹² *Id.*

¹³ Nicquel Terry Ellis & Charisse Jones, *Banning ethnic hairstyles ‘upholds this notion of white supremacy.’ States pass laws to stop natural hair discrimination*, USA TODAY (Oct. 14, 2019, 2:20 PM), <https://www.usatoday.com/story/news/nation/2019/10/14/black-hair-laws-passed-stop-natural-hair-discrimination-across-us/3850402002/>.

¹⁴ N’dae Yancey-Bragg, *Florida school receiving death threats after turning away 6-year-old with dreadlocks*, USA TODAY (Aug. 16, 2018, 5:41 PM), <https://www.usatoday.com/story/news/nation-now/2018/08/16/florida-school-faces-backlash-rejecting-6-year-old-dreadlocks/1010132002/>; Both the NAACP Legal Defense and Educational Fund, Inc. and the American Civil Liberties Union filed suit against the Florida Department of Education on behalf of the student’s family, arguing that the ban on dreadlocks violates the nondiscrimination requirements in the Civil Rights Act.

¹⁵ Roman Stubbs, *A wrestler was forced to cut his dreadlocks before a match. His town is still looking for answers*, WASHINGTON POST (Apr. 1, 2019, 11:28 AM), <https://www.washingtonpost.com/sports/2019/04/17/wrestler-was-forced-cut-his-dreadlocks-before-match-his-town-is-still-looking-answers/>



STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

history of disenfranchising the Black community, such discriminatory practices should be expressly prohibited by law.

An express statutory prohibition is necessary because courts have not interpreted current laws to preclude race-based hair discrimination. Maryland's higher courts have not issued an opinion concerning the matter. However, courts in other jurisdictions have allowed race discrimination based on hair and hairstyles closely associated with Black people. In 1981, the United States District Court for the Southern District of New York determined that American Airlines' grooming policy, which prohibited cornrows, was not racially discriminatory.¹⁶ Similarly, in 2014, the United States District Court for the Southern District of Alabama, upheld a Company's decision to rescind a job offer because the plaintiff refused to cut her locks.¹⁷ The plaintiff was an African American woman from Alabama.¹⁸ The Company's grooming policy stated:

All personnel are expected to be dressed and groomed in a manner that projects a professional and businesslike image while adhering to company and industry standards and/or guidelines...hairstyles should reflect a business/professional image. No excessive hairstyles or unusual colors are acceptable.¹⁹

The Company interpreted its grooming policy to preclude dreadlocks in the workplace.²⁰ The Company's actions were upheld by the federal district court and was affirmed on appeal by the

¹⁶ *Rogers v. Am. Airlines, Inc.*, 527 F. Supp. 229, 231 (S.D.N.Y. 1981).

¹⁷ *E.E.O.C. v. Catastrophe Mgmt. Sols.*, 11 F. Supp. 3d 1139 (S.D. Ala. 2014).

¹⁸ *Id.* at 1140.

¹⁹ *Id.*

²⁰ *Id.*



STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

United States Court of Appeals for the Eleventh Circuit.²¹ The U.S. Supreme Court declined to review the case.²²

Past precedent demonstrates that courts are reluctant to interpret broad prohibitions against race discrimination to include race-based hair discrimination. Consequently, the General Assembly should act to preclude this discriminatory practice. Both California and New York have enacted legislation banning such discrimination.²³ New Jersey, Michigan, Wisconsin, Illinois, and Kentucky have proposed similar legislation.²⁴ Last year, Montgomery County became the first jurisdiction in the Washington region to ban discrimination based on natural hair.²⁵ Maryland should join this movement and protect the African American community from race-based hair discrimination.

For these reasons, we strongly support SB531 and ask that the Committee favorably report this bill.

²¹ *Equal Employment Opportunity Comm'n v. Catastrophe Mgmt. Sols.*, 852 F.3d 1018 (11th Cir. 2016).

²² *E.E.O.C. v. Catastrophe Mgmt. Sols.*, 138 S. Ct. 2015 (2018).

²³ *Supra* note 13.

²⁴ *Id.*

²⁵ Rebecca Tan, *Montgomery passes first-in-region law banning discrimination based on natural hair*, WASHINGTON POST (Nov. 6, 2019, 9:48 AM), https://www.washingtonpost.com/local/md-politics/montgomery-passes-first-in-region-law-banning-discrimination-based-on-natural-hair/2019/11/06/2eb60c5a-001e-11ea-9518-1e76abc088b6_story.html