

**MEMORANDUM**

October 23, 2019

TO: Health and Human Services Committee

FROM: Amanda Mihill, Legislative Attorney *AM*

SUBJECT: Bill 30-19, Human Rights and Civil Liberties – Race Discrimination – Protective Hairstyles (CROWN Act)

PURPOSE: Worksession – Committee should make recommendation on bill

Bill 30-19, Human Rights and Civil Liberties – Race Discrimination – Protective Hairstyles (CROWN Act), sponsored by Lead Sponsors Councilmember Jawando and Council President Navarro and Co-Sponsors Councilmembers Riemer, Hucker, Alborno, Glass and Rice, was introduced on September 24. A public hearing was held on October 15 at which all speakers supported the bill (see testimony and support/oppose correspondence on ©11-28). The Executive supports Bill 30-19 (©11).

Bill 30-19 would prohibit discrimination based on certain protective hairstyles by clarifying that for purposes of the County’s anti-discrimination law, race includes traits historically associated with race, including hair texture and protective hairstyles (such as braids, locks, afros, curls, and twists).<sup>1</sup> A memorandum from the lead sponsor is attached at ©5-6.

**Issues for Committee Discussion**

The overwhelming majority of testimony/correspondence received on Bill 30-19 has been supportive. Testimony supportive of Bill 30-19 is on ©11-27; testimony in opposition is on ©28).

***Protected/Protective?*** Ms. Pamela Ferrell supported the bill, but urged an amendment to refer to the hairstyles as “protected” as opposed to “protective”. Ms. Ferrell argues that “protective hairstyle is an internet fad term than is subjective and nebulous” (©24-25). Council staff notes that in other jurisdictions, the term “protective hairstyles” is used – as it is in Bill 30-19. Council staff does not have any legal concerns with using protected or protective. Councilmember Jawando, a lead sponsor prefers to use the term “protective” because as Council staff understands it, the hairstyles referenced within the definition of protective hairstyles are *protective* for the hair.

---

<sup>1</sup> #NaturalHairMoCo

Ms. Ferrell also recommended an amendment to specify that “hair shape” is protected. The lead sponsor does not support this amendment because hairstyles associated with hair shape (such as afros) are contained within the definition of “protective hairstyles”.

**Clarifying amendments** In its bill review memorandum, the Office of the County Attorney concluded that Bill 30-19 was legally valid, but suggested 2 clarifying amendments:

On ©3, lines 30-31:

Protective hairstyles ~~[[includes]]~~ are those hairstyles necessitated by, or resulting from, the immutable characteristics of a hair texture associated with race, such as braids, locks, afros, curls, and twists.

On ©3, lines 33-34:

Race includes immutable traits ~~[[historically]]~~ associated with race, including hair texture and protective hairstyles.

Councilmember Jawando, a lead sponsor of Bill 30-19 does not object to these clarifying amendments; **Council staff recommends** these amendments be adopted.

This packet contains:

	<u>Circle #</u>
Bill 30-19	1
Legislative Request Report	4
Sponsor memorandum	5
Fiscal and Economic Impact statement	7
Testimony/written correspondence	11

Bill No. 30-19  
Concerning: Human Rights and Civil Liberties – Race Discrimination – Protective Hairstyles (CROWN Act)  
Revised: 9/23/2019 Draft No. 3  
Introduced: September 24, 2019  
Expires: March 24, 2021  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

---

Lead Sponsors: Councilmember Jawando and Council President Navarro  
Co-Sponsors: Councilmembers Riemer, Hucker, Albornoz, Glass and Rice

---

**AN ACT** to:

- (1) prohibit discrimination based on certain protective hairstyles; and
- (2) generally amend County laws regarding discrimination.

By amending

Montgomery County Code  
Chapter 8A, Cable Communications  
Section 8A-15

Chapter 23A, Group Homes  
Section 23A-10

Chapter 27, Human Rights and Civil Liberties  
Section 27-6

Chapter 33, Personnel and Human Resources  
Section 33-72

Chapter 53, Taxicabs  
Section 53-312

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

**Sec. 1. Sections 8A-15, 23A-10, 27-6, 33-72, and 53-312 are amended as follows:**

**8A-15. Service discrimination and exclusive programming agreements prohibited.**

(a) Unless approved by the County and to the extent consistent with federal law, a franchisee must not, in its cable service rates or charges, or in the availability of its cable services, or in any other respect, grant undue preferences or advantages to any subscriber or potential subscriber, or to any user or potential user, nor subject any of these persons to any undue prejudice or any disadvantage. Unless prohibited by applicable federal law, the County may require the franchisee to have a uniform rate structure for its cable services throughout the franchise area. A franchisee must not deny, delay, or otherwise burden service or discriminate against subscribers or users on the basis of age, race, religion, color, sex, sexual orientation, gender identity, handicap, national origin, or marital status, except for discounts for the elderly and handicapped, as defined in Chapter 27.

\* \* \*

**23A-10. License conditions.**

\* \* \*

(h) *Discrimination.* A group home provider must not discriminate in admitting or providing care to an individual because of the individual's race, color, religion, national origin, or disability, as defined in Chapter 27.

\* \* \*

26 **27-6. Definitions.**

27 The following words and phrases have the following meanings, unless the  
28 context indicates otherwise:

29 \* \* \*

30 Protective hairstyles includes hairstyles such as braids, locks, afros, curls, and  
31 twists.

32 \* \* \*

33 Race includes traits historically associated with race, including hair texture and  
34 protective hairstyles.

35 \* \* \*

36 **33-72. Employee organization responsibilities.**

37 It shall be the responsibility of every employee organization not to:

38 \* \* \*

39 (e) Discriminate against an employee with regard to the terms or conditions  
40 of membership because of race, color, religion, creed, sex, age, national  
41 origin, ancestry, or marital status, as defined in Chapter 27.

42 **53-312. Duty to accept and convey passengers.**

43 \* \* \*

44 (b) A driver must not refuse to transport a passenger because of the  
45 passenger’s disability, race, color, marital status, religious creed, age,  
46 sex, national origin, sexual orientation, gender identity, or geographic  
47 location, as defined in Chapter 27.

48 \* \* \*

49 **Sec. 2.**

50 This Act is known as the “Montgomery County CROWN (Creating a  
51 Respectful and Open World for Natural Hair) Act.”

## LEGISLATIVE REQUEST REPORT

Bill 30-19

*Human Rights and Civil Liberties – Race Discrimination – Protective Hairstyles (CROWN Act)*

**DESCRIPTION:** To prohibit discrimination based on certain natural hairstyles.

**PROBLEM:** County law does not specifically note that racial discrimination includes discrimination based on a person's hairstyle.

**GOALS AND OBJECTIVES:** To clarify County law.

**COORDINATION:** Office of Human Rights

**FISCAL IMPACT:** To be requested.

**ECONOMIC IMPACT:** To be requested.

**EVALUATION:** Not applicable.

**EXPERIENCE ELSEWHERE:** Not applicable.

**SOURCE OF INFORMATION:** Amanda Mihill, Legislative Attorney (240) 777-7815

**APPLICATION WITHIN MUNICIPALITIES:** To be researched.

**PENALTIES:** Not applicable.




**MONTGOMERY COUNTY COUNCIL**  
**ROCKVILLE, MARYLAND**

WILL JAWANDO  
COUNCILMEMBER  
AT-LARGE

**MEMORANDUM**

**TO:** Councilmembers

**FROM:** Will Jawando, Councilmember 

**DATE:** September 18, 2019

**SUBJECT:** Amendment to the Human Rights and Civil Liberties – Race Discrimination – Protective Hairstyles Legislation

On September 24, 2019, I and Council President Nancy Navarro will be introducing Bill 30-19, Amendment to the Human Rights and Civil Liberties – Race Discrimination – Protective Hairstyles Legislation. The Bill will be referred to as the **Natural Hair Bill**. This legislation will:

- (1) prohibit discrimination based on certain natural hairstyles; and
- (2) generally, amend County laws regarding discrimination.

The goal of this legislation is to clarify the definition of what hair types are covered under the definition of protected styles in Section 27-6 of the Human Rights and Civil Liberties – Race Discrimination – Protective Hairstyles.

Montgomery County is a majority-minority county with over half the population identifying as people of color. Black and Hispanic women make up about 36% of the population. At over 200,000 women and girls, Black and Hispanic women account for the highest number of ethnic populations in Montgomery County. In the context of discrimination, hair style policies are used as a tool to discriminate against Black and Hispanic women in the workplace.

In their move to address the discriminatory practices against women of color, California and New York have both passed legislation prohibiting discrimination against natural hair.

With this legislation, Montgomery county can move closer towards who we aspire to be, a more inclusive county that is focused on racial and ethnic equity.

If you have any questions or if you would like to co-sponsor this bill, please contact Cecily Thorne in my office.  
Thanks in advance for your consideration.





ROCKVILLE, MARYLAND

MEMORANDUM

October 14, 2019

TO: Nancy Navarro, President, County Council

FROM: Richard S. Madaleno, Director, Office of Management and Budget *RSM*  
Michael Coveyou, Acting Director, Department of Finance *Theron Aborn for Michael Coveyou*

SUBJECT: FEIS for Bill 30-19, Human Rights and Civil Liberties – Race Discrimination -  
Protective Hairstyles (CROWN Act)

Please find attached the Fiscal and Economic Impact Statements for the above-referenced legislation.

RSM:cm

cc: Andrew Kleine, Chief Administrative Officer  
Fariba Kassiri, Deputy Chief Administrative Officer  
Debbie Spielberg, Special Assistant to the County Executive  
Dale Tibbitts, Special Assistant to the County Executive  
Lisa Austin, Office of the County Executive  
Barry Hudson, Director, Public Information Office  
David Platt, Department of Finance  
Dennis Hetman, Department of Finance  
James Stowe, Office of Human Rights  
Monika Coble, Office of Management and Budget  
Chrissy Mireles, Office of Management and Budget  
Philip Weeda, Office of Management and Budget

**Fiscal Impact Statement**  
**Bill 30-19, Human Rights and Civil Liberties – Race Discrimination –**  
**Protective Hairstyles (CROWN Act)**

**1. Legislative Summary**

The purpose of the legislation is to prohibit discrimination based on certain protective hairstyles as stated under Paragraph 27-6 of the legislation by clarifying for purposes of the County's anti-discrimination law, race includes traits historically associated with race, including hair texture and protective hairstyles, such as braids, afros, curls and twists.

**2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.**

Bill 30-19 will not have an impact on either County revenues or expenditures because it impacts the private sector. However, The Office of Human Rights will be responsible for enforcing this legislation. The Office will investigate any complaints that are filed with the County regarding the proposed law. The Office of Human Rights stated that at this point in time, according to experience of other jurisdictions with similar laws, the Office does not anticipate receiving enough complaints that would impact the Office's operations.

**3. Revenue and expenditure estimates covering at least the next 6 fiscal years.**

Not applicable.

**4. An actuarial analysis through the entire amortization period for each bill that would affect retiree pension or group insurance costs.**

Not applicable.

**5. An estimate of expenditures related to County's information technology (IT) systems, including Enterprise Resource Planning (ERP) systems.**

Not applicable.

**6. Later actions that may affect future revenue and expenditures if the bill authorizes future spending.**

Not applicable.

**7. An estimate of the staff time needed to implement the bill.**

Not applicable.

**8. An explanation of how the addition of new staff responsibilities would affect other duties.**

Not applicable.

**9. An estimate of costs when an additional appropriation is needed.**

Not applicable.

**10. A description of any variable that could affect revenue and cost estimates.**

Not applicable.

**11. Ranges of revenue or expenditures that are uncertain or difficult to project.**

Not applicable.

**12. If a bill is likely to have no fiscal impact, why that is the case.**

See answer to question #2.


**13. Other fiscal impacts or comments.**

Not applicable.

**14. The following contributed to and concurred with this analysis:**

Philip Weeda, Office of Management and Budget

James Stowe, Office of Human Rights

  
\_\_\_\_\_  
Richard S. Madaleno, Director  
Office of Management and Budget

  
\_\_\_\_\_  
Date

**Economic Impact Statement**  
**Bill 30-19, Human Rights and Civil Liberties – Race Discrimination – Protective Hairstyles**  
**(CROWN Act)**

**Background:**

Bill 30-19 would:

- (1) prohibit discrimination based on certain protective hairstyles;
- (2) and generally amend County laws regarding discrimination.

The goal of this legislation is to clarify the definition of what hair types are covered under the definition of protected styles in Section 27-6 of the Human Rights and Civil Liberties - Race Discrimination- Protective Hairstyles.

**1. The sources of information, assumptions, and methodologies used.**

There were no sources of information, assumptions, or needed methodologies in the formulation of this economic impact statement.

**2. A description of any variable that could affect the economic impact estimates.**

There are no variables that could affect the economic impact estimates for this bill.

**3. The Bill's positive or negative effect, if any on employment, spending, savings, investment, incomes, and property values in the County.**


The bill will have no impact on employment, spending, savings, investment, incomes, and property values in the County.

**4. If a Bill is likely to have no economic impact, why is that the case?**

See number 2.

**5. The following contributed to or concurred with this analysis:**

David Platt, Dennis Hetman, and Robert Hagedoorn, Finance.

  
\_\_\_\_\_  
Michael Coveyou, Acting Director  
Department of Finance

10/8/19  
Date

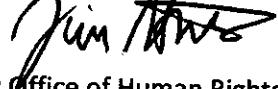


OFFICE OF HUMAN RIGHTS

Marc Elrich  
County Executive

James Stowe  
Director

To: Nancy Navarro, County Council President, Sidney Katz, County Council Vice President,  
Council Members Will Jawando, Hans Riemer, Tom Hucker, Craig Rice, Gabe Albornoz, Evan  
Glass, Andrew Friedson

From: Jim Stowe, Director   
Montgomery County Office of Human Rights

Date: October 15, 2019

Subject: County Council Public Hearing

Administration Testimony to Council for Bill 30-19 Human Rights & Civil Liberties-Race  
Discrimination-Protective Hairstyles.

President Navarro, Vice President Katz, Council Member Jawando and distinguished Members of  
Council, we thank you for this opportunity to speak on this timely and important issue.

My name is Jim Stowe and as you know I serve as Director of the Montgomery County Office of Human  
Rights. I come today to speak on behalf of the Administration in support of Council Bill 30-19 Human  
Rights & Civil Liberties-Race Discrimination-Protective Hairstyles.

As you are all aware County Executive Marc Elrich has fought against all forms of discrimination  
throughout his political career and believes it is a core value of Montgomery County that all residents  
should have equal and fair access to a workplace and community free of discrimination.

If approved, the Office of Human Rights would address complaints as directed by the provisions of the  
law. The Office of Human Rights would also provide support for technical questions that might arise  
from employers, employees, housing seekers and providers and patrons and providers of public  
accommodations.

Based on information gathered from the state of California and New York City Human and Civil rights  
agencies who have passed similar laws there has not been a major impact on the number of new  
complaints due to the passage of their laws. We would expect a similar experience here in Montgomery  
County.

The County Executive is in support of the passage of this law as is the Office of Human Rights.

Thank you for the opportunity to share these brief comments.

---

21 Maryland Avenue, Suite 330 • Rockville, Maryland 20850 • 240-777-8450 • 240-777-8460 FAX  
[www.montgomerycountymd.gov/humanrights](http://www.montgomerycountymd.gov/humanrights)

6

11

Cc: Andrew Kline, Chief Administrative Officer

Fariba Kassiri, Deputy Chief Administrative Officer

Debbie Spielberg, Special Assistant to the County Executive

Dale Tibbitts, Special Assistant to the County Executive

Barry Hudson, Director, Public Information Office

Amanda Mihill, Legislative Attorney



## COMMUNITY ENGAGEMENT CLUSTER

### COMMISSION FOR WOMEN

Marc Elrich  
County Executive

Jodi Finkelstein  
Executive Director

#### Testimony in Support of Bill 30-19

#### Human Rights and Civil Liberties - Race Discrimination - Protective Hairstyles (CROWN Act)

My name is Nicole Y. Drew and I am the president of the Montgomery County Commission for Women. I am here today in support of Bill 30-19, Human Rights and Civil Liberties - Race Discrimination - Protective Hairstyles (CROWN Act)

I am pleased to be here in two capacities: as president, representing the entire commission and as a woman of color with intimate knowledge of the issue. I have had to make choices on how to wear my hair based on the audience.

The Commission represents the women in the County, who constitute more than half of Montgomery County residents, and we unanimously support this bill because we are wholeheartedly against discrimination and encourage the celebration of Montgomery County's diversity. While this issue is not exclusive to women, it does impact a large group of women. The Commission promotes the advancement and empowerment of women, and this bill eliminates another hindrance to a woman's advancement, economic empowerment and overall wellbeing in society when there is no fear of this type of discrimination.

I also want to emphasize the collateral effects of this issue. From a very young age, I was conditioned to accept a certain standard for what looks are acceptable as professional and well-groomed, especially in the workplace. For many years, I used chemical relaxers in my hair on a regular basis to achieve a certain look before I realized, like many other women, the dangers of the chemicals that we put in our hair that could eventually affect our bodies, and ultimately destroy the natural state of our hair. Although I have not used these chemicals for almost 30 years, the conditioning of standards of beauty, grooming and professionalism remain.

My daughter recently experienced this discrimination on one of her jobs when a manager created an environment whereby African-Americans were made to feel like it was taboo to wear their hair in natural

hairstyles and texture. While I was shocked that we still have this issue today, I was not entirely surprised. After all, I subscribed to that belief system for many years myself as to what is considered an acceptable and professional hairstyle, even to the point of making judgments about a friend who did not want to cut his locks to conform to the accepted standard.

Eventually, and thankfully, I altered my thinking. I ask you all to do the same and subscribe to a paradigm shift that allows individuals who are affected by this type of discrimination to feel comfortable, confident, and proud of the hair they were born with, to wear it in the natural state and texture, and to be free from this type of discrimination.

Finally, I want to applaud Council President Navarro and Councilman Jawando for tackling this issue and not seeing this as an issue to be marginalized or trivial as we help Montgomery County take steps equity and inclusion.



**"Don't remove the kinks from your hair? Remove them from your brain!" Marcus Garvey**

I wish to thank you, for holding this hearing on a very consequential issue. The sponsors are courageous; this hearing demonstrates a commitment to erasing discriminatory practices embedded in policy, which I hope will also dismantle the not so explicit but FELT discrimination that I and some of my peers have experienced in the workplace.

My name is Soffie Ceesay.

I have had my hair in braids for as long as I can remember; beginning with plats or cornrows, graduating to braids with extensions, considered to be more "sophisticated". Practically every girl knew that Sundays were when we would remove old braids, wash and dry our hair, lotion it and then have it braided, anew, in preparation for the school week. The gathering of braiders and those getting braids was, in retrospect, a rite of passage. The older ones would braid the hair of the younger ones, who were also watching and learning how to braid; conversations revolved around chores, school work, parties, sometimes, boyfriends if your parents were not around, and so on and so forth. We picked up on acceptable behaviors and how to conduct ourselves in different settings.

Having braids was part of my aesthetic, my identity. So was having an afro or simply a close shave during my college years, which my husband would administer whenever I felt pressed for time to focus on schoolwork. In fact, when I got my visa and bought my ticket to the US, the last act before I bid everyone farewell was to have my hair braided. My worth, my intellect, my competence was never wrapped up in my hairstyle; never given a thought. This changed, however, in 1993, when I was hired to work at a firm doing work for the Department of Defense. I had cornrows and the commentary on them began on week one. At first, I thought that folks genuinely wanted to know about this part of my identity; truth be told, having my hair braided was also a convenient way for me to save time in the mornings - no combing required - look beautiful, presentable and professional - they wanted to feel my hair; when I didn't have braids but a short afro, I was asked what happened to my hair and when I changed to braids again, whether I used miracle grow. I was finally told by a co-worker, Mr. Y, that our boss, Mr. B, has told d him to tell me that I couldn't have my hair in braids in the office. I told Mr. Y that until I hear it from Mr. B, I will pretend to not have heard him. My confidence was shaken, of course, and my job jeopardized. By 1995, it became clear to me that I needed to move on. The intervening period saw my work products being delivered to the customer by someone else and many other actions, subliminal, yet very clear to me, that they have other means of keeping me in check/tamed if not fired, outright.

Over the years, I have continued to wear my hair in braids, in part because I've always done it, partly to send a message that I am not my braids, and partly to be a presence for those coming in to the workforce, who may wonder about being accepted in the workplace if they sport a natural style.

9

The cost to me, both felt and assumed has been draining. Because, to have your economic mobility arrested simply because of your hair style defied logic. In my case, I began to question whether I should go back to school and earn another degree or certificate. It became a psychological maelstrom - conform or be sidelined; when walking the hallways of your office, people look at your head and not at you. Even if, instinctually, you know that what is being done to you is unfair, you still question yourself, your worth, your ability. You feel powerless; those with hire and termination powers do not share your history and have found ways to terminate your services or force you to leave or conform to their hair grooming standards without any idea of what that entails. I cannot tell you the number of times I have been in the company of, introduced myself to, and have conversations with, folks, who, one week later, will not recognize me and I wonder, once more, if all they see when we meet is my hair and nothing else.

What I experienced is nothing compared to experiences other colleagues have shared with me. Dee was interviewed and received the job offer. To celebrate, she decided to go to the salon, paid good money to have cornrows. Needless to say, those corn-rows came off the first day after work because of what she described as the "Look" as she was being walked around to meet her co-workers. I have felt the look - no words are necessary. Not only did she get the "look" from her white co-workers, but also from black female co-workers. She felt "crushed" she said, and cried all the way home. At work the next day, she sported a wig; her immediate supervisor said to her "Oh, I like your hair", another commented, I like your hair like that". For six months Dee wore only wigs or had a straight hair weave. After the six months, after her 90 day probationary period, after a mid-year review of stellar performance, she felt confident going back to having braids. As soon as she did, her boss at the time, who until that time never had an issue with her performance, who was actually at a different site, started to receive complaints about Dee's performance. Needless to say, Dee left that job; but, she carried with her the knowledge that if you want to remain employed in certain workplaces, your skills, abilities or intellect may be found insufficient by those who do not share a cultural identity with you or by those who do, but feel their positions threatened; that you will have to get rid of some of who you are or lose a large part of your identity to be found acceptable and professional.

The subliminal messages and other action affect one's mental health and sense of self. My hair style should not be a reflection of my competence or intellect, or used to determine how successful I become. Again, thank you for your courage and I look forward to the changes envisioned with this bill.

Hi, my name is Yamundow Sarr. I was born and raised in Montgomery county. I went to Forest Knolls Elementary School, Silver Spring International Middle School, Northwood High School, and am a graduate Towson University with a degree in Business Administration with a concentration in finance.

Upon graduation I worked at Morgan Stanley, and currently work as a Marketing Program Coordinator in DC. Most of the people I've worked with in the past, and currently work with have the luxury of walking into work with a new hairstyle to be greeted with "oohs and aahs" and compliments.

Unfortunately for me, and many others like me, walking into work with a new hairstyle, whether it's new braids, freshly twisted locs, untwisted locs, or even rocking our natural afro, a feeling of dread and anxiety looms over.

Often, the pride and joy we have in our hair is overshadowed by strange looks, and offhand comments from our coworkers and management. Being asked to join your manager in their office to have a conversation about professionalism, when they can't verbalize or communicate what exactly is unprofessional is beyond frustrating.

It leads one to believe that if our hair isn't straight or doesn't fall into line with European standards of beauty, we are unkempt, and unprofessional which is far from the truth.

It is heartbreaking that our fight to essentially "come as we are" is something that is never even a thought for our counterparts.

This bill would mean that we are seen for our capabilities and our knowledge. This bill would mean that we are more than just our hair. This bill would mean we are able to walk into a room, with our God given, natural hair, without the worry or feeling of being ostracized.

12

Testimony of Sunni R. Harris

Attorney

CROWN Act, Public Hearing

October 15, 2019

My name is Sunni Harris, and as an attorney, I performed legal research and analysis that supported California's decision to pass the Crown Act into law. I humbly stand before you requesting that this Council do the same.

Think back to when you were preparing for your first career-defining interview. You contemplated what you were going to wear, how you were going to present yourself, and answers to anticipated questions. In addition to these considerations, people of color also have to think about how they are going to wear their hair. During law school, I mostly wore my hair natural. However, whenever it came time to interview with law firms, and later practice with a law firm, I made the conscious decision to straighten my hair. The calculus was unfortunate, but simple: my husband was in ministry, and his position did not pay very much. Thus, it was obvious to us – even while I was in law school – that I would likely be the breadwinner in our marriage. In an effort to help provide a level of economic stability for our family, I chose to straighten my hair and, in turn, capitulated to what many deem a “professional image.” Research suggests that my dilemma was not an outlier. A Black woman is the breadwinner in 81.1% of Black households.

It is an underappreciated fact that Black hair is more fragile than White hair. The consistent use of chemical relaxers and/or heat to achieve straighter hair – comporting with what society largely deems “professional” – often results in significant hair damage and hair loss for people of color. This is one of the reasons why the Crown Act is so important. It recognizes that purportedly race neutral grooming policies disparately impact persons of color, and affirms that a person should not have to sacrifice the health of their hair in pursuit of economic stability. Contrary to popular belief, the Crown Act is very narrow in scope, and is not about personal expression. Rather, it simply codifies a person's ability to wear hairstyles (such as braids, locks, and twists) that are necessary for healthy hair maintenance.

To date, the courts have refused to apply antidiscrimination protections to aggrieved plaintiffs because they have considered the aforementioned hairstyles to be “mutable choices.” But the courts are misinformed. Hairstyles that support healthy hair maintenance are not mutable choices, but rather serve to protect the uniquely fragile texture of Black hair – a direct result of its biological and immutable nature. I implore this Council to seize the opportunity to become a frontrunner in the movement to protect its residents of color from discrimination. In the words of Dr. King: “The time is always right to do what is right.” Please enact the Crown Act in Montgomery County.

**KELLI RICHARDSON LAWSON, CEO, JOY Media Collective, LLC (dba JOY Collective)**

My name is Kelli Richardson Lawson, and I am a resident of Montgomery County. I am also founder and CEO of JOY Collective – one of the fastest growing marketing and PR agencies in the US – headquartered right here in Montgomery County and mother of two young Black men who attend Walt Whitman high school in Montgomery County. I worry about them every day, and pray that they are not asked to leave school because they decide to wear a big curly afro or roc some locs one day to school. Sadly, in this state and county, it is absolutely legal to do so today as there are no laws protecting children or adults from hair-based discrimination in the workplace OR in schools.

We have seen countless instances over the past year of hair discrimination affecting us:

- In May, 2018, The Supreme Court refused to consider a hair discrimination case which essentially gave employers permission to ban natural hairstyles.
- In August, 2018, Faith Fennidy, a 6<sup>th</sup> grader at Terrytown, LA was forced to leave school when she was told her braids violated school rules
- In that same month, 6-year old C.J. Stanley, a first grader in central Florida, was turned away from school because of his dreadlocs
- And on December 19, 2018, a predominantly White crowd in a Buena, New Jersey high school gymnasium watched as a White referee demanded a Black 16-year-old varsity wrestler cut his dreadlocks (“locs”) or forfeit the match.<sup>1</sup> Coerced by the referee and failed by the adult onlookers, Andrew Johnson’s locs were violently cut. Despite winning the match that night, video footage, viewed over one million times via social media, demonstrates that Mr. Johnson lost something much more valuable than his win could replace; he was denied the freedom to compete while wearing one of several protective hairstyles essential to his hair’s health and growth.

Unfortunately, the assault on Mr. Johnson that evening extends far beyond the high school gymnasium. Black hair is more fragile and susceptible to breakage than the White population,<sup>2</sup> and hair damage and loss is exacerbated by the consistent use of harmful styling practices like chemical relaxers and heat straightening.<sup>3</sup> Thus, braids, dreads, and twists (collectively called “Protective Hairstyles”)<sup>4</sup> are necessary for healthy Black hair maintenance.

I can **personally** attest to the damage to my hair when my Mom took me to receive my first chemical relaxer in high school back in Cleveland, Ohio and the subsequent weekly visits to the hair salon when I moved to Maryland to straighten and flat iron my hair in order to achieve what was deemed a “socially acceptable professional image” for my job. Growing up in the 70’s, like many young Black

<sup>1</sup> Laurel Wamsey, *Adults Come Under Scrutiny After HS Wrestler Told To Cut His Dreadlocks Or Forfeit*, NATIONAL PUBLIC RADIO (DECEMBER 27, 2018) (<https://www.npr.org/2018/12/27/680470933/after-h-s-wrestler-told-to-cut-his-dreadlocks-or-forfeit-adults-come-under-scrut>).

<sup>2</sup> AMERICAN ACADEMY OF DERMATOLOGY, *Survey: Almost half of African-American women have experienced hair loss*, <https://www.aad.org/media/news-releases/hair-loss-in-african-american-women> (last accessed December 27, 2018).

<sup>3</sup> *Id.*

<sup>4</sup> See Vanessa Simpson, *What’s Going on Hair?: Untangling Societal Misconceptions that Stop Braids, Twists, and Dreads From Receiving Deserved Title VII Protection*, 47 SW. L. REV. 265, 266 (2017) (referring to braids, twists and locks as “protective hairstyles,” and stating that such hairstyles are necessary for the health and maintenance of Black hair).

# JOY

girls, I was taught to conform to a Eurocentric standard of beauty that had been passed down for generations of living in this country during slavery and segregation. My parents grew up in the segregated South, and focused on survival skills that they then taught their 2 daughters – and part of that related to how we “showed up” in the world with straight, sleek, processed hair. When I started my career at Procter and Gamble in the 80’s, I constantly relaxed and straightened my hair in order to be deemed “professional” or to “fit in” at the workplace. A recent quantitative research study commissioned by Dove (and fielded by JOY) with 2000 women earlier this year confirms that 80% of Black women report needing to change their hair in order to be accepted at work instead of having the freedom to wear their hair how it naturally comes out of our heads or in a Protective Hairstyle.

In an effort to advance the acceptance of Protective Hairstyles within society, my company JOY Collective – based right here in Montgomery County -- has been engaged to work closely with Unilever’s Dove brand over the past year to support legislation that will make it illegal for public schools and employers to enforce purportedly race neutral grooming policies that disproportionately impact people of color – especially Black people.

I am proud to share that we have worked with Dove to create The CROWN Coalition which includes Dove, The National Urban League, Color Of Change, and Western Center on Law and Poverty along with 52 more like-minded organizations like Delta Sigma Theta Sorority, Inc., The Links, Incorporated, Jack and Jill of America, the National Council of Negro Women, and many more organizations who are supporting Dove’s mission of ensuring that there is a world where we can be free to wear our hair how WE choose – especially how it grows naturally out our heads. Through this coalition we have worked to pass the CROWN Act in both California and New York to end hair discrimination in the workplace and in schools.

The goal of The CROWN Act is to “Create a Respectful and Open World for Natural Hair”.

We aren’t finished at all! The CROWN Act is currently in play in the state of New Jersey, and we are marching across the country to introduce the The CROWN Act state by state to amend laws such that all of us have the freedom to wear our hair how we choose and not be discriminated against for doing so.

I am proud to live in this beautifully diverse county, and am grateful to Councilmember Will Jawando and Council President Nancy Navarro for introducing the CROWN Act right here at home in order to Create a Respectful and Open World for Natural Hair. By passing the CROWN Act, Montgomery County will become the first county in this country to ensure there is hair inclusivity for all of us and all of our children.

For these reasons, I urge you to pass the CROWN Act legislation to clarify the definition of what hair types are covered under the definition of protected styles. This legislation will protect hundreds of thousands of people like myself and my children living right here in Montgomery County.

Thank you.

# JOY



14

**TESTIMONY OF PROFESSOR WENDY GREENE FOR HEARING ON BEHALF OF  
BILL 30-19, "Montgomery County CROWN (Creating a Respectful and Open World for  
Natural Hair) Act**

*Presented to the Montgomery County City Council on October 15, 2019*

Good afternoon, Council President Navarro and Council Members:

My name is Wendy Greene. I am a Professor of Law at Drexel University Kline School of Law and the Frances Lewis Scholar in Residence at Washington and Lee University School of Law. I am a leading anti-discrimination law scholar, teacher, and advocate.

Over the past 12 years, I have published an authoritative body of legal scholarship, which calls on lawmakers like yourselves, to adopt definitions of race in concert with how race operates in society: historically and contemporarily, characteristics like skin color, hair texture, and hairstyles are used to define individuals on the basis of race and in turn, engender racial discrimination.

Recently, my understanding of race was endorsed by the 9<sup>th</sup> Circuit of Appeals and was also cited by the 11<sup>th</sup> Circuit Court of Appeals in *EEOC v. Catastrophe Management Solutions*: an internationally renowned Title VII race discrimination case challenging the revocation of a Black woman's job offer because she refused to cut off her locs.

My scholarly and public advocacy are instrumental in creating civil rights protections on federal, state, and municipal levels—in particular, protections against racial discrimination in workplaces, public accommodations, and schools, like the landmark California CROWN ACT and the NY City Commission on Human Rights' enforcement guidance which clarify that natural hair discrimination is unlawful race discrimination.

As one of the nation's leading scholars on "grooming codes discrimination," I devoted my career to increasing awareness around the harms of unchecked discriminatory grooming policies—namely, policies that denigrate natural hairstyles as "distracting," "extreme," "excessive," "unkempt," and "unprofessional"; policies that require African descendants to cut off their hair simply because of the way it naturally grows. Or, in the case of Black women and girls, grooming policies that require that they don straight hair—usually achieved through toxic chemicals, extreme heat-styling, wigs, and weaves, which are expensive and time-consuming to maintain. They, too, often result in painful, chemical burns, permanent hair and scalp damage as well as hair loss. Research also indicates potential correlations between hair straightening products that Black women use and their increased chances of developing uterine fibroids, hormone-related infertility, and more aggressive forms of breast and uterine cancer. Similarly, studies indicate a possible linkage between chemical relaxants and increased hormonal activity amongst African descendant girls.

Therefore, natural hair bans leave Black women and girls in a precarious Catch-22: either don your natural hair at the risk of *lawfully* being deprived of an employment or educational opportunity or



don straight hair at the risk of enduring consequential harms to your psychological, physical, and physiological well-being.

Currently, federal law permits this Catch-22 through a hair-splitting legal distinction: if an employer denies an African descendant a job because she adorns an Afro, the employer engages in unlawful race discrimination; however, the moment she twists, locks, or braids her Afro and suffers adverse treatment on those grounds, the employer's discrimination is deemed lawful.

The CROWN Act fills this unjustifiable gap in statutory protection for African descendants who suffer natural hair discrimination: a systematic form of racial discrimination that harkens back to eras of racial slavery and apartheid in this country.

Today, I strongly urge you to be on the right of side history by joining your fellow lawmakers in states and municipalities around the country and enact the CROWN Act: the first law in US history to protect African descendants from racial discrimination on the basis of their natural hair.

15  
PAMELA FERRELL  
TESTIMONY FOR MONTGOMERY COUNTY, MD CROWN ACT BILL 30-19  
OCTOBER 15, 2019

Good Afternoon,

Thank you, Council members, Council President Navarro, and Councilman Jawando for the opportunity to give my expert testimony concerning the CROWN Act Bill 30-19.

My name is Pamela Ferrell. I am the co-founder, along with my husband Taalib-Din Uqdah of Cornrows & Co., the first natural hair care/ braiding business in the United States. 1980 we pioneered the natural hair care movement so we could fight hair discrimination. We won more dress code discrimination cases than anyone else, some we filed with EEOC, and other matters we filed lawsuits. We are experts at fighting hair discrimination.

I am currently the only expert witness having testified in both hair discrimination and braiding licensure cases around the country. In 1996 we were instrumental in getting the State of Maryland to exempt hair braiders from the cosmetology regulation. In 2015, we organized braiders and killed House Bill 1124 that would have changed that exemption act. The State of Maryland got it right the first time.

I've been fighting hair discrimination for 40 years and here we are 2019 exploring other legal remedies. It has taken us 30 years to get 26 states to change their laws to protect hair braiders 14th amendment constitutional right to earn an honest living. I don't want it to take 30 or 40 years for all 50 states to adopt a law protecting circle hair from discrimination.

Contrary to what others may think, this is not about race; this is about hair. In my expert testimony, before the US Army, I demonstrated the two shapes of hair; circle and line, each one has particular characteristics that determine its appearance and what styles are naturally compatible with it. The afro, braids, twist, curls and lock hairstyles are compatible with circle hair shape. Circle hair and hairstyles must become

a protected class. When state Bills, Acts, and Regulations are created for circle hair it is important to have a hair expert at the table.

It is important to me that the CROWN Act bill gets it right. That the regulations to the act are realistic. The CROWN Act bill will move through states like wildfire because of the urgent need to address hair inequities. I have witnessed enough Bills that pass, and then other States adopt it without thoroughly vetting the details. The strength of this bill is that it addresses a hair problem that is not new and is not going away.

So, let's get this right. I am in support of the CROWN Act Bill 30-19 with consideration to add the following two amendments.

1.) Change 27-6 Definitions to Protected hairstyles includes hairstyles such as braids, locks, afros, curls and twists.

Race includes traits historically associated with race, including hair texture, hair shape and protected hairstyles.

*Note: Protective hairstyle is an internet fad term that is subjective and nebulous. Looking forward, if I were an expert witness in a hair discrimination case, I would not be able to defend its use. Protected is consistent with the language in Title VII "Protected Class." We know what braids, twists, locks, afro, and natural hair is, it is more clear to use terms that are known and will stand the test of time.*

2.) Amend county laws regarding discrimination to include: Educational Institutions, and Public workplaces.

Thank you again for your efforts to address circle hair discrimination.

Pamela Ferrell

Pamela@cornrowsandco.com

For more information on Circle hair : Tedx Pamela Ferrell <https://www.youtube.com/watch?v=jj4KNcY0a5M>

**From:** Navarro's Office, Councilmember [Councilmember.Navarro@montgomerycountymd.gov]  
**Sent:** Friday, October 11, 2019 9:18:47 AM  
**To:** Council President  
**Subject:** FW: Support for Crown Act Bill

---

**From:** Janza Reese <jreeseaka1@gmail.com>  
**Sent:** Friday, October 11, 2019 7:53 AM  
**To:** Navarro's Office, Councilmember <Councilmember.Navarro@montgomerycountymd.gov>  
**Cc:** Shebra Evans <shebra\_e@hotmail.com>; Terrell, Tracey <tracy62799@aol.com>; Kimberly McLurkin-Harris <kmclurkinharris@hotmail.com>  
**Subject:** Support for Crown Act Bill

**[EXTERNAL EMAIL]**

October 11, 2019

Councilmember Navarro  
Montgomery County Council  
Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, MD 20850

Dear Councilmember Navarro,

Alpha Kappa Alpha Sorority, Inc., Theta Omega Omega Chapter urges the Montgomery County Council to pass Bill 30-19, the Montgomery County CROWN (Creating a Respectful and Open World for Natural Hair) Act to help end discrimination against people because of their hair. Our organization is comprised primarily of African American women and we believe that natural hairstyles should be celebrated, not discouraged. This bill will ensure that traits historically associated with race, such as hair texture and hairstyle, are protected from discrimination in Montgomery County.

We feel that this legislation is crucial because it would add to the current discrimination laws a definition of race that would include certain types of natural hairstyles worn by African American women, including braids, locks, afros, curls and twists. The expanded definition would not only cover discrimination in employment, but also in public accommodations, taxi services, admissions to group homes and cable services.

California and New York have passed legislation that prohibits discrimination based on an individual's hairstyle and other states have introduced legislation as well. We are pleased to see that Montgomery County is at the forefront among local jurisdictions on this important issue. We urge you to vote in favor of Bill 30-19.

Sincerely,

*Janza Reese*

Janza Reese, Chairman, Connection Committee  
Alpha Kappa Alpha Sorority, Inc., Theta Omega Omega Chapter

-----  
**Janza Lynn Woods Reese**

**\*Live life to the fullest, and focus on the positive. ~Matt Cameron**

◆ There will be people who will want you to stoop to their level. Don't you dare stoop to their level. You must be the leader. ◆ ~Elijah Cummings

**From:** Navarro's Office, Councilmember [Councilmember.Navarro@montgomerycountymd.gov]  
**Sent:** Wednesday, September 25, 2019 9:16:42 AM  
**To:** Council President  
**Subject:** FW: CROWN Act

---

**From:** Jared Hautamaki <jared.hautamaki@gmail.com>  
**Sent:** Wednesday, September 25, 2019 9:12 AM  
**To:** Riemer's Office, Councilmember <Councilmember.Riemer@montgomerycountymd.gov>; Friedson's Office, Councilmember <Councilmember.Friedson@montgomerycountymd.gov>; Glass's Office, Councilmember <Councilmember.Glass@montgomerycountymd.gov>; Hucker's Office, Councilmember <Councilmember.Hucker@montgomerycountymd.gov>; Jawando's Office, Councilmember <Councilmember.Jawando@montgomerycountymd.gov>; Navarro's Office, Councilmember <Councilmember.Navarro@montgomerycountymd.gov>; Albornoz's Office, Councilmember <Councilmember.Albornoz@montgomerycountymd.gov>; Rice's Office, Councilmember <Councilmember.Rice@montgomerycountymd.gov>; Katz's Office, Councilmember <Councilmember.Katz@montgomerycountymd.gov>  
**Subject:** CROWN Act

**[EXTERNAL EMAIL]**

Dear Members of the Council,

While I applaud the sentiment behind the legislation introduced by Council members Navarro and Jawando I disagree with the drafting as the media has reported it.

"The CROWN (Creating a Respectful and Open World for Natural hair) Act would expand the definition of race under the existing legislation to include hair texture and natural styling, said Council Member Will Jawando, a co-sponsor of the bill."

As written, the bill simply expands definitions of categories against which discrimination is impermissible. Such an expansion would allow discrimination to continue against Native Americans, hippies, punks, emo kids, and any one who dyes their hair an unnatural color or shaves it into an unnatural pattern.

Addressing discrimination at it's root is the better opportunity at hand. Simply add an additional category which reads - "Discrimination based on a persons physical appearance of hair, body or skin is prohibited."

The CROWN legislation is in itself discriminatory in that it seeks to only address discrimination against a limited class of people. It is the County's duty to serve all it's constituents and amending the CROWN act to do so benefits us all.

Sincerely,

Jared Hautamaki

B 30-19

Oct 14, 2019

AM

To. Montgomery County Council  
Re Bill 30-19  
Protective Hair Styles

No, just No. This is  
ridiculous legislation.

Stop wasting my tax dollars  
on frivolous legislation.  
It is this type of behavior  
by you that has made  
Montgomery County a place  
unfriendly to business  
and slowed jobs and economic  
development.

You are getting the important  
things wrong. STOP

Jail Any Force  
27772 Bridgell Rd  
Damascus, MD  
20872

(28)