

NEW JERSEY

NJ looks to become third state to ban discrimination based on hair

Svetlana Shkolnikova NorthJersey

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The moment a 16-year-old black wrestler was forced to decide between cutting his dreadlocks and forfeiting a match was a turning point for Assemblywoman Angela McKnight.

Her heart broke for Andrew Johnson, the Buena Regional High School student who stood solemnly last year as his dreads were cut with scissors in a crowded gym.

“That should not have been a choice for him to make,” McKnight said.

The incident sparked a national debate about how black hair is perceived and judged, and drew accusations of racism.

For McKnight, the episode was a catalyst to effect change.

She led the charge last month to ban discrimination based on hair, sponsoring a bill in the state Legislature that would add traits historically associated with race — including hair texture, hair type and protective hairstyles such as braids, locks and twists — to the state law against discrimination. An identical bill has been introduced in the state Senate.

The legislation is modeled after the Creating a Respectful and Open World for Natural Hair Act, or CROWN, in California, which this month became the first state to prohibit hair discrimination. New York followed suit a few weeks later.

“I thought, ‘Why not have New Jersey be on the forefront of this as well?’ ” said McKnight, a Democrat from Jersey City. “It’s a civil rights issue, and I’m bringing it to the forefront so that it’s no longer looked upon like you must wear your hair a certain way.”

The bill would prohibit employers and schools from enforcing grooming codes that appear to be race-neutral but in fact promote European standards of professionalism and disproportionately affect people of color.

Federal law protects Afros but does not include locks, braids, twists and other hairstyles inherent to black identity, said Wendy Greene, a law professor at Drexel University and an expert on grooming codes discrimination. That gap has allowed biases against textured hair to continue, she said.

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For instance, a black teen in Texas was told in March that he needed to cut his dreadlocks to get hired at Six Flags. Last August, a private Christian school in Florida sent a 6-year-old black boy home for wearing dreadlocks. In 2017, twin sisters in Massachusetts were suspended from school for wearing braid extensions.

Five years earlier, a black woman in Alabama, Chastity Jones, lost a job opportunity at an insurance company because she refused to cut off her dreadlocks. A federal appeals court ruled in her case that dreadlocks were not an immutable characteristic of black people. The United States Supreme Court refused a request by the NAACP to review the case.

“We know through anecdotal evidence as well as through court cases and through social media that black women, boys, girls and men are being systemically and systematically discriminated on the basis of natural hairstyles,” Greene said. “When you prohibit natural hairstyles, what you’re basically saying is you have to wear your hair straight.”

The pressure to conform to European beauty standards that equate professionalism with straight hair is most acutely felt by black women and girls, she said.

A 2017 “Good Hair” study by the Perception Institute, a consortium of researchers, advocates and strategists, found that a majority of people, regardless of race or gender, hold some bias against women of color based on their hair. White women in particular showed explicit bias, rating black women’s textured hair as less attractive and professional than smoother hair.

Assemblywoman Shanique Speight, a Democrat from Newark and co-sponsor of the state bill, said she was racked with anxiety after being elected in 2017. She felt insecure about her braids and worried she would be judged for wearing them.

“I was thinking, ‘Oh, my God, I wonder what they’re going to think of me when I come down to the Statehouse with braids,’ ” Speight said. “I had to stop and say to myself that it doesn’t matter what anybody thinks about me. But that’s how the world has made African-American women and African-American men feel when it comes to the workplace and things we do in society — that our hair is not professional enough to do what we have to do.”

Keeping up with society’s expectations takes a toll, Greene said. To achieve straight hair, black women often use toxic chemical relaxers that have a potential link to uterine fibroids and uterine and breast cancer, she said. They also often suffer hair loss or baldness from extreme heat styling and wearing wigs and weaves.

Hair care seeps into almost every aspect of black women’s lives, Greene said. When a woman straightens her hair, she tends to avoid physical activity that will cause her to perspire and make her hair curl back up, she said. The customs of straightening are imparted on black girls from a young age.

“For so many black women and girls, we never even really know what our real hair texture is like because we’re getting relaxer and straightening agents on our hair starting sometimes as early as 2, 3 or 4 years old,” Greene said. “You can go through your entire life not really knowing this fundamental part of who you are.”

McKnight began swapping out protective styles for natural hair about a decade ago and went fully natural several months ago, encouraged by a growing natural-hair movement that urges black women and men to wear their textured hair in its natural coiled, kinky or tight-curly state.

“I see my natural state, and it's beautiful,” McKnight said. “Many of us have embraced our natural state of hair, and it’s becoming a trend where it’s like, ‘This is who we are. There’s no more hiding. This is our identity.’ ”

Speight said she wore braids for the entirety of the last legislative session and no longer feels insecure about them. She hopes a state law banning discrimination would instill the same sense of confidence and belonging to her young daughter’s generation.

“I want her to embrace who she is,” Speight said. “I want her to know that no matter where she works, no matter where she goes and no matter how her hair is, that she’s not ever going to be discriminated against.”

Email: shkolnikova@northjersey.com, Twitter: [@svetashko](https://twitter.com/svetashko)