

January 17, 2020



**Testimony of ACLU of Wisconsin
In Favor of Assembly Bill 440**

The American Civil Liberties Union of Wisconsin is a non-partisan, non-profit organization working to protect civil liberties—including the freedom of speech and the right to equal protection under the law. The ACLU is very pleased to support AB 440, which amends Wisconsin’s laws against discrimination to prohibit discrimination on the basis of hairstyle in employment, housing, education, service as a juror, adoption, and the equal enjoyment of a public place of accommodation or amusement.

Black hair is a prompt that too often reveals the bigotry of “professional standards,” which too often treat textured hair and protective styles as unsuited for the office, classroom, and board room.

Rooted in a legacy of race and gender bias, hair discrimination remains a harmful practice with serious economic and health consequences, particularly for Black women. Hair discrimination has frequently been operationalized in employer-based grooming guidelines that promote a Eurocentric image of professionalism while treating textured hair, dark skin, and other characteristics associated with blackness as an inferior departure from the norm.

Such biases—regardless of sex or gender stereotypes—reflect the realities of our modern world, where racial discrimination is not necessarily overt, but thrives within the subtle social stereotypes that feed racist beliefs about Black people and are protected under the guise of community standards. One would be hard pressed to find any circumstances in grooming guidelines where white bodies or white hair characteristics are targeted similarly.

To comport with such guidelines, Black people have historically resorted to harmful styling practices that have adverse health consequences. 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. 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. 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 people outside of the range of many school or employment-based grooming standards that have not been afforded anti-discrimination protections.

By passing this bill, and by prohibiting hair discrimination, we can ensure that everyone in Wisconsin can contribute to their communities, schools, and workplaces in the fullness of themselves, without fear of being shamed.

We urge you to vote yes on this bill.