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Title VII: What's Hair (and Other Race-Based Characteristics) Got to Do With it?

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FOREWORD TO THE REPUBLICATION OF *TITLE VII: WHAT'S HAIR (AND OTHER RACE-BASED CHARACTERISTICS) GOT TO DO WITH IT?*

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Since the eras of racial slavery and racial apartheid in this country, racial discrimination and subordination on the basis of African descendants' natural hair texture have existed and persisted. African descendants' hair texture, like their skin color, has served as a marker of racial identity and consequently, the basis of their legal enslavement, harassment, and stigmatization in myriad spheres. Simultaneously, for many African descendants, hairstyles like Afros, braids, twists, and locs—styles that are often the result of the unimpeded growth of their naturally curly hair texture—have served as a source of cultural pride and tradition as well as cultural and religious expression. Yet, for nearly four centuries in the United States, it has been *lawful* to discriminate against, suppress, and police this critical feature of many African descendants' racial and cultural identity. Presently, the freedom with which employers (and other actors) engage in what I have called the "hyper-regulation of African descended peoples' bodies via their hair"[1] is deeply rooted in the often brutal oppression of African descendants which sought to reinforce their legally and socially constructed status as unfree or marginally liberated even in the age of emancipation. Indeed, notwithstanding the purpose of the Civil Rights Act of

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1. *See* D. Wendy Greene, *Splitting Hairs: The Eleventh Circuit's Take on Workplace Bans Against Black Women's Natural Hair in* EEOC v. Catastrophe Management Solutions, 71 U. MIAMI L. REV. 987, 1001–12 (2017).

1964—federal legislation that specifically redressed the longstanding and ongoing racial exclusion, subordination, and segregation confronting Black Americans in various sectors including employment—federal courts' interpretation of this seminal civil rights law has helped to preserve this state of affairs in American workforces.

Soon after the Civil Rights Act of 1964 was enacted, Black women and men spoke more publicly about discrimination they encountered when wearing natural hairstyles like Afros and braids.[2] They also sought recourse under our federal civil rights laws by challenging employers' prohibitions against their natural hairstyles as a form of unlawful race discrimination.[3] Renee Rodgers[4] was one of these courageous souls. In 1981, a federal district court in *Rogers v. American Airlines* upheld American Airlines' grooming policy that prohibited Renee Rodgers, a long-term American Airlines employee, from wearing cornrow braids because they did not comply with the "conservative" image that the company was trying to convey. In so doing, the court ruled that American Airlines did not engage in unlawful race or sex discrimination under federal civil rights laws by compelling Ms. Rodgers, a Black woman, to change her cornrow braids as a condition of employment. Notably, however, the court opined that if American Airlines were to demand that Ms. Rodgers either change her afro or lose her job, then this ultimatum could constitute intentional race discrimination and thereby offend Title VII of the 1964 Civil Rights Act. In other words, if an employer discriminated against a Black woman for donning an Afro then she would be protected against unlawful race discrimination; yet, if the same Black woman braids her hair and is discriminated against, *she* has forfeited her legal right to be free from racial discrimination and the discrimination she suffers at the hand of the employer is declared lawful. One might ask: why

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2. *See Negro Fired for Hairstyle*, SEMI-WEEKLY SPOKESMAN-REVIEW, September 25, 1969; *see also, TV Station Says Cornrow Must Go*, NEWS-PRESS (Jan. 29, 1981).

3. Jenkins v. Blue Cross Mut. Hospital Ins., Inc., 538 F.2d 164, 167 (7th Cir. 1976).

4. Professor Paulette Caldwell reveals in her scholarly examination of the case that the accurate spelling of the plaintiff's last name is Rodgers though the official case name spells it Rogers. *See* Paulette M. Caldwell, *Intersectional Bias and the Courts: The Story of* Rogers v. Am. Airlines, *in* RACE LAW STORIES 571, 575 n.12 (Devon W. Carbado & Rachel F. Moran eds., 2008) [hereinafter *Intersectional Bias and the Courts*].

would the federal district court erect such a head-scratching, hair-splitting legal outcome? *Title VII: What's Hair (and other Race-Based Characteristics) Got to Do with It?* explicates that federal courts' strict application of a judicially created doctrine—the immutability doctrine—is at the heart of it.

Shortly after Congress enacted the Civil Rights Act of 1964, federal courts decreed that Title VII's protections against race discrimination only governed discrimination on the basis of "immutable characteristics": characteristics with which one is born, one cannot change, or are shared by all or only individuals who identify as a member of a particular racial group.[5] Contrary to belief, there is no physical characteristic that a person cannot change or that all people who identify as white or Black possess. For example, a person who identifies as white may have a brown skin complexion and a person who identifies as Black may have a white skin complexion. However, like many members of society and jurists before them, federal judges in the twentieth and twenty-first century have treated a darker skin complexion and Afros as "immutable," racial characteristics of Blackness or African ancestry. In turn, federal courts have defined African descendants' natural hairstyles like braids, twists, or locs as voluntary and "mutable, cultural characteristics," that employers can freely regulate since Title VII does not prohibit discrimination on the basis of culture. Federal courts have often justified this legal outcome by reasoning African descendants are neither born with nor do they exclusively wear braids, locs, or twists and they are the result of superficial, personal, aesthetic choice rather than biology or birth. In so doing, these courts have disregarded the longstanding societal, cultural, and personal association with and reflection of Black identity via natural hairstyles, which often derive from an Afro hairstyle or hair texture.

Indeed, this myopic understanding of how race and racial discrimination operate persists in twenty-first century civil rights jurisprudence. In 2016 and 2017, the Eleventh Circuit Court of Appeals amplified it by pronouncing in *EEOC v. Catastrophe Management Solutions*: Title VII protects African descendants from racial discrimination on the basis of Afros

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5. See *Splitting Hairs*, *supra* note 1, at 1029–30 (arguing "strict immutability, therefore, serves as a 'legal fiction': a rule created by judicial, legislative, and political bodies, which is not based in fact, yet is treated as such in legitimating zones of protection and inclusion [... and] superficially narrow[ing] the purview of protection against race discrimination under current anti-discrimination laws...").

because Afros are an immutable hair *texture* of African descendants, whereas an employer's recission of a Black woman's employment offer because she refused to cut off her locs did not violate Title VII because her locs were deemed a mutable, cultural hair *style*.[6] In sum, the Eleventh Circuit reaffirmed that employers possess an unfettered legal right to discriminate against African descendants' natural hairstyles—*except* for Afros.

Notably, as the Eleventh Circuit was deciding this pivotal Title VII intentional race discrimination case, much like in the 1960s and 1970s, African descended women and men were reclaiming their natural hair texture. Black women in particular were increasingly adopting natural and protective hairstyles.[7] This resurgence of the natural hair movement—and arguably a renewed celebration of hair diversity—throughout the African diaspora was occurring relatively quickly; Black women and men around the world were liberating themselves from systemic pressures, expectations, and mandates that they wear straight hair or faded hair respectively in order to obtain and maintain employment for which they were qualified. Discriminatory grooming policies that preserved these norms were once again being illuminated and contested through traditional media stories and civil rights litigation, as well as workers' public narratives via a burgeoning tool utilized to engender social and legal change: social media.

For example, in 2015, branches of the United States military were compelled to reform their strict grooming policies that not only barred natural hairstyles commonly worn by African descended servicewomen but also denigrated these styles as "unkempt" and "matted."[8] Due to the public petitions of African descended servicewomen alongside the female membership of the

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6. *See* Equal Emp. Opportunity Comm'n v. Catastrophe Mgmt. Sols., 852 F.3d 1018, 1030 (11th Cir. 2016) (holding "discrimination on the basis of black hair texture (an immutable characteristic) is prohibited by Title VII, while adverse action on the basis of black hairstyle (a mutable choice) is not").

7. Protective hairstyles are diverse; they can consist of wigs, weaves, braids, buns, among other styles that primarily protect and tuck "the ends of [one's] hair away from being exposed to damaging agents such as sun, heat, and constant manipulation," according to "Thirsty Roots," a website that provides styling and hair care information on afro hair texture. *What is a Protective Hairstyle?* THIRSTY ROOTS, https://thirstyroots.com/what-is-a-protective-hairstyle.html (last visited March 21, 2021) [https://perma.cc/VK2D-DU6G].

8. Maya Rhodan, *U.S. Military Rolls Back Restrictions on Black Hairstyles*, TIME (Aug. 13, 2014, 11:06 AM), http://time.com/3107647/military-black-hairstyles/ [https://perma.cc/YGC8-YG8J].

Congressional Black Caucus, military leaders acknowledged their natural hair bans were not simply offensive but they also constituted discrimination at the intersection of race and gender. Namely, this grooming policy reflected and perpetuated pejorative stigmas associated with Black women's natural hairstyles as inherently "unclean," "unprofessional," or "unattractive." Additionally, the military's ban against natural hairstyles largely worn by African descended servicewomen resulted in their heightened regulation, discipline, and arbitrary deprivation of employment opportunities. By reinforcing the immutability doctrine in *EEOC v. Catastrophe Management Solutions*, the Eleventh Circuit declined to follow the military's lead, leaving countless Black workers in the private sector without legal recourse under federal civil rights law and thus vulnerable to a systemic form of racial discrimination that they have encountered for centuries.

When I decided to write this Article over fifteen years ago, I sought to illuminate how workplace grooming policies usurp workers' autonomy, agency, and freedom to express themselves in ways that are often intrinsic to their cultural identification as Black as well as how legal and social actors perceive it as such and discriminate against their grooming choices accordingly. While writing, it struck me that federal courts' narrow understanding of race and racial discrimination gave employers license to engage in the hyper-regulation or policing of Black workers who expressed themselves in ways that reflected their racial or cultural identity, which effectively perpetuated harmful, deeply entrenched stigmas associated with Blackness. Moreover, courts' adoption of the immutability doctrine simply sustained the structures that civil rights legislation like Title VII was poised to dismantle: institutionalized barriers to Black workers' equal employment opportunity, attendant economic security, and full inclusion in the contemporary workplace rooted in the stigmatization of Blackness.

Building upon the foundational works of critical race legal scholars such as Professors Paulette Caldwell, Kimberlé Crenshaw, Charles Lawrence, Robin Lenhardt, Ian Haney Lopez, Devon Carbado, and Mitu Gulati, I endeavored to offer a legal solution to institutionalized forms of racial inequity that African descendants continued to experience in the workplace *under contemporary civil rights law*. In doing so, it was important for me to excavate the historical linkages to ongoing forms of racial

discrimination, namely, how the contemporary suppression of Black workers' expression of personhood via their appearance is rooted in ideologies first espoused during eras of racial slavery and apartheid. Relatedly, it was my hope to propose a viable legal framework to employ in Title VII race discrimination cases that demanded historical and social contextualization of the facts of each case and to define a critical legal concept: race. I aimed to propose a practicable definition of race that not only federal judges in Title VII race discrimination cases, but also other lawmakers, could employ—a definition of race that effectively captured two realities: (1) race is a social and legal construction which historically and contemporarily has not been confined to immutable characteristics that a socially defined group of people solely possess; and (2) racial discrimination likewise is not solely animated by unchangeable characteristics or characteristics with which one is born. Accordingly, I proposed that race should be understood as:

> physical appearances and behaviors that society, historically and presently, commonly associates with a particular racial group, even when the physical appearances and behaviors are not "uniquely" or "exclusively" "performed" by, or attributed to a particular racial group.[9]

Title VII: What's Hair (and Other Race-Based Characteristics Got to Do with It? served as the impetus for my body of legal scholarship and civil rights advocacy combating "grooming codes discrimination"[10] in workplaces and other spaces. The article has even influenced broader individual, organizational, social, and legal insights and change. Since its publication, this article has been cited over sixty times and has helped to shape: workplace diversity, equity, and inclusion modules[11]; judicial

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9. D. Wendy Greene, *Title VII: What's Hair (and Other Race-Based Characteristics) Got to Do with It?*, 79 U. COLO. L. REV. 1355, 1385 (2008).

10. A term I coined to describe the "specific form of inequality and infringement upon one's personhood resulting from the enactment and enforcement of formal as well as informal appearance and grooming mandates, which bear no relationship to one's job qualifications and performance. However, such mandates implicate protected categories under antidiscrimination law like race, color, age, disability, sex, and/or religion." See Greene, *Splitting Hairs*, *supra* note 1, at n.12.

11. *See, e.g.*, DIVERSITY IN THE WORKPLACE: CURRENT ISSUES AND EMERGING TRENDS, (Marilyn Y. Byrd & Chaunda L. Scott eds., 2014).

decisions[12]; legal arguments in federal discrimination cases such as *EEOC v. Catastrophe Management Solutions*[13]; the enforcement stance of civil and human rights agencies[14]; an American Bar Association resolution[15]; and civil rights legislation.[16] In 2014, in support of their advocacy on behalf of African descended service women, I sent letters to the female membership of the Congressional Black Caucus, which included this Article and an appeal for federal legislative intervention to redress the pervasive yet *lawful* discrimination African descended workers faced in the private sphere when donning natural hairstyles.[17] Four years later, in response to myriad forces like increased global media attention to race-based natural hair discrimination occurring in schools and workplaces nationwide, as well as the Eleventh Circuit's decision in *EEOC v. Catastrophe Management Solutions*, calls for lawmakers to cure the unjustifiable gap in civil rights protections created by such legal decisions intensified. And, they have acted.

Beginning with California in July 2019, thirteen additional states and over 30 municipalities have enacted "C.R.O.W.N. Acts" (Creating a Respectful and Open Workplace/World for Natural Hair Acts)[18] or parallel civil rights legislation to

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12. Equal Employment Opportunity Comm'n v. Catastrophe Mgmt. Sols., 837 F.3d 1156, 1170 (11th Cir. 2016); Guam v. Davis, 932 F.3d 822, 836 n.10 (9th Cir. July 29, 2019); CITY OF CHI. COMM'N ON HUMAN RELATIONS, FINAL ORDER IN THE MATTERS OF SCOTT V. OWNER OF CLUB 720 (2011).

13. *See, e.g.*, *Equal Employment Opportunity Commission Appellate Brief Submitted to the 11th Circuit Court of Appeals in* Equal Employment Opportunity Comm'n v. Catastrophe Mgmt. Sols. (Oct. 2014); *Equal Employment Opportunity Commission's Response Motion to the Defendant's Motion to Dismiss in* Equal Employment Opportunity Comm'n v. Catastrophe Mgmt. Sols. (filed Jan. 16, 2014).

14. Equal Employment Opportunity Commission Federal Guidelines on the Definition of National Origin Discrimination, 29 C.F.R. § 1606.1.; *Discrimination: Hairstyles: Hearing on S.B. 188 Before the Assemb. Comm. On Judiciary*, 2019 Leg., Reg. Sess. (Cal. 2019).

15. J. Logan Young, *Report to the House of Delegates*, 2020 A.B.A. YOUNG LAWYERS DIVISION 100B, https://www.americanbar.org/content/dam/aba/administrative/news/2020/08/2020-am-resolutions/100b.pdf [https://perma.cc/V2KG-6RXD].

16. CROWN Act of 2020, H.R. 5309, 116th Cong. (2020); S. 3167, 116th Cong. (2019).

17. Letter on file with the author.

18. States: S.B. 188, 2019 Leg., Reg. Sess. (Cal. 2019); H.B. 1048, 72d Gen. Assemb. 2d Reg. Sess. (Colo. 2020); B. 6515, 2021 Gen. Assemb., Jan. Sess. (Conn. 2021); S.B. 192, 150th Gen. Assemb., Reg. Sess. (Del. 2021); H.B. 1444, 440th Gen, Assemb., Reg. Sess. (Md. 2020); L.B. 451, 2021 Leg., Reg. Sess. (Neb. 2021); S.B. 327, 2021 Leg., Reg. Sess. (Nev. 2021); S.B. 3945, 218th Leg., Reg. Sess. (N.J. 2019); H.B. 29, 66th Leg., 1st Sess. (N.M. 2021); S.B. 6209, 242d Leg., Reg. Sess. (N.Y.

address racial discrimination that African descendants systemically endure when donning natural hairstyles.[19] I have had the privilege of serving as a legal expert testifying on behalf of as well as serving as a legal advisor for and co-drafting several of these legal reforms, including the federal C.R.O.W.N. Act, which the United States House of Representatives passed in September 2020 and in March 2021 was reintroduced in the 117th Congress.[20] These legislative interventions clarify that alongside one's skin color, racial discrimination is animated by one's hair texture, hairstyle, and other characteristics that are often associated with racial identity like dress and language.[21] Federal, state, and municipal legislation proffer a definition of race that embodies the understanding of race advanced in *Title VII: What's Hair and Other Race-Based Characteristics Got to Do with It?*. For example, the C.R.O.W.N. Acts in effect in California,[22] New Jersey,[23] New York,[24] Virginia,[25] and Montgomery

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2019); H.B. 2935, 81st Leg. Sess. (Or. 2021); H.B. 1514, 2020 Leg., Reg. Sess. (Va. 2020); and H.B. 2602, 66th Leg., Reg. Sess. (Wash. 2020).

Municipalities: Phila., Pa., Ordinance 200252 (Oct. 29, 2020); PITTSBURGH, PA., ORDINANCES ch. 659.01–4 (2020); Akron, Ohio, Res. 45-2020 (Feb. 21, 2020); Columbus, Ohio, Ordinance 2280-2020 (Dec. 17, 2020); Cincinnati, Ohio, Ordinance 351-2019 (Jan. 1, 2020); Covington, Ky., Ordinance 0-23-20 (Oct. 27, 2020); Durham, N.C., Ordinance 15762 (Jan. 19, 2021); Greensboro, N.C., Ordinance 21-0084 (Jan. 19, 2021); Kansas City, Kan., Ordinance 200837 (Oct. 1, 2020); Clayton County, Ga., Ordinance 2021-32 art. IV. (Feb. 2, 2021); Stockbridge, Ga., Ordinance 20-485 (Dec. 22, 2020); Albuquerque, N.M., Ordinance O-20-47 (Jan. 4, 2021); New Orleans, La., Ordinance 33184 (Dec. 22, 2020); Broward County, Fla., Ordinance 2020-45 (Dec. 1, 2020); Montgomery County, Md., B.30-19 (Nov. 5, 2019); TOLEDO, OHIO, ORDINANCES ch. 554 (2019).

19. In March 2021, Governor Michelle Lujan Grisham of New Mexico signed into law a similar bill governing race-based grooming codes discrimination in workplaces and schools. The legislation is not denominated a C.R.O.W.N. Act, as it that provides a more inclusive definition of race than the original C.R.O.W.N. Acts which states the following: "race" includes traits historically associated with race, including hair texture, length of hair, protective hairstyles or cultural headdresses." Cultural headdresses are defined as "burkas, head wraps or other headdresses used as part of an individual's personal cultural beliefs." H.B. 29, 66th Leg., 1st Sess. (N.M. 2020).

20. C.R.O.W.N. Act of 2021, H.R. 2116, 117 Cong. (2021); S. 888, 117 Cong. (2021).

21. *See generally*, *Title VII: What's Hair (and Other Race-Based Characteristics) Got to Do with It?*, *supra* note 9 (2008).

22. S.B. 188, 2019 Leg., Reg. Sess. (Cal. 2019).

23. S.B. 3945, 218th Leg., Reg. Sess. (N.J. 2019).

24. S.B. 6209, 242d Leg., Reg. Sess. (N.Y. 2019)

25. H.B. 1514, 2020 Leg., Reg. Sess. (Va. 2020).

County, Maryland[26] define race as "traits historically associated with race, including, but not limited to, hair texture and protective hairstyles" and specify that the term "'protective hairstyles,' includes, but is not limited to, such hairstyles as braids, locks, and twists." Washington State's law defines race as inclusive of "traits historically associated or perceived to be associated with race including, but not limited to, hair texture and protective hairstyles."[27] The federal C.R.O.W.N. Act clarifies that for the enforcement of federal civil rights statutes prohibiting race and national origin discrimination in workplaces, housing, public accommodations, and institutions receiving federal funds, race and national origin would constitute "characteristics commonly associated with race and national origin."[28]

In 2020, a confluence of social, political, economic, and legal forces—domestically and abroad—animated a robust push for both legal and policy reforms aimed to dismantle and redress institutionalized racism in every crevice of American society including workplace grooming policies and norms that penalize African descended workers for simply wearing their hair as it naturally grows. For example, in December 2020, UPS rescinded its ban against natural hairstyles—a grooming policy that the company successfully defended in a central Title VII race discrimination case this article critiqued: *Eatman v. UPS*.[29] UPS revamped its entire grooming policy by removing their prohibition against Afros, braids, and facial hair and adjusting rules that governed tattoos, piercings, and uniform length. According to the new chief executive of UPS, Carol Tomé—the first woman to hold this position in the company's 113-year history—the policy changes "reflect [UPS'] values and desire to have all UPS employees feel comfortable, genuine and authentic while providing service to our customers and interacting with the general public."[30] UPS is not alone in its newfound appreciation of the ways

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26. Montgomery County, Md., B.30-19 (Nov. 5, 2019) https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20191105/20191105_4B.pdf [https://perma.cc/ERU9-KKP9].

27. H.B. 2602, 66th Leg., Reg. Sess. (Wash. 2020).

28. CROWN Act of 2020, H.R. 5309, 116th Cong. (2020); S. 3167 116th Cong. (2019).

29. See *Title VII: What's Hair (and Other Race-Based Characteristics) Got to Do with It?*, *supra* note 9, at 1372–73, 1384–88.

30. Michael Levinson, *UPS to Allow Natural Black Hairstyles and Facial Hair*, N.Y. TIMES (Nov. 11, 2020), https://www.nytimes.com/2020/11/11/business/ups-black-natural-hair.html [https://perma.cc/V5V4-HM37].

grooming policies undermine organizational commitments to racial and gender equity and cultivating a competent, diverse, and inclusive workplace.

This year—2021—marks the fortieth anniversary of the decision in *Rogers v. American Airlines*; much has changed in American law and society, though much has remained the same. African descendants continue to petition U.S. courts, legislatures, and employers to recognize their human and legal right to freely exercise their racial and cultural expression, yet they are doing so with greater success.[31] African descended workers are able to pursue employment and perform their jobs a little more freely—without as great a fear of legally sanctioned discrimination when donning natural hairstyles and retaliation when challenging such discrimination. And, like civil rights gains of the past, contemporary victories in the fight against racial injustice and inequity are not only benefitting African descendants; *all* people regardless of their racial identities are the beneficiaries of decades-long collective advocacy of countless actors, including legal scholars,[32] who have used their voices to ensure American

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31. *See generally*, Arnold v. Barbers Hill Indep. Sch. Dist., 479 F. Supp. 3d 511 (S.D. Tex. 2020) (holding that African descended male high school students presented actionable claims of race discrimination and infringement upon cultural expression or heritage in violation of the Fourteenth and First Amendments respectively and enjoining the enforcement of school grooming policy that would effectively compel the students to cut off their locs in order to matriculate). I had the privilege of serving as a legal expert in this case brought by the NAACP-Legal Defense Fund on the students' behalf wherein the federal district court judge expressed that the groundbreaking ruling was informed by my "persuasive historical and sociological evidence showing that 'hair texture, like one's skin color, has long served as a racial marker.'" Arnold v. Barbers Hill Indep. Sch. Dist., 479 F. Supp. 3d 511, 516 (S.D. Tex. 2020).

32. The genesis of movement within the U.S. legal academy to reform federal civil rights law to combat race-based natural hair discrimination is firmly rooted in the pioneering legal scholarship of Professor Paulette Caldwell. In 1991, Professor Caldwell first illuminated the unjust consequences of the federal district court's decision in *Rogers v. American Airlines*, which encompassed the diminution of Black women's unique yet common navigation of racialized and gendered grooming norms in the workplace as well as the nexus between natural hairstyling to their social identities and personhood as women of African descent. Paulette M. Caldwell, *A Hair Piece: Perspectives on the Intersection of Race and Gender*, 40 DUKE L. J. 365 (1991). In 2010, Dean Angela Onwuachi-Willig also published a seminal law review article advancing that the differential burdens Black women endure to comply with formal and informal grooming expectations of straightened hair are often unknown or made invisible, yet this type of evidence supports actionable claims of intentional discrimination per Title VII jurisprudence. *See* Angela Onwuachi-Willig, *Another Hair Piece: Exploring New Strands of Analysis Under Title VII*, 98 GEO. L.J. 1079 (2010). Dean Angela Onwuachi-Willig (Boston University School of Law), Professor

civil rights laws and policies actualize equal and full citizenship, justice, freedom, and humanity for African descendants.

Suzette Malveaux (University of Colorado Law School), Professor Catherine Smith (University of Denver Sturm College of Law), and Professor Kimberly Norwood (Washington University-St. Louis) have also actively advocated for policy and legal reforms which appreciate natural hair discrimination is a form of race discrimination, including expert testimony in support of relevant state legislation. Additionally, in 2020, over 250 U.S. law school professors and administrators pledged their support of the federal C.R.O.W.N. Act by signing onto a letter of support I authored, which was entered into the Congressional record. Letter From D. Wendy Greene, Professor of Law, Drexel Univ. Thomas R. Kline School of Law, to Members of the United States House of Representatives Committee on the Judiciary (Sep. 14, 2020), https://docs.house.gov/meetings/JU/JU00/20200915/111016/HMKP-116-JU00-20200915-SD008.pdf [https://perma.cc/G9SF-8SZC].