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January 9, 2019

VIA EMAIL

Estelle Bronstein, Esq.
NJ Div. on Civil Rights – Asst. Director
140 East Front Street: 6th Floor
PO Box 090
Trenton, NJ 08625

RE: Buena Regional HS Wrestler Andrew Johnson

Dear Ms. Bronstein:

As are you aware, I represent Buena Regional High School wrestler Andrew Johnson. In light of recent events, please allow me to provide the following information to supplement the New Jersey Division on Civil Rights' ongoing investigation.

On Saturday, December 15, 2018, Andrew wrestled in two matches at Southern Regional High School. None of the referees that evaluated Andrew or officiated his matches raised any issue with his hair or asked him to wear a hair covering. He did not wear a hair covering for either match, and the matches proceeded without incident.

On Wednesday, December 19, 2018, Buena hosted a dual wrestling meet with Oakcrest High School. Referee Alan Maloney did not make weigh-ins but did perform skin-checks approximately 15 minutes before the start of the meet. Upon evaluation, Maloney only told Andrew, whose head was uncovered, that he would need to shave his chin. Maloney made no mention to Andrew about his hair length, hair style, or the need for a hair covering. When Andrew returned from shaving, his younger brother and teammate, Nate Johnson, told him that Maloney said they would both need a hair covering before they could wrestle. Andrew grabbed a cap from the locker room and the meet started with Andrew second in the line-up. As both Andrew and his opponent approached the center of the mat, Maloney inspected the cap he was wearing, telling Andrew's coaches, "He can't wrestle with this. It's illegal." His coaches argued that Andrew had no issue four days earlier at Southern Regional and that he doesn't even need to wear a cap because his hair was not overly long. Maloney responded, "Length is not the issue. It's *unnatural*. Don't say another word." The Buena coaches told Maloney that it was, in fact, natural, but Maloney turned around to initiate injury time. As previously detailed, Andrew, a sixteen year-old young man, had ninety seconds to have his hair hastily cut in front of a gymnasium full of his peers and spectators, or forfeit the match. Andrew did what most wrestlers in that position would do and

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elected to allow his hair to be cut, rather than forfeit and jeopardize the meet. Nate, who has short, curly hair, wrestled at the end of the meet without Maloney restating the need for a hair covering.

In response to statements made to the Division by current and former wrestling officials describing the events of December 19th as a fair application of the rules, I've attached for your review the applicable NFHS rules regarding Referee Duties (3-1-4) and Wrestler Appearance and Grooming (4-2-1). The NJSIAA Regular Season Regulations state that the NFHS rules, "unless modified herein, shall govern all NJSIAA meets." (Sec. 1). The NFHS rules explicitly regulate hair length but are silent as to hair type. Also attached are still frames from video recorded at the December 19th match, showing Andrew Johnson, *before* his hair was cut, and another of Nate Johnson warming up.

After taking a brief break from competing to avoid media coverage and with the intended desire to allow his team to compete without added distraction, Andrew competed again on Saturday, January 5, 2019, and participated in an eight-team dual tournament at Williamstown High School. Andrew went through weigh-ins and skin checks without any issue being raised about his hair. Afterward, a Buena Wrestling Assistant Coach advised Andrew that a referee said he would need to wear a hair covering before he could wrestle. After Andrew's mother questioned the Assistant Coach, she was eventually told by the Assistant Coach that there was some confusion and it was another wrestler that would have to wear a hair covering, not Andrew. However, no wrestler for Buena or Buena's first opponent wore any type of hair covering. Andrew wrestled in four matches without wearing a hair covering and without any referee raising an issue about his hair.

On Monday, January 7, 2019, according to recent reporting by NJ Advance Media, Roy Dragon, who is described as "a top New Jersey State Interscholastic Athletic Association wrestling official and an executive council member of the New Jersey Wrestling Officials Association," sent an email to New Jersey wrestling officials that detailed a reinterpretation of the NFHS rules, and provided new and specific pictures detailing hairstyles that allegedly "require" a hair covering. Of those pictures, [one](#)¹ is of a young black man with a short twist out (a similar hairstyle to that of Andrew's after his hair was cut), that is well within the length limits of the NFHS rules. The motivation behind the NJSIAA's email reinterpreting the applicable rules isn't clear, but it does not appear to be based on any known, or even alleged, safety issues that have recently come to the fore. Rather, given its questionable timing (shortly after national attention on Referee Maloney's conduct), the NJSIAA's course of action appears to be orchestrated to garner support for Maloney by targeting a hair style worn by Andrew Johnson and by scores of similarly styled athletes of color.

This evening, Buena was scheduled to host a dual meet with Absegami. Yesterday, the referee assigned to the meet contacted Buena's Athletic Director specifically regarding Andrew. The referee advised—a day before the match, and without even seeing Andrew—that he planned to require Andrew to wear a hair covering if he intended on wrestling. After the referee contacted Buena School District, the District engaged in conversations with multiple high-ranking officials at the NJSIAA and the New Jersey Wrestling Officials Association, who then contacted

¹ <http://www.mens-hairstyle.com/wp-content/uploads/2017/02/Short-Curly-Hairstyle-for-Black-Men.jpg>

representatives of the National Federation of State High School Associations. The NJSIAA eventually emailed a NFHS memo dated January 8, 2019 to all New Jersey referees and athletic directors, which states, in part: “Please understand that our rule is solely based on length, not on style.”

Earlier today, this evening’s dual wrestling meet between Buena and Absegami was abruptly canceled, without explanation and to the dismay of Andrew, and conceivably his teammates, who, like all wrestlers, must prepare and sacrifice in the lead up to every match.

Whether hair length or hair type, what was once acceptable in four wrestling matches just four days ago at Williamstown—and even acceptable to Alan Maloney on December 19th after Andrew was forced to cut his hair—became unacceptable to New Jersey officials at some point earlier this week, resulting in their new interpretation of the applicable rule that was fully reversed by the national governing body within 48 hours.

I respectfully request that the Division on Civil Rights investigate these recent events and the suspect conduct described herein, as well as the motivation of all persons and entities involved. Andrew, his family, and, I would venture to say, the entire Buena wrestling team all desire to return to how things were before Alan Maloney’s actions set this chaotic atmosphere in motion. Yet it appears, for reasons that the Division can hopefully soon unmask, that certain officials have a desire to unnecessarily escalate and prolong this ordeal due on an unrelenting fixation on the hair of a 16-year-old young man that asked for absolutely none of this. Andrew Johnson suffered as a result of Alan Maloney’s actions, but the capricious whims of the NJSIAA and the NJWOA is to the detriment of not only Andrew, but to his teammates, and to similarly situated athletes throughout New Jersey.

Thank you again for your time and attention to this matter. Please let me know if I can be of any further assistance.

Very truly yours,

/s/ Dominic A. Speziali
DOMINIC A. SPEZIALI

- a. adequate ear protection;
- b. no injury hazard to the opponent; and,
- c. an adjustable locking device to prevent it from coming off or turning on the wrestler's head.

ART. 5 . . . The uniform shall be worn as intended/designed by the manufacturer.

SECTION 2 WRESTLERS' APPEARANCE AND HEALTH

ART. 1 . . . During competition all wrestlers shall be clean shaven, with sideburns trimmed no lower than earlobe level and hair trimmed and well groomed. **The hair, in its natural state, shall not extend below the top of an ordinary shirt collar in the back; and on the sides, the hair shall not extend below earlobe level; in the front, the hair shall not extend below the eyebrows.** (Photos 2-3) A neatly trimmed mustache that does not extend below the line of the lower lip shall be permissible. If an individual has hair longer than allowed by rule, it may be braided or rolled if it is contained in a cover so that the hair rule is satisfied. (Photo 4) The legal hair cover shall be attached to the ear guards. A bandanna is not considered a legal hair cover. The legal hair cover must be of a solid material and be nonabrasive.

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The wrestler opting to wear a legal hair cover must wear it to the weigh-in procedure and be checked for grooming with it on. The legal hair cover must be removed prior to the wrestler stepping on the scale to be weighed. If a referee is not present at weigh-ins, the hair cover must be checked by the meet referee upon arrival at the site.

If an individual has facial hair it must be covered with a face mask. All legal hair covers and face masks will be considered as special equipment. If an individual's hair is as abrasive as an unshaved face, the individual shall be required to shave the head as smooth as a face is required, or wear a legal hair cover.

ART. 2 . . . Each contestant shall comply with standard health, sanitary and safety measures (See [Rule 3-1-4](#)). Because of the body contact involved, these standards shall constitute the sole reasons for disqualification. Application of this rule shall not be arbitrary or capricious.

ART. 3 . . . If a participant is suspected by the referee or coach of having a communicable skin disease or any other condition that makes participation appear inadvisable, the coach shall provide current written documentation as defined by the NFHS or the state associations, from an appropriate health-care professional stating that the suspected disease or condition is

Rule 3 Referees and Their Duties

SECTION 1 REFEREE

ART. 1 . . . The referee's uniform consists of a short-sleeved knit shirt, with alternating black and white 1-inch stripes; or gray with black pinstripes, or an event provided shirt common to all referees at that event, full-length black trousers, black belt (if trousers have belt loops), black socks and black wrestling/gym shoes without colored highlights. The referee shall be neatly attired and have other accessories, including a colored disk, a black lanyard and black whistle, red and green armbands, and a kit to conduct the random draw. The red armband shall be worn on the left wrist and the green armband on the right wrist.

ART. 2 . . . On matters of judgment, the referee shall have full control of the match and the decisions shall be final, based upon the NFHS wrestling rules and interpretations. The referee has the sole authority for ruling on infractions or irregularities not covered within the NFHS wrestling rules.

ART. 3 . . . The jurisdiction time of the referee will begin upon arrival at the site and will conclude with the approval of the

scorebook in dual meets and when the referee signs the bout sheet after the last match of a tournament. The meet referees retain clerical authority over the meet through the completion of any reports, including those imposing disqualifications, that are responsive to actions occurring while the meet referees had jurisdiction. State associations may intercede in the event of unusual incidents that occur before, during or after the meet referees' jurisdiction has ended or in the event that a meet is terminated prior to the conclusion of the regulation meet.

- ART. 4 . . .** Before the dual meet begins, the referee shall:
- a. perform skin checks or verify skin checks have been performed by a designated, on-site meet, appropriate health-care professional;
 - b. inspect contestants for presence of oils or greasy substances on the body or uniform, rosin, objectionable pads, improper clothing, all jewelry, long fingernails, improper grooming, health and safety measures;
 - c. clarify the rules with coaches and contestants upon request;
 - d. have the head coach verify that the team is groomed, properly equipped and ready to wrestle, including shoelaces being secured;

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2. (4-2-1) Hair style that conforms to the rules. It shall not extend below the earlobe on the sides and must be above the top of an ordinary shirt collar in the back.



3. (4-2-1) The hair, in its natural state, shall not extend below the eyebrows in the front.





Andrew Johnson Prior to having his hair cut



Nate Johnson warming up

