

JAMES AKIYAMA and LEILANI AKIYAMA,
Individual minor children, by and through Mariko Akiyama.
JAY DRANGIED, an individual, and **U.S. JUDO**
TRAINING CENTER, a non-profit Washington
corporation,

Petitioners,

v.

**COMPLAINT UNDER
ARTICLE XVI UNITED
STATES JUDO, INC.
BY-LAWS**

**UNITED STATES JUDO INCORPORATED, UNITED
STATES JUDO FEDERATION, UNITED STATES JUDO
ASSOCIATION, KENJI YAMADA,** an individual,
HAROLD YAMADA, an individual, and **JAMES HARAI,**
an individual,

Respondents.

ADMINISTRATIVE ORDER

Now on this 21st day of June, 1997 a hearing was conducted pursuant to the administrative hearing procedures of Article XVI of the By-Laws of United States Judo Incorporated in the above cited matter. Petitioners appeared with counsel Mark L. Fleming, Respondents appeared with counsel W. Dirker Ehlert.

Petitioners allege the bowing procedures established for participation in amateur judo competition are offensive for various religious reasons. Petitioners further allege that because of their refusal to follow the rules established, they have been disqualified from athletic competition in several events. Respondents defend the practice on the basis of established procedures promulgated by the International Judo Federation and adopted by United States Judo Incorporated for the conduct of amateur judo competition.

FINDINGS OF FACT

The Administrative Hearing Committee finds that Petitioner Jay Drangeid is a member of United States Judo, Inc. and an active participant in amateur judo competition and a student of Mr. John Holm. The committee further finds that Mr. Drangeid, announced he held certain Christian beliefs but did not elaborate upon any particular belief. The petitioner acknowledged that the bow was a sign of mutual respect toward

the other competitor. Mr. Drangeid claims to participate in Judo to win but reported several events in which he disagreed with the referees and felt he had been subjected to unfair refereeing. Mr. Drangeid acknowledged that he was aware that bowing was a part of the rules of Judo competition. Mr. Drangeid also maintains that he has been "blacklisted" from competing in local tournaments and this is accomplished by conducting invitational tournaments. Mr. Drangeid also stated he had never been penalized for failing to bow at opening or closing ceremonies. Mr. Drangeid also testified that sometimes he would bow prior to entering the mat and at other times he would not. The Committee finds that Mr. Drangeid did not "have a problem with the greeting bow," but felt he should not have been disqualified from an entire tournament because of his failure to bow on a single match. The Committee further finds that except for the brief allegation that he was a Christian, no evidence was presented supporting his claim of religious infringement or how the practice of "bowing" was adverse to his religious beliefs.

The Administrative Hearing Committee received the testimony of Mariko Akiyama, the mother of James and Leilani Akiyama and stepchildren of Mr. Holm. The Akiyama children did not appear to present their views on the issue before the Committee. The children were reported to have been 12 and 10 years of age. Mariko Akiyama testified that she had grown up in Japan and never bowed to a building or a dead person. She alleged the bow came from the Shinto religion of Japan. Mariko Akiyama testified that she thought she was aware that bowing had been incorporated into the International Judo Federation rules "except for closed tournaments." When asked if her children attended any particular church, the petitioner responded that "Our religion is ourselves.... Religion is free." Mariko Akiyama also testified that she instructed her children not to bow and stated "my children think it is strange." The Committee finds that testimony of Mariko Akiyama fails to state any basis upon which a "bow" rendered during the conduct of a judo tournament could be construed to be a religious event. The Committee further finds that given the age of the petitioners James and Leilani Akiyama, the petitioners should have been present to provide testimony on their own behalf.

The Committee received the evidence presented by Mr. John Holm, Director of U.S. Judo Training Center. Mr. Holm related that he has been a judo participant and instructor for forty-three years. Mr. Holm alleges that bowing is a Shinto practice. Mr. Holm introduced an exhibit (Petitioner's Exhibit #2) to support his arguments regarding the influence of the alleged Shinto practice of Judo on American Judo. The Hearing Committee finds that Exhibit #2, provides no rational relationship to the hearings of this Committee. On cross examination, Respondent's introduced Respondents' Exhibit #2, which was identified as information secured from the Internet, advertising the Judo enterprise of Mr. Holm. Mr. Holm holds himself out as a "Professor" but was unable to elaborate upon any particular qualifications. During the examination of Mr. Holm, Counsel for the Petitioner instructed his client to not answer several questions posed by the Respondent's attorney. The Committee finds that the testimony of Mr. Holm

was guarded and less than candid. The continued refusal to testify in a hearing on matters that are of direct concern to this Committee, infers the answers that might have been forthcoming from Mr. Holm could have been detrimental to the claims of the Petitioners. The Committee further finds that Mr. Holm holds the belief that out-dated tradition and customs in the sport of Judo is a form of discrimination. The Committee was not provided any information regarding the allegation of discrimination based upon "out-dated tradition and customs in Judo.

Petitioners completed the presentation of their complaint.

The Respondents presented Mr. James Harai. Mr. Harai testified that he is a 6th Degree Black Belt of Judo and operates the Tacoma Judo Club. Mr. Harai testified of a long association with the sport of Judo which began in Japan and Okinawa. Mr. Harai testified that he began the practice of conducting invitational tournaments several years ago to reduce the expense of the tournaments. Mr. Harai specifically denied any exclusion of Mr. Holms' club from participating in his tournaments. Mr. Harai also testified that participants in any of his events are required to follow all of the procedural rules associated with amateur Judo competition. The Committee finds that Mr. Harai does provide an international distribution of tournaments announcements. The Committee further finds that no evidence was presented that suggests the exclusion of amateur athletes or a "blacklist" of specific competitors. The Committee further finds that Petitioner Drangeid has, in fact, participated in events conducted by Mr. Harai. The Committee further finds that Mr. Harai does require all participants to comply with the rules of competition.

The Committee received the testimony of Mr. John Phillips, Jr. Mr. Phillips testified that he has been involved in Judo as a competitor and Referee since 1957. Mr. Phillips testified that he is a National Referee and was the referee in an event in which Petitioners James and Leilani Akiyama participated. Mr. Phillips testified that both of the competitors refused to bow as required by the rules and were disqualified from the competition. Mr. Phillips also testified that at no time during this activity was any reference made to any particular religious belief. The Committee finds that the disqualification of the competitors was based upon the Petitioners refusal to follow established procedures in the conduct of the tournament

The Committee received the testimony of Mr. Douglas Graham of Kent, Washington. Mr. Graham testified that he is a school teacher in the field of Mathematics. Mr. Graham further testified that he was the holder of two gold medals as a National Champion of Judo. Mr. Graham testified that he is also a referee and refereed a match with Petitioner Drangied at the Washington State Open. Mr. Graham testified that he subsequently disqualified Mr. Drangied after the Petitioner was advised that he was required to bow and refused to do so. Mr. Graham testified that in his history of Judo participation he never considered any activity in the sport of Judo to be of a religious

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nature. The Committee finds that Petitioner Drangied was formally advised of the procedural practices to be followed as a prelude to competition and that Petitioner willfully disobeyed the direction of the Referee and was, as a result, disqualified.

The Committee received the testimony of Mr. William Rosenberg, Executive Director of United States Judo, Inc. Mr. Rosenberg testified that the rules for international Judo competition have been enacted in conjunction with five international athletic unions. Mr. Rosenberg also testified as to extensive experience with Olympic and International Judo events. Mr. Rosenberg testified that the rules of competition are generated with the involvement of 155 nations. Mr. Rosenberg also testified that the rules of the International Judo Federation are followed by all nations in Olympic and international Judo competition. Mr. Rosenberg also testified that local amateur Judo competition would not qualify an athlete for Olympic competition and that the failure of a competitor to refuse to follow any of the rules would result in a disqualification at any level. The Committee finds that the rules established by the International Judo Federation and followed by 155 nations, including the United States, are consistent with the norms and standards common to Olympic, international, national and local Judo competition.

The Committee received the testimony of Mr. Fletcher Thornton, 6th Degree Black Belt, Class "A" International Referee. Mr. Thornton testified that he has participated in the Sport of Judo for approximately 35 years. Mr. Thornton has served as a referee in the first trials for the United States team in 1979 and 1980. Mr. Thornton testified that he has served as a technical advisor to the International Olympic Committee for Judo and was an official at the 1996 Olympic Games. Mr. Fletcher testified that he did not interpret the bow as a gesture of allegiance and that the bow was merely a unique practice in the sport of Judo. Mr. Thornton did not believe the bow was any form of religious act.

Upon conclusion of the testimony of Mr. Thornton, Attorney for the Petitioners and Respondents presented closing statements.

ADMINISTRATIVE DECISION

The Committee finds that the orderly conduct of amateur Judo competition is vested in United States Judo Incorporated and the Class A members, United States Judo Federation and United States Judo Association. The Committee further finds that the authority to promulgate rules that govern such competition is derived from the international sport unions, the International Judo Federation and the national Judo organizations.

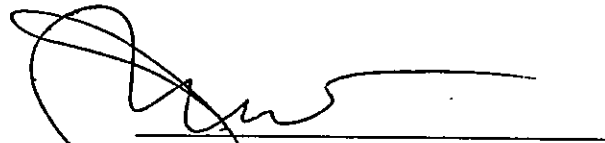
The specific procedures complained of, the practice of "bowing", has endured for over a century. The Committee finds that the practice of "bowing," imposed as a procedural requirement in the normal course of athletic competition, and set forth in

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the rules of the International Judo Federation, is found to be reasonable, non-discriminatory, and not arbitrary or capricious. The Committee further finds that the practice is reasonably related to the conduct of Olympic, international, national and local amateur Judo competition.

The Committee is not unmindful of the importance of religious freedom in this Nation. The fundamental guarantees of the First Amendment of the United States Constitution are not taken lightly. However, the evidence presented by the Petitioners is required to meet a standard of proof that is substantially supported by the evidence admitted during the hearing. The Committee finds that the Petitioners have failed to meet the quantum of evidence necessary to validate any portion of their complaint.

IT IS THEREFORE the decision of this Committee that the Complaint of the Petitioners be dismissed.



Judge Jimmie R. Nix,
Chairman