

Shoshin Ryu Yudanshakai Newsletter

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HIV/AIDS and the Dojo (Part One)

By

Bryan Stanley and Professor Owen Gallagher

"At the end of 2003, an estimated 1,039,000 to 1,185,000 persons in the United States were living with HIV/AIDS." – Center for Disease Control

We are all painfully aware of the importance of protecting ourselves from HIV, but protection takes more forms than just keeping blood from landing on us. Anyone teaching or participating in a martial arts class must understand the legal and medical ramifications of dealing with HIV/AIDS. Most of the time, we push those thoughts away when we work out, but we shouldn't, and we can't. We must be aware of how to deal with HIV/AIDS in our dojos.

In an attempt gain understanding of HIV and the dojo, the newsletter will run a story in the next two editions about the legal and medical concerns of HIV/AIDS and the martial arts.

The legal precedent for HIV and martial arts comes from the 1999 case of MONTALVO v RADCLIFFE. In that case, Michael, a 12-year old, was enrolled by his parents in a karate class described by the Court as teaching "exclusively a traditional Japanese, combat-oriented martial art rather than the more prevalent, family-oriented fitness programs offered by most martial arts schools."

At the time of his enrollment, Michael's father signed a statement affirming that Michael was "in good health and that he suffered from no illness or condition...which would possibly be infectious to others". When Michael's father signed that statement, he knew that Michael was HIV-positive. Michael's father told the Court that he intentionally withheld Michael's HIV status from the dojo instructor because he was "afraid that the dojo would not enroll Michael if it knew of his HIV-positive status."

On Michael's first day of class, the instructor received an anonymous note stating that Michael was HIV-positive. The instructor immediately called Michael's father, who adamantly and repeatedly denied the allegation; furthermore, the father demanded to know the source of the allegation. The instructor, still concerned, asked Michael's father to submit a letter from Michael's doctor confirming that Michael was not HIV-positive. Michael's father later submitted an affidavit from Michael's doctor, in which the doctor said nothing about Michael's HIV-status, declaring simply that Michael was "fit to begin karate classes."

The instructor, however, was not satisfied with the wording of the doctor's letter and told Michael's father that Michael would have to submit to a blood test before he would be allowed to participate with the other students. At that point, Michael's father admitted to the instructor that Michael was indeed HIV-positive.

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Ask the Doctor

Dear Dr. Rich,

I have heard whispered mutterings about super-secret techniques, taught to only the most advanced students. Things like a "deadly touch" that kills only after three days. Skills like being able to sense the intentions of people in the surroundings, even people who are wholly unseen.

I have seen video footage of little, old, hunched over men sending attackers flipping across the floor without even physically touching them. I have asked others about this. They tell me about Ki or Chi and how it extends past the body if used correctly.

I want to know if any of this stuff is true? Can a person kill in delay? Do people have some part of their brain that is able to detect intentions, even intentions in people or animals they can't see? Is there an organ in the body where Ki lives? Can it be used to push or pull anything beyond reach of physically touching?

Sincerely,
Sixpak Dopra

Dear Sixpak:

Excellent question--and one that I hope will prompt an intense exchange of ideas by way of letters to the editor!

Carl Sagan, who died just over a decade ago, coined the phrase: Extraordinary claims require extraordinary evidence. I would invite you to treat these claims--indeed, any claims of apparently magical powers--with a great deal of healthy skepticism. People who make these kinds of claims often fall back to the defense of, "Well, you can't prove it doesn't happen." In fact, they are right. It is virtually impossible to disprove nonsense. The great philosopher Bertrand Russell's famous analogy about a pink teapot in orbit around the sun comes to mind. Just because he could not prove it wasn't there did not mean he had to accept that it was there. When they make claims that rely on magic, or seem to defy the known laws of physics, the burden of proof is on the claimant.

Sixpak, certainly people can sustain injuries that do not kill them immediately. I saw a woman, yesterday, whose husband shot her in the face. She did not die in our ER, but did so 24 hours later and 60 miles away. But that's not what your asking, is it? You're really asking me if there is a list of techniques that can reliably kill or mame someone after a specific length of time. Most of the myths I've heard about this also note that the person seems perfectly fine until that sudden death. Utter nonsense.

The idea of Ki or Chi, to the degree that it refers to some magical force that science cannot detect, yet can interact with the physical world is also absolute nonsense. Does that mean the people in the video were committing fraud? Maybe. I think it more likely that devout followers of a frail, grand sensei were very used to the way he moved and executed his techniques, and did their best to help him demonstrate those techniques.

Sincerely,
Dr. Rich Charlebois

Words of Wisdom

"Freedom is not worth having if it does not include the freedom to make mistakes." – *unknown*

"Dreams come true; without that possibility, nature would not incite us to have them." -- *John Updike*

"He who knows others is wise; he who knows himself is enlightened." – *Tao Te Ching*

Loyalty

By
Professor Mike Chubb

Every Monday, during professional football season, I wear my St. Louis Rams tee shirt. Whether the Rams win or lose I wear the shirt to symbolize my faithfulness to the team and to make a subtle statement that I am a loyal person.

In keeping with dojo tradition Professor Okazaki designated a virtue to each of the four posts which supported the roof of his dojo, the Kodenkan. Among those four virtues was ‘Loyalty.’ Symbolically, the Professor thought that this virtue was an essential part of the ‘structure’ of his dojo and apparently held the quality in high regard.

As a sensei of my own school, the Boulder City Jujitsu Club, I elected to assign my own virtues to the corners (we have no visible posts) of the dojo: Charity, Courtesy, Humility and Loyalty. I chose them because I believe they best describe the character of my dojo and also offer a personal glimpse into the character of its original sensei.

Although ‘loyalty’ is listed last in order it is by no means last in importance. The integrity of an individual is often measured by his loyalty, whether to a person, group, or ideal. For me, this applies to the relationship of a student to his sensei, his dojo, and/or his organization. The important thing here is that loyalty has a very narrow scope of application. The wider you make it, the weaker it becomes. How can you be loyal to more than one sensei, dojo, or organization? Surely, a time will come when you must choose one over the other.

I speak from experience. During the early ‘60’s, when I was enrolled at the Santa Monica YMCA Jujitsu Club under sensei Bill Randle, I was coaxed into leaving the dojo to train in judo to improve my throwing ability. While away, I also began training in Aikido under Kobayashi sensei in Venice. Again, my reason for abandoning my original dojo and hooking up with another style was to “improve my own technique.” I never asked for permission to leave nor gave a satisfactory explanation for my absence. When I realized that Sensei Randle had given me everything necessary to enhance my skills and that I was blaming my shortcomings on him (some several months later) I returned to the dojo greatly embarrassed but measurably wiser. Sensei Randle never inquired about my absence, and I have been loyal to him ever since.

There are a few people within our martial arts community who believe that it *is* possible “to serve two masters.” They use the argument that they belong to different Danzan Ryu organizations because they want to show support of each and lend their particular expertise when called upon. The truth is they are more interested in what the relationship(s) can do for them than the reverse. Loyalty to more than one person, dojo, or organization is not a virtue; it is a flaw! To think otherwise is to delude ones self.

Yudansha Notes

Congratulations!!!

Shoshin Ryu would like to congratulate Professor Owen Gallagher on his January 2007 wedding.

Congratulations 2!!!

Another round of hugs have to go out to Aubrey Pickens, the wife of Mountainside Jujitsu Sensei Jayson Pickens. On January 5, 2007, after twenty-four hours of labor, she gave birth to an eight-pound, eleven- ounce

boy. Luckily the birth came between blizzards. Still, the wind howled on a day that was as cold as any in recent memory.

All Belts Workout

On January 7, 2007, the Downey YMCA hosted more than twenty yudansha who turned up for an all belts workout. Special thanks go out to Professor Len Riley, and senseis Lee Firestone, Donn Hearn, and Micheal Mares for contributing to the day’s class.



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(HIV/AIDS from page one)

The instructor testified that his dojo taught "hard-style Japanese karate...with a heavy emphasis on sparring and actual-fight simulation," often resulting in a "high frequency of minor but bloody abrasions among the students." The instructor determined that allowing Michael to engage in such sparring would expose the other students to too great a risk of contracting HIV. Accordingly, the instructor told Michael's father that Michael would not be allowed to participate at the same level as the other students.

However, as an accommodation, the instructor told Michael's father that he, the instructor, would give Michael private karate lessons, without the emphasis on sparring. Michael's father immediately refused the offered alternative, stating to the instructor that Michael wasn't really interested in learning a martial art, but simply "wanted to be with his friends." The instructor then informed the father that Michael would not be allowed to participate with the other students.

Michael's father brought suit, alleging a violation of the federal Americans with Disabilities Act (ADA), which, in the context of this case, forbids acts of discrimination by a place of public accommodation based on a life-altering medical disability or condition. The Court was asked to decide three issues: (1) Was Michael's HIV-positive status a disability covered under the ADA?; (2) If so, did Michael's HIV-status pose a significant risk to the health or safety of others; and (3) if so, was there a reasonable modification of policies, practices, or procedures that could be implemented to eliminate that risk to others, and, by so doing, thereby accommodate Michael's disability?

The Court determined that one's HIV-positive status is a disability covered by the ADA. The Court also determined that Michael's HIV-positive status did expose other students to a significant risk to their health and safety. However, here's where the case becomes very troubling.

The Court ruled that "Even though Michael's condition posed a significant risk to the health or safety of others, [the dojo] *would still be required to admit him* to group karate classes if a reasonable modification could have eliminated the risk as a significant one." In this case, the Court determined that under these facts, this particular martial arts program was exclusively a hard-style program, and that any modification to accommodate Michael would necessarily involve a fundamental alteration of the entire program, something that the ADA's accommodation clause does not require.

In reaching that decision, the Court specifically looked at the issue of whether reformatting the instruction "towards a 'softer', less-rigorous style" would be appropriate, and it concluded that

(See **HIV/AIDS** continued on page **six**)

Greetings from Peachtree, GA

December 19, 2006, we had our fifth annual Christmas party-promotion night-kata demo for family and friends. We had seventeen teams and all of them did a great job. We also had a ton of promotions that night (See promotions on page six). We'll have our Ninth Semi-Annual Ippon Open on April 28, 2007. Our Judo tournaments keep growing and growing so we're looking for good things this year.

Ippon Judo, Jujitsu, and Karate just celebrated its fifth year in existence. Most of the first three years were spent at a recreation center, and the last two or so years have been at the Dojo. Hopefully we can make it another five years.

As for the members of our class, Derek Wojcik, a high school freshman, just got done with his wrestling season. He wrestled varsity at 160's this year and placed in all seven tournaments in which he wrestled. He capped off his season by taking the sixth place medal at the state championships. He is the first wrestler from his high school to medal in three years. Congratulations to Derek.

Eighth grader Aaron Ringel took second place at the county wrestling championships. He had a great season and will be joining the high schoolers next year.

We're looking forward to having Sensei Ryan Rebmann come and work out with our class in the near future.

That's about it from Peachtree.

Take care,

Sensei Dave Wojcik

Sensei of the Month

Name: Ken Blaedel

Rank: Nidan

Number of years practicing the martial arts: fifteen years. I started when I was forty-five.

Styles studied: Danzan Ryu Jujitsu

Favorite book: *Mao* by Chang and Halliday (I don't think people realize how brutal he was.)

Favorite movie: Star Wars – Because it spurred my imagination.

Favorite actor: Dustin Hoffman

Favorite actress: None

Favorite food: I like a lot of Japanese food. Natto is my favorite. It's fermented soy beans.

Favorite activity away from jujitsu: I shoot high powered rifles. It's strictly mental focus.

Favorite ice cream flavor: Ginger

Most memorable moment in the martial arts: Getting really nervous for my shodan exam. In retrospect I enjoyed it, but only in retrospect.

Favorite thing about practicing Danzan

Ryu: It causes me to remain physically active. When I get off work I can turn left and go home, eat potato chips, and sit on the couch, or I can turn right and go work out.

Four famous people I'd invite to dinner:

I'm really interested in how people make decisions. So I'd invite Abraham Lincoln, Oppenheimer, Professor Okazaki, and Chairman Mao.

Biggest inspiration: My mother who tended to be opposite of me. I didn't realize how big of an effect she had on me until after her death.

Danzan Ryu Hall of Fame

Professor William Ah Moo inducted 1994

Professor William Ah Moo began his study of jujitsu under Professor John Cahill in the late 1930s. He received his black belt in May 1941. From there Professor Ah Moo went on to become one of the greatest technicians and teachers in Danzan Ryu. During the mid to late 1940s, he was known as Professor Okazaki's closest advisor and right hand man. Among the many students he trained was Professor Jack Wheat, 10th degree. Professor William Ah Moo died July 25, 1993, in Honolulu, Hawaii.

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a "softer, less-rigorous style" would eliminate the basis function of the training at this particular dojo, and would, therefore, be an unreasonable modification. Based thereon, the Court concluded that the dojo was justified in refusing to allow Michael to participate with the other students.

What this case tells martial artists is that as long as modifications can be made to instruction, people with HIV/AIDS have a right to practice. Not modifying instruction could be a violation of the American's with Disabilities Act and subject the instructor to being sued. This is especially important to Danzan Ryu in that it is a "softer" style and could be tailored to the needs of a specific student.

The troubling part of the case is the concern for the welfare of others. Even though Michael did expose others to HIV, it was not a significant worry to the court. Life comes with a certain number of inherent dangers and exposure to viruses is one of them. However, the common cold is far different than HIV. Just what would the legal precedent be if Michael infected someone in the class?

The American legal system has dealt with that problem. Individuals who knowingly partake in activities that can transmit the virus have been charged with attempted murder, assault with a dangerous or deadly weapon, or reckless endangerment. Certainly Michael's father would have to pay for the damages caused by exposure.

In reality the real culpability in the case falls with the father, a man whose moral compass is as firm as a wind sock in the eye of a tornado. He lied in order to give his son the kind of life we all want. This man didn't want the stigma of HIV placed on his son, and no one can blame him for that. However, courts have determined that it is the duty of an aware HIV positive person to disclose her/his status. The father, in denying that his son was HIV positive, was, himself, in violation of state and federal statutes.

So the legal system has dealt with both sides of the HIV/AIDS issue. Both sides are asking for protection and, undeniably, the legal world, HIV, and the dojo have not untied the Gordian knot that is waiting. The important thing to remember is that both parties, the student and the dojo, have legal responsibilities when dealing with HIV. If both are conscientious, then there is no reason for worry.

In the next edition of the newsletter, part two of AIDS/HIV in the dojo will discuss how to deal with blood borne pathogens.

I would like to thank Professor Owen Gallagher for his gigantic contribution to this article. Without him none of the legal information would have been understandable or available.

Promotions

Kukyu:

Miranda Kophman – Ippon Judo and Jujitsu
Noah Jacobs – Ippon Judo and Jujitsu
Cameron Prevost – Ippon Judo and Jujitsu
Max McDevitt – Ippon Judo and Jujitsu

Shichikyu:

Breanna Wojcik – Ippon Judo and Jujitsu
Skyler Webb – Ippon Judo and Jujitsu
Paul Giorgi – Ippon Judo and Jujitsu

Rokkyu:

Josh Braumuller – Ippon Judo and Jujitsu
Mathew Elketroussi – Ippon Judo and Jujitsu

Gokkyu:

Ashley Wojcik – Ippon Judo and Jujitsu
Jordan Saxe – Ippon Judo and Jujitsu
Josh Jewett – Ippon Judo and Jujitsu
Steve Witty – Ippon Judo and Jujitsu

Sankyu:

Derek Wojcik – Ippon Judo and Jujitsu

Nikkyu:

Mark Dies – Ippon Judo and Jujitsu

Ikkyu:

Alan Ringel – Ippon Judo and Jujitsu

KaishinKai Dojo Hosts Regional Clinic

By Sue Jennings

On Saturday, February 3, 2007, it was time for the Evergreen State College branch of KaishinKai Dojo to host the regional seminar. The seminars rotate location each time from Olympia, Washington, at the northernmost location to Springfield, Oregon, for the southern extreme. This gives each dojo and sensei the chance to host the event, and shares the driving equally for those attending.

"We were quite pleased by having over thirty-five people in attendance for this clinic", indicated Sensei Sue Jennings, lead instructor at the Evergreen State College. In most of the locations in the Pacific Northwest the attendance at the clinics is smaller due to the number of people able to attend due to the distance between schools. We were pleased to have the support from the other schools for this event.

For the four-hour clinic, teaching assignments were divided between different instructors from the region. Sensei Tim Ames, assistant instructor at the Evergreen State College, warmed up the group with exercises, followed by Sensei John Doyle of LaConner Danzan Ryu of LaConner, Washington, who shared jujitsu self-defense arts. Sensei Allen Schaffer of Hub City Aikido in Centralia, Washington, followed with an aikido section, while Sensei Paul Bedard of Beaverton, Oregon, taught arts from his style of Hatte Ryu Jujitsu. After a short break Sensei Dana Totten of Three Dragons Dojo in Eatonville, Washington, taught a segment on self-defense arts in jujitsu for smaller against larger opponents. Sensei Bob Parkison and Sensei Al Elfstrom of the Salem Budokai, Salem, Oregon, demonstrated a combination of judo and jujitsu techniques. Ending the workout section of the clinic, Prof. Ron Jennings, school head of KaishinKai Dojo, Centralia, Washington, taught his always popular segment on cane defense. Sensei Sue Jennings ended the clinic with a five-person rotational massage.

According to Sensei Al Elfstrom, the best part of the clinic was that it ended with all the instructors being massaged by the students.

Following the clinic the group descended on a local Chinese buffet to restore our energy and enjoy the camaraderie with old and new friends.

All in all, it was a well organized event with no injuries sustained. All the participants garnered appreciation of the differences between the ways each school presents its style of martial arts.

The next Pacific Northwest Regional Clinic will be held April 14, 2007, at the Salem Budokai from 9:00 to 1:00. Other upcoming events in our region include Kamp KaishinKai, scheduled for August 10-12, 2007, near Centralia, Washington, as well as a Regional Clinic in June in Eugene, Oregon.

The Literary Ninja's Book Review

Traditions by Dave Lowry

\$16.95 174 pages

What makes *Traditions* good is that it is fifty-three chapters long. I can hear it now, "How can that be good?" Well each chapter is roughly three pages long; consequently, each can be read in one sitting.

The book was created from articles that Dave Lowry wrote while on assignment for Black Belt Magazine. These articles cover a myriad of topics from judo to karate, from cleaning the dojo to unwelcome visitors in the dojo.

Traditions will not help you with your technique. It will increase your understanding of martial arts and your appreciation for what you are learning.

On the Literary Ninja's scale of White to Black belt I'd give *Traditions* a BLUE belt.