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THE NATIONAL CENTER FOR LAW & POLICY

Freedom Forum

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EUSD Trustees agrees to review the Ashtanga yoga "physical" education program to confirm whether religion is being promoted.

ENCINITAS, CA - Encinitas Union School District (EUSD) Trustees have agreed to review whether a \$533,000 grant funding Ashtanga yoga classes in EUSD elementary schools violates the religious freedom of students and parents. Approximately 60

" . . . children in one class were trained in drawing mandalas; students on another campus were told that certain poses were imparted by Hindu deities; students on at least two campuses have done their yoga practices with

concerned parents participated in a Trustees' meeting on Tuesday October 9, 2012. The decision to scrutinize the program was announced after parents and their attorney National Center for Law & Policy President Dean Broyles addressed the board with specific concerns regarding the religious nature of the Ashtanga yoga program replacing approximately 60 percent of student physical education time in the district.

The Jois Foundation-EUSD grant and memorandum of understanding specify that "Ashtanga yoga" will be taught to Kindergarten through sixth-grade students by instructors who must be certified and trained by the Jois Foundation in Ashtanga yoga. The stated goal of the **Jois Foundation** is to promote the "gospel" of Ashtanga (Hindu beliefs and practices), a deeply religious form of yoga, worldwide. The spiritual "father" of the foundation is the recently deceased **Sri Patthabi Jois**, also known as Guru-ji.

The EUSD Ashtanga program will purportedly be "studied" by **University of Virginia's (UVA) Contemplative Sciences Center (CSC)** and the **University of San Diego (USD)**. The head of the newly-formed CSC, John Campbell, studied under Sri Patthabi Jois and is an Ashtanga practitioner. The CSC has expressed a desire to re-merge the practice of yoga and meditation with its spiritual roots. The CSC will review the EUSD students and the results of regularly-practiced Ashtanga yoga on children. The goal of the study appears to be to confirm and promote the "benefits" of Ashtanga yoga for children in public schools nationwide.

*pictures on the wall of the Eight-Limbed Spiritual Path (which has recently been removed) whose ultimate goal is **absorption into the Universal**; students even in Kindergarten are being trained in the Primary Series of Ashtanga which is a series of poses called the Sun Salutation and was specified by Jois to begin all Ashtanga practice as a required form of worship."*



Here are two of the news reports that help explain the yoga conflict:

[CBS8 KFMB ABC News](#)

The financial and spiritual connection between UVA, the Jois Foundation, and the EUSD Ashtanga Yoga program is **billionsaire Paul Tudor Jones and his wife Sonia**, herself a dedicated disciple of Sri Patthabi Jois. Earlier this year, Paul Tudor Jones gave a \$12 million grant to his Alma Mater to form the UVA CSC. The Tudor Joneses were also instrumental in the founding of the Jois Foundation and allegedly gave the Jois Foundation the monies to fund the \$533,000 EUSD grant. EUSD concerned parents are naturally questioning the validity of an alleged "study" so fraught with obvious religious and financial conflicts of interest.

Many students have already been reporting training and instruction that goes well beyond yoga poses, which are themselves understood to be a form of Hindu religious worship. For example, children in one class were trained in drawing mandalas; students on another campus were told that certain poses were imparted by Hindu deities; students on at least two campuses have done their yoga practices with pictures on the wall of the Eight-Limbed Spiritual Path (which has recently been removed) whose ultimate goal is **absorption into the Universal**; students even in Kindergarten are being trained in the Primary Series of Ashtanga which is a series of poses called the Sun Salutation and was specified by Jois to begin all Ashtanga practice as a required form of worship.

Dozens of parents have opted their children out of the twice a week 30-minute yoga sessions. However, EUSD has not provided any physical education alternative for these students. This means that students who opt out are not currently meeting the minimum weekly PE participation mandated by

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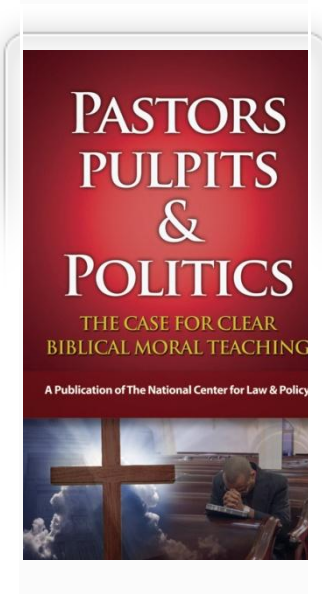
California state law.

"Public schools should not be using taxpayer resources to promote transparently religious beliefs and practices like Ashtanga yoga," declared NCLP president and chief counsel Dean Broyles. "It is very unfortunate the media has thus far given EUSD a pass on this and has decided not to peek behind the curtain to see what is really going on. If you follow the money in this case and peek behind the curtain, major religious and financial conflicts of interest immediately emerge. Superintendent Baird's repeated public mantra that the program is not 'religious' is simply not true. In fact, this issue has already been litigated and won by groups challenging Hindu religious indoctrination in public schools.

Transcendental Meditation (TM) was eliminated from a public school in New Jersey because it promoted the Hindu **religion** in violation the First Amendment's Establishment clause, *See Malnak v. Yogi (1979)*. In *Malnak*, the district made the same spurious argument that Baird is now making-that the program has been stripped of religious content and is really just a physical and philosophical exercise."

"I am, however, very encouraged that the EUSD Trustees, after hearing the concerns of my clients, have committed to review the program and have promised that if it is a religious program, as it clearly is, they will end it. I appreciate their commitment to fulfill their fiduciary and legal responsibilities to the Encinitas community. We will hold them to their commitment and expect their answer very soon." For the full text of the NCLP October 22, 2012 press

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release, please click here <http://www.nclplaw.org/wp-content/uploads/2011/12/NCLPPressRelease20FINAL1.pdf>

Poway High School Reverses Ban on "Operation Christmas Child" Club after Being Challenged by NCLP Attorneys.

Attorneys at the National Center for Law & Policy were contacted by a distressed Poway High School (PHS) junior after her application to form a Christian club on campus was denied because of the religious nature of the club. The PHS ASB Commissioners told her, "It sounds like a great club. But we legally aren't allowed to have it on campus because it has the word 'Christmas' in it. We wanted to vote for it, but the ASB advisor said that it wasn't possible because this club only appeals to Christians." The ASB representatives told her that if she removed the name "Christmas," they would reconsider her application.

The purpose of this student-initiated and student-led club which will meet during non-instructional time is the noble and worthy cause of helping to make students and the community aware of the desperate plight of impoverished children worldwide. The club will organize students to help with Samaritan's Purse Ministries' annual shoebox drive to provide Christmas gifts for these impoverished children. Samaritan's Purse is led by Billy Graham's son, Franklin Graham.

With unusual efficiency and within less than twenty-four hours of receiving the NCLP's ten-page legal demand letter, Poway High School capitulated,

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ASB Officers at PHS.

"The decision to deny the club's application represented, at best, gross negligence and, at worst, blatant religious hostility."

Dean Broyles

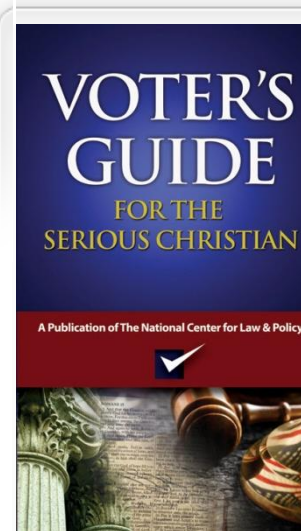
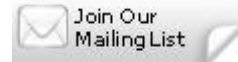


*Please support us so that we can continue to provide **free** legal defense to persecuted Christians.*

admitting that an "error in judgment" had occurred in denying the Christian club's recognition. Dean Broyles, NCLP's president declared, "Religious student clubs are protected by the Equal Access Act and the First Amendment. Equal access means just that-Christian clubs must be treated just like all other clubs by the administration--free from discrimination. This has been established law for more than 20 years. While I am pleased that the PHS administration agreed to do the right thing, it is quite stunning that a district as well respected as Poway would make such an error and deny official recognition of a club because it would serve Christian interests and contained the word 'Christmas.' However, this is a symptom of both the ignorance of the meaning of the First Amendment (i.e. the purported separation of church and state) the increasing cultural bigotry and hatred we are observing directed towards biblical Christianity. The decision to deny the club's application represented, at best, gross negligence and, at worst, blatant religious hostility." *If you are aware of a Christian club experiencing discrimination on public school campuses, please contact the experienced constitutional attorneys at the National Center for Law & Policy.*

What Will Save America?

Here on the eve of the election I wonder. Will a better economy or more jobs save America? Will limited government restore our nation's greatness? Is border security our salvation? Will Democrats fix our land? Will Republicans? Will better legislators, presidents, or Supreme Court justices make everything better? No, none of these things can or will save America. The problem is much deeper-and so is the solution.



America is unique and special among the empires and nations of history because it was founded upon timeless Judeo-Christian principles. This firm foundation has been its safety and our blessing.

". . . the propitious smiles of Heaven can never be expected on a nation that disregards the

nations of history because it was founded upon timeless Judeo-Christian principles. This firm foundation has been its safety and our blessing. As George Washington prophetically declared in his first inaugural address at Federal Hall on Wall Street in New York City in 1789,

"[T]here is no truth more thoroughly established than that there exists in the economy and course of nature an indissoluble union between **virtue** and happiness; between duty and advantage; between the genuine maxims of an honest and magnanimous policy and the solid rewards of public prosperity and felicity; since we ought to be no less persuaded **that the propitious smiles of Heaven can never be expected on a nation that disregards the eternal rules of order and right which Heaven itself has ordained**; and since the preservation of the sacred fire of liberty and the destiny of the republican model of government are justly considered, perhaps, as deeply, as finally, staked on the experiment entrusted to the hands of the American people." (emphasis added).

Alexis de Tocqueville re-confirmed these principles in 1831 when he famously declared, "America is great because she is good, and if America ever ceases to be good, America will cease to be great."

So God has repeatedly given us a powerful promise of blessing and a solemn warning of judgment. Yet, as a nation, in recent decades we have increasingly failed to either live the promise or heed the warning, foolishly believing that the rules (the laws of nature and nature's God) somehow do not apply to us. You see, America has a profound moral problem that none of the "solutions" mentioned above can repair. Though it

eternal rules of order and right which Heaven itself has ordained"

George Washington

"America is great because she is good, and if America ever ceases to be good, America will cease to be great."

Alexis de Tocqueville

And God's universal moral truths operate much like gravity. Respect them and there is blessing. Ignore them and, like gravity, the nation is destined to fall. The biblical narrative and the historical record teach us that God has always placed a high premium on righteousness—both national and personal. Obedience results in blessing. Disobedience results in judgment.

does not rank high in the polls as a "big" issue this election cycle, America has arrogantly turned its back on the God of the universe Who is the sovereign Lord over all things, whether we like it or not.

And God's universal moral truths operate much like gravity. Respect them and there is blessing. Ignore them and, like gravity, the nation is destined to fall. The biblical narrative and the historical record teach us that God has always placed a high premium on righteousness-both national and personal. Obedience results in blessing. Disobedience results in judgment.

And thus, the prescription for what ails us is simple to describe but is very hard to do: repent and return to God. "If my people, who are called by My name will humble themselves, and pray and seek My face, and turn from their wicked ways, then I will hear from heaven, and will forgive their sin and heal their land." (II Chronicles 7:14)

Upon reading these words, does it wound our spiritual pride to realize that the problem is us-the Church? We are so used to, in our self-righteousness and pride, pointing the finger at the media, socialism, Hollywood, and the ACLU, blaming outside forces and only others for America's fall. Surely II Chronicles 7:14 is a tall order for America's sleepy, weak, silent, divided, and morally compromised church-one that has withdrawn from culture, failing to be the "salt and light" we were supposed to be.

But does it also encourage you that we are the solution? That the path is clearly marked out for us by our Creator? That God will respond and restore us if

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II Chronicles 7:14

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we (who are called by His name) humbly yield and submit ourselves to His purposes and His plan? Yes, if we pray and seek His face, rather than our selfish desires? And yes, if we repent and turn from our wicked ways (idolatry, impurity, carnality, greed, materialism, vanity, compromise, apathy, disobedience, self-obsession, etc.)? His promise, and He always keeps His promises in His love and mercy, is that He will forgive our sin and heal our land. Oh, blessed America, how we desperately need God's healing now! I urge you to join me in working for and praying for repentance and revival in America surpassing the first or second Great Awakenings.

And so, we see the Creator's path to the restoration of our land. Will we again see the "smiles of heaven?"

The sovereign Creator and Lord of the universe assures us that the restoration of America is in our hands . . . "[i]f my people" What will I do? What will you do? The answer is important; our very future depends on it.

The National Center for Law & Policy is a non-profit 501(c)(3) legal defense organization dedicated to the protection and promotion of religious freedom, parental rights, and other civil liberties. The NCLP engages in constitutional litigation in state and federal courts and is also active in the areas of public policy and education.

For more information about The National Center For Law & Policy, please visit our website at www.nclplaw.org

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