



THE NATIONAL CENTER FOR LAW & POLICY

Freedom Forum

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Yoga on Trial, Part II: Sedlock v. Baird will resume June 24 & 25, 2013.

SAN DIEGO, CA - Attorneys for the National Center For Law & Policy (NCLP) were in court last week in a trial where the definition of religion and the close ties between Hinduism and yoga were examined. The trial will resume June 24 with more witness testimony. Closing arguments will occur June 25, and a

"I beg you will be persuaded that no one would be more zealous than myself to establish effectual barriers against the horrors of spiritual tyranny, and every species of religious persecution. For you, doubtless, remember that I have often expressed my sentiment, that every man,

statement of decision is expected June 26, 2013.

The lawsuit is the result of the Encinitas Union School District's (EUSD) decision to accept \$533,720 from the K.P. Jois Foundation in exchange for providing the religiously-motivated organization access to the district's young and impressible students in order to test, prove, and nationally promote the feasibility of Jois' "health and wellness" Ashtanga yoga curriculum. The foundation's reason for existence is to spread the "gospel" of Ashtanga yoga by targeting children in public schools. The lawsuit seeks a writ of mandate and injunctive relief to order EUSD to comply with the California Constitution's religious freedom provisions and a state education statute requiring EUSD to provide a mandatory minimum number of physical education minutes. The NCLP proudly represents petitioners Stephen and Jennifer Sedlock and their minor children, who are students in the district.

Religious Studies' professor Candy Gunther Brown, who is the petitioners' expert witness, was on the stand for more than four hours. Dr. Brown is eminently qualified to opine on religious matters including yoga and has an A.B. (summa cum laude), A.M. and Ph. D from Harvard. During her direct examination conducted by attorney Dean Broyles, Dr. Brown defined religion, discussed Hinduism, and confirmed yoga's direct connection to Hindu, Buddhist, and Western Metaphysical religious beliefs and practices. Professor Brown specifically evaluated EUSD's yoga program, which is based largely on Ashtanga yoga, and expressed a very expert well-informed opinion that EUSD's yoga program is pervasively religious. When the trial transcripts are available, we will post them on our website so that a more complete and accurate picture can emerge regarding how powerful and effective Dr. Brown was at trial. Predictably, district representatives like Superintendent Timothy Baird, in spite of the overwhelming evidence to the contrary, continued to

*conducting himself
as a good citizen,
and being
accountable to God
alone for his
religious opinions,
ought to be
protected in
worshipping the
Deity according to
the dictates of his
own conscience."*

George Washington

Yoga on Trial:

Trial will resume June 24 with more witness testimony. Closing arguments will occur June 25 and a statement of decision is expected June 26, 2013. Your continuing prayers are greatly appreciated!

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repeat the tired "it is not religious, trust us" mantra in the courtroom.

EUSD and Intervener (YES) attorneys Jack Sleeth and David Peck attempted in vain to cross examine Dr. Brown, only serving to strengthen her credibility and testimony. Reading from the wrong website, attorney David Peck asked misleading questions implying that a grant Dr. Brown received was from a Christian organization. However, the grant Dr. Brown received was actually from the John Templeton Foundation, which is not a Christian organization. Mr. Peck's error was corrected in the [story](#) posted at www.nbcsandiego.com.

Ms. Andrea Silver, EUSD's purported "yoga" expert, was not qualified as a religious studies expert as was Dr. Brown. Therefore, Ms. Silver was limited to only testifying about her personal experiences and personal beliefs about yoga. On the stand, she confirmed that she knew little about either Ashtanga yoga or EUSD's yoga curriculum. Under cross examination by Dean Broyles, she admitted that she was not an expert regarding Ashtanga yoga and her testimony fell apart. As the actual transcripts will reveal, the relative quality of the EUSD's and Petitioners' experts could not have been more pronounced.

"As a constitutional attorney with more than 18 years experience, I am very familiar with nearly every important Establishment Clause opinion and I can say with full confidence that EUSD's program represents the clearest case I have observed of the government advancing, endorsing, or promoting religion. In this case endorsing Hinduism and yoga, on one hand, and inhibiting, disapproving, and discriminating against Christianity and other religions, on the other," declared NCLP president Dean Broyles.

"Furthermore, I have never seen a starker example of government "excessive entanglement" with religion as has occurred in this case." EUSD's yoga program represents a prime example of precisely why in

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America we do not allow the government to pick religious winners and losers, especially when you have a captive audience of very young and impressionable children as we do in our public schools."

"David Peck's unfortunate approach to this case appears to be to employ misdirection by trying to put Christianity on trial. I was deeply disappointed to see David engage in intolerant name calling and attempting to fan the flames of anti-Christian bigotry, by arguing in his opening statement that the "fanatical prism" of extreme parents is irrelevant. Concerned Christian parents have raised legitimate First Amendment concerns about the yoga program and deserve the same justice and respect in our courts as any other faith group."

"We appreciate the time and attention Judge Meyer is giving us to try this important case. We will fight this case all the way to the U.S. Supreme Court if necessary. Religious freedom is not for sale. We must not permit our children to be auctioned off by careless public servants to the highest bidder, especially for Jois' self serving-purposes of religious experimentation and religious marketing. It was wonderful to have the support of the Alliance Defending Freedom (ADF) at trial in the form of the moral support of ADF Senior counsel Bradley Abramson and ADF trained attorney and NCLP affiliate attorney Robert Reynolds," stated Dean Broyles.

The lawsuit does not seek money damages, but rather seeks to immediately suspend EUSD's religiously divisive Ashtanga yoga program and restore traditional physical education to the district.

An inconvenient truth: Ex-gays really exist and are due some dignity and respect.

It is time that America's arguably most marginalized

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people group comes out of the shadows. No, I am not taking about gays, lesbians, bi-sexuals, or transgenders (GLBT). I am referring to the most hated and closeted of all: ex-gays.

GLBTs, aided and abetted by the media, Hollywood, and activist judges have spent the last two decades "coming out" with a political vengeance and are arguably the most powerful, popular, and celebrated people group in America today. Yet their brothers and sisters remain in the shadows, often too afraid to be out and proud because the despicable treatment they receive from so-called progressives.

This sad truth was driven home to me as I was waiting in the Supreme Court Bar line to get into the Proposition 8 hearing on March 26. A female attorney from a major D.C. lawfirm asked me about my interest in the case. After informing her I had submitted an amicus brief in support of traditional marriage on behalf of Parents and Friends of Ex-gays and Gays (PFOX), she glibly informed me that my clients simply did not exist. "I don't believe there are ex-gays," she stated flatly. I replied that I could assure her they exist as I have been proudly representing them in the Proposition 8 litigation since 2010. I informed her of the fact that there are dozens of ministries and organizations nationally and internationally that work with individuals and families struggling with unwanted same-sex attraction. I assured her that tens of thousands of ex-gays have in fact lived successful heterosexual lives. Her response was that they were not ex-gay, but were just suppressing their true nature as gays to fit in socially! A few hours later, while still waiting in line, I informed the attorney that I had just gotten off the phone (discussing a press release) with my non-existent client. She appeared stunned and somewhat apologetic for her earlier rude statement, mumbling that there was a "spectrum" of sexual orientation.

So why is it so important for so-called "secular

justice and respect in our courts as any other faith group."

Dean Broyles

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Liberals, who like to feel good, can only feel good about themselves if they delude themselves that they are really fighting for "civil rights." And the GLBT legal activists have shrewdly co-opted the black civil rights narrative as their own, attempting to wrap

progressives" like the attorney in line with me to ignore and "erase" ex-gays? The answer is simple. Liberals, who like to feel good, can only feel good about themselves if they delude themselves into thinking that they are really fighting for "civil rights." And the GLBT legal activists have shrewdly co-opted the black civil rights narrative as their own, attempting to wrap themselves in the "equality" flag. However, "blackness" is not a choice or behavior, it is determined genetically at birth. Homosexuality, unlike race, is not fixed characteristic, involves behavior and a decision to engage in that behavior, and is in fact mutable and changeable. In spite of the pervasive propaganda, gays were not "born this way" as the Lady Gaga song muses. The very existence of ex-gays disproves and nullifies that same-sex attraction is fixed like blackness or gender are fixed characteristics. That is why, in their minds, ex-gays cannot exist. It undermines and destroys liberals' feel-good civil rights narrative.

So back to my purportedly "non-existent" client: Is there anything worse for an individual than to be personally attacked, mocked, hated, and abused? I submit that to be told that you "do not exist" is far worse. It indicates that you are not human or are somehow less than human. Or that you are so inconsequential that society has not only disregarded you, but has erased you from its "reality." I say, propaganda be damned! The truth matters. Ex-gays exist, are real, and deserve the same acknowledgment, dignity, and respect as any other people group in America. Regardless of its undermining impact on the false GLBT "civil rights" narrative, it is time that ex-gays come out of the closet. And when they do, we should applaud their courage and offer them Christian love and support. Nothing and no one should stand in their way, especially the hyper-politically correct and purportedly egalitarian and "tolerant" left wing haters.

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While you may already be aware of The National Center for Law & Policy's ministry website www.nclplaw.org, you just might not be aware that we also have an active Facebook page.

Yes, we have a Facebook page you can visit for ministry information, links to news stories (about our yoga trial and other matters), photographs, copies of our monthly e-newsletter the *Freedom Forum*, and much, much, more.

Please visit our Facebook page by clicking [here](#) and click on the "Like" button once you are there. Invite your Facebook friends to like us, too. Thank you for your support of our legal ministry!

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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