Freedom Forum

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U.S. Supreme Court Upholds Legislative Prayers Offered "In Jesus' Name."

Americans United for the Separation of Church and State and its director Barry Lynn's efforts to silence prayer at city council meetings were handed a stunning defeat in the form of a 5-4 ruling at the U.S. Supreme Court earlier this month in *Town of Greece v. Galloway*. Lynn's clients had sued the town of Greece, N.Y. over its practice of allowing private citizens to open council meetings in prayers expressed according to the dictates of their conscience, including those ending in "Jesus' name."

The Town of Greece had a practice of allowing

Coming in June: Why an atheist should mourn the loss of religious freedom!

Based on Dean Broyles' recent debate at USD with atheist Dan Barker of the Freedom From Religion Foundation (FFRF).

"Once it invites prayer into the public sphere, government must permit a prayer giver to address his or her own God or gods as conscience

community members representing different faith groups to offer the opening invocation before town council meetings. The plaintiffs sued complaining that "sectarian prayers" including prayers offered in "Jesus' name," violated the Establishment Clause. The U.S. Supreme Court upheld the city's practice ruling that the prayers reflect the religious faith of the private citizen, not government sponsorship or advancement of religion, and that such prayers are constitutional as long as they do not proselytize or denigrate other religions.

"I am very pleased to see that the court upheld the longstanding American tradition of government acknowledgment and accommodation of religion, including legislative prayer, and affirmed the crucial difference between *government* speech promoting religion and *private* speech acknowledging one's cherished religious beliefs," stated Dean Broyles. "As the Court recognized, the government should not determine what is and what is not appropriate religious speech, including meddling with the contents of private citizens' prayers. The court correctly noted that a demand for generic prayers 'would force the legislatures that sponsor prayers and the courts that are asked to decide these cases to act as supervisors and censors of religious speech.'"

This ruling hits close to home. In 2011, the ACLU and the Freedom From Religion Foundation (FFRF) **threatened to sue the City of Escondido California** for its practice of allowing private citizens to open public meetings with prayer. The FFRF demanded that all prayers stop. The ACLU's position was that the city could allow prayer, but only non-sectarian invocations. The NCLP's Dean Broyles called the ACLU's and FFRF's legal interpretations "radical" and a "perversion of the First Amendment" and

dictates, unfettered by what an administrator or judge considers to be nonsectarian."

Justice Anthony Kennedy, *Town of Greece v. Galloway*

"The tradition reflected in *Marsh* [existing Supreme Court precedent regarding prayer before public bodies] permits chaplains to ask their own God for blessings of peace, justice, and freedom that find appreciation among people of all faiths. That a prayer is given in the name of Jesus, Allah, or Jehovah, or that it makes passing references to religious doctrines, does not remove it from that tradition."

Justice Anthony Kennedy, *Town of Greece v. Galloway*

offered the NCLP's services to defend the city pro bono (for free) if challenged in court. After rattling their sabers, neither organization sued. "The U.S. Supreme Court's ruling in *Town of Greece* confirms that both the ACLU and the FFRF were dead wrong," stated Dean Broyles. "Cities may constitutionally allow prayers, including 'sectarian' prayers, according to the dictates of the citizen's conscience."

NCLP attorneys helped obtain a similar prayer victory at the 9th Circuit in 2013 by filing an amicus brief in the case of Rubin v. Lancaster and have worked with Alliance Defending Freedom (ADF) to develop a neutral constitutional prayer policy upheld in Rubin and many other cases across the county. In late 2013, NCLP launched a Golden State Prayer Initiative to help cities legally acknowledge and accommodate prayer.

Please **contact us** for legal assistance with your legislative prayer questions and other legal issues.

Opening Appellate Brief Filed Challenging Religious Public School Yoga Program.

SAN DIEGO, CA - On May 7, 2014, attorneys with the National Center for Law & Policy filed petitioners' opening appellate brief in the public school yoga case that has made significant waves in America's growing yoga community. This case has attracted international media attention and has launched a national conversation regarding whether yoga is religious and belongs in public schools.

The Jois Foundation (hereinafter "Jois/Somina"), which has partnered with EUSD to develop an Ashtanga yoga program to replace traditional physical education, was formed in 2011 after K.P. Jois (Guruji) died in 2009, by a group of individuals including

"Greece's practice "does not square with the First Amendment's promise that every citizen, irrespective of her religion, owns an equal share in her government,"

Justice Elena Kagan, *Town of Greece* dissent.

"If the freedom of speech and the free exercise of religion mean anything, they require that individual citizens offering public prayers must be free to pray according to the dictates of their conscience and must not be censored or coerced to only pray words approved by the ACLU or the government."

Dean Broyles
(Christian Examiner, October 2011)

Sonia Tudor Jones, an ardent devotee of Guruji and Ashtanga yoga who desires to "spread the gospel of Ashtanga throughout the country and even internationally. She is wife of billionaire Paul Tudor Jones. The plan was to conduct a three-year "scientific" study (performed by USD and UVA's *Contemplative Sciences Center*) of the program. Yet Jois/Sonima announced last month that it is moving ahead with its public school national yoga push, despite the fact that the three-year study is not completed and the Trial Court's ruling is being appealed.

After the May-June 2013 trial and the Trial Court's ruling that yoga "is religious," the K.P. Jois Foundation scrambled to change its name to the "Sonima Foundation" and created a new website that removed many of the overt religious references explicitly included on the former website.

The Trial Court acknowledged that, although not structured as a religious foundation *per se*, Jois/Sonima is "deeply involved in yoga and Ashtanga yoga" and "has a mission to establish and teach Ashtanga yoga." Specifically, as it relates to this case, Jois/Sonima "has an interest in extending physical fitness and health and welfare programs with Ashtanga yoga as its core in the school as an alternative to traditional physical education." Jois/Sonima's explicitly stated goal is to have a global "outreach" "mission" of impacting as many people as possible, especially "youths," with Ashtanga "spiritual" philosophy. Jois/Sonima representatives have affirmed Guruji's explicit teaching that the mere "physical practice" of the yoga *asanas* leads practitioners to "become one with God . . . whether they want it or not."

San Diego Superior Court Judge John S. Meyer

Read the positive **media reports** about NCLP's important religious freedom case *Sedlock v. Baird* in The Christian Post and WND.

"It is not the job of government to pick religious winners and losers. "

Dean Broyles

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announced in his July 1, 2013 ruling that yoga, including Ashtanga yoga, "is religious," and that EUSD's yoga poses are in fact "identical" to those taught by Ashtanga yoga and its now deceased Indian guru K.P. Jois, including the ***Surya Namaskara* A/B**, a series of group religious practices--liturgical/ritual worshipful poses bowing down the Hindu Solar deity *Surya*. Judge Meyer stunned many when, despite this, *he nonetheless* ruled that EUSD did not violate the Establishment Clauses of the U.S. or California Constitutions when the District hired yoga instructors to teach yoga to District students in District schools during school hours as part of the District's official curriculum.

"The Sonima Foundation is a religious organization with a religious agenda. They have the explicitly religious 'outreach' 'mission' of teaching Ashtanga yoga to children, which is based in Hindu religious beliefs and practices," declared NCLP President and Chief Counsel Dean Broyles. "EUSD, by partnering with Sonima has violated the First Amendment and has committed an egregious breach of the public trust. I am appalled that Sonima is arrogantly pushing ahead with its national public school launch prematurely, before the three-year study is complete and before the appeal is decided. This shows a callous disregard for religious freedom, parental rights, and the importance of objectively studying the program."

"Leading young impressionable children with tender consciences through group liturgical/ritual religious practices including bowing to the sun god, practices that lead practitioners to 'become one with God,' is obviously religious," continued Broyles. "Jois, now deceptively rebranded as the Sonima Foundation, has purchased direct access to a captive audience of young and impressionable children by paying EUSD nearly two million dollars to beta test its religious Ashtanga program on kids and jointly develop a religious yoga curriculum with the District."

"become one with God . . . whether they want it or not."

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"It is not the job of government to pick religious winners and losers. We must not allow the cultural elites to decide by fiat which politically correct religions, such as Hinduism or Islam, are acceptable for the state to promote to our children with our taxpayer resources, and which religions, such as Christianity, are not acceptable. Our children are not spiritual 'guinea pigs' and should never be subjected to such misguided religious experimentation by the state," said Broyles.

"A reasonable observing student who is informed about the government practice at issue, here yoga, would clearly understand that EUSD is promoting religion. In fact, since the advent of EUSD's yoga program students have actually made and continue to make religious associations with the practice of yoga. This includes chanting '*Om'* in yoga class and assuming the lotus position while closing their eyes and meditating during EUSD field trips off campus."

"We are confident that our likelihood of success on appeal is great if the court neutrally applies well-established First Amendment legal principles to EUSD's religious yoga program," stated Broyles.

Join Pastor Jim Garlow @ Skyline Church June 4th for *The Truth About Yoga*.

Dear San Diego Pastors and Christian Leaders,

Greetings! Please join me for a *very important* event developed to inform pastors and church leaders about yoga to be held at Skyline Church on Wednesday June 4.

As I am certain you are aware, yoga is popping up practically *everywhere* in our culture today, with even a growing presence within many churches. There is a lot of confusion, even among pastors and Christian

and continue to make religious associations with the practice of yoga. This includes chanting '***Om'*** in yoga class and assuming the **lotus** position while closing their eyes and **meditating** during EUSD field trips off campus."

DONATE NOW

Click here to support the ***Sedlock v. Baird*** *legal defense fund to help cover appeal costs to keep yoga out of the public schools.*

Pray for favor as the **appeal** moves forward and for spiritual protection for all involved!

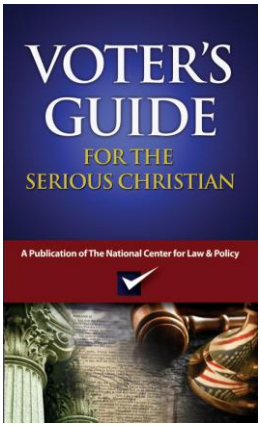
Yoga, Purely Physical or is it Religious?
Pastors and Christian leaders, please join us on **June 4!**

leaders, as to what our "yoga position" should be (pun intended). More specifically, many are confused about whether yoga is merely "physical exercise" or is really a "religious practice" steeped in Hinduism.

As many of you are aware, yoga serves as one of the six schools of orthodox Hindu religious philosophy. Many religious scholars from varied and widespread theological camps happen to agree that yoga is "pervasively religious." In a recent court case here in San Diego, a judge ruled that yoga, including Ashtanga Yoga, is religious. Yet there is a current and growing trend within some Christian churches, schools, the media, and in our communities in general, to view yoga as nothing more than a spiritually neutral and docile form of personal stretching or exercise. It's "no big deal" right? Perhaps not.

With this in mind, I invite you to join me on June 4 as we welcome **Dean Broyles**, President and Chief Counsel of the National Center for Law & Policy (NCLP). Dean is a champion for religious freedom and serves as the lead attorney litigating the case of *Sedlock v. Baird* (a case attracting international attention) regarding the Encinitas public school's Ashtanga Yoga program, a case which is now on appeal. This issue is more important than ever because the foundation supporting the program in Encinitas is well-funded and announced last month that it now is rolling out its yoga program *nationally*!

We will be joined by other yoga experts including **Rabi Maharaj**, a former Hindu Brahman priest and author of ***Death of a Guru***. My friend **Dr. Peter Jones**, a pastor, Executive Director of the truthXchange, and author of ***One or Two***, which discusses the Christian worldview vs. the pagan worldview, will also join us. Our time will include an



Please register to vote and vote!
Get your copy of NCLP's popular non-partisan voter's guide!

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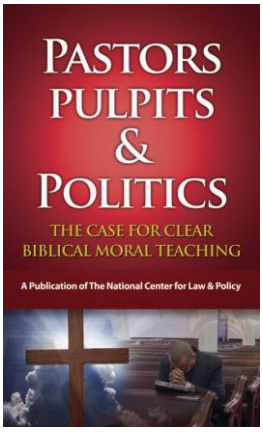
"We need pastors who fear no one but the Lord and who speak nothing but the truth."

Pastor Jim Garlow

informative panel discussion and time to address questions that you may have.
Pastors and church leaders attending will receive **additional free resources and information** regarding yoga. These will be made available at no cost to you.

Please mark your calendars and join me on **June 4, from 9:00 to 11:00am,** for this fascinating and informative discussion. Our address is 11330 Campo Road in La Mesa. For planning purposes, your RSVP is appreciated at dcarter@nclplaw.org.

Your fellow servant in Christ,
Pastor Jim Garlow
Skyline Church



Get one for your pastor! Requests for NCLP's powerful booklet continue to pour in from all over the U.S.A.!

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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