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**Yoga Goes to Court!—Appellate Oral Argument Scheduled in Internationally-Watched
Precedent-Setting Religious Freedom Lawsuit Challenging
Encinitas’ Ashtanga Yoga Program (*Sedlock v. Baird*).**

SAN DIEGO, CA —On March 11, 2015, attorneys with the National Center for Law & Policy will again square off in oral arguments against counsel defending Encinitas’ public school Ashtanga yoga program at the California Court of Appeals, Fourth Appellate District, Division One, in downtown San Diego, California. The case is fully briefed and has been assigned to a three-judge panel, including Honorable justices Judith McConnell, Richard Huffman, and Cynthia Aaron, who will hear oral arguments next month and decide the appeal in the near future.

The lawsuit challenges EUSD’s (Encinitas Union School District) teaching of Ashtanga yoga’s religious *practices*, such as the *Surya Namaskara*. The litigation has made major waves in America’s growing yoga community, launching a national conversation about whether yoga is religious and is an appropriate subject for public education. The lawsuit and the petitioners lead counsel Dean Broyles were recently featured in the important documentary *Who Owns Yoga*.¹ Friend-of-the-court (amicus curiae) briefs were filed by World Faith Foundation, the Church State Council, and the Pacific Justice Institute, supporting Petitioners and Appellants. Amicus briefs were filed in support of Respondent EUSD by the Atlantic Legal Foundation, California School Boards Association’s Education Legal Alliance, and the Yoga Alliance.

This legal dispute has garnered international media coverage in places like India, the birthplace Hinduism and yoga, and in Europe. A nearly identical religious freedom case is currently pending before the **Supreme Court in India**. There, the lower court rejected the efforts of an organization to have yoga taught in India’s secular public school system because teaching yoga, which is one of the six schools of Hindu religious philosophy, would discriminate against the Muslim and Christian minorities.² The Indian Supreme Court has not ruled yet, but its justices expressed serious concerns about coercing public school students to take yoga classes. Recently, a public school in Austria expelled yoga from its gym classes after a Catholic mother complained about the religious conflict between yoga and her child’s Catholic faith.³

¹ See <https://www.youtube.com/watch?v=ZmJNsvc63pM>

² See <http://archive.indianexpress.com/news/supreme-court-to-examine-if-yoga-can-be-compulsory-in-schools/1184494/0>

³ See http://www.upi.com/Odd_News/2014/10/09/Austrian-school-bans-yoga-for-religious-reasons/9621412879176/

The trial court in *Sedlock v. Baird* stunned many in 2013 when, despite finding that yoga, including Ashtanga yoga, is “**religious**,” and that EUSD’s current yoga poses are “**identical**” to those taught by Ashtanga yoga, including the *Surya Namaskara A/B*,⁴ a series of devotional liturgical poses including “praying hands” positions and invoking and bowing down to the Hindu Solar god *Surya*, the court *nonetheless* ruled that EUSD did not violate the religious freedom provisions of the U.S. or California Constitutions. NCLP attorneys submit that the decision lacks internal consistency because the Trial Court found that (1) yoga is religious, (2) EUSD is teaching yoga that clearly includes Ashtanga/Hindu religious practices, and yet (3) EUSD’s yoga program does not violate well-established Establishment clause prohibitions restricting the state from promoting religion or religious practices.

“At its core, this case is about the American constitutional ideal of religious freedom. No court in the past 50 years has permitted public school officials during regular classroom instruction to lead students to actively participate in *devotional religious activities or practices* like Ashtanga yoga’s *Surya Namaskara*,” declared NCLP president Dean Broyles. “Public schools may certainly teach *about religion* because religion is historically and culturally important. But the state is not constitutionally permitted to endorse or promote religion or religious practices. Courts are especially sensitive to the coercive pressures involved when the government, because education is compulsory and supported by tax dollars, leads young impressionable children with tender consciences through group liturgical/ritual religious exercises or activities including **bowing to the sun god**.”

“The duty and right to direct the care and upbringing of children, especially regarding religious matters, belongs to parents, not the government,” continued Broyles. “Although yoga is very popular today, it is not the job of state to pick religious winners and losers, as the District has clearly done in Encinitas. We must not allow the state or cultural elites to decide by fiat which popular and politically correct religious beliefs and practices, such as Hinduism and Yoga, are acceptable for the state to promote to our children with our taxpayer resources, and which beliefs and practices, such as Christianity, are not acceptable to advance. Our children should not be subjected to governmental religious coercion or spiritual experimentation.”

“A reasonable observer who is informed about history and context of the government practice at issue, here yoga, would clearly understand that EUSD is endorsing or 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 Ashtanga yoga program,” stated Broyles.

The Jois Foundation (hereinafter “Jois/Somina”),⁵ which has partnered with EUSD to develop an Ashtanga yoga program to replace traditional physical education, was formed in 2011 (K.P. Jois “Guruji” had died in 2009) by a group of individuals including 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”⁶ and who 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

⁴ Pattabhi Krishna Jois (Guruji) who brought Ashtanga yoga to Encinitas in the mid 1970’s believed the *Surya Namaskara* is foundational to the practice of Ashtanga yoga and is a “**prayer**” to god.

⁵ See <http://sonimafoundation.org>.

⁶ Jayson Whitehead, *Yoga U: Is the Contemplative Sciences Center the Answer to UVA’s ‘Reputation Gap,’ or an Expensive New Age Sideshow?* C-Ville (September 5, 2012) (See CT I, 175-182) (<http://www.c-ville.com/yoga-u-is-the-contemplative-sciences-center-the-answer-to-uvas-reputation-gap-or-an-expensive-new-age-sideshow/>).

Jois/Sonima announced in early May 2014 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. **Stedman Graham**, Oprah's Winfrey's boyfriend, joined by Caroline Jones, the daughter of Paul and Sonia Tudor-Jones, is spearheading Sonima's public relations campaign in 40 school districts nationwide, including a recent expansion into the El Cajon Valley School District. Sonima's board of directors is a veritable who's who of the modern New Age movement. Billionaire **Paul Tudor-Jones** serves as the chairman and is joined by **Deepak Chopra**, **Stedman Graham**, and others.⁷ **EUSD Superintendent Timothy Baird** and **Scott Himmelstein** are on Sonima's Advisory Board. Himmelstein is the Director of the Center for Education Policy and Law at the University of San Diego and is also on the San Diego Union Tribune's education panel.

After the Trial Court's ruling that **yoga "is religious,"** the K.P. Jois Foundation scrambled to change its name to the "**Sonima Foundation**"⁸ and created a new website (See <http://sonimafoundation.org>) that removed many of the overt religious references explicitly included on the former website (See <http://joisyoga.com/about/story>). 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."⁹ Jois/Sonima's explicit stated goal is to have a global "outreach" "mission" of impacting as many people as possible, especially "youths," with Ashtanga "spiritual" philosophy.¹⁰ 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."¹¹

"The District, by partnering with Sonima to actively promote Ashtanga yoga, has violated the First Amendment by advancing and endorsing religious practices and excessively entangling itself with religion. In so doing, EUSD has committed an egregious breach of the public trust," stated Dean Broyles. "That fact that the superintendent whose district has received 2 million dollars from Jois/Sonima to develop their yoga curriculum by offering up EUSD's more than 5,000 children as spiritual test-subjects, also serves on Sonima's Board advisory board should raise big red flags. Is this not a conflict of interest? And I am appalled that Sonima has rather brazenly pushed ahead with its national public school Ashtanga yoga launch prematurely, before the three-year study is complete and before this appeal is decided. This shows a callous disregard for religious freedom, parental rights, and the importance of objectively studying the impacts of the yoga program, both physical and religious."

Please address all media inquiries to The National Center for Law & Policy. 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. To review our earlier press releases, court documents, or trial transcripts, please visit our website at www.nclplaw.org.

For comment, please contact The National Center for Law & Policy at 760-747-4529 or dcarter@nclplaw.org.

⁷ See <http://www.sonimafoundation.org/about-sonima-foundation/leadership/>

⁸ "Sonima" is a conflation of the names "Son[ia]" (from Sonia Tudor-Jones) and "Sal[ima]" (Salima Ruffin, the wife of JOIS CEO, Eugene Ruffin)

⁹ See <http://www.nclplaw.org/wp-content/uploads/2011/12/Statement-of-Intended-Decision-Meyer.pdf>.

¹⁰ See <http://joisyoga.com/about/story>.

¹¹ See http://www.namarupa.org/magazine/nr03/downloads>NamaRupa_03_02.pdf.