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Opening Appellate Brief Filed Challenging EUSD/Sonima Yoga Program (*Sedlock v. Baird*).

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, 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”),¹ 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 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”² 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 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**”³ and created a new website ([See http://sonimafoundation.org](http://sonimafoundation.org)) that removed many of the overt religious references explicitly included on the former website ([See http://joisyoga.com/about/story](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**”

¹ See <http://sonimafoundation.org>.

² 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/>).

³ “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)

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.”⁴ 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.⁵ 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.”⁶

San Diego Superior Court Judge John S. Meyer stunned many when, despite announcing 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*, *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. 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.”

“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.”

“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.”

⁴ See <http://www.nclplaw.org/wp-content/uploads/2011/12/Statement-of-Intended-Decision-Meyer.pdf>.

⁵ See <http://joisyoga.com/about/story>.

⁶ See http://www.namarupa.org/magazine/nr03/downloads>NamaRupa_03_02.pdf.

“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.

The Sedlock’s opening appellate brief is attached hereto as a PDF.

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