

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 07-cv-02126-MSK-CBS

FREEDOM FROM RELIGION FOUNDATION, INC.;  
JOHN DOE;  
DOECHILD;  
JOHN ROE;  
MARY ZOE;  
ROECHILD-1; A MINOR CHILD; and  
ROECHILD-2, A MINOR CHILD,

Plaintiffs,

v.

CHERRY CREEK SCHOOL DISTRICT; and  
MONTE C. MOSES, SUPERINTENDENT OF SCHOOLS OF THE CHERRY CREEK  
SCHOOL DISTRICT,

Defendants.

---

**AFFIDAVIT OF ROBERT L. STUART**

---

My name is Robert L. Stuart and I live at 30110 Stagecoach Boulevard, Evergreen, Colorado 80439. I was Treasurer of the Community Asset Project from approximately June of 2006 to mid-October, 2007.

The Community Asset Project (“CAP”) is a non-profit organization founded by parents in the Cherry Creek School District (“CCSD”) whose purpose is to raise funds to help promote the 40 Developmental Assets developed by the Search Institute. The Search Institute is an organization originally designed to identify the concerns and needs of Lutheran youth as the basis for a new youth program for six merging church bodies.

Funds for the promotion of the 40 Developmental Assets are raised by CAP primarily through the First American State Bank Fitness Festival every year; the Fitness Festival donates 100% of its net profit to CAP. Approximately 80 to 90% of CAP's annual funds are given to the Cherry Creek School District Prevention Office to be used to promote the 40 Developmental Assets.

The 40 Developmental Assets are primarily promoted within the schools by the following means: 1) Prevention Office liaisons who are provided with funding to promote and teach the Assets in the schools; 2) Print materials funded by CAP that are delivered in mailings and are available for distribution from the CCSO Prevention Office; and 3) Through the CAP funded Youth/Adult Summit that occurs in the Spring of each year.

I resigned as Treasurer of CAP in October, 2007 because of the unwillingness of both CAP and the Cherry Creek School District to adjust the list of the 40 Developmental Assets that they were promoting within the schools to remove Asset 19 as requested by a lawsuit filed by the Freedom From Religion Foundation. My personal belief was that the asset in question, #19, which reads "Young person spends one or more hours per week in activities in a religious institution" was inappropriately promoting religion in public schools.

I let the CAP Board know my position very clearly in an email sent to all members during the week the lawsuit was filed. I then later attended an emergency CAP Board meeting during that week and was so outnumbered in my viewpoint that Asset #19 needed to be removed that I no longer felt comfortable defending my position in front of the Board.

During the emergency CAP Board meeting and the regularly scheduled CAP Board

meeting that followed, I learned several things that confirmed my belief that Asset #19 should be removed from the list of the 40 Developmental Assets within the CCSD: 1) Brenda Holben, the Prevention Coordinator at the time for CCSD, acknowledged to the Board that the 40 Developmental Assets were being routinely taught in classrooms by Prevention Office liaisons and that the 40 Assets were routinely posted visibly throughout schools by those liaisons; 2) Blair Zykan acknowledged to the CAP Board that his own children, who were enrolled in the CCSD, attended classes promoting the 40 Assets as part of the regular curriculum; and 3) One CCSD teacher, who taught the 40 Assets in the classroom, required students to write a poem about what the 40 Assets meant to them and the student who wrote the best poem was later recognized by the CAP Board. Based on this information, it was clear to me that Asset #19 was being taught in the classroom and that students at CCSD were not given the option to avoid hearing it or seeing it. I felt that this was an inappropriate promotion of religion within public schools.

I also learned of at least two events where Asset #19 was an issue prior to the lawsuit filed by the Freedom From Religion Foundation: 1) Brenda Holben acknowledged at the emergency Board meeting in mid-October 2007 that a parent had once entered the school hosting the Youth Adult Summit and tore down a sign promoting Asset #19 during the event in protest of its usage, and 2) the 40 Assets are routinely promoted on signs stuck in the ground during the Fitness Festival and in at least one year the sign for Asset #19 was stolen in protest.

During both the emergency Board Meeting and the Regular Board Meeting referenced above, the Board Members joked that they hoped that the Plaintiffs didn't find out that the 40 Assets were so widely taught in CCSD classrooms and that Asset #19 had been a problem with

parents before.

After learning this information and gaining no ground in encouraging the Board to remove Asset #19 from CCSD, I resigned my position shortly after the Regular Board meeting mentioned above, sending a resignation letter to the President, Jody Huntington, and to the Past President, Blair Zykan.

I resigned from the CAP board in October of 2007 but did not immediately assist the Plaintiffs because of my fear of being ostracized for speaking out. However, after nearly a year had passed, my unwillingness to help continued to bother my conscience. I finally reached out to the Freedom From Religion Foundation in late August 2008, feeling that what I knew was too important in determining a proper outcome in their case to remain quiet.

Further the affiant sayeth not.

s/ Robert L. Stuart  
Robert L. Stuart

STATE OF COLORADO    )  
  ) ss.  
COUNTY OF DENVER    )

Subscribed and sworn to before me this 2nd day of September, 2008, by Robert L. Stuart.

s/ Bonda Gates  
Notary Public

My commission expires: 8-17-2009  
SEAL