

October 2015

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## A Case of Adverse Possession

Praying in the Legislature—check. Praying on a football field—horror of horrors!

*“Your talks with students may not include religious expression, including prayer. They must remain entirely secular in nature, so as to avoid alienation of any team member.” --Dr. Aaron Leavell, 9/17/2015*

They are really not dueling titans. But ten weeks ago, the Kendrick brothers released their blockbuster movie *The War Room*, a story of a troubled marriage and the power of prayer. Inspired audiences rushed straightaway from theaters to the web to order the DVD. Now comes the Erwin brothers, producers of another smash hit, *Woodlawn*, showing currently in local theaters. Which flick is more deserving of an Oscar (as if that matters), we cannot say. Both deal with every day human and spiritual components, including sin, grace, love and redemption.

What we can say about *Woodlawn*, is that it is based on a true story of a high school dealing with racial integration in Birmingham, Alabama in 1973-74. The real-life person that God dispatches to that hotbed of racial tension is a young, volunteer sports chaplain that no school official wants to talk to. Only the football players at Woodlawn High School are willing to give him a few minutes.

If art truly mirrors life, we know of another human drama for the Kendrick brothers or the Erwin brothers to check out. It is currently unfolding on the gridiron across the Puget Sound from Seattle at Bremerton High.

While the villain in *Woodlawn* is the late Alabama governor George Wallace, his part in this latest human drama is being fleshed out by Dr. Aaron Leavell, Superintendent of Bremerton Schools. He can be reached at (360) 473-1006. Effective October 28, Leavell placed JV football coach, Joe Kennedy, on paid administrative leave for kneeling on the playing field for a moment of prayer after each game. Moreover, the coach had refused to prohibit others from joining him if they choose.

This most disturbing matter has come to the attention of State Superintendent Randy Dorn, who says, “It’s unfortunate when the actions of one employee affect an entire district.”<sup>1</sup> Dorn suggests that for students who don’t share the official’s faith, that “official’s public expression of faith can seem exclusionary or even distressing.”<sup>ibid</sup>

Coach Joe insists, however, he has never tried to exclude or distress anyone when he takes a moment to show reverence to God. The former Marine combat veteran says “for years he has walked alone to the 50-yard line to offer a prayer of thanksgiving and blessing after football games. He drew inspiration for his post-game prayers from ‘Facing the Giants,’ a popular faith-based film. Over the years, players and coaches from both teams would join him—on their own volition.”<sup>ibid</sup>

On September 17, Leavell (360-473-1006) specifically ordered Coach Joe, to avoid kneeling, bowing his head or doing anything that could remotely be seen as religious. In a follow-up letter yesterday, Leavell wrote: “You violated those directives by engaging in overt, public and demonstrative religious conduct while still on duty as an assistant coach.”<sup>ibid</sup>

Enter Hiram Sasser, an attorney with Liberty Institute, who is preparing to initiate legal proceedings against the Bremerton School District. Sasser says Supt. Leavell is punishing Coach Joe by denying his request for religious accommodation under “Title VII of the Civil Rights Act.”

Arguably, any law practitioner understands that RIGHTS, unalienable or otherwise, must be regularly exercised, and often defended. In real estate, for instance, absentee property owners have been known to lose their holdings to others through a process called *adverse possession*.

Let’s say an owner of water-front property on Hood Canal accepts an employment offer in Virginia, but continues to own and pay the property taxes on his lot while he lives out-of-state for ten years. At retirement, the owner returns to Hood Canal to discover that a “squatter” has parked his motor home on the lot for ten years, and has allowed the public to harvest clams on the property for a fee.

“Since the owner has, by his or her own fault and neglect, failed to protect the land against the hostile actions of the adverse possessor,” notes *freedictionary.com*, “an adverse possessor who has treated the land as his or her own for significant period of time is recognized as its owner.”<sup>2</sup> The law firm of Lane Powell, adds, “Adverse possession allows a person, after openly occupying someone else’s land for a minimum of 10 years, to bring a lawsuit to gain record ownership of that property.”<sup>3</sup>

Adverse possession in politics looks like this: In 2002 when Democrats gained control of the Washington State House of Representatives, one of their first new directives took aim at visiting clergy who open each floor session in prayer. The revised instructions read: “Conclusion of the prayer should embrace the collective prayerful thoughts of all present in an ecumenical manner, rather than ‘in the name of...’ a particular deity.” Translation: No Jesus!

While a pastor from a large charismatic church in Federal Way quickly capitulated, discouraging many Christian legislators in the House at that time, other invited pastors stood firm. Pastor Robert Nordlie with Our Savior Lutheran Church in Tacoma responded “...I cannot pray in a manner which generalizes my faith to the point of non-existence. At that point the Chief Clerk of the House retreated, Pastor Nordlie prayed as he was led, and an adverse possession in the House of Representatives was averted.

In the case of Coach Joe Kennedy, Supt. Aaron Leavell, (360-473-1006) did not technically order him to refrain from praying to his [G]od. Leavell (360-473-1006) warned him not to pray where he can be observed.

We are reminded of a certain contract employee in another time, who likewise, was ordered not to pray to his [G]od in public—for a period of 30 days. Like Coach Joe, this particular humble and trusted official went home and threw open his shutters to pray (as was his custom), knowing that he would be seen by others. Readers, of course, know the outcome of that decision in Daniel chapter 6.

But, back to the movie *Woodland*. While opposition to prayer on the field manifests, something amazing happens at a mid-season game that has never occurred again in the state of Alabama. In a recent blog, Keith Carter, a player who was on the team, remembers how things really got started. He writes:

*“I remember the summer of 1973 and the day the ‘movement’ started. We were having a summer football camp at the school and Coach Gerald called us all into the gym. Wells Goble walks up and the first words out of his mouth were.....’ if you died right now would you go to Heaven or Hell’? You could have heard a pin drop. Later all you heard were tear drops. That is when it started.”*

Want to get things started? Pray. Then, just maybe, we’ll give you Supt. Leavell’s office number. ☺

*Rick Forcier*

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<sup>1</sup> [foxnews.com/opinion/2015/10/26/hail-mary-school-threatens-to-fire-praying-football-coach.html](http://foxnews.com/opinion/2015/10/26/hail-mary-school-threatens-to-fire-praying-football-coach.html)

<sup>2</sup> [Legal-dictionary.thefreedictionary.com/Adverse+possession](http://legal-dictionary.thefreedictionary.com/Adverse+possession)

<sup>3</sup> [Lanepowell.com/14151/Washington-adverse-possession-law-changed-to-provide-for-attorneys-fees-and-payment-of-taxes/](http://lanepowell.com/14151/Washington-adverse-possession-law-changed-to-provide-for-attorneys-fees-and-payment-of-taxes/)