

## **SEATTLE POST-INTELLIGENCER**

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### **In The Northwest: Old grads want to make sure 1944 gift isn't sold**

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**By JOEL CONNELLY**

SEATTLE POST-INTELLIGENCER COLUMNIST

As the little kid on the block among Seattle's public high schools, Cleveland High has, for generations and through different ethnic mixes, remained a distinctive and scrappy place.

Nowadays, a half-dozen old Cleveland alumni are demonstrating that school spirit never dies. They've set out to teach the Seattle school district a citizenship lesson.

The old grads are pressing a legal challenge to wrest control of the Cleveland Memorial Forest away from the school district, and to assure that trees they helped pay for will stand in perpetuity as a living tribute to the school's World War II dead.

"We, who were kids at the time, are in our 70s. We will not be around in 25 or 50 years when there is pressure on the school district to sell this land," said lawyer Byron Coney, Cleveland Class of '47, who gave 35 cents as a freshman to help purchase the forest.

The story dates back 57 years to days when Gen. Dwight Eisenhower was plotting the liberation of Hitler's Fortress Europe.

"Cleveland Aspires to Honor Our War Dead!" read a headline in the student newspaper on April 28, 1944. The school would lose 29 of its alumni.

A month later, the Seattle Post-Intelligencer carried a small story that students had raised \$500, the bulk of which went to buy 131 acres of land along the Issaquah-Fall City Road. "Trees will keep green the memory of former Cleveland High School students killed in their country's service," the paper reported.

At the suggestion of principal Kenneth Selby, the school district took title to the land, accepting it as a gift on June 2, 1944, four days before D-Day. "I know of no finer memorial than a conservation and reforestation project intelligently developed," Superintendent Worth McClure said, praising the students.

Today, the land is worth millions.

The school district professes to have no plans to sell it, and says it has honored purposes of the memorial for 57 years.

Aging members of the "Greatest Generation" would like to permanently settle the matter before they are laid to rest.

They have mounted a class-action lawsuit aiming to put the land in trust for use as an environmental laboratory. The plaintiffs' brief argues:

"We who contributed the money to create this living memorial for our classmates were between the ages of 13 and 18 at the time. We didn't know and no one told us that the funds we contributed were going to buy property that would be put in the School Board's name, and whether a living memorial would continue or not ... depended on the whim of elected school board members."

The school district has fought the suit, winning in Superior Court and the state Court of Appeals.

As their last hope, the alumni have hired ex-State Supreme Court Justice Phil Talmadge to persuade his former colleagues to hear the case.

"It is a fascinating case. I hope the Supreme Court takes review. Better than that, I hope the Seattle school district will agree to preserve this land forever as a memorial," said Talmadge. Talmadge's daughter was with the Garfield High outdoor group, which makes field trips to the forest.

But the school district will make no permanent promise to preserve the forest. Its reassurances are limited to the here and now.

"I don't believe it is good boardsmanship to encumber future boards. We have no intention of selling this property. ... We have a policy of not selling property," said school board member Barbara Schaad-Lamphere. She, too, has visited the forest as a Garfield parent.

The district voiced itself bluntly in court. King County Superior Court Judge Joseph Wesley asked about a memorial to war dead that Cleveland students put in the forest. He questioned whether the district still feels "bound by the obligation that they communicated to the students in 1944."

"They feel a moral obligation to continue the memorial, but they don't feel any legal obligation to continue the memorial at least on that property. Should for some reason they have to sell the property at a later date, then that memorial may be moved somewhere else," replied Brenda Molner, the district's lawyer.

Such words haven't stilled old grads' fears about a future sale.

"Would you be satisfied with that had you set out to create a perpetual memorial?" asked Coney.

I wouldn't.

Based on a quick visit this week, the Cleveland Memorial Forest seems like an ideal environmental laboratory for Seattle schools. It's deeper value lies as a living memorial.

As an exhibit to his legal complaint, Coney attached pictures and capsule biographies of Cleveland's casualties. They fought in New Guinea and at Monte Cassino, were on ships attacked by kamikaze pilots off Okinawa, and went ashore in the liberation of the Philippines.

In ruling against the old grads, Judge Wesley noted that his court "isn't a moral forum," but wondered whether Cleveland's former students deserve to be trustees of the property they bought years ago.

Courts can't decide cases based on which side is morally right. School boards, however, can.

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