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## JIM THORPE: ONE STEP CLOSER TO HOME

by Sandra Massey Historic Preservation Officer

On Friday, April 19, 2013 federal Judge Richard A. Caputo ruled in favor of William and Richard Thorpe and the Sac and Fox Nation in their case to repatriate the remains of Olympic legend Jim Thorpe.

"The Sac and Fox Nation is elated with the judge's decision!" said Principal Chief George Thurman. "It's the only one that was right. This is a tremendous victory for all of Indian Country."

Jim Thorpe's remains are currently in a mausoleum in a Pennsylvania town now named Jim Thorpe. His remains have been interred there since 1957. The judge ruled that the Borough of Jim Thorpe can be considered a museum under the Native American Graves Protection and Repatriation Act (NAGPRA).

Jim Thorpe died at the age of

64 in 1953. He requested and received (in part) a traditional Sac and Fox funeral. His widow and third wife, Patricia Askew, assisted by state law enforcement, took possession of his remains while the funeral ceremonies were still in process. She later made the agreement with the towns of Mauch Chunk and East Mauch Chunk to consolidate under the name of Jim Thorpe in exchange for his burial there.

The interrupted Sac and Fox funerary ceremonies were a key factor in the case.

Attorney Travis Willingham filed the lawsuit under NAGPRA in June, 2010 on behalf of John R. Thorpe, the youngest son of Jim Thorpe. Willingham represented the Nation in its case against the state agencies of Missouri for NAGPRA violations.

William and Richard Thorpe and the Sac and Fox Nation later joined as Plaintiffs in the suit, represented by tribal attorney Steve R. Ward of the Conner and Winters law firm in Tulsa. "The Nation saw an opportunity to help the members of the family who had long sought to repatriate Jim Thorpe's remains," Ward said, "and our hope is that this case establishes law that will make it easier for other tribes and for individual Indians to invoke the protections of NAGPRA."

"My brother Richard and I will be forever grateful to be bringing our dad's remains back to Oklahoma," said William Thorpe.

The judge's 32-page ruling finds that NAGPRA applies to the Borough. He wrote, "Given that Jim Thorpe's widow made an agreement with the municipalities to inter his body there in exchange for them naming their jointure Jim Thorpe, the result here may seem at odds with our common notions of commercial or contract law.

"Congress, however, recognized larger and different concerns in such circumstances, namely, the sanctity of the Native American culture's treatment of the remains of those of Native American ancestry. It did so against a history of exploitation of Native American artifacts and remains for commercial purposes.

"The Native American Graves Protection and Repatriation



Jim Thorpe

Act recognizes the importance of compliance with Native American culture and tradition where dealing with the remains of one of Native American heritage, and this is a case which fits within the reach of this congressional purpose." "This strengthens NAGPRA!" Thurman commented.

Ward said the Sac and Fox Nation joined in the litigation after Jack Thorpe's death for a number of reasons, including that the abrupt removal of Jim Thorpe's remains from his traditional burial service in 1953 is still remembered as a great injustice in Sac and Fox country.

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Jim Thorpe and his sons playing a game of football

## Cool Weather Warm Reception For Grand Opening

The Sac and Fox Nation celebrated the Grand Opening of the new Cultural Center on Tuesday, April 23 with over 200 in attendance. Opening exercises planned for outdoors were moved inside because of the inclement weather, but all in all the ceremony was a great success with a large attendance that included several former Business Committee members, former Senior Sac and Fox Men and Women of the Year, former SFN Princesses, former Miss Indian Oklahomas, and former SFN employees.

Special guests included Rory Wale, Technical Manager-Architect U.S. Army Corp of Engineers Tulsa District, Larry and Donna Edmondson - Architects and David Kerns with Maska Builders.

Principal Chief George Thurman welcomed everyone and then called on Tribal Elder, Christine Williamson, to cut the ribbon. After the ribbon cutting the Sac and Fox Nation Veterans Honor Guard posted the flags as the Drum opened with three songs. Members of the Veterans Honor Guard included Commander Norwood Masquat, Vice Commander Curtis "Dagwood" Wakolee, Secretary Dennis Jennings, Willard "Poncho" Walker, Ed Littlehead, Wilson Harjo, Paul Wolfe, Austin Grant, Raymond Pennock and Dean Tartsah.

Members of the Drum included J. Paul Wilson, Mason Williamson, Jeff Wilson, Sam Spang, Robert Williamson, Russell Saunders and Forrest

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### Upcoming Events 2013

May 8

Elders Advisory Committee Meeting  
Stroud  
Potluck 10:00 am

Saturday, May 11  
Mothers Day Dance  
2:00 p.m.  
SFN Community Building

May 14, 5 pm  
Sac & Fox Nation Veterans' Meeting  
Elders Bldg Stroud

Saturday May 25  
Memorial Day  
Pow-Wow  
Sac & Fox Reservation

## Chief's Address To The Nation

Tribal Members,  
Spring is here and our clan feasts have begun and are ongoing; the much needed rain has come and relieved the drought conditions in some parts of Oklahoma; and we have received some favorable results of some court cases in which the Nation has been involved. I am reporting on two of the cases in my article.

### COURT CASES

(1) John Thorpe, Richard Thorpe, William Thorpe, and the Sac and Fox Nation of Oklahoma, Plaintiffs, V. Borough of Jim Thorpe, Michael Sofranko, Ronald Confer, John McGuire, Joseph Marzen, W. Todd Mason, Jeremy Melber, Justin Yaich, Joseph Krebs, Greg Strubinger, Kyle Sheckler, and Jiana Klitsch, Defendants.

Congratulations The Thorpe Family has won!

April 19, 2013, Judge Caputo, United States District Judge in the United States District Court for the Middle District of Pennsylvania entered an order granting a complete Summary Judgment for Plaintiffs Richard Thorpe, William Thorpe, and the Sac and Fox Nation of Oklahoma. The applicability of the Native

American Graves Protection and Repatriation Act applies since the Borough of Jim Thorpe is a "museum" under the NAGPRA and subject to the requirements of the Act, including those provisions governing repatriation requests.

A summary judgment means that the judge has concluded there are no factual issues that require a trial, and that all of the issues in the case appropriately could be

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New Cultural Center Ribbon Cutting: (From Left) Principal Chief George Thurman, SFN Treasurer Carla Reed and Self Ribbon Cutting (Jellene Morehead look on as Sac and Fox Tribal elder Christine Williamson cuts the ribbon for the new Cultural Center. ( SFN staff photo)