

Happy  
Thanksgiving



Phone: 918-968-3526 • 920883 S Hwy 99 Bldg A • Stroud, OK 74079 • Vol.35 No. 11 • November 2014

Sac and Fox News  
920883 S. Hwy 99  
Stroud, OK 74079



## Tribe Shocked by Thorpe Case Decision

The United States Court of Appeals for the Third Circuit on October 23 ruled that the Native American Graves Protection and Repatriation Act (NAGPRA) cannot be used to compel a repatriation of the remains of Sac and Fox Jim Thorpe.

The appeals court reversed the judgment entered on April 19, 2013, by United States District Judge Richard Caputo, which determined that NAGPRA, by its plain language, was applicable to Jim Thorpe's remains.

A three-judge panel of the Third Circuit conceded that the plain language of the statute would permit a repatriation in this instance but concluded that they do not believe that Congress intended the use of NAGPRA in this situation. The opinion said that to allow a literal application of the statute would "produce absurd results" with respect to the remains of Jim Thorpe.

"We're disappointed and shocked at this outcome," said Sac and Fox Nation Principal Chief George Thurman, "but we have decided to pursue our options and are focused on moving forward in this case."

William and Richard Thorpe, the surviving sons of Jim Thorpe, and the Sac and Fox Nation

entered into the litigation that sought judicial determination that the Borough of Jim Thorpe, Pennsylvania, where the famous athlete is buried, was compelled by federal law to repatriate.

Jim Thorpe died in California in 1953. As he requested, his body was returned to Oklahoma for a traditional tribal burial in Sac and Fox country. However, his non-Indian third wife, Patsy, had his remains removed from the funeral ceremony already in progress and stored them during the years she sought a municipality that would meet her demands for a memorial.

She eventually chose two small towns in Pennsylvania, which proposed to combine under the name "Jim Thorpe." She based her decision on the towns' plans to develop the gravesite into a major tourist attraction, which never materialized. In fact, within a few years the grave site had been vandalized and neglected. Today, the Borough is a declining community located in a remote area of Pennsylvania, and the gravesite is not widely

visited.

The Court of Appeals' decision appears to be in contrast to many federal court decisions in recent years that have followed admonishments by the United States Supreme Court to rely on the plain language of a statute. The Third Circuit noted that it is not bound to apply the plain meaning of a statute if it would "produce absurd results."

The attorney for the Sac and Fox Nation and Thorpe's sons said the appeals court's decision rests on the judges' view that there is something unusual or shocking about a repatriation in this instance, which is not the case.

"The injustice was that Jim Thorpe's casket could have been taken away from his traditional funeral without any consideration of the rights of Indian people," said Steve Ward, a Tulsa attorney. "The court of appeals appears to have viewed the injustice as being to the Borough of Jim Thorpe. We believe the focus of this legal analysis should be on the rights of Indian people and tribes."

### Statement of the Sac and Fox Nation Concerning the Decision of the U.S. Court of Appeals for the Third Circuit in Thrope v. Borough of Jim Thorpe

The Sac and Fox Nation's history is one of perseverance. While the Third Circuit's Decision in *John Thorpe et al. v. Borough of Jim Thorpe et al.* today presents an obstacle for us, we will persevere to achieve our goal of fulfilling Mr. Thorpe's final wishes—a burial in adherence to our Tribal Traditional beliefs.

Family is one of the most important pillars of the Sac and Fox way of life. NAGPRA was adopted and helped us achieve a level of recognition which we had never before realized. It empowered us with regard to our deeply rooted cultural rights by recognizing that Native American religious practices were protected.

The decision of the Third Circuit regarding these protections is both shocking and disappointing for our Nation, as it fails to give credence to the religious funeral rights and practices we express as a nation.

Jim Thorpe was a member of the Sac and Fox Nation who expressed his desire to be buried in a traditional Sac and Fox ceremony and laid to rest among his people. This traditional ceremony was commenced in front of tribal members, but unfortunately was interrupted by his third wife, a non-tribal member.

Since that day, the Thorpe Family has fought to bring Jim home to be buried among his people and to fulfill his wishes. As a Nation, it is critical to us to support every tribal member's rights—especially when it comes to preserving our culture. So in 2001, we became involved in the mission to finally fulfill Jim's wishes. While there may be turmoil in traversing that path, we will persevere. The Sac and Fox Nation, along with the Thorpe Family, will ceaselessly pursue this issue until Jim is finally returned to us – his family.

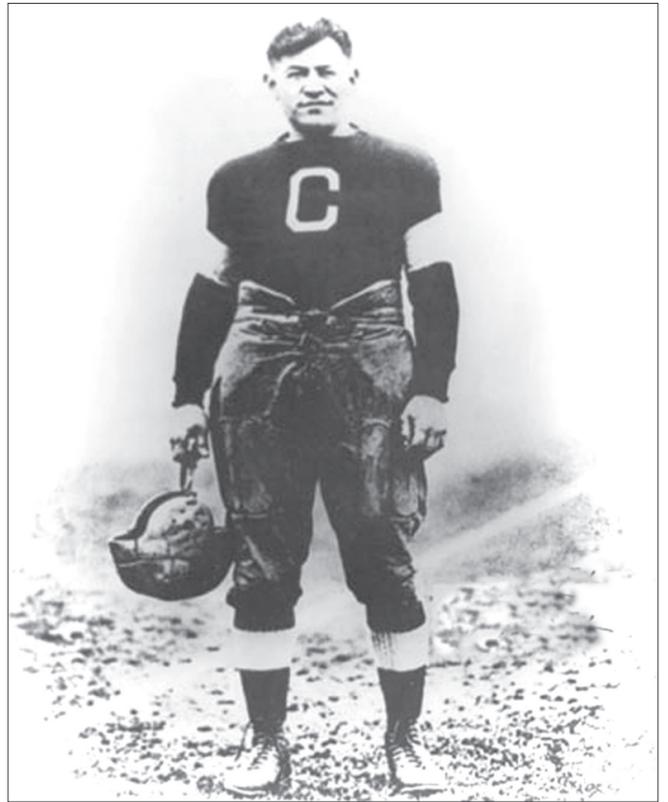
### Budget Cuts Affect Programs and Services

Programs and services within the Sac and Fox Nation that depend on RAP monies to operate had to take a 22.32 percent cut this year. The shortfall was due to a decrease in gaming revenue. The Per-Cap checks will be issued to those whose paperwork has been received and processed starting November 1, per Governing Council's vote on October 25. As all other requests are received, those checks will be distributed as soon as possible. This year the per-capita checks will see a decrease as well. The

individual per-capita checks will be \$840.68.

The Enrollment Department stated at the Special Governing Council meeting, they have been working on W-9's for several months and still lack several.

Getting ready for Per-Cap payments is a long and tedious process making sure all information is correct. This process can be a lot smoother when tribal members get their information to the Enrollment Department as early as possible.



Jim Thorpe while playing football at Carlisle Indian Industrial School in Carlisle, Pennsylvania in the late 1910s or early 1920s

## Chief's Address To The Nation

Greetings,

I want to take this time to wish everyone a good Thanksgiving Holiday. I have good news and disappointing news to share with you this month.

#### Special Governing Council

We had a Special Governing Council Meeting October 25th to approve the 2015 Revenue Allocation Plan (RAP) Budget, Amount, and Investment Policy. The Amount and budget were approved by Resolution SFGC -15-01. The Resolution SFGC-15-02 approved the 65% of the RAP which approved the amount of the individual per-capita payment for 2014 which is \$840.68.

The checks will be issued starting November 1st by Governing Council action. For the fourth time, the Investment Policy was tabled (not approved). I thank everyone who attended the Council Meeting.

#### Black Hawk Health Center

The Business Committee had instructed Health Director Don Whitehead to conduct a feasibility study regarding the options of providing improved health-care and expanding the current services provided at your clinic. After visiting and receiving input from the BHHC Staff, he presented a proposal with three options to our Business Committee and Staff. The Business Committee unanimously decided move forward with the second stage, which is to select an architectural firm to render drawings; meet with tribal membership for input; and to carefully lay out the plans for completion. This may take up to 6 months and then groundbreaking. The estimated construction time is 12-18 months, so the opening of the new clinic could be late 2016 or early 2017.

#### BACKGROUND

The Black Hawk Health Center (BHHC), completed in 1998, and the Merle W. Boyd Center provide a limited range of out-

patient services for the Native American community and tribal members of the Sac and Fox Nation. Services include primary medical care, behavioral health, pharmacy, community health, laboratory, radiology, diabetic education, nutrition counseling, podiatry, physical therapy, wellness and exercise therapy.

Plans to expand the clinic facility and add services date back to August 4, 2003. The 1992 10 Year Plan identified expanding the "Black Hawk Clinic" to be a full service facility. Other attempts have been made over the years with little or no success.

Services in the clinic have changed very little over the years. Although there have been positive upgrades in pharmacy, laboratory, and radiology, the expansion of services has been held back by lack of adequate space and design. One of the major factors in physician recruitment is the existence of a modern, well equipped facility able to provide the level of services necessary to support their practice. The current 20 year old design cannot address those needs. BHHC could provide a wider range of health services not currently available and that require a referral to other health care providers.

Those services could include:

- Cardiology Testing
- Screening Mammography
- Optometry Services
- Dental Services
- Audiology Testing
- Computerized Tomograp (CT)
- Wound Care
- Health Education Services

#### OBJECTIVES

- Increase on-site patient services
- Improve accessibility to other health care services and programs
- Meet the health care needs of the patient population
- Increase third party billing revenue

(Continued on Page 3)

## Upcoming Events

**November 8**

Veterans Day  
Gourd Dance  
Community Center

**November 11**

Sac and Fox Nation  
Veterans Meeting  
Cultural Center

**November 12**

Sac and Fox Elders  
Monthly Meeting  
Shawnee

**November 14**

11:00 am  
Sac and Fox Elders  
Thanksgiving Dinner  
Community Bldg.

**November 15**

Sauk Slam Jam  
Volleyball  
Tournament

**November 20**

Sac and Fox Nation  
Womens Auxillary

**November 22**

Josh Williamson  
Memorial  
Tournament

**December 6**

Sac and Fox Elders  
Winter Dance  
Community Center