



Photo provided by Cheryl McClellan



Chief's Address To The Nation 4 Tribes Unite To Address City of Shawnee Tax Demands

Tribal Members,
This Winter has produced some very cold and recurring weather patterns to the United States that has affected many regions across America, including our tribal complex. We are fortunate that we have been able to avoid closing the offices due to the inclement weather. The decision to stay open to provide services for our membership versus asking our employees to come to work in inclement weather is very hard to make, but I assure you that we will not risk our employees' safety whenever the weather is so severe that it is too treacherous to travel.



Chief George Thurman

Local News

On February 4, 2014 our Nation received via email a letter from the City of Shawnee Mayor Wes Mainord, addressed to Sac and Fox Nation Principal Chief George Thurman, Absentee Shawnee Tribe Governor Edwina Butler Wolf, Citizen Potawatomi Nation Chairman John Barrett, and Kickapoo

Tribe Chairman Gilbert Salazar. The letter is Mainord's stated argument for the tribes to pay taxes to the City of Shawnee. He begins the letter by pointing out that the City of Shawnee's sales tax revenues have decreased while noting "the increase in Tribal Enterprises selling commercial goods and services within the Shawnee city limits."

He claims 1) "Under federal law, Tribal Nations are not exempt from collecting state and municipal sales taxes from sales to non-Indians and non-members." He cites several Supreme Court cases that he says "require Indian retailers on reservations [to] collect and remit sales tax earned on sales made to non-Indians or to Indians who are not members of the tribe governing the reservation", that this collection of taxes is permissible because of the tax on the non-Indian customer, and that this collection of taxes does not violate Tribal sovereignty.

(2) Mainord's letter states, "The City's operating budget relies heavily on sales tax revenue." The City of Shawnee has a Tax ordinance which levies "an excise tax of three percent upon the gross proceeds or gross receipts derived from all sales taxable under the sales tax law of the state". He said the ordinance

provides that the vendor shall collect the tax, which provides revenue to support the functions of city government such as the police, fire, and emergency services and that "your citizens 'benefit from generalized governmental functions performed by the' City with its sales tax revenues".

(3) Mainord's letter also sets the amount to be claimed not at three percent but at 8.5% - the 3% city sales tax, a 1% county sales tax, and a 4.5% state sales tax - on all sales to non-tribal members and remitted to the Oklahoma Tax Commission. He acknowledges that the Oklahoma Tax Commission is not demanding the tribes collect and remit and states that the City of Shawnee is "prepared to take action" including "filing a lawsuit in federal court".

(4) In the very next sentence Mainord claims that "in the interest of continuing to develop and maintain the positive relationship the City values with each of your Tribal Nations and to avoid unnecessary transactional costs for all parties" the City wants a separate Payment in Lieu of Taxes (PILT) agreement with each Tribe. The City set forth its expectations for the terms for those agreements.

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Jim Thorpe Native American Games Moves to Shawnee

An exciting week of athletic competition will take place in Shawnee during the month of June in honor of one of Oklahoma's greatest athletes. The 3rd annual Jim Thorpe Native American Games will take place June 8-14, 2014 at different venues throughout Shawnee including: Oklahoma Baptist University, St. Gregory's University, the Ballfields at Firelake, Firelake Golf Course, and Shawnee High School.

Athletes representing over 70 Indian nations, bands and tribes from across the United States will gather to share their talents in the spirit of the "World's Greatest Athlete" and Native American Legend...Jim

Thorpe.

Over 1,500 Native American athletes are expected to participate in 10 different sports throughout the week that will include basketball, softball, tennis, wrestling, track and field, cross country, golf, martial arts, beach volleyball, and stickball and lacrosse exhibitions.

In addition to these 11 sports, a Jim Thorpe Native American All-Star Football Game will take place on Friday, June 13, 2014 at Oklahoma Baptist University. The football game will showcase Native American high school seniors from across Oklahoma. The new Firelake Arena will be the host site for

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Press Conference: (From Left) Annetta Abbott, Executive Director Jim Thorpe Native American Games; Scott Hill, Direct Access Sports; Linda Capps, Vice Chairman CPN; Robert Davenport, Athletic Director OBU; Bill Thorpe, son of Jim Thorpe; Wesley Mainord, Shawnee Mayor and George Thurman, Principal Chief SFN (Photo by Sac and Fox News)



(From Left) Tribal attorney Steve Ward and associate Daniel Gomez at the federal courthouse in Philadelphia. (photo by Sandra Massey)

Update: Thorpe v. Borough of Jim Thorpe Litigation

by Steve Ward Tribal Attorney

On February 14, 2014, the United States Court of Appeals for the Third Circuit in Philadelphia, Pennsylvania, heard oral arguments in the landmark litigation, Thorpe v. Borough of Jim Thorpe, et. al. The Sac and Fox Nation and the surviving sons of the Olympic champion Jim Thorpe won a determination in federal court last year that the Native American Graves Protection and Repatriation Act (NAGPRA) applies to the Borough of Jim Thorpe, Pennsylvania and to the famous athlete's remains. If affirmed on appeal, the ruling will clear the way for the sons and the Nation to repatriate Jim Thorpe's remains for burial in Sac and Fox country.

The great athlete died from a heart attack on March 28, 1953, in Lomita, California. Historians record that Thorpe's estranged third wife, Patricia Askew Thorpe (known as "Patsy"), initially wanted nothing to do with her husband's funeral, and donations of money and mortuary services had to be enlisted to prepare for his burial. At the request of Thorpe's brothers, his remains were returned to Shawnee, near where he was born. On Sunday, April 12, 1953, members of the Sac and Fox Nation tribal community gathered at a farm near Shawnee for the beginning of a two-day funeral conducted in accordance with Sauk burial customs and traditions. However, after the ceremonies began, Patsy Thorpe, accompanied by law enforcement officers, arrived and had the casket removed. The Sauk funeral was therefore never completed.

In the following days and months, Patsy Thorpe pursued a macabre odyssey of shopping her husband's remains to a city or town that would best meet her demands. Eventually, she reached an agreement with two digging Pennsylvania coal mining

towns, Mauch Chunk and East Mauch Chunk, to bury her husband there, although Jim Thorpe is never known to have visited them.

Grandiose plans were made to use the body of Jim Thorpe to reverse the town's economic fortunes. Local leaders agreed to merge the communities into a single borough, to be named "Jim Thorpe". Other plans called for the commercialization of the Jim Thorpe name, to include a football shrine, a museum, a 500 bed hospital, an Olympic stadium, and a sporting goods factory. None of these plans were ever realized, and the Borough of Jim Thorpe continues in decline today. The athlete's grave, located at the edge of the town on a secondary road, is seldom visited.

On April 19, 2013, United States District Judge A. Richard Caputo, of the Middle District of Pennsylvania, entered a ruling that NAGPRA is applicable to the Borough and to Jim Thorpe's remains. The Borough appealed the decision to the Third Circuit. A panel of three appellate judges, including Chief Judge Theodore A. McKee and Judges Michael A. Chagares and Patty Schwartz, are hearing the appeal.

Steve Ward, an Indian law attorney at Conner & Winters, LLP, in Tulsa, who represents the Nation and Richard and William Thorpe in the case, said following the arguments that one of the Borough's primary arguments is that NAGPRA was not intended to apply to so-called "modern" burials. Ward said no distinction was made in NAGPRA between ancient and more recent burials, and that each repatriation stands on its own merits.

"NAGPRA is one of the most important civil rights statutes ever adopted to address some of (Continued on Page 3)

Upcoming Events 2014

- May 10**
Mothers Day Dance
Sac and Fox Gym
- March 11**
Sac & Fox Nation
Veterans' Meeting
Elders Bldg Stroud
5 pm-
- March 12**
Elders Advisory
Committee Meeting
Stroud
10:00 Potluck

- March 29**
Special Petition
Governing Council
10 am
Sac and Fox Gym