

# It's Time to Bring Home Jim Thorpe

Harlan McKosato (Courtesy of Indian Country Today) From Page 1

judge panel from the U.S. Court of Appeals for the Third Circuit ruled that NAGPRA cannot be used to compel a repatriation of Thorpe to his homelands. It was a slap in the face to the plaintiffs and others who had supported and fought for his return.

"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.

"The judges decided that Congress intended for NAGPRA to apply largely to ancient or old burials and not to the modern burial of Jim Thorpe," wrote the Chief in the Sac and Fox News. "The judges wrote that a repatriation in this instance would be a 'patently absurd' application of NAGPRA."

"In an unwarranted departure from unambiguous statutory commands, the (three-judge panel of the Third Circuit) invoked the so-called 'absurdity doctrine' to prevent the very outcome Congress intended and that occurs regularly in American Indian grave repatriations," wrote Ward in a Statement

Concerning a Petition for Panel Rehearing and Rehearing En Banc that was filed on December 8, 2014. "Initial decisions by the U.S. Courts of Appeal are made by three-judge panels. The non-prevailing party in a case can ask for a rehearing en banc, meaning a rehearing before all of the active judges on the court."

The statement also pointed out that the "Supreme Court long has defined an 'absurd' result as one so contrary to social values that Congress could not have intended it – a standard not even remotely met in this case...the panel's decision lowers the bar. The reasons the panel found a possible repatriation unusual or surprising or 'absurd' reflect a fundamental misunderstanding of NAGPRA.

"Instead of focusing on the truly shocking facts surrounding the removal of Jim Thorpe's body from a traditional Sac and Fox burial rite...and the commercial use of his remains...the panel improperly speculated about theoretical consequences, none of which are possible if NAGPRA is prop-

erly interpreted.

"Additionally, the panel incorrectly assumed that the District Court had ordered Thorpe's body to be exhumed and his remains delivered to his sons, which is incorrect and which reflects its misunderstanding of Congress' design of the repatriation process.

"In this case, the panel correctly found no ambiguity in NAGPRA's definition of a museum... and, in fact, found that the municipality (the Borough of Jim Thorpe) in possession of the remains in this case was squarely within a literal application of (NAGPRA's) language. The application of NAGPRA in this instance...cannot be less than a 'plausible' result, and it is not reasonably a result that 'defies rationality' or is 'nonsensical' or that otherwise could be considered contrary to social values."

"The injustice was that Jim Thorpe's casket could have taken away from his traditional funeral without any consideration of the rights of Indian people," said Ward, who works for Connors & Winters law firm

out of Tulsa. "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."

Part of a written Statement of the Sac and Fox Nation reads, "Family is one of the most important pillars of the Sac and Fox way of life. The Sac and Fox Nation, along with the Thorpe Family, will ceaselessly pursue this issue until Jim is finally returned to us – his family"

Jack Thorpe, the son who initially led the charge and then subsequently died of cancer, explained to me once on my radio show that "it's not about Dad wandering around as a lost spirit. The media plays that up, but we know better. We just want for Dad to be buried where he wanted to be buried – with his family here at the old place, here on Moccasin Trail."

It's time to bring Grandpa Jim home.

Read more at <http://indiancountrytodaymedianetwork.com/2014/12/21/its-time-bring-home-jim-thorpe>

## Chief's Address To The Nation

From Page 1

*Congress Passes Tax Extenders Package that Includes Certain Tribal Extensions*

Late December 17, 2014 the Senate passed H.R. 5771, the Tax Increase Prevention Act of 2014 by a vote of 76-16. The tax extenders package retroactively extends over 50 expired tax breaks for a one year period-meaning they would expire after December 31, 2014. The bill now goes to the President, which he is expected to sign into law, and would allow businesses and individuals to claim those tax breaks for the upcoming filing of 2014 tax returns. Included in the package were three tribal provisions:

- Section 114: Extension of Indian Employment Tax Credit;
- Section 124: Accelerated depreciation of qualified leasehold improvement, restaurant, and retail improvement property, of motorsports entertainment complexes, and of business property on Indian reservations; and
- Section 154: Extension of Production Credit for Indian Coal Facilities Placed in Service Before 2009.

Since this is a retroactive measure, the 114th Congress is expected to make tax extender issues a top priority at the start of the 2015 session. NCAI will continue to advocate for a permanent extension of tribal tax credits that encourages business investment in Indian Country.

DEPARTMENT OF THE INTERIOR |  
Bureau of Indian Education Updating  
Johnson O'Malley (JOM)

Student Count - Deadline EXTENDED:  
December 31, 2014

Earlier this year, a Congressional directive - the Explanatory Statement to Consolidated Appropriations Act of 2014 - was issued to the Bureau of Indian Education (BIE) to conduct a comprehensive student count of eligible JOM students to be completed by September 15, 2014. The submission period was in effect from July 14, 2014 - September 15, 2014. The deadline has since been extended as announced earlier this month to Wednesday, December 31, 2014.

The Johnson O'Malley (JOM) program provides grants to supplement basic student needs for Native students in public schools since 1934. The purpose of these vital dollars are to foster specialized, culturally sensitive and unique educational programs that develop leadership skills of future tribal leaders necessary to promote positive academic, social and economic changes in Indian communities. These funds are often the only source through which Native students can engage in basic activities expected of all students.

The BIE Education Line Officers will contact federally recognized tribes, existing JOM programs, and urban Indian communities to gather information regarding JOM eligible students.

Sac & Fox Nation has complied and sent in our updated student information. I wish to thank Jean Lynam, Education Dept. for the work extended to supply this vital information. NCAI strongly supports action on an updated student count for the JOM program - as iterated in resolution #REN-13-013 as well as more recently in #ATL-14-039 from the 2014 Annual Convention. In addition, NCAI's 2014 Education Budget Request urges Congress to provide \$42 million for the program and to update the student count.

Local News

RodeoCommittee

Our Rodeo Committee has booked two more events for this next rodeo season. The Oklahoma Cowgirls Association (OCA) has

committed to have 2 of their 2015 Jackpot Series events at our arena on May 25th and July 21st. This association may have as many as 300 plus contestants competing.

The Oklahoma Cowgirls Association was formed in 1974 by a group of women who wanted a fun place to compete and socialize. The Association can boast several National and International Finalists: Kelli Amos Posttrach, Tracy Posttrach Nowlin, Betty Roper, Melanie Southard, Jamie Malone-Hiett, Dixie Wheaton, Debbie Allen, Sara Ellingson, Connie Cooper, Julana Cochran Clay, and Charla Hartness Allen. Over the years they have also included several AQHA, APHA, PtHa, ABRA, NOTRA, and IBHA World Champions: Rose Barker, Dixie Wheaton, Sherry Brewer, Jamie Malone-Hiett, and Deena Wheaton. The success of the OCA can be attributed directly to its ability to change with the times. The OCA started almost as a gymkhana association. Barrel racing was not the only event, included was pole bending, flag racing, goat tying, steer undecorating, breakaway roping, and team roping. They also put on the Second largest futurity for several years. Along the way, they have dropped everything except barrel racing. OCA moved to the 4D format when it appeared that the Novice horse races were being forgotten. OCA is now the oldest barrel racing association in Oklahoma and rank as one of the largest.

From the Updating of the Violence Against Women's Act Provisions

The Sac and Fox Nation Business Committee voted at our meeting on December 11, 2014 to update the violence against women act provisions and the guardianship laws for both minors and adults to bring them in line with the new more modern federal definitions which were approved by the Federal Government this year. These changes are a major step forward for us and will allow our nation to provide significant protections that we did not have jurisdiction for in the older code sections. This modernization is something that has been done by only a handful of Tribal Nations and brings us into line with the forefront of the movement to decrease the violence against Native American Women. To better explain these changes, I am quoting a writing from our Attorney General, Greg Bigler, from December 11, 2014

Today the Sac and Fox Nation Business Committee adopted all revisions and amendments I submitted to assert enhanced jurisdiction under the Violence Against Women Act of 2013. The Nation will now be able to prosecute non-Indians for certain domestic abuse and violations of protective orders in their territory. The Sac & Fox Nation is not the first to move under VAWA, but it will be one of the first half dozen tribes in the United States to do so. The new amendments will also allow the SFN to increase incarceration from 1 year to 3 years by taking advantage of the federal Tribal Law and Order Act provisions. It has been a great deal of work to get the Codes to this point, and I felt reasonably confident the amendments would pass but one never knows till they are. I spent a lot of time yesterday getting everything ready for today's BC meeting, coincidentally while I am attending the VAWA Inter-tribal Working Group meeting. It is a huge relief to know the Codes are now in place and proud of the Sac and Fox to see them moving on this issue. I can't thank the Sac and Fox Business Committee, enough for their attention, and Chief George Thurman for getting it on the agenda. And, a special thanks to Charlotte Isenhower

Cartwright, the SFN Court Clerk, for all her input and suggestions as to how the codes needed to address the Court's concerns as the Tribal Court is the focal point for this enhanced assertion of the Nation's sovereignty. Charlotte is a great example of the Tribal Court Clerks who do fantastic work at the tribal courts but seldom get the credit and recognition they deserve for the work they do.

The amended titles include, Title 6, Civil Procedure, Chapter 6 Jurors; Title 9 Courts; Chapter One, District Court. Section 102 - Minimum Qualifications of Judge of the District Court; Title 10, Crimes - Section 3 - Penalties, Chapter 2 - Crimes Against Persons (section 201-225, including Sec. 207.1 - 207.8 Domestic Abuse & Ch. 2A Sex Crimes), Section 415 False Statements or Entries; Title 11, Criminal Procedure, Chapter One Preliminary Provisions, Chapter Two Proceedings Before Trial, Section 202 Arrest Warrant or Summons to Appear & Section 204 Arraignment; and all of Title 13 Family, Chapter 9 - Domestic Abuse.

The Nation also, finally, adopted my drafts of Article II - Minors; Article III - Adults; Article IV - Miscellaneous of Title 13 - Guardianship and Conservatorship Act.

So all in all it was a good day, and a huge relief...

Short Takes

- The Business Committee have conducted interviews for a grants writer/planner and should have their selection starting in January, thus strengthening a team being comprised to help move our Nation forward.
- The Business Committee after meeting with the Sauk Business Enterprises (SBE) has decided to expand the SBE Board membership from 3 members to 5 members.
- The Sauk Business Enterprise(s) (SBE) and Business Committee have entered into an agreement with PACE Group to locate and hire an Economic Development Director to add to the team mentioned earlier. The first meeting was held on December 12, 2014. On the same day, Klas Robinson, Minneapolis, MN and The Innovation Group, Littleton, CO discussed their respective proposals re the feasibility study for the best use of the Cushing Industrial Building and the Shawnee Trust Property Owned by the Nation.
- Congratulations to our Activity Committee for a very successful Christmas Program on December 20th! The Community Building was SRO!

Department News  
Transportation

Our Transportation Department held a "Public Hearing" on December 11th to gather information by the SFN leaders and staff to use as part of the process for developing the Sac and Fox Nation's Long Range Transportation Plan. Tribal members, state, county, and local officials plus members of the general public were invited to attend to discuss and provide input and suggestions on proposed or future projects which might include public roads, bridges, tribal parking lots, or transit matters. This meeting was both informative and productive and we are looking forward to seeing what our Transportation department does in the future to help support the growing needs of our community.

Finance Department

Our Finance Department has been exploring ways to streamline the recording and reporting of financial transactions of the Nation. The timely response to inquiries from departments, committees, commissions, boards, and entities of our Government has been a top priority of our Chief Financial Officer (CFO); plus Mr.

Ellis is considering revamping our Property & Procurement Department by reducing the time consumed in ordering items and the payment will be conducted in a much needed and expedited manner with the implementation of software that will alleviate so much paperwork. The Business Committee, Property & Procurement, Human Resources, Finance, and Chief of Staff recently listened to a proposal by Software / Simplified, Tracy, CA. The following is an explanation of how this software would help in financial management, time tracking, human resource management and fundraising management.

Software / Simplified

Software Simplified is a consulting firm specializing in financial management and time tracking. Industries served include the legal sector, nonprofit organizations, small governments and tribal nations which our Nation is considering implementing in the upcoming January Business Committee Meetings.

This groups, authorized since 1999, works directly with public and private organizations fully understanding the unique financial reporting and management requirements imposed today. The implementation of this new software includes four key phases: Planning, Implementation, Training, and On-going Support. This proven process will allow us to streamline our systems for the financial management of the nation in a proven system which has been utilized by many other nations across the country as well as other small government systems.

Moreover, the new system will help us move forward and modernize the ability of our Nation to keep detailed financial records which are connected to the Human Resources systems employed by the Nation. This Update to the Human Resources System will allow us integrate HR management and reporting with Payroll and Accounting. This exciting change will streamline our payroll process by making changes and updating information all in one place. The Nations human resources will also be better able to track certifications and education, so our HR staff can focus on people instead of paperwork.

The manner that our tribal government serves you (tribal members) as our clients' needs an overhaul; by this I mean new methods of operation, modernizing our communication, upgrading our information technology, new facilities / buildings, and electronic filing of records. I have been an advocate for these changes and as our "team" continues to grow I am starting to see changes for the betterment of our Sac & Fox Nation coming to fruition.

I ask for your prayers for our Business Committee, tribal government, and our Sac & Fox Nation as we move into this New Year 2015.



Sincerely,  
George Thurman, Principal Chief