



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #ATL-14-088

TITLE: Seeking a Just Result and Final Resting Place for Jim Thorpe, in Accordance with His Express Wishes

EXECUTIVE COMMITTEE

PRESIDENT
Brian Cladoosby
Swinomish Indian Tribal Community

FIRST VICE-PRESIDENT
Randy Noka
Narragansett Tribe

RECORDING SECRETARY
Robert Shepherd
Sisseton Walperton Ojate

TREASURER
Dennis Welsh
Colorado River Indian Tribes

REGIONAL VICE-PRESIDENTS

ALASKA
Jerry Isaac
Tanana Chiefs Conference

EASTERN OKLAHOMA
S. Joe Crittenden
Cherokee Nation

GREAT PLAINS
Leander McDonald
Spirit Lake Tribe

MIDWEST
Aaron Payment
Sault Ste. Marie Tribe of Chippewa Indians

NORTHEAST
Lance Gumbs
Shinnecock Indian Nation

NORTHWEST
Fawn Sharp
Quinault Indian Nation

PACIFIC
Rosemary Morillo
Soboba Band of Mission Indians

ROCKY MOUNTAIN
Ivan Posey
Eastern Shoshone Tribe

SOUTHEAST
Ron Richardson
Haliwa-Saponi Indian Tribe

SOUTHERN PLAINS
Stephen Smith
Kiowa Tribe of Oklahoma

SOUTHWEST
Manuel Heart
Ute Mountain Ute Tribe

WESTERN
Arlan Melendez
Reno Sparks Indian Colony

EXECUTIVE DIRECTOR
Jacqueline Johnson Pata
Tlingit

NCAI HEADQUARTERS
1516 P Street, N.W.
Washington, DC 20005
202.466.7767
202.466.7797 fax
www.ncai.org

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, the desecration and misappropriation of Native remains is a practice born out of genocide that threatens the very integrity of our existence as Native Peoples; and

WHEREAS, American Indian Nations continue to exist as independent sovereign Nations whose citizens retain the inalienable and exclusive right to determine the final resting place of their deceased relatives; and

WHEREAS, the Native American Graves Protection and Repatriation Act (“NAGPRA”) was enacted to acknowledge Native American human rights and to eliminate the historic misappropriation of Native remains for use in public displays and exhibits, as well as anthropologic, cultural, or scientific studies; and

WHEREAS, NAGRPA was enacted to eliminate the historic misappropriation of Native remains for use as commodities to generate revenue for non-Native communities, corporations, and entities; and

WHEREAS, NAGPRA was enacted to accord human rights to the deceased person and familial rights to the deceased person’s lineal descendants and next of kin, and Jim Thorpe’s sons qualify under both categories; and

WHEREAS, NCAI was instrumental in the enactment of NAGRPA, having committed significant time, resources, and effort to educate the public and the United States Congress on the issues that formed the foundation and purpose of the law; and

WHEREAS, the Sac and Fox Nation is a sovereign nation, federally recognized by the United States government; and

WHEREAS, Jim Thorpe was a citizen of the Sac and Fox Nation whose remains were not, and never will be, for sale; and

WHEREAS, Jim Thorpe's sons, John, Bill, and Richard Thorpe, are his direct descendants; and

WHEREAS, the Borough of Jim Thorpe, Pennsylvania claims to have "purchased" Jim Thorpe's remains for the purpose of exhibiting them in a public display that the town uses to generate tourism and increase its revenue; and

WHEREAS, the Sac and Fox Nation, along with John, Richard, and Bill Thorpe, brought suit under NAGPRA to recover, repatriate, and return Jim Thorpe's remains so that they would reside next to his relatives on the Sac and Fox reservation, in accordance with the express wishes of Jim Thorpe to his family; and

WHEREAS, on October 23, 2014, the United States Court, Third Circuit of Appeals, in *John Thorpe, et al. v. Borough of Jim Thorpe*, determined that NAGPRA does not require the Borough of Jim Thorpe, Pennsylvania to return Jim Thorpe's remains to his sons and to the Sac and Fox Nation.

NOW THEREFORE BE IT RESOLVED, that the October 23, 2014 decision of the Third Circuit Court of Appeals contradicts the plain language of the NAGPRA statute, and the Borough of Jim Thorpe's continued refusal to allow for the repatriation of Jim Thorpe's remains constitutes a grave and willful violation of federal law that demands the corrective action of the United States government; and

BE IT FURTHER RESOLVED, that NCAI is authorized to continue to pursue this matter in litigation and, if necessary, in Congress; and

BE IT FURTHER RESOLVED, that NCAI is authorized to continue to support the Thorpe Family and the Sac and Fox Nation in their efforts to achieve a just result for Jim Thorpe; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

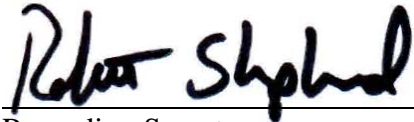
CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2014 Annual Session of the National Congress of American Indians, held at the Hyatt Regency Atlanta, October 26-31, 2014 in Atlanta, Georgia, with a quorum present.



President

ATTEST:



Recording Secretary