

FIRST JUDICIAL DISTRICT
STATE OF NEW MEXICO
COUNTY OF SANTA FE

No. SF 96-4210

JAY COURTNEY FIKES, Ph.D.,

Plaintiff,

v.

PETER T. FURST, Ph.D.,

Defendant

**Affidavit of Joe Winter, Ph.D. in Support of
Plaintiff's Response to Defendant's Motion for Summary Judgment**

BEFORE ME, the undersigned notary, did personally appear JOE WINTER, PH.D. who, upon his oath, did say as follows:

"After meeting Jay Fikes sometime near the end of 1994, we began corresponding about the Huichol Indians. I was impressed by the high-quality scholarship evident in his Huichol publications and by his experiences in applied anthropology. I sent him a draft copy of a grant proposal I was developing to solicit funding to assist the Huichol Indians with various educational, economic and medical projects. Upon reading my grant proposal, Dr. Fikes indicated he was interested in participating in the Huichol project I was planning to implement. I encouraged him to let me know (in my March 20, 1995 letter) if he was seriously interested in participating in the project as coauthor of the proposals as well as serving as the project cultural anthropologist. My letter to Dr. Fikes stated that if he helped me prepare the grant proposals he could be legitimately defined as both an author of the proposals and as the person specifically

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proposed to serve as the cultural anthropologist. Thus, the competitive application process would not be necessary and Dr. Fikes would serve as the cultural anthropologist.

In furtherance of the Huichol Project, Dr. Fikes went with me to confer with Huichol officials and visit Santa Catarina during Easter week. The warm reception he received from Huichols reaffirmed my selection of Dr. Fikes as the cultural anthropologist. We discussed Dr. Fikes' relocation to Albuquerque once funding was secured. I told him that the project would last ten years and provide him with full-time employment.

In late May of 1995, I asked my administrative assistant to telephone Dr. Fikes to determine what salary he would accept to serve as the cultural anthropologist. In the grant proposal I submitted to four different foundations, I specifically mentioned him by name and indicated his salary would be \$45,000.00 per year. Two much smaller proposals to two other foundations did not include him.

Shortly after the proposals had been sent to the foundations, I received a hostile letter from Dr. Peter T. Furst, copy attached. His June 22, 1995, letter not only attacked our proposed project but also stated that he is "often asked by funding agencies to comment on proposals" such as mine. That letter convinced me Dr. Furst might interfere with our attempt to obtain funding. A copy of Dr. Furst's letter dated June 22, 1995, was sent to Dr. Fikes but I asked him not to take any action against Dr. Furst until after we received a response from the funding agencies. After reading Dr. Furst's letter, he wanted me to assure him that I would still support him. My July 24, 1995, letter to Dr. Fikes reiterated my desire to hire him as the cultural anthropologist, without having to put him through the competitive application process, because he had contributed substantially to developing the proposal.

A few months later we learned that only one of these six foundations was willing to fund our project to aid the Huichols and that it was only for a small planning grant, in response to the proposal that did not include Dr. Fikes. I called Dr. Fikes and told him the news.

In light of the developments, I decided not to reapply for funding for the Huichel Assistance Project from the five other foundations. It was felt by me that Dr. Furst may have improperly influenced at least one of the funding agencies and that Dr. Furst's anticipated continued interference could make the efforts to obtain funding futile."

FURTHER AFFIANT SAYETH NOT.



JOE WINTER, PH.D.

SUBSCRIBED AND SWORN TO on this the 11 day of NOVEMBER

1997.



Notary Public

My Commission Expires:

Feb. 13, 99