

January 19, 1978

Wilkinson, Kragen & Barker  
Law Offices  
The Octagon Building  
1735 New York Avenue N.W.  
Washington, D.C. 20006

Attn: Robert W. Barker  
Re: Hopi 196

Dear Bob:

I enclose a copy of a letter written by Robert T. Coulter, attorney at law with the Institute For The Development Of Indian Law, Inc. It is written to Thomas Jenkins also known as Thomas Banyacya. Thomas is one of the so-called Hopi traditionalists opposing everything the tribal council does. You will notice that Mr. Coulter advises that until the Hopi people actually accept the claims case money, "we can still fight to keep the Hopi rights to the land itself." Obviously, he is ignorant of the fact that the Hopi lands within the executive order reservation have been fully adjudicated and affirmed by the Supreme Court of the United States. The Hopi tribe has all of District 6 and an undivided one half interest in the remainder of that reservation. The partition of the joint-use area is now in the process of being completed, the District Court having made its judgment and the Ninth Circuit Court of Appeals having heard the argument on appeal. No decision has yet been received from the Appellate Court. I am sure Frances will recall that in arriving at a settlement we determined compensation upon the basis of the loss of the entire joint-use area, although it was carefully stipulated that no decision was reached concerning the areas involved.

It is also apparent that Mr. Coulter does not know that the claim of the Hopi to an interest in lands outside of the Executive Order Reservation of 1882 is based upon a 1934 act which occurred long after the adjudication by the Indian Claims Commission concerning the aboriginal possession of the Hopi in 1882. The case was appealed from the Indian Claims Commission to the Supreme Court and stricken from the calendar when the case was settled. Therefore, no final determination was had concerning the aboriginal possession of the Hopi people.

In view of the above circumstances, I am sure you can see why I am interested in trying to find out what I can about the Institute For The Development of Indian Law, Inc. and Robert T. Coulter, an attorney with that organization. Do you have any information that you might pass on to me in this regard?

Although Mr. Coulter's letter was written six months ago, it was just drawn to my attention this week. The Tribe has previously received a copy but they apparently were not very disturbed by its contents.

Kindest personal regards,

John S. Boyden

JSB:jah