



## **Perplexing Prosecution: This book about crimes at the Hubbell Trading Post is a compelling piece of history**

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Everyone who has ever watched a Western knows all about trading posts—or thinks they do. Reality is far more interesting than any Hollywood hokum, as we learn in *The Case of the Indian Trader*.

The Navajo were crushed by U.S. government forces led by Kit Carson in 1864. The tattered remnants of the tribe were forced on a genocidal death march—the Long Walk—when some 8,000-plus Navajos were forced to walk more than 300 miles from their homeland in the present-day Four Corners region to Fort Sumner at Bosque Redondo, N.M. Many died.

During captivity at Fort Sumner, the Navajo were introduced to government commodities. In 1868, a treaty was signed, and the Navajo were allowed to return home. Clever merchants figured out there was a market for Indian arts and crafts, and there was money to be made by trading basic supplies for handcrafted items like rugs and jewelry. By the turn of the century, there were 30, and by 1948, there were about 100 trading posts on the Navajo Rez.

One built in Ganado, in 1870, was purchased in 1878 by John Lorenzo Hubbell and became known as Hubbell Trading Post.

The number of old-time trading posts declined in the 1960s and '70s for a variety of reasons. The Hubbell family managed to cut a deal in the mid-'60s for the federal government to purchase what had become the oldest continuously operated trading post in the West and hand it off to the National Park Service (NPS), who would continue operating Hubbell in the traditional manner as a sort of "living history" national historic site.

The NPS couldn't operate a commercial enterprise, so an agreement was negotiated with the Tucson-based Southwest Parks and Monuments Association (SPMA), now the Western National Parks Association (WNPA), to manage and operate Hubbell.

Billy Malone was one of the most experienced, respected and well-known Indian traders of the 20th century when he was hired as Hubbell's third SPMA/WNPA Indian trader in 1981. He would also be the last real Indian trader at Hubbell.

On a May morning in 2004, Hubbell and Malone's nearby home were raided by federal agents, and hundreds of rugs and thousands of pieces of jewelry belonging to the old Indian trader were seized. He was not told what the raid was about. He was subsequently fired from his job, and

both his life and his almost-50-year-long career were effectively crushed. He would spend the next 2 1/2 years in legal limbo.

The Park Service acted on concerns raised by the leadership of WNPA, who—not understanding the difference between 21st-century corporate bean-counting and the concept of the 19th-century "trading post"—leveled a series of accusations at Malone that at one point even compared the mild-mannered old Indian trader with Al Capone.

Fortunately for Malone, NPS investigator Paul Berkowitz was handed the file in December 2005 with direction to close the case and affect an arrest of Malone immediately, as almost a million dollars had been spent on the investigation with no closure. He discovered some serious discrepancies that not only would exonerate Malone, but would implicate "as many as five other (NPS) agents, two government attorneys (one of whom had since been appointed to the federal bench), the current and former director of the NPS Intermountain Region (IMR), and both the executive director and board chairman of the WNPA."

The level of misconduct and abuse of authority was so severe within both the National Park Service and the WNPA that Berkowitz, a 33-year NPS veteran investigator, was compelled to bypass his own chain of command, handing over the case directly to the Interior Department's Office of Inspector General once he filed his final case report with the U.S. Attorney's Office.

When all was said and done, the case against Malone was dropped, and all of his property was returned to him. The tables turned, and his accusers hired attorneys and pleaded the Fifth.

This is an amazing, astonishing book. It is history, anthropology, true crime, exposé, morality play and cautionary tale, all rolled into a well-documented, well-written narrative that is impossible to put down. A sensitive and perceptive foreword by Kevin Gilmartin sets the tone and context for this superb and unique tale.

As Gilmartin notes, "No one could make up a story as bizarre as this."