

8 copies

Washington 25, D. C.

Mrs. Genevieve Malther,
General Delivery,
Ojai, California.

SEP 28 1945

My dear Mrs. Malther:

I regret the delay in replying to your letter of June 9, concerning conditions on the Hopi reservation. This delay in large part was caused by my absence from the Office during the summer when official business took me as far as Alaska. However, your letter and the letters of numerous other correspondents who discussed the Hopi situation have had continuous attention, and several of these letters were answered by me before I could consider the various charges which you preferred in your letter of June 9, charges on the basis of which you requested an investigation of Hopi administration.

In your letter of June 9, you discussed the deplorable situation arising out of the continued presence of numerous Navajos within the boundaries of the area set aside by Executive Order in 1882 as the Hopi reservation. This problem was discussed at length in a letter to Mrs. Charles H. Dietrich, copy of which I am enclosing.

You state that the Hopis, apparently those of the Third Mesa group, report to you that at the time of the protest of the Third Mesa against stock reduction, Superintendent Ladd had Governor Quochytewa placed in the Keams Canyon jail and had him held there for three days without a hearing. According to the records in the case as submitted to me, Heger Quochytewa was charged with interfering with livestock round-ups and held in the Keams Canyon jail for about 20 hours. He was given a hearing in the Hopi tribal court, where he was represented by Karl Johnson, an educated Hopi. After hearing several witnesses, the Court dismissed the case because of insufficient evidence.

You also state that you have in your possession papers which appear to show that Chester Mawwlostewa, or Note, was given a 90-day sentence by the Hopi court for refusing to dip his sheep; that he served his sentence; that Superintendent Ladd confiscated all of Chester's livestock, and permanently revealed his right to graze any livestock on the Hopi reservation. According to the record, Chester was tried before the tribal court, found guilty of failure to dip his sheep and of complying with the regulations, the court prescribed the sentence, and urged Chester to comply with the regulations in the future. The record also shows that Chester grazed more sheep on tribal land than his permitted called for, that upon his release he was asked by the Hopi judge whether he would adjust his sheep to the permitted number, whereupon he replied that he would comply with none of the regulations. The Hopi court thereupon recommended cancellation of Chester's grazing permit and ordered the sale of his stock, the proceeds to be deposited in Chester's

account after the expense of the sale had been deducted. This was done, and he was notified of the amount standing to his credit in his account. The Hopi court also advised Chester that whenever he was ready to comply with the regulations the court would recommend issuance of a new grazing permit to him. The Agency office has reserved for Chester range for the permitted number. This range will be available to him as soon as he declares his intention of complying with the regulations in line with the directions of the Hopi court.

You also mention eight earthen dams on the land surrounding the Third Mesa. You question the manner of construction, the cost of construction, and allege that no Hopis were employed in the construction of these dams.

The record shows that Roger Quochytewa signed the application for the 1944 AAA benefits earned by the Third Mesa stockmen by using prescribed conservation practices. The 1944 improvement program for Third Mesa consisted of 7 pit-type earthen reservoirs. The work in the construction of these reservoirs was done by contract. It required the use of heavy equipment. The contractor moved 77,777 cubic yards at a contract price of 15¢ per yard for the first 2,000 yards on each structure, and 10¢ per yard on quantities in excess of 2,000 yards per structure. The total contract price was \$8,477.70. This was a very low price. The contractor would gladly have employed competent Hopi machine operators, but the Hopi machine operators had all accepted employment elsewhere to such an extent that the Agency has not been able to find enough Hopi machine operators for the operation of its maintenance equipment. The location of the reservoirs proved satisfactory, and during the very heavy rains of last July and August there were no failures.

In correspondence received from Governor Quochytewa, he is making certain specific charges and allegations. I am arranging for a study of the Hopi situation and for an investigation of the various matters brought to my attention by you, Roger Quochytewa, and others, at the earliest possible moment. But, I reiterate that a solution of the Hopi economic problem is not possible without a solution of the same type of problem confronting the Navajos. We are working on this solution. As an initial step, we have made possible the use of improved and very productive irrigated land on the Colorado River reservation by 15 Hopi families who have been in their new location since September 1. I might add that Eugene Lowery accompanied these 15 Hopi families to their new location, and his support helped materially to get them established during the first trying week.

Sincerely yours,

(Sgd.) William A. Brophy
Commissioner.

Enclosure 191.

WVW:ns WVW:rl
8-17 9-27
CC: Supt. Ladd
Mr. Zimmerman