

**The Muwekma Ohlone Tribe of the San Francisco Bay Region:
A Brief Historic Timeline from Missionization to Present
with Selected Evidence for Previous and Continued Federal Recognition
and Other Key Documents**

1776-1849 - Muwekma ancestors baptized at Missions **San Francisco, Santa Clara and San Jose**.

1797-1930 - Muwekma Ohlone ancestors and families continue to be baptized at **Mission San Jose** and are placed in the **St. Joseph's Orphanage**.

1879/80 - US Senator George Hearst and his wife Phoebe Apperson Hearst purchase part of Muwekma's **Alisal Rancheria** where they build their mansion **Hacienda del Pozo de Verona**. **Western Pacific Railroad** built a spur to their land and named the train stop **Verona Station**.

1900 – Two Federal Censuses - Direct ancestors of the Muwekma Ohlone membership were identified as **Mission San Jose Indians** or Costanoan on the **1900 Indian Population Schedules** for **Washington Township (Niles Rancheria)** and **Murray Township (Alisal/Pleasanton Rancheria)**.

1904-1905 - While delivering a memorial and schedule of landless Indians to the 58th Congress in Washington D.C., Secretary of **Northern California Indian Association**, San Jose resident **Charles E. Kelsey**, and a Senate clerk discover the **18 unratified California Treaties of 1851-1852** in the **Senate Secret Archives**. Kelsey was later named **Special Indian Agent** in 1905 for **California Indians** by the **Indian Service Bureau** (later called the Bureau of Indian Affairs).

1904-1916 - Phoebe Apperson Hearst funds the Berkeley Anthropology Department, and invites several anthropologists including Alfred L. Kroeber and his colleagues to visit her and to interview the Muwekma Indians who are living on their adjacent rancheria and working for her. Kroeber and others obtained several Indian languages and published the word "**Muwekma**" meaning "**La Gente**" – "**The People**" in the Tribe's Ohlone language.

1905-1906 - Special Indian Agent C. E. Kelsey's is charged to conduct a Special Indian Census of landless Indians of Northern California (Los Angeles to Oregon Boarder). He identified "**Verona Band**" in **Alameda County** as one of the tribe's under his jurisdiction in his census, thus setting the stage for the 1906 Congressional Appropriation Act for Landless California Indians [34 Stat. 333, 3. 3504; 35 Stat. 76-77, c.153]; and continued through August 9, 1937 which provided funds for purchase of lands for homeless California Indians.

1910 Federal Census - Direct ancestors of the Muwekma Ohlone membership were identified on the **1910 Indian Population Schedule** for **Pleasanton Township** residing at "**Indian Town**" (**Alisal rancheria**).

July 1, 1910 - **Special Indian Agent C. E. Kelsey** completed an official map for the Indian Service Bureau identifying all of the extant **California Indian Rancherias** under Federal jurisdiction and who were eligible for homesite land purchases. This map is dated July 1, 1910 and signed by Agent Kelsey. Kelsey formally designated the combined Niles/Sunol/Pleasanton/Livermore/Mission San Jose ancestral Muwekma communities as the **Verona Band** which takes its name after the Alisal Rancheria that was located on the Hearst property and adjacent Verona railroad station that was built for them.

1911-1913 - Special Indian Agent C. E. Kelsey published a map in 1911, and again in 1913, for the Indian Service Bureau and the US Congress based upon California Congressman **John Raker's** inquiries on the status of California Indians, relative any settlements under the 1851-82 unratified treaties, as well as identifying all of the extant California Indian Rancherias under Federal jurisdiction, and eligible for homesite land purchases. Kelsey formally designated the combined Niles/ Sunol/ Pleasanton/ Livermore/ Mission San Jose ancestral Muwekma communities the **Verona Band of Alameda County**. Special Agent Kelsey retired from the Indian Service Bureau \$18,000.00 in debt out of his own pocket. Trying to buy land.

December 7, 1914 - Special Indian Agent **C. H. Asbury** from the **Reno Agency**, identified the **Verona Band** in a 1914 correspondence as one of the tribes eligible for homesite land purchase under the Congressional Appropriation acts of 1906, 1908 and later years.

“Referring to the above letter of September 10th, regarding use of the appropriation for the purchase of lands for the Indians in California, I have made some investigation of this... . In this connection, I called on Mr. Kelsey for such data... . The list is given to me by Mr. Kelsey, and which is probably approximately right is as follows: Verona 30” (Asbury Reno Agency Report 1914:2).

1914-1920 - Six Muwekma men enlist and served overseas in Europe during WWI in Army, Navy and Marine Corps, and are buried at **Golden Gate** and **Riverside National Cemeteries**. (see California Military Museum and WWI Centennial Commission websites below)

<http://www.militarymuseum.org/Muwekma.html>.

<https://www.worldwar1centennial.org/index.php/articles-posts/4775-writing-the-wwi-story-of-california-s-muwekma-ohlone-indian-servicemen.html>.

1923 - Reno Agency Annual Report, Superintendent James Jenkins reported to the Commission that “Other Indians in California under this jurisdiction but not occupying Government Lands are found in the localities named below: ... “Alameda (County) Verona 30.” [pages 4-5 RG 75 Reno Agency]

1925-1934 – Smithsonian’s Bureau of American Ethnology Anthropologist John P. Harrington interviews members of the Muwekma tribal community.

July 8, 1926 - April 19, 1927 - Repeated formal requests issued to Sacramento Superintendent **Lafayette A. Dorrington** by Assistant Indian Commissioner on the “matter of purchasing land during this fiscal year for homeless California Indians, but no response received to date.” (Letter from Second Assistant Indian Commissioner Hauke March 7, 1927).

When presenting to Congress estimates for the appropriation bill for the fiscal year 1929, it will be necessary to show in detail ... in the matter of purchasing land for homeless California Indians; to give the approximate number of Indian still to be provided with land. ...:

(1) Total number of bands under your jurisdiction, giving the name of each band, .” (Letter from Assistant Commissioner E. B. Meritt to Dorrington 1/8/1927).

June 23, 1927 - Sacramento Agency Report Superintendent L. A. Dorrington reported to **Assistant Commissioner, E. B. Meritt** that:

...There is one band in Alameda County commonly known as the Verona Band, which consists of about thirty individuals, located near the town of Verona; these Indians were formerly those that resided in close proximity of the **Mission San Jose**. (1927:1)

Sacramento Superintendent Dorrington identified the **Verona Band** under his jurisdiction, however, without benefit of any notification or on-site visitation he wrote "It does not appear at the present time that there is need for the purchase of land for the establishment of their homes." (1927:1). Dorrington also determined without benefit of any assessment that an additional **134 California tribal bands** under his jurisdiction also did not need land in his report, and thusly were removed from the list of landless federally recognized tribes waiting for land purchase.

December 8, 1928 - Dorrington declined to purchase land for **Verona Band** unless and until funding is provided for maintenance and improvement of lands already purchased for tribes in California.

...In my opinion, we should not give consideration to the purchase of additional for landless Indians, unless we are assured that funds will be available for improvements thereon, and also for improvements of the tracts already purchased. (Letter Dorrington to Commissioner Hauke)

1928-1933 - California Indian Jurisdictional Act Approved BIA Enrollment Applications - Between **1929 and 1932** direct ancestors and families of the Muwekma Ohlone Tribe enroll under the 1928 California Indian Jurisdictional Act completing 18 applications containing the names of 55 members of the tribe. All of the enrollment Muwekma families identified as **Mission San Jose Tribe** or **Ohlone** (or variation thereof). **Note** none of the other 17,000 California Indians were identified as "**Tribe: Mission San Jose.**"

March 26, 1930 - In addressing Dorrington's dereliction of duties and lack of response to Office requests, another memorandum is issued which states:

In the manner and on the dates set out below, Superintendent Dorrington was corresponded with respecting the purchase of land for landless California Indians during the fiscal year 1930, for which there is available \$16,200.

Letter June 28, 1929; August 8, 1929; Card Oct. 1; Nov. 1; Letter Dec.6; Card Jan. 7, 1930; Letter Feb. 17, 1930.

Not one response has been received from Mr. Dorrington upon the correspondence listed above. ... This is an important matter, and the Superintendent's failure to make response to the Office is not understood. I have constantly kept after the reports but without results.

April 23, 1930 - In a letter to Commissioner Rhoads, Dorrington wrote:

It has been my opinion, and therefore my belief, for several years that the best interests of the Indians will be served through an arrangement whereby those concerned may be settled on the already acquired land instead of procuring additional which cannot be turn to beneficial use and occupancy by the Indians in mind because of their inability financially to establish themselves thereon.

... In its final analysis, Mr. Commissioner, kindly understand and know that additional land for homeless Indians of California **is not required** and therefore further demands on the appropriation for the fiscal year 1930 are not warranted or justified.

July 1931 - Dorrington had either quit, transferred, was fired, or was replaced by Oscar H. Lipps as Superintendent of the Sacramento Agency. Lipps responded to Assistant Commissioner J. Henry Scattergood with specific concerns about the conditions of the homeless California Indians for whom land was purchased:

Receipt is acknowledged of your letter, dated June 30, 1931, relating to the matter of purchasing land for homeless Indians of California. ...

I am addressing this letter to you personally and calling the subject matter thereof to your special attention for the reason that there appears to be a grave lack of understanding in the Office regarding this whole matter of providing homes for homeless California Indians. ...

... Now it seems to me that the thing for us to do **is to look at the facts in the face and admit that in the past the Government has been woefully negligent and inefficient**, and then start out with the determination, as far as possible, to rectify our past mistakes. It is difficult to locate the blame, but somewhere along the line there appears to have been **gross negligence** or **crass indifference**. If Congress has been honestly and fully advised of conditions and has refused or failed to give relief asked for, then the Indian Bureau is not responsible for the neglect of the Indians. On the other hand, if Congress believed and intended by appropriating funds for the purchase of lands for homeless Indians and improvements thereon that good and suitable lands would be purchased and houses constructed and improvements made, **then we have neglected to do our duty.**

1931-1940 - Muwekma/Verona Band tribal member **Lawrence Domingo Marine** was too dark to go to school in the East Bay, so he was shipped off to the **Indian Boarding School at Sherman Institute**. After graduation, on January 1940, he enlisted in US Marine Corps. 1st Marine Division, became a Line/Staff Sergeant, he was engaged in the following campaigns: Hawaiian Islands Area, American Samoan Islands, Wellington, New Zealand, Guadalcanal, B.S.I (British Solomon Islands, New Georgia), Eniwetok, Marshall Islands, Ulithi, Caroline Islands, Okinawa, and Ryukyus (southern Japanese Islands).

1940-Present – During World War II almost all of the Muwekma men served overseas in the all of branches of the Armed Forces in the Pacific and European Theaters (including the 101st Airborne (D-Day), 82nd Airborne Divisions, 508th Parachute Infantry Regiment, (D-Day), 3rd Army Patton's Tank Division, 14th Mechanized Cavalry Group, 18th Cavalry Squadron, 1st Marine Division, 155th Engineers Combat Battalion, 41st Infantry Div., 226th Field Artillery Battalion, 58th Field Artillery Battalion, 76th Div., 345th Infantry Regiment, 87th Infantry Div., U.S. Navy – (USS Enterprise), 89th Infantry Division, 1st Battalion, 354th Infantry Regiment, 640th Tank Destroyer Battalion, and other divisions.

Muwekma men and women continued to serve in Korea, Vietnam, Desert Storm, recently, three tribal members had served in the US Marine Corps and Army in Iraq, and others are still serving today.

Muwekma Ohlone Tribe WWII Veterans 1941 - 1945

Lawrence Domingo
Marine
Sergeant,
U.S. Marine
Corps,
Guadalcanal,
Eniwetok,
Marshall
Islands,
Okinawa,
Ryukyu
1940-1946
WWII



Ernest Marine
Pfc. U.S. Army, 58th
Field Artillery Battalion,
1944-1946, WWII



Daniel Santos Juarez
(center)
Sergeant, U.S. Army,
41st Division, WWII
1944



Lawrence Thompson, Sr.
(photo taken in
1997, 79 years
old)
Tech. Fifth
Grade, U.S.
Army, 640th
Tank Destroyer
Battalion, Pacific
Theater 1941-
1945, WWII



Hank A. Alvarez
U.S. Army,
101st Airborne
Division
1942-1945,
WWII



Michael Benjamin Galvan
(right)
U.S. Navy And Army
WWII

Muwekma Ohlone Tribe Of The San Francisco Bay Area

Muwekma Ohlone Tribe WWII Veterans 1941 - 1945



Frank H. Guzman
Pfc, U.S.
Army 345th
Infantry,
European
Campaign,
1944-1946,
WWII



Salvador Piscopo
Sergeant, US Army,
Patton's Tank Div. 14th
Cavalry, 18th Mech, Sq.
1942-1946, WWII



Thomas Garcia,
(photo taken 1946)
U.S. Army, Co F,
358th Combat
Engineers
Buried in the
Golden Gate
National Cemetery



Ben Guzman,
U.S.
Army,
Pacific,
WWII
(photo
taken
1945)

Robert R. Sanchez
U.S. Army
Technician
Fourth Grade,
508th Prcht.
Infantry, 82nd
Airborne
Division
1943-1948,
WWII



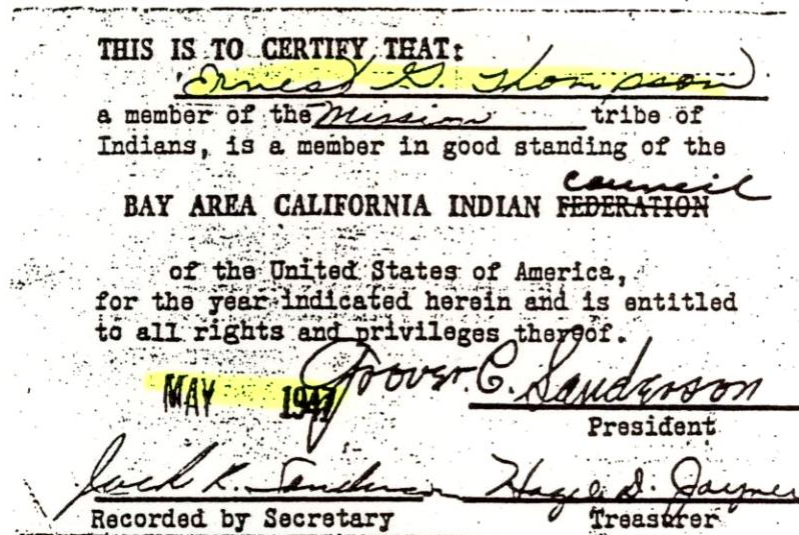
Enos Sanchez, 89th
Infantry Div., 1st
Bat, Co. M, 354th
Infantry Regiment
Heavy Machine
Gunner,
U.S. Army, Patton's
Army Tank
Command,
Rhineland, Central
Europe, North
Africa,

Muwekma Ohlone Tribe Of The San Francisco Bay Area

Some of Muwekma Men Who Served During World War II

1944-1947 - Chemawa BIA Boarding School. **Muwekma tribal members John Guzman, Jr. and Reyna Guzman were sent off to the Chemawa Indian Boarding School in Salem, Oregon.**

May 1947 - Muvekma Elder **Ernest G. Thompson** along with other members of the Tribe join the **Bay Area California Indian Council**:



1948-1957 - **Second BIA Enrollment.** Between 1950 and 1957 at least **21 Muvekma Ohlone heads of households** and their families continued to enroll with the BIA, and their enrollments were approved by the Secretary of the Interior.

1953 - Bureau of Indian Affairs, Sacramento Approved BIA Roll -- "Note: this list is divided into three alphabetical sections: (1) The 1933 Roll; (2) Part II of the 1933 Roll (Supplemental) and (3) The Roll approved November 23, 1951."

Roll No.

- 106 Alaniz, Phoebe, "Tribe Mission San Jose";
- 150 Aleas, Joseph Francis, "Tribe Mission San Jose";
- 381 Alvarez, Jennie, "Tribe Mission San Jose";
- 456 Andrade, Chona, "Tribe unknown, Alameda County";
- 715, 716 Arrellano, Albert, Arrellano, Edwina, "Tribe Mission San Jose";
- 1586 Bianoco, Jose, "Tribe Mission San Jose";
- 3955, 3956, 3957, Corral, Erolinda Corral, Arthur, Corral, Robert, "Tribe Mission San Jose";
- 107 Garcia, Thomas, "Tribe Mission San Jose";
- 6905 Gonzales, Eulario, "Tribe Mission San Jose";
- 7459 Guzman, Jack, "Tribe Mission San Jose";
- 11904 Marine, Josephine, "Tribe Mission San Jose";
- 11909, 11910 Marine, Catherine, Marine, Ernest, "Tribe Mission San Jose";
- 12004, 12005 Martel, Flora Thompson, Martel, Laura May, "Tribe Mission San Jose";
- 16248 Redondo, Joseph, "Tribe Mission San Jose";
- 17269, 17270, 17271, 17272, 17273 Sanchez, Dolores, Sanchez, Augusta, Sanchez, Morgan, Sanchez, Maggie, Sanchez, Ignacio, "Tribe Mission San Jose";
- 9859 Santos, Daniel, "Tribe Mission San Jose";
- 19492 Thompson, Eduardo (Edward) "Tribe unknown, Alameda County."

1954-1955 – Alfred L. Kroeber and R. F. Heizer’s Continuity of Indian Population in California from 1770/1848 to 1955

Kroeber and Heizer’s historic study was prepared as in connection with the California Indian Claims Case. These two anthropological authorities from U. C. Berkeley presented documentation that recognized the survivorship of **Indian “Groups”** in the 20th century and specifically “Groups which anthropologists had long since given up as unproductive and culturally extinct, were evidently still going strong racially” (1970:3).

Kroeber and Heizer testified before the Justice Department at San Francisco in **1954-1955** stating that:

“Two main principles were followed in the selection of this sample:

- 1) Concentration on supposedly vanished, obscure, neglected, or “denatured” Indian **groups**, such as anthropologists tended to regard as unproductive for their purposes. This would include the little tribes that had suffered most heavily from gold miners and others; and the long Catholicized Indians of the Franciscan Missions, who, since secularization in 1834, might have tended not so much to die out as to socially merge in the resident Mexican population.

PART B. SPECIFIC DATA

San Jose Mission

In. S. Alameda Co.

Later refuge: Pleasanton

RECAPITULATION OF 1955 INQUIRY INTO SURVIVORSHIP

Costano Missions

San Jose (Pleasanton) 12 ...”

1954 – California Indian Claims settlement checks issued for the value of **8.5 million acres** of land that were never set aside. Each surviving head-of-household who enrolled during the 1928-1932 enrollment period received a check for **\$150.00** with interest back to 1852.

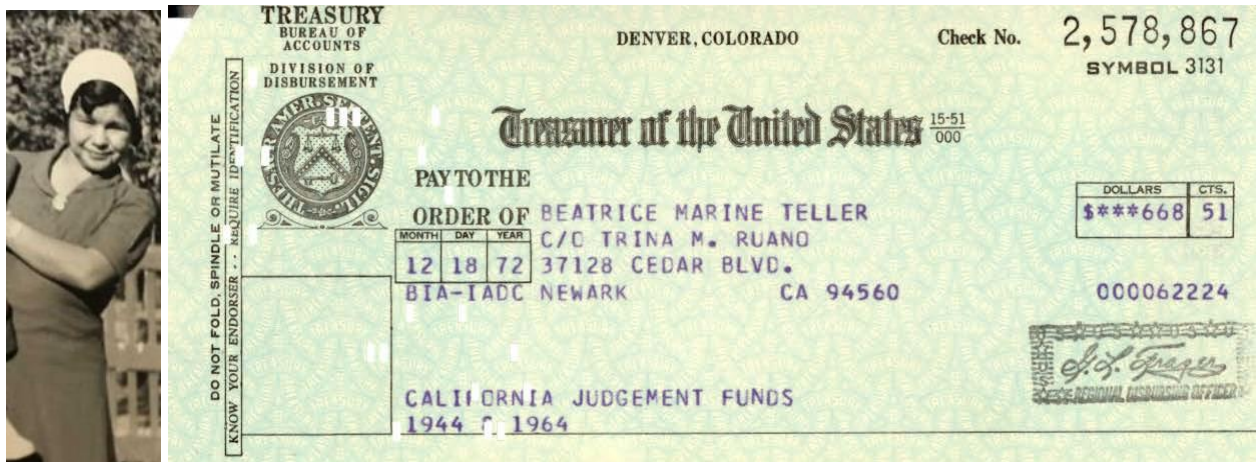
1962-1971 - Tribal Leadership worked with the **American Indian Historical Society** in San Francisco to save the **Ohlone Indian Cemetery** from destruction. Over 4000 Indians were buried at the cemetery, and was used by the families up to around the mid-late 1920s by tribal members. First formation of the Ohlone Indian Tribe (a non-profit accepting title to the Tribe’s cemetery).

July 23, 1966 - Letter to Congressman Don Edwards from Rupert Costo, AIHS and Philip Galvan

Enclosed please find a statement of the Ohlone Indians as to their history and present status, copy of the deed to the present official Ohlone Indian Cemetery. . We request that you sponsor legislation designating the.98 of an acre adjacent to the Ohlone Indian Cemetery and the cemetery itself as a national historic site. A provision that the Government place this area in the care of the Ohlone Indians and the American Indian Historical Society... .

1968-1970 - Third BIA Enrollment. Between 1969-1970 at least **19 Muwekma** Ohlone heads-of-households enroll with the BIA and their applications are approved by the Secretary of the Interior.

1968-1972 – California Indian Claims Settlement checks for **\$668.51** issued to each BIA enrolled head-of-household for the **value of 64,425,000 acres of land** with interest back to 1852.



Distribution Check for Muwekma Elder Beatrice Marine for \$668.51 (1972)

May 1974 - State of California Department of Parks and Recreation Historic Resources Inventory Ohlone Indian Cemetery

Ohlone Indian Cemetery, Washington Blvd. App. 1 mile west of Mission San Jose

Owner: **Ohlone Indian Tribe**, City: Mission San Jose

Name of Survey: Fremont Historical Places E27; **National Register of Historic Places**

Rec'd **1/25/1971**; Event of Historical Importance: Local State National

“Ancient burial place for Ohlone Indians and for Indians of Mission San Jose.”

Person of historical importance: Name: “Tribal chiefs”

Statement of Significance: “Prehistoric and historic burials are contained in this site.

Burial ground includes baptized Indians associated with the Mission San Jose.”

January 1982 Committee to Establish the Tribal Council of the Costanoan Indians

Proposed Articles for Incorporating

“Committee to Establish the Tribal Council of Costanoan Indians

Alex O. Ramirez, Chairman

Manuel Martinez, Vice-Chairman

Rosemary Cambra, Sec./Tres.

The name of this organization shall be **COSTANOAN (OHLONE) TRIBAL COUNCIL**.

The Council shall be an advising, coordinating and evaluating agency in order to protect, conserve, and gain added cultural knowledge for the benefit of the people it represents.

Section I Composition of Tribal Council

The Tribal Council members shall consist of Costanoan Indians with application and folder numbers registered with the United States Dept. of Interior Bureau of Indian Affairs.

September 21, 1982 - Letter from Karen Parsons East Bay Regional Park District to Nancy Evans Native American Heritage Commission

Ardenwood Regional Preserve Native American Input concerning Ohlone Village and Burial Site Ala-392.

Thank you for returning my call last Friday to advise the District on Native American input for the Land Use-Development Plan. As we have discussed, the District will be sure to involve California Native Americans and will contact:

Phil Galvan (Fremont)

Rosemary Cambra (San Jose) Ohlone Tribal Council

Jenny Mitchell (Union City) Tri-City Native Americans.”

March 1989 - Resolution of Intent to Petition (#111) Muwekma Ohlone Tribal Council petitions the United States Government for Recognition.

April 25, 1989 - Letter from the DOI, BIA Tribal Government Services to Chairwoman Rosemary Cambra acknowledging receipt of the Tribe’s letter with the “intent of the Ohlone/Costanoan – Muwekma Tribe to present a petition for Federal acknowledgment as an Indian Tribe.” The Acting Chief of Tribal Services, also clearly stated that:

Acknowledgment of a petitioning group as an Indian tribe within the meaning of Federal law establishes a **permanent** special relationship with the United States.

... Because of the significance and **permanence** of acknowledgment as a tribe, the process of evaluation is a lengthy and thorough one.

June 16, 1989, Letter from the BIA’s Acting Deputy to the Assistant Secretary - Indian Affairs Operations, Hazel E. Elbert to Chairwoman Rosemary Cambra stating:

This letter is to acknowledge our receipt, on May 9, 1989, of the undocumented petition for Federal acknowledgment of the Ohlone/Costanoan Muwekma.

... The evaluation process is deliberately lengthy and painstaking because the decision to acknowledge an Indian tribe **establishes a perpetual government-to-government relationship with the United States.**

1989-1990 - Muwekma successfully repatriated 550 ancestral remains from Stanford University.

1992-1998 - In the Congressional Advisory Council on California Indian Policy Act of 1992, PL 102-416 § 2(2), Congress found that "due to the unique historical circumstances of the Indians of California, Federal law and policies have often dealt specifically with California Indians." In Footnote 75 of the Final 1998 ACCIP Recognition Report under the subheading The Federal Acknowledgement Process – A Continuing Injustice, the report noted that:

L.A. Dorrington, Superintendent of the Sacramento Indian Agency during the late 1920s, prepared a report for the Commissioner of Indian Affairs on the land needs of numerous California Indian bands living at the margins of non-Indian society, often concentrated in the rural and mountainous areas of the state on scattered public domain allotments, with little or no contact with the Indian agency. ...

The Dorrington report provides evidence of previous federal acknowledgment for modern-day petitioners who can establish their connection to the historic bands identified therein. Clearly, the BIA "recognized" its trust obligations to these Indian bands when it undertook-pursuant to the authority of the **Homeless California Indian Acts** and the Allotment Act-to determine their living conditions and their need for land. The fact that some were provided with land and others were not **did not diminish that trust.**

Among those California Indian groups that have petitioned for federal acknowledgment, there are several who that can trace their origins to one or more of the bands identified in the Dorrington report. The **Muwekma Tribe** is one whose connection to the **Verona Band** has been recently confirmed in a letter from the BAR, but there are at least eight others: Dunlap Band of Mono Indians ... (page 30).

1994 Passage of HR 4180) - An Act to provide for the annual publication of a list of federally recognized Indian tribes, and for other purposes.)

Title I – Withdrawal of Acknowledgment or Recognition.

SEC. 101 Short Title. “Federally Recognized Indian Tribe List of 1994.

SEC 103 Findings ...

(3) Indian tribes presently may be recognized by Act of Congress; by the administrative procedures set forth in part 83 of the Code of Federal Regulations denominated “Procedures for Establishing that an American Indian Group Exists as an Indian Tribe; or by decision of a United States court;

(4) a tribe which has been recognized in one of these manners may **not be terminated except by an Act of Congress**;

(5) **Congress has expressly repudiated the policy of terminating recognized Indian tribes, and has actively sought to restore recognition to tribes that previously have been terminated;**

...SEC. 202. Findings

The Congress finds and declares that—

- (1) **the Secretary does not have the authority to terminate the federally recognized status of an Indian Tribe as determined by Congress**;
- (2) **the Secretary may not administratively diminish the privileges and immunities of federally recognized Indian tribes without the consent of Congress; ...”** [

January 24, 1995 - The Muwekma Ohlone Tribe submitted its **Tribal Historical Narrative and Petition for Federal Acknowledgement** at a White House meeting with President Clinton.

May 24, 1996 - **Letter from Deborah Maddox, Division Chief of Tribal Operation to Chairwoman Rosemary Cambra** stating:

Based upon the documentation provided, and the BIA’s background study on Federal acknowledgment in California between 1887 and 1933, we have concluded on a preliminary basis that the Pleasanton or Verona Band of Alameda County was previously acknowledged between 1914 and 1927. The band was among the groups, identified as bands, under the jurisdiction of the Indian agency at Sacramento, California. The **agency dealt with the Verona Band as a group and identified it as a distinct social and political entity.** The band was among the bands proposed by a Special California Indian agent in 1914 for homesite land under the appropriations for homeless California Indians which began in 1906.

November 1996 - **BAR’s “Working Paper on Previous Acknowledgment in California, 1887-1933”** by BIA Anthropologist George Roth, that clearly determined that:

When this detailed research was done, government researchers uncovered substantial evidence of previous acknowledgment of nonreservation California groups which are not presently recognized. Federal actions toward California Indians between 1906 and 1933 show that many tribes not currently recognized were then acknowledged. This report analyzes several types of Federal actions during this period and finds that some previous actions constituted recognition (1996:1-3)

January 23, 1998 – Letter from BIA Sacramento Acting Area Director Michael R. Smith to Dena Magdaleno, Chairwoman of the ACCIP Recognition Task Force concluded his letter by stating:

... The Bureau of Indian Affairs, Sacramento Area Office, is ready to assist the Tsnungwe Council and the Muwekma Ohlone Tribe in seeking administrative Federal recognition on the basis **your tribes were never terminated.**

January 27, 1998 – Letter from BIA Sacramento Area Director Ron Jaeger to Chairwoman Rosemary Cambra, concluded his letter by stating:

... Based on a preliminary conclusion by the Central Office, BIA, that the Muwekma Ohlone Tribe has met the requirements of 25 CFR 83.8, the Sacramento Area Office hereby supports the Tribe in its efforts to obtain Federal recognition status. This office is willing to support the Tribe's efforts by providing assistance whenever possible.

September 1997/1998 - Advisory Council on California Indian Policy Recognition Report – Equal Justice for California submitted to the US Congress formally concluded the following about Sacramento Agency Superintendent Lafayette A. Dorrington's actions:

The Dorrington report provides evidence of previous federal acknowledgment for modern-day petitioners who can establish their connection to the historic bands identified therein. Clearly, the BIA "recognized" its trust obligations to these Indian bands when it undertook – pursuant to the authority of the Homeless California Indian Acts and the Allotment Act – to determine their living conditions and their need for land. The fact that some were provided with land and others were not did not diminish that trust.

Among those California Indian groups that have petitioned for federal acknowledgment, there are several who can trace their origins to one or more of the bands identified in the Dorrington report. The **Muwekma Tribe** is one whose connection to the Verona Band (id, at 1) has been recently confirmed in a letter from the BAR,

March 26, 1998 - Letter from Division Chief of Tribal Operation, Deborah Maddox to Chairwoman Rosemary Cambra stating that:

A review of the Muwekma submissions shows that there is sufficient evidence to review the petition on all seven of the mandatory criteria. The Bureau of Indian Affairs (BIA) is placing the Muwekma petition on the **ready for active consideration** list as of March 26, 1998.

December 8, 1999 - The Muwekma Tribe sued the BIA, claiming length of BAR process violated the Administrative Procedures Act stating that the Tribe should not have to wait 24 years or so before the BIA can review the Tribe's Petition and documentation.

April 13, 2000 (Draft Federal Recognition Bill) by Congressman George Miller
"California Tribal Status Clarification Act of 2000"
SEC.202. FINDINGS

The Congress finds the following:

(4) The Muwekma are the descendants of the native peoples who occupied the southern, eastern and western regions of the San Francisco Bay Area, including all of what is now San Francisco, San Mateo, Alameda and Contra Costa Counties, much of what is now Santa Clara County, and parts of Santa Cruz, san Joaquin, Napa and Solano Counties.

The aboriginal tribes from which the Muwekma are descendants include the Passasimi/Yatikumne, Tamcan, Yosemite, Lacquisemne, Julpun, Napian/Karkin, Jalquin/Yrgin, Alson/Tamien, Suenen, Chupcan, Choquoime and Nototomne. Spanish missionaries forced the ancestors of the Muwekma Tribe into the Mission Dolores, San Jose and Santa Clara in the late 18th and early 19th centuries. In the 1830's the Mexican government secularized the missions which resulted in the exclusion of the Muwekma from the three Bay Area missions and their resettlement in a number of rancherias in the Alameda County, including the Alisal Rancheria near Pleasanton, the Del Mocho Rancheria near Livermore, the El Molino Rancheria near Niles, as well as on rancherias in Sunol and San Leandro/ San Lorenzo. The Muwekma people continue to reside in their aboriginal territory in the San Francisco Bay Area.

(5) The United States recognized all four tribes in the early part of the century as politically identifiable bands of Indians under its jurisdiction and eligible for statutory benefits and services. The Koi people were recognized as the Lower Lake Band, The Tsnungwe as the Trinity Tribe of Humboldt County and the Burnt Ranch, the **Muwekma as the Verona Band of Alameda County**, and the Dunlap as the Dunlap Band of Monos.

(6) The United States recognized the four tribes as eligible for the purchase of lands under the provisions of various Appropriations Acts allocating funds to purchase lands for homeless Indians in California. While the BIA recognized the **Muwekma**, Tsnungwe and Dunlap as tribes eligible for the purchase of land under these Acts, no land ever was purchased for them.

(8) Congress has never terminated or expressed intent to terminate the status of the Lower Lake Koi Tribe, the **Muwekma Tribe**, the Tsnungwe Council or the Dunlap Band. Nevertheless, the Bureau of Indian affairs has refused to deal with the Tribes as federally recognized tribes. Notwithstanding the denial of federal benefits, services and protection, the Tribes have continued to maintain social and political ties from since the dates of last recognition by the Bureau.

2000-2002 – D.C. District Court Justice Ricardo Urbina wrote in his **Introduction of his Memorandum Opinion Granting the Plaintiff's Motion to Amend the Court's Order** (July 28, 2000) and **Memorandum Order Denying the Defendants' to Alter or Amend the Court's Orders** (June 11, 2002) that:

The Muwekma Tribe is a tribe of Ohlone Indians indigenous to the present-day San Francisco Bay area. In the early part of the Twentieth Century, the Department of the Interior ("DOI") recognized the Muwekma tribe as an Indian tribe under the jurisdiction of the United States." (Civil Case No. 99-3261 RMU D.D.C.)

October 30, 2000 - Response by the Department of Interior's Branch of Acknowledgment and Research/Tribal Services Division of the Bureau of Indian Affairs to Justice Urbina's Court Order regarding the Muwekma Ohlone Tribal enrollment and descendency:

... . When combined with the members who have both types of ancestors), **100% of the membership [of the 550 enrolled members] is represented.** Thus, analysis shows that the petition's membership can trace (and, based on a sampling, can document) its various lineages back to individuals or to one or more siblings of individuals appearing on the 1900, "Kelsey", and 1910 census enumerations described above."

January 5, 2001 - Department of Interior, Division of Indian Affairs and the Environment and Natural Resources Division, United States Department of Justice lawyers complaining to U. S. District Justice Ricardo Urbina in their "**Response to the Court's Two Questions Concerning the Relief Plaintiff Requests**" argued the following:

“Plaintiff’s assertion that it was inadvertently dropped from the list of Federally recognized tribes, and, therefore, it is entitled to priority over other petitioners is also baseless. There is no evidence that the Muwekma Tribe was “illegally” or “inadvertently” removed from recognized status, as Plaintiff insists. Instead, it appears that the relationship between the Federal government and the Verona Band, to which the Plaintiff now claims to be the successor, **simply withered away** after the 1920’s **for reasons yet to be determined by the BIA.**” (No. 1.99CV03261 (RMU) January 5, 2001, pg. 4-5). [No such determination was issued in the Final Determination]

November 7, 2001 - On-The-Record Technical Assistance Meeting between BIA/BAR staff and representatives and consultants from the Muwekma Ohlone Tribe. During the course of the Technical Assistance meeting one of the consultants inquired whether or not the **1997/1998 ACCIP reports** “had a bearing” on the BAR decision making process. The response by BAR Historian, John Dibbern was:

Well, if you want us to consider the report, you really should submit it for the record. ... That makes it part of the record. And, furthermore, when you submit it as part of the record, you can give us an explanation of how you think it applies. And the we can consider that argument and your take on how the report applies.” (On-The-Record Technical Assistance Meeting page 52)

July 25, 2002 – “Extension of Remarks” by **Congresswoman Zoe Lofgren** presented on the floor of the House of Representatives:

“The Muwekma Ohlone Indian Tribe is a sovereign Indian Nation located within several counties in the San Francisco Bay Area since time immemorial.

In 1906, the Tribe was formally identified by the Special Indian Census conducted by Indian Agent C. E. Kelsey, as a result of the Congressional Appropriation Act mandate to identify and to purchase land for homeless California Indian tribes.

At this time, the Department of Interior and the Bureau of Indian Affairs federally acknowledged the Verona Band as coming under the jurisdiction of the Reno and Sacramento Agencies between 1906 and 1927.

The Congress of the United States also recognized the Verona Band pursuant to Chapter 14 of Title 25 of the United States Code, which was affirmed by the United States Court of Claims in the Case of Indians of California v. United States (1942) 98 Ct. Cl.583.

The Court of Claims case judgement instructed the identification of the Indians of California with the creation of Indian rolls. The direct ancestors of the present-day Muwekma Ohlone Tribe participated in and enrolled under the 1928 California Indian Jurisdictional Act and the ensuing Claims Settlement of 1944 with the Secretary of the Interior approving all of their enrollment applications.

Meanwhile, as a result of inconsistent federal policies of neglect toward the California Indians, the government breached the trust responsibility relationship with the Muwekma tribe and left the Tribe landless and without either services or benefits. As a result, the Tribe has suffered losses and displacement. Despite these hardships the Tribe has never relinquished their Indian tribal status and their status was never terminated.

In 1984, in an attempt to have the federal government acknowledge the status of the Tribe, the Muwekma Ohlone people formally organized a tribal council in conformance with the guidelines under the Indian Reorganization Act of 1934.

In 1989, the Muwekma Ohlone Tribal leadership submitted a resolution to the Bureau of Indian Affairs' Branch of Acknowledgment and Research with the intent to petition for Federal acknowledgment. This application is known as Petition #111. This federal process is known to take many years to complete.

Simultaneously, in the 1980's and 1990's, the United States Congress recognized the federal government's neglect of the California Indians and directed a Commission to study the history and current status of the California Indians and to deliver a reports with recommendations. In the late 1990's the Congressional mandated report – the California Advisory Report, recommended that the Muwekma Ohlone tribe be reaffirmed to its status as a federally recognized tribe along with five other Tribes, the Dunlap Band of Mono Indians, the Lower Lake Koi Tribe, the Tsnungwe Council, the Southern Sierra Miwuk Nation, and the Tolowa Nation.

On May 24, 1996, the Bureau of Indian Affairs pursuant to the regulatory process then issued a letter to the Muwekma Ohlone tribe concluding that the Tribe was indeed a Federally Recognized Tribe.

In an effort to reaffirm their status and compel a timely decision by the Department of the Interior, the Muwekma Ohlone Tribe sued the Bureau of Indian Affairs. The Court has mandated that the Department issue a decision this year. That decision is expected in early August.

Specifically, on July 28, 2000, and again on June 11, 2002, Judge Richardo Urbina wrote in his Introduction of his Memorandum Opinion Granting the Plaintiff's Motion to Amend the Court's Order (July 28, 2000) and Memorandum Order Denying the Defendants' to Alter or Amend the Court's Orders (June 11, 2002) affirmatively stating that:

The Muwekma Tribe is a tribe of Ohlone Indians indigenous to the present-day San Francisco Bay area. In the early part of the Twentieth Century, the Department of the Interior ("DOI") recognized the Muwekma tribe as an Indian tribe under the jurisdiction of the United States. (Civil Case No. 99-3261 RMU D.D.C.)

I proudly support the long struggle of the Muwekma Ohlone Tribe as they continue to seek justice and to finally, and without further delay, achieve their goal of their reaffirmation of their tribal status by the federal government. This process has dragged on long enough. I hope that the Bureau of Indian Affairs and the Department of Interior will do the right thing and act positively to grant the Muwekma Ohlone tribe their rights as a Federally Recognized Indian Tribe. The Muwekma Ohlone Tribe has waited long enough; let them get on with their lives as they seek to improve the lives of the members of this proud tribe. To do anything else is to deny this tribe Justice. They have waited patiently and should not have to wait any longer."

August 29, 2002 - Letter from California Lt. Governor Cruz Bustamante to Assistant Secretary – Indian Affairs, Neil McCaleb:

I write to urge you to support Petition # 111 by the Muwekma Ohlone Tribe for reaffirmation of Federal Acknowledgment.

The Muwekma Ohlone Tribe meets all of the criteria for reaffirmation set by the court as well as the Bureau of Indian Affairs' acknowledgment criteria. The tribe is a previously recognized tribe, It has demonstrated that it has had a trust relationship with the United States from 1906 to the present and Congress has never terminated their relationship.

The tribe's membership descend from an historical tribe and they are not members of any other Federally recognized tribe.

After compiling data and completing extensive research, the Muwekma have presented a compelling case for the tribe's Federal Acknowledgment. I respectfully urge you and the Bureau of Indian Affairs to carefully review their Petition."

[Note: The BIA refused to review any of these supporting letters, Bills or documents]

September 6, 2002 - In the **Final Determination** the BAR staff predisposed to circumvent the Muwekma Tribe's responses to the Proposed Finding and supporting new evidence, and thus contradicting the Technical Assistance giving by BIA staff stating:

Given these conclusions of the Proposed Finding under criterion 83.7(a), that the period prior to 1927 is outside the period to be evaluated and that the petitioner met this criterion during the period after 1985, **it is not necessary to respond to the petitioner's comments and arguments for those two time periods.** Neither the petitioner nor any third party challenged the conclusions of the Proposed Finding that the petitioner met the criterion before 1927 and after 1985. Therefore, the evaluation of criterion 83.7(a) for this Final Determination will review the evidence and arguments for the years between 1927 and 1985."(FD 2002 page 9)

September 6, 2002, the Branch of Acknowledgment and Research under their **Summary Conclusions Under the Criteria (25 CFR 83.7)** section in the Final Determination concluded that:

The review of all the evidence in the record concludes that the Muwekma petitioner has **satisfied** the requirements of 25 CFR 83.7 (d), (e), (f), and (g). That is, the petitioner's constitution and enrollment ordinance describe its membership criteria and governing procedures, **its members have demonstrated their descent from the historical tribe** (in this case, from the Verona band last acknowledged by the Federal Government in 1927 and as defined in the Proposed Finding and Final Determination), the group is principally composed of those persons who are not members of another North American Indian tribe, and neither the group nor its members are the subject of congressional legislation **expressly terminating** or forbidding the Federal relationship. (Page 7)

...When a Final Determination is negative, the regulations direct that the petitioner be informed of alternatives to this administrative process for achieving the status of a federally recognized tribe, or other means by which the petitioner's members may become eligible for services and benefits as Indians (25 CFR 83.10(n). ... In addition, Congress may consider taking legislative action to recognize petitioners which do not meet the specific requirements of the acknowledgment regulations but, **nevertheless, have merit.**" (Pages 7-8)

March 26, 2004 – Letter from Congressman Richard Pombo, Chair of the Committee on Resources to Chairwoman Rosemary Cambra wrote:

The Committee on Resources will hold a Full Committee Oversight Hearing on Wednesday, March 31, 2004 The hearing will focus on the Federal recognition and acknowledgment process by the Bureau of Indian Affairs. Among one of the subjects covered will be whether the current process is working properly and in a timely manner, and what alternatives exist to improve the system. I cordially invite you to testify at this hearing.

You have had significant experience with this subject matter and information regarding your experience would be most helpful to the Committee. ...

March 31, 2004 – Testimony of Rosemary Cambra, Chairwoman, Muwekma Ohlone Tribe.

HorSe Tuuxi

Good Morning Mr. Chairman and Members of the Oversight Hearing:

Mr. Chairman, my name is Rosemary Cambra and I carry several badges of honor in Indian Country. I am the elected Chairwoman of the Muwekma Ohlone Tribe of the San Francisco Bay region since 1984 and I am the Co-Chair of the Recognition Task Force for the **National Congress of American Indians** (NCAI). I also had the good fortune to work on the Recognition Task Force for the Congressionally created **Advisory Council on California Indian Policy** between 1994 and 1998.

As you can tell by my commitment, Mr. Chairman, I am a person deeply concerned about the justice issues not only confronting my tribe, but the plethora of issues confronting the many disenfranchised historic tribes throughout this country that were either previously recognized or whom fell through the administrative cracks, thereby rending both groups as Unacknowledged by the Secretary of Interior today.

Today I want to speak on four points. The first is my involvement as co-Chair of the Recognition Task Force for NCAI. The second reports upon the implications of ACCIP reports submitted to the Congress in 1998. The third addresses the long, painful and costly efforts that my Tribe has been engaged in both prior to and during the Recognition Process and the adverse ramifications for my people. And lastly, I want to discuss about the conflict of interest and violations under the Administrative Procedures Act by both BAR staff and DOI legal Council.”

April 21, 2004 - former **Assistant Secretary of Indian Affairs, Kevin Gover**, provided testimony before the Senate Committee on Indian Affairs on proposed Senate Bill 297. In his testimony addressing the “**Structural Issues with the Federal Acknowledgment Program**” former AS-IA Gover provided the following statement:

As has been well documented, I did not always agree with the judgments and opinions of **Branch of Acknowledgment and Research** (BAR) researchers and the attorneys from the Solicitor’s office who advised the BAR. I came to believe that the BAR and its attorneys had been essentially unsupervised for many years and that the Assistant Secretary’s office had become little more than a **rubber stamp** for their recommendations. ...

“... Another troubling aspect of the program was the phenomenon of analytical tools employed by the BAR **hardening into rules of law**. Two examples make the point. First, when applying the requirement that a tribe demonstrate the “continuous” existence of political influence of tribal leadership over the members, **Office of Federal Acknowledgement** (OFA) looks to see that such influence existed in each ten-year

increment of the tribe's existence. This is unobjectionable as an analytical approach, but it is my opinion **wrong and illegal** to apply the "ten-year" approach as a rule of law. BAR maintained that if conclusive proof of political influence was absent during any ten-year period, continuity was broken and the petition had to be denied. I believe that, while the absence of such proof during any given decade might be some evidence of a break in continuity, **it is not conclusive and it cannot fairly give rise to a presumption** of a break in continuity. It may, for example, only reflect a gap in effective news reporting, record keeping, or record retention, **not any actual gap in tribal existence**. In my view, for the "ten-year" approach to be hardened in to a rule of law, or even permitted to establish a presumption, it **must go through notice-and-comment rulemaking under the Administrative Procedures Act, which it did not**.

"Finally, the role of the office of the Solicitor presents difficulty. Certain individuals in the Solicitor's office were drafters of the Part 83 rules; participate in OFA's consideration of the petition; participate in OFA's drafting of recommendations to the Assistant Secretary; compile the administrative record behind each decision; advise the Assistant Secretary directly during his or her review of the petition; help to draft the decisions of the Assistant Secretary; litigate before the IBIA concerning the decision; advise the Secretary during reconsideration of decisions of the Assistant Secretary; and assist in the litigation in federal court that results from the Department's final actions. **These individuals have an inappropriate degree of control, direction, and influence in the process.**

I believe that the work of these attorneys is essentially unsupervised in the Solicitor's office for the same reason that work of the BAR is essentially unsupervised by the Assistant Secretary: the Solicitor and his or her immediate supervisors simply do not have the time to master the intricacies of the evidence because of its volume." (Pages 3-4)

In his continued testimony on **S. 297**, former AS-IA Gover made the following points:

... My primary disagreement with BAR staff related specifically to the **assignment of weight to specific evidence**, the inferences that could fairly be drawn from the evidence, and the degree of certainty about historical facts required by the regulation. I believe that BAR staff, being of trained as historians, anthropologists, and genealogists, **applied too difficult a standard**. I believe they sought near certainty of the facts asserted by petitioners. **They dismissed relevant evidence as inconclusive, even though conclusive proof is not required by the regulations**. Moreover, **BAR staff seemed thoroughly unwilling to give evidence any cumulative effect**. While any given piece of evidence, when considered cumulatively, can make a sound case. ... I do believe that, in accordance with their training, **they applied a burden of proof far beyond what is appropriate and far beyond what is permitted by the regulations**. ... (Page 5)

In former AS-IA Gover's "**Suggestions for Amendments**" he poses the following:

... First, I strongly believe that certain petitioners, which already have been denied recognition, should be permitted another opportunity under the revised process established by this bill. I adopted a policy when I was Assistant Secretary that I would not revisit final determinations of my predecessors in office. While I believe that this was the right policy, I remain troubled to this day that justice was denied to certain tribes, particularly the Miami Tribe. Even some of the petitions I personally acted upon leave me wishing that this revised process had been in effect when I was in office. Into this category I would place Mowa Choctaw.

Finally, I remain convinced that the Chinook Tribe is deserving of federal recognition, and I believe that, if Assistant Secretary McCaleb had the resources provided by this bill available to him when he addressed the Chinook petition, the outcome well may have been different. **There may be other tribes, such as the Duwamish and the Muwekma who should be eligible for reconsideration as well.** (Page 7)

December 29, 2000 - Letter from AS-IA Kevin Gover to Regional Directors of Alaska and Pacific regarding “Reaffirmation of Federal Recognition of Indian Tribes”

I have received information from you that the King Salmon Tribe, the Shoonaq’ Tribe of Kodiak, and the Lower Lake Rancheria [California] have been officially overlooked for many years by the Bureau of Indian Affairs (“Bureau” or BIA) even though their government-to-government relationship with the United States was never terminated. I have been requested to review these cases and take action, if warranted.

At one time, each of these groups was recognized by the Bureau. However, for reason not clearly understood, they were simply ignored as the BIA went through fundamental organizational and philosophical changes following landmark legislation such as the 1934 Indian Reorganization Act and other federal policy shifts. It is an unfortunate part of the Bureau’s legacy that I spoke of during our reconciliation event several months ago, and I am please today, and on behalf of the department of the Interior and the BIA, to correct the egregious oversight.

The Indian tribes mentioned above should not have to go through the Federal acknowledgment process outlined in the Federal Register at 25 CFR, Part 83 (“acknowledgment regulation”) because their government-to-government relationship continued. **The acknowledgment regulation does not apply to Indian tribes whose government-to-government relationship was never severed.** Rather, the acknowledgment regulation provides a process for tribes to seek recognition when the tribe have yet to establish such a government-to-government relationship, when a previously existing government-to-government relationship has lapsed, or when the government-to-government relationship was terminated through an administrative process. Here, the Tribes were never administratively terminated nor were their relations with the United States broken. Instead, an administrative error by the Bureau of Indian Affairs occurred in the initial failure to place the tribes on the Federal Register list of entities recognized and eligible to receive services from the United States Bureau of Indian Affairs. The administrative oversight, having now been identified, must be corrected and the Tribes’ rightful existence must now be affirmed.

... With respect to the Lower Lake Rancheria, the documentation shows that it should be treated differently than other California tribes that were terminated during the termination era. ...In contrast, the lower Lake Rancheria lost its land pursuant to the Lower Lake Act This Act predated the Rancheria Act and did not contain a provision to cause the loss of an Indian’s legal status as an Indian as a result of his (or her) acceptance of any assets of the Lower Lake Rancheria. Thus, the Lower Lake Act did not terminate the Lower Lake Rancheria.

Therefore, by action today, I am reaffirming formal recognition of the following Indian tribes: King Salmon Tribe in Alaska; Shoonaq’ Tribe of Kodiak in Alaska; and **Lower Lake Rancheria in California.**

...By this memorandum I am directing that the Bureau of Indian Affairs, specifically the Alaska Region, and Pacific Region officials deal with the respective tribes accordingly.

Further, I direct that the Office of Tribal Services include the Tribes mentioned above in the "Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs,..." .

The Bureau of Indian Affairs will maintain contact with the respective tribes to address the relevant details in maintaining a government-to-government relationship in accordance with Executive Orders 13084 and 13175 as well as the Executive Memorandum of April 29, 1994, on Government-to-Government Relations with Native American Tribal Governments.

January 16, 2001 - U.S. District Court orders BIA to issue Final Determination on Muwekma by March 11, 2002.

September 6, 2002 - BIA issues Final Determination declining to re extend Recognition back to the Muwekma Tribe.

June 6, 2003 - The Muwekma Tribe files complaint in D.C. Federal Court alleging violation of **Equal Protection Clause** and **Administrative Procedures Act**.

September 28, 2011 - District Court grants summary judgment for BIA.

Present - The Muwekma Tribal Leadership is still presently working on various remedies for the reaffirmation of the Tribe's Federally Acknowledged status with the Biden Administration. Seeking letters of support for the Secretary of Interior to review all of the submitted evidence and correcting the administrative error that removed our Tribe from the list of federally recognized tribes.

Thank you for your time and consideration in reviewing our documents