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APR 12 2024

DOI/OS/AS-IA/OFA
Washington, DC

April 9, 2024

Department of the Interior
Office of the Assistant Secretary—Indian Affairs
Attention: Office of Federal Acknowledgment
Mail Stop 4071 MIB
1849 C Street NW
Washington, DC 20240

Assistant Secretary Newland,

On behalf of the California Cities for Self-Reliance Joint Powers Authority, I present for your review and consideration expert commentary on the petition for federal recognition by the Fernandeno Tataviam Band of Mission Indians of California (Petitioner #403). We appreciate the opportunity to present you and the Office of Federal Acknowledgment this substantive analysis of the claims made by the petitioner.

If you have any questions or if I can be of any further assistance to you, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Garza", with a stylized flourish at the end.

Juan Garza
Executive Director
California Cities for Self-Reliance Joint Powers Authority

Comments on the Fernando Tataviam Band of Mission Indians by OFA Criteria

These comments on the Petition of the Fernando Tataviam Band of Mission Indians are being submitted in accordance with the adjusted comment deadline published by OFA on its website in December, 2023 when this Draft Narrative Petition was posted.

§83.11 Criterion (a): Identification as an Indian entity

General Background of Mission San Fernando:

This Draft Narrative Petition states that all the Indian villages that came into the San Fernando Mission became a single San Fernando Mission Tribe during the active Mission period. This assertion has not been substantiated. Prior to the founding of the San Fernando Mission, Fr. Vicente de Santa Maria conducted a reconnaissance to locate a new Mission in the San Fernando Valley and nearby areas. His report noted the presence of Spanish ranchos already operating in the Valley and employing Indians from surrounding villages.¹ Because the lineages were based upon independent extended families and there existed no political unifying authority across these lineages, the Indians of the San Fernando Valley, prior to the establishment of Mission San Fernando, were independently active in the Spanish wage-labor economy in addition to maintaining traditional lifeways in autonomous villages.

Additionally, the friars at Mission San Fernando were unable to create a unified Indian community due to the determination of the neophytes to remain true to the authority of their lineages. In 1813, the Mission San Fernando responded to a questionnaire sent on behalf of the Spanish government through the Bishop of Sonora. These 36 questions included some inquiries regarding the political structures of the Indians associated with the Indians.² Regarding political authority among the Indians at Mission San Fernando, the response to question 31 described political authority as follows:

¹ Johnson, John R., "The Indians of Mission San Fernando," Southern California Quarterly, Fall 1997, Vol. 79, No. 3, Mission San Fernando Rey de España 1797-1997 (Fall 1997), pp. 250-252. See: [hssc97-3_jjohnson.pdf](#) ([scvhistory.com](#))

² Engelhardt, Zephyrin (Fr.). San Fernando Rey, The Mission of the Valley. *The Missions and Missionaries of California*. Franciscan Herald Press, Chicago, IL (1927) p. 24. See: [San Fernando Rey, The Mission of the Valley - Google Play Books](#)

31. There are no Caciques or governors. The Indians respect only those who were chiefs of their rancherias... and these do not molest them at all, nor do they demand any service from them.³

This report indicates that, into the 19th century, the Indians of Mission San Fernando were still observing the insular political authority of their lineages, rather than reorganizing into a wider, more unified identity as a Mission San Fernando tribe. Based on the sources cited by the Petitioner and contemporary references, the villages/lineages which became part of the San Fernando Mission remained aligned with their lineage leaders, rather than coalescing into a more cohesive Indian community at the Mission.

By 1825, the upheaval of the Mexican revolution had resulted in the new independent state of Mexico, and the position of the California missions were precarious. Payrolls and supplies to the Mexican soldiers were not forthcoming, and so the missions were subject to the demands of both military commanders and individual soldiers who entered the missions to demand food and material supplies. The early 1820s had seen several crop failures; floods had impacted Mission lands in 1825 and 1826. Additionally, Indians had been leaving Mission San Fernando, whether for short periods or permanently, so that Fr. Ibarra, head of the Mission, stated to presidio commander De la Guerra that there was not enough “necessary men to do the work at the Mission.”⁴

The decline of Mission San Fernando accelerated through the 1830s. Mexican citizens illegally claimed Mission lands intended for Indian use with impunity. The Mission friars and the Indians could do little to prevent or recover these lands. By 1834, the Mexican policy of secularization began. The Indian population at San Fernando had diminished to half what it was at the height of the Mission’s functioning. By 1839, Inspector of Missions William Hartnell reported there were 416 Indians at Mission San Fernando. The Mission at this time had lost the Rancho de San Francisco to Antonio del Valle.⁵ The social order of Alta California at this time was in upheaval, with paisano chiefs ignoring civil authority and fighting amongst themselves, as

³ Ibid., p. 33. See: [San Fernando Rey, The Mission of the Valley - Google Play Books](#)

⁴ Ibid., pp. 39-40. See: [San Fernando Rey, The Mission of the Valley - Google Play Books](#)

⁵ Ibid., p. 57. See: [San Fernando Rey, The Mission of the Valley - Google Play Books](#)

well as dispossessing Missions of the lands held, in theory, for the Indians resident at each Mission.⁶

Subsequent California governors simply ignored orders from the Supreme Mexican government in 1845 forbidding any change in the status of the Missions. In 1846, Mission San Fernando was sold, and the Indians at the Mission were dispossessed.⁷ Soon after, the United States took possession of California, returning possession of the Missions to the friars until hearings could determine ownership of all Mission lands.⁸

No Mission San Fernando lands were granted to the Indian neophytes as a community. Lands were granted to individual Indians who had held positions of authority within the Mission. During the upheavals of the secularization period into the United States era, the Indians of Mission San Fernando dispersed, many back to their lineage village areas, while others went west or northeast into the mountains. Given the disparate languages and cultures gathered at Mission San Fernando, it would have been unusual if these peoples had coalesced into a single tribal community in the scant two generations when the Mission was operating without government or settler interference. The Indians at Mission San Fernando maintained their lineage political authorities, through which neophyte appointees worked in order to accomplish tasks necessary for the functioning subsistence of the Mission. There is simply no evidence presented in the FTB Petition that a combined, single tribal entity emerged from Mission San Fernando and existed in the Ex-Mission lands. The “regional” or inter-lineage councils mentioned as being held were singular events, held for one specific purpose and the authority of such councils did not extend beyond that purpose or event.⁹ Petitioner has not presented evidence that the three main settlements in the Ex-Mission lands (El Escorpion, Encino, and Tujunga) acted as a single community or recognized a combined political authority over all lineages.

⁶ Ibid., p. 58. See: [San Fernando Rey, The Mission of the Valley - Google Play Books](#)

⁷ Ibid., p. 65. See: [San Fernando Rey, The Mission of the Valley - Google Play Books](#)

⁸ Ibid., p. 67. See: [San Fernando Rey, The Mission of the Valley - Google Play Books](#)

⁹ Champagne, Duane, and Carole Goldberg. *A Coalition of Lineages*. University of Arizona Press, 25 May 2021, pp. 27-29.

§83.11 Criterion (a): Indian entity identification.

OFA regulations require a petitioner to have been identified as an American Indian entity on a substantially continuous basis since 1900. While this Petitioner asserts there has been a historical Fernandean tribal entity prior to 1900 and throughout the 20th century, specific evidence for this entity has not been presented in the Petition.

In the 2021 book, *A Coalition of Lineages, The Fernandean Tataviam Band of Mission Indians*, the villages from which the Mission San Fernando drew neophytes are described as organized by **lineages**, described as "...kinship reckoned through descent from a common ancestor."¹⁰ These lineages were comprised of several extended families inhabiting villages exclusive to each lineage.¹¹ These lineages, or extended families, were the sole permanent authority of each village. There was no permanent or cyclical overarching political structure involving multiple lineages in the San Fernando valley area.

This remained true during the Mission period at San Fernando. Reports and observations from the San Fernando Mission indicate lineage leaders remained the focus of political authority for the Indians at the missions. In 1813, the Mission San Fernando responded to a questionnaire sent on behalf of the Spanish government through the Bishop of Sonora. These 36 questions included some inquiries regarding the political structures of the Indians associated with the Indians.¹² Regarding political authority, the response to question 31 described political authority as follows:

31. There are no Caciques or governors. The Indians respect only those who were chiefs of their rancherias... and these do not molest them at all, nor do they demand any service from them.¹³

The FTB Petitioner mentions a single incident in 1835 when "a group of Indians" under the influence of Antonio del Valle demanded an accounting of lands from the Mission San Fernando friars. There is no indication which individuals this group included, or the motivations

¹⁰ *A Coalition of Lineages*, p. 18.

¹¹ *Ibid.*, pp. 18-20.

¹² Engelhardt, Zephyrin (Fr.). *San Fernando Rey, The Mission of the Valley. The Missions and Missionaries of California*. Franciscan Herald Press, Chicago, IL (1927) p. 24.

¹³ *Ibid.*, p. 33.

of Del Valle who later appropriated a Mission rancho from the Indians who were the rightful possessors.¹⁴ There is no indication this group included lineage leaders capable of speaking for any larger community. While there was economic cooperation during the Mission period among the diverse lineages, evidence is clear that the missionaries at Mission San Fernando recognized lineage leaders to work through Indian traditional lines of authority, rather than a forced amalgamation of the Indians into a single community. The FTB Petitioner has presented continual evidence that *no* political authority of a lineage ever extended over any other lineage, or multiple lineages were consolidated into a single political authority during the Mission period.

Additionally, once Mission San Fernando was extinguished, no single community of Indians of Mission San Fernando existed. Evidence does point to the various lineages still present at the Mission generally going back to traditional village areas.¹⁵ Land grants, when they were made to Indians, were made to individuals who had been in positions of authority within the Mission. No grant was made to a community of Indians. Even the land grant to Pedro Joaquin and 39 others was a grant to those individuals specifically. While there were Tataviam and Fernandefio men among the grantees, Petitioner has not identified them by name or as having belonged to a pre-1900 FTB entity.

Once the secularization period began, Indians at the San Fernando Mission began dispersing, not as a community, but rather as insular lineages, often returning to ancestral village areas. Following the dissolution of the Mission, Indians formerly at the Mission do not appear in the historic record as a functioning entity or a community. The land grant table in the petition, lists land grants from the Mexican Governor Micheltorena to individuals.¹⁶ Petitioner claims these land grants were made to “Fernandefios” generally, rather than to specified individuals. This term appears to refer to all former Indians of Mission San Fernando, however, no evidence has been put forward as to the composition of the entity “Fernandefio,” or the development of this community other than identifying individuals to whom the land grants were made. Petitioner notes that “many” Indians of the San Fernando Mission remained in the Rancho Ex-

¹⁴ FTB Petition, image p. 19, footnote 83.

¹⁵ Johnson, “The Indians of Mission San Fernando.” Southern California Quarterly, pp. 263-265. See: [hssc97-3_jjohnson.pdf \(scvhistory.com\)](#)

¹⁶ FTB Petition, image p. 34.

Mission San Fernando boundary “from the 1840s until 1900,” however, no families are named, and no description of these “social and political” interactions are described or documented.¹⁷

The larger Rancho Ex-Mission San Fernando did include the land grants of Rancho Escorpion, Rancho Encino, and a portion of Rancho Tujunga.¹⁸ Although the individual grantees and their families are known, there is no information in the Petition regarding other Fernandefio/Tataviam families in residence on these land grants.

Petitioner has asserted that its historical territory encompassed the entire area of all lineages who were associated with Mission San Fernando. However, the Petitioner appears to have descendants from a limited number of these villages: Kawenga, Tujunga, and Siutcanga. Petitioner has not documented or explained how it is related to the entirety of villages and lineages of Mission San Fernando and able to claim other village areas as part of their traditional territory.

Petitioner has asserted that a community of San Fernando Indians can be identified within the United States censuses of 1850, 1860, and 1870. Petitioner further asserts this community was identified within a “San Fernando district.”¹⁹ There was **no** “San Fernando district” extant in any of these three U.S. censuses, and Petitioner does not explain the method used to determine the censuses were recording the same area as the 1900 San Fernando township. A U.S. enumeration district for San Fernando does not appear until the 1900 U.S. Census.²⁰ That 1900 census only lists two individuals as “Indian,” Antonio Maria Ortega and Rose Cano. The existence and involvement of the Cano family is briefly mentioned, but its involvement in Petitioner’s entity is not explained. If there existed a community of San Fernando Indians which

¹⁷ FTB Petition image pp. 34-35.

¹⁸ [Water and Power Associates](#) Early View of the San Fernando Valley, Undated early map of Ex-Mission de San Fernando, website accessed 3/18/2024.

¹⁹ FTB Petition, image p. 45.

²⁰ For example, the 1850 U.S. Census for Los Angeles County had two enumeration districts: Los Angeles and Not Stated. See: [1850 United States Federal Census \(ancestry.com\)](#) (accessed 3/17/2024). The 1860 U.S. Census for Los Angeles County had ten enumeration districts, none of which was San Fernando. See: [1860 United States Federal Census \(ancestry.com\)](#) (accessed 3/17/2024). The 1870 U.S. Census for Los Angeles County had ten slightly different enumeration districts from 1860, none of which was San Fernando. See: [1870 United States Federal Census \(ancestry.com\)](#) (accessed 3/17/2024)

can be demonstrated through residence on the various U.S. Censuses, the Petitioner needs to be very specific and bring this information to the forefront for evaluation.

By 1900, only two individuals were identified as “Indian” in the San Fernando township.²¹ If additional individuals or families who were part of Petitioner’s entity were present in San Fernando in 1900, Petitioner has not brought this information directly to light as evidence. Petitioner has also stated that “[m]any of the San Fernando Mission Indians remained within this area (Ex-Mission San Fernando lands) from the 1840s until 1900.”²² There is no citation for this statement and based on the census data from 1870 through 1900, there does not appear to have been a community resident in the area. By 1900, Antonio Maria Ortega appears as one of only two identified Indians in the San Fernando area. Petitioner has asserted many San Fernando Indian descendants were very quiet about being Indian or having Indian ancestry, so in order to establish any continuing entity in the San Fernando area, information of the families constituting a San Fernando entity is necessary.

²¹ U.S. Census, 1900, California, Los Angeles, San Fernando, Dist. 0124, pp. 7-8. See: [Ancestry.com - 1900 United States Federal Census](#) (accessed 3/17/2024)

²² FTB Petition, image p. 35.

Outside identification and Petitioner self-identification from 1900-forward

The print articles cited do not substantiate the identification of an FTB entity. In the articles section:

1900-1909

- The first article listed from 1899 notes an incident involving “A San Fernando Indian” and his family. No other information, including that of any potential wider community, is mentioned.²³
- The second article by Dr. Alfred Kroeber from 1900 notes and discusses the Gabrielino as having found obscure refuge with the Indians of other nationalities “or had merged with the local Mexican population.” Kroeber was indeed noting the absence of any Indian entity in in Los Angeles County. Petitioner at this point mentions that the progenitor families in 1900 were living in disparate locations in two counties and were **descendants** of Indians of Mission San Fernando.²⁴ There is no evidence to contradict Kroeber’s assertion of the Gabrielinos’²⁵ or indeed the FTB petitioner’s amalgamation with other communities, inferring that the languages were no longer spoken *due to lack of community*. Although the Petitioner mentions that Kroeber “contradicts the census count of 1900, this is not explained, nor is the 1900 census presented or cited to show the families or the way in which the FTB entity operated during this period.
- The third article, from 1903, was about an inquest for Mrs. Josefa Palma, aged 110 as testified by her son. The inquest was held at Mission San Fernando. No Indian community or entity was mentioned, and Petitioner admits the decedent was not considered as part of the FTB.²⁶ Additionally, the term “Mission Indian” was and is used as a general term for Indians having been or descended from Indians who had been participants in the Spanish Mission system as a whole.

²³ FTB Petition, image p. 72.

²⁴ FTB Petition, image p. 73.

²⁵ "1925 - Handbook of the Indians of California, A. L. Kroeber" (2019). Government Documents and Publications. 8. https://digitalcommons.csumb.edu/hornbeck_ind_1/8, Image p. 614. Kroeber appeared to equate Fernandeano with the Gabrielinos. The absence of specific mention of an Indian entity descending from Mission San Fernando indicates Kroeber did not find an Indian entity at San Fernando, indeed, the quote does indicate he searched for such a community.

²⁶ FTB Petition, image p. 73.

- The fourth article, from 1904, was supposedly regarding the funeral of a single individual, Rogerio Rocha, identified by the Garcia line as a leader. The citation for this article does not produce the actual article. In any case, Rogerio Roch was not resident in San Fernando following his unjust eviction in 1896. He had then resided at Lopez Canyon by himself until his death. While identified by Garcia applicants on the California Indian Judgement roll as a leader who negotiated for them in 1852, Rocha's subsequent role as a leader has not been demonstrated by the Petitioner. Without evidence or more information regarding leadership roles, it would seem with Rocha's move away from Encino to an isolated canyon, leadership would have adjusted prior to 1900, and as the Ortega family did not apply for the Judgement Fund in 1928, there is no evidence for Rocha's authority for the Ortega family.
- The fifth article also announced the death of Rogerio Rocha. Although San Fernando Mission Indians are mentioned, there was no statement about either a community or a group of descendants of former San Fernando Mission inhabitants.
- The sixth article presented in the 1900-1909 decade is an article written by H.N. Rust, a former Indian Agent. At the time this article was written, Rust was retired from the Office of Indian Affairs, and so this article cannot be said to be an official document of the Federal government, as he wrote it as a private citizen, and it was published in 1904 as an article in at least one California newspaper.²⁷ The article itself is Rust's telling of Rogerio Rocha's loss of his 10 acres at El Escorpion, the clause in the De Celis Spanish land grant directing that any Indian living on the larger tract be allowed to continue in possession of their land. This clause had been omitted in the first American land transfer, and Rogerio along with his relatives were evicted. Rust stated that he assisted indigent Indians, including Rogerio Rocha, as much as he could. However, the assistance was to

²⁷ Rust, H.N. "A Pathetic Chapter of History." *The Pomona Progress*, 14 Sept. 1904, p. 2. See: [Sep 14, 1904, page 2 - The Pomona Progress at Newspapers.com](#) (Accessed 21 Feb. 2024.)

Rogelio Rocha as an individual, not to a community or Indian entity. There is no mention of an Indian entity or community in this article.

- The seventh article mentions “a little community of Indians” in Pacoima Canyon. No names are mentioned in this article, no description of the “community” is given, and the only individual Indian woman mentioned was indeed at Mission San Fernando. There is no indication that this woman was affiliated with or related to the Petitioner.
- The eighth article was concerning the probate case of Miguel de Leonis. His common-law widow, Maria Espiritu Chijuilla de Leonis, a daughter of Chief Odon sued a saloonkeeper who had come into possession of a great deal of de Leonis’ estate. The quote mentions “a tribe *formerly* of the Scorpion (El Escorpion) ranch and other properties in the San Fernando valley.”²⁸ Petitioner, without any clear evidence, asserts this community was part of the FTB entity. However, Maria Espiritu and her descendants are not part of the FTB Petitioner and Odon has not been identified as a leader of the FTB Petitioner. No contemporary community was referenced.

1910-1919

- The first article of this decade references the field notes of John Harrington who had a non-Indian informant Charles Bell when Harrington was conducting field research regarding California Basin tribes. Harrington does not appear to have contacted or spoken with any ancestors of the Petitioner in 1916. The individual Indian referenced by Petitioner’s quote was not an ancestor or close relative of the Petitioner. Further, the reference to the 1900 U.S. Census, without the description of the 23 individuals is neglecting to cite the disparate locations where those 23 individuals resided. They were not resident together in San Fernando, as shown previously in these comments. The Harrington papers do not show an extant community of the Petitioner.
- The second document(s) purport to show World War I draft registrations, apparently for two sons of Antonio Maria Ortega, James and Lewis Ortega, as stating they were “Fernandefio Indian.” This is absolutely incorrect. The images of these draft registration cards clearly show they identified themselves as “Caucasian, Indian.” There is no

²⁸ FTB Petition, image p. 76.

images of the registrations.

World War I Draft Registration of Eulogio Ortega

Form 1		REGISTRATION CARD		No. 68	
1	Name in full	Eulogio's Ortega		Age 28	
2	Name and address	San Francisco City Calif.			
3	Date of birth	March 11th		1894	
4	Are you (1) a natural born citizen, (2) a naturalized citizen, (3) an alien, (4) or have you declared your intention (specify which)?	Natural Born Citizen			
5	Where were you born?	San Francisco Calif. U.S.A.			
6	If not a citizen of what country are you a citizen or subject?				
7	What is your occupation?	Student			
8	Are you employed?	No			
9	Where employed?	San Francisco Calif.			
10	Have you a father, mother, wife child under 18, or a sister or brother under 18, totally dependent on you for support (specify which)?	No			
11	Married or single (which)?	Single			
12	What military service have you had? Rank	None			
13	Do you date expiration (specify date)?	No			
I affirm that I have verified above answers and that they are true.					
Eulogio's Ortega					

Form 2		REGISTRAR'S REPORT	
1	Tell me, in plain words, what is the purpose of this report?	To register the person named above.	
2	Color of eyes?	Color of hair?	Color of skin?
3	Has person lost arm, leg, hand, foot, or both eyes, or is he otherwise disabled (specify)?	No	
I certify that my answers are true, that the person registered has read his own answers, that I have witnessed his signature, and that all of his answers of which I have knowledge are true, except as follows:			
William J. Miller			
June 5, 1914			
City of San Francisco			
State of California			
Board of Supervisors			
San Francisco			

²⁹ U.S., World War I Draft Registration Cards, 1917-1918, California, Los Angeles County, Dist. 7, Draft Card O, p. 80 of 113. See: [Ancestry.com - U.S., World War I Draft Registration Cards, 1917-1918](#)

World War I Draft Registration of Luis (Lewis) Ortega

Form 1 REGISTRATION CARD No. 83

1 Name in full Luis Ortega Age 27

2 Name Cornel & San Fernando, Calif.

3 Date of birth June 21 1890

4 Are you (1) a naturalized citizen, (2) a naturalized alien, (3) an alien, (4) or have you declared your intention (specify which)? Native Born

5 Where were you born? San Fernando, Calif. U.S.A.

6 How a citizen, of what country are you a citizen or subject?

7 What trade, occupation, or profession? Picking Oranges

8 By whom employed? Association of Oranges

9 Have you a father, mother, wife, child under 18, or a sister or brother under 18, wholly dependent on you for support (specify which)? No

10 Married or single (which)? Single Race (specify which) Hispanic

11 What military service have you had? None branch Indian

12 Do you claim exemption from draft (specify grounds)? No

I affirm that I have verified above answers and that they are true.

Luis Ortega
(Signature of registrant)

4-4-17 REGISTRAR'S REPORT

1 Tall, medium, or short (specify which)? Short Slender, medium, or stout (specify which)? Slender

2 Color of eyes? Brown Color of hair? Black B.M.? No

3 Has person had arms, legs, hand, foot, or both eyes, or in his other use disabled (specify)? Yes

I certify that my answers are true, that the person registered has read his own answers, that I have witnessed his signature, and that all of his answers of which I have knowledge are true, except as follows:

Eduardo H. Schiringer
(Signature of Registrar)

Precinct San Fernando
Glenn County Los Angeles
State Calif. June 5 1917
(Date of Registration)

LOCAL EXEMPT
BOARD DISTRICT
LOS ANGELES COUNTY
CLEVELAND, CALIFORNIA

30

³⁰ U.S., World War I Draft Registration Cards, 1917-1918, California, Los Angeles County, Dist. 7, Draft Card O, p. 81 of 113. See: [Ancestry.com](https://www.ancestry.com) - U.S., World War I Draft Registration Cards, 1917-1918

Additionally, another Ortega brother registered for the draft in 1918. James Estanislascio Ortega was the eldest of the three sons of Antonio Maria Ortega, and the war ended prior to older men being called to military service. James Ortega did not identify as Indian on his draft registration.

World War I Draft Registration of James Ortega, James Garcia, and the Ortiz Brothers

REGISTRATION CARD

SERIAL NUMBER: *16233*

NAME: *James Ortega*

DATE OF BIRTH: *May 7, 1885*

PLACE OF BIRTH: *San Francisco, California*

RACE: *Indian*

U.S. CITIZEN: *Alien*

PRESENT OCCUPATION: *Cooking, Commercial*

EMPLOYER'S NAME: *Fruit Supply Co*

PLACE OF EMPLOYMENT: *1128 12th St Los Angeles 12th*

NEAREST RELATIVE: *Laura (Ortega) (wife)*

ADDRESS: *543 Stanford Ave Los Angeles*

I affirm that I have verified above answers and that they are true

James Ortega

REGISTRAR'S REPORT 44-17. C

DESCRIPTION OF REGISTRANT

HEIGHT	BUILD	COMPLEXION	HAIR
5' 7" Medium	Short	Medium	Dark

DATE OF REGISTRATION: *SEP 12 1918*

LOCAL BOARD DIVISION No. 17
LOS ANGELES CITY
226 South Broadway

³¹ U.S., World War I Draft Registration Cards, 1917-1918, California, Los Angeles County, Dist. 17, Draft Card O, p. 504 of 636. See: [Ancestry.com](https://www.ancestry.com) - U.S., World War I Draft Registration Cards, 1917-1918

James Garcia, brother of Frances Garcia Cooke, likewise noted his race as "white" on his draft registration:

The image shows two draft registration cards. The left card is a "REGISTRATION CARD" for Jim Garcia, dated June 5, 1917. It includes fields for name, age (26), date of birth (March 6, 1891), place of birth (Newhall, California), occupation (farmer), and marital status (married). The right card is a "REGISTRAR'S REPORT" for Frank Ortiz, dated June 5, 1917. It includes fields for name, age (30), date of birth (March 6, 1891), place of birth (Newhall, California), occupation (farmer), and marital status (married). Both cards are signed by the registrars.

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Frank Ortiz was identified as white (Mex) on his WWI draft registration:³³

³² U.S., World War I Draft Registration Cards, 1917-1918, California, Kern County, Dist. 1, Draft Cards G, p. 70 of 518. See: [Ancestry.com](https://www.ancestry.com) - U.S., World War I Draft Registration Cards, 1917-1918

³³ U.S., World War I Draft Registration Cards, 1917-1918, California, Los Angeles City, Dist. 10, Draft Cards O, p. 62 of 90. See: [Ancestry.com](https://www.ancestry.com) - U.S., World War I Draft Registration Cards, 1917-1918

Form 1 REGISTRATION CARD No. 94

1 Name in full Frank Joseph Ortiz Age in yrs. 21

2 Home address 975 6th Street Los Angeles Cal.

3 Date of birth October 4 1894

4 Are you (1) a naturalized citizen, (2) a naturalized alien, (3) an alien, (4) an alien not declared as such? natural born citizen

5 Where born San Bernardino California U.S.A.

6 What is your occupation, trade, profession, or business? Labrer

7 By whom employed? Summers Mfg Co

8 Where employed? 8th & San Diego St. L.A. Cal.

9 Have you a father, mother, wife, child under 18, or a sister or brother under 18, who is dependent on you? No

10 What military service have you had? None

11 Do you have a registration card from another country? No

I affirm that I have verified above answers and that they are true.

Frank Joseph Ortiz

REGISTRAR'S REPORT 4-10. B

1 Tell whether or not subject is: Short Slender

2 Color of hair Brown Color of eyes Black

3 (This section is to be filled out by the registrant only.) No

I certify that my answers are true, that the person registered has read his own answers, that I have witnessed his signature, and that all of his answers of which I have knowledge are true, except as follows:

Charles B. Williams
(Signature of Registrar)

Product Los Angeles
City or County California
Date Jan 5th 1918
(Date of registration)

Local Board for Division No. 10
City of Los Angeles, State of California
1904 St. Main St., Los Angeles, Cal.

Frank's brother, Fortino Ortiz, was identified as white on his WWI draft registration:

REGISTRATION CARD No. 3090's

1 Name in full Ford Ortiz Age in yrs. 19

2 Home address 609 W. 7th Street Hanford Cal.

3 Date of birth Aug 12 1899

4 Are you (1) a naturalized citizen, (2) a naturalized alien, (3) an alien, (4) an alien not declared as such? U.S. Citizen

5 Where born San Francisco, Cal.

6 What is your occupation, trade, profession, or business? Labrer

7 By whom employed? Not working

8 Have you a father, mother, wife, child under 18, or a sister or brother under 18, who is dependent on you? No

9 What military service have you had? None

10 Do you have a registration card from another country? No

I affirm that I have verified above answers and that they are true.

Ford Ortiz

Joe Ortiz (Father)
Tejon Ranch, Bakersfield

Signed with left hand Registrant
Right arm broken

REGISTRAR'S REPORT 4-5-8. C

1 Tell whether or not subject is: Short Slender

2 Color of hair Brown Color of eyes Dark

3 (This section is to be filled out by the registrant only.) No

I certify that my answers are true, that the person registered has read his own answers, that I have witnessed his signature, and that all of his answers of which I have knowledge are true, except as follows:

SEP 12 1918
Rec'd 4/18

LOCAL BOARD FOR THE
COUNTY OF KINGS,
HANFORD, CALIFORNIA

³⁴ U.S., World War I Draft Registration Cards, 1917-1918, California, Kings, ALL, Draft Cards O, p.90 of 118. See: [Ancestry.com](https://www.ancestry.com) - U.S., World War I Draft Registration Cards, 1917-1918.

The evidence of these draft registrations does not indicate an entity the Ortega brothers or men from other lineages may have considered themselves as belonging. Only the younger Ortega brothers identified as being part Indian, and no tribal entity was identified.

- The third document references a baptismal record from the San Fernando Mission. There are no examples as to bringing forward an historic tribe as predecessor to the Petitioner or how the record demonstrates the Petitioner as an Indian entity in 1916.

1920 to 1929

- The first document, "Subcommittee of the Committee on Indian Affairs. Sixty-Sixth Congress, March 23, 1920," listed is a very small portion of a Senate hearing which referenced the Kelsey Report, compiled during 1905-1906 regarding the status and difficulties of non-reservation California Indians. This very brief quote from the hearing does not reference specifically the Petitioner, or indeed any other specific California Indian entity. This is not an identification of the Petitioner.
 - The Kelsey Report has not been included in the 1900-1909 identifications of the Petitioner. The report was compiled from a census of non-reservation Indians in California, and broke down the number of families who owned land and those who did not own land. The report's author, Mr. C.E. Kelsey, was involved in California Indian affairs, and was an advocate for allotting lands from the public domain to landless Indians. No Indian families of the Petitioner, either owning land or not, were enumerated from Los Angeles or Kern Counties.³⁵ Petitioner's three families were not recognized through this original 1906 Federal report or in the cited subsequent conclusionary notes.
- The second document, "Conclusions from the Attached Notes as to the Power of the Government to Condemn Land of the Tejon Ranch as a Residence for the Tejon Indians," cited conclusions on notes from a memo on the feasibility of establishing the Tejon Ranch as a reservation for Tejon Indians. The conclusion references the 1888 Act authorizing condemnation or purchase of lands in order to establish reservations for

³⁵ Kelsey, C.E., Census of Non-Reservation California Indians, 1905-1906, image pp. 7-9. See: [arfs002-001.pdf \(berkeley.edu\)](#) (accessed 02/29/2024).

landless Indians. This Act, and this memo, in no way reference or refer specifically to the Petitioner. No action was taken by the Federal government to provide lands to any entity in the San Fernando Valley, and no document has been provided by Petitioner showing such action was ever considered.

- The third document, “Statement by Kroeber to Indian Board of Co-Operation,” cites an excerpt from correspondence from Albert Kroeber referencing the general conditions of California Indians. Kroeber clearly states one of the main issues for California Indians “was their lack of political organization, of cohesion. There were almost no true tribes within this State.”³⁶ Albert Kroeber was writing about California Indians generally, and never referred to Petitioner in this correspondence.
- The fourth document, “Letter to the Commissioner of Indian Affairs from Indian Board of Cooperation,” once again, does not recognize or specify Petitioner or any specific earlier group, but refers generally to California Indians.
- The fifth document, “Basket Designs of the Mission Indians of California,” was part of an ethnographic article on the basketry of Mission Indians generally. His identifying of linguistic groups does not specify Petitioner, or indeed, specify any contemporary Indian entity other than by general linguistic group.
- The sixth article, “Letter from Special Assistant to Attorney General,” is from correspondence apparently advocating for condemning lands in order to provide lands for “Indians who are dispossessed in any way and particularly for these Mission Indians of California.”³⁷ The excerpt does not mention any specific groups or Indian entity other than the general appellation of Mission Indians.
- The seventh article, “Some Fanciful Legends, 1927,” was originally titled “Legend Has It a Cache of Gold Plate Awaits finder in California Canyon” published in the *Kansas City Times*, Kansas City, KS on May 21, 1927.³⁸ This is a retelling of Rogerio Rocha and his

³⁶ FTB Petition, image p. 80.

³⁷ FTB Petition, image p. 83.

³⁸ “Legend Has It a Cache of Gold Awaits Finder in California Canyon.” *Kansas City Times*, 21 May 1927, p. 28, www.newspapers.com/image/655417984/ Accessed 5 Mar. 2024.

family's eviction from his lands and the tale of hiding the gold objects created at the San Fernando Mission. No entity or community of Indians after the Mission period are identified. Petitioner mentions here that Rocha was Chumash, and not a lineage leader of the Ortigas or Ortiz families. Petitioner goes on to describe religious festivals or ceremonies that have no mention in and nothing to do with the referenced article. The quote of "many Indian voices" in the anonymous news article does not specify the Petitioner as an entity or community.

- The eighth article, "Letter to John R. McCarthy from Mr. Charles Ellis, Dist. Supt., U.S. Indian Service," is not quoted extensively enough to refer to anything but vague, generalized cultures of Indians who were present at California Missions. Petitioner is not described or specifically referenced.
- The ninth and final article of the 1920-29 decade, "Picturesque Early Day Fiesta Revived Wednesday at Mission," stated that the "pioneer residents of San Fernando observed the anniversary of the picturesque feast day of the early Spanish and Indian people." One Indian individual was mentioned, "Cetayimo," and that the feast was attended by "Indian chiefs from all parts of southern California."³⁹ There is no mention of who was among the "Indian chiefs," no identification of "Cetayimo" or his connection to the Petitioner. The excerpt does not mention any Fernandinos, either individually or as a community

1930 to 1939

- The first article, "The History of the San Fernando Valley with Special Emphasis on the City of San Fernando," did mention "San Fernando Indians" but the thesis excerpt does not describe a community, but rather the dispersal of Indians from Mission San Fernando. Petitioner does not describe the connection between their entity and the people described in the excerpt. This excerpt contains no mention of a continuing or contemporary entity.
- The second reference was taken from the 1930 U.S. Census. The Christina Rodriguez referenced was Christina Ortega Rodriguez, the eldest daughter of Antonio Maria Ortega.

³⁹ FTB Petitioner, image p. 85.

She and her husband are living in Lancaster, Antelope township, Los Angeles County, California, about 50 miles from San Fernando.⁴⁰ This couple was listed as Indian, and were the only identified Indian family in their area. The relationship of Christina Rodriguez to the FTB Petitioner was not explained here by the Petitioner, given that she and her husband are outside the San Fernando Valley and not resident in an Indian community. The Ortega, Garcia, and Ortiz lineages are not included here.

- The third document, "Ethnohistoric Overview for the Santa Susana Pass State Historic Park Cultural Resources Inventory," published in 2006. The report contains data from J.P. Harrington, a linguist and ethnologist. The informants Harrington worked with in this report, Eugenia Mendez and Juan Olivas, were not members of the Petitioner's entity, and as the Petitioner notes, became part of the Tejon Ranch community. Petitioner is not mentioned, either names of individuals, or as a community in Harrington's work here.
- The fourth document, "Application 11171, Department of the Interior, Office of Indian Affairs, Application for enrollment with the Indians of the State of California under the Act of May 18, 1928," was completed by Jose Ortiz for the California Indian Judgement rolls. These rolls did not recognize tribes, but as either general cultural groups or by the Mission their ancestors had been located.⁴¹ The Ortega family did not apply to for the California Indian Judgement roll. This indicates a lack of cohesive political authority as an Indian entity, as the main lineage of the Petitioner absented themselves from the original 1933 roll, and Petitioner has not presented evidence that the three families consulted with each other regarding whether to apply or not, although internal discussions within the Garcia family and the Ortega family are generally described. As the original 1933 roll exists, 36 individuals identified with some iteration of "San Fernando." An additional eight individuals are listed as Los Angeles County, Mission unknown. Of the individuals identifying as general "San Fernando," 13 do not appear to have connections with the Petitioner. None of the FTB Petitioner's ancestors on the 1933 California Indian Judgement roll were resident in San Fernando.

⁴⁰ U.S. Census, 1930, California, Los Angeles, Antelope, Lancaster, Dist. 799, image p. 6. See: [Ancestry.com - 1930 United States Federal Census](#)

⁴¹ See OFA previous decisions on the use of the California Judgement rolls for anything except Indian descent.

- The fifth document, "J.P. Harrington Notes. Field Notes on the Fernandeno. The Papers of John Peabody Harrington in the Smithsonian Institution 1907-1957," are a small portion of the Harrington papers in the Smithsonian. No Fernandenos or members of the Petitioner were interviewed during Harrington's work. Although Antonio Maria Ortega was identified as a knowledgeable person, no wider community was discussed or identified.

The documents presented for the first three decades of the 20th century do not identify the Petitioner as an Indian entity. Moreover, no articles presented identify individual members of Petitioner during these decades. Petitioner has not demonstrated any community recognition from outside sources through these articles.

1940 to 1949

- The first article, "Mission Indian, 93, Dies at Home Here," announced the death of Antonio Maria Ortega. His children and descendants are mentioned or enumerated in the article; however, no Indian community was noted.
- The second document was originally published in *The MasterKey*, at the time a bi-monthly periodical published by the Southwest Museum, Los Angeles. The article was entitled "San Fernando Bells Ring Again." The article described Dr. Mark Harrington's efforts to restore the Mission San Fernando church, including recasting the church bells. There is no mention of the Petitioner assisting with the church restoration. Only a general mention of "Mission Indians taking part in the program" for the upcoming dedication services was included in the article.⁴² Nothing in the article identified "Fernandefio" Indians.
- The third document, "Indians of California as 'Identifiable' Groups within Meaning of Indian Claims Commission Act," was written by a Department of the Interior solicitor in order to clarify what entities could file a claim under the Indian Claims Commission Act (ICC). The memo does **not** address or recognize Petitioner as an Indian community or

⁴² Harrington, Mark D. "San Fernando Bells Ring Again." *MasterKey*, vol. XX, Southwest Museum, Los Angeles, CA, Mar. 1946, p. 66.

entity. Petitioner's assertions here are unsupported by the document, and Petitioner again provides no evidence of its assertions.

No evidence specifically identifying the Petitioner has been presented here for the decade 1940-1949.

1950 to 1959

- The first document, "Robert Heizer's Rebuttal as an Expert Witness; Heizer Rebuttal of Defendant Expert Witness Beale in Court of Claims," excerpts a statement by Robert Heizer during an unspecified Court of Claims proceeding. The excerpt identified five cultural groups "which are known to have large numbers of survivors today," however, descendants of the Mission San Fernando were among those identified. Excerpt does not refer to Petitioner's group.
- The second document, "Contesting California Indian Claims; Heizer Rebuttal of Defendant Expert Witness Beale in Court of Claims," notes the recruitment from the villages surrounding Mission San Fernando in the 18th/19th century. No mention was made of contemporary descendants or entities from the Missions. Petitioner's group was not mentioned or referenced.
- The third document, "*Tiq Slo 'W: The Making of a Modern Day Chief*," is a biography about Charlie Cooke, now a member of Petitioner. The excerpt is about Cooke discovering his ancestral connections involving Mission San Fernando and his idea "**to organize a San Fernando Mission Band.**" This excerpt directly indicates Petitioner did not actually exist throughout the first half of the 20th century, as these Cooke men did not identify with Petitioner during the 1950s or earlier.

1960 to 1969

- The first document excerpt, "*Tiq Slo 'W: The Making of a Modern Day Chief*," contains evidence that Petitioner did not exist as an entity until Charlie Cooke began organizing in Newhall, CA during 1960. Petitioner has not demonstrated a community or entity until this point in the 20th century. Despite Petitioner's comment, this book clearly demonstrates the Petitioner was not a group prior to 1960.

- Petitioner submitted a photograph from its archives of council members. No minutes or announcement of this or any other council meetings have been submitted. No attendance list or explanation of how this council worked accompanied this photograph.
- The third reference in this decade are notes of the husband of Petitioner member on oral traditions of contemporary Petitioner members. No specific information regarding any communal activities are presented here.

The documents of this decade provide evidence of the non-existence of Petitioner as a group prior to 1960. No information from outside authorities regarding Petitioner are included.

1970 to 1979

- The first document refers to a notice of a meeting of Petitioner.
- The second document is another meeting notice for Petitioner. A meeting notice is not the same as a news story regarding a group.
- The third document, *"Indian Country, LA: Maintaining Ethnic Community in Complex Society,"* specifically stated Petitioner did not come together as an entity until 1971. This excerpt does not demonstrate that Petitioner had existed before 1971.
- The fourth document, "Indians in Quake Area Offered Aid," does reference Petitioner specifically. The article does not say what Petitioner can do for other individuals, but the individual member is noted as ready to receive requests for assistance from "Indians of all tribes."
- The fifth article, "Indians May Press Claim on Rocketdyne Test Site," referenced a cave and surround site as having become "newly conscious of their role in history." The article also noted Petitioner "has had several meetings." This article demonstrates the recent beginning of Petitioner as an entity.
- The sixth article, "In search of a cave," references Petitioner's search for a location to conduct their meetings. The article specifically states Petitioner is comprised of "descendant of a number of tribes." The article does not describe Petitioner's community or specific predecessors.
- The seventh article, "Indians invited to Valley Meeting at Mission Park," references an article announcing a meeting to establish an Indian Center. While the article states "all

Valley” Indians were invited, the invitation may have been limited to “only those who are descendants of San Fernando Mission Indians.

- The eighth article, “Chief Little Bear with Eagle,” denotes a deceased eagle given to Rudy Ortega by the California Department of Fish and Game. This is not the Federal Fish & Wildlife Service, and Petitioner has not stated whether members of the FTB possess CDIB cards. If members of the Petitioner possess CDIB cards, they are allowed to possess eagle feathers. This incident does not entail any Federal recognition.

1980-1989

Only two articles are presented as evidence for Indian entity. In the first article, the only possible specific Indian group identified was the Southern Chumash. General cultural groups were mentioned, not the Petitioner specifically. One of FTB’s members was identified as the leader of a separate Indian group.⁴³ The second article is an excerpt from a brief filed in an unknown and uncited court case. The excerpt acknowledged that Petitioner was not a recognized Indian tribe. Petitioner does not state whether “Fernandeño” can be defined exclusively to itself, or that there may be additional Indian groups considering themselves culturally Fernandeño, which seems likely, as Petitioner does not comprise the sole descendants of either Mission San Fernando or the more general Fernandeño cultural group.

1990 to 1999

- The first article, “Local Indian tribe to hold first pow-wow,” was a newspaper announcement of Petitioner’s first pow-wow, and that Rudy Ortega planned to make an annual event of this pow-wow for the Petitioner.
- The second article, “Fernandeño Tataviam,” described Petitioner’s governance and mediation process during the 1990s.

⁴³ In the article actually titled, “*Lost Village of Encino’ Excavation: Indian Tribes Demand Reburial of Ancestors*,” See: [‘Lost Village of Encino’ Excavation : Indian Tribes to Demand Reburial of Ancestors - Los Angeles Times \(latimes.com\)](http://latimes.com) Charlie Cook is identified as a “hereditary chief of the southern Chumash tribe,” indicating he was not affiliated with Petitioner during the mid-1980s. Further, the site was classified as Gabrieleño and Chumash, not Fernandeño or Tataviam.

- The third article, "Native Americans gather [Nov. 30]," describes an event organized by a Los Angeles County park to honor local Indian groups. Rudy Ortega was noted as the representative of the "Tataviam/Ferandino," and Charlie Cooke was noted without any tribal affiliation.
- The fourth article, "City of San Fernando Honors Chief Little Bear, Rudy J. Ortega Sr.," appears to be a possible resolution of the San Fernando City Council. Petitioner asserts it is the same entity as the "Tataviam Tribe."

2000 to 2019

- The first document is an excerpt from an Administration for Native Americans (ANA) grant proposal refers to efforts towards California State recognition and a Congressional House bill to recognize Petitioner. Reviewing bills introduced during the years of 1999-2004 do not show any Bills regarding the Petitioner, nor did the Petitioner give full citation to any legislative bills put forward as a result of this ANA grant.
- The second document is correspondence from Rudy Ortega, Sr. to Congressman Berman seeking the Congressman's support for the Federal recognition of Petitioner.
- The third article, "What makes a Tribe?," does not contain enough citation information to obtain and review the article. Citation information currently available does not produce the article for either Nov. 19 2004 or Nov. 19 2014.
- The fourth document is correspondence from the San Manuel Band of Mission Indians to a USAF Forest Supervisor requesting a site tour for NAGPRA consultation. Petitioner is not identified in the excerpt provided as any of the three tribes requesting consultation.
- The fifth document is Petitioner's 2006 Articles of Incorporation. Petitioner self-identifies as an Indian entity.
- The sixth document announced Petitioner's receipt of an education grant from the Dept. of Education. Newspaper identified Petitioner as an Indian entity.
- The seventh documents are purported to be letters in support of Petitioner's earlier Petitions. Petitioner was dealing with local government officials as an Indian entity at this time.

- The eighth document purports to be email receipts of Petitioner being appointed NAGPRA contact for the Santa Rancheria and Tejon Indian Tribes. Excerpts or copies of these emails would more clearly evince these assertions. Quoted excerpts, such as presented for earlier documents in this section would show these appointments more clearly.

2020 to Present

- The first series of documents are letters of support for Petitioner's earlier petitions.
- The second document is a resolution of the Los Angeles Unified School District Board supporting Federal recognition of Petitioner.
- The third citation is a book on Petitioner published by authors who have previously worked on Petitioner's previous petitions.
- The fourth document is a motion introduced by a Los Angeles City Councilman noting Petitioner's existence. No information on whether the motion was adopted or not has been presented. Unless the motion was adopted by the city council, it does not qualify as "recognizing" Petitioner.
- The fifth document is a motion introduced by two Los Angeles County Supervisors. No information on whether the motion was adopted or not has been presented. Unless the motion was adopted by the county council, it does not qualify as "recognizing" Petitioner.

Conclusions

Petitioner has not satisfied the requirements of §83.11 (a) *Indian entity identification*. The articles presented from 1900 through 1989 refer to larger and non-specific cultural groupings, or to Mission Indians generally. FTB Petitioner was only identified from 1990 until present.

§83.11 Criterion (b): Community

The FTB Petitioner has not met the standard of Criterion (b) Community since 1900.

At the opening of the 20th century, the three families of the Petitioner were residing in geographically separate households. The 1900 United States Census lists the Petitioner's progenitors and their families in three distinct locales. First, Antonio Maria and Ysidora Garcia Ortega with their children were located in what had become San Fernando, on the small area of land they occupied on the old Rancho Encino land grant.⁴⁴ Second, Frances Cecilia Garcia (later Cooke), daughter of Josefina Leyva and Isadore Garcia and niece of Ysidora Garcia Ortega, was listed as a niece in the household of Forviva Esquivel in Newhall, California.⁴⁵ Her father, Isadore Garcia, was working as a farm laborer in Santa Paula, Ventura, California. Frances Garcia Cooke's mother, Josefina Leyva was residing with her second husband and children in Kern County, California. Joseph Ortiz was also resident in Kern County with his wife and two children.⁴⁶ The Indian households extant in the U.S. Censuses of 1850 and 1860, no longer appear at San Fernando in 1900. Antonio Maria Ortega and his family were the sole FTB family in their enumeration district, and Antonio was the sole individual to be identified as Indian.

The Indian households, which may have comprised a community in the Encino area during the period of 1850-1860, were no longer in residence. Petitioner asserts Rogerio Rocha was the leader of Petitioner's community, however, only the Garcia family identified Rocha as the leader who negotiated on their behalf with the United States. As none of the Ortega lineage applied for the 1928 California Indian Judgement roll, there is no information as to who the Ortega family considered their leader at the time. None of the articles written about Rogerio Rocha mention a wider Indian community, either in Pacioma canyon when he and his family were evicted in 1894, or when he was living, apparently on his own, in Lopez Canyon, some distance to the north of San Fernando. Rocha's connections with Petitioner, aside from the identification by the Garcia line on the 1928 Judgement roll applications, has not been brought forward as to his interaction with the other families of the Petitioner or his relationship with Antonio Maria Ortega.

⁴⁴ U.S. Census, 1900, California, Los Angeles, San Fernando, District 0124, p. 7. See: [Ancestry.com - 1900 United States Federal Census](#).

⁴⁵ U.S. Census, 1900, California, Los Angeles, Newhall, District 0134, p. 2. See: [Ancestry.com - 1900 United States Federal Census](#).

⁴⁶ U.S. Census, 1900, California, Kern, Pose, District 24, p.5. See: [Ancestry.com - 1900 United States Federal Census](#).

The leadership of the Petitioner during this period is not completely described. Rogerio Rocha had been one of the signatories of the unratified treaty, however, no evidence has been presented as to the entity he represented during the 1851-2 negotiations, where they were located, how many people, etc. As for a succession, Rocha does not appear to have been related to the main connections of Antonio Maria Ortega. Antonio Maria was orphaned in the 1860s, and Petitioner has not described who he lived with or where he was from 1860 to his appearance on the 1900 census. His younger brother, Luis Ortega, was apparently living with his godfather, Geronimo Lopez (non-Indian), for a time around 1880. Other relatives of these Ortega men who may have been in the area or in contact with them have not been disclosed, so the process of appointing Antonio Maria as a leader of a community, and what families or individuals who constituted the community in the first decade of the 20th century has not been described. The evidence and source that Antonio Maria was “shadowing” Rogerio Rocha is unexplained in the narrative, and so is unable to be evaluated. Petitioner has not explained how its community maintained significant interaction and political authority when only the Antonio Maria Ortega and his family was resident at San Fernando. No description or explanation of family photographs are provided by Petitioner, and so this evidence is unable to be evaluated. Petitioner does not explain why Josefina Levya would consider Rogerio her family’s leader instead of her great-uncles of her closer lineage who also negotiated and signed the unratified treaties in the 1850s.⁴⁷

Petitioner does not describe or enumerate the core FTB community during 1900-1919, how this community functioned when there was not a local resident community, when or where the entire community would gather, what cooperative actions the community engaged in, or what distinct tribal events happened during these two decades. Petitioner has not established continuity with an earlier historical tribe, and further, has not provided evidence of a functioning Indian entity during this period.

⁴⁷ Josefa was living with her youngest son, James, and second husband in Kern County in 1900. See: [Ancestry.com - 1900 United States Federal Census](#); Coalition of Lineages, p. 64.

1920-1939

During these decades, Petitioner claims “many FTB who had left the area of San Fernando returned.”⁴⁸ Upon review of U.S. Census data for these three families, this does not seem to be the case.

1920 Census for FTB Petitioner

Location on 1920 U.S. Census	Page, Household #	Head of Household	Number of individuals
San Fernando, Dist. 0568	p. 63, #663	Antonio Ortega	6, included Vincent Verdugo, Sallie Ortega’s husband
San Fernando, Dist.0568	p. 48, #521	Majin Tapia (husband of Rufugia Erolinda Ortega)	8
San Fernando, Dist.0568	p. 54, #575	Edward Rodriguez (husband of Christina Ortega)	3 (an 8 yr old boy is described as a “border”)
San Fernando, Dist. 0568	p. 47, #511	Manuel Salazar (husband of Elivera Ortega)	2
San Fernando, Dist. 0568	p. 45, #483	Luis (Louis) Ortega	6
Los Angeles City Dist. #73	p. 20, #253	Alfred Newman (husband of Kathryn Ortega)	5
Hanford, Kings County, Dist. 0132	p. 17, #202	Joe (Jose) Ortiz	7
Soledad, Dist. 0609	p. 9, #136	Fred Cook (husband of Frances Garcia Cook)	8

⁴⁸ FTB Petition, image p. 111.

This table shows that three of the four of Antonio Maria and Yisadora's married children in 1920 were residing in San Fernando. Antonio's brother, Luis, had returned to San Fernando with his wife and children. None of the other families was present in San Fernando during the three decades of 1900-1929. Petitioner has also not demonstrated which families who had been previously resident in San Fernando had returned during the first three decades of the 20th century.

1930 Census for FTB Petitioner

Location on 1930 U.S. Census	Page, Household #	Head of Household	Number of individuals
San Fernando, Dist. 1391	p. 23, #434	Antonio Ortega	4 family
San Fernando, Dist. 1391	p. 58, #827	Majin Tapia	6 family
San Fernando, Dist. 1391	p. 23, #439	Jose Salas (husband of Isadora Ortega)	6 family
Belvedere (East Los Angeles city), Dist. 1569	p. 13, #121	James Ortega	6 family, + 3 stepchildren
Antelope, Dist. 0799	p. 8, #116	Edward Rodriguez (husband of Christina Ortega)	2 family
Fresno County, Township 1, Dist. 0003	p. 18, #216	Luis Ortega	5 family
Soledad, Dist. 1513	p. 9, #118	Frederick Cooke (husband of Frances Garcia Cooke)	18 including some grandchildren
Kern County, Township 8, Dist. 0046	p. 10, #114	James Garcia	7 family

This table demonstrates that even in 1930, the only family residing in San Fernando were the Ortigas. As Petitioner admitted in the Petition, the Garcias were not resident in San Fernando, and had not been living there for some decades following the marriage of Isadora Garcia to Antonio Maria Ortega. Petitioner references a 1926 newspaper article regarding the Ortiz family; however, no specific citation was included, and no excerpt or information about that article has been provided. No dates or detailed descriptions of political or social interactions, community events such as fiestas, or communal economic activities have been documented in Petitioner's narrative for the entire period of 1900-1939.

The applications for the California Indian Judgement Roll of 1928 establish the Garcia and Ortiz families as being descended from Indians at Mission San Fernando. According to OFA precedent, the Judgement roll applications establish individual Indian descent, and it is incumbent on the Petitioner to provide documentation to establish evidence of a functioning Indian entity. Some Garcia family roll applicants, such as the children of James Garcia, identified themselves as "Tejon" rather than San Fernando. Other descendants of Indians of Mission San Fernando identified themselves as Chumash, Tejon, or Gabrielino, indicating a unified identity of Mission San Fernando Indians was not extant prior to the 20th century or inclusive of all MSF extant lineages during the 20th century.

1940-1959

Although Petitioner has not shown when it had ever existed as an organized entity during the period 1900 to 1950, the Petitioner claimed to “continue to reorganize” during this period.⁴⁹ The processes of selecting lineage leaders or individuals responsible for such appointments are not explained or detailed, nor how the lineage leaders work to determine a “Captain” of the FTN entity. Correspondence with the BIA is mentioned by Petitioner, however, no citations to or the specific dates of the actual documents have been given, nor are excerpts of this correspondence cited. There is also no discussion of the “new civil society organizations” or the purpose or functions of the “San Fernando Mission Band Indians Club” and how that organization “complemented” the FTB.⁵⁰ What did the monies generated by fundraisers go towards? Who was eligible to receive the funds? The Petition is silent on these points.

During this period, more members of Petitioner moved to San Fernando, although Petitioner does not demonstrate these members became a residential nucleus, or a neighborhood comprised of 50% or more of Petitioner’s families. The final paragraphs describing Petitioner during 1940-1959 are devoid of examples and explanation to show a residential community was extant. For instance, in 1940, Luis Ortega and his family were residing in Stockton, San Joaquin County, California.⁵¹ The last residence in San Fernando for Luis and his family was 1920. At some time between 1935 and 1940, Frances Garcia Cooke, her husband, an adopted son and her youngest son moved from Newhall to San Fernando.⁵² Some of Antonio Maria Ortega’s children and grandchildren were resident outside San Fernando as well. The various residences and members of a 1940-59 FTB community are not defined or explained. Petitioner does not speak to any “Fernandeño” community meetings held in the late 1940s, or when an entity adopted an official name during this period.⁵³ The “traditional gathering practices” of Vera Salazar are not

⁴⁹ FTB Petition, image p. 113.

⁵⁰ Ibid.

⁵¹ National Archives, Record Group 147, World War II Draft Cards Young Men, 1940-1947, California, Box 1353. See: [Ancestry.com](https://www.ancestry.com) - [U.S., World War II Draft Cards Young Men, 1940-1947](https://www.ancestry.com) Clarence Ortega’s WWII draft registration was also in Stockton, CA.

⁵² U.S. Census, 1940, California, Los Angeles, San Fernando, p. 34. See: [Ancestry.com](https://www.ancestry.com) - [1940 United States Federal Census](https://www.ancestry.com)

⁵³ Coalition of Lineages, p. 188.

explained; nor to whom she may have been teaching regarding plants, their preparation, or uses. Petitioner further does not explain what clothing or markers of “distinct identity” set the Petitioner apart from other groups.

1960-1979

Petitioner introduced the concept of “Headpersons” here, without explanation as how these positions were created or existed prior to these decades.⁵⁴ How were people chose for these positions, what were their roles in the community, and were they responsible for choosing lineage leaders? The narrative is currently silent on the development of these apparently new positions, or if the roles existed prior to 1960, Petitioner has not included either the roles or the individuals who exercised communal authority within the role of “Headperson.”

1980-1999

During these decades, the Petitioner provides evidence of increasing community activities, although specific examples of these activities as well as what activities were recipients of various fundraising activities and how these activities benefitted the FTB Petitioner are lacking.

2000- 2021

While most of Petitioner’s members still live outside San Fernando, there is apparently strong participation in FTB meetings and community events. Petitioner cites various local governmental agencies with which it has consulting relationships.

§83.11 Criterion (c): *Political influence or authority*

Pre-1900 Leadership

Prior to the Mission period, the villages in the central San Fernando valley were organized on the basis of lineage, or descent from one ancestor. These lineage villages were autonomous from those of other lineages and the leaders did not exercise authority over other

⁵⁴ FTB Petition, image p. 114.

lineages or villages. There was no mechanism for permanent multi-lineage political authority, although there may have been singular instances of villages working together for war or ceremony, however, this overarching authority never continued beyond the conflict or event.⁵⁵

Petitioner asserts this traditional separation of political authority evolved in the post-Mission era, with more decisions being made by leaders/Captains as a council of the whole for the rancherias on Ex-Mission lands. No examples of decisions made in this manner have been brought forward in the Petition.

Petitioner has introduced an additional authority role within the lineages, that of "Headperson."⁵⁶ Petitioner has not clarified this role vis a vis the lineage leader or "Captain." Differences in these roles, aside from stating the Headperson(s) were responsible for appointing the lineage leaders, were not defined in the Petition narrative. No information has been presented about the appointment of Antonio Maria Ortega as far as lineage relatives who supported the appointment and/or asked Antonio to assume a leadership role.

Petitioner has not addressed the political authority of lineage leaders following the end of the Mission period. Rogerio Rocha, while the longest lived of the post-Mission lineage leaders, was not of the Ortega lineage, he was inland Chumash, explaining the connection of the Garcias who were more related to Rocha through a Chumash ancestor and that Rocha's wife was Josefa Leyva's aunt. No lineage connections have been claimed between the Ortegas and Rocha. Further, the Garcia's Chumash connections and identification with Rocha as a lineage leader indicate that during the 19th century, they identified more as Chumash rather than their Takic connections. Petitioner claims that Maria Rita Alipas became a "Headperson" following her father's death, however, as her lineage was not Rocha's lineage, why would she not have been considered the lineage leader? If Jose Papabubaba was the lineage leader for what has become the Ortega lineage, was Maria Rita able to succeed him, or was there someone else in the lineage serving as the leader? Had the remaining people from Mission San Fernando developed mechanisms for one lineage to agree to the leadership of a different lineage as their own? Jose

⁵⁵ Coalition of Lineages, pp. 21-24.

Miguel Triunfo was also another lineage leader to come out of the Mission. The role of these two leaders during the 1850s to the 1880s has not been addressed by Petitioner, nor how the authority and responsibilities Maria Rita may have possessed were transferred to Rogerio Rocha during the period her surviving sons were minors.

The answers to the preceeding questions are crucial to the issue of a historical Indian entity. Currently, the previous historical community of the Petitioner is not well-defined. Lack of definition and description of a previous historical entity must be presented in order to evaluate Petitioner's existence in 1900.

1900-1919 Leadership

Petitioner has not demonstrated how Rogerio Rocha exercised his leadership during the late 19th into the early 20th century. Following his eviction from his home in Pacinoma canyon in 1894, he removed to a more remote canyon, some distance from San Fernando and, according to various informants, including former Indian Agent H.N. Rust, was living alone. While Frances Garcia Cooke and her children identified Rogerio Rocha as the leader who had negotiated on behalf of their ancestors in 1851, no evidence has been presented as to Rocha's continuing leadership role, or how Antonio Maria Ortega interacted with Rocha, aside from a statement of Antonio "shadowing" Rocha.

Petitioner has asserted the Antonio Maria Ortega was "reluctant" to assume leadership, however, the individuals or families who wanted him to step into the leadership role have not been identified, nor has any description of the responsibilities Antonio Maria needed to assume have been documented in the Petition. There has been no explanation of the methods or frequency of communications or meetings between Petitioner's three families during this period.

Petitioner has not documented the apparent leader of the Garcia lineage during these decades. Josefina Leyva, through her marriage to Isadore Garcia, was Antonio Maria Ortega's sister-in-law. Although Josefina's daughter Frances Garcia Cooke is acknowledged as a leader of the Garcia lineage, Petitioner has not documented the prior leadership and functioning of the Garcia lineage during 1900-1910.

Petitioner claims that during decades 1900-1919, FTB members “were focused on obtaining land” and that “most continued to live in San Fernando.”⁵⁷ These FTB members are not named, nor are the U.S. censuses from 1900 and 1910 cited to support this information. The 1900 and 1910 U.S. censuses show that Antonio Maria Ortega’s children did establish households in San Fernando and East Los Angeles; while Luis Ortega and his family resided in San Fernando in 1910. However, the Garcia and Ortiz families were residing in Soledad, CA and Kern County, respectively. Only the Ortegas were resident in San Fernando. Given the challenges of transportation during this period and lack of information regarding the functioning of the Petitioner, political authority and leadership of the Petitioner during this period has not been forthcoming.

1920-1939 Leadership

In this section, Petitioner states that Antonio Ortega “gathered members of the lineages for social and political meetings.”⁵⁸ There is no information regarding the frequency or, aside from the applications for the California Indian Judgement rolls, topics important to the lineages.⁵⁹ Although Petitioner stated here that there were meeting between at least the leaders of the Ortegas and the Garcias on this issue, at least one recent source stated:

The fact that the three lineages conducted these deliberations separately and made these decisions differently underscores the political distinctness of each of the lineages...⁶⁰

This interpretation of a lack of a ‘council of the whole’ and the lineages following their separate internal decisions does not lead to interpretation of a FTB entity during these decades. Joseph Ortiz was residing in San Fernando by the time applications were being taken for the California Indian Judgement roll, however, Petitioner has not presented any evidence that he met with or discussed this process with either Antonio Ortega or Josefina Leyva Garcia.

⁵⁷ FTB Petition, image p. 158.

⁵⁸ FTB Petition, image p. 158.

⁵⁹ FTB Petition, image p. 159. Petitioner erroneously refers to this Act as the “California Indian Jurisdictional Act.” This Act did not reference any jurisdictional issues, but instead identified individual Indians who could receive compensation due to the refusal of the US Senate to ratify the treaties of the early 1850s.

⁶⁰ A Coalition of Lineages, pp. 191-192.

The applications for the California Indian Judgement roll is the sole evidence presented for the 1920-1939 decades. The evidence that each family determined whether or not to apply indicates there was no cohesive Indian entity or leadership during this period. No examples of economic cooperation, or cooperative social endeavors have been presented by the Petitioner.

1940-1959 Leadership

Petitioner does not describe the actions or term of Estanislao Ortega as lineage leader following the passing of Antonio Ortega in 1941. Antonio's children determined who would lead the Ortega family at that time, and the other families of Petitioner do not appear to have been consulted. Documentation and descriptions of Estanislao's visits, who he visited, and what issues were important to members of the FTB have been cited. Petitioner noted Josefina Leyva Garcia as a lineage leader but does not describe or provided citations for her activities or roles as a leader during this time. Petitioner does not mention the Ortiz family at all for the decades 1940-1959.

Petitioner provided a short description of the activities Rudy Ortega, Sr. engaged in during the 1950s, however, although the Ortega family selected him as their lineage leader, there is no reference or evidence that the Garcia and Ortiz families acknowledged him as a leader over them as an FTB entity. Petitioner does reference a "Community Improvement Council," however, this organization is not explained, described, or noted whether it was a project of the Petitioner, or something based within the larger community of San Fernando.

1960-1979 Leadership

Petitioner identifies the leaders of the Garcia and Ortiz families during this period. However, the Petitioner does not explain how the three lineages came together to work as a single entity. Despite stating that Rudy Ortega, Sr. was appointed leader of the Ortega family in the early 1950s, Petitioner stated in this section that Rudy acted as leader from 1946. Additional 'satellite' organizations are mentioned during this period, as well as Petitioner's entity adopting at least one official name. Why Petitioner would use "San Fernando Valley Inter-Tribal Council" or "The Indian Inter-Tribal Inc." during this time rather than official identification as a Fernandefio or Tataviam entity indicates the families may not have been certain as to how to accurately identify themselves.

Petitioner notes a division as to the Ortega lineage leadership developed during these decades but does not describe whether this internal Ortega conflict effected or involved the other lineages of the Petitioner.

1980-1999 Leadership

The name of the Petitioner continued to change during these decades. The Petition is unclear regarding the main FTB entity during these decades. Petitioner states it was “known primarily as the Fernandeano Band of Mission Indians,” although during the 1980s a “Fernandeano Tataviam Non-Profit Council” was mentioned being formed in 2001. The Petition is unclear as to the entity’s government’s relation to the non-profit, or any officers of either organization.

The leaders of the three families are identified, however, the development of “sub-lineages” within the Ortega family are mentioned but not explained as to the reasons for this development, nor how these sub-lineage Headpeople function within the Petitioner’s entity.

Petitioner fails to mention that although Charlie Cook, Jr. was the “Headperson of the Garcia lineage,” he was publicly identified as being a “hereditary chief of the Southern Chumash.”⁶¹ The Petition is silent on this apparently separate organization of the Garcia lineage, the period for which this separate organization existed, and whether the Garcia family was separated from the FTB entity during the time a “Southern Chumash” organization existed.

In 1995, Petitioner began keeping an official roll. No membership documents or records appear to have been kept until the last decade of the 20th century.

2000-2021 Leadership

Following the passing of Rudy Ortega, Sr. in 2009, the Petitioner describes an election for the office of FTB President. The FTB election process is not described. No information is provided in the Petition as to when elections began being held, who was eligible to vote, who was eligible to stand as a candidate for office, etc. No information on a tribal council or how the office of “Headperson” functions in the present-day is present in this narrative. This is an important development for the FTB entity, and more documentation is needed for evaluating the 2000-2021 period.

⁶¹ FTB Petition, image p. 99.

Political Leadership in the FTB Lineages

In this section, the Petitioner summarizes the leadership history of each family. Petitioner makes statements here which are unsupported, and the questions surrounding any previous entity during 1870-1900 are not clarified. Petitioner suddenly includes a non-FTB member, Isadora Garcia Ortega, as making decisions in the leadership structure as the wife of Antonio Maria. Petitioner has not explained the involvement of Isadora in Ortega lineage affairs, especially as traditionally, married-in individuals did not have a voice in lineage affairs. The development of “sub-lineages” in the Ortega family is again mentioned, but not why this development occurred or how additional Headpersons are incorporated into the larger FTB community.

Additional information presented for the Garcia lineage includes an organization called “Ish-Panesh Band of Mission Indians.”⁶² This organization, which may also be known as the “Oakbrook Chumash People” was apparently active from the 1960s through 2017. Very little information was given for this group, and the Petition merely states that some Garcia individuals from this organization are now enrolled with the Petitioner. No division between the Josefina’s daughters Petra and Frances were mentioned prior to this section, and it appears that there was not agreement to Frances Garcia Cooke’s assuming the position of lineage leader (Headperson) in the 1930s and 1940s. The “lineage elders” who appointed Frances’ daughter Mary G. Garcia are not identified, and the apparent split between these two Garcia branches is not explained nor has the Petitioner described how or if this division has been settled. In context with Charlie Cooke’s “Southern Chumash” organization, the presence of these Garcia entities indicate that Petitioner did not hold political influence or authority over a significant portion of the Garcia lineage from the 1960 until approximately 2010. Without additional information, Petitioner appears to not meet Criterion (c) for the majority of the 20th and 21st centuries.

The leadership of the Ortiz family, not detailed prior to this section, shows a limited involvement with the Ortega and Garcia families. Their inclusion in the FTB entity has not been fully explained, as most of this family from about 1880 through the 1930s has resided in Kern or

⁶² FTB Petition, image p.166.

Kings counties, rather than San Fernando. No actual census citations are present in the Petition to be able to check the residences of all the Ortiz family in 1930.

The tables of the names of the Petitioner contains no citations attached to the entity's names. Specifically, the names given up to 1950 have not appeared to refer specifically to the Petitioner in any of the articles presented in the earlier sections.

1900 to 1919 Political authority articles

Oral History Interview with Rudy Ortega, Sr., by Gelya Frank, May 9, 2008. The excerpt from an interview with Rudy Ortega, Sr. on May 9, 2008. In this interview, Rudy, Sr. speaks on his knowledge of how his grandfather, Antonio Maria, became a leader. Unfortunately, Rudy, Sr. does not describe or name the community people who either chose Antonio or who Antonio "was doing a lot for."⁶³ The two other Tataviam speakers Rudy, Sr. refers to are not named. In order to be a community leader, there must be a community, and no enumeration or description of this community in 1900 has been provided. There is no information regarding a continuous line of entity leaders or acquiescing to a leader.

"Golden Secret in his Grave." Los Angeles Times, March 23, A7. This newspaper article was previously cited. This article only refers to Rogerio Rocha and his immediate family. It does not refer to any tribe or extant community of Indians in Rocha's vicinity. There is no information regarding a continuous line of entity leaders or acquiescing to a leader.

H.N. Rust, "The Last San Fernando Indian." This article was also previously cited. This refers to aid Rust was able to give individual Indians. No Indian entity, other than the very general "Mission Indians" was noted. This article does not have evidence for mobilizing significant members of any community.

1920 to 1939 Political authority articles

Letter from the Special Assistant to the Attorney General. This letter refers to all Mission Indians of California and does not specify Petitioner. This letter also does not touch on internal

⁶³ FTB Petition, image p. 170.

tribal political authority. There is no evidence of mobilizing significant members of any community.

Oral History interview with Rudy Ortega by Duane Champagne. Rudy, Sr. was speaking about when meetings held by his father. This excerpt does not identify the community members his father was meeting with or that any community members were mobilized for entity purposes.

“Application for enrollment with the Indians of the State of California Under the Act of May 18, 1928 (45 Stat. L. 601).” Application Number 11022, Frances Garcia Cooke, August 18. This excerpt is from the Frances Garcia Cooke’s application for the California Indian Judgement roll. The only people mobilized for this effort by Frances were her immediate family, not Petitioner’s entity.

“Application for enrollment with the Indians of the State of California under the Act of May 18, 1928.” Application number 11171, José Ortiz, May 17. This excerpt is from Jose Ortiz’s application for the California Indian Judgement roll. The only people mobilized for this effort by Jose were his immediate family, not Petitioner’s entity.

Oral History Interviews regarding the Ortega Family and 1928 Enrollment
Sources: Oral History Interview with Darlene Ortega and Jimmie Ortega by Gelya Frank, March 21, 2008. Unlike the Garcia and Ortiz families, the Ortega family chose to not participate in the California Indian Judgement Act. The only people mobilized to not apply for this Act were the Ortegas, not Petitioner’s entity. The California Indian Judgement roll acts to determine individuals eligible for compensation due to descent from a California Indian in 1852. The CIJ rolls do not confer any tribal status on individuals.

§83.11 Criterion (d): Governing documents

Petitioner currently has official governing documents adopted by its members at large.

§83.11 Criterion (e): Descent

The issue of a historical tribe following the demise of Mission San Fernando is not fully addressed by Petitioner. The evidence of the Mission San Fernando era indicates that the missionaries chose to work through extant lineage leaders and the lineages never merged into a

“unified tribal identity” or “combined into a single autonomous political entity. No such entity was described for any of the land grants made to individuals in the Ex-Mission San Fernando lands. Petitioner has not shown how baptismal or other records demonstrate a single entity, and political authority extending beyond lineages has not been described. The U.S. Censuses of 1850 through 1900 show Indians continually either leaving or being forced out of the Ex-Mission lands.

The 1850 Census

The 1850 U.S. Census has two districts for Los Angeles County—Los Angeles and Not Stated. In the 1850 Not Stated district- Indian residents begin appearing at page 2, as workers on farms or ranchos. It is not possible to determine their affiliation or family names for most cases, as no surnames were recorded for most of these Indian individuals. These households appear to be contingent to Urbano Chari's landholding, who appears household 289. He is using Chari as his surname, and his occupation is listed as farmer. For the 1850 U.S. Census, a plausible conclusion can be reached that the enumerated individuals listed as "Indian" surrounding known lineage leaders had been previously residing at Mission San Fernando. However, this without the ability to search baptismal, marriage, and death registers of Mission San Fernando, such speculation cannot be proved. If Petitioner has done this, the information has not been presented in the draft Petition Narrative.

1850 Census Table for Not Stated District, Los Angeles County

Page	Household #	Head of Household	Number of Indian individuals in household
1	279	Fernando Sepulveda (non-Indian)	2 (Laborers)
1, 2	281	Catarina Verdugo (non-Indian)	1 (Laborer)
2	283	Francisco Lopez (non-Indian)	7 (Laborers)
2, 3	286	Dolores Ocher (non-Indian, overseer)	13 (Laborers)
3	288	Joaquin Romero (non-Indian, overseer)	54 (Laborers and families)
3, 4	289	Urbano Chari (Chumash)	39 (Family, laborers & families)

Page	Household #	Head of Household	Number of Indian individuals in household
5, 6	292	Roman (no surname, Indian)	12 (Family, laborers & families)
6	293	Jose Miguel (Indian)	14 (Family, laborers & families)
6	294	Vincente D’Laura (non-Indian)	2 (Laborer & minor)
7	296	Fideles Aras (non-Indian)	1 (Laborer)
7	300	Jose Carmel Sepulveda (non-Indian)	3 Laborers
7	301	Antonio Rosa (non-Indian)	2 Laborers
8	309	Pedro Avila (non-Indian)	4 Laborers
			Approx. 151 Indian individuals at El Escorpion
10	315	Pedro Dominguez (non-Indian)	3 Laborers & family
10	316	Manuel Dominquez	9 Laborers & families
12	321	Jose Simone Roco	22 Laborers & families
13	324	Jose Leyva (Indian)	6 Laborers & families
13	326	Fernando (Indian, no surname)	15 Laborers & families
14	330	Frances Carpenter (non-Indian)	2 Laborers

Page	Household #	Head of Household	Number of Indian individuals in household
14	334	Thomas Sanchez (non-Indian)	1 Laborer
15-16	342	Vicente Trinco (non-Indian)	4 Laborers & families
18	353	Tomas D'La Portillo	2 Laborers
22	381	Hugo Reid (non-Indian)	3 (Indians' status in household undescribed)
24	395	Samuel Sexton (non-Indian)	3 Laborer & family
41	1194	Jose Sepulvada	5 Laborers
			Total: 228 Indian Individuals

The highlighted lines of the 1850 table indicate households headed by known Indian land grantees. There appears to be a residential nucleus of likely Indians from Mission San Fernando, however, Petitioner needs to explain these results and describe how a community during this period functioned. Petitioner has not explained where in this 1850 census its progenitors can be found, or why 100 Indians in this area were not part of the earlier historical tribe.

During the 1850s, former Indians of Mission San Fernando dispersed from the San Fernando Valley. Some Tataviam families moved to communities near the former Mission San Francisco Xavier, or small settlements along Piru Creek, among other areas.⁶⁴ A larger number of families, including Josefa Leyva's (Garcia lineage) grandmother and great uncles went to the Tejon Ranch, where, in addition to signing the January 1851 unratified treaty, they became leaders of this community.⁶⁵ The loss of land and scarcity of economic opportunities on Ex-

⁶⁴ Johnson, "The Indians of Mission San Fernando." Southern California Quarterly, p. 262. See: [The Indians of Mission San Fernando - DocsLib](#)

⁶⁵ Ibid., pp. 262-263.

Mission lands severely impacted the ability of Indian families to remain in the area, and certainly effected the ability for an Indian entity to continue in the area.

Petitioner has listed progenitors on the 1850 census, however, the citations to Mission records are internal to the Petitioner and so cannot be checked. While there is a "Teresa" listed here, there is no information to who she was and how she connected to the Ortega family.⁶⁶ While the 1850 census has approximately 228 Indian individuals, Petitioner states without explanation there were only 118 Indians from Mission San Fernando. If these Indians comprised the SFR entity in 1850, it is concerning that the Petitioner can only trace to five individuals on this census, even considering the mortality rates for the 19th century. One of the concerns regarding this Petition is that its entity consists of only three families. Another concern is Petitioner's neglecting to mention Federally recognized tribes who also came out of Mission San Fernando, where some of the FTB families are related.

The 1860 U.S. Census

There was no San Fernando district for Los Angeles County in the 1860 U.S. Census. The City of Los Angeles and Los Angeles Township were both included in "Los Angeles." While more Indians had recorded surnames in 1860 than on the 1850 census, the Petitioner's failure to use census analysis to link these individuals to the 1850 census in order to show a functioning Indian entity during the 19th century calls an earlier historical tribe into question. There are many fewer identifiable Indian people in the Los Angeles Township in 1860 than recorded in the 1850 census. Identifiable Indians from Mission San Fernando included Carlos Odon and family. Ten other Indian households were recorded in the immediate vicinity.⁶⁷ Petitioner has not brought out enough information regarding an earlier Indian entity for full evaluation.

⁶⁶ FTB Petition, image p. 206.

⁶⁷ U.S. Census, 1860, California, Los Angeles, Los Angeles Township, pp. 151-153. See: [Ancestry.com](https://www.ancestry.com) - 1860 United States Federal Census

The 1870 U.S. Census

By 1870, the San Fernando Valley Indian population became extremely difficult to identify. Through intermarriage, census-taker assumptions, or prejudices of non-Indian neighbors, remaining families formerly identified as Indian were now listed as “white” in the Los Angeles Township. For example, in 1870, Antonio Maria Ortega was living with Pablo Reyes and his family. Pablo Reyes was a relative of Geronimo Lopez, for whom Fernando Ortega had worked for years. Geronimo Lopez himself was the godfather of Antonio Maria’s younger brother Luis Ortega, who lived with the Lopez family as Antonio Maria lived with the Reyes family following the deaths of their parents. Antonio Ortega was identified as white on this census. If there was a remaining Indian community in the Ex-Mission lands during 1870, the community should be brought forward through census analysis to substantiate its claims of a historical tribe by linking individuals on the 1850 and 1860 censuses to the 1870 census.

The 1880 U.S. Census

The 1880 U.S. Census was the earliest census in Los Angeles County to have San Fernando township enumeration districts, No. 021 and 035. While there are surnames for generally everyone by 1880, identifying an Indian residential community in San Fernando is difficult due to few people who identified as Indian. An Odon family remained in the San Fernando district, Bernabell Odon, his wife and child were listed as white.⁶⁸ On page 18, the Garcia family was listed including Isadore and Isadora, who married into the Petitioner. They identified as Indian in 1880.⁶⁹ Luis Ortega, Antonio Maria’s younger brother, was living on his godfather, Geronimo Lopez’s, property as a boarder, and was listed as white.⁷⁰ Antonio Maria Ortega has not yet been found on the 1880 census. His apparent absence from San Fernando and a single family enumerated as Indian without analysis or explanation by Petitioner means there is a gap of almost a century of documentation for an Indian entity in San Fernando.

⁶⁸ U.S. Census, 1880, California, Los Angeles, San Fernando, Dist. 035, p. 11. See: [1880 United States Federal Census - Ancestry.com](#)

⁶⁹ Ibid., p. 18. See: [Ancestry.com - 1880 United States Federal Census](#) Additionally, in 1860, this family was in San Joaquin County. In 1870, this family resided in Soledad, 220 miles from San Fernando.

⁷⁰ Ibid., p. 19. See: [1880 United States Federal Census - Ancestry.com](#)

Further, the lineages of the San Fernando Valley were exogamous, i.e. marriages were required to be with a partner of a different lineage. For lineages involved with Mission San Fernando, the Chumash lineages were matrilineal, while the lineages further inland, including the Tataviam, were patrilineal and patrilocal.⁷¹ The three families comprising the Petitioner each descend from a single 19th century Indian ancestor. Although prior to the Mission era the lineages of the San Fernando area may have counted membership and descent exclusively from the father's family, the current Petitioner may include Tataviam descent through either parent, and acknowledges heavy cultural influence from cultural groups other than Tataviam; such as the Garcia lineage identifying during the 20th and 21st centuries as Chumash. However, the Petitioner has not fully explained the reasoning in its identification as "Fernandeño Tataviam" or how this appellation differs from other Tataviam descendants from Mission San Fernando.

Petitioner has not shown how, after the demise of Mission San Fernando, the Indians who lived on Ex-Mission San Fernando lands became a unified tribal entity that comprised a single political entity. The only evidence Petitioner points to are baptismal records and the final election of Mission *acalades*. Petitioner does not explain how these records, absent additional information on the communal functions, economic cooperation, or the emergence of overarching political authority for the Indian people residing on the Ex-Mission land grants.

The 1900 Census

Petitioner uses the 1900 census here due to the destruction of the 1890 census. Petitioner has not provided full citations for FTB families, nor noted where these FTB ancestors were located. The individuals listed there were living in disparate locations, both in San Fernando, more northern Los Angeles County, and Kern County. This list does not represent a residential concentration, or a definable geographic community.

⁷¹ Coalition of Lineages, p. 24. From the mid-18th century until 1900, these patterns of descent and lineage reckoning appear to have been shattered, as presently the FTB petitioner recognize descent from their identified progenitors through either the male or female lines of descent.

§83.11 Criterion (f): *Membership*

Petitioner's membership governance documents appear to be consistent with OFA requirements.

§83.11 Criterion (g): *Congressional Termination*

Petitioner has not been terminated through Congressional action.

Conclusion

Criterion (a). Petitioner has not demonstrated that it meets the standard of *Identification of an Indian entity*. Petitioner does not describe the historical tribe from which it descends after the dissolution of Mission San Fernando. The Petition narrative assumes, rather than demonstrates, the existence of a unified SFR community. Some evidence is provided of interactions between a limited number of families or individuals, but the lack of citations to reproducible sources makes assertions and events very difficult to verify. There are also assertions of activities by individuals have not been supported by citations.⁷² Petitioner does not describe the entity in 1900, or how it functioned. The external identifications listed for the various decades are an individual who was listed as a leader by only one of Petitioner's families. An FTB entity was never specifically identified or described, as the outside sources were merely referring to all "Mission Indians," or "Mission tribes," which does not qualify as a direct reference to any specific entity. Reference to Petitioner's entity does not begin until the late 1960s forward. No identification as an Indian entity for the Petitioner occurs for over half of the 20th century.

Criterion (b). Petitioner has not demonstrated that it meets the standard for *Community* from 1900 until approximately 1990. Petitioner has not shown its lineage families in a residential focus or having entity meetings until the last half of the 20th century. Petitioner does not explain the Garcia family's separate Chumash organization which lasted from the 1980s until

⁷² Two instances such as this are Jose Miguel Triunfo's work for the railroad, as well as Antonio Maria Ortega assisting in Rogerio Rocha's land case. Not even Petitioner's Bates numbered documents are provided for these statements.

the early 21st century and whether their participation in the FTB entity was impacted by this separate organization.

Criterion (c). Petitioner has not demonstrated *Political Influence or Authority* for the late 19th century until the late 1960s at the earliest. The “Headpersons” or other community members who appointed Antonio Maria Ortega as a lineage leader have not been identified. Communication or interactions between the lineages of the Petitioner do not begin to be documented until the 1930s, and there was no overarching political authority outside each family, until well after Rudy Ortega, Sr. was appointed to the Ortega leadership. Although Petitioner mentions “a petition for funds” to the Indian Claims Commission in 1972, the Petitioner does not provide information on any Docket the FTB may have been added to or what recognition “as an Indian entity” may have occurred.⁷³ No evidence was presented for the assertion that the ICC recognized the Petitioner as “an Indian entity.” The communication and communal activities during the period of 1900 to 1970 (or later) only seem to involve members of the Ortega and Garcia lines, as most of the Ortiz family members remained in Kern County until the late 20th century.⁷⁴ There is evidence for more recent political authority during the 21st century, but this appears to be a recent development.

Criterion (d). Petitioner has provided evidence of its governing documents which began with a FTB constitution in 2002. No earlier governing documents appear to have been provided.

Criterion (e). Petitioner has not met the level of evidence for *Descent from a Historical Indian Tribe*. Petitioner has not described how the system of lineage leaders was able to merge into a single political authority following the demise of Mission San Fernando.

⁷³ FTB Petitioner, image p. 194.

⁷⁴ Although Joseph Ortiz, his wife and youngest moved to San Fernando in the late 1920s and are in San Fernando on the 1930 census, his and his families’ participation in the FTB entity is not well documented, as he was likely already ill. None of his other children moved to San Fernando during the majority of the 20th century.