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Dear OFA,

APR 11 2024

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

I am writing to express my formal opposition to the federal acknowledgement of Petitioner Number 403, the Fernandño Tataviam Band of Mission Indians. Based on my research there are some serious discrepancies in the information presented in their petition, specifically regarding their genealogy, and unless these discrepancies are resolved and/or proven otherwise, the misconceptions in the petition would render it invalid.

Also, in this letter I wanted to address a problem which needs a closer look that is in Rudy Ortega's petition. The issue is regarding the woman called "Maria Rita Alipas (Alipaz), who is Ortega's stated Indian connection to the Mission San Fernando Rey. My research indicates that Rudy Ortega's claims about his lineage is unsupported/false regarding the woman simply known as "Rita" as documented in the Mission San Fernando Rey Indian records as BP#02742.

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Please consider the following facts: "Rita" was born May 24, 1830 at Mission San Fernando Rey (documented at age 2).¹

She was married to Benigno "Venigno" on Sept 1st, 1845 SFR marriage number 0092.² She had a child with Benigno named Maria de Jesus³ who was baptized on February 25, 1846 at Mission San Fernando Rey and then a son *Felipe de Jesus*⁴ on December 13th 1848 at La Plaza church. There are no existing records to be found stating that Rita ever added "Maria" to her name (as stated in the petition), nor is there any record of divorce notations to imply a name change to include the name Maria, in the SFR marriage records.

The records⁵ indicate that Rita's life continued throughout the 1850's. In the 1860 Government census of Los Angeles, Rita can be found again, this time with Jose, her new husband, in the Family section of the census. The entry from the census is as follows:

Jose estimated age 28

Rita estimated age 28

Filipi 11 (Note Felipe de Jesus was born 13 Dec 1848, making him around 11 years old in 1860)

Jose 10 (Naming the new son after this father)

Francisco 6

Antonio 4

Pedro 8/12

The census confirms that Rita did remarry, this time to a man named Jose. They had a son named Jose (1856) during that time. Filipi "Felipe" continued to live with his mother, which explains why he was a year older than his brother Jose. The census also mentions that Rita was illiterate and that her age was estimated.

¹ The Early California Population Project. Edition 1.1. General Editor, Steven W. Hackel (University of California, Riverside and The Henry E. Huntington Library, San Marino, California, 2022.) SFR BP #02742

² The Early California Population Project. Edition 1.1. General Editor, Steven W. Hackel (University of California, Riverside and The Henry E. Huntington Library, San Marino, California, 2022.) SFR Marriage #0092

³ The Early California Population Project. Edition 1.1. General Editor, Steven W. Hackel (University of California, Riverside and The Henry E. Huntington Library, San Marino, California, 2022.) SFR BP#2087

⁴ The Early California Population Project. Edition 1.1. General Editor, Steven W. Hackel (University of California, Riverside and The Henry E. Huntington Library, San Marino, California, 2022.) LA BP# 1999

⁵ Ancestry.com 1860 United States Federal Census

Dwelling Number 295, Family Number 287

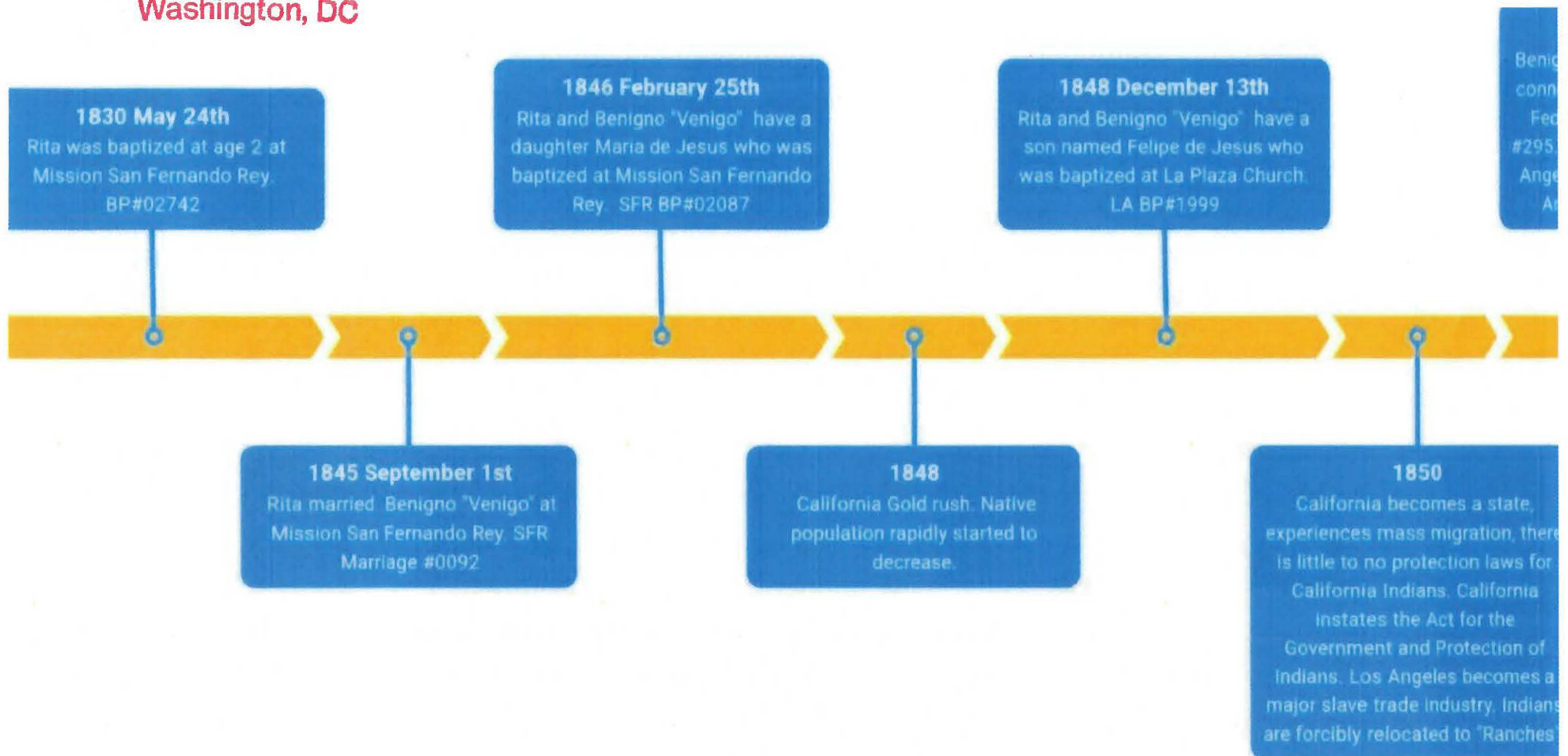
Page No. 29, Los Angeles Township, county of Los Angeles, State of California 21st of July 1860

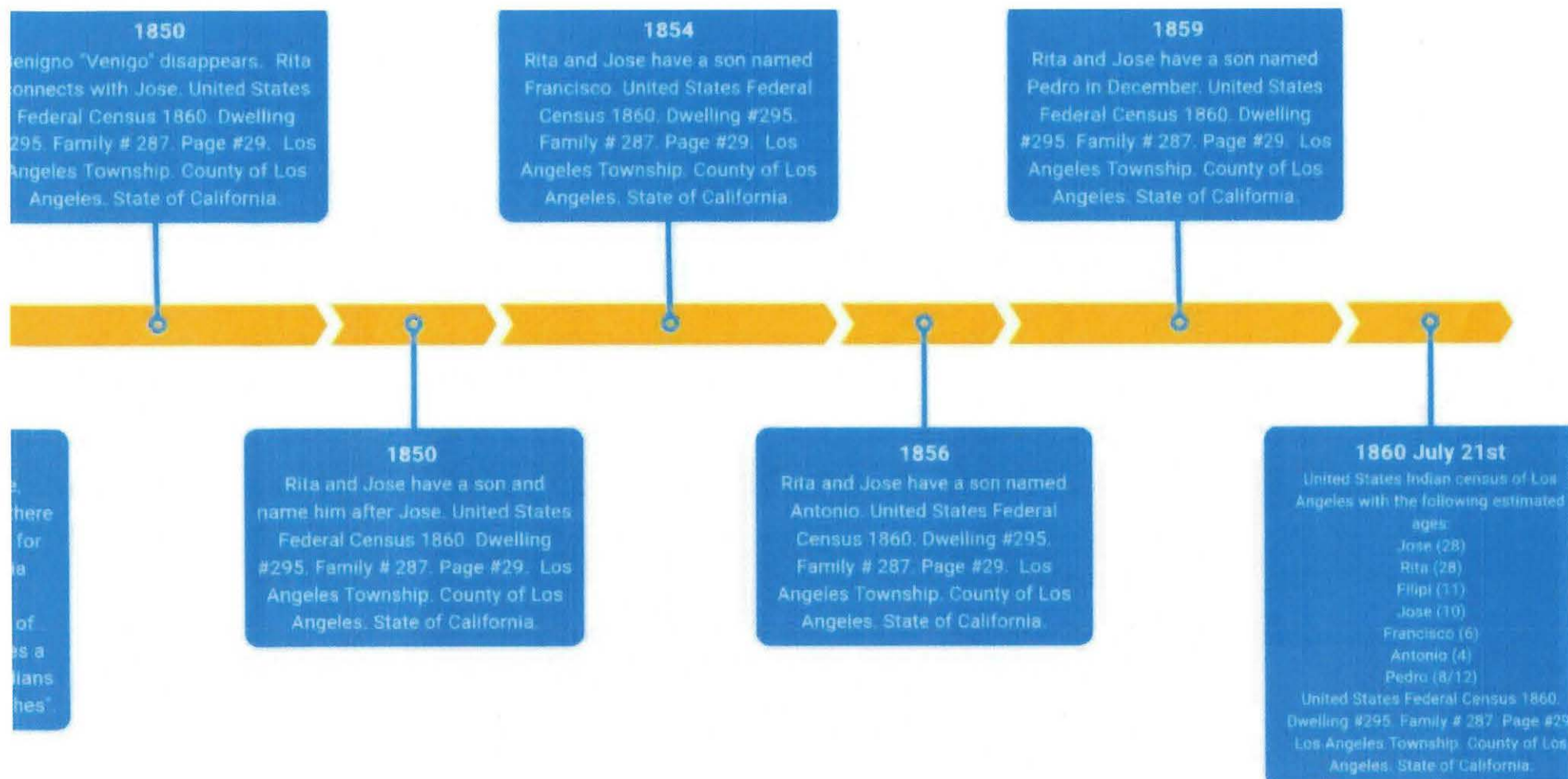
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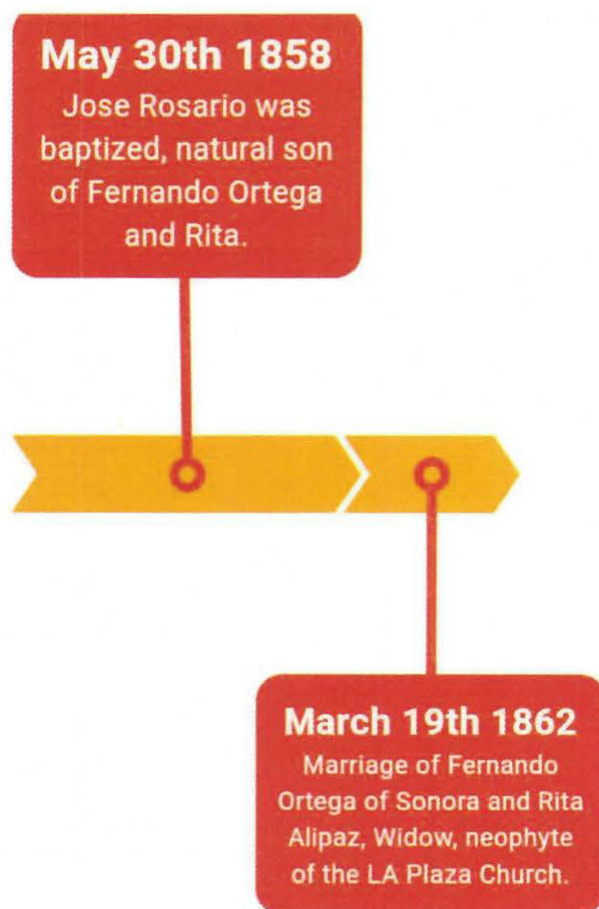
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It should be noted that there are a number of "Ritas" in the extensive baptismal records of the California missions. From my research and following the law of Occam's Razor, Ortega is referring to a "Rita Maria"⁶ in the stated Ortega baptism entry #1832⁷. The Ortega petition also states that Rita Maria married Fernando Ortega and had two children with him, "Jose" Antonio Maria Ortega(LA BP #1832, May 30th, 1858, and Luis Eduardo Ortega.

Rita Alipas Ortega



⁶ Petition #158: Fernandeño Tataviám Band of Mission

⁷ Petitioner #158: Narrative Web Documents

1858.05.30 Baptismal Record: Jose Rosario Ortega - La Plaza Church 1858 Baptismal Record FTB

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Also, based on an analysis of the records, Rita Maria's lineage appears to be of Mexican descent and that Maria Rita Alipas (Alipaz) is actually Rita Maria Josefa Celis⁸. Rita Maria was baptized at LA (Los Angeles Plaza Church) BP#01743 on July 21 1847, Razon at age 3. She was categorized as a "Razon" a term that the Padres used to describe anyone that was not indigenous. Her godparents were recorded as follows: "Ortega, Maria Soledad (Madrina)". Both the baptisms of Jose Rosario Ortega (Rita and Fernando Ortega's son) and Rita Maria took place at La Plaza Church. It mentions in Rita and Fernando Ortega marriage records that Rita Alipas was a neophyte of the Church of La Plaza. According to these records, Rita Maria would have been 14 when she conceived Jose Rosario Ortega. It should be noted that it was common to marry as young as age 12 during that time.⁹

The petitioner has members who claim descent from the two sons of Rita and Fernando Ortega: Antonio Maria Ortega and Luis Eduardo Ortega. Luis, a legitimate son, was baptized at the Los Angeles Plaza Church (LPC) on August 31, 1862. No baptismal record for a son of Rita and Fernando named Antonio Maria Ortega has been found, however the petitioner claims that a child baptized under a different name, Jose Rosario Ortega on May 30, 1858, at San Fernando is the same person as Antonio Maria Ortega.¹⁰

It would suggest that the Ortega family would look at more promising aspects instead of branching out into less lucrative familial directions. The Celis family was an already established family owning land. Rita Maria Josefa Celis had an already established connection to the Ortega family, having an Ortega as a Godparent. She was baptized in the same church as Jose Rosario Ortega and would have been of child-bearing age at that time. On the other hand, Rita (San Fernando Rey Indian BP#02742) was already married and had a confirmed daughter and son with Benigno "Venigno", a daughter and son that Rudy Ortega never mentions in either of his petitions. Rita's life can be found in the 1860 census with her son Felipe. In the Tataviam petition, it mentions that the petitioner Rocha had ties to the Celis family, which would explain the Ortega family's past connection to The Celis family is linked to Rita Maria Josefa Celis.¹¹ As noted the Celis family were land owners (120,000 acres) and at the time it was common and desirable to marry into families that owned land, which gives us a clear reason as to why this scenario might be more plausible. In the case of Mr. Ortega's petition, it appears he is claiming ancestry with an existing woman of the time and locality who was named Rita Maria but who

⁸ The Early California Population Project. Edition 1.1. General Editor, Steven W. Hackel (University of California, Riverside and The Henry E. Huntington Library, San Marino, California, 2022.) LA BP#01743

⁹ Raquel Casas, Maria (2005). "Victoria Reid and the Politics of Identity". *Latina legacies : identity, biography, and community*. Vicki Ruiz, Virginia Sánchez Korrol. New York: Oxford University Press. pp. 19-38. ISBN 978-0-19-803502-2. OCLC 6133020

¹⁰ Phase I - Negative Proposed Finding Fernadeno of Tataviam Band of Mission Indians Prepared in Response to the Petition Submitted to the Assistant Secretary - Indian Affairs for Federal Acknowledgment as an Indian Tribe. May 27th, 2020 R.Lee Fleming Director Office of Federal Acknowledgment. Pg 26.

¹¹ Fernandeno Tataviam Band of Mission Indians
Federal Petition Office of Federal Acknowledgment
Bureau of Indian Affairs, U.S. Department of Interior
Supplementary and Updated Information
to the Petition of 2009 CRITERIA 87.3(b) Pg. 25

has a documented Mexican lineage (Rita Maria Josefa Celis), and does not have Native American ancestry (Rita San Fernando Rey Indian BP#02742).

To conclude, Mr. Ortega is claiming ancestry based on his link with "Rita San Fernando Rey Indian". My research shows that "Rita" continued to have a fruitful life in California but had no affiliation to the Ortegas. Fernando Ortega married another Razon (non indigenous) named Rita Maria Ali Paz, who is most likely Rita Maria Josefa Celis.

Where there is a paucity of facts, applicants often like to say, "Well, our oral history will bridge the gap," however when it comes to the high stakes rewards and reparations, it has to be noted that people are often motivated to adopt personal narratives to fit a larger agenda. Also, oral histories get distorted over time and have been known to conflict with each other, so in my work, maintaining due diligence and thoroughly researching the records/facts often will reveal the basic truths of the matter.

For the integrity of the federal acknowledgement process, stricter criteria are essential. Certified genealogy should be the baseline, replacing claims built solely on hearsay. After all, sharing a surname with a historical figure is a flimsy connection. Having the last name "Washington" doesn't guarantee any relation to President Washington, just like "Rita Maria" doesn't prove descent from another Rita.

Sincerely
Mike J Lemos

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Dear OFA,

I am writing to express my formal opposition to the federal acknowledgement of Petitioner Number 403, the Fernandeno Tataviam Band of Mission Indians. Based on my research there are some serious discrepancies in the information presented in their petition, specifically regarding ancestral land protection, and unless these discrepancies are resolved and/or proven otherwise, the misconceptions in the petition would render it invalid.

My understanding is that the Fernandeno Tataviam Band is currently claiming territory to land that has been well documented throughout history and has clearly been established as belonging to other tribes. Documents attached to this letter, all properly cited, support these facts, the reality of the situation. The territorial claims on their part are a recent development and will require documented proof to back up their claims.

To help understand why this is an issue, I will use my own lineage as an example. I am part Chumash and part Kizh. While I, as a member of the Kizh tribe, might have some ancestral ties to a village outside our Kizh territory (i.e. Chumash territory), I would not presume to initiate a claim of Chumash land on behalf of the Kizh people. The well documented history of the lands over centuries of time more than proves and quite precisely exactly what tribe lived where and this cannot be arbitrarily changed at this late date.

It should be noted that in his petition none of the Tataviam villages are mentioned. The correct Tataviam villages was documented by William Bright¹²³. Their ancestral map on the Tataviam official website clearly uses Chumash and Kizh Gabrieleno villages.⁴

Sincerely
Mike J Lemos

¹ The journal of california anthropology by Michael Kearney
The Alliklik Mystery, by William Bright Pg. 229
Publication date 1974

² Los Angeles Times, William Bright, 78, Expert in Indigenous Languages, Is Dead. Oct. 23, 2006 By Margalit Fox

³ The Karok language by William Bright
Smithsonian Libraries and Archives
Social Media Share Tools
https://www.si.edu/object/siris_sil_762088

⁴ <https://www.tataviam-nsn.us/landacknowledgment/>

LETTER
B.

ATTACHMENTS
OMITTED