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Fernandeano 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(a)

**Supplementary and Updated Information to the
Fernandeño Tataviam Band of Mission Indian Petition of 2009**

Section 83.7 (a). The petitioner has been identified as an American Indian entity on a substantially continuous basis since 1900.

Identification and Recognition Before 1900

To comprehend identification as an American Indian entity since 1900, it is essential to understand the social and cultural organization of the Indian groups that populated the San Fernando Mission, as well as the region, for centuries, if not longer, before the missions were established. Before significant European contact, the Indians of California, including the Indians who eventually entered into San Fernando Mission after 1797, were independent, decentralized, uni-lineal kinship groups. Political recognition with each other came from mutual respect of boundaries, and agreement upon rules of ceremonial activities, economic exchange, as well as political cooperation and respect. The eminent anthropologist Alfred Kroeber, who wrote in the 1950s, called this form of social and political organization a “tribelet.” Kroeber said:

(T)hese tribelet units, with around 200 to 300 members, were the basic political and social units in native California Indian life. Ultra-miniaturized as they were, they nevertheless constitute the nearest equivalent to the State or Nation among ourselves. This is true in the sense that, just as what in Europe is called the State, but in this country the Federal government or the Nation — just as this state or Nation does not recognize any authority or power superior to itself, and is supreme and autonomous, so in native California these tiny tribelet units recognized no superior authority, but were self-governing, independent, and land owning.¹

Since each lineal group-village shared a common ancestor, kinship members could not marry inside, and therefore married eligible individuals from other lineages, which often spoke different languages. The region that composes the recruiting ground for San Fernando Mission included the territory of present-day San Fernando Valley, Catalina Island, Malibu, Santa Clarita Valley, parts of northern Los Angeles, and other contiguous areas. At least 130 named settlements provided individuals to the San Fernando Mission.² The region prior to contact was multi-lingual, multi-cultural, decentralized, and based upon lineages that were interconnected and mutually supported through networks, marriages, ceremonies, and trade. Linguistic speaking groups did not form political entities. Each linguistic group was internally composed of

¹ See document: 000261.BL, p. 22.

² 80799.Johnson, p. 7.

independent lineage groups that held territory and political autonomy from all others, whether linguistically related or not.³ When the Spanish missionaries arrived, they encountered an active regional multi-cultural economic, political, and ceremonial network, where the Indians respected cross-lineal rules and obligations, and where land, economic resources, and political leadership were established and carried on for many centuries. The pre-contact Indians recognized each other's land, ceremonial, kinship, and political relations. Recognition in the pre-contact period came from the respect of mutual rights and obligations observed among the regional network of lineages.

Kroeber went on to argue that the tribelet is the equivalent to a tribe elsewhere in Native North America:

This village-community or "tribelet" is the native California equivalent to the "tribe" among other American Indians in the following senses: First, it is the largest group which was autonomous, self governing, and independent. Second, it is the largest group over which any one person, leader, or chief had recognized authority or near-authority. An able chief might be known and respected and listened to among neighboring tribelets, but his actual following was limited to his own tribe, and strictly so. And in third place, it was the tribelet that was the largest unit to own a territory, and in much of California the only such unit. To the tribelet belonged the land which its members traveled over, lived on, gathered food in, and which they claimed and occupied....⁴

In native California, the most constant feature of the tribelet unit probably was their unity and solidarity of spirit; the sense that they were one people with common fortunes....⁵

The tribelet community (was) usually distinct from the settlement. The difference between village-community or tribelet and the village or settlement is that the former may contain several settlements. These several settlements — there might be three or four or five of them — sometime were more or less the same in size, but more often one was dominant or permanent, the others more like suburbs of it. They might be situated some miles away. The smaller settlements were like to be inhabited seasonally, or by certain families only, perhaps for a stretch of years, after which their population might drift back to the main settlement. Also whenever there was anything like a council of the group, when war was threatening, or especially

³ See the John R. Johnson's linguistic map in document 80943.Johnson, p. 6.

⁴ 000261.BL, pp. 15-16.

⁵ 000261.BL, p. 23.

when a festival was announced and a dance was held, it was the largest, principal, or most permanent settlement within the tribelet that would be the gathering point for all members of the group.⁶

The kinship clan in Southern California. — The next largest unit above the house or family, numbered perhaps fifty with a range of variation from as low as twenty or twenty-five to seventy-five, or perhaps a hundred. This would be the group consisting of a number of houses that were related by blood. In other words, this group was based on kinship, although not always kinship of the closest or most immediate sort. In size, and in the fact that the bond between the members of these groups was that of blood or marriage relationship, ... These thirty or forty, fifty or seventy people were usually related primarily in the paternal line, with wives married in from adjacent groups and with daughters marrying out into neighboring groups. The males were the primary owners of a tract sufficiently large, with varied natural resources to support them. They acted together in times of emergency. They were likely to act together in time of visits, festivals, and dances.

In Southern California, these kin groups have been called clans, which are an adequate enough term if one does not read too much into it. They all trace relationships back to common ancestor, usually to the fifth generation beyond the children of the group. The older men would remember him as father or uncle, or perhaps grandfather. The younger men may have a shadowy recollection of him. To the little boys in the group, this common ancestor from whom they were descended would be merely a name. In addition, there were the women born into the clan; the younger ones still girls and unmarried, the older perhaps a few widows who had been married out and returned later to the group among which they had been raised. The other women would be from other clans in the neighborhood, who had been married in. The picture was not always so strictly regular as this because residence was somewhat shifting, due to the fact that when a man married he was likely to live mostly with his wife's family until a child or two was born. After that he was likely to return to his native clan and bring her with him.⁷

The Chumash-speaking lineage communities that are matrilineal, rather than patrilineal, complicate the region where San Fernando Mission was built. Nevertheless, the Chumash did not marry entirely within their own linguistic, cultural, or political groupings, and also married among the Gabrieleños, Tataviam, Kitanemuk, as well as others. The choice about whether the

⁶ 000261.BL, pp. 14-15.

⁷ 000261.BL, pp. 10-11.

partners in a “mixed marriage” might chose patrilineal or matrilineal rules of residence appears to have been flexible and went both ways, in practice.

The San Fernando Mission records provide documentation of baptisms, marriages, and burials of all the mission recruits or neophytes. The standard baptism record gives information about the date of birth and date of baptism, name of the baptizing mission, the officiating priests, and witnesses who served as godparents. The baptism records often include names of parents, if they are Christians, and often the parents’ place of origin, or birth, and the parents’ baptism number, and name of the parents’ baptizing mission. The place of origin is usually a lineage community name, or as Kroeber says, a tribelet, or a lineally related family attached to a central tribelet settlement.

Since names of the lineage communities are often given in the Mission record, one knows the name of the lineage or place where the neophyte was born, and consequently the neophyte’s lineage relations. When a neophyte was born at San Fernando Mission, the mission was given as the neophyte’s place of origin. However, it is usually possible to trace back through the baptism record to parents, grandparents, or older ancestors, if available, to find the name of the neophyte’s lineal community. Descendants from Chumash lineal community are traced through the mother, while the other lineage communities traced lineage relations through patrilineal relatives. For the adult baptisms, the estimated ages of the neophytes range over much of the 1700s, so the information gives a window into the places and marriage patterns before migration to the mission. Johnson counts at least 130 rancherías (tribelet) or segments of tribelets that gave neophytes to the San Fernando Mission record.⁸ While the network of marriages, social, and ceremonial ties extends throughout the region, and existed well before the Europeans’ arrival, the network is also seamless and extends to connections to even broader relations. Each generation must marry outside the local lineal-community, and therefore new connections are created, and each generation has ties to a different mix of lineal communities or segments than the generations before. Therefore, trying to say that one generation of marriages and contacts is more significant than another is difficult, and simplifies the complex ties that existed and continue to exist within the same region of lineage community network relations.

Nevertheless, we can identify several lineal communities that during the post contact years create a cluster of social and political ties that form the contemporary Fernandeño band consisting of three lineages. The Ortiz family has close ties and origins to Cahuenga. While Cahuenga is a place name, the community or lineage kinship group that made its home there is known as Cabuepet. The lineage communities are fundamentally a kinship group. Jose Miguel Triunfo (Triunfo) is the primary progenitor for the Ortiz family or lineage, and while he was born at San

⁸ See 80943.Johnson, pp. 10-14 for the names of the more significant historical lineage-communities or tribelets that contributed individuals to San Fernando Mission after 1797.

Fernando Mission, his mother, Maria Encarnacion, was born at Cahuenga, and in the Cabuepet lineage. Triunfo's father was Miguel, a mixed blood who did not have a surname, and whose kinship ties are uncertain.⁹

A primary progenitor for the Ortega lineage is Maria Rita Alipas, who was born at the San Fernando Mission.¹⁰ Rita's paternal grandfather is Juan Maria, who was born at Chaguayanga for the place, or Chaguayabit for the lineage line.¹¹ Her grandmother was Francisca Xaviera, and she was born at Tochonanga for the place, and Tochonabit for the lineage.¹² Both parents on Rita's father side are from lineages that speak Tataviam, but from different lineages. Rita's maternal grandfather, Tiburcio Cayo, was born at the lineage community at Tapuu, which spoke a Chumash dialect.¹³ Rita's grandmother was Teresa, who was born to the Suitcabit lineage at Siutcanga, which lived at present-day Encino.¹⁴ The Suitcabit lineage spoke a Western Gabrielino dialect.

The Garcia lineages have ties to many lineage-communities, including sharing a common ancestry with the Ortega lineages among the Chaguayabit. Nevertheless, ties to the lineage-community of Tujunga play a significant role for the Garcia family during the post-contact period. Maria Josefa (Josephine) Leyva is a commonly recognized progenitor among the Garcias.¹⁵ Josephine had lineal ties to Tujunga through her grandfather on her mother's side, Francisco de Espiritu Santo.¹⁶ Francisco was married to Teofila, who was sister to the "Taari" or leader among the people who we now know as the Tejon tribe.¹⁷ Through her father, Jose Juan Leyva, Josephine was related to several generations of ancestors at Jucayunga, or Escorpion, a Chumash-dominant village on the Western edge of the San Fernando Valley.¹⁸

The San Fernando Mission records provide documentation of direct ancestry linked to historic Indian tribelets or single lineage-based communities with territories. The Spanish padres recognized the lineage communities, and that they had territories and leadership, and for many tribelets, the padres recorded the names of "captains" who they understood were leaders of the various lineage communities. The padres did not seem to note the lineage-based character of the tribelets, but recognized them as political entities, and as a form of social and political

⁹ See SF Baptism #02140 (San Fernando Mission Baptism # 02140).

¹⁰ See SF Baptism #2742.

¹¹ See SF Baptism #0317.

¹² See SF Baptism #0226.

¹³ See SF Baptism #0849.

¹⁴ See SF Baptism #0342.

¹⁵ See document 80291.LPC. Our Lady Queen of Angels Church, Old Plaza Church, Los Angeles, CA, Baptism Record: Vol. 4, Page 9, Number 53.

¹⁶ SF Baptism #0171.

¹⁷ SF Baptism #1848.

¹⁸ 80944.SFR Baptism #02908. San Fernando (Rey) Baptism #02908.

organization that they tried to supplant and transform over to Spanish political, social, and cultural forms of government and Christian community.

The Spanish Period (1769-1821)

The Spanish period brought considerable changes in the social and cultural organization of the Indigenous regional society and economy. As the Spanish moved to block the Russian incursion from the north, and extend the Spanish empire, the Spanish King assumed control over the territory of Alta-California. The Spanish established some settlements, forts, and missions. The mission invited many Indians to join the Christian community, although not all chose to join. Some Indians worked for ranches, while others, more isolated, remained in their homelands and carried on the regional cultural, political, and kinship relations that had persisted before the Spanish intrusion. Thereafter, the Indians' regional ceremonial and kinship relations also included the Indians and lineage communities that had moved to San Fernando Mission. San Fernando Mission was established in 1797, in part to help serve the Los Angeles area, which seemed to overburden the previously established San Gabriel Mission.

Under Spanish colonial rules, the Spanish King assumed ownership over the land.

As soon as the territory of California was occupied by Spain in 1769, the absolute title to the land vested in the King. No individual ownership of lands, but only usufructuary titles of various grades, existed in California during Spanish times. The king, however, was actually in possession of only the ground on which the presidios stood and of such adjoining lands as were needed in connection with the royal service. The natives were recognized as the owners, under the king, of all the territory needed for their subsistence; but the civilizing process to which they were to be subjected would greatly reduce the area from that occupied in their savage state; and thus there was no prospective legal hinderance to the establishment of Spanish settlements.¹⁹

The Spanish King took immediate liberties to extend land grants to loyal and deserving colonists. The grantees did not pay taxes to the government, and the burden of financing government in Alta California fell to a large extent, if not entirely, to the Missions and Indian laborers. From the point of view of Spanish colonial practices, the King assumed control of the land and held the land in trust for his subjects, which now included the Indian peoples.

¹⁹ Englehardt, Zephyrin *The Missions and Missionaries of California*. Vol 3 (San Francisco, CA: The James H. Harry Company, 1913), pp. 639-40.

The Indians were recognized as deserving of holding government status under Spanish rule.²⁰ As in other parts of the Spanish Empire, Indians in Alta California, and in the San Fernando Mission region, were allowed and encouraged to adopt formal government status in the form of creating an elected municipal government within the administrative framework of the missions. Each year on January 1, the mission Indian municipal government elected *alcaldes* and councilmen, as well as other municipal government offices. Consequently, the Indians in each mission, including San Fernando, had recognized political status, a claim to trust land, and the protection of the state (Alta California) government. The municipal government, in principle, enabled the mission Indians to act directly within the broader frame of Alta California government, which was also organized by the same principles of municipal government, and also elected *alcaldes* and municipal officers. The plan of municipal government was to assimilate Indians into the administration of Spanish government, and make the Indians active subjects and participants of the King and government. The Indians would receive local self-government and protection of sufficient land, so the Indians could make a living. Indian municipal land could not be sold and therefore was protected from loss. However, Alta California and Spanish law prevailed over local municipal tribal law and administration.

The Spanish municipal governments and Missions ignored Indian culture and political order. While the Indians conformed to the new ways of government proposed by the Spanish, the San Fernando Indians retained many fundamental aspects of their traditional lineal kinship-based forms of government and social relations. In 1813, a survey was requested to report on the condition of the mission Indians. At San Fernando the padres reported: “There are no Caciques or governors. The Indians respect only those who were the chiefs of their rancherías in paganism; and these do not molest them at all, nor do they demand any service from them.” “They still preserve the customs of their forefathers.” “All work in community, and from its products they eat and dress.” “All are dressed alike and partake of the same food.” “The Indians are inclined to idolatry; for it is observed that in their race-courses they make a great circle, in the center of which they raise a pole covered with bundles of feathers from the crow and adorned with beads. As many as pass the pole pay homage to it, and returning round about blow to the four winds, thus asking relief of their necessities.”²¹ The San Fernando Indians carried on significant ceremonies and festivals every year and Indian leaders from all over Southern California attended the ceremonial activities at San Fernando.²²

²⁰ Hackel, Steven W. *Children of Coyote, Missionaries of Saint Francis: Indian-Spanish Relations in Colonial California, 1769-1850* (Chapel Hill, NC: The University of North Carolina Press, 2005), pp. 229-252.

²¹ Englehardt, Zephyrin *San Fernando Rey: The Mission of the Valley* (Chicago Illinois: Franciscan Herald Press, 1927) pp. 26-33.

²² 90150.A.SFS.

Since Spanish officials tended to be somewhat distant, missionaries used the municipal governments to manage mission affairs. Spanish colonial history is often driven by conflict between the Catholic Church, the King, and the owners of large estates. The landholders wanted cheap Indian labor, while the missionaries wanted to build and maintain Christian Indian communities. The government administration or King wanted to ensure that the Indian subjects lived under secular government administration rather within the hold of the missions. These conflicts played themselves in relatively unique ways in Alta California.

In the Spanish period, the Spanish government recognized Indian municipal government and land, but did not recognize directly Indian forms of government. The missions and Spanish government tended to ignore Indian political organization and tried to impose new government and political forms within the framework of municipal government by a population of individuals. While the Indian municipal governments in the missions served both the mission and government, Indian lineages continued to prevail in the mission Indian villages. “Because the neophytes lived either in their own villages or in villages constructed near the missions, the *alcaldes* faced enormous problems of control. And it seems evident that local headmen were able to maintain a certain amount of authority over the neophytes.”²³ At San Fernando Mission, the adults and married Indians lived in a village about a half-mile north of the mission. The non-married children lived in separate male and female barracks within the mission buildings, and under the watchful eye of the mission staff. Missionaries tried to manage municipal tribal government, but leadership tended to be influenced by supporting coalitions of lineages.²⁴ To some extent, missionaries tried to incorporate Indian headmen and captains in the municipal government as a way of creating support and easing the degree of change needed to make to transition to municipal government.²⁵

The Mexican Period (1820-1846)

The Mexican period (1822-1846) continued the policy of proposing that Indians take up municipal governments, through election of *alcaldes* and municipal officers. (See Priest book, Engelhardt on the offices of the municipal government) However, the political instability of the Mexican government, which changed often, and sometimes violently, created an environment where little was achieved. The Mexican plan, following on the liberation of Mexico from the Spanish empire, was to secularize the missions, put the Indians under secular municipal

²³ Phillips, George Harwood, *Chiefs and Challengers: Indian Resistance and Cooperation in Southern California, 1769-1906* (Norman, OK: University of Oklahoma Press, 2014), p. 47.

²⁴ Hackel, “The Staff of Leadership: Indian Authority in the Missions of Alta California” William and Mary Quarterly, Vol. 54. no 2 (1997): 366, 376.

²⁵ Hackel, Steven W. *Children of Coyote, Missionaries of Saint Francis: Indian-Spanish Relations in Colonial California, 1769-1850* (Chapel Hill, NC: The University of North Carolina Press, 2005), p. 249.

government, redistribute the Mission economic assets, and provide the Indians with parish priests, and land held in trust by the Mexican government. However, Mexican legislation and policies often wavered, and while recognizing the principles of autonomous Indian municipalities on trust land, very little was achieved. The missionaries, many retaining Spanish citizenship and loyalties, became reluctant participants in Mexican government. The landowners in Alta California from the 1820s wanted to dismantle the missions, divide the missions' economic assets, and liberate the Indians as Mexican citizens. Many landholding Californios were interested in stronger markets, and were influenced by the liberal ideas of the French Revolution and developments in Europe. They saw the US market as a better alternative to Mexican political instability. At the same time, the landholding Californios wanted to break the control of the Church over the significant economic assets at the missions. In response, the missionaries argued they were protecting Indian land by holding it in trust. "The missionaries in California, ... were the guardians and stewards of land and property of the Indians... the friars had to prevent encroachments upon the property of the Indians ..."²⁶

The governor Manuel Micheltoarena (1842-1845) tried to support the missions, while granting land and liberty to Indians at San Fernando and other missions. In May of 1843, Micheltoarena granted a square league of land to 41 petitioners at San Fernando Mission. The Indian petitioners were afraid the Mission land soon would be sold or rented, and there would be no land for their future livelihood. The 1843 land grant guaranteed that the petitioning Indians would have access to farmland and no renter or buyer would assume control over the granted land.²⁷ Governor Micheltoarena placed the land in trust, held by the Mexican government, by stipulating that the land could not be sold by the petitioners.²⁸ The 41 petitioners were heads of families representing a cross section of the Indian families and kinship groups wishing to remain at San Fernando, estimated to be about 300 persons, after a long steady decline, as the mission's future remained precarious. Among the 41 petitioners were Rogerio (Rocha) and his father Jerman. Jerman (German) was a captain at San Fernando at the end of the mission period, and Rogerio was a captain during the early American period. Rogerio's mother was from Tujunga, and through his wife Maria Manuela he was tied to progenitors of the present-day Garcia family, who also have ancestors at Tujunga. The multi-lineal coalition of 41 petitioners gained a promise of land, and trust protection of the land from the governor and Mexican government. Petitioners gathered together to elect Pedro Joaquin, as First Alcalde, and Joaquin diplomatically managed negotiations with the missionary priests and Governor Micheltoarena. Joaquin, officially

²⁶ Englehardt, Zephyrin *The Missions and Missionaries of California*. Vol. 3 (San Francisco, CA: The James H. Harry Company, 1913), p. 641.

²⁷ 80859.Joaquin; 80858.Joaquin.

²⁸ 80867.Micheltoarena; 80858.Joaquin.

as Alcalde, but also the spokesman of a coalition of lineages, carried out traditional political processes within the framework of the mission and alcalde form of government.²⁹

By 1840, Tiburcio Cayo, a San Fernando Mission Indian, negotiated a separate grant from the mission to Rancho Encino. Not certain of the legality of the mission agreement, Tiburcio sought confirmation of the mission grant from the Alta California governor. In 1843, the Governor Micheltoarena confirmed a land grant with Tiburcio Cayo for a square league at Rancho Encino, in the southeastern San Fernando Valley, as well as confirmed Tiburcio and others in liberation from mission authority. Tiburcio was a descendant of the Chumash-Simi Valley community of Tapuu, and he married Teresa. Following matrilineal Chumash fashion Tiburcio moved to live at Encino, located in the southeastern portion of the San Fernando Valley. Teresa was a descendent of the Siutcabit, or the patrilineal kinship group that long occupied Siutcanga, the Indian village at Encino.³⁰

For past services to San Fernando mission, in 1843 the Governor Micheltoarena granted several hundred acres of land near the ancient village site of Cahuenga, to Jose Miguel (Triunfo). Jose Miguel was a descendant of Cabuepet (Cahuenga) and he is a progenitor of the present-day Ortiz family. Cahuenga, Encino, and Escorpion, the latter in the western San Fernando Valley, were all former village sites, but during the mission period operated as satellite sub-stations committed to grazing and farming in support of the San Fernando Mission community.

The actions of Governor Micheltoarena created an uprising among the landed classes, and the revolt ended with Micheltoarena returning to Mexico. In February of 1845, Pio Pico was appointed governor by the landowning Californios. Pico, later arguing that he needed to raise funds to hold off the American invasion, sold and rented land, and in the process dismantled most of the California Indian missions, including San Fernando Mission. Some of the missions continued on with parish communities, but not at San Fernando. After June 1846, San Fernando Mission ceased to exist as a mission for Indians.

Governor Pio Pico sold a portion of the San Fernando Mission land to Eulogio de Celis, who in turn rented the land to Pio Pico's brother, Andres Pico, the general who commanded Mexican troops against Fremont at Los Angeles. The San Fernando Mission was re-purposed into Rancho Ex-Mission San Fernando, a farming and grazing enterprise. Andres Pico made accommodations for very old Indians to live out their days at the mission. The Rancho Ex-Mission San Fernando, however, was an economic enterprise and most Indians who wanted to stay were required to take on wage-labor work for the Rancho. The Indians at San Fernando

²⁹ As Kroeber observes, "An able chief might be known and respected and listened to among neighboring tribelets, but his actual following was limited to his own tribe, and strictly so." (000261.BL, p. 15-16).

³⁰ 80832.SCUS.

were well trained in carrying on ranch work, and many found employment at ranches, some in the San Fernando-Los Angeles area. Many also began to return to their home lineage communities, if they still existed, or went to try living at the Indian reservation being established at Rancho Tejon.

After 1846, the Fernandeño community consisted of Indians who wished to remain in the San Fernando Valley. Some stayed because their traditional homes were in the San Fernando Valley, like Encino, Tujunga, Escorpion, or they did not have homes to return to because non-Indians had taken possession of the land and resources. For example, there were several major Tataviam lineage villages in the Santa Clarita Valley, including Chaguayabit; but in January 22, 1839 the Alta California Governor Juan Bautista Alvarado granted to Antonio del Valle, Rancho San Francisco, which contained most of the San Clarita Valley. Despite the protests of the Tataviam mission community and some disturbances from local Tataviam speakers, the land grant officially dispossessed the Tataviam communities from their traditional land holdings.³¹

After the change of political leadership to Governor Pio Pico, on October 28th, 1845, California government policy changed from supporting the recovery of the missions under Franciscan management, to the dismantling of mission properties with rental or sale of Mission lands to the highest bidder. Governor Pico ordered:

Pio Pico, Governor *ad interim* of the Department of the Californias, to the Inhabitants thereof. Know Ye: That in order to give due fulfillment to the resolution of the Excellent Departmental Assembly of the 28th of May last, relative to the leasing and alienating of the Missions, I have thought proper to issue the following *Reglamento for the Sale and Leasing of the Missions*....

On Renting

Art.7. The Missions of San Fernando, San Buenaventura, Santa Barbara, and Santa Ines, shall be rented to the highest bidder.

Of the Indians

Art. 17.

The Indians are free from their neophyteship, and may establish themselves in their Missions or wherever they choose. They are not obligated to serve the renters, but they may engage themselves to them, on being paid for their labor, and they will be subject to the authorities and to the local police.

³¹ Smith, Wallace E., *This Land Was Ours: The Del Valles and Camulos* (Ventura, CA: Ventura County Historical Society, 1977), p. 16.

Art. 18

The Indians radicated in each Mission shall appoint from among themselves, on the first of January in each year, four alcaldes, who will watch and take care of the preservation of public order, and be subject to the Justice of the Peace to be named for each Mission by the government, agreeable to the decree of July 4th last. If the alcaldes do not perform their duty well, they shall be replaced by others, to be appointed by the Justice of the Peace, with previous permission from the government, who will remain in office for the remainder of the year in which they were appointed,

Art. 19

The alcaldes shall appoint, every month, from among the best of the Indians, a sacristan, a cook, a tortilla maker, a vaquero, and two washwomen for the service of the priest, and no one shall be hindered from remaining in the service for as long as they choose....

Art. 20

The Indians who possess portions of land, in which they have their gardens and houses, will apply to this government for the respective titles, in order that the ownership thereof may be adjudicated to them, it being understood that they cannot alienate said lands, which shall be hereditary among their relatives, according to the order established in law.³²

Francisco, Roque, and Roman, all three married to daughters of Tiburcio, petitioned Governor Pico to renew the grant of land at Encino. Pico renewed the grant, but now gave the land in fee simple, removing Mexican government protections in trust over the Encino grant. Tiburcio passed in 1844. Similarly, Odon, Urbano, and his son Manuel, petitioned Governor Pico for land at Escorpion, which was granted in fee simple. Giving the land in fee simple was consistent with Pico's vision of moving toward a market economy, but the grants did not protect indigenous rights to land. The Mexican government under Pico treated the Indians as Mexican citizens, which left them in circumstances where the Indians often were not able to read or write in Spanish or English, and in many cases did not speak Spanish or English. The October 28th, 1845 decree on the sale and rental of the missions suggested that Indians would no longer work for the mission without pay, the Indians had the right to organize an elected municipal form of government, and that houses and gardens of individual Indians could be held in trust, and could not be sold.

³² Englehardt, Zephyrin *The Missions and Missionaries of California*. Vol 4 (San Francisco, CA: The James H. Harry Company, 1913), pp. 445-450.

Vicente Francisco was elected Alcalde at San Fernando Mission for the year 1845. As one of his duties, he bore official witness to the marriage of Benigno and Rita at San Fernando Mission Church on September 1, 1845. Benigno was the son of Cosme, who was descended from Cabuepet (Cahuenga), and was one of the 41 petitioners attached to the land grant from Governor Micheltoarena in 1843. Rita is a progenitor of the present-day Ortega family, and inherited a share of the Encino grant after her father (Francisco) passed in 1847. Vicente was also one of the 41 petitioners, and appeared to declare his intention to remain at the mission, rather than returning to his non-mission family living near Rancho Tejon. There appears no evidence that the remaining San Fernando Mission Indians, after 1845, were organized by electing an alcalde and related municipal government, nor did they propose any official business as a town under Indian alcalde and municipal council rule. The land, which would make a town a going economic concern, was out of their reach, sold, granted away, or rented. The missionaries were powerless.

The Franciscan missionaries continued to insist that the mission lands belonged to the Indians, while the “Churches, Church Edifices, Stores, Cemeteries, Orchards and Vineyards with the aqueducts should be considered property of the Church.” On December 25th, 1850, Bishop Joseph Alemany, Bishop of California, wrote: “On the following days the Old Franciscan Missionaries explain to me that the tracts of mission land were, as they believed, *the real property of the Indians*, who cultivated the same under their direction, and more especially under their alcaldes or chief Indian officers elected by the Indians themselves, acting under the direction of the Fathers ... (So, from Fr. Serra down to Fr. Gonzalez Rubio, the Franciscans insisted that the Indians, and no one else, were the owners of the mission lands).”³³

The American Period (1846-1900)

Under California military rule, 1847-1849, mission Indians had the right to organize municipalities or towns. The military government of California was willing to recognize that Indian communities had the right to organize governments. The California territorial government proclaimed in 1849:

By the laws of California the mission Indians have the right to elect their own alcaldes, who, with the advice and assistance of the mission priests, make all necessary regulations for their own internal government. In case of any violation of law, there are liable to trial and punishment by the alcaldes of the nearest towns in the same manner as the whites, but in their own internal government they should not

³³ Englehardt, Zephyrin *The Missions and Missionaries of California*. Vol 4 (San Francisco, CA: The James H. Harry Company, 1913), p. 683.

be interfered with, and the civil authorities should give to the missionaries and Indian alcaldes their countenance and assistance in promoting industry, decency, morality, and good order among the neophytes.³⁴

After the American take over of California, the military government continued to recognize the Mexican political system of alcaldes. Thereafter, Californians moved quickly to replace military rule and the Mexican alcalde form of government. A constitutional convention was held in October 1849, and a vote to elect government officers and senate and assembly members as well as to ratify the constitution was held on November 13, 1849. By late December 1849, a working state government was established. The last actions of the government by alcaldes were to monitor the polling for the casting of votes on whether to ratify the proposed constitution.³⁵

Despite these efforts by the state to eradicate the alcalde system, federal Indian agents in Southern California tried to use the alcalde form of government to manage relations with Indians communities. The alcalde system, usually appointed by government officials, was an attempt to get around the vexing problem of managing relations with many decentralized lineage-villages. These efforts to create greater centralization over the management of Southern California Indian Affairs, however, did not work, and was abandoned by the agents by the 1860s. The Indians preferred to manage their affairs through lineage-villages, or coalitions of lineage-villages, and the appointment of alcalde leaders by US Indian agents did not result in stable leadership or sustained commitments from the lineages and coalitions.³⁶

In the 1850 US census there are about 130 Indians living in the San Fernando area. Most mission Indians had left San Fernando. The pattern is similar among other missions. By 1845, the Indian neophytes had abandoned several missions. Pio Pico directed in his October 1845 Reglamento that: “There will be sold at this capital, to the highest bidder, the Missions San Rafael, Dolores, Soledad, San Miguel, and La Purisma, which are abandoned by their neophytes.”³⁷ The community of Fernandeños had changed, and now included those Indians baptized at San Fernando, and their descendants, who were living in the vicinity of the old San

³⁴ Circular, To Alcaldes, Indian Agents, and Others, State Department of the Territory of California, Monterrey, March 31st, 1849. See Englehardt, Zephyrin *The Missions and Missionaries of California*. Vol 4 (San Francisco, CA: The James H. Harry Company, 1913), pp. 645-46.

³⁵ 80789.CA Legislature, 80853.Greene.

³⁶ See Phillips, George Harwood, *Chiefs and Challengers: Indian Resistance and Cooperation in Southern California, 1769-1906* (Norman, OK: University of Oklahoma Press, 2014).

³⁷ Englehardt, Zephyrin *The Missions and Missionaries of California*. Vol 4 (San Francisco, CA: The James H. Harry Company, 1913), p. 445.

Fernando Mission. Many Indians formerly at San Fernando Mission eventually moved to and worked in the Rancho Tejon area.³⁸

At the beginning of the American period in late 1846, there were five Indian communities derived from the San Fernando Mission: Escorpion, Cahuenga, Encino, Rancho Ex-San Fernando, and Samuel's grant (made by Governor Micheltorena in 1843).³⁹ Some In 1850, some Indians were working at several local ranchos including about forty, with their families, at Rancho Ex-Mission San Fernando. The period between 1846 and 1900 is characterized by disputes over land rights, and the progressive eviction of Fernandeño tribal members from disputed land grants and holdings in the Indian village about 1/2 mile north of the old San Fernando Mission. The Fernandeños are literally all dispossessed from mission lands by the end of 1885, and are either homeless living on public land near San Fernando, living at Rancho Tejon, living at Newhall Ranch, living at the Lopez Adobe or Ranch, or living on private property acquired at San Fernando. The circumstances of that dispossession are described below, including the ways in which San Fernando Indians resisted and were identified as communities in the process.

Early in 1851, Samuel gift-deeded his land grant to Jose Miguel (Triunfo), close to the time when Jose Miguel died. Samuel moved to Escorpion and worked as a farmer. The deeded land transferred to Jose Miguel's two older sons.

As recounted in a later court opinion in litigation over ownership of Samuel's/Triumfo's grant,

On the first day of March 1851, Yldefonso and Jose Antonio Triunfo were the owners in fee simple of the land of the land described in the complaint (Porter v. Rinaldi, March 1881) under a deed of conveyance of that date of one Samuel an Indian of the Mission of San Fernando to whom prior to the grant to de Celis to wit on the 15th day of May 1843 said land had been granted by written grant by Manuel Micheltorena Governor of California. ... The said Triumphs were both unlearned and ignorant men and unacquainted with the laws and language of the Americans and were in the habit of advising with said Andres (Pico) who was a prominent man in the community; and after the passage of the Act of March 3rd, 1851, "to ascertain and settle ... land claims in the state of California," the said Triumphos applied to the said Andres for advice and counsel as to what they should do about their land and there upon the said Andres, acting for himself and as agent for the said Eulogio, deceased, advised and counseled the said Triumphos that it was unnecessary for them

³⁸ 80799.Johnson, pp. 262-265; Latta, Frank *The Saga of El Tejon* (Santa Cruz, CA: Bear State Books, 1976, p.133; Johnson and Earle, "Tataviam Geography and Ethnohistory," p.206-20.

³⁹ 80799.Johnson, pp. 257-264; 80807.LA Herald.

to present their claim to the U.S. Land Commission as they, the said Andres and Eulogio set up no claim to said land and would protect them in their title. Relying on their assurances and in consequence of this advice the said Triunfos did not present their claim to their land, as they otherwise would have done.⁴⁰

On the assurances of Andres Pico, as to the good title of the Triunfos, by 1862 the Triunfos sold the whole of Samuel's grant to Maria de la Angelos, who in turn sold to C. R. Rinaldi and Geronimo Lopez in 1872. The Ortiz-Triunfo family, mother Rafaela, daughter Rose, and family moved to Tejon ranch by 1877, if not before.

In 1854, Eulogio de Celis recovered the northern half of Rancho Ex-Mission San Fernando from Andres Pico, who was renting the land. Both de Celis and Andres Pico advised Fernandeño land users that they did not have to apply for recognition of title with the 1852 California Land Commission because de Celis and Pico would secure the land and then grant the Indians their claims. While Andres Pico and the de Celis family held the land, there were no challenges to the Fernandeño land holdings or occupation of parts of Rancho Ex-Mission San Fernando.

However, in 1872, the de Celis family sold their share of Rancho Ex-Mission San Fernando to land developer George Porter, who soon partnered with Charles Maclay. The lands of Rancho Ex-Mission San Fernando changed hands. The deeds, however, did not include protecting clauses for San Fernando Mission land claims and use, which had been honored before 1872. Both the de Celis family and Andres Pico advised the Indians that their land interests would be protected; however, the new owners, were seeking to develop and sell real estate, and were not inclined to recognize the Indians' title.

As the L.A. Herald reported,

Was there not an agreement entered into between Pio Pico and Celis on the one hand and the Indians on the other, to the effect that the Indians were not to apply for patent and then convey to the Indians their portion of the lands? Was there not agreement between Eulogio F de Celis and Porter & Maclay, at the time the latter purchased the lands, that the Indians would be protected in their rights to these lands? Did not Porter & McClay bring suit against Rinaldi and others (Geronimo Lopez and other Indians) under a similar grant to one Samuel an Indian?⁴¹

⁴⁰ 80833.USSC, pp. 10-12.

⁴¹ See 80843. LA Herald.

The railroads were soon expected and arrived by 1875. Porter and Maclay were developers and wanted to clear title to Rancho Ex-Mission San Fernando lands they bought from de Celis.⁴² Porter and Maclay would not honor the agreements made with the Fernandeños that protected their land interests at Rancho Ex-Mission San Fernando.

In the 1870s, Geronimo Lopez opened a ranch and stagecoach station on his share of the old Samuel grant. Lopez also started an English school for his children, and other Fernandeño children, some of whom were orphaned by epidemics that swept southern California in the 1860s. Among the English school students was the orphaned Antonio Maria Ortega, progenitor of the Ortega lineage. A group of Fernandeño Indians was closely associated with the Geronimo Lopez family, and accompanied them to work at the Lopez Station and ranch.

On June 1, 1876, a group of Fernandeños and married relations either were already living on Ranch Ex-Mission land or purposely occupied the land to test Indian land title. The court record states that “the defendants did on the 1st day of July 1876, wrongfully and unlawfully, and without right or (legal) entry into and upon said land and premises in said complaint described, and did eject and oust the plaintiffs, therefore, and said sued that they have wrongfully and unlawfully withheld and now do withhold the said premises and the possession thereof from these plaintiffs.”⁴³

Antonio Maria Ortega joined with Pablo Cota, Josepha Palma and her daughter Felicita Villa, and son Setimo, Jesus Capistrano, and Teresa and Jesus Ramiriz (Ramirez), and perhaps unnamed others, in challenging Porter and Maclay’s right to specific pieces of land in Rancho Ex-Mission San Fernando. Josepha Leonisa Palma married Pastor (Josefo) Cano, a captain and ceremonial leader from Catalina Island. Pastor Cano passed before 1870. Felicita Villa was the daughter of Josepha and Pastor Cano, and became or already was a recognized leader in the Fernandeño community. In 1876, Felicita was already partnered with Jesus Capistrano who was not an Indian. The last name among the defendants was possibly an Indian name, or a corruption of another name. The last named defendant was “Orticimo,” which may well be a corruption of Setimo or “Satimo”, the son of Josepha and Pastor Cano, noted in the Cano household in the 1870 and 1880 censuses.

Teresa Ramiriz, another defendant challenging Porter and Maclay, was a Fernandeño, who was born after the San Fernando Mission closed. There is reason to believe that Teresa is closely related (as child or sibling) to Pablo Cota, another of the defendants. Further, mission records

⁴² For a history of related San Fernando real estate see document 90283.FWPC.

⁴³ 80835.USSC. (*Porter et al. v. Pablo Cota et al.*).

suggest that Pablo Cota was also identified as Francisco Pablo.⁴⁴ Francisco Pablo's godmother was Paula Cayo married to Francisco Papabubaba, both progenitors of the Ortega lineage.⁴⁵ The godparenting role suggests that Paula and the Ortegas may have had close social relations to Francisco Pablo Cota's family.

Cota, Ortega, Ramiriz, and Josepha-Felicita-Setimo defendants come from four separate lineages. The defendants represent a cross section or a coalition of lineages in the case challenging Porter's land ownership and defending San Fernando Indian land rights. The defendants do not appear to represent all the descendants of the 41 petitioners to the 1843 land grant given by Governor Micheltoarena. Antonio Maria Ortega may have a claim through his mother, Rita, who married Benigno, whose father Cosme was one of the 41 petitioners. The Cano family is well-represented, and shows a cooperative collective effort among the several lineages still living at San Fernando.

The case became known as *Porter et al v. Cota et al.*, and was heard in the Superior Court of Los Angeles. The defendants may well have been working for the Lopez Ranch or station, and decided to live on the land grant of the 41 petitioners from the 1843 land grant, which was contiguous with Samuel's grant. The group ejected Porter and Maclay from the land, and hence Porter and Maclay filed suit. The court seems not to have heard arguments from the defendants, who appear not to have been represented by attorneys. The court decided in favor of Porter and Maclay, reaffirming their rights to the land of Rancho Ex-Mission San Fernando. Porter and Maclay construed the case to mean that San Fernando Indian title – understood as belonging to the group of Fernandeño Indians – to the Rancho Ex-Mission San Fernando properties was void.

After the case was decided in February 11, 1878, Porter and Maclay proceeded to send eviction notices to Indians and other occupants living on the Rancho Ex-Mission San Fernando property. The plaintiffs won cases against Rinaldi and Lopez, who had purchased land that was once Samuel's grant. As a practical matter, former Indian title or aboriginal title was not sufficient to

⁴⁴ There are no matching Teresas in the mission record, which ends in 1846. However, in the 1860, 1870, and 1880 censuses, there is a Teresa, who is married to Jesus Ramirez in the 1880 census. See 80958.USC; 80959.USC, 80960.USC This Teresa is recorded as an Indian in the 1860 and 1870 censuses and she is recorded among the names of other San Fernando Indians. In the 1860 census, at age 5, Teresa is living in the household of Maria, who was 38. In the 1870 census Teresa is 14, and her name is next to Pablo at age 35. It is possible the Teresa is the child of Pablo Cota, or a younger sibling, but there are no clear records providing verification for that position. Pablo Cota is hard to place, but Francisco Pablo is the only Pablo in the San Fernando Mission record young enough to approach the age of the Pablo in the 1870 census data. Francisco Pablo's mother was Mariana, and so fits the Maria of the 1860 Census. In this interpretation, Teresa is the grandchild or child of Maria in the 1860 census. Teresa may have been the younger sister to Francisco Pablo who was age 28-29 in 1870. While baptized at San Fernando Mission, the parents of Francisco Pablo are given only as Rufino and Mariana, both are difficult to trace.

⁴⁵ 80962.SFR.

hold land. In 1882, the Garcia family was evicted, and they moved to Newhall ranch. Rogerio Rocha, captain at San Fernando, was given notice and over the years was evicted and homeless after November 1885. The eviction of Rocha caused a huge uprising of public argument, but virtually all San Fernando Indians were removed from former mission lands unless they were working for the Lopez family or bought private holdings. The Cano family lived at San Fernando Mission until the later 1850s, and then moved near the Lopez ranch and later, by the middle 1880s, lived near the Lopez adobe in San Fernando. Gregorio Camilo worked at the Lopez ranch. Antonio Ortega, raising a young family, by 1889 bought a house a few blocks from Lopez adobe and made a living as a farm hand. Others were made homeless and like Rogerio retreated to the forest and mountains a few miles east of San Fernando. The San Fernando land losses and evictions, occurring in that period all through Southern California, attracted the attention of the local public and federal officials.

Federal Recognition

Frank D. Lewis was an employee of the US government, as the Special Assistant U.S. Attorney for Mission Indians for the 1891 to 1897 period and a Special Agent of the Office of Indian Affairs to the Mission Indians from 1889 to 1891.⁴⁶ Lewis submitted short reports to the United States Attorney General, which were published in the *Annual Report of the Attorney General of the United States* for the 1892–1897 period. He made reports every year of his tenure as Special Attorney for Mission Indians.⁴⁷ For example, in the *Annual Report of the Attorney General of the United States* in 1893,⁴⁸ Frank D. Lewis made a report to the U.S. Attorney General and was listed as Special Attorney for Mission Indians.

Lewis also was working directly for the Commissioner of Indian Affairs; his appointment was to both the Interior and Justice departments. In his September 2, 1892 letter to the Commissioner of Indian Affairs, Thomas Jefferson Morgan, Lewis wrote, “I shall be glad to receive any further instructions to this matter the Commissioner may see fit to give.”⁴⁹ In his letter to the Commissioner of Indian Affairs on October 17, 1892, Lewis reported, “Some time ago my attention was called to the condition of a company of Indians living on the edge of the San Fernando Grant in Los Angeles County, and I was asked to take such steps as I might to find possible and advisable in order to secure to them land of which they had been unjustly deprived.”

⁴⁶ For Lewis’ appointment as a Special Agent see *Report of the Board of Indian Commissioners*, 1891, p. 188.

⁴⁷ See *Report of the Board of Indian Commissioners* 1897, pp. 218–220.

⁴⁸ See *Report of the Board of Indian Commissioners* 1893, pp. 142–143, see also a letter to the Attorney General concerning the San Fernando Mission Indians, see document 80863.Lewis.

⁴⁹ Letter, Frank D. Lewis to The Commissioner of Indian Affairs, September 2, 1892. Letter number 32822. See document 80857.Lewis.

Lewis as Special Attorney to the Mission Indians was directed to find a “possible and advisable” plan to recover land for the San Fernando Mission Indians. He was directed by the Commissioner of Indian Affairs Office, and was reporting his plan for land recovery in the October 17, 1892 letter, and requesting action.⁵⁰

Furthermore, a November 25, 1892 letter from the Department of Interior, General Land Office to the Commissioner of Indian Affairs, states, “Several months past a gentleman representing himself to be Special U.S. Attorney for your office and giving his name as Lewis, called at this office and examined the complete record in the case, including copies inclosed herewith; and was informed that this office could not do anything in the matter.”⁵¹

Several points are worth emphasizing. First, the Commissioner of the General Land Office refers to Lewis working for the Commissioner of Indian Affairs office, and Lewis was given access to the “complete record in the case.” The record of the case was collected by the General Land Office and was under review, thereby indicating that the Department of Interior had knowledge of and had studied the “private land claim in the State of California known as Ex-Mission San Fernando.”⁵² The Land Office declined to take up the case not because they did not recognize the San Fernando Indians, but because they did not believe that the Indians had a strong legal argument for the land patent in question. The Department of Interior Land Office was fully aware of the San Fernando Indian land claim, and had collected appropriate documents, which Lewis went to study. The Land Office also made legal arguments about the merits of the private land petition.

Second, Frank Lewis identified the San Fernando Indian community directly, and many are ancestors of the present petitioning community. In his October 17, 1892 report to the Commissioner of Indian Affairs, his employer during this period, Lewis wrote:

Some time ago my attention was called to the condition of a company of Indians living on the edge of the San Fernando Grant in Los Angeles County, California ... Upon examining into the case I found that these people were the remaining members and descendants of the band or village to whom Manuel Micheltoarena, Governor of California, granted one league of land May 3rd, 1843, the record of which, together with the expediente, is to be found among the Archives of the United States Surveyor General’s Office in San Francisco ... Further investigation shows that these people

⁵⁰ Letter, Frank D. Lewis to The Commission of Indian Affairs, October 17, 1892. Letter number 37571. See document 80856.Lewis.

⁵¹ Letter, Department of the Interior, General Land Office, Commissioner to the Commissioner of Indian Affairs, November 25, 1892, see document 80898.General Land Office.

⁵² *Ibid.*

had lived in the quiet and undisturbed possession of the land called for in the grant for many years ...⁵³

In October 1892, Lewis delivered an address to the 1892 Lake Mohonk Conference reporting on the Interior Department's Mission Indian Commission. In the commission's report it was noted that "The Indians living on Mexican land grants -- particularly those on the Warner's Ranch, the Santa Ysabel Ranch, the San Felipe Ranch, and the San Fernando Ranch -- still faced the possibility of forced removal."⁵⁴

The record of the names of the grantees from the 1843 grant shows that they are all family heads and Indian members of San Fernando Mission.⁵⁵ They are all Fernandeños, as the documentation and petitions show in the process of securing the grant. The deed was "instituted by Joaquin a Indian of the Mission of San Fernando soliciting a tract of land together with several neophytes of the same Establishment."⁵⁶ In the letter, Joaquin identifies himself as "Alcalde," an elected leadership title, and he is speaking on behalf of what ultimately amounted to 41 Indian petitioners.

Many of the petitioners are identified in our genealogy. In fact Joaquin was a former brother-in-law to Francisco Papabubaba, the direct male ancestor to the Ortega family. Joaquin married Felipa, Francisco Papabubaba's sister and had two children with her. Felipa, however, had passed away by 1843. Furthermore, Rogerio (Rojerio) was identified in the list of petitioners. Cosme, future father-in-law to Maria Rita Alipas, the daughter of Francisco Papabubaba, is also identified. Cornelio, direct male progenitor of the Garcia family is also identified among the 41 petitioners. Others are identified in the text of the petition, including Vicente, who was Alcalde, and primary legal witness at the wedding of Benigno and Maria Rita (progenitor of the Ortega line) in 1845.

In addition, the land granted by Governor Micheltorena was collectively owned by all 41 petitioners and the land was held in trust by the Mexican government. The deed forbids the joint owners to sell the land: "that all of them be mentioned without the(m) being able to sell the land ..."⁵⁷

⁵³ Letter, Frank D. Lewis to The Commission of Indian Affairs, October 17, 1892. Letter number 37571, see document 80856.Lewis.

⁵⁴ Valerie Sherer Mathes, *Helen Hunt Jackson and Her Indian Reform Legacy* (Austin, TX: University of Texas Press, 1990), p. 117.

⁵⁵ 80799.Johnson, pp. 260-61.

⁵⁶ Letter. Joaquin, Alcalde of Mission San Fernando, to His Excy the General (Governor Micheltorena), April 10th, 1843, Los Angeles. See document 80858.Joaquin.

⁵⁷ Letter. Micheltorena, Governor, to Friar Blas Ordaz, May 3rd, 1843. Los Angeles, see document 80867.Micheltorena.

On April 23rd, 1843, Joaquin and his forty allies said in a letter addressed to the governor:

I Joaquin jointly with forty partners before Your Excy (Excellency) with due respect appear and present a map and a list of the individuals who ask for places upon which to have gardens in this Mission, and the Very Rev. Father has given us permission to use about one league of the land saving the sowing field of Samuel, and with the condition that when the Mission may need the said land it will use it for cultivation and we agree not to fail to perform the Mission work as we all are satisfied but this petition that we present to Your Excy is so that tomorrow or at some future day, we many have a right to the said tract of land in order that it may not be given to any other private individual and so that we may consider it as our property.⁵⁸

And again, Micheltorena in a letter of April, 25th, 1843 wrote: “Joaquin and his partners mentioned in the amended list are entitled to the tract of land they solicit to sow their grain.”

Lewis stated in a letter to the Commissioner of Indian Affairs, that “these people were the remaining members and descendants of the band or village to whom Manuel Micheltorena, Governor of California, granted one league of land May 3rd, 1843”⁵⁹ The Special Assistant U.S. Attorney for Mission Indians identified a company of Indians and tied their identities to the San Fernando Mission Indians, who in collective action won themselves a square league of land for their self-support in 1843. Furthermore, Lewis is publicly identified as representing the San Fernando Indians. “Yesterday, Frank D. Lewis, attorney for the Indians of San Fernando Mission, commenced an action in the superior court of this county”⁶⁰ Significantly, he is described as representing the collective group, not individuals.

There are numerous sources that state that Rogerio Rocha was Captain of the San Fernando Indians from the 1860s.⁶¹ Many of these citations are given in the text of the original petition. However Special Attorney for Mission Indians, Frank Lewis, also identified Rogerio as a captain or chief, and also wrote that he held the land for the collective benefit of his community. “Further examination showed that not only had these Indians lived quietly and peacefully on the tract of land granted to them by Micheltorena, but that Rojerio, the Chief or Capitan, had, up to

⁵⁸ 80859.Joaquin.

⁵⁹ Letter, Frank D. Lewis to The Commission of Indian Affairs, October 17, 1892. Letter number 37571, see document 80856.Lewis.

⁶⁰ *The Los Angeles Herald*, Tuesday Morning, January 28, 1896, page 4. See also *The Los Angeles Herald*, Thursday Morning, January 23, 1896, page 5; *The Los Angeles Herald*, Friday Morning, January 24, 1896, page 5.

⁶¹ Rogerio as Captain at San Fernando. See 80811.Eugenia; 80849.Librado; 80856.Lewis. Harrington commentator on Escorpion and San Fernando. 80842.LA Times.

1884, paid State and County taxes regularly upon the land -- that in 1886 under the color of legal process they were removed entirely from the land and have ever since been kept out of possession.”⁶²

Furthermore, Lewis spoke of a group of Indians who shared the land and the land claim. “These Indians were extremely poor and are unable to stand the expense of an action in the Courts to maintain their legal rights.”⁶³ He referred to a group of Indians sharing the land, and not to one person owning the land. In 1878, Charles Maclay and his cousin George K. Porter initiated eviction proceedings against “Rocha and other Indians then in possession.”⁶⁴ Rojerio, as Captain, paid taxes to hold the land, which otherwise as a practical matter would have been lost to local government. As Lewis went on to explain, Congressional legislation in 1852, which had directed a Commission to examine and report on the land rights of Indians in California, failed to generate a report, by no fault of the Indians.⁶⁵

Frank D. Lewis’s petition identifies an Indian community of San Fernando Indians, with Rojerio as Captain, who were pursuing available legal actions to recover land originally granted to them in 1843. Lewis refers to a community from which we can identify ancestors of the petitioners. Lewis also reaffirms, as numerous other sources do, that Rojerio was Captain of the San Fernando community.⁶⁶ In Lewis’ narrative account, Rojerio was a political leader, who managed land and took action to preserve the community’s last remaining collective assets. Frank D. Lewis, working directly for the Commissioner of Indian Affairs, identified a Fernandeño community with land and leadership, and with direct social and genealogical ties to the petitioning community.

The Special Attorney for Mission Indians pursued a solution for the Fernandeño Indians at San Fernando through the length of his tenure until 1897. As late as 1896, Lewis was publicly and actively engaged in securing the land rights of the Fernandeños who were led by Rojerio Rocha.⁶⁷ Rogerio Rocha was identified as “one of the Mission Indians, who has a title to certain lands in the San Fernando Valley.” Here again an external source identifies a group of San

⁶² Letter, Frank D. Lewis to The Commission of Indian Affairs, October 17, 1892. Letter number 37571, see document 80856.Lewis.

⁶³ *Ibid.*

⁶⁴ *The Los Angeles Herald*, January 21, 1896, p. 10., see document 80865.LA Herald.

⁶⁵ Letter, Frank D. Lewis to The Commission of Indian Affairs, October 17, 1892. Letter number 37571, see document 80856.Lewis.

⁶⁶ Letter, Frank D. Lewis to The Commission of Indian Affairs, October 17, 1892. Letter number 37571, see document 80856.Lewis.

⁶⁷ Lewis is identified as the “Government Attorney for Mission Indians” and Rogerio Rocha a member of a community. *The San Francisco Call*, Tuesday, January 28, 1896, page 4 (see document 80864.San Francisco Call).

Fernando Mission Indians collectively owning the land. Lewis provides enough information to affirm previous recognition as late as 1896.

In 1885, U.S. Special Attorney for Mission Indians, Guilford Wiley Wells represented Rogerio Rocha in an official government capacity to prevent Rocha's eviction from Indian land. On October 12, 1885, Wells made an affidavit beginning with the statement "That the defendants herein are Mission Indians of the San Fernando Mission." On November 2, 1885, Wells' petition on behalf of Rogerio Rocha and co-owners' land interests was denied in Los Angeles County Superior Court.⁶⁸ Wells had filed and argued a case for Rocha. For at least a dozen years, US Special Attorneys for Mission Indians were actively defending the land claims of Rogerio Rocha and a community of co-owners to the 1843 Mexican land grant.

The land interests of Rogerio Rocha and co-owners were subject to eviction notice starting in 1878.⁶⁹ Charles Maclay was the uncle of Judge Robert Maclay Widney, "who was attorney for Messrs. Maclay and Porter when they secured a judgement to eject the Indians on December 11, 1883..."⁷⁰ The presiding judge in that court appearance was Judge Volney E. Howard. Judge Widney, as Maclay and Benjamin F. Porter's attorney, gained "in some manner incomprehensible" from Judge Howard "a judgement in favor of the plaintiffs, reciting that Rocha had been served with summons but had failed to answer. This was a palpable misstatement, for his answer was then regularly on the file and had been for five years, and is now on file in the record room of the superior court at the county court house, where it stands as an unimpeachable witness to the high handed and outrageous robbery of the poor Indian of his rights."⁷¹

In his March 20, 1896 letter to the U.S. Attorney General, Lewis explained that he had assumed a position of trustee on the Fernandeño's land. Lewis wrote, "I took the deed, (quit claim) ... from Rojerio Rocha and at the same time gave him a declaration of trust which defined my position as one of trustee for him and his co-owners. ...they have been given to understand

⁶⁸ Letter. Frank Lewis, US Special Attorney for Mission Indians to the Attorney General, March 20, 1896 Frank D. Lewis Papers, Library of the Southwest Museum, Pasadena, California; (document 80863.Lewis). *Los Angeles Herald*, Volume 45, Number 102, Tuesday Morning, January 21, 1896, page 10, see document 80865.LA Herald.

⁶⁹ *Los Angeles Herald*, Volume 45, Number 102, Tuesday Morning, January 21, 1896, page 10; see document 80865.LA Herald; Letter. Frank Lewis, US Special Attorney for Mission Indians to the Attorney General, March 20, 1896. Frank D. Lewis Papers, Library of the Southwest Museum, Pasadena, California; see document 80863.Lewis.

⁷⁰ *Los Angeles Herald*, Volume 45, Number 102, Tuesday Morning, January 21, 1896, page 10, see document 80865.LA Herald.

⁷¹ *Ibid.*

unequivocally that I was acting solely as trustee for the Indians.”⁷² Lewis goes on to say that in 1896, Rocha and co-owners were living “on a piece of government land, unsurveyed land outside the limits of the grant.”⁷³

Also in 1896, the Honorable Zachariah Montgomery, former US Assistant Attorney General for President Cleveland during his first term, petitioned directly to President Cleveland on behalf of San Fernando Indians. The President issued “a special message to congress recommending that the time be extended within which the federal government can sue to recover lands illegally held by land patents believed to be void or voidable on account of fraud.”⁷⁴ Montgomery remained in Washington DC for a time to work toward the return of San Fernando Mission Indian land.

The land issues at San Fernando caused a stir of controversy in the newspapers, primarily the Los Angeles Herald, during the 1890s. The pros and cons of the San Fernando Mission Indian lands rights were argued, with many commentators supporting the collective land rights of the San Fernando Mission Indians.⁷⁵

Recognition after 1900

In the original petition, we provided information for each decade about recognition in the post 1900 period. In addition to the pre-1900 material which we think is necessary to understand the past identification and recognition of the Fernandeño Tataviam Band of Mission Indians, we provide some supplemental materials to the original tribal petition.

There are three primary witnesses who have extensive historical knowledge and social understanding of the San Fernando Band of Mission Indians. All three were valued informants of the anthropologist, John Peabody Harrington. From 1915 to 1955, Harrington was employed as a permanent field ethnologist by the Smithsonian Museum’s Bureau of American Ethnology, an agency of the federal government.

⁷² Letter. Frank Lewis, US Special Attorney for Mission Indians to the Attorney General, March 20, 1896. Frank D. Lewis Papers, Library of the Southwest Museum, Pasadena, California, see document 80863.Lewis. *Los Angeles Herald*, Volume 45, Number 102, Tuesday Morning, January 21, 1896, page 10, see document 80865.LA Herald.

⁷³ Letter. Frank Lewis, US Special Attorney for Mission Indians to the Attorney General, March 20, 1896. Frank D. Lewis Papers, Library of the Southwest Museum, Pasadena, California, see document 80863.Lewis).

⁷⁴ *The Los Angeles Herald*, Friday Morning, January 24, 1896, page 5, see document 80866.Lewis.

⁷⁵ See the following documents: 80840.A.LA Herald; 80840.B.LA Herald; 80841.LA Herald; 80842.LA Herald; 80843.LA Herald; 80844.LA Herald; 80845.LA Herald; 80847.LA Herald; 80848.LA Herald; 80864.San Francisco Call; 80865.LA Herald; 80866.LA Herald.

Setimo Lopez (Morago)[1853-1930?], who worked with Harrington in 1916, provided valuable language information, mainly Western Gabrieleño place names, and cultural-ethnographic information for the San Fernando area.⁷⁶ Setimo Lopez is considered an individual who was deeply connected within the regional and San Fernando community. The genealogical and historical information in the present report affirms that Setimo was deeply connected within the San Fernando Indian community. He was the son of Pastor Cano, the captain and ceremonial leader at Pimu on Santa Catalina Island, and baptized at San Fernando Mission in 1825. Setimo Lopez's mother, Josefa, and sister, Maria Felicitas were active social and political leaders within the San Fernando Mission Indian community. As already mentioned Setimo Lopez, Josefa, and Felicitas were Fernandeño defendants in the critical *Porter v. Cota* land claim case of 1876-78. Setimo Lopez was a member of the Cano lineage and recognized leader at San Fernando. We don't have a death date for Setimo, but he was active and esteemed as an elder and headman as late as 1928.⁷⁷ He does not appear to have had children who survived to adulthood, and, apparently, his lineage ended with him.

There are two other noted informants for J.P. Harrington who were knowledgeable about Tataviam and Kitanemuk languages, regional culture, and ethnohistory. One is Jose Juan Olivas (1858-1938), informant for J. P. Harrington in 1916-17 and 1933, and witness for the Garcia family during the first California Indian rolls of the 1930s. Closely associated with Juan Olivas is Eugenia Mendez (1817-1928). Eugenia was born at the San Fernando Mission in 1817 and continued to live there until the late 1840s. She left the mission and returned to Tejon Ranch, possibly early in the 1850s. She does not show up in the 1850 Census at San Fernando. She does appear in the 1915 Census of El Tejon under the misspelled name "Eugenia Menday (Mendez)."⁷⁸ We have records of her marrying Carlos, an Indian from San Luis Rey, in 1846 at San Fernando Mission. Like many other refugees from San Fernando Mission in the late 1840s, Eugenia resettled with relative lineages. She renewed her identity with the Tejon tribe at Rancho Tejon, where she lived the rest of her long life.⁷⁹ Both Eugenia Mendez and Juan Olivas were very important informants for J.P. Harrington, and it is through the work of Harrington that we have significant linguistic and historical information. Eugenia was also a progenitor for the present-day Garcia family, and she often entertained family members and San Fernando Indians

⁷⁶ See Field Notes on the Fernandeno. The Papers of John Peabody Harrington in the Smithsonian Institution 1907-1957. Fernandeno. Reel 106. Autry Center Braun Library. Los Angeles, California. See also documents: 000302.SW thru 000344.SW. See also 80799.Johnson. Also for the genealogy and history of Setimo Lopez's person and family, see his genealogy and person report with supporting documentation in this petition supplement.

⁷⁷ 90150.A.SFS.

⁷⁸ 80948.DC.Tejon Census of 1915.

⁷⁹ See document 90290.JPH, page 60, for information about Eugenia Mendez and Jose Juan Olivas, and their work with J.P. Harrington. See 80812.Olivas for photo and verification of the work with Harrington in 1817-18 and again in 1933-34.

at Tejon Ranch. Eugenia was knowledgeable about San Fernando Mission and Tejon Ranch, as well as the coming and going of individuals and families.⁸⁰

Juan Olivas was requested as witness by most of the Garcia family to their 1928 enrollment as California Indians. The applicants were from Frances Garcia Cooke and family, and three children of Petra Garcia, deceased by 1931, with surnames Valenzuela. More technically the applications were entitled: "Application for enrollment with the Indians of the State of California Under the Act of May 18, 1928 (45 Stat. L. 601)." While it is not the intention of the enrollment application or its supporting Act to recognize previously unrecognized Indian tribes, the application asks a significant question about tribal identity and membership: "10. What is your degree of Indian blood and to what Tribe or Band of Indians of the State of California do you belong?" The Garcia family answered this question with the following expressions: "San Fernando Mission," "San Fernando Indian Tribe," "San Fernando Mission Indians," or "San Fernando Mission Tribe." Virtually all of the Garcia family applications recognize Rogerio Rocha as Chief or headman at San Fernando in 1852.⁸¹

The Garcia family applications presented Jose Juan Olivas as a person who could verify their application information including genealogy and Indian community identity. Fred A. Baker was a federal official who served as examiner for certifying the genealogies and applications of Indians seeking inclusion in the California Indian roll. On June 17, 1932, Mr. Fred A. Baker sent a letter to Juan Olivas, inquiring whether the Petra Garcia and Frances Garcia Cooke applicants, without doubt, belong to San Fernando Mission, and were descendants of California Indians.⁸² Baker in particular was looking for lineage verification and San Fernando Mission affiliations for John Valenzuela, Paul Valenzuela, Louis Valenzuela, Mrs. Frances Garcia Cooke, and Margaret Ward. On June 25, 1932, Juan Olivas responded to Fred Baker's letter and affirmed the correctness of the Garcia applications and replied (in translation) "You are advised that these persons (mentioned in Fred A. Baker's letter of June 17, 1932) are my relatives and all of them are from the San Fernando Mission."⁸³ Fred Baker accepted Olivas's response as evidence for the accuracy of the genealogy, and that Garcia family in question belonged to the San Fernando Mission.

⁸⁰ See also Southern California and Basin, Microfilm: 3, Reel: Kitanemuk #98, Frame 0686, Interviewer: John Peabody Harrington, Informant: Eugenia Mendez, 1916-1917, Location: Tejon. Prepared in the National Anthropological Archives, Dept. of Anthropology, National Museum of Natural History, Washington, D.C. See also documents: 90291.SIRIS.r98 thru 90296.SIRIS.r98. In this report, see the genealogy of Eugenia Mendez and her person report, with supporting documentation. See photo: 90298.NWULDC.1924.

⁸¹ See documents: 40056.DC, 40057.DC, 40058.DC, 40059.DC, 40060.DC, 40064.DC, 40065.DC, 00109.LN, 00110.LN, 00111.LN.

⁸² Copies of the correspondence between Fred A. Baker and Juan Olivas during June 1932 are given in document: 40064.DC, pp. 7-11.

⁸³ 40064.DC, pp. 7-11.

The Ortiz family led by Joseph (Jose) Ortiz also applied for the California Indian Roll and payment for treaty land losses.⁸⁴ Their application was submitted on May 12, 1932. Joseph Ortiz answered question “10. What is your degree of Indian blood and to what Tribe or Band of Indians of the State of California do you belong” with the expression “Fernandeño.” The Ortiz family answer for who their headman or captain was on June 1, 1852, during the treaty-making period, was: “I do not know.” The Ortizes do not say that Rogerio Rocha was their captain, and while they remember their grandmother, Rafaela, they don’t remember their grandfather, Jose Miguel Triunfo, as headman or captain, probably because he died in 1851, much earlier than his wife, who was still well remembered within the family.

The witness Andrew Ruiz signed for J.J. Lopez, who apparently was not able to attend the original signing on May 12, 1932. J.J. Lopez followed with an affidavit signed at his home in Bakersfield, CA, on August 31, 1932. In the affidavit Lopez stated: “That he is well acquainted with Jose Ortiz of San Fernando, California. That said Jose Ortiz worked for the affiant some 15 years. That affiant knew his mother (Rosario Arriola), and grandmother (Maria Rafaela Perfecto Cañedo) and grandfather (Jose Miguel Triunfo) and knew that they were all three pure Indian blood from the San Fernando Mission.” The Triunfo family sold their land in San Fernando and moved to Rancho Tejon by 1877. Eugenia Mendez recalls that Rafaela married an Apache man, after Jose Miguel died. Eugenia also notes that one of Rafaela and Jose Miguel Triunfo’s daughters, Maria Antonio (baptized as Maria del Rudio) married Jesus Cordova, and that in 1915 there were many of the Cordova grandchildren living in the Tejon Canyon near Rancho Tejon.⁸⁵ Eugenia did not use the name Triunfo because it was probably an honorary signification of leadership, rather than a surname. Eugenia also says that the Cordova grandchildren of Jose Miguel were “1/4 Fernandeño” Indian. Since Jose Miguel died around 1851, and J.J. Lopez was born about 1852, Lopez could not have known Jose Miguel, but the memory of Jose Miguel and family would have been part of the collective memory of the San Fernando Indian community. J.J. Lopez reconnected with the Ortiz family in the late 1870s after he started work at Tejon ranch around 1874, and quickly rose to ranch manager. Lopez remained as manager at Rancho Tejon until 1929, and thereafter consulted with management until his death in 1939.⁸⁶

Fred A. Baker was the federal examiner for the Ortiz application (No. 11171) for the 1928 California Indian Roll. In his notes written on the application, Baker noted, “Applicant appears to be of Indian descent.” Then in a later note, Baker wrote “Verified in the field.” The latter note suggests that the Examiner Fred A. Baker went to visit the Ortiz family, then living on 1026 Kewen St. in San Fernando, California. Baker approved the Ortiz family application.

⁸⁴ See document 80126.DC.

⁸⁵ 90294.SIRAS.r98, see also 80799.Johnson, pp. 274, 277.

⁸⁶ See document 80952.JJ Lopez.

Besides J.J. Lopez and Juan Olivas, there were other witnesses to the Garcia and Ortiz applications, who verified the genealogy information and tribal identity within the San Fernando Indian community between 1900 and 1940. The tribal identity of the applicants is affirmed by the witnesses in question 10: “What is your degree of Indian blood and to what Tribe or Band of Indians of the State of California do you belong?” The witnesses made affidavits and signed them under the monitoring of a notary public to the effect: “that they know all statements by (the applicant) are true, to the best of their knowledge and belief...” Those witnesses include: William Suytar, Pablo.J. Ayala, Joseph R. Moore, Anna Lopez Biscailuz, J.R. Olme, Alida Aranjó, Andres Ruiz, and J.J. Lopez. Most witnesses said they had known the applicants for long periods. J.J. Lopez and Andres Ruiz had known the Ortiz family for 60 years, while Andre Ruiz had known the applicant for 6 years. Annie Lopez Briscaluz and Alida Aranjó said they had known the Frances Garcia Cooke family for 38 years, while William Suytar and Pablo J. Ayala said they had known the Valenzuela family for 24 years. The federal official, Fred A. Baker indicated that the Office of Indian Affairs accepted the veracity of the witness’ testimonies when he approved the applications and enrolled applicants onto the California Indian Roll. The successful enrollees were granted enrollment numbers indicating they were verified as California Indians.

JJ. Lopez and Juan Olivas are persons or witnesses who had extraordinary understanding of the Indian families and community at San Fernando in the post- Mission period. JJ. Lopez lived his childhood in San Fernando and moved as a young adult to Rancho Tejon, where many members of the former San Fernando Mission Indians travelled through or lived. Lopez’s parents were Geronimo and Catherine Lopez, whose family had a long history of engagement and work in San Gabriel and San Fernando Missions. Geronimo’s father-in-law was a mayordomo at San Fernando Mission and was responsible for the management of farming and ranching, including giving direction to the San Fernando Mission Indian workers. After the mission ceased in 1846, the Lopez family continued to employ and support the San Fernando Indian community with employment on their ranch, and for some, entry to the Lopez Family English school, as well as legal and political support.⁸⁷ In 1870, Juan Olivas, who was orphaned and living in Saticoy with relatives, followed his grandfather, a baptized San Fernando Mission Indian, to Rancho Tejon, married and lived among the Tejon tribe. For the post 1900 period, Olivas and Lopez affirm the membership of the Ortiz and Garcia lineages as part of the post-1900 San Fernando Indian community. The Mission community has long been disrupted, and many took up renewed

⁸⁷ The book *Saga of Rancho el Tejon* is to a large extent a biography of the work that J.J. Lopez accomplished as manager at Rancho Tejon. See Latta, Frank *Saga of Rancho el Tejon* (Exeter, CA: Bear State Books, 2006), pp. 251-52; see document 80951.Johnson. or Johnson, John R. and David D. Earle, “Tataviam Geography and Ethnohistory, *Journal California and Great Basin Anthropology*, Vol. 12, No. 2, 1990; pp. 207-208.

identities when they returned to their lineal communities. Eugenia Mendez, born at San Fernando Mission, but recognized and died as a Tejon tribal member, is a good example of that general pattern. The Indian lineages thus persisted through the 1930s, and the Ortiz and Garcia lineages were part of the overall social and political community of San Fernando over the 1900 to 1940 period, as verified by J.J. Lopez, Juan Olivas, and other verifying witnesses to the California Indian Roll application process.

In addition, J. J. Lopez was familiar with Antonio Maria Ortega, who grew up under the guidance of the Lopez family, went to school in the Lopez English school, and worked on the Lopez ranch. J. J. Lopez when to work at Rancho Tejon about 1874, but knew Antonio during his formative years, being several years older than Antonio Maria Ortega. Lopez notes that in 1924 Antonio was living in San Fernando, and that Antonio's brother Luis Ortega, who was raised by the Lopez family, had moved to work in the Fresno area by 1924.⁸⁸ The Ortega family was invited by federal officials to apply for the California Indian roll and seek payment for lost treaty lands. After much family debate in the later 1920s and early 1930s, the Ortega family decided not to apply. The elders, Antonio Maria Ortega, and his wife, Ysidora, feared that accepting the offer for land payments and enrollment would require them to move to a reservation. They wanted to remain in San Fernando.⁸⁹

The combination of the Harrington informants, Setimo Lopez, Eugenia Mendez, and Juan Olivas, with J. J. Lopez, and other witnesses to the California Indian Roll, provides support for the presence of a network of lineages that are still attached to San Fernando, but also continuing to participate in a regional network that coincides with traditional regional relations including San Fernando, Rancho Tejon, Newhall, Oxnard-Ventura, Piru, and related areas. The Ortega, Garcia, and Ortiz families all retained Fernandeño identities, which meant their place of identity was in or around San Fernando. This is consistent with their significant ties to the lineal communities of Cabuemet (Cahuenga), Siutcabit (Encino), Tujubit (Tuhunga), all in the San Fernando Valley, and the dispossession of the Ortega and Garcia lineages from Chaguayabit (Chaguayanga) the Tataviam speaking lineage community in present-day Santa Clarita. This network of lineages and regional relations was active through the 1900 to 1940 period, according to the testimonies and lived lives of the above informants and witnesses.

⁸⁸ Latta, Frank *Saga of Rancho El Tejon* (Exeter, CA: Bear State Books, 2006), p. 61.

⁸⁹ See Documents 90342.FTO.JO, 90363.FTO.ROS, 90364, FTO.ROS, 90365.FTO.ROS, 90398.FTO.ROS, 90439.FTO.EO.ROJ.

External Identification during the late 1950s and early 1960s.

Additional information about the lineages at San Fernando comes from the recent book by Mary Louise Contini Gordon.⁹⁰ In the late 1950s, Charlie Cooke and his brother Alvin Cooke, descendants through the Garcia lineage, attended meetings and helped organize the San Fernando Mission Band. In the beginning the group tried to organize all descendants from San Fernando Mission. Charlie Cooke later commented that at the beginning they “Did not know anything,” and although the organization was willing to help many Indian groups and people who were descendants of Mission San Fernando, membership evolved to three specific lineages with long ties to San Fernando and the San Fernando Indian community as a location.

Here is some relevant text from the Gordon book, which shows how Charlie achieved leadership within his Garcia lineage and advanced its interests. This discussion also shows individuals external to the Fernandeño lineages, such as San Luis Rey tribal member Sam Kolb, identifying Fernandeños as a tribal community:⁹¹

Reconnecting with the Mission and with Indian rights.

So after working at a gasoline service station all week. Charlie (Cooke) started going with Alvin (Cooke) to Compton on weekends. Sam Kolb, an elder Indian, was calling these meetings. His people had lived at the San Luis Rey Mission and became known as the Luiseños. Like many Indians whose families lived at the missions, Sam could not be sure about his ancestry except that he was from one of the tribes at the mission ... Regardless, he was passionate about getting all Indian people interested in their heritage. For several years, he held mostly meetings in Compton. Sometimes the Cooke brothers were the only ones there.”

At a meeting in 1958, Sam asked, “Alvin, Charlie, weren’t your ancestors from the San Fernando Mission?”

“Yes, in fact, Grandma Frances was born there.”

Some time passed. ... Charlie started working on a GM assembly line and the brothers kept going to Sam Kolb’s meeting every month.

⁹⁰ Gordon, Mary Louise Contini *TIQ SLO'W: The Making of a Modern Day Chief: Charlie Cooke, Leadership in Restoring and Sharing Native Heritage* (Tucson AZ: Amherst Moon Publications, 2013).

⁹¹ *Ibid.*.

“We need to organize a San Fernando Mission Band for anyone with Indian ancestors from that mission. You two guys get the people together and I’ll come talk with them.” (said Sam Kolb)

Many Indians at San Fernando Mission had come from the Newhall area. So Sam came to Newhall where the Cooke brothers lived and where together they started organizing American Indians in the area. Sam was not from any of the Indian groups who had lived at the San Fernando Mission and Charlie and Alvin did not yet know the details of their ancestry; but like Sam, they were beginning to think about the importance and preservation of Indian heritage in general.

In 1958, Charlie and Alvin went to a property rights meeting in Los Angeles. The topic was land that had been taken from American Indians. No action came from this meeting. However it was a cog in the wheel of their work thing to make a wrong right. It would take years.

Fernandeño Leadership

Since Grandma Frances had passed away, Aunt Mary had been the leader of her extended family of Indians whose ancestors lived in the San Fernando Mission. She did not feel that she could be active enough anymore to maintain that position. For one thing, neither she nor her husband, Luis, could drive and the country was now one of roads and automobiles. She called some family members together in 1959, including her son Ted, (Garcia), Sr., along with Alvin and Charlie. The small group agreed that Charlie showed the most interest and dedication to their Indian heritage and also had a strong interest in caring for the extended family. So they made him their leader.

Charlie started to bring people together in Newhall who had records of ancestry at the San Fernando Mission. In 1960, about thirty Indian people all came together for form the San Fernando Mission Band with Charlie and Alvin as founding members. Similar to the San Luis Rey Mission where Sam Kolb came from, and where the Indians were referred to as Luiseños, Indians from many tribes who lived at San Fernando Mission became known as Fernandeños. In 1968 the bothers started calling meetings for people of Indian descent to inform them of their rights and to enroll them on the California Indian Land Settlement Roll. Enrollment would make them eligible for land payments and give them State recognition for their Indian ancestry.

In 1954, there were about 37,000 people on the rolls in California. When the rolls closed in December 1971, there were 90,000 enrolled as California Indians. But

closing of enrollments was not the end. The enrollment process remained the family link to their ongoing pursuit and protection of Native American heritages whether their own or those of others.⁹²

For the period 1971 to 1991, two additional academic reports explore the Indian organizations in Los Angeles County, including mention of organization and leadership of the San Fernando Band of Mission Indians. The doctoral dissertation by Wayne G. Bramstedt provides a comprehensive look at rise, continuity, and voluntary associations among the American Indian communities of the Los Angeles area. In one section, he looks at the development of the San Fernando Band of Mission Indians, which in 1971 established bylaws for San Fernando Indian community government, and a non-profit organization to manage grants and to work within state and federal laws.⁹³ Weibel-Orlando extended the recognition of the San Fernando Mission Indians organization in her research during the 1980s. She found:

The period 1967-71 was one of greatest growth among the American Indian population as well as in the number of newly organized Los Angeles Indian organizations. During this five-year interval, thirty-eight new Indian organizations surfaced in Los Angeles. Bramstedt (1977) notes that seven tribal organizations were initiated, only one of which, the San Fernando Mission Indians, is still active. Spearheaded by Rudy Ortega, the group organized in 1971. By 1975, when I first met Mr. Ortega, the group had already lobbied for and won reparations for confiscated lands in the San Fernando Valley during California's territorial period.⁹⁴

By the latter statement, it should be read to mean that the San Fernando Mission Indians were active in helping California Indians to apply and receive payment for non-recognized treaty lands which resulted in payments around 1972 to persons on the California Indian roll. Bramstedt and Weibel-Orlando's work covers the range of 1971 to 1991, the latter year being the publication of Weibel-Orlando's book. Weibel-Orlando was a professor of Anthropology at the University of Southern California. Both Bramstedt and Weibel-Orlando's studies provide information about voluntary organizations, having bylaws, elected officers, and usually being organized under state laws and federal laws for nonprofits status. While their research shows the range of Indian-led voluntary association activity in Los Angeles, and it is important research, both researchers were not focused on the kinship and community base social organization which was and continues to

⁹² Gordon, Mary Louise Contini *TIQ SLO'W: The Making of a Modern Day Chief: Charlie Cooke, Leadership in Restoring and Sharing Native Heritage* (Tucson AZ: Amherst Moon Publications, 2013), pp. 53-55.

⁹³ See document 80950.Bramstedt; or Bramstedt, Wayne G. "Corporate Adaptations of Urban Migrants: American Indian Voluntary Associations in the Los Angeles Metropolitan Area" Ph.D. Dissertation. University of California, Los Angeles. 1977, pp. 90-91.

⁹⁴ Weibel-Orlando, Joan 80949.WO.A; 80949.WO.B.

be the major form of organization for both rural and urban California Indian communities, including the descendant families of the San Fernando Mission Indians.

For additional activities during the lifetime of Charlie Cooke and the Garcia family lineage events starting in the 1880s to 2013, see Gordon.⁹⁵

⁹⁵ Gordon, Mary Louise Contini *TIQ SLO'W: The Making of a Modern Day Chief: Charlie Cooke, Leadership in Restoring and Sharing Native Heritage* (Tucson AZ: Amherst Moon Publications, 2013), pp. 33-282.