

State of California

Department of Justice

Memorandum

To : Honorable Charles A. O'Brien
Chief Deputy Attorney General
Department of Justice
6000 State Building
San Francisco, California 94102

Date May 31, 1968

File No.:

Loren Miller, Jr. —

From : Office of the Attorney General
LOS Angeles

Subject: Palm Springs, Section 14 Demolition

The Attorney General's Office was requested on July 22, 1966, by the Fair Employment Practices Commission to contact Mr. Ernest Moore of the Office of Economic Opportunity in Palm Springs, California concerning the removal of several hundred residents from an area of that city known as Section 14. The FEPC request to the Attorney General's Office was the result of a letter which Mr. Moore had written to Governor Edmund G. Brown.

Deputy Attorney General Loren Miller, Jr. went to Palm Springs and consulted with Mr. Ernest Moore concerning his complaint. Mr. Moore said that the City of Palm Springs had burned down the homes of Negro residents of Section 14--destroying their personal belongings, as well as the buildings--without giving the residents sufficient notice of the planned destruction.

Following this initial meeting, on July 25, 1966, extensive interviews were conducted by Mr. Miller and a special agent of the Department of Justice. The interviews included city officials, contractors involved in the property destruction, conservators for the Indians, and

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residents of Section 14. Most of the demolition occurred in late 1965 and in 1966. Delay in issuance of the final report resulted from extended unavailability of certain participants and workload problems within the Attorney General's Constitutional Rights Unit. Every statement in this report is based on substantial testimony by knowledgeable witnesses and participants.

CONCLUSION

There is no evidence that any crimes were committed in the removal of the residents from Section 14 and the destruction of their homes. Yet the incident displayed a unique insensitivity on the part of the City of Palm Springs to the problem of adequate minority housing, in particular, and to minority-community relations, in general.

The manner in which the demolition of Section 14 was accomplished, makes it a classic study in civic disregard for the rights and feelings of minority citizens.

Homes were destroyed with no real concern on the part of the city that the families were properly notified of the impending destruction.

Accompanying the imperious destruction of the Negro homes in Section 14 is the city's continuing disconcert for relocation of these citizens. This has resulted in many minority citizens being forced to live in Beaumont or Banning-- twenty-five or thirty miles from their working places in Palm Springs. Other former residents of Section 14 moved into a formerly defunct housing tract in a desolate, wind-swept area of North Palm Springs, where they live two and three families to a house.

While Palm Springs is a relatively small city, and the number of persons involved was only 1,000 -- this does not excuse the city's action, nor does it diminish the

antagonism of the persons involved in the eviction and destruction.

In terms of proportionate population, Palm Springs' action is equivalent to the arbitrary removal of 200,000 persons from their homes in Los Angeles.

When a natural holocaust devastated sections of the wealthy Los Angeles suburb called Bel Air, it was declared a disaster area and received special federal benefits. The minority residents of Section 14 did not receive such aid when their homes were destroyed by a city-engineered holocaust. Such inequities give rise to antagonisms.

The hostility created by the hardship forced on the city's Negro population is not the only problem caused by Palm Springs' clearance of Section 14. The Indians who own the land are also disillusioned, since the land which once produced revenue for them now lies vacant. This disillusionment is closely connected with the federal government's investigation of the administration of Indian guardianships and conservatorships in Palm Springs. There is evidence of unusual cooperation between developers, the Indian conservators, and the City of Palm Springs, in the demolition of Section 14. The Section 14 situation reinforces the question of Indian conservator conduct which was initially raised by the Department of Interior.

RECOMMENDATION

While the harm caused by the Section 14 removal cannot be erased, we would recommend that the City of Palm Springs undertake special efforts to correct the problems of inadequate minority housing and the general low level of relations between the city government and the minority residents of Palm Springs. Housing discrimination and other race-connected problems which are prevalent throughout California

seem exacerbated in the somewhat isolated, resort atmosphere of Palm Springs. At the same time, there seems to be a civic attitude that such racial problems are of less concern in this exotic locale. No city in California can ignore the necessity of guaranteeing all its residents full citizenship. This responsibility applies equally to the Indians, Mexican-Americans, and Negroes living in Palm Springs and other small communities, as well as to the residents of the barrios and ghettos of Los Angeles and other major cities.

BACKGROUND

For about 35 years, the main available living area for working people of Palm Springs was Indian land adjacent to the downtown business area of the city. Known as Section 14 of the Indian reservation, this square mile of land is bounded by Indian Avenue on the west, Ramon Road on the south, Sunrise Way on the east, and Alejo Road on the North. During the past three decades, this area became the primary residential area for the Negro and Mexican-American population of Palm Springs. This resulted from two main factors:

- the average minority person could not afford to live in any other area of Palm Springs;
- de facto racial residential segregation was prevalent in Palm Springs, as in other parts of California.

When these tenancies first were created and for many years after, the leases of the land from the Indians were limited by federal law to a five-year duration.

Under the tenancy created on the reservation land and approved by the Bureau of Indian Affairs, the tenant

leased the land from the Bureau for a stated price and was then permitted to build or relocate a dwelling place upon that piece of land. The lease further provided that the tenant owned the dwelling place in which he resided and was free at any time to remove the dwelling place from the land.

Homes on the Indian land were equipped with utilities and the majority were built under permits issued by the City Building Department. City Building Inspectors passed on the buildings while they were under construction. Homeowners also paid taxes to Riverside county, based on the value of their residences. House values ranged from \$1,000 to \$8,000.

In 1959, a new federal law distributed the Indian-held land in Palm Springs to individual members of the Agua Caliente tribe. It also provided for 99-year leases on Indian property, rather than the traditional short-term leases. When the new 99-year leases became available, the City of Palm Springs and various real estate developers became interested in the commercial development of Section 14.

Originally, the city planned to use abatement laws to clear Section 14, but conflicting jurisdiction between the city and the Bureau of Indian Affairs frustrated this scheme. Conflicts between the city and the Indians over proposed zoning for this area also arose, following 1959.

Complaints were received by this office, during this period, concerning city redevelopment plans for Section 14. These initially vague complaints concerned possible conflicts of interest and questionable actions of Indian conservators. They also charged over-riding city interest in commercial development of the land, without regard to the interests of current tenants.

Subsequent investigation by the U. S. Department of

the Interior has clarified some of these charges regarding the conservators (see, "The Final Report of the Palm Springs Task Force" United States Department of the Interior.)

The same 1959 law providing for the long-term leases and individual distribution of the Indian land also provided for conservators to protect the individual Indians' interests. In 1964, the City of Palm Springs approached the conservators with a plan to raze Section 14. The city proposed that the Indians -- through their conservators -- terminate the leases or rentals of the land. The city would then clear the land, using city funds.

LEGAL METHOD

The city -- to protect itself against any legal action -- asked the conservators to serve notice upon the tenants that tenancy would be terminated within the statutory period of thirty days. The conservators were also to inform the tenants that permits to clear the land would be issued to the city after the tenants were served with the notices.

Testimony was received that the conservators in many instances did not actually consult with the Indian owners of the land concerning the termination of the leases in Section 14. Testimony from several sources indicated that the conservators, in many instances, executed the eviction notices without making a full disclosure to their Indian wards, who were leasing the land. Further testimony indicated that many of the Indians were induced to execute various documents by statements of the conservators that they could lease the land at higher rentals to commercial enterprises.

To date, land cleared in Section 14 has not been leased and stands vacant.

METHOD OF REMOVAL

The City of Palm Springs moved to raze Section 14 in the following manner:

Once a conservator executed a destruction permit, the city dispatched a demolition crew to knock down the dwellings and stack the lumber and other debris. Then the City Fire Department burned the debris in a controlled fire. Testimony indicated that the city paid little attention to the 30-day requirements set forth in the eviction notices and operated its own demolition plan solely based on receipt of the destruction permits executed by the conservators.

For example: If a conservator gave notice to a tenant to vacate within 30 days -- and at the same time executed a permit to the city, authorizing the demolition and removal of the debris -- the city, acting upon the permit, would burn down or destroy the dwelling in question any time after it had received the permit without actually checking to see whether the time prescribed in the eviction notice had expired.

The city contracted with three separate construction firms for the actual job of demolition: Joe Leonard Construction, Valley Equipment and Sales Co., and, finally, Cal Terra Backhoe Co. The person employed by the city to expedite this project, Don Abercrombie, claimed that the city did not demolish and destroy any occupied dwelling, nor did the city, according to Mr. Abercrombie, have any complaints. This latter statement is disputed by the city manager, who admitted receiving some complaints from occupants whose homes were threatened with sudden destruction. He added that the city was usually able to respond to these complaints. He did not explain the nature of the city's response. The city steadfastly

maintains this position, without clarification.

Joe Leonard, of Leonard Construction Co., indicates that a dwelling which he owned on the reservation land was demolished without notice and that his property inside the dwelling was destroyed and burned.

It should be noted that Lewis Hunt, who was employed by the Valley Equipment and Sales Co. and later became the owner of Cal Terra Backhoe Co., stated that he was threatened with a gun by a Section 14 home-owner when he attempted a demolition. This story was confirmed by Chief of Police Orest Johnson and also by Captain White of the Palm Springs Police Department. This corroborates to some degree the stories of the former tenants of the area that the city was demolishing homes which were occupied and had personal possessions in them.

While the city maintains that all persons living on the land, or known owners of dwellings, received notices that the dwellings would be demolished, the former tenants disagree. A majority of tenants claim that they did not receive 30-day notices, nor 3-day notices, nor any notices.

Many tenants discovered the demolition after the dwellings had been knocked down and their belongings were missing. Among the possessions lost or destroyed were such items as air conditioners, stoves, refrigerators, and clothing. The tenants steadfastly maintain that few of them ever received a notice to vacate their land.

For example: Homer Manning, a member of the City Human Relations Council, was informed by his tenant that his building -- valued at \$8,000 -- was about to be demolished. He was told that a bulldozer was ready to knock down the building. He was able to retrieve some, but not all of his property.

--Mr. Moses Clinton said that his house -- occupied by his son, Harl -- was destroyed without his knowledge while his son was at work. Harl Clinton's personal belongings, along with a stove, refrigerator, furniture, and an air conditioner, were either destroyed or taken from the house.

-- Mr. James Goree said that his house -- valued at \$3,400 and occupied by his sister -- was destroyed without notice. Similarly destroyed was the house of an elderly neighbor, a Mrs. Spilletti, who died following her eviction.


-- Mr. R. L. Lucas, a seventy-seven year old man, received a notice to vacate several dwellings which he owned. He did not believe the notices. The city destroyed five dwellings owned by Mr. Lucas and valued at \$5,100. Mr. Lucas also states that he lost four water tanks, four stoves, four refrigerators, six air conditioners, fifteen beds, and fifteen mattresses. Mr. Lucas depended on a total rental of \$460.00 per month from these units for his support.

-- Mrs. Van Williams received an eviction notice, but disregarded it and took a trip to Los Angeles. When she returned, her house -- valued at \$7,500 -- and all her personal possessions had been destroyed. She had built the home in 1944 and had been a resident of Palm Springs since 1933.

Perhaps the most conclusive evidence of the city's attitude is the fact that the City of Palm Springs kept no official records of the persons displaced and the residences destroyed in Section 14, and could offer no evidence of any attempt at determining that each homeowner and resident had been properly served with eviction notices.

The City of Palm Springs not only disregarded the residents of Section 14 as property-owners, tax-payers, and voters; Palm Springs ignored that the residents of Section 14

were human beings.


LOREN MILLER
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE
Office of Attorney General
THOMAS C. LYNCH
State Building, Los Angeles
Tom McDonald

MEMORANDUM TO THE PRESS

FOR RELEASE: 11:00 a.m., TUESDAY, JUNE 4, 1968

The resort city of Palm Springs was charged today with "a classic study in civic disregard for the rights of minority citizens."

This charge highlighted a report on Palm Springs' demolition of its Negro ghetto. The report was released by Chief Deputy Attorney General Charles A. O'Brien in Los Angeles. Deputy Attorney General Loren Miller, Jr., chief of the Attorney General's Constitutional Rights Unit, prepared the report.

The report linked the ghetto destruction to federal accusations of misconduct by conservators for the Agua Caliente Indians.

In Palm Springs, most minority citizens lived on reservation land leased from Indians. The individuals constructed homes on the leased land. The ghetto area -- known as Section 14 -- lay in the heart of Palm Springs and became an area of interest for developers in 1959 when Indian land became available for long-term leases.

According to the Attorney General's report, homeowners who leased lots in Section 14 saw their homes destroyed without notice and their personal property burned. About 1000 people were involved in the eviction and destruction.

The report recommended "that the City of Palm Springs undertake special efforts to correct the problems of inadequate minority housing and the general low level of relations between the city government and the minority residents of Palm Springs."

"The hostility created by the hardship forced on the city's Negro population is not the only problem caused by Palm Springs' clearance of Section 14. The Indians who own the land are also disillusioned, since the land which once produced revenue for them now lies vacant," the report stated.

The report continued, "No city in California can ignore the necessity of guaranteeing all its residents full citizenship. This responsibility applies equally to the Indians, Mexican-Americans, and Negroes living in Palm Springs and other small communities, as well as to the residents of the barrios and ghettos of Los Angeles and the other major cities."

Documented in the report were instances of homes valued from \$3400 to \$8000 which were destroyed by the city without notice to the owners of the impending destruction.

The city contracted with private operators to knock down the dwellings in Section 14. The debris was then burned by the city fire department in a controlled fire. Indian owners were to execute permits to the city to clear the land and then give their tenants 30-day eviction notices. The report states, "The city paid little attention to the 30-day requirements set forth in the eviction notices and operated its own demolition plan solely based on receipt of the destruction permits executed by the conservators.

Exploring the actions of the Indian conservators, the report states that, "The conservators in many instances executed the eviction notices without making a full disclosure to their Indian wards who were leasing the land." It continues, "Many of the Indians were induced to execute various documents by statements of the conservators that they could lease the land at higher rentals to commercial enterprises. To date, the land cleared in Section 14 has not been leased and stands vacant."

The report concludes, "Perhaps the most conclusive evidence of the city's attitude is the fact that the City of Palm Springs kept no official records of the persons displaced and the residences destroyed in Section 14 and could offer no evidence of any attempt at determining that each homeowner and resident had been properly served with eviction notices.

The City of Palm Springs not only disregarded the residents of Section 14 as property-owners, taxpayers, and voters; Palm Springs ignored that the residents of Section 14 were human beings.

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