

## **ATTACHMENT TO AMENDED CLAIM FORM**

### **FACTUAL BACKGROUND**

#### **A. Palm Springs**

Claimants Pearl Devers, Alvin Taylor, Betty Mayfield Taylor, Norbert McDaniel and An-g Smith (all African American), and Delia Taylor (Mexican American) (collectively “the Survivors”) represent hundreds of Survivors who were residents of a one-square-mile tract of land in downtown Palm Springs commonly referred to as Section 14. The process of accurately identifying all living Survivors and their legal descendants is ongoing and is expected to number in the thousands. The Survivors lived on Section 14 between the early 1950s through and until on or about 1965, at which time all the residents had been forcibly removed by the city of Palm Springs’ racially, discriminatory, and illegal actions.

Palm Springs is a desert resort city in Riverside, California. The city is the largest in Riverside County by land area. More than 10 percent of the city is part of the Aqua Caliente Band of Cahuilla Indian reservation. In the middle of the 19<sup>th</sup> century, Southern California was broken up into square parcels of land. The larger squares were called townships and those were further divided into one square-mile “sections.” In 1876, President Ulysses S. Grant designated the even-numbered sections, about 900 acres, as the Aqua Caliente Indian Reservation. For decades, the tribal people of Aqua Caliente struggled with commercial development of the land due to federal statutes which restricted the lease terms of the land.

During the 1930s, Palm Springs became popular with movie stars and the ultra-rich. Many were attracted to the hot, dry, sunny weather and seclusion. Around that time, exclusive estates began to be developed along with nightclubs, casinos, and famous hotels such as the El Mirador. Upscale department stores like Bullocks, Saks Fifth Avenue and J.W. Robinson opened resort stores forming a large shopping district. This resort town became the vacation home to some of Hollywood’s biggest celebrities including Lucille Ball, John Wayne, Frank Sinatra and Gene Autry, to name a few.

#### **B. African Americans, Mexican Americans, and Minorities in Palm Springs**

African Americans began migrating from the South to Palm Springs in the second half of the 20<sup>th</sup> century. They came for some of the same reasons that drew many white people; plentiful jobs, ample land to purchase and cultivate; and the live-and-let-live openness of what still felt like America’s frontier. But the picture-postcard settings and air of possibility masked an uglier reality for Black and Mexican American newcomers. Although it was not the Jim Crow South that many Blacks had escaped, Blacks in Palm Springs faced racial hostility and racially restrictive housing covenants and financial lending practices. The city and its businesses also engaged in racially discriminatory employment practices which relegated Blacks and Mexicans to substandard wages and jobs as domestics, cooks, and laborers.

#### **C. Section 14 and the Demolition**

Palm Springs' racially restrictive covenants prevented African and Mexican Americans and other minorities from living in communities near white residents. The Tribal members leased some portion of their land, mainly Section 14, to Black and brown families. This was a mutually beneficial arrangement and the only option for working-class minorities, many of whom served the wealthy and Hollywood elites. Section 14 became a thriving community of homes, apartments, mobile homes, restaurants, small businesses, churches, and other cultural sites. At its peak, there were at least 1,000 residents living on Section 14.

When the leasing laws for tribal land changed, allowing 99-year leases, the city of Palm Springs saw a huge financial opportunity. In addition to acquiring the 646 acres of prime downtown land for development of luxury properties and city thoroughfares, it was also an opportunity to remove the working-class homes from the sight of wealthy tourists and white homeowners.

Then -mayor, Frank Bogert said, "I was scared to death that someone from Life Magazine was going to come out and see the poverty, the cardboard houses, and do a story about the poor people and horrible conditions Palm Springs just half a mile from the Desert Inn, our high-class property." (LA Times, Jan. 18, 2001).

What ensued would eventually be described by a state official as "a city-engineered holocaust." Starting in the 1950s and continuing for more than a decade, racially motivated attacks forced the victims of Section 14 to flee the lives and community they had created in Section 14. The city hired contractors to bulldoze the privately-owned houses and structures of residents, often with personal belongings inside, and then sent the Palm Springs Fire Department to burn the destruction. There were no relocation plans or resources offered; the forced and unlawful destruction of property and evacuation forced residents to flee Section 14 with what they could carry.

The forced dispossession of their property and physical displacement have had long-term consequences, preventing long-time Black and Mexican residents from attaining the economic stability that would have allowed them to purchase homes, continue employment and live stable lives free of harassment and intimidation in the downtown Palm Springs area.

Today, some portions of Section 14 lay bare and were never developed. The city's convention center, a casino, hotels, and restaurants occupy much of the land. In contrast, widespread poverty and joblessness have prevented many Black and Mexican families from purchasing homes or holding onto houses that their families worked so hard to build in the face of pervasive and systemic racism.

#### D. Palm Springs' Actions Similar to Government Sanctioned Violence in Tulsa, Oklahoma

The United States has never fully addressed the institution and practice of 250 years of chattel slavery; the ideology that established and maintained it has left an indelible stain on the fabric of this nation and is embedded in virtually every facet of American culture and civil society. Racial discrimination has prevented entire communities of people from achieving equality under the Constitution.

The Palm Springs Section 14 demolition is akin to the 1921 Tulsa Burning Massacre also known as the Black Wallstreet Massacre. The event is commonly referred to as one of, “the single worst incidents of racial violence in American history.” The attackers burned and destroyed more than 35 square blocks of the neighborhood, at the time one of the wealthiest black communities in the United States. Less than 30 years later the city of Palm Springs participated in a similar act of racial violence.

The implementation of Black codes and Jim Crow laws, the widespread and accepted practices of lynching and sexually assaulting Black men and women, voter suppression of Black Americans, the false concept of separate but equal schools, substandard treatment of Blacks in the health care system, and state sanctioned housing discrimination in the form of redlining and enforcement of racially restrictive covenants like those prevalent in Palm Springs during the 1900s have all worked to deprive African Americans access to land, economic opportunities, generational wealth and a stable future.

The experiences of the Section 14 Survivors and descendants are prime example of how racism against African Americans, Latinos and other minorities has reached crisis proportion and has resulted in large disparities in family stability, health, mental wellness, education, employment, economic development, and housing.

## **LIABILITY AND CAUSES OF ACTION**

### **E. California’s Department of Justice Documented and Acknowledged Palm Springs’ Liability to Section 14 Survivors**

In 1965, the forced demolition and burning out of Section 14 was reported to the then California Attorney General. As a result of complaints from residents, the Attorney General ordered an investigation which led to the drafting of a Memorandum dated May 31, 1968 entitled “Palm Springs, Section 14 Demolition.” Ernest Moore, Office of Economic Opportunity, Palm Springs reports: “the City of Palm Springs had burned down the home 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.” The report further states, “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.” “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.” That report also acknowledges “Accompanying the imperious destruction of the Negro homes in Section 14 is the city’s continuing disconcert for the relocation of these citizens.”

The Memorandum concludes that 1,000 residents were involved (we believe this is an under count) but that in terms of proportionate population, Palm Springs’ actions were equivalent to the arbitrary removal of 700,000 persons from their homes in Los Angeles. The Memorandum also compares the demolition of Section 14 to the “natural holocaust” which devastated sections of the wealthy Los Angeles suburb Bel Air; it was declared a natural disaster area and received special federal benefits. In contrast, the residents of Section 14 didn’t receive such aid when their

homes were destroyed by a “city-engineered holocaust.” The Memorandum acknowledges that such “inequities” gives rise to antagonism.

In the Recommendations section of the Memorandum, the report states “while the harm caused by the Section 14 removal cannot be erased, we would welcome 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 Attorney General Memorandum acknowledges that “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.”

The Memorandum states emphatically, that “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 to the residents of the barrios and ghettos of Los Angeles and other major cities.”

#### F. Palm Springs Intentional and Discriminatory Actions were Illegal

The California Department of Justice Memorandum clearly establishes that Palm Springs deprived the private citizens of Section 14 of their constitutional rights to self-determination and dignity based on race. Specifically, by bulldozing and burning private property, Palm Springs deprived the residents of their right to the enjoyment of their property, their right to own property alone, as well as in association with others, and the right to inherit and control property. Moreover, the city of Palm Springs was derelict in its responsibility to prohibit and eliminate racial discrimination in all forms, to ensure the security of Section 14 residents and to protect them against forced removal, harassment, and intimidation.

The DOJ found no evidence that the city utilized eminent domain or the legal eviction process—a process that starts with a pay or quit notice, and if necessary, culminates in an unlawful detainer which is carried out by local law enforcement. Bulldozing and setting fires to homes with individuals’ personal belongings inside are not and have never been a part of any lawful eviction process. Thus, the city of Palm Springs had a legal obligation to Section 14 Survivors and descendants to ensure that they could fairly access justice and an effective remedy, including the potential return of property, restitution, resettlement, rehabilitation, and compensation for its unlawful and race-based displacement.

Had these actions been performed by private citizens they would clearly constitute criminal conduct and hence, an investigation and probable prosecution of all involved would have ensued. In this case, simply because the city and its agents were cloaked with the “color of law,” doesn’t make their actions any less criminal. In fact, given the power and authority of the city and its agents, they had a greater level of obligation to its residents including those living on Section 14. Yet, there is no evidence that the city of Palm Springs took any action to investigate or prosecute

any of the individuals involved in the arguably criminal conduct. The city then engaged in a conspiracy of silence, blame shifting and gaslighting which delayed the accrual of these claims.

#### G. Causes of Actions

The city of Palm Springs conduct towards occupants, Survivors and descendants of Section 14 violates both California state and US federal law.

State Law Claims: The city of Palm Springs' actions constitute tortious interference with contract between the occupants and their landlords; negligent interference of contract; intentional and negligent infliction of emotional distress; fraud by false promise; housing discrimination on the basis of race, sex, ancestry, familial status, natural origin, disability under FEHA and the Unruh Civil Rights Act (punitive damages and attorneys' fees); equitable tolling of the statute of limitation, equitable estoppel, trespass, concealment, violation of prohibition against cruel and unusual punishment under Article I, Section 17 of the California Constitution ; violation of unreasonable search and seizure under Article I, Section 13 of the California Constitution; and violation of procedural due process under Article I, Sections 7 (a) and 15 of the California Constitution.

Federal Law Claims: Acting under the color of law, the then mayor of Palm Springs Frank Bogert, the city's fire chief, city employees, city council members, past and present, undertook actions that constitute a violation of the Survivors and descendants' rights to Procedural Due Process and Equal Protection under the US Constitution and by federal laws as guaranteed by the First, Fourth, Fifth, Eighth and Fourteenth Amendments; deprivation of property and due course of justice; conspiracy to deprive Claimants of their constitutional rights in violation of 42 U.S.C. Section 1983; inverse condemnation; and request for attorneys' fees.

Claimants' investigation is ongoing, and they reserve the right to present additional causes of action, both state and federal, information, evidence, data, and damages in support of these claims.

### **DAMAGES**

#### H. Claimants' Request for Damages

This claim is being filed and prosecuted as an unlimited civil action with damages far more than the \$25,000 limited civil case maximum. Consistent with the causes of action enumerated above, claimant is entitled to compensatory and punitive damages and attorneys' fees.

The investigation of the damages is ongoing, however; to date, Claimants have suffered and continue to suffer past, present, and future physical injuries, mental, psychological and emotional distress, loss of property, economic opportunity, equity, homeownership, generational wealth, earnings, wages, profits and business opportunities. Claimants' losses were and are caused directly by the city's illegal forcible removal from Section 14 and by its decades of denying, concealing, and conspiracy to deny responsibility and make Claimants whole. The city's actions in minimizing and denying the harm has caused the exacerbation of Claimants' emotional

distress, trauma, pain, suffering, anguish, fright, horror, grief, anguish, shock, humiliation, and shame.

Claimants have conducted a preliminary harm assessment which estimates the harm caused by the city of Palm Springs to Survivors and descendants to be upwards to \$2 billion dollars. Claimants' investigation is ongoing, and they reserve the right to present additional, information, evidence, data, and damages in support of these claims.

Witnesses

Section 14 Survivors (250 have been identified)  
Section 14 Descendants (100 have been identified)  
Addresses for the Survivors and Descendants will be made available upon request.

Current and former city employees  
Palm Springs City Council members  
3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262

I hereby certify under penalty of perjury that the facts set forth herein are true and correct to the best of my knowledge.

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**DATED:** 11/29/22