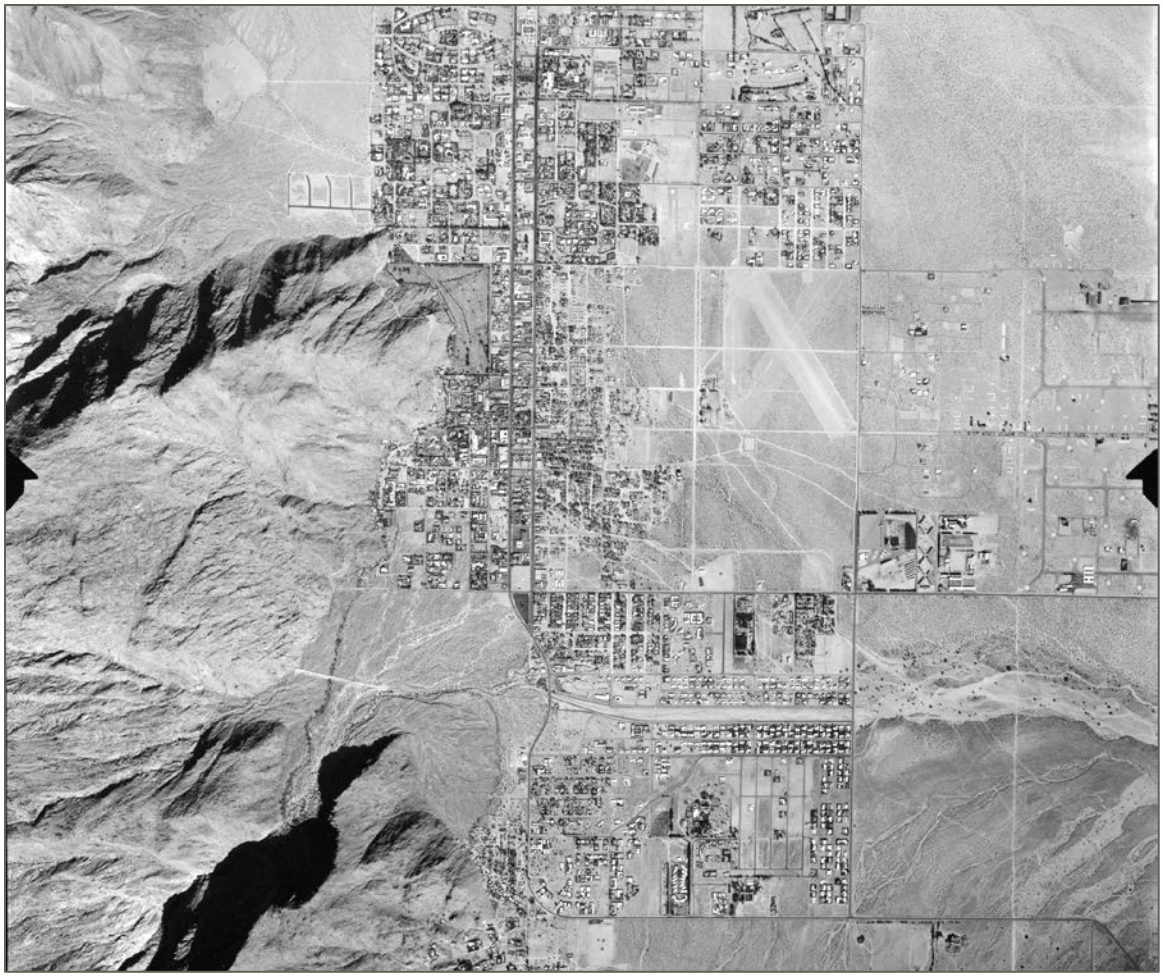

Section 14 Historical Context Study

Prepared for:

City of Palm Springs

Prepared by:

Architectural Resources Group

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Table of Contents

1. Introduction

Summary

At the request of the City of Palm Springs, Architectural Resources Group (ARG) has prepared this Section 14 Historical Context Study (the Study).

Section 14 is a one-square-mile, 640-acre portion of land located in central Palm Springs. It is generally bound by Indian Canyon Drive to the west, East Alejo Road to the north, Sunrise Way to the east, and Ramon Road to the south, and was historically held in trust by the federal government on behalf of the Agua Caliente Band of Cahuilla Indians and its Tribal members. Between the 1920s and the late 1960s, Section 14 was also home to thousands of non-Agua Caliente occupants, many of whom were low-income residents who worked in service positions in Palm Springs' tourism and hospitality industries and other types of seasonal employment. Those who were people of color had extremely few options for other places to live outside of Section 14 due to the presence of racially restrictive housing practices in Palm Springs and communities across Southern California during this time.

Between 1936 and 1968, a series of abatement campaigns resulted in the displacement of Section 14 residents and in many cases the destruction of their property. The Study aims to provide a detailed accounting of the history of Section 14 and the forces that contributed to the use of the land and, ultimately, to the displacement of its residents. It is organized as follows:

- Chapter 1, Introduction explains the purpose of the Study, the scope of work, the methods used, and qualifications of the preparers.
- Chapter 2, Overview: The Agua Caliente Band of Cahuilla Indians briefly summarizes the history of the Tribe and its land, and discusses relevant legal contexts, including shifts in federal Indian policy; federal legislation; the allotment system; leasing and tenancy under the allotment system; and the conservatorship/guardianship system.
- Chapter 3, Overview: Land Use Policy and Housing Inequity in the 20th Century provides a national context for public and private mechanisms of racial and class segregation, including zoning, planning policy, public housing management, restrictive covenants, realtor practices, and discriminatory lending.
- Chapter 4, Palm Springs Land Use Policy and Housing Inequity explores Palm Springs' specific expressions of land use policies and housing discrimination, both public and private, as shaped by the national forces discussed in Chapter 3.
- Chapter 5, Section 14 Historical Development and Use traces the development and use of Section 14 from the 1920s to the 1970s, focusing on the intertwined legal, social, and economic forces that shaped the population, character, and built environment of Section 14.
- Chapter 6, Displacement of Section 14 Residents presents a chronology of the abatement events (eviction, displacement, and demolition/burning) known to have occurred on Section 14 in five major campaigns: 1936-1937, 1948-1953, 1954-1960, 1961-1962, and 1965-1966.

- Chapter 7, Section 14 and Its Former Residents, Post-Displacement traces the broad patterns of movement of Section 14 residents across Palm Springs, the Coachella Valley, and beyond after displacement.

Scope of Work

The primary objectives of the Study are to research and document the history of the Section 14 site to the greatest extent possible using available source material. The scope of work does not include recommendations regarding the City's use of the study and any of its content or findings. Any future decisions made by the City of Palm Springs regarding reparations or actions that may or may not have been informed by the contents of this Study are entirely the responsibility of the City and its representatives.

Methodology

Research

The preparation of this Study relied on the research and review of primary and secondary source documentation.

Primary sources provide a first-hand account of an event or time period and are generally considered to be authoritative. They represent personal experience, original thinking, reports on discoveries or events, and are often (but not always) created at the time that the events occurred.

Secondary sources involve analysis, synthesis, interpretation, or evaluation of primary sources. Because they are the result of an individual's interpretation, there can be some degree of hypothesizing, misinterpretation, or bias present in secondary source materials. Thus, to the greatest extent possible, ARG located primary source material to support (or refute) claims made by authors in secondary sources.

Key archives and sources of information that were consulted and reviewed in the preparation of this Study include the following:

- Archives of the City of Palm Springs, Palm Springs, CA
    - All known City-held records related to Section 14, including City Council Minutes; Resolutions; correspondence; memoranda; planning documents; abatement records
- Palm Springs Historical Society, Palm Springs, CA
    - Multiple sources including the Section 14 Oral Histories Collection and the Earl Coffman Collection
- Palm Springs Public Library, Palm Springs, CA
    - Multiple sources including city directories, telephone books, and the Prickly Pears Oral Histories
- University of Southern California Special Collections, Los Angeles, CA
    - Multiple sources, primarily in the Hilton H. McCabe Papers
- Records of the Bureau of Indian Affairs, National Archives, Riverside, CA
    - Multiple sources, primarily in the Mission Indian Agency and Palm Springs Subagency collections

- U.S. Bureau of the Census, United States Federal Census via ancestry.com
    - 1950 census data for Section 14 (Enumeration District 33-46A)
- Digital historic newspaper repositories: newspapers.com and genealogybank.com
    - Palm Springs newspapers, primarily the *Desert Sun* and *Limelight-News*
    - Riverside newspapers, primarily the *Riverside Independent Enterprise*, *Daily Press*, and *Press-Enterprise*[1]
    - Other regional newspapers as cited

Although ARG has made every effort to provide an accurate and detailed accounting of the history of Section 14, this Study should by no means be considered a complete accounting of this history, nor should it be considered a direct reflection of or replacement for the voices and stories of those who were personally affected by displacement from Section 14.

Outreach

The methodology also included outreach to Palm Springs residents in a call for information on the City of Palm Springs' website. The call for information was published on the Engage Palm Springs platform (https://engagepalmsprings.com/section-14) and included an online information submittal form inviting interested members of the public to submit historical documents, photos or other information regarding the history of Section 14.

The City of Palm Springs received six responses to the call for information and all of this information was reviewed by ARG and used to inform the findings of this study as applicable.[2]

Preparer Qualifications

ARG is an interdisciplinary preservation architecture and planning firm founded in 1980, with staff working in three specialty areas: Planning and Research, Architecture, and Materials Conservation. Our Planning and Research group focuses on the research and analysis of a wide variety of topics related to the historic built environment. The group includes architectural historians, historians, planners, and archaeologists meeting the Secretary of the Interior's Professional Qualification Standards in multiple disciplines. This Study was prepared by architectural historians meeting the Standards in Architectural History and/or History.

All ARG team members who participated in the preparation of this Study have experience preparing similar studies of the history of discrimination and racism in land use policies and practices in communities across Southern California. Over the past three years, this ARG team has completed historical context studies of this type for the cities of Los Angeles, West Hollywood, and Culver City, and

[1] During the period covered by this study, the *Enterprise* and the *Press* were issued by the same publisher and eventually published a joint *Press-Enterprise* weekly.

[2] A letter dated July 10, 2024, addressed to ARG from Areva Martin, Martin & Martin LLP, directed ARG to "not engage or participate in any communications by websites, emails, in person-meetings, etc. with my clients," who are "survivors and descendants of Palm Springs Section 14." Thus, beyond the City's open call for information on their website (directed to the public at large), the outreach for this Study did not include any direct communication with the group of individuals represented by Martin & Martin LLP.

another is in progress for the City of Pasadena, focusing on the displacement of residents as a result of the planning and construction of the 710 freeway.

Glossary of Terms

The following terms appear frequently in the Study and have specific meanings with regard to Section 14 resident displacement.

Abatement: a term derived from municipal code, in relation to reducing/removing a "public nuisance" like a fire hazard. In Palm Springs, it primarily came to mean the demolition and burning of a building, and the campaigns that carried this out were referred to as "abatement" or "cleanup" campaigns.

Allotment: a parcel of land owned by an individual member of a Native American Tribe, split from common land held in trust by the federal government for that Tribe. The Tribal member holding the parcel is an **allottee**.

BIA: Bureau of Indian Affairs. Part of the Department of the Interior, it is the federal agency responsible for maintaining and managing the government's responsibilities to, and relationships with, federally recognized Tribes.

Conservators/Guardians: managers, in many cases non-Agua Caliente, of Agua Caliente allottees' financial affairs. They became prominent in Palm Springs with 1959 legislation equalizing allotments. Appointed by a court, guardians managed affairs for minor allottees and conservators managed affairs for adult allottees "in need of assistance in handling their affairs."[3] This was very broadly defined. The primary duties of conservators/guardians were to collect rental payments and negotiate lease terms. This system was ended in 1968.

Eviction: the removal of a tenant (renter/lessee) from a building by an owner/landlord. During the period of Section 14 displacements, eviction typically involved the issuance of a notice to vacate, also known as an eviction notice, giving a tenant 30 days to leave.

Restrictive Covenant: a clause in a deed or lease that restricts the free use or occupancy of property by forbidding certain uses, types of buildings, or owners/occupants based on race and ethnicity.

[3] Section 4, Public Law 86-339, 73 Stat. 602, September 21, 1959.

2. Overview: The Agua Caliente Band of Cahuilla Indians

This chapter provides a broad overview of the history of the Agua Caliente Band of Cahuilla Indians starting in the mid-19th century, focusing on the Tribe's occupation and use of the area now referred to as Section 14 within the City of Palm Springs. It traces Agua Caliente adaptations to changing circumstances as the federal government asserted control over them and Palm Springs developed around their sacred hot springs. With particular regard to Section 14, the chapter also addresses Agua Caliente land status and legal contexts, including shifts in federal Indian policy; federal legislation; the allotment system; leasing and tenancy under the allotment system; and the conservatorship/guardianship system.

History

The Cahuilla people are the original inhabitants of the Coachella Valley, and the Agua Caliente Cahuilla (once known as the Agua Caliente Band of Mission Indians and now known as the Agua Caliente Band of Cahuilla Indians) are the original inhabitants of what is now Palm Springs. The Agua Caliente traditionally lived at higher elevations in canyons in the summer and on the valley floor during the winter months. There they gathered in proximity to *Sec-he* ("boiling water"), the hot springs that also inspired their modern name; the springs had and have spiritual, cultural, and physical significance to the Tribe and remain at the center of Agua Caliente life. The people maintained a *kishumna'a* (ceremonial round house) near the springs and were traditionally led by a *net,* or spiritual headman. They used wells to access groundwater and irrigation systems to capture runoff from Tahquitz Canyon, enabling growth of a variety of crops.

In 1852, the Treaty of Temecula assigned the Cahuilla, Luiseño, and Serrano a 30 x 40 mile piece of land between the San Gorgonio Pass and Warner Ranch in San Diego County, along with supplies and equipment. The U.S. Senate did not ratify the treaty, one of a group known as the Barbour Treaties, and some government agencies did not inform the Tribes the treaties were defunct.[4] The U.S. General Land Office surveyed Township 4 South, Range 4 East, San Bernardino Meridian in 1855, as part of the larger land surveys of the West at that time.[5] The survey divided the area into square-mile (640 acre) sections and created the first official map of the location of the Agua Caliente village at the hot springs in Section 14.

In the 1870s, the federal government deeded odd-numbered sections of land for ten miles along either side of railroad routes to railroad companies across the West to encourage rail network expansion. This created a "checkerboard" of one-mile-square sections with odd numbers owned by the railroad and even numbers owned by the federal government. In 1876, an executive order by President Grant set aside Section 14 and part of Section 22 (Tahquitz Canyon) as the Agua Caliente Indian Reservation. The next year, the Southern Pacific Railroad completed its line to Los Angeles through the Palm Springs area, and was allotted the odd-numbered sections of the checkerboard (these lands were never ceded by the Agua

[4] Vyola J. Ortner and Diana C. du Pont, *You Can't Eat Dirt: Leading America's First All-Women Tribal Council and How We Changed Palm Springs* (Palm Springs, CA: Fan Palm Research Project, 2011), 235; Ryan M. Kray, "Second-Class Citizenship at a First-Class Resort: Race and Public Policy in Palm Springs" (PhD diss., University of California, Irvine, 2009), 30-31; City of Palm Springs, Citywide Historic Context Statement & Survey Findings (prepared by Historic Resources Group for the City of Palm Springs, December 2018), 31.

[5] General Land Office, Survey Plat for Township 4 South, Range 4 East, San Bernardino Meridian, California (San Francisco: Surveyor's General Office, February 29, 1856.

Caliente).[6] In 1877, President Hayes extended the Agua Caliente Indian Reservation to cover most of the even-numbered sections and unsurveyed areas in T. 4S R. 4E, T. 4S R. 5E, and T. 5S R 4E.[7] Ultimately the reservation land comprised almost 32,000 acres, with a little under 7,000 acres lying within the modern boundaries of the City of Palm Springs.

Around the time of sustained contact with non-Indigenous people in the early 1880s, the Agua Caliente Band is thought to have numbered only around 70 people.[8] Like other Southern California Tribes, the Agua Caliente suffered major losses from smallpox epidemics in 1862, 1863, and 1869.[9] They turned to supplementing their agricultural subsistence with wage labor on ranches, farms, mines, and in the growing settlements of the Coachella Valley region. The John Guthrie McCallum family established what became the first permanent non-Indigenous settlement in the future Palm Springs in 1883, when they purchased land including the area just west of the Agua Caliente hot springs and village. As the Agua Caliente land was held in trust by the federal government for the Tribe, it could not be sold to would-be buyers, and as a result what would become Palm Springs Village would grow up adjacent to and around the central Section 14.

The federal government's Mission Indian Agency (MIA) named McCallum as the local Indian agent, and he used this authority to acquire more land for himself, as well as water and property rights that rightfully belonged to the Agua Caliente.[10] His land eventually surrounded the band's cemetery and in the late 1880s he blocked Agua Caliente requests to enter and move their ancestors for burial elsewhere; after reports that workers were plowing the cemetery, the new Indian agent intervened and the Agua Caliente were able to move and re-inter their loved ones in a new cemetery.[11] In 1887, McCallum provided Welwood Murray with five acres on Section 15, directly across from the hot springs on Section 14; Murray established Palm Springs' first hotel, and it and others became a draw for healthseekers and tourists. Murray apparently diverted some of the hot springs' water to his property in secret.[12] The Agua Caliente constructed a series of bathhouses at the springs over the years and charged tourists a fee for use, generating additional income. Later Palm Springs boosters, most notably Nellie Coffman and Pearl

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[6] Ortner and du Pont, *You Can't Eat Dirt*, 236; Michael Hammond, "What Is Section 14 – The Other Palm Springs?" *The Spirit: Newsletter of Agua Caliente Cultural Museum* (Vol. XIX No. 3, March/April/May 2015), 8.

[7] Kray, "Second-Class Citizenship," 43-44. Additional land was added to the reservation in 1896, 1906, 1907, 1911, and 1923. See G.A. Ferguson, (compiler), "Agua Caliente Reservation, T. 4 & 5 S. – R. 4 & 5 E. – S.B.B.M," map ca. 1923 (National Archives, ID 351088153, Record Group 75: Records of the Bureau of Indian Affairs – Series: Maps of Indian Reservations Related to Irrigation – File Unit: California, Mission Indian Lands and Reservations – Agua Caliente Indian Reservation).

[8] Lowell Bean, "Archaeological, Ethnographic, and Ethnohistoric Investigations at Tahquitz Canyon, Palm Springs, California" (prepared by Cultural Systems Research, Inc., Menlo Park, CA, 1995), V-178, V-183, 224-226, cited in Kray, "Second-Class Citizenship," 36, 57.

[9] Bean, "Tahquitz Canyon," V-170; Kray, "Second-Class Citizenship," 36.

[10] Kray, "Second-Class Citizenship," 47-52.

[11] Bean, "Tahquitz Canyon," V-224, and Lowell Bean, "Paniktum hemki: A Study of Cahuilla Cultural Resources in Andreas and Murray Canyons" (prepared by Cultural Systems Research, Inc., Palm Springs, CA, 1983), 6-42, cited in Kray, "Second-Class Citizenship," 49.

[12] Mike Kataoka, "Indian Lifestyles," *Desert Sun* November 7, 1977. Longtime resident Jim Maynard recalled a sewer line excavation in the late 1920s exposing clay pipe connecting the hot springs to the hotel site; Agua Caliente leader Pico Manuel told Maynard the Agua Caliente foiled Murray by re-diverting the water. Many other attempts were made by newcomers to re-allocate water rights and appropriate Agua Caliente water over the years, leading to legal and physical conflict.

McCallum McManus, solidified Palm Springs' image as a healthful place for rest, relaxation, and recreation and shaped the growth that was to come.

Between 1887 and 1959, a series of federal laws affected communal versus individual ownership, management, use, and development of the land the federal government held in trust for the Agua Caliente, which included Section 14. Most reflected broader federal policies of assimilation and termination that aimed to alter or end the "special relationship" between the federal government and Native American Tribes and to acculturate Indigenous people into the American mainstream.[13] These are addressed in more detail in the sections below on the allotment system and the conservatorship-guardianship system.

As Palm Springs developed into a health resort, recreational destination, and full-time residence for non-Indigenous newcomers from the late 19th century and into the early 20th, the members of the Agua Caliente tribe experienced yet more losses. Due to the spread of tuberculosis and other pulmonary diseases from health-seekers who came to Palm Springs and used the bathhouse at the springs, by 1900, the Agua Caliente population had dropped from 70 to 27.[14] It would slowly grow from this low point over the course of the 20th century. The Agua Caliente continued to adapt to their changing circumstances, with some living near the hot springs on Section 14, others in the nearby canyons, and yet more scattered throughout the region. The Section 14 village was the most visible manifestation of Palm Springs' original people, located as it was just next to the growing commercial core of Palm Springs Village along Palm Canyon Drive/Indian Avenue (now Indian Canyon Drive).

Drought and water theft affected the Agua Calientes' ability to irrigate their crops in the early 1920s. Tribal members adapted by leasing land to incoming resort workers and other new residents in search of affordable housing. The Bureau of Indian Affairs (BIA) restricted members with individual land allotments (addressed in more detail below) to month-to-month leasing terms, with maximum leases of five years.[15] As this precluded any truly substantial development, allottees in need of income had few other options besides catering to tourists or leasing to working-class tenants desperate for housing. These tenants usually constructed their own dwellings, or brought in their own trailers or vehicles, on the Agua Caliente allottee-owned parcel, though in some cases the allottees established auto camps providing trailer, tent, or cabin lodging. As auto travel and tourism rose after World War I and the Coachella Valley's burgeoning agricultural industry drew seasonal workers, Section 14's population quickly grew to numbers larger than that of the Agua Caliente Band itself.

This pattern accelerated during the Great Depression as people seeking seasonal work, both resort and agricultural, moved into the only affordable housing in Palm Springs: the Agua Caliente allotments on Section 14. Aside from those Agua Caliente homes that had established services and plumbing, the dwellings on Section 14 lacked water, sewer, electricity, gas, telephone, and street access. As living conditions on Section 14 deteriorated (discussed in more detail in Chapter 5), the BIA hired local representative H.H. Quackenbush in 1937 to oversee the Agua Caliente; he and his successors were based

[13] A full exploration of federal recognition of Tribes, the government-to-government relationship, and other facets of the federal-Tribal legal relationship is beyond the scope of this study. The term "special relationship" generally alludes to all these facets, which are pertinent to discussions of Agua Caliente land management and use.
[14] Bean, "Paniktum hemki," 6-71, cited in Kray, "Second-Class Citizenship," 57.
[15] Kray, "Second-Class Citizenship," 71.

in Riverside until 1957.[16] Quackenbush's arrival coincided with the first big cleanup campaign on Section 14, managed by the BIA and the State of California Health Department. Just predating the incorporation of the City of Palm Springs, the evictions and abatements of non-Agua Caliente Section 14 residents in the mid-1930s would be the only one not involving the City of Palm Springs.

In 1951, the Agua Calientes' last traditional *net* (spiritual leader) Albert Patencio died and his heirs, "rather than continue tribal traditions in a compromised form," decided to formally break with tradition – they "burned the tribe's sacred *kishumna'a,* or ceremonial round house, including all its cultural and religious artifacts, and did away with its time-honored leadership structure of the *net*. They had effectively relinquished the seat of traditional power and dramatically changed the course of tribal culture and governance."[17] The longstanding Tribal Committee/Council assumed decision-making power on behalf of Tribal members in 1952, formalizing a constitution and bylaws three years later.[18] In 1954, the Agua Caliente elected the first all-women Tribal Council in the nation. The Council and its chairmen, including Vyola Olinger, Eileen Miguel, Dora Prieto, and others became the guiding force of future use and development of Section 14. One of its most consequential decisions was hiring a tribal attorney. Litigation would prove key to the preservation of Agua Caliente rights and land over the next fifty years. In the 1950s and 1960s, the Agua Caliente Tribal Council was the driving force for zoning and developing the Tribe's land with an eye toward economic improvement and stability.

By the early 1960s, the Agua Caliente Band of Cahuilla Indians comprised about 150 members, the majority of whom were under 21 years of age.[19] About one-third of them had been allotted their own parcels of land after a long-contested allotment process.[20] Approximately 80 percent of the members were under guardianship or conservatorship, with their financial affairs controlled by someone else.[21] The systems of allotment and guardianship/conservatorship that greatly affected the development of Section 14 and the eventual displacement of its non-Agua Caliente residents are discussed in turn below.

The Allotment System

The U.S. Congress passed the Dawes Act (General Allotment Act, 24 Stat. 388) in 1887.[22] It marked a shift in federal Indian policy which up to that point had included warfare, treaties, forced removal, and establishment of reservations. Instead, the Act focused on "breaking up reservations and tribal lands by granting land allotments to individual Native Americans and encouraging them to take up agriculture," thereby interrupting the communal ownership and use of land traditionally practiced by most Tribes.[23]

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[16] Robert E. Bowers, "Palm Springs and the Indians" (prepared by the Coro Foundation for the City of Palm Springs, June 1965), 7-8 on file with the City of Palm Springs.
[17] Ortner and du Pont, *You Can't Eat Dirt,* 23.
[18] Ortner and du Pont, *You Can't Eat Dirt,* 27, 241.
[19] George Ringwald, "Agua Caliente Indians, Palm Springs' Non-Indians," *The Daily Enterprise,* February 22, 1965, cited in Ortner and du Pont, *You Can't Eat Dirt*, 244..
[20] Tribal Council of the Agua Caliente Band of Mission Indians, "Annual Progress Report: Agua Caliente Band of Mission Indians" (Tribal Council of the Agua Caliente Band of Mission Indians, 1962), on file with the Judge Hilton McCabe Papers, Special Collections, University of Southern California.
[21] Hilton H. McCabe, "Land Problems and Solutions of the Agua Caliente Band of Mission Indians, Palm Springs, California," November 1961, on file with the Judge Hilton McCabe Papers, Special Collections, USC, 18.
[22] Act for Allotment of Lands to Indians, 24 Stat. 388, February 8, 1887.
[23] National Archives, "Milestone Documents: Dawes Act (1887)," accessed July 2024, https://www.archives.gov/milestone-documents/dawes-act.

"To claim that allotment was a sweeping, consciously-ethnocentric scheme designed to destroy the tribal culture of America's native population would be no exaggeration."[24] The overarching goal was fracturing tribal cohesion and weakening traditional cultural practices in order to encourage assimilation, and a corollary result was the redistribution of some reservation lands to non-Tribal lessees and owners.[25] In the case of the Agua Caliente, the allotment process would prove key to the future development of Section 14 in Palm Springs.

The Act stated that agents of the Secretary of the Interior would determine allotments to individuals, and that the patents to the allotted lands would be held in trust by the federal government for 25 years before being conveyed to allottees with no encumbrances.[26] In 1891, Congress amended the Dawes Act with a statute including a new leasing provision: should an allottee be unable to improve or occupy his land due to age or other disability, the Secretary of the Interior could lease the land out for a maximum of three years for farming/grazing, or 10 years for mining.[27] This new legislation set the precedent for White occupation and use of land that had been previously restricted to Tribes and Tribal members. Subsequent legislation over the next decade continued to expand the reasons why the government should be allowed to lease out allottee land (e.g., in 1894 28 Stat 305 added the vague term "inability" to the existing age and disability reasons). It also kept the lease terms at a maximum of ten years in the majority of cases. These short term leases "precluded the extensive investments associated with long term leasing," meaning in addition to having no say in the price or conditions of the leases, most allottees saw minimal revenue from their leased land.[28]

In 1891, the Mission Indian Relief Act empowered commissioners of the Secretary of the Interior to select reservations for Mission Indian Tribes, and "extended the general principles" of the General Allotment Act to the Mission Indians of California.[29] The Agua Caliente Tribal Council summarized this Act in 1968's "All That Glitters Is Not Gold":

> "[The Mission Indian Relief Act] offered the individual Agua Caliente member the possibility of one day being allotted a portion of the tribal land for his own use. This Act, of course, contained the standard protective device incorporated in all the Acts concerned with the disposition of tribal lands, i.e., an individual could be allotted a particular portion of land, but the allotment would remain in trust by the Federal Government until there was economic development to the point where protective policies were no longer necessary to preclude loss of land."[30]

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[24] Burt Berman, "From Squatter to Conservator: Effects of Federal Policy on the Agua Caliente Band of Cahuilla Indians and Their Land, 1850-1974" (thesis, University of California, Berkeley, 1974), 22.
[25] See Berman, "From Squatter to Conservator," 23-25 for discussion of the "discernable factor of greed in the enthusiasm for allotment." Other sources include George P. Castile, *To Show Heart: Native American Self-Determination and Federal Indian Policy, 1960-1975* (Tucson: University of Arizona Press, 1998), xx; Francis Paul Prucha, *Indian Policy in the United States: Historical Essays* (Lincoln: University of Nebraska Press, 1981), 28, 39.
[26] Act for Allotment of Lands to Indians, 24 Stat. 388, February 8, 1887.
[27] 26 Stat. 794, Section 3, February 28, 1891.
[28] Berman, "From Squatter to Conservator," 28.
[29] Mission Indians Relief Act, 26 Stat 712, January 12, 1891; quote from Berman, "From Squatter to Conservator," 30. Although most Cahuilla had minimal contact with the missions of the Spanish period compared to other Southern California groups, Federal agencies and others long classed them under the term "Mission Indians."
[30] Agua Caliente Tribal Council, "All that Glitters is Not Gold" (prepared by the Legal Counsel for the Agua Caliente Band of Mission Indians for the Agua Caliente Tribal Council, ca. 1968, on file with the City of Palm Springs with "Received March 11 1968 B.I.A. Palm Springs" stamp), 3.

As a result of the 1891 Act, in 1896, the Agua Caliente received a trust patent to their reservation land as previously defined (and later expanded). The Secretary of the Interior did not start the process of approving any allotments for individual members of the Agua Caliente until 1917, when directed to in an amendment to the 1891 Relief Act.[31] Even then, the allotment and approval process moved at such a slow pace, with so little engagement from the Secretary of the Interior, that the Agua Caliente went to court to compel the government to approve allotment selections.

In 1934, the Indian Reorganization Act (48 Stat. 984, 25 U.S.C. Section 461) ended some aspects of the federal government's assimilationist approach, including the Dawes Act-specified allotment program. Often called the "Indian New Deal," the Act prohibited allotment, recognized tribal sovereignty, and provided funding to restore some tribal lands and improve conditions on reservations, on one major condition for each Tribe: that a majority of people on the reservation vote to adopt the Act and Tribal constitutions modeled on that of the U.S. While many Tribes did vote in favor, for cultural and economic reasons specific to the circumstances of particular Tribes, many others voted against adoption. The Agua Caliente were among the Tribes who rejected the Act.[32] This kept the door open for future allotment of the Agua Caliente land, including Section 14, to individual members of the Tribe.

A series of decades-spanning lawsuits eventually resulted in the 1944 Supreme Court decision of Arenas vs. United States, giving the Agua Caliente full legal control of their reservation land.[33] After appeal, the judgment became final in 1947, and in 1949 the Secretary approved an allotment schedule to distribute parcels to individual Agua Caliente allottees.[34] As would be expected in any group of people, the individual members of the Agua Caliente Tribe held and hold a wide range of opinions about allotment, the Tribal Council, the BIA, and many other issues – they have rarely, if ever, acted as a monolith. That said, overall the Agua Caliente collectively and individually came to favor allotment over communal ownership when it came to their Palm Springs lands. This was a pragmatic decision, as summarized by Burt Berman:

> Indian pressure for allotment from 1935-1960 represented a reluctant admission that too much change had occurred in the area for traditional economic pursuits to remain viable…If the Agua Calientes could get their lands allotted, and secure the right to lease their land, they could remain economically strong. While tremendous pressures would weaken tribal religion, language, and

[31] 39 Stat. 969, 976 cited in Agua Caliente Tribal Council, "All that Glitters is Not Gold," 5; Berman, "From Squatter to Conservator," 31.

[32] Berman, "From Squatter to Conservator," 33; Kray, "Second-Class Citizenship," 152, 155-156. By this time, the Agua Caliente (and many other California Natives) were locked in an adversarial relationship with the repressive Office of Indian Affairs and were justly suspicious of further commitment to federal Indian policy. The OIA overreaction to the growth of the Southern California Native advocacy group the Mission Indian Foundation contributed to the situation. See Kray, "Second-Class Citizenship," 80-94, for discussion of the MIF and its relationship with the Agua Caliente.

[33] Agua Caliente Tribal Council, "All that Glitters is Not Gold," 5; Ronald Isetti, *A Troubled Oasis: A Critical History of Palm Springs, California* (Outskirts Press, 2024), 206.

[34] Agua Caliente Tribal Council, "All that Glitters is Not Gold," 6-7. P. 6 has a graph depicting the multiple lawsuits that were part of the allotment approval saga.

> communality, allotment would be a means of remaining in the area; a means of economic survival."[35]

At the same time, the Agua Caliente likewise agreed on the whole that some lands should remain communally held by the Tribe, including the hot springs, cemeteries (one of which is on Section 14), and the four nearby canyons (long eyed by Palm Springs leaders as potential national parks).

The long-awaited 1949 allotment schedule approval after the Arenas case allotted each Agua Caliente member 47 acres of land: two acres in Section 14, five acres of irrigable land, and 40 acres of non-irrigable land.[36] The exact number of Tribal members in 1949 is unclear from available documentation, but was likely close to 80 – the Tribe's 1952 progress report counted 80 as of January 1, 1952.[37] Though the allotted acreages were the same, they varied widely in value, from a low of $17,500.00 for one member to a high of $164,740.00 for another.[38] This was largely due to the federal government's delay in approving allotments; as the Tribal Council pointed out in 1962, had the allotments taken place in 1917 as originally directed instead of in 1949 when Palm Springs was heavily developed, they would have been nearly equal.[39] Another lawsuit followed, seeking equalization of allotment values.[40]

In 1955, the passage of Public Law 255 extended lease terms from five years to 25 years, with an option to renew for another 25.[41] This increased developer interest in leasing allotted Agua Caliente lands, though the only substantial development that occurred at this time was the Palm Springs Spa at the Tribe's hot springs site. This development occurred under a 50-year lease (25 years with the 25-year renewal option) of eight acres of land.[42] It was a major step forward for the Tribe, proving the potential of income-producing development on a long-term lease basis and drawing nationwide attention to the architecturally distinctive resort (later to have a hotel), but the terms were not long enough: most lending institutions required a 54-year lease in order to get financing, and few other developers had the capital to risk a 50-year lease.[43]

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[35] Berman, "From Squatter to Conservator," 37.
[36] Ortner and du Pont, *You Can't Eat Dirt,* 28. The 47-acre allotments were actually scheduled in 1923, with some Tribe members making selections in 1927, but lack of approval by the Secretary of the Interior halted allotments until the 1944 Arenas decision and the Secretary's 1949 approval. Howard H. Wiefels, "The Indian Land Zoning Controversy in Palm Springs" (City of Palm Springs Office of the City Manager, June 1976), 22-28, on file with the City of Palm Springs.
[37] Tribal Council of the Agua Caliente Band of Mission Indians, "Annual Progress Report: Agua Caliente Band of Mission Indians, Palm Springs, California, 1952" (Tribal Council of the Agua Caliente Band of Mission Indians, 1952), 1, on file with the Judge Hilton McCabe Papers, Special Collections, University of Southern California.
[38] Agua Caliente Tribal Council, "All that Glitters is Not Gold," 7.
[39] Agua Caliente Tribal Council, "1962 Progress Report."
[40] Agua Caliente Tribal Council, "All that Glitters is Not Gold," 7; at least one other lawsuit (and presumably others) preceded the one from 1950, in 1943 – see "Indian Land Tangle in Federal Court" and "Complete Statement on Indian Land Tenure Situation as Presented Local Group by Assistant Attorney General", *Desert Sun* October 8, 1943.
[41] Public Law 255, 69 Stat. 615, August 9, 1955.
[42] "$-Multi-Million Development Planned for Famed Indian Spa," *Desert Sun* February 13, 1958.
[43] Testimony of Vyola Olinger (Ortner) and Zachary Pitt in U.S. House of Representatives, Committee on Interior and Insular Affairs, Special Subcommittee, *Hearing on Equalization of Land Allotments on the Agua Caliente Reservation in California, Palm Springs, Calif. October 2, 1957* (Washington D.C.: U.S. Government Printing Office, 1958, 28, 61.

The September 1959 passage of two pieces of legislation would prove crucial to the future development of Agua Caliente lands in Palm Springs. The Indian Leasing Act of 1959 increased lease terms on Agua Caliente lands from 25 years to 99 years.[44] And the Federal Equalization Act divided approximately 24,000 acres of Agua Caliente land into individual allotments, redistributing values equally (each allotment with an estimated minimum value of $335,000).[45] There were approximately 104 members of the Tribe at that time.[46] The remaining acreage, comprising the hot springs, two Tribal cemeteries, and the four Agua Caliente canyons (Andreas, Palm, Tahquitz, and Murray), were held in common as Tribal reserves.[47] The equalized allotments and the extension of lease terms simplified the complex tangle of land ownership, making the even-numbered sections of the Palm Springs "checkerboard," and especially the downtown-adjacent Section 14, extremely attractive areas for potential future development. The Tribal Council and some Agua Caliente allottees took a new look at leasing their lands, as did other local parties: private developers, public officials, and the local guardians and conservators who held the pursestrings for many of the allottees, in a program that developed from the federal government's 1950s "termination" policy. The subsequent displacement of Section 14 residents as prompted by the 1959 legislation (and other jurisdiction laws from the early 1950s) is addressed in more detail in Chapter 6.

Leases and Tenancy on Section 14 Allotments

The Agua Caliente, both as a tribal entity and as individual allottees, began allowing non-Agua Caliente tenants to live on Section 14 under a wide variety of leasing agreements in the early 20th century. Some of the leases were formal, enshrined in paperwork and approved by the BIA. Others were written agreements between an allottee landlord and his or her tenant(s). Still others were purely verbal in nature, "handshake agreements" that in some cases resulted in decades-long lessor-lessee relationships. The specific terms and costs of leases likewise varied widely; some allottees did not charge their tenants anything at all, but allowed them to live on their land because they had nowhere else to go.[48] In most cases, tenants constructed and owned their own dwellings atop allotted Agua Caliente land, resulting in a legal disconnect between the built environment of a parcel and the parcel itself. The dwellings, as discussed elsewhere, ranged from small shacks to substantial multi-room houses built to code, and many of the owners paid property tax on them.[49] In 1965, Tribal Chairman Eileen Miguel recalled,

[44] Public Law 86-326, 73 Stat. 597, September 21, 1959.
[45] U.S. Department of the Interior, Palm Springs Task Force, *Report on the Administration of Guardianships and Conservatorships Established for Members of the Agua Caliente Band of Mission Indians, California*, March 1968, contained in U.S. House of Representatives, Committee on Interior and Insular Affairs, Subcommittee on Indian Affairs, *Agua Caliente Indians Conservatorships and Guardianships, Hearing Held in Palm Springs, Calif. May 31, 1968*. Washington D.C.: U.S. Government Printing Office, 1968, 30. This source notes approximately 5,000 acres had been allotted before passage of the 1959 Act. The 1968 Dept of Interior Task Force Report was not the first to investigate the abuses of the Agua Caliente conservatorship/guardianship program, as it was preceded by the Dept of Interior "Cox Report" several years previous. Agua Caliente Tribal Council, "All that Glitters is Not Gold," 11.
[46] DOI Palm Springs Task Force, *Guardianships and Conservatorships Report*, 30.
[47] Public Law 86-339, 73 Stat. 602, September 21, 1959.
[48] "Indian Lifestyles," *Desert Sun* November 7, 1977.
[49] Oliver B. Jaynes, "The Publisher's Corner," *Desert Sun* February 3, 1950; "County to Tax All Property Owned By Non-Indians on Palm Springs Reservation," *Desert Sun* May 15-22, 1942; "County Gains Consent to Tax Whites Owning Property on Palm Springs Reservation," *Desert Sun* June 5, 1942.

> People have lived there for years and years and years, and they'd throw the Indian a dime now and then…The Indians let them stay there for nothing because they felt sorry for them. I know because I did it myself.
>
> I remember when we were little, and people would come along and say, 'Can I park my car here a while? We'll pay you $10, $20.' They parked their cars, and then they threw up a shack. The Indians were poor, they took what they could get.[50]

The federal government was supposed to approve all lease arrangements between allottees and their tenants. However, given the bureaucratic red tape, protracted process, and paternalism involved, many allottees opted for "outside agreements" in which they did not involve the BIA.[51] When the BIA discovered the presence of outside agreements, it "reacted vehemently" and declared such leases invalid.[52] In a legal opinion forwarded to all Agua Caliente allottees, conservators, and guardians in February 1959, the Department of the Interior noted: "The obvious purpose of these agreements is an attempt to assure the extension of a lessee's tenure beyond the term of his approved lease so as to warrant the placing of valuable improvements upon the leased land...The side agreements, of themselves and without any official sanction, are inoperative as affecting the restricted property of the individual Indian lessors for leasing purposes or otherwise."[53]

The 1955 extension of lease terms from five years to 25 with option for another 25 may have created more breathing room for small-scale lessees like tenant families and existing small businesses, although the effect on tenants of this scale is unclear. Starting as early as 1937, the BIA limited residential lease terms on Section 14 to month-to-month in order to better maintain control of leasing.[54] While many tenants did lease from Agua Caliente members for five years or more, the full leasehold terms may not have meant much due to the month-to-month requirement. What is more clear is that the extension to 25 years did little to improve terms for larger commercial or residential would-be lessees, or to attract big developers. Most lending institutions required leases of over 50 years (54 years, to be exact) to approve

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[50] "The Reservation That Was…and Is in Palm Springs," *Riverside Press-Enterprise* February 28, 1965.

[51] Hilton H. McCabe, "Outside Agreements (Agreements between Lessees and Adult Indians but not approved by Government," December 1961, on file with the Judge Hilton McCabe Papers, Collection 18, Special Collections, University of Southern California. In 1962, the Agua Caliente Tribal Council noted that "inordinate delay" in getting leases approved by the BIA caused several lessees to abandon projects. The Tribal Council "again went on the warpath with all of the influence they could muster, and, in early 1961, the Secretary of the Interior took a greatly needed step to streamline approval procedures by delegating approval authority to the Area Director in Sacramento for all leases up to 65 years." Agua Caliente Tribal Council, "1962 Progress Report.".

[52] McCabe, "Outside Agreements."

[53] Department of the Interior Solicitor George W. Abbott, Memorandum to Commissioner of Indian Affairs re: "Side agreements" executed by Indians of the Palm Springs Reservation in California, February 3, 1959, and Palm Springs BIA Office Acting Director R.W. Jackson, letter to Hilton H. McCabe, February 12, 1959, both enclosed with Hilton H. McCabe, "Outside Agreements."

[54] "Indian Land Prepared for New Building," *Palm Springs Limelight-News* February 6, 1937; "Relocation of Minority Groups Is PS Headache," *Riverside Independent Enterprise* January 29, 1959; "Low Cost PS Housing Asked," *Riverside Independent Enterprise* January 5, 1961; "PS Housing Plan Told," *Riverside Independent Enterprise* January 10, 1961. In the 1937 article, local BIA agent H.H. Quackenbush stated all occupation would be on a revocable permit basis, with permits made for 30 days to five years but all terminable upon 30 days' notice by the federal government. The 1950s-60s references imply the policy was inconsistently adhered to, but it is presumed to have been in place from at least 1937 through the late 1960s.

funding, meaning even the 25 years with option for another 25 would not quite be enough to qualify. As noted above, the Palm Springs Spa was the only development of note to take place under the 1955 25-to-50-year lease terms. When the terms were increased to 99 years in 1959, and allotments were equalized in the same year, options opened up for Agua Caliente allottees. For the first time, they could realistically consider leases that would provide substantial financial return and lift them from the poverty they had experienced since the arrival of White newcomers. But it would mean displacing the existing residents of their land, some of whom had lived there for years, even decades.

The Tribal Council suggested that they provide land for city-financed construction of affordable housing on Section 14, but the city manager stated he had been unable to interest "at least three private enterprise development groups" because "land in the resort area here is valued too highly to use it for low-income development."[55] The local BIA agent noted "We don't want to just move these people out in the street, but if it comes to a choice, the Indians are just going to have to be cold-hearted and take their property for better use."[56] Former Tribal Chairman Vyola Ortner stated in *You Can't Eat Dirt* that she "addressed the current inhabitants and subpar living standards on Section 14 from the subjective perspective of Indians as minorities seeking the freedom to exercise their rights and create economic opportunities for themselves and their children by preparing for a development project on Indian land that was conceived and executed by Indians."[57]

Starting in the 1950s and accelerating in the next decade, many of the Agua Caliente allottees initiated removal of their residential tenants or, after 1960, agreed to such actions being initiated by their conservators or guardians. Others' conservators/guardians undertook actions in their names without consultation or consent.[58] In all cases, the BIA appears to have been alternately inattentive toward and encouraging of tenant displacement, with occasional statements of concern. This also reflected its apparent attitude toward management of the Agua Caliente conservatorship/guardianship system that took hold in Palm Springs after 1959.

Conservatorships and Guardianships

In the late 1940s-early 1950s, the federal government began supporting a "termination" policy toward Tribes, aiming to terminate their existing relationship by ending all federal trust obligation, funding, and aid. Like the allotment system before it, termination sought to assimilate Native Americans into mainstream society. It also sought to "make Indians subject to state government regulations, and to reduce the financial obligations of the Federal Government to Indians."[59] The Bureau of Indian Affairs prepared for "complete Federal withdrawal from the administration of Indian Affairs in California during this time, and states began taking over aspects of managing education, welfare services, and law and order."[60] Congress made multiple attempts to codify termination as a federal policy, including drafting 1954 legislation specific to certain areas and groups including California, but they did not ultimately

[55] "Relocation of Minority Groups Is PS Headache," *Riverside Independent Enterprise* January 29, 1959.
[56] Ibid.
[57] Ortner and du Pont, *You Can't Eat Dirt*, 42.
[58] Loren Miller Jr. (Deputy Attorney General), "Palm Springs Section 14 Demolition," State of California, Department of Justice Memorandum, Los Angeles, May 31, 1968, 6.
[59] Berman, "From Squatter to Conservator," 39.
[60] DOI Palm Springs Task Force, *Guardianships and Conservatorships Report*, 29.

become law.[61] Regardless, the BIA did begin to withdraw from, or reduce engagement with, some of its responsibilities to California's Tribes. One of the most consequential results for the Agua Caliente was lax oversight of the Indian guardianship and conservatorship program.

Section 4 of the 1959 Equalization Act authorized the Secretary of the Interior to "request the appointment of a guardian of the estate of all minor allottees and for those adult allottees who in his judgment are in need of assistance in handling their affairs in accordance with applicable State laws before making any equalization allotment or payment to such persons."[62] In other words, it enabled the federal government to request appointment of a third party to manage the finances and holdings of a Native American allottee. The expressed goals of the guardianship-conservatorship program were to temporarily administer allottees' estates while preparing them to take over control of their own affairs.[63] In reality, at least in the case of the Agua Caliente, a lack of governmental and judicial training and education for allottees meant the guardianships and conservatorships lasted much longer and in many cases cost Tribal members more than they gained.[64] Investigations of the system in 1967-1968 by journalist George Ringwald of the *Riverside Press-Enterprise* and by a Department of the Interior task force alleged many abuses. The *Press-Enterprise* won a Pulitzer Prize for Ringwald's series.[65]

Following the Equalization Act's passage, nine more guardianships and 13 more conservatorships were quickly established, while 21 other allottees were "determined capable of managing their own affairs."[66] Additional guardianships and conservatorships were established over the following decade; by March 1968, 92 estates had been under the court's administration, comprising the majority of the Agua Caliente Band of Cahuilla Indians.[67] The Agua Caliente allottees' guardians (for minors) and conservators (for adults) were appointed through a system run in autocratic fashion by Riverside County Superior Court Judge Hilton H. McCabe.[68] Many of the guardians and a few of the conservators were other Agua Caliente tribal members, often but not always a member of the family. McCabe and fellow Superior Court Judge Merrill Brown, who took over administration of the program from McCabe in 1965 and ran it until 1968, appointed most of the Agua Caliente guardians and conservators.[69] Some allottees were able to choose

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[61] DOI Palm Springs Task Force, *Guardianships and Conservatorships Report*, 28-29.
[62] Public Law 86-339, 73 Stat. 602, September 21, 1959. Guardianship-conservatorship was not an entirely new development for the Agua Caliente, as the Bureau of Indian Affairs had approved at least 60 guardianships for minors and one conservatorship for an adult before passage of the Act; as the Secretary of the Interior's 1968 task force report on Agua Caliente guardianships and conservatorships concluded from this fact, "it appears that the Equalization Act, rather than introducing the concept of guardians for Indian minors and adults in need of assistance, actually validated what had been the policy of the Department [of the Interior] and the Bureau [of Indian Affairs] for a considerable period." DOI Palm Springs Task Force, *Guardianships and Conservatorships Report*, 86, 31.
[63] Berman, "From Squatter to Conservator," 44, citing an interview with former Secretary of the Interior Stewart Udall February 28, 1974.
[64] Berman, "From Squatter to Conservator," 45-46.
[65] George Ringwald, *The Agua Caliente Indians and Their Guardians: Selections from Pulitzer Prize Winning Entry for Meritorious Service (*Riverside, CA: *Press-Enterprise*, 1968).
[66] DOI Palm Springs Task Force, *Guardianships and Conservatorships Report*, 30-31.
[67] Ibid., 32.
[68] Agua Caliente members Pete Siva, Ray Patencio, and "Biff" Andreas cited in Berman, "From Squatter to Conservator," 44-45; DOI Palm Springs Task Force, *Guardianships and Conservatorships Report*.
[69] DOI Palm Springs Task Force, *Guardianships and Conservatorships Report*, 47-48. Ed Ainsworth's *Golden Checkerboard*, published in 1965 apparently to scrub McCabe's reputation, so enraged Agua Caliente members they threatened a lawsuit and the publication was withdrawn from circulation.

their conservators, while others received court-appointed parties they may or may not have known; many were not informed they even had an option, as McCabe "did not favor advising Indians of their rights to nominate persons of their choosing."[70] The determination of capability appears to have rested primarily if not wholly on the age of the allottee: "Invariably conservators were considered necessary for young adults in their twenties."[71]

In this system, "local businessmen, lawyers, realtors, and public office holders were eligible to petition for the right to manage individual Agua Caliente estates," and many did not hesitate to do so.[72] Agua Caliente member Edmund Peter "Pete" Siva recalled in 1968, "It was right around 1960-61 when this thing got rolling, and everybody was grabbing himself an Indian."[73] McCabe not only appointed conservators, but adjudicated their fee requests, and in some cases named himself as executor or administrator of allottees' wills (earning fees for the service), further contributing to a corrupt environment.[74]

The guardian/conservators' primary duties were to collect rental payments and negotiate lease terms.[75] These fiduciaries received compensation in the form of commissions and fees; without strong oversight, fee amounts were unstructured/inconsistent, frequently exorbitant, and sometimes double-charged.[76] In 1962, McCabe and others founded the Association of Conservators, Guardians, and Allottees of the Agua Caliente Band of Mission Indians to further profit off the allottees, requiring an assessed payment from each allottee estate at 0.1 percent of their values in order to provide maps and pertinent information to prospective lessees and developers.[77]

Allottees typically had to pay legal, conservator, and realtor leasing fees and commissions to middlemen up front rather than over the length of the negotiated lease period, creating an initial setback in any allottee's intent to receive revenue.[78] As Agua Caliente member Ray Patencio put it, "By the time you received some income, they had taken the cream right off the top. If you had any money, you owed it to them."[79] Conservators had little incentive to effectively manage leases for their clients, as they received payment at the beginning; the 1968 audit of 43 estates found that 12 of 38 long-term leases had been prematurely terminated.[80] Some guardians and conservators also exerted pressure on their clients to sell their allotments, or even sold the land on their behalf without consulting them.[81] In some cases, an allottee was forced to sell part of their land to pay "the excessive conservator fees permitted by the

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[70] DOI Palm Springs Task Force, *Guardianships and Conservatorships Report*, 52-53.
[71] Ibid., 31.
[72] Berman, "From Squatter to Conservator," 42.
[73] Ringwald, "Money Is One Loss under Guardians; Human Dignity Is Another," in *The Agua Caliente Indians and Their Guardians.*
[74] For a summary of McCabe's alleged ethics violations, see DOI Palm Springs Task Force, *Guardianships and Conservatorships Report*, 48-50. Additional information on McCabe's potential conflict of interest (which he denied) in executing allottee wills is in "An Indian Describes His Problems with Conservators," *Riverside Press-Enterprise*, March 17, 1968.
[75] Berman, "From Squatter to Conservator," 41.
[76] Berman, "From Squatter to Conservator," 47-49; DOI Palm Springs Task Force, *Guardianships and Conservatorships Report*, 35-43.
[77] DOI Palm Springs Task Force, *Guardianships and Conservatorships Report*, 60.
[78] Berman, "From Squatter to Conservator," 47-48.
[79] Quoted in Berman, "From Squatter to Conservator," 47-49.
[80] DOI Palm Springs Task Force, *Guardianships and Conservatorships Report*, 44-45.
[81] "An Indian Describes His Problems with Conservators," *Riverside Press-Enterprise*, March 17, 1968.

Superior Court."[82] As discussed in Chapter 5, some conservators and guardians appear to have made decisions on eviction of allottees' tenants and demolition of their homes in 1960s abatement campaigns without consulting their clients.

Not all conservators and guardians acted corruptly – in fact, the 1968 Task Force repeatedly notes that most acted ethically and did not abuse their power – but the handful that did, including Judge Eugene E. Therieau, attorney James Hollowell, Judge Hilton H. McCabe, and Judge Merrill Brown, caused outsized damage to their clients.[83] In an audit of the administration of 43 allottee estates between 1956 and 1967, the 1968 Task Force found that the court had awarded over 44% of allottees' ordinary income to fiduciaries for administrative expenses.[84] By 1968, allottee Anthony "Biff" Andreas Jr. had paid over 62% of his income in fees to his conservators and their attorneys, and sold two of his acres for $80,000 to pay them: "I thought it was a good price. If I'd kept it, I might have gotten more, but I needed the money – to pay my conservator. I didn't want to sell."[85]

The BIA essentially abandoned its role in the guardian/conservator appointment process, leaving it in the Agua Caliente's case to the Riverside County Superior Court and neglecting to oversee the program in any meaningful way for years.[86] The federal government was complicit in the abuses of the system by local banks, realtors, lawyers, judges, and other fiduciaries. It admitted as such in the 1968 task force report, but perhaps not as forcefully as some would have liked - Vyola Ortner, former Chairman of the Agua Caliente Tribal Council, pointed out the hypocrisy of the long-neglectful BIA suddenly using the investigation to point the finger at others in addition to itself: "The Bureau should know that nothing is resolved by making someone else look bad in an attempt to hide the egg on your own face."[87]

The situation caused by the federal government's handling of the allotment and conservatorship/guardianship system and subsequent abuses by members of the Palm Springs legal and business communities is aptly summarized in the Agua Caliente Tribal Council's "All That Glitters Is Not Gold":

> The control of economic development of Indian trust lands was abdicated by the Bureau of Indian Affairs in favor of the Superior Court of California by creating Guardianships and Conservatorships for more than 80% of the members of the Band despite the fact that most of their lands produced no income and therefore in no way could justify a 'need' for a Guardian or Conservator. This was made somewhat graphic by the fact that a Federal Trusteeship already existed which precluded any possibility of selling or leasing the corpus of the trust without first obtaining the

[82] Berman, "From Squatter to Conservator," 50.
[83] In his transmittal letter for the 1968 DOI Task Force Report (p. 16-17), Secretary of the Interior Stewart L. Udall states, "As a lawyer I find it particularly disturbing that much of the responsibility for the morally-shabby state of affairs revealed must be laid at the door of some members of the local bar and court" and goes on to name the attorney and judges listed here.
[84] DOI Palm Springs Task Force, *Guardianships and Conservatorships Report*, 35-36.
[85] Ringwald, "Indians under Guardians Likened to American Colonists Before Revolt," in *The Agua Caliente Indians and Their Guardians.*
[86] DOI Palm Springs Task Force, *Guardianships and Conservatorships Report*, 86; Berman, "From Squatter to Conservator," 42.
[87] Vyola Ortner, Statement regarding the 1968 Department of the Interior Task Force Report, n.d., on file with the Judge Hilton McCabe Papers, Collection 18, Special Collections, University of Southern California.

> consent of the trustee. In other words, this amounted to nothing more than added delay, duplication, and increased cost for the Indian.
>
> For more than seventy years, these Indians have been held back in the economic development of their trust lands. During this same time, however, they have witnessed truly significant development upon the adjacent sections to which title was held in fee. In 1959, through long term leasing, Congress gave them a chance to catch up with their non-Indian neighbors but under the Equalization Act the Bureau of Indian Affairs has allowed non-Indian Guardians and Conservators to exploit the estates of Indians and to divert a totally unwarranted portion of the benefits intended by the Congress for the Indian to the administration of the program."[88]

The findings of the 1968 Task Force report and George Ringwald's Pulitzer Prize-winning investigative series in the *Riverside Press-Enterprise* proved fatal to the Agua Caliente conservatorship/guardianship system. The 1968 Task Force report concluded "the guardianship and conservatorship system under which the property of a majority of the members of the Agua Caliente Band is being administered has been intolerably costly to the Indians in both human and economic terms" and "must be replaced or radically revised."[89] The federal government, already soured on the proposed termination policy of the 1950s, began phasing out guardianships and conservatorships in the late 1960s. In September 1968, a bill rescinding mandatory conservatorships for adult members of the Agua Caliente Indian Band passed and put an end to the practice.[90] The BIA resumed management of Agua Caliente allotments in association with allottees and their attorneys.[91]

[88] Agua Caliente Tribal Council, "All that Glitters is Not Gold,"11.
[89] DOI Palm Springs Task Force, *Guardianships and Conservatorships Report*, 79, 82; Secretary Udall transmittal letter fronting the report (same document), 16. The Task Force report was notably critical of the failings of the Department of the Interior and Bureau of Indian Affairs when it came to oversight of the Agua Caliente guardianship/conservatorship program.
[90] Public Law 90-597, 82 Stat. 1164, October 17, 1968.
[91] Berman, "From Squatter to Conservator," 58. As of 1974, Berman noted "Most of the Agua Calientes feel that the Bureau is doing a satisfactory job."

3. Overview: Land Use Policy and Housing Inequity in the 20th Century

This chapter provides an overview of land use and housing inequity in the 20th century and the ways in which they were influenced and reinforced by contemporary attitudes about race and ethnicity, in both implicit and explicit ways. It includes a discussion of the public mechanisms of segregation, including zoning and city planning policy, which took shape in the 1910s and 1920s as a way to "protect" White middle-class and affluent neighborhoods. It also discusses the evolution of private sector mechanisms of segregation, including restrictive covenants, discriminatory lending practices, realtor practices, and intimidation. These became widely used in the 1920s. By the 1930s, the impact of the Great Depression on homeowners and the residential construction industry led to dramatic shifts in planning policy at the federal level. This resulted in unprecedented federal intervention in the housing market, and the policies put in place reinforced racial segregation and inequality in housing. The population boom of the 1940s and 1950s and resultant housing shortage influenced housing policy in the post-World War II period. Housing policy of the time favored the construction of single-family suburban neighborhoods that was off-limits to people of color and the removal of deteriorating housing in urban areas through redevelopment programs. Palm Springs' specific expression of land use policies and housing discrimination as shaped by these national forces is discussed in the next chapter.

Public Land Use and Zoning Policy

Zoning and land use policies were used in municipalities around the country in the first half of the twentieth century to achieve segregationist goals. Zoning refers to a municipal law that divides land into areas, or zones, and regulates the uses in each area as well as building function, form, and density.[92] Building codes date back as far as medieval Europe, when fire codes were instituted to protect buildings in urban areas. In the United States, early regulations came in the late 19th and early 20th centuries and were primarily concerned with building height. Parallel to this, laws regulating so-called "nuisances" were passed in Europe and America to dictate where noxious uses could be located.[93] These building laws and nuisance regulations were the primary means of land use control until the advent of modern zoning in the 20th century.[94]

The advent of zoning in the United States reflected the values of the Progressive Movement, which was in part a "search for order" in a rapidly changing industrial world. [95] Zoning could organize a municipality into distinct orderly areas for residences, commerce, and industry. Proponents of zoning believed that this strict organization would improve quality of life by preventing homes' exposure to environmental toxins, reducing the spread of disease, and improving the flow of traffic, among other benefits. The desire to separate nuisances from residential areas and to insulate residential areas were among the most significant drivers of early planning efforts and would shape it for decades.

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[92] Sonia Hirt, "Home, Sweet Home: American Residential Zoning in Comparative Perspective," *Journal of Planning Education and Research* 20 (1), 2013, 3.

[93] Nuisances refer to uses that were necessary to the function of a city but that residents did not want near their homes. Examples of this include industrial uses that produced odors or fumes, such as laundries, manufacturing plants, or landfills.

[94] Hirt, "Home, Sweet Home," 3.

[95] Robert H. Wiebe, *The Search for Order, 1877-1920* (New York: Hill and Wang, 1967).

Contemporary ideas of race and class also influenced the nascent field of city planning. At the time, White urbanites saw people of color and the working class through a racist lens that equated them with characteristics of disease, immorality, and inferiority. They were also heavily influenced by an idea that people of color brought down property values and thus must be kept out of neighborhoods.[96] Cities around the country passed legislation that separated people of color from White residents. Some of this early legislation originated in California, where Chinese migrants were separated into specific districts by limiting where laundries could operate – in the late 19th century in California cities, laundries were often equated with the Chinese population. At the same time, zoning legislation in American South was heavily influenced by Jim Crow laws, and cities passed zoning ordinances to designate separate residential areas for White and Black residents in Baltimore, Richmond, Atlanta, and other cities.

Though the 1917 U.S. Supreme Court case *Buchanan v. Warley* ruled that racial zoning by municipalities was unconstitutional because it violated the Fourteenth Amendment's equal rights protection, cities found a way around that.[97] Rather than being blatantly segregationist in their intentions, planners used the separation of housing types to accomplish the same goals. At the time, particular building types and land uses were equated with people of color or working-class residents. For example, the presence of multi-family residences was associated with working-class residents and people of color and thus seen as threating property values in an area. The division of land use and building type (especially housing types) became integral to planning theory in the early 20th century. When combined with prevailing discriminatory ideas that conflated communities of color with both inferiority and multi-family housing, some planners at the time saw zoning as a way "to frame housing type and resulting class, ethnic, and racial segregation as in the public interest."[98] The origins of zoning were thus intimately intertwined with prevailing ideas about race and class, as well as racial segregation.

Private Sector Discriminatory Housing Practices

In addition to the means discussed above, there were means within the private sector that made segregation in cities around the country possible. In the wake of the *Buchanan v. Warley* ruling, which declared segregationist zoning was unconstitutional, other means of segregation were pursued, including the use of restrictive covenants and private sector discrimination.

One of the most pervasive and effective means of segregation in the 20th century was the use of restrictive covenants. Restrictive covenants were widely used in the United States between 1900 and 1948. They were appended to a property deed and were an agreement between buyers and sellers of a property to not sell or rent a property to certain groups of people – typically African Americans, Asians and Asian Americans, Latinos, Jews, or any other "non-Caucasian" groups.[99] They were intended to run with the land, despite future transfers in ownership. They typically lasted 20-30 years and sometimes in perpetuity.

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[96] Carl H. Nightingale, *Segregation: A Global History of Divided Cities* (University of Chicago Press, 2012), 305.
[97] Michael Jones-Correa, "The Origins and Diffusion of Race Restrictive Covenants," *Political Science Quarterly* 115, no. 4 (Winter 2000-2001), 548.
[98] Andrew Whittemore, "Exclusionary Zoning: Origins, Open Suburbs, and Contemporary Debates," *Journal of the American Planning Association*, 87 No. 2 (2021), 169.
[99] Jones-Correa, "Origins and Diffusion," 544.

These did not go uncontested in court but were upheld for decades. A 1926 ruling (*Corrigan v. Buckley*) upheld the use of restrictive covenants, stating that "the individual citizen, whether he be black or white, may refuse to sell or lease his property to any particular individual or class of individuals."[100] The court concluded that the state had no power over the sale of private property and that property owners could deny anyone as they saw fit: "What is denied one class may be denied the other. There is, therefore, no discrimination within the civil rights clauses of the Constitution."[101] The implication was that White buyers could be prevented from buying or leasing a property just as easily as a buyer of color, but such was not the reality of race relations at the time. Restrictive covenants could thus be used in addition to city zoning and land use policy to shape the demographics of a city and dictate where people could live. As discussed in the next chapter, restrictive covenants were a major shaper of housing patterns for people of color in Palm Springs.

The real estate industry also played a significant role in reinforcing segregation by codifying and enforcing racist norms within the profession. In 1924, the National Association of Real Estate Boards (NAREB) established a code of ethics that prohibited realtors from selling property to "members of any race or nationality" where they would threaten property values.[102] The NAREB reiterated this rule in its 1943 publication *Fundamentals of Real Estate*: "The prospective buyer might be a bootlegger... a madam... a gangster..., a colored man of means who was giving his children a college education and thought they were entitled to live among whites... No matter what the motive or character of the would-be purchaser, if the deal would instigate a form of blight, then certainly the well-meaning broker must work against its consummation."[103] If a real estate agent violated these rules, he could lose his license. The code of ethics remained in effect until the late 1950s.

Lastly, intimidation and violence were often used to achieve segregation. Around the country, White homeowners and residents acted against people of color who tried to move into "their" neighborhoods. Methods used included vandalism of homes, cross burnings, bombings, and death threats.

Land Use and Housing Policy during the Great Depression and World War II

The protracted downturn of the Great Depression highlighted the need for federal involvement in the nation's economy. In response, President Franklin D. Roosevelt instituted the New Deal, a series of programs and policies intended to reinvigorate the economy. The Home Owners Loan Corporation (HOLC) and Federal Housing Administration (FHA), products of the New Deal, were intended to provide emergency relief for home indebtedness and make home financing more attainable to Americans who the government considered to be low financial risks. Relying on the expertise of realtors, the HOLC developed a system of rating neighborhoods as security risks for home loans that loaded racial assumptions into their formulas.[104]

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[100] *Corrigan v. Buckley* 271 U.S. 323 (1926).
[101] Ibid.
[102] Code of ethics quoted in Arnold R. Hirsch, "With or Without Jim Crow: Black Residential Segregation in the United States," in Arnold R. Hirsch and Raymond A. Mohl, eds., *Urban Policy in Twentieth Century America* (New Brunswick: Rutgers University Press, 1993), 75.
[103] Quoted in Hirsch, "With or Without Jim Crow," 75.
[104] Kenneth T. Jackson, "Race, Ethnicity, and Real Estate Appraisal: The Home Owners' Loan Corporation and the Federal Housing Administration," *Journal of Urban History* 6 (August 1980), 419-452; Kenneth T. Jackson, *Crabgrass Frontier* (New York: Oxford University Press, 1985), Ch. 11.

The HOLC's appraisal system assigned a rating to neighborhoods across the U.S.; they were A-green, B-blue, C-yellow, or D-red. The system used multiple factors to assess whether neighborhoods were considered financial security risks. Often, race was the most determining factor in a neighborhood's grade. The highest rated neighborhoods were White, middle class, low density, zoned residential, and distant from industry. Neighborhoods given low ratings included those that were non-White, denser, closer to industry or other "odious" threats, or demographically and socioeconomically unstable. The practice of "redlining" non-White or integrated neighborhoods drove lending and investment away from neighborhoods occupied by people of color for decades.

The discriminatory practices integral to the HOLC's appraisal system influenced the policies of the FHA, which became the most important program for homeownership in the nation. The FHA's mortgage insurance program guaranteed loans granted by private lenders. These included low-interest loans to homeowners and construction loans to builders. As part of the stipulations of a construction loan, the FHA established construction guidelines that regulated lot size, building setback, materials, and other features. They favored new moderately priced single-family suburban development, which would be particularly influential to the trajectory of housing construction once the market recovered after World War II.

In response to deteriorating housing conditions around the country as a result of the Great Depression, housing reformers agitated for change at the federal level, resulting in the passage of the Housing Act of 1937, also known as the Wagner-Steagall Housing Act. One of the foremost objectives of the law was to eliminate unsafe housing conditions, eradicate "slums," and provide sanitary housing for low-income Americans through the formation of local housing authorities.[105] The Housing Act created the United States Housing Authority (USHA) as well as local housing authorities. The USHA largely provided oversight and financial support, while the majority of responsibility lay in the hands of local housing authorities.[106] The passage of the Wagner-Steagall Act led to a wave of local legislation all over the country related to the creation of housing authorities, public housing construction, and "slum" clearance. Under the Act, one unit of what was deemed "slum housing" had to be demolished for every affordable housing unit built.

Housing activists appealed for improved housing conditions, arguing that it was a matter of economics: "Slums cost money. They are the most expensive form of housing known, and it is the community that pays for them… However great the cost of wiping out slums, it is not so great as the cost of maintaining them."[107] Though anti-New Deal sentiment in Congress ultimately limited the scope of the Act, it established "slum" clearance as a goal of housing authorities around the country.

[105] "Slum" is a derogatory term used to describe areas or neighborhoods containing substandard housing, unsanitary conditions, and often overcrowding; historically, the term was often associated with neighborhoods in which communities of color lived. This study uses it in quotes when referencing historical land use policies.
[106] Elysha Paluszek and Teresa Grimes, "Garden Apartment Complexes in the City of Los Angeles, 1939-1955 Multiple Property Documentation Form," Los Angeles, CA, March 2017, E9.
[107] Dana Cuff, *The Provisional City: Los Angeles Stories of Architecture and Urbanism* (Cambridge, Mass: MIT Press, 2000), 106.

Urban Redevelopment and Housing in the Post-World War II Period

The post-World War II period saw dramatic shift in zoning and housing policy around the country. Urban areas faced an extreme housing shortage. Returning veterans, many of them getting married and having families, needed homes. The FHA's policies, discussed above, would be incredibly influential during the postwar housing boom. Planning practice of the period emphasized low-density construction to meet FHA standards, which translated into tracts of low-density, single-family housing.[108] In order to access federal financing, developers built large tracts of low-density single-family housing, which became the dominant form of housing in the postwar period.

At the same time, existing housing stock was in desperate need of improvement due to the lack of capital available during the Depression. According to the 1940 census, half of the nation's housing was rated as deteriorating or deficient; many homes lacked basic facilities such as hot water or plumbing. The country revived its public housing program in the face of this need. In 1945, President Harry Truman issued an Executive Order that gave priority to returning veterans in housing built during the war. Originally intended to be temporary, these complexes were converted into permanent housing for returning veterans. In addition, Congress passed the Housing Act of 1949, which revived the public housing program started in 1937. The 1949 Housing Act provided funding to construct 135,000 units of public housing per year for the next six years. Preference in this housing was given to World War I and II veterans and residents displaced by "slum" clearance or urban redevelopment.[109]

One of the most significant aspects of the 1949 Housing Act was its provision for urban redevelopment. Like the Depression-era housing bill, the 1949 Act required that local housing authorities demolish or renovate one unit of "slum" housing for every unit of public housing built. To achieve this end, the Act authorized $1 billion in loans to cities for clearance of housing deemed substandard and urban redevelopment (either public or private). The idea of urban redevelopment gathered steam during and after World War II. This gained further momentum after the passage of the Housing Act of 1954, which included provisions for the "rehabilitation and conservation of existing structures, enforcement of building codes, relocation of displaced inhabitants, and citizen participation in formulating renewal schemes" rather than the simple land clearance called for in the 1949 Housing Act.[110] However, the tide of public opinion, influenced by fears of Communism, turned against public housing after the war. At approximately the same time, urban redevelopment became increasingly popular politically and with the general public. California passed the Community Redevelopment Act in 1945 to provide tools to municipalities to facilitate redevelopment and combat urban "blight." This Act created local community redevelopment agencies throughout the state.

Urban redevelopment became a prominent force in housing policy in the postwar period, though it was not a new idea. Urban reformers had been using the demolition of buildings in attempts to eradicate so-called blight since the early 20th century. Blight refers to "vacant lots, abandoned buildings, and houses in

[108] Becky Nicolaides, Teresa Grimes, and Emily Rinaldi, "Residential Development and Suburbanization, 1880-1980," DRAFT, Los Angeles Citywide Historic Context Statement, December 2020, 20.
[109] Paluszek and Grimes, "Garden Apartments," E11 – E12.
[110] Alexander von Hoffman, "A Study in Contradictions: The Origins and Legacy of the Housing Act of 1949," Housing Policy Debate 11, no 2 (2000): 313, qtd. in Paluszek and Grimes, "Garden Apartments," E13.

derelict or dangerous shape, as well as environmental contamination."[111] The idea of blight and its impact on urban environments entered urban planning discourse in the early 20th century, when social reformers used the term to refer to the substandard and unsanitary living conditions in rapidly urbanizing and industrializing cities facing an influx of residents, many of them immigrants or working class. As discussed above, these conditions were erroneously equated with the immigrant and working-class populations of these areas, rather than being solely linked to the urban environment. The term itself was borrowed from the sciences in which context blight was described as the spread of disease among plants; urban reformers and civic leaders emphasized that "unsanitary conditions were as dangerous as diseases and could spread through a city like plagues."[112] Demolition was often used as a solution without replacing the lost housing or seeking solutions to the underlying issues that led to deteriorating conditions in the first place.

In the postwar period, urban renewal programs "formalized blight as an economic problem" and used it "as the legal justification for large scale infrastructure and redevelopment projects" that cleared large swaths of city land, areas often occupied by the working class and people of color near city centers.[113] Urban planners often viewed these areas as "optimistic canvases for building better cities and economies," even if it meant clearing existing neighborhoods.[114]

The 1949 Housing Act (discussed above) provided loans to cities to acquire and clear blighted areas through the power of eminent domain and resell the land to private developers. Cities could access federal funding for redevelopment if certain requirements were met. One such requirement was that if individuals were displaced by redevelopment efforts, residences must be replaced on a one-to-one basis with comparable rents (though they did not necessarily have to be in the same neighborhood), and the demolition could not create a housing shortage for those displaced.[115] The Act stipulated that sites using urban renewal funds had to be "predominately residential" before or following redevelopment. The 1954 Housing Act authorized a mortgage insurance program to subsidize the rehabilitation of residences and the construction of new housing in urban renewal areas.

Fair Housing Initiatives in the Post-World War II Period

After decades of persistent segregation in the public and private sectors, people of color and their White allies began to see success in their fight for equal access to housing after World War II. Due to the postwar housing shortage, people of color felt the enforcement of segregation more clearly as they attempted to move out of older and deteriorating neighborhoods but were prevented from doing so. People of color began fighting segregationist practices such as restrictive covenants through a variety of means. In response to the continued use of restrictive covenants, they formed activist groups and took their cases to court. The National Association for the Advancement of Colored People (NAACP) and American Civil Liberties Union (ACLU) appealed several state-level covenant rulings to the U.S. Supreme Court, the most well-known of which was *Shelley v. Kraemer* (1948). While covenants were a private

[111] Joseph Schilling and Jimena Pinzón, "The Basics of Blight: Recent Research on Its Drivers, Impacts, and Interventions," Vacant Property Research and Policy Brief No 2 (2016): 1.
[112] Ibid., 4.
[113] Ibid., 5-6.
[114] Ibid., 6.
[115] Ryan M. Kray, "The Path to Paradise: Expropriation, Exodus, and Exclusion in the Making of Palm Springs," *Pacific Historical Review* 2004, Vol. 73 No. 1, 104.

agreement outside the realm of the Constitution, the Court found in the *Shelley* case that enforcement of restrictive covenants to be unconstitutional because it violated the Fourteenth Amendment's Equal Protection Clause.

Although the *Shelly* ruling undermined the use of restrictive covenants, it did not end discriminatory housing practices; they merely evolved. Many realtors "increasingly saw themselves as the first line of defense in maintaining a color line" and simply refused to sell homes to people of color in White areas.[116] Following the *Shelley* decision, the California Real Estate Association (CREA) developed several tactics that could be used to surreptitiously control who lived where. One method suggested that homeowners' associations could require a discretionary occupancy permit for residences under their purview. These permits would not make any "reference to race or color, but [would require] personal qualifications as a good neighbor, or in other words, cultural status."[117] The CREA's attorney advised that "if fairly administered so as to exclude undesirable persons irrespective of race or color, no difficulty should be encountered."[118] Those realtors that did sell homes to people of color in these areas ran the risk of losing their licenses. Homeowners' protective associations continued to police the sale of property, and residents of White neighborhoods resorted to threats, intimidation tactics, and violence against people of color who moved into their neighborhoods.[119]

It was not until 1959, when California passed the Fair Employment and Housing Act (FEHA), that further legal strides were made against housing discrimination. The FEHA led to the creation of the states' Department of Fair Employment and Housing. This was accompanied by the passage of the Unruh Civil Rights Act, also passed in 1959, which made discrimination in housing and public accommodations illegal. Fair housing initiatives in the 1960s, including ongoing efforts by activists, built on the momentum of the Civil Rights Movement and continued moving the needle forward. Activists in fair housing groups documented ongoing discrimination by realtors, developers, lenders, and residents.

In California, fair housing activism resulted in the Rumford Fair Housing Act of 1963, which banned discrimination in housing based on "race, color, religion, nationality, or ancestry." Buyers and renters won the power to sue if denied on those grounds. Though the Act did not cover all housing, it reflected continued strides in fair housing. Efforts on behalf of fair housing, including the work of activists and fair housing councils, would continue in the 1960s and 1970s. Much of this effort was the result of activists' ongoing work to uncover the discrimination people of color faced when trying to find housing.

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[116] Sanchez, 8 qtd. in "Residential Development and Suburbanization," *Los Angeles Citywide Historic Context Statement* (Draft), 2020, 26.
[117] Gene Slater, *Freedom to Discriminate: How Realtors Conspired to Segregate Housing and Divide America* (Berkeley, CA: Heyday 2021), 160.
[118] Slater, *Freedom to Discriminate*, 160.
[119] For more detail on the ways realtors and property owners circumvented the *Shelley* ruling, see Slater, *Freedom to Discriminate*, 160-161.

4. Palm Springs Land Use Policy and Housing Inequity

This chapter explores historical public and private land use policies in Palm Springs within broader national contexts. As discussed in Chapter 3, American land use policies of the early 20th century were largely informed by attitudes of racial discrimination and exclusion. As a town in its infancy during the heyday of these types of restrictive practices, Palm Springs fit squarely within this national context. Mechanisms of racial and class discrimination functioned here as elsewhere, both public (policies of the City of Palm Springs) and private (practices of developers, lenders, realtors, and landlords). Paired with the high cost of living in this resort community, these policies and practices contributed immensely to housing inequities, most visibly manifested in the segregation of almost all of the city's residents of color onto Section 14 between the 1930s and the 1960s.

Between the World Wars, Palm Springs evolved from a small winter health destination into a luxurious resort town. Its character and aesthetics, carefully shaped and promoted by community leaders, conveyed a rustic escapism, beckoning visitors from the big city to the "village." The city became a vacation spot for the wealthy elite and members of the film industry, some of whom constructed expensive second residences (usually after spending time at one of the hotels or guest ranches). Like other upper-class horse-keeping communities in Southern California that rooted themselves in a supposedly rural lifestyle, Palm Springs "cultivated a sense of entitlement...marked by an invisibly racialized rural aesthetic."[120] To achieve this, and to maintain strict control over how the city developed, Palm Springs enacted specific zoning and land use policies that favored large single-family residential construction on one hand and commercial construction that encouraged a quaint but sanitized "village" aesthetic on the other. These policies, in addition to dictating the physical appearance of Palm Springs, were also intended to attract wealthy residents and tourists, who were at that time predominantly White.

Public Land Use Policies and Practices: The City of Palm Springs

Pre-Incorporation

Early community leaders established and maintained strict control over building construction and overall development in Palm Springs. This was intended to preserve the community's "village feel" while at the same time maintaining exclusivity by promoting the construction of large single-family residences on large lots. City leaders and influential members of the business class wielded a significant amount of power in the community as it took shape through the 1920s and 1930s. In the absence of a municipal entity, the Chamber of Commerce arose in the mid-1920s as the primary policymaking power; its emphasis, naturally, was on maintaining and improving the local economy. Part of that meant controlling where and how people could build – a difficult proposition on the one-square-mile Section 14 directly adjacent to the heart of Palm Springs Village, and one that would drive the community's eventual incorporation.

Another part meant facilitating the construction and operation of hotels, resorts, guest ranches, country clubs, and retail businesses – all endeavors requiring a great deal of labor. Palm Springs' success as a resort community depended heavily on the workers who provided that labor. As wealthy seasonal

[120] Laura R. Barraclough, "Rural Urbanism: Producing Western Heritage and the Racial Geography of Postwar Los Angeles," *The Western Historical Quarterly,* 39, no. 2 (Summer 2008), 188.

residents established large homes there, the demand for domestic workers, from housekeepers to gardeners, also grew. More working-class people came to Palm Springs, not to homestead as in earlier years, but to earn wages supporting the local resort-based economy (and, in the slow summer season, often to work in construction or agriculture across the Coachella Valley and beyond). Many of the workers were people of color – predominantly Latinos (most of whom were of Mexican descent) before the 1930s, with African Americans arriving in Southern California as part of the Great Migration during the Depression and World War II.[121] Filipino, Korean, Japanese, and Chinese residents were present, along with White workers. As discussed further below, some workers lived at their places of employment, but most were on their own to find housing that was both close to their workplaces and affordable on working-class wages. As Agua Caliente Tribe members offered land for low (or no) rent on Section 14, it became the heart of Palm Springs' laboring class.

By the mid-1920s, community leaders, including local businessmen, began forming organizations to decide the future of Palm Springs. Among their goals were solving what local officials called their "Indian land problem," which from their perspective meant having access to, and potential control over, Agua Caliente land.[122] Frank Bogert, who moved to Palm Springs in 1927 and was heavily involved in the Chamber of Commerce (established in 1926), recalled the early Chamber "was an Indian Affairs Committee" to facilitate dealings with the Agua Caliente.[123] Incorporation soon became the chosen approach to solving the issue. It promised many benefits, including planning and zoning authority, a local police force, and revenue from property taxes. But it required contiguous boundaries, making the Agua Caliente land occupying the desired heart of Palm Springs an obstacle. The Chamber of Commerce formed groups like the Palm Springs Associates and the Indian Affairs Committee, and partnered with prominent locals like Earl Coffman and hotel owner Warren Pinney to explore all avenues for zoning and controlling Agua Caliente land by placing it under the jurisdiction of the city-to-be rather than the federal government.[124] The *Palm Springs Limelight-News* commended the good work of the Indian Affairs Committee at its end in 1938:

> It is worth recording that the Indian Affairs Committee has been the most effective functioning body (pre-incorporation) the village has ever seen. Formed three years ago to meet a crisis in Reservation affairs, it has gone industriously on its way securing beneficial legislation; protecting

[121] Palm Springs HCS, 306-310. Small numbers of these and other ethnic groups, including Chinese and Japanese workers, had been part of the Palm Springs population since the community's earliest establishment.
[122] "McAdoo Hears of Indian Problem," *Desert Sun* November 27, 1936; "Indians Leave for Washington in Attempt to Get Federal Aid in Agua Caliente Allotments," *Palm Springs Limelight-News* April 3, 1937; "U.S. Land Agent Here to Study Indian Problems," *Palm Springs Limelight-News* August 7, 1937; "Pinney Tells Lions about Incorporation," *Desert Sun* October 15, 1937; "Save Indians from Exploiters Says Club Leader," *Palm Springs Limelight-New* October 15, 1938; "Outstanding Civic Service," *Palm Springs Limelight-News* October 29, 1938; L. Deming Tilton, "Report on a Master Plan for the City of Palm Springs, Riverside County, California" (prepared for the City of Palm Springs March 4, 1941), 8, on file at City of Palm Springs.
[123] Frank Bogert, "A Brief Summary by Frank Bogert Relative to His Experience with Indians and Indian Matters in the Palm Springs Area, Dictated by Mr. Bogert on the 11th Day of January, 1962" (transcribed by Russell R. Snow, Official Reporter, Superior Court, Dept. A, Indio California, 1962), 6, Box 3, on file with the Judge Hilton McCabe Papers, Collection 18, Special Collections, University of Southern California.
[124] Kray, "Second-Class Citizenship," 138-140, 162-163. For an extensive discussion of pre-incorporation approaches to controlling Section 14, see chapter 3 of this source.

> the interests of both Indians and whites; spending quite staggering sums of money raised from its own pocket to be used toward reaching a solution of Indian problems.[125]

The local committees met regularly to discuss zoning, planning, land use, and other means of shaping the character of Palm Springs, proving major architects of the eventual city's character and composition. The Chamber hired lobbyists to represent its interests at the state and national levels, and worked with senators, federal commissioners, and even the Los Angeles Chamber of Commerce in its pursuit of Agua Caliente land.[126] A primary goal was the passage of House and Senate bills that would legalize the sale of the Agua Caliente canyons and all or part of Section 14 through public auction, or to a non-profit organization who would then donate it to the National Park service as a national monument.[127]

While these efforts did not go unnoticed by the Agua Caliente, it was not for lack of trying. For example, in 1936 the Chairman of the Senate Committee on Indian Affairs reported to Nellie Coffman that he had successfully suggested that the head of the BIA appoint an individual or committee to inspect Agua Caliente land and "submit a report as to what such committee thinks should be done with the various properties belonging to the band."[128] The Senator noted, "I do not believe the Indians have been advised of this movement and I doubt the advisability of acquainting them with what is being done…I have not and will not advise any one of what I am trying to do."[129] He concluded:

> In all probability, if some of the Indians should learn of this program they might begin immediately to poison the minds of other Indians against any interference with their present plan of conducting their local affairs; hence, it would not be wise in my opinion, at this time, to make public what we are trying to do in connection with the Indians and their property.[130]

Several months later, this investigative committee held a hearing in Palm Springs in which hotel owner Warren Pinney plainly stated "We want the property sold—we do not want it leased, we do not think it is proper."[131] He made his reasoning clear:

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[125] "Outstanding Civic Service," *Palm Springs Limelight-News* October 29, 1938.
[126] Kray, "Second-Class Citizenship," 138-139, 171.
[127] Kray, "Second-Class Citizenship," 188-191. The City and some of its residents continued striving for federal/state legislation and local actions to terminate the Agua Caliente reservation's federal trust status or otherwise impose zoning/planning/development control on the land from the 1940s through the 1960s. Examples include Senate Bill 1685 in 1947 (City of Palm Springs, "Report of Special Committee on Indian Affairs." March 1948, Appendix A), and the City's attempt to impose zoning on ACBCI land under Public Law 280, disputed by the Tribe in 1965 (Agua Caliente Band of Mission Indians v. City of Palm Springs, No. 65-567 MC) and 1972 (Agua Caliente Band of Mission Indians' Tribal Council v. City of Palm Springs, No. 71-767-JWC), accessed August 2024, https://casetext.com/case/agua-caliente-band-etc-v-city-of-palm-springs. These attempts ultimately failed after the Agua Caliente contested them in court.
[128] Senator Elmer Thomas letter to Nellie Coffman, February 19, 1936, 1, The Earl Coffman Papers Collection, Palm Springs Historical Society, 2008.3.B4.3.f2.d017.
[129] Ibid.
[130] Thomas letter to Coffman, February 19, 1936, 2.
[131] Transcript of testimony before Committee of Rosecrans, Clements, and Hart and members of the Palm Springs Chamber of Commerce and Home Owners of Palm Springs, April 15, 1936, 5-6, The Earl Coffman Papers Collection, Palm Springs Historical Society, 2008.3.B4.3.f9.d023.

> The point I am trying to get over is that I would appreciate it if you would stress it in your report that while the Indians are entitled to a great deal of consideration they are not entitled to any more than the people who have made the community what it is today, who have spent their money and their lives here.[132]

The Agua Caliente Tribal Committee strenuously objected, reminding the Chamber of Commerce, "THE PROPERTY AND THE RIGHTS WITH WHICH YOU ARE ASSUMING TO DEAL IS OURS AND NOT YOURS…You have no more right to step in and make yourselves a self-appointed Committee to decide about our property, than the Indians have to do the same about your rights!" (emphases original).[133]

In 1937, the California state legislature passed three bills that "permitted Palm Springs to incorporate as a city of the sixth class around eight square-mile sections of Indian land."[134] These were tailored for Palm Springs by authorizing incorporation of Indian lands within city boundaries. Palm Springs incorporated in April 1938 with boundaries encompassing over 8,000 acres of Agua Caliente land (almost half of the city's total area), without permission from the Agua Caliente or the BIA. The *Riverside Daily Press* noted, however, "It was made clear that incorporation will not give the City of Palm Springs jurisdiction over the lands of the Agua Caliente Indian reservation included within the incorporated area. The council will not have power to pass ordinances for the zoning of Indian lands nor for any other municipal control. The status of the reservation will remain unchanged. Qualified voters residing on Indian lands, however, were allowed to ballot yesterday."[135]

Incorporation and Early Policy, 1938-1948

Following incorporation, the City of Palm Springs began work on a zoning ordinance. The new mayor laid out the city's hopes when he said of the intended zoning, "From the practical and material point of view this should result in the insurance of higher property values and a more prosperous commercial life."[136] In the meantime, the City Council passed an interim ordinance in June 1938, to control development until a planning commission could be formed and a master plan could be developed. Under the interim ordinance, the majority of the new city (90 percent) was zoned R-1, single-family residential, and Agua Caliente land was M-3, unclassified.[137] It was amended multiple times before a permanent ordinance was put into place.[138]

As the city looked towards passing an ordinance, it brought in attorney Henry Coil, chairman of the Riverside Planning Commission, to speak to residents about the benefits of a zoning ordinance. Coil noted that Palm Springs was "fortunate that the property owners here have been people of vision, who have insisted on worth-while restrictions, therefore this city will not have the difficulties encountered by older

[132] Transcript of Testimony, April 15, 1936, 13.
[133] Willie Marcus, Albert Patencio, Baristo Sol, and Francisco Patencio letter to Earl Coffman, April 30, 1936, 2, The Earl Coffman Papers Collection, Palm Springs Historical Society, 2008.3.B4.3.f2.d020.
[134] Kray, "Second-Class Citizenship," 197-198. Sixth class cities have fewer than 3,000 full-time residents.
[135] "Palm Springs Votes By Big Majority for Incorporation Plan," *Riverside Independent Enterprise* April 13, 1938.
[136] "Zoning Ordinance Before Council," *The Limelight*, June 18, 1938.
[137] "Zoning Ordinance Introduced at Midnight Meeting of City Council," *The Limelight*, June 18, 1938.
[138] "Ordinance No. 25" full text in *Palm Springs Limelight-News* October 15 and 22, 1938; "Ordinance No. 43" full text in *Palm Springs Limelight-News* December 24, 1938; "City Council," *Desert Sun* April 21, 1939.

communities that start a program of city planning and zoning."[139] Among other features he recommended that Palm Springs include in their plans were residential streets that discouraged through traffic and a civic center. Coil noted, "I have heard some weeping and wailing regarding the Indian reservation in the heart of town. In my opinion this Indian reservation constitutes a most fortunate situation, because it is a section in virgin condition that will be sold sooner or later. It is the ideal location for parks and a civic center."[140]

Like Henry Coil, city leaders and developers viewed the reservation sections as unused land that could be developed for the benefit of the new city. They also wanted it to be subject to city taxes and zoning and building standards, with control in their hands.[141] Federal and city officials wanted the Agua Caliente to sell their land and relocate outside the city so that the "undesirable" development on reservation land could be removed and the land directly adjacent to the downtown commercial area could be utilized in what they felt was a more beneficial manner.[142] The 1941 land use study for the City's first Master Plan plainly stated "The Indians, and their official and unofficial advisors, have been singularly indifferent to the responsibilities imposed upon them by the ownership of almost half the land in a thriving, important resort community."[143]

Despite the desires of city leaders, federal laws governing Indian land superseded state law, and reservation land continued to be outside the control of city legislation unless it was sold to non-Agua Caliente residents. Tribal Chairman Lee Arenas reminded Mayor Philip Boyd of this in June 1941, as part of a contentious exchange of letters:

> His excellency, the mayor, has labored under the misapprehension that the will of the political organization which has placed him in office and the wishes of the Palm Springs Chamber of Commerce of this rather small city are paramount to the supreme court of the land. Another misapprehension of his excellency, the mayor of Palm Springs, is that regardless of the wishes of an American Indian band, existing under the protective guardianship of the government of the United States, he and his municipal government may enforce upon tribal Indians, living upon tribal Indian lands, the will of the whites residing upon non-Indian adjacent lands.[144]

Though city leaders had no authority to zone, pass ordinances, or enforce city code on Section 14 or other Agua Caliente lands, they continued attempts at exerting control of this type for decades, usually in partnership with the BIA and often with the state and/or Riverside County, as discussed with specific reference to Section 14 in Chapter 5.

The new city planning commission met for the first time in October 1938 to begin work on a new ordinance, and after much study and a series of public hearings, the City Council passed it in December

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[139] "City Planning Described by Coil," *Desert Sun*, May 27, 1938.
[140] Ibid.
[141] Kray, "Second Class Citizenship," 225.
[142] Ibid., 219.
[143] L. Deming Tilton, "Report on a Master Plan for the City of Palm Springs, Riverside County, California" (prepared for the City of Palm Springs March 4, 1941), 6, on file at City of Palm Springs.
[144] "Lee Arenas Answers Letter from Mayor Boyd," *Desert Sun* June 20, 1941.

1939 (effective January 12, 1940).[145] It retained a high proportion of R-1 (single-family residential), with lesser amounts of estate and guest ranch areas (E-1 and E-2), low-scale multi-family residential (R-2, duplexes, and R-3, bungalow courts) and only a few areas zoned R-4 (lumping together apartment houses and hotels).[146] The R-4 zones were largely restricted to the main thoroughfares of Palm Canyon and Indian Avenues, with some on the south side of Ramon Road. The zoning ordinance would be amended multiple times between 1940 and 1947, when a new ordinance was adopted to clean up the much-amended 1939 version.[147] The city's land use emphasis on low-density, single-family residential areas would limit housing options as the population continued to grow.

Palm Springs developed briskly despite the Great Depression thanks largely to the community's association with the "Depression-proof" film industry, and with titans of industry whose personal wealth allowed them not just to survive the downturn, but to build second homes in Palm Springs.[148] New residents arrived from across the country in search of employment. In February 1939, the *Desert Sun* estimated Palm Springs' full-time population as 5,336, with part-time seasonal residents bringing the total up to 8,000.[149] The full-time estimate was itself a rebuttal to a county clerk's estimate of 2,753 full-time residents, which was based on extrapolation from voter registration records, and both are likely inaccurate. This points up the fact that Palm Springs' population has always been difficult to enumerate due to its seasonal fluctuations. The number of part-time residents, tourists, and resort employees increased in the winter and declined in the summer, as highlighted by the 1939 article's concluding line, "In addition to this, it is believed at least 2,000 transients are residing here."[150] The 1939 transient population presumably would have included all tourists and seasonal workers, as well as unemployed people, and the vast majority of the latter two groups would have lived on Section 14.

The City's growth accelerated further during World War II due to the presence of military training facilities nearby. Between 1940 and 1946, the permanent population more than doubled, from 3,434 to 7,213.[151] To address the acute housing shortage caused by the influx of wartime personnel, in 1945 the city created the Palm Springs Public Housing Authority to apply for federal funding for the construction of affordable housing and "slum" clearance.[152] Residents hoped for the construction of more affordable housing, but this hope was dashed when the city manager announced Palm Springs had refused federal funding for housing because the federal government's standards did not meet the "Palm Springs high standard of construction."[153]

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[145] "George Roberson Heads Planning Commission," *Palm Springs Limelight-News*, October 8, 1938; "Council Meeting," *Desert Sun,* December 8, 1939.
[146] Ordinance No. 75 as published January 6, 1940, on file at the City of Palm Springs.
[147] Palm Springs City Council Minutes, August 12, 1947, 298; "New Zoning Law Effective September 11," *Palm Springs Limelight-News* August 15, 1947.
[148] Palm Springs HCS, 124, 310.
[149] "5336 Is Estimate of Palm Springs Population; 8,000 With Tourists," *Desert Sun* February 24, 1939.
[150] Ibid.
[151] "Census Years Are Always Big Years for California," *Riverside Independent Enterprise* April 23, 1949. This source states the Palm Springs special census was complete on March 14, 1946, indicating it was taken during the high season.
[152] "Council Approves Creation of Public Housing Authority," *Palm Springs Limelight-News* February 22, 1945.
[153] "Officials See Conflict in Building Provisions," *Palm Springs Limelight-News*, August 30, 1945.

Though the city faced an affordable housing crisis, city officials refused to relax zoning restrictions that would allow for the construction of less expensive housing. They contended that relaxing the city's restrictive building regulations would result in the loss of value for downtown property and eliminate the city's appeal.[154] The relatively small amount of land zoned for multi-family residential uses meant that some owners in single-family residential zones dared to build apartment houses, convert single-family houses to multi-family, or even just rent out rooms to provide needed housing.[155] This pattern of densifying occupation was common across the nation at this time, as communities struggled to provide housing in areas with influxes of wartime personnel and postwar population growth. The Home-Owners League of Palm Springs, who spoke for the "home owners of Palm Springs whom we feel are the real foundation of Palm Springs" and said their members "are absolutely opposed to an Atlantic City or Coney Island development,"[156] feared if such zoning violations were not curbed, the "integrity of our world-famed residential areas will be doomed."[157] The League charged multiple owners with renting out rooms in single family residential areas and at least two were found guilty in court.[158]

As the City Council reviewed changes for the new zoning ordinance in 1947, it downzoned the Warm Sands Park tract from R-3 and R-2 (both low-scale multi-family residential) to R-1, single-family residential.[159] Owners in the two-year-old tract protested, telling the council "they had purchased their lots because they wanted to have an income use and they said that city officials as well as real estate dealers had assured them that the zoning would continue as a multiple use classification."[160] The City was unmoved. The *Limelight-News* stated "it was reported authoritatively that the council's action was taken because of the prominence of certain persons urging the change to R-1."[161]

The City and Home-Owners League desire for "an orderly growth of Palm Springs" time and again translated into low-density housing despite the city's growing population.[162] The housing shortage, therefore, continued, while the city was losing employees due to high rents and housing scarcity. People looking for affordable housing began moving to neighboring communities or turned to the Agua Caliente allottees on Section 14.

Post-World War II, 1948-1970

The housing crisis continued after World War II, as more people began moving to Palm Springs full-time rather than as tourists or seasonal residents. The advent and proliferation of air conditioning for personal

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[154] "Officials See Conflict in Building Provisions," *Palm Springs Limelight-News*, August 30, 1945; Kray, "Second Class Citizenship," 241-242.
[155] "City Urged to Act against Violators of Zoning Laws by Home Owners League," *Desert Sun*, May 3, 1946; "Home Owners League Loses First Round," *Palm Springs Limelight-News*, January 22, 1947; "Pleas of Guilty Entered by 2 in Zoning Case," *Desert Sun* January 31, 1947.
[156] "Thorough Study of Planning Situation Urged and Halt on Spot Zoning Asked Until New Measure Can Be Presented," *Desert Sun*, January 25, 1946.
[157] "City Urged to Act against Violators of Zoning Laws by Home Owners League," *Desert Sun*, May 3, 1946.
[158] "Pleas of Guilty Entered by 2 in Zoning Case," *Desert Sun* January 31, 1947; "Home Owners League Loses First Round," *Palm Springs Limelight-News*, January 22, 1947
[159] "Council Tosses Fancy Lateral Passes Again," *Palm Springs Limelight-News* July 29, 1947; "Land Use Law Faces Hurdles," *Palm Springs Limelight-News* August 5, 1947.
[160] Palm Springs HCS, Appendix B, 77; "Land Use Law Faces Hurdles," *Palm Springs Limelight-News* August 5, 1947.
[161] "Land Use Law Faces Hurdles," *Palm Springs Limelight-News* August 5, 1947.
[162] "City Urged to Act against Violators of Zoning Laws by Home Owners League," *Desert Sun*, May 3, 1946.

use around the same time proved crucial to year-round residency in the hot climate. By 1950, the population was 7,660; by 1960, it was 13,468.[163] Newcomers arrived by the hundreds for available jobs, prompting a 1947 Palm Springs police department policy to "screen out undesirables" by requiring fingerprinting of restaurant employees and applicants for hospitality jobs, "necessary because of the seasonal character of employment in some establishments."[164] While this was explained as a way to exclude people with criminal records, its broad application ensured it would disproportionately impact the working class and people of color. In 1954, the City followed by approving an ordinance requiring fingerprinting of many categories of working class employees for issuance of a registration card: those working in hotels, apartments, night clubs, restaurants, and liquor establishments; as gardeners or domestic help; or self-employed in professions like photography and fortune telling.[165] It expanded the categories in 1956, to include nearly all conceivable service jobs from bus drivers to golf caddies.[166] Registered employees were required to carry their cards with them at all times for production on request, on penalty of a misdemeanor violation.[167] The fingerprinting ordinance remained in effect until at least June 1968, at which time the American Civil Liberties Union (ACLU) was investigating its legality.[168]

Residents increasingly called on the city to find a solution to the housing crisis. Despite the need, the Housing Authority refused to provide low-income housing because most funding sources were federal and came with requirements that gave the city less power over its housing decisions. Rather than use federal funding to purchase residences from Torney Hospital, a former military hospital, City Council stated that the Housing Authority should use state or private financing to buy them.[169] Such funding did not prove available. Unlike many communities of the time, Palm Springs refused to allow the construction of large tracts of moderately priced single-family housing because it would have had to comply with FHA standards (discussed in Chapter 3).

Developers did manage to start building tract housing, with Paul Trousdale's Tahquitz River Estates (1947), established in partnership with Pearl McCallum McManus, as a significant early postwar example.[170] By the mid-1950s, construction of other FHA-standard tracts for middle-class residents was occurring to a significant degree. George Alexander and Jack Meiselman, both significant developers in postwar Palm Springs, built approximately 11 middle-income housing tracts between 1954 and 1959 alone, totaling over 1,000 homes.[171] By 1959, the City Council was concerned enough about the "carbon copy" tract homes being built by developers like Alexander and Meiselman that it floated the idea of requiring a 15,000-sq ft minimum lot size:

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[163] "Historical Census Populations of Counties and Incorporated Cities in California, 1850–2020," California Department of Finance, accessed August 2024, https://dof.ca.gov/reports/demographic-reports/. The relatively small growth between 1946 (7,213) and 1950 (7,660) is likely due to the decommissioning of wartime installations and their employees leaving for work elsewhere.
[164] "Police to Eye Workers," *Palm Springs Limelight-News* September 12, 1947.
[165] Ordinance No. 276, printed in *Desert Sun* February 25, 1954; Palm Springs City Council Minutes February 2, 1954, February 16, 1954; "Finger-Printing Measure Voted by City Council," *Desert Sun* February 18, 1954; "Finger Printing Measure Given Initial Reading," *Desert Sun* February 4, 1954.
[166] "Fingerprint Law Change Sought," *Desert Sun* July 30, 1956; "New Fingerprint Law Initiated," *Desert Sun* August 2, 1956.
[167] "Civil Liberties Group Studying Palm Springs Ordinance," *The Saturday Press-Enterprise* (Riverside), June 8, 1968.
[168] Ibid.
[169] "Council Will Aid Housing Board Plan," *Desert Sun*, December 17, 1946.
[170] Palm Springs HCS, Appendix B, 104.
[171] "City Council Proposes Restricting 'Carbon Copy' Homes, Sizes of Lots," *Desert Sun*, April 28, 1959.

> The objection to the mass housing programs by the council is the use of all the available land for housing projects which, it said, will not be attractive to people who want to build larger and more expensive homes, such as are in the Las Palmas area.[172]

The Council quickly backed off from this idea, apparently chastened after further discussions with developers, and FHA-standard tract housing on smaller lots continued to be built in Palm Springs.[173] Many working class residents could not afford to buy even in these developments, and those who were people of color were actively excluded from purchasing in most tracts due to restrictive covenants and discriminatory lending practices, as discussed in the private sector section below.

In the late 1940s-early 1950s, the Palm Springs Housing Authority managed two low-income housing facilities, both originally constructed to house veterans and jointly operated by state and local government.[174] North Calle Encilia Housing at 342 N. Calle Encilia was located on Section 14, while Lienau Village (originally military barracks) was located just off it at 2058 E. Ramon Road.[175] It appears that these were the only public housing complexes existing in Palm Springs at the height of the housing crisis. Rents were high at Lienau Village, and lawsuits threatened by Black Section 14 residents and by the NAACP alleged racial housing discrimination there by the city Housing Authority.[176] The complex's manager continuously told Black applicants there were no vacancies, although in late 1950 the City had considered selling six Lienau Village buildings due to "vacancy loss."[177] While research did not evince whether the NAACP was also investigating discrimination at the Calle Encilia complex, the 1950 census suggests the Housing Authority was following a similar pattern of exclusion there: only White occupants are enumerated as living there in that year.[178] In both cases, units were being rented to White non-veterans, and at Lienau Village, the applications of Black veterans were rejected.

By mid-1951, many lessees on Section 14 had received eviction notices and "a large segment of the Negro population on the reservation" faced "an acute and disastrous housing shortage."[179] Councilmember Jerry Nathanson, who represented Section 14 constituents as part of Council District 2, asked the City to allow evicted residents to occupy vacant Lienau units. The City Council hesitated to convert the Lienau Village buildings into temporary housing, noting that the Lienau buildings were scheduled to be removed "in order to clear property for extension of City's use of existing Polo Grounds." [180] Despite resolutions, follow-up requests by both Nathanson and members of the public (including affected constituents), and Council formation of a committee of five businessmen to study the matter, in summer 1953 the City

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[172] "City Council Proposes Restricting 'Carbon Copy' Homes, Sizes of Lots," *Desert Sun*, April 28, 1959.
[173] "Council Adopts Cautious Attitude on Tract Homes," *Palm Springs Desert Sun*, May 5, 1959.
[174] Kray, "Second-Class Citizenship," 296.
[175] Palm Springs City Council Minutes, June 6, 1951, 107.
[176] "City Housing Board Faces Legal Action," *Desert Sun* January 17, 1952; "Speed Asked on Survey of Local Housing Situation," *Desert Sun* January 24, 1952; "NAACP Files New Palm Springs Suit," *Riverside Daily Press* March 20, 1952.
[177] Palm Springs City Council Minutes, October 4, 1950, 450.
[178] U.S. Bureau of the Census, Seventeenth Census of the United States: 1950-Population Schedule (Palm Springs, Calif., Enumeration District 33-46A, April 1950).
[179] "Seek Solution to Acute Housing Situation Here," *Desert Sun* June 8, 1951. See Chapter 6 for more information on early 1950s evictions.
[180] Palm Springs City Council Minutes, June 6, 1951, 107-108.

opted to sell off the Lienau buildings for salvage and use the land as a municipal park.[181] The City Council also voted to abandon and demolish the low-income housing complex at 342 North Calle Encilia, within Section 14.[182]

The zoning struggle between Palm Springs and the Agua Caliente was made visible even in the City's decision on Lienau Village: the City Planning Commission had previously recommended that any moved buildings from Lienau Village "should not be allowed to locate on any Indian Land until official streets are established on such land. Until an acceptable street pattern for Section 14 is firmly established said units should not be permitted to locate thereon."[183] In other words, the City would not allow any buildings that could potentially house Section 14 and other low-income residents to be moved onto federal land held in trust for the Agua Caliente until Section 14 had "an acceptable street pattern" – which would have required Agua Caliente and federal government acceptance of City jurisdiction over infrastructure planning, zoning, and code enforcement.

In Palm Springs, the urban renewal that shaped many American cities in the postwar period followed a different trajectory than in other municipalities. The city did not end up using federal funding under an urban renewal program, which came with stipulations that cities had to replace or renovate the "slum" housing that they demolished. And after all, it did not have jurisdiction over the Agua Caliente land containing what contemporary sources called "blight." But city leaders' actions and the language they used to describe them were similar (discussed further in Chapters 5 and 6).

The influence of contemporary discourse concerning planning and urban redevelopment can be seen in local land use documents of the postwar period. A 1957 report prepared by Simon Eisner and Associates, which was ultimately adopted in 1960 as part of the city's general plan, provided a survey of the city's existing land uses. Much of the city was devoted to residential development (notably single-family residential). Other land uses included commercial, industrial, and mixed. The report categorized only 60 acres of land as mixed use, noting "Palm Springs is rather fortunate that these mixtures are concentrated and do not generally occur in residential areas."[184] Much of this mixed-use land was located in or near Section 14, where land was at times divided into large lots and thus contained multiple uses. The study noted "mixed land uses, especially in these locations, limit the healthy expansion of business areas and necessary off-street parking and create a poor environment for living. The history of American cities has repeatedly proven that the mixture of incompatible land uses tends to generate blight, with resulting injury, not only to the City, but to the business community as well."[185] The presence of "blight" is discussed in an economic context without regard to the existing community there.

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[181] Palm Springs City Council Minutes, June 6, 1951, 107-108; Palm Springs City Council Resolution No. 3172, Re: Housing Problem for Local Colored People, June 6, 1951; Palm Springs City Council Minutes, December 19, 1951, 225-230; Palm Springs City Council Minutes, January 9, 1952, 247; "Lienau Village Comes to End as Housing Project," *Desert Sun* June 11, 1953.

[182] Palm Springs City Council Minutes, December 15, 1953, 220.

[183] Palm Springs City Council Minutes, October 4, 1950, 450-451, citing Planning Commission memorandum from meeting of September 13, 1950. The Planning Commission recommended the M-1 District (general industrial) as the only permissible place to relocate the units due to their unattractiveness.

[184] Simon Eisner and Associates, "Analysis of Land Use Inventory and Classification," prepared for City of Palm Springs City Planning Commission, 1957, 16.

[185] Ibid., 17.

Private Sector Discriminatory Housing Practices

City zoning and land use planning aside, the private sector erected its own barriers to people of color who wished to purchase or lease homes in Palm Springs. The main mechanisms used were restrictive housing covenants by developers, discriminatory lending practices by financial institutions, and refusals to sell or rent by realtors and landlords. Private developers employed restrictive covenants (as discussed in Chapter 3) in the establishment of residential tracts throughout Palm Springs. Examples from the 1930s include, but are not limited to, Las Palmas Estates, Smoke Tree Ranch, the Palm Springs Village Tract, El Mirador Estates, Desert Sands, Merito Vista, and Palm Valley Colony Lands.[186] A deed for a property in Las Palmas Estates from 1937 stated "no part of said tract shall at any time, be levied upon by any person whose blood is not entirely that of the Caucasian race; but if persons not of the Caucasian race be kept thereon by a Caucasian occupant, strictly in the capacity of servants or employees actually engaged in the domestic service of the occupant, or in the care of the premises for the occupant, such circumstances shall not constitute a violation of this condition."[187] This language was typical of the other examples as well. The Las Palmas Estates covenant also stated, "no part of said tract shall, at any time, nor shall any interest therein, be leased, sold, devised, conveyed to, or inherited by, or be otherwise acquired by or become the property of any persons whose blood is not entirely of the Caucasian race."[188] A 1949 deed for a property in the Tennis Club neighborhood (Tahquitz Park tracts) read "Said property shall never be leased, rented or sold to any person other than of the White or Caucasian race."[189]

Developers could apply race restrictions to entire tracts, making them one of the most formidable means of segregation available. Developers in the 1920s in Palm Springs "assured buyers that 'carefully drawn restrictions protect the homeowner and permanently maintain the high standards of the property, and while homes need not be pretentious, they must conform to an attractive style of architecture, and plans must be approved by an Art Jury."[190] The developer of the Merito Vista tract stated that "careful discrimination in the manner of lot buyers is also being made, as to race, desirability, etc., thus ensuring a high order of neighbors."[191]

Such restrictions were often advertised as a selling point. The Araby Tract, southeast of the village of Palm Springs, was developed in 1925 by H.W. Otis and included 138 parcels. Otis, a Los Angeles-based developer, noted in its sales brochure that he had "purchased this property for development as a community of desert homes-sites have in mind a completed whole which will be artistic and charming…in keeping with the natural beauty of the surroundings and thoroughly protected by sensible racial and building restrictions."[192] Advertisements in local newspapers for housing developments and new tracts as

[186] All from 1937, on file at the Riverside County Assessor's office. Riverside County now has a process in place for homeowners to redact restrictive covenant language from their deeds.
[187] Clause 10-11, p. 415, Deed to Hazel J. Richmond from Bank of America National Trust and Savings Association for Lot 5 Block C of Las Palmas Estates, Palm Springs, Riverside County, CA, May 6, 1937.
[188] Ibid.
[189] Deed to Merrill Crocket and Juanita Crockett from Pearl M. McManus for Lots 5 and 6, Block 3 of Palm Springs, February 24, 1949.
[190] *Palm Springs: The Oasis of Delight*, Hugh Evans and Company, ca. 1930, cited in Lawrence Culver, *The Frontier of Leisure: Southern California and the Shaping of Modern America* (Oxford: Oxford University Press, 2010), 165.
[191] *"Our Araby" Palm Springs, Merito Vista,* pamphlet, ca. 1935, Ephemera Collection, Seaver Center for Western History Research, Natural History Museum of Los Angeles County, cited in Culver, *The Frontier of Leisure,* 165.
[192] "Our Occidental Araby at Palm Springs" Sales Brochure, Clipping File, Palm Springs Historical Society qtd. in Palm Springs HCS, Appendix B, 18.

late as the 1950s include language announcing their restrictions. Language included "highly restricted," "sensibly restricted," and "restricted area." While it was not always explicitly stated, it was often the case that "restricted" meant not only the type of development allowed but also who could live there. One 1936 advertisement by the McManus Realty Company boasted, "The protected area is exclusive… well-restricted… away from sand, noise, wind and airport."[193] The Palm Springs Airport, in addition to being loud, was located on Section 14 at that time. Another advertisement for Chino Canyon Mesa, which was described as "one of the most picturesque tracts of land adjoining Palm Springs," included an assurance that "the tract has been laid out into large lots, and is highly restricted. Adjacent is considerable acreage which is being sold as estate properties, which is also restricted in every way to protect buyers against any undesirable people or types of buildings."[194]

Although deed restrictions based on race were prohibited after *Shelley v. Kraemer* (1948), they continued to dictate where people of color could live in Palm Springs into the postwar period. Restriction language continued to appear in local newspaper advertisements for real estate well into the 1950s. In 1948, one realtor advertised a home "for a particular buyer" that was architect-designed and "situated in a highly restricted and protected area."[195] In 1953, the Desert Properties Company advertised a ranch house, "designed for today's living," located "in the highly restricted and well protected Deep Well Ranch Estates right in the city of Palm Springs, just a couple minutes from everywhere."[196]

Even when not explicitly called out, the use of building restrictions and minimum building size and value were intended to only allow a certain class of people. These ensured their continued exclusivity. So, too, did the refusal of local banks to provide home loans to people of color, a practice that continued into the 1960s.[197] Black applicants, even those who wanted to buy or build homes in North Palm Springs or other areas not restricted through covenants, had to turn to financial institutions elsewhere. Cora Crawford remembered that she and her husband "couldn't get a loan in Palm Springs."[198] They acquired one from San Gorgonio Bank in Banning and moved into their new home in 1960. Ivory Murrell, who left Section 14 in 1962, recalled:

> And do you know, this is a fact. That I have not been able to borrow a dollar from one of these banks in Palm Springs…When I bought my house, my first house I bought, I had to go to San Bernardino to get a loan to pay for the house. Citrus Belt Financing loaned me the money for my first house…
>
> We were redlined when we left the reservation. They wanted us off the reservation, but they made no provision. And you couldn't go to the, one of the banks and say, well, I'm building a house on North End and I want you to - no, you couldn't do that. They would not do it."[199]

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[193] "The Protected Area," *Desert Sun*, April 10, 1936.
[194] "Chino Canyon Mesa is Subdivided for Lovely Homesites," *Desert Sun*, February 8, 1935.
[195] "For a Particular Buyer," *Palm Springs Limelight News*, February 13, 1948.
[196] "Deep Well Ranch House," *Desert Sun*, January 22, 1953.
[197] Palm Springs HCS, 323.
[198] Cora Crawford, Interview by Renee Brown, unknown date (Section 14 Oral Histories Collection, Palm Springs Historical Society).
[199] Ivory Murrell, Interview with Oceana Collins, Section 14 Oral Histories Collection, Palm Springs Historical Society, October 6, 2011.

In addition, most developers simply refused to sell homes to people of color, as did most local realtors, and many private landlords refused to rent to people of color. This pattern occurred at least through the late 1960s. In August 1966, the City's then-newly formed Human Relations Committee heard statements regarding residents who had been evicted from Section 14 and had no place they could go "because of high property prices, high rents, and in some cases discrimination by rental agents."[200] In 1967, Ernest Moore stated that in most places where Black people try to buy or rent, they get "little frivolous excuses – we've heard them all."[201] African American residents of the Palm Springs area reported many other accounts of discrimination by developers, real estate agents, and landlords. The following accounts are from just one 1967 *Riverside Press-Enterprise* article on residents of West Garnet: [202]

> Lillie Gristen, who left Section 14 for West Garnet in 1951, confirmed "They weren't selling any property at that time in Palm Springs to Negroes."
>
> Jesse Harraway, who left Section 14 for West Garnet in 1953, said "They wouldn't sell us any property in Palm Springs… The Palm Springs area wouldn't sell us any land – three places that I know we tried to buy."
>
> A man whose wife did house work in Palm Springs stated "They want you to work there, but they won't let you rent."
>
> Minus Walton remembered: "We were living on the reservation down there, and they said we had to move. Couldn't find anything else in Palm Springs." He tried to buy in a "moderately low-income housing development" at the eastern edge of the city, but was told he had to be a veteran. When the *Riverside Press-Enterprise* reporter called the sales office, he was told "No, you don't have to be a veteran."

Housing Options for People of Color in Palm Springs

Palm Springs' growth in the early 20th century depended on cheap labor, which in turn needed affordable housing near places of employment. As the resort destination developed, working-class employees, many of whom were Latino, African American, Filipino, Chinese, and Japanese, kept hotels and resorts running.[203] They also worked in construction, in agriculture, as domestic workers in private homes, and in other roles crucial to the growth of the community. In Palm Springs as elsewhere across the nation in the early 20th century, most White individuals, businesses, and institutions blocked people of color – and particularly Black people - from accessing other career options. This was the case as late as 1968, when chef and welder John Henderson spoke against the city's labor practices at a city council meeting: "The Negro is offered nothing but poor jobs, living conditions are bad and everything is bad in general…Do you know that we have no Negro waiters or waitresses in this town, no Negro white collar workers or none holding responsible jobs in city hall? This isn't Alabama or Mississippi, this is Palm Springs.'"[204] Limited

[200] "Relations Council Studies Negro Evictions," *Desert Sun* August 10, 1966.
[201] "Palm Springs Imperfect, But He Still Likes It," *Riverside Press-Enterprise* April 23, 1967.
[202] "Negro Pioneers Fight Hostility of Man and Desert," *Riverside Press-Enterprise* April 23, 1967.
[203] Palm Springs HCS, 306-310. The reader is referred to this study's Context: Ethnic Minorities in Palm Springs (p. 303-337) for additional information on Palm Springs' communities of color between 1884 and 1969.
[204] "Minority Conclusion: Jobs Biggest Problem," *Desert Sun,* May 17, 1968.

employment options and low incomes left many residents of color living paycheck-to-paycheck, with few housing options available to them due to the public and private mechanisms of segregation as described above.

Some of the larger hotels of the 1920s and 1930s provided employee housing, including the Oasis Hotel, the El Mirador, and the Desert Inn, and one building at the Desert Inn was known as "Manila" due to its Filipino residents.[205] But most hotels did not provide housing, and it does not appear that the larger hotels with employee housing consistently made it available to workers of color.[206] By the 1920s, Agua Caliente individuals on Section 14 were renting land, and in some cases cabins, trailers, or tents, to new residents at affordable rates (and sometimes allowing people to settle there at no cost). In 1977, White Palm Springs resident Jim Maynard remembered moving to Palm Springs as a child in 1924; his parents moved the family to Section 14 when they could not afford rent elsewhere in town: "We were a poor family and the Indians were good to us. They would allow us to stay on their land rent-free until we were able to pay rent."[207]

The Agua Caliente rented to people of all classes and ethnicities, creating the most racially diverse part of the community and becoming the *de facto* source of housing for the working class and people of color. As discussed above, restrictive covenants and landlord prejudice precluded most non-White residents living anywhere else in the city. Furthermore, the dearth of public transportation meant that anyone living outside the city limits without access to a vehicle would have to walk miles to work downtown.[208] Section 14 had limited water and electrical service, and no gas lines, sewers, garbage pickup, or paved roads. But it was adjacent to most workers' places of employment, it was affordable on a working-class paycheck, and it was integrated. It would remain the heart of Palm Springs' communities of color through multiple eviction and demolition campaigns because its residents simply had no other choice, until the campaigns of the 1960s displaced the last of its occupants.

The majority of the city's construction in the postwar period involved large homes for wealthy residents, and its class and racial divide remained stark and severely drawn. In a place where mansions were constructed for more than $75,000, working class and residents of color lived in homes often costing $3,000 and less.[209] The need for affordable housing in Palm Springs for residents of color was dire, but no move was made to provide it. Indeed, local real estate agents warned residents and businessmen that the influx of people moving to the area in search of work would lower property values.[210] In a snapshot of the housing crisis for residents of color, the *Desert Sun* noted that Agua Caliente member Clem Segundo was leasing his land to 50 to 60 families in 1947 – "Mexicans, negroes and whites" – all served by a single ¾-inch water pipe.[211]

Organized campaigns to evict tenants from Section 14 and remove/demolish their dwellings began as early as 1936-37, but happened more regularly starting in the early 1950s. Planned and executed by the City of Palm Springs in partnership with the BIA (and depending on the campaign, with Riverside County,

[205] Palm Springs HCS, 308.
[206] Culver, The Frontier of Leisure, 154.
[207] "Indian Lifestyles," *Desert Sun* November 7, 1977.
[208] Palm Springs HCS, 310.
[209] Kray, "Second Class Citizenship," 134.
[210] Ibid., 148.
[211] "Three Investigations of Reservation Under Way," *Desert Sun* January 17, 1947.

the Agua Caliente Tribal Council, the State of California, and conservators/guardians of Agua Caliente allottees) these "abatement" events drove people of color from Section 14 over the course of decades. During this time, a few Palm Springs residents and businesspeople worked to provide more housing options to communities of color, and specifically to provide alternatives to the crowded conditions and eviction threats on Section 14. Refugio "Cuco" Salazar emigrated from Mexico in 1922 and lived on Section 14 in the mid-1920s with his family; he worked with his brother in their landscaping business and ran other businesses in town.[212] In 1938, he attempted to acquire funding to develop a 20-acre tract "a short distance north of Ramon Road and about three-fourths of a mile east of the high school" for the Mexican American community.[213] The attempt was apparently unsuccessful.[214]

Lawrence Crossley, the most successful African American businessman in Palm Springs in the mid-20th century, had more success creating alternative housing options for Section 14 residents. The Louisiana-born Crossley moved to Palm Springs in 1925 to work as a chauffeur and worked his way up to eventually own multiple businesses, invest in real estate, and advocate for the city's Black residents. In the early 1930s, he established an approximately five-acre parcel near the southwest corner of East Ramon Road and South Sunrise Way, just south of Section 14.[215] Here he established Crossley Court (also referred to as Crossley Trailer Park and Crossley Acres), "the first known example of land ownership by an African American in Palm Springs," where he built a house for his family and invited others to lease and build there.[216] By 1953, Crossley Court had at least 37 homes; in that year, Crossley transferred the property to the adjacent Ramon Trailer Park and announced the imminent development of a subdivision two miles east of the city.[217] The new 77-parcel Crossley Tract had room for the former tenants of Crossley Court (32 households moved their homes from one Crossley property to the next) and more, slowly developing with three-bedroom homes built to FHA standards. [218] About 30 new homes were completed by 1961, but Crossley did not live to see full completion of his tract; he died in 1962.[219]

In 1948, Reverend Willie R. Atkins purchased 10 acres of land outside of Palm Springs, and by 1953 four families had also bought land and constructed houses in what became known as West Garnet.[220] This community would grow in the 1960s as evicted Section 14 residents moved there, along with other parts of North Palm Springs. Other tracts that would accept African Americans, including Desert Highland Estates and Gateway Estates, developed north of the then-city limits, in Section 34 of Township 3S Range 4E, at that time. Other attempts were made to provide affordable housing outside of town, with sporadic success. In May 1961, Riverside resident Joseph M. Jackson reported to the Palm Springs City Council that

[212] Barbara Eves, Cydronia Valdez, and Vera Wall, *We Were Here, Too!: The History and Contributions of the Original Mexican Families to the Palm Springs Village* (Palm Springs, CA: Palm Springs Historical Society, 2005), 87; Palm Springs HCS, 316.
[213] "Mexicans Wish to Form Colony Here on 20-Acre Tract; Seek $3000 Loan," *Desert Sun* August 19, 1938.
[214] Palm Springs HCS, 316.
[215] Ibid., 314.
[216] Ibid., 314-315 (quote from 314); Tracy Conrad, "Palm Springs History: A Plan for Affordable Housing and a Fight against the Federal Conservatorships," *Desert Sun* July 19, 2020.
[217] "Land Deal to Ease Housing Situation," *Desert Sun* September 14, 1953.
[218] Palm Springs HCS, 321-322.
[219] Ibid., 322.
[220] Kray, "Second-Class Citizenship," 303; "Windy, Bleak Village, A Haven for Blacks," *Riverside Press-Enterprise* September 15, 1974.

he had purchased 105 acres in Section 10, about a quarter mile from Garnet, for this purpose.[221] His development La Casa Estates held an open house at 17-726 N. Indian Avenue, a half mile north of Garnet, in August 1961.[222] It does not appear that this tract was fully developed.

As mentioned above, the Palm Springs Housing Authority itself managed two public housing complexes in the late 1940s-early 1950s, North Calle Encilia Housing and Lienau Village, and apparently refused to let Black applicants live there. Despite pleas from Section 14 residents, their councilman, and others to repair and repurpose the half-vacant properties to house those facing eviction, the City instead opted to close and dismantle them in 1953. Lawrence Crossley purchased one of the Lienau buildings and moved it to his new Crossley Tract east of town, hoping to house evicted residents.[223] It burned down in 1956.[224] The closure of the city's only two public housing complexes, at the height of the postwar housing crisis, occurred after the NAACP threatened a lawsuit against the Housing Authority for racial discrimination.

By the end of the 1950s, the writing was on the wall for residents of Section 14: their limited housing options were becoming even more limited. Most attempts by both the City and private developers to establish affordable housing were fruitless until the late 1960s. As evictions escalated and anyone who had someplace local to go went, many residents of color were forced to move out of Palm Springs altogether, scattering to North Palm Springs and to places like Garnet, Banning, Beaumont, Cathedral City, and Riverside. This pattern continued through the 1960s.

The dispersion of the Section 14 community is discussed in Chapter 7.

[221] Palm Springs City Council Minutes, May 8, 1961, 438.
[222] "Pair Clash Over Section 14 'Title'," *Riverside Daily Enterprise* July 27, 1961; "LaCasa Estates Open House Set," *Desert Sun* August 18, 1961.
[223] "Crossley Granted Extension of Time," *Desert Sun* July 2, 1953; "Further Clearance" photo caption, *Desert Sun* March 15, 1954.
[224] Palm Springs HCS, 321.

5. Section 14 Historical Development and Use

This chapter traces the development and use of Section 14 from the 1920s, when Agua Caliente allottee leasing to tenants became an established pattern, to the 1970s, when displacement of the Section's tenants was complete and the legality of jurisdictional questions under Public Law 280 was adjudicated. It focuses on the intertwined legal, social, and economic forces that shaped the population, character, and built environment of Section 14, presenting events in roughly chronological order. The actual process and timeline of eviction and demolition activities are not discussed in detail here, as they are presented in Chapter 6.

As discussed in Chapter 2, Section 14 was one of multiple even-numbered sections of Township 4 South, Range 4 East (San Bernardino Meridian) held in trust by the federal government for the Agua Caliente Tribe of Cahuilla Indians, a federally recognized Native American Tribe. As legal residents of federal trust land, the Agua Caliente occupants did not pay property tax to any entity (although many of their tenants did, and everyone paid sales and income taxes). They did subsidize the local and regional offices of the Bureau of Indian Affairs (BIA) under the Department of the Interior, which managed and controlled all of the land. Under the 1887 General Allotment Act (Dawes Act), the 1891 Mission Indian Relief Act, and that Act's 1917 amendment, individual members of the Agua Caliente Tribe were entitled to claim their own allotted parcels of the land, and some began selecting allotments starting in the 1920s. After full approval by the Secretary of the Interior, and full allotments of land, were finally forced by a 1940s lawsuit by an Agua Caliente Tribe member, individual allottees received their parcels of land on Section 14 and elsewhere in and around Palm Springs in 1949. In 1959, the Federal Equalization Act redistributed parcels to ensure equal value among the allotments.

As the community of Palm Springs developed around Agua Caliente lands in the early 20th century, and as it incorporated as a city in 1938 with Section 14 inside its boundaries, its interest in controlling and developing this choice piece of downtown-adjacent land grew. Within this context, which also came to include other laws affecting management of Section 14 in the 1950s, Section 14 became the focal point for a power struggle between the Bureau of Indian Affairs (BIA), the Agua Caliente Tribe and its individual members, and the City of Palm Springs, with additional participation by Riverside County and the State of California.

In the late 1960s, the Agua Caliente Tribal Council summarized its view on the basic City/County/State interest in Section 14 over the years:

> A source of constant complaint by the State, County, and City governments with respect to the lands of the Agua Calientes is that millions of dollars worth of land are contributing nothing to the tax coffers of the local governments because of the tax exemption conferred by Congress.[225]

As discussed below, this economic motivation was openly discussed by Palm Springs leaders in the mid-20th century. It was closely tied to other sociocultural motivations, primarily the desire of the city's leaders to shape Palm Springs in a particular way for a particular class of people, both before and after incorporation in 1938.

[225] Agua Caliente Tribal Council, "All that Glitters is Not Gold," 20.

Section 14 before City Incorporation, 1920-1938

As discussed in Chapters 2 and 4, in the 1920s the formerly agriculture-dependent Agua Caliente began relying on supplemental income from leasing land to tenants and tourists due to drought, water theft, and other changes of traditional circumstance. Palm Springs was growing as a resort destination, with the Tribe's sacred hot springs on Section 14 as a major draw for health seekers and recreational visitors. Section 14, immediately east and across Indian Avenue (Indian Canyon Drive) from the commercially developing Section 15, was a logical residential location for both seasonal and full-time workers. Due to public and private mechanisms of segregation as discussed in Chapters 3 and 4, these workers, many of whom were people of color, were barred from living in many parts of Palm Springs. Federal law restricted the Agua Caliente leases to five years in length. This limited the potential for substantial or long-term development on Section 14. Because the Tribe paid no property tax to the county and the city of Palm Springs did not yet exist, no services were provided; members relied on the BIA[226] and its regional/local agents to assist with needs including water, electricity, and roads.

The BIA's provision of services and level of engagement with/advocacy for the Agua Caliente fluctuated wildly over the years, depending on specific federal Indian agents, the political environment, the relationship with local leaders, and other factors. In 1923, BIA officials noted insufficient water for the Indian village on Section 14, which contained "poorly constructed houses with no conveniences or sanitation."[227] A full year earlier, they had already suggested the BIA consider selling the western half of Section 14 to pay for irrigation and sanitation improvements, in what may be the first instance of the federal government proposing the sale of Section 14 land belonging to the Tribe:

> It is hoped that some means can be devised to store water for the Indians under the Tahquitz ditch at Palm Springs so that a continuous flow can be insured throughout the summer. It is suggested funds to accomplish this, and also provide domestic water sewers and better homes for the Indians can probably be secured by planning and selling lots on the W. half of Section 14, T. 4S, R. 4E adjacent to the town of Palm Springs except about 50 acres for the Indian village which the Tahquitz ditch would irrigate. Palm Springs is rapidly increasing in popularity as a winter resort and for tuberculars because of the absence of wind and cloudy weather, and lots are held at a very high figure. The main street is parallel with and but a block from the Indian section. Completion of the cement highway from Indio to Banning will increase the patronage as then Palm Springs will be but a pleasant drive from Los Angeles and other California points of importance. Parties are planning to invest $250,000 in a large hotel there, and considerable

[226] The Department of the Interior's Indian Agency went by multiple names over the years – at this time it was the Office of Indian Affairs (OIA), and its local office was the Mission Indian Agency (MIA). To simplify references, this study uses Bureau of Indian Affairs (BIA), the name Interior formally adopted in 1947, to refer to the federal agency at all points in time, with the understanding that it performed the same function and had the same responsibilities regardless of its name/acronym.

[227] "Allotments" in Annual Narrative Report, June 30, 1923, 5-6, in NAID 561424, Annual Reports, 1921-1942, Container #1, Folder 1 of 2, Mission Indian Agency, Records of the BIA, Record Group 75, National Archives, Riverside, California.

interest is taken in the proposed leasing of the hot springs on the Indian section whose waters are of medicinal value.[228]

In the mid-1920s, the BIA did begin to provide a limited supply of water for the Tribe during the summer months when the supply from the Tahquitz Canyon ditch, wells, and the hot springs completely dried up.[229]

During the Depression, the population of Section 14 swelled as new residents occupied formal and informal auto camps and settlements on leased Agua Caliente land. A Metropolitan Water District construction project in the mid-1930s drew hundreds of would-be workers, many with their families, to the Coachella Valley, where they found a dearth of housing options.[230] The housing shortage worsened in the late 1930s as more migrant workers arrived in the valley for agricultural work, and the Agua Caliente reservation was one of the only options for low-income and itinerant residents.[231] By 1935, the reservation had seven trailer camps run by individual members, and the Tribally run Palm Springs Trailer Village for tourists, as well as scattered tenant dwellings.[232]

Inspection reports by the State of California health department, in collaboration with the BIA, described conditions on Section 14 in 1933-1934. In June 1933, a sanitary engineer from the U.S. Public Health Service found 55 Agua Caliente residents on the reservation, almost all of whom lived "on property adjacent to Indian Avenue" in houses "generally considered satisfactory."[233] Residents of the section's auto camps mostly occupied dwellings "in the nature of shacks" without plumbing, comprising approximately 100 "tenement buildings, tents, etc. on land leased from Indians."[234] The report did not address the population's demographics in detail, but did quote the superintendent of the local school district's report that of the 70 "children from the Indian settlement" enrolled, 8 were "Indians," 24 were "Whites," 37 were "Mexicans," and 1 was "Negro."[235] The engineer concluded conditions were no worse here than in most other settlements of similar size in Riverside County, stating "The social problem involving esthetic and economic considerations is probably more serious than sanitation, and this

[228] "Industries" in Annual Narrative Report, June 30, 1922, 7-8, in NAID 561424, Annual Reports, 1921-1942, Container #1, Folder 1 of 2, Mission Indian Agency, Records of the BIA, Record Group 75, National Archives, Riverside, California.
[229] Superintendent C.L. Ellis to the Commissioner of Indian Affairs, Mar. 24, 1925, 2, NAID 561409, Riverside Area Field Office Central Classified Files 1868-1955, Container #4, Folder 049, Publicity Miscellaneous 1924-1938 (1 of 2), Records of the BIA, Record Group 75, National Archives, Riverside, California; Lowell Bean, "Tahquitz Canyon," V-253, cited in Kray, "Second-Class Citizenship," 65-66.
[230] "Coachella Valley Set for Big Year in 1938," *Riverside Daily Press* January 1, 1938.
[231] Eves, et al., *We Were Here, Too!;* Kray, "Second-Class Citizenship," 175.
[232] Annual Report of Extension Workers, Palm Springs Reservation – Mission Agency, From January 1, 1935 to December 31, 1935, 15 in NAID 561763, Annual Extension and Industry Reports, 1932-1946, Box 2, Folder 5 of 6, Mission Indian Agency, Records of the BIA, Record Group 75, National Archives, Riverside, California; Kray, "Second-Class Citizenship," 175-176. References to "the reservation" during the 1920s and '30s may sometimes mean other Agua Caliente sections, but in most cases the context makes clear they mean Section 14.
[233] H.B. Hommon, "Report of Inspection at the Indian Settlement, Palm Springs Reservation, Riverside County, Calif." (prepared for the U.S. Public Health Service, June 1933), on file at the City of Palm Springs.
[234] Ibid.
[235] Ibid.

problem is largely confined to the people who have leased land from the Indians and constructed their own dwellings."[236]

A December 1934 report by state health inspectors described more dire conditions in what by that time had grown to nine auto camps (as meeting a federal definition); it perfunctorily examined five other camps "accommodating permanent residents over which the Division has no jurisdiction" (presumably referring to Agua Caliente tribal members).[237] The report estimated the total population of Section 14 to be approximately 1,000 people, living in "127 houses, 53 tents, 5 tent houses, 25 trailers and house cars, and 31 shacks, hovels, and lean-tos."[238] As in 1933, plumbing was essentially nonexistent. The authors summarized: "Generally speaking conditions of sanitation in the camps were found to be deplorable," with uncollected garbage, lack of toilet facilities, and fire hazards presented by closely packed dwellings and tents with "makeshift lean-to kitchens" of flammable materials.[239] Aside from noting that about 50 of the reservation's approximately 1,000 occupants were "Indian," they did not discuss demographics of the population.

The state health inspectors readily acknowledged the cause of the conditions:

> It was plain to see that prevailing high rents in the main part of Palm Springs made that area prohibitory as quarters for persons of limited means and consequently domestics, tradespeople, mechanics and laborers have flocked to the Reservation and taken up quarters there, where rents are more reasonable and general living expenses much cheaper than on the other side of town. Many of these townspeople rent ground space by the week, month or year and erect their own houses and shelters. They merely have verbal leases however and are subject to ejectment from the allotment at the will of the Indian owner so naturally they do not ordinarily erect their house with a view to any great degree of permanency. In some instances these house owners rent their homes to others and many were also found to be renting sleeping rooms to transients. A number of houses have been acquired by the Indian owners who have rented them to transients or others and the remainder of the Reservation population is made up of winter tourists and scenery hawks who have brought along their tents, trailers, and house cars and are being accommodated on a weekly ground rental basis.[240]

Years later, Palm Springs Mayor Frank Bogert recalled conditions on Section 14 in the mid-1930s:

> The Indian Reservation at that time was all on Section 14, and all the Indians lived there, and they didn't allow any liquor on the reservation. Their houses were filled with poor white trash, with only one colored family. This was in about 1933 or '34. At this time I made a lot of pictures of all the shacks and hovels that people were living in, which were amazing, and it was quite a slum district we had. I went in many houses where people were sleeping on the floor and had no

[236] Ibid.
[237] L.T. Mott and F.J. Rugg, "Report of the Survey on Housing and Conditions of Sanitation, Palm Springs Indian Reservation" (prepared for the State of California Division of Immigration and Housing, December 31, 1934 (date handwritten on title page)), on file with the City of Palm Springs.
[238] Mott and Rugg, "Housing Report." "House car" was an early term for vehicles with attached living space, now referred to as motorhomes or recreational vehicles (RVs).
[239] Ibid.
[240] Mott and Rugg, "Housing Report."

> sewage at all, and had toilets that they flushed out on to the desert. I took pictures of all of this, which I gave to Mr. Guy Penney, who was then the Judge, and these were all part of an exhibit which went to Washington to get some control of health and police authority of the City on the Reservation, because at that time the city had no authority on the reservation, it was all handled by one policeman, and the Indian agent. The reason I have brought this up is to show how far we have come in the last twenty years with our Indian problems.[241]

Squeezed by the Depression and worsening conditions on Section 14, the Tribe continued to seek income to supplement that from tourist use of the hot springs, trailer rentals, and gate tolls at the entrances to the Agua Caliente-owned scenic canyons. The Tribal Committee made a deal with the Chamber of Commerce to allow the El Mirador, Desert Inn, and Oasis Hotel to dump their trash in specified areas of Agua Caliente land for $200 annually. In 1936 Tribal chairman Willie Marcus threatened to end the agreement because the hotels and area contractors were spilling garbage across Section 14, especially along Ramon Road, and ruining a 50-acre area.[242] As Ronald Isetti summarized, "at the same time local, state, and federal authorities were complaining about the garbage strewn about Section 14, the Indians were complaining about white-run hotels scattering garbage on their tribal lands."[243]

The BIA had its own interest in controlling Section 14, which by the mid-1930s held hundreds of tenant dwellings of all types, almost all in its western portion proximal to downtown. It teamed with the State of California to condemn and demolish at least 150 homes in February 1936, and about 20 more in January 1937, "to eliminate from the reservation dangerous firetraps and unsanitary conditions that might be detrimental not only to the Indians but neighboring white residents as well."[244] Local BIA official H.H. Quackenbush was key to implementing at least a portion of the cleanup, though the BIA had approved the state campaign prior to his appointment.[245] In January 1937, Quackenbush cited Federal Code, Section 458, Title 18 as his legal justification for state housing and sanitation officials implementing state regulations on federal trust lands.[246] This code empowers state laws where federal law does not directly address an issue.[247]

"Many workingmen were thrown out of house and home" in the 1930s BIA-State project, leading the BIA to hastily prepare a survey of remaining buildings which found about 1,000 still remained on Section 14 in March 1937.[248] Such a survey had been recommended in an annual report a few months earlier:

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[241] Bogert, "Indian Matters," 6.
[242] Agua Caliente Tribal Committee Spokesman Willie Marcus, letter to Mike Murray (contractor with local sanitary district), September 23, 1936, letter to Frank Shannon (Palm Springs Chamber of Commerce Secretary), September 24, 1936, both on file at the City of Palm Springs; "Only 1 Dump Ground Here in the Future," *Desert Sun* October 9, 1936.
[243] Isetti, *A Troubled Oasis,* 159.
[244] "Inspectors Clean Up Houses, Camps, On Reservation," *Desert Sun* February 7, 1936; "State Housing Chief Orders Quick Clean-Up," *The Limelight* December 19, 1936; "State Inspectors Clean Up Indian Reservation," *Desert Sun* January 15, 1937. Quote is from the last source.
[245] "Inspectors Clean Up Houses, Camps, On Reservation," *Desert Sun* February 7, 1936; "State Inspectors Clean Up Indian Reservation," *Desert Sun* January 15, 1937.
[246] "State Inspectors Clean Up Indian Reservation," *Desert Sun* January 15, 1937.
[247] Ibid.; Kray, "Second-Class Citizenship," 283.
[248] "1000 Buildings on Indian Reservation," *Desert Sun* March 5, 1937.

> This reservation lies alongside of the popular winter resort of Palm Springs and is at present a vast tourist camp for the less wealthy tourists who come to enjoy the winter climate of the resort and the home of many of the laboring people of the town across the street. Trailer camps, cabins and various places of business have sprung up on the reservation, all of which contribute to the income of the Indians…It can readily be seen that an extensive survey would have to be made in order to make a very accurate report.[249]

The agency also announced in early 1937 "that a newly platted section of the reservation near the Palm Springs school is open for leases to white people who wish to construct homes."[250] Judging by a 1939 aerial photograph, this area, located at the corner of Alejo Road and Indian Avenue, was not developed in the manner announced by the BIA in 1937.[251] The 1936-37 displacements are the first known events of this type to affect residents of Section 14. Although the BIA-State projects occurred before Palm Springs incorporated as a city, they apparently had the full support of the Palm Springs Chamber of Commerce's Indian Affairs Committee. The *Palm Springs Limelight-News* noted "Palm Springs has its Indian Affairs Committee to thank for an aggressive clean up on the Reservation under H.H. Quackenbush which has greatly improved that area's relationship to the village."[252] The actual extent of the Committee's responsibility, and any specifics of its involvement, are unclear.

In 1938, a Public Works Administration (PWA) grant enabled the Tribe to improve the old aqueduct from Tahquitz Canyon with a new ditch, improving water access for the Agua Caliente and in some cases for their tenants.[253] Most still had no plumbing, however, and in some cases multiple households all shared a single small waterline. There was essentially no sewer system until the early 1960s.[254] Ryan Kray summarizes the state of Section 14, and the reasons for it, in the late 1930s:

> …the Agua Calientes had been prohibited by Congress and the BIA from making long-term lease agreements and had few alternatives to renting their property to non-commercial interests. Short-term residential renters were reluctant to improve their homes, not knowing if or when they might have to relocate. Bank financing was not available to finance development or improvements of short-term leaseholds. Further, short-term leases were not suitable for commercial tenants who typically want long-term leases for their business or establishment. Indeed, short-term agreements with working class families, who had no access to affordable housing in Palm Springs, had become the predominant use and chief source of income for these properties.[255]

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[249] Annual Report of Extension Workers, Agua Caliente or Palm Springs Reservation, Mission Indian Agency, From January 1, 1936 to December 31, 1936, 12 in NAID 561763, Annual Extension and Industry Reports, 1932-1946, Box 2, Folder 4 of 6, Mission Indian Agency, Records of the BIA, Record Group 75, National Archives, Riverside, California.

[250] "Indian Land Prepared for New Building," *Palm Springs Limelight-News* February 6, 1937; quote from "1000 Buildings on Indian Reservation," *Desert Sun* March 5, 1937.

[251] Fairchild Aerial Surveys, Aerial Photograph Frame c-5750_227-34, April 30, 1939 (UCSB Library Geospatial Collection).

[252] "Outstanding Civic Service," *Palm Springs Limelight-News* October 29, 1938. It is unclear exactly how much involvement, political or financial, the Committee may have had in the 1936-37 displacements.

[253] "Indians Receive $10,000 PWA Grant for New Tahquitz Irrigation System," *The Limelight* July 30, 1938.

[254] Kray, "Second-Class Citizenship," 177.

[255] Kray, "Second-Class Citizenship," 160-161.

As discussed in **Chapter 4,** Palm Springs residents began pursuing incorporation in the 1930s, led by the Chamber of Commerce. Community leaders were motivated in large part by the desire to control development on Agua Caliente land, including Section 14.

Section 14 after Incorporation and in the City's Early Years, 1938-1948

In the 1938 incorporation, the new city's districts "were gerrymandered in such a way that the effective voting strength of the Section 14 residents was greatly reduced" – a crucial political choice, as 25 percent of the city's full-time population of about 3,000 lived on Section 14 at that time.[256] The Agua Caliente Band comprised only about 50 members, and only a few of the families actually lived on Section 14.[257]

Earl Coffman, former chairman of the pre-incorporation Indian Affairs Committee, had a vision for the new city:

> His hope is to see the city ultimately purchase, at the market price, section 14 from the tribe so that this square mile area which lies in the very center of the resort, could be permanently held and kept as a public park and civic center; the great asset of the hot springs improved for the use of tribal members and whites alike, and the remaining property left open for horseback riders and pedestrians.[258]

Incorporation brought existing land management problems to a head for federal administrators, the City of Palm Springs, and the Agua Caliente alike.[259] The new City saw conditions on Section 14 as an existential threat:

> The conditions found in this relatively small part of the Reservation are sufficiently serious to warrant the statement that seeds of destruction for this noteworthy health and recreation area are planted in these badly-managed Indian lands…The City of Palm Springs is not sufficiently secure in its economic foundations to combat indefinitely the destructive forces which are constantly forming on these holdings at the very heart of the City.[260]

The new City lacked the legal authority to zone or manage the reservation land within city limits and received no property tax revenue from it; due to restrictions on lease lengths, imposition of a possessory interest tax was likewise impossible.[261] The new City Council quickly established an Indian Affairs

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[256] Wiefels, "The Indian Land Zoning Controversy," 41. As noted in Chapter 4, population estimates from this time vary based on source, and the population fluctuated seasonally. The 1940 census enumerated 3,434 residents in Palm Springs.
[257] Tilton, "Report on a Master Plan," 8-9.
[258] "Outstanding Civic Service," *Palm Springs Limelight-News* October 29, 1938.
[259] Congressional Committee on Indian Affairs 1949, cited in City of Palm Springs, City Manager's Office, "The Palm Springs Agua Caliente Indians" (prepared for the City of Palm Springs, May 1966, 11; Kray, "Second-Class Citizenship," 198.
[260] Tilton, "Report on a Master Plan," 8.
[261] Wiefels, "The Indian Land Zoning Controversy," 41. A taxable possessory interest is the taxable interest held by a private possessor/user in publicly owned (typically by a government agency) real property, like a cabin on federal land or a concessionaire at a county fairground. Los Angeles County Assessor, "Possessory Interest," accessed

Committee succeeding the Chamber of Commerce's same-named committee (which disbanded at this time) to advise on all matters regarding the Agua Caliente.

The new city maintained at least one existing deal with the Agua Caliente: the leased portion of Section 14 on which the Chamber of Commerce had established an airstrip in the early 1930s.[262] It was officially named the Palm Springs Municipal Airport after incorporation, and allowed an ever-growing influx of visitors. In 1939, the small airport was joined by a larger Air Corps landing field on other Agua Caliente land east of the city; after the U.S. entry into World War II, it became the Palm Springs Air Base and anchored much of the local defense work, to which employment seekers flocked. Other wartime installations were established farther outside of Palm Springs. By this time, Section 14 had become even more crowded, with new residents and new dwellings replacing those evicted and demolished in 1936-37.

In 1945, despite the acute housing shortage due to the influx of wartime personnel, Palm Springs rejected Federal Housing Authority funding that would have enabled the construction of 45 residences and 30 rental homes because FHA standards did not meet the "Palm Springs high standard of construction."[263] The city could not retain police officers or teachers, who moved elsewhere in search of housing.[264] Leasing land or housing from Agua Caliente members on Section 14 continued to be one of very few options available to working class people, and one that lacked a dependable water supply – in April 1945, five houses burned down for lack of water access.[265] The Palm Springs City Manager pointed out that because the water company was not city owned, the City was not responsible for providing water. He suggested the Agua Caliente build cisterns near water mains.[266] In 1946, the Palm Springs Water Company installed a few new water mains on Section 14, enough to service a few Agua Caliente families but not all of their tenants; in one example, 50 to 60 families living on one Tribal member's land were sharing a single ¾ inch water pipe.[267]

In early 1948, Senate Bill 1685 was working its way through the legislative process. It would have legalized the sale and liquidation of all California Tribal lands and removed BIA oversight, in a sweeping incarnation of the federal government's new "termination" Indian policy. Eagerly anticipating the bill's passage, the City of Palm Springs established a Special Committee on Indian Affairs (not to be confused with the City's existing Indian Affairs Committee).[268] The "unbiased representative committee" was tasked with outlining the benefit of such legislation and making recommendations "in order that as near as may be possible, any future disposition of Reservation lands will be of benefit to all."[269] Its nine members were appointed

August 2024, https://assessor.lacounty.gov/possessory-interest; California State Board of Equalization, "Taxable Possessory Interests," accessed August 2024, https://www.boe.ca.gov/Assessors/pdf/tpi_general.pdf.

[262] Palm Springs HCS, 160.

[263] "Officials See Conflict in Building Provisions," *Palm Springs Limelight-News* August 30, 1945.

[264] Kray, "Second-Class Citizenship," 242.

[265] "Fire Destroys 5 Houses, Damages Sixth," *Desert Sun* April 27 – May 4, 1945.

[266] "Plan Relief Indian Land Fire Problem," *Palm Springs Limelight-News* May 3, 1945.

[267] "Three Investigations of Reservation Under Way," *Desert Sun* January 17, 1947.

[268] City of Palm Springs, "Report of Special Committee on Indian Affairs," March 1948, I-1; Kray, "Second-Class Citizenship," 271-275. SB 1685 reflected the "termination" policy gaining popularity in the federal government at that time. Despite its termination aims, the BIA was opposed to it as it would have complicated the federal agency's desired withdrawal and shifting of responsibility to the State of California.

[269] Palm Springs, "Report of Special Committee on Indian Affairs," I-1.

from the Indian Affairs Committee, the Chamber of Commerce, the Riverside County Flood Control District, the City Planning Commission, the school district, and the Home Owners League.[270] None was a member of, or affiliated with, the Agua Caliente Band of Cahuilla Indians. The Special Committee's report, sent to the U.S. Senate's Indian Affairs Committee, stated the Agua Caliente lands within the City of Palm Springs housed approximately 6,000 non-Agua Caliente in addition to the approximately 50 members of the Tribe; this total included all reservation lands, with the tenant population residing primarily in Section 14 and 26.[271] The report recommended that the reservation lands be sold, a plan for streets and public uses be adopted before the sale, and that "adequate housing be provided for the present occupants before the sale."[272] The report stated that these occupants were "mostly working people, Mexicans, colored and white."[273] It described their dwellings as mostly "cheap houses, shacks, crude business establishments and trailer camps," with "a deplorable slum area."[274]

In opposition to SB 1685, the Agua Caliente Band presented a petition for its own approach to termination, moving all unallotted land from federal supervision to Tribal; it became House Resolution 6051.[275] The Tribe's attorney stated that "the Tribal Council has agreed to all the suggestions of the Palm Springs citizens," would reserve and develop the west part of Section 14 "to conform with the city regulations, and not to flood the real estate market with the sale," and would "cooperate in establishing an Algerian Quarter for negro residents and a Spanish Pueblo for Mexican residents who desire better living conditions."[276] With these competing pieces of legislation, the City and the Agua Caliente clearly laid out their respective desires for control of Section 14.

In 1948, Riverside County and the BIA came to an agreement to allow the county to enforce state housing and sanitation laws on the federal trust land of Section 14, and planned a major cleanup campaign. That November, county health officer Robert Westphal stated there were 1,500 people living on the Agua Caliente Reservation in substandard buildings which would probably have to be condemned – "I don't know where they'll go."[277] BIA official Walter Woelhke told him "he had found a law in which the secretary of Interior had laid down the procedure for sanitation and health law enforcement on Indian Lands."[278] This law appears to have been the same Federal Code, Section 458, Title 18 which had been used by the BIA to justify its 1936-37 abatement campaign with the State of California.[279] As with the State in the 1930s, the BIA used this legislation as legal justification for County work on federal trust

[270] Ibid., I-1 – I-2.
[271] Ibid., 6. This is a higher count than any other source, possibly because it encompasses all non-Agua Caliente tenants and not just those on Section 14. But given that all other sources note Section 14 as the most densely occupied area, it would suggest that the non-Tribe population of the section in late 1948 was close to 3,000-4,000. This report does not provide a source and its population estimate is presumed to be less accurate than the 1950 census count, which enumerated a little over 2,500 non-Indian residents on Section 14 in April 1950.
[272] Palm Springs, "Report of Special Committee on Indian Affairs," 16; "Indian Affairs Committee Sends Report on Lands to Washington," *Palm Springs Limelight-News* March 23, 1948.
[273] Palm Springs, "Report of Special Committee on Indian Affairs," 6.
[274] Palm Springs, "Report of Special Committee on Indian Affairs," 6.
[275] "Bill to Give Indians Reservation Without Strings Is Introduced," *Palm Springs Limelight-News,* April 6, 1948; Kray, "Second-Class Citizenship," 276.
[276] "Strong Condemnation Falls on Indian Officials from Senators," *Palm Springs Limelight-News,* May 14, 1948.
[277] "Way Found to Clean up Indian Land," *Desert Sun* November 12, 1948.
[278] Ibid.
[279] "State Inspectors Clean Up Indian Reservation," *Desert Sun* January 15, 1937; Kray, "Second-Class Citizenship," 283.

lands. The City of Palm Springs also participated, with its building inspector tasked with sanitation enforcement, while the county addressed seismic safety.[280] This appears to have been the first City involvement in a proposed abatement campaign.

Although notices of intent were issued in January 1949 and BIA authorization was obtained in March, the project did not occur in 1949. Newspaper references to county supervisor disagreements about multiple health and sanitation issues suggest this may have been the cause. The county health officer's 1950 resignation letter cited the futility of offering specialized advice to the Board of Supervisors "when practically all suggestions are rejected by a majority of the Board of Supervisors, men who do not have the slightest inkling as to the operation of a health department…"[281] The supervisors may have balked because Westphal's recommended stricter sewage ordinance to address Section 14's sanitation problem would have to be enforced countywide, not just on Indian reservations.[282] In mid-1950, the BIA, the County, and the City would resurrect the proposed abatement project, with the City in a more central role. This work would use a new federal law for its legal justification.

Section 14 after Public Law 322, 1949-1959

The two opposing termination bills proposed by the City and Tribe ultimately failed, and the Palm Springs Special Committee on Indian Affair's 1948 recommendations were not carried out. But by 1950 the City was embarking on its first implemented abatement campaign, and by 1951 it was ready to assume control over Agua Caliente land with proposed zoning plans for Section 14.[283] The City's confidence was bolstered by the passage of federal Public Law 322, signed in late 1949 and going into effect January 1, 1950. Section 1 of this act states "all lands located on the Agua Caliente Indian Reservation in the State of California, and the Indian residents thereof, shall be subject to the laws, civil and criminal, of the State of California, but nothing contained in this section shall be construed to authorize the alienation, encumbrance, or taxation of the lands of the reservation, or rights of inheritance thereof whether tribally or individually owned, so long as the title to such lands is held in trust by the United States, unless such alienation, encumbrance or taxation is specifically authorized by the Congress."[284] Simply put, it shifted jurisdiction over criminal and civil actions on the Agua Caliente reservation from the federal government to the State of California.[285]

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[280] "To Enforce Safety, Sanitation Codes on Indian Reservations," *Desert Sun* August 31, 1948.
[281] "Westphal Blasts Board in Letter," *Desert Sun* May 26, 1950.
[282] "Supervisors Differ on Sanitation Code," *Riverside Independent Enterprise,* June 1, 1949.
[283] City of Palm Springs, City Planning Commission, "Section 14, Palm Springs, California: A Report on the Complexities Associated with the Efforts to Plan for the Development of Section 14, a Square Mile of Agua Caliente Indian Reservation Located in the Heart of the City" (prepared by the Palm Springs City Planning Commission in collaboration with Gordon Whitnall and Associates, Planning Consultants, June 1951); Charles B. Woodman (Planning Director) and Gordon Whitnall (Planning Consultant), Untitled report on Section 14 watershed and drainage (prepared for the City of Palm Springs, June 8, 1951); "7 Unfit Dwellings Destroyed," *Desert Sun* December 1, 1950. The authors of the watershed report strenuously decried both the BIA's and City's land use plans on p. 8: "Both the proposed streets and the land allotments IGNORE the Tachevah Channel! BUT THE TACHEVAH CHANNEL WILL NOT IGNORE the streets or present and future improvements on private lands!"
[284] Section 1 of Public Law 322, 63 Stat. 705, October 5, 1949.
[285] Public Law 322, 63 Stat. 705, October 5, 1949. The law also granted the City of Palm Springs an easement on Indian Avenue in order to widen it, with compensation to be provided to Section 14 permittees who would lose land in the process. "City Attorney Cites Indian Bill's Effect," *Desert Sun* October 11, 1949.

The City opted for a broad interpretation of "the laws, civil and criminal, of the State of California" to also mean "the laws of the City of Palm Springs," and went on to use Public Law 322 as legal justification to plan and execute a series of abatement actions between January 1, 1950 and August 15, 1953. Regarding the legality of these 1950-1953 City actions, the City's special counsel later hedged, "Between 1950 and 1953 the Palm Springs ordinances may have been effective by reason of a special statute applying the civil laws of California to the Agua Caliente tribe specifically."[286] The "special statute" was PL 322.

Palm Springs city attorney Roy Colegate and City Councilmember Florian Boyd had heavily lobbied for passage of PL 322, making three trips to Washington D.C. in summer 1949 "to push the bill through to completion."[287] Mayor Charles Farrell praised "the able assistance of the members of the Agua Caliente Indian Tribe" and the fact the bill enabled Section 14 "to receive the same benefits of careful planning and zoning that privately owned areas have enjoyed and prospered under. Indian land will now be included in the proposed revision of the City's master plan instead of being left on the side lines like a step child. Businessmen have long since learned that commercial and residential areas cannot grow to the advantage of each unless guided by an orderly plan."[288] The City's broad interpretation of PL322 (and its 1953 successor, Public Law 280) would exacerbate the jurisdictional and zoning struggle between the Agua Caliente and the City. In addition to occupying a great deal of time, energy, and money over the next 20 years, it would also contribute to the displacement of Section 14's non-Agua Caliente residents.

By 1950, Palm Springs' businesses were booming and the year-round population had grown to 7,660 from 1940's 3,434.[289] Housing remained in short supply, in part because city leaders preferred more exclusive subdivisions with larger homes than the typical FHA-compliant tract house, and because relatively few areas were zoned for multi-family residences. Low pay, high rental rates, restrictive covenants, discriminatory lending practices, and landlord prejudice ensured that working class residents and people of color had practically no housing options outside Section 14. The section saw an influx of even more residents, living in a range of housing types from trailers to shacks to code-compliant homes and continuing to lack adequate water lines or sewer service. The population peaked during "the season" from September to May, concurrent with the increase in winter residents and visitors. The *Palm Springs News and Limelight News* waxed poetic on the start of a new season in September 1951: "Retail merchants toil taking down the brown paper and putting up 'Pre-Season Sale' signs…hotel and restaurant men dash from spot to spot directing the pre-opening cleaning up…seasonal workers drive patiently up and down Section 14's rugged roads looking for a place to live."[290]

In late 1948, the County had assessed the number of non-Agua Caliente residents living in substandard housing in Sections 14 and 26 as 1,500.[291] The majority is presumed to have been on Section 14, consistently referred to in contemporary sources as a densely occupied area. The 1950 census

[286] O'Melveny & Myers (attorney name cut off), "Confidential: Comments and Recommendations of Special Counsel to the City of Palm Springs Re City-Agua Caliente Indian Problems" (prepared by Law Offices of O'Melveny & Myers for the City of Palm Springs, July 21, 1965, 1, on file with the City of Palm Springs.
[287] "City Attorney Cites Indian Bill's Effect," *Desert Sun* October 11, 1949.
[288] Charles Farrell, "Indian Bill to Mean New Era for Village," *Desert Sun* October 11, 1949.
[289] U.S. Bureau of the Census, *Characteristics of the Population, for Standard Metropolitan Statistical Areas, Urbanized Areas, and Urban Places of 10,000 or More, 1940, 1950* (Washington, D.C., 1945, 1955), cited in Kray, "Second-Class Citizenship," 247.
[290] "Sideliner with Phil Stone," *Palm Springs News and Palm Springs Limelight News*, September 5, 1951.
[291] "Way Found to Clean up Indian Land," *Desert Sun* November 12, 1948.

enumerated a little over 2,500 people residing on Section 14 in April of that year, when most seasonal residents would have still been present – about one-third of Palm Springs' total 1950 population of 7,660.[292] Of those for which race was enumerated, there were 1,650 White residents, 549 Black residents, 67 "White Other" (a category used inconsistently for Latinos, though most were lumped in under White), 16 Filipino, six Indian (presumably all or nearly all Agua Caliente, though that is unconfirmed), and a handful of residents of other ethnicities.[293] Section 14 residents from the 1950s confirmed the population was a diverse mix of Agua Caliente, African Americans, Latinos (primarily Mexican Americans), and Whites.[294]

For an unknown length of time in the 1950s, communal shower and restroom facilities were installed on Section 14 for use by people without plumbing.[295] Without sufficient electrical service and a lack of gas lines, residents bought butane or propane with which to cook and heat their houses. Unauthorized garbage dumping by hotels, building contractors, and other businesses continued to be a problem on Section 14 land. As in the past, most of the residences were crowded into the westernmost portion of the section in proximity to downtown, with most of the rest undeveloped. The southwestern portion of Section 14 was particularly crowded. A 1957 *Riverside Enterprise* description detailed, "On the perimeter are some fairly substantial residences and in the interior, on the edge of the slums, are a number of trailer parks. There are some substantial (and occasionally attractive) business developments along Indian Avenue," but, the article noted, the homes in the "slums" are "deathtraps of tinder-dry wood where families crowd in on one another in unsanitary profusion. Garbage and trash litter backyards and vacant lots. Beer cans are strewn along roadways."[296]

The BIA did not provide much assistance to the Tribal members dealing with the crowded and unsanitary conditions, let alone their tenants. Agua Caliente member Edmund "Pete" Siva stated that although the BIA funded itself through fees taken from the band, it consistently refused members' requests for help accessing water, electricity, and gas.[297] The City and Riverside County cited lack of jurisdiction and tax revenue as their rationale for not providing services (aside from fire response by the Palm Springs Fire Department)[298] to Section 14, though they assumed jurisdictional power under their interpretation of PL

[292] "Historical Census Populations of Counties and Incorporated Cities in California, 1850–2020," California Department of Finance, accessed August 2024, https://dof.ca.gov/reports/demographic-reports/.
[293] U.S. Bureau of the Census, Seventeenth Census of the United States: 1950-Population Schedule (Palm Springs, Calif., Enumeration District 33-46A, April 1950).
[294] Charles Jordan, Interview by Clark Hanson, Oregon Historical Society, April 6, 2001; Cora Crawford, Interview by Renee Brown, unknown date (Section 14 Oral Histories Collection, Palm Springs Historical Society).
[295] Charles Jordan Interview.
[296] "The Agua Caliente Story: Section 14 Big Bottleneck in Palm Springs Growth," *Riverside Enterprise* October 25, 1957.
[297] Edmund "Pete" Siva, interview by Ryan Kray, Palm Springs, October 8, 2002, cited in Kray, "Second-Class Citizenship," 248-249.
[298] An April 1957 report by the City Manager's office, prepared at the request of the Tribal Council, attempted to estimate the value of municipal services provided to the reservation. It noted the benefits specific solely to Indian lands are "difficult or impossible to compute in many instances." Among the services it claimed to provide: police (including fingerprinting of all hospitality workers, and noting that 966 of 3475 job applicants in the past fiscal year gave an Indian land address); fire (a confirmed service); city attorney (for matters involving the Tribe and City); library (not located on Tribal land); public works (engineering, streets, building and grounds, and sewers, and noting "Because of the dormant status of most Indian lands at the present time, expenditures in these areas have been minimal"); health services (provided by Riverside County through a contractual agreement with the City); building

322 (and later, PL 280) when it came to condemning buildings, displacing residents, and proceeding with demolition in the abatement campaigns they pursued off and on through the 1950s. The City also received tax revenue from assessments on Section 14 tenants' buildings, just not from property tax on the Agua Caliente-held land itself.[299] All told, the term "malign neglect" appears applicable to all three agencies when it came to conditions on Section 14 at mid-century.[300]

The City, County, and BIA (with participation by State health inspectors as needed) revived the County's abandoned abatement campaign in May 1950, conducting inspections and issuing warnings to owners of substandard dwellings.[301] In July, they condemned 16 houses, notifying occupants they had to move within 30 days or face charges; in August, when the owners had not vacated, the County charged one, Joe P. Thompson of 284 Gila Road, with violating building and sanitation laws.[302] Apparently hoping to make an example out of Thompson to coerce the rest to move, Judge Eugene Therieau gave Thompson the choice of paying a $150 fine, serving 300 days in jail, or vacating the building to let the City demolish it.[303] Thompson vacated, and in 1951 was living at 284 Cedar in Section 14.[304] In December the City demolished seven condemned dwellings on Section 14; the local BIA agent "gave permission to the city and county to demolish the unfit buildings in any manner they thought best."[305] Burning was the chosen method for all but one, which was torn down before burning.

Having successfully tested the legality of Public Law 322 with the 1950 resident removals and building demolitions, the County and City continued issuing "notices of eviction" through 1951, on a schedule described in December as "from time to time over past year."[306] While these may have resulted in actual

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department (consisting solely of "abatement of substandard buildings, inspections of buildings and trailer parks and the issuance of building permits"); parks and recreation; and waste disposal (which was available for a monthly charge). City Manager's Office, "Municipal Benefits for Indian Lands" memorandum to the City Council and Indian Tribal Council, April 8, 1957 on file with the City of Palm Springs.

[299] Oliver B. Jaynes, "The Publisher's Corner," *Desert Sun* February 3, 1950; "County to Tax All Property Owned By Non-Indians on Palm Springs Reservation," *Desert Sun* May 15-22, 1942; "County Gains Consent to Tax Whites Owning Property on Palm Springs Reservation," *Desert Sun* June 5, 1942. As *Desert Sun*'s publisher explained in 1950, Section 14 property owners did not pay taxes on their land, but they [primarily meaning tenants] did pay taxes on improvements (homes and business property) and their personal property – "It is true, therefore, that owners of improved property on the Reservation pay a tax on that property at the same rate as property owners elsewhere in the city for the support of county and city governments, schools, hospital districts - and even the cemetery district."

[300] As explicated in Culver, *The Frontier of Leisure,* 173-174; Kray, "Second-Class Citizenship," 248, 253, 256.

[301] "Class 29 Reservation Dwellings 'Unfit for Use'," *Palm Springs News – Limelight News* May 31, 1950; "First Tenant Found Guilty In Clean-Up," *Desert Sun* August 11, 1950.

[302] "16 Dwellings Condemned in Clean Up Drive," *Palm Springs News – Limelight News* July 12, 1950; "First Tenant Found Guilty in Clean-Up," *Desert Sun* August 11, 1950.

[303] "Severe Penalty Marks Clean-Up Enforcement," *Desert Sun* August 25, 1950.

[304] Pacific Directory Co., Palm Springs Directory, 1951 (Arcadia, CA: Pacific Directory Co., 1951), 83.

[305] "7 Unfit Dwellings Destroyed," *Desert Sun* December 1, 1950.

[306] Palm Springs City Council Minutes, December 19, 1951, 225. The minutes summarize Councilman Jerry Nathanson's position that the "situation has finally come to a head due to action made necessary by State and County authorities' enforcement (through cooperation with City departments) in condemnation of homes of some of these people given notices of eviction from time to time over past year; for more than a year City has issued no permits for building in this area; as their Councilman he has tried to use such knowledge as he has and everything in his power to prevent the evictions…" In the absence of definitive evidence of the issuance of true eviction notices by landlords or by the BIA on their behalf, versus issuance of notices to vacate condemned buildings by the County, State, or City, the exact nature of the notices that resulted in resident displacement is not clear in this campaign or

evictions and demolitions, the available evidence is inconclusive. Sources also are not clear on the exact nature of the notices issued; City Council minutes and newspaper articles use the terms "eviction notice" and "notice of eviction" but these do not appear to have been issued to tenants by landlords or by the BIA on their behalf. They were more likely notices to vacate condemned buildings, like those posted by City building inspector P.M. Swart and County deputy sanitarian O.B. McRory in 1950.[307] In September 1953, the Palm Springs city manager stated "notices given offenders were somewhat informal", confirming the legally tenuous circumstances of this displacement campaign.[308]

By June 1951, some Section 14 residents had already left, either due to eviction notices or in the expectation they would be coming.[309] District 2 Councilman Jerry Nathanson presented City Council with the concerns of his Black constituents, "many of whom have received eviction notices and will soon be obliged to abandon existing housing there, with no place to go."[310] He asked that they be allowed to move temporarily into vacant units at Lienau Village, only one-third occupied at that time. The Council noted that the Lienau buildings were scheduled to be removed "in order to clear property for extension of City's use of existing Polo Grounds" and voted to direct the City Manager "to bring all parties in interest together and try to work out the housing problem for colored people at either Lienau Village or the North Calle Encilia installation."[311] As discussed in Chapter 4, in 1953 the Council voted to dismantle both of the affordable housing complexes and sold the buildings for salvage.

Ongoing abatement activities came to a halt in December 1951, after multiple residents facing displacement took their concerns to City Council, accompanied by Councilman Nathanson, an NAACP representative, a local rabbi, and a reverend.[312] They demanded that the housing situation be addressed with urgency. The Council adopted two resolutions, one to defer evictions until May 1, 1952 and the other to study possible use of Lienau Village for temporary occupancy.[313] Under public pressure, the City issued other deferments over the next few years, with the last one issued on September 18, 1953 and ending on June 1, 1954.[314] City Council minutes indicate multiple instructions for the city manager to study housing options for low-income residents, including pursuit of federal and state funding opportunities, but no housing resulted. The residents of Section 14 remained in limbo.

Starting with the displacements of 1950 and the harsh consequences of refusing to leave as demonstrated by the case of Joe P. Thompson, residents of Section 14 could see what was coming. The threat of future eviction and the witnessing of neighbors receiving notices were enough to drive most people away, rendering full assessment of who was displaced from Section 14 and when extremely difficult. Many of them left if they could find anyplace else to go (including the Crossley Tract, North Palm

in the 1954-1960 campaign. As addressed later in this chapter, the 1961-1962 and 1965-66 campaigns saw issuance of eviction notices to tenants by conservators, guardians, and allottees.

[307] "First Tenant Found Guilty In Clean-Up," *Desert Sun* August 11, 1950.

[308] Palm Springs City Council Minutes, September 18, 1953, 183.

[309] Palm Springs City Council Minutes, June 6, 1951, 107.

[310] Ibid.

[311] Palm Springs City Council Minutes, June 6, 1951, 107-108.

[312] Palm Springs City Council Minutes, December 19, 1951, 225-230; "Parks, Paving, Housing Keep Council Busy," *Desert Sun* December 27, 1951; "NAACP Plans Legal Action in Housing Crisis," *Desert Sun* December 27, 1951.

[313] Palm Springs City Council Minutes, December 19, 1951, 225-230; "Parks, Paving, Housing Keep Council Busy," *Desert Sun* December 27, 1951; Resolution No. 3307, December 19, 1951.

[314] Resolution No. 3891, September 18, 1953.

Springs, and locations outside Palm Springs, like Banning). Those with trailers or house cars (RVs) moved them, and some homeowners were able to move their dwellings by hoisting them onto flatbed trucks and trailers. Others sold or rented out their Section 14 dwellings and left; some just abandoned their homes (typically of lower standards than the ones that sold/rented). Abandoned buildings would be the first to be abated as the City and BIA ramped up demolition campaigns in the late 1950s. Many of the vacant dwellings were quickly occupied by other working class people, new dwellings continued to be erected, and new trailers and cars appeared – without other housing options, the low-income population of Section 14 renewed itself with occupants arriving and leaving in waves. The people that remained by the early 1960s likely just had nowhere else they could go, not to mention a viable claim on the homes they had built, firsthand knowledge of Palm Springs' racial and class discrimination, and possibly hope that the NAACP would prevail in convincing the City to provide affordable housing. They evidently decided to stay as long as they could. The pattern of residents moving out of Section 14 both before and after receiving official notices continued through the 1950s – resident Charles Jordan remembered most people relocating around 1958-1960 - and accelerated in the major abatement campaign that started in 1961 (discussed below).[315]

Eugene Ramon Prieto remembered leaving Section 14 in 1952:

> I'm going to tell you how I found out that this was being planned way back in 1948, '49. Frank Partridge had mentioned it to my older brother – one day, out of the blue, he said, "You know, Ben, someday you guys are going to have to move from Section 14 because the city and the tribe is considering or thinking about evicting." And so, the word got out slowly, and people started moving out on their own. So in 1952, we moved out to Sunny Dunes, OK, in the old Veterans' Tract.[316]

Cora Crawford remembered leaving her family's two-bedroom stucco house on Section 14 in the mid-1950s:

> I moved because I had three other kids born. Maybe it was four. Only one was born here and that was my youngest son. So we moved to Crossley Tract, and we moved because I had these little babies and they were talking about bulldozing the houses down and I couldn't sleep at night thinking about them coming in the night. I was even dreaming they were pushing the house down.[317]

In the early 1950s, the Agua Caliente saw a seismic shift in leadership when Albert Patencio's heirs ended the tradition of the *net* (traditional spiritual leader) and the Tribal Council became the primary decision-maker. In 1954, Tribal members elected the first all-women Tribal Council in the nation: Vyola Olinger (Chairman), LaVerne Saubel (Vice Chairman), Eileen Miguel (Secretary), Flora Patencio (Council Member), and Elizabeth Pete Monk (Council Member).[318] The Council's composition remained the same in 1955,

[315] Charles Jordan Interview.
[316] Eugene Ramon Prieto, Interview by Renee Brown, unknown date (Section 14 Oral Histories Collection, Palm Springs Historical Society).
[317] Cora Crawford, Interview by Renee Brown, unknown date (Section 14 Oral Histories Collection, Palm Springs Historical Society).
[318] Ortner and du Pont, *You Can't Eat Dirt*, 24.

and while Monk and Patencio were replaced with Gloria Gillette and Dora Joyce Prieto in 1956-57, it remained all-female until the early 1960s. Its chairmen during this time, Vyola Olinger and Eileen Miguel, established a stronger relationship with the City in pursuit of the two entities' shared economic interest in profitable development of Section 14. The relationship was frequently contentious, featuring a years-long zoning struggle, multiple rounds of litigation, BIA bureaucratic complications, and other issues largely stemming from jurisdictional questions. But in the 1950s-1960s, it was key to the eviction and demolition events that displaced resident tenants on Section 14.

In August 1953, the passage of Public Law 280 repealed/replaced Public Law 322 and expanded its basic provision of conferring state jurisdiction to include Indian lands beyond the Agua Caliente reservation, specific to six states including California.[319] Encouraged by this upgrade to PL 322 (and the new law's retention of the original's vagueness), the City of Palm Springs doubled down on its broad interpretation. It asserted PL 280 conferred local jurisdiction over all Agua Caliente land within the City's boundaries, meaning City zoning laws and all other ordinances applied.[320] To the Agua Caliente Tribal Council's chagrin, this contesting of jurisdictional power made reservation lands "most unattractive to prospective developers until the Tribal Council received help from both the Secretary of the Interior and the Courts making it clear that the State and its political subdivisions lacked jurisdiction to zone."[321] This help would not arrive in legal form for a dozen years, and the matter would not see final adjudication until the mid-1970s.

Likely encouraged by PL 280, in October 1953 the City Council established a three-man board to conduct hearings on the "abatement of nuisances" under State health and safety code, to include the county health officer, city's chief building inspector, and city's building inspector.[322] The exact procedures of the abatement board are unclear due to lack of City records, and it is also unknown whether the hearings were public. Based on semi-regular newspaper announcements of areas to be abated, the board appears to have met to decide which buildings and areas on Section 14 would be prioritized.[323] Abatement actions began as early as May 1954, when the City Council authorized terminating electrical service to 23 dwellings (trailers and buildings) on Section 14 "and starting of abatement proceedings against 17 of

[319] Public Law 280 (Act of August 15, 1953, ch. 505; 67 Stat. 588-589, as amended; 18 U.S.C. § 1162; 28 U.S.C. § 1360); State of California Attorney General, "Understanding Public Law 83-280 (PL 280)," accessed August 2024, https://oag.ca.gov/nativeamerican/pl280#:~:text=Public%20Law%20280%20altered%20the,nor%20expand%20tribal%20criminal%20jurisdiction.&text=The%20law%20did%20not%20provide,well%20as%20outside%20Indian%20country; Dorothy Alther, "An Introduction into Public Law 280," accessed August 2024, https://www.calindian.org/an-introduction-into-public-law-280/; O'Melveny & Myers (attorney name cut off),"Confidential: Comments and Recommendations of Special Counsel to the City of Palm Springs Re City-Agua Caliente Indian Problems" (prepared by Law Offices of O'Melveny & Myers for the City of Palm Springs, July 21, 1965), 1-2, on file with the City of Palm Springs.

[320] Agua Caliente Band of Mission Indians' Tribal Council v. City of Palm Springs, No. 71-767-JWC, accessed August 2024, https://casetext.com/case/agua-caliente-band-etc-v-city-of-palm-springs;

[321] Agua Caliente Tribal Council, "All that Glitters is Not Gold," 11, citing The Federal Register for 8 June 1965; Agua Caliente Band of Mission Indians vs. City of Palm Springs, United States District Court for the Central Division of California, Civil No. 65-564-MC; Snohomish County vs. Seattle Disposal Company, 425 P.2d.22 (1967).

[322] Resolution No. 3900, October 6, 1953; "Council Refuses More Time on Substandard Housing," *Desert Sun* May 20, 1954.

[323] E.g., "Action Started to Remove 17 Unsafe Houses," *Desert Sun* May 20, 1954; "Start Action in Abatement Proceedings," *Desert Sun* September 9, 1954; "Spa Demolition Program Begins," *Riverside Independent Enterprise* October 29, 1954.

them."[324] Most of the dwellings were serviced by a single electrical meter.[325] In reviewing the abatement moratorium set to terminate on June 1, the Council "offered assurance that procedure will be without haste, in cooperative and orderly manner" under direction of State officials.[326] It ended its deferments of Section 14 evictions in June 1954 as planned.[327]

By September 1954, the City was proceeding with removal notices for "six or eight" homes and the city attorney reported "Abatement proceedings will continue for an indefinite period of time, until all sub-standard homes have been improved or razed."[328] By October, the campaign was well underway, carried out by city building inspectors "with the full cooperation of the Indian Agency," resulting in the destruction of an unknown number of dwellings.[329] The city manager stated, "so far demolition orders have concerned only unoccupied structures," apparently discounting the 17 occupied structures served notices in May, not to mention the notices served to six-to-eight households only one month previous.[330] All of the 1950s campaigns were conducted by the City with the cooperation of the BIA and the County (whose health officer was one of the three men on the governing board). Displacements and demolitions appear to have continued through the next seven years, although the lack of City records obscures the number of households affected.

In September 1954, the city attorney noted the process involved issuing a notice to improve the building, with a 30-45 day period to comply; providing an opportunity to appear at a hearing of the governing board; and receiving the decision of the board.[331] Again due to the lack of records, the degree of adherence to these steps is unknown. As to the board's final decision: "This board has authority to order destruction of the building, if the structure is not brought up to health and sanitation standards, with the city given the power to destroy the building 30 days after the owner is notified of the board's decision."[332]
Newspaper accounts of the abatements suggest they were phased, foreshadowing the more formally organized approach the City and BIA took in the 1965-67 campaign – despite previous abatement events, new and upcoming events are often framed as the start of proceedings.[333] This reflects the occurrence of hearings and subsequent decisions of the three-man governing board for abatement of public nuisances.

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[324] "Action Started to Remove 17 Unsafe Houses," *Desert Sun* May 20, 1954.
[325] Ibid.
[326] Palm Springs City Council Minutes, May 18, 1954, 291.
[327] "Council Refuses More Time on Substandard Housing," *Desert Sun* May 20, 1954.
[328] "Start Action in Abatement Proceedings," *Desert Sun* September 9, 1954.
[329] "Spa Demolition Program Begins," *Riverside Independent Enterprise* October 29, 1954.
[330] Ibid.; Start Action in Abatement Proceedings," *Desert Sun* September 9, 1954.
[331] "Start Action in Abatement Proceedings," *Desert Sun* September 9, 1954.
[332] Ibid.
[333] E.g., in September 1954, the *Desert Sun* reported the city "has started preparations for going ahead with abatement proceedings" with notices "now being prepared for the initial homes, with six or eight to be included in the first group," as if the May 1954 abatements had not happened. In March 1956, the *Desert Sun* reported the burning of "two small unoccupied structures," noting "three sub-standard structures have been removed in this manner to date" as if the May 1954 and September-October 1954 abatements had not happened. The December 1956 *Desert Sun* article led some modern researchers to believe it documented the City's first Section 14 abatement action because it states the burning of 10 buildings is "the first move to clear Section 14 of substandard buildings" as if the abatements of May 1954, September-October 1954, March 1956, and an unknown number of other 1953-1956 actions (not to mention the documented abatements in 1936, 1937, and 1950) had not happened.

The displacements of the 1950s were taking place within the larger context of the struggle between the City and the Agua Caliente for control of Section 14, often referred to in contemporary sources as the "Indian land problem." In 1954, the Secretary of the Interior appointed a "Citizens' Committee" of prominent Palm Springs residents to provide recommendations on the problem; it was chaired by wealthy financier Floyd Odlum, who had no previous relationship with the Agua Caliente or knowledge of Indian policy.[334] The committee's 1956 report, which unsurprisingly recommended termination of federal trust status and disposition of Tribal lands through a private corporation or trust run by non-Tribal members, became a Senate bill which likely would have passed had local Congressman Dalip Singh Saund not won the 1956 election and opposed it on the urging of the Agua Caliente Tribal Council.[335] These actions and other termination-focused legislation were rendered moot when Public Law 339, the allotment equalization bill, became law in September 1959. The legal dispute over who had authority to plan, zone, and enforce code on Section 14 was not. The City, County, and BIA continued implementing "cleanup campaigns" to remove tenants' residences from Section 14 through the end of the 1950s. They were relatively small in comparison to what would come in 1961.

In October 1957, the *Riverside Enterprise*'s George Ringwald provided a widely read summary of the situation on Section 14, a "Big Bottleneck in Palm Springs Growth":

> The problem of what to do with Section 14 – and at times it must seem insurmountable to even the most ardent optimists – is not that of the Indians alone.
>
> As German [local BIA head Charles German] says, "It's the problem of the city in general. The principal occupants are employed in local hotels and restaurants, and some low-cost housing should be provided for the working people."
>
> It is not solely a matter of finding 'low-cost' housing, but of finding a place in the community where they will be accepted at all.
>
> For the Section 14 slum area houses – to use the word rather loosely – the community's minority groups, primarily Negroes and Mexican-Americans.
>
> Essential to the community's economy, based as it is on service to the visitor (as one Negro leader remarked, 'No one else will do the dirty jobs'), they are nevertheless rejected on many fronts.
>
> A Negro famous in the entertainment world tried to buy a home in one of the better residential districts and was turned down because the owner feared reprisals from fellow whites in the neighborhood. One Negro citizen claims he has to travel to Indio to find a barber who will cut his hair. Others say they can't trade in some shops. They complain of a lack of social opportunities and cite boredom as one reason for the high crime rate on Section 14.
>
> The citizens of Section 14 are not exactly overjoyed with the conditions existing there.

[334] "The Small Tribe Was 'Rich in Assets and Very Poor in Fact'," *Riverside Daily Press* July 9, 1967; Kray, "Second-Class Citizenship," 300-301.
[335] Kray, "Second-Class Citizenship," 310-314.

> The general feeling is expressed by a man who said, 'The whites complain about Section 14, but we are the ones who have to live in it. We are the only ones who realize how bad it is.'"[336]

The Agua Caliente Tribal Council and the City of Palm Springs engaged in negotiations for years about how to ameliorate conditions on Section 14 and develop portions of the land in ways that would be beneficial (or at least minimally objectionable) to both parties. This work started in earnest in 1956, when Chairman Vyola Olinger and the Council hired Victor Gruen and Associates to come up with a Section 14 zoning plan.[337] The City commissioned its own planning consultant, Simon Eisner, to do the same as part of a citywide master plan.

Eisner's 1957 land use study found that the western part of Section 14 was primarily high-density residential use at that time, inclusive of trailer parks. High-density use was defined as three and four families and five-and-more families in one or more structures on one subdivided lot. The study specified that this area had high density not because of multi-unit complexes, but because the parcels "are large and contain great numbers of small, substandard living quarters."[338] It noted the conditions described elsewhere: "There is no coordinated street system. There are no improved accessways. The area is dotted with substandard dwellings, located in a haphazard manner. Sixty-five percent of the Section – mainly the eastern portion – is vacant acreage. Of the 35 percent developed, the land use inventory shows nearly 11 percent used by five-and-more families per lot."[339]

The Eisner study summarized, again, the situation on Section 14:

> Only about 14 percent of the total Indian lands have been developed. Most of this developed Indian land is in Section 14, whose location and relationship to other developed portions of the City make it prime real estate…
>
> Some of the undeveloped land is at present undesirable and unusable because of its mountainous terrain, while some is low lying and subject to periodic flooding. Another deterrent to development is the number of legal title and insurance problems which Indian land presents both to private individuals and public agencies.
>
> These circumstances have created serious problems by hindering normal land development in the face of pressures for expansion and growth. The private developer must either confine his efforts to non-Indian land or subject himself to the legal uncertainties which apply to most Indian land.
>
> The City's position is equally difficult. The City is responsible for providing municipal services and facilities to all residents regardless of location. But it cannot freely exercise its eminent domain

[336] "The Agua Caliente Story: Section 14 Big Bottleneck in Palm Springs Growth," *Riverside Enterprise* October 25, 1957.
[337] "Tribal Council Hires Planner for Section 14 Development," *Desert Sun* November 28, 1956; Ortner and du Pont, *You Can't Eat Dirt*, 38.
[338] Simon Eisner and Associates. "Land Use Inventory Report" (prepared for the City of Palm Springs, City Planning Commission, November 1957), graphics 11, 14; quote from 14.
[339] Eisner, "Land Use Inventory Report," 39.

> power to acquire Indian land for public purposes and is unwilling to purchase land for which clear title cannot be obtained. Indian property must therefore be served from facilities on non-Indian land regardless of the efficiency or inefficiency of such an arrangement."[340]

The Eisner study found a silver lining in Section 14's challenges, albeit one that depended on the City having planning jurisdiction over the land: "These problems, while slowing land development, have given Palm Springs the precious opportunity to prepare plans for its future in advance of development – particularly for land in the future geographical center of the City. This will afford the great benefits that pre-planning can bring to the community, its property owners, its residents, its visitors.[341]

Meanwhile, the Tribal Council heavily publicized the plan developed by its consultant Victor Gruen.[342] Its development started with a land use study finding many of the same issues noted in the Eisner plan: "flooding; lack of dedicated streets; inaccessibility by a major area highway; the restrictive nature of the existing land allotment grid; and most noteworthy of all, the limbo status of land allotments and the then existing substandard living conditions on Section 14."[343] The plan called for resort hotels, a golf course, four residential clubs and other residence types (including multi-family), a massive community and convention center, and a shopping district centered on Tahquitz Drive, to be developed as a showcase thoroughfare.[344] It noted the challenge presented by the non-Agua Caliente occupants of Section 14. The Council was reluctant to abandon them and called for cooperation between the City, BIA, and Tribe to find a housing solution.[345] Chairman Vyola Olinger repeatedly asked for City partnership in helping create affordable housing for Section 14 residents, as in a January 1959 City Council meeting: "What are we going to do about low-cost housing? It's a problem that has to be faced."[346] The Tribal Council offered to provide land for city-financed construction of affordable housing on Section 14, but the city refused, as "land in the resort area here is valued too highly to use it for low-income development."[347] The local BIA agent noted "We don't want to just move these people out in the street, but if it comes to a choice, the Indians are just going to have to be cold-hearted and take their property for better use."[348] This is the choice the Tribal Council and many of the Tribe's members – and/or their conservators and guardians – ultimately did make in the late 1950s through the late 1960s.

When a Gruen representative presented the Tribe's proposed Section 14 master plan to the City Planning Commission in March 1958, he was met with a chorus of disapproval from the Commission, the City Council, and City consultant Eisner, all of whom feared the Tahquitz commercial development would "cause the proposed district to become a regional shopping center, and will pull business away from

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[340] Ibid., 5-6.
[341] Eisner, "Land Use Inventory Report," 6.
[342] Ortner and du Pont, *You Can't Eat Dirt*, 43; "Tribal Council Hires Planner for Section 14 Development," *Desert Sun* November 28, 1956;"Section 14 Master Plan Released; Ready for Leasing," *Desert Sun* January 8, 1958; "Plan for Indian Land Opening Told at PS," *Riverside Independent Enterprise* January 10, 1958.
[343] Ortner and du Pont, *You Can't Eat Dirt*, 39.
[344] Victor Gruen & Associates, Master Plan, Indian Lands Palm Springs (prepared for the Agua Caliente Band of Cahuilla Indians, 1957).
[345] Ortner and du Pont, *You Can't Eat Dirt*, 41.
[346] "Relocation of Minority Groups Is PS Headache," *Riverside Independent Enterprise* January 29, 1959.
[347] Ibid.
[348] Ibid.

downtown Palm Springs."[349] Eisner's plan concentrated shopping and commercial uses along Palm Canyon Drive, in Section 15 to the west.[350]

Mayor Frank Bogert expressed frustration with the City's short-sighted position:

> Unfortunately the council or the majority of the council, has the attitude that they are giving the Indian something which will make him a lot of money, and also depreciate the value of white land on Palm Canyon, and therefore they want to hold back on all higher types of zoning that they possibly can. I have tried to get them to think of twenty years in the future when the Coachella Valley will have some three hundred thousand people in it, and Palm Springs could have a God given six hundred and forty acres of commercial and R-3 land within the center of town to develop shopping areas for the entire valley, office buildings, and all commercial needs for the entire area. In my opinion, it would be a gross error to allow one private dwelling in this section, as in the long range planning it would be like building a house in the down town Manhattan, which would have to be moved and would hold up development of large areas in the future. Also, it is creating another decadent slum zone.[351]

The City Council's disapproval did not mean much, for the Agua Caliente essentially abandoned the Gruen plan within a month of its unveiling. Chairman Olinger and the rest of the Tribal Council had hoped the plan would be quickly implemented in unified, top-down fashion. But in a Tribal meeting in January 1958, members were "unable to reach common agreement," with many members wary of what the development would mean:

> Even though the Gruen plan was Indian driven – conceived and promoted by Olinger and the Tribal Council with input from the tribe – there were tribal members who distrusted it. Given the tribe's history with land dispossession and disputes over rights and jurisdiction, there were those who justifiably harbored lingering fears about if and how a plan of this magnitude would materialize.[352]

While neither the Gruen nor the Eisner plan was put into effect on Section 14, the competing plans marked the opening of a new and more divisive chapter as the City and the Tribe continued to disagree on the best zoning and land use for Section 14. Their viewpoints on clearing the section of its non-Agua Caliente tenants and their buildings, however, began to converge after 1959.

Section 14 after Allotment Equalization and 99-Year Lease Terms, 1959-1977

As discussed in Chapter 2, the 1959 equalization of Agua Caliente land allotments and the extension of allotment lease terms from 25 years to 99 drastically changed the landscape of Section 14 development. Allottees finally held desirable downtown-adjacent land for which development financing was now feasible, and they could do with it what they wished (with the approval of the BIA). Envisioning a future where development under a 99-year lease could lift them from poverty, they faced the choice of

[349] "City Officials Look Dimly on Section 14 Plan," *Desert Sun* March 13, 1958.
[350] Wiefels, "The Indian Land Zoning Controversy," 45-46.
[351] Bogert, "Indian Matters,"11.
[352] Ortner and du Pont, *You Can't Eat Dirt*, 43-44.

whether, and how, to clear the land of the tenants who had lived there for years. The City of Palm Springs, meanwhile, quickly saw the advantage of working with the conservators and guardians who emerged to control the financial decisions of the majority of the Tribal allottees, as allowed by the Equalization Act and as enabled by the BIA's abrogation of management to the Riverside County Superior Court.

Burt Berman explains the City's new advantage in its zoning jurisdiction dispute with the Agua Caliente Tribe:

> …the passage of the Equalization Act facilitated new methods for the City of Palm Springs to deal with this "problem." First, the argument could be made to the individual Indian allottees through their conservators that it would be to their financial advantage to lease their land to wealthy developers on a long-term basis rather than to poor blacks and Mexicans. Second, even if the Indians did not respond to the overture, the city fathers could appeal to those individuals who managed the Indian estates to enter into a program of slum clearance and eviction. By dealing with the conservators, specific Indian approval could be bypassed.[353]

The City worked closely with allottees, conservators, and guardians to acquire the rights to run Section 14's two major interior streets (Tahquitz-McCallum, now Tahquitz Canyon, and Caballeros) through the section between 1959 and 1962.[354] As Judge Hilton McCabe, head of the court's conservatorship-guardianship system, recalled, "After the guardianships and conservatorships came into being, it appeared quite feasible to put this street [Tahquitz] through the center of the section and thus "join up" the city."[355]

New roads were one of the more visible aspects of conservator/guardian-assisted Section 14 development, but were not alone; the city-conservator relationship was clearly key to all Section 14 matters in the early 1960s, as the means to the shared end goal of acquiring revenue from Section 14 development. McCabe noted as such in November 1961, pointing out the completion of Tahquitz through Section 14 "also had the advantage of opening up for development all of the land which would lie immediately adjacent to the proposed street."[356] The relationship was also clearly illustrated in the opening sentence of a letter Mayor Frank Bogert wrote to McCabe in 1963: "Dear Judge: Naturally you [sic] interest and mine is primarily in the leasing and development of any and all Indian land in the area to get it on the tax rolls."[357] The mayor, and the City as an entity, were not reticent about their desire to gain

[353] Berman, "From Squatter to Conservator," 54-55.
[354] McCabe, "Land Problems and Solutions," 12-13; Ortner and du Pont, *You Can't Eat Dirt*, 146; "New Street To Be Dedicated Nov. 30," *Desert Sun* November 28, 1959.
[355] McCabe, "Land Problems and Solutions," 13.
[356] Ibid., 12-13.
[357] Frank Bogert letter to Hilton McCabe, "Nov 63" hand-penciled in corner (presumed date of receipt), on file with the Judge Hilton McCabe Papers, Special Collections, USC. Riverside County actually succeeded in levying possessory interest tax on Agua Caliente tenants in the 1960s. It contended that tax immunity did not extend to Agua Caliente lessees, and in 1961 its Assessor began levying possessory interest tax on them despite lacking the jurisdiction to tax users of land held in trust by the federal government. This posed an obvious obstacle for would-be lessees, including commercial entities ready to sign long-term leases with the allottees newly empowered to offer them. The Tribe filed suit in 1965, but after a years-long court battle, lost the case. As part of the tax revenue was distributed to the

tax revenue from Section 14; in his 1962 recollection of Palm Springs Indian matters, Bogert stated "In my opinion the most important problem of Palm Springs is the leasing of Indian land to get as much as possible on the tax rolls as at present there is approximately forty percent of the land within the city of Palm Springs from which the city receives no taxes."[358]

The City's attempts to impose zoning and other control on Section 14, along with the Tribal Council's desire to start implementing new lease terms, accelerated after 1959 and produced the largest "cleanup campaign" of all of them, in 1961-1962. BIA/City evictions of residents and demolitions/burnings of Section 14 dwellings had not ceased in the interim – in January 1961, a City Councilman reported that 44 houses had been condemned and demolished since February 1958, with another six in the process of being condemned.[359] As discussed above, abatements had been occurring fairly regularly starting in 1953 and at the direction of the City's public nuisance abatement governing board (which included the County health officer and two City building inspectors). The City conducted the 1961-1962 abatement project in partnership with the BIA, and appears to have funded it.[360] The BIA, Agua Caliente allottees, and conservators issued 90-day eviction notices (though the City apparently did not always wait for this time period to elapse before initiating demolition).[361] As historical documentation of specific procedures and permissions is limited, little is known about it, and any County involvement is unclear.[362] At least 2,500 residents received eviction notices in 1961, and approximately 800 of them left Section 14 in the first half of the year.[363] As seen in the 1950s, most residents left when they received eviction notices, or even before, as they witnessed others receiving them. Those that could move their trailers, house cars (RVs), and houses did, while others had to abandon theirs. The 1961-1962 abatements apparently ended when, as the city attorney put it in 1965, the "NAACP crawled down our necks."[364] As in 1951-52, public complaints from evicted residents and support from the NAACP resulted in bad enough public relations to make the City and the BIA halt their efforts. The 1961-62 campaign is discussed further in Chapter 6.

With regard to its code enforcement (condemnation and demolition) activity on lands over which it did not have jurisdiction, the City continued to rely on Public Law 280 for any legal justification that may not have been covered by permissions given by Agua Caliente allottees, conservators, and guardians.[365] The

City, Palm Springs supported Riverside County in the case. Agua Caliente Tribal Council, "All that Glitters is Not Gold," 13; "County Retains Leasehold Tax," *Desert Sun* February 24, 1972.

[358] Bogert, "Indian Matters," 9. As noted elsewhere, the City did receive property tax revenue from tenants who resided in their own dwellings on Agua Caliente land (as well as sales tax from anyone conducting business in the City), it just did not receive tax revenue from the land itself. New commercial and residential buildings constructed on the land under a long-term lease agreement would provide property tax revenue at much higher values than that of working-class housing.

[359] "Low Cost PS Housing Asked," *Riverside Independent Enterprise* January 5, 1961.

[360] Palm Springs City Council Minutes, June 12, 1961, 6. The city's chief building inspector reported "that the City had been proceeding under abatement procedure, giving 90-day notices and then burning the houses, but for some time, there have been no funds available for abatement…"

[361] "Eviction of 2,500 from Homes Said City Problem, " *Desert Sun* March 1, 1961; Palm Springs City Council Minutes, June 12, 1961, 6-7.

[362] As noted elsewhere, this is true of all of the abatement activities prior to 1965.

[363] "Eviction of 2,500 from Homes Said City Problem, " *Desert Sun* March 1, 1961; Palm Springs City Council Minutes, June 12, 1961, 6-7; Kray, "Second-Class Citizenship," 329-330.

[364] "Cleanup Drive Demanded on Section 14 Here," *Desert Sun* January 19, 1965.

[365] O'Melveny & Myers, "Confidential: City-Agua Caliente Indian Problems"; Wiefels, "The Indian Land Zoning Controversy", 53-59.

zoning dispute between the Tribe and the City continued through the first half of the 1960s. It came to a head In March 1965, when the City approved its new zoning ordinance and map, and ten days later placed a hold on improvements to the cemetery on Section 14, as no building permit had been obtained.[366] The Agua Caliente filed suit against the City, leaving it to the courts to decide whether Public Law 280 conferred power to the City to zone federal trust land or enforce code on its properties; the Secretary of the Interior soon followed with its own lawsuit tied to its newly published regulation clearly stating that local and state governments could not adopt or enforce land use regulations on Indian land.[367]

Recognizing the tentative legal justification for Palm Springs' actions on Section 14, the City's special counsel evaluated their client's chances of winning these lawsuits as "certainly not better than even," with the projected cost to be "very substantial."[368] The uncertainty of success in the courts and the certainty of the financial burden surely contributed to the City's capitulation to the Tribe's zoning demands, in a stipulated agreement accepting the Secretary of the Interior's jurisdiction per the regulations.[369] In 1966, the City adopted a separate zoning ordinance for Agua Caliente lands, incorporating most of the City's general zoning regulations except for seven exceptions as requested by the Tribe.[370]

All the while this jurisdictional battle was going on, the Tribe, the BIA, and the City were working closely together on the final major abatement project on Section 14. It was initiated in early 1965, after city officials, the Agua Caliente Tribal Council, and the BIA held a study session at the Spa Hotel to discuss "a complete and total cleanup of Section 14." Councilman Ed McCoubrey advocated for City financing of the campaign: "The city council should seriously consider financing the money for this cleanup. It would be a good investment. I know there would be some objections to this, of course, but this Section 14 is a pressing problem."[371] When the city attorney pointed out the last abatement campaign ended after the "NAACP crawled down our necks," Tribal Chairman Eileen Miguel responded, "Are you more worried about the NAACP or cleaning up the city?"[372] The last major eviction and demolition activities on Section 14 proceeded from this meeting, resulting in the displacement of an unknown number of remaining non-Agua Caliente residents (likely in the hundreds) from at least 235 dwellings between 1965 and 1967. Like past projects, the 1965-66 abatement campaign was assisted by the cooperation of Agua Caliente guardians and conservators. The California Deputy Attorney General reported in 1968:

> 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

[366] Wiefels, "The Indian Land Zoning Controversy," 50; "Loan Freeze Stops Hotel Plan on Indian Land Here," *Desert Sun* July 16, 1965.
[367] Wiefels, "The Indian Land Zoning Controversy," 58.
[368] O'Melveny & Myers "Confidential: City-Agua Caliente Indian Problems," 6.
[369] Wiefels, "The Indian Land Zoning Controversy," 50.
[370] 30 Federal Regulations 8172, Palm Springs Ordinance No. 779, cited in Wiefels, "The Indian Land Zoning Controversy," 59-60; "Zone Exemption Ruling Signed, 'Talk' Door Opened," *Desert Sun* June 23, 1965; "Indians Withdraw Suit; Lenient Standards Set," *Desert Sun* July 22, 1966.
[371] "Cleanup Drive Demanded on Section 14 Here," *Desert Sun* January 19, 1965.
[372] Ibid.

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.[373]

Unlike its previous abatement campaigns, the City kept some records on this final one, and had established procedures in place for implementation (although it is unclear whether it put them in writing until 1967, when the campaign was essentially over).[374] Whether it always adhered to these procedures is doubtful, as multiple people stated that some residents' homes were destroyed without notice or without sufficient notice, sometimes with personal property still inside them.[375] The 1965-1966 abatement campaign is discussed in Chapter 6. The City asked the BIA for financial assistance from either the federal government or Agua Caliente allottees to continue the project in September 1966, but it is unknown whether this request was granted. Based on the available evidence, it appears the City paid for most of this abatement campaign just like the others. It is the first campaign for which the BIA is documented as contributing funding, providing $5,000 in 1967.[376]

The Agua Caliente-City relationship may have been harmonious in terms of the removal of Section 14 tenants - in April 1966, the Tribal Council sent the City a letter of thanks for its abatement work – but it continued to be contentious when it came to future development of the land. [377] The negotiated ordinance agreement of 1966 did not last long. Zoning disagreements between the Tribe and the City arose again as the City protested plans for higher-density development projects on Agua Caliente lands, again asserting jurisdiction despite the negotiated exceptions to the zoning code.[378] Tensions increased in the late 1960s and led the Tribal Council to file a new lawsuit in 1971, instituting another years-long round of litigation.[379] By this time, the protracted zoning struggle had obstructed the most profitable development opportunities on Section 14: would-be developers gravitated toward other areas where there were fewer unknowns and risks.[380] Investigations in 1967-1968 by the *Riverside Enterprise,* the Department of the Interior, and the State of California Attorney General's Office ended the conservatorship-guardianship program (disenfranchising the most vigorous proponents of allotment

[373] Loren Miller Jr. (Deputy Attorney General), "Palm Springs Section 14 Demolition," State of California, Department of Justice Memorandum, Los Angeles, May 31, 1968, 6.
[374] Administrative Enforcement Office Don Abercrombie (for the City Attorney's Office), letter to Homer Jenkins re: Section 14 cleanup, January 20, 1967, on file at the City of Palm Springs; City Manager Frank Aleshire, letter to Department of Planning and Development, Fire Department, and City Attorney re: Section 14 – Clean Up – Procedure, December 5, 1967; also "Section 14 – Clean Up – Procedure" (clean typed copy of directions incorporating handwritten edits in letter), on file at the City of Palm Springs in Section 14 Abatements Phase 6, Book 5.
[375] Miller, "Palm Springs Section 14 Demolition," 8; "Palm Springs 'Slum' Plan Probed by State," *Los Angeles Times* April 2, 1967; Ivory Murrell, Interview with Oceana Collins, Section 14 Oral Histories Collection, Palm Springs Historical Society, October 6, 2011.
[376] Resolution No. 8872, Palm Springs City Council Minutes, February 27, 1967, 2-3.
[377] Agua Caliente Tribal Chairman Edmund P. Siva, letter to Palm Springs City Council re: City Clean-Up Campaign Program, April 22, 1966, on file with the City of Palm Springs.
[378] Wiefels, "The Indian Land Zoning Controversy," 63-71.
[379] Wiefels, "The Indian Land Zoning Controversy," 71-73. Wiefels aptly summarizes the situation on p.71: "By this time, it can probably be said that the officials in the Department of the Interior wished that they had never heard of the City of Palm Springs and the Agua Caliente Indians."
[380] "Loan Freeze Stops Hotel Plan on Indian Land Here," *Desert Sun* July 16, 1965.

development) and shamed the City and the BIA. Section 14 had not developed as either the City or the Tribe wished.

In 1977, the conclusion of another lawsuit similar to that of the Agua Caliente provided an answer to the jurisdictional question disputed for decades: Public Law 280 could not be used to confer zoning jurisdiction to a local government.[381] Defeated, the City signed a land-use contract with Agua Caliente Band of Cahuilla Indians acknowledging the Tribe had sole authority over their Indian trust lands. "Under court order, the Tribal Council was given the right to veto any land-use and zoning decisions made by the city, and, if there is any grievance with the city council concerning Indian trust lands, that complaint may be heard by the Tribal Council, which would have the final say. This was the first such agreement in the United States."[382] By this point, of course, the non-Agua Caliente residents of Section 14 had been evicted and their dwellings moved or destroyed.

[381] Ortner and du Pont, *You Can't Eat Dirt*, 245; Kray, "Second-Class Citizenship," 380; *Santa Rosa Band of Indians v. Kings County,* 532F.2d655 (9th Circuit Court of Appeals, Cal 1975), "Santa Rosa Band of Indians v. Kings County," accessed August 2024, https://casetext.com/case/santa-rosa-band-of-indians-v-kings-county; Wiefels, "The Indian Land Zoning Controversy," 79-83.
[382] Ortner and du Pont, *You Can't Eat Dirt*, 198.

6. Displacement of Section 14 Residents

This chapter presents a chronology of the abatement events (eviction, displacement, and demolition/burning) known to have occurred on Section 14 between 1936 and 1969. As the broader context for these abatement events is discussed in the preceding chapters, there is some redundancy in this chapter (particularly with regard to Chapter 5) and the reader is directed to those chapters for additional sourced information. Chapter 6 is intended to provide a more streamlined account focused on the chronological order of events. The basic process of each campaign is also described as best as could be discerned from the available documentation. City records are only available for the last campaign in 1965-1966, and even these are not detailed or comprehensive. As a result, this chronology is acknowledged to be incomplete, and the reader is reminded that "absence of evidence does not necessarily indicate evidence of absence."[383]

Abatement events on Section 14 occurred in five major campaigns: 1936-1937; 1948-1953; 1954-1960; 1961-1962; and 1965-1966, with clearance work occurring between at least some of the campaigns and continuing into 1969 for the last one. Each major campaign is addressed below.

First Abatements: 1936-1937

The first major abatement action occurred in 1936-1937. It was planned, funded, and implemented by the State of California in partnership with the Bureau of Indian Affairs (BIA). It used Federal Code, Section 458, Title 18 as legal justification for state code enforcement on federal trust land. This campaign displaced an unknown number of people and demolished at least 150 dwellings. The campaign occurred before Palm Springs had incorporated as a City. The Palm Springs Chamber of Commerce's Indian Affairs Committee fully supported the campaign, and may have helped initiate it if not fund it. The *Palm Springs Limelight-News* noted:

> Palm Springs has its Indian Affairs Committee to thank for an aggressive clean up on the Reservation under H.H. Quackenbush which has greatly improved that area's relationship to the village. The Reservation is no longer a health menace, no longer a haven for undesirable characters, no longer a dangerous gamble as a possible cheap mass real estate development falling into the hands of get-rich-quick subdividers. [384]

1936	February: Encouraged by the BIA through local superintendent H.H. Quackenbush, the State of California embarked on a 1936-1937 cleanup campaign that condemned and demolished at least 150 homes on the ACBCI reservation; it is presumed that most if not all were located in Section 14.[385] "One hundred and fifty paper and tin-can shacks have been removed and not one old-fashioned privy

[383] Apocryphal – while often attributed to Carl Sagan, this quote has appeared in different forms since at least the 1880s. "Absence of Evidence Is Not Evidence of Absence," September 17, 2019, accessed September 2024, https://quoteinvestigator.com/2019/09/17/absence/.
[384] "Outstanding Civic Service," *Palm Springs Limelight-News* October 29, 1938.
[385] "Inspectors Clean Up Houses, Camps, On Reservation," *Desert Sun* February 7, 1936; "State Housing Chief Orders Quick Clean-Up," *The Limelight* December 19, 1936; "State Inspectors Clean Up Indian Reservation," *Desert Sun* January 15, 1937.

	remains on the local Indian reservation" as the result of abatement activities by federal and state officials operating "under orders of the U.S. Department of Interior Indian Bureau."[386] December: The State condemns nine houses and institutes "strict regulations" on dwellings within six "deplorable" camps, four of which are on Section 14.[387]
1937	January: the State orders "a score of structures on the Indian reservation to be immediately destroyed," all "shacks similar to that which recently constituted a funeral pyre for two Mexicans who were tragically burned to death here."[388] February: the BIA announces the subdivision of an area on Section 14 at the corner of Indian Avenue and Alejo Road for construction of housing for the "many workingmen…thrown out of house and home by State Housing Inspectors Mott and Rugg."[389] This housing does not materialize. March: the BIA commissions a survey of the western 320 acres of Section 14 in the service of the above planned subdivision, "open for leases to white people who wish to construct homes." The maps by the Dept. of Interior engineer "show every building, shack, tent house, or landmark…and the exact size, shape, and location of each. They are drawn to scale, and show the haphazard and crazyquilt manner in which the reservation was built up. Everything seems to be out of line. There are buildings where there should be streets. Fences, roads and buildings are crooked."[390]

Second Abatements: 1948-1953

The second, only partially implemented, campaign occurred between 1948 and 1953. Riverside County originally planned it in partnership with the BIA and with City of Palm Springs participation; the City assumed management and funding in 1950, with continued cooperation from the BIA and the County and participation by State health inspectors. This campaign used Federal Code, Section 458, Title 18 as legal justification for county and city enforcement of state code on federal trust land until the passage of Public Law 322 in 1949, after which time that law was used as the primary legal justification. The exact procedures established and followed by the City, County, State, and BIA between 1938 and 1953 were not discernable from available sources.

The abatement actions displaced at least seven households containing an unknown number of people and demolished those dwellings.[391] Eviction notices were issued to approximately 1,500 people, but the

[386] "Inspectors Clean Up Houses, Camps, On Reservation," *Desert Sun* February 7, 1936.
[387] "State Housing Chief Orders Quick Clean-Up," *The Limelight* December 19, 1936; "1000 Buildings on Indian Reservation," *Desert Sun* March 5, 1937.
[388] "State Inspectors Clean Up Indian Reservation," *Desert Sun* January 15, 1937.
[389] "Indian Land Prepared for New Building," *Palm Springs Limelight-News* February 6, 1937.
[390] "1000 Buildings on Indian Reservation," *Desert Sun* March 5, 1937.
[391] As noted in Chapter 5, sources are not clear on the exact nature of the notices issued; City Council minutes and newspaper articles use the terms "eviction" and "eviction notice" but the notices do not appear to have been issued

evictions were delayed by City Council-instated moratoria following public outcry. It is unclear whether any demolitions occurred between 1951 and 1953. What is more clear is that the evictions and eviction notices impelled many Section 14 residents to leave without waiting to be more directly forced out. This pattern would continue through the rest of the 1950s and 1960s.

1948	August: The Riverside County Health Department announces enforcement of "County, City and State health, safety, and sanitation codes" on Section 14; although the Riverside County Health Department was the agency claiming jurisdiction in this area, the City of Palm Springs building inspector would be tasked with sanitation enforcement while the county surveyor would address seismic safety.[392] As a result, "those buildings dangerous to health and human life through lack of maintenance and repair or through improper sanitary facilities within houses may be condemned or the owner given a limited time in which to make corrections."[393] November 5: County Board of Supervisors and health officials have a contentious meeting with Walter Woehlke (state director of the BIA), demanding that the agency clean up bad conditions on Section 14. Woehlke blamed low pay which forced residents onto Section 14, stating "There is always the fact that Palm Springs does not pay its employees enough to pay $10 a day rent, thereby forcing these people onto Indian lands. If you go in and clean out those shacks and trailers, what are these people going to do?" County Supervisor James Easley replied, "Let these people worry about that."[394] November 12: County health officer Robert Westphal reports Woehlke had "found a law in which the secretary of Interior had laid down the procedure for sanitation and health law enforcement on Indian Lands,"[395] This meant county authorities, in partnership with the city building inspector and state officials, could enforce codes – and if needed, begin the process of condemnation, eviction, and abatement.[396] Westphal stated there were 1,500 people living on the Agua Caliente Reservation in substandard buildings – "I don't know where they'll go."[397]

to tenants by landlords or by the BIA on their behalf. At least some of the notices were posted by City building inspector P.M. Swart and County deputy sanitarian O.B. McRory. ("First Tenant Found Guilty In Clean-Up," *Desert Sun* August 11, 1950). In September 1953, the Palm Springs city manager stated "Since notices given offenders were somewhat informal, legal steps for abatement may be opened at any time." Palm Springs City Council Minutes, September 18, 1953, 183.

[392] "To Enforce Safety, Sanitation Codes on Indian Reservations," *Desert Sun* August 31, 1948.

[393] "To Enforce Safety, Sanitation Codes on Indian Reservations," *Desert Sun* August 31, 1948.

[394] "Indian Land Conditions Under Fire," *Desert Sun*, November 5, 1948.

[395] "Way Found to Clean up Indian Land," *Desert Sun* November 12, 1948.

[396] "Indian Agency Gives OK to Land Cleanup," *Riverside Daily Press* November 8, 1948. Historian Ryan Kray states "Undoubtedly, Woelke 'found' Federal Code, Section 458, Title 18, which sanctions state laws when no federal law directly addresses the issue." "State Inspectors Clean Up Indian Reservation," *Desert Sun* January 15, 1937, cited in Kray, "Second-Class Citizenship," 283.

[397] "Way Found to Clean up Indian Land," *Desert Sun* November 12, 1948.

	December: No one voices opposition to the county health department's plans in a hearing.[398]
1949	January-March: The BIA posts notices of intent and provided final authorization 45 days later (mid-March).[399] June: County Supervisors balk at Westphal's recommended stricter sewage control ordinance.[400] The County does not proceed with planned abatements.
1950	May 31: State, county, and city (P.M. Swart, building inspector) officials do their first inspection of Section 14 buildings and give warnings to 29 owners that dwellings are "unfit for use."[401] June 30: The placarding of 25 dwellings is slightly postponed – the placards say inhabitants have 30 days to correct violations. The placards were posted in the Patencio and Clem Segundo tracts, and would affect more than 100 families.[402] July 12: State, county, and city officials class 16 dwellings as "unfit for human habitation." Occupants had to move within 30 days or be cited in court. The City building inspector, P.M. Swart, reported that most of the affected occupants "seemed rather dazed or stunned by the action" and asked "where can we go from here."[403] August 11: None of the 16 dwellings had been vacated although the 30 days were up. First tenant, Joe P. Thompson of 268 Gila Rd. (African American), was found guilty of occupancy in violation of building and sanitation laws.[404] August 25: Judge Eugene Therieau gave Thompson the choice of paying a $150 fine, serving 300 days in jail, or vacating the building to let the City demolish it.[405] Thompson is presumed to have vacated. December 1: The first known City abatement action on Section 14: city demolishes 7 condemned dwellings after the local BIA agent "gave permission to the city and county to demolish the unfit buildings in any manner they thought best." It burned 6, and tore down one and then burned it.[406]

[398] "No Opposition at Indian Land Cleanup Hearing," *Riverside Daily Press* December 15, 1948.
[399] "Health Department's Indian Land Cleanup Underway," *Riverside Daily Press* January 17, 1949; "Indian Lands Clean-Up OK'd By U.S. Agency," *Riverside Daily Press* March 15, 1949.
[400] "Supervisors Differ on Sanitation Code," *Riverside Independent Enterprise,* June 1, 1949.
[401] "Class 29 Reservation Dwellings 'Unfit for Use'," *Palm Springs News – Limelight News* May 31, 1950.
[402] "Action on Reservation Condemnation Held Up," *Desert Sun* June 30, 1950.
[403] "16 Dwellings Condemned in Clean Up Drive," *Palm Springs News – Limelight News* July 12, 1950.
[404] "First Tenant Found Guilty in Clean-Up," *Desert Sun* August 11, 1950.
[405] "Severe Penalty Marks Clean-Up Enforcement," *Desert Sun* August 25, 1950.
[406] "7 Unfit Dwellings Destroyed," *Desert Sun* December 1, 1950.

1951	Eviction notices are issued "from time to time" over the course of the year.[407] It is unclear from available documentation how many, if any, resulted in actual eviction and demolition. June 6: Councilman Jerry Nathanson presents City Council with the concerns of his Black constituents, "many of whom have received eviction notices and will soon be obliged to abandon existing housing there, with no place to go." He asks that they be allowed to move into the two-thirds-unoccupied Lienau Village. The Council votes to direct the City Manager "to bring all parties in interest together and try to work out the housing problem for colored people at either Lienau Village or the North Calle Encilia installation."[408] December 19: Section 14 residents with eviction notices speak at City Council, along with an NAACP representative and several religious leaders. In her public comment regarding her family's eviction notice and need for housing, Mrs. A.C. Lilly stated that she had lived in her Section 14 home for seven years, and had three sons (one of whom was awaiting induction into the Armed Services).[409] The city manager noted that Mrs. Lilly's home could simply be brought up to code for a cost of $600-$700 (a prohibitive amount for a Black working class family in Palm Springs in 1951). He went on to say, "Although City officials are sympathetic, it does seem that these people should make an effort to help themselves; Council's problem is this: How to help them temporarily without jeopardizing the health of the 25,000 people who are here at height of season – doing something for a few at expense of the health of the majority…"[410] The Council adopted two resolutions: Resolution No. 3307 deferred evictions until May 1, 1952, and Resolution No. 3308 instructed the city manager to study the possible use of Lienau Village for temporary occupancy.[411]
1952	January: Ten Black residents of Section 14 (including A.C. Lilly) file a lawsuit against the Palm Springs Housing Authority (and the NAACP threatens to do the same) for housing discrimination at Lienau Village.[412]

[407] Palm Springs City Council Minutes, December 19, 1951, 225.
[408] Palm Springs City Council Minutes, June 6, 1951, 107-108.
[409] Palm Springs City Council Minutes, December 19, 1951, 226; "A.C. Lilly," *Desert Sun* March 22, 1968; "Lilly," *Desert Sun* August 7, 1978. The 1950 U.S. census enumerated the Mrs. Ira D. Lilly (a domestic maid, Texas-born and African American) living with her husband A.C. Lilly (a gardener, also Texas-born and African American) and three sons on Arenas Road, with no street address given.
[410] Palm Springs City Council Minutes, December 19, 1951, 228.
[411] Palm Springs City Council Minutes, December 19, 1951, 229; "Parks, Paving, Housing Keep Council Busy," *Desert Sun* December 27, 1951; Resolution No. 3307, December 19, 1951.
[412] "City Housing Board Faces Legal Action," *Desert Sun* January 17, 1952; "Speed Asked on Survey of Local Housing Situation," *Desert Sun* January 24, 1952; "NAACP Files New Palm Springs Suit," *Riverside Daily Press* March 20, 1952.

	Because of the lawsuit and the City's continuing study of housing options, displacements do not resume after the May 1952 deadline passes. The matter remains in limbo.
1953	In a process that occupies most of 1953, the City decommissions Lienau Village and North Calle Encilia and sells off the buildings for salvage. June: City Council passes another eviction moratorium on June 30 "for the reason that there is an extreme shortage of housing for the Negro and other low income groups."[413] Resolution No. 3808 states that the city building inspector would give notice to occupants of substandard dwellings on Section 14 "that said dwellings must be brought up to building code specifications within a period of six months from the date of such notice, and that all trailers shall be removed to trailer parks or other areas zoned for the storage or maintenance of trailers within the said period of time."[414] September 4: Councilman Nathanson holds a meeting with 60 angry Section 14 tenants, both residents and business lessees, registering complaints "due to the city's condemnation of eight buildings in Section 14 and the Indian policy of granting only five year leases." The city had served notices that the buildings must be brought up to state standards or demolished by January 1, 1954. "These eight dwellings are only the first to be affected by the joint city and state action, with others now being checked." The City Manager added "No definite program has been established though for elimination of sub-standard dwellings on Section 14."[415] September 18: The City Council passes another eviction deferment, pushing it to June 1, 1954. The city manager also advises "Since notices given offenders were somewhat informal, legal steps for abatement may be opened at any time."[416] October 6: The City Council establishes a three-man governing board to conduct hearings on the "abatement of nuisances," to include the county health officer, city's chief building inspector, and city's building inspector.[417]

Third Abatements: 1954-1960

The third Section 14 abatement campaign occurred between 1954 and 1960. The City of Palm Springs planned, funded, and implemented it in partnership with the BIA, with participation from Riverside County and State health officials. This campaign used Public Law 280 as legal justification for city and county enforcement of state code on federal trust land. Abatement actions were decided by a City-

[413] Resolution No. 3808, June 30, 1953.
[414] Ibid.
[415] "Reservation Housing Woe Laid to State," *Desert Sun* September 10, 1953.
[416] Palm Springs City Council Minutes September 18, 1953, 183.
[417] Resolution No. 3900, October 6, 1953; Palm Springs City Council Minutes October 6, 1953, 187.

established governing board comprising two city building inspectors and one county health officer. In September 1954, the *Desert Sun* outlined the process as stated by the city attorney:

> Three separate notices are involved in the proceedings, with the first giving the owner of the land 30 days, or the holder of a trust deed or mortgage 45 days in which to make improvements, or raze the buildings.
>
> The second notice sets a time and place at which the owner may appear before a three-man governing board to show cause why improvements should not be made, and the third gives the decision of the governing board.
>
> This board has authority to order destruction of the building, if the structure is not brought up to health and sanitation standards, with the city given the power to destroy the building 30 days after the owner is notified of the board's decision.[418]

Due to the lack of records, the degree of adherence to these steps is unknown. The 1954-1960 campaign displaced an unknown number of people and demolished an estimated 80 dwellings at minimum - at least 44 were confirmed destroyed between February 1958 and January 1961 alone.[419] Section 14 residents continued to evacuate as they were able.

1954	May: City Council authorizes terminating electrical service to 23 dwellings on Section 14 "and starting of abatement proceedings against 17 of them." There were five buildings and 18 trailers (some trailers had "cabanas or residences" appended).[420] It also reviewed the abatement moratorium set to terminate on June 1 and "offered assurance that procedure will be without haste, in cooperative and orderly manner" under direction of State officials.[421] June 1: The City ends the last moratorium on Section 14 evictions.[422] September: The City proceeds with notices for "six or eight" homes and the city attorney reports "Abatement proceedings will continue for an indefinite period of time, until all sub-standard homes have been improved or razed."[423] October: The City razes an unknown number of Section 14 dwellings, said to all be unoccupied.[424] They were unoccupied due to their occupants being removed in September (and possibly some in May).[425] "The campaign is explained as a

[418] "Start Action in Abatement Proceedings," *Desert Sun* September 9, 1954.
[419] "Low Cost PS Housing Asked," *Riverside Independent Enterprise* January 5, 1961.
[420] "Action Started to Remove 17 Unsafe Houses," *Desert Sun* May 20, 1954; Palm Springs City Council Minutes, May 18, 1954, 291.
[421] Palm Springs City Council Minutes, May 18, 1954, 291.
[422] "Council Refuses More Time on Substandard Housing," *Desert Sun* May 20, 1954.
[423] "Start Action in Abatement Proceedings," *Desert Sun* September 9, 1954.
[424] "Razing of Sub-Standard Structures Now Under Way," *Desert Sun* October 28, 1954; "Spa Demolition Program Begins," Riverside Enterprise October 29, 1954.
[425] As in the 1948-1953 campaign, notices do not appear to have been issued to tenants by landlords or by the BIA on their behalf, and it is likely not accurate to call them "eviction notices" as referenced in some contemporaneous sources. They evidently were posted by city building inspectors at the direction of the City abatement governing

	continuing effort to upgrade all substandard houses built on Section 14 of the Agua Caliente Indian reservation before the area came under the jurisdiction of city, county and state health and building regulations."[426]
1956	March: The City fire department burns "two small unoccupied structures" and the City Manager notes "Three sub-standard structures have been removed in this manner to date, with several others having been brought up to public health and safety requirements, or moved from within the city limits."[427] September 5: The funeral of eight-year-old Carl Henry Jordan is held. Jordan died in a fire in an abandoned car; the tragedy spurs a City cleanup of abandoned vehicles on Section 14.[428] September 6: The old Joe Patencio home "was destroyed because it was a hazard to the safety of small children on the reservation." Its destruction "was the first move in an attempt to 'make Section 14 safe." The order was from Indian Agent Ned Mitchell, and "avid supporters of the clean-up campaign" Sgt. John Herrera and "A.C. Lally" (likely a misspelling of "A.C. Lilly") are pictured in photo. It is presumed the City executed this demolition.[429] December: The City burns "10 buildings that at one time made up the major part of the Mineral Trailer Park…in the first move to clear Section 14 of substandard buildings." The statement that this was the first abatement action on Section 14 is incorrect. Two more buildings were slated for demolition the next day, all part of clearing eight acres to make way for the Palm Springs Spa.[430]
1959	The City destroys at least 12 condemned homes this year.[431] January: In a joint City Council-Tribal Council meeting primarily about negotiating rights-of-way for streets through Section 14, the city manager notes "the Negro population on Section 14 is decreasing, which will aid greatly in a redevelopment program, but there must be somewhere for the rest of the people to go."[432] The local BIA agent estimated the Section 14 population at 2,000, "mostly of low-income minority groups,"… "concentrated in the southwest corner of the section, just off Indian Avenue and block away from the resort city's chief business street, tree-lined Palm Canyon Drive."[433]

board. ("Start Action in Abatement Proceedings," *Desert Sun* September 9, 1954; "Razing of Sub-Standard Structures Now Under Way," *Desert Sun* October 28, 1954).

[426] "Spa Demolition Program Begins," *Riverside Enterprise* October 29, 1954.

[427] "Firemen Burn 2 Slum Dwellings," *Desert Sun* March 22, 1956.

[428] "Abandoned Car Fire Claims Life of Eight-Year-Old Carl Henry Jordan," *Desert Sun* September 5, 1956; "City Pledges Full Support in Car Drive," *Desert Sun* September 6, 1956.

[429] "City Pledges Full Support in Car Drive," *Desert Sun* September 6, 1956.

[430] "Firemen Clear Area for Future Development," *Desert Sun* December 5, 1956.

[431] "City Objects to Abatement Cost," *Desert Sun* November 25, 1960.

[432] "City, Indian Councils Meet on Mutual Land Problems," *Desert Sun*, January 29, 1959.

[433] "Relocation of Minority Groups Is PS Headache," *Riverside Independent Enterprise* January 29, 1959;

1960	November 25: The City had destroyed seven condemned homes in fiscal year 1960; given the fiscal year had just started October 1, it is presumed more dwellings were demolished between January and September.[434] Upset about the average $220 per house cost for abatement, the City Council asks the city attorney to "talk with Judge McCabe and work out a plan to charge the Indian owners for the demolition, and if they do not have funds now to pay it, to hold the bill until funds are available."[435] McCabe had apparently asked the City to "proceed immediately to condemn and-or destroy" substandard dwellings on the allotments of several Agua Caliente for which he was guardian.[436]

Fourth Abatements: 1961-1962

The fourth abatement campaign occurred between 1961 and 1962. The City of Palm Springs planned, funded, and implemented it in partnership with the BIA. This campaign used Public Law 280 as legal justification for city and county enforcement of state code on federal trust land. The 1959 passage of the Indian Leasing Act (increasing lease terms on Agua Caliente land to 99 years) and the Federal Equalization Act (redistributing Agua Caliente allotments to equalize values) created additional economic pressure for development of Section 14. The Equalization Act also enabled the establishment of the Agua Caliente guardianship-conservatorship program, placing financial decisions for many allottees into the hands of non-Agua Caliente locals.

The 1961-1962 abatement campaign was the largest of them all. Allottees, conservators/guardians, and the BIA issued 90-day eviction notices to over 2,500 people starting in March 1961.[437] Even with a six-month eviction moratorium starting in June 1961, hundreds to thousands of people were evicted or left of their own accord and the City destroyed an unknown number of dwellings – possibly in the hundreds – in two episodes between March 1961 – June 1961 and July 1962 - August 1962.[438] Some buildings and piles of rubble from demolished buildings burned in a series of arson fires. Section 14 residents continued to evacuate as they were able, and the City demolished buildings and burned the remnants as houses were vacated. The pace of abatements dwindled after August 1962 but did not fully end, continuing at a reduced rate over the next two years.

The specific eviction and abatement procedures established by the BIA and the City for the 1961-1962 abatement campaign are not fully discernable from available sources. Newspaper articles and City Council

[434] "City Objects to Abatement Cost," *Desert Sun* November 25, 1960.
[435] Ibid.
[436] Ibid.
[437] "Eviction of 2,500 from Homes Said City Problem, " *Desert Sun* March 1, 1961. A June 1961 article ("Time Out Called on Section 14," *Desert Sun* June 27, 2024) notes that over 430 families had received eviction notices, highlighting a key issue in enumerating people displaced in this campaign: the number of households/addresses vs. number of people is unknown, as is household composition (families, individuals, boarders, lodgers, housemates, etc.). If the estimated 430 households and 2,500 people to be evicted reflect different counting methods of the same population, it would mean an average household size of 5.8 people. This is actually within the realm of possibility, given that some households would have already "doubled up", large families of eight or more people are known to have been present, and housing was densely occupied.
[438] The estimate of dwellings demolished is based on the available documentation of abatement events from newspaper references, City Council minutes, and oral histories. As noted elsewhere, no official records are known to have been kept regarding demolitions in the 1961-1962 abatement campaign.

minutes indicate they were inconsistent at best in composition, in adherence, or both. Confusion reigned as the mass eviction notice event caused residents to leave Section 14 in greater numbers than before – the city building inspector complained that the whole mess started when they "began leaving wholesale," adding "The abatement proceedings became rather meaningless" because the City was unable to tax the Agua Caliente for the work, and in many cases no one even knew who owned the houses.[439]

Left without detailed records of addresses/households being abated, and without concrete instructions to follow in the face of this perhaps unexpected success, the City and its contractors forged ahead. In May 1961, occupants of 22 houses complained when the City directed power and telephone service be shut off to their homes and a contractor began demolition. This was done at the request of a conservator (in this case, Bank of America) who served the occupants with eviction notices.[440] It is unclear how much time elapsed between the notices and the shutoff. After residents' outcry, service was reinstated and demolition halted. In a City Council meeting in June 1961, the Chief Building Inspector stated abatement procedures had not been consistently followed.[441] In this meeting, Mayor Frank Bogert reported receiving calls from two Section 14 house owners who arrived home to "find their buildings in ashes."[442] When the City Manager asked the City Council to set a policy regarding burning, the decision was that occupants should be notified prior to any action, and buildings should be demolished before burning.[443]

The City had been studying FHA funding options for providing affordable housing for the people facing eviction, part of which included a May 1961 survey of the southwest quarter of Section 14 to determine the number of people who would need housing. It found a little over 700 people living there: 441 "non-white" residents, 285 White, also counted as 474 adults and 239 minors.[444] This study, as with others, had no outcome. By June, the March eviction notice period was about to expire and thousands had nowhere to go. Residents both on and off Section 14 were also disconcerted by the house burnings that had been happening piecemeal as occupants left; NAACP representative Joseph M. Jackson noted "People in Section 14 are tired of waking up in the morning, smelling houses burning."[445] After a meeting with conservators and a Section 14 advisory committee, Mayor Bogert declared a six-month moratorium on evictions and house burnings to allow more time for housing studies and offer relief to residents.[446]

Evictions resumed in July 1962, with Sheriff's deputies and Palm Springs police removing people from dwellings on 15 acres and burning the houses once the occupants were out. While they claimed all of the residents were squatters who had moved into other's abandoned houses, 72-year-old Florence Fatheree, whose house was destroyed along with all its contents while she was out of town, had lived there for years.[447] Her recounting of her story at a City Council meeting in August may have been the reason why

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[439] "PS Council Curbs House Burning," *Riverside Independent Enterprise* June 15, 1961.
[440] "Power Mystery Still Unsolved," *Desert Sun* May 4, 1961.
[441] Palm Springs City Council Minutes, June 12, 1961, 6-7.
[442] "PS Council Curbs House Burning," *Riverside Independent Enterprise* June 15, 1961.
[443] Palm Springs City Council Minutes, June 12, 1961, 6-7.
[444] Records of this city survey have not been found and the full population count of 1,727 as reported in "Controversial Indian Acreage Survey Ended," *Desert Sun* May 26, 1961 is erroneous, as it adds up the sub-counts of different overlapping categories (441 non-white, 285 white, 288 families, 474 adults, and 239 minors). The non-white + white count equals 726 and the adults + minors count equals 713, suggesting the total is somewhere in there.
[445] "'Time Out' Called on Section 14," *Desert Sun* June 27, 1961.
[446] Palm Springs City Council Minutes, June 26, 1961, 2; "'Time Out' Called on Section 14," *Desert Sun* June 27, 1961.
[447] Palm Springs City Council Minutes, August 13, 1962, 15; "Section 14 Burnings Probe Set," *Desert Sun* August 14, 1962.

abatements seem to have slowed after that point, with additional pressure brought by NAACP representatives at a City Council meeting in June 1963. In 1965, the city attorney recalled that the 1961-1962 abatements ended when the "NAACP crawled down our necks."[448]

Ivory Murrell, who left Section 14 in February 1962, recalled:

> I'll never forget that some of the people never got their stuff out of the house. They pushed them down. If they told you they was coming in and you didn't, and your stuff wasn't out there, they just pushed it down.[449]

1961	January 5, 10: The *Desert Sun* reports the BIA representative John Lewis announces the agency is enforcing Section 14 lease limits to 30 days in an "effort to try to get the area cleaned up."[450] January 11: The City Council denies George Doyle's request to move his house from Section 14 (330 North El Segundo) to Luring Sands Park in Section 13, "for reason that residence would not be in keeping with the existing development."[451] In the next Council meeting, they proposed an ordinance adding requirements for housemoving: "a public hearing and notification to property owners in the area into which the buildings will be relocated, also submission of plans and requirement that building will conform to standards of the surrounding area."[452] It passed as ordinance No. 502 in February, presumably erecting additional obstacles to any to-be-evicted Section 14 resident wishing to move their dwelling elsewhere in the city.[453] March: City officials warn more than 2,500 Section 14 residents they would be evicted by summer.[454] Historian Ryan Kray estimates "800 people evacuated Section 14 within the first six months of 1961. Families who did not face immediate eviction on Section 14 took in some of the evicted families, resulting in a doubling and sometimes tripling of families in the remaining homes left on the reservation."[455]

[448] "Cleanup Drive Demanded on Section 14 Here," *Desert Sun* January 19, 1965.
[449] Ivory Murrell, Interview with Oceana Collins, Section 14 Oral Histories Collection, Palm Springs Historical Society, October 6, 2011.
[450] "Low Cost PS Housing Asked," *Riverside Independent Enterprise* January 5, 1961; "PS Housing Plan Told," *Riverside Independent Enterprise* January 10, 1961.
[451] Palm Springs City Council Minutes, January 11, 1961, 11. George Doyle (White) worked at a golf course. Luring Sands was a small (46-parcel) tract subdivided in 1946. Late 1940s newspaper advertisements for the Luring Sands subdivision touted it as "the closest subdivision to heart of business district" with "excellent restrictions." (City of Palm Springs, Citywide Historic Context Statement & Survey Findings (prepared by Historic Resources Group for the City of Palm Springs, December 2018), Appendix B, p. B-89; Luring Sands display advertisement, *Palm Springs Limelight-News,* March 21, 1946 p. 6).
[452] Palm Springs City Council Minutes, January 25, 1961, Item 10.
[453] Palm Springs City Council Minutes, February 1, 1961, Item 2.
[454] "Eviction of 2,500 from Homes Said City Problem, " *Desert Sun* March 1, 1961.
[455] Kray, "Second-Class Citizenship," 329.

	Mayor Frank Bogert requests assistance from the FHA and HHFA to figure out federal housing options; government representatives thought the most workable option would be under a relocation housing plan (Plan/Program 221) calling for "the building of home developments with government assistance. This money is paid back by the people who locate in the new homes, over a period of 40 years."[456] May: The *Desert Sun* reports, "Palm Springs attorney Robert Schlesinger, representing the Bank of America, conservators for some of the Indian owners in the section, served eviction orders on some 22 homes in Section 14 and started abatement of the homes. They called in Chief Building Inspector Jack Sanders, who with authority of City Attorney Jerry Bunker, declared the homes and trailers 'are unfit for habitation.' He ordered the power company to disconnect the power and telephones." This indicates the City was not only not following its 90-day eviction procedure for abatements of occupied dwellings, but was following the direction of a conservator. Contractor Joe Leonard had started removing the dwellings but ceased, and services were reinstated, after complaints from the residents.[457] June 5: After waiting several months while a block survey of Section 14 residents was conducted, the City Council authorizes the City Manager to submit an application for FHA assistance under Plan 221.[458] This was part of a years-long effort by the Mayor and City Manager to find housing funding for Section 14 residents facing eviction; these efforts did not result in any affordable housing being built within Palm Springs city limits until after the final 1965-57 abatement campaign, but an FHA-funded development for 150-200 families in North Palm Springs was approved in August.[459] June 12: At a City Council meeting, the Chief Building Inspector "reported that the City had been proceeding under abatement procedure, giving 90-day notices and then burning the houses, but for some time, there have been no funds available for abatement; further, that they had secured letters of authority from the Indians or conservators, and that, as these homes became vacant, they were to be demolished or burned."[460] In this meeting, Mayor Frank Bogert reported receiving calls from two Section 14 house owners who arrived home to "find their buildings in ashes."[461] The City Manager asked the City Council to set a policy regarding burning; it decided that occupants should be notified prior to any action, and buildings should be demolished before burning.[462]

[456] "Eviction of 2,500 from Homes Said City Problem, " *Desert Sun* March 1, 1961.
[457] "Power Mystery Still Unsolved," *Desert Sun* May 4, 1961.
[458] Palm Springs City Council Minutes, June 5, 1961, 8.
[459] "2.5 Million Apartment Project Slated for Section 14 Families," *Desert Sun* August 18, 1961; ; "Hearing Only 15 Seconds," *Desert Sun* November 1, 1961.
[460] Palm Springs City Council Minutes, June 12, 1961, 6-7.
[461] "PS Council Curbs House Burning," *Riverside Independent Enterprise* June 15, 1961.
[462] Palm Springs City Council Minutes, June 12, 1961, 6-7.

	The City Council establishes a Section 14 advisory committee, appointing the mayor, Berbon Abner (NAACP), Reverend J. Rollins (pastor of the First Baptist Church), J. Powell, R.G. Rightmire, Joseph Jackson (NAACP, Riverside advocate for Section 14 residents), Ray Jackson (BIA agent), and Judge Eugene Therieau (conservator).[463] Other members are added later. In a July City Council meeting, the group is referred to as the Special Committee for Group Housing Problems.[464] June 26: After a June 23 meeting with conservators and the Section 14 advisory committee, Mayor Bogert declared a six-month moratorium on evictions and house burnings to allow more time for housing studies and offer relief to residents.[465] FHA and HHFA representatives present information on the 221 Program to City Council.[466] June-July: A series of suspicious arson fires burns both standing dwellings and debris piles from demolished houses.[467] July 10: Section 14 advocate Joseph M. Jackson tells City Council these fires were arson and residents are forming vigilante committees to protect their homes.[468] July 17 and 24: The City Council discusses how to minimize the impacts of continued debris pile burning (from demolished houses) and hears from residents and advocates objecting to this practice.[469] One councilmember "suggested that if the allottee has available funds that he be required to remove the building to the dump; if no funds are available, that the buildings be burned under proper supervision."[470] The Council concludes that the decision "will be placed in the hands of the Committee and the Mayor and any further burning will be conducted at their discretion."[471] October 9: After months of seeking zoning approval to construct housing for displaced families east of town with landowner Lawrence Crossley, developer Robert Gould had Los Angeles television station KTLA come to a City Council

[463] Palm Springs City Council Minutes, June 12, 1961, 6-7.
[464] Palm Springs City Council Minutes, July 17, 1961, 1-2.
[465] Palm Springs City Council Minutes, June 26, 1961, 2; "Officials Open Section 14 Study," *Desert Sun* June 23, 1961; "'Time Out' Called on Section 14," *Desert Sun* June 27, 1961.
[466] Palm Springs City Council Minutes, June 26, 1961, 2.
[467] "2 Fires Ravage Pair of Dwellings on 14," *Desert Sun* June 29, 1961; "New Unexplained Section 14 Blaze Puzzles Firemen," *Desert Sun* July 7, 1961; "5th Mystery Blaze Hits Section 14," *Desert Sun* July 14, 1961.
[468] "Vigilantes May Fight Indian Slum Arson," *Riverside Daily Press* July 12, 1961; Palm Springs City Council Minutes July 10, 1961, 4-5.
[469] Palm Springs City Council Minutes, July 17, 1961, 1-2; July 24, 1961, 3.
[470] Palm Springs City Council Minutes, July 24, 1961, 3.
[471] Ibid.

	meeting for his latest request on the matter. Council approved the zoning change under the public pressure, but the development was never built.[472]
1962	January 1: The six-month eviction and house burning moratorium ends, but no new abatement work or moratorium extensions are reported in the press until July. The city continues demolishing vacant dwellings and burning the debris. January-October: A series of suspicious arson fires burns both standing dwellings and debris piles from demolished houses.[473] One in mid-January at 465 E. Arena Rd consumed seventy-five feet diameter pile, rising to a height of 20 feet, involv[ing] approximately 30,000 cubic feet of material."[474] An arson suspect is arrested in May and released with no charges. January 29: The Council authorizes the building inspector to issue certificates of eligibility for FHA Program 221, under Resolution No. 6746.[475] It does not appear that Section 14 residents knew about these certificates, "nor did they apply for or receive relocation funds."[476] February 13: The chief building inspector shows City Council charts depicting locations where houses had been demolished and burned. The City Manager reports "that it has just come to his attention that the [County] Board of Supervisors did not pass the law prohibiting burning throughout the County; therefore, the City can again permit summer burning."[477] July 17: Evictions resume on two parcels, "after two prior notices of 90 and 30 days – a four months total – failed to clear the land." Residents are said to be squatters in buildings with expired leases. They are removed by County Sheriff's deputies and Palm Springs police, and as their dwellings were vacated the City razed and burned them. "Deputies, who expressed sympathy with the affected unauthorized tenants, explained that the structures would be demolished for burning as soon as emptied. A time limit for early afternoon today was set for beginning of the move by some occupants."[478] August 13: At the City Council meeting, "Mrs. Fatheree addressed the Council, requesting some action regarding the burning of her house located on Section 14,

[472] "Gould Gets His Zoning on Camera," *Desert Sun* October 10, 1961; Palm Springs City Council Minutes, October 9, 1961; "Palm Springs Capitulates; Zoning Changes Granted," *Los Angeles Sentinel* October 12, 1961; Kray, "Second-Class Citizenship," 336-337.
[473] "All That Fire Was Section 14," *Desert Sun* January 18, 1962; "Arson Seen as Cause of Three Fires," *Desert Sun* April 21, 1962; "Palm Springs Police Declare All-Out War on Arsonists," *Desert Sun* April 23, 1962; "One Suspect Held, One Questioned on Arson," *Desert Sun* May 7, 1962; "Police Clear Suspect in Arson Case," *Desert Sun* May 9, 1962; "Incendiary Fires in City Increase Hazards," *Desert Sun* July 16, 1962; Photo caption "Dense Smoke," *Desert Sun* October 5, 1962.
[474] "All That Fire Was Section 14," *Desert Sun* January 18, 1962.
[475] Palm Springs City Council Minutes, January 29, 1962, 2.
[476] Miller, "Palm Springs Section 14 Demolition," 5; Kray, "Second-Class Citizenship," 338 (quote from this source).
[477] Palm Springs City Council Minutes, February 13, 1962, 11.
[478] "Evictions Start on Indian Land," *Desert Sun* July 17, 1962.

	together with all contents in the house. Mayor advised that the City had no jurisdiction in these matters, that it was a matter for the conservator or guardian."[479] The Council voted to direct the city attorney "to prepare a legal opinion regarding the City's position in this matter." The *Desert Sun* reported the next day that Mrs. Florence Fatheree (age 72) said "I put all my savings in that little house."[480] The burning of her house was part of a 15-acre area of house burnings to make way for a spa development – the area abated in July.[481] Mayor Bogert said "I've had 20 people on the reservation call me, but there's nothing we can do" due to a lack of jurisdiction and the fact it was a landlord-tenant problem.[482] Four other Section 14 residents on North Calle Encilia (Daniel Murphy, William Shukuroff, Laura E. Reiger, and L.C. Ripley) asked for a 90-day clearance time to remove their buildings; they wrote the *Desert Sun* that they had lived in Palm Springs 10 to 18 years, built their homes in conformity to all building code requirements, and paid their 1962 taxes.[483] The result is unknown. October: fire burns debris from demolished building - "Workers were clearing property in Section 14 across the street east from the new Spa Hotel project."[484]
1963	The nature and extent of abatement activities between August 1962 and through all of 1963 is unclear. It appears that vacant dwellings were being demolished and burned as they were vacated. February 16: Attorney James Hollowell, a conservator/guardian for multiple Agua Caliente estates, states in a letter that the summer 1962 abatement events took place "when everyone was taking vacations" and was "planned so that a minimum of political pressure and harassment would occur." The work was done "in close cooperation with the city, which, for very obvious reasons, wanted the least number of people here who would interject their own cheap political motives into what was already a sticky problem."[485] June 25: In a City Council meeting, Mose Clinton (NAACP representative), Ray Hiller (NAACP), and I.S. Eisen (Section 14 resident) registered objections to the City's continued debris burning on Section 14.[486] Eisen asked the Council how they would like to have photos taken of a burning pile, to be sent to Washington

[479] Palm Springs City Council Minutes, August 13, 1962, 15.
[480] "Section 14 Burnings Probe Set," *Desert Sun* August 14, 1962.
[481] Ibid.; "Evictions Start on Indian Land," *Desert Sun* July 17, 1962.
[482] "Section 14 Burnings Probe Set," *Desert Sun* August 14, 1962.
[483] "Section 14 Burnings Probe Set," *Desert Sun* August 14, 1962.
[484] Photo caption "Dense Smoke," *Desert Sun* October 5, 1962.
[485] Hollowell letter, February 16, 1963, cited as being in Indio Superior Court Records in "Attorney's Letter Says City, Indians Joined in Cleanup," *Riverside Daily Press* September 27, 1967.
[486] Palm Springs City Council Minutes, June 25, 1963, 4-5; Palm Springs City Council Minutes, October 14, 1963, 3; "PS Burning Said 'Discrimination'," *Desert Sun* June 26, 1963.

	D.C.[487] This may be the NAACP obstruction the city attorney referred to in 1965 as ending the early 1960s abatement campaign: the "NAACP crawled down our necks."[488]
1964	Dwellings are demolished and burned as they become vacant, at a slow pace. October 19: Vice Mayor George Beebe "reported that all efforts should be made to clean-up and remove the unsightly condition existing on properties at Tahquitz-McCallum Way and Avenida Caballeros." Councilman Dragicevich stated that "allottees and conservators expressed cooperation in cleaning up these as well as other areas."[489] The *Desert Sun* reported Beebe "took up the let's-make-the-city-sparkle cudgel again last night," asking the building and safety department director why the department isn't enforcing existing codes. The director answered, "it lacked council direction and funds with which to do the job."[490] November 9: Frank Aleshire is officially appointed as Palm Springs City Manager.[491]

Fifth Abatements: 1965-1966

The fifth and final campaign occurred between 1965 and 1966. The City of Palm Springs planned, funded, and implemented it in partnership with the BIA and with the approval of the Agua Caliente Tribal Council. The BIA also provided funding for the project in at least one instance, in early 1967.[492] Riverside County also participated, though its involvement beyond providing County Sheriff personnel to serve eviction orders is unclear.[493] This campaign used the same legal justifications as the 1961-62 and 1954-60 campaigns. It displaced an unknown number of people, likely in the hundreds, between 1965 and 1967. The residents displaced in this campaign were the final holdouts, with most others having evacuated earlier. The abatements mostly ended in 1966, with cleanup into 1967 and a few buildings burned in 1968-1969. The City and BIA faced public outcry at this time after investigations into the abatement campaign and abuses of the Agua Caliente conservatorship-guardianship system by the *Riverside Press-Enterprise,* the Department of the Interior, and the California Attorney General's Office. This last investigation, reported in Deputy Attorney General Loren Miller's "Palm Springs Section 14 Demolition" (May 1968), resulted in a searing indictment of the city. It reported some residents did not receive eviction notices and others had their homes destroyed before the 30-day period they had been notified about. However, it did not find the city criminally liable.[494]

[487] "PS Burning Said 'Discrimination'," *Desert Sun* June 26, 1963.
[488] "Cleanup Drive Demanded on Section 14 Here," *Desert Sun* January 19, 1965.
[489] Palm Springs City Council Minutes, October 19, 1964, 12:
[490] "Clean-Up Sought By Beebe, *Desert Sun* October 20, 1964.
[491] Resolution No. 8212A, Palm Springs City Council Minutes, October 26, 1964, 1.
[492] Resolution No. 8872, Palm Springs City Council Minutes, February 27, 1967, 2-3.
[493] "Relations Panel Moves to Ease Eviction Tension," *Desert Sun* August 24, 1966.
[494] Miller, "Palm Springs Section 14 Demolition."

City records of the 1965-1966 abatement campaign and its cleanup into 1969 indicate that a total of 235 structures and/or dwellings were abated in Section 14, 92 abandoned and 143 still occupied.[495] Twelve structures not located on Section 14 were also abated. The Section 14 work was conducted in six phases based on geographical area (organized by block), with most phases' work overlapping as burn permits were filed and abatement procedures confirmed.

The specific eviction and abatement procedures established by the BIA and the City for the 1965-1966 abatement campaign are not fully discernable from available sources, but are more clear than those of earlier campaigns due to availability of some City, State, and BIA records. California Deputy Attorney General Loren Miller summarized the apparent abatement procedure in place prior to the 1966 evictions and demolitions addressed in his report: The city asked conservators to serve 30-day notice to tenants "that tenancy would be terminated within the statutory period of 30 days," and to inform tenants that permits to clear the land would be issued after service.[496] Following notices and execution of the permits, city-contracted demolition crews would knock down the buildings and pile the debris for controlled burning by the city fire department. The report asserts, "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." This had also been the case in the 1961-62 cleanup campaign.

In early November 1965, BIA Director of the Palm Springs Indian Office Paul Hand outlined some procedures in a letter to 18 Agua Caliente allottees and allottee representatives encouraging them to cooperate with the City's planned abatement campaign on their portion of Section 14.[497] This letter is one of multiple sent in different abatement phases of the 1965-66 campaign (this time period would have been Phase 2), but is the only complete one known to have been found in City records.[498] Enclosed with it were copies of the "Permit to Burn Debris" provided by the City, for recipients to execute and return. The letter notes "The City of Palm Springs has offered to collect, pile, and burn all rubbish, trash, litter, and waste in the area of Section 14, shown as enclosed [map of Phase 2 area not included with available copy of letter]" and later continues:

> We have no outstanding approved permits in the area indicated, although it is possible that some of the land owners involved have occupants paying rent. For the reason that there are no approved permits, the occupants are all technically in trespass. It is the hope of the City and the Bureau that the owners will now take the steps necessary to secure relocation of all present occupants from the area. As a matter of consideration for the occupants, we believe that all of them should be granted 30 days from receipt of written notice to be served on them by the

[495] Palm Springs Bureau of Fire Prevention, Statistical Report Public Nuisance Abatement of Section 14 as recorded by the Bureau of Fire Prevention from 9/29/65 to 12/31/67, no date, on file with the City of Palm Springs; Bureau of Fire Prevention, Chronology – Section 14 Abatement Program, Demolition, Control Burn and Hauling as Recorded by the Bureau of Fire Prevention from 9/29/65 to 12/31/67, no date, on file at the City of Palm Springs. As noted at the beginning of Chapter 6, even the records for 1965-1967 lack detail on addresses/households and are not comprehensive.

[496] Miller, "Palm Springs Section 14 Demolition," 6.

[497] BIA local director Paul W. Hand, letter to 18 recipients re: Public Nuisance Abatement of Section 14, no date (handwritten "Rec'd 11/1/65 F.P.B JEH & D.A."), on file with the City of Palm Springs.

[498] A November 16, 1965 letter nearly identical to the earlier one from Hand, with different recipients and date, is almost certainly from Hand, but is missing the signature page. It was likely for Phase 3 - see "Chronology – Section 14 Abatement Program, Demolition, Control Burn and Hauling as Recorded by the Bureau of Fire Prevention from 9/29/65 to 12/31/67," no date, on file with the City of Palm Springs.

> owner or the owner's representative in which to effect removal. In those cases where rent is being collected, it would be expected that it may be necessary for the notice to be served on the next rental due date. However, the City is willing to conduct this program without 100 percent vacation of the area if the owners conclude there are some occupants in the area as to which they do not wish to impose the removal requirement at this time.[499]

Despite provisions about leaving some occupants in place, Hand went on to request that the recipients fill out burn permits for all locations anyway:

> If there are occupants whose vacation of the premises you are not requiring, then you should add an exception to the permit giving the name of the particular occupant and describing the location of his house in the block to the best of your ability.
>
> We have not made an inspection of the area in order to ascertain precisely those blocks in which there is debris, trash, etc. to be burned. It may be that some of the blocks do not require clean up. For the purposes of consistency, however, and to avoid confusion among the city people who will actually do the work, it is requested that permits be executed and returned to us for each block even though no burning is contemplated.
>
> To the best of our knowledge, there are no buildings in this area worth saving. It seems to us that we should certainly avail ourselves of this opportunity to participate in the city program 100 percent.[500]

The BIA's request for completed burn permits even for areas for which no burning was desired or intended certainly suggests its ultimate intent was total clearance of Section 14. The BIA letter is the best and only detailed description of abatement procedures yet found for the main part of the program, in 1965-1966. In June 1966, the City had established a seven-member Human Relations Commission in order to divert concerns and complaints about the Section 14 abatement process from the City Council into a dedicated channel involving hearings.[501] In early September 1966, City Manager Frank Aleshire reported to local BIA director Paul Hand that "Our coordinator, through personal contact and cooperation with the Indian owners or their conservators or guardians, as well as their attorneys and trust officers, was able to demolish, burn and clean up approximately 200 dwellings and structures by the middle of August, 1966."[502] He went on to ask for $15,000 in financial assistance to complete the work: "We would like to ask, if at this time, it is possible for us to obtain financial help from the Federal Government or from Indian land owners to finish the job." It is unclear whether the BIA responded with funding.

The earliest available City documentation specifying the abatement process to be followed dates to January 1967, after approximately 200 structures had already been demolished and the bulk of the campaign was complete. It is unknown what other guidelines the City may have put in writing, if any, prior to this time. In the January 20, 1967, letter to local BIA director Homer Jenkins, abatement program director Don Abercrombie noted a $5,000 cost estimate for proposed abatement of 31 "priority structures," and outlined the procedure to be followed:

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[499] Hand, letter to 18 recipients.
[500] Hand, letter to 18 recipients.
[501] Palm Springs City Council Minutes, June 13, 1966, 5-6.
[502] Aleshire, letter to Hand re: Section 14 Abatement, September 8, 1966.

Following are the various legal steps the City of Palm Springs will follow before demolition is started, including administrative hearing procedure recommended by the Human Relations Commission:

1. Personal contact of owner of Indian land or his conservator or guardian to seek his permission and cooperation for the abatement and cleanup of parcel of land,
    a. If the owner agrees to have the City of Palm Springs abate his property, the owner will then proceed in a legal manner to have the tenant or tenants vacate from his property.
    b. When the tenant has moved or vacated from his property, the owner will then give to the City of Palm Springs a proper written permit to demolish, burn and remove any structure or debris that remains.
    c. Should the tenant feel that by being required to move from the premises he is being mistreated, he can appear and receive counsel before the Board of Appeals and/or the Administrative Hearing Committee of the Human Relations Commission.[503]

The BIA is documented as providing the requested $5,000 to help pay for "demolition and readying for controlled burning of structures" in February 1967.[504]

In December 1967, well after the bulk of the campaign was complete, City Manager Frank Aleshire spelled out the abatement procedure to be followed, noting "I am anxious to avoid any suggestion that the City did not give adequate notice or that tenants were dispossessed by the City."[505] Beyond the general steps outlined in Abercrombie's January 1967 letter, it is unknown exactly what abatement procedures may have been in place, let alone followed, prior to the Bureau of Fire Prevention's receipt and implementation of the City Manager's direction at this time. The steps as of December 5, 1967 were:

A. Notify the Bureau of Indian Affairs that the program will continue and that vacant structures will be abated at the request of the Bureau and Indian owner or conservator.
B. Upon receipt of a written permit to burn, the following steps should be taken:

    Investigate to determine that the structure is actually vacant.

    Post the property for abatement under Chapter 56.[506]

[503] Abercrombie, letter to Jenkins re: Section 14 cleanup, January 20, 1967. The City was unable to provide any records related to the Human Relations Commission or any of its hearings.
[504] Resolution No. 8872, Palm Springs City Council Minutes, February 27, 1967, 2-3.
[505] City Manager Frank Aleshire, letter to Department of Planning and Development, Fire Department, and City Attorney re: Section 14 – Clean Up – Procedure, December 5, 1967, on file at the City of Palm Springs in Section 14 Abatements Phase 6, Book 5.
[506] The City Council adopted Chapter 56 of the Palm Springs Ordinance Code (Ordinance No. 747) on June 1, 1966: "An Ordinance of the City of Palm Springs, California, Repealing Existing Chapter 56 of the Palm Springs Ordinance Code and Adopting a New Chapter 56 of the Palm Springs Ordinance Code Entitled "Public Nuisance Abatement" and Providing for the Definition of Public Nuisances, Providing for the Abatement and Removal Thereof, and Assessment of the Costs of Abatement to the Property Owner Pursuant to Government Code Section 38773.5" The government code references is California state code regarding abatement of public nuisances.

If no protests are received within the time allowed, proceed with controlled burn.

If protests are received, review with City Attorney and City manager for decision on further action.

For all abatements keep separate records on each structure.

Take photos.

Maintain affidavits of notice.

Secure affidavits of at least three people that the structure was vacant of occupants or personal belongings.

As part of our procedure, check the Assessor's records to determine if anyone other than the Indian is paying taxes on the property. If so, be sure to notice that person.[507]

Abatement records from 1965-1968, including books for the campaign's six phases with copies of correspondence, burn permits, parcel maps, and photographs of properties, indicate the City was tracking permissions from land owners and documenting the work as it happened.[508] It is unknown how complete and correct these records are. For example, none of the books contains affidavits of at least three people confirming structures were vacant of occupants of personal belongings; even in the Phase 6 book, documenting abatement of two properties occurring after this step was officially put in writing in December 1967, only one property, 625 Beech Road, has an affidavit of this kind – and it is signed by only two people (the fire marshal and the building inspector).[509]

Regardless of what eviction and demolition procedures may have been agreed to by the City and the BIA for the 1965-1967 campaign, multiple accounts state that some residents' homes were destroyed without notice or without sufficient notice, sometimes with personal property still inside them.[510] The 1968 Attorney General report stated "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…The tenants steadfastly maintain that few of them ever received a notice to vacate their land."[511] Individuals cited in the report as having or witnessing these experiences included Joe Leonard, Homer Manning, Moses Clinton, James Goree, Mrs. Spilletti, R.L. Lucas, and Mrs. Van Williams. The dwellings owned by Manning, Clinton, and Goree were occupied by others, and the owners reported they did not receive notices; whether their tenants did is unknown. Lucas and Williams received notices (length not indicated) but disregarded them. Spilletti was mentioned by her neighbor Goree as having had her house destroyed, without further detail.

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[507] Aleshire, letter re: cleanup procedure, December 5, 1967; also "Section 14 – Clean Up – Procedure" (clean typed copy of directions incorporating handwritten edits in letter), on file at the City of Palm Springs in Section 14 Abatements Phase 6, Book 5.
[508] On file at the City of Palm Springs.
[509] "Section 14 Abatements – Phase 6, Book 5," on file at the City of Palm Springs.
[510] Miller, "Palm Springs Section 14 Demolition," 8; see also accounts detailed in the chronology section following this narrative.
[511] Miller, "Palm Springs Section 14 Demolition," 8.

Homer Manning's account of his 1966 abatement experience is one of the most detailed on record, as told to the *Los Angeles Times* in 1967.[512] Manning, who was on the City's Human Relations Committee, reported he first rented land from allottee Priscilla Gonzales in 1955 on a five-year lease, then paid monthly "until the landlord stopped collecting it about 1962."[513] He obtained a city building permit and constructed a house, later converted to a duplex, for which he paid property taxes up to 1965-66. Manning rented the apartments to others.

> "Then one day," Manning says, "I got notice to vacate. The next morning, the tenant told me a bulldozer was outside to tear the house down. I went over there.
>
> An attorney was there. I said this was pretty quick, wasn't it? He said: 'When was the last time you paid land rent?' He said: 'You got no choice but to get out now.' It was about 8:30 in the morning.
>
> Mr. Aleshire [Frank D. Aleshire, city manager] was standing there. He said it was out of his hands. He was sorry. Shortly after 12 noon they cut it down.
>
> I was going to get copper tubing and the hot water heater out, but I lost it. The tenants got their clothes out. I lost windows and other things."[514]

In September 1966 interviews, City cleanup coordinator Don Abercrombie and City Manager Aleshire admitted to the *Riverside Independent Enterprise* that standard public nuisance abatement policies per City code[515] were not followed in the case of the Section 14 cleanup. The primary rationale appears to have been that all of the City's abatement work in this campaign was conducted with the cooperation of the BIA, the Tribal Council, and Agua Caliente allottees and/or their conservators and guardians, with all "public nuisance abatement" emphasis on the owners of the land, not the owners of the buildings on the land. City Building Inspector John C. Sanders explained the differences between standard City policies and those followed for Section 14 abatement at that time:

1. An on-the-ground inspection of the building in question must be made under normal procedures to determine whether it meets qualifications required by city and state building and fire codes.

   Under Indian land clean-up policies no such inspection is undertaken by city officials and the owner of the building is not contacted at all.

2. A warning sign is posted on the grounds of buildings found substandard under normal procedure and the building owner is notified to repair the building within 10 to 60 days, depending on the case.

   Under Indian land clearance procedures the land owner is contacted and asked if he would like to have the city demolish the building. The owner of the building is himself not contacted

[512] "Palm Springs 'Slum' Plan Probed by State," *Los Angeles Times* April 2, 1967.
[513] Ibid.
[514] "Palm Springs 'Slum' Plan Probed by State," *Los Angeles Times* April 2, 1967.
[515] The applicable code is presumed to be that laid out in City of Palm Springs Ordinance No. 747, June 1, 1966, on file at the City of Palm Springs.

and all notification that he is to leave the land is handled by the land owner rather than the city.

3. Under normal procedures, the difference between the cost of the demolition and any money made by the city from salvage is charged to the building owner.

   Indian land clearance is fully paid by the city.[516]

Abercrombie stated it was unnecessary to inspect the Section 14 buildings to determine whether they violated fire and building codes: "You can tell by just walking or driving by it it's an eyesore, it's a nuisance, whatever else you want to call it."[517] In explaining why standard abatement proceedings had not been followed, Aleshire said the City Council had decided on this route in 1965 because bad conditions were "not being remedied by the owners."[518] "We felt it would be better to get it cleaned up and worry about the legal problems later."[519] Because the BIA, the Tribal Council, and Agua Caliente allottees (either personally or through their conservators/guardians) cooperated with the City in obtaining permission from land owners rather than building owners, the City apparently felt the legal risk was minimal enough to risk taking.

Complaints by Section 14 residents and advocates, led in particular by Ernest Moore, gained traction and publicity after the June 1966 establishment of the Human Relations Commission. They received more attention after the *Riverside Press-Enterprise* dedicated several series of articles to Section 14 from 1966 to 1968, and again in the 1966-1967 investigation by the California Attorney General's office.[520] The findings of that report were hotly disputed by the City and *The Desert Sun*, who pointed out the lack of transparency in the report's methods, the health and safety risks posed by Section 14's unregulated structures, and the report's ultimate conclusion that the city was not criminally liable for its actions.[521] Foreseeing the bad publicity to come, however, the City appears to have called a halt to the last abatement campaign in spring 1967, shortly after Miller began his investigation, and when former mayor Edgar McCoubrey said Section 14 still had 437 people and 118 houses left.[522] It is unclear how many in those counts were Agua Caliente vs. tenants, and it is also unclear when and under what process the last tenant dwellings were vacated and demolished aside from the few noted in City records in 1968-69.

1965	January: city officials, the Agua Caliente tribal council, and the BIA held a study session at the Spa Hotel to discuss "a complete and total cleanup of Section 14." Councilman Ed McCoubrey advocated for City financing of the campaign:

[516] "Indian Land Clean-Up Bypasses Usual Rules," *Riverside Independent Enterprise,* September 27, 1966.
[517] "Quick Demolition Set on 100 Shaky Houses," *Riverside Independent Enterprise,* September 24, 1966.
[518] "Clean-Up Aimed at Clearing Out Negroes, Leader Says," *Riverside Daily Press* September 28, 1966.
[519] "Indian Land Clean-Up Bypasses Usual Rules," *Riverside Independent Enterprise* September 27, 1966.
[520] "Quick Demolition Set on 100 Shaky Houses," *Riverside Independent Enterprise,* September 24, 1966; "Indian Land Clean-Up Bypasses Usual Rules," *Riverside Independent Enterprise* September 27, 1966; "Clean-Up Aimed at Clearing Out Negroes, Leader Says," *Riverside Daily Press* September 28, 1966; "Negro Leader Criticizes Two-Way Clean-Up Rules," *Riverside Independent Enterprise,* September 28, 1966; George Ringwald, *The Agua Caliente Indians and Their Guardians: Selections from Pulitzer Prize Winning Entry for Meritorious Service (*Riverside, CA: *Press-Enterprise*, 1968).
[521] *Desert Sun*'s "The Section 14 Story" series of 14 articles by managing editor Al Tostado November 13-28, 1968 comprehensively summarizes these arguments. More information is in "City Attorney Defends Spending Public Money to Clear Private Land," *Riverside Independent Enterprise* April 18, 1968; "Report Rips Section 14 Slum Clearing Practices," *Riverside Independent Enterprise* June 5, 1968.
[522] "Slum Clearing Gets Defense," *Riverside Independent Enterprise*, April 18, 1968.

	"The city council should seriously consider financing the money for this cleanup. It would be a good investment. I know there would be some objections to this, of course, but this Section 14 is a pressing problem."[523] McCoubrey was Palm Springs mayor April 1966-April 1967. February 8: City Councilman Beebe "pointed out the urgent need to commence immediate cleanup program in areas of Section 14, giving prime consideration to the area of Tahquitz-McCallum and Avenida Caballeros and urged that this matter not be delayed any longer."[524] The Council referred the matter to the city manager "to study all feasible methods of cleaning up Section 14." February 12: Hatchett's Court demolition is in progress.[525] September 20: The BIA and City begin Phase 1 of the abatement campaign on Blocks 46, 47, 50, and 51.[526] October 4: The City Council "finds that a public nuisance exists within Section 14 by reason of the accumulation of trash and debris, and that the Fire Department be authorized to handle controlled burning on Section 14 during the period October 1 through June 1, 1966."[527] October 18: Council discusses having the cleanup campaign "carried on throughout the year by a civic organization; that Conservators and Guardians take all steps necessary to encourage the cleanup of Section 14…"[528] October 19: At least 13 Section 14 buildings are demolished and burned.[529] October 25: The BIA and City begin Phase 2 of the abatement campaign on Blocks 29-42, 48, 54-58, 116-117, 120, 123-127, 131, and 263.[530] October 26: The City hires Don Abercrombie "on a temporary basis" to assist the Fire Chief with the abatement program; the City Manager also notes "it is important to keep good records of this total program" including cost estimates because, "One of the things that was discussed with the Bureau of Indian

[523] "Cleanup Drive Demanded on Section 14 Here," *Desert Sun* January 19, 1965.
[524] Palm Springs City Council Minutes, February 8, 1965, 12.
[525] "Cleanup" photo caption, *Desert Sun* February 12, 1965.
[526] Bureau of Fire Prevention, Chronology – Section 14 Abatement Program, Demolition, Control Burn and Hauling as Recorded by the Bureau of Fire Prevention from 9/29/65 to 12/31/67, no date, on file at the City of Palm Springs. In Phase 1 and all subsequent phases, abatement work continued for weeks to months after the phase's main activity period, with phases overlapping and work occurring concurrently.
[527] Palm Springs City Council Minutes, October 4, 1965, 5.
[528] Palm Springs City Council Minutes, October 18, 1965, 7.
[529] "Up in Smoke Go More Section 14 Buildings," *Desert Sun* October 19, 1965.
[530] Bureau of Fire Prevention, Chronology – Section 14 Abatement Program, Demolition, Control Burn and Hauling as Recorded by the Bureau of Fire Prevention from 9/29/65 to 12/31/67, no date, on file at the City of Palm Springs..

	Affairs and the Indians at one time was the possibility of getting them to pay part of the cost of cleanup."[531] November 1: In a November 1 letter to the City Manager, Fire Marshal James Harris refers to Abercrombie as the "Clean-up Co-ordinator" and notes that as of that date, Abercrombie had "been assigned the Duty of handling the Abatement Activities of Section 14, through the Bureau of Fire Prevention."[532] Late October-early November: Paul Hand (BIA) sends letters to 18 recipients with burn permits (see info in 1965-67 overview above) in the earliest known documentation of proposed abatement procedures for the 1965-67 campaign.[533] November 2: The BIA and City begin Phase 3 of the abatement campaign on Blocks 11, 29, 54, 67, 69-70, 74-76, 78, 81, 83, and 85-90, and Phase 4 on Blocks 217, 231, and 232.[534] November 17: Phase 1 of the abatement campaign is reported completed, with Phase 2 underway, and June 1966 set as the deadline for full project completion. "Although cleanup activity on Section 14 is not new, this is the first time a concentrated, phase-by-phase effort has been spearheaded by the city."[535] December 13: The City Manager "reported that cleanup of Section 14 is rapidly progressing, and the area north of Tahquitz-McCallum Way is now being concentrated on. He also stated that the Bureau of Indian Affairs and Indian owners are fully cooperating in the cleanup program."[536]
1966	January: Homer Manning's duplex is razed.[537] February: Fire Department burns an "old stable on the corner of Tahquitz-McCallum Way and Avenida Caballeros."[538] March 14: The *Desert Sun* reports the City has recently demolished and burned seven houses on Sage Street off El Segundo and Ramon Road. "Trees, walls, debris are shoved together toward the center of the house for intense, fast

[531] City Manager Frank Aleshire, letter to Fire Chief (cc City Council and Don Abercrombie) re: Section 14 cleanup, October 26, 1965, on file with the City of Palm Springs.
[532] Fire Marshal/Chief of Bureau of Fire Prevention James E. Harris, letter to City Manager Frank Aleshire re: Clean-up of Section 14, November 1, 1965, on file with the City of Palm Springs.
[533]Hand, letter to 18 recipients
[534] Bureau of Fire Prevention, Chronology – Section 14 Abatement Program, Demolition, Control Burn and Hauling as Recorded by the Bureau of Fire Prevention from 9/29/65 to 12/31/67, no date, on file at the City of Palm Springs..
[535] "Section 14 Cleanup Showing Results," *Desert Sun* November 17, 1965.
[536] Palm Springs City Council Minutes, December 13, 1965, 15.
[537] "Palm Springs 'Slum' Plan Probed by State," *Los Angeles Times* April 2, 1967.
[538] "Hot Objective" photo caption, *Desert Sun* February 4, 1966.

	burning."[539] Since the abatement program started, about 160 buildings have been burned; by June, the City expects "to have demolished, burned and cleared 250 substandard dwellings on Section 14."[540] April: Agua Caliente Tribal Council Chairman Edmund P. Siva sends a note of appreciation to the Palm Springs City Council regarding the cleanup campaign: "When something is wrong it is not uncommon to hear many voices of protest, but when some constructive act is performed it is all too frequently followed by silence. The Tribal Council for the Agua Caliente Band of Mission Indians want you to know that they commend you for your recent Clean-up Campaign and they ask that you consider this letter as a note of their appreciation."[541] May: Tenants of Joe Leonard's building on Dora Prieto's allotment are evicted and the dwelling is demolished; Leonard subsequently files a lawsuit against the City. In 1968, the court finds for the city.[542] June-August: Heavy abatement activity; according to a *Riverside Independent Enterprise* article from June, "a parade of Negro slum dwellers attended a series of City Human Relations Commission meetings at which they charged that the city crews often had not given them enough time to move their possessions out of houses before they were demolished. Each complaint - including one by Homer Manning, a Negro who was himself a member of the commission - was categorically denied by Abercrombie and in each instance the commissioners ruled that there was no further action to be taken."[543] A complaint is filed to the CA Attorney General's office, and the AG assigns Deputy AG Loren Miller to investigate.[544] June 1: The City Council adopts Chapter 56 of the Palm Springs Ordinance Code (Ordinance No. 747), updating the public nuisance abatement code.[545] One Councilman had expressed concern during a study session that its definition of "public nuisance" was too broad, and that the City would end up paying the bill for abatements on Agua Caliente land. The City Manager "explained that the ordinance was designed 'to put teeth in the cleanup program' that the last city council had suggested it in line with the city's recent clean-up campaign in Indian owned Section 14." The City Attorney noted the ordinance was imperfect, "but you've got to use the tools you've got against the armor you face."[546]

[539] "Abatement – Fancy Word for Cleaning Up a Mess!" *Desert Sun* March 14, 1966; the three-page photo story continues with "Strategy All Set; Tactics Come Next" and "And Here Goes More Nuisance – Abated!".
[540] "And Here Goes More Nuisance – Abated!" *Desert Sun* March 14, 1966.
[541] Agua Caliente Tribal Chairman Edmund P. Siva, letter to Palm Springs City Council re: City Clean-Up Campaign Program, April 22, 1966, on file with the City of Palm Springs.
[542] "City Absolved in Test Case on Section 14," *Desert Sun* June 21, 1968.
[543] "Report Rips Section 14 Slum Clearing Practices," *Riverside Independent Enterprise* June 5, 1968.
[544] Kray, "Second-Class Citizenship," 347.
[545] City of Palm Springs Ordinance No. 747, June 1, 1966, on file at the City of Palm Springs.
[546] "City Cleanup Law Too Harsh, Official Says," *Desert Sun* May 6, 1966.

	June 13: The City Council establishes a seven-member Human Relations Commission to focus on Section 14 abatement hearings and complaints.[547] Its overarching task is "to combat intolerance, bigotry and discrimination among ethnic groups."[548] The ordinance establishing the Commission does not give it authority to pursue investigations, in an alteration to the ordinance's original language which had been based on recommendations from a citizens' study committee.[549] July 27: After complaints from Ernest Moore and Rev. Jeff Rollins about Section 14 evictions in the Human Relations Commission's first meeting, the Commission authorized the City Attorney "to study the eviction problem after he suggested that some system of pre-eviction hearings might be conducted."[550] August 9: In the second Human Relations Commission meeting, commissioners heard "statements that the evicted families 'had no place to go after they were evicted' because of high property prices, high rents, and in some cases discrimination by rental agents." Cleanup coordinator Don Abercrombie defended City actions, stating that eviction notices came from "Indian owners or their representatives – conservators, guardians, attorneys or bank trust officers," and that "no dwelling was razed unless he had personally inspected it" to make sure personal belongings had been removed.[551] Reportedly only two Black families remained on Section 14 – "Most of the Negro families moved away from Section 14 in 1961 but a number of them survived the mass exodus until this year."[552] August 23: In the third Human Relations Commission meeting, "The city hall conference room was jammed by persons who had been evicted from their homes by Indian owners of Section 14 property in a city cleanup campaign," charging that many had received insufficient time to move their buildings, and in some cases the City had destroyed furnishings and personal belongings.[553] Abercrombie again denied this last charge, noting the structures were empty "shells." Evictee T.W. Harrison spoke about receiving an eviction notice and being "unable to move the $10,000 concrete block home he had built himself." Attorney Josephine Baker (Indio) stated her client received no eviction notice, and another elderly woman "sat in a rocking chair in the rain while her home was being demolished" and died later. Homer Manning, a member of the commission, stated he had received a 29-day notice, but demolition crews arrived within a day. Commissioners approved setting up a hearing procedure

[547] Palm Springs City Council Minutes, June 13, 1966, 5-6. The City was unable to provide any records related to the Human Relations Commission or any of its hearings.
[548] "Human Relations Group Eyes Section 14 Evictions," *Desert Sun* July 27, 1966.
[549] "Human Relations Law To Be Toned Down," *Desert Sun* June 3, 1966; "City Sets More Relations Study," *Desert Sun* June 1, 1966.
[550] "Human Relations Group Eyes Section 14 Evictions," *Desert Sun* July 27, 1966.
[551] "Relations Council Studies Negro Evictions," *Desert Sun* August 10, 1966.
[552] "Negroes Weren't Burned Out," *Riverside Independent Enterprise* August 10, 1966.
[553] "Relations Panel Moves to Ease Eviction Tension," *Desert Sun* August 24, 1966.

	for these and similar cases, and appointed a committee to study low-cost housing options for displaced people.[554] September 8: The City Manager reports to the BIA that "Our coordinator, through personal contact and cooperation with the Indian owners or their conservators or guardians, as well as their attorneys and trust officers, was able to demolish, burn and clean up approximately 200 dwellings and structures by the middle of August, 1966" and requests $15,000 to complete the project.[555] September 13: In the fourth Human Relations Commission meeting, the Commission attempts to determine exactly what its role should be given its limited fact-finding authority. The City Attorney reported he had not yet set up an appeals board for eviction complaints as the commission had requested in July because "the city has temporarily discontinued its cleanup campaign that resulted in the evictions."[556] It is unclear whether Palm Springs halted its abatement campaign due to the complaints lodged in the new public forum of the Human Relations Commission (and reported in the press), the apparent dwindling of funds as shown by the request for $15,000 from the BIA, or both. September 24-28: A series of *Riverside Press-Enterprise* articles reporting on the Section 14 eviction controversy brings wider publicity to the issue.[557] Advocate Ernest Moore and others contend that the evictions were aimed at removing Black residents from Palm Springs. In interviews with the Riverside press, Abercrombie, Aleshire, and City Building Inspector John Sanders state that standard procedures for the abatement of public nuisances were not followed in the Section 14 cleanup campaign.[558] Aleshire states "We felt it would be better to get it cleaned up and worry about the legal problems later."[559] Abercrombie states that demolition of another 100 buildings is planned, at a cost of $15,500.[560] September 29: The City uses bulldozers to build a three-foot earthen wall around 180 acres of Section 14, blocking two city streets and cutting off access to the last two Black families said to be on Section 14.[561] A doctor was not

[554] Ibid.
[555] City Manager Frank Aleshire, letter to local BIA Director Paul W. Hand re: Section 14 Abatement, September 8, 1966, on file with the City of Palm Springs.
[556] "Human Relations Panel Looks at Civic Role," *Desert Sun* September 14, 1966.
[557] "Quick Demolition Set on 100 Shaky Houses," *Riverside Independent Enterprise,* September 24, 1966; "Indian Land Clean-Up Bypasses Usual Rules," *Riverside Independent Enterprise* September 27, 1966; "Clean-Up Aimed at Clearing Out Negroes, Leader Says," *Riverside Daily Press* September 28, 1966; "Negro Leader Criticizes Two-Way Clean-Up Rules," *Riverside Independent Enterprise,* September 28, 1966.
[558] "Quick Demolition Set on 100 Shaky Houses," *Riverside Independent Enterprise,* September 24, 1966; "Indian Land Clean-Up Bypasses Usual Rules," *Riverside Independent Enterprise* September 27, 1966; "Clean-Up Aimed at Clearing Out Negroes, Leader Says," *Riverside Daily Press* September 28, 1966; "Negro Leader Criticizes Two-Way Clean-Up Rules," *Riverside Independent Enterprise,* September 28, 1966.
[559] "Indian Land Clean-Up Bypasses Usual Rules," *Riverside Independent Enterprise* September 27, 1966.
[560] Ibid.
[561] "City Builds Wall Around Slum Area," *Riverside Independent Enterprise* October 1, 1966.

	unable to pay a house call to 82-year-old William Fallen, ill with pneumonia. The City stated the wall was erected to keep out intruders who keep dumping garbage in the area, and that it was actually the last portion of earthworks that had been started in late 1965, "around sites of houses cleared away at that time."[562] December 27: In a wrap-up of 1966 highlights, the *Desert Sun* touts "A new policy of 'strict and fair enforcement of city ordinances' which resulted in demolition of 197 structures on Indian-owned Section 14."[563]
1967	Most of Phases 5 and 6 of the BIA-City abatement campaign are completed this year.[564] January: Abercrombie requests $5,000 from the BIA for abatement of 31 "priority structures" and outlines the procedures to be followed.[565] February: The BIA gives $5,000 to the City to help pay for the abatement campaign.[566] April 2: The *Los Angeles Times* publishes a story on the state's investigation of Section 14 evictions, including Homer Manning's account of his building's demolition in 1966.[567] April 3: California Deputy Attorney General Loren Miller Jr. confirms that he is investigating complaints filed by evicted Section 14 residents.[568] Former mayor Edgar McCoubrey says the City "junked" the abatement campaign as executed to this point shortly after the State Attorney General's office began its investigation. Section 14 still had 437 people and 118 houses left at this point.[569] April 11: In the face of the state investigation, City leaders defend the Section 14 cleanup action. Mayor McCoubrey claimed, "To my knowledge, the city has never had any specific complaints on any of the cleanup programs on Section 14." City Manager Frank Aleshire "said there have been no complaints involving Section 14 made to city hall."[570]

[562] Ibid.
[563] "'66 Highlights Told for City," *Desert Sun* December 27, 1966.
[564] "Section 14 Abatements – Phase 5, Book 4" and "Section 14 Abatements – Phase 6, Book 5," on file at the City of Palm Springs.
[565] Abercrombie letter to Homer Jenkins re: Section 14 cleanup, January 20, 1967. The City was unable to provide any records related to the Human Relations Commission or any of its hearings.
[566] Resolution No. 8872, Palm Springs City Council Minutes, February 27, 1967, 2-3.
[567] "Palm Springs 'Slum' Plan Probed by State," *Los Angeles Times* April 2, 1967.
[568] "Section 14 Cleanup Under State Probe," *Desert Sun* April 3, 1967.
[569] "Slum Clearing Gets Defense," *Riverside Independent Enterprise*, April 18, 1968.
[570] "City Cleanup Legal, 4 Officials Declare," *Desert Sun* April 4, 1967.

	April 25: The Human Relations Commission votes to form "a committee to hear grievances of persons ousted from Section 14." Aleshire blames the Commission for the bad press caused by the state investigation: "you are the group established to look into and solve these problems before they get too bad."[571] As outlined above, the City Council had established the Human Relations Commission less than a year previous, after 160-200 dwellings had already been demolished in this latest campaign, and stripped it of any investigative powers. May: The *Riverside Press-Enterprise* assigns reporter George Ringwald to investigate the Agua Caliente conservator-guardian system. The resulting series brings publicity to both that system and to the situation on Section 14 and wins a Pulitzer Prize for meritorious public service in 1968.[572] May 11: KNXT Channel 2 news airs a three-night series about the Section 14 cleanup campaign.[573] December 5: The City Manager documents the detailed abatement procedures to be followed, noting "I am anxious to avoid any suggestion that the City did not give adequate notice or that tenants were dispossessed by the City."[574] December 26: City Council approves establishing and funding an administrative assistant position, to be filled by a Black candidate who would assist the city manager. This was a community relations position "geared primarily to minority groups" and "aimed at Section 34, where the population is largely Negro."[575]
1968	March: Charles Jordan is hired as administrative assistant to the city manager.[576] April 18: The City Attorney defends the use of $20,000 in public funds ($15,000 City, $5,000 federal) to fund the abatement program; "Probably, a more elaborate spending program would have been more subject to attack."[577] City councilman and former mayor Edgar McCoubrey calls for the completion of abatement, with approximately 437 people and 118 dwellings left on Section 14. He adds that standard procedures not followed in 1965-66 should be followed this time: conducting inspections, allowing a 10-60 day period to

[571] "Human Relations Group Asks Special Sec. 14 Study," *Desert Sun* April 26, 1967.
[572] George Ringwald, *The Agua Caliente Indians and Their Guardians.*
[573] "TV Show Airs '14' Cleanup," *Desert Sun* May 11, 1967.
[574] Aleshire, letter re: cleanup procedure, December 5, 1967.
[575] "Relations Counselor Post Okayed by City," *Desert Sun* December 27, 1967.
[576] "Council Appoints Liaison Officer," *Desert Sun* March 12, 1968.
[577] "City Attorney Defends Spending Public Money to Clear Private Land," *Riverside Independent Enterprise* April 18, 1968.

	repair/improve substandard structures, and informing building owners, not just land owners, of eviction notices.[578] April 20: Responding to McCoubrey's statements, Ernest Moore warns that additional abatements without new methods/procedures could result in rioting.[579] May: The California Attorney General's report "Palm Springs Section 14 Demolition" by Deputy AG Loren Miller, Jr. is published. It excoriates the City for evicting residents and demolishing their homes, but does not find it criminally liable. June: The *Desert Sun* publishes a number of stories and interviews with city officials criticizing the report.[580] The *Riverside Independent Enterprise* summarizes the Attorney General's report findings and repeats its investigative findings from 1966-1968 in a comprehensive summary of the situation.[581]
1969	June 26: Eight families living on 2.5 acres owned by Elizabeth Monk receive eviction notices to clear space for a new post office. "The tenants will be given 30 days to vacate the property, but have known about the move for the past year or so."[582]

[578] "Slum Clearing Gets Defense," *Riverside Independent Enterprise* April 18, 1968.
[579] "Negro Leader Expects Rioting If Old Slum Clearing Program Resumed," *Riverside Independent Enterprise* April 20, 1968.
[580] "Example of 'Classic Disregard'," *Desert Sun* June 5, 1968; "Mayor Hits Cleanup Charges," *Desert Sun* June 7, 1968; *Desert Sun*'s "The Section 14 Story" series of 14 articles by managing editor Al Tostado November 13-28, 1968;
[581] "Report Rips Section 14 Slum Clearing Practices," *Riverside Independent Enterprise* June 5, 1968.
[582] "Evictions Due on P.O. Land," *Desert Sun* June 26, 1969.

7. Section 14 and Its Former Residents, Post-Displacement

This chapter traces the broad movements of Section 14 residents across Palm Springs, the Coachella Valley, and beyond after displacement. As discussed in previous chapters, people left Section 14 in multiple waves from the 1930s through the 1960s, either under the threat of eviction or in response to actual notices. They had very few places they could go without completely leaving the region and their places of employment. The limited Palm Springs housing options open to the working class and people of color did not improve much until the late 1960s. Local banks would not lend money to African American applicants, many landlords would not rent to them, and others charged rates beyond the reach of the working-class wages. Racially restrictive covenants attached to house deeds in developer-planned subdivisions prohibited selling or renting to people of color; though outlawed in 1948, such covenants continued to see enforcement beyond that time, often through discriminatory practices from realtors and/or intimidation from White homeowners attempting to enforce what the courts no longer could. Some displaced families had to move in with others, doubling or tripling up first in Section 14 homes, then in homes in North Palm Springs, West Garnet, Banning, Beaumont, and elsewhere.[583] Others are documented to have moved as far away as San Bernardino, Barstow, or Riverside.

The first people known to have been displaced from Section 14 in a formal campaign were those evicted in the BIA-State abatement actions of 1936-1937. It is unknown where they went; given the continued growth of the Section 14 population through the late 1930s and 1940s, it is likely that some eventually returned to re-establish occupancy. In February and March 1937, the BIA announced it would be opening up an area in the northwest portion of Section 14 where displaced White people could lease parcels and construct homes.[584] This planned subdivision does not appear to have materialized. Private parties made efforts to create housing for displaced residents, as well as working class people and people of color generally, starting in the early 1930s. Lawrence Crossley established his five-acre Crossley Court just south of Section 14 and invited people to lease and build there; his property (no longer extant) was the first known example of Black land ownership in Palm Springs.[585] In 1938, Refugio Salazar (Mexican American) worked to acquire funding to develop a 20-acre tract to house families on Section 14 at that time, but the attempt was apparently unsuccessful.[586]

Faced with an acute wartime housing shortage, in February 1945 the Palm Springs City Council created the Palm Springs Public Housing Authority "to handle slum clearance, and housing units at a minimum rental figure."[587] Creation of the Housing Authority was a requirement for applying for FHA funding to create housing. FHA representatives announced that 25 temporary units would be constructed on Section 14, to be removed two years after the war.[588] This may have been the Calle Encilia Housing complex at 342 N. Calle Encilia. In August 1945, the City refused to construct an FHA-authorized 75 new units (45

[583] "Beebe Urges Urban Redevelopment for Section 14," *Desert Sun* January 6, 1961; "State Investigator of City's Clean-Up Calls Palm Springs 'High-Handed'," Riverside *Daily Press* November 29, 1967.
[584] "Indian Land Prepared for New Building," *Palm Springs Limelight-News* February 6, 1937; "1000 Buildings on Indian Reservation," *Desert Sun* March 5, 1937.
[585] Palm Springs HCS, 314-315; Tracy Conrad, "Palm Springs History: A Plan for Affordable Housing and a Fight against the Federal Conservatorships," *Desert Sun* July 19, 2020.
[586] "Mexicans Wish to Form Colony Here on 20-Acre Tract; Seek $3000 Loan," *Desert Sun* August 19, 1938; Palm Springs HCS, 316.
[587] "Council Approves Creation of Public Housing Authority," *Palm Springs Limelight-News* February 22, 1945.
[588] Ibid.

residences to buy and 30 residences to rent) because they did not meet local construction standards – the city manager and assistant director of public works indicated "local officials have very definitely not seen eye to eye with FHA in the matter of building requirements and restrictions."[589]

The Housing Authority refused to approve FHA funding on other occasions during the postwar period, and did not construct any public affordable housing for decades. Meanwhile, increasingly organized BIA-City-County abatement campaigns pressured 1,500 Section 14 residents to leave starting in the early 1950s. In a 1950 condemnation of 16 Section 14 homes, the city building inspector reported affected families "seemed rather dazed or stunned by the action" and asked officials "where can we go from here."[590] At that time, the City managed two existing World War II-era complexes: Calle Encilia Housing and Lienau Village. From 1951 to 1953, City Councilman Jerry Nathanson, representing Section 14, pursued City permission to temporarily house displaced people in Lienau Village. As discussed in Chapter 4, in 1952 African American applicants to Lienau Village filed a lawsuit, supported by the NAACP, alleging the complex refused to rent to Black applicants.[591] The complex's manager continuously told Black applicants there were no vacancies, although in late 1950 the City had considered selling six Lienau Village buildings due to "vacancy loss."[592] The 1950 census suggests Black applicants may have also been refused at Calle Encilia, as it enumerated only White occupants. Instead of bringing either of its public housing complexes up to date and using them as temporary housing, City Council opted to close and dismantle them in 1953.[593]

As public housing was not an option for displaced Section 14 residents, they turned to private options. Many Latino residents moved as far away as San Bernardino, Banning, or Riverside; others "bought homes in the Veterans' Tract on the eastern edge of the city or in the Date Palm (also called The Outback) area of Cathedral City, east of the Veteran's Tract, on county property."[594] Eugene Prieto remembered moving to Sunny Dunes in 1952; also known as Vista Del Cielo (1946), Sunny Dunes was one of several FHA-standard tracts built east of town in the late 1940s to house returning veterans.[595] They were collectively known as the Veterans' Tract. As no African Americans are known to have moved there from Section 14, it likely had racially restrictive covenants and/or discriminatory realtor/developer practices.[596]

In a pattern seen across the country, Black residents faced greater housing discrimination in Palm Springs than other ethnic groups, and had even fewer options of places to live. Some managed to find space in one of the few apartment developments that did not discriminate by race, which local activist Ernest

[589] "Officials See Conflict in Building Provisions," *Palm Springs Limelight-News* August 30, 1945.
[590] "16 Dwellings Condemned in Clean Up Drive," *Palm Springs News and Limelight-News* July 12, 1950.
[591] "City Housing Board Faces Legal Action," *Desert Sun* January 17, 1952; "Speed Asked on Survey of Local Housing Situation," *Desert Sun* January 24, 1952; "NAACP Files New Palm Springs Suit," *Riverside Daily Press* March 20, 1952.
[592] Palm Springs City Council Minutes, October 4, 1950, Item 11.
[593] If N Calle Encilia Housing was the 25-unit complex the FHA was said to be constructing on Section 14 in 1945, it is unknown why the buildings were not removed two years after the war as specified in "Council Approves Creation of Public Housing Authority," *Palm Springs Limelight-News* February 22, 1945.
[594] Kray, "Second-Class Citizenship," 335, citing 2001-2002 interviews with former Section 14 residents David Mediano, Don Mendoza, Cary Walton, and Richard Quiroz.
[595] Eugene Ramon Prieto, Interview by Renee Brown, November 13, 2012 (Section 14 Oral Histories Collection, Palm Springs Historical Society); Palm Springs HCS, Appendix B, 99.
[596] Kray, "Second-Class Citizenship," 335, citing 2001-2002 interviews with former Section 14 residents David Mediano, Don Mendoza, Cary Walton, and Richard Quiroz.

Moore called "very spotty exceptions."[597] One example was the Silver Top Apartments just north of the city, constructed in 1959 and originally meant for year-round residents rather than seasonal.[598] Owner Louis Lenzer (White) soon began allowing temporary visitors, though; by 1963 he "welcomed all visitors and citizens, regardless of race, creed, and color" to his Silver Top Apartment Motel, and advertised heavily in Los Angeles' African American newspaper *The Sentinel.*[599] The opening of the complex to temporary residents presumably reduced the number of available units for full-time Palm Springs residents.

Some Black residents moved from Section 14 to West Garnet north of Palm Springs, which started as Reverend Willie R. Atkins' empty 10-acre property in 1948 and grew as former Section 14 residents brought in older houses and constructed new ones.[600] By 1967, the community had an estimated 30 families, all African American.[601] Like Section 14, West Garnet started out with no paved streets, garbage collection, electricity, water service, or gas lines.[602] It was located about 10 miles from central Palm Springs, necessitating a commute for residents who continued working in town. Closer to town, Lawrence Crossley established his Crossley Tract (also known as Crossley Gardens and Crossley Estates) in 1953, though construction did not begin until 1958.[603] The subdivision's 77 parcels were developed with FHA-standard homes that would house Section 14 residents who could afford them – down payments were $50, with monthly payments of $65. The Crossley Tract was annexed into Palm Springs in 1959, but development slowed after Crossley's death in 1962.[604]

Perhaps the most significant subdivision for displaced Section 14 residents was Desert Highland Estates, subdivided in 1951.[605] The 281-parcel, 166-acre tract was developed in Section 34 of Township 3S, Range 4E (San Bernardino Meridian), then an unincorporated part of Riverside County.[606] It was slow to grow at first but came to be the predominant destination for Palm Springs' African American residents in the 1960s. Here, developer Harmony Homes and its Banning-based local builder the Dunes (also known as Dumes) Construction Co. built houses and helped residents acquire home loans through Banning's San Gorgonio Bank and Riverside's Sterling Savings and Loan.[607] Desert Highland Estates resident Billy Pellum recalled paying about $60 a month on his Harmony-built home, twice or more what the average rent had been on Section 14.[608]

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[597] "Palm Springs Imperfect, But He Still Likes It," *Riverside Press-Enterprise* April 23, 1967.
[598] Palm Springs HCS, 325; "Silver Top Apartments Have Unusual Situation," *Desert Sun* March 24, 1959;
[599] "Wash's Wash," *Los Angeles Sentinel* December 19, 1963; "Silver Top Motel" display ads, *Los Angeles Sentinel*, 1962-1964.
[600] "Negro Pioneers Fight Hostility of Man and Desert," *Riverside Press-Enterprise* April 23, 1967; "Windy, Bleak Village, A Haven for Blacks," *Riverside Press-Enterprise* September 15, 1974.
[601] "Negro Pioneers Fight Hostility of Man and Desert," *Riverside Press-Enterprise* April 23, 1967.
[602] Ibid.
[603] "Land Deal to Ease Housing Situation," *Desert Sun* September 14, 1953; Palm Springs HCS, 322.
[604] Palm Springs HCS, 321-322.
[605] Ibid., 323.
[606] The federal land held in trust for the Agua Caliente did not extend north into Township 3S.
[607] Kray, "Second-Class Citizenship," 334; Palm Springs HCS, 323. This source notes that both Dumes Construction and Dunes Construction are referenced in historical sources. The HCS states the company was founded in 1958 by Gerald V. Anderson and James C. Armstrong, and specialized in constructing houses for working-class people; it built 600 residences in Riverside, San Bernardino, and Imperial Counties.
[608] Billy Pellum, Interview, March 11, 2016 (Section 14 Oral Histories Collection, Palm Springs Historical Society).

In late 1965, residents of Desert Highland Estates petitioned Palm Springs for annexation into the city, aiming for municipal services to improve conditions. The area to be annexed was surrounded on three sides by the City and was also known as the Tramview area; in addition to the residential Desert Highland Estates, it included a mixed commercial, industrial, and residential area south of that subdivision.[609] A survey by the planning department found the tract housed approximately 1,200 people, predominantly African American, in 300 dwelling units at that time: 169 single-family residences and 131 multi-family residences.[610] This clearly reflects the mass movement of displaced Black residents from Section 14 in central Palm Springs to Section 34 to the north during the abatement campaign of 1961-1962 and the first part of the 1965-1966 campaign.[611] Residents approved annexation in September 1966 and it became official in December.[612]

Of the estimated 1,200 residents of the area, only about 279 were registered to vote there, and 53 percent of the registered total cast a vote for annexation (it passed 104 to 44).[613] This low proportion of registered voters may partially be explained as representing a lag in Black voter registration, given most African Americans were not fully enfranchised until the passage of the Voting Rights Act just one year earlier (August 1965). It likely also reflects that many of the residents of Desert Highland Estates were staying there temporarily, either with friends or family in their homes, or in trailers, house cars (RVs), or temporary dwellings moved or erected there after Section 14 eviction. Most people's housing situations likely were not stable enough to allow voter registration tied to an address. Conditions in some parts of Section 34 had begun to resemble those of Section 14, with accumulated trash and abandoned vehicles.[614]

The City of Palm Springs "pre-zoned" the Desert Highland Estates area even before annexation was complete, to bring the county-zoned industrial and commercial areas into closer compliance with city code.[615] The primary difference was that County's zoning allowed residential use in industrial zones, while the City's did not, requiring residential use be phased out in ten years. Concerned residents of the industrial areas were assured that they could apply for variances after the ten years had elapsed.[616] The City also asked Desert Highland residents to perform a "voluntary clean-up campaign" of the area.[617] Whether voluntary or not, a cleanup campaign was ongoing as of March 1967, when the Human Relations Commission received an update reported that despite progress, "several old auto hulks are still located in several places."[618]

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[609] "Annexation Request Faces Council Monday," *Desert Sun* November 6, 1965; "Annexation Approved," *Desert Sun* November 9, 1965; "'Island' Annexation Vote Slated Sept. 20," *Desert Sun* July 26, 1966; "Annexation Approved," *Desert Sun* September 21, 1966.
[610] "Annexation Request Faces Council Monday," *Desert Sun* November 6, 1965; "Annexation Approved," *Desert Sun* November 9, 1965; "Section 34 Annexation Goes to Voters Tuesday," *Desert Sun* September 19, 1966.
[611] "Section 34 Annexation Goes to Voters Tuesday," *Desert Sun* September 19, 1966; "Annexation Approved," *Desert Sun* September 21, 1966.
[612] "Highland Area Part of City," *Desert Sun* December 8, 1966.
[613] "Annexation Approved," *Desert Sun* September 21, 1966.
[614] "City Asks Voluntary Cleanup of New Area," *Desert Sun* October 26, 1966.
[615] "Section 34 Annexation Goes to Voters Tuesday," *Desert Sun* September 19, 1966.
[616] Ibid.
[617] "City Asks Voluntary Cleanup of New Area," *Desert Sun* October 26, 1966.
[618] "City Commission Urges School Racial Balance," *Desert Sun* March 29, 1967.

In 1960, the 76-parcel Gateway Estates subdivision was established next to Desert Highland Estates, providing additional houses open for purchase by African American buyers.[619] It was later annexed by the City. The two subdivisions threw a lifeline to displaced Section 14 residents, both those who could settle there permanently and those who landed there temporarily until they could find housing on their own. In 1967, City Human Relations Commission member Wardell Ward noted that "two, three, and sometimes four" families were sharing homes in Gateway Estates.[620] Section 14 advocate Ernest Moore said of the BIA and City, "They just transplanted that ghetto. All they did was to transfer it from downtown Palm Springs to the north end."[621]

People who could not find room in, or afford, the North Palm Springs subdivisions or the few other options like the Crossley Tract were forced to move to neighboring communities like Banning, Beaumont, Riverside, San Bernardino, Barstow, and Cathedral City. They either commuted to Palm Springs or found employment closer to where they could live. Others left the region completely, likely to find work and housing in larger communities like Los Angeles. Rev. Jeff Rollins said of Palm Springs housing options for African American residents in 1967, "It's pretty difficult. Hundreds of people have left here on that account. Our people commute here from as far as San Bernardino. The price of housing is so extortionate that people can't hardly work here. And they wear out cars in six to eight months."[622]

Newspaper accounts and City Council minutes indicate the City of Palm Springs made efforts to study public affordable housing options for displaced residents on a regular basis through the 1950s and 1960s. Such efforts were almost inevitably the result of public outcry over evictions of residents with nowhere else to go, and ended after some study and discussion had been completed, without any housing resulting. City officials including Frank Bogert, Leonard Wolf, George Beebe, and others held multiple meetings with FHA representatives and other parties for years on end trying to acquire federal funding and interest developers in building with it, with no ultimate implementation.

City leaders' efforts escalated in 1961, after threats of mass eviction of 2,500 Section 14 residents were met with public opposition. The City again commissioned studies of relocation housing plans, including a block survey of Section 14 residents to determine the amount of need, with no tangible results.[623] In early 1962, the Council authorized the city building inspector to provide evicted Section 14 residents with certificates of eligibility for an FHA housing relocation program.[624] It does not appear that Section 14 residents knew about these certificates, "nor did they apply for or receive relocation funds."[625]
Private developers also hoped to provide solutions, but found little success due to high prices and tight local restrictions. Joseph M. Jackson's La Casa Estates north of Garnet opened in summer 1961 but does not appear to have been fully developed.[626] Lawrence Crossley and developer Robert Gould were denied zoning approval for an affordable housing development east of town multiple times, gaining City Council

[619] Palm Springs HCS, 324.
[620] "Alternate Site Suggested for Housing Tract," *Desert Sun* September 28, 1967.
[621] "Palm Springs Imperfect, But He Still Likes It," *Riverside Press-Enterprise* April 23, 1967 (quote from this source); "State Investigator of City's Clean-Up Calls Palm Springs 'High-Handed'," *Riverside Daily Press* November 29, 1967.
[622] "Negro Pioneers Fight Hostility of Man and Desert," *Riverside Press-Enterprise* April 23, 1967.
[623] "Eviction of 2,500 from Homes Said City Problem, " *Desert Sun* March 1, 1961.
[624] Palm Springs City Council Minutes, January 29, 1962, 2.
[625] Miller, "Palm Springs Section 14 Demolition," 5; Kray, "Second-Class Citizenship," 338 (quote from this source).
[626] Palm Springs City Council Minutes, May 8, 1961, 438; "Pair Clash Over Section 14 'Title'," *Riverside Daily Enterprise* July 27, 1961; "LaCasa Estates Open House Set," *Desert Sun* August 18, 1961.

consent only when Gould invited a local television station to come document the meeting. This development did not come to fruition after Crossley died in 1962.[627] The FHA approved a $2.5 million, 150 to 200-unit apartment development for North Palm Springs in August 1961, but the developer partnership fell apart and the project was never built.[628]

After the 1965-1966 abatement campaign drew regional publicity and a highly critical State Attorney General investigation, the City of Palm Springs again renewed its efforts to provide affordable housing to working class people of color. It finally broke ground on an FHA-funded 60-unit affordable apartment complex called Seminole Gardens in August 1968, by which time most tenants were long gone from Section 14.[629] Developed by Las Vegas firms Joseph S. Sanson Co. and Baron Construction Co., the 10-acre complex was aimed at medium income families. Charles Jordan, assistant to the city manager and Palm Springs' first African American employee, "added, however, that persons displaced as the result of Urban Renewal Program demolition of Section 14 would have top priority on the homes."[630] Seminole Gardens was completed in 1969. The *Desert Sun's* article on its May 1969 dedication featured a photo of a White mother and son who had just moved to Palm Springs from Sherman Oaks.[631]

In January 1969, the City approved a federal rent subsidy program to provide a maximum of 100 pre-existing homes to qualified low-income families.[632] As a survey by the City's Housing Committee had identified 160 families meeting the requirements, all residing in Sections 14 and 34, it is unclear why the number of provided units was capped at 100.[633] Participation in a federal rent subsidy program had been advocated by the Human Relations Commission, and discussed by City officials, since at least September 1967.[634] At that time, an FHA appraiser and a housing developer disagreed on the number of low-cost housing units needed in Palm Springs: the former said 300 over a period of three years, the latter said 1,400.[635] The late 1968 city survey of families in Sections 34 and 14 provides a snapshot of living conditions at that time: of the surveyed 364 families (74 in Section 14 and 290 in Section 34), 160 would qualify for low-cost housing (35 in Section 14 and 125 in Section 34).[636] Thirty-five "substandard dwellings" and 27 "borderline cases" which could be brought up to code were counted, with 25 of them

[627] "Gould Gets His Zoning on Camera," *Desert Sun* October 10, 1961; Palm Springs City Council Minutes, October 9, 1961; Kray, "Second-Class Citizenship," 336-337.
[628] "$2.5 Million Apartment Project Slated for Section 14 Families," *Desert Sun* August 18, 1961; "Court Trial Set in Housing Case," *Riverside Daily Enterprise* February 27, 1963; "City Action Spurs Low-Cost Housing," *Desert Sun* November 9, 1965; "Elation Over Housing Okay Fades as Recession Comes," *Desert Sun* November 15, 1968.
[629] "Work Starts Here on Medium-Income Units," *Desert Sun* August 22, 1968.
[630] Ibid. Jordan was a recreation supervisor for the City for years before he was hired as administrative assistant to the city manager.
[631] "New Apartments Dedicated," *Desert Sun* May 9, 1969.
[632] "100 Families to Receive U.S. Subsidy," *Desert Sun* January 14, 1969; Palm Springs City Council Minutes, January 13, 1969, 5-6. The Section 23 leased housing program was part of the U.S. Housing Act.
[633] "City Need Said Urgent for Low-Cost Housing," *Desert Sun* October 22, 1968; "County Jurisdiction Advantageous in Low-Cost Housing, Panel Hears," *Desert Sun* November 23, 1968; "100 Families to Receive U.S. Subsidy," *Desert Sun* January 14, 1969.
[634] "Alternate Site Suggested for Housing Tract," *Desert Sun* September 28, 1967; "Work Starts Here on Medium-Income Units," *Desert Sun* August 22, 1968.
[635] "Alternate Site Suggested for Housing Tract," *Desert Sun* September 28, 1967.
[636] "County Jurisdiction Advantageous in Low-Cost Housing, Panel Hears," *Desert Sun* November 23, 1968. It is not clear whether the Section 14 survey included Agua Caliente residents.

located in Section 14.[637] The survey also found an "inequitable relationship between the gross income levels of families and rent payments," based on the HUD calculation that a maximum of 25 percent of income should go to housing:

> There are four families whose monthly income is between 0 and $100. But there are no houses available for $25 or under per month. In addition, 22 families have incomes between $100 and $199 per month, but there are only 14 dwellings in which occupants are paying between $25 and $50 per month.[638]

Other findings of the survey included:

> There also seems to be a general lack of adequate facilities in Section 34. Although there were 103 families with five and six members, there are only 25 dwellings with four bedrooms; 119 with three bedrooms.
>
> Of all the persons in Section 34 there were only nine listed as unemployed. Twelve are disabled and 19 are retired. The rest were employed in various jobs such as utilities, city, hospital, plumbing, mechanics, domestic construction and custodian.[639]

By the early 1970s, only a few non-Agua Caliente residents remained on Section 14; it is presumed, though not confirmed, that the majority of the 160 families identified as low-income in Sections 14 and 34 in 1968-1969 received federal rent subsidies and were able to occupy the 100 units of existing housing in Palm Springs. By 1972, the city had 275 low-income housing units.[640] It is unknown how many housed people who had been displaced from Section 14.

Even after displacement and clearing of the section, most of the Agua Caliente allotments remained undeveloped due to the ongoing zoning dispute between the Tribe and the City as discussed in Chapter 5. Developers and investment money gravitated toward other areas of the Coachella Valley, where many would-be Palm Springs residents opted for country clubs and condominium complexes. It seemed the profitable development for which thousands had been displaced was not going to materialize. It did, eventually, though not in the unified form envisioned by the Section 14 master plans of the late 1950s. Commercial, residential, and institutional properties arose on some allottee lands under long-term leases. After Tribal gaming was legalized in 1993, the Agua Caliente were able to buy back the Spa Hotel and their hot springs and open a casino. Allottees and their descendants continue to hold most of Section 14's land, and today a new Agua Caliente cultural center stands at the ancient hot springs. A sizeable portion of the section remains vacant and undeveloped.

[637] "County Jurisdiction Advantageous in Low-Cost Housing, Panel Hears," *Desert Sun* November 23, 1968.
[638] Ibid.
[639] Ibid.
[640] Denise Goolsby and Rosalie Murphy, "Decades of Discrimination," *Desert Sun* September 28, 2016.

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