

PALM SPRINGS

Palm Springs council approves \$5.9M settlement over Section 14 removals



Tom Coulter

Palm Springs Desert Sun

Published 8:13 p.m. PT Nov. 14, 2024 | Updated 10:46 a.m. PT Nov. 15, 2024

(This article has been updated to add more information and photos.)

The Palm Springs City Council voted unanimously Thursday approve paying \$5.91 million to former residents of the city's Section 14 area. The settlement came after years of negotiations over legal claims residents filed over the city's role in evicting families and destroying homes in the area in the 1950s and 1960s.

The settlement calls for direct payments to former residents, or the verified descendants of those who've died. The payments will come in exchange for written waivers from more than 1,200 former Section 14 residents and their descendants, according to a press release from the city.

Known as Section 14 Survivors, the group of largely Black residents said the agreement marked "a defining moment for social justice in America" in a statement issued Wednesday.

Dozens of former residents of Section 14 and their family members attended and spoke to the council Thursday ahead of the vote, describing a long road of negotiations to this point while urging the council to approve the settlement. The group filling the council chambers burst into applause after the council's vote.

“I am so proud to see how far the survivors have come, and that even in their twilight years, they have continued being brave, pressing on, and refusing to let Palm Springs forget about what happened to their community,” Areva Martin, the group’s lead attorney, said in a prepared statement ahead of Thursday’s vote.

In a separate vote, the council also agreed Thursday on a proposal to fund housing and economic development initiatives that are separate from the legal settlement. Those efforts include a \$10 million program to assistance first-time homebuyers, another \$10 million for a community land trust for affordable housing and \$1 million for the development of small businesses.

The city said the \$20 million for the housing initiatives will be from funds in the city budget already set aside to "support housing opportunities" and will be paid out over 10 years, with former Section 14 residents and their descendants receiving "priority access."

The city has also committed to exploring the renaming of a community park to commemorate Section 14 as new parks are built, as well as establishing a public monument to "honor the legacy of Section 14 residents.” Both of those efforts were also separate from the legal settlement.

The city also said that it would offer "letters of support" to support efforts by the survivors’ group to build a racial healing center, but that it has not agreed to provide land for one to be built on. In addition, several members of Section 14 Survivors urged the city Thursday to adopt an annual day of remembrance for their group's experiences, a step the council approved in its vote.

Thursday's council meeting was completely devoted to the Section 14 topic and stretched for more than two hours. Some councilmembers expressed remorse and repeated the apology first made by the council in 2021.

"The truth is that we can't right the wrongs of the past — there is no way to do that," Mayor Jeffrey Bernstein said before voting in favor of the agreement. "What

we can do is heal and move forward, and we can look at restorative justice. There is no amount of money that could take up for the loss."

During the public comment period before the council debate, a few residents defended the legacy of former mayor Frank Bogert, whose statue was removed from the front of city hall in 2022 for his role in the forced evictions and destruction of homes.

What happened on Section 14?

Section 14 is a one-square-mile section of land adjacent to downtown Palm Springs owned by members of the Agua Caliente Band of Cahuilla Indians. For decades in the 20th century, many people of color either rented or built their own homes there, in part because racist housing policies denied them the ability to buy homes elsewhere in the city.

Over several years in the 1950s and 1960s, people were evicted and removed from their homes, which were then destroyed, as the tribe attempted to redevelop the land. The clearing of the land and evictions of residents followed federal decisions allowing tribal members to enter into long-term leases that, for the first time, made possible business and residential development on land they owned.

The clearing also followed years of debate about how to respond to poor living conditions in parts of Section 14, including lack of trash service or adequate water supply. Two women who lived in the area as children told *The Desert Sun* in 2016 that there was wide disparity in living conditions, with some people in safe, well-built houses and other people in trailers or shacks. Some of the homes were ultimately declared unsafe and destroyed.

The city's precise responsibility for the evictions and destruction of homes has been much debated as the history of Section 14 has returned to prominence over the last few years. While the court-ordered evictions happened at the request of

tribal landowners or people acting on their behalf, most accept the city played a role, including city firefighters burning some condemned homes.

A report on Section 14 released by the city late last week found that the city had been broadly involved in planning, funding and carrying out the destruction of homes on Section 14 from 1948 to 1966, although it found that other government agencies were heavily involved.

The report says the city apparently broke the law in some cases by destroying homes before the expiration of a legally required 30-day notice period following a court's eviction order. Some residents have said evictions and destruction of homes happened without them receiving any notice at all.

Council apologized in 2021 for city's role

The controversy gained renewed attention as people reexamined many instances of racial injustice following the murder of George Floyd in 2020. In September 2021, the council formally apologized for the city's role in the evictions and destruction of Section 14 homes.

As part of those discussions, the council also initiated the process to remove Bogert's statue from the front of city hall due to his role in the eviction proceedings. After unsuccessful litigation from members of Friends of Frank Bogert to stop the move, the statue was removed in July 2022.

The Section 14 Survivors group filed a claim for damages against the city in April 2022 and a second claim in November 2022, with negotiations continuing over the past two years and gaining steam in recent months. The group also garnered support from officials such as former U.S. Sen. Barbara Boxer, who lives in the Coachella Valley, and one of California's current U.S. senators, Democrat Laphonza Butler.

The group initially sought roughly \$100 million in direct payments, before increasing its estimate of the value of the harm caused to be “upwards to \$2

billion.” The group of residents and the city exchanged several proposals, with the city offering a \$4.3 million settlement in April.

The increased amount approved Thursday, which the city described as its final offer, was due to new information showing 197 homes were removed in the original abatements at Section 14, up from the 145 homes initially identified during the city’s investigations.

Section 14 group urges city to 'do the right thing'

Several former Section 14 residents and members of the group that filed the legal claims spoke during Thursday’s meeting, urging the council to approve the settlement while reflecting on the significance of the moment.

Some recalled growing up in Section 14 and working newspaper delivery routes around Palm Springs, while others spoke as descendants of Section 14 residents. Samantha Nick Smith said she was speaking on behalf of her grandfather, who migrated from Texas and lived on Section 14 in the mid-20th century.

“He suffered a lot,” Smith recalled. “He was a veteran. He fought for his country. He worked for Desert Hand Laundry in Palm Springs for many, many years. I'm just here to ask you to please do the right thing.”

Pearl Devers, who lived on Section 14 as a child and is the president of Section 14 Survivors, said she could never be repaid “the tears that I’ve shed to watch my father become an alcoholic because he could not get a loan to move our home.” But she thanked the city for considering something to commemorate “the pain and suffering that we experienced on Section 14.”

“There are so many stories — you have not even heard them all — and I've cried many tears just listening to people tell me their stories,” Devers said.

“We do look forward to mending,” she added. “We look forward to healing. We look forward to making this city a truly united city, a city where there is justice for

everybody.”

While most people spoke as members of Section 14 Survivors, a handful of other residents also offered comments. Doug Evans, a member of Friends of Frank Bogert, defended the former mayor, saying Bogert had a split council and “tried to do the best that he could” handling the situation.

“That's our only comments,” Evans said. “This is the survivors’ night. We welcome them. We had some great conversations tonight, and we look forward to working with everybody in the community.”

Several others submitted written comments to the council saying Bogert’s reputation has been wrongfully tarnished and calling for an apology from the city.

Others had questions on the details of the settlement. Ginny Foat, a former member of the council, noted the settlement is not a class-action decision, asking the council what would happen if someone outside the group brings a new claim. She also wanted more guarantees that most of the settlement money would actually go to survivors, rather than be used on attorneys’ fees.

What the council said

After taking public comments for over an hour, the council asked city staff several questions about the details of the settlement.

In response to questions from Councilmember Lisa Middleton, City Attorney Jeff Ballinger said there’s “no doubt” in his mind that the Section 14 Survivors group would file a lawsuit if the city rejects the settlement, and he estimated the litigation would cost half a million dollars and last several years.

“Given the current statutes of limitation limitations that exist under state law and as well as federal court precedent, I believe that the city would stand a very good chance of prevailing, but there is never any guarantee in courts in the process of litigation,” Ballinger said.

Ballinger also addressed the concern raised by Foat, saying the 1,200 claimants and anyone who joins the claim later on will have to sign waivers that would reduce the risk of future liability.

Several councilmembers also said they support establishing a day of remembrance in Palm Springs to memorialize Section 14.

Middleton said she's heard from many individuals who do not support the payments, but she pointed to historical data she found persuasive in supporting the agreement. She noted census data showing about 2,500 people of various races lived on Section 14 in 1950 — nearly a third of the city's entire population.

“When we get to 1965, after all of the efforts and evictions, there are 200 black families left,” Middleton said. “If 2,300 people can leave and (the) 200 people who are left are Black, you cannot tell me race did not play a significant role.”

Middleton also pointed to the city-commissioned historical study showing the city “did not take up those responsibilities” to provide other places for Section 14 residents to relocate to.

“There are many who would like us to do many other kinds of things, but we have done the most basic and simple. We broke something that was yours, and now we need to pay for it,” Middleton said, to applause from the crowd.

Councilmember Christy Holstege told the crowd that the city “can never begin to really compensate the harms that were done to you and your families.”

“We do not have the budget to appropriately compensate the harm that was done, and for that we apologize, but we hope that this resolution will be show that we value you and your place in Palm Springs and Palm Springs history,” Holstege said.

Mayor Pro Tem Ron deHarte said he was troubled by the city-commissioned historical study having been publicly released just six days ago, saying he would've liked to see more public meetings to review the report and discuss the claims.

DeHarte also said the community needs to remember that Palm Springs was not a “lone wolf” in the Section 14 evictions, with many other entities — the Agua Caliente tribe, the Riverside County Sheriff’s Department, the Bureau of Indian Affairs and others — involved.

He also said he was concerned that presenting the community initiatives as part of the package “lessens their significance for the community at large.” But despite some reservations, deHarte ultimately joined his colleagues in supporting the package, saying he was proud to do so.

This story includes prior reporting by Desert Sun staff writer Paul Albani-Burgio.

Tom Coulter covers the mid-valley. Reach him at thomas.coulter@desertsun.com.