

Date: June 23, 2024

To: Scott Stiles, City Manager, City of Palm Springs

From: Norm King, Friends of Frank Bogert

Thank you and Trevor for meeting with us last week. Thanks to you also for your role in making the city more transparent and for the City's beginning effort, by posting information on the City website, to correct the record and to provide factual information about Frank Bogert and Section 14.

As we emphasized at our meeting we appreciate that the City has begun to release letters and post material which retract past false City statements about Section 14 and Frank Bogert. This information validates the Friends of Frank Bogert's indictment of the credibility and truthfulness of the Human Rights Commission Frank Bogert Monument Report, the City's "Apology Resolution," the City's Frank Bogert Statue Removal Resolution, the Assistant Attorney General 1968 Memorandum and the fallacious rhetoric over the past three plus years. However, additional retractions are needed to correct past false allegations.

It is evident that the City's recent retractions are an effort to put the City in a stronger position to defend itself against extravagant financial claims. **These same retractions should apply equally to the exoneration of Frank Bogert, who the City claims was responsible for alleged "wrongs" perpetrated by the City in Section 14.**

Since April 2021 the City has sponsored a campaign which has given Palm Springs a reputation nationwide as a racist city and the City has portrayed Frank Bogert as a racist and has slandered his reputation.

Trevor asked what we wanted the City to do. Our overarching request is that the City acknowledge its past dishonesty, lack of transparency and false statements and correct the record regarding Frank Bogert and Section 14.

Our requests are:

1. Relocate Frank Bogert's statue to the Village Green. See the attached document, "In Their Own Words" which provides quotes from councilmembers from the September 29, 2021 City Council when the council voted to remove the Bogert statue and relocate it to another site.

2. Apologize to the Bogert family for endorsing and promulgating false information about Frank Bogert as part of a "political effort" as described by Councilmember DeHarte.

3. Withdraw the HRC Frank Bogert "Monument" Report from the city website and publicly state that the report is replete with falsehoods and should not be used as a data source for anything relating to Frank Bogert or the City of Palm Springs. (See the September 2021 Friends of Frank Bogert "Rebuttal" of the HRC Report for the specific false allegations made about Frank Bogert). The City's newly posted "Fact Sheets" directly contradict the Bogert Monument Report. The City cannot claim to be committed to promoting Section 14 "Facts" while also allowing this falsified report to be posted on the city website and to be touted as evidence of the City's "wrongdoing."

4. Disclose who wrote the HRC Report and publicly address and rectify the plagiarism allegations made about the Report. In the interest of transparency and accountability, residents have a right to know who wrote a report that not only led to the removal of Frank Bogert's statue, but that also triggered a costly controversy over reparations.

5. Acknowledge that the HRC Report's accusation that "Bogert demonstrated no efforts to address Section 14 harms" is not truthful and does not acknowledge the work he did to assist Section 14 residents. (As with all the content of this letter we will be happy to provide documentation for all that I have written.)

Also acknowledge Frank Bogert's role in the spring of 1961 securing a moratorium on the 430 eviction notices which had been issued by the BIA and the Indian owners without the city's knowledge. The Bureau established June 30, 1961 as the date all residents would be removed and announced that "all

residential buildings must be removed ... to permit the highest and best use.” It should be noted the evictions of 1965-66, four and five years later, were the **second** evictions notices which had been issued for the removal of the remaining structures (of which there were only about 140 left by then.)

6. Revise and correct the false statements contained in the 2021 “Apology Resolution.” The many falsehoods contained in this resolution are widely cited by the media as evidence of the City’s wrongdoing.

Examples of the false information include:

“WHEREAS, The City of Palm Springs kept no official records of the persons displaced and the residences destroyed in Section 14 and there is no record of any attempt at determining that each homeowner and resident had been properly served with eviction notices”

“The City, using public funds, cleared the land. Homes and personal belongings owned by the inhabitants were destroyed and burned by the City, often ignoring required notice provisions”

“Accompanying the destruction of homes in Section 14 was the continuing disregard for relocation of these residents”

“individuals and families who endured forced removals.... “

“The City encouraged conservators for Indians owning the land to terminate the leases or rentals of the land”.

“By 1964, the City of Palm Springs began executing a plan to demolish all existing property on Section 14”

7. Remove from city records and cease citing statements based on discredited information from the Assistant Attorney General Memorandum of 1968. If the City makes reference to the Memorandum, include reference to his conclusion that the City did not break any law.

Discredited information includes the following: The use of the term “holocaust” is by definition erroneous. The statement that the City “ignored that the residents

were human beings” is not supported by any information. He stated that the “conclusive evidence” of the City’s culpability was that the City did not keep records. This statement was disputed at the time by city officials. The discovery of the original eviction notices and records last year destroys the credibility of the Assistant Attorney General’s memorandum altogether.

In his 1968 memorandum the Assistant Attorney General cited allegations of only eight people in regard to the 1965-66 evictions. None of the allegations made by these eight individuals occurred in 1965 and 1966 or turned out to be legitimate complaints. For instance, two complainants stated they received but disregarded the eviction notice. Another lost in court.

8. Provide a public explanation as to why the City did not follow through on its April 2023 commitment to “find the facts” about Section 14 before moving forward with reparations programs. Councilmembers Deharte and Middleton, as well as Mayor Bernstein, are all on the record as saying that consensus on the Section 14 facts was needed before moving forward with reparations.

9. Correct the non-factual statements which are contained in the newly posted City Section 14 “Fact Sheets” – such as reference to “rectifying the events ... of the 1950s and 1960s.” Cease using Frank Bogert’s name and the statue removal as evidence the City is committed to addressing the wrongs of the past, as it does in the “Timeline of Palm Springs Equity Efforts for Section 14” Fact Sheet. Remove the reference to the falsified and plagiarized Resolution to remove the Bogert statue in this “Timeline” Fact Sheet. Include a reference in the City’s website “Timeline” Fact Sheet that the City Council did not adopt either the HRC Frank Bogert Monument report nor the Bogert Statue Removal Resolution due the falsehoods.

10. A public retraction from Councilmember Holstege for her false comments at the “Survivors” November 2022 Press Conference in Los Angeles. At this press conference Holstege touted that “*our Human Rights Commission issued a report documenting the atrocities that happened on Section 14*” and based on these atrocities that the council took “*formal action...to vote to move forward with a reparations program.*” Holstege exposed the city to financial liabilities by

recklessly claiming that “*the council recognized the risk of liability*” when it issued a formal apology but still “*took action recognizing the city's role.*”

11. Correct the false information contained in various city documents over the past three years that the City’s “Apology Resolution” apologized for actions of the city in the “1950’s and 60’s.” This falsehood, more than any other, have raised unrealistic reparations expectations for survivors and exponentially increased financial exposure by falsely portraying the period the City was involved in demolishing substandard homes.

12. A commitment that the City will henceforth defend Palm Springs’ reputation by responding to and correcting non-factual or misleading statements made by the media about Frank Bogert and Section 14. [For instance the reporter wrote last week in the June 20, LA Times’s article, “Seeking Remedies for Racist Property Seizures,” that the survivors in Section 14 were “evicted from their homes.” A proper response by the City would be to point out those evicted were not homeowners and that their Indian leases had expired or were non-existent.]

Countless other articles over the past few years have gone uncorrected by the City thus leading to the racist reputation which the City Council has given the City of Palm Springs.]

13. Retract the recent statement by Mayor Bernstein that the city’s “wrong” was using “city funds” for demolishing structures in 1965-67. The City was reimbursed for the demolition costs by the BIA and the federal government. If the City believes that the source of funding the demolition constituted a “wrong” the City should address that issue with the BIA.

In any case the issue of whose funds paid for the demolition is irrelevant. What is relevant is that the eviction notices served by the Indian owners were legally served and that City followed a meticulous process to demolish a home after receiving approval from landowners. This is corroborated by contemporary news articles and by the City’s discovery of the eviction records last year.

14. Publicly state that there is no evidence that the City of Palm Springs issued any eviction notices to residents of Section 14 as Councilmembers Holstege, DeHarte, and Middleton have all claimed.

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We realize that fulfilling the above requests, even though correcting the record is the right thing to do, will be difficult for the City Council. We are asking nothing more than that the truth be told. In light of the misinformation and false representations emanating from the City over the past three years our requests are reasonable. The City has an obligation to its citizens to uphold the truth. We look forward to working with the City staff to do this.

Friends of Frank Bogert have compiled extensive documentation about the City's manipulation of the historical record, including internal councilmember texts and emails, and the various actions of some city council members which have been inappropriate and highly questionable. If necessary, we are prepared to launch a media campaign to provide this information to the public. We hope that the City will take the appropriate actions so it does not come to that.

Finally, at our meeting you indicated that the City will soon contract with a professional consultant to delve into the facts about Section 14. Within the next couple of weeks we will provide you with a compilation of our documentation about Frank Bogert and Section 14 which you indicated you will provide to the consultant. We also request to have the opportunity to meet with the consultant.

Again, thank you for meeting with us. We look forward to a timely response about the next steps the City will take.

Norm