

THANKS FOR THE MEMORIES

Land leasing in Palm Springs achieved after decades of work by tribe

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Just 92 people, the remaining Native People of Palm Springs, the Agua Caliente Tribe of Cahuilla Indians, were allotted some 32,000 acres of reservation land in Palm Springs on Sept. 21, 1959, with the stroke of President Eisenhower's pen. His signing of Public Law 86-3327 and Public Law 105-308 achieved the allotment and was the happy result of decades of struggle to regain the land taken from the Cahuilla ancestors of those 92 people by the government of the United States over a century before.

The new laws allowed leases on Indian lands for up to 99 years, making reservation land suddenly economically viable. The laws not only lifted individual tribal members out of poverty, it transformed the tribe itself and would have dramatic implications for the City of Palm Springs. Its history is worth noting.

In December 1952, the Agua Caliente Band of Cahuilla Indians produced their first Annual Progress Report. The booklet was issued to inform the members of the Band and others concerned with the progress on the reservation. It summarized the status of the land and explained the need for long-term leases. It projected a bright future with that entitlement and enumerated improvements that would make possible in developing the critical, center of town, the 1 square mile known as Section 14.

Flood control, zoning, and rights of way on Indian land were all discussed in the report with the goal of considering ways to deal with property management and urban development. Palm Springs Mayor Charlie Farrell and Chamber of Commerce President Stanley Rosin included letters in the report to reflect the cooperation between the Tribal Council and the City of Palm Springs.

The conclusion of the report stated that "Members of the Band realize that to get the most out of their inheritance, both for themselves and their children, it is profitable to cooperate with others who have the same problems on non-Indian land and work out their problems for mutual advantage."



All-women Tribal Council of the Agua Caliente Band of Cahuilla Indians in 1954, from left to right: Le Vern Saubel, Elizabeth Monk, Gloria Gillette, Vyola Olinger (Ortner) Eileen Miguel.
COURTESY OF THE PALM SPRINGS HISTORICAL SOCIETY

In a pivotal moment and with progressive thinking, the tribe elected a woman, Vyola Olinger (later Ortner) as the chairman of the Tribal Council in 1954. Ortner would lead the very first all-female Tribal Council in the United States, with her colleagues Eileen Miguel, Elizabeth Pete Monk, Flora Patencio, and LaVerne Saubel (the mother of Richard Milanovich and grandmother of today's chairman Reid Milanovich.)

During her first term, the Tribal Council created a constitution and by-laws that were adopted by the members on June 28, 1955. The document asserted the powers possessed by the tribe regarding their land and vested the tribal council with the authority, "to administer the affairs and manage the business of the Band, to regulate the uses and disposition of tribal property, to protect and preserve the tribal property, including wildlife and natural resources."

With the legal foundation finally in place, Ortner and her council began tackling the federal government's obsolete leasing laws. On Aug. 9, 1955, the General Leasing Act, Public Law 255, was signed into law by Eisenhower.

For decades, leases of only five years were allowed on reservation land, precluding investment and development.

Public Law 255 allowed residential and commercial property lease terms of 25 years with a one-time renewal option of another 25 years. Problems emerged almost immediately.

The city and county wanted to collect possessory interest taxes on any long-term leasing of Indian land and 50 years was insufficient under most of the commercial requirements of banks and insurance companies to recoup their investments.

The court decision in Segundo et al vs United States required that allotments be finalized as well as equalized in value. The federal government needed to equalize the allotments before allowing the needed 99-year lease terms.

In the summer of 1956, the famous Los Angeles architectural firm, Gruen & Associates was hired by the Tribal Council to propose a plan for the development of Section 14. At the end of the year, their study concluded that Section 14 was the most desirable point to begin development because it would bring the best to the Cahuilla people and also revitalize Palm Springs. The report revealed that the growth of the city was limited by the mountains to the west and by the fact that most of the non-Indian land had already been developed.

Section 14 was prime downtown real estate but only produced modest income because of short-term leases "that were not commensurate with the potential value of the property." In their final masterplan, Gruen & Associates identified what they say to be the three most difficult challenges to development: "the existing allotment grid, the still-limited lease periods of 50 years instead of 99 years, and the current inhabitants of and 'blighted' conditions on Section 14."

In the early part of 1958, the Tribal Council's focus changed from Gruen's master plan for Section 14 to an all-out fight for equalizing land allotments and achieving longer-term leasing. Fear that the federal government would seize sacred tribal reserves to achieve equalization threatened to disrupt a solution.

At the time, Associated Press reporter John Beckler wrote that plans for developing Section 14 as a single package had failed and "real estate people would now face the problem of dealing with In-

dians on individual basis in a piecemeal fashion."

Even though master plan was not to come to fruition, the development of the hotel and spa the Gruen architects had envisioned on the sacred site where the waters bubble up to the desert sands and where the ancient bathhouse stood would become the first project developed on Section 14.

The Tribal Council negotiated with Samuel Banowit on a lease of 8 acres in Section 14 at the corner of Indian Canyon and Tahquitz Canyon Way to build an upscale spa and hotel. In May 1958, the first long-term, 99-year lease was signed with the contingency acknowledging that the federal government had yet to enact the legislation that would have allowed leasing beyond 25 years with a 25-year option to extend, making for 50 years.

Banowit was vocal in his support for the legislation that would extend the lease. It took an arduous three years of negotiating with the Department of the Interior and some eleven drafts before the government authorized the final long-term lease for the Spa Hotel.

Ortner memorialized that all-important struggle to be allowed to monetize Native lands in her aptly titled book, "You Can't Eat Dirt." She writes, "the 50-year lease of the mineral hot springs site is the first step toward developing an entire square mile of undeveloped Indian land surrounding the eight-acre site."

Despite Section 14 being hallowed ground for the tribe and a place of childhood memories for many of those tribal members, Ortner writes, "It had become blighted. Many dwellings were mere shacks or dilapidated trailer homes. Trash was strewn most everywhere, and poor sanitation failed to meet basic city health requirements. These substandard living conditions were due to numerous factors one of which, importantly, was the inability of Indian landowners to enter into long-term leases. Overcoming this obstacle to development of our precious land was first on our list."

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