







FORTITUDE  
THROUGH  
ADVERSITY





# AN UNTOLD HISTORY

**T**he Habematolel Pomo of Upper Lake descend from four pre-contact tribes known as the Xowalek, Danoxa, Yobotui and Kaiyao-Matuku. These four tribes occupied the region of Upper Lake, California since time immemorial. This area was known as Pomo Country.

A series of unjust and grievous federal policies forever altered the fate of the Tribe. On May 15, 1850, the 1st Dragoons Regiment of the U.S. Cavalry assaulted the population of the Tribe's ancestors, predominantly women and children, in an aggressive military operation known as the Bloody Island Massacre. Few survived. The following year the United States promised lands to the Tribe's ancestors in a federal treaty that was executed, but, sadly, never ratified.

In 1856 the Pomo of Lake County were gathered and forced to live on the newly established Nome Cult Indian Farm in Round Valley. In 1878 the local Pomo tribes united and communally purchased 90 acres of land north of Upper Lake and established a traditional community known as Habematolel, or 'the people of rock village.'

In 1907 the federal government set aside the Upper Lake Rancheria for the Indians of Upper Lake on a parcel of

land, which ultimately grew to 564 acres through a series of intermittent acquisitions.

After ratifying a Constitution in 1935, pursuant to the Indian Reorganization Act, and later amended in 1941, the U.S. maintained government relations with the Rancheria until 1958 when it passed the California Rancheria Act. This legislation resulted in the termination of the Tribe's federal recognition, revocation of its Constitution and redistribution of the Rancheria's assets. The devastation of this action not only impacted the Tribe's way of life, but also foreshadowed the lingering consequences still felt today.

In 1975 the Tribe filed suit against the United States alleging that the termination of the Upper Lake Rancheria was unlawful. The Tribe prevailed and in 1983, federal recognition was again restored. After restoration, the Bureau of Indian Affairs, charged with facilitating the trust responsibility that the government owes to recognized tribes, refused to recognize the Tribe's 1941 Constitution. Instead it forced the Tribe to reorganize. Another series of misguided policy decisions delayed the reorganization process and prevented the Tribe from restoring its ancestral lands for years to follow.





# STRENGTH TO OVERCOME

Despite adversity, the Tribe successfully reorganized in 1998 and formally approved its Constitution in a Secretarial Election in 2004. The Tribe then undertook action to restore a portion of its original land base. For years following restoration of federal recognition and reorganization, the Tribe remained landless with no property for its benefit, nor held in trust by the federal government. After a long arduous federal regulatory process, the Department of the Interior acquiesced and acquired 11.24 acres of land into trust for the Tribe on September 8, 2008.





## RENEWED SENSE OF HOPE

For the first time in decades, the Tribe realized the opportunity to rebuild its Nation and take control of its future.

Although still a young Nation, the Tribe continued to persevere and reshape its economic outlook into one that foretold prosperity. Initially its operations were bound by limited funding from federal awards. At that time, lack of financial resources restricted the number of economic development programs that it was able to extend to members. But it did not give up. In pursuit of self-sufficiency through self-determination, the Tribe sought to subsidize its financial resources through outside sovereign ventures.

With hope and the promise of a stronger tribal economy, it initiated proceedings to open a small casino on its trust land. But this would not prove to be an easy feat. The Tribe spent several taxing years, in accordance

with the Indian Gaming Regulatory Act, negotiating its Tribal-State Compact. After incurring millions of dollars in capital expenditures related to its casino construction, it was uncertain that the gaming facility would, in fact, open. Its Tribal-State Compact had been rejected. The State at that time was unwilling to negotiate further, which left the Tribe unable to repay the insurmountable debt it had incurred in pursuit of the opportunity. Once again the government had thwarted the Tribe's right to exercise self-determination. After the political landscape changed, the Tribe returned undeterred. This time negotiations were successful, and the new Tribal-State Compact was submitted to the Department of the Interior and subsequently effectuated on August 31, 2011.

On Memorial Day Weekend 2012, the Tribe successfully opened Running Creek Casino with a renewed sense of hope for its sustainable future.





# UNDETERRED RESOLVE

Although Running Creek Casino yielded future promise, it was underperforming to the Tribe's initial forecast. To meet its now burgeoning financial obligations, the Tribe once again began to seek additional outside ventures. But Running Creek Casino now occupied almost a third of the Tribe's 11.24-acre parcel of trust land. Without a physical land base available, the Tribe had very few viable business options available.

With limited access to land and undeterred resolve, the Tribe began exploring opportunities in e-commerce and sought counsel in other tribal communities. United by a common goal of securing the future for their respective tribes, this effort yielded a formal introduction to the online consumer financial services industry.

The Tribe quickly identified that they were uniquely positioned to engage in the industry and proved to have a greater understanding of consumers who, much like themselves, were often overlooked in their most critical time of financial need. After approving a consumer-focused regulatory ordinance, it then legalized consumer financial services on its trust land.

This new operation enabled the Tribe to successfully transform its own economic outlook by helping consumers while pursuing the betterment of its people and the Native American community overall.





# A NATION EMPOWERED

Today the Tribe is no longer solely dependent on federal awards; nor is it limited by insufficient funding to a diminutive number of economic development programs that it is able to extend to its people. Revenues from its enterprises have empowered a Nation to finally rebuild and restore its once vibrant, but wrongfully ravaged, culture. These monies have reinvigorated its optimism with a bold sense of determination and have made critical contributions to the economic health of its tribal community that will enable it to, at last, achieve self-sufficiency. Without these funds this would not be possible.



# ENDURING SPIRIT

The Habematolel Pomo of Upper Lake have an enduring spirit and have historically proven to be resilient in the face of adversity. Yet even today, the Tribe's economic stability remains in jeopardy. The ongoing regulatory struggles make the threats to its tribal enterprises very real. The federal government continues to propose legislation and regulations that, if adopted, would dismantle its sovereign operations and result in the deterioration, if not elimination, of its economic progress. Furthermore, it strikes at the Tribe's right to sovereignty, a federally recognized, inalienable right that enables it to take action for self-determination and self-sufficiency.

The tribe is an active advocate on behalf of the Native American community and key influencer within its participating industries. It is a proud member of the National Indian Gaming Association, a unique non-profit organization that supports tribes and businesses engaged in tribal gaming enterprises to facilitate economic growth and self-reliance within the Native American community. This organization champions the economic progress of Native American communities, promote enterprise responsibility and provide vital resources to tribal businesses that ensure long-term future success.







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