



United States Department of the Interior  
OFFICE OF THE SOLICITOR  
Washington, D.C. 20240

May 22, 2026

M-37089

Memorandum

To: Secretary

From: Solicitor

Subject: Permanent Withdrawal of Solicitor Opinion M-37084, “*Authority of the Secretary to Take Land into Trust for the United Keetoowah Band of Cherokee Indians in Oklahoma for Gaming Purposes within the Cherokee Reservation*” (Jan. 17, 2025).

On January 17, 2025, former Solicitor Robert Anderson issued Solicitor’s Opinion M-37084 (“M-37084”).<sup>1</sup> On February 28, 2025, Gregory Zerzan, Senior Advisor exercising the delegated authority of the Solicitor, placed M-37084 under suspension review, along with all other M-Opinions issued during the Biden Administration.

M-37084 concludes, *inter alia*, that Cherokee Nation’s Reservation (“Reservation”) is also the United Keetoowah Band of Cherokee Indians’ (“UKB”) reservation for the purpose of the U.S. Department of the Interior’s (“Department”) land acquisition regulations at 25 C.F.R. Part 151; that UKB has exclusive tribal jurisdiction over lands taken into trust for UKB on the Reservation; and that such lands qualify as “Indian lands” under the Indian Gaming Regulatory Act<sup>2</sup> and are eligible for gaming.

Upon my review of M-37084, I have determined that the legal conclusions reached therein do not represent the best interpretation of applicable laws, treaties, and federal and Supreme Court case law.<sup>3</sup> As such, I hereby permanently withdraw M-37084 in its entirety. Until such time as the Office of the Solicitor revisits this issue in a subsequent M-Opinion, or other guidance, all relevant Department bureaus and offices are to treat the permanent withdrawal of M-37084 as binding and authoritative.

William L. Doffermyre

<sup>1</sup> Robert T. Anderson, Sol. Op. No. M-37084, *Authority of the Secretary to Take Land into Trust for the United Keetoowah Band of Cherokee Indians in Oklahoma for Gaming Purposes within the Cherokee Reservation* (Jan. 17, 2025).

<sup>2</sup> Pub. L. No. 100-497, 102 Stat. 2467 (1988).

<sup>3</sup> See, e.g., Treaty of New Echota, Dec. 30, 1835, art. 3, 7 Stat. 478; 1846 Treaty with the Cherokee Nation of Indians, Aug. 6, 1846, art. 1, 9 Stat. 871; Treaty with the Cherokee Nation, July 19, 1866, 14 Stat. 799; Act of

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May 3, 1893, ch. 209, § 10, 27 Stat. 612; Act of Apr. 26, 1906, ch. 1876, § 28, 34 Stat. 137; *United States v. "Old Settlers,"* 148 U.S. 427 (1893); *Eastern Band of Cherokee Indians v. United States*, 117 U.S. 288 (1886); *United Keetoowah Band of Cherokee Indians v. Mankiller*, 2 F.3d 1161 (10th Cir. 1993); *Buzzard v. Okla. Tax Comm'n*, No. 90-C-848-B (N.D. Okla. Feb. 24, 1992), *aff'd*, 992 F.2d 1073 (10th Cir. 1993); *Cherokee Nation v. Bernhardt*, No. 12-cv-493-GKF-JFJ, 2020 WL 14299946 (N.D. Okla. Mar. 24, 2020), *vacated on other grounds and remanded as moot sub nom*; *United Keetoowah Band of Cherokee Indians in Okla. v. Sec'y of the Interior*, No. 90-C-608-B (N.D. Okla. May 31, 1991).