

Indian Affairs Ruling a 'Historical Moment' for McAfee & Taft Client

Key Victory for United Keetoowah Band of Cherokee Indians in Oklahoma

Tahlequah, OK - June 26, 2009

On Wednesday, June 24, 2009, the U.S. Department of Interior's Assistant Secretary of Indian Affairs issued a ruling that puts the McAfee & Taft client United Keetoowah Band of Cherokee Indians in Oklahoma (UKB) on equal jurisdictional footing with the Cherokee Nation of Oklahoma (CNO).

The tribe is principally represented by shareholders [James McMillin](#) and [Michael McClintock](#).

Assistant Secretary Larry EchoHawk's ruling reversed a long-held view within the Bureau of Indian Affairs that the Cherokee Nation of Oklahoma (CNO) retained sole jurisdiction over a 14-county area in the northeastern part of the state. Instead, his opinion stated that neither the United Keetoowah Band of Cherokee Indians in Oklahoma nor the Cherokee Nation of Oklahoma is the historical Cherokee Nation and that both tribes are "successors in interest" to the original tribe.

Chief George Wickliffe of the Keetoowah Band called the ruling "a very historical moment for the United Keetowah Band of Cherokee Indians," and said the decision showed great support for the Tahlequah-based tribe.

"The significance of this decision to the Keetoowahs is enormous," said lead attorney McMillin. "It paves the way for the tribe to acquire land in the 14-county area of the historic Cherokee reservation that has been denied to them for nearly 60 years."

The decision stems from repeated appeals of a decision by the Regional Director of the Eastern Oklahoma Region of the Bureau of Indian Affairs in which she denied the UKB's application to have a 76-acre parcel of land taken into trust, citing, among other things, perceived jurisdictional conflicts with the Cherokee Nation of Oklahoma.

In issuing his ruling, EchoHawk reversed the BIA regional director's decision and sent the land trust application back to her to complete a basic part of her environmental evaluation. However, citing the February 2009 U.S. Supreme Court decision in *Carciere v. Salazar*, the Bureau of Indian Affairs is delaying a decision on the UKB's land-into-trust application.



[James McMillin](#)



[Michael McClintock](#)

“The Assistant Secretary’s decision marks the culmination of five long years of litigation over these groundbreaking sovereignty issues,” said McMillin.

In addition to naming both the UKB and CNO as successors in interest to the historical Cherokee Nation, Assistant Secretary EchoHawk made the following significant determinations:

- “The historical Cherokee Nation...as it existed in 1934 no longer exists as a distinct political entity.”
- “The CNO is a new political organization, therefore, because the historical [Cherokee Nation] no longer exists and the CNO government is a new government.”
- “[The UKB and CNO] have maintained their governmental organizations since they formed – the UKB in 1950 and the CNO in 1975.”
- “The fact that the UKB's charter, approved by the Assistant Secretary in 1950, authorizes the UKB to hold land for tribal purposes weighs heavily in favor of finding that the UKB can have land taken into trust.”

McAfee & Taft attorneys **Tamara Pullin**, **Paul Ross** and **Jeremiah Buettner** as well as paralegal **Dianna Peters** and legal secretary **Mary Brown** contributed significantly to the matter during the five-year battle.

McAfee & Taft has represented clients in litigation involving Native American law issues at all levels, including tribal courts, state courts and federal courts. The firm has also represented clients in business transactions with Native American tribes and tribal members.

About McAfee & Taft

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