# OFFICE OF THE ATTORNEY GENERAL

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STATE OF ALABAMA

**DEC 10 1981**

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>           Indians - Indian Tribes -
>           Indian Affairs Commission
>
>           Acts 79-343 and 79-228 give the
>           Mowah Band of Indians state
>           recognition.

Dear Ms. Dees:

You have requested the opinion of this office in regard to the validity of the status of the Mowah Band of Choctaw Indians in Mobile and Washington counties.  In particular your question is whether this Band qualifies as a tribe and therefore may receive federal grant money.

According to §41-9-703(c) of the Alabama Code "Recognition of Indians shall be at the discretion of the Southwest Alabama Indian Affairs Commission."  This Commission adopted regulations providing for legal recognition of Indian tribes, groups and organizations on April 10, 1980.  However, before these regulations were passed the state of Alabama still had the authority to recognize individual tribes as shown through Local Acts No. 79-343 and 79-228.  These acts repeal "all laws or parts of laws conflicting with this Act in regard to Mobile and Washington counties."

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It is the opinion of this office that the Mowah Band of Choctaw Indians has been recognized by the State of Alabama by virtue of two 1979 Local Acts (numbers 79-454 and 79-228). and that a letter of certification may be issued to this effect.

Yours very truly,

CHARLES A. GRADDICK
Attorney General
By:

MICHAEL M. ELEY
Assistant Attorney General

CAG/MME/pm