

ALABAMA INDIAN AFFAIRS COMMISSION  
ADMINISTRATIVE CODE

CHAPTER 475-X-3  
PROCEDURES AND CRITERIA FOR THE RECOGNITION OF INDIAN TRIBES,  
BANDS, OR GROUPS

475-X-3-.03      Criteria For Recognition As A Tribe, Band Or  
Group.

(1) Petitioner must meet all criteria as specified in this section.

(2) Petitioner must present a list of at least five hundred (500) members who reside in the state of Alabama, of the tribe, band, or group (list must be inclusive by name and physical addresses), unless this requirement is waived by an affirmative vote of three-fourths (3/4) of the membership of the commission.

(3) Petitioner must present evidence that each of its members is a descendent of individuals recognized as Indian members of an historical Alabama tribe, band, or group found on rolls compiled by the federal government or otherwise identified on other official records or documents. Copies of ancestry charts with certified copies of birth certificates, or other official documents that clearly link petitioner to ancestor for each member must accompany the petition. Each chart must bear the notarized signature of the individual to whom it pertains.

(4) Petitioner must present satisfactory evidence that its members form a kinship group whose Indian ancestors were related by blood and such ancestors were members of a tribe, band or group indigenous to Alabama. This evidence may be the equivalent of the ancestry charts required in Section 3 above.

(5) The petitioner must swear or affirm the following:

(a) No individual holding or eligible for membership in a federally or state recognized tribe, band or group may be accepted for membership in the petitioning group.

NOTE: This requirement is for the protection of members of federally or state recognized tribes who might otherwise forfeit services by becoming members of a non-recognized tribal group.

(6) Evidence must be presented that the petitioning tribe, band or group has been identified with a tribe, band or group or Indian community from historical times (200 years) until the present as "American Indian" and has a currently functioning governing body.

(a) Ancestry charts must be verified and approved by written acknowledgement of a Certified Genealogist (CSL) who is a non-member of the petitioning tribe, band, group or Indian community.

(b) Genealogist must submit a copy of current licensure and documentation of credentials.

(c) Tribal history is a requirement. It may be prepared and written by the tribe, but it must be validated by a certified historian and/or anthropologist.

(d) Historian must submit a resume' of prior work along with documentation of credentials.

(7) Petitioner must include a statement bearing the notarized signatures of the three highest ranking officers of the petitioning tribe, band or group certifying that to the best of their knowledge and belief all information contained therein is true and accurate.

**Author:** Criteria Committee Draft modified and adopted by Alabama Indian Affairs Commission.

**Statutory Authority:** Code of Ala. 1975, §41-9-702.

**History:** Filed April 5, 1985. Emergency amendment filed August 28, 1985. Permanent amendment filed November 5, 1985. **Amended:** Filed June 13, 2003; effective July 18, 2003.