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ANTI-NEGRO DEFAMATION LEAGUE INC.

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**OFFICIAL SUBMISSION TO THE OFFICE OF MANAGEMENT & BUDGET
RACE & ETHNICITY | PROPOSAL 4**

Good afternoon,

Thank you first and foremost for granting the public as well as our organization, the Anti-Negro Defamation League DBA (ANDL), this historic opportunity to provide much needed historical insight into this discussion about race and ethnicity. We are a newly formed 501c3 and our organization's primary mission is to stop and counter the continued legacy of defamation, erasure, persecution and misrepresentation of the Negro in all areas of people activity. We seek to address the ever-pervasive practice of systematic cultural benign neglect that seeks to extinguish the Negro's heritage and lineage. Negroes have historically been classified as such and deserves distinction due to our immeasurable role in the foundation of this nation and its federal and state designation. In recent months, it was brought to our organization's attention that the **Office of Management and Budget (OMB)** is currently proposing to officially remove "**Negro**" from the current definition of Black or African American according to the current **1997 Statistical Policy Directive No. 15 (SPD15) Proposal 4**.

Under the **National Archives eCFR or "Code of Federal Regulations" Title 36 Chapter IX 906.2**, "**Negro**" is currently listed as being part of a "**minority group member**". It also gives the federal code/definition of **Negro** which is an **individual of the Negro race of African origin**. According to our research thus far as of July 1, 2022, "**Negro**" is still a federally recognized racial and ethnic identifier despite Barack Obama, without specific logical explanation, initiating the request to have Negro removed from federal law thus removing the very birthright of the Negro and their surviving descendants. We have determined that this adverse action can and will cause further significant and immense harm to a people that have endured some of the most egregious violations to their civil and human rights since the first enslaved "20 and odd Negroes" that arrived in Jamestown, Virginia in 1619.

If Virginia is known as the birthplace of our modern democracy, then it is safe to say that “*Virginia was the mother of slavery*” as Loise Hughes put it. “*My father was a white man and my mother a negress*”. According to Elizabethan Common Laws in England at the time, **primogeniture** was the system of inheritance in which a person's property passes to their firstborn legitimate child upon their death. The term comes from Latin “primo” meaning first, and “geniture” relates to a person's birth preferably a male. In colonial Virginia however, that was certainly not the case in fact, 170 years before Hughes’ birth in 1832, in 1662 Virginia’s colonial government attempted to better define the conditions by which people were enslaved or free by enacting **Partus sequitur ventrem** or law of hereditary slavery that decreed that a child born to a Negro mother inherits her slave status. This was the genesis of the legal codification of the Negro bloodline and people that would serve as a critical foundation to this nation’s history, economy and workforce.

In other words, even though his father was white he was unable to escape the yoke of bondage because of his mother’s Negro blood. He and others like him at that time understood this dynamic as their lived realities as is described in Mr. Hughes’ later years when he published his memoir entitled *Thirty Years a Slave: From Bondage to Freedom: The Institution of Slavery as Seen on the Plantation and in the Home of the Planter*. This was a reversal of the usual common law that traditionally held that the status of the child was determined by the father. The act single-handedly enabled the reproduction of one’s own labor force solely based on a particular ethnic bloodline- **Negro**.

It is through this single act that the Negro has and continues to be subjected to the dictates of laws, policies and a myriad of legislation that have systematically targeted and terrorized this ethnic group throughout the history of this country. Negro was only given to a particular group of people within the continental United States. Since the primary objective of the **Office of Management & Budget (OMB)** is instrumental in formulating the president’s budget, executive policy initiatives, drafting legislation as well as crafting executive orders, our organization finds it imperative that disaggregating of the Negro population should be of top priority. To be clear, all “**Black**” people whether from the Caribbean or Africa are not viewed the same way under the law nor do they share the unique history and heritage of the American Negro and their descendants. This can be proven when looking at such implementation and methodology such as the 1854 California State Supreme Court where it sought to block all non-whites from obtaining equal citizenship & civil rights.

The court’s position re-enforced what was already known and understood that “**The word “Black” may include all Negroes, but the term “Negro” does not include all Black persons. We are of the opinion that the words “White,” “Negro,” “Mulatto,” and “Black person,” whenever they occur in our constitution must be taken in their generic sense that the words “Black person,” in the 14th section must be taken as contra distinguished from White, and necessarily includes all races other than the Caucasian.**” Since its inception in 1977 on to the OMB the term “**Black**” has caused a lot of cultural confusion and harm to the Negro community. This can also be said for the term “**African American**” as both definitions encompass over 3,000 ethnic groups in Sub-Saharan Africa, according to the definitions listed in the **eCFR Title 36 sec 906.2** for both “**Black and African American**”, none of which speak and represent the specific people group that were impacted and apart of the **Trans-Atlantic Slave Trade**. At this time, we

request that not only should “Negro” not be removed but the current federal codified definition should be left intact as is currently reflected in **Title 36 sec 906.2** and that an option should be given to select one’s nationality. Specifically, we’d like to have a separate and permanent box that states either American Negro or Negro American respectively.

Black or African American as defined in the **eCFR** should never be construed or used to describe any persons whose ancestry is from American chattel slavery. Capital investment into the American slave economy and the subsequent expansion of this enterprise of this “peculiar institution” was made possible by the capitalized wombs of Negro women. That sequential bloodline and racial status led to such laws that restricted the lives of American Negroes not by the color of their skin but solely by them being born and descending from Negro Slavery. Such laws like the **Virginia Slave Code** of 1705 further codified slave status thus making racial oppression the law of the land. In 1793, **The Fugitive Slave** Law passed permitting slave owners to cross state lines to retrieve their “property” making it a penal offense as runaway slaves. Congress also moved to extend both Virginia and Maryland’s slave laws into the District of Columbia in 1801 marking a federally authorized slave code.

But the final and most harmful law was the US Supreme Court ruling in **Dred Scott vs. Sanford** decision denying citizenship status to Negro slaves, ex-slaves and their descendants. It also barred Congress the right to prohibit slavery in the territories. The 4 million enslaved Negroes in 1860, less than a year before the outbreak of the American Civil War, weren’t merely just a labor force; they were a bloodline of people who were the South’s capital stock based on Negro blood. The question over the American Negro’s status wouldn’t be revisited until after the conclusion of the Civil War when on January 16, 1865 General William T. Sherman, Secretary of War Edwin M. Stanton held a 4-day meeting with 20 members of the clergy who themselves, crafted and composed what is known today as “**Special Field Order No. 15**” or more commonly referred to as “40 acres and a mule.” This was the first attempt that the federal government made to rectify the harms inflicted from the system of American chattel slavery and the Civil War. **Special Field Order 15** makes clear that, *“By the laws of war, and orders of the President of the United States, the negro is free and must be dealt with as such.”*

In other words, the American Negro was to be granted the same citizenship status, privileges and civil rights as that of a white person without question due to their participation in helping the Union Army win the war. Sadly, this was not to last as once the Union soldiers left the south, the period known as **Reconstruction** ended and the rise of **Jim Crow**, anti-Negro hate and sentiments coupled with racialized terror and fear of “**Negro Rule**” was justification for further harms to be levied against the American Negro community. In an 1896 article in the *Publications of the American Economic Association*, statistician from the **Prudential Life Insurance Company** Frederick L. Hoffman, believed that Negroes were uninsurable. In his “*Race Traits and Tendencies of the American Negro*” it is surmised that Negroes died because they were inferior, and they were inferior because they died. He concluded that, *“it’s not the conditions of life, but in the race traits and tendencies that we find the causes of excessive mortality.”*

The reality is that Hoffman and so many others at that time and even now fail to realize that there is indeed an environment and history from this government of negligence combined with the pervasive and persistent racial exclusionary policies and legislation that lacks specificity that

continues to rob the descendants of American Negroes of wealth creation and opportunities. There have however been two other attempts at doing just that one of which was when Harry S. Truman crafted *"To Secure These Rights"* where the report stated that there was a moral, economic and international reason to eliminate all forms of discrimination towards Negroes. **In the 1966 White House Conference "To Fulfill These Rights"** under Lyndon B. Johnson the President acknowledged that *"Its object will be to help the American Negro fulfill the rights which, after the longtime of injustice, he is finally about to secure. To move beyond the opportunity of achievement. To shatter forever not only the barriers of law and public practice, but the walls which bound the condition of man by the color of his skin."* This was in direct response to the **Civil Rights Movement** for the American Negro. Both documents serve as a blueprint for action on a federal level.

As the Honorary chairman at the conference A Philip Randolph stated it was *"one of the most important held to seek a solution to the Negro problem since the Civil War."* None the less we saw what followed towards the end of the decade in the *Report of The National Advisory Commission on Civil Disorders* or more widely known as the **"Kerner Report"** named after the chairman of the commission Otto Kerner published March 1, 1968." as the country erupted into violence and disorder after the assassinations of prominent American Negro leaders and activist. In his **"Address to the Nation"** June 27, 1967 President Lyndon B. Johnson made it known that, *"The only genuine, long-range solution for what has happened lies in an attack-mounted at every level-upon the conditions that breed despair and violence. All of us know what those conditions are: ignorance, discrimination, slums, poverty, disease, not enough jobs. We should attack these conditions—not because we are frightened by conflict, but because we are fired by conscience. We should attack them because there is simply no other way to achieve a decent and orderly society in America."* With the introduction of self-identification from the OMB in 1977 the term **"Black"** was touted at the height of the **Black Power Movement** under the guise of both ethnic and cultural pride. Both **"Black"** and **"African American"** terms have since been strategically weaponized to divert resources, programs and economic mobility from the American Negro community.

Our research has revealed several pieces of legislation that has raised an alarm with our organization. **H.R. 4238** was sponsored and introduced by Rep. Grace Meng (D. NY) through The Department of Energy that was intended to "modernize terms relating to minorities" removed **"Negro"** from **Title 42** and replacing it with **"Black or African American."** The original intent of the bill was specifically to remove the term **"Oriental"** not **"Negro"** and yet there was no mention of it at the congressional hearing nor the public transcript reflects any mention of **"Negro"** being brought to the floor. Upon further research We also came across **H.R. 381** or the **"21st Century Respect Act"** has only recently been introduced by Congressman Hakeem Jefferies where the term **"Negro"** is to be stricken out in **Title 7 sec. 1901.202** and replaced with the terms **"Black and African American"** as well as change the very definition of **"Negro"** in **eCRF Title 36 sec. 906. 2** only to be replaced with the same **"Black or African-American"**—the very terms that have been causing social, economic and political harms and diverting specific federal funds, government contracts and resources from our communities since their inception in 1977. Both pieces of legislation are what is known as **"riders"** in legislative procedures. **"Riders"** tend to be unrelated to the subject matter of bills to which they are attached and are commonly used to introduce unpopular provisions hence the reason there appears to be a

deliberate lack of or breakdown of communication with the Negro American community from the OMB, Congressmen and other sponsors of these pieces of legislation.

In conclusion, ANDL finds that there appears to be a consorted effort of erasure of Negro Americans and their living descendants at all levels of government in relation to specific policies and legislation that have been presented in the last few years without feedback from the communities in question. This continuous targeting of the Negro people's birthright, history and culture has only confirmed that there seems to be more commitment at exclusionary policies that have plagued Negro people and their communities since the failure of **Reconstruction** than any tangible commitment to truly, on a federal level, secure and fulfill the rights of the American Negro. We demand that the **OMB Interagency Technical Working Group on Race and Ethnicity Statistical Standards** rescind the current **Proposal 4**: to update the terminology in **SPD 15** by removing "Negro" from the **Black** or **African American** definition. A request for an audit of all federal agencies should be implemented to tabulate the overall accumulation of economic and social impact since the OMB 1977 introduction of self-identify with the term "Black." We request an immediate review and/or investigation into the legislative procedures of **H.R. 4238** that eliminated the term "Negro" when the bill was about "Oriental" and was never mentioned in the public hearing and why **H. R. 381 "21st Century Respect Act"** seeks to remove "Negro" but change the **eCFR** definition entirely. We also want a permanent selection box with the option **American Negro or Negro American**. It is imperative that our people group be properly engaged when it comes to critical policy directives that can have irreversible affects as our communities are still in economic crisis. The current conditions of the American Negro community deserve special and immediate attention. Finally, ANDL would like the opportunity to officially have a designated White House liaison to our communities so that we have direct communication with each current and future administrations to ensure continuity of commitment to our distinct community and that the above requests are fully initiated.

SINCERELY,

ANDL TEAM

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"VANGUARDS OF THE AMERICAN NEGRO & PRODUCING JUSTICE FOR ALL"- ANDL

SOURCE & REFERENCE LIST:

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