

PROTECTED STATUS FOR FBAs

A Framework for Lineage Protection and Reparative Governance

EXECUTIVE SUMMARY

Foundational Black Americans (FBAs)—the descendants of enslaved people in the United States—constitute a lineage whose dispossession, exploitation, and ongoing disparities were deliberately engineered by federal, state, and municipal governments. This paper advances the case for their formal designation as a protected population under federal law.

Protected status secures:

- legal recognition of FBA lineage
- civil rights enforcement tied to lineage-specific harm
- federal lineage-disaggregated data
- protection against policy substitution and representational drift
- accurate classification tied to historical injury
- a constitutional foundation for reparative governance and long-term repair

The FBA Lineage Rights Act (FLRA) is the legislative instrument that makes protected status enforceable. Protected status establishes the obligation; the FLRA provides the structure that sustains it.

Amid demographic shifts, representational misalignment, and chronic misclassification under the broad “Black” category, initiating this process in the current congressional cycle is essential.

INTRODUCTION

FBAs are not simply one segment of a racial group—they are a lineage directly harmed by U.S. policy for over four centuries.

This harm includes:

- enslavement
- codified second-class citizenship
- targeted economic exclusion
- land theft and displacement
- state-sanctioned violence and criminalization

- discriminatory housing and lending policies
- community destabilization and dispossession

Modern policy frameworks collapse FBAs into a generalized “Black” category that also includes Black immigrant populations whose families did not experience these harms. This erases lineage-specific injury, disrupts accountability, and obscures jurisdictional responsibility.

Protected population status restores clarity:

Those who inherit the harm must be recognized distinctly from those who do not.

HISTORICAL FOUNDATIONS

State-Created Harm

As detailed in FLRA Titles I–III, the U.S. government designed and maintained systems that produced persistent FBA disadvantage, including:

- chattel slavery
- Jim Crow laws
- redlining and exclusion from FHA and GI Bill benefits
- urban renewal displacement
- COINTELPRO and political repression
- mass incarceration targeted at FBA communities
- environmental dumping and municipal land dispossession

This unbroken chain of state-produced harm satisfies both federal and international criteria for protected population designation.

Precedent for Recognizing Harmed Populations

The U.S. has acknowledged and repaired state-inflicted injury for groups such as:

- Japanese Americans interned during WWII
- Indigenous nations
- Holocaust restitution recipients

Each precedent affirms a consistent principle:

Where the state creates the harm, the state must recognize and repair it.

Legal Basis for Protected Status

Designation is supported by:

- Equal Protection Clause considerations
- Civil Rights Act enforcement architecture
- federal authority to define protected classes
- international human rights standards
- FLRA Title I, which establishes constitutional standing

FBA's meet every requirement for protected status under U.S. law.

WHY NOW

Demographic Shifts

Increasing immigration alters the composition of the population labeled “Black,” obscuring lineage-specific data and outcomes.

Representational Drift

Non-FBA individuals are frequently positioned as spokespeople for “Black America,” misaligning representation and weakening lineage protection.

Policy Dilution

Race-based equity programs routinely:

- overrepresent immigrant-inclusive outcomes
 - underrepresent FBA-specific need
 - misdirect public resources
 - obscure the historical origin of harm
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Statistical Invisibility

Federal agencies rarely track FBA outcomes separately, resulting in data inaccuracies and structural erasure.

Timing & Structural Risk

Reforming:

- OMB racial standards
- Census categories
- agency reporting systems
- congressional definitions

These reforms take multiple years to implement. Beginning now is necessary for near-term adoption.

FLRA INTEGRATION

Protected status requires full adoption of the *FBA Lineage Rights Act (FLRA)*, which provides the legal, administrative, and governance mechanisms for enforcement.

Title I — Lineage Definition & Constitutional Standing

Defines FBA lineage and establishes protected class status.

Title II — Federal Acknowledgment & Apology

Creates the official national record of state-created lineage harm.

Titles III–XII — Reparations & Lineage Restoration Systems

Covers:

- land restitution
- housing protections
- economic repair
- education guarantees
- health system equity
- cultural and legal protections
- restoration of seized or displaced property

Titles XIII–XIV — Governance, Verification & Oversight

Establishes:

- FBA Lineage Verification Board
- Reparations Oversight Commission
- compliance systems
- fiscal governance controls
- DOJ Lineage Protection Division

The FLRA operationalizes protected status and ensures its enforceability across federal systems.

CBC CASE EXAMPLE

Lineage Ambiguity

The CBC presents itself as the unified voice for “Black America,” yet includes members whose families do not descend from U.S. slavery. Without lineage protection standards, representation becomes structurally misaligned.

Mandate Misalignment

Immigrant-centered and FBA-centered priorities are blended under a single category without disaggregation or accountability.

Annual FBA Impact Reporting

Protected status requires lineage-specific reporting on:

- legislative actions
- appropriations
- policy impacts
- measurable outcomes for FBA communities

Leadership Renewal

Performance norms tied to FBA outcomes reduce drift and strengthen alignment between representation and inherited harm.

IMPACT OF PROTECTED STATUS

- **Codify FBA Lineage in Federal Law**
Provides constitutional, administrative, and civil rights recognition.
 - **Mandate Lineage-Based Data Disaggregation**
Requires federal agencies to collect and report FBA-specific data.
 - **Prevent Policy Substitution**
FBA-specific initiatives cannot be merged into broad “Black,” minority, or diversity programs.
 - **Strengthen Civil Rights Enforcement**
Creates lineage-specific standing to address discrimination tied to state-produced harm.
 - **Establish a Legal Foundation for Reparations**
Protected status + FLRA Titles III–XII = an enforceable national structure for repair.
 - **Ensure Representation Accuracy**
Coalitions remain possible, but interpretive authority must rest with those inheriting the lineage.
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DESIGNATION PATHWAY

- **Phase 1 — Congressional Definition**
Enact the lineage definition in FLRA Title I.
- **Phase 2 — Data Architecture Reform**
OMB and Census implement lineage categories.
- **Phase 3 — Civil Rights Integration**
EEOC, DOJ, and HUD use lineage-based protections when enforcing federal laws.
- **Phase 4 — Reparative Governance Infrastructure**
Implement FLRA Titles III–XII.
- **Phase 5 — Government-Wide Implementation**
Integrate protected status into funding, compliance, and program design.

Timing Clarification

Federal classification reforms are multi-year efforts. Immediate action is required to produce timely outcomes.

STAKEHOLDER ROI

- **Congress**
Improves civil rights precision and reduces legal exposure.
 - **Federal Agencies**
Enhances program accuracy and reduces misclassification error.
 - **Civil Rights Institutions**
Strengthens jurisdictional clarity and enforcement mechanisms.
 - **States & Municipalities**
Reduces liability and clarifies eligibility standards.
 - **The U.S. Economy**
Increases FBA participation and reduces crisis-system expenditure.
 - **Democratic Legitimacy & International Standing**
Signals a credible commitment to repairing state-created harm.
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GOVERNANCE FRAMEWORK

Protected status requires:

- FBA Lineage Verification Board
 - Reparations Oversight Commission
 - DOJ Lineage Protection Division
 - annual disparity and compliance reporting
 - Federal Harm Assessment Authority
 - penalties for misclassification
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Protected status cannot be superseded by:

- race-neutral frameworks

- pan-ethnic “Black” classifications
- diversity or minority programs

These boundaries safeguard lineage protection.

REPRESENTATION PRINCIPLES

- Lineage defines inherited harm.
 - Protection requires precision.
 - Representation must match lineage inheritance.
 - Coalition cannot replace lineage.
 - Data must be disaggregated.
 - Reparations require legal clarity.
 - Structural boundaries protect justice.
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CONCLUSION

Designating FBAs as a protected population is not symbolic—it is a constitutional correction, a civil rights obligation, and a governance necessity. It recognizes the descendants of those whose coerced labor built the nation as a distinct harmed class requiring distinct protections.

Protected status is the acknowledgment.

The FBA Lineage Rights Act is the mechanism.

Together, they form the minimum standard for any credible structure of repair.

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