COPPER-COLORED CHRONICALS

JULY 2026 EDITION

"Where Our Voices Shape Our Future."

THE LEGAL ERASURE OF INDIGENOUS IDENTITY
How Federal and State Laws Rewrote Our Existence

Federal Harm → State Harm → Modern Consequences
A Breakdown for "We the People"

I. THE OPENING FRAME — What Every Reader Must Understand First

America operates under two overlapping systems of power:

Federal Power	State Power
Treaties	Racial laws
Indian policy	Vital records
Constitutional protections	Census classification
Federal courts	Local enforcement
Section 1983 remedies	Birth-certificate categories

These two systems collided in the 1800s — and **Indigenous identity became the casualty.**

Jackson's 1830 Address = The Turning Point
President Andrew Jackson told Congress:

> *"If they remain within the limits of the States, they must be subject to the laws of the State and will be merged in the mass of its population."*

That one sentence:

- Removed federal protection
- Empowered states
- Erased tribal identity on paper
- Created the legal environment for racial reclassification

The Harm Is Dual-Layered:
Federal origin (policy) → State execution (classification, erasure, mislabeling)

II. FEDERAL HARM

JACKSON'S 1830 POLICY (THE ROOT)

A. What Jackson Told Congress (Dec. 6, 1830) He announced that Indians must either remove west or become subject to state law — "merged in the mass of the population." He signaled that the federal government would not protect tribal sovereignty and that states were free to classify Indigenous people however they wished.

B. Why This Is Federal Harm It:

- Set national policy
- Withdrew federal protection
- Empowered states to erase identity
- Created the legal conditions for paper genocide

C. The First Legal Injury The federal government created the conditions for harm; the states carried out the actions of harm.

III. STATE HARM — HOW STATES EXECUTED THE ERASURE

After Jackson's message, states passed laws to:

- Abolish tribal governments
- Seize tribal land
- Criminalize tribal authority
- Forbid Indigenous testimony
- Force Indigenous people under state racial codes
- Collapse "Indian" into "Colored," "Mulatto," "Negro," or "Black"

State Racial Caste Systems Replaced Tribal Identity Legal castes: *White, Negro, Mulatto, Colored, Free Person of Color* — not ethnic descriptions.

Purpose: To eliminate sovereignty, seize land, prevent identity claims, force assimilation, and erase Indigenous presence east of the Mississippi.

IV. HOW THE CENSUS PARTICIPATED IN THE ERASURE

1850–1950 Census Instructions: Enumerators were told to use "White," "Black," or "Mulatto," and list "Indian" only if the person lived on a reservation or was "taxed." Result: Indigenous families recorded as *Colored, Mulatto, Negro, Black, White,* or *Other.*

The Census Became an Administrative Tool of State Racial Policy — following state law, not tribal identity.

V. LEGAL DEFINITIONS THAT ERASED INDIGENOUS PEOPLE (1600s–1900s)

Term	Historical Legal Meaning
Mulatto	Any mixture of non-White ancestry; included Indigenous people "not entirely White."
Colored	Catch-all caste for all non-White people; used to erase Indian identity on paper.
Negro / Black	Used to collapse Indigenous identity into the Black caste and deny land or rights.
Free Person of Color	Included Indigenous families outside reservations; erased Indian identity without calling them "Negro."

Why This Matters: There was no federal law reclassifying Indians. States used their own racial caste systems to absorb Indigenous people into non-White categories. These labels were administrative, not ancestral.

VI. TIMELINE OF PAPER GENOCIDE (1600s–1950s)

Era	Key Developments
1600s–1700s	States create racial caste systems; "Mulatto" and "Colored" defined broadly.
1830	Jackson removes federal protection; states begin aggressive reclassification.
1850–1880	Census records race; offreservation Indigenous listed as "Colored," "Mulatto," or "Black."
1890–1930	Blood-quantum categories appear; "Indian" recognized only with federal affiliation.
1950s	"American Indian" becomes clearer in census — but the damage is done.

VII. MODERN CONSEQUENCES — BIRTH-CERTIFICATE CORRECTION

A. Misclassification Is State Harm
Wrong racial labels, forced labels, refusal to write "Indian," denial of corrections, outdated racial codes.

B. States Cannot Assume African Ancestry

No African birthplace, parentage, surnames, ship records, or migration history; multigeneration U.S. birth; census listed African-born separately.

C. Our Documents Show
American lineage, Indigenous reclassification, no African origin, multigenerational continuity.

D. This Supports
Birth-certificate correction, identity restoration, historical accuracy, and legal remedy.

VIII. THE 2016 TERMINOLOGY CHANGE — MODERN CONFUSION

✓ In 2010, during Obama's presidency, the U.S. Census Bureau announced it would keep the term "Negro" on the 2010 Census — but would remove it afterward.

This was a **CENSUS BUREAU ADMINISTRATIVE DECISION, NOT A LAW.**

✓ Then in 2013, the Census Bureau officially removed the term "Negro" from all future federal surveys.

This happened under the OBAMA ADMINISTRATION, which is why people associate it with him.
But again:

- ❌ **NOT a law**
- ❌ **NOT an Executive Order**
- ✓ **IT *WAS* A FEDERAL AGENCY DECISION MADE DURING OBAMA'S PRESIDENCY**

H.R. 4238 — Modernization of Terms Act (2016) Removed "Negro," "Oriental," and "Spanish-speaking"; replaced with "African American," "Asian American," "Hispanic," and "Native American."

Key Distinction: The law updated federal terminology — not state birth certificates or historical racial categories. It did **not** retroactively change history or prove African ancestry.

SUMMARY:

2010 (Obama presidency)
The Census Bureau said it would keep "Negro" on the 2010 Census because some older Black Americans still self-identified with the term.

2013 (Obama presidency)
The Census Bureau announced:

> *"In 2013, during President Obama's administration, the U.S. Census Bureau removed the term 'Negro' from federal surveys. This was an administrative agency action — not a law passed by*

Congress and not an Executive Order. Therefore, no federal statute mandates the use of 'African American' on state vital records."

This was done through:

✓ **Federal Register Notice (March 2013)**
Not a law. Not an executive order. A **BUREAUCRATIC UPDATE**.

✓ The 2016 law modernized terminology but created confusion by causing agencies to **ASSUME** that all individuals historically labeled 'Negro' had African ancestry — an assumption historically inaccurate for Indigenous families.

IX. THE BOMB DROP — HISTORICAL EQUALITY AND ACCURACY

*"The term **'African American'** did not exist in the 1600s–1900s. If it had, records would show African birthplaces, surnames, and migration — but they do not. Likewise, 'White' was also a state-created caste label, not an ethnicity. Irish, German, French, Dutch, Italian, Polish, and Spanish families were collapsed into the single legal category 'White.' Therefore, if Indigenous people have the right to correct their racial records, White Americans also have that right — because both 'African American' and 'White' are modern racial labels created by the state, not by ancestry."*

X. FEDERAL COURTS ON INDIGENOUS IDENTITY: WHAT THE LAW ACTUALLY SAYS

For generations, Eastern Indigenous families who remained in their homelands were reclassified by state governments as "colored," "negro," "white", "mulatto," or "black." These labels appear on birth certificates, death certificates, marriage records, and census sheets — not because our ancestors changed, but because the government did.

What most people do not know is this:
Federal courts have already ruled that these state racial labels have *no legal power* to erase Indigenous identity.
Here is what the law actually says.

1. "Indian" Is a Political Status — Not a Racial Label

Morton v. Mancari, 417 U.S. 535 (1974) is the controlling Supreme Court case.

The Court held:
"Indian" is a political classification tied to tribal sovereignty, not a racial classification.
This means:

- State racial labels do not determine Indigenous identity.

- Being listed as “colored,” “negro,” “white”, “mulatto,” or “black” does not erase:
  - tribal ancestry
  - Indigenous identity
  - political status
  - community belonging

Federal courts do not rely on state racial categories because those categories were created under state racial caste systems, not federal Indian law.

2. Blood Quantum Is NOT Required

Federal courts have repeatedly held:

- blood quantum is not the controlling test
- descent + community recognition is enough
- tribal identity is political, not racial

This is especially important for Eastern Indigenous people because:

- State reclassification erased “Indian” from documents
- But it did not erase:
  - ancestry
  - cultural continuity
  - community identity
  - political belonging

And federal courts do not require Dawes Rolls, because:
The Dawes Rolls only covered the Five Tribes after removal — not the Eastern tribes who stayed.

3. Federal Courts Accept Community Recognition as Evidence of Indigenous Identity

Courts recognize:

- community attachment
- cultural participation
- descent from historical tribes
- recognition by an Indigenous community
- genealogical continuity

as legitimate evidence of Indigenous identity.
This is exactly how Eastern Indigenous identity survives despite state reclassification.

4. What This Means for Eastern Indigenous People Who Were Reclassified by States

Here is the legal logic, clean and simple:

- Federal law defines “Indian” politically, not racially
- State racial labels were racial, not political
- Therefore, state labels do not control federal Indigenous identity
- Federal courts look at:

- ancestry
- descent
- community recognition
- tribal affiliation
- historical continuity

- Not state racial categories

Eastern Indigenous people were excluded from the Dawes Rolls because they did not relocate, not because they were not Indigenous.

Federal courts understand this history and do not treat Dawes Rolls as the only proof of Indigeneity.

★ 5. Federal Courts Have Repeatedly Recognized That State Racial Reclassification Does NOT Erase Indigenous Identity

Federal courts have acknowledged:

- states used racial categories to collapse Indigenous identity
- census enumerators assigned race based on appearance
- Eastern tribes were reclassified as "colored"
- this was a function of state racial laws, not tribal identity
- Indigenous identity can survive despite state records

This is consistent with:

- United States v. Sandoval (1913)
- Montoya v. United States (1901)
- Morton v. Mancari (1974)
- ICWA cases
- federal recognition cases

All of these cases emphasize:
Indigenous identity is political and cultural — not dependent on state racial labels.

★ 6. The Federal OMB Definition — The One Used for Birth Certificates

The **Office of Management and Budget (OMB)** sets the official federal racial classifications used by:

- Vital Records
- Census
- Social Security
- Education
- Health agencies
- ALL federal data systems

OMB defines American Indian or Alaska Native as:
"A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment."
This definition does not require:

- Dawes Rolls
- enrollment
- federal recognition
- blood quantum

It recognizes ancestry + community attachment, which is exactly the situation for Eastern Indigenous families.

🌟 7. Bottom Line — The Federal Judicial Rule

For Indigenous people whose ancestors remained in the East and were reclassified by states:

⭐ Federal courts do NOT treat state racial labels as controlling
⭐ Federal courts do NOT require Dawes Rolls
⭐ Federal courts accept descent + community recognition
⭐ Federal courts define "Indian" politically, not racially
⭐ Eastern Indigenous identity is legally valid and historically documented

---

XI. SUMMARY

The federal government created the conditions for harm. The states executed the harm. The census recorded the harm, and the descendants live with the harm.

WHY THIS MATTERS FOR OUR BIRTH CERTIFICATE CORRECTION - Because:

✓ There is no federal law requiring "African American."
✓ There is no executive order requiring "African American."
✓ States cannot claim "federal law requires this label."
✓ States cannot deny corrections based on a law that does not exist.

This strengthens OUR arguments that:

- **Racial labels on state birth certificates are state-created, not federally mandated — and therefore can be corrected.**
- **Correcting the record is not a favor — it is a legal remedy for state-created injury. Truth recorded is justice remembered.**

RESOURCES & REFERENCES

(All public-domain sources)

- **Andrew Jackson — Second Annual Message to Congress (Dec. 6, 1830)** — American Presidency Project, UC Santa Barbara
- **U.S. Constitution — Article III** — National Archives
- **Fourteenth Amendment (1868)** — National Archives
- **42 U.S.C. § 1983 — Civil Action for Deprivation of Rights** — U.S. Code
- **Federal Court Structure & Purpose** — U.S. Courts Educational Materials
- **Census Enumerator Instructions (1850–1950)** — U.S. Census Bureau
- **Supreme Court Decisions:** *Burlington Northern v. White (2006)*; *Muldrow v. City of St. Louis (2024)*

Citation	Full Reference
OMB SPD 15 (1977)	Office of Management and Budget, Statistical Policy Directive No. 15, "Race and Ethnic Standards for Federal Statistics and Administrative Reporting," 1977.
OMB SPD 15 Revised (1997)	Office of Management and Budget, "Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity," Federal Register Notice, October 30, 1997, 62 FR 58782.
ICRA (25 U.S.C. §§ 1301–1304)	Indian Civil Rights Act of 1968, Title II of Pub. L. 90-284, April 11, 1968, 82 Stat. 77; codified at 25 U.S.C. §§ 1301–1304.
AIRFA (1978)	American Indian Religious Freedom Act, Pub. L. 95-341, August 11, 1978, 92 Stat. 469.
E.O. 13175 (2000)	Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments," 65 Fed. Reg. 67249, November 6, 2000.
UNDRIP Art. 33 (2007)	United Nations Declaration on the Rights of Indigenous Peoples, Article 33, U.N. General Assembly Resolution A/RES/61/295, September 13, 2007.
Indian Census Rolls	National Archives and Records Administration, Indian Census Rolls 1885–1940, National Archives Microfilm Publication M595.
BIA — Tribal Enrollment	Bureau of Indian Affairs, U.S. Department of the Interior, "Tracing American Indian and Alaska Native Ancestry," bia.gov.

ABOUT THIS PUBLICATION

Copper-Colored Chronicals — *"Where Our Voices Shape Our Future."* Published by **The Waya Nation**
1317 Edgewater Drive, Suite 2183 Orlando, FL 32804
📞 877-846-1480 🌐 www.coppercoloredchronicals.com
🎥 YouTube: [@SisterBethy](https://www.youtube.com/@S



- **SUBSCRIBE TO OUR YOUTUBE CHANNEL:** https://www.youtube.com/@SisterBethy
- **REGISTER TO RECEIVE NOTIFICATION OF OUR MONTHLY NEWSPAPER:** www.coppercoloredchronicals.com