

April 6, 1943

The Honorable John Collier
Commissioner, Office of Indian Affairs
U. S. Department of the Interior
Washington, D. C.

Dear Sir:

I have before me your letter of March 19 to Dr. I. C. Riggin, State Health Commissioner, in reference to a letter addressed by me to Mrs. Ruth Rogers Garrett, requesting further information as to her classification as Indian on the birth certificate of her child.

Her consort, Jasper Thomas Garrett, aged 23, a member of the Navy force, called me up on the phone from Norfolk in an excited frame of mind because of our routine checking up on the accuracy of a record.

Hundreds of negroids are now attempting to register births as "Indian," with the ultimate purpose of passing over and marrying into the white race. Most of these are of Virginia stock, but quite a number are from border States, so-called Melungeons from Newman's Ridge, Hancock County, Tennessee, and North Carolina mixed breeds across our southern border who designate themselves as Indians and occasionally as Cherokees. We recognize the term "Cherokee" as indicating correctly the group of true Indians in western North Carolina. We are insistent, however, that evidence be furnished us as to facts, in this case such as a birth certificate of the claimant or a statement from the Chief of the Tribe, giving names of her parents and the fact that they are members of that group and not of the mixed breeds described by the Bureau of Ethnology, under the title "Croatans," as a composite negro group (Bulletin 30).

In our phone conversation, Mr. Garrett stated that he did not marry this seventeen year old girl at her home but in Georgia. The laws of both North Carolina and Georgia, as well as Virginia, forbid the intermarriage of whites and Indians, the Georgia law specifying even if there is any ascertainable degree of Indian blood and declares such marriage void. He should tell how he secured a marriage license, and for a female so young. He declined to give any further information. Your letter likewise gives no facts, only a generalized statement.

I had no thought of the "several hundred thousand Indian citizens" referred to by you, but am intensely interested in the groups of negroid pseudo-Indians now trying to register births either as Indians or as white.

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The Virginia racial integrity act of 1924 definitely places upon the Bureau of Vital Statistics the responsibility of correctly classifying racially the population of the State in vital statistics records. Fortunately, we have in our office Miss Eva Kelley, who has devoted years of study to this problem and has developed into a racial genealogical expert never equaled. She has traced practically all of the families of our so-called "Indian" groups back to the 1830 U. S. Census. A negro man, Carter G. Woodson, Ph. D., was permitted to list by counties the free negro heads of families found in the U. S. Census of 1830, in a book entitled, "Free Negro Heads of Families in the United States in 1830," published by The Association for the Study of Negro Life and History, Inc., Washington, D. C. This list contains the names of the free negro progenitors of their descendants who began about fifty years ago to make organized effort to secure recognition as "Indians." Their efforts have recently grown more intense due to the great demand for birth certificates in connection with the war. Recently two Caroline County negroes were sentenced in the Federal Court to two years in prison because they refused to enroll with the draft board other than as Indians. One or two more of this same group from Essex County are awaiting trial. These are listed as free negroes in the 1830 Census and on down through census, State, and local records as free negroes or mulattoes, and as negroes or colored since the close of the War Between the States. Until recently they are nowhere listed as Indians.

After the War Between the States, the U. S. army of occupation listed the voters of the State by whites and negroes. The ancestors of our present "Indians" marched up and joyfully listed themselves as negroes. Those lists, signed by Army officers, are in our State Library, and presumably in Washington also. Miss Kelley makes constant use of them in her studies.

Race can be established by genealogical methods only, through laborious research work, not by proclamation.

Before the taking of the 1940 Census, a trained representative of the U. S. Bureau of the Census spent several days in our office and was shown by Miss Kelley the racial pedigree of practically all of our pseudo-Indians, family by family, back to the free negro list of the 1830 Census, and in some cases, through State tax lists by color, even further. She has the line of descent of perhaps the largest of these families back to the Revolutionary War. The census enumerators were furnished lists of these families and instructed to list them as they had been classified in early days when their origin was well known.

Mulatto slaves were evidently freed 200 to 250 years ago and gradually formed into groups, at times absorbing the trace of Indian blood still existing. (See Howe's History, 1845, and King William petition, 1843). I invite your attention to the historical summary abstracted on the small sheet which we paste back of birth certificates false as to race. On the back of it Miss Kelley traces the line of descent back to the founders of the families. Race does not change and no legerdemain, proclamation, or legal decision can alter biological facts.

Would it not be in order for the Office of Indian Affairs to check up with ^{the} Bureaus of Ethnology and the Census as to the racial composition of

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the "Indians" of Virginia and other eastern States? No one questions the fact that true Indians exist in the West,—not the Creeks from Alabama and Georgia. We would be delighted to have you or your representative visit our office and examine the mass of original information and pedigree charts accumulated by Miss Kelley, showing the racial origin of mixed breeds trying to pass as Indian or white. Our own indexed birth and marriage records, showing race, reach back to 1853. Such a study has probably never been made before. Your staff member is probably correct in his surmise that Hitler's genealogical study of the Jews is not more complete.

Very truly yours,

W. A. Flecker, M. D.
State Registrar

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