

POSITION PAPER

FBA Culture as National Treasure

The Case for Formal Recognition and Equitable Protection

FBA cultural creation is the primary engine of American cultural influence in the world. The United States government has formally acknowledged this when it served foreign policy interests. The economic record documented in The Souled Out Papers proves it sector by sector. The formal protection has never followed.

Beloved One

Capturing The Negro Publishing House · The Souled Out Papers

NOTE ON TERMINOLOGY

Foundational Black Americans (FBA)

Foundational Black Americans (FBA) are the proud descendants of the Black Indigenous American women and men who endured and survived one of the greatest atrocities in human history — The European Colonization of America. These resilient ancestors built the United States from the ground up, laying the foundation for the nation's economic, political, and cultural development.

The culture and identity of Foundational Black Americans have been deeply rooted in building, resilience, resistance, and an unwavering fight for justice. This spirit of perseverance and ingenuity has shaped every aspect of American society, from infrastructure and agriculture to music, art, and political activism. FBA are an exceptional people whose enduring legacy continues to inspire generations.

It is important to clarify that Foundational Black Americans (FBA) is not a group, organization, or movement with a designated leader. FBA is a lineage-based designation referring to Black Americans who descend from the Black Indigenous tribes — some of them were the formerly enslaved people emancipated in the United States — as well as the free Indigenous Black Americans who were present during the foundational building and formation of this nation. This lineage represents a unique and unbroken connection to the Black Americans who built, shaped, and defined the United States from its earliest foundations.

We honor and celebrate the rich history, cultural contributions, and unyielding strength of Foundational Black Americans. This recognition is not only a tribute to our ancestors but also a commitment to preserving and advancing the legacy they established.

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FBA Culture as National Treasure:

The Case for Formal Recognition and Equitable Protection

Beloved One · Capturing The Negro Publishing House · The Souled Out Papers · 2026

ABSTRACT

FBA cultural creation — encompassing music, visual aesthetics, vernacular language, athletic expression, dance, and the broader traditions from which these forms emerged — constitutes the primary engine of American cultural influence in the world. The United States government has formally acknowledged this reality when it served foreign policy interests. American corporations have built trillions of dollars in commercial value from this cultural output. International audiences consume it as the defining expression of American identity. Yet the legal and economic framework of the United States provides no formal protection for FBA culture as a national heritage asset, no compensation mechanism for communities whose creative traditions are commercially exploited, and no equity participation for the originators of a cultural inheritance that has generated more national wealth than any comparable creative tradition in American history. This paper argues that FBA culture meets every substantive criterion for designation as a national treasure — and that the absence of formal recognition and equitable protection represents a structural inconsistency in American cultural policy that warrants immediate remedy.

I. WHAT IS A NATIONAL TREASURE?

The United States does not have a single statutory definition of "national treasure." The concept appears across multiple legal and policy frameworks — the National Historic Preservation Act, the National Register of Historic Places, the American Folklife Preservation Act, the Library of Congress National Recording Registry, and the National Endowment for the Arts National Heritage Fellowship program. Each framework addresses a different dimension of cultural heritage. None provides comprehensive protection at the community level for living creative traditions and their originators.

For the purposes of this paper, a national treasure is defined as: a cultural creation, tradition, or body of creative work whose contribution to national identity, international standing, economic output, and the human record is irreplaceable; whose loss or unchecked exploitation would diminish the nation permanently; and whose creators and originating communities are entitled to formal recognition, preservation support, and equitable participation in the commercial value their work generates.

Under this definition — or under any reasonable variation of it — FBA cultural creation is not merely a candidate for national treasure designation. It is the clearest example of such a treasure that the United States possesses.

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II. THE EVIDENCE: AMERICA'S PRIMARY CULTURAL EXPORT

The case does not require argument at the level of cultural appreciation. It requires only documentation. What has America contributed to global culture that the world has adopted, adapted, and made its own?

Jazz emerged from FBA communities in New Orleans in the early 20th century and became the first globally influential American art form. Blues — the foundational language from which jazz, rock and roll, country, soul, R&B, and hip-hop all descend — is a FBA creation. Rock and roll, as documented in Volume I of The Souled Out Papers, was built by Chuck Berry, Little Richard, Fats Domino, and Big Mama Thornton before it was distributed to the world through the commercial infrastructure of the American music industry. Hip-hop — now the dominant commercial music genre on earth, generating over \$25 billion annually in the United States alone and multiples of that globally — is a FBA creation born in the South Bronx in 1973.

The visual aesthetic that global fashion identifies as American — streetwear, athletic style, the luxury-vernacular crossover — is FBA in origin, as documented in Volume II of this series. The vernacular that drives American advertising effectiveness — the slang, the cadence, the communicative style that brands deploy to signal cultural relevance — is FBA vernacular, as documented in Volume III. The sports entertainment complex that generates over \$30 billion annually in the United States and constitutes one of America's most watched cultural exports is built primarily on Black athletic performance.

When scholars of American studies, cultural historians, and international observers attempt to identify what is distinctively and irreducibly American in the world's cultural landscape, they identify jazz, blues, hip-hop, the visual aesthetic of American street culture, and the athletic tradition of American professional sport. Every one of these is FBA. This is not a marginal contribution. It is the primary contribution. It is the answer to the question of what America has given the world.

"When the world asks what America has given to global culture, the answer is FBA creation. This is not a marginal contribution. It is the primary contribution."

III. THE GOVERNMENT ALREADY ACKNOWLEDGED IT

The most powerful evidence that FBA culture constitutes a national asset is not found in academic argument. It is found in the formal actions of the United States government.

Beginning in 1956, the United States Department of State initiated what became known as the Jazz Ambassadors program. American jazz musicians — Louis Armstrong, Dizzy Gillespie, Dave Brubeck, Benny Goodman — were sent on government-funded international tours as explicit instruments of American foreign policy during the Cold War. The program operated on a specific strategic logic: jazz was the most effective soft power asset the United States possessed, and its deployment in contested regions of Europe, Asia, Africa, and the Middle East could demonstrate the vitality and democratic creativity of American culture in ways that no diplomatic document could.

The government understood precisely what it was doing. A State Department internal document from the period identified jazz as "America's secret weapon" — a cultural force that could win hearts and minds in the ideological contest with the Soviet Union. Louis Armstrong, who had publicly criticized the Eisenhower administration's handling of the Little Rock school desegregation crisis, was nonetheless deployed as a government representative because his music was that valuable as a national asset. The government used a FBA artist who had publicly condemned federal policy as its most effective international cultural representative.

This is not ancient history obscured by time. It is a documented policy decision that establishes a clear precedent: the United States government formally recognized Black American cultural creation as a national asset of sufficient value to deploy in the defense of national interests. That recognition was never accompanied by equitable treatment of the communities that produced the asset being deployed.

The Smithsonian Institution's National Museum of African American History and Culture, which opened in 2016 on the National Mall in Washington, D.C., represents the most recent and explicit federal acknowledgment that FBA history and culture is central to American national identity. The Library of Congress National Recording Registry has formally preserved hundreds of FBA musical recordings as "culturally, historically, or aesthetically significant." Juneteenth was designated a federal holiday in 2021. These are recognitions. They have not been accompanied by the structural and economic protections that formal national treasure designation would require.

IV. THE ECONOMIC RECORD

The Souled Out Papers is an ongoing series of economic analyses documenting the commercial value generated by FBA cultural creation across the major industries it has built, inspired, or fundamentally shaped. The findings to date establish the economic foundation of the national treasure argument with a precision that cultural appreciation alone cannot provide.

VOLUME	SECTOR	ESTIMATED VALUE
Volume I — The Economic Return of Music	Music industry (12 sectors)	~\$1.35 Trillion
Volume II — Visual Culture	Film, TV, fashion, photography (8 sectors)	~\$1.83 Trillion
Volume III — Language & Sports	Vernacular, NIL, athletic style (8 sectors)	~\$1.2 Trillion
Volume IV — The Digital Economy	Social platforms, attention economy (in development)	TBD
COMBINED (Vols. I–III)	Documented across 28 sectors	~\$4.38 Trillion

The \$4.38 trillion figure documented across the first three volumes represents conservative estimates derived from publicly available industry data. The full commercial value of FBA cultural influence — including second and third order effects on industries not directly measured — substantially exceeds this figure. Volume IV, currently in development, will document the digital economy extraction: the systematic commercial use of Black creative output on social platforms that generate billions in advertising revenue while demonetizing Black creators at measurably higher rates than their white counterparts.

In each volume, the same structural pattern is documented: the creative foundation is FBA. The ownership infrastructure that captures the financial value is not. The labels. The studios. The fashion houses. The franchise owners. The digital platforms. In every case, the commercial value of FBA creativity accrues to entities that did not create it. This is not an accident. It is the outcome of deliberate structural arrangements — contracts, ownership frameworks, legal regimes, and institutional practices — that were designed and maintained to produce exactly this outcome.

"\$4.38 trillion documented. In every sector, the same pattern: the creative foundation is FBA. The ownership infrastructure that captures the value is not."

V. THE PROTECTION PARADOX

The United States government deployed FBA culture as a national asset in foreign policy while maintaining legal segregation domestically. It has formally recognized FBA cultural heritage through museums, registries, and federal holidays while providing no structural economic protection for the communities that produced the heritage being recognized. It has watched American corporations extract trillions of dollars from FBA creative traditions while the legal framework it maintains provides no compensation mechanism for that

extraction.

This paradox — formal cultural recognition without economic protection — is not an oversight. It is a policy choice that benefits the industries documented in *The Souled Out Papers*. The fashion industry that has built hundreds of billions from Black aesthetic innovation has no interest in a legal framework that compensates Black designers and communities for commercial adoption of their creative traditions. The advertising industry that has built its commercial vocabulary on FBA vernacular has no interest in a licensing framework for the language it freely uses. The sports franchises that have appreciated from \$1 million to \$5 billion on the foundation of Black athletic performance have no interest in equity participation frameworks for the athletes whose performance generated that appreciation.

The gap between cultural recognition and economic protection is the gap that *The Souled Out Papers* documents. It is the gap between "we celebrate Black Music Month" and "\$1.35 trillion extracted from FBA music." It is the gap between "jazz is America's great art form" and the State Department deploying Louis Armstrong while the federal government refused to enforce his civil rights at home. It is the gap between the Smithsonian's National Museum of African American History and Culture and the systematic underpayment of Black artists whose work that museum preserves.

Closing this gap is the policy challenge this paper addresses.

VI. INTERNATIONAL MODELS FOR CULTURAL HERITAGE PROTECTION

The absence of formal community-level cultural heritage protection in the United States is not a universal condition. Other nations have developed legal frameworks that provide meaningful protection for cultural traditions and their originating communities. These models offer concrete precedents for what American policy could accomplish.

Japan: Living National Treasures

Japan's Law for the Protection of Cultural Properties, established in 1950, created the formal designation of "Ningen Kokuho" — Living National Treasures. Master practitioners of traditional crafts and performing arts receive formal government designation, annual stipends

to support their continued practice, and government funding to preserve and transmit their knowledge to the next generation. The framework recognizes that certain forms of creative and craft knowledge are irreplaceable national assets that require active protection. The designation comes with economic support, not merely recognition.

France: Cultural Exception

France has maintained since the 1990s a policy of "cultural exception" — the principle that cultural products and services should not be treated as ordinary commercial goods subject only to market forces. This framework supports French language and cultural production through broadcasting quotas, funding mechanisms for French film and music, and explicit resistance to international trade agreements that would treat cultural production as equivalent to manufacturing. The underlying argument — that cultural creation serves national interests that markets alone will not protect — is directly applicable to the American context.

UNESCO: Intangible Cultural Heritage

The United Nations Educational, Scientific and Cultural Organization's 2003 Convention for the Safeguarding of the Intangible Cultural Heritage, which the United States has not ratified, establishes an international framework for protecting "practices, representations, expressions, knowledge, skills — as well as the instruments, objects, artefacts and cultural spaces associated therewith — that communities, groups and, in some cases, individuals recognize as part of their cultural heritage." The convention's framework for community-level protection is precisely what American law lacks for FBA cultural traditions. The failure to ratify this convention represents a concrete policy gap with direct consequences for FBA cultural heritage.

The NIL Precedent

Within the United States, the 2021 NIL (Name, Image, and Likeness) reform in college athletics provides the most recent domestic precedent for extending economic participation rights to creators whose work generates commercial value. For 100 years, the NCAA prohibited college athletes from earning from their own identities while institutions generated billions from exactly those identities. A Supreme Court ruling and subsequent regulatory changes acknowledged the fundamental inequity of this arrangement. The NIL framework is limited in scope and imperfect in implementation — but it establishes the principle that individuals whose identity generates commercial value are entitled to participate in that value.

Extending this principle systematically to cultural creators is the logical next step.

VII. THE PATH FORWARD: POLICY RECOMMENDATIONS

The following recommendations are organized from the most immediately achievable to the most structurally ambitious. They do not represent a comprehensive legislative agenda — they represent the minimum framework necessary to begin closing the gap between the formal recognition of FBA culture as a national asset and the economic reality documented in The Souled Out Papers.

RECOMMENDATION 1

Formal National Heritage Designation for FBA Cultural Traditions

Congress should establish a formal National Cultural Heritage designation — modeled on Japan's Living National Treasures framework — specifically for FBA cultural traditions including jazz, blues, hip-hop, gospel, R&B, AAVE, and the visual and athletic traditions documented in this series. The designation should carry material consequences: government preservation funding, research support, educational integration mandates, and a formal statement of national recognition that creates a legal foundation for subsequent protection frameworks.

RECOMMENDATION 2

Ratification of the UNESCO Intangible Cultural Heritage Convention

The United States should ratify the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage. Ratification would provide an international legal framework for protecting FBA cultural traditions and create formal mechanisms for addressing their commercial exploitation. It would also signal to the international community that the United States is prepared to treat its most significant cultural traditions with the seriousness they warrant.

RECOMMENDATION 3

Intellectual Property Reform: Choreography and Community Vernacular

Congress should amend the Copyright Act to extend automatic copyright protection to movement-based creative works at the moment of their fixation or documented public performance. Additionally, a Community Cultural Commons framework should be established to allow cultural communities to collectively register and license commercially adopted vernacular and aesthetic traditions, directing licensing revenue to community preservation and creator support funds. The Fortnite emote controversy and the systematic commercial adoption of AAVE demonstrate the urgency of both reforms.

RECOMMENDATION 4

Archive Compensation Structure for Cultural Heritage Institutions

Federal legislation should require that commercial licensing revenue generated by archives holding FBA cultural materials — photographs, film, recordings — direct a defined percentage of licensing income to a Black Cultural Heritage Fund, administered independently, for distribution to creators' estates, originating communities, and preservation institutions. Getty Images, major studio archives, network libraries, and music publishing catalogs should be subject to this framework for materials created under work-for-hire arrangements that did not provide ongoing participation rights to their creators.

RECOMMENDATION 5**National Commission on FBA Cultural Heritage and Economic Equity**

The President should establish by executive order a National Commission on FBA Cultural Heritage and Economic Equity, charged with: conducting a comprehensive audit of federal recognition programs and their adequacy; reviewing existing intellectual property frameworks for their impact on FBA cultural creators; recommending legislative and regulatory changes; and producing a formal national report — with economic documentation equivalent to The Souled Out Papers — on the gap between the national value of FBA cultural creation and the economic treatment of its originators. This commission's report should serve as the authoritative policy foundation for subsequent legislative action.

RECOMMENDATION 6**HBCU Cultural Preservation and NIL Infrastructure Investment**

Dedicated federal investment should fund cultural preservation programs at Historically Black Colleges and Universities, where the scholarly infrastructure for documenting and protecting FBA cultural heritage is concentrated. Concurrently, NIL support infrastructure — legal services, agent networks, brand deal facilitation — should be specifically funded for HBCU athletes, who have nominal NIL rights under the 2021 framework but minimal support infrastructure compared to athletes at major programs.

VIII. CONCLUSION

The question this paper addresses is not whether FBA culture is a national treasure. The evidence for that designation is overwhelming, documented, and acknowledged — by the State Department that deployed it in the Cold War, by the Smithsonian that built a museum to preserve it, by the Library of Congress that formally archives its recordings, by the global audiences that have made it the dominant cultural export of the United States for over a century.

The question is whether the formal recognition will ever be accompanied by the economic protection and equitable treatment that designation should require. The \$4.38 trillion documented across the first three volumes of The Souled Out Papers is the measure of the gap between what FBA culture has contributed to national wealth and what its originators have received in return. It is a number that grows with every new volume, every new sector analyzed, every new mechanism of extraction documented.

The case for national treasure designation is not primarily a call for celebration. Celebration has been offered in abundance without economic consequence. The case is for protection — the same protection that the United States extends, in varying degrees, to its natural resources, its physical landmarks, its scientific knowledge, and its strategic industries. The case is for the same logic that sent Louis Armstrong around the world as a national representative to be applied, finally, to the community that made his music possible.

The economic record exists. The documentation is complete through three volumes, with a fourth in development. The policy framework is here. The recommendations are specific and achievable. What remains is the political will to close the gap between what America has taken from FBA culture and what it owes in return.

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ABOUT THE SOULED OUT PAPERS

The Souled Out Papers is an ongoing economic research series documenting the commercial value generated by FBA cultural creation across the industries it has built, inspired, and fundamentally shaped. Volume I: The Economic Record documents ~\$1.35 trillion across 12 music industry sectors. Volume II: Visual Culture documents ~\$1.83 trillion across 8 visual culture sectors. Volume III: Language & Sport documents ~\$1.2 trillion across 8 sectors of vernacular, athletic style, and related industries. Volume IV: The Digital Economy is in development. The

interactive companion platform, sector explorer, and royalty calculator are available free at thesouledoutpapers.com. All volumes are available at thesouledoutpapers.com.

Beloved One is a professional R&B producer, songwriter, and researcher based in Ninole, Hawaii. Founder of Capturing The Negro Publishing House. Contact: hello@thesouledoutpapers.com

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