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# **NORTH CAROLINA EUGENICS STUDY COMMITTEE REPORT**

## **REPORT TO THE GOVERNOR**

HQ 755.5 .U6 N85 2003

**June 2003**



North Carolina Department of Health and Human Services  
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Michael F. Easley, Governor

Carmen Hooker Odom, Secretary

June 25, 2003

The Honorable Michael Easley  
Office of the Governor  
20301 Mail Service Center  
Raleigh, North Carolina 27699-0301

Dear Governor Easley,

Last December, you asked me to form a committee to look at North Carolina's eugenics program. You charged that committee with exploring the history of the program, ensuring that it was never repeated, and making recommendations on how to assist program survivors. Our committee has now finished its work, and we have completed a set of recommendations for your consideration. The attached report details those recommendations.

In short, we believe that survivors should be guaranteed health care and educational benefits. We also believe that North Carolinians must never be allowed to forget about this program and its effect on the lives of so many innocent citizens.

Serving on this committee was one of the most rewarding and emotional experiences that I have had during my decades of public service. I was not prepared for the profound impact of the testimony of survivors whose lives have been irreparably harmed by North Carolina's eugenics program. Our hope is that this report conveys some of that experience.

You have shown great leadership in apologizing to the survivors and asking us to make recommendations to you on further benefits for the survivors. On behalf of the committee, I thank you for this opportunity to help right a terrible wrong.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carmen Hooker Odom".

Carmen Hooker Odom

# EUGENICS STUDY COMMITTEE REPORT

## BACKGROUND

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In December 2002, Gov. Mike Easley issued a public apology regarding North Carolina's eugenics program. Although many states had eugenics programs, Gov. Easley is the first state executive to look beyond apologies to addressing the need to provide benefits for survivors of eugenics.

Gov. Easley directed North Carolina Department of Health and Human Services Secretary Carmen Hooker Odom to create a task force to look into North Carolina's eugenics program. The group was charged with exploring the history of the program, ensuring that it was never repeated, and making recommendations on how to assist the survivors of the state's involuntary sterilization program that was in place from 1929-1974.

The committee (see Appendix A for membership list) met during the winter and spring of 2003. As part of its deliberations, the committee heard from two survivors of the program – Elaine Riddick Jessie and Nial Cox Ramirez. Hearing their stories put a human face on a horrible episode in this state's history. All of the committee members want to express their sincere thanks to these two brave women for stepping into the public spotlight and telling their very difficult stories.

The Committee also wants to recognize Dr. Johanna Schoen, whose research on the North Carolina eugenics program was vital. Without her academic work, it is uncertain that the public would have ever found out about the program and its survivors. This report summarizes the Committee's recommendations to Gov. Easley.

## INTRODUCTION

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North Carolina's eugenics program began in 1929. The law endorsed sterilization of people who had epilepsy, sickness, "feeblemindedness" and other disabilities. Eugenics was a "hot" movement, especially prior to World War II, and many states had similar programs. It claimed to better society by preventing selected people from having children. But, it was used against a wide variety of people—including girls whose only "fault" was having premarital sex.

Hitler was a proponent of eugenics, and the horror of what he had attempted to accomplish led many states to slow their eugenics programs after World War II. However, North Carolina's program continued until 1974. In its latter years, as eugenics theory was largely discredited, involuntary sterilization was justified by using economic discrimination. People on public assistance were targeted as a way of limiting those expenditures. Nial Cox Ramirez, for instance, was told that if she refused sterilization her family's benefits would be halted.

The Eugenics Board of North Carolina ran North Carolina's program. It was technically a part of the Department of Public Welfare (modern day Division of Social Services). It had five members – one each representing the Attorney General, Dorothea Dix Hospital, Department of Public Welfare, Department of Public Health and Department of Mental Health. Local social workers would petition the board to sterilize a person, and the board would make the ultimate decision.

More than 7,600 people were sterilized under the program. Some people requested sterilization, but many of them were forced against their will. In some cases, victims were children as young as 14 who had no knowledge or understanding of the procedure.

The law that allowed for involuntary sterilization was repealed during the 2003 General Assembly. Rep. Larry Womble (Forsyth), who serves as a member of the Eugenics Study Committee, led the legislative effort to repeal this law and to look at other legislative approaches to the issue.

## **RECOMMENDATIONS**

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The Eugenics Study Committee recommends that survivors of North Carolina's forced sterilization program should receive medical benefits, counseling and educational opportunities. The committee recommends the creation of a nonprofit foundation to serve as a support mechanism for survivors, and the committee also recommends the establishment of a memorial to serve as reminder of this part of our history. Although the committee strongly believes that survivors also deserve some form of financial compensation for what we believe is a violation of human rights, we believe the creation of a legislative study commission is the most appropriate way to study this issue. Rep. Womble has introduced House Bill 1236 to create such a study commission. That study commission would report back to the General Assembly during its 2004 session, with any funding for the program to begin in Fiscal Year 2004-05.

### **1. Nonprofit foundation/support group**

Nial Cox Ramirez' daughter, Deborah Chesson, has suggested that a nonprofit foundation be created to help find and support survivors. The committee strongly endorses her suggestion. The committee believes the foundation should be created immediately, because its presence is integral to finding and supporting survivors. It is clear that the survivors of this program can benefit from meeting with other survivors. This group can also play a role in helping survivors through the process of proving that they were sterilized under this program.

### **2. Finding the survivors**

Although many records of survivors exist in the archives of the State Archives of North Carolina, those records are considered confidential medical records. They can only be accessed by an individual desiring to see his or her personal record. Finding survivors and convincing them to request their medical records so that they can be identified as victims of forced sterilization is a crucial part of the committee's recommendations.

It is also clear that in addition to the support group, the survivors will need help in negotiating the process of securing their records. It is recommended that some entity, possibly Duke University's Kenan Center for Ethics, assist survivors in this regard.

The committee recommends that the Department of Health and Human Services conduct an outreach campaign to identify survivors. The outreach campaign will include the following elements:

- ▲ Issuance of news releases and other information to generate media interest, both in state and across the country.
- ▲ Use of public service announcements on select radio stations across North Carolina, particularly in rural areas.
- ▲ Work with churches, community groups and civic organizations to publicize the need to identify survivors.
- ▲ Exploring the use of billboards, bus advertisements and other high-profile forms of advertisement.
- ▲ Work with groups like the NAACP and the Urban League to reach survivors.
- ▲ Work with disabilities groups to reach survivors.
- ▲ Work with other state and local government agencies to reach survivors (Division of Motor Vehicles, Department of Public Instruction, County Departments of Social Services, County Health Departments, local libraries, area agencies on aging, and mental health agencies).
- ▲ Work with professionals and their professional organizations to reach survivors (for instance doctors, nurses and mental health professionals).

The initial outreach program will focus on interest generated by media coverage and is designed to run through the end of 2003. The program will be evaluated at the end of 2003. Additional outreach may take place after 2003, depending on the outcome of initial work.

### **3. Determining Validity of Claims**

It is imperative that claims of sterilization be validated. The Department of Health and Human Services will set up an expert panel consisting of three to five members to review presentations from survivors to ensure that they, indeed, were sterilized as part of the involuntary program. This panel will include high-profile individuals representing the following areas of concern: legal (judge/lawyer), medical (doctor/psychologist/nurse), and an ethicist.

The panel will begin considering cases in the fall of 2003 and will meet as necessary. It is recognized that some people may have been victims of the program, but their records are not part of the State Archives. The panel will also accept other evidence of forced sterilization including, but not limited to, medical testimony and records from state institutions.

Every effort will be made to make this a process that does not victimize the survivors again. Confidentiality will be assured to any survivor who steps forward, but survivors who want to tell their stories in public will be given the opportunity to do so, to help the healing process as evidenced by the Truth and Reconciliation program in South Africa.

Once a determination of forced sterilization is made, then the survivor will be eligible to receive the full range of benefits offered by the state.

#### **4. Health Care**

Survivors of a forced sterilization program could have significant medical needs, both physical and mental. It is recommended DHHS:

- ▲ Create a special fund to provide health care for certified survivors.
- ▲ Ask for a special appropriation in 2004 to fund this program.
- ▲ Explore the use of Medicaid and/or the State Health Plan to provide benefits, as well as building in medical care for survivors in the event of any Blue Cross/Blue Shield conversion.

#### **5. Education Benefits**

The University of North Carolina System and the Community College System should consider creating a program that allows survivors to receive free educational benefits. At a minimum, these benefits will be available to survivors, but the university and community colleges systems should also explore providing benefits to caretakers of survivors so as to improve those extended families' lives.

### **CONCLUSION**

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North Carolina's eugenics program is a regrettable period in our state's history. No one, regardless of circumstance, whether it be poverty or severe disability, should ever be forced to undergo a violation of their human rights such as involuntary sterilization. We must take steps to guarantee that history is not repeated.

Someone once said, "history repeats itself because no one listens." We must listen to the lessons learned as we reflected on North Carolina's eugenics program.

Recommendations:

- ▲ North Carolina's Department of Public Instruction should include information about the eugenics program in its curriculum on North Carolina history.
- ▲ The Department of Cultural Resources should investigate the creation of a memorial to ensure that no one forgets what the State of North Carolina once perpetrated against its own citizens. This memorial needs to be tangible – something that provides constant witness to this program long after survivors are gone.
- ▲ The North Carolina University and Community College systems should explore the creation of endowed chairs or special scholarships that will memorialize the program.
- ▲ The Department of Health and Human Services will create an ethics program, which includes information on the Eugenics Board. DHHS professionals will be required to take this course.
- ▲ A seminar will be organized to talk about the program, hear from survivors and discuss its implications in today's world. The seminar should include presentations from experts, including Dr. Johanna Schoen.

## Appendix A

### **EUGENICS STUDY COMMITTEE MEMBERSHIP**

Carmen Hooker Odom, chair  
Secretary, North Carolina Department of Health and Human Services

Representative Larry Womble  
North Carolina General Assembly

Pamela Young  
Deputy Secretary, Arts and Libraries, North Carolina Department of Cultural Resources

Dr. Jeffrey J. Crow  
Deputy Secretary, Office of Archives and History, North Carolina Department of Cultural Resources

Satana Deberry,  
General Counsel, North Carolina Department of Health and Human Services

Barbara Pullen-Smith  
Director, Office of Minority Health and Health Disparities

Stan Slawinski  
Chief, State Operated Services, North Carolina Division of Mental Health, Developmental Disabilities  
and Substance Abuse Services

Dr. Allen Buchanan  
Ethicist, Duke University

Mark Ezzell  
Chair, North Carolina Council on Developmental Disabilities