

NORTH CAROLINA GENERAL ASSEMBLY



HOUSE SELECT COMMITTEE ON COMPENSATION FOR VICTIMS OF THE EUGENICS STERILIZATION PROGRAM

REPORT TO THE
2009 SESSION
of the
2009 GENERAL ASSEMBLY

DECEMBER 2008

TRANSMITTAL LETTER

The House Select Committee on Compensation for Victims of the Eugenics Sterilization Program respectfully submits the following report.

Representative Larry Womble
Co-Chair

Representative Ronnie Sutton
Co-Chair



Office of Speaker Joe Hackney
North Carolina House of Representatives
Raleigh, North Carolina 27601-1096

HOUSE SELECT COMMITTEE ON COMPENSATION FOR VICTIMS OF THE
EUGENICS STERILIZATION PROGRAM

TO THE HONORABLE MEMBERS OF THE
NORTH CAROLINA HOUSE OF REPRESENTATIVES

Section 1. The House Select Committee on Compensation for Victims of the Eugenics Sterilization Program (hereinafter "Committee") is established by the Speaker of the House of Representatives pursuant to G.S. 120-19.6(a1) and Rule 26(a) of the Rules of the House of Representatives of the 2007 General Assembly.

Section 2. The Committee consists of the nine members listed below, appointed by the Speaker of the House of Representatives. Members serve at the pleasure of the Speaker of the House of Representatives. The Speaker of the House of Representatives may dissolve the Committee at any time.

Representative Ron Sutton, Co-Chair
Representative Larry Womble, Co-Chair
Representative Martha B. Alexander
Representative Sandra Spaulding Hughes
Representative James H. Langdon
Representative Earline W. Parmon
Representative Ruth Samuelson
Representative Bonner L. Stiller
Representative Michael H. Wray

Section 3. The Committee shall study a proposal to compensate persons who, as a result of the Eugenics sterilization program in this State, were sterilized between the years 1929 and 1975. The study shall include a proposed process for evaluating claims, an equitable amount of compensation and such other matters as the Committee deems necessary. The Committee shall estimate the cost of providing health care, counseling, and educational assistance required as a result of sterilization under the State's Eugenics sterilization program.

Section 4. The Committee shall meet upon the call of its Chair. A quorum of the Committee shall be a majority of its members.

Section 5. The Committee, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and Article 5A of Chapter 120 of the General Statutes.

Section 6. Members of the Committee shall receive per diem, subsistence, and travel allowance as provided in G.S. 120-3.1.

Section 7. The expenses of the Committee including per diem, subsistence, travel allowances for Committee members, and contracts for professional or consultant services shall be paid upon the written approval of the Speaker of the House of Representatives pursuant to G.S. 120-32.02(c) and G.S. 120-35 from funds available to the House of Representatives for its operations. Individual expenses of \$5,000 or less, including per diem, travel, and subsistence expenses of members of the Committee, and clerical expenses shall be paid upon the authorization of the Chair of the Committee. Individual expenses in excess of \$5,000 shall be paid upon the written approval of the Speaker of the House of Representatives.

Section 8. The Legislative Services Officer shall assign professional and clerical staff to assist the Committee in its work. The Director of Legislative Assistants of the House of Representatives shall assign clerical support staff to the Committee.

Section 9. The Committee may meet at various locations around the State in order to promote greater public participation in its deliberations.

Section 10. The Committee shall submit a final report on the results of its study, including any proposed legislation, to the members of the House of Representatives on or before December 31, 2008, by filing the final report with the Office of the Speaker of the House of Representatives, the House Principal Clerk, and the Legislative Library. The Committee terminates on December 31, 2008, or upon the filing of its final report, whichever occurs first.

Effective this 21st day of August 2008.



Joe Hackney
Speaker

COMMITTEE PROCEEDINGS

The House Select Committee on Compensation for Victims of the Eugenics Sterilization Program met six times from October 9, 2008 until December 18, 2008.

October 9, 2008

The first meeting of the Committee took place on Thursday, October 9, 2008 at 1:00 p.m. in Room 1124 of the Legislative Building. Representative Womble, Co-chair of the Committee welcomed Committee members, Committee staff, and members of the public.

Mr. Will Polk, General Counsel to Lieutenant Governor's Office was invited to address the Committee and he offered the Lieutenant Governor's assistance in the development of the recommendations. The Committee heard presentations from Mr. Benjamin Popkin, staff attorney with the Research Division, who discussed the history and operations of the North Carolina State Eugenics Sterilization Program; and Ms. Barbara Pullen-Smith, Director of the Office of Minority Health and Health Disparities who discussed the recommendations of the Governor's 2003 Eugenics Study Committee.

October 23, 2008

The second meeting of the Committee took place on Thursday, October 23, 2008 at 1:00 p.m. in Room 1124 of the Legislative Building. Representative Sutton, Co-chair of the Committee, welcomed Committee members, Committee staff, and members of the public.

The Committee heard personal testimonies from three Eugenics Survivors: Ms. Mary English of Fayetteville, North Carolina; Ms. Elaine Riddick of Georgia, and Mr. Willis Lynch of Littleton, North Carolina. Mr. Tony Riddick, son of Ms. Elaine Riddick also gave testimony of growing up as the son of a Eugenics survivor.

November 6, 2008

The third meeting of the Committee took place on Thursday, November 6, 2008 at 1:00 p.m. in Room 1124 of the Legislative Building. Representative Womble, Co-chair of the Committee welcomed Committee members, Committee staff, and members of the public.

The Committee heard presentations from Ms. Pullen-Smith, Director of the Office of Minority Health and Health Disparities, who discussed the recommendations of the Governor's 2003 Eugenics Study Committee, as well as the status of each recommendation; and Ms. Melanie Bush staff member of the Fiscal Research Division, who discussed compensation packages for Eugenics survivors in other countries, as well as possible compensation options for North Carolina to consider.

November 18, 2008

The fourth meeting of the Committee took place on Tuesday, November 18, 2008 at 10:00 a.m. in Room 1124 of the Legislative Building. Representative Sutton, Co-chair of the Committee, welcomed Committee members, Committee staff, and members of the public.

The Committee heard a presentation from Dr. Johanna Schoen, Associate Professor of History and Women's Studies at the University of Iowa. Dr. Schoen's presentation was entitled *The North Carolina Eugenics Sterilization Program—Review and Next Steps*. Dr. Schoen discussed the history of the Eugenics program in the state of North Carolina and proposed 7 low-cost retribution ideas for the Committee to consider.

December 4, 2008

The fifth meeting of the Committee took place on Thursday, December 4, 2008 at 1:00 p.m. in Room 1124 of the Legislative Building. Representative Womble, Co-chair of the Committee, welcomed Committee members, Committee staff, and members of the public.

The Committee reviewed a draft of the Committee's final report, including its recommendations, deliberated over the contents of the report and made modifications to be incorporated into the report by staff and distributed to committee members for their review and approval.

The following individuals attended the meeting and answered questions of the Committee as they pertained to their areas of expertise: Dr. Rebecca Garland, Chief Academic Officer of the Department of Public Instruction; Dr. Jeffrey Crow, Deputy Secretary of Archives, Department of Cultural Resources; Dick Lankford, Head Archivist, Department of Cultural Resources; and Ms. Sharnese Ransome, Legislative Liaison, Department of Health and Human Services.

December 18, 2008

The sixth meeting of the Committee took place on Thursday, December 18, 2008 at 1:00 p.m. in Room 1124 of the Legislative Building. Representative Sutton, Co-chair of the Committee, welcomed Committee members, Committee staff, and members of the public.

The Committee reviewed the Committee's final report, including its recommendations and proposed legislation, deliberated over the contents of the report and approved the report for delivery to the General Assembly pursuant to the committee charge.

RECOMMENDATIONS FROM THE

HOUSE SELECT COMMITTEE ON COMPENSATION FOR VICTIMS OF THE EUGENICS STERILIZATION PROGRAM

Co-chairs:

Representative Larry Womble

Representative Ronnie Sutton

RECOMMENDATION 1: MONETARY COMPENSATION

The House Select Committee on Compensation for Victims of the Eugenics Sterilization Program recommends that the General Assembly appropriate funds sufficient to provide each confirmed survivor of the North Carolina State Eugenics Sterilization Program with a cash payment in the amount of \$20,000.

RECOMMENDATION 2: MENTAL HEALTH COUNSELING BENEFITS

The House Select Committee on Compensation for Victims of the Eugenics Sterilization Program recommends that the General Assembly enact legislation to create a Eugenics Survivors Assistance Program to provide mental health benefits to all remaining survivors of the North Carolina State Eugenics Sterilization Program.

RECOMMENDATION 3: DATABASE OF EUGENICS PROGRAM RECORDS

The House Select Committee on Compensation for Victims of the Eugenics Sterilization Program recommends that the General Assembly enact legislation to direct the Department of Health and Human Services to immediately establish a database to store and access all relevant data from the records of the State Eugenics Program currently housed in the State Archives and appropriate \$38,648 to the Department to accomplish this task.

RECOMMENDATION 4: VERIFY STATUS OF SELF-IDENTIFIED SURVIVORS

The House Select Committee on Compensation for Victims of the Eugenics Sterilization Program recommends that the General Assembly enact legislation to direct the Department of Health and Human Services to immediately verify the status of individuals who have contacted the Office of Minority Health and Health Disparities, DHHS, during the course of the past several years and require DHHS to verify these individuals' status as State Eugenics Program participants and report their findings to the individuals as soon as possible.

RECOMMENDATION 5: OUTREACH TO LOCATE SURVIVORS

The House Select Committee on Compensation for Victims of the Eugenics Sterilization Program recommends that the General Assembly enact legislation to direct the Department of Health and Human Services to conduct an outreach campaign to publicize the compensation options to be made available to survivors and to encourage survivors to contact the Department for verification of their status as State Eugenics Program participants.

RECOMMENDATION 6: HISTORICAL MARKER

The House Select Committee on Compensation for Victims of the Eugenics Sterilization Program recommends that the Department of Cultural Resources design and place a historical marker detailing the North Carolina Eugenics Sterilization Program in an appropriate location in Raleigh.

RECOMMENDATION 7: EDUCATIONAL MATERIALS

The House Select Committee on Compensation for Victims of the Eugenics Sterilization Program recommends that the State Board of Education incorporate information about the North Carolina Eugenics Sterilization Program into its existing K – 12 history curricula.

RECOMMENDATION 8: INTERVIEW AND DOCUMENT SURVIVORS

The House Select Committee on Compensation for Victims of the Eugenics Sterilization Program recommends that the Board of Trustees of the University of North Carolina direct its students and faculty with the appropriate expertise conduct interviews with survivors of the State Eugenics Sterilization Program to document their experiences to share with future generations.

RECOMMENDATION 9: ETHICS TRAINING MODULE

The House Select Committee on Compensation for Victims of the Eugenics Sterilization Program recommends that the Office of State Personnel create an ethics training module to educate State, county and local government employees in issues relating to ethics and human rights.

RECOMMENDATION 10: PRESERVE & ALLOW APPROPRIATE ACCESS TO PROGRAM RECORDS

The House Select Committee on Compensation for Victims of the Eugenics Sterilization Program recommends that the Department of Cultural Resources create digitized copies of all records currently maintained in the State Archives relating to the North Carolina Eugenics Sterilization Program and make these digitized copies available for continued research and review, while maintaining absolute confidentiality of all participants of the Program. The Department shall make every effort to secure philanthropic grant funding to fund preservation of these records.

PROPOSED LEGISLATION

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

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D

BILL DRAFT 2009-RDz-3 [v.10] (12/01)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

12/18/2008 12:15:44 PM

Short Title: Compensate Eugenics Sterilization Survivors.

(Public)

Sponsors: Representative.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE MONETARY COMPENSATION TO PERSONS
STERILIZED BY THE STATE EUGENIC STERILIZATION PROGRAM.

Whereas, during the early part of the 20th century, social reformers advocated eugenic sterilization as a solution to problems such as mental retardation and mental illness; and

Whereas, in 1907, Indiana was the first state to pass a eugenic sterilization program, and eventually more than 30 states passed these laws, with North Carolina following in 1929; and

Whereas, from 1929 to 1974, North Carolina's Eugenics Board reviewed petitions for sterilizations, and sterilizations were ordered in more than 90% of the cases before the Board; and

Whereas, researchers estimate that more than 7,600 people were sterilized in North Carolina between 1929 and 1974, ranking North Carolina third among the states operating eugenic sterilization programs; and

Whereas, over the lifetime of the Eugenics Sterilization Program, approximately 38% of those persons sterilized under the Program were black, and 84% of all sterilized under the Program were female; and

Whereas, over the lifetime of the Eugenics Sterilization Program, approximately 71% of those persons sterilized under the Program were done so due to being classified as being 'feebleminded', which were predominantly people with intellectual disabilities, 24% due to being classified as being mentally ill, and 5% because they had epilepsy; and

1 Whereas, while most states sharply curtailed their sterilization programs after
2 World War II, nearly four-fifths of sterilizations in North Carolina were performed after
3 1945; and

4 Whereas, the governors of Virginia, Oregon, South Carolina, and North
5 Carolina have issued apologies for these forced sterilizations, and Governor Michael F.
6 Easley established a committee to investigate the State Eugenics Sterilization Program
7 and consider compensation or counseling services for these persons; and

8 Whereas, the Speaker of the House of Representatives, the Honorable Joe
9 Hackney, established the House Select Committee on Compensation for Victims of the
10 Eugenics Sterilization Program to study proposals to compensate persons sterilized
11 under the Program; and

12 Whereas, the General Assembly finds that persons sterilized as a result of the
13 State's eugenics sterilization program should be compensated; Now, therefore,
14 The General Assembly of North Carolina enacts:

15 **SECTION 1.(a)** Any person who, as a result of the eugenic sterilization
16 program in this State, was sterilized between the years 1929 and 1975 shall receive
17 compensation as provided for in this section if the person submits a claim before June
18 30, 2014.

19 **SECTION 1.(b)** A claim under this section may be submitted to the
20 Department of Health and Human Services. The claim shall be supported by appropriate
21 verification and information as determined by the Department.

22 **SECTION 1.(c)** The Department shall determine the eligibility of a claimant
23 to receive the compensation authorized by this section. The Department shall notify the
24 claimant by mail of its determination regarding the claimant's eligibility.

25 **SECTION 1.(d)** The Department shall adopt rules that will assist in the fair
26 determination of eligibility and the processing of claims. The Department, however,
27 shall not be obligated to notify any person of possible eligibility for compensation.

28 **SECTION 1.(e)** A claimant under this section who is determined eligible by
29 the Department shall receive twenty thousand dollars (\$20,000). All claims which the
30 Department determines are eligible for compensation shall be immediately forwarded to
31 the State Treasurer, who shall issue warrants in the appropriate amounts upon demand
32 and verification of identity.

33 **SECTION 2.** There is established the Eugenic Sterilization Compensation
34 Fund. Funds appropriated to this Fund shall not revert until the claims verified by the
35 Department of Health and Human Services under Section 1 of this act are paid. The
36 Fund shall be kept on deposit with the State Treasurer, as in the case of other State
37 funds, and may be invested by the State Treasurer in any lawful security for the
38 investment of State money. The Fund is subject to the oversight of the State Auditor
39 pursuant to Article 5A of Chapter 147 of the General Statutes.

40 **SECTION 3.** There is appropriated from the General Fund to the State
41 Treasurer the sum of eighteen million four hundred eighty thousand dollars
42 (\$18,480,000) for the 2009-2010 fiscal year to fund the Eugenic Sterilization

1 Compensation Fund. There is appropriated from the General Fund to the Department of
2 Health and Human Services the sum of one hundred sixty-five thousand dollars
3 (\$165,000) for the 2009-2010 fiscal year to administer Section 1 of this act.

4 **SECTION 4.** This act becomes effective July 1, 2009.
5

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

H

D

BILL DRAFT 2009-RDz-4 [v.7] (12/01)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

12/18/2008 3:02:18 PM

Short Title: Eugenics Program - Support and Education.

(Public)

Sponsors: Representative.

Referred to:

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE COUNSELING BENEFITS TO EUGENICS SURVIVORS,
2 TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO
3 ESTABLISH A DATABASE OF EUGENICS PROGRAM PARTICIPANTS AND
4 VERIFY THE STATUS OF PERSONS CONTACTING THE STATE TO
5 DETERMINE THEIR PARTICIPATION IN THE STATE PROGRAM, TO
6 ERECT A HISTORICAL MARKER ABOUT THE PROGRAM, TO DIRECT THE
7 STATE BOARD OF EDUCATION TO INCLUDE INFORMATION ABOUT THE
8 PROGRAM IN ITS K-12 HISTORY CURRICULUM, TO RECOMMEND
9 CREATION OF AN ETHICS TRAINING MODULE FOR STATE, COUNTY
10 AND LOCAL GOVERNMENT EMPLOYEES, AND TO DIRECT THE
11 DEPARTMENT OF CULTURAL RESOURCES TO DIGITIZE EXISTING
12 RECORDS FOR PRESERVATION AND STUDY PURPOSES, AS
13 RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON
14 COMPENSATION FOR VICTIMS OF THE EUGENICS STERILIZATION
15 PROGRAM.
16

17 Whereas, during the early part of the 20th century, social reformers advocated
18 eugenic sterilization as a solution to problems such as mental retardation and mental
19 illness; and

20 Whereas, in 1907, Indiana was the first state to pass a eugenic sterilization
21 program, and eventually more than 30 states passed these laws, with North Carolina
22 following in 1929; and

1 Whereas, from 1929 to 1974, North Carolina's Eugenics Board reviewed
2 petitions for sterilizations, and sterilizations were ordered in more than 90% of the cases
3 before the Board; and

4 Whereas, researchers estimate that more than 7,600 people were sterilized in
5 North Carolina between 1929 and 1974, ranking North Carolina third among the states
6 operating eugenic sterilization programs; and

7 Whereas, over the lifetime of the Eugenics Sterilization Program,
8 approximately 38% of those persons sterilized under the Program were black, and 84%
9 of all sterilized under the Program were female; and

10 Whereas, over the lifetime of the Eugenics Sterilization Program,
11 approximately 71% of those persons sterilized under the Program were done so due to
12 being classified as being 'feebleminded', which were predominantly people with
13 intellectual disabilities, 24% due to being classified as being mentally ill, and 5%
14 because they had epilepsy; and

15 Whereas, while most states sharply curtailed their sterilization programs after
16 World War II, nearly four-fifths of sterilizations in North Carolina were performed after
17 1945; and

18 Whereas, the governors of Virginia, Oregon, South Carolina, and North
19 Carolina have issued apologies for these forced sterilizations, and Governor Michael F.
20 Easley established a committee to investigate the eugenics program and consider
21 compensation or counseling services for these persons; and

22 Whereas, the General Assembly urges the citizens of this State to become
23 familiar with the history of the eugenics movement, in the belief that a more educated,
24 enlightened and tolerant population will reject absolutely any such abhorrent pseudo-
25 scientific movement in the future; and

26 Whereas, the Speaker of the House of Representatives, the Honorable Joe
27 Hackney, established the House Select Committee on Compensation for Victims of the
28 Eugenics Sterilization Program to study proposals to compensate persons sterilized
29 under the Program; Now, therefore,
30 The General Assembly of North Carolina enacts:

31 **SECTION 1(a).** The Department of Health and Human Services shall
32 explore options and develop a proposal for providing behavioral health counseling
33 services to confirmed survivors of the State Eugenics Sterilization Program and report
34 its recommendations and legislative proposals to the 2010 regular session of the 2009
35 General Assembly on or before the convening of that session.

36 **SECTION 1(b).** The Department of Health and Human Services shall
37 immediately create a database of individuals petitioned for sterilization under the State
38 Eugenics Sterilization Program. The database shall be developed in four phases,
39 according to a proposal developed by the Department of Health and Human Services in
40 conjunction with the Department of Cultural Resources. Records maintained in the
41 database shall be confidential and shall not be subject to public disclosure pursuant to
42 G.S. 132-6(a).

1 There is appropriated from the General Fund to the Department of Health and
2 Human Services the sum of thirty-eight thousand six hundred forty-eight dollars
3 (\$38,648) for the 2009-2010 fiscal year to administer the provisions of this Section.

4 **SECTION 1(c).** The Department of Health and Human Services shall
5 compare the names and identifying information collected by the Office of Minority
6 Health over the course of the past several years with the names and identifying
7 information entered into the verification database, shall determine whether these
8 individuals were, in fact, program participants, and shall notify each person of their
9 status as soon as possible. The Department shall report its progress in accomplishing
10 Sections 1(b) and 1(c) to the Joint Legislative Commission on Governmental Operations
11 on or before the convening of the 2010 regular session of the 2009 General Assembly.

12 **SECTION 1(d).** The Department of Health and Human Services shall use
13 available funds to conduct an outreach campaign to identify survivors, including at least
14 the issuance of news releases and public service announcements, and joint efforts with
15 relevant interest groups and agencies. The Department shall report its progress in this
16 regard to the Joint Legislative Commission on Governmental Operations on or before
17 the convening of the 2010 regular session of the 2009 General Assembly.

18 **SECTION 2.** The Department of Cultural Resources shall design and place
19 a historical marker providing information about the North Carolina Eugenics
20 Sterilization Program in an appropriate location in Raleigh. The Department shall report
21 its progress in this regard to the Joint Legislative Commission on Governmental
22 Operations on or before the convening of the 2010 regular session of the 2009 General
23 Assembly.

24 **SECTION 3.** The State Board of Education shall include information about
25 the North Carolina Eugenics Sterilization Program in its existing k-12 history curricula.
26 The Board shall report its progress in this regard to the Joint Legislative Education
27 Oversight Committee on or before the convening of the 2010 regular session of the
28 2009 General Assembly.

29 **SECTION 4.** The Board of Trustees of the University of North Carolina
30 shall direct its students and faculty with the appropriate expertise to conduct interviews
31 with survivors of the State Eugenics Sterilization Program to document their
32 experiences to share with future generations. The Board shall report its progress in this
33 regard to the Joint Legislative Education Oversight Committee on or before the
34 convening of the 2010 regular session of the 2009 General Assembly.

35 **SECTION 5.** The Office of State Personnel shall create an ethics training
36 module to educate State, county, and local government employees in issues relating to
37 ethics and human rights.

38 **SECTION 6.** Subject to the availability of funds, the Department of Cultural
39 Resources shall create digitized copies of all records currently maintained in the State
40 Archives relating to the North Carolina Eugenics Sterilization Program and make these
41 digitized copies available for continued research and review, while maintaining

1 confidentiality of all participants of the Program. The Department shall make every
2 effort to secure philanthropic grant funding to fund preservation of these records.

3 **SECTION 7.** This act becomes effective July 1, 2009.

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