



Governor's Eugenics Compensation Task Force
MINUTES

(The Governor's Task Force to Determine the Method of Compensation for Victims of North Carolina's Eugenics Board, Henceforth Referred to as 'The Task Force')

Thursday, October 27, 2011

Authorization of the Task Force

The Governor's Task Force to Determine the Method of Compensation for Victims of North Carolina's Eugenics Board, henceforth referred to as 'The Governor's Eugenics Compensation Task Force' or 'The Task Force' was created and authorized by Executive Order 83. The primary duties of the Task Force according to Executive Order 83 are to 1) recommend possible methods or forms of compensation to those persons forcibly sterilized under the North Carolina Eugenics Board program, 2) evaluate recommendations from previous commissions regarding the North Carolina Eugenics Board program and sterilization victims, and 3) perform such other duties as may be assigned by the Governor. The Task Force is required to submit its preliminary report to the Governor on August 1, 2011 and its final report on February 1, 2012. The Departments of Administration, Cultural Resources and Health and Human Services are required to collaborate and support the efforts of the Task Force.

Task Force Members:

Dr. Laura Gerald, *Chair* -Physician
Demetrius Worley Berry, JD -Attorney
Dr. Lenwood G. Davis -Historian
Fetzer Mills, JD -Retired Judge
Phoebe Zerwick -Journalist.

Official Minutes

Dr. Gerald greeted everyone to the fifth Task Force meeting which convened at 10:03 am. She expressed condolences to the Task Force members who lost family members since the past meeting and gratitude for the Task Force's patience in rescheduling the September meeting. All Task Force members were in attendance.

At 10:05 am the Task Force reviewed the minutes from the last July 13, 2011 meeting and they were approved.

Dr. Gerald recognized and thanked all of the elected officials including Rep. Larry Womble and Speaker of the North Carolina House of Representatives, Representative Tom Tillis. Dr. Gerald invited Rep. Tillis to make remarks. Rep. Tillis stated that he was unable to attend the entire

meeting do to the legislature being in session that morning and expressed that he was attending to gain more information. Dr. Gerald thanks Rep. Tillis for attending the Task Force meeting.

Preliminary Recommendation Review

Dr. Gerald reviewed the Task Force's Preliminary Recommendations that were submitted to the Governor on August 1, 2011 and provides a summary of the report. Recommendations for a lump sum settlement, a provision for mental health services, funding for the Eugenics Board exhibit, and expansion of the N.C. Justice for Sterilization Victims Foundation as a Division of the Department of Administration were included in the report. The Task Force expressed their desire to further explore compensation for living victims and also give with consideration to compensating the estate of deceased victims.

The Task Force conversed about the need to know more about the unintended consequences of compensation, issues related to providing mental health services to victims and the exhibit. With regards to the exhibit, the Task Force considered the idea of the exhibit being stationary and/or being transposed to a virtual exhibit. The Task Force concluded that professional expertise was necessary before determining a final recommendation on this matter.

Dr. Gerald assigned Task Force members individual assignments to better assist the Task Force with determining a method of compensation. Members were asked to report back at the next meeting on their findings. The following assignments were given:

➤ Financial Compensation

Demetrius Worley Berry and Fetzer Mills were assigned to research the legal and financial implications associated with non taxable funds. They were also asked to look at how to compensate estates if that is decided as a recommendation of the Task Force.

➤ Mental Health Services

Dr. Laura Gerald and Phoebe Zerwick were asked to explore avenues through which mental health services could be provided.

➤ Eugenics Exhibit

Dr. Lenwood G. Davis was asked to investigate possibilities for housing the eugenics exhibit and identify agencies that would be willing to assist with the exhibit.

Next, Charmaine Fuller Cooper, Director of the N.C. Justice for Sterilization Victims Foundation presented to the Task Force about the Foundation's efforts with its 'Clearinghouse' arm that assists Eugenics victims.

The Foundation's Clearinghouse is its intake and processing arm for eugenics victims that was launched one year ago in October 2010 to assist victims and the public with inquiries. Fuller Cooper reminded the Task Force that nearly 7,600 people were sterilized by the Eugenics Board program within North Carolina and that countless others could have been sterilized by other programs not associated with the state.

Fuller Cooper added that of the 7,600 victims sterilized, nearly 40% or 2,944 may still be alive according to the State Center for Health Statistics. But, the Center's Statistician, Don Akin, more realistically estimated between 1,500-2,000 living victims at the July 2011 meeting.

After reviewing the Task Force's preliminary recommendations, Fuller Cooper stated the Foundation's staff consisting of one full time employee and two rotating part time temporary employees took in 688 phone inquiries during the first quarter of Fiscal Year 2011-2012 and that 48 victims of the Eugenics Board program had been matched to date. She further shared that due to the unknown number of non-state affiliated eugenics programs formerly operating within the state, there are a large number of victims contacting the state who are not matches to the state's Eugenics Board records. Fuller Cooper added that the Foundation makes every effort to honestly inform callers of the state's efforts while being cautious of giving them false hope since legislative plans to compensate victims have not been finalized.

Fuller Cooper explained that the **Foundation's Clearinghouse has four functions** and elaborated on outreach functions that can be expanded once a legislative plan is finalized to compensate victims:

1. Intake

Continuation of the Clearinghouse is needed for intake.

- First point of contact for many people seeking initial information about the Foundation and Eugenics in North Carolina.
- Eliminates referrals to multiple agencies by providing central location for victims seeking confidentiality, patience and support
- Distributes verification forms and information to callers and educates them about the Clearinghouse process

2. Processing

Continuation of the Clearinghouse is needed for processing.

- Notarized verification forms are processed and screened within the Foundation before they are taken to State Archives.
- State Archivists at the Department of Cultural Resources search through program records dating back to 1929.
- Foundation staff follow-up with individuals submitting forms and notifies them of the results.

3. Outreach

Outreach is needed to staff, develop and carryout a strategic outreach plan to educate and reach the public and potential victims who choose to come forward

Types of Possible Outreach after Compensation Plan finalized:

- ✓ **Media Campaign**
Create Commercials, Print Advertisements, Radio Announcements, Partnerships with State and National Media and Editorial Boards
- ✓ **Grassroots Engagement & Community Education**
Partner with Local Programs, State Programs, Faith-based Organizations, Nonprofits and Legislators to reach each corner of North Carolina
- ✓ **Regular Satellite Foundation Visits** in local areas to assist public with verification forms on site
- ✓ **Legal Aid and Clinical Law School Partnerships** – Assist public with Power of Attorney forms, legal Guardianship forms, etc.

4. Automation

Fuller Cooper reported that a digitalized Master List of all program records and verified victims would be helpful in addition to a Call Management Tracking System that could be linked to that list.

Master List

Creation of digitalized Master List of all victims from program records and nearly 8,000 Index Cards would be helpful

Call Management Tracking System

System would be helpful in documenting Foundation inquiries and tracking verification requests and status. Master List could be linked to this system. Copies of index cards and patient files could also be linked if digitalized.

Fuller Cooper entertained questions from the Task Force members after adding that additional considerations would need to be made by the Task Force regarding Media and Research requests and the record redactions that would be required in order to accommodate any such request. Redactions would require extensive staff preparation of records, staff review, redaction by staff or an outside vendor and double-checking of those redactions by staff. Currently, the primary

objective has been to assist victims. Fuller Cooper offered gratitude to the media and researchers who have helped to reach victims.

Phoebe Zerwick established clarity that sterilizations did occur outside of the North Carolina Eugenics Board. Ms. Fuller Cooper acknowledges. Dr. Gerald stated that it is important to emphasize that this compensation is strictly for victims of the Eugenics Board program.

Rep. Tillis asked the Task Force consider how the Task Force and the House of Representatives can work together. Rep. Tillis stated his consideration for establishing a select committee to focus on Eugenics and would like to know where Task Force is going with their recommendations to enable in legislation. He added that he did not intend that the committee would counteract the Task Force but act upon their recommendations. Rep. Tillis asked the Task Force to prioritize what is most critical in Task Force assessment so that the House can give an active representation of the Task Forces' desires and take the good works and produce results in time for the Legislative Short Session in 2012. He apologized that he must leave and once again thanked the Task Force.

In response to outreach and administrative needs of the Foundation, Task Force members made these statements ask these questions:

Davis: Likes the grassroots involvement if it can be implemented.

Berry: What is the adequate amount of staff?

Fuller Cooper will include final amounts and numbers within the final report after further exploration by the Department.

Gerald: What is the staffing needed and do cautions are needed to prevent premature figures until a better knowledge of the needs are assessed?

Mills: You have a Department of Social Services that participated and initiated the sterilizations and have the personnel to assist individuals in those counties rather than trying to have one contact point.

Gerald: Ultimately the person will need to go to their local Department of Social Services.

Fuller Cooper: Social Services may be helpful but I must point out that some victims are cautious of Social Services since that is the entity that performed many of the sterilizations.

Phoebe: Robust outreach efforts are needed to make the compensation meaningful because if people do not know about it they will have a difficult time being compensated.

Gerald: If you find issues that have legislative implications to be noting the issues that a parallel select committee could begin working on...so that in December a head start can be made around the legislative implications.

Tony Riddick: State Archives does not have my mother's records, how can I go about obtaining them?

Fuller Cooper: States that they could have a private conversation concerning this matter

(Meeting enters into public comment)

Karen Beck: Expresses that she is pleased with the Foundation and their efforts but believes that the flyers are inadequate because they do not mention the possibility of compensation or any reason for victims to come forward.

Beck adds that she understands that the reason to come forward will be determined down the road and that it should be added to outreach materials and that materials should be reflective of those sterilized.

Fuller Cooper: (nods in affirmation) The Foundation wants to be certain that it is not misleading people or giving false hope that there is already compensation available.

Ms. Clay: Wants to know if Eugenics will be implemented in the school curriculum.

Fuller Cooper: Yes, Eugenics has just been implemented by the Department of Public Instruction's news curriculum at Rep. Womble and Rep. Parmon's request.

Ms. Edwards: What happens if a person dies while in compensation is being decided on? Is there some type of rule in place?

Gerald: Asked Task Force to note this question.

Ellen Russell: (Arc of North Carolina) Expresses her appreciation for the work of the Task Force and will continue to help with outreach by giving families information about who they can contact.

Beck: Believes that it is important for unidentified/unverified victims to know that they are not by themselves it may be helpful if verified victims go with the Foundation while doing outreach to try and get others to come forward.

Edwards: How many of the verified victims are living and how many are deceased?

Clark: What is the prevalence of a nickname?

Sarah Koonts, State Archivist: There is no unique identifier in the records. So archivists try to use other clues to identify victims.

Zerwick: Do you make sure to check all variations? **Koonts:** We check all possibilities.

Beck: Can you research victims against the possible physician that performed the sterilization?

Fuller Cooper: It would be on the individual file.

Clay: Are their members of the Eugenics board still living?

Fuller Cooper: It's unknown. No records were kept on Eugenics Board members.

Clark: An article mentioned several members from that board and Rep. Womble indicated that some are still living.

Don Akin: Time frame to come forward?

Gerald: The Legislative body would determine that but the Task Force will make suggestions.

Representative Womble takes the floor at 11:07

Rep. Womble:

It is important to know that Ms. Riddick and Ms. Ramirez are certified and identified victims. Ms. Riddick will come but is running late. After talking to Ramirez her health is failing her and she make very well die soon and what will happen? The Task Force needs to look at how she will be compensated if she dies? He thanked everyone for being at the Task Force meeting and says that it takes faith and confidence for victims to tell their stories. He added that he cut his trip to Africa short to make sure he was present at this meeting.

“It has come to my attention that I have offended some members of the Task Force but that is not my intention. But I will be compassionate and forth right and a spokes person of this issue. After 10 years I hope you understand how I feel but more importantly how these victims/survivors feel. I have offered my help and sympathy to the Task Force. I apologize to you again. I have tried to stick to the facts and offer my service. While I am sending out accolades and congratulations, there has been a lot of cooperation from entities. To the Two Governors, Governor Easley did not cover up or try to be diplomatic and I must thank Governor Perdue. She took this issue further and thank the Speaker, this is the first time to have a Speaker to come to task force meeting and make a public statement to try to make a decision on compensation. I have been putting in bills for 10 years...this is not a political or party thing and I want to thank him. It's the issue that is important not what party you belong to. Charmaine is one of the best and the best person for this job and she stepped up to the plate and is doing a magnificent job. She has had interns and other people to come and she does not have a permanent staff but aside from that she has done a wonderful job. The Department of Administration, I want to give thanks.

We may not see eye to eye on every single issue but I show gratitude. And others and the Winston Salem Journal are due thanks. The Speaker said publicly he wants to move on this... to those who have supported this legislation and co-sponsors Rep. Earline Parmon, Rep. Paul Luebke, and Rep. Pricey Harrison have remained steadfast.”

Recommendations of Rep. Womble: “Take this story and issue to where victims are go into the churches and Preachers are good advocates that can affect their members. These people do not belong to Country Clubs. You have to go where the victims are. Outreach is very important and getting the information out there is critical. The media has done a fantastic job-all of the media, including word of mouth. More of that needs to happen at the real grass roots level. You have to go where they are.”

“A reasonable time needs to be extended out. It would be ashamed to find someone in a rural area that had not gotten the word because they missed a deadline. That is not right and that is not fair.”

I would like to strongly urge the Task Force to consider the estate. Also, continuation of the Foundation and hope that you continue the recommendation and finance it in a way that is professional and appropriate to do the job in an effective and functioning way. I am offering my help to make sure we resolve this in a timely manner and the Speaker said we should expedite this. I know you all are only making recommendations. It will weigh heavily on legislative vote. Thank you individually and the committee as a whole. If I offended you I apologize. Thank you so very much.”

Final Remarks/Adjournment

Prior to adjourning the meeting, Dr. Gerald stated “We are volunteers that have been asked to serve and we agreed and I thank you for your time. We have a greater task to gather more information and ask for support in the Foundation and you may contact any state agencies for help in moving forward to make good, sound, and fair recommendations.”

The meeting is adjourned at 11:28 am. However Ms. Elaine Riddick, a sterilization victim, arrives from driving from Atlanta and the meeting is reconvened to ask if she has any comments.

Ms. Riddick apologized for being late because she drove from Atlanta. Ms. Riddick states that she is 57 years old and that she began working on this issue when she was 19. Therefore, one could understand her passion and drive. She thanked the Task Force for their time and is awaiting their recommendation. The Task Force meeting adjourned at 11:32 am.

Meeting Attendees:

Charmaine Fuller Cooper, Executive Director
Dalisha Vickers Johnson, Program Associate
Tequila Peele, Program Associate
Dawn Shapiro
Christine Doyle
Angie Hauch
Ben Kolak
Dneyfus Grillame
Rep. Larry Womble
Tommy Tomlison
Aaron Putnam
June W. Michaux
Ellen Russell
Gretchen Aycock
Sarah Wood
Sana Haz
Jessica Pic
Sarah Koonts
Warren Houze
Michael Barnurd
Meghan Brown
Don Akin
Tony Riddick
Dahlresma Marks- Evans
Lacaya Evans
Lela Dunston
Australia Clay
Delores Marks
Irene Clark
Elaine Riddick
Karen Beck
Thom Tillis
Charles Thomas

NC Justice for Sterilization Victims Foundation
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Brown Doggy
Brown Doggy
Brown Doggy
Brown Doggy
Sensor Films
NC State Representative 71st District
Charlotte Observer
Brown Doggy
Department of Administration
The Arc of NC
Department of Administration

WFU
WFU
Department of Cultural Resources
Family Member of Victim
NBC 17
Governor's Office
State Center for Health Statistics
Family Member of Victim
Family Member of Victim
Family Member of Victim
Victim
Family Member of Victim
Family Member of Victim

Victim
Family Member of Victim
N.C. Speaker of the House
Speaker's Chief of Staff

Official Task Force Meeting Recorder:

Tequila Q. Peele, Program Assistant
NC Justice for Sterilization Victims Foundation