



THE GOVERNOR'S TASK FORCE
TO DETERMINE THE METHOD OF COMPENSATION
FOR VICTIMS OF NORTH CAROLINA'S EUGENICS BOARD

PRELIMINARY REPORT
TO THE GOVERNOR OF THE STATE OF NORTH CAROLINA

Pursuant to Executive Order 83

Respectfully Submitted:
This First Day of August, 2011

TABLE OF CONTENTS

Letter of Transmittal.....	1
Task Force Members.....	3
Preface.....	4
Preliminary Report.....	5
A. History of North Carolina’s Eugenics Board Program	5
B. Examination of Past Commission Recommendations	8
C. Preliminary Recommendations.....	13
Conclusion	14
Appendices.....	15
A. Executive Order 83.....	A-1
B. Minutes – April 27, 2011 Task Force Meeting.....	B-1
C. Minutes – May 25, 2011 Task Force Meeting.....	C-1
D. Transcript – June 22, 2011 Public Hearing for Sterilization Victims	D-1
E. Minutes – July 13, 2011 Task Force Meeting	E-1

LETTER OF TRANSMITTAL

Dear Governor Perdue:

Thank you for giving us the opportunity to study North Carolina's former eugenics program and recommend to you what we believe is a fair and meaningful compensation package for those who were sterilized by the state.

All of us heard the painful testimony in June from victims of the state's program and we know you are familiar with the details of this shameful period in our history. Between 1929 and 1974, about 7,600 men, women and children were determined to be unfit to reproduce by the N.C. Eugenics Board and sterilized, in most cases without their consent. State officials estimate that 2,944 men and women who were sterilized by the Eugenics Board are still living, though we understand that this figure is probably an overestimate. It's clear to us that they deserve compensation and that no value or amount can provide complete closure.

In seeking to provide sincere recommendations to the state and victims of this past scar on North Carolina's history, we each acknowledge that the state of North Carolina must move beyond just an apology. We also understand that many differences of opinion exist regarding the best ways to provide justice to North Carolina's Eugenics Board program victims.

We are grateful that we have six more months to consider these issues in more detail. We offer these as our preliminary recommendations:

- **Lump Sum Financial Damages for Living Victims of the N.C. Eugenics Board program**
- **Mental Health Services for Living Victims**
- **Funding for Traveling N.C. Eugenics Exhibit**
- **Continuation and Expansion for the N.C. Justice for Sterilization Victims Foundation**

The preliminary recommendations listed above are not final but serve to provide insight to our current mindset as we proceed. The following report also highlights our current examination of past recommendations made by previous commissions. The Task Force will continue our work over the next few months to review feedback on these preliminary recommendations, seek more information from additional state agencies and stakeholders, and have more intentional conversations before developing the final report and recommendations by February 1, 2012.

Several figures have been recommended before – ranging from \$20,000 to \$50,000 – as a lump sum payment. We need more time to consider these and other figures. The Task Force strongly believes that any damages awarded to victims should be exempt from

state taxes. Some victims have requested that victims' estates also be eligible for compensation. We need more time to consider that request. We also want to fully explore the possibility of offering state health benefits to living victims. By February, we also will make a recommendation on the staffing and other administrative costs to administer the program and aggressively reach out to victims so that all those entitled to compensation may receive it. A timeline for victims to come forward for potential compensation also will need to be determined.

The state also has an obligation to make sure such violations of basic human rights are never repeated. We believe that education will serve as a deterrent. Several years ago, the Department of Cultural Resources put together a traveling exhibit that tells the story of Eugenics in North Carolina. The exhibit is in need of some repair and updating. We will come back to you in February with more detailed recommendations for an updated traveling exhibit and other documentary work that can be used to reach large numbers of North Carolina citizens.

We know that in a period of tight budgets compensation may not be popular among your constituents. For many citizens, it may be hard to justify spending millions when the state is cutting back on other essential services. But the fact is, there never will be a good time to redress these wrongs and the victims have already waited too long. The editorial pages of the state's leading newspapers have all called for compensation. The John Locke Foundation – a leading conservative think tank – has also called for compensation. We urge you to use your office to build upon this emerging consensus and to ask the General Assembly to take up the matter as soon as possible. We also invite you to meet with us as a group, or individually, as we are eager to hear your response to our preliminary recommendations and to help you in whatever way we can to bring about justice.

Thank you for standing up for the men and women who were deeply harmed. We acknowledge the huge tasks and responsibilities of the Task Force, the Legislature, and the State of North Carolina and the state's efforts to redress an injustice that other states have ignored. We also acknowledge that no amount of money can replace or give value to what has been done to nearly 7,600 people – men, women, boys, girls, African Americans, Whites, American Indians, the poor, undereducated, and disabled - who our state and its citizens judged, targeted, and labeled "morons," "unfit," and "feeble-minded."

Respectfully submitted this first day of August, 2011,

The members of the Governor's Task Force to Determine the Method of Compensation for Victims of North Carolina's Eugenics Board:

Dr. Laura Gerald, Chair
Fetzer Mills
Demetrius Worley Berry
Dr. Lenwood G. Davis
Phoebe Zerwick

GOVERNOR'S EUGENICS COMPENSATION TASK FORCE MEMBERS

Physician

Laura Gerald, MD, MPH – Chair
Pediatrician/Former Executive Director – North Carolina Health & Wellness Trust Fund

Retired Judge

Fetzer Mills, JD
Retired Superior Court Judge

Attorney

Demetrius Worley Berry, JD
Attorney - Brotherton Ford Yeoman Berry & Weaver, PLLC

Historian

Lenwood G. Davis, PhD
Professor of History – Winston-Salem State University

Former Journalist

Phoebe Zerwick, MS
Lecturer – Wake Forest University

Staff

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PREFACE

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](#) in March 2011. The primary duties of the five-member Task Force according to Executive Order 83 are to:

- 1) Recommend possible methods or forms of compensation to those persons forcibly sterilized under the N.C. Eugenics Board program,
- 2) Evaluate recommendations from previous commissions regarding the N.C. 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. The N.C. Justice for Sterilization Victims Foundation, a Division of the N.C. Department of Administration, will provide administrative support to the Task Force.

PRELIMINARY REPORT

A. HISTORY OF EUGENICS AND THE EUGENICS BOARD PROGRAM IN NORTH CAROLINA

The concept of eugenics was created in the late 1800s by British scientist Sir Francis Galton. The mindset at that time was to use genetic selection used in breeding thoroughbreds and other animals to create a class of people who were free of inferior traits. Indiana became the first state in the nation to pass a eugenics law in 1907. The United States Supreme Court case of *Buck v. Bell* (1927) gave national support to the eugenics movement and more states quickly created their own eugenics programs or laws.

North Carolina's first eugenics law was implemented in 1919.¹ No documented sterilization procedures are known to have occurred under the 1919 law that also omitted the terms sterilization and eugenics despite its intent. A second eugenics law frequently and incorrectly referred to as North Carolina's first eugenics law was implemented in 1929.² Forty-nine people were sterilized under the 1929 law prior to the N.C. Supreme Court ruling it unconstitutional in 1933.

The state legislature immediately re-drafted North Carolina's eugenics laws to correct the 1929 law's lack of notice of hearing and lack of a right to appeal for those ordered to be sterilized. In order to address these concerns, the Legislature also created the five-member N.C. Eugenics Board in its new eugenics bill in 1933.³ The new Eugenics Board began to oversee the state's eugenics efforts by accepting petitions to perform sterilization procedures, providing notice of hearings and providing appeal hearings.

From 1929 thru 1974, nearly 7,600 women and men, including boys and girls as young as ten years of age, were sterilized in North Carolina under the 1929 eugenics law and thereafter under the N.C. Eugenics Board program. During its early years, most sterilization procedures targeted individuals residing in state institutions. A 1937 law also authorized the temporary admission of citizens into state hospitals for the purpose of sterilization.⁴ In later years, the program expanded well beyond state institutions.

All North Carolina counties had sterilization victims as shown in the following map. This map displays sterilization procedures performed by county of residence during the Eugenics Board program's peak years from July 1946 until June 1968.⁵ Mecklenburg County led the state in sterilization procedures performed.

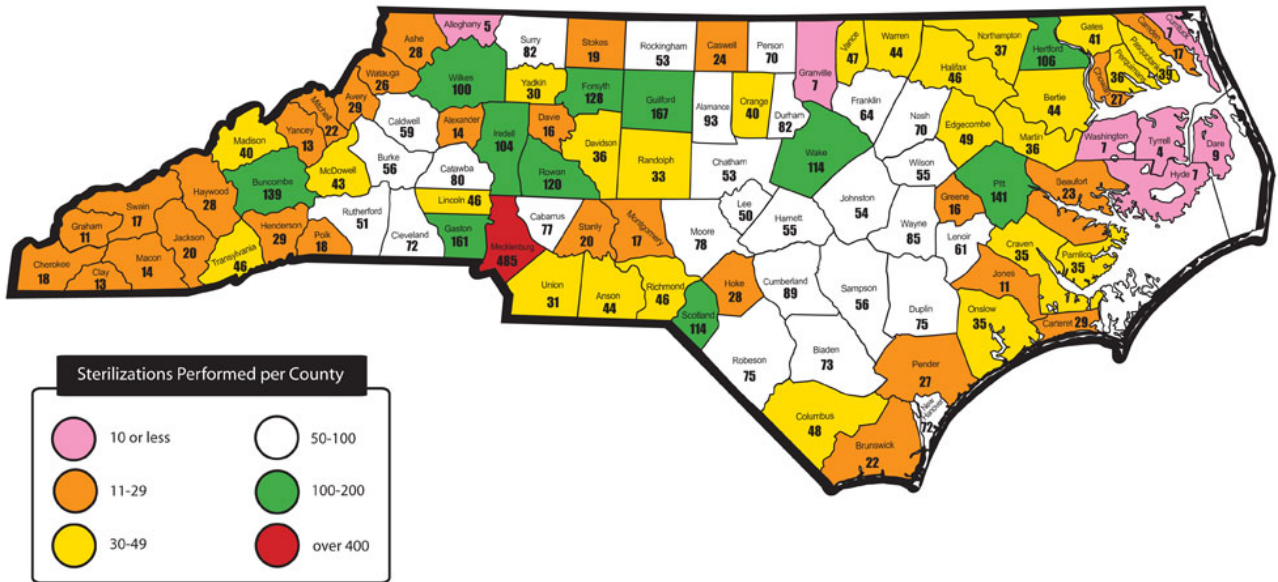
¹ Chapter 281, Public Laws of North Carolina, Session 1919

² Chapter 34, Public Laws of North Carolina, Session 1929

³ Article 7, Chapter 35, North Carolina General Statutes, Session 1933

⁴ Chapter 221, North Carolina Statutes, Session 1937

⁵ Biennial Reports of North Carolina Eugenics Board – 1946-1968



Females accounted for eighty-five (85) percent of sterilization victims in North Carolina. Non-whites, composed of predominantly Blacks and some Native Americans, accounted for forty (40) percent of sterilizations.

The N.C. Eugenics Board program was abolished by the state legislature in 1977 and the powers of the Board were transferred to the state courts. Involuntary eugenics laws in North Carolina were finally repealed in 2003. North Carolina's Eugenics Board program produced the majority of its sterilizations after World War II resulting in North Carolina having more surviving victims than other states. Most states abolished their eugenics programs or laws after World War II. The presence of the Human Betterment League, a Winston-Salem based eugenics nonprofit, boosted support for eugenics in North Carolina. This nonprofit closed in the mid-1980s.

In 2002, the *Winston-Salem Journal* featured a five-part series about North Carolina's sterilization and eugenics history. Following the series, Governor Mike Easley issued an apology to victims on behalf of the state and created a Gubernatorial Commission to examine the history and propose recommendations. State Representative Larry Womble co-chaired the commission along with Carmen Hooker-Odom, Secretary of the Department of Health and Human Services. The recommendations sat untouched until a 2008 study committee was finally appointed by the N.C. House of Representatives. The House committee gave more detailed recommendations and recommended compensating surviving victims in the amount of \$20,000 each.

Funding to provide compensation was not granted by the legislature. In 2010, Governor Beverly Perdue created the N.C. Justice for Sterilization Victims Foundation, as a Division of the Department of Administration, to help identify victims of the state program, serve as a point of contact to victims and the public, and to staff a new Gubernatorial Task Force.

The State Center for Health Statistics estimated in October 2010 that 2,944 victims of North Carolina's Eugenics Board program could still be alive. In July 2011, Don Akin, the State Statistician who compiled the estimate, reported to the Task Force that this figure is probably an overestimate and that the more realistic estimate of surviving victims is probably between 1,500 to 2,000 victims.

B. EXAMINATION OF PAST COMMISSION RECOMMENDATIONS

The Governor's Eugenics Compensation Task Force was created by Governor Beverly Perdue in March 2011 through Executive Order 83. The five-member panel – composed of a physician, an attorney, a retired judge, a historian and a former journalist – has examined past commission recommendations based on the presentations of the N.C. Justice for Sterilization Victims Foundation, the State Center for Health Statistics, the Office of Minority Health and Health Disparities, and the State Archives office of the Department of Cultural Resources and public testimony provided by victims, their family members or representatives.

The Task Force has examined the following past recommendations while exploring the additional recommendations made by victims, their relatives, policy groups and Task Force members:

❖ **Financial Damages**

In evaluating past financial damages recommendations, the Task Force has brainstormed about providing between \$20,000 and \$50,000 each to verified living victims of North Carolina's former Eugenics Board program. The Task Force emphasizes that no amount of damages is meant to place a value on a victim's life or life lost and also recognizes that setting a damages figure that is too low may be perceived disrespectfully and could result in further victimization. The Task Force has not agreed on an amount to provide to living victims. Any amount that is recommended will require legislative approval and the Task Force is aware that legislative approval may come in phases.

Task Force has discussed the difficulty in measuring the state's direct impact on victims' relatives but acknowledges their suffering as recorded in the public transcripts from the June 22, 2011, public hearing for sterilization victims. Relatives have also expressed dissatisfaction with any recommendation that excludes them in a damages package and have requested that all victims receive damages with payments for deceased victims going to their estates. Some victims have also expressed their dissatisfaction with the past \$20,000 figure being too low.

The Task Force acknowledges the concerns of victims and their relatives while also examining the past recommendations of the Gubernatorial Eugenics Commission formed in 2003 and the N.C. House of Representatives Study Committee on Eugenics in 2008. The 2003 commission did not recommend any figure for damages to victims in its suggestion of a financial payout. The 2008 legislative study committee initially discussed \$50,000 in damages to surviving victims but reduced its final recommendation to \$20,000 in damages to surviving victims only.

The Task Force has lingering concerns related to providing damages to victims and will address the need to ensure that victims are not further victimized if damages are taxed or if current public benefits are reduced or lost

due to the receipt of damages. The Task Force will consider proposing tax exemptions for potential damages received by victims and make every effort to ensure that compensation does not reduce public benefits received by any of the victims. The Task Force will also need to discuss the length of time for potential victims to come forward for verification and receipt of financial damages.

❖ **State Income Tax Exemption**

The Task Force expresses concern that any damages package could be significantly reduced by government taxation and expressed the need to pursue legislation making damages to surviving victims exempt from state taxes. These ideas also **were** proposed in a report by the John Locke Foundation. The consideration of permanent state income tax exemption status in lieu of a direct financial payout was only discussed briefly.

❖ **Health Care**

The Task Force acknowledges that surviving victims' needs extend to both their physical and mental suffering. The range of physical and mental health problems associated with various reproductive sterilization procedures can differ greatly for each victim and the impact of involuntary sterilization can carry a permanent mental stigma and result in further mental instability. The Task Force will request a cost estimate to provide surviving victims medical coverage under the State Health Plan and access to other health services that may currently be available through the Department of Health and Human Services. Health coverage and access to the State Health Plan were previously discussed by the 2008 legislative study committee.

Task Force members have expressed that health care may need to be limited, perhaps to issues directly related to the sterilization procedure. More discussion is needed on this topic.

The N.C. Justice for Sterilization Victims Foundation has also shared that victims have requested a peer-to-peer support group in addition to mental health care and general health care.

❖ **Education Benefits**

Previous commissions recommended educational benefits for surviving victims. Based on the age of victims and the duration of time that has passed since the initial commission was created in 2003, the Task Force no longer sees the relevancy in providing educational benefits. However, past commissions recommended that the N.C. Department of Public Instruction (DPI) include North Carolina's eugenics history in its curriculum, which has been done. The Task Force supports the possibility of the state's Sterilization Victims Foundation providing the Department of Public Instruction with updates on North Carolina's eugenics history as more details develop and possibly working with DPI on special initiatives to expand outreach and education on eugenics.

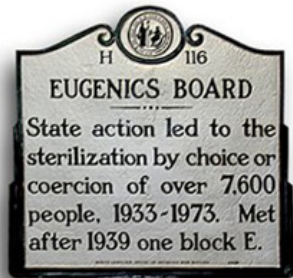
❖ Eugenics Exhibit



In 2008, the Office of Minority Health and Health Disparities worked in collaboration with the Department of Cultural Resources to create a North Carolina Eugenics historical exhibit. The fourteen-panel exhibit which features sound cards for a full audio-visual historical experience is currently in good condition in state storage and only traveled to three or four different locations outside of being featured at the N.C. Museum of History in 2008. The exhibit's travel was limited due to lack of funding.

The Task Force supports refurbishing the exhibit and sharing it with the public. The Task Force also supports utilizing and transitioning the current exhibit into more cost-effective mediums such as an online exhibit, sponsored exhibitions, establishment of a permanent home for certain weeks each year and other options to be explored. Further discussion about the best use of the exhibit and other outreach efforts will be explored. *(Eugenics Photo Courtesy of Design Dimensions)*

❖ Eugenics Memorial



The Task Force recognizes that previous commissions requested a memorial to the state's former Eugenics history and its victims. The Department of Cultural Resources designed and erected a historical highway marker for the Eugenics Board program and victims in 2009 in downtown Raleigh on the corner of Jones and McDowell streets. The marker is currently in safekeeping while new buildings are completed and then the marker will be re-erected.

Relatives of eugenics victims have stated that a monument similar to that of the national Vietnam Veterans Memorial should be erected for North Carolina's eugenics victims.

❖ Program Administration and Outreach



The Task Force recognizes the need to have a supportive and efficient administrative structure for victims to receive potential damages in the future while continuing to measure and verify incoming victim records requests. The Task Force supports continuing funding and increased staffing of the N.C. Justice for Sterilization Victims Foundation and for the Foundation to remain a division of the Department of Administration until a time limit is set and expires to provide damages or services to victims.

The Task Force recognizes that some form of targeted outreach is needed to inform victims of the state's former Eugenics Board program and potential availability of funds. Due to the sensitive health and medical nature of Eugenics Board program records and patient files, the Task Force recognizes that the best approach to award damages to verified surviving victims is through the self-identification of victims which will require targeted outreach efforts.

The Task Force requests potential funding and staffing needs from both the Foundation and the Department of Cultural Resources' State Archives office to continue current collaborations necessary to efficiently run the clearinghouse. The State Archives office currently serves as the specially trained search agent that checks the old, fragile and protected records of the former Eugenics Board while the Foundation handles all public contact, program design and guidelines establishment.

The Task Force recognizes that funding for the N.C. Justice for Sterilization Victims Foundation was stretched over three fiscal years and will be exhausted when the fiscal year ends on June 30, 2012. The Foundation currently has one full-time Director and two part-time temporary employees until August 2011. Thereafter, the Foundation will continue to have one full-time employee and only one part-time temporary employee until funds are exhausted this fiscal year. The Task Force further recognizes that the Department of Cultural Resources' State Archives office has never received an appropriation to assist with eugenics program efforts and recognizes its funding and staffing needs.

❖ **Maintenance, Digitalization & Access to Records**

The Task Force seeks more information regarding the ownership of Eugenics Board program records, the maintenance of such records and the efficiency of policies and collaborations between owners, maintainers and those who access these records. Currently, the Department of Health and Human Services (DHHS) owns the records. The Department of Cultural Resources' State Archives office maintains the records and the Foundation can access the records for program needs. All public records requests must be reviewed and approved by DHHS.

N.C. House Bill 374 provided clear protections to Eugenics Board program victims and those making inquiries as to their potential victimization when it was signed into law on June 22, 2011. The new statute clearly states that identifying information in Eugenics related records are not public information. Since the DHHS owns the majority of Eugenics Board program records, we await a response from them on their current procedures to review and approve access to records by the media and researchers. Access requests by victims and their representatives are currently handled by the Foundation's clearinghouse and the Foundation continues to collaborate with DHHS to ensure that verification guidelines are appropriate and not restrictive.

Disability Rights North Carolina, a statewide nonprofit advocacy group for persons with disabilities, also requests the ability to access Eugenics Board

program records for other purposes. More discussion is needed to understand Disability Rights North Carolina's request.

The Task Force also discussed the need to increase Foundation funding and funding for Cultural Resources to ensure that records are protected and stored appropriately. Due to the delicate nature of some records, they may need to be digitalized or copied into a different medium. Also, digitalization or compiling the data into some type of database or spreadsheet may help expedite searches.

❖ **Ethics**

The Task Force will further explore the need to ensure that the past horrors of the N.C. Eugenics Board program are not repeated. Past commissions recommended that all employees of the Department of Health and Human Services (DHHS) receive an ethics training related to North Carolina's former eugenics program. This ethics training may need to be extended beyond DHHS employees to other agencies and policymakers.

❖ **Revenue Sources**

The Task Force briefly discussed possible revenue sources for possible damages, services and program administration and whether suggesting revenue sources would make a damages or services package more attractive and realistic for legislators. The Task Force expressed concerns that funding should not be taken from a special fund and that funding should come from the General Fund so that taxpayers understand the wrongfulness of the state's actions. However, the Task Force recognizes that revenue will ultimately be a decision of the legislature.

C. PRELIMINARY RECOMMENDATIONS

Based on the review of past recommendations, the Governor's Eugenics Compensation Task Force offers these preliminary recommendations:

- ✓ **Lump Sum Financial Damages for Living Victims of the N.C. Eugenics Board program**
- ✓ **Mental Health Services for Living Victims**
- ✓ **Funding for N.C. Eugenics Exhibit**
- ✓ **Continuation and Expansion for the N.C. Justice for Sterilization Victims Foundation**

The Task Force emphasizes that the preliminary recommendations are not final and that more information must be gathered prior to submitting a final report on February 1, 2012. A final lump sum financial damages amount for living victims of the N.C. Eugenics Board program has not been determined by the Task Force. However, the Task Force recognizes the urgent need to move forward with financial damages.

The Task Force worries that the prolonged discussion of damages, which has gone on now for almost ten years, has given victims false hope and prolonged their suffering. The Task Force also recognizes that victims have been greatly impacted and living victims will need mental health services. Continued funding for the N.C. Justice for Sterilization Victims Foundation is necessary to continue measuring and verifying potential applicants for damages and funding for the N.C. Eugenics Exhibit currently in storage would help expand outreach on the state's eugenics efforts.

CONCLUSION

The Task Force seeks to make every attempt to acknowledge the state's wrongdoing against the 7,600 victims of the state's former Eugenics Board program. In making this attempt, the Task Force also emphasizes that no amount of money will ever remove the harm, embarrassment, suffering and injustice carried out against North Carolina's sterilization victims for too many decades.

While compensation can never remove these past memories shared by both victims and those closest to them, a significant financial damages package can memorialize and highlight the suffering of these victims in state, national and international history and serve as a reminder to government officials and policymakers of the harmful application of eugenics applied involuntarily throughout North Carolina. The lack of education and total lack of informed consent to these victims regarding their own reproductive health must be emphasized and a financial damages package to victims will also serve as a reminder to future government officials, policymakers and taxpayers not to repeat these injustices against any population in North Carolina.

Appendices

Appendix A

EXECUTIVE ORDER NO. 83

GOVERNOR'S TASK FORCE TO DETERMINE THE METHOD OF COMPENSATION FOR VICTIMS OF NORTH CAROLINA'S EUGENICS BOARD

WHEREAS, an estimated 7,600 North Carolinians - women and men - many of whom were poor, undereducated, sick or disabled, were sterilized by force or coercion under the authorization of the North Carolina Eugenics Board between 1929 and 1974; and

WHEREAS, the North Carolina Eugenics Board was finally dissolved in 1974; and

WHEREAS, the State of North Carolina on December 12, 2002, formally apologized to persons who were sterilized under the North Carolina Eugenics Board program; and

WHEREAS, the North Carolina General Assembly in 2003 repealed the law that allowed for involuntary sterilization; and

WHEREAS, the North Carolina General Assembly established panels to explore and make recommendations for compensating and counseling persons who were sterilized under the North Carolina Eugenics Board program; and

WHEREAS, it is now appropriate to identify persons who were sterilized by force or coercion and to explore and determine the possible methods and forms of compensation to those persons.

NOW, THEREFORE, pursuant to the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

Section 1. Establishment

The Governor's Task Force to Determine the Method of Compensation for Victims of North Carolina's Eugenics Board (hereinafter the "Task Force") is hereby established.

Section 2. Membership

- a. Task Force members shall be appointed by the Governor and shall serve at the pleasure of the Governor. The Task Force shall consist of five members. The Governor shall appoint a Chair of the Task Force.
- b. The membership shall be composed of the following:
 1. A former judge.
 2. A physician.
 3. A former journalist.
 4. A historian.
 5. An attorney with Health Insurance Portability and Accountability Act ("HIPAA") experience and/or a medical ethics background.

Section 3. Duties

The Task Force shall have the following duties:

- a. Recommend possible methods or forms of compensation to those persons forcibly sterilized under the North Carolina Eugenics Board program.
- b. Evaluate recommendations from previous commissions regarding the North Carolina Eugenics Board program and sterilization victims.
- c. Perform such other duties as may be assigned by the Governor.

The Task Force shall provide preliminary recommendations to the Governor by August 1, 2011, and a final report by February 1, 2012.

Section 4. Meetings

- a. The Task Force shall meet monthly or upon the call of the Governor or the Chair.
- b. A majority of the Task Force shall constitute a quorum for the transaction of business.

Section 5. Administration

- a. The North Carolina Department of Health and Human Services and the North Carolina Department of Cultural Resources shall, to the extent permitted by law, provide to the Task Force such information as may be required by the Task Force in carrying out the purposes of this Order.
- b. The North Carolina Department of Administration and the North Carolina Justice for Sterilization Victims Foundation, a Division of the North Carolina Department of Administration, shall provide necessary professional, administrative, and staff support services to the Task Force. The staff shall establish a clearinghouse where inquiries may be submitted and records can be verified to identify persons who were forcibly sterilized under the North Carolina Eugenics Board program between 1929 and 1974.
- c. No per diem allowance shall be paid to members of the Task Force. Members of the Task Force may receive necessary travel and subsistence expenses in accordance with State law.

Section 6. Implementation and Duration

This Executive Order is effective immediately. It supersedes and replaces all other executive orders on this subject. It shall expire July 1, 2012, unless earlier rescinded.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 8th day of March in the year of our Lord two thousand and eleven, and of the Independence of the United States of America the two hundred and thirty-fifth.

Beverly Eaves Perdue, Governor

Appendix B



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')

Wednesday, April 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 Task Force' was created and authorized by Executive Order 83 on March 8th, 2011. According to the Governor's Executive Order 83, the primary duties of the Task Force are:

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 will meet monthly or upon the call of the Chair. It is required to submit its preliminary report to the Governor by August 1, 2011 and its final report by February 1, 2012. The Departments of Administration, Cultural Resources and Health and Human Services are required by the Executive Order to collaborate and support the efforts of the Task Force.

Task Force members:

Physician:	Dr. Laura Gerald, <i>Chair</i>
Attorney:	Demetrius Worley Berry, JD
Historian:	Dr. Lenwood G. Davis
Retired Judge:	Fetzer Mills, JD
Former Journalist:	Phoebe Zerwick

Minutes

The Governor's Task Force to Determine the Method of Compensation for Victims of North Carolina's Eugenics Board convened for its first meeting on Wednesday, April 27th, 2011 at 10am. The meeting was held at the Governor's Crime Commission Conference Room located at 1201 Front Street, Suite 200 in Raleigh, North Carolina.

The meeting was called to order by Task Force Chair, Dr. Laura Gerald at 10:05 a.m., and the five-member panel introduced themselves followed by introductions from Foundation staff and Department staff. All Task Force members were present at the meeting and the meeting was also attended by the following:

- Don Akin State Center for Health Statistics
- Dick Lankford Department of Cultural Resources (DCR)
- Sarah Koonts Department of Cultural Resources (DCR)
- Megan Brown Office of the Governor
- Irene Clark Member of the Public & Retired Professor from St. Augustine College
- William Zeke Creech Department of Administration (DOA)
- Moses Carey Department of Administration (DOA)
- June Michaux Department of Administration (DOA)
- Emery Dalesio Associated Press
- Jennifer Song OSBM
- Dalisha Vickers Johnson DOA-NC Justice for Sterilization Victims Foundation
- Charmaine Fuller Cooper DOA-NC Justice for Sterilization Victims Foundation
- Rep. Larry Womble NC General Assembly

Chairwoman Laura Gerald opened the meeting to **Moses Carey**, Secretary of the North Carolina Department of Administration, to offer his opening remarks. **Secretary Carey** thanked **Chair Gerald** and began by stating the purpose for gathering together is to determine the nature of compensation to be considered for the victims of sterilization under the authority of the Eugenics Board program in North Carolina. **Secretary Carey** explained how other U.S. States will watch what we do and North Carolina can pilot how other states may choose to compensate victims in their states. **Secretary Carey** stressed how North Carolina can be pioneers for the process of how to compensate victims and encouraged the Task Force members to take their responsibilities to this task very seriously. **Secretary Carey** encouraged the Task Force members to realize that this process should be considered as a marathon rather than a sprint. **Secretary Carey** concluded his opening remarks by reiterating that he wants the Task Force members to take full responsibility for their duties as stated in Executive Order 83 and present solid recommendations to the State and the Governor.

Overview of Executive Order 83 establishing the Task Force

Megan Brown representing the Office of the Governor gave the overview of Task Force responsibilities per Executive Order 83 and the three duties of Task Force. Task Force duties shared by Ms. Brown are previously under the Task Force’s authorization. After stating the Task Force’s duties, **Megan Brown** notified the Task Force that preliminary recommendations are due to the Governor by August 1, 2011 and the final recommendations are due to the Governor February 1, 2012.

History of NC Eugenics and the Role of the NC Justice for Sterilization Victims Foundation

Next on the agenda, **Charmaine Fuller Cooper**, Executive Director of the NC Justice for Sterilization Victims Foundation – A Division of the NC Department of Administration, gave a historical overview of North Carolina Eugenics and the role of the NC Justice for Sterilization Victims Foundation (*See PowerPoint A*). **Charmaine Fuller Cooper** discussed the following topics:

- Eugenics in America
- North Carolina’s Eugenics Laws

- The Eugenics Board of North Carolina
- Repeal of North Carolina's Eugenics Laws
- State Efforts to address past Eugenics practices
- Establishment of the North Carolina Justice for Sterilization Victims Foundation

Fuller Cooper informed the Task Force that she aimed to give them an overview of the history of Eugenics both in the U.S. and North Carolina and the role of the Foundation in the aftermath of North Carolina's now abolished Eugenics program. She began by informing the Task Force that Eugenics was created in the late 1800s as a form of population control and in the early 1900s as U.S. immigration control. The founder of Eugenics imagined a society with only the 'most fit' human beings and thought that if Eugenics could be practiced by creating thoroughbred horses with only the best qualities than it certainly could be used with humans. **Fuller Cooper** shared the definition of Eugenics as the 'selective breeding of humans and animals to rid the population of characteristics deemed unfit.' She also explained that sterilization means 'medical procedures that leave a person unable to conceive children.'

Next, **Fuller Cooper** shared with the Task Force that while Indiana was the first state to pass Eugenics laws in 1907 that the U.S. Supreme Court case of Buck versus Bell in 1927 provided the justification for more states to implement Eugenics programs and/or laws. While other U.S. Supreme Court cases have challenged and chipped away at the decision, the decision that allowed Virginia to sterilize Carrie Buck, a young lady labeled 'feebleminded' and institutionalized after a pregnancy from rape, has never been overturned. This case in fact encouraged a landslide of sterilization programs and by 1935, twenty-five states had Eugenics laws and at the height of the Eugenics movement in the U.S. more than thirty states had similar laws.

Fuller Cooper explained that North Carolina's first sterilization law was actually implemented in 1919 although many historians and policymakers have typically stated 1929's sterilization law as first. While no documentation exists to show that anyone was sterilized under the 1919 law and while the words 'sterilization' and 'eugenics' were omitted from the bill, the intent of the 1919 law was sterilization. The second sterilization law in 1929 resulted in 49 sterilizations in North Carolina but was struck down by the North Carolina Supreme Court in 1933 due to its lack of notice of hearing and lack of right to appeal. **Fuller Cooper** informed the Task Force that the legislature worked swiftly in 1933 to address the errors with the 1929 sterilization law and developed a revamped law in 1933 that also created the Eugenics Board of North Carolina to oversee sterilization petitions and to provide hearings to those who appealed such petitions. But the legislature was not done with looking at sterilization, **Fuller Cooper** shared that another sterilization law was implemented in 1937 that allowed for the temporary admission of individuals to state hospitals for the sole purpose of sterilization.

After sharing North Carolina's Eugenics laws with the group, **Fuller Cooper** stated that the Eugenics Board of North Carolina was composed of five members – the Commissioner of Public Welfare (modern-day Department of Health and Human Services), the Secretary of the State Board of Health, the Chief Medical Officer of a State Hospital, the Chief Medical Officer of an Institution for the Feebleminded and the Attorney General of NC. The Board reviewed petitions for sterilizations and authorized sterilization procedures. This body also heard appeals for people who did not want to be sterilized. It operated from 1933 until it was abolished by the state legislature in 1977 after two sterilization victims sued the state. The Tuskegee Syphilis

experiments were just coming to light in the U.S. around the same time that North Carolina's Board was abolished.

Fuller Cooper briefly explained graphs highlighting the number of sterilizations in North Carolina. She explained to the group that **Don Akin**, the next presenter, would focus on the demographics of sterilization victims. However, she informed the group that nearly 7,600 people were sterilized under the authority of the Eugenics Board of North Carolina and that sterilization cases peaked in the 1950s with nearly 3,000 procedures being authorized in that decade alone. She also noted that over 80% of victims were female – white females primarily before the 1950s and then a dramatic focus on black female sterilization in the 1950s and 1960s.

Fuller Cooper explained that while the Eugenics Board was abolished in 1977 that sterilization laws remained in state statutes until 2003 when researchers and the media highlighted Eugenics cases in the state. Once the Eugenics Board was abolished, courts heard sterilization appeals.

In 2003, Governor Michael Easley issued an apology on behalf of the state to victims like some other state Governors and established a Gubernatorial Task Force to evaluate Eugenics practices. Post 2003 efforts to address the state's sterilization history included a traveling Eugenics Exhibit and Eugenics Board Historical Marker installed on the corner of McDowell and Jones streets in Raleigh, North Carolina. In 2008, the NC House of Representatives also established a legislative study committee to address compensation issues for victims. The legislative committee recommended that victims be compensated \$20,000 each. Compensation was never formally approved or adopted by the legislature after the report from the study committee was submitted to the legislative leadership in 2009. The Office of Minority Health will present at a future meeting to discuss in more depth post 2003 to 2009 efforts. (Note: The Office of Minority Health's director was on the original Gubernatorial Task Force established in 2003. The Office of Minority Health along with the Department of Cultural Resources and the Department of Health and Human Services collaborated significantly in the post 2003 years to implement some of the recommendations from previous examinations).

While compensation for victims has not passed the legislature, **Fuller Cooper** shared that Governor Bev Perdue included \$250,000 in a non-recurring appropriation to implement the NC Justice for Sterilization Victims Foundation in her first 2009-2010 fiscal year budget. Foundation staff was hired in the spring of 2010 and the new division was established in the Department of Administration 'to provide justice to victims of North Carolina's Eugenics Board.' The Department recently shared with the General Government committee that funding has been stretched while a decision is reached to compensate victims. The Foundation is currently serving as a Clearinghouse that accepts and process victims' verification inquiries and requests for their patient files to prove that they were impacted by NC's Eugenics program. The Clearinghouse hotline was officially launched in fall 2010 and 70 phone inquiries were received in the four months that followed. These inquiries resulted in the Foundation submitting 26 completed verification requests to the Office of State Archives for verifications that resulted in five victim matches. A few other verification requests were received but lacked documentation needed to move forward with a records search. (Correction: The Foundation Director notes that the correct number of new victim matches made by the Foundation from the start-up of the Foundation through the first Task Force meeting on April 27, 2011 is actually eleven plus four other more public victims who were previously matched).

Fuller Cooper shared that some legislators assumed that the original Foundation appropriation would be used for victim outreach. Outreach is conducted through the media with help from our

Communications Director. However, the appropriation was to establish the Foundation and develop a plan to compensate victims which includes staffing this Task Force. The Foundation currently has one full-time Director and one part-time temporary assistant and relies heavily on collaborations with other agencies and divisions to maximize current outreach. Field outreach is very limited due to the need for office staffing. **Fuller Cooper** shared that the Foundation has sought to be efficient with current resources and has already sent posters and other materials announcing the Foundation's efforts to every Social Services entity in the state and is currently sending information and posters to over 1,500 other local agencies that seniors frequent throughout the state. The Senior Project of Legal Aid of NC has also offered to assist victims who made need assistance showing proof of guardianship for some victims and other issues.

Victim Demographics and Estimate of Living Victims

Next, **Don Akin**, Statistician with the State Center for Health Statistics, presented the demographics for victims impacted by the decisions of the Eugenics Board of North Carolina and also an estimate of potential living victims as of Fall 2010 (See PowerPoint B). **Don Akin** discussed the source of his data, characteristics and demographics of victims including race, age and gender, the estimation procedures using actuarial tables, use of census data, characteristics of expected survivors and some possible limitations to his data.

Don Akin noted that he used the Biennial Reports from the Eugenics Board for 1934 through 1966 to base his research. Since the Board stopped issuing reports in the late 1960s, **Akin** said that he used a cd with scanned pdf images of index card files that direct Archives staff to the patient records. He displayed an example of a card file in his presentation and noted that most cards contained the race, age and gender of victims which was helpful to his research. He shared that unfortunately the Biennial Reports do not cross tabulate the data for race, age and gender in the different ways that he would like. He shared that one would have to manually go back through all the patient files to gather more demographic information to provide more information and more detailed cross tabulations. For example, he could not currently show Task Force members victims sterilized by race and age together. However, he could show sterilizations by age and gender. He noted that age and race alone are not a good predictor of life expectancy and that other social factors could play a role in his estimation.

Mr. Akin's presentation noted that the majority of people sterilized under the state's Eugenics program prior to the 1950s were white females and that a dramatic shift in the demographics of people sterilized occurred after the 1950s. The vast majority of people sterilized after the 1950s were 'non-white' females. He noted that sterilizations peaked in the 1950s with nearly 3000 sterilizations being performed during that 10 year period. Another 1,600 sterilizations were performed during the 1960s. People impacted by the abolished Eugenics program were as young as ten years of age and people impacted would have been born either in 1961 or before 1961. The conclusion of **Mr. Akin's** presentation highlighted that an estimated 2,944 people impacted by the decisions of the Eugenics Board of North Carolina could still be alive as of 2010 when he conducted his research.

Task Force Journalist **Phoebe Zerwick** questioned if the life expectancy of the 2,944 figure was an overestimate? **Don Akin** replied 'yes' because the mortality rates are not calculated for individual characteristics. Mr. Akin noted that his estimate could be high considering that the life actuarial tables could not take into account the lifestyles of the focus group. The life spans of this group may have been shortened by poor health, poverty, and other lifestyle factors. These shortened life spans may actually result in a significantly higher number of people who have

already passed away. **Phoebe Zerwick** asked how many victim sterilizations were truly involuntary? **Sarah Koontz** replied that there were appeal hearings and sometimes it was hard to judge. Ms. Koontz went on to explain that once victims were far along in the process that appeals were typically not effective and that sterilization procedures rarely to nearly never halted.

Don Akin asked if there were any further questions. Being none, he thanked the Task Force for their time and recognized **Jennifer Song**, the State Demographer, for her assistance with his research.

Following **Don Akin's** presentation, an open Task Force discussion followed.

Task Force Follow-up

Attorney Demetrius Worley Berry questioned what have other states done for their victims? **Charmaine Fuller Cooper** explained that very few states have sought to go beyond a verbal apology to victims. Outside of the U.S., some efforts have been taken. **Fuller Cooper** highlighted the case of Leilani Muir in Alberta, Canada where the victim received compensation and a similar Foundation was established but indicated that no U.S. states have compensated any victims of Eugenics laws and/or programs. She also shared that North Carolina was different from other states since North Carolina sterilized the majority of its victims after World War II. Most other U.S. states abolished and/or halted their Eugenics programs after the horrors of eugenics carried out during World War II were realized and Holocaust tribunals were held. So, North Carolina potentially has more living victims than other states. Many victims have probably already passed away outside of our state. North Carolina falls third in overall sterilizations only behind California and Virginia who halted their programs earlier.

Phoebe Zerwick questioned how you can differentiate Eugenics in NC from other sterilization processes that were going on in NC. **Charmaine Fuller Cooper** and **Dick Lankford** made it clear that it is difficult to hear from people who were clearly sterilized but by programs outside of the state's authority but stated that the Task Force is charged with determining compensation for those sterilized under the authority of the Eugenics Board of NC in the Executive Order and that the Foundation is tasked with providing justice to those impacted under the state's Eugenics program. It's very difficult for individuals coming forward about their sterilizations to see or understand any difference between sterilizations by the state versus having a sterilization procedure performed at their local doctor's office or hospital without documentation coming through the state. However, our charge is focuses on victims of the state's program only and at the moment we are only aware of patient files and program records of the state's Eugenics Board as proof of state mandated sterilizations.

Phoebe Zerwick wanted to know where the actual records are located. **Dick Lankford** indicated that the Eugenics Board program records and patient files are located in a climate controlled space in Cultural Resources. **Phoebe Zerwick** followed up with 'why are they not public record?' **Dick Lankford** explained that the state has classified the records as 'not public records' since many records are patient files or minutes that list the names of victims. Fuller Cooper also shared that calls have been received by the Foundation by individuals who are hesitant to share their names and who are also very concerned about their name being released without their permission. She stated that one woman called anonymously to share that she has been married forty years and that her husband does not know she was sterilized. These records have been painful and opened up old wounds for those who access their own records each month. The notes contained in the patient files are highly revealing and sensitive. **Lankford** stated that

many of the records and all the patient files come under HIPAA laws since they are medical records and owned by the Department of Health and Human Services. **Fuller Cooper** also noted that whether the patient narratives were accurately written or not, the patient files highlight painful issues and ‘family secrets’ of incest, sexual abuse, sexual promiscuity, teen pregnancy, alcohol dependency, poor nutrition, poor health, low education, poverty, mental illness including depression resulting after childbirth, lack of knowledge and sensitivity to the needs of people with disabilities, violence and more.

Dr. Gerald wanted to know if there are there current policies that would identify how records are searched? **Dick Lankford** and **Sarah Koonts** stated that there are cards associated with each victim and that lists each person’s name, address, and sometimes race, age and gender. **Fuller Cooper** noted that these cards can best be compared to the cards in the Dewey Decimal system card file used in school libraries to locate a book before many libraries automated to computer search systems. **Lankford** and **Koonts** continued that these cards direct Archives staff to the individual folders that contain patient files. When individuals submit verification forms to the Sterilization Victims Foundation, the forms include their current name and contact information, their birthdate and their identifying information around the time of their sterilization procedure including the estimated time that the procedure occurred, their age at the time of the procedure and/or location of the procedure. Some individuals are unaware of all or some of this information and some individuals were listed incorrectly in program records by the surnames of other guardians or family members. Some individuals were also referred to by nicknames in patient files and not their legal names. Patient files do not include any information that can be connected or electronically linked to current identification systems such as social security numbers or drivers’ license numbers. The latter was a previous recommendation of other commissions.

Representative Larry Womble requested permission from **Dr. Gerald** to address the members and the public and his request was granted. **Representative Womble** explained that the work of the Task Force is serious and comes with much responsibility. He stated how he felt that restoring the Eugenics Board Exhibit would be beneficial when showing the victims some sort of justice and raising awareness to the issue. He also thanked the Foundation Director, Charmaine Fuller Cooper, for a thorough and professional job in presenting the history of Eugenics and the role of the Foundation to the Task Force.

Representative Womble stated that sterilization is part of North Carolina’s history and although “it is an ugly truth of our state; we have to accept the good and the bad.” He requested that Task Force members serve with “compassion and take this charge given to them by the Governor to heart.” **Representative Womble** explained how this has been a ten year process - and for two ladies who sued the state in the seventies and a gentleman who came forward a little while later a lifetime process – “and the victims need to feel justification sooner than later.” He stated that he and his colleague from Winston-Salem, Representative Earline Parmon, had worked on this issue for many years and without people like Dr. Johanna Schoen, John Reilly and the media, it would have been forgotten except to the victims who still suffer. He recommended and encouraged Task Force members to speak to the victims and hear their stories before they all pass away.

Representative Womble stated that previous efforts to provide justice have been slow and many efforts lack support needed to give compensation like the state should have given long ago. He also shared that he had personally paid for victims to come testify to previous commissions and for them to attend the unveiling of the Historical Eugenics Marker and to travel with the Eugenics exhibit and that it wasn’t cheap. He stated that he had to pay because the state was too

unwilling to even provide a small amount of money to pay for victims that they had sterilized, that they had castrated and taken their ability to have children. He stated that he could not understand how it feels for a woman to have her womanhood removed or for a man or little boy to be castrated but that the state must remember that we did this to little boys and little girls. This state was too cheap to even pay for their bus ticket or plane ticket or hotel so they could just share their story. But I did because it was the right thing to do. He stated that he wasn't sharing this to brag but because the Task Force needs to know how victims have been treated by this state.

Representative Womble also suggested that in addition to compensation for victims that the Task Force members make a recommendation for recurring appropriations for the Foundation because one full-time staff person cannot appropriately tackle this task alone and that victims need a point of contact because they have gotten the run around for too long before the Foundation was created. **Representative Womble** informed the Task Force members that North Carolina has done more than any other states by issuing an apology and setting up a foundation, however, indicated that North Carolina can do more because government has the power to impact change.

Representative Womble hopes the Task Force members and the Governor “will bring closure to the issue and not continue to hide from the issue, not continue to ignore this issue, and not continue to distort the issue.” **Representative Womble** reminded the Task Force members that the surviving victims are ultimately relying on closure and compensation. No amount of compensation can replace what they have lost but it is a start for recognizing what this state has done. **Representative Womble** offered to share his records on Eugenics in his office with the Task Force and congratulated the Task Force members for their service. He apologized that he had to leave early to return back to the legislature since they were voting on the House budget and thanked the Chair for giving him the time to share his concerns for people that have waited too long for justice.

Dr. Gerald thanked **Representative Womble** for his comments and opened the meeting to further comments by the Task Force and the public.

Task Force Address and Future Agenda Recommendations

At 11:30 **Chair Dr. Laura Gerald** opened the meeting for questions/comments/concerns/clarity to the Task Force members. She also said that the Task Force has a lot to accomplish in a short time. **Megan Brown** indicated that the preliminary report to the Governor can be as short as “we have some ideas but do not have any definites right now.” Task Force members turned to the Foundation for input as well and **Charmaine Fuller Cooper** added that the Task Force members should aim to make the report as detailed as possible despite the time to highlight their preliminary and later final recommendations and not allow the report to be so ambiguous as to leave questions or lack of depth in the minds of those reviewing the report to prepare for next steps.

Phoebe Zerwick wanted to know how they (Task Force members) will have some sense that the reports made to the Governor will be heard and carried out. **Meghan Brown** stated that the Task Force members' recommendations will be reported to the Governor.

Chair Dr. Laura Gerald wanted to know if they were being charged with determining whether or not a sterilization procedure was involuntary or voluntary. **Dick Lankford and Sarah**

Koonts made it clear that in looking through the files it is almost impossible to make a definite determination about involuntary versus voluntary sterilization consents because of the ‘times’ and possible duress the victims were under and added that some victims were threatened with losing their welfare benefits and so on.

Attorney Demetrius Berry questioned if they (Task Force members) are charged with determining compensation based on how a victim was sterilized such as castration or some other method. **Charmaine Fuller Cooper** explained that would be something the Task Force would have to determine and reminded them that they have the lead in developing a set of recommendations for the Governor’s review and consideration.

Attorney Demetrius Worley Berry requested more information as it relates to the exhibit, where it is located, and when did the exhibit travel? **Fuller Cooper** shared that Lisa Hodges with the Office of Minority Health and Health Disparities designed the exhibit and put a lot of time into it and that staff from the Office of Minority Health would present at an upcoming meeting.

Phoebe Zerwick asked what measures would be employed to reach the victims and is it reasonable to be proactive in reaching victims? Ms. Zerwick made a suggestion as to using public service campaigns. **Fuller Cooper** stated that could be a great idea and added that the Task Force may decide and can decide to include an outreach plan along with their compensation recommendations. She also shared that the Foundation has designed and ordered over 3,000 posters and began to mail out posters to every local social service agency, county hospitals, nursing homes, nursing assistant firms, community hospital clinics and more in an effort to reach and receive feedback from anyone that feels they are a victim of sterilization through the North Carolina Eugenics Board. Victims have been very helpful in making suggestions on how to reach more of them. Since many people impacted resided in rural areas, community and local newspapers will be crucial to the outreach process. Since the patient files are incomplete, the Task Force may decide that other resources are needed and may recommend recruiting the expertise of private marketing firms or other consultants to help expand outreach after a compensation package has been recommended and finalized. Right now, some in the community may be hesitant to come forward and not understand the point of coming forward for a copy of their patient files if a compensation or services package has not been approved by the legislature. It’s also a balancing act to be proactively forthcoming without jeopardizing individual rights to privacy. **Phoebe Zerwick** offered her assistance on newspaper outreach and encouraged Task Force members to help raise awareness.

Zerwick wanted to know if the focus can be on public outreach through distribution by county? **Don Akin** explained that victim distribution by county or basically identifying the number of victims per county is possible from the records. He agreed to provide that information when requested and offered his resources while the Task Force continues its efforts.

Fuller Cooper added that the Task Force may want to also address the issue of how to preserve the files needed to justify any compensation plan and for historical purposes since some are tissue paper thin and many others are on old film. These files date back to the beginning of the program in 1929.

Phoebe Zerwick feels it’s very important for the State to make its best efforts to reach victims and to do more than provide financial compensation and also rely on the victims to contact the State. **Ms. Zerwick** questions what more can be done? **Chair Dr. Laura Gerald** suggested that

notification has any number of additional issues from costs to ethical issues related to identifying victims. Dr. Gerald would like to see what has been recommended in the past and any ethical, legal, and financial constraints.

Phoebe Zerwick added that there needs to be a strategy in how to organize the agendas. Ms. Zerwick questioned whether or not the Task Force members have a role in contributing to the agenda to achieve recommendations? **Fuller Cooper** stated that Task Force members are the leaders of this process and that the Foundation is here to provide assistance and guidance as needed. She encouraged Task Force members to plan and make contributions to the agenda and encouraged the Task Force members to contact the Task Force Chair or the NC Justice for Sterilization Victims Foundation for any agenda related matters.

Chair Dr. Laura Gerald explained that this meeting was a lot to absorb and that the Task Force is faced with a heavy challenge but they are prepared collectively to make recommendations once they have future meetings and have clear understandings of what the Governor has charged them to do.

Public Comments

Chair Dr. Laura Gerald opened the meeting to the public for discussion, questions, and/or clarity. Ms. Irene Clark, a retired professor from St. Augustine's college who loaned numerous artifacts and literature to the traveling Eugenics exhibit, echoed some of **Phoebe Zerwick's** previous comments and concerns. She shared that she has followed this issue for years and loaned her own collection of artifacts to the state in previous years. She asked that the state listen to the stories of the victims, wondered if it is too late to add compensation to the current legislative budget that is now being debated or if victims will have to wait until next year and wondered what other solutions could be offered. She shared that some benefits may be more beneficial than others to victims now that so much time has passed and victims have aged.

Chair Dr. Laura Gerald adjourned the meeting at 12:03p.m. Task Force members were directed to contact the Foundation to share their availability for a future meeting date at the end of May 2011 prior to Memorial Day.

<END>

**Official Meeting Recorder:
Dalisha Vickers Johnson, Program Associate
NC Justice for Sterilization Victims Foundation**

Respectfully Approved:

Dr. Laura Gerald, Chair or Acting Chair

Date

Appendix C

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')

Wednesday, May 25, 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

The Governor's Task Force to Determine the Method of Compensation for Victims of North Carolina's Eugenics Board convened for its second meeting on Wednesday, May 25th, 2011 at 10am. The meeting was held at the Governor's Crime Commission Conference Room located at 1201 Front Street, Suite 200 in Raleigh, North Carolina. The Task Force meeting was called to order at 10:03 a.m. by Phoebe Zerwick, Acting Chair, in the absence of Chairwoman Dr. Laura Gerald. Dr. Gerald was called away to attend to legislative matters. The meeting was also attended by the following individuals:

Charmaine Fuller Cooper	NC Justice for Sterilizations Victims Foundation
Dalisha Vickers Johnson	NC Justice for Sterilization Victims Foundation
Tequila Peele	NC Justice for Sterilization Victims Foundation
Gretchen Aycock	NC Department of Administration
William Zeke Creech	NC Department of Administration
Jill Lucas	NC Department of Administration
Meghan Brown	Office of the Governor
Bertha D. Marks	Daughter of Sterilization Victim
Australia Clay	Daughter of Sterilization Victim
Dahlresma Marks	Grand-Child of Sterilization Victim
Barbara Pullen-Smith	NC Office of Minority Health & Health Disparities
Lisa Hodges	NC Office of Minority Health & Health Disparities
Jennifer Calhoun	Fayetteville Observer

Mr. G. Scott	WPTF
Cory Berd	News 14
Debbi Blake	NC Department of Cultural Resources - State Archives
Sarah Koonts	NC Department of Cultural Resources - State Archives
Thomas R. Cooper Jr.	Private Citizen
Lisa Sorg	Independent Weekly
Adam Barrett	John Locke Foundation

At 10:07 a.m., the Task Force members reviewed the April 27th meeting minutes in silence. **Phoebe Zerwick** asked if all present Task Force members approved April 27th, 2011 meeting minutes and everyone approved. Ms. Zerwick signed the official copy of the aforementioned Task Force meeting minutes and opened the meeting to **Barbara Pullen-Smith**, Executive Director of the North Carolina Office of Minority Health & Health Disparities to offer a power-point presentation on State Eugenics Efforts-Post 2003-2009 and Previous Task Force Recommendations.

Presentation - NC Office of Minority Health & Health Disparities (OMHHD)

Barbara Pullen-Smith began her presentation by stating that Governor Easley made an apology in December 2002 and that began the first look at how to support benefits for survivors. Ms. Pullen-Smith went on to explain that Representative Larry Womble wanted more than an apology and Governor Easley responded by establishing a Eugenics Study Committee in 2003. Governor Easley appointed co-chairs for the committees which were Larry Womble from NC House of Representatives and Carmen Hooker Odom who was the Secretary for NC Department of Health and Human Services. The Eugenics Study Committee was charged with three tasks:

1. Explore the history of the program
2. Ensure that the Eugenics Program is never repeated in North Carolina, and
3. Make recommendations on how to assist the survivors of the state's involuntary sterilization program.

Ms. Pullen-Smith stated that proposed strategies from 2003 through 2009 for finding and locating potential survivors included outreach campaigns, multimedia, newspaper, television, radio, billboards. Proposed potential partners to assist in identifying victims included the NAACP, health professionals, church, and civic organizations. Past recommendations for victims consisted of nonprofit foundation/support groups, a method to find the survivors, determination of validity of the claims, health care and education benefits. The Department of Health and Human Services was to take the lead on the following past recommendations:

- Method to find survivors
- Determination of Validity of Claims
- Health Care for survivors

Past recommendations also focused on making sure North Carolina's eugenics history was documented and a memorial established. Ms. Pullen-Smith noted that the 2003 Gubernatorial Eugenics Study Committee recommendations included system changes such that North Carolina's Department of Public Instruction should include information about the Eugenics program in its curriculum in history courses. The Department of Cultural Resources was tasked with the creation of a memorial to ensure that no one forgets what the state of North Carolina once perpetrated against its own citizens. Ms. Pullen-Smith made mention that the memorial

needed to be tangible and offer a constant reminder of the program long after the survivors have passed on. In 2003, it was also proposed that the UNC system and community college systems explore the creation of endowed chairs or special scholarships that will memorialize the program.

Ms. Pullen-Smith discussed the Department of Health and Human Services (DHHS) response to recommendations proposed in 2003 by explaining that the Secretary appointed the Office of Minority Health and Health Disparities (OMHHD) to lead the department's follow-up efforts. DHHS' Mission was not to address issues of racial injustice but to represent the under-served. A Memorandum of Agreement between DHHS and Cultural Resources to access the records was formulated. Ms. Pullen Smith also stated that there was a systems change specific to DHHS where the department was to create a required and mandatory ethics program that included information on the Eugenics Board for every DHHS professional. A seminar would be organized to talk about the program, hear from survivors and discuss its implications in today's world. The seminar would include presentations from experts, including Dr. Johanna Schoen.

Lisa Hodges, also with OMHHD, referenced that the Eugenics Traveling Exhibit was developed in partnership with Dr. Johanna Schoen, Eugenics victims, and an artifacts curator. The Eugenics Traveling Exhibit was to build upon a permanent educational tool about the Eugenics program and the victims were useful and helped design the exhibit. The exhibit launched in June 2007 at the North Carolina Museum of History. Ms. Lisa Hodges was very instrumental in the exhibit which was a 14 panel display that was interactive with headsets to hear the victim's voices telling their story. The exhibit begins as "Why me?" and the victims begin to tell their stories while the history of the state program is outlined. Representative Larry Womble took the exhibit to Winston Salem State University and Bennett College. Several requests from other colleges and community colleges could not be entertained because funding ran out before the vision of moving the exhibit to other parts of the state could be completed. Ms. Hodges passed around a mock of the 14 panel exhibit for all those in attendance to view and a short discussion ensued regarding the cost to restore the exhibit which was said to be anywhere from \$40,000.00 to \$75,000.00 by **Charmaine Fuller Cooper**. The Task Force asked Ms. Fuller Cooper to seek out a cost estimate to restore the exhibit and for travel and set-up costs.

Ms. Pullen-Smith noted that in 2008 recommendations were made to the Governor by Representative Larry Womble and Ronnie Sutton that included:

- Mental Health Counseling Benefits for Survivors
- Creation of a Database on Eugenics Program Records
- Verify Status of Self-Identified Survivors
- Creation of a Historical Marker
- Educational Materials and Benefits for Survivors
- Interview and Document Survivors
- Ethics training Module
- Preserve and allow appropriate access to program records
- Media Campaign and,
- \$20,000.00 Compensation for Survivors

Ms. Pullen-Smith concluded her presentation by stating that a transfer of responsibilities occurred in 2008, where DHHS negotiated with Cultural Resources to house the Eugenics Exhibit and manage the victim's database. In 2008, DHHS and OMHHD made a presentation to the House Select Committee on compensation for victims of the Eugenics Sterilization Program

and in 2009, OMHHD oriented the new Executive Director for the new North Carolina Justice for Sterilization Victims Foundation.

Charmaine Fuller Cooper, Foundation Executive Director, shared that a database had never been created and that the Department of Cultural Resources stepped in to answer victim records request. Currently, the Department of Cultural Resources works with the Foundation to search for name matches to patient case files. The Foundation handles all victim contact and distributes and screens verification request forms prior to taking them to Cultural Resources. The only other recommendations from 2003 through 2009 that have been completed are the creation of the Eugenics Historical Highway marker on the corner of McDowell and Jones streets in Raleigh, NC, inclusion of Eugenics history of the curriculum of the NC Department of Public Instruction and setting up the NC Justice for Sterilization Victims Foundation to verify the status of self-identified victims. Funding for any efforts other than set-up of the Foundation has never been provided. Foundation funding was divided over three fiscal years and will run out on June 30th, 2012.

Task Force Questions and Answer for OMHHD

Demetrius Worley Berry wanted to know if there were measures gauging the effect of the traveling exhibit and **Lisa Hodges** didn't replay to past measures and stated it was very effective and it was too bad that funding ran out to complete the college tour.

Dr. Lenwood Davis asked if the exhibit is to go out again, what will take to update the exhibit. **Lisa Hodges stated** that Design Dimension charge per mileage from where it the exhibit is housed to where it will travel, labor, and setup so it may cost about \$8,000.00-\$10,000.00 depending upon the current gas rates.

Dr. Lenwood Davis also wanted to know possible costs to add more information to the existing exhibit and **Lisa Hodges** responded that the exhibit tells the history, but the leadership panel will need to change and there is space for more victims to tell their story but that she could not offer a cost to add to those panels because that is out of her knowledge base.

Dr. Lenwood Davis followed up to Ms. Hodges response by asking if it is feasible to have those who want to see the exhibit share the cost of having the exhibit at their location? **Lisa Hodges** stated it's a shame that it's in a basement and not telling the history but additional resources would be helpful.

Phoebe Zerwick asked what happened to requests to provide medical benefit to the survivors. **Barbara Pullen-Smith** stated that there must be federal approval in order to make them eligible for Medicare strictly as Eugenics victims. **Megan Brown** from the Office of the Governor added that she believed the victims are Medicare eligible already. **Lisa Hodges** stated victims who were sterilized at a young age would not be eligible for Medicare due to their age and the requirements to be Medicare eligible would put those victims out of the age restrictions.

Phoebe Zerwick asked what happened to providing medical benefits through the State Health plan? **Barbara Pullen-Smith** stated that there was not follow-up on this item. **Phoebe Zerwick** asked why and who was responsible and **Pullen-Smith** responded that all the DHHS leaders, Secretary and Deputies responsible for follow-thru on health benefits are gone now.

Dr. Lenwood Davis was curious to know how much cooperation is between local health departments in various counties and DHHS. **Barbara Pullen-Smith**, did not have a full response to the question and stated that the importance of their task was to make recommendations from DHHS. **Charmaine Fuller Cooper**, Director for the NC Justice for Sterilization Victims Foundation, added that the Foundation has sent over 2,000 outreach posters announcing the Clearinghouse, verification process for victims, and the Foundation's toll-free number throughout the state to local social service agencies, hospitals, nursing homes, CNA assignment agencies and more. An additional 1,000 posters will be sent to Public Health agencies and other local entities that serve the target demographic over the summer.

Presentation – Department of Cultural Resources and Eugenics Records in State Archives

At 10:46am, **Sarah Koonts** with the Department of Cultural Resources began her presentation by stating that her office is governed by General Statute 121 and that statute is the authority in which her office operates. Ms. Koonts went on the make the Task Force members and audience

aware that in 2005 revisions were made to the “finding aid” for North Carolina Eugenics items. Ms. Koonts stated that the State library is part of Cultural Resources and that her office has digitized past documents to be archived. She went on to add that any and all documents that are identified as achievable will exist forever and that Eugenics records have received the same treatment in a climate controlled space within the Cultural Resources Department. Ms. Koonts made it clear that it is not the intention or within the responsibility of Cultural Resources to house highly active records but that the Eugenics records are safe and will remain in the custody of Cultural Resources until further action is taken, if at all. **Koonts** provided examples of the finding aid, patient case files and Eugenics Board program minutes for the Task Force to review during her presentation.

Phoebe Zerwick asked **Ms. Koonts** “what was the standard for sterilizing someone?” Ms. Koonts replied that from the records various reasons were mentioned such as: feeble minded, mental health and IQ. **Ms. Koonts** stated that NC Eugenics Board records have been in Cultural Resources custody since the 1950s.

Dr. Lenwood Davis asked **Ms. Koonts** if there are originals and redacted copies of the records. **Ms. Koonts** responded by stating that the originals are not touched but a copy is made and then redacted. **Dr. Davis** asked if there were records that have been requested and not returned. **Ms. Koonts** indicated that two women sued the state of North Carolina and their records were requested and there is proof they were checked out by the Eugenics Board since it was still active but they never came back to the collection. **Ms. Koonts** clarified that Cultural Resources has most of all the records that have been transferred from Health and Human Services.

Sarah Koonts also mentioned that it’s not within Cultural Resources duties to create new databases and provide access to the records. The records are owned by the Department of Health and Human Services. **Ms. Koonts** went on to add that a digitized grant, as recommended to previous commissions, is not feasible to digitize and redact records because it would cost more than \$75K due to extreme labor needed.

Ms. Zerwick asked how the minutes of the Eugenics board are treated under HIPPA. **Ms. Koonts** stated that the minutes are confidential and that identifying information is redacted. **Ms. Koonts** added that clarity is needed on how to redact patient files and Eugenics records consistently. **Ms. Koonts** welcomed questions as it related to how her office has been and will continue to be of help to the Foundation and concluded her presentation. The Task Force members did not have any follow-up questions or comments.

Address from Victim’s Family Members

At 11:15 a.m. **Phoebe Zerwick** was informed that descendants of a program victim were present and the Acting Chair opened the meeting to the sisters, **Bertha Delores Marks** and **Australia Clay**, to speak about their mother who was an identified sterilization victim through the North Carolina Eugenics Board Program. **Ms. Australia Clay** began by stating that she is the oldest of her siblings and recalls a great deal of what her mother and siblings endured while her mother was at Cherry Hospital. The oldest daughter tells her story of how she and her siblings made sure they were well educated and began careers that would help people in need. **Ms. Clay** added that she is a school teacher and her sister is a nurse and that what they experienced as young girls was heart breaking and terrible. **Ms. Clay** gave a detailed account of how they had no idea that their mother had endured so much pain and medications while at the hospital until obtaining her

medical records from the Foundation. **Ms. Clay** went on to talk about how she believes her mother was sterilized against her knowledge because she loved her children and their father could not read so the signature that is on the medical forms could not possibly be that of their dad. **Ms. Clay** went on to state that her sister, Delores, taught her father how to write his signature later in life and that they believed his signature had been forged.

Ms. Delores Marks stated that she had been protected by her siblings from a lot of the abuse that occurred while her mom was confined to Cherry Hospital. She added that they experienced physical abuse. **Ms. Clay** added that she was sexually abused while living with other caregivers during her mother's confinement. Neither sibling understood how their mother was allowed to come home without medicine for Christmas and was fine when home but was drugged consistently while at Cherry. **Ms. Clay** shared that her mom was the victim of electric shock while at Cherry Hospital and recounted her mom's accounts of having a device placed on her head and electricity sent through her body. **Ms. Clay** felt that her mom was only confined at Cherry until a consent for sterilization was obtained and then she was allowed to leave after a lot of time away from her kids. **Ms. Clay** said her mom was experiencing what would now be called post-partum depression but that she was a kind lady who loved her kids.

Initial Compensation Discussion - Task Force Members

At 11:32 **Phoebe Zerwick** opened the meeting for recommendations and explorations of compensation.

Charmaine Fuller Cooper listed past recommendations considered or proposed by past commissions:

- Monetary Compensation - \$20,000 for Survivors
- Outreach & Support
 - Establish Foundation
 - Create Database of Eugenics Program Victims
 - Identification and Verification of Program Victims
 - Mental Health Counseling
 - Health Care
 - Document Survivor Stories
 - Education Benefits for Survivors
 - Eugenics Memorial (Historical Marker)
 - Inclusion of Eugenics in Public History Curriculum
 - Ethics Training for DHHS/Health Care Practitioners

Australia Clay who is the daughter of a verified NC Eugenics Board sterilization victim, stated that she wanted to make sure this doesn't happen again because there is a fear that it could. **Ms. Clay** asked where the \$20,000 compensation figure come from. Charmaine Fuller Cooper stated that the figure came from the 2008 House Select Committee that originally considered \$50,000 per surviving victims and reduced their suggestion to \$20,000 per living victim.

Demetrius Worley Berry stated that she agrees with the \$20,000 figure because her thoughts were if you request an amount that is too high it may be denied by the legislature and that

\$20,000 seemed to be a feasible starting point for the legislature to consider based on past discussion by other bodies. She acknowledged that the legislature had already postponed a decision on compensation since 2003 and that she didn't want to make a recommendation that would not be considered. **Ms. Berry** indicated that she would like to see something positive happen for the victims sooner than later and that asking for figures that the Legislature or the Governor may deem to be inflated may cause this issue to linger on longer than anyone would like.

Dr. Lenwood Davis added that Representative Larry Womble argued for \$50,000 and it was denied. **Dr. Davis** said that asking for a high figure would mostly likely not be accepted by the general assembly and this issue needs to be brought to a close.

Phoebe Zerwick wanted to know if punitive damages are something to look at for the victims and **Judge Fetzer Mills** stated that he wanted to make sure the State does not repeat this terrible history in the future and included that one aspect of damages is to punish the wrongdoer and to deter the State from ever doing this again. Judge Mills added that there is never going to be a good time to provide compensation but it needs to be done to ensure that it doesn't happen again and that it shouldn't come from Golden Leaf or any other tobacco fund. He added that it [compensation] needs to come from the General Fund so taxpayers also bear the responsibility of knowing that this was wrong and should never be done again.

Australia Clay interjected and proposed \$50,000 as a method for compensation and her daughter, **Dahlesma Marks**, added that the NC Eugenics Board program affected victims' entire lives and wants to know if Task Force members are looking at the totality of the process of sterilization because many people were not able to live productive lives or maintain employment.

Meghan Brown from the Governor's Office stated that it might be important to determine who should receive compensation and set parameters for if it would matter the method of sterilization. **Don Akin** of the State Center for Health Statistics added that the age at which a victim was sterilized may have some consideration as to the amount of compensation and what form of compensation would be best suited for individual victims.

Phoebe Zerwick stated that she would like to move forward with recommendations that are simple enough to be considered by the Governor for future legislative approval. **Dr. Lenwood Davis** said he agrees with \$20,000 across the board for everyone that is deemed to be a victim. **Judge Fetzer Mills** stated that he is not ready to decide on the figure because he wants more time to discuss the issue.

Phoebe Zerwick also proposed medical benefits and **Judge Mills** stated that the Task Force members are limited to the direct effect of the sterilization and everything that occurred as a reason of the sterilization through the NC Eugenics Board. On the suggestion of counseling, **Worley Berry** stated that mental health would be the major priority and **Ms. Clay** interjected into the Task Force discussion and disagreed by stating that compensation should be monetary. **Zerwick** stated that a package of monetary and counseling would be most beneficial. **Worley Berry** wanted to know who would qualify for the counseling and if that too would be limited to survivors?

Phoebe Zerwick asked how do you go about reaching victims and **Fuller Cooper** shared that the Foundation is giving its best efforts to get the word through media outreach and poster distributions. **Fuller Cooper** also indicated that there is a Foundation hotline and also a website

where potential victims and others can contact the Foundation staff to receive information relating to the NC Eugenics Board program. **Fuller Cooper** shared that face to face outreach at the local level and through more nonprofit groups is limited due to the Foundation having one full-time staff person and temporary assistants to staff the hotline.

Gretchen Aycock suggested that if there was any information on how the Federal Government went about compensation for the victims of the Japanese Internment Camps it would be a good model to look at and determine possible compensation or the NC Eugenics Board sterilization victims. **Jill Lucas** added that the Eugenics Board exhibit would take considerable refurbishing and questioned the assessability of the exhibit. **Charmaine Fuller Cooper** mentioned partnering with other organizations that support the Foundation and Task Force as a method to offset some financial costs for the exhibit to travel again.

Fuller Cooper stated that House Bill 374 is being considered to provide clarity that records are not public information to prevent victims from further victimization through unauthorized records releases. She added that Eugenics records are owned by DHHS and there needs to be a formal policy as it relates to the records. **Zerwick** added that it would be nice to have a representative from DHHS at the Task Force meetings to address these concerns.

Phoebe Zerwick asked for more press releases on this issue and **Dr. Lenwood Davis** wants people to know they are welcome and have full input at the next open public meeting which is scheduled for Wednesday June 22, 2011. **Australia Clay** indicated that Larry Stogner from WTVD will be in contact with the Foundation and the Task Force. **Phoebe Zerwick** asked if **Meghan Brown** or the Governor's Office would record a public service announcement to get the word out about the upcoming task force meetings and feels it will be powerful. **Ms. Brown** had already departed the meeting. **Ms. Clay** stated they are ready and willing to share their stories at the next meeting that has been scheduled for the victims and their families to come and tell the Task Force members their stories as victims of the NC Eugenics Board program.

Phoebe Zerwick added that she wants to gain a better understanding of the politics surrounding this issue. **Fuller Cooper** added that there is bi-partisan support on the issue. However, the primary barrier for legislators has been where to cut to obtain the funding for compensation or other services. Many legislators across both sides of the aisle support justice for living victims. There has been some debate on compensation for living victims versus those who have passed. Numerous groups support eugenics efforts including Disability Rights, the NAACP and more. The John Locke Foundation has stated that it supports compensation but only for living victims. **Fuller Cooper** mentioned that a representative of the Locke Foundation was present.

Adam Barrett, intern for the John Locke Foundation, stated that the Locke Foundation has published an opinion about Eugenics efforts but could not speak on behalf of Darren Bakst who has taken the lead on this issue for their Foundation.

Public Feedback

Phoebe Zerwick opened the Task Force meeting to the public for any questions, comments, or concerns and **Bertha Delores Marks**, daughter of an identified Eugenics Board sterilization victim, made her concern clear that she believed the \$20,000.00 compensation figure being talked about throughout the meeting would not suffice. **Ms. Marks** indicated that she would like the Task Force members to reconsider the figure and think of the victims and families that had to

endure the pain that resulted from the Eugenics Board program. **Ms. Zerwick** addressed **Ms. Marks** and offered her sympathy and stated that there is no figure amount that is adequate enough to erase or compensate what has been done and that the Task Force members will collectively take her concerns into consideration when deciding what recommendations are best suited to present to the Governor.

Task Force Member **Judge Fetzer Mills** moved to adjourn the meeting at 12:56 p.m.

Official Task Force Meeting Recorder:
Dalisha Vickers Johnson, Processing Assistant
NC Justice for Sterilization Victims Foundation

Charmaine S. Fuller Cooper, Executive Director
NC Justice for Sterilization Victims Foundation

Respectfully Submitted:

Dr. Laura Gerald, Chair

Appendix D



**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')
Wednesday, June 22, 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*
Director
Demetrius Worley Berry, *JD-Attorney*
Program Asst.
Dr. Lenwood G. Davis-*Historian*
Fetzer Mills, *JD-Retired Judge*
Phoebe Zerwick-*Journalist*.

Foundation Staff:

Charmaine S. Fuller Cooper,

Dalisha Vickers Johnson,

Tequila Peele, *Program Asst.*

Special Thanks to our Volunteers:

Kristy L. Daughtry	Department of Non Public Education
Michelle Moore	Department of Non Public Education
Laura Gonzalez	Council for Women
Battista McNeal	North Carolina Central University, MPA Student
Katrine Middleton	Human Relations Commission
Harriett Southerland	Youth Advocacy and Involvement Office
Alexis Davis	Governor's Office
Anne Bander, Chief Operating Officer	Department of Administration
June Michaux, Deputy Secretary	Department of Administration
Jill Lucas, Communications	Department of Administration
Joe Newberry, Communications	Department of Cultural Resources
Helen Chestnut, Executive Officer	State Agronomics Division
Mark Johnson, Communications	Governor's Office
Angella Dunston, Faith-based/Outreach	Governor's Officer

Recommendations from Victims, Family Members, Victim Representatives and Citizens

Speakers	*Verified State Eugenics Board Program Victim	Relationship	Recommendations
Willis C. Lynch	*Willis Lynch	Self	‘Hurry and do something’
Tony Riddick	*Elaine Riddick	Son	Compensation \$20,000 just a number Victim Representative on Task Force
Australia Clay	*Margaret Cheek	Daughter	Compensation Compensate victims and their families
Melissa Hyatt	*Charles Holt	Adopted Daughter	Compensation \$1 million
Karen Beck	*Flossy Bates & *Dorothy Bates	Granddaughter & Great-niece	Compensation The state can ‘say it’s sorry in a way that’s meaningful. ‘.....it can make restitution.’
Lela Dunston	*Lela Dunston	Self	Compensation “reward or something or some kind of compensation”
Naomi Schneck <i>(Verification as state program victim is Pending)</i>	_____	Self	Compensation Waiting for legislature to fund compensation after writing former Governor Easley
Corey Dunn (Disability Rights NC)	_____	_____	Public Benefits Protection Protect public benefits for clients of Disability Rights NC as compensation conversation progresses Extend Access to Records Maximize access to records so Disability Rights NC clients can use them for other purposes other than this Foundation’s work
Anne Russell <i>(Victim – Margaret Ann Pridgen not verified under State Eugenics Board Program)</i>	_____	_____	Gubernatorial Pardon for Samarcand 16 Issue Gubernatorial pardon to the sixteen Samarcand girls who burned two buildings down at Samarcand in 1931. Samarcand Exhibit Archive Have State Archives obtain artifacts from Samarcand Do an Archive Exhibit
Mary English <i>(Not a victim of State Eugenics Board Program)</i>	_____	Self	Medical Compensation

Official Minutes

The Governor's Eugenics Compensation Task Force (Governor's Task Force to Determine the Method of Compensation for Victims of North Carolina's Eugenics Board) convened for its third meeting on Wednesday, June 22th, 2011 at 10am. The meeting was held at the NC Department of Agriculture's Eaddy Agronomics Building-Conference Room located at 4300 Reedy Creek Road in Raleigh, North Carolina. The Task Force meeting was called to order at 10:00 a.m. by Dr. Laura Gerald, Chair. This was a public meeting for the victims and their families to address the Task Force and tell their stories of being NC Eugenics Board sterilization victims. The hearing was streamed live online at www.wral.com and the meeting was also attended by the following individuals: **(Please See Page last pages for attendee names and affiliations)**

At 10:00 **Dr. Laura Gerald** called the meeting to order and reminded the public of the role of the Task Force and its creation by Governor Beverly Perdue in March of 2011. Dr. Gerald outlined the responsibilities of the Task Force per Executive Order 83 and mentioned that their preliminary report is due to the Governor by August 1, 2011 and their final report is due to the Governor by February 1, 2012.

Dr. Gerald introduced herself as well as allowed the other four members of the Gubernatorial Task Force to introduce themselves. Dr. Gerald also gave notice to several elected officials that were present at the meeting (Rep. Larry Womble, Rep. Earline Parmon, Rep. Pat Hurley, Rep. Marilyn Avila) and asked that they stand so they could be recognized and thanked them for attending. Dr. Gerald also stated that she is aware and it has been announced that Governor Beverly Perdue will join the meeting at 12:15 p.m. today. In addition to that Dr. Gerald stated that Representative Larry Womble should be recognized for his tireless efforts as an advocate towards this issue and his support of the NC Eugenics Board program sterilization victims.

****All attempts have been made to accurately and respectfully transcribe the words and language detailed in the following narratives to truthfully represent every speaker during this public meeting****

SPEAKERS:

State House Representative Larry Womble:

"First of all let me say good morning to you individually and collectively. A gracious good morning! I'm Larry Womble and I represent the 71st district in Winston Salem, North Carolina. Let me start off first of all by having my other colleague who helped me on this legislation Representative Parmon to join me so you can see we been fighting on this for eight, nine to ten years. We been fighting for the victims of this terrible program. Let me give accolades to and thanks not only to my colleague whose been sponsor to this but also to this panel. Your chair Dr. Gerald is one who has been very compassionate and very cooperative and very understanding on the situation and the other panel members too. We thank you for serving and giving this service not only to the state of North Carolina but also to the victims."

"I also wanna thank all the people who were first exposed to this especially Mr. John Riley and he is around here somewhere. There he is right there; Mr. John Riley called me and

told me and asked me to sit down because he had something earth shattering to share. Long story short, I told him that's okay I didn't need to sit down I've heard all kind of bad news. But eventually when he told me I did have to sit down and take that in and that's been about nine ten years ago I think or pretty close to it. So I want to give accolades to him. I also want to give accolades to Johanna Schoen who is the first one who discovered this. So there are a whole lot of accolades, thanks, and appreciation Representative Parmon and I could give. I wanna give thanks and appreciation to the legislature especially those legislatures that are here. You saw them a minute ago stand up, Representative Avila and also Representative Hurley who stands; who seat is diagonally right behind mine and the legislature-thank both of you all."

"The administration, we wanna give thanks to the Governor's Office on down to through everybody from in the legislature. So it's good to give thanks and appreciation because we did not do this by ourselves. We had a whole lot of help, matter of fact, if we done this by ourselves we would not be as far as we are now. So you all have helped us and we're here to thank you we appreciate the help that you've given us and you will continue to give us help in the past-in the future. Also, the ones who were brave enough to step forward when we could not get anybody else to come forward and step put and say this atrocity committed here in North Carolina was committed on them and that was Ms. Elaine Riddick and she been here with her son bout every time and that's Tony and also Ms. Rimeraz. Rimeraz is one of those faithful ones who stepped out on faith."

"I guess my preacher used to say sometimes you have to step out on faith. And so my preacher was right and Ms. Ramirez, whose not here, but her daughter Deborah Chesson, is here whose been a constant representative of her mother. Ms. Ramirez came to every event. Her health is failing her now but her daughter is carrying on that legacy. And also to Mr. Lynch, Mr. Willie Lynch is here and he's been here all the time. If it had not been for those people stepping out and others too, too many for me to call by name but those were the initial ones when nobody else would they came forward. And at the same time we have many others so those are just some of the accolades. We have Ms. June Michaux whose here from the Governor's Office in administration and long story short, as I said Mr. Railey contacted me."

"We're the only state in this nation and possibly the only one in the world right here in North Carolina whose trying to do something to address this ugly chapter in North Carolina's history. North Carolina has a wonderful history but there's a chapter in there that's not so wonderful and we need to address that so that we from now on can move forward once people know we can move forward and after that then I had spoken to at that time the Governor was Governor Easley. I asked could I sponsor a bill and will he sign the bill if I could get it passed. He said essence if you could get it passed that'll be the first time it was ever done in this nation if you could do that I would be glad to sign it. He did sign the bill; it's taken off the books you can no longer legally do this in North Carolina and I'm happy for that. Also, he's one of only five or six Governor's in this nation that offered a formal apology. Sometimes you have to apologize for what you do to people even if there's other things you have to apologize. And then next, we set up a blue ribbon commission thank him for that."

"But the Governor of today has really been a heron of mine. She has stepped in and done the things that we're supposed to do. She stepped in and created this Foundation, which is a first

for anybody and then only formed the Foundation you have to fund stuff to get the work done. She funded this Foundation over a quarter of a million dollars to get the Foundation started. And also the first director that we have, Charmaine is a wonderful person. I can't find of anybody who would be another director besides Charmaine. We're glad of that. Ms. Mary English whose been a victim is here and she's been a constant support and help to us all. And hopefully we can address those things that not only concern her but concern all of you."

"But the biggest accolade-the biggest thanks and the biggest appreciation goes to these the victims. And I call em' victims because most them were children as young as ten, eleven, and twelve years old. That the state of North Carolina did something like that to children. They were not crimianls, they had not broken any laws but yet and still we talk about third world countries, we talk about communist countries, right here we have done some things that we should have never done before and I'm glad that some of them are living long enough to see that something is being done. You are not forgotten and you will not be forgotten long as Representative Parmon and myself are there to speak for you and to and to stand up for you. And that's what we're supposed to do represent the people of North Carolina. You are people and we're supposed to represent you and I am offering my apology like I have done before so many times things have happened to you."

"I'm hoping out of this and I'm sure that Dr. Gerald and her committee will be listening to you all. Not only listening but hearing your story. I can tell it and Representative Parmon can tell it, but no one can tell your story better than you can tell it and I want you to tell your story. This is your day, the day we been fighting for for a number of years. So it's here now and sometimes to Lord ordains things as he ordained for us to be here today. So tell your story, hopefully we can get some things done. Now I passed some of the Bills, some of the laws that's related to sterilization but I still have some laws out there I still need to get passed and need to get acted on. One is #70, number seventy has to do with compensation. Some people call it reparations, I don't call it reparations, I call it compensation because compensate people for what you have done to them when they did not deserve it. The other bill out there is Bill 73. Bill 73 is these people should be offered professional counseling and also they should be offered professional healthcare. Free at the state's expense because the state did it."

"Those two Bills and the other thing I'm hoping to accomplish out of this get that display up and running again. That display is very important to us so we can take it around the state and so we can let people know whats going on. Thank you again chairman, thank you members serving and we appreciate all that you're doing. Thank you we appreciate all that you're doing we appreciate your compassion. Beyond compassion is we have to do some action. We have to start implementing so things. Thank you so very much and I appreciate you all for coming in and I appreciate you all for coming out. And let me give a thanks to the media. Sometimes we don't thank the media but if this media wasn't here your story would not get out. And I thank you."

Dr. Laura Gerald, Chair steps up to the podium so that the audience can hear her speak. Dr. Gerald states that purpose of the meeting is to be that of a listening session for the victims because it is important to hear their recommendations. Dr. Gerald indicated there was a sign in sheet for those who wish to speak and that she appreciated their attendance. Dr. Gerald reminded the audience that the meeting was public and the media would stream the meeting live. Dr.

Gerald informed the audience that she wanted to maintain respect for victims emotions and their stories and to mute or silence cell phones. Dr. Gerald opened the meeting to Willis Lynch.

Mr. Willis C. Lynch:

“My name is Willis C. Lynch I’m from Wilmington, North Carolina. I’m 77 years old and I was operated on in 1948 when I was 14 years old. Sixty-three years ago and uh cause I loved kids I married a woman in 1960. She had two kids and she had just got out the hospital with the youngest one she was eight days old. We stayed together till the two kids were eight and ten years old. And I, I really cared something bout kids. The youngest one we really was close and the oldest one she was a little bit on the mean side so I couldn’t get too close to her. We made till bout eight years of marriage you know and that’s the only thing I hated bout being operated on because I couldn’t have kids.”

“I hear from em’ every now and then the youngest one call me daddy all the time. Me and her were real close and like I say the oldest one were really really as close as me and her sister was. And its been happened to me like I say 63 years agoand its always been in the back of my mind to what’s done happened to me? And I don’t know what else to say other than I wish they would hurry up and do something. I’m 77 years old I aint got much time to live. I’m hopeful I can see something happen. That’s all I got to say, thank you.”

Dr. Laura Gerald, Chair announces the next speaker to be Elaine Riddick.

Ms. Elaine Riddick:

“Thank you. I think I can still say good morning. Good Morning. My name is Elaine Riddick and I am a victim of the Eugenics. I was sterilized at the age of 14. The reasons why the state of North Carolina gave is because I was couldn’t get along well with others in school, I was feable minded, I was promiscuous, and all those nice things. Let me tell you what happened and then I’m gonna let you decide whether I was feable minded, promiscuous, illiterate, or unable to get along with others.”

“First I want you to know about my problem, my problem was environmental. I am not feable minded. I came from a very rural area of North Carolina. I couldn’t get along well with others because I was hungry, I was cold, I was dirty, I was unkept, I was a victim of rape. I was a victim of child abuse and neglect. I was having problems with any environment because everybody wanted to bully me because I was unkept. So that caused a problem with me. Anyway, I promised I wasn’t gonna do this this time. Every time I come I do this because its such going back cause I gotta get this out. Cause I gotta get this out what the state of North Carolina did to me. I am not feable minded. I’ve never been feable minded. They slandered me. They ridiculed and harassed me. They cut me open like I was a hog. When this kid here was born I didn’t even know nothing about this stuff.”

“He had no clue until I got married I was fourteen, I got married at the age of 18 years of age. I tried to have a child when I was nineteen. Prior to that when I was fifteen I kept getting sick, kept falling out, kept hemoragging, bleeding, almost died caused my body was too young for what they did to me. My body was too young for being raped. I wasn’t ready. I had to have a child at the age of fourteen and when I had my son they went in to me, at the same time they

gave me a cicearian birth and took my child and when they did that they sterilized me. What do you think I'm worth? What do you think I'm worth? It doesn't matter what you think I'm worth it's what I think I'm worth. There is nothing that the state of North Carolina can do to justify what they did to me. What they did to these other victims. There's nothing there is not amount a world. I don't live in North Carolina so what kind of healthcare can you give me? I am 57 years of age. I was on Prozac, I was on seraquel, I was on howeldof, I became canatonic. I couldn't deal with this. I had to face life on. I had to face what they did to me. I had to walk around. I became a hermit. I didn't want nobody looking at me because everybody knew what happened to me. That's how I felt inside. My heart bleeds every single day. I'm crushed. What can they do for me?"

"I had to wean myself off of seraquel, prozac, and haldof, whatever else they was giving me. As I said before I became canatonic. I mean they said that I was feable minded. I was a little tiny kid, little tiny kid environmental problems. Seeing my mother face get cut up almost every day throat ear to ear. I seen my mother someone throw acid in my mother's face. And you're saying feable minded? I'm having environmental problems. I've seen my mother they put my mother in jail. Instead of putting my mother in a hospital for treatment the state of North Carolina locked her up in jail and the acid was eating at her brain. You tell me what type of person should I be instead of me? I never got out of the eighth grade. But yet and still I acquired a college degree. I never went into highschool but yet and still I'm labeled feable minded.

"I've never had nobody to take care of me. I've had to do this all by myself. All by myself. I've never had anyone to give me anything. I had to take my own self up. I couldn't dwell on what the state of North Carolina did to me. What am I gonna do for me? But yet and still they say I was feable minded. So what am I worth? The kids that I did not have, could not have, what are they worth? What is my son worth? Thank you."

Dr. Laura Gerald, Chair asks Tony Riddick to approach the podium.

Mr. Tony Riddick:

"First of all I'd like to thank God for this opportunity just to be able to be in your midst because if it were not for the grace of God there is no way that I would be here. It was so close that the timing was so significant that perhaps that if it were just the next pregnancy I wouldn't be able to stand here and speak before you, so I'd like to give God all the honor and praise for this delicate moment. I also like to thank the board for assembling and trying to find ways to compensate what you've deemed the victim." That's an interesting choice of words when you look at the word victim because it suggest that someone has either be harmed or someone has either been killed."

"And you harmed my mother and you killed her womb. So when you look further into it to me it's nothing short of genocide and when you look at genocide quite frankly North Carolina, it's premeditated murder. There's no other way to look at it and when you murder somebody you deserve to be punished. This is just what it is. You deserve to be punished because you took away my mother's ability to do what God asked her to do. He asked her to prolific, be fruitful, go out and multiply and replenish the earth and you took all of that not just away from her, but from

other men and women here in this audience. And you did it for reasons that you knew were wrong.”

“You knew the reasons were wrong but you found ways to justify your wrong. Not just your wrong-your wickedness, cowardliness. You found ways to justify it. You said that they would produce a generation of people of children that would be feeble minded, inept, unable to care for themselves. This is nonsense the justification behind it. The same thing that happened back then, this is what I really wanna say, the same thing that happened back then that happened with my mother and these other wonderful people that we call victims is still happening. This is what’s so mind boggling but it’s happening in other ways. Just let me show you lightly. When people come before you with recommendations you can’t just look at these documents and read read these documents as the gospel. Somebody got to do deeper research.”

“So when the board came to state department or social services and said that they recommended that my mother be sterilized their reasons behind it were wrong. But they brought out their personal intentions to attack my mother and other women they brought out their personal desires and they used the state’s money and the state’s authority to bring this punishment upon my mother and people like my mother. It is no difference than recently what we saw with what happened in Iraq when George Bush said that there were weapons of mass destructions in Iraq and we found out later that they were not. The same thing that happened then we allow to happen. We say that we are a Nation that’s compassionate and concerned about other people and these victims have not been compensated yet. And for my mother its’ been some forty-three years but yet, Libia decides that their gonna go in an uproar and we spend a hundred and ninety-two million dollars in bombs in one day. And my mother’s been sitting here and suffering for forty-three years and nothing has been done. This is sinaster.”

“And I know that I don’t necessarily have the power to bring justice myself but I know that I pray and believe in a God that will not let North Carolina or anybody else do harm to these people and get away with it. God is gonna hold you accountable for this. Even leaders that are in positions of authority today that can influence the decision making, you are gonna be accountable whether you believe in God or not is irrelevant, you are gonna be accountable. The people that were victimized believe in God and because they believe in God God will hold you accountable for what you have done to my mother and these other people that are here. And no I’m not crazy. And no I’m not some wild man. I’m just passionate about what you have do to my mother because I am the child that would walk behind her when she would be bleeding to try to hide her from the public. I saw this.”

“I am the one that had to tolerate the names that my mother was being called. So if you wanna know why I am so passionate about this is because I saw what was done to my mother. I saw the rape that was done to my mother through the state. I constantly see it right now today and for the state, no offense, to come and say look we’ll give you twenty thousand dollars. Now I’m grateful please don’t misunderstand I’m very grateful when people reach out and try to help other people. I think it’s wonderful. But one of the reason why twenty thousand dollars becomes a number is first of all you don’t have any victims on the panel or on the board and victims should be on the board. At least one or two because these great people, these great board members as scholarly as they may be cannot speak to the hurt and pain that was done to these

victims. So I say to you today North Carolina and I say to all of you elected officials, all of you that are sitting here that are just day to day citizens, you have an obligation as humans to challenge injustices wherever they may be.”

“The United States and Libia to some people that may be right. The United States moving throughout the middle East condemning China because what China has done to a lot of their citizenry. To some people that may be right. But I say today the United States we need to turn the eye to North Carolina if only for a little while. And we have to make sure that the victims that are right within our country right within are state today are properly cared for and then further more, any state funded programs that we are privy to understand we have an obligation to challenge these systems. Yes, I’m even talking about the two million people that we have incarcerated in the prison system today. A young man nineteen years old, first time convicted, nonviolent offense, you give him fifteen to twenty years in prison. Now look at what happens, now he can no longer be a father, his mother loses a child, we have to reevaluate these things today man. We have to look at these things differently. We cannot continue to look at these things the way we have historically look at these things. We have to take on the mindset of Martin Luther King as he once said injustice anywhere is a threat to justice everywhere. Thank you for your time.”

Dr. Laura Gerald, Chair announces that Australia Clay and Delores Marks will be speaking together.

Ms. Deloris Marks:

“Good Morning my name is Deloris Marks this is my sister Australia Clay. Excuse me, I have a cold this morning but I am here on behalf of my mother. Her name was Margaret Cheek. When she went into Goldsboro hospital she was sent there by a doctor in Asheboro, North Carolina. Between the ages of twenty-one to twenty around twenty six years old she had five children and her last child my mother became depressed. And she was sent to Goldsboro Hospital because at that time they didn’t know too much about depression. She was sent there. She was put on very strong medications. She was kept there for twelve years. All the time that she was there she was also a victim of electric shock. At that particular time electric shock was experimental. It was also done, may I remind you that there was no anstesia at that time, so all that they did was tie her down, put a device on her head, put a piece of wood in her mouth until they were finished with her.”

“One case that I read about she had electric shock done to her also mind you I think she was a caucasian lady when they finished with her they took her to a room and they put her in ice but my mother never spoke of ice being put on her. All at the same time she was kept there for twelve years at that time the medicine was let up. They also in her records it was stated that she worked on the ward but yet and still they said that she stared, she was distant, and she didn’t understand what was going on around her. So how could they get work out of her unless they let up on the medicine whenever they wanted work out of her? Okay. Whenever they were about ready to sterilize her, which was in 1965, the Christmas before they sterilized her in March they allowed her to come home on one medication. My grandmother stated that she did very well that Christmas. She went back. They said that when she got back she just sat and stared she was not responding at all.”

“As I read the records I could only imagine I did well here at Christmas time at home you know why are you bringing me back? But they sterilized her. They sent her home on one medication. I remember as a little girl she did come home and she did fine. But for those twelve years my mother was kept there until she was sterilized and she did work in that institution. Cherry Hospital for those twelve years. When she came home she was almost forty years old. When she went in she was in her late twenties. And there were four of us children and my sister will explain to you to you what happened and what we went through.”

Ms. Australia Clay:

“I’m like you Ms. Riddick. I say I’m not gone cry. Every time I come but you’re blessed that you weren’t sterilized and you have a son and he can help fight for you now. I see God’s hand in your life. It’s important as Mr. Mills said at our last meeting, and I chimed in behind him, that this never happens again. We have to fight, we have to speak loud and clear that this never happens again. We speak for our mother. Her name was Margaret Cheek as she was a real person. Not a number, not a medical record, she was a real person she was our mother. For all of the victims and families that are here if there’s anyone in this room that is too embarrassed to tell your story. Don’t be, tell it, it needs to be told and you need to tell it all. Share your stories. Don’t be embarrassed because they help others. They are history. It cleanses you. It gives you some closure.”

“Now I don’t know if North Carolina wants to hear this or not but this is North Carolina’s holocaust. We need a wall. We need a library. My mother needs her name and a picture in a library room. She was a little insignificant person to the medical profession but she has spoken louder since all this has happened than she ever spoke in her life because she was a quiet lady. But I too wanna thank the media and everybody else in this room for all that you’re doing to hear this case because we just learned about all this. We just got our mother’s records. We just knew that all this had happened to her. We didn’t even know. Because had I known as a high school student I would have turned over rocks. But I didn’t know it until just recently. We thank you North Carolina for your apology but it’s not enough. We thank you for the twenty thousand dollars that’s not enough. You’re gonna have to look at more. You’re gonna have to dig deep. If you can build a twenty-five million dollar pier that I read about then somebody needs to come up with more money. I don’t care if it comes from the tobacco fund or whose fund it comes from. A tax loop hole as I read about. I don’t care. It needs to come from somewhere.”

“I look at this old, young, black, white, female, male, as young as ten years old. That’s what the history says but whose to say their weren’t some younger. My momma could read, she could think, she loved the children, she taught school in her neighborhood. She was an eleventh grader in her high school so she was not feeble minded. She was not crazy. She was none of the things that people want to say. They want to put labels on her but she was smart enough in her record to say to the people in her hospital there’s nothing wrong with my mind and there’s nothing wrong with a lot of people in this hospital. She stated that so she was smart enough to see that. But she was sick, she was disabled by post partum and depression and that caused her to have a nervous breakdown. She was a victim of domestic abuse and as she was taken to Cherry Hospital she was welcomed because they needed a guinea pig and she was one of them.”

“And every victim that went through any of this victimization was a guinea pig. A science guinea pig and it was bogus medicine bogus science and it was all put under the title it being medically necessary. Some people were told they were going to have appendix removed. Some were told that they were schizophrenic. Some were told that they had alshhymers. Some were told all kinds of things. Some were told they were promiscuous. Anything that they could find to put under the label of feeble mindedness those people were victimized. My father took my mother to the medical to the mental institution and for what I understand he was paid fifty dollars and he was told that she probably would never come out. But twelve years later she did come out. She lived with us we took care of her but we took care of the shell they sent back to us. That’s what we received and that’s what took care of.”

“As little children let me tell you bout our lives. We were from pillar to post. In homes that were dysfunctional. People who didn’t care. But people who knew they could exploit my body and it was exploited. I tell everybody now as I share my story I could be the best prostitute in the world because I was treated that way. But the three of us we bound together and said we’re gonna have a better life. We went to college all three of us. I went to graduate school. I’m retired from Durham Public Schools now. I worked on my master’s degree. I worked on a degree above that. My sister is over the WIC program at Lincoln Community Health Center. My other sister worked at Liggett and Myers for years she did their data processing. Because we were determined that we were gonna be better and we know that somewhere in our DNA my mom planted some of that because she was a strong woman that wanted to be better.”

“When she lived with us she wore beautiful hats. She went to church. She prayed, she read, she journaled, she crow-shayed. She did all those things when she was with us. We had her in adult daycare and I have a newspaper article from that daycare where she was crow-shaying and doing crafts. But she always journaled. I used to wonder why is momma always writing in those notebooks? She was journaling what had happened to her and periodically she would have flashbacks of the electric shock. Yeah she was forty years old but who’s to say she wouldn’t have wanted more children one day. And my mother did love again. She met a man who wined and dined her, took her to the best restaurants, he loved her before he died.”

“When my mother died she had two hundred and forty-eight dollars in an account that she wanted to share with her children. I have her little purse that I kept and it has one dollar and fifty cents in it. When she died that’s what she had in her purse. And I keep that dollar and that fifty cent. But she cared about her children. Victims who are in this room need more. If it was your momma, if it was your daddy and I hear being talking about the women-this happened to men too. And North Carolina you need, and you’re supposed to and by God’s standards you have to compensate victims and their families. Thank you.”

Dr. Laura Gerald, Chair announces Melissa Chapel Hyatt to speak.

Ms. Melissa Hyatt:

“Hello everybody my name is Melissa Hyatt and we’re from Kernersville. I’m representing my father Charles Holt. He’s not really my father. He’s a man I kinda picked to be my father cause my father passed away when I was a little girl. And all of this is very very very emotional and it was very emotional for himself so I wrote a letter and we talked about everything so I’m just gonna read it and I think I sent it up here to this is a copy. And first of all at that time of his procedure Charles, my father, was never informed of anything even afterwards. He was just made to perform the surgery and sent back to the Murdoch Center where he was residing. His parents were the only ones knowledgable about what was taking place and he says his parents never told him anything about it. It was just a surgery that he had to perform and that’s all he understood.”

“Charles wasn’t aware that he may never have a child of his own. I don’t even think he knew what the surgery meant. He was just told he had to have the surgery. Any teenager, who is locked in a facility, the Murdoch Center, would do what they have to leave and be home with his or her siblings. He was told if he had the surgery then he may go home. Nobody explained what the surgery was for, at least not to him and he was legally an adult and eighteen and nineteen.”

“At the age of twenty he met a woman who he fell in love with and became ready to pursue a life with her only to find out at the time he was not able to have children. He went to the doctor and learned that the surgery he had in Murdoch wouldn’t allow him to have children. This made him very disappointed and he became depressed. Now someone had finally explained the effects of the surgery. To make it worse, the woman that he had grown to love left him and made fun of him because he couldn’t have children. With the love of his life leaving that too caused more grief.”

“After grieving over his loss, he moved on and got a job at Brinwood restaurant as a cook. He stayed there until they closed down roughly six years. After working the routine became pretty steady. Came home and started drinking because he was lonely. He was afraid other women would pick on him because he could not have children. Clearly, at twenty-six he was already suffering from this surgery physically and emotionally. And some cases even made him close up to the world.”

“Afterwards he got a job with the City of Highpoint. The new job, new environment, and friendly people there rested his mind a little about the surgery he was starting to move on with his life. He even slacked off of alcohol and maybe drank once every two weeks. He also met some children that were neglected by their father and their mother was struggling to make it on their own. He let the mother and children move in with him and he helped provide for them as well. For the first time in his life he had children that loved him. They may not have been his but he loved them like they were his own. The two children and their mother stayed with him for maybe eight years and until they were able to take care of themselves. Thank you.”

“Still at the same job, he met another woman and she had three children. He remained working hard and spending time with his new children. He cooked for them, he cleaned for us, he still maintained a forty hour week job. Everything was going well until his sister and his

nephew were involved in a fatal car accident killing his nephew and almost taking the life of his sister. At this time, it was just him and two other siblings surviving. His sister lived through the car accident but kept life threatening injuries, He picked up drinking again thinking it would take away his pain. The drinking drove his wife away and the children as well. Thinking he didn't have anything left; his pride was gone that he had built so strong. Therefore he talked to the bottle. He never had anybody to confide in and clearly the Murdoch Center never built a support system or even thought he needed one for any reason what so ever. “

“After his wife left, his sister passed and two years later his brother passed. His drinking became a problem became worse. A couple years down the road he was placed in the hospital himself because of a stroke and that's when he found his liver cancer. Since then, he's been out of work and disability is sending him a check to cover some of his expenses. Summing up what information I collected, it looks like Charles' depression of him not being able to have children lead him to drinking. The children that he did intervene with in life are still around today. That has to say what kind of father he would've been.”

“Being one of those children that Charles raised, I picked him out to be my dad. My dad passed away when I was ten and Charles has always very good to me. He always helped me out as I was growing up. I never knew about his surgery until recently and now I understand his depression. I remember when I graduated fifth grade how proud and emotional he was. I have five children and he is the grandfather. And he loves to do things to make them happy and he loved to see them smile. He also stays in contact with the two children he helped raise when they had nothing. These two ladies can still call him dad.”

“Point is, Charles has the abilities to be a great father and his rights were taken away at an early age in life. I think if he would've had a child of his own a lot of the aloft of his depression wouldn't have let to drinking. For that matter, he may not have been depressed at all. He would've made an awesome father and the child would've had discipline and schooling. He knows how to take care of children. For he always has. He knows how to change diapers, cook, clean and most important-he knows how to love. I sit with him every day and he seems to have so many things on his mind.”

“I hope something like this never happens again to anybody. If that's what we did years ago we should do it to the people that leave their children in dumpsters or the people that kill their children. And some of them have a higher IQ than Charles-and even he knows that's not right. Charles has worked hard all of his life to see those children he does love stay off welfare. There not many paternal fathers out her today that can say that.”

“And I just made a note from his court papers from back when he was in the institution and this was one of the the notes I put on here it says: And whereas, it appears to your petitioner that one it is for the best interest of the mental, moral, and physical improvement of the patient he undergo an operation for sterilization or asexualization; or number two that is for the public good that such patient undergo such operation, or number three that said would be likely to procreate a child or children who would have a tendency to serious physical, mental, or nervous disease or deficiency.”

“I wrote one, two, and three for myself that I see and how I feel. Number one there was a psychological evaluation that looked like either the courts used or maybe even the Murdoch Center used to decide for this procedure. According to the evaluation, Charles was an attractive, neat appearing boy of average physical development. He bears no physical signs of retardation. His speech is of average complexity. There was nothing about his behavior which could be called unusual. The evaluation goes on to talk about his steady relationship with a girlfriend and basically how he is normal. Nothing wrong with him. And after reading the whole evaluation how can anyone it is for your own good? You don’t need to have a baby. You don’t need to experience the wonders of being a parent. Who are they to say?”

“And number two, Charles has always offered his services to the public and at many places where he has worked has ultimate respect for him. For how well he’s done these services whether he was working for the city for thirty years, doing street maintenance, helping the elderly at nursing homes, and manufacturing products in a factory, delivering your daily newspaper, or working in your nearest grocery store. He also has three children and eight grandchildren, that he adopted of course, not legally. People love him. Why was it for the public’s good that he didn’t have children? He helped other women to support their children that he loved. So why was it good for the public that he didn’t have children?”

“And number three, Charles had nothing wrong with him physically. It even says so on his evaluation from October 25th, 1966. His brother and sister had perfectly healthy children. I know it didn’t mean the same back in 1966, but people now with learning disabilities are basically normal people. It may be harder for them to learn some things but overall they are average now in our society and most can do as much as normal people. People with learning disabilities have children all the time now. Who were they to decide the decision of his children? Who were they?”

“There was nothing in his reports that stated Charles, at nineteen, was even told what the surgery meant for his life. Just a simple matter of conversation would have changed the way he felt about this operation. On another note for a form number seven supplement to a page that was used in court papers it says: the effects exhibited by individual which appears to be hereditary in nature and in parenthesis it put Charles is not mentally retarded as are both of his parents. Going back to the psychocological evaluation which was also with these court papers at the time was went these procedures went through. In first paragraph in the second sentence he bears no physical signs of retardation. And after reading the entire evaluation it says he has an IQ of sixty-two and on the Wechsler Adult Intelligence Scale he was placed in the mildly retarded range. It sums it up for him being physically normal but mentally never pursuing in life. In which in deed he did an exceptional job at what he was offered. He took it and made the best out of it.”

“When asked what I consider as a possible settlement for these victims I thought about Darryl Hunt. If you remember Darryl Hunt was an African American man in Winston-Salem, North Carolina who in 1984 was wrongfully convicted of the rape and murder of a young white newspaper editor Debra Sikes but was later exonerated by DNA evidence. This man of the age of nineteen served nineteen and one half years in prison before he was freed. On February 19th, 2007 the City of Winston-Salem settled with Hunt in a lawsuit against the city. Hunt was awarded in a settlement of one million six hundred and fifty thousand dollars. If the state of north

Carolina is admitting guilt of this wrongdoing of sterilization shouldn't these victims be awards a million dollars? These victims are actually living out a life term sentence. Not twenty years behind bars but behind the mental and emotional scars that was placed on these people by no fault of their own."

"I have five children. I'm twenty-eight. It would devastate me if any of my children were taken from me. And in today's world young women have children early age all the time you know. And just in you two situation I really felt like you know, like I was there you know, cause I have five children and I became depressed after my fifth child. And if you would have took me away from my children that would have been the most devastating thing in the world. And for these children to have to grow up without their mother that was just awful-that was really awful. And in Charles' position that's all he's ever wanted was children. He's been so good us. He's been so good to any child that I've ever seen him. He loves a child. He's always wanted to have one of his own. He would have love to have one with my mother-I know that. And that's pretty much all I have to say. There's a lot of things I could say and I shook my head in agreement with everything that's already been said and it's very devastating. It's very devastating. I don't think I could have done it."

Dr. Laura Gerald, Chair announces that Karen Beck.

Ms. Karen Beck:

"My family and I want to thank the Governor for what she's doing for also our state representatives for the efforts that they've put towards this and our current legislature for what they're going to do because I believe this cannot be ignored. And I also wanna thank the Justice for Sterilization Victims Foundation and the people who have really been there, not just as support staff but basically as counselors. My name is Karen Beck and I am here on behalf of my grandmother and great aunt who are now deceased. My family we are speaking for them because they cannot speak for themselves."

"In 1934 two little girls, Dottie Virginia Bates age thirteen and her sister Flossy Jane Bates age fifteen were growing up in Winston-Salem, North Carolina. It was the time of the Great Depression. The girls lived in a dirty and fly infested rental house without a working toilet and only one bedroom in the home. Their mother the only caregiver, led by an abusive alcoholic father, was bed ridden and dying from pellagra-a disease caused by mild nutrition. The girls knew what it was to be cold, dirty, and above all else-to be hungry. Hunger turned them into beggars. After their mother died, *excuse me please*, the case workers split up the family and sent the children into foster care."

"Dottie and Flossy ran away from their temporary homes to be together. *Thank you so much*. The children ran away from their temporary homes to be together. The case workers decide the children posed a social and financial risk and coerced their father into signing sterilization orders for both girls. His non descript 'X' appearing beside someone else's elegant script signature. The oldest girl Flossy escaped from authorities and was raped by a transient man. She was taken to school for unwed girls in Durham, North Carolina where she stayed until giving birth. On September 11th, 1935 after the birth of her only daughter, she was sterilized per Eugenics order. She was lied to and told she was too small to have any additional children. And

she was only about this big. The order to sterilize Flossy was signed none months after the death of their mother.”

“Her sister Dottie was the next target. In 1936 she was told she had appendicitis and needed an operation. Her sterilization surgery was performed just before Christmas per Eugenics order. Dot didn’t learn until many years later after she actually contracted appendicitis that she had been sterilized. She was fifteen at the time of surgery. I’m sure the caseworkers felt justified when they made their recommendations to sterilize Flossy and Dottie. And I’m sure the judge who authorized the procedures would save the tax payers money. And I’m sure that the surgeons that willed the knives into their small bodies believed they were doing the right thing. Indeed, how could any of them be wrong?”

“The law was the law and they were simply following the mandate that was created by the state of North Carolina. So what vial and terrible acts did these children commit that caused the authorities to recommend them for sterilization? What did the case worker say were their mental and physical defects? They said the children were vagrants and today we call them homeless. They called the children beggars. Yes they did because they were hungry. They called my grandmother’s pregnancy illegitimate. She had been raped. They called Molly, the children’s mother, feeble minded. She was dying from pellagra-a body and mind destroying disease caused by mild nutrition. They said the children’s father was a heavy drinker, of low intelligence, and short. Almost the size of a dwarf. Yes, he was small, uneducated, and an alcoholic.”

“One of the case worker’s reported that Dottie liked to wear coveralls and that she hung around with a boy much younger than herself. She reported that Dottie had a hard time playing in group and couldn’t look anyone in the eye. The case worker reported that she’d given Dottie a Bible at her request but had never caught her reading it. Yes, it is true that Dottie wore hand-me-downs. It is also true that she had been kicked enough life to know it was safer to just stay invisible and keep quiet. Did she read her Bible? That’s between her and God.”

“So who were Flossy and Dottie? They were two motherless, grief stricken little girls trying to survive during the Great Depression. They were wards of the state and run-a-ways because running was the only way to get back to family. Dottie and Flossy were just kids. They were people just like you and me and everyone else in this room. They were little girls that would have played mommy if they’d owned dolls and would have gladly eaten home cooked meals instead of scavaged cold biscuits. They were poor people judged unfit to reproduce because of their circumstances.”

“Dottie and Flossy aren’t here anymore. My great aunt died almost fifteen years ago. Her sister and my grandmother, Flossy Bates Wood died July 19th of last year. Six months after the death of her only daughter and our mother. In a way my family is lucky. My grandmother’s ape produced my mother who grew up, fell in love, married my father, and gave birth to four children. We are grandmother’s legacy. We are the future the state tried to take from her and the right they stole from my great aunt and so many others. My grandmother and great aunt were victims of the North Carolina Eugenics Program. For years they lived inside the mirrored walls of shame and guilt erected by this state. But here’s the irony, those walls the state built they don’t reflect on my grandmother or my great aunt. The walls only reflect on the state of North

Carolina. And the people who were violated emotionally and physically whether it was coerced or poorly explained those are also the shame walls built by North Carolina. Can the state fix this problem? Can it go back and mend the bodies they broke and restore all those stolen legacies? No, it can't. But I'll tell you what it can do. It can say it's sorry in a way that's meaningful. It can breach the walls of shame and guilt it erected on itself and it can make restitution. Thank you."

Dr. Laura Gerald, Chair announces Lela Dunston.

Ms. Lela Dunston:

"Good evening everybody." My name is Lela Dunston and I was born in Wilmington, North Carolina. Well at the age of thirteen they gave me I'm a victim of sterilization. They told my mother to have this procedure done to me. I had a son at the early age of thirteen and they told her I was mental disturbed. Well I couldn't see it when I was coming up that I was mental disturbed. They just told her that and my aunt told her say don't you go along with those people they don't know what they doing. They want you to do this to kill her insides so she won't have no more children. But she did it anyway. But I don't know why she did it. I don't know why she did it. But they did it anyway. They gave me that sterilization."

"They told me to sign papers. I didn't sign no papers. I aint never signed the papers. I look back over this thing here that is not my signature on these papers. I told my husband the other day I say you know looking back over this thing here I aint signed these papers. Somebody else signed my name. That aint my hand writing. That aint none of my hand writing. I don't know why they signed them papers. That's that's a bad thing for these people to do. They say I ran around with a knotty head. My aunt took me in and did for me. She called my daddy-he was in ummmmm, this place where he was at where he could send me money every month and have my aunt to take care of my hair. And she would carry me to the beauty shop and get my hair fixed every other week."

"I had clothes. I had the best of clothes. I wore shoes. I weared the penny loafers. Little penny loafers. That's what I used to wear to school and the little skirts, pleated skirts and the matching tops. Blouse, sweaters, whatever, I had it. My aunt did for me. She took care of me. My mom had it was three of us. A son and another daughter my sister she lived in Detroit when she found my mommy was trying to give me away to somebody else she came down and got me and took me back with her and they put me in Old Berry School. Like that lady there say they put me in Old Berry School but when I got there I ran away cause I wasn't planning on staying there. That's what I did. They tried to give me all that medication. Mental medication and stuff. Saying I was I wasn't capable of doing nothing."

"But I went out there when I got old enough I took care of myself. I worked two and three jobs I did work. I took care of my son .I did for him. But they tried to do him I guess. They probably did that to him I don't know cause he can't have no babies. He aint never had none. And I want grandbabies. I can't have no grandbabies. My son cant have muster did it to him too I don't know. I don't know they probably did after I had him. Probably circumcised him. I don't know. You don't what people do to these people now days. But the state need to award us cause we got to carry on."

“I got a husband right now. He looks out for me. He take care of me. He takes care of me. He cooks for me. He helps me cause I’m I got so much of sickness going on in my life. But I thank God I’m still alive so I can get up here to tell my story. They did this to me I didn’t do it. Maybe that’s why I’m sick today. Maybe that’s why I’m sick today. But I need a reward or something or some kind of compensation for all this that they done put me through. I want more children. I wanted them. I wouldn’t have mind having me a daughter. Maybe two. Maybe three. I probably could have had three from my husband now. Three daughters at one time. He was a twin. I probably would have had three twins-triplets or something. Who knows? But they did away with me. I can’t have no babies. But he still with me. And I thank yall.”

Dr. Laura Gerald announces Deborah Chesson.

Ms. Deborah Chesson:

“Hello everyone. My name is Deborah Chesson I am Nial Ramirez’ daughter. I’m gonna read her letter. I Nial Ramirez am not able to be present myself at this time due to my physical condition. My heath does not permit me to travel. However, I am hoping my daughter, Deborah Chesson, will be allowed to represent me. I’m gone suck this up in a minute.”

“I am writing you with hopes that you will understand my pain, hurt, and emptiness I still feel inside. At the young age of seventeen I was pregnant with my daughter Deborah living in a household with my mom and my siblings. My mother was a single mom and times were tough so we were on public assistance just trying to survive. During that time it was common for social workers to visit from time to time. Not often, just pop up on visits to evaluate the household living conditions.”

“I hope you understand that means that came from time to time just to check the household living conditions.”

“One particular social worker discovered I was expecting and all attention went solely on me. The visits from the social worker became very frequent and I began to feel the pressure of the social worker coercing me into something I wasn’t familiar with. I was told I that if I continued to have children the livelihood of my family would suffer greatly. I was told that if I had more children then my family would no longer receive the help of public assistance. The social worker convinced my mom to sign for me to undergo an operation that would prevent me from getting pregnant not knowing all the while I was being set up to be sterilized like I was some type animal. From this unwanted surgery throughout the years I experienced multiple female physical issues. I suffered from chronic urinary tract infections and other unexplained illnesses.”

“In 1973 I got married and my husband and I wanted desperately to have children. It was impossible because later I found out I was never to conceive. You see, I was told when I was operated on that I could have it reversed but I was lied to and butchered. I have been traumatized from this experience.”

‘I was no longer able to have children like God created me to do. My marriage paid a toll because I wasn’t able to give my husband a child. Mentally and physically I suffered. My spirit dies. I no longer felt complete as a human. My daughter was deprived of having a sibling and I was deprived of having a baby. It was inhumane what was done to me.’

“I also want to take this time to thank Representative Larry Womble for all that he did for the victims of sterilization and for me personally. During this whole process of getting the laws changed and all the times we traveled back and forth to North Carolina. Representative Womble took his own personal money and provided transportation so we could make it to every meeting. Ms. Nial Ramirez. Eugenics Board Sterilization victim.”

“I also wrote a letter. My name is Deborah Chesson and I am the only child of Ms. Nial Ramirez. My mother has suffered tremendously at the hands of the North Carolina Eugenics Board. Not only was she harassed and threatened into having the surgery but she was lied to and told this surgery was reversible.”

“The Eugenics board was a group of twelve people similar to yourselves who met and made decisions about human beings like they were test rats in a lab. In today’s time even the rats have someone to speak up for them. There have been laws passed to regulate how animals are treated in the testing of makeup and drugs. There are groups that get so irate if people wear fur because that means an animal was brutally murdered in order for them to wear that fur.”

“So we have all these rights for animals but what has been said to the victims of sterilization? They mean nothing. And this is the things that gets me so much. It’s easy to say well you can’t have children. You don’t have to spend money it takes a whole lot of money to raise children. It’s easy to say that but it wasn’t just the fact that they can’t have children. They had God human rights that were taken away from them. Their bodies were violated with no consent of from them. Had they known this was going to happen to them they wouldn’t have consented or they would have fought harder maybe.”

“What happened was the Eugenics board chose people who were who needed help. Who were in a position they needed help but help would have cost money. Kind of like compensation. When you speak about money now is it easy to say okay now gonna give you medical provisions. Now a lot of them are not coming forward for whatever reason. They’re ashamed of what happened to them or they have passed away already. But when it comes to money its harder to step forward. When it was first when reparations was first to be talked about I believe Representative Womble suggested \$50,000. The legislature the legislation told the victims you are not worth fifty thousand. We will give you twenty thousand. So what you have done, you have done the same thing again that the Eugenics board has done. You have to told my mother that she means nothing.”

“You have told these people that they mean nothing. So you have all these rights for animals but what has been said to the victims of sterilization? They mean nothing. You are nothing. It’s still being said to my mother forty-seven years later seven years later, you are still saying she means nothing. How? Do you ask? When this process started like I said before it started basically with just three people coming forward. It started with John Riley writing that

that article called against their will. It was against their will. This was done to them against their will. It was Representative Womble getting involved and making people aware of what actually happened.”

“It’s easy to make decisions when you don’t have faces of the people who have been victimized. And when we go away and you don’t see our faces anymore because we really don’t look like victims—we are survivors. So when we’re gone are you gonna remember us or are we just gonna be stories. Words on paper easy to make decisions about what we don’t have a right to or what they’re not worth. So like I said the Eugenics board was a committee it was a board just like you. I’m not saying that you’re not that you’re exactly like them but for me until I see action I’m still waiting.”

“Let’s see here, let me skip all of this. Gonna go to the end. So my question to you is how much longer do the victims of sterilization have to wait? Are you gonna be a voice for the victims or against them? It can be difficult to make decisions about people you have never met even if you meet them now they are not the same people when these cruel acts were performed on them. They have become survivors. They no longer look like victims so maybe it makes it harder to visualize the hurt, and emptiness, and helplessness they felt and still feel to some degree.”

“In spite of the hurt the victims of the Eugenics board had to endure. They never the less endured. They became and are still becoming positive influences in society. My mother raised me to finish what I start, respect my elders, that it is okay to love and be loved. She taught me that no matter what was going on in my life she always has my back. I have never been arrested, I don’t do drugs, and I never been on public assistance. I purchased a house and I bought my mother a car and myself one as well. I pay my taxes and I love my family. My mother has everything to do with who I am.”

“My mother was a nurse’s aide before she was injured and had to retire early. But during her time as a nurse’s aide all of her patients loved her. My mother was a hard working single mother who was responsible for putting food on the table and going to PTA meetings and she did that and helped other people raise their children as well. I can’t tell you the number of people the number of children that my mother has helped raise.”

“The Eugenics board of North Carolina and the North Carolina legislature has deemed my mother to be nothing but to me she is everything. She is more than enough. I am just listening to everybody’s story this is a time when they should have received help but instead of helping them you hurt them even more. And through all of that hurt they still survived. They still have people here to represent them. I don’t remember your name sir (directed at Mr. Charles Holt) but you have a daughter she adopted you and you adopted her okay because she saw something in you to love you. Eugenics board were just a people they didn’t know, they didn’t care, they just said this one, this one, this one, this one. But you tore families apart. You hurt people and there is no amount of compensation that can put that hurt back. But tell them, they need to hear now that they are more than they are not nothing—that they are more. That’s all I have to say. Thank you.”

Dr. Laura Gerald announces a ten minute break.

BREAK

Dr. Laura Gerald reconvenes the public hearing and announces Naomi Schenck as the next speaker.

Ms. Naomi Schenck:

“My name is Naomi Schenck. I’m from Lincolnton, North Carolina and I was sterilized in 1948. I was only 17. I had been married and I had a miscarriage and they said they were going to do a local DNC. But, when they got through they had did a hysterectomy on me and I was only 17. My mama had eight children and out of that seven of them had children. I was the only one who didn’t have children because of the way they did me but like I said I was only 17. And I didn’t too much about. I didn’t know what a DNC and I didn’t know what local. I didn’t know none of that stuff.”

“I got married in 47 when I was 16 and this happened when I was just 17. And they... I don’t know it was sort of hard to go all these years and watch all my sisters and my brothers and all my friends have children and I didn’t have any.”

“But, they never explained nothing to me or my husband. He signed the papers for them to do the local DNC. But they didn’t do local DNC. They didn’t do local. They cut. They went inside and cut me. So when I got dismissed from the hospital, the doctor said we saw something we didn’t like. You won’t have anymore children and he turned and walked away. He didn’t explain it to me why I wasn’t going to have children or nothing. But he did do a lot of people that way when I was coming along then. But that’s been since 1948 and I’ve had to live with that.”

“But I wrote Governor Mike Easley when he was Governor and he said he was gonna keep this letter until General Assembly come up with the money and he was gonna you know give me some money for it or something. But, that was in ’08. I haven’t heard from him since. But, that’s what I had to go through with and y’all have a blessed day.”

Dr. Laura Gerald announces Corey Dunn.

Ms. Corey Dunn – Disability Rights NC:

“Good morning. My name is Corey Dunn and I represent Disability Rights North Carolina. We’re a statewide nonprofit legal organization and North Carolina’s federally mandated protection advocacy agency for people with disabilities.

We represent people with all types of disabilities throughout the State of North Carolina and like many of you today, I’ve been moved by the stories of survivors. We routinely encounter clients who’ve been subjected to involuntary sterilization by the State of North Carolina and their stories are compelling.”

“The developmentally disabled woman who underwent a forced hysterectomy possibly as young as the age eight who half a century later has never been able to work because of persistent abdominal pain.”

“The mentally ill man who was castrated, ostensibly to control his violent behavior; but more likely because he was black and he whistled at a white woman.”

“Their stories are compelling. But I’m not the right person to tell them. What I am able to do and add to this conversation is a recognition that some of the victims of the Eugenics Board were in fact mentally, physically disabled, were mentally ill and that many of those people, our clients, are still struggling to get appropriate services inside of our state’s mental health care system. Many are in fact still institutionalized and we work everyday to fix that. Their involuntary sterilization is no less tragic and their human rights no less valuable than others and I hope that that will be kept in mind as you continue your good work.”

“There certainly other issues that we want to discuss. We want to make sure that the public benefits of our clients are protected as the conversation moves forward. We want to maximize access to records so that our clients can use them for purposes other than this Foundation’s work. But most importantly today, I want to thank you for your work thus far and promise to keep working with you as we move forward.”

Dr. Laura Gerald announces Anne Russell.

Ms. Anne Russell:

“I’m from Wilmington. Where’s the other Wilmington person? Hi. Good to see you. We’ll have to talk. I’m here on behalf of David Pridgen, who is the nephew of Margaret Pridgen from Wilmington, who was sterilized. We’re certain, under the excuse of appendicitis. When she was sent to Samarcand Manor Reform School for white girls in 1929 and in 1931 she and 15 of her other fellow teenage inmates who had been there for some years with no never being represented by an attorney, having no rights, never knowing if they’d ever be released, having bed bugs, being beaten bloody and mistreated in the name of helping these girls.”

“And we can document about five sterilizations allegedly appendicitis and probably they were more. At any rate in 1931, someone in here said that she ran away, she got fed up. Yeah, they ran. They got fed up. They couldn’t run away. So, they burned down two buildings there and it became a notorious case and what these teenage girls thought, and I’ll shorten this, but they thought that they were going to be sent home. You know how you think when you’re real young because they’d be too much trouble. They didn’t know it was the death penalty. So, they were charged, these 16 teenage girls with the death penalty and it became a very famous case. And I got interested in it about five years ago and I have a co-author and we’ve written a book about it called ‘The Wayward Girls of Samarcand’ and it’s just been finished and we hope it will be published soon.”

“In doing this book, I went to Samarcand and I discovered all these wonderful artifacts that were in cardboard boxes with dust all over them in corners. Nobody even knew they existed. And I have a doctorate in American studies and I taught history and I care about things

like that. So, I donated two really nice display cases for them to put in their conference room there and they got these artifacts arranged and they look great. Samarcand is to close, I'm told permanently after almost a hundred years, on June 30th and I'm hoping you folks with the archives will for heaven's sake get that stuff because it's invaluable."

"Now I'm going to read what I was sent up here to read. David Pridgen, who is about 50 years old. He owns a floral shop in Wilmington is an incredibly wonderful guy. I started researching Margaret 'cause you can't find these folks. Most of them are dead from 1929 and 1931. This was the only relative we could find who was alive and he was so happy to meet and find out what happen to my aunt Margaret because she had been the black sheep in the family the one who was kind of banished over to the side and never wanted anyone to kinda be around her and you know they kinda talked about her and things like that. But no one ever knew the truth about her. And I try to not cry as I read this. He sent me an email the day before yesterday."

"We shouldn't allow the dead to be forgotten in such a way. No voice can speak thank you for all you've done for my family in rebuilding the story of Margaret Ann Pridgen. Most of all helping her become more than most of us today knew her to be a fool. Today, each of us in my family know she is not a fool but a lady to honor and respect. Knowing all she had to go through with, each of us better understand her pain and why she had to walk the path she took.

We no longer look down at her grave or at her as they did before. We smile saying what a lady, what a girl. She the burned the buildings down. She stood up for herself. She said enough. She was and we love her even more." – David Pridgen, nephew of Margaret Ann Pridgen born 1916, Inmate of Samarcand Reform School for Girls, 1929 to 1931.

"Most likely involuntary sterilized with the label appendicitis, and we got records, never bore a child although she loved children and she wanted a child very much and she used to collect baby clothes in the hope that some day she might have a child. She was married for a few years."

"So, I'm speaking for David, who is speaking for his aunt. And I do want to say this, there are two things I would like to see done which can be done. One is to for heaven's sake, do this archive exhibit for the public to see because it's a lot of stuff you can put in it as you know and the other thing, we have petitioned the governor to pardon these sixteen girls who were convicted in 1931. And these girls, Margaret was sent there because she got in a car with a boy. She was labeled feeble-minded. She was not feeble-minded."

"And her life was a tragedy if you knew the story of her life. These girls, one of them began being raped at the age five by her father. These girls were labeled unfit. And this is why they were put at Samarcand and why a number of them were sterilized involuntarily. Most of them were being told they had appendicitis."

"What the State of North Carolina can do is encourage the Governor to issue the pardon posthumously for these 16 girls who finally stood up for themselves. And so it just really

touches me because I have four daughters and if my daughters had been in that situation I would have wanted them to burn the whole place down.”

“And last, one of the girls named Pearl Stiles was put in jail after this incident and she wrote Governor O. Max Gardner a letter. She quoted Patrick Henry and she said, “Give me liberty or give me death.”

“That’s not a feeble minded girl who knew about Patrick Henry when she’s about fourteen years old. So, he never even gave her an answer to her letter. He never even acknowledged that she had written him. So, I am so grateful that our former Governor and our current Governor are acknowledging what has been done. It’s about time. Thank you so much.”

Dr. Laura Gerald announces Charmaine Fuller Cooper.

Ms. Charmaine Fuller Cooper, Executive Director:

North Carolina Justice for Sterilization Victims Foundation

“Good evening everyone. I am Charmaine Fuller Cooper, Director of the Justice for Sterilization Victims Foundation which was founded last year due to a lot of hard work by our state’s Governor and also by the Representatives in the room, Representative Womble and Representative Parmon.”

“The Foundation is here to assist you. It’s here to assist people who were directly impacted. It’s here to assist people who are the family members and representatives and it’s also here to assist the general public who may have questions.”

“We understand that you are making yourself very vulnerable, that you’re opening up a past chapter in your life and that sometimes it may not be easy and sometimes you want to make sure that you have a trustworthy voice on the other end of the line who’s not going to rush you and who’s going to be patient.”

“So, we know and understand that many of you also have some more questions that you may have for the Foundation after today’s event. We’ll be available after today’s event. But we know that many of you will be speaking with the press and other people in the room. So, we want to invite you to contact our office this week and next week with any questions that you may have and with any information requests that you may have.”

“And we also invite you to also share this information with other people in the community because there are one hundred counties in North Carolina and many people are still unaware that the state had a sterilization program. So, we do have posters available for you outside on the entry tables and we understand that many of you traveled long distances and we need for you to share your stories with people in your community and to make sure if you go to an agency such as social services, the public health department, a local library and you do not see any signage related to the Foundation and the Governor’s efforts, please give us a call. We will send more down to those areas. You’re also welcome to take some with you.”

“Ms. Marks and her sister have done a great job with putting posters up at Lincoln Health Community Center in Durham and they also gave us the idea that there many community health clinics throughout the State of North Carolina. So, we’ve been sending over 3,000 posters to those smaller agencies.”

“I wanted to introduce myself to you because many you have spoken to me on the phone and I thank you for sharing your stories with me and for enlightening my life basically through your stories. And I invite you to encourage others to contact us.”

Ms. Governor Beverly Perdue:

“Good afternoon. I’ve just come in. I was listening to some of the stories on the web this morning. I’m not here in an official capacity. I’m simply here to tell you and that staff up there, Laura and Charmaine, and Representative Womble and Representative Parmon, how important these hearings are.”

“It’s hard for me to accept or to understand or to even try to figure out why these kinds of atrocious acts could have been committed in this country and I’m being told more than thirty states. I find it reprehensible. But, I just came here as a woman, as a mama and as a grandma and as Governor of this state, quite frankly to tell you it’s wrong.”

“And I am proud that we have the courage to be here today. It has to have been oftly hard and had to have been a really hard decision to decide to come and talk about you or your family and to share this with not just the people of North Carolina but America. And to somebody who believes that this state and this country are the greatest places in the world that we can live, these are those stories you hear that make you wonder who in the world was here during those years.”

“The State of North Carolina is a partner with you in trying to bring awareness and to redress, in some way however we may, these horrible ills in our society. Again, I can’t believe that this happened in North Carolina.”

“I’m reading the history now to figure out what the rationale was. You should read some of those.”

“I thank you from the bottom of my heart for being here. Again, the women and men who suffered these kinds of unbelievable indignities, this is not a good day for us. It’s not a happy day for North Carolina. It has to be a very very hard day for you all to sit in this room. God bless and thank you.”

State Representative Larry Womble of Winston-Salem, North Carolina:

“Before the Governor goes we want to say this in her presence and so you all will know that this Governor is a compassionate Governor. This Governor is not only the first female governor but she is a mother herself. We want you to know that this Governor is one that we can talk with and just as important or more important is that this governor will listen. You all may not know that this governor has established this Foundation so we can have this hearing so you can tell your stories.”

“This Governor has also made sure that we have a Director in Charmaine Fuller [Cooper]. This Governor is supportive in making sure that this foundation works and operates and that your story be told.”

“But just as important or more important, this Governor is committed to try to right the wrongs that this state has done on its citizens as little as ten and eleven years old.”

“We want to give this Governor a sign of our appreciation and also for her dedication and her interest in this cause to try to right a wrong.”

“Let’s all stand.”

“Thank you Governor Beverly Perdue. We’ll turn it over to our chair Dr. Laura Gerald.”

Dr. Laura Gerald, Chair:

“Again Governor Perdue, we really appreciate you taking the time to come here this morning and spend some of your time with us. We have heard from already now eleven members and victims who have been affected directly by the decisions of the Eugenics Board. We have had a tough morning as you have said. This has been tough to hear. These have been gut wrenching stories but we’ve taken the time to hear from everyone who came here to speak this morning. We have one more speaker who has indicated that she would like to talk. Governor Perdue, you are welcome to join us in the front if you would like. But, at this time we will hear from Mary English our last speaker.”

Ms. Mary English:

“Hello. I am very honored to here. Not only here, but in the presence of Representative Womble, who I call my knight in shining armor, and my strength Representative Parmon. My Governor because she ran on that ticket and she didn’t let us down.”

“But, I’m also glad to be here because I’m not locked away. Good morning panel. My name is Mary Frances Smith English. I live in Fayetteville, North Carolina and at the grand age of sixteen, I decided during the Vietnam War that the man I was going to marry made the sun come up.”

“I got married, lovely wedding. He went to Vietnam and when he came back he wasn’t as wonderful as I thought he was. Couple of years later, we had two sons. We also had a divorce. I had a daughter.”

“I was going to a very very upscale OB-GYN clinic in Fayetteville, North Carolina. Wonderful clinic. And I was having a lot of female problems. But the new doctor there assured me that he could get me into this program after my daughter was born that I wouldn’t have to worry about any of the birth control that was out.”

“Okay, I’m telling my age. But a lot of you remember when we went to sleep with the front door open and the bedroom windows open. A lot of you remember when the black car

pulled up in front of the house and it was the doctor and he went in, came in and took my temperature, and gave me little pills.”

“I was raised in an era in Fayetteville where I trusted my doctors completely. So, when my doctor said he had a program. I wouldn’t have to worry about anything else, not to worry. He handed me a piece of paper, a hospital form. I signed it. And he said he’d let me know if he could get me into the program and that this would help me cause I wanted to go to college. I had three great kids. I wanted to raise my kids and the moment I found a wonderful young man I could come back and could come back and have this surgery undone and have more kids and have this great life.”

“Well again. I signed it. In other words, I was sold the Cadillac with no engine. I trusted him completely.”

“So, couple years later, three and a half, I got engaged. Wonderful man, loved my kids, loved me. I went back to the same clinic which by the way I had still been attending and told the doctor I was ready to have the surgery undone because I was ready to get remarried. At which point, he leans over his desk and says ‘what’. I said I’m ready to have the surgery undone now. I’m gonna get married. And he laughed. I don’t mean he chuckled. I mean he laughed.”

“And he said, “I don’t know what you’re talking about you’re sterile. You’ll never have anymore children.” So, I told him no, no, no. That’s not the surgery I signed up for. You were supposed to do this. Ugh something and then when you did it, it could be undone when I got ready later on to remarry. And he laughed again.”

“He said “look I don’t know what you’re talking about. You’re sterile.” And I got a little bit loud. You know how we capricorns are and I said no, no, no. That’s not what you told me. And he says, “I don’t care what you think I told you” and he laughed again “but you’re sterile and you’re not gonna have no more kids. You oft to be thankful for the three you got.” And about that time, I was up rearranging certain things on his desk. I must tell you and then I ran out screaming and yelling into the waiting room of the clinic totally hysterical and I told all the ladies in there. I don’t know whatever happened to any of them. But I told them all, “you need to run. I just found out my doctor sterilized me. You all need to run.”

“About this time, the nurses came out. They tried to quiet me. Most of them couldn’t quiet me. But, one or two of them kept saying, “you need to leave now Ms. Bunny. You need to get out. They are calling the cops.” Which I thought was a good idea. But the other nurses didn’t. So, I left.”

“Ugh. My family was quite frankly very little help because they couldn’t believe that something like that had have happened. Ugh. That night when I got home and I told the young man that I found out I was sterilized. Well when he pulled up, I had a two and a half, three carat diamond and I was engaged and when he left I had no ring and I was single again. Well, a couple of weeks later through next couple of weeks, months, I tried to find lawyers that would help. No one would take the case and they all had an amazing, amazing statement. Each and everyone of them. “You need to let this go and forget about it.”

“Second lawyer: “You know you need to just put this behind you and just forget about it.” “And I’m like, no, no, no, no.” Well one night, knock at the door, the two original owners and founders of the upscale clinic and the Fayetteville county sheriff are at the door. So, I told them ‘come on in.’ I’m thinking something’s happened.

“One of the gentlemen tells me that he was sorry about what had happened. That’s not what he established that clinic for. The other gentleman sat there and apologized over and over and over again and both of them said there’s nothing we can do to undo what’s been done. We’re sorry.”

“And then the sheriff says, ‘Well, you know you’re a single woman living here with three little kids. Might as well let it go. You never can tell what will happen. I said, ‘okay’ and they left. Couple of months later, I had my first emotional breakdown. I had no idea there were so many different categories of actually cracking up. But, I had an emotional breakdown. I was hospitalized. I came out, dealt with things. Going to college, kids, moving, getting another apartment, getting a house, the rain, snow, the prices at the grocery store. What I did not deal with was finding out I had been sterilized in ’72. But, I dealt with everything else which meant that, most of you in here if you know anything about the medical profession, you know that means that one night I just lose it and I have another breakdown.”

“After this one, I’d realized I had to do something for me. So I created this little mental closet and I put what had happened in the box and I put the box on the shelf. Went on to college. Raised three fantastic kids. Just don’t tell them. But I do have five marvelous grandkids. But through the whole thing, I would find articles from time to time in papers from Chapel Hill and Wake Forest. But, I could never ever trace who wrote them and then my daughter emailed a friend of mine and the friend of mine came by and said that you need to contact a representative, Larry Womble.”

“So, I called in 2005 and I told him the whole story and then you know what he told me. I was not alone. So from 1976 until 2005, I had been alone. But for the first time, being on that phone, I wasn’t alone anymore. That’s a feeling that nobody should have to go through. What did I learn between 1976 and 2005, I learned about trust. I don’t have that anymore. I learned thank god for the internet. I don’t trust my doctors. I can tell you things honey about my psychiatrist, my analyst, my GP, that you would laugh at. But, as they say, you can find out anything on the internet.”

“Luckily enough right now, I have a health support system in place. They know what I’ve been through and they kinda overlook a lot of stuff. I have a lot of health issues. One of them, I was diagnosed as chronic depression. In other words, thanks to my wonderful doctor, I will never know not been depressed and I’ve got it so good until even some of my friends’ kids can tell you when Ms. Bunny is depressed. I got cable in my bedroom, books in my bedroom. I found a two cup coffee maker that I can keep in my bedroom and I have a phone and a cell phone so other than having to go to the bathroom, why should I leave my bedroom?”

“I go out of the room when I have finally I gotta do it I gotta do it. I go out in the living room. It’s baby steps. And the bad part about it, taking these baby steps is. I’m also a broadcaster, a newscaster. I’ve done TV news. I do volunteer work around Fayetteville. I write. Okay. But it doesn’t make any difference because I’ve put my whole life on whole. You don’t know what it’s like to have a feeling of depression come over you. If you want a sample of it. Go in a hot room and then immediately stick your hand in the freezer. That’s what it’s like. Or cover your ears and then uncover them to a lot of sound.”

“It’s something that hits you suddenly but it stays with you for awhile. And trust me, no matter what pills they ever gave me, they did not work. So, I found out I had to do things on my own. There was a time in the 80s. EE Smith has a reunion every Memorial Day. We all get together. No matter what grade. Mother, father, sister, brother, grandparents meeting there. During one of these events, I was at a friend of mine’s house, the ladies were all in the kitchen. The men were all outside and in the living room and one of the ladies announced that she was about to have a late pregnancy and I said ‘you’re lucky. At least you’re not sterilized.’ And everybody said what do you mean by that. And I said I went over to so and so and so and so cleaned me out. And everybody got quiet. Come to find out once the kitchen door was closed and the lady of the house told her husband ‘don’t come in here.’ There were a lot of people in that room that had attended this wonderful upscale clinic that had had one child that had been intimidated by this same doctor.”

“One woman was told, ‘your mother’s in the church. She’s just going to die if you know. What you need to do is fix it so that this never happens again.’

Another woman was told, ‘you know your brother went to jail and that runs in the family. I can fix that. All you have to do is sign the paper.’ Another girl was told, ‘you trying to go to work. How can you work with a lot of kids?’

“It was pressure. He used it. He ruled it. He worked it. He owned it and he got away with it. The bad part about it is through the years, a lot of these women are dead. I live in Fayetteville, North Carolina and the other women have clearly told me they are not coming forward. They are not going to be embarrassed. They are not going to put their lives in focus or on television or on the Fayetteville Observer’s front page or in front of a group of people that they have never met. And you know what I told them, I see you when I get back because that’s exactly what I’m going to do.”

“I don’t know if the gentleman is alive and I must quite frankly tell you that I’ve been warned twice. I cannot say this. But, I’m just loving saying it. I don’t know if he’s alive today but ask me tomorrow. Because from time to time, I do call him to check to make sure. I mean after all. If I can’t have a child, why should he not get a phone call? Sterilization is wrong on so many levels when it was done like this. You just don’t do it. We’re supposed to be civilized. We’re the United States for god’s sake. This was so wrong. We are going to need health care. You just can’t imagine a lot of medical problems, mental, physical. Teeth. I mean anything because you have taken a part of the body that produces hormones and destroyed it.”

“In my case, I didn’t really find out how badly it was destroyed. I thought I was having them tied. No. He must have been having a darn good day that day. He clipped them and burned them ladies. But he constantly assured me ‘don’t worry. The moment you find a man it can be undone.’ And when I found a man, he thought it was funny. He laughed at me three times, three times in his little doctor’s office and his little white shirt, rocking back and forth laughing. When you go through that, something that traumatic, you don’t get over it. No matter how many times I put it in the box. I still brush against it.”

“My best friend and her husband were going to have a baby. I found out when she was four months because they were scared to tell me. So they had a big family dinner with her mother and her sisters and then her husband comes in and they sit down like somebody’s dying and they’re looking at me. And I’m like what what?”

We got some news to tell you. Martha is going to have a baby. Oh that’s good. That’s great. Are you sure?”

“That’s how being a eugenics ...no, no, no, not victim a eugenics survivor affects other people’s lives. Here is a family about to have a child. They’re not thrilled. They’re more concerned about how I’m going to deal with the news. My son tells me you know three bedrooms. We might need to move some of this stuff. Why? You’re gonna be a grandmother. People worry about how I will take it because they know how it hurts and there’s one trait that runs through all of us. We all love kids. It will be different if we hated them. But, I guess maybe by this happening to us we all love kids.”

“You young man (pointing at Mr. Charles Holt), I wish I would have met you twenty or thirty years ago because I have learned when a man gets the slightest hint you cannot have a child, he could outrun a gazelle on a plane. So, I’m still single. But, with five grandkids I’m not in the mood to even date much less think about marriage. I made a live for myself. I’ve re, re, recreated me so many times. I had to in order to keep my mentally stability and my life and then in 2005 I didn’t have to fight so hard anymore because a voice said to me on the phone, ‘You are not alone.’ And ever since then, I haven’t been. I got a lot of people that are with me. But I’m going to be fighting for medical compensation more than you could ever know.”

Would you like a question? (directed at the Task Force) You can. It’s alright. It’s cool. Go on.

Dr. Laura Gerald, Chair:

“Thank you for your comments. Again, we have heard quite a few stories of both horror and survival here this morning and we appreciate everyone in the room who has taken the time to come out this morning and to draw your attention and pay attention to this issue. But we particularly want to thank those of you again who have been affected most directly by these decisions and the work that we’re doing for what you have done in coming out today to help us put a face to and a story to what we are trying to decide. And of course , we have a lot of things to consider as a Task Force. But nothing will be more informative to our work than what we’ve done and heard from this morning. So, we have heard from everyone who we are aware of who wished to speak. That’s correct?”

Ms. Australia Clay:

“I know that you’re compensating the victims. But, my one concern that I need for you to think about is where is Gamble and where are the pharmaceutical companies who were involved? I think they need to pay some of this too.”

Final Remarks/Adjournment

Dr. Laura Gerald, Chair thanked guests for attending and sharing their stories and reminded victims about the public recorded comment line that is open to July 7th to share their input. She also reminded attendees that the press would be available after the hearing for comments.

The Task Force adjourned the meeting. The next meeting is scheduled for Wednesday, July 13th, 2011 at the same location, the Eaddy Agronomics Building, 4300 Reedy Creek Rd, Raleigh, NC.

<END>

Official Meeting Recorder:

**Dalisha Vickers Johnson, Program Associate
NC Justice for Sterilization Victims Foundation**

**Charmaine Fuller Cooper, Executive Director
NC Justice for Sterilization Victims Foundation**

Respectfully Approved: (unofficial until signed)

Dr. Laura Gerald, Chair

Date

Public Hearing Attendees on following pages

Public Hearing Attendees:

Charmaine Fuller Cooper, Executive Director
Dalisha Vickers Johnson, Program Associate
Tequila Peele, Program Associate
Jill Lucas
Rep. Larry Womble
Karen Klaich
Lamont Middleton
Anne Bander, Chief Operating Officer
Nick Abram
Julius Walker
Cyreeta Hannan
Jakayla Hart
Braina Branch
Lydia Cozart
Kennia Brumby
Joshua Mcloy
Brandon Green
Charles Ander Holt
Janice Carmichael
Denise Solomon
Curtis Phipps
Anne Spears
Tom Bree
Richard Stockdale
Cicero Williams Jr.
James Waddell Moore
Amanda Kramer
Katie Edgerton
Dahlresma Marks-Evans
Lacaya Evans
Rep. Earline Parmon
William Zeke Creech
Katherine A. Slayer
June Michaux, Deputy Secretary
Daren Bakst
Debbi Blake
Dick Lankford
Gretchen Aycock
Don Akin
Rep. Marilyn Avila
Ellen Russell
Meghan Brown
Meghan Melloy
Angella Dunston

NC Justice for Sterilization Victims Foundation
NC Justice for Sterilization Victims Foundation
NC Justice for Sterilization Victims Foundation
Department of Administration
NC House of Representatives
South Central High School

NC Department of Administration
North Carolina Institute Minority Economic Development
North Carolina Institute Minority Economic Development
North Carolina Institute Minority Economic Development
North Carolina Institute Minority Economic Development
North Carolina Institute Minority Economic Development
North Carolina Institute Minority Economic Development
North Carolina Institute Minority Economic Development
North Carolina Institute Minority Economic Development
North Carolina Institute Minority Economic Development

Associated Press

Governor's Office

NC House of Representatives
Department of Administration
UNC Law
Department of Administration
John Locke Foundation
NC Department of Cultural Resources
NC Department of Cultural Resources
Department of Administration
State Center for Health Statistics
Rep. - General Assembly
The Arc of North Carolina
Governor's Office

Governor's Office

Jessica Wagner
Michelle Lanier
Candice Dawkins-McClain
Jamiya McClain
Adam Barrett
Angel G.
Tanya Wilson
Wonda
Randon Pender
Marcelius Braxton
Johnathan Phipps
Imannah Rasheed
Rep. Pat Hurlly
Susan Whitehead
Cutie Williams
Tara Moore
Corey Dunn

DCR – African American Heritage Commission

John Locke Foundation

President, Winston-Salem Black Chamber of Commerce
Center for Civil Rights

NC House of Representatives
NCGA

The Arc
DRNC

Public Hearing Speakers:

Elaine Riddick
Tony Riddick
Willis C. Lynch
Deloris Marks
Australia Clay
Melissa Hyatt
Karen Beck
Lela Dunston
Deborah Chesson
Naomi Schenk
Corey Dunn
Anne Russell
Mary English

Public Hearing Press Attendees:

Tony Gupton	WRAL TV
Keith Bake	WRAL TV
Chris Keimis	WFMY TV
Mark Geary	WFMY TV
Jim Bound	Associate Press
Jessica Pic	Wake Forest University
Brent Richardson	Wake Forest University
Catherine Weiner	Wake Forest University
Loretta Bonity	News 14 Carolina
Randall Pinketa	CBS News Path
Scott Sexton	W Journal
John Railey	WinstonSalem Journal
Chris Peter	CBS
Kelly Cobiella	CBS
Ken Hackney	CBS
Julie Rose	NPR
Gordon D.	Al Jazeera English TV
James Hamilton	Al Jazeera English TV
Allen Breed	Associate Press
Alex Freedom	WNCT_TV 9
Rose Hoban	WUNC
Gurnac Scott	WPTF
Kristen Salooney	AJE
Regina Wang	N&O
Jennifer Calhoun	Fayetteville Observer
Trausfan	Winston Salem
Laura Leslu	WRAL
Jim Krasola	CBS Radio
Liddy	N
Renee Chou	WRAL TV
Terry Cantrell	WRAL TV
Shaniella Sherman	Washington Informer
Adam Kissmick	Independent
Kim	NBC 17 News
Jason Lee	Independent
Jon Camp	WTVD
Valerie Bauerlein	Wall Street Journal
Nick Zelano	WTVD
Ray Unruh	CBS
Katy	Governor Press Office
Tim Ruffin	CBS

Appendix E

The seal of the North Carolina Eugenics Board is a circular emblem. It features a central figure holding a scale of justice, with a sword above it. The words "North Carolina" are arched across the top, and "Sterilization Victims" is arched across the bottom. The word "Justice" is written vertically on the left side.

**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')
Wednesday, July 13, 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*
Director
Demetrius Worley Berry, JD-Attorney
Program Asst.
Dr. Lenwood G. Davis-Historian
Fetzer Mills, JD-Retired Judge
Phoebe Zerwick-Journalist.

Foundation Staff:

Charmaine S. Fuller Cooper,

Dalisha Vickers Johnson,

Tequila Peele, Program Asst.

Recommendations Reviewed at July 13th, 2011 Meeting:

- **Financial Damages for Surviving Victims**
\$60 million damages package to surviving victims averaging at least \$20,000 per survivor
- **Continuation & Expansion Funding to Keep Foundation Open**
Associated cost with providing compensation
- **Tax Exemption on Damages**
Request legislative tax exemption to avoid reducing the amount of damages a survivor receives
- **Permanent Personal Income Tax Exemption in Lieu of Damages**
Permanent personal income tax exemption for survivors in lieu of damages
- **Health Care & Mental Health Care**
Health Care or State Health Plan coverage for survivors
Limit care to health concerns related to sterilization procedures
Mental Health Coverage for survivors
- **Exhibit**
Cost of fixing and maintaining
- **Eugenics Memorial Marker**
Erected on corner in Raleigh in 2009
- **Educational Benefits**
Education benefits for survivors could not be as relevant now as it was when it was first considered in 2003
- **Inclusion of Eugenics History in Department of Public Instruction (DPI) Curriculum**
DPI included eugenics history in current curriculum
- **Access to Records**
Review policies related to accessing records and possible expansion in access
- **Records Maintenance/Database/Digitalization**
Funding will be needed to preserve records and put into a more user friendly format for increased searches

Official Minutes

The Governor's Eugenics Compensation Task Force (Governor's Task Force to Determine the Method of Compensation for Victims of North Carolina's Eugenics Board) convened for its fourth meeting on Wednesday, July 13th, 2011 at 10:00 am. The meeting was held at the NC Department of Agriculture's Eaddy Agronomics Building Conference Room located at 4300 Reedy Creek Road in Raleigh, North Carolina. The Task Force meeting was called to order at 10:11 a.m. by Dr. Laura Gerald, Chair. The meeting was attended by the following individuals: **(Please see last page)**

Dr. Laura Gerald welcomed everyone to the fourth Task Force meeting and reminded members and attendees that this is the first meeting that the task force has the opportunity to discuss possible recommendations amongst themselves. Ms. Charmaine Fuller Cooper, Executive Director of the Justice for Sterilization Victims Foundation shared that a table of

recommendations made by victims and their family members at the June 22nd meeting were featured on page two of the June minutes.

The Task Force agreed to approve the May 25th, 2011 minutes and June 22nd, 2011 minutes later in the meeting. Dr. Gerald goes over the meeting agenda and the brain storming worksheet listed in the Task Force note book. The Task Force realizes that the most difficult decision will be deciding on an actual amount for monetary compensation. Dr. Gerald explores the brainstorming worksheet and address the first point; whether or not the Task Force supports compensation.

The Task Force agrees with recommending compensation. However Dr. Lenwood Davis states the more realistic the figure that is suggested, than the better possibility of the recommendation getting passed with respect to the budget. Ms. Phoebe Zerwick notes that an amount for compensation eventually needs to be discussed and agreed upon. Dr. Gerald agrees and asks for an estimate of living victims. Ms. Fuller Cooper states that in October Don Akin estimated that there were 2,944 living victims. Mr. Akin added that the estimate is probably and overestimate and that the more realistic figure is probably around 1,500 to 2,000.

Dr. Gerald addresses the thought that suggesting a figure that is too low would further victimize members of the Eugenics Program. Although that opinion is noted, any figure recommended would not determine the value of an individual's life. Dr. Gerald asks for Task Force reactions to that statement. Ms. Demetrius Berry states very clearly that the amount recommended by no means is meant to put a value on a victim's life. It is a financial form of an apology. Judge Fetzer Mills agrees with the previous thoughts and adds that it is impossible to place a monetary value on anyone's life. But if the recommended figure is enormous it may be ignored by the people who write the checks. Judge Mills is not sure what amount should be recommended at this moment but the recommended figure should be realistic.

The Task Force calculates possible compensation at \$20,000 for 3,000 victims and determines that the total would be 60 million dollars. Ms. Zerwick expresses that it is her desire to achieve a figure that does not further victimize people.

Dr. Gerald asks who should receive compensation and if it should be limited to just victims themselves. Ms. Berry states that her recommendation may be unpopular; however, compensation should be limited to living survivors only, not their heirs or family members. Judge Mills and Ms. Zerwick agree and state that trying to figure out survivor's heirs or next of kin would be unrealistic. Furthermore, coming up with a figure that would encompasses heirs in a compensation package is not sustainable. Dr. Gerald says that compensating 1,500 to 3,000 living victims at \$20,000 per victims is an estimated packet of 30 to 60 million dollars.

The Task Force brainstorms next on whether or not there should be variations on the amount of compensation that victims receive based on the factors such as age and type of procedure preformed. Ms. Zerwick is the first to speak and believes that the process of compensation should be kept simple due to unclear records and the fact that it would be immoral to pass judgment on what happened in the past. Ms. Berry agrees and states that this process should be kept clear and limited to verified living survivors.

The Task Force next addresses revenue sources for a damages package and if it is within their responsibility to identify possible revenue sources or if this area should be decided by the legislator? Judge Mills responds that this issue will be decided by the legislature and that the funds should come from the general fund of the State of NC and not from a special fund that was created for other purposes (with regard to the tobacco trust fund). The state committed the action and should be held responsible for compensation. However the legislature has the authority and will make the final decision.

Ms. Zerwick not only agrees with Judge Mills, but adds that it would be worthwhile to put a revenue source into the recommendation. Ms. Fuller Cooper mentioned that no previous Task Force has recommended a revenue source. In combination with this Ms. Berry determines that a statute of limitations should be placed on the duration of time that compensation is available to insure that funds are being used and not to penalize victims. Dr. Davis agrees and believes that a statute of limitations will encourage victims to come forth and provide closure to this issue.

The Task Force begins to discuss associated cost with providing compensation (maintaining the office that verifies victims, searching records, maintaining, preserving and digitalizing records, outreach) and agreed that those funds will also need to come from the state. The Foundation will also need to continue addressing guidelines and protocols for efficiency and to prevent fraud. It is determined that the way that victims receive compensation will be the same as the way that victims are verified now. Victims will have to contact the Foundation to ensure that all things are in compliance with HIPPA regulations.

Ms. Fuller Cooper explained that the Foundation cannot contact victims initially not just because of HIPPA regulations but also because records do may not have accurate information such as current addresses, correct legal names as well as Social Security numbers. She adds that some individuals do not desire anyone to know that they were sterilized and that outreach will need to be well funded to ensure maximum reach. She also notes that mailing unrequested information could be a violation of health privacy. She gives the example of a husband opening a wife's mail and finding out that she was sterilized. This scenario could bring other problems. Moreover, some sterilization cases are in conjunction with adoption information and those records are permanently sealed in the State of North Carolina. Ms. Zerwick asks a follow up question with regard to the method in which health insurance companies release information by mail. Ms. Berry states that members receive mail from health insurance agencies as willing participants. Dr. Gerald expresses her concern that some form of outreach is necessary to inform the general public that the State has funds available to victims.

The Task Force continues their discussion about the records in regards to who owns them. Ms. Fuller Cooper enlightens the Task Force on processes of obtaining the Eugenics Board records. She states that the records are owned by the Department of Health and Human Services (DHHS) whereas the Department of Cultural Resources (DCR) maintains those records. But all permission to obtain records goes through DHHS. House Bill 374 has been passed certifying that victim's records are not public record but are public enough so that no one is able to identify the victim.

After a brief pause Ms. Zerwick states that sterilization was a culture; therefore many people were sterilized without informed consent. She wants the general public to understand that this

compensation is only for verified victims of the Eugenics Board Program. Ms. Fuller Cooper testifies to the fact that the Foundation has received phone calls about present day sterilization victims. Those victims are typically referred to the North Carolina Medical Board so that they might receive assistance.

Dr. Gerald highlights the importance of continuing The Foundation because it not only deals with victims of the Eugenics Board Program but also assists other sterilization victims by referring them to the NC Medical Board. Ms. Berry states that keeping The Foundation open the duration that compensation is available should be added into the recommendation and Ms. Zerwick agrees. Dr. Gerald asks Ms. Fuller Cooper for estimates related to continuing the Foundation and if all staffing needs are met. Ms. Fuller Cooper explained that The Foundation has one full time staff member and that the two other members have temporary, time sensitive positions. She states that at the very least the two temporary staffers need to be hired full time and that the Department of Cultural Resources needs staffing and funding as well.

Ms. Berry places importance on the fact that man power is needed to assist victim in receiving compensation and believes that victims should not be forced to wait on compensation due to limited staff. Ms. Zerwick enquires on the length of verification and the verification process. Ms. Fuller Cooper responds that it is dependent upon how many requests are submitted in a month. In a month where there is an average of 5-15 requests it takes about two or three weeks, however if there is a large number of requests it can take anywhere from 30 to 45 days and depends on the amount of staff that Cultural Resources has available.

Dr. Gerald seeks more in-depth information on DHHS's role in the records search. Ms. Fuller Cooper explains that DHHS owns the Eugenics Board records and suggests that Zeke Creech, General Counsel for the Department of Administration, may be better at answering that question in the absence of DHHS' legal counsel or another representative. Mr. Creech explained that Cultural Resources and DHHS have an agreement allowing the Department of Administration (DOA) to access the records even though ownership of the records belongs to DHHS. Dr. Gerald expresses that there seems to be an issue with the idea that proper processes and procedures have yet to be clarified by DHHS with DCR and DOA. The Task Force states that they would like to hear from DHHS at a future meeting.

The Task Force begins discussion on providing a recommendation for more than just monetary compensation. They are considering adding a health component. However the Task Force would need more input from DHHS concerning medical forms of compensation. Judge Mills verbalizes that health care should only be for issues that occurred because of the sterilization and does not think that the legislature will agree with providing blanket health care for issues that the state did not cause and even then health care options should be define. Ms. Berry agrees that health care should have stipulations. Dr. Davis states that many of the victims are eligible for Medicare and notices that a previous commission presented a health care component. The Task Force looks to Ms. Fuller Cooper for more insight.

Ms. Fuller Cooper expressed that a state health access plan was discussed by 2008 house commission regarding victims that are in their early 50's. She noted that the state cannot interfere with Federal medicare regulations regarding healthcare without congressional approval.

Judge Mills began to explore the thought of compensable injuries in court and approximate causes. Ms. Zerwick asks if there is an estimate of the number of victims that would be in the age range below Medicare eligible. Mr. Akin is not sure of the exact number of victims that fall within this range but states that he will supply this information to Task Force. The Task Force deems that this topic will require more research and thought.

The Task Force continues to explore service compensation and enquires about a previous committee's recommendation for a mental health component. Ms. Fuller Cooper is not definite on their reasons for this recommendation and states that this is something that would need the Department of Health and Human Services input on formulating a mental health recommendation. Ms. Zerwick believes that exploring this component is valuable, it could provide counseling. Ms. Berry agrees and thinks that it is the second most important form of compensation.

Ms. Fuller Cooper shared that many victims felt isolated and alone and could not speak with family members about sterilizations. Victims have asked for peer to peer support groups. Dr. Gerald asks if mental health support should be extended to family members. Ms. Berry and Judge Mills express dissatisfaction with extending any compensation to family members. Ms. Zerwick thinks that living victims could have family counseling if that was part of the emotional and psychiatric issues, but still would only be for the victim.

Next the Task Force enquires about the educational benefits recommended by the 2003 commission. Ms. Fuller Cooper speculated that the relevancy for education may have been important to victims ten years ago when reform efforts first began. The Task Force decided that this recommendation no longer has relevance based on the June 22nd meeting where none of the victims mentioned it as a possible form of compensation.

The Task Force does not have a clear recommendation on health care. To add clarity Ms. Zerwick introduces the thought of contacting medical schools, universities and/or schools of counseling in this state to see if they could be involved in counseling since they were involved in the sterilization processes. Dr. Gerald thought Ms. Zerwick was going to speak on ethics. Ms. Fuller Cooper added that the ethics issue has never been taken up in the past although it was mentioned before; it is an area that needs exploration if the Task Force is willing to explore it.

The Task Force begins to confer on general education for the state of North Carolina, the Eugenics exhibit, and the Eugenics Memorial Marker (already implemented). However Ms. Zerwick proposed a report from the John Locke foundation that suggested living victims be given tax exemption on their income tax in addition to payment. Ms. Fuller Cooper stated that this was important because compensation money would be subject to state and federal taxes and receiving compensation may also affect some victims' public benefits. This was the concern that Cory Dunn mentioned from Disability rights (in the June 22nd meeting). Many disabled victims will lose their public benefits if they are not protected.

Ms. Berry stated that a settlement in a personal injury case is not taxable. The compensation should not be subject to taxation but the legislature would need to make that happen. Judge Mills expressed that if compensation is labeled as compensatory damages for a wrong that occurred then maybe it could be viewed as a settlement. Ms. Zerwick wonders that if someone receives a

lump sum settlement will it jeopardize their Social Security benefits. No one is able to give a clear answer. Task Force will need an opinion from DHHS says Dr. Gerald.

Ms Zerwick makes it clear that the Task Force does not want to abridge anyone's public health benefits. Dr. Gerald asks for more information on the John Locke article. Ms. Zerwick affirms that John Locke expressed that victims should not have to pay state income tax because the state wronged them, ergo giving them money is like paying for their own compensation. Dr. Gerald mentioned that some victims do not reside in North Carolina. Ms. Berry rendered that compensation can cross state lines, but benefits cannot. This is not to discourage a recommendation for other benefits but needs to be mentioned.

Ms Berry also submitted the idea that it may be more attractive to the legislature to provide permanent income tax exemption instead of compensation. So instead of paying \$60 million, they are just not collecting any money. Ms. Zerwick states The Locke Foundation was suggesting both. Dr. Gerald expresses that it is possible for the Task Force is to suggest a pool of different options. Ms. Zerwick likes the idea of calling compensation "damages" instead of "compensation" because the word "damages" carries the admission of wrong doing by the state. Dr. Gerald adds that possible tax exemptions for damages can be added to the list and also finding out the implications for benefits as well.

The Task Force reverts back to examining the Eugenics exhibit, inclusion of Eugenics in public schools and ethics training. They inquire the status of the exhibit. Ms. Fuller Cooper states that the exhibit is still stored at the old state records building and will need refurbishment. A rough estimate of the cost associated with updating the exhibit is somewhere around \$15,000 to \$20,000 but an official estimate from Design Dimensions is pending.

Another cost would be transporting and properly handling the exhibit do to its grand statue. Task Force members begin submitting a list of ideas to possibly reduce the cost of the exhibit. Ms. Berry says that instead of having a traveling exhibit make it stationary in a permanent location in Raleigh, perhaps at the legislature. Ms. Zerwick has a number of ideas to get the story out to the public about Eugenics. However, they may be better served for a later meeting. Some of the ideas were: oral stories, history through the website, many economical and creative ideas for school curriculum and ethics training, and that educating the public should not just be limited to the Eugenics exhibit.

Ms. Fuller Cooper expresses that the exhibit has been used for outreach as well as to education to the public. Ms. Zerwick is worried that the exhibit an expensive, cumbersome responsibility. Ms. Fuller Cooper proposes that people who request it can also help fund the cost of moving the exhibit to offset some of the cost. Also the exhibit can be converted into a medium that is easier to move. Dr. Davis states that although it may be easier to make the exhibit stationary, from an historical point, there is concern about people physically seeing the exhibit. By seeing it the public will have a greater appreciation for the exhibit. He thinks all resources and avenues should be exhausted to make sure the exhibit is displayed. He analyzes the thought that some other entity may co-sponsor to help pay for some of its expenses. Ms. Berry thinks that a combination of what she and Ms. Zerwick said can cut down on the exhibit cost; for example putting the exhibit in PowerPoint form on the website so that it can be viewed from the privacy

of one's own home. Ms. Fuller Cooper has already spoken to Cultural Resources about that and they are willing to make the exhibit into an online format.

Ms. Zerwick believes that all the ideas combined will enhance the North Carolina Educational system. Dr. Gerald wonders if pass commissions looked at using corporations who were involved in the Eugenics program to fund some of the educational efforts. Ms. Fuller Cooper affirms that no corporations were mentioned; however they did consider nonprofit organizations and grant money. It was determined that grants are not available for compensation or digitizing records. Ms. Zerwick states that some documentary schools may be interested in expanding this exhibit and making it into more of a digitally accessible kind of work. Dr. Gerald agrees and desires to incorporate other sources of funding from corporations and other groups while we are brainstorming. Ms. Fuller Cooper applauds the Media for being instrumental in outlining corporations' involvement in Eugenics programs as well as the time frame they were involved. The Task Force is informed that the Department of Public Instruction (DPI) has already added Eugenics to curriculum. It is determined that the Task Force will add information that the DPI would like to know regarding their current curriculum and available resources.

The Task Force meeting seems to be drawing to a close therefore Dr. Gerald begins instruction on the process of presenting the preliminary recommendations. She says this: "In terms of process we will summarize things in the meetings to date, and consider forms of compensation, thoughts around mental health and tax status, and summarize concerns around other forms of compensation. Stop short of making a recommendation and given the time frame, we will send a summary of this to the Task Force and allow each person to weigh in on the summary. Then Charmaine and I will submit the preliminary recommendations."

Ms. Fuller Cooper reminds the Task Force that they have not addressed all of the victims' recommendations listed in the June 22nd minutes. The Task Force backtracks as Dr. Gerald reads list of recommendations from public hearing on June 22nd meeting. Task Force realizes that they neglected to address the concern of adding a victim to the Task Force it is noted that the members on the Task Force were appointed by Governor Bev Perdue and they are unsure if they have the ability to expand themselves. Ms. Gretchen Aycock is called upon for clarity and responds "That's within the purview of the Governor."

Another recommendation that was overlooked was the one presented by Corey Dunn that stated "maximize access to records so Disability Rights NC clients can use them for other purposes other than this Foundation's work." Ms. Fuller Cooper suggests that Corey Dunn may need to come before the Task Force to clarify her recommendation. Dr. Gerald determines that the Task Force has addressed all issues that it can at this meeting and begins adjourning the meeting. She gives instructions that the Task Force is to review notes from this brainstorming session, summarize their consensus, and make recommendations. They will indicate areas that need further information, and share information amongst themselves in order to make the preliminary recommendation to the Governor and continue meeting once a month. The Task Force may or may not have an August meeting, contingent upon feedback from the Governor. Dr. Gerald asks Meghan Brown whether the Governor will provide feedback in time for an August meeting or whether a late September meeting is more realistic. Ms. Brown shared that staff will probably provide feedback but she didn't know the timeline.

Ms. Australia Clay (daughter of deceased victim) interjects, stating that she believes the recommendations are incomplete and disagrees with the thought that the descendants of deceased victims not receive compensation. She would like this thought to be placed in the Task Force's recommendation. Ms. Lela Mae Dunston stated her agreement with Ms. Clay's concerns. With that stated, Dr. Gerald begins to adjourn.

Representative Larry Womble asks to make public comments. Dr. Gerald agrees.

****All attempts have been made to accurately and respectfully transcribe the words and language detailed in the following statements to truthfully represent every speaker.****

N.C. State Representative Larry Womble:

“Good afternoon. Eugenics a fancy name for sterilization. I am very compassionate about this issue and have worked on it for 10 years. If I've been involved for 10 years, what do you think about the victims themselves and it is a shame and disgrace what has happened to them. I thank the Task Force for all their work. But at the same time, I cannot be timid about this, I can't be Mille mouthed. I cannot be cute about this because it's not a cute and nice subject. We did to humans what we do to animals, we spade and neuter animals not people. And we did this to children 10 and 11 and 12 years old, they were not criminals, they did nothing wrong. We talk about we are the land the free and the home of the brave and when we do this to children and I'm wondering how sincere we really are.

And whatever term we want to call it to make it seem nice, it is compensation. That's what I've been calling it in my bills and in my legislation. You compensate people for something you've done to them that they do not deserve. And I understand being on a committee and being on a Task Force, I've been on one myself. Some things you may not say and you don't want to say, something you may feel are inappropriate. But when you have those live human beings come before you like they did at the last meeting how in the world can you stand to dismiss them? How do you have victims come forward and speak before you and you don't stand aggressively for them? I don't care how much it hurts the State, the State did it. The State should have to pay for it! I'm here to represent the state of NC and not for anyone to like me. This is horrendous. It almost borders on genocide. We talk about the communist countries, Osama Bin Laden, third world counties. Well we have done things just as bad, if not worse. To children!

I come just a little frustrated when I see people try to skip around it. Dance around it, rather than face an issue for what it is. It's an ungodly thing that we have done to these children. I'm here because right is right and right won't wrong nobody. It is no amount of money that you can give to somebody. But it can't be something that will be a double whammy to them. You're victimizing them again! What is \$10,000? What is \$20,000? What is \$50,000? It is really nothing, that you have destroyed your family. And this was done forcibly, by the welfare department, county departments, and you talking about private rights and citizens rights. They didn't have any rights and if they did you violated them! I'm not talking about you personally on the panel or the staff. I'm talking about the state of North Carolina, the government. And yes I'm talking about the legislature, I serve in the legislature and it's a wrong thing what the legislature did. I'm here to be a voice. If you didn't know something, you should have asked me or the people here, I'm the one that lived it! Ask about the recommendations, I chaired the

committee. And I appreciate Charmaine for bringing herself up to speed up to speed in such a short amount of time.

We gave Darryl Hunt over \$1.5 million for his incarceration and he wasn't even castrated. So if a million is appropriate for people going into jail who were incarcerated, and they proved that they were innocent, what do you think is appropriate for people in prison in their own bodies? Because of what we did to them. Mr. Lynch was castrated.

I'm not here to make it easy for the state. It's a difference between being easy and being right. The state of North Carolina has danced these citizens around for ten years! We come up with money to fund anything we want to fund. We come up with \$25 million for a fishing pier and here you have all these people with their lives hanging in the balance and we want to be nice. We need to be unapologetic, aggressive, and unashamed to fight for these people.

The other thing we want to talk about and the records. They should have access whenever they want them. It's their records, their bodies, you did it to them. But I understand protecting those who don't want their records but for the ones that want them they should have access.

A figure. There is no figure. I started out with \$50,000 per victim in the bill and they said that's too much. The \$20,000 is not what I recommended, it's what they said would be a place holder. This display. I aggressively, I 110% support this display going around North Carolina. How many folks going to come from the mountains and the coast to see this display? Very few. Again you're using the excuse of the cost. I'm not caring about what it costs the state at this time. I care about doing the right thing, and the right thing is to put this display in travel throughout the state. It's not the height of this room either. It's just a little taller than I am, it's an excellent display. Things you see tend to stay with you longer than things you see on a video or read about in a report. Videos can enhance the display but not take its place and it needs to travel around.

We give money to anything we want to do. We can't come up with \$15,000 for a display? Something is wrong.

There other people that I think we need to go after too and if the state is not going to do it. I think we will need to do it. Proctor and Gamble funded this; Hanes Corporation in Winston-Salem funded this. And walk around with Michael Jordan wearing their underwear because they want to improve society.

When you start determining who gets to live, you're playing god. We might want to look at going after these hospitals and corporations. We need to go after organizations as well as hospitals and doctors that did it. Somewhere it's supposed to be to do no harm.

Now if you want to be popular and you want to be well liked this kind of business is not for you. I got in this business of trying to do right.

And it comes a time when you're going to have to stand and speak up and speak out on things such as this. We do it with potholes, garbage, and underdeveloped playgrounds. Not saying they

are not important in their own right. But when you measure it against someone's life, it's not right.

Mr. Lynch, we cut off his legacy, his privacy. There are no more Lynch's on this earth not that can come from him anyway. I want you all to have compassion. Do something. Show compassion. Everybody in here can do something. Let me congratulate the media for keeping this alive. If it had not been for the media, we wouldn't be here today. I'm not worried about the tea party; I'm not worried about Sarah Palin. I'm worried about this today but it doesn't get the national attention because it proves that the government is at fault and the government doesn't want to admit it.

The congratulations go to Gov Easley and Perdue. Easley first to make apology and Perdue was probably advised not to take a stand on this. And she created a foundation to leave no stone unturned. You can't have a complete story, a true story unless you include the good, the bad and the ugly.

I don't care where the money comes from really. The state needs to find out about taking care of these people that it wronged and I need your help. The things that we accomplished have been mainly by me.

Some the things that we have done have been easy, cosmetics. But I get my encouragement from these victims. Do you know how much flack we got about that monument and we had to go to so many different people to get a marker.

This foundation, you didn't happen to be picked. It had to go through a whole lot of work and a whole lot of meetings. And I'm glad you served it but don't throw this opportunity away. Don't be ashamed. Don't be abashed. Don't be malleable. I personally support the compensation going to those survivors or to that estate. When someone dies, it goes to that estate. And we should make it easy for them to get their records and not to put up hurdles. It's not my intention to offend somebody, anybody. But when I see people like Elaine Riddick stand up here and cry her heart out and people like Nial Ramirez whose health is declining. These people are dying. I hate to say it, but they are.

Some people are saying that they are waiting until we die off so that the State won't have any responsibility. All you are doing is making recommendations. But your recommendations need to be powerful, straight-forward, and aggressive. Don't worry about cutting the money. Let them worry about that. Let them find the money. I'm gonna be fighting for them.

Well, where they going to find it from. That's the legislature's job to find it.

I'm going to put in some more bills. They may not get passed. I take a little bit of solace in we have made some baby steps. It took John Conyers 20 years to honor Martin Luther King's birthday, to honor a birthday. I hope it's not 20 years for me, I been working on it 10 years. Sometimes government can be the people's worst enemy.

Thank you people. Thank you state people. Thank everyone. Thank you panel. Thank you Charmaine. Thank Governor Bev Perdue. All my accolades and appreciation go to her. Up in Winston-Salem, before of all people a rotary club, that lady, I have a whole lot of respect for her for standing up. Against insurmountable odds, standing tall.

I look at Mr. Tony Riddick over there and say we tried. But there comes a time when we must stop trying and start implementing.

Thank you again. I appreciate y'all allowing me to make these remarks and as long as you keep meetings open to the public I hope to attend many more of them. I'm glad to be of help to you. I have two bushel baskets in the office right now that some of you don't even know about and the people of North Carolina are calling me asking me for help. I thank you." <end Womble>

Dalresma Marks-Evans:

The next person to stand up is Ms. Dalresma Marks-Evans. She states "My grandmother was a victim of sterilization. My grandmother is deceased. Yet my mother and aunt deal with what happened to her. But guess what my grandmother is a victim too. But you also need to give it to the deceased. She was victimized and to not give her compensation is to say 'so what'. Senator Womble you took a lot of words out of my mouth and I appreciate you fighting for this. But my grandmother is a victim too and I hope you put that into your considerations."

Australia Clay:

"I'm appreciative, other people that are here, I thank you. I hear what you say. And me being a daughter of a deceased victim, I hope that you care. And Senator Womble you did share what we've been whispering across to each other this whole meeting and I don't think you're ready for your preliminary recommendation on August 1st. There's a lot more that should be done. I agree with anybody else it should go to her estate. In your report, I want you to make sure you put in there that we disagree that the living descendants for the victims not be compensated too.

I love the idea of the exhibit but I hate the idea of someone getting \$20,000 and not being able to get that Medicare. \$20,000 is a slap in the face, \$50,000 sound a little better. But you're talking about some body's life. So make sure that is taken care of. I don't care where that money comes from. I don't care if it comes from the tobacco fund. And I still say a Million dollars is not too much. This is the holocaust of North Carolina. It needs to go to the Congress of the United States. Other states were involved too."

Tony Riddick:

"I'll be brief. It's a big burden that you have and it's a huge task but you all are certainly most qualified to handle it. Thanks to the Task Force and thanks to Representative Womble. And I applaud the board. I'm Elaine Riddick's son and she's not here in part because she's not feeling well physically or psychologically. West Germany had to do for Israel that had the Jewish World Congress and the Jewish World Congress went from direction.

What's actually bothering me and you're a board and when you're doing something, you can't worry about whose funding it and whether they are a Republican or a Democratic. And I was here and I heard the victim say \$20,000 is not enough, then why are we considering \$20,000?

We shouldn't be concerned about the impact of our recommendations on the state. We need to deal with the fact that these victims were devastated.

I'm 43. My son came here six years ago, I was 37. Prior to that I thought something was done to me. I thought that something had been done to me. I thought that it was impossible for me to give birth to a child because of what they did to my mother and so did Tony the child of another victim. Look at what this has done to us psychologically. Put yourself in the place of the victims. Thank you."

Katie Edgerton:

"I'm a victim. And once you've been broken. It'll never be the same and it's something you just have to live with, you'll never be the same." *[not a verified victim of the state's Eugenics Board program]*

Lela Mae Dunston:

"I'm a victim and I thank all of y'all. But \$20,000 ain't enough money for my body. For them to take and humiliate and cut me up, ain't no way. Ain't no way, I ain't been right since then. Something about this state here just ain't right. What is North Carolina here doing to their people? It's ridiculous what they're doing. I hope they ain't doing this to little children no more. That's why so many things are happening today because God ain't pleased with it, look at all these storms it's cause God ain't pleased. He ain't pleased and \$20,000 ain't enough for what happen to me and the rest of these victims. It ain't enough for us. Look into your heart and tell somebody that it ain't enough. I have a son here. What is he going to do if I leave today or tomorrow? He ain't got nothing. Ya'll need to look into it."

Final Remarks/Adjournment

Dr. Gerald restates that the Task Force has not and will not make any recommendations until the August 1st deadline. This was the Task Force's first opportunity to digest and brainstorm the ideas that we heard from the previous listing session. She states again that no recommendation has been presented. Ms. Fuller Cooper acknowledged that Sharnese Ransome from DHHS is present in the room and may be useful to answering some questions. In response to Ms. Fuller Cooper, Ms. Ransome nodded her head but did not provide the Task Force with a verbal response. Dr. Gerald expresses to Ms. Ransome that she will be in contact with DHHS with respect to public benefits and with agency needs.

Dr. Gerald acknowledged and signed June 2011 and July 2011 minutes. Meeting was adjourned at 12:33 pm.

**Official Meeting Recorder:
Tequila Peele, Program Associate**

**NC Justice for Sterilization Victims Foundation
Charmaine Fuller Cooper, Executive Director**

Respectfully Approved: (unofficial until signed)

Dr. Laura Gerald, Chair

Date

Meeting Attendees:

Charmaine Fuller Cooper, Executive Director	NC Justice for Sterilization Victims Foundation
Dalisha Vickers Johnson, Program Associate	NC Justice for Sterilization Victims Foundation
Tequila Peele, Program Associate	NC Justice for Sterilization Victims Foundation
Chris Schuessler	Arte TV
R. D.	Arte TV
Australia Clay	Daughter of Victim
Delores Marks	Daughter of Victim
Ann Doss Helms	Charlotte Observer
Andrea Pacetti	New 14
Anne R. Clve	Community Action
Leala Dunston	Victim
Tony Riddick	Son of Victim
Don Akin	State Center of Health Statistics
Jenn Kovaleski	ABC 11
Caitlin Goyner	ABC 11
Renee Elder	Associated Press
William Zeke Creech	Department of Administration
Dahlresma Marks-Evans	Granddaughter of Victim
Lacaya Evans	Great granddaughter of Victim
Narhcja Bond	Student
Katie Edgerton	Victim
Meghan Brown	Governors Office
Catherine McLean	
Darren Bakst	John Locke Foundation
John Calvin Young	John Locke Foundation
Alyssa Marcus	WPTF News
James W. Moore	Son of Victim
Gretchen Aycock	Department of Administration
AJ Donaldson	
Rep. Larry Womble	NC House of Representatives
June Michaux, Deputy Secretary	Department of Administration
Angella Dunston	
Sharnese Ransome	NC Department of Health and Human Services