

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE DRH30016-RDz-4 (12/01)

Short Title: Eugenics Program - Support and Education.

(Public)

Sponsors: Representatives Womble, Sutton, Parmon, and M. Alexander (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

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

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

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

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

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

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

Whereas, over the lifetime of the Eugenics Sterilization Program, approximately 71% of persons sterilized under the Program were classified as "feebleminded," who were predominantly people with intellectual disabilities; 24% were classified as mentally ill; and 5% were classified as epileptic; and



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

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

7 Whereas, the General Assembly urges the citizens of this State to become familiar
8 with the history of the eugenics movement, in the belief that a more educated, enlightened, and
9 tolerant population will reject absolutely any such abhorrent pseudoscientific movement in the
10 future; and

11 Whereas, the Speaker of the House of Representatives, the Honorable Joe Hackney,
12 established the House Select Committee on Compensation for Victims of the Eugenics
13 Sterilization Program to study proposals to compensate persons sterilized under the Program;
14 Now, therefore,

15 The General Assembly of North Carolina enacts:

16 **SECTION 1.(a)** The Department of Health and Human Services shall explore
17 options and develop a proposal for providing behavioral health counseling services to
18 confirmed survivors of the Eugenics Sterilization Program and report its recommendations and
19 legislative proposals to the 2010 Regular Session of the 2009 General Assembly on or before
20 the convening of that session.

21 **SECTION 1.(b)** The Department of Health and Human Services shall immediately
22 create a database of individuals petitioned for sterilization under the Eugenics Sterilization
23 Program. The database shall be developed in four phases, according to a proposal developed by
24 the Department of Health and Human Services in conjunction with the Department of Cultural
25 Resources. Records maintained in the database shall be confidential and shall not be subject to
26 public disclosure pursuant to G.S. 132-6(a).

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

30 **SECTION 1.(c)** The Department of Health and Human Services shall compare the
31 names and identifying information collected by the Office of Minority Health over the course
32 of the past several years with the names and identifying information entered into the
33 verification database, shall determine whether these individuals were, in fact, program
34 participants, and shall notify each person of his or her status as soon as possible. The
35 Department shall report its progress in accomplishing Sections 1(b) and 1(c) to the Joint
36 Legislative Commission on Governmental Operations on or before the convening of the 2010
37 Regular Session of the 2009 General Assembly.

38 **SECTION 1.(d)** The Department of Health and Human Services shall use available
39 funds to conduct an outreach campaign to identify survivors, including at least the issuance of
40 news releases and public service announcements and joint efforts with relevant interest groups
41 and agencies. The Department shall report its progress in this regard to the Joint Legislative
42 Commission on Governmental Operations on or before the convening of the 2010 Regular
43 Session of the 2009 General Assembly.

44 **SECTION 2.** The Department of Cultural Resources shall design and place a
45 historical marker providing information about the North Carolina Eugenics Sterilization
46 Program in an appropriate location in Raleigh. The Department shall report its progress in this
47 regard to the Joint Legislative Commission on Governmental Operations on or before the
48 convening of the 2010 Regular Session of the 2009 General Assembly.

49 **SECTION 3.** The State Board of Education shall include information about the
50 North Carolina Eugenics Sterilization Program in its existing K-12 history curriculum. The
51 Board shall report its progress in this regard to the Joint Legislative Education Oversight

1 Committee on or before the convening of the 2010 Regular Session of the 2009 General
2 Assembly.

3 **SECTION 4.** The Board of Trustees of The University of North Carolina shall
4 direct its students and faculty with the appropriate expertise to conduct interviews with
5 survivors of the Eugenics Sterilization Program to document their experiences to share with
6 future generations. The Board shall report its progress in this regard to the Joint Legislative
7 Education Oversight Committee on or before the convening of the 2010 Regular Session of the
8 2009 General Assembly.

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

12 **SECTION 6.** Subject to the availability of funds, the Department of Cultural
13 Resources shall create digitized copies of all records currently maintained in the State Archives
14 relating to the North Carolina Eugenics Sterilization Program and make these digitized copies
15 available for continued research and review, while maintaining confidentiality of all
16 participants of the Program. The Department shall make every effort to secure philanthropic
17 grant funding to fund preservation of these records.

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