

**Against Their Will:
North Carolina's Eugenics Program & *In re Moore***

Overview

From 1929 to 1977, the State of North Carolina, as part of its state sponsored eugenics program, sterilized over 7,600 people. Advocates of the program believed it presented a way to cleanse society of the mentally handicapped and mentally ill, in that sterilization prevented those considered "unfit" from having children. In this lesson, students will learn about North Carolina's little known eugenics program, as well as explore the constitutionality of state mandated sterilization by reviewing the NC Supreme Court case, *In re Moore*. Students will culminate this lesson by making recommendations on how the state should make amends for the eugenics program's past controversial actions, as well as examine actual consolation recommendations recently made by North Carolina's General Assembly.

Grades

10-11

North Carolina Essential Standards for American History: Founding Principles and Civics & Economics

- FP.C&G.2.7 - Analyze contemporary issues and governmental responses at the local, state, and national levels in terms of how they promote the public interest and/or general welfare (e.g., taxes, immigration, naturalization, civil rights, economic development, annexation, redistricting, zoning, national security, health care, etc.)
- FP.C&G.3.8 - Evaluate the rights of individuals in terms of how well those rights have been upheld by democratic government in the United States.
- FP.C&G.4.5 - Explain the changing perception and interpretation of citizenship and naturalization (e.g., aliens, Interpretations of the 14th amendment, citizenship, patriotism, equal rights under the law, etc.
- FP.C&G.5.2 - Analyze state and federal courts by outlining their jurisdictions and the adversarial nature of the judicial process (e.g., Appellate, Exclusive, Concurrent, Original, types of federal courts, types of state courts, oral argument, courtroom rules, Supreme Court, opinions, Court Docket, Prosecutor/Prosecution, Complaint, Defendant, Plaintiff, hearing, bail, indictment, sentencing Complaint, Defendant, Plaintiff, hearing, bail, indictment, sentencing, appeal, etc.).

North Carolina Essential Standards for American History II

- AH2.H.1.1- Use chronological thinking...
- AH2.H.1.2- Use Historical comprehension...
- AH2.H.1.3- Use historical analysis and interpretation...
- AH2.H.1.4- Use historical research...
- AH2.H.2.1 - Analyze key political, economic, and social turning points since the end of Reconstruction in terms of causes and effects (e.g., conflicts, legislation, elections, innovations, leadership, movements, Supreme Court decisions, etc.).
- AH2.H.2.2 - Evaluate key turning points since the end of Reconstruction in terms of their lasting impact (e.g., conflicts, legislation, elections, innovations, leadership, movements, Supreme Court decisions, etc.).
- AH2.H.4.1 - Analyze the political issues and conflicts that impacted the United States since Reconstruction and the compromises that resulted (e.g., Populism, Progressivism, working conditions and labor unrest, New Deal, Wilmington Race Riots, Eugenics, Civil Rights Movement, Anti-War protests, Watergate, etc.).
- AH2.H.4.3 - Analyze the social and religious conflicts, movements and reforms that impacted the United States since Reconstruction in terms of participants, strategies, opposition, and results (e.g., Prohibition, Social Darwinism, Eugenics, civil rights, anti-war protest, etc.).

Essential Questions

- What is eugenics and during what years did North Carolina operate a state eugenics program?
- What was the role of North Carolina's Eugenics Board/Commission?
- What argument did proponents of eugenics make?
- What were the circumstances and Court's decision in the US Supreme Court case *Buck v. Bell*?
- What were the circumstances and Court's decision in the NC Supreme Court case *In re Moore*?
- How should the State of North Carolina compensate for its past support of the eugenics program today?

Materials

- Lifting the Curtain on a Shameful Era, article attached
- In re Moore: Forced Sterilization, handout attached
- You Are Appointed to the Commission of Eugenics Victims, activity description attached
- State prepares reparations for eugenics victims, article attached
- Additional information: <http://www.journalnow.com/specialreports/againststheirwill/>

Duration

60-90 minutes

Preparation

The study of eugenics and sterilization inherently involves young people discussing sensitive and controversial subject matter. However, such material represents a part of our state's and nation's history that students must learn about. To ensure students are able to respectfully and empathetically discuss such topics, teachers must ensure a foundation of considerate dialogue and tolerance is present in the classroom. For techniques on building such a classroom community, see Carolina K-12's classroom management activities in the Database of K-12 Resources under the "Activities" section.

Procedure

Introduction to Eugenics and Sterilization

1. As a warm-up, display the following sentences where all students can see them (either project them or write them on the board):
 - About 7,600 people were sterilized under the eugenics program, which ran from 1929 until 1977.
 - Advocates of the program wanted a way to cleanse society of the mentally handicapped and mentally ill.
 - Thus, they used sterilization to cure social ills by preventing those considered "unfit" from having children.
2. Ask students to write down a response to the statement in which they hypothesize what exactly the passage is referring to, what the program being described entailed and where it took place. After students have had a few minutes to free write in silence, allow them to share their thoughts and further discuss:
 - What type of program is this statement referring to? What do you think eugenics is? What is sterilization?
 - Why was the eugenics program started and sterilization used, according to this passage?
 - Why do you think they chose to sterilize the "mentally handicapped and mentally ill" in particular?
 - Where do you think this program was implemented?
 - What questions do you have?
3. It is likely that some students will connect the passage to Hitler and the Holocaust. However, explain that in actuality, the program being described operated in North Carolina, and similar programs operated in many American states. It is likely that students will be surprised by this. Give students some background information on eugenics and sterilization, allowing students to ask questions and posing discussion

questions for reflection. Remind students of the importance of treating this history respectfully, since this affected many lives here in our state and beyond. Facts to share:

- Officially, eugenics is classified as “the study of hereditary improvement of the human race by controlled selective breeding; a science that deals with the improvement (as by control of human mating) of hereditary qualities of a race or breed.”
- Eugenics originated in England in the late 19th Century. Sir Francis Galton, who was the cousin of Charles Darwin, published *Hereditary Genius* in 1869, in which he presented evidence that talent is an inherited characteristic. The first cases of the acceptance and application of eugenics were in the United States. American eugenics based programs included selective immigration and enforced sterilization of those defined as intellectually and mentally handicapped.
- Illinois was the first state to offer a eugenics program in 1907 as social reformers advocated for a way to cleanse society of the mentally handicapped and mentally ill. More than 30 states had sterilization programs at some point.
- In 1927, the issue of forced sterilization went before the US Supreme Court in *Buck v. Bell*. In this case, the US Supreme Court said that it was constitutional for the state of Virginia to involuntarily sterilize Carrie Buck and her infant daughter, Vivian. Carrie was 18 years old at the time but the state claimed that she had a mental age of 9 and that her mother and infant daughter were also mentally retarded. The case is particularly controversial because many scholars believe that neither Carrie nor Vivian were actually mentally retarded; they believe instead that Carrie was sterilized because she had Vivian at a young age out of wedlock. Throughout the history of eugenics in the United States, there have been similar stories in NC of people being wrongly sterilized because they were considered “promiscuous.” There have also been stories of people being wrongly sterilized because of racism.
- Eugenics was widely discredited after it was adopted by Nazi Germany and taken to extremes; thus, many states ended their sterilization programs after World War II.
- North Carolina however expanded the practice after 1945, moving ahead aggressively after the war. In fact, about 80 percent of procedures in North Carolina took place after 1945 and the program grew to be the third largest in the nation, behind only California and Virginia.
- For most of the years it was practiced, forced sterilization in North Carolina was overseen and promoted by a state Eugenics Commission, a panel of five people. Members of the commission were appointed by the governor and included the director of the Division of Social and Rehabilitative Services of the DHR, the director of Health Services, the chief medical officer of a state institution for the feeble-minded or insane, the chief medical officer of the DHR in the area of mental health services, and the state attorney general. In 1974 the legislature transferred to the judicial system the responsibility for any sterilization proceedings against persons suffering from mental illness or mental retardation.
- The board sterilized about 7,600 people, many of them against their will, between 1929 and 1974, in an attempt to remove mental illness and "social misbehavior" from the gene pool. Among the victims were 2,000 young people, some as young as ten years old. In its later years, a disproportionate number of African Americans were sterilized. Most of those sterilized in the 1960s were poor black women.
- About 90 percent of sterilization petitions presented to the eugenics board were approved, and most cases were decided in less than 15 minutes.
- The Eugenics Commission was formally abolished by the legislature in 1977.

“Lifting the Curtain on a Shameful Era”

4. Give students the attached article, “Lifting the Curtain on a Shameful Era,” and have students read it individually, in partners, or in small reading groups. As they read, tell students to keep a list of reflective thoughts, responding to:
 - What surprised you as you read?
 - What did you agree with? What did you disagree with?
 - What emotions are you left feeling?
 - What questions do you have?

If students are reading in partners or small groups, they can also share these thoughts with one another upon finishing the reading. Once all students have finished reading, discuss:

- How many of you had heard about eugenics and/or sterilization before today? How many of you knew it was something sponsored by our state government? Why do you think most people are unaware of this piece of our state's history?
- The article notes that many of the state records concerning eugenics are unavailable for review. Why do you think this is the case?
- Based on the article, what was the decision process like for the State Eugenics Board?
- For what reasons was a person to be sterilized?
- For what reasons does history show people were actually sterilized?
- The State Eugenics Board would defend some of their sterilization decisions for youth claiming that they were given consent from a parent guardian. Do you think such consent makes the decision right? (Discuss with students how often consent would be coerced, or given by someone who was not completely aware of what they were consenting to. Teachers may also want to introduce a discussion concerning Due Process.)
- Based on the statistics of who was sterilized during the program's existence, do you feel the decision making process was a fair and/or constitutional one? (Teachers may want to introduce discussion of historical perspective, reminding students what was taking place during the various time periods the program was in operation – i.e. Jim Crow era, segregation, racism, sexism, etc. followed by the Women's Liberation Movement and the Civil Rights Movement.)
- What "misguided" premise was the eugenics movement based upon?
- Should the government have the right to sterilize people for reasons they see fit? (Discuss with students how the given reason for sterilization was to ensure people who were "feebleminded" or "mentally retarded" didn't have children who they would not be able to care for, or who might also be born mentally deficient and unable to take care of themselves. However, when making a determination like this, where does one draw the line? Should the government be able to sterilize people with physical disabilities? People with genetic diseases? People who are drug addicts, criminals, or poor?)
- The practice of forced sterilization was still occurring fairly recently, less than 35 years ago. Your parents were likely alive when this was taking place. How do you think it is possible that such a program existed and was legal?
- What do you imagine it took to get the State of North Carolina to do away with the eugenics program? (Discuss with students how it is important that citizens be engaged, know what their government is supporting, and express their opinions.)

➤ **Teacher Note:** If time does not permit, teachers can verbally share the information from the article and have students go straight into examining *In re Moore*. However, the article will be beneficial in encouraging students to see all sides of the case when reviewing it.

The NC Supreme Court Addresses Sterilization: *In re Moore*

5. Tell students they are going to examine a 1976 NC Supreme Court case involving sterilization, *In re Moore*. Hand out the attached *In re Moore* and instruct students to read (individually or in partners) and answer the questions that follow. Tell students to underline any sentences in the text they find surprising and to write down any questions that come up in the margins. Once students have finished reading and responding to the questions, go over their thoughts and responses as a class. Finally, have students share their thoughts on how they believe the NC Supreme Court ruled regarding Moore's appeal. After students have discussed, share the Court's decision:
 - The North Carolina Supreme Court overruled the lower court decision and held that the State *could* constitutionally sterilize Moore. In reaching its conclusion, the court decided that Moore's constitutional right to reproduce was outweighed by the State's interest in sterilizing Moore to protect the welfare of his unborn children, society and Moore himself.

- Do you agree with the decision of the lower courts (sterilization is unconstitutional) or with the decision of the NC Supreme Court (sterilization is constitutional)? Explain. (Teachers can have students respond to this question in class discussion or in writing.)
- Moore's attorney argued that it was unconstitutional to sterilize him and noted the Due Process clause as evidence. Do you think this is a sound argument? Explain. Are there additional arguments that could be made against forced sterilization?
- If this same case were before the NC Supreme Court today, do you think the Court would have ruled the same way? Why or why not? (Discuss with students that while courts can provide good outcomes - like *Brown v. Board of Education* - they can also rationalize evil, such as forced sterilization in *In Re Moore*.)

The Victims of Eugenics

6. Remind students once more that there are many victims living today who were involuntary sterilized as part of North Carolina's eugenics program. Yet, most of North Carolina's citizens know nothing of this history and as of 2002, nothing had been done by our state's government to address this past, or victims and their families, in any way.
7. Place students into small groups and tell them that their job is to determine what should be done by the state to compensate for these past wrongs. Pass out the attached activity, *You Are Appointed to the Commission of Eugenics Victims*, and go over the details with students. Let them know how much time they have to prepare and when they should be ready to present to the class (who will assume the role of the General Assembly as each group presents). Students may make recommendations such as: repeal the law, have the Governor issue a formal apology, prepare a curriculum to teach in the schools so that people know about what happened, create a monument or memorial, establish a fund for victims and victim families, issue state reparations, create a museum commemorating the events, etc.
8. Before students present to the General Assembly (remainder of class) go over respectful audience member expectations and remind students that after each presentation, they can ask questions of the group (questions should be answered by the Responder.) Once all groups have presented, the teacher may want to call for the class to vote on the best recommendations made.
9. Finally, let students know that recently, North Carolina did actually begin working to acknowledge the past wrongs of the eugenics program. Share with students:
 - In April 2003, North Carolina officially repealed its sterilization law.
 - Before repealing the law, Governor Mike Easley stated in 2002, "To the victims and families of this regrettable episode in North Carolina's past, I extend my sincere apologies and want to assure them that we will not forget what they have endured."
 - The General Assembly also determined that victims of the State's forced sterilization program should receive treatment for the mental and physical ills left by their sterilizations, that the story of this program should be put in public-school textbooks, and that a monument should be dedicated to the victims — so that the terrible mistakes of this program will never be repeated.
 - Legislation was proposed in 2005 that would give reparations to people who were sterilized under the North Carolina eugenics program. Sponsored by Representative Larry Womble, a Winston-Salem Democrat, the proposed bill would award \$20,000 in reparations to each surviving victim of sterilization. "To apologize and then not extend some type of compensation, I think, would be just as much a slap in the face," Earl Jones, a Greensboro Democrat and one of the bill's authors.
 - However, as of January 2009, the bill was in jeopardy due to the state's troubled economy. Legislators said they were reluctant to commit \$18 million of the state budget this year toward giving \$20,000 to each of the 2,800 victims of the forced sterilization program. House speaker Joe Hackney said "I thought the recommendations were reasonable, thoughtful. And I hope we can do it ... I don't know whether we can do the entire financial part in a year like this or not."

- A task force on the issue appointed by Gov. Bev Perdue published a final report Jan. 27, 2012 that recommended compensation of \$50,000, mental health services and other educational measures to surviving victims. The state legislature will likely consider the report's suggestions in May.
- State officials noted that the main priority for the state at the moment is the search and confirmation of living victims, estimated to be almost 1,500 to 2,000 individuals. The North Carolina Justice for Sterilization Victims Foundation, a division of the state Department of Administration, announced March 19 that it had officially confirmed 111 cases of forced sterilization in the state.
 - See the attached article, *State prepares reparations for eugenics victims* for additional information or to assign as a homework reading.

Discuss:

- Why do you think North Carolina did not repeal the law until recently (2003)? Do you agree with the repeal?
 - Why do you think no governor publically acknowledged or apologized for the eugenics program until 2002? How do you feel about the fact that Mike Easley finally apologized? Is an apology worth anything in a situation like this? Explain.
 - Do you agree or disagree with Earl Jones' comment that an apology without compensation is like a "slap in the face?" Explain.
 - Why do you think the General Assembly made the recommendations that it made? Which do you think will be most effective in making up for the past?
 - What is your opinion of monetary reparations being awarded to surviving victims? What have the victims possibly lost out on throughout the years? Can money make amends for these losses? Explain.
10. As a closing reflection, display the following quote and tell students to write how the quote connects to what they learned in this lesson:

"History, despite its wrenching pain,
 Cannot be unlived, and if faced
 With courage, need not be lived again.
 ~Maya Angelou

Lifting the Curtain On a Shameful Era

by Kevin Begos, Winston Salem Journal

I don't want it. I don't approve of it, sir. I don't want a sterilize operation.... Let me go home, see if I get along all right. Have mercy on me and let me do that.

— A woman pleading with the eugenics board, 1945.

They were wives and daughters. Sisters. Unwed mothers. Children. Even a 10-year-old boy. Some were blind or mentally retarded. Toward the end they were mostly black and poor. North Carolina sterilized them all, more than 7,600 people.

For more than 40 years North Carolina ran one of the nation's largest and most aggressive sterilization programs. It expanded after World War II, even as most other states pulled back in light of the horrors of Hitler's Germany.

Contrary to common belief, many of the thousands marked for sterilization were ordinary citizens, many of them young women guilty of nothing worse than engaging in premarital sex.

The sterilization program ended in 1974, but its legacy will not go away. Many of its victims are still alive and they bear witness to a bureaucracy that trampled on the rights of the poor and the powerless.

The state program was run by the Eugenics Board of North Carolina, a panel of five bureaucrats who usually decided cases in a few minutes. It was inspired by the eugenics movement, which made exaggerated claims that mental illness, genetic defects and social ills could be eliminated by sterilization. The system granted excessive power to welfare workers, browbeat women into being sterilized and had ineffective safeguards.

"They don't want to hear how I feel, or what's going on in my mind. You're pregnant — you need to get sterilization," said Nial Cox Ramirez, recalling her sterilization in 1965 after having one out-of-wedlock child. "And they had the nerve to tell me, 'That's what's best for you,'" she said recently.

North Carolina sealed most records of the eugenics board and until recently few details were known about how the board operated, or the nature of cases it handled. The *Winston-Salem Journal* obtained and examined thousands of these documents. It found that:

- More than 2,000 people ages 18 and younger were sterilized in many questionable cases, including a 10-year-old boy. Children were sterilized over the objections of their parents, and the consent process was often a sham.
- The program had been racially balanced in the early years, but by the late 1960s more than 60 percent of those sterilized were black, and 99 percent were female.
- Doctors performed sterilizations without authorization and the eugenics board backdated approval. Forsyth County engaged in an illegal sterilization campaign beyond the state program.
- Major eugenics research at Wake Forest University was paid for by a patron whose long history of ties to science had a racial agenda that included a visit to a 1935 Nazi eugenics conference and extensive efforts to overturn key civil-rights legislation.

North Carolina's eugenics law, passed in 1929 and rewritten in 1933, allowed sterilizations for three reasons — epilepsy, sickness and feeble-mindedness. But the board almost routinely violated the spirit, if not the letter, of the law by passing judgment on many other things, from promiscuity to homosexuality.

Though more than 30 states had eugenic sterilization programs, North Carolina's record of dramatically expanding the program after 1945 and targeting blacks in the general population was different from most.

The eugenics board's files provide an answer to what happened in North Carolina, said Johanna Schoen, an assistant professor of women's history at the University of Iowa who gave the *Journal* access to a set of 7,000 records that she was allowed to copy more than 10 years ago. Since that time, the N.C. State Archives has declined other requests, and the records are officially closed to the public. The *Journal* has honored the medical confidentiality of the records.

“This view that we often have of sterilization — and particularly eugenic sterilization — of just being this evil thing that the state does got extremely complicated once I was confronted with these individual stories,” said Schoen. “There are stories of the state doing incredible evil, and then there are stories of women who really want the sterilization, and then there are stories of women and men who are so mentally ill that they really are totally unable to take care of children ... there are no other solutions,” said Schoen, who has a book on the history of birth control and sterilization forthcoming from the University of North Carolina Press.

The program may have been complex, she said, but one thing is clear. “I think the problem is that there are cases where sterilization was the solution — but sterilization authorized by the eugenics board is never the solution,” she said. “The very premise that the state had the right to do this was flawed.”

For decades there was little public debate over the program, and it went on operating so quietly that few public officials looked into what the board was doing. Chris Coley of Raleigh was a staff lawyer with the N.C. attorney general's office in the early 1960s. He attended eugenics board meetings with few reservations. “But later on in life, reflecting back on what I was doing, I was a little bit shocked that there was such a procedure.”

Those who were swept up in the program suffered through the state's flawed premise.

The eugenics movement claimed that human traits such as intelligence, sexuality and criminality were determined almost entirely by genes, or “good blood.”

“It was misguided to assume that all behavior is directly the result of a gene,” Kevles said. “There are a large number of these things that are multigenetic if they are genetic at all, and it was evident that was the case by the 1920s.”

The idea flourished, said Lombardo of the University of Virginia, because it suggested that science could provide a simple solution to complex medical and social problems that have been a part of human existence since the dawn of civilization. Eliminate the “bad” genes from the population, and future generations would flourish, the eugenics movement claimed — a rallying cry that helped inspire Hitler's idea of a master race. “It's hopeful, which is why it was so popular. That was the seductive part of it,” Lombardo said.

Earlier this year, Virginia became the first state to issue a statement of regret for its sterilization program. The governor of Oregon apologized for a similar program last week. California led the nation with more than 21,000 sterilizations; Virginia was second with about 8,000, and North Carolina third. Many other states that had sterilization programs have lost the records or, in the case of Oregon, destroyed some of them.

The eugenics movement had so many scientific, medical and legal flaws, Lombardo said, that the idea of denying all access to the material is wrong. “It does seem clear to me that when the procedures weren't appropriately followed, and people either couldn't understand or didn't know they were being sterilized, states do have an obligation to admit the truth,” he said.

There were warnings from scientists and religious leaders when the program was in its infancy, but North Carolina ignored them.

Source: <http://www.journalnow.com/specialreports/againsttheirwill/>

Name: _____

In re Moore: Forced Sterilization

North Carolina Supreme Court, 1976

“Three generations of imbeciles are enough.” - Justice Oliver Wendell Holmes
Justice Holmes made this comment in the 1927 U.S. Supreme Court decision Buck v. Bell, upholding Virginia’s authority to involuntarily sterilize an allegedly mentally retarded woman and her daughter.

The Facts

In 1975, the Director of the Forsyth County Department of Social Services asked the court to authorize the sterilization of Joseph Lee Moore, a minor. Moore had an IQ of 40, which is considered moderately retarded.¹ Moore’s mother, Dora, consented to the sterilization. A Guardian Ad Litem² and an attorney, acting on Joseph’s behalf, objected to the sterilization, arguing that the North Carolina law that authorized the involuntarily sterilization of mentally retarded people was unconstitutional. The lower courts agreed that the law was unconstitutional and said that Joseph therefore should not be sterilized. An appeal to the North Carolina Supreme Court followed.

Respondent’s Argument (Joseph Moore): Challenging North Carolina’s sterilization law

Moore, the respondent, argued that all Americans have a fundamental right to procreate under the Due Process Clauses of the United States Constitution and the North Carolina Constitution, and that it was unconstitutional for the government to forcibly sterilize him and decide that he would never reproduce.

Petitioner’s Argument (The State of North Carolina): Arguing in favor of sterilization

The State of North Carolina, the petitioner, countered that although Americans do have a constitutional right to decide whether to have children, that right is outweighed by the combination of three government interests in favor of sterilizing mentally retarded people: 1) protecting the welfare of the unborn child; 2) protecting the welfare of all citizens of the world; and 3) protecting the welfare of the mentally retarded person himself.

The first of the three government interests — protecting the welfare of the unborn child — included two parts. First, the State argued that the government protected unborn children by preventing them from being born when there was a chance that the child would inherit the parent’s mental retardation. Second, the State argued that it saved unborn children from the burden of having parents who were unable to provide a proper environment because of the parent’s own mental retardation.

The second government interest — protecting the welfare of the all citizens of the world — was first articulated in 1927 by the United States Supreme Court in a similar case called Buck v. Bell. In that case, the Court wrote, “It is better for all the world, if instead of waiting to execute degenerate offspring for crime, or to let them starve for their imbecility, society can prevent those who are manifestly unfit from continuing their kind.” In other words, North Carolina feared that the children of mentally retarded persons would burden society by growing up to become criminals (if they didn’t starve to death first). In addition to the concerns articulated by the Court in Buck v. Bell, North Carolina also worried that the children would impose a burden on the state because their mentally retarded parents would be unable to care for them and would need state assistance.

Finally, the third government interest — protecting the welfare of the mentally retarded individual — asserts that the mentally retarded individual is incapable of doing what is in his own best interest, and he therefore needs the government to help him. As the State argued, the mentally retarded individual may not understand that he would be an unfit parent, and therefore he might foolishly decide to have a child, and only later realize that he had made a mistake. By sterilizing Moore, the State could prevent him from making the

¹ An average IQ score is 100. Greater than 144 is genius level and less than 70 is considered mentally retarded.

² A guardian ad litem is a person appointed by the court to represent the interests of a minor or a mentally disabled person in court.

mistake in the first place. In support of this argument, the State pointed out that Moore's mother also agreed that Moore would benefit from sterilization.

Summary of NC Law on Sterilization

For much of the 20th century, North Carolina had a law entitled "Sterilization of Persons Mentally Ill or Retarded." This law said that the State could sterilize a mentally ill or mentally retarded person against his or her will if the State could show that the person probably would either: 1) produce a seriously mentally ill or mentally retarded child or 2) be unable to care for a child. After thousands of people were involuntarily sterilized under this law, it was finally repealed in 2003.

Think About It

1. In your opinion, is it ever moral and/or constitutional to sterilize a person against their will? Explain.
2. Why did the State of North Carolina want to sterilize Moore? Do you think that the State's interests in sterilizing Moore outweighed his right to reproduce? Why or why not?
3. Should the State of North Carolina have the right to decide what is in the best interest of an unborn child or a mentally retarded individual? Why or why not?
4. Do you believe the State's argument that the children of those who are mentally retarded will grow up to be criminals is valid? Why or why not? What counter argument might you wage against this idea?
5. The State of North Carolina argued that sterilization of mentally retarded people was necessary to protect the welfare of the unborn child, society and/or the sterilized individual. However, what alternative reasons for sterilization may actually be involved in such decisions?
6. What argument in favor of sterilization was made in the 1927 United States Supreme Court case Buck v. Bell?
7. **NC Supreme Court's Decision:**

Based on what you have read, how do you predict the Supreme Court of North Carolina ruled in this case? Explain.

You are Appointed to the *Commission of Eugenics Victims*

Although approximately 7,600 people were sterilized under North Carolina's eugenics program, many of whom are still alive today, the state of North Carolina never publically acknowledged or commented regarding the program. Though in 1977 the legislature abolished the Eugenics Board, records were sealed and the official sterilization law remained. Imagine that you have been appointed to the modern day "Commission of Eugenics Victims" and that your job is to determine what the state should do regarding this largely hidden piece of our past. Discuss what you have learned regarding North Carolina's eugenics program and brainstorm all of the possibilities that might help "right the wrong" of our state government's past actions. What should be said and done and by whom? Consider the following as you discuss:

- The law regarding sterilization, still officially current
- The records that are currently sealed regarding NC's sterilizations
- The victims living today
- Families of victims who have passed away
- The public and their knowledge of these events
- Creative and artistic ways to communicate historical information and current response to such

After you have discussed and brainstormed various possibilities, prepare a statement that makes at least 3+ recommendations on how can we make amends today for what are now considered past wrongs. As the Commission of Eugenics Victims, you will be responsible for presenting your statement and recommendations to the Governor and General Assembly.

Your statement should open with an introductory paragraph summarizing your group's feelings regarding the eugenics program, the state's role in the program, and your views on the state's current responsibility regarding this history. Then, share 3+ specific and detailed recommendations in such a way that the Governor and General Assembly will be convinced to implement your ideas. After delivering your statement, members of the General Assembly will be able to ask questions to which you must be prepared to "think on your feet" and answer.

Your recommendations may involve ideas that can be highlighted through artwork in addition to your statement (i.e. a poster, a model of something you have proposed, etc.) It is acceptable to also design and display ideas artistically as part of the presentation of your statement.

Choose a duty within your group and begin:

- **Presenter:** contributes thoughts and ideas regarding NC's eugenics program and how to make amends today regarding this controversial past; helps conceive and finalize statement; presents statement in an engaging and professional way to the Governor and General Assembly
- **Writer:** takes notes throughout discussion of NC eugenics program and brainstorming session regarding how to make amends today for this controversial past; contributes thoughts and ideas; helps finalize statement; neatly writes out final draft of statement
- **Responder:** contributes thoughts and ideas regarding NC's eugenics program and how to make amends today regarding this controversial past; helps conceive and finalize statement; professionally answers any questions from the General Assembly after statement is presented (be prepared to think on your feet!)
- **Designer (optional):** contributes thoughts and ideas regarding NC's eugenics program and how to make amends today regarding this controversial past; helps conceive and finalize statement; responsible for any artwork (poster, model, etc.) if needed to illustrate recommendations posed.

State prepares reparations for eugenics victims

From the Duke Chronicle

By Chinmayi Sharma | April 2, 2012

North Carolina has begun carrying out a program of reparations for victims of its forced sterilization program that ran through 1970s.

The North Carolina Eugenics Board approved the sterilization of approximately 7,600 people between 1929 and 1974, making it the last state to end the controversial practice. A task force on the issue appointed by Gov. Bev Perdue published a final report Jan. 27 that recommended compensation of \$50,000, mental health services and other educational measures to surviving victims. The state legislature will likely consider the report's suggestions in May.

Eugenics is the term for the pseudo-science that aims to minimize the genetic presence of certain traits while favoring others. Historically justified as a method of ridding the population of social vice, modern critics claim it was in fact a form of racial purification.

State officials noted that the main priority for the state at the moment is the search and confirmation of living victims, estimated to be almost 1,500 to 2,000 individuals. The North Carolina Justice for Sterilization Victims Foundation, a division of the state Department of Administration, announced March 19 that it had officially confirmed 111 cases of forced sterilization in the state.

"You can't write a check to erase this because you can't write a check to the real victims—the never-born," said Edwin Black, author of "War Against the Weak," an in-depth analysis of the eugenics movement. "It is a down payment compared to what North Carolina must do—ensure this never happens again."

Steps for the future

Many of the report's provisions are already being addressed and carried out by the foundation, particularly as a support network for victims. Current funding for the organization, however, will be depleted June 30, and the foundation is still pushing for more funding and staffing.

The first task of the reparation process is to "identify, verify and certify victims," according to the report.

Charmaine Cooper, executive director of the North Carolina Justice for Sterilization Victims Foundation, said in August 2011 that the process is complicated because victims sometimes hesitate to come forward because they fear their files may have information that claims they are mentally unstable or victims of rape or incest, The Chronicle previously reported.

Due to the global relevance of the issue, the confirmation process must be transparent and the identities of victims must be made public, Black said.

"By claiming to protect the identity of the victims, the perpetrators are protecting their own identities," he said. "This was not the act of a few disgruntled racists. These were the upper echelon members of our education system, courts and governments."

The Department of Public Instruction has added eugenics history to the syllabus of schools across the state, another step proposed by Perdue's task force. The report also recommended funding a traveling N.C. Eugenics Exhibit that was created in 2007 but had limited travel due to lack of funding. The state is working to secure consistent funding for the future.

A blemish in state history

Following the Holocaust, the United Nations defined a form of genocide as a government “imposing measures intended to prevent births within the group.”

Most states disbanded their eugenics boards following this international proclamation. North Carolina, however, saw its single most active period of sterilization in history from 1950 to 1952. The last national case of sterilization was in North Carolina in 1974, and its laws were not officially repealed until 2003.

Nonwhites comprised 40 percent of sterilizations—some victims were as young as 10 years old, according to the report.

“This was a systematic genocidal attack by the North Carolina elite on the state’s weakest members,” Black said.

Race was a compounding factor in the southern eugenics movement, said Robert Korstad, Kevin D. Gorter professor of public policy and history. Blacks in the state were more likely to be found in lower socioeconomic levels or arrested for crimes over their white neighbors.

Rewriting the textbooks

Despite the significance of these numbers and the far-reaching repercussions of the state’s action, the issue is not yet being taught in schools nor openly discussed at the local level, said Robert Clark, Winston-Salem City Council member.

Winston-Salem played a role by housing the Human Betterment League, a nonprofit that rallied support for the eugenics movement before disbanding in the mid-1980s. Since then, however, the public has remained silent about the issue, Clark said.

“This is not a city issue,” he said. “Whatever needs to be done needs to be done by our representatives in Raleigh.”

Korstad said he doubts the state will take action beyond the compensation due to its history of racism and the resulting lack of public awareness of the issue.

“The legislature must mandate education on this odious matter even if districts don’t want to acknowledge their involvement in the crimes,” Black said.

Source: <http://dukechronicle.com/article/state-prepares-reparations-eugenics-victims-1> (dead link)