



**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')**

Tuesday, December 6, 2011

Authorization of the Task Force

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

Task Force Members:

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

Official Minutes

Dr. Gerald greets everyone to the sixth Task Force meeting which convened at 10:07 and states that Representative Earline Parmon is in route to provide an update on Representative Larry Womble's medical condition in the aftermath of his involvement in a major car accident on the eve of Friday, December 2, 2011. Dr. Gerald gives accolades to Rep. Womble for his work in encouraging the Task Force's efforts for victims and continuing the fight for compensation for victims of the former Eugenics Board. Dr. Gerald expresses sorrow for the absence of Rep. Womble and for Mr. David Carmichael, who lost his life in the car accident. All Task Force members were in attendance.

The Task Force reviews the minutes from the October 27, 2011 meeting and they are unanimously approved.

Member Reports

(see *'Task Force Member Reports reviewing possible Compensation and Other Services'* – Dec. 6, 2011 for complete reports)

Dr. Gerald reviews the Preliminary Recommendation assignments that were assigned to each Task Force member at the previous meeting on October 27, 2011. Judge Mills and Attorney Berry presented first on financial compensation. (see *'Task Force Member Reports reviewing possible Compensation and Other Services'* – Dec. 6, 2011)

Dr. Gerald and Ms. Zerwick present with regard to mental health compensation. (see Member Reports – Dec. 6, 2011)

Dr. Davis provided insight to the Eugenics Exhibit. (see Member Reports – Dec. 6, 2011)

After Dr. Davis presents Rep. Parmon entered the room. Dr. Gerald invites her to give an update on the status of Rep. Womble.

Rep. Parmon apologizes for her tardiness and expresses that Rep. Womble still remains in critical condition. Rep. Womble is scheduled to enter into another surgery this morning. Rep. Parmon felt it necessary to attend this Task Force meeting because Rep. Womble is passionate about victims of the NC Eugenics Board receiving compensation and she has worked closely with him on all these efforts over the years.

Judge Mills makes a motion to offer condolences via letter. The family of both Rep. Womble and Mr. Carmichael are in the Task Forces' thoughts and they wish him a speedy recovery. The motion is seconded and approved.

Ms. Fuller Cooper respectfully adds that ...

“While Rep. Womble is not physically here, his inspiring presence is with us. Rep. Womble touches the hearts of all who meet him and he has certainly touched mine and many here today. The Foundation has received numerous calls from victims, reporters, researchers and supporters, all concerned and praying for Rep. Womble's recovery and the strength of his son, Mr. Jamal Womble, and the family of Mr. David Carmichael. “

“Rep. Womble has fought on behalf of eugenics victims for years and always states that he is not finished until justice is found. I am proud to know him. As the Task Force moves forward, the N.C. Justice for Sterilization Victims Foundation will continue to carry out the Governor's directives to assist victims and asks the media and the public to persist in helping us to reach out to those affected by the state's former Eugenics Board program.”

Ms. Australia Clay adds “On behalf of victims and victims’ family we would like to extend our prayers to Rep. Womble. We know how hard he has been fighting for this and we will continue to pray for Rep Womble, we will pray for his son and his family.”

Dr. Gerald thanks everyone for their comments and asks that the motion and statements be reflected in the December 6, 2011 minutes.

Dr. Gerald addresses the Task Force and asks if there are any suggestions or concerns regarding the reports given.

Attorney Berry states that the Task Force has heard and is aware of the victim’s requisitions and that the Task Force should consider the request of Speaker of the House, Rep. Tillis by prioritizing the recommendation list. Dr. Gerald agrees and believes that continuation of the Foundation is necessary before any of the other potential recommendations can be fulfilled. The Task Force agrees that adequate staffing and a central location for verification is the highest priority.

Dr. Gerald asks the Task Force if they have any additions or deletions from the Preliminary Recommendations. There are none.

Dr. Gerald asks if there is a recommendation on the amount of financial compensation.

Attorney Berry begins the discussion by expressing that there is no dollar amount that could every repay victims for the violation that the Eugenics Board caused and that any recommendation that is made is not meant to place a value on the victim’s life. Attorney Berry believes that the Task Force should proceed with a recommendation of \$20,000 to living victims of the Eugenics Board program and to victims that were living at the time of verification by the Foundation.

Dr. Davis disagrees with the recommendation that only living victims be compensated but agrees with compensating the estates of victims who pass after a verification has been submitted to the Foundation.

Ms. Zerwick asks for more clarification from Berry. Berry explains that she does not think that the Legislators will approve of 7,600 victims receiving compensation. Therefore, a sensible recommendation should be made to insure that the Task Force’s work is not in vain. However, she believes that victims like Ms. Ramirez should be compensated since her health is declining and she was the first person to come forward as a victim of the States Eugenics Board program.

Zerwick understands and agrees with Ms. Berry’s logic. Fuller Cooper asks if identified victims that came before the Foundation would be included in that provision. The Task Force agrees. Berry states that allowing this provision would prove that the state is not “waiting for victims to die” as many people have stated before.

Gerald is in agreement that recommending compensation for 7,600 total victims tremendously decreases the likelihood of any legalization being passed and if the financial compensation range is between \$20,000 to \$50,000, she is more open to agreeing to the higher end of that figure.

Zerwick states that she is not prepared to decide on a compensation amount at this time, but agrees that compensation should be limited to surviving victims with the provision for victims that may die after being verified by the Foundation and believes that opening up compensation to all victims will derail all of the work that the Task Force has done.

Dr. Davis seeks clarity on a previous statement from Judge Mills with regard to considering where the money for compensation should or would come from. Judge Mills clarifies that whatever happens will be decided by the legislator, but believes that the Task Force should decide on an amount of compensation. Judge Mills has not determined the amount of compensation he is willing to recommend.

Zerwick is in favor of determining a recommendation amount. Dr. Davis believes that the amount should be realistic and that the victims have waited long enough and it is time to provide closure to this issue. He adds that there is no way possible to repay anyone for the damage that was done to victims but it is better to get some form of compensation than nothing at all. We must be realistic in our recommendation.

Dr. Gerald seeks to prioritize the recommendation list. Berry states that she believes that the operations for the Foundation should precede a lump sum financial compensation amount, followed by mental health services, and lastly the Eugenics Exhibit. Not because any of the other recommendations are more significant than the Exhibit but there is already a Eugenics curriculum established. The Task Force agrees with this ranking. Zerwick places emphasis upon continuing the Foundation and it being funded in such a way that outreach can be successful. The Task Force agrees and Judge Mills expounds by stating that the detailed work must continue and that the work would not be done without the presence of the Foundation conducting outreach and working respectfully with victims.

Attorney Berry addresses the implementation of a Statue of Limitations around a compensation package. Zerwick and Judge Mills believe that it should be looked into and determined at the next meeting. Berry suggests that the General Assembly approve a Statue of Limitations for 5 to 7 years for victims to come forward. Judge Mills implies that the Foundation must be properly funded for the full length of the statute of limitations to both conduct outreach and verify victims. This gives greater implications to the need for the Foundation to have a well-funded and robust outreach program say Zerwick. Berry agrees with Zerwick. Zerwick asks if the Foundation can prepare a budget on outreach and Foundation needs.

Fuller Cooper states that a budget will be evaluated within the Department after the Task Force's final recommendations are reviewed. For clarity Ms. Fuller Cooper asks the Task Force if they plan to determine a lump sum amount for financial compensation as well as the pool for mental

health compensation for the next meeting. She also asks if the Task Force has considered that if there is no mental health pool that the amount for the lump sum compensation increases.

Dr. Gerald thinks that the Task Force should begin working from a draft. The Task Force recognizes that it has a basic outline of the recommendation and has prioritized that continuation of the NC Justice for Sterilization Victims Foundation is a necessary component to insure that the other three recommendations (Lump Sum Compensation, Mental Health Services, Educational Services) are carried out. Lump sum compensation should be characterized in such a way that it cannot be taxed and does not interfere with victims that are receiving other assistance.

Items for consideration at Next meeting

Other issues to be discussed and perhaps presented on at the next Task Force meeting:

- **Statue of Limitations**
- **Ensuring Aggessive Outreach**
- **Final Recommendations**

Dr. Gerald asks Zerwocl to begin working on a draft of final recommendations, although nothing is final until the Task Force meets. The next Task Force meeting date is scheduled for January 10, 2012. Judge Mills would like to meet again before the beginning of the year to be certain that the February 1, 2012 deadline is met. The Task Force decides that email will be helpful in preventing another meeting.

Zerwick thanks victims and victims' families for attending meetings. She is aware that the Task Force is unable to make recommendations that will satisfy everyone, but is grateful for all attendees.

Public Comment

Ms. Elaine Riddick is the first to speak; she feels that a \$20,000-\$50,000 recommendation for compensation is too low and an insult.

Mr. Tony Riddick: Believes that there is an extreme disconnect between the Task Force and the victims' desires. The victims have stated that they want more than \$20,000 but the Task Force continues to recommend a figure that is not an original recommendation. He feels that the Task Force has not done the proper research to provide victims with a valid recommendation for financial compensation. He feels that sterilization was genocide, therefore the offspring of the victims should be considered and in the event that the State of North Carolina does not have enough money to compensate victims then the State should seek compensation from the families and corporations that benefitted from performing sterilizations.

Ms. Australia Clay: Is in support of what Mr. Riddick said and is in support of the recommendation except for deceased victim's estates not being compensated. She feels that provisions were made to include Ms. Ramirez and other victims that are sick. She is ecstatic for living victims. However not including deceased victims is unacceptable along with a recommendation for \$20,000-\$50,000.

Ms. Deloris Marks: The pamphlet states that between 1929-1974, 7,600 people were sterilized and that if one believes that they themselves or anyone in their family was sterilized then they should contact the Foundation. That is the procedure that Ms. Marks and her family followed and received a copy of her mother's sterilization records. She feels that the Task Force's recommendation that only living victims be compensated is wrong. She believes that Dr. Davis is in favor of providing compensation to the estate of deceased victims but is out numbered. Ms. Marks feels that Ms. Ramirez has been accommodated because of health issues but that deceased victims are not receiving justice. She does not believe that the current recommendation is a valid one and should not be sent to the Governor without reevaluation.

Mr. John Railey (Winston-Salem Journal): The Foundation must have robust outreach because a lot of victims of the Eugenics Program have moved out of the State of North Carolina because of sterilization. He asks the Task Force if they have considered speaking with a professor from UNCG and commissioned the University Health System for assistance.

Ms. Sadie Long (caregiver for **Ms. Janice Black**): She introduced the Task Force to Ms. Black and believes that the \$20,000 recommendation is not enough.

Ms. Lela Dunston: She believes that a \$20,000 recommendation is bogus and that families of deceased victims should be compensated.

Rep. Parmon: She thanks Task Force for the work that they have done and is aware of the difficulty associated with recommending compensation for victims of the Eugenics Board Program. She believes that the \$20,000 recommendation came from the original House Select committee (2008) and understands the difficulty that the Task Force faces in coming up with a number and recognizes that \$20,000 is low. Rep. Parmon and Rep. Womble know the frustration that the families are having and they (Womble and Parmon) felt the same frustration

when they had to recommend \$20,000 in 2008 after originally fighting for \$50,000. But, some in the House would not support anything higher and they wanted the committed in 2008 to come out with something more than just an apology. And even though Rep. Womble has severe injuries the fight for justice for victims of the former Eugenics Board will not stop. She promises that Rep. Womble's work will continue. She thanks the Task Force for their work and the victims for telling their stories.

Ms. Marks- Evans: Asks for clarity on the Pre Foundation date.

Fuller Cooper: Explains that the Foundation was started in March 2010 but that inquiries began as early as 2003.

Marks-Evans: Thanks Task Force for considering the question that she raised at the last meeting with regard to victims receiving compensation if they pass away after being verified but disagrees with the recommendation that only living victims be compensated because her grandmother's estate would not be eligible for compensation. She would like that the Task Force to define the term "victim" She agrees with their being a statute of limitations but feels that it should be extended for more than 5-7 years and that at larger amount for compensation should be recommended. Marks-Evans does not think that this amount of compensation encourages victims or their families to attempt to be verified and is in favor of having another Task Force meeting.

Ms. Lula Johnson: Saw a program on television and would like to know the verification process works for a deceased person.

Fuller Cooper: Explains that estate documentation is necessary and that she would be willing to speak with Ms. Johnson after the meeting.

Zerwick: Addresses Ms. Marks-Evans in order to clarify that the Task Force is not discussing disqualifying victims before or after a certain date but is considering a compensation packet for all living victims and whether or not to including victims' descendants.

Marks-Evans: Expresses that she understands what the Task Force is recommending but disagrees with not considering verified deceased victims' estates to receive compensation.

Mike Marion (advocate for Ms. Janice Black): He believes that the victims are correct in saying that the recommended amount for compensation is unjust and is in favor of all victims receiving compensation. He recollects growing up and seeing Ms. Black be forced to care for the children of other people and her former caregivers and then discover that she never had the right to have her own children. He asks the Task Force to "put yourself in the victims' shoes" in order to achieve a more favorable recommendation.

Ms. Irene Clark: She believes that there is money available for compensation that can be received through companies and families that benefited financially from Eugenics.

Final Remarks/ Adjournment

Dr. Gerald notes that the Task Force will not be able to make a recommendation that will be universally accepted but that the Task Force is trying their best to make a recommendation that will be accepted by the Governor and passed by the legislature. The Task Force will review dates for the next meeting and begin drafting its report. The final report will not be ready until the Task Force meets again to vote on final recommendations. The Task Force meeting is adjourned at 11:43 am.

Meeting Attendees:

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| Charmaine Fuller Cooper | NC Justice for Sterilization Victims Foundation |
| Tequila Peele | NC Justice for Sterilization Victims Foundation |
| Christine Doyle | Film Producer |
| Dawn Shapiro | Film Producer |
| Lela Dunston | Victim |
| Janice Black | Victim |
| Sadie Long | Caregiver |
| Mi'Quel Marion | |
| Tommy Tomlinson | Columnist – Charlotte Observer |
| Julie Rose | Reporter WFA |
| Sarah Haz | WFA |
| Jessica Pic | WFA |
| Irene Clark | Public Citizen |
| Sarah Koonts | Department of Cultural Resources |
| Dick Lankford | Department of Cultural Resources |
| Lola Johnson | |
| Tony Riddick | Family Member of Victim |
| Elaine Riddick | Victim |
| June Michaux | Department of Administration |
| Angella Dunston | Governor's Office |
| D. Marks-Evans | Family Member of Victim |
| Bertha Marks | Family Member of Victim |
| Australia Clay | Family Member of Victim |
| John Railey | Winston Salem Journal |
| Marona Wagsoner | Associate Press |
| Meghan Brown | Governor's Office |
| Maurice Griffin | News 14 |
| Gretchen Aycock | Department of Administration |
| Alyssa Marcus | WPTF News |
| Ellen Russell | The Arc of NC |
| William Creech | Department of Administration |
| Bill Herreco | Department of Administration |
| James Moone | |
| Representative Parmon | NC House of Representatives |
| Deborah Burette | |
| Tracy Ingram | |

Official Task Force Meeting Recorder:
Tequila Q. Peele, Program Assistant
NC Justice for Sterilization Victims Foundation