

STOP FORCED STERILIZATION!
HALT A ESTERILIZACION FORZADA!

**CASE STUDY FOUR: FORCED
STERILIZATION —
NORTH CAROLINA**

PUBLIC HEARINGS ON STERILIZATION —
FEB 12TH ▲ 10▲ STATE BUILDING 350 McALLISTER ST SF

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TYPE OF REPARATIONS:

- ☒ Apology
- ☒ Policy change
- ☒ Financial compensation
- ☒ Memorial

MECHANISMS:

- ☒ Legislation
- ☒ Executive Order
- ☒ Budget appropriation

TARGET:

- ☒ State legislature
- ☒ Governor

BENEFICIARIES:

Living survivors who can establish by documentary evidence that they were involuntarily sterilized pursuant to an order of the North Carolina State Eugenics Board.

OUTCOMES:

- ☒ **Apology** to living survivors.
- ☒ **Memorial plaque** and creation of traveling exhibit (unfunded).
- ☒ **Policy change:** Eugenics Board closed (1974); law allowing forced sterilization repealed (2003).
- ☒ **Public Education:** Public school curriculum is supposed to include history of eugenics, but has not been widely implemented.
- ☒ **Compensation:** \$10 million fund divided equally (approximately \$45,000 per survivor) among living survivors with provable claims against the State Eugenics Board. Compensation received by survivors does not count toward calculations of eligibility for state benefits or state tax liability.





DISCUSSION QUESTIONS:



- ☒ How could survivors have been more involved in the struggle for reparations for sterilization in North Carolina? How might that have changed the process and outcomes?
- ☒ How could this struggle for reparations have made stronger connections between forced sterilization and anti-Black ableism (historic and structural violence against Black people who are—or are framed as—disabled)?
- ☒ What challenges do we see in seeking reparations for harms experienced predominantly, but not exclusively, by Black people?
- ☒ How can we specifically highlight the ways many harms committed are directly connected to slavery and anti-Blackness even though they may impact non-Black people or may have started after the passage of the 13th Amendment? *For instance, shackling incarcerated pregnant people while giving birth is driven by the fact that the majority of women historically and currently incarcerated are Black women—and, therefore, the treatment of incarcerated people giving birth is rooted in the assumption that the people experiencing this treatment will be Black women.*
- ☒ How can we address documentation challenges in our demands for reparations, particularly where the documentation of harm is in the hands of the state or records are likely to have been destroyed?



NOTES FOR DISCUSSION:

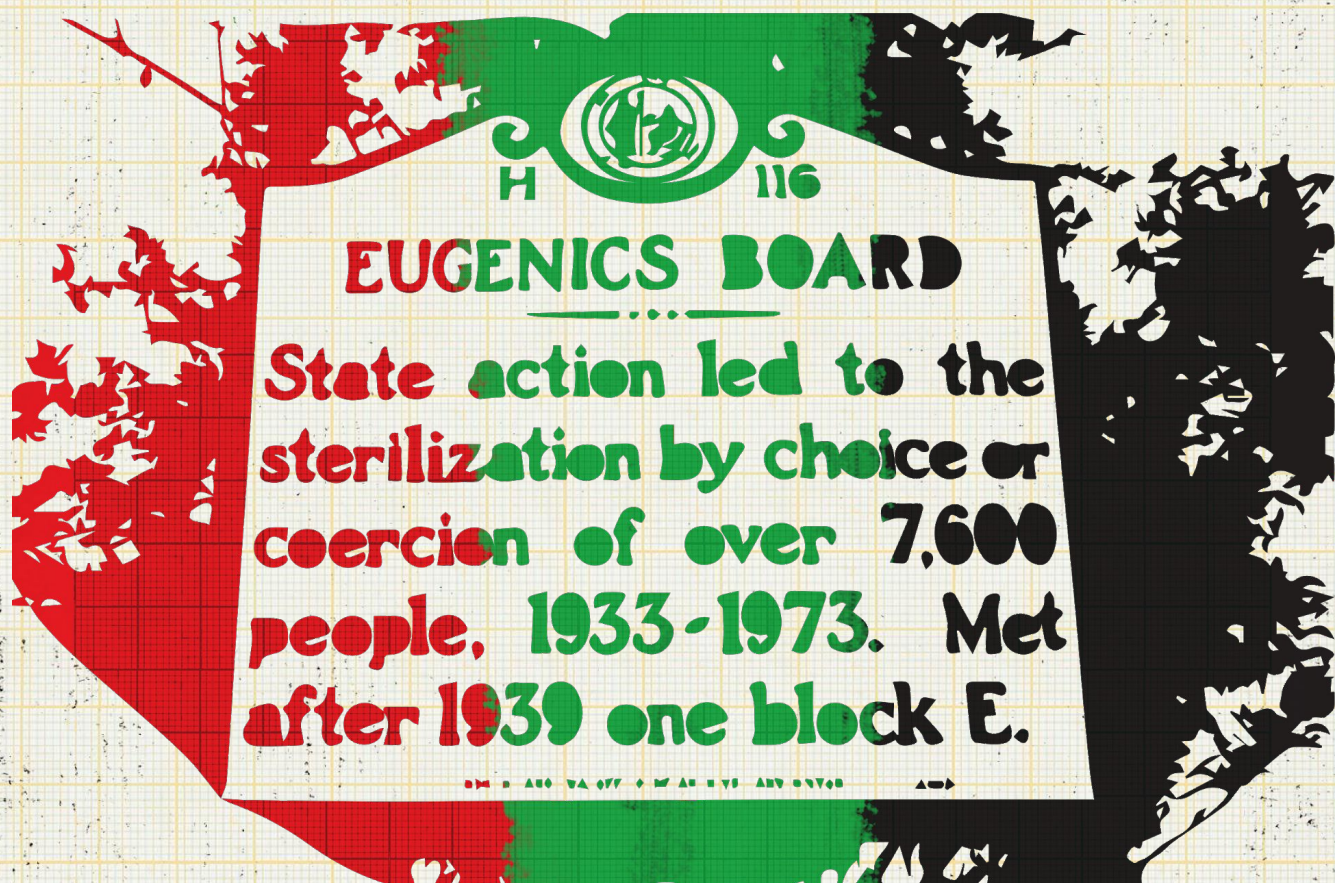
WHAT HAPPENED? Between 1929 and 1974, the North Carolina State Eugenics Board ordered the sterilization of 7,600 people against their will. Hundreds more were sterilized under orders issued by county governments based on petitions by local doctors and social workers. Eighty-five percent of people overall, and 98% of people sterilized in the 1960s, were Black. More than 75% of forced sterilizations in North Carolina occurred at the height of the Jim Crow era.

North Carolina's sterilization program was first challenged through two lawsuits filed against the state in 1973 and 1974 by Black women sterilized under threats of institutionalization or termination of welfare benefits. The lawsuits did not produce compensation from the government, but raised awareness of the issue, leading to **policy change**: the Eugenics Board was closed in 1974, and the state law that allowed forced sterilization was eventually repealed in 2003.

Thirty years after the lawsuits were filed, the Winston-Salem Journal newspaper published a 5-part series on the eugenics program in 2002, prompting North Carolina state representative Larry Womble to call the practice a "holocaust" and demand an apology, acknowledgment, and compensation. The Governor of North Carolina issued an **apology** later that year, and established a Eugenics Study Committee charged "with exploring the history of the [eugenics] program, ensuring it was never repeated, and making recommendations on how to assist program survivors." After the Committee released its recommendations, a **memorial** was created in the form of a traveling Eugenics Exhibit and a Eugenics Board Historical Marker. Additionally, the history of eugenics was to be added to North Carolina public school curriculum as part of **public education** efforts.



Representative Womble introduced a bill in 2003 calling for compensation for people subject to forced sterilization, and every year thereafter until 2013. In 2010, the Governor set aside \$250,000 to establish the House Select Committee on Compensation for Victims of the Eugenic Sterilization Program to develop a proposal for compensation, including health care, counseling, and educational assistance. Once established after some delay, the Committee heard testimony from survivors and family members, but did not include any survivors in the decision-making process. The Committee recommended \$50,000 in compensation per person to living survivors of forced sterilization, and that the funds not be counted as income for the purpose of calculating state taxes or benefits. It also recommended that mental health services be provided for survivors, and revival of the traveling exhibit. After a long legislative debate, the Governor signed a budget including a \$10 million **compensation** fund for living survivors.

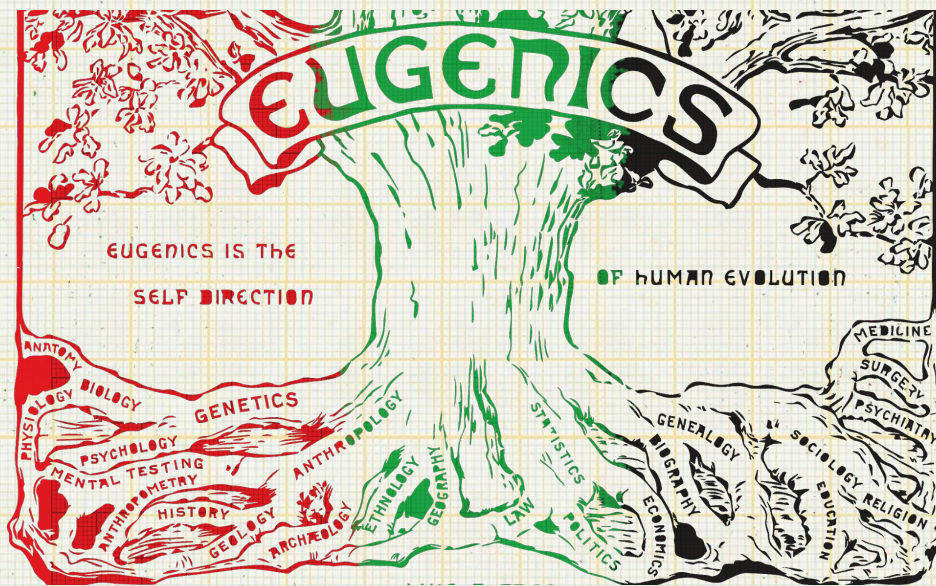


CHALLENGES AND LESSONS LEARNED: The fight for comprehensive reparations for people who were sterilized against their will in North Carolina faced several challenges, including:

- ☒ A state budget crisis.
- ☒ Concerns that the state would face unlimited liability if there was no cap on the compensation fund.
- ☒ A sense that taxpayers were being asked to pay for past wrongs committed by others.
- ☒ Many people who were forcibly sterilized were no longer alive when compensation was offered in 2013 to living survivors of a practice that took place between 1929 and 1974. No compensation was available to the descendants of people harmed by the practice.
- ☒ Many survivors were unable to provide documentary proof that they qualified for compensation because many records had been lost or destroyed.
- ☒ Many survivors or their guardians signed consent forms under threat of being denied welfare entitlements or being institutionalized (although the reparations law created a presumption that minors and adults deemed "incompetent" under the law were involuntarily sterilized).
- ☒ Reparations were **not** provided for people sterilized under orders by county officials that were not officially sanctioned by the State Eugenics Board.
- ☒ Survivors were given a relatively short time period to file a claim, and no official efforts were made to conduct outreach to survivors.
- ☒ Individual survivors received a relatively small amount of compensation.

Due to these challenges and more, the number of people who received compensation (220-250) was small compared to the number of people who were harmed (more than 7,600). Payments are exempt from state tax and income eligibility requirements for state and federal programs, but are still counted as income for the purpose of federal taxes.

The State of North Carolina is one of two of the 33 states that operated forced sterilization programs to provide financial compensation to survivors. The State of Virginia issued an apology and recently approved legislation providing for a \$400,000 compensation fund to pay the 11 survivors remaining out of over 7,600 people subjected to forced sterilization approximately \$25,000 each.

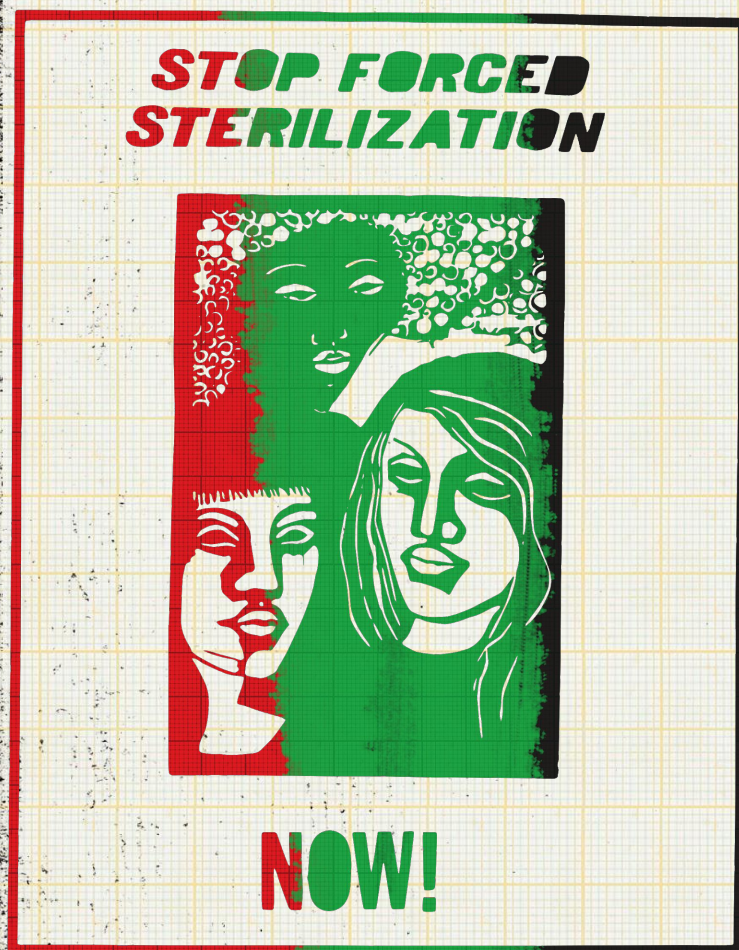


California is currently considering passage of AB 1764, which would provide compensation to people sterilized under California's state-sponsored sterilization program between 1909 and 1979, as well as to survivors of involuntary sterilizations in women's state prisons after 1979. The California legislation would be the first to offer compensation to survivors of involuntary sterilizations at a women's penal facility.

These represent some of the few instances in which Black women received or would receive reparations for reproductive harms which could be characterized as a "badges and incidents" of slavery because they are connected to abuses experienced by enslaved African descended women, and represented an exercise of total control over Black women's reproductive autonomy and bodily integrity. This was also one of the only instances where reparations were paid for forced sterilization, which is a common manifestation of ableism and harm to Black disabled people.

However, the struggle for reparations for forced sterilizations presents some complicated questions for those pursuing reparations as part of struggles for Black liberation. First, reparations for state forced sterilization programs are not exclusively owed or given to Black people, but to all individuals who are able to prove they were sterilized against their will, including white people. In fact, legislators actively promoted the fact that white people would be receiving benefits under the legislation in order to avoid perceptions that only Black people would receive compensation.

Secondly, the movement to obtain reparations for forced sterilization in North Carolina was not driven or led by the survivors, but rather by legislators, governors, and other system players without a direct stake in the outcome—and competing interests with survivors.



Third, the reparations ultimately obtained were limited to monetary compensation to living survivors who were able to prove entitlement through documentary evidence, and did not reach the hundreds of people who were illegally sterilized pursuant to county orders. Survivors only had three years to make a claim. The total amount of compensation was also capped at \$10 million, regardless of how many people came forward, creating a disincentive for survivors to seek out others, as that would reduce everyone's compensation. Although survivors received an apology and a permanent memorial of the program was created, the healing and educational services for survivors and their families originally recommended by the Task Force never became a reality and changes to the public school curriculum were never fully implemented.

ACTIVITY: REPARATIONS CASE STUDIES

DESCRIPTION:

In this exercise, participants will be given a scenario and will be asked to respond to the scenario by developing a set of reparations demands and a plan for seeking to have those demands met. Each group will be given the same short, pre-written scenario, relevant to the specific group of participants, laying out the harm being done to Black people in the scenario, the generational impacts of the harm, and contemporary expressions of the harm (note: you can use the case studies from this toolkit as scenarios).



OBJECTIVES:

To support participants to understand the foundational elements of reparations claims.

To encourage participants to articulate and think collectively about the range of means through which reparations may be won.



TIME REQUIRED:

45-90 minutes



MATERIALS:

Pre-written scenarios (enough copies for each group)

Easel pads, markers, and tape



PARTICIPANTS:

8-Unlimited



SET-UP AND TECHNOLOGY:

Not needed



FORMAT:

Small Groups. Break participants into groups of 2-4 depending on the number of participants. Ask each group to gather and do the following:

- ☒ Identify someone to write down the group's demands and plan, and someone to report back to the large group.
- ☒ Read the scenario together.



- ☒ Develop reparations demands to address the harm outlined in the scenario, keeping the five conditions of reparations in mind:

- ☒ Cessation and guarantees of non-repetition
- ☒ Restitution
- ☒ Compensation
- ☒ Satisfaction
- ☒ Rehabilitation

Describe what mechanisms or tools the group recommends to compel the demands to be met (i.e. legislation, executive orders or resolutions, budget allocations, direct action, media campaigns, etc.).

Give each group at least 30 minutes to develop demands and make plans, and at least 10 minutes to share their demands and plans with the larger group. *Note:* facilitators should be careful to calculate time for report backs from all small groups into the overall time allotted for this exercise.