

## Reckoning with the Past

### — Eugenic Sterilization in the United States —

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In 1907 when the first coercive sterilization bill was passed in Indiana, it was welcomed as a measure to improve the human population by eliminating those who were deemed “degenerate,” “delinquent,” or “defective.” Such laws were later passed in 32 states and were a part of the American eugenics movement. In 1883 based on methods of improvement of livestock and crops, Francis Galton coined the word “eugenics” (well-born) for his hypothesis that mankind could be improved by eliminating bad stock and proliferating good stock. The academic and financial elite in the United States embraced Galton’s theory and put education, legislation, and policies in place to ensure a “fit” population. One of their proposed solutions was “eugenic sterilization” legislation.

It took a century for an official recognition that such sterilization laws violated human rights and resulted in injustice and suffering for those who were targeted. Beginning in 1907 and continuing as late as 1981, these forced surgeries robbed more than 60,000 women and men of their reproductive freedom against their will and, many times, without their knowledge. The decision to choose to pass, veto, or repeal legislation to prevent the birth of those considered “better not to be born” was left up to each state.

The purpose of this paper is to examine the process of remembering and dealing with the sterilization laws of the past. This is an ongoing process and has taken different directions in various states. The first section provides historical background

for the legislation, information about the apology as well as any follow-up given afterwards. The second section will examine the people and groups who worked as advocates for those who had been sterilized. The concluding section will look at the meaning of apologies in dealing with the past.

## **I. Overview of Sterilization Legislation and Apologies made to Victims**

Eight of the thirty-two states which implemented eugenic sterilization have issued official apologies, either by the governor or the legislature. The states will be introduced in the order which the apology was issued. For each state, information concerning when the legislation was passed and the estimated number of cases will be given. Where further measures have been taken to help victims or to educate the public, these will be summarized.

### **1) Virginia (February 2001)**

Virginia passed its “Eugenical Sterilization Act” on March 20, 1924. Between that year and 1979, some 8,000 compulsory surgeries were performed to prevent the procreation of patients in state institutions who were “afflicted with hereditary forms of insanity that are recurrent, idiocy, imbecility, feeble-mindedness or epilepsy.” Of these some 62% were female. To protect the integrity of the white Anglo-Saxon race, “mongrels,” minorities, and poor whites were targeted. <sup>(Kaelber)</sup> One of those was a 17 year old teenager named Carrie Buck who had been raped by a relative of her foster parents. The state ordered compulsory surgery based on “feeble-mindedness” and took her case to the Supreme Court in 1927 to get her sterilization approved. The *Buck v. Bell* decision upheld the constitutionality of Virginia’s law and opened the door to proliferation of similar legislation nationwide.

Virginia was the first state to make a public effort to come to terms with its eugenic past. The Virginia General Assembly passed a resolution in February 2001 in

which it expressed “its profound regret over the Commonwealth’s role in the eugenics movement in this country and the incalculable human damage done in the name of eugenics” and urged “the citizens of the Commonwealth to become familiar with the history of the eugenics movement, in the belief that a more educated, enlightened and tolerant population will reject absolutely any such abhorrent pseudo-scientific movement in the future.” (Va. Genl. Assy. [2001])

In February of the following year, the General Assembly passed a second resolution honoring Carrie Buck which included the acknowledgement that “legal and historical scholarship analyzing the Buck decision has condemned it as an embodiment of bigotry against the disabled and an example of the use of faulty science in support of public policy.” (Va. Genl. Assy. [2002]) May 2, 2002 marked the seventy-fifth anniversary of the court decision *Buck v. Bell*. On this anniversary, then-Governor Mark Warner became the first state governor to repudiate the state’s eugenic past. In his “sincere apology” to the victims, he asserted: “The eugenics movement was a shameful effort in which state government never should have been involved. We must remember the commonwealth’s past mistakes in order to prevent them from recurring.” (UPI)

Concurrent with the governor’s apology was the dedication of a historical marker in Charlottesville, Virginia in honor of Carrie Buck. The text of the marker makes it clear that the sterilization was done to “to prevent the conception of what were believed to be ‘genetically inferior’ children. ... Later evidence eventually showed that Buck and many others had no ‘hereditary defects.’” (Historical Marker) On hand to help unveil the memorial were former residents of the Virginia State Colony for Epileptics and Feeble-minded near Lynchburg, Rose Brooks (61) and Jesse Meadows (71). Like Buck, they, too, were sterilized at the state facility. With the age of sterilization victims advancing, State General Assembly delegate Bob Marshall called for compensation of victims in January 2014, on the occasion of the eightieth anniversary of the *Buck v. Bell* decision: “Under eminent domain, government is

required to compensate citizens for taking away property; how much more should it compensate for taking away the ability to have a family?” Delegate Patrick Hope added: “It’s now time to write the final chapter in this shameful and repugnant part of Virginia’s history. What we’re asking for goes well-beyond just simple words of regret. We need to set an example and take full responsibility for our actions so that the healing process can finally begin.” <sup>(News Archive)</sup>

Virginia became the second state to provide compensation for victims of forced sterilization when the Virginia legislature passed the bill in February 2015 that would provide \$25,000 to persons who were in state institutions when the surgeries were performed. The legislative action was hailed by victim advocate Mark Bold as providing “some restoration and healing, and ensuring we don’t go down this road again. Most importantly, by compensating these victims, the commonwealth is finally telling them that they matter, that they’re equally important to our community and they have value.” <sup>(Petska)</sup> Funding was appropriated to be distributed in 2017. <sup>(Va. Admin. Code)</sup> Virginia lawmakers were aware of the influence *Buck v. Bell* exerted on other states and felt the need to take a leading role in redressing the injustice sanctioned by sterilization laws.

## **2) Oregon (December 2002)**

The second state to issue a public apology was Oregon. On December 2, 2002 then-Governor John Kitzhaber began his statement with these words: “Today, I am here to acknowledge a great wrong done to more than 2,600 Oregonians over a period of about 60 years—forced sterilization in accordance with a doctrine called eugenics.” <sup>(Kitzhaber)</sup> In 1917 the state legislature passed a sterilization bill entitled “To Prevent Procreation of Certain Classes in Oregon.” Surgeries carried out under this law continued until 1981. Most were conducted on people in state institutions who were determined to have “mental disorders and disabilities” and included some who were identified as criminals, homosexuals, and sexually active teenage girls. In

many cases, these surgeries were a prerequisite for being released from these institutions. <sup>(Kaelber, Lawrence)</sup>

Kitzhaber spoke about the need to publicly address the injustices done:

The time has come to apologize for misdeeds that resulted from widespread misconceptions, ignorance and bigotry. It's the right thing to do, the just thing to do. The time has come to apologize for public policies that labeled people as "defective" simply because they were ill, and declared them unworthy to have children of their own. To those who suffered, I say, "The people of Oregon are sorry. Our hearts are heavy for the pain you endured." <sup>(Kitzhaber)</sup>

He devoted a good part of his speech outlining the progress had been made in changing the policies and the environment for helping persons with disabilities. The governor closed his speech by setting aside December 10 as a day not for contemplating the past per se, but as a "Human Rights Day" to affirm and protect human rights for the future: "On this day, we will renew our determination to protect the rights of all people, regardless of their color, their religious or philosophical beliefs, their sexual preference, their economic status, their illnesses or disabilities. We value them all, for they are our brothers and sisters." <sup>(Kitzhaber)</sup>

However, many of the details of the history of Oregon's forced sterilizations will never be known. In July before the governor's apology, it came to light that records documenting the actions of the Board of Eugenics and its successor, the Board of Social Protection, had disappeared and seem to be have been destroyed. <sup>(Sullivan)</sup> While it is unclear who authorized destroying the files, it is clear that remembering the abuse of state power will become more difficult as the victims also disappear.

### **3) North Carolina (December 2002)**

Just 10 days after Oregon's apology, North Carolina's then-Governor Mike Easley offered a public apology on December 12, 2002: "On behalf of the state I deeply apologize to the victims and their families for this past injustice, and for the

pain and suffering they had to endure over the years. This is a sad and regrettable chapter in the state's history, and it must be one that is never repeated again.” <sup>(Elliston)</sup> The North Carolina legislature passed its first sterilization law in 1929, replacing it with a new one in 1933. Under these laws more than 7,600 persons were affected, ranking the state third behind California and Virginia in the number of sterilization surgeries performed. More than half were performed after the end of World War II, with the peak in the 1950s, and they continued until 1973. In April 2003 the governor signed a bill to do away with the involuntary sterilization of the mentally ill. <sup>(Kaelber)</sup>

After the apology and repeal of the law was done, the process of providing reparation to the victims would take another decade. The first bill to provide monetary compensation to the victims was introduced in the legislature in 2005. In June 2007 an interactive exhibit about North Carolina's eugenic sterilization program was funded and opened at the state Museum of History. Two years later a historical marker in Raleigh was erected, <sup>(NC Markers)</sup> and the N. C. Justice for Sterilization Victims Foundation was created as a clearinghouse to help victims of the sterilization laws. The following year a toll-free number was set up to provide information and assist victims. <sup>(Sexton)</sup> Although the bill to provide compensation was approved, <sup>(Genl. Assy.)</sup> budgeting remained an issue. After setting parameters to determine eligibility and screening applicants, the legislature approved payments to surviving victims in three installments: \$20,000 in October 2014, \$15,000 in November 2015, and \$10,454 in February 2018, a total short of the proposed \$50,000. <sup>(Craver)</sup> Then-Governor Pat McCrory addressed the process in his comments in 2015: “This second check represents the next step in making amends for one of the darkest chapters in our history. No amount of money can undo the harm that occurred, but it is my hope that this compensation will give victims some measure of solace, comfort and vindication.” <sup>(Evans)</sup>

#### 4) South Carolina (January 2003)

In January 2003, then-Governor Jim Hodges became the fourth governor to address the issue of eugenic sterilization in a formal statement: “On behalf of South Carolina, I apologize for decades of suffering and pain caused by eugenics. Today, I want to acknowledge the great injustice done to more than 250 men and women when the State of South Carolina permitted involuntary sterilization for decades.” <sup>(Reynolds)</sup>

South Carolina was the second to last state to enact legislation allowing forced sterilization. Passed in 1935, the legislation authorized mental health and prison officials to order surgery to prevent procreation of persons who were diagnosed with “insanity, idiocy, imbecility, feeble-mindedness or epilepsy”—all of which were considered to be hereditary conditions. If the inmate was determined to be “the probable parent of socially inadequate offspring” and if their welfare and the “welfare of society will be promoted,” sterilization was approved by a board of the institution. In addition to persons with mental illness, women, especially African-Americans, were among those affected by the legislation. These surgeries continued until 1963 although the law remained on the books until the 1980s. <sup>(Kaelber, Lyster)</sup>

#### 5) California (March 2003)

The fifth apology came from California, the third state after Indiana and Washington to pass sterilization legislation in 1909. Under this “Asexualization Act,” some 20,000 people underwent surgeries which prevented them from bearing children. This number accounts for a third of the total performed in all of the states. The law was revised several times but remained on the books until 1979. The surgeries were performed at state hospitals and homes for the mentally ill at the discretion of the superintendent in response to diagnoses of lunacy, dementia, feeble-mindedness, sexual perversion, epilepsy, and alcoholism—all of which were deemed to be inherited and thus transmittable to descendants. <sup>(Kaelber, Wellerstein)</sup> Records reveal that a large number had Spanish surnames, and most were of Mexican origin. <sup>(Stern [2016])</sup>

In March 2003 California's Governor Gray Davis followed South Carolina by issuing a statement of apology in a press release: "To the victims and their families of this past injustice, the people of California are deeply sorry for the suffering you endured over the years. Our hearts are heavy for the pain caused by eugenics. It was a sad and regrettable chapter ... one that must never be repeated." <sup>(Ingram)</sup> State Attorney General Bill Lockyer also issued a similar apology. Their apologies followed on the heels of a lecture on the history of eugenics by Paul Lombardo that was organized by state Senator Dede Alpert. The apologies were welcomed but also criticized for being "preemptive," "premature," and "meaningless." <sup>(Zitner)</sup> The press release did not provide an opportunity for anyone to receive the apology, nor had there been any attempt to identify victims. Following the apology one victim did come forward seeking a personal apology from the governor and appealing for compensation. Sterilized at age 15, Charles Follet died in 2012 at age 82 without receiving any personal contact from the state. <sup>(Guillermo, CNN)</sup>

Some progress has been made in getting help for the survivors of involuntary sterilization in California. In May of 2003 the California Senate passed a resolution, adding their "profound regret" and urging "every citizen of the state to become familiar with the history of the eugenics movement." <sup>(Ca. State Senate [2003])</sup> Alexandra Stern and researchers from the University of Michigan constructed a data base of survivors from state institution records. Their initial estimate was that there could be more 800 survivors. <sup>(Stern, et al.)</sup> The estimate decreases each year.

Ten years later, an audit of sterilizations performed on female inmates of California prisons between 2006 and 2010 showed that involuntary sterilization was still taking place. Some 144 cases of unauthorized surgeries were found. <sup>(Stern, et al.)</sup> The Senate passed a bill in 2014 prohibiting sterilizations in the California state prison system. <sup>(Skinner)</sup> Another bill to provide compensation to victims of sterilizations in state institutions from 1909 until 1979 was introduced in February 2018. It was discussed, sent to committees, and amended in the Senate, but as of November 30,

2018 it is listed as dead in the assembly. <sup>(Ca. State Senate [2018])</sup> The Los Angeles County Board of Supervisors passed a resolution in support of the bill and to apologize to women who were sterilized without appropriate informed consent between 1968 and 1974. <sup>(Kuehl)</sup> Despite such support, whether the bill can be revived in 2019 with a new governor and new legislators remains to be seen.

## 6) Georgia (March 2007)

Georgia was the sixth state to enact legislation to permit sterilization of persons housed in mental health and penal institutions who “would be likely, if released without sterilization, to procreate a child, or children, who would have a tendency to serious physical, mental, or nervous disease or deficiency.” Some 3,200 persons—the fifth largest number of victims among the states—lost their freedom to have children under this law until it was repealed in 1970. <sup>(Kaelber)</sup>

In March of 2007, Georgia’s State House and Senate passed resolutions to “express their profound regret for Georgia’s participation in the eugenics movement and the injustices done under eugenics laws, including the involuntary sterilization of Georgia citizens.” <sup>(Ga. State Senate, House)</sup> The resolution was first introduced in the House by Representative Mary Margret Oliver: “The better job we do of recognizing our history, the better job we can possibly do in the future and understand where we need to go.” <sup>(Smith [2010], 95)</sup> After her suggestion met opposition, the Senate passed a similar resolution, paving the way for passage in the House.

The year 2007 marked one hundred years since the passage of the first sterilization law in Indiana and seventy years since Georgia passed its own law in 1937. The resolutions included a pledge to “support the full education of Georgia citizens about the eugenics movement in order to ensure that a more enlightened population repudiates the intolerance and bigotry that formed the basis of American eugenics laws and rejects similar laws in the future.” <sup>(Ga. State Senate)</sup>

The Georgia Right to Life group’s home page, publications, and advocacy

activities can be seen as one move to educate the citizens of Georgia. <sup>(Ga. Right to Life)</sup> Their “Pillars of Personhood” training handbook outlines the basis for the worth of each individual life and the threats to personhood, one of which is eugenics. They encourage citizens to be informed and to engage their communities to work together to create a society where the life of each person is valued.

## **7) Indiana (April 2007)**

Indiana’s response to its eugenic past in 2007 was planned to coincide with the hundredth anniversary of the passage of the first sterilization law in 1907. The Indiana State House and Senate issued a resolution expressing regret “over Indiana’s role in the eugenics movement in this country and the injustices done under eugenic laws.” They acknowledged their role in passing the nation’s first sterilization law, “which mandated the sterilization of persons who were physically or developmentally disabled, mentally ill, or who had committed crimes.” <sup>(Ind. Genl. Assy.)</sup> Although the original law was declared unconstitutional by the state Supreme Court in 1921, a new one allowing the sterilization of persons in state institutions was reinstated after *Buck v. Bell* in 1927.

The resolution asserted that “Eugenics legislation devalued the sanctity of human life, placed claims of scientific benefit over human dignity, and denied the inalienable rights recognized by our Founding Fathers” and “targeted the most vulnerable among us, including the poor and racial minorities, wrongly dehumanizing them under the authority of law and for the claimed purpose of public health and the good of the people.” However, the Indiana state House and Senate did not stop with an expression of regret over the past. They urged “the citizens of Indiana to become familiar with the history of the eugenics movement in the belief that a more educated and enlightened population will repudiate the many laws passed in the name of eugenics and reject any such laws in the future.” <sup>(Ind. Genl. Assy.)</sup>

To facilitate an “educated and enlightened population” concerning the history of

eugenics and its contemporary relevance, a number of events and projects were initiated with the assistance of Indiana University-Purdue University, Indianapolis Center for Bioethics and Program in Medical Humanities & Health Studies. <sup>(Ind. Eugenics)</sup>

These included one-time events such as panel presentations, symposiums, and exhibitions as well as more permanent reminders such as a historical marker in Indianapolis, publication of books and articles, and a digital archive. <sup>(Ind. Hist. Bureau, Ind. Eugenics)</sup>

Indiana is working to make it possible for present and future generations to learn from the nation's eugenic history.

## **8) Minnesota (May 2010)**

Minnesota passed a sterilization law in 1925 targeting feeble-minded or insane persons who had been in state institutions for at least six months. Although consent was allegedly gained, sterilization was frequently a prerequisite for being paroled from the institution. Records indicate that surgeries were performed on some 2,350 persons. Though the majority of these took place in the 1930s and 1940s, they continued until 1975. <sup>(Kaelber)</sup>

The Minnesota House and Senate passed a resolution acknowledging the state's "collective responsibility" and apologizing publicly to "persons with mental illness and development and other disabilities who have been wrongly committed to state institutions." Apologies issued previously by other states of were cited as the stimulus for this resolution. However, unlike those apologies, the Minnesota legislature's apology was not limited to "involuntary sterilization," but was expanded to include various other ways that personal rights and freedoms of disabled people had been violated in state institutions since 1866. The resolution also said that the state "commits itself in their memory to move steadfastly to help Minnesotans with those disabilities who in the future turn to the state for services to receive them in the least restrictive manner." <sup>(Minn. House)</sup>

The resolution was approved by then-Governor Tim Pawlenty on May 25, 2010.

In a letter to the legislators, he acknowledged “the legacy of our State’s past institutionalization practices, and sometimes harsh or inappropriate treatment of this vulnerable population,” but asserted that “it is important to note this resolution also negatively paints with a very broad brush the actions of State employees who, in most cases, took actions based in good faith and the scientific understanding at that time.” <sup>(Grow)</sup> His statement reflects the desire to recognize the state’s responsibility while avoiding the possibility for lawsuits against individual state employees.

When State Representative Karen Clark and State Senator John Marty made a formal presentation of the state’s apology on October 29, 2010 at the annual meeting of the disability rights organization, Advocating Change Together, Clark recognized the group’s thirteen-year project working for the apology. She commented:

Presentation of this apology is an important step towards healing the historical damage that was done and it commits us to moving forward with a public agenda that helps families care for their mentally and developmentally disabled members within the community rather than in isolation. As a result the whole society gets healthier. <sup>(Clark)</sup>

Minnesota’s apology covered a much broader scope of wrongs and made a step toward restoring the dignity of those who had suffered abuse at the hands of the state.

## **II. Actors in the Process Leading to Apology**

Apologies issued by governors and legislators were not isolated events, but rather the culmination of various efforts to bring the abuse to public consciousness. The process began as the stories of victims were told. Researchers helped provide the context and the evidence which would give credence to their stories. The media—newspapers, television, and film—gave victims a larger audience. Advocacy groups provided the support and encouragement to help those who had been labeled worthless and needed people to act on their behalf.

## 1. People Directly Involved

The voices of people who had been the subjects of involuntary sterilization and the voices of people who were in positions where the surgeries had taken place gave compelling accounts of their experiences and helped bring the hidden history of eugenics to light. Records of the surgeries were not readily available so many of the victims did not know about being sterilized until years later when they were unable to have children.

Public attention was drawn to sterilization practices in 1974 when an Alabama couple brought a lawsuit against the federal Health Education and Welfare Department on behalf of their daughters, Minnie Lee and Mary Alice Relf, ages 12 and 14. The two mentally disabled African-American girls had been sterilized by the clinic after funding for birth control shots was withdrawn. Their plight brought to light the prevalence of sterilization abuse using federal funds, especially in the case of impoverished, disabled persons of color. The case was returned to district court in 1974 and dismissed in 1977 when the regulations were revised. <sup>(Southern Poverty)</sup> The media coverage of the *Relf v. Weinberger* case emboldened others who had been abused to come forward and motivated activists to advocate on behalf of the victims.

1973 was the year Ray Nelson became superintendent of the Lynchburg Training School and Hospital. He was aware of the role that the institution had played in Virginia's eugenic history and Carrie Buck's sterilization. As he came to learn more, he found that Carrie's daughter Vivian, diagnosed not long after her birth as feeble-minded, had been on the honor roll in her school and that Carrie's sister had been sterilized without her knowledge under the guise of an appendectomy. He shared some of his findings with newspaper reporters and with J. David Smith who compiled his findings in a book in 1989, *The Sterilization of Carrie Buck: Was She Feeble-minded or Society's Pawn*. <sup>(Robertson)</sup>

Elaine Riddick was one of the first sterilization victims in North Carolina to become vocal about what had been done to her. Raped at age thirteen, she was

sterilized after the birth of her son. According to the eugenic thinking of the day, the illegitimacy of her child, her impoverished state, and the alcoholism of her parents were all signs of “bad blood” and feeble-mindedness and provided the justification for her sterilization. She was nineteen before she found out the reasons for her inability to become pregnant and for her illnesses. <sup>(Zucchino)</sup> By her accomplishments, she has proved that the label put on her as a child was not appropriate. She is the Executive Director at the Rebecca Project for Justice which works to help girls at risk in Georgia. <sup>(Rebecca Project)</sup> She has told her story in interviews for newspapers, magazines, television, and film. Such opportunities have brought encouragement to others and have helped her confront her past: “But with me — the more I talk, the more I realized that it’s not my fault and I didn’t do anything. So it’s a healing for me, speaking about it and making it known and making it public. It is definitely a great healing for me.” <sup>(Brown)</sup>

## 2. Researchers

Much of the history of coercive sterilization performed under laws which reflected eugenic thinking might have remained covered up had it not been for researchers and historians who poured over documents and microfilm records. The dark secrets were brought to light and the theses upon which they were based were shown to be inaccurate.

In Virginia, developmental psychologist J. David Smith worked with Ray Nelson to explore the case of Carrie Buck. <sup>(Smith, J. David)</sup> Smith has continued to write and lecture about the history of eugenics and its impact on social and educational policy and to work for the rights and dignity of people with disabilities.

In his research for his dissertation and other publications, Paul Lombardo also showed that Buck’s case heard by the Supreme Court was orchestrated to gain approval for her surgery and to uphold the legality of sterilization. <sup>(Lombardo [1982, 2008])</sup> He has also contributed to online exhibits (Cold Spring Harbor Digital Image Archive

and DNA Interactive: Chronicle) and a museum exhibit at the U. S. Memorial Holocaust Museum detailing the history of the American eugenics movement. Lombardo sponsored Virginia's historical marker honoring Buck. His lecture in California also prompted the governor's apology.

California's attempts to protect the integrity of its population with involuntary sterilization have been recounted by Alexandra Minna Stern. She and a team of researchers took microfilmed records of the surgeries and made a data base of surgeries performed by staff at state hospitals and institutions. Her publications have made the facts of eugenic policies available, helped to tell the stories of those who were affected by those policies, and provide a warning call about current genetic testing and other policies that could also be used to restrict personal freedom.

Johanna Schoen has been instrumental in bringing the North Carolina eugenics sterilization policies to light. <sup>(Schoen [2015])</sup> Her research included information from the Eugenics Board minutes from the State Archives and served as a resource for the newspaper series which increased the awareness of the state's eugenic past. She continues to emphasize the need to deal with the issues of reproductive freedom for impoverished women.

The efforts of these researchers and others have made it possible to remember the impact of eugenic policies on vulnerable persons, to identify the ideas on which the policies were based, and to reveal the persons and agencies who supported and carried them out. The information they have gleaned from the past will be instrumental in helping citizens deal with their state's eugenic past and commit to a future which protects individual rights.

### **3. Media**

The role of the media in the process leading to apologies and reparations can best be seen in North Carolina. On December 8, 2002 the *Winston-Salem Journal* began a five-part series of articles about sterilization, entitled "Against Their Will." <sup>(Begos)</sup>

Reporter Kevin Begos contacted Johanna Schoen in June 2002 and spent hours reading through her notes and research findings. He and his team followed up on that information, interviewed survivors, and fit together the pieces of the story from the viewpoint of agents and victims. Their findings also led to an acknowledgment the role the media had played in promoting eugenic thought and its application in forced sterilization. Connections were drawn between the activities of U. S. philanthropists, corporations, and schools and Nazi eugenic policies and experiments. Though the racial aspect was different in Germany and the U. S., they found a marked prevalence of the sterilization of African American women in North Carolina.

Film documentaries have been another tool for bringing sterilization history to light and for giving a face to survivors of the surgeries. An early documentary detailing sterilization in a Virginia institution is *The Lynchburg Story: Eugenic Sterilization in America* (1993). Directed by Stephen Trombley, the film takes the viewers to the colony and lets survivors tell what was done to them and how it impacted their future. *Wicked Silence* (2012) is a short documentary made by graduate students of Wake Forest University and focuses on the experiences of three survivors in North Carolina and the appeals for redress by journalist John Railey. *The State of Eugenics* (2016) also deals with the North Carolina's eugenics program. The documentary allows survivors such as Nial Cox Ramirez to share how they were robbed of their freedom to have children and highlights the work of lawmakers and journalists for their roles in challenging the state.

#### **4. Advocacy Groups**

Virginia provides a representative example of how various groups advocated for survivors of coerced sterilization surgery. As early as December 1980, the American Civil Liberties Union took the case of four victims to court, hoping for a decision that sterilization surgeries were a violation of constitutional rights and overturn the 1927 *Buck v. Bell* decision. The suit, *Poe v. Lynchburg*, sought disclosure of

information for patients who had been sterilization and provisions for medical and psychological counseling. The case was settled after four years with a modicum of satisfaction for the plaintiffs. The state launched a media campaign to notify the public of the discontinued sterilization program, but left the burden of action on those who had been housed in state institutions. The provision for counseling was to be posted at community service offices and was to be based on the patient's ability to pay. Some training was to be provided to counselors to help them address the issues faced by sterilization clients. The state's role was much more passive than the plaintiffs had desired, but the ALCU had helped them plead their case and raise awareness of their plight. <sup>(Lombardo [1985])</sup>

As lawmakers began discussing monetary restitution, several groups worked with them to lobby for the passage of legislation. One of those was an NPO founded in 2011—the Christian Law Institute in Lynchburg. The comments of executive director Mark Bold illustrate the strong appeal on the victims' behalf: “Until these people die off, we owe them a restitutional remedy. ... We wait 50 years from now, it'll just be a history lesson ... that's all it will be.” <sup>(Emerling)</sup> The Family Foundation of Virginia and the Virginia Catholic Council also cooperated with lawmakers to advocate for victims and to appeal for the urgent need for monetary compensation.

### **III. The Meaning of Apologies in Reckoning with History**

Apologies for various cases of historical injustice have been proffered, particularly since the end of World War II. Perhaps this can be attributed to an increased access to historical details resulting in the inability to cover up, deny, or minimize incidents where human rights have been violated. Or maybe trying to come to grips with these violations has generated stronger feelings of responsibility for the violations. This section will first examine some historical apologies and their lessons. The second section will look at the apologies for sterilization from the standpoint of

effectiveness. The final section will try to address the question of what should follow the apologies.

### **1. What can we learn from other apologies?**

A look at other apologies can be helpful in understanding what meaning an apology can have. In the words of a Chilean human rights lawyer, “Truth doesn’t bring the dead back to life, but it brings them out of the silence.” <sup>(Weyeneth, 33)</sup> An apology does not allow the harm to victims to remain hidden instead it brings it out into the open.

One look at the past is not sufficient. Richard von Weizsäcker’s speech on the occasion of the fortieth anniversary of the end of World War II emphasizes the importance of continuing to remember the past. He noted that the past cannot be undone and that “anyone who closes his eyes to the past is blind to the present. Whoever refuses to remember the inhumanity is prone to new risks of infection.” <sup>(Weizsäcker, 5)</sup> The events of the past are to be remembered in the present in order that there will not be a repetition in the future.

Yet an apology has its limits. President George H. W. Bush’s cover letter for checks mailed to Japanese Americans who had been interned during World War II acknowledged the inadequacy of a payment to “restore lost years or erase painful memories” and “to fully right the wrongs of the past.” <sup>(Bush)</sup> What the action could do was give Americans an opportunity to renew their “commitment to the ideals of freedom, equality, and justice.” He, too, noted the importance of looking toward the future and making an ethical commitment for the future to see that the past is not repeated.

## 2. Were apologies for sterilization effective?

The International Center for Transitional Justice suggests some characteristics of effective apologies. It should be public, sincere, and unequivocal in accepting responsibility. It is good to make the apology at the place where events had occurred by a person in high authority, and include survivors and next of kin. “The apology should honor victims and indicate the importance of restoring respect for them and recognizing their dignity. They assure victims—and the rest of society—that the victims were not at fault for what happened. They emphasize common values shared by everyone in society. They tell victims what else will be done to redress the harm that was caused as well as what is being done to keep them safe from further harm. The best apologies address the future not just the past.” (Carranza, 24)

Some aspects of the various states’ statements reflect the characteristics of effective apologies. Most of the apologies for sterilization were made publicly by the governors of the state, but apologies in Indiana and Georgia were made by legislators. Because the sites where the surgeries were done were numerous, making the apologies onsite was not feasible. However, when erecting historical markers, Virginia chose a site near the hometown of Carrie Buck, while Indiana chose a site near where the legislation was drafted. Survivors were in attendance for the dedication of the Virginia marker. However, the best example is Minnesota’s apology which was given at an annual meeting of a disability rights organization where victims were in attendance. In most cases fault is placed not on the victims, but on the “pseudoscience” eugenics, bigotry, and/or racism. Georgia’s apology pointed out that “eugenics legislation targeted the most vulnerable among us, including the poor and racial minorities, wrongly dehumanizing them under the color of law and for the claimed purposes of public health and good.” (Ga. State Senate) California’s legislature conceded: “In practice, the eugenics laws were used to target virtually any human shortcoming or illness, including alcoholism, drug addiction, pauperism, syphilis, and criminal behavior.” (Ca. State Senate [2003]) In declaring a Human Rights Day in Oregon, the

governor affirmed a “commitment to the value of every human being in Oregon. On this day, we will renew our determination to protect the rights of all people ... . We value them all, for they are our brothers and sisters.” (Kitzhaber) Most apologies did affirm the common values of sanctity of human life and “God given rights recognized by our Founding Fathers.” (Ga. State Senate) Another common feature was to urge people to become familiar with the history of the eugenics movement in order to become more enlightened and tolerant.

Aspects of the apologies which detracted from their effectiveness are also apparent. California’s statement, although made by the governor, was made as a press release with no face to face contact. Although blame was not placed on the victims, the matter of showing them honor and respect is another matter. For example, a large portion of the Oregon governor’s statement recounted the progress that the state had made in how persons with disabilities were treated. Toward the end he did get around to apologizing for policies that “labeled people as ‘defective’ simply because they were ill, and declared them unworthy to have children of their own.” (Kitzhaber) It is problematic that he failed to acknowledge that the definition of illness was so broad and undefined that included those who were not ill. Records and testimonies of victims show that some were evaluated as being “ill” because of their environment or their circumstances, such as having been raped or having parents who were poor or alcoholics. The implication that there had been some justification for the surgeries still remains. As for getting input from survivors and having them and their kin participate in the apology was a rare case, although North Carolina listened to the stories of victims afterwards. Their testimonies brought to light the role of physicians, social workers, eugenics boards, hospitals, corporations, pharmaceutical companies, and universities who also played a role in the sterilization process. None of these actors were held accountable. In the apologies there is also a tendency to relegate the wrong-doing to a misguided understanding. But this is not a case of reading back a present-day sense of what is right onto decisions made years

ago. There were voices of protest even when the legislation was implemented. Finally, the most ineffective aspect is the lack of monetary compensation in the majority of the states. Even though North Carolina and Virginia have made payments, the parameters set to determine who would be compensated shut out some victims. <sup>(Mennel)</sup> No amount of money can give back what was taken away from the victims, but it can be a meaningful symbolic gesture of justice. One wonders if in some cases the apology was an attempt to put the problem behind them and move on. In Oregon records were destroyed and in other states records were closed thus limiting further study.

### 3. What comes next?

If there is to be a reckoning with the past, an apology can only be the start, not the finish. What is done afterwards is important and reveals the sincerity of the apology. Compensation is a beginning, but it cannot stop there. After Virginia delegate Patrick Hope, who worked to get legislation passed, said “Now we can close this final chapter and healing can begin,” educator Dan Moshenber reacted:

Does healing begin this way? The compensation is a step in the right direction. ... More to the point, what of the system of law, medicine, education, and State that supported the forced sterilization of over 5000 women, all in the name of preserving the health and well being of something called society? That healing has not begun, not while so many of their sisters, nieces, grand nieces, and the list goes on, languish in prisons and jails across the Commonwealth, and across the nation, today. The kind of healing of which Delegate Hope speaks and for which he yearns cannot be purchased. It is not for sale. It must emerge from sustained recognition of responsibility combined with recognition of the subjects of this history. Women. Black women. Black women living with disabilities. Poor Black women living with disabilities. That healing has yet to begin. <sup>(Moshenber)</sup>

The lessons from sterilization need to be applied to change the system so that it provides counseling and support for rape and incest victims, for disabled persons, for impoverished persons, and for sexually active young people.

The need for education was recognized in most apologies and some initial efforts were made to answer that need. But interest and funding seem to have quickly declined. Home pages have not been updated and some of the links inactive. Without a concerted effort to learn from the past, we run the risk of repeating the violation of human rights and not respecting the sanctity of life. The eugenic approach behind sterilization can inform a clearer analysis of present-day practices like prenatal diagnosis. The resulting tendency toward intolerance, genetic determinism, and the preference for “fitness” over “unfitness” are issues that would benefit from understanding the ideas behind eugenic sterilization and the harm done to people. Apologies offered for forced surgeries have helped make the injustices a part of our story. What remains is to allow the story of the past to affect the present and the future.

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