

## HUMAN RESOURCES, DEPT. OF Eugenics Commission

### Agency History

The General Assembly of 1929 authorized the governing body or executive head of any penal or charitable public institution to order the sterilization of any patient or inmate when such an operation was deemed to be in the best interest of an individual or for the public good. Additionally, the county boards of commissioners were authorized to order sterilization at public expense of any mentally defective or feeble-minded resident upon receiving a petition from the individual's next of kin or legal guardian.

Each order for sterilization was required to be reviewed and approved by the commissioner of the Board of Charities and Public Welfare, the secretary of the State Board of Health, and the chief medical officers of any two state institutions for the feeble-minded or insane. A medical and family history of the patient or inmate was attached to the order to provide information and guidance for the reviewers.

In 1933 the General Assembly created the Eugenics Board of North Carolina to review all cases involving the sterilization of mentally diseased, feeble-minded, or epileptic patients, inmates, or non-institutionalized individuals. The five members of the board included the commissioner of the Board of Charities and Public Welfare, the secretary of the State Board of Health, the chief medical officer of a state institution for the feeble-minded or insane (appointed by the other board members), the chief medical officer of the State Hospital at Raleigh, and the attorney general. Each board member was authorized to appoint an assistant to represent him at any specific hearing. The Eugenics Board met at least quarterly to review all cases involving orders for sterilization.

In hearings that involved patients or inmates in a public institution, the executive head of that institution (or his representative) acted as prosecutor in presenting the case to the board. Hearings that concerned non-institutionalized individuals were prosecuted by the county superintendent of welfare or another authorized county official. Along with the petition for a hearing, the prosecutor provided a medical history signed by a physician who was familiar with the case, and a social history addressing whether the person was likely to produce offspring. The Eugenics Board appointed a secretary to receive petitions, keep records, call meetings, and serve as the executive of the board, although not a member of the board.

A copy of the petition was sent to the individual and his or her next of kin or guardian. When the inmate, patient, or other individual could not defend himself or herself at the hearing, the next of kin, guardian, or county solicitor represented the individual and defended that person's rights and interests. The county superior court could appoint a guardian if necessary. Individuals could also be represented by legal counsel during the hearing.

Agency History (cont.)

Factors to be considered by the board included whether the operation seemed to be in the best interest of the individual's mental, moral, or physical health; whether it would be for the public good; and whether it was likely that the individual might produce children with serious mental or physical problems. Orders for sterilization had to be signed by at least three members of the board and returned to the prosecutor. Mentally competent individuals, at their own expense, could select their own physician for consultation or for an operation. A decision by the board could be appealed by the individual or in his or her behalf to the county superior court and further appealed to the state's supreme court. A successful appeal precluded any further petition for the sterilization for one year unless specifically requested by the individual, or by his or her guardian or next of kin.

In 1937 the General Assembly authorized any state hospital, at the discretion of the superintendent, to provide temporary admission for any feeble-minded, epileptic, or mentally diseased person for whom the Eugenics Board had authorized sterilization. The regular or consulting staff of the hospital could then perform the operation. These hospitals were authorized to charge the appropriate state institution or county for the operation and expenses.

In 1947, the chief medical officer of the Hospitals Board of Control replaced the chief medical officer of the State Hospital at Raleigh as a permanent member of the Eugenics Board. The chief medical officer of the State Hospital at Raleigh was then eligible to serve as the board-appointed member of the board.

Under the Executive Organization Act of 1971, the Eugenics Board of North Carolina was transferred to the newly created Department of Human Resources (DHR). Although the board retained its statutory powers and functions regarding sterilization proceedings, the board's managerial and executive authority was vested in the secretary of the DHR, a cabinet-level officer appointed by the governor.

Under the Executive Organization Act of 1973, the Eugenics Board became the Eugenics Commission. The following five members of the commission were to be appointed by the governor: 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 attorney general. As before, any commission member could delegate power to a designee for a specific hearing. The new commission had no secretary; all clerical and other services were provided by the Department of Human Resources.

In 1974 the General Assembly transferred to the judicial system the responsibility for any sterilization proceedings against persons suffering from mental illness or mental retardation. In 1977 the General Assembly formally abolished the Eugenics Commission.

Agency History (cont.)

REFERENCES:

P.L., 1929, c. 34.  
P.L., 1933, c. 224.  
P.L., 1937, c. 221.  
S.L., 1959, c. 1019.  
S.L., 1971, c. 864, s. 15.  
S.L., 1973, cc. 476, s. 133; 1281.  
S.L., 1977, c. 497.  
G.S. 35-36 through 35-50 [1992].

**NOTE ON ACCESS RESTRICTION:** Restricted. ● The Commission's records are restricted under NC General Statute 35-53.

HUMAN RESOURCES, DEPT. OF  
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Index (to Case Files), 1933-1975

Accession Information: Transferred from the agency to the State Records Center on March 11, 1975; transferred from the SRC to the Archives on March 12, 1975.

De-accessioned and custody transferred to the Dept. of Health and Human Services, by agreement effective August 1, 2005.

Schedule Reference: R.S. No. 3310

Arrangement: Alphabetical

Processed by: Debbi Blake, Sarah Koonts, Mary Hollis Barnes

Finding Aid revised by: Mary Hollis Barnes

Date revised: August 11, 2005

Card file indexing cases brought before the commission. Information includes name, age, address, date petition received, date operation was ordered, and date operation was performed.

**NOTE ON ACCESS RESTRICTION:** Restricted. ● All files on individuals are restricted under NC General Statute 35-53.

<u>Drawer No.</u>	<u>Contents</u>
1	A - Bo
2	Br - C
3	D - F
4	G - Hi
5	Ho - K
6	L - Mc
7	M - O
8	P - R
9	S
10	T - Z

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General File, 1933-1974

Accession Information: Transferred from the agency to the State Records Center on March 11, 1975; transferred from the SRC to the Archives on March 12, 1975.

De-accessioned and custody transferred to the Dept. of Health and Human Services, by agreement effective August 1, 2005.

Schedule Reference: R.S. No. 3311

Arrangement: By subject

Processed by: Debbi Blake, Sarah Koonts, and Mary Hollis Barnes

Finding Aid revised by: Mary Hollis Barnes

Date revised: August 11, 2005

Correspondence and subject files relating to the commission's activities and may include minutes of administrative conferences of county welfare directors, attorney general's opinions, biennial reports, 1934-1968, budgets, information on relationships with other state agencies, newspaper clippings, miscellaneous reports, and information on the NC Maternal Health League and the American Birth Control League. The newspaper clippings were reformatted (xerographically copied) and the newsprint versions were destroyed.

**NOTE ON ACCESS RESTRICTION:** The files noted by "red dots" ● in the finding aid (Box No. 5) are restricted under NC General Statute 35-53.

Box No.    Contents

- |   |  |
|---|--|
| 1 | Directive for Office Procedure (ca. 1963)<br>Manual of Eugenics Board, 1948<br>Manual of Eugenics Board, 1960<br>Policies and Practices, and correspondence<br>Legislation (old), and correspondence<br>Legislation, and correspondence<br>Proposed Revisions of Eugenics Statutes<br>Attorney General's Opinions (see also: Box 5 for AGO restricted file)<br>Progress Report, 1956-1961<br>Statistics, 1964-1970<br>Budgets<br>Publicity |
|---|--|

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General File, 1933-1974

<u>Box No.</u>	<u>Contents</u>
2	General Correspondence, B General Correspondence, C General Correspondence, L General Correspondence, M General Correspondence, N General Correspondence, O General Correspondence, P General Correspondence, Miscellaneous General Correspondence, 1970 General Correspondence, 1973-1974 (see also: Box 5 for General Correspondence restricted file) Correspondence with Psychological Services, Div. of Social Services Miscellaneous, Report to American Birth Control League, 1938 Miscellaneous, NC Maternal Health League Miscellaneous, Orange County Social Breakdown Study, 1945 (see also: Box 5 for Orange County Study restricted file) Miscellaneous, Effects of Sterilization Operations, 1936 (see also: Box 5 for Effects of Sterilization restricted file) Miscellaneous, Eugenics Board Forms Miscellaneous, Dept. of Archives and History, Records Management Miscellaneous, Woodside Study, folder 1 (cont. in next box)
3	Miscellaneous, Woodside Study, folder 2 (cont. from previous box) Biennial Reports, 1934-1968 [do not copy from this set, see Box 4.1] Speeches on Sterilization Epilepsy, Correspondence and Pamphlets Sterilization Program in NC, Pamphlets and Leaflets History, Eugenic Sterilization in NC NC Eugenics, Publications Pamphlets, General, folder 1 Pamphlets, General, folder 2 Pamphlets, General, folder 3
4	Newspaper Clippings (131 xerographic copies) Newspaper Clippings (49 xerographic copies)
4.1	Biennial Reports, 1934-1968 (prepped for making xerographic copies) Biennial Reports, 1934-1968 (extra printed set) Newspaper Clippings (duplicate xerographic copies)

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General File, 1933-1974

Box No.    Contents

- 5    Attorney General's Opinions [Restricted] ●  
      General Correspondence [Restricted] ●  
      Miscellaneous, Effects of Sterilization Operations, 1936 [Restricted] ●  
      Miscellaneous, Orange Co. Social Study, 1945 [Restricted] ●

HUMAN RESOURCES, DEPT. OF  
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Minutes and Agenda File, 1934, 1936-1974

Accession Information: Transferred from the agency to the State Records Center on March 11, 1975; transferred from the SRC to the Archives on March 12, 1975.

De-accessioned and custody transferred to the Dept. of Health and Human Services, by agreement effective August 1, 2005.

Schedule Reference: R.S. Nos. 3306, 3311  
Arrangement: Chronological  
Processed by: Debbi Blake and Sarah Koonts  
Finding Aid revised by: Mary Hollis Barnes  
Date revised: August 11, 2005

Minutes and agenda and some "Delegation of Power to Act..." notices for the monthly board meetings of the Eugenics Commission (and the earlier Eugenics Board), including lists of cases to be discussed. The minutes for 1935 are missing. Copies of the board minutes, 1960-1972 (in Boxes 10-11) were originally a part of the "General File." The minutes, 1934, 1936 - 1970, are also duplicated on five reels of microfilm (see: Reel Nos. S.48.1 - S.48.4, and S.48.13).

**NOTE ON ACCESS RESTRICTION:** Restricted. ● The minutes (and copies of minutes) are restricted under NC General Statute 35-53.

<u>Box No.</u>	<u>Contents</u>
1	Delegation of Power to Act (during meeting), 1933-1934 Minutes, 1934, 1936 - 1942 [1935 missing]
2	Minutes, 1943 - 1946
3	Minutes, 1947 - 1950
4	Minutes, 1951 - June, 1953
5	Minutes, July 1953 - 1956
6	Minutes, 1957 - 1959
7	Minutes, 1960 - June, 1963



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Minutes and Agenda File, 1934, 1936-1974

<u>Box No.</u>	<u>Contents</u>
8	Minutes, July, 1963 – June, 1967
9	Minutes, July, 1967 – 1974
10	Minutes (copies), 1960-1966, and misc.
11	Minutes (copies), July, 1969 – June, 1972

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Closed Cases (Operations Performed) File [microfilm], 1929-1949

Accession Information: Files for 1929-1949 were microfilmed and destroyed in March, 1960.

De-accessioned and custody transferred to the Dept. of Health and Human Services,  
by agreement effective August 1, 2005.

Schedule Reference: R.S. No. 3307  
Arrangement: Chronological, then alphabetical  
Finding Aid revised by: Mary Hollis Barnes  
Date revised: August 11, 2005

Case files include petitions for operation of sterilization, orders for operations, consent for operations, medical and family histories, appointment of guardians (if needed), psychological reports, and related correspondence. The case files, 1929-1949, are available only on microfilm; the paper files were destroyed after filming.

**NOTE ON ACCESS RESTRICTION:** Restricted. ● All case files are restricted under NC General Statute 35-53.

<u>Reel No.</u>	<u>Contents</u>
S.48.5	B, 1929-1932 – Le, 1937
S.48.6	Li, 1937 – Harr, 1939
S.48.7	Hart, 1939 – Jones, M., 1941
S.48.8	Jones, S., 1941 – Sh, 1943
S.48.9	Sk, 1943 – Cald, 1947
S.48.10	Calh, 1947 – Rob, 1948
S.48.11	Row, 1948 – Y, 1949

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Closed Cases (Operations Performed) File, 1950-1974

Accession Information: Transferred from the agency to the State Records Center on May 17, 1971, February 1, 1973, August 14, 1974, and March 11, 1975. Transferred from the SRC to the Archives on July 7, 1976.

De-accessioned and custody transferred to the Dept. of Health and Human Services, by agreement effective August 1, 2005.

Schedule Reference: R.S. No. 3307  
Arrangement: Alphabetical  
Processed by: Debbi Blake and Sarah Koonts  
Finding Aid revised by: Mary Hollis Barnes  
Date revised: August 11, 2005

Case files include petitions for operation of sterilization, orders for operations, consent for operations, medical and family histories, appointment of guardians (if needed), psychological reports, and related correspondence.

**NOTE ON ACCESS RESTRICTION:** Restricted. ● All case files are restricted under NC General Statute 35-53.

<u>Box No.</u>	<u>Contents</u>
1	A – Allb
2	Alle – Anders
3	Anderso – Arne
4	Arno – Ay
5	B – Bank
6	Bann – Barn
7	Barr – Bea
8	Bec – Benn
9	Beno – Blac

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Closed Cases (Operations Performed) File, 1950-1974

<u>Box No.</u>	<u>Contents</u>
10	Blai – Bonh
11	Bonn – Bow
12	Boy – Brewe
13	Brewi – Brou
14	Brow – Brown
15	Browni – Bum
16	Bun – By
17	C – Can
18	Cap – Car
19	Cas – Cha
20	Che – Cle
21	Cli – Collin
22	Collis – Cop
23	Cor – Cox
24	Cr – Cro
25	Cru – Cu
26	D – Davis, L.
27	Davis, M. – Dia
28	Dic – Dri
29	Dru – Dy

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Closed Cases (Operations Performed) File, 1950-1974

<u>Box No.</u>	<u>Contents</u>
30	E - Ed
31	Eg - El
32	En - Ew
33	F - Fe
34	Fi - Ford
35	Fore - Foy
36	Fr - Fu
37	G - Gibb
38	Gibs - Gl
39	Goa - Gou
40	Gr - Greene
41	Greenw - Gru
42	Gu - Hame
43	Hami - Harp
44	Harr - Harris
45	Harriso - Haz
46	He - Hew
47	Hi - Hill
48	Hilla - Holla
49	Holle - Hop

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Closed Cases (Operations Performed) File, 1950-1974

<u>Box No.</u>	<u>Contents</u>
50	Hor – Hud
51	Huf – Hy
52	I – Jack
53	Jaco – Jenk
54	Jenn – Johnson, J.
55	Johnson, L. – Jol
56	Jon
57	Jor – Kelle
58	Kelli – King
59	Kins – Ku
60	LaB – Laz
61	Le – Lew
62	Li – Lockh
63	Lockl – Lowe
64	Lower – McCal
65	McCan – McD
66	McE – McK
67	McL – McN
68	McP – Man
69	Mar – Mas

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Closed Cases (Operations Performed) File, 1950-1974

<u>Box No.</u>	<u>Contents</u>
70	Mat – Me
71	Mil – Mit
72	Mo – Moo
73	Mor – Mos
74	Mou – My
75	N – Norm
76	Norr – Ou
77	Ov – Parh
78	Park – Pay
79	Pe – Per
80	Pet – Pi
81	Pl – Powel
82	Power – Pu
83	Q – Ra
84	Re – Rey
85	Rh – Rig
86	Ril – Rob
87	Roc – Roy
88	Ru – Sa
89	Sc – Shar

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Closed Cases (Operations Performed) File, 1950-1974

<u>Box No.</u>	<u>Contents</u>
90	Shaw – Sho
91	Shu – Sl
92	Sm – Smith, E.
93	Smith, F. – Smith, S.
94	Smith, T. – Spe
95	Spi – Stephens
96	Stephenso – Stri
97	Stro – Sy
98	T – Tay
99	Te – Thomas
100	Thomass – Ti
101	To – Turne
102	Turnm – U
103	V
104	W – Walla
105	Walle – Watk
106	Watl – Wen
107	Wes – White, N.
108	White, P. – Wilker
109	Wilkes – Williams, F.



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Closed Cases (Operations Performed) File, 1950-1974

<u>Box No.</u>	<u>Contents</u>
110	Williams, G. – Williams, O.
111	Williams, P. – Wilson, Le
112	Wilson, Lo – Woo
113	Wor – Wy
114	Y

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Pending Cases (Operations Authorized but not Performed) File, 1963-1974

Accession Information: Transferred from the agency to the State Records Center on March 11, 1975; transferred from the SRC to the Archives on March 12, 1975.

De-accessioned and custody transferred to the Dept. of Health and Human Services, by agreement effective August 1, 2005.

Schedule Reference: R.S. No. 3308  
Arrangement: Alphabetical  
Processed by: Debbi Blake and Sarah Koonts  
Finding Aid revised by: Mary Hollis Barnes  
Date revised: August 11, 2005

Case files regarding operations ordered but never performed (still pending at time of the commission's dissolution). Files may include petitions for operation of sterilization, orders for operations, consent for operations, medical and family histories, appointment of guardians (if needed), psychological reports, and related correspondence.

**NOTE ON ACCESS RESTRICTION:** Restricted. ● All case files are restricted under NC General Statute 35-53.

<u>Box No.</u>	<u>Contents</u>
1	A - C
2	D - J
3	K - P
4	R - Y
5	Pending, A - Pending, F
6	Pending, G - Pending, Si
7	Pending, Sm - Pending, W

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Closed Cases (Operations Never Performed) File, 1929-1949 [microfilm], 1971-1974

Accession Information: Files for 1929-1949 were microfilmed and destroyed in March, 1960.  
Files for 1971-1974 were transferred from the agency to the State Records Center on  
March 11, 1975; transferred from the SRC to the Archives on March 12, 1975.

De-accessioned and custody transferred to the Dept. of Health and Human Services,  
by agreement effective August 1, 2005.

Schedule Reference: R.S. No. 3309

Arrangement:

Processed by: Debbi Blake and Sarah Koonts

Finding Aid revised by: Mary Hollis Barnes

Date revised: August 11, 2005

Case files regarding operations ordered but never performed for reasons of illness, death, etc. Files may include petitions for operation of sterilization, orders for operations, consent for operations, medical and family histories, appointment of guardians (if needed), psychological reports, and related correspondence. The case files, 1929-1949, are available only on microfilm; the paper files were destroyed after filming.

**NOTE ON ACCESS RESTRICTION:** Restricted. ● All case files are restricted under NC General Statute 35-53.

**Closed Cases (Operations Never Performed) File, 1929-1949 [microfilm]**

Reel No.    Contents

S.48.12    A – W

**Closed Cases (Operations Never Performed) File, 1971-1974**

Box No.    Contents

1        A – W

HUMAN RESOURCES, DEPT. OF  
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Operations Never Authorized (Individual Case Correspondence) File, 1966-1972

Accession Information: Transferred from the agency to the State Records Center on March 11, 1975; transferred from the SRC to the Archives on March 12, 1975.

De-accessioned and custody transferred to the Dept. of Health and Human Services, by agreement effective August 1, 2005.

Schedule Reference: Page 1, Item 4 (1972)

Arrangement: Alphabetical

Processed by: Debbi Blake and Sarah Koonts

Finding Aid revised by: Mary Hollis Barnes

Date revised: August 11, 2005

Correspondence files regarding cases which were considered but declined (never authorized) by the commission. Files may include petitions for operation of sterilization, medical and family histories, appointment of guardians (if needed), psychological reports, and related correspondence.

**NOTE ON ACCESS RESTRICTION:** Restricted. ● All files on individuals are restricted under NC General Statute 35-53.

<u>Box No.</u>	<u>Contents</u>
1	A – H
2	J – R
3	S – W