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Poverty Law Report

AN OVERVIEW OF ADVANCES IN THE LEGAL RIGHTS OF THE POOR

Volume 1, Number 3 A Publication of the Southern Poverty Law Center September, 1973

OEO, HEW Funds Were Used--

Center Brings Suit to Ban Imposed Sterilization And Medical Experimentation On Poor People

Kennedy's Senate Health Subcommittee Hears Facts Surrounding Sterilization of Relf Girls

On July 10, at the invitation of Senator Edward Kennedy, members of the Relf family testified before the U.S. Senate Subcommittee on Health in Washington, D.C., regarding the three Relf sisters' receipt of periodic injections of the experimental birth control drug Depo-provera and the subsequent surgical sterilization of fourteen-year-old Minnie and twelve-year-old Mary Alice.

Accompanying the Relfs was Southern Poverty Law Center general counsel Joe Levin, whose statement of the facts surrounding the family's experience with the Montgomery Family Planning Clinic depicted for the Subcommittee a portrait of disregard by welfare workers for the legal rights of the supposed beneficiaries of social services.

Levin testified as follows:

On June 14, 1973, Mary Alice Relf, age twelve, and Minnie Relf, age fourteen, were surgically sterilized in a Montgomery, Alabama hospital.

These tubal sterilizations took place under the direction of the Family Planning Clinic of the Montgomery Community Action Committee, an OEO-funded project.

In addition to Minnie and Mary Alice, the Relfs have one other daughter, Katie, who is seventeen years of age. When Community Action moved the Relfs to a public housing project in 1971, the Family Planning Service began the administration of birth control injections to Katie. According to Mr. and Mrs. Relf, no parental permission was sought or given.

At a later date, the clinic began the administration of the same shots to the two younger girls.

In March, 1973, Katie Relf was taken to the Family Planning Clinic for insertion of an intra-uterine birth prevention device (IUD). Once again, her parents say, they were not asked if they had any objection. After arriving at the clinic, Katie did object to the procedure. But she was told by the nurse that she needed it, and the IUD was implanted.

On June 13, 1973, a Family Planning nurse picked up Mrs. Relf and the two younger girls and transported them to a doctor's office. Mrs. Relf understood that the girls were being taken for some shots. She thought the shots were the



Twelve-year-old Mary Alice Relf, left, and her sister, Minnie Lee, two of 11 minor girls who were sterilized by a federally funded family planning program in Montgomery, Ala.

same as those all three children had been receiving for some time.

Neither Mrs. Relf nor the girls spoke with anyone at the office. From the doctor's office the children and their mother were transported to the hospital where the girls were assigned a room.

Absence of Constitutional Safeguards Violates Poor People's Legal Rights

Federal antipoverty funds, poured by the Office of Economic Opportunity and Department of Health, Education and Welfare into thousands of community welfare agencies nationwide, have been used to sterilize young girls and to administer experimental drugs to unsuspecting poor people.

But no guidelines regulating these sensitive and controversial activities have ever been distributed to the local agencies by OEO or HEW. Thus poor people who are the supposed beneficiaries of federal antipoverty programs have been denied due process, equal protection, and — in thousands of instances — the ability to have children.

The Southern Poverty Law Center's lawyers first discovered this situation when we were asked to represent two young black girls who has been surgically sterilized,

without their knowledge or consent, by the Family Planning Clinic of the Montgomery Community Action Committee — a local organization funded by OEO. (See other story this page.)

We filed a lawsuit in federal court in Montgomery against the Clinic, the doctor who had performed the operations, and OEO as the agency with ultimate responsibility. News of our suit made an aroused public aware for the first time that federal funds were being used to sterilize minors and other poor people who were unable to give informed consent.

Immediately after the lawsuit was filed, the director of HEW — which had since taken over funding of the Montgomery Community Action Committee — suspended all funding, thereby depriving the city's poor of other vital services not at issue. A telegram to the director from Southern Poverty Law Center President Julian Bond was instrumental in getting all funding reinstated except that for sterilizations.

Subsequent investigation by the Center's lawyers revealed that until May, 1971, surgical sterilizations had not been permitted by OEO; and that after the restriction was lifted — and until this very day — the federal agency has failed to provide guidelines to safeguard the legal rights of poor people receiving counsel from OEO-funded birth control agencies.

See Legal Rights, Page Four

It was at this time that Mrs. Relf, who neither reads nor writes, put her mark on what we later learned was an authorization for surgical sterilization. Mrs. Relf was then escorted home. Minnie and Mary Alice were left by See Relf, Page Four

New Investigations, Evidence, Related Cases Grow Out of the Center's Efforts To End Federally Funded Medical Experimentation On Poor People

THE CHRISTIAN SCIENCE MONITOR

FRIDAY, JULY 13, 1973

Kennedy blasts experimentation

Sterilization case ignites controversy

By Jack Waugh
Staff correspondent of
The Christian Science Monitor

Washington
Massachusetts Sen. Edward M. Kennedy sat at a table away from the Lonnie Reifs of Alabama.

All their lives they had lived worlds apart. The Senator had never known anything but wealth. The Reifs had never known anything but poverty. The Senator is white. The Reifs are black. The Senator lived all his life near enormous power. The Reifs have always been powerless.

And there they all were in the Senate committee room united in one anger.

The Reifs' two young daughters, Minnie, 14, and Mary Alice, 12, had been sterilized June 14 by an agency of the federal government. Mrs. Reif has signed a paper with her signature, an X, permitting the surgery. But she says she had no idea that is what the paper said.

Lawyers from the Southern Poverty Law Center in Montgomery, Ala., are helping the Reifs sue the government for \$1 million.

Senator Kennedy, outraged, has called it "one of the really tragic experiments of all time," and intends to see legislation passed that will never let it happen again.

Did she understand?

The Reif case has exploded in both Alabama and Washington into a major cause celebre that raises questions about racism, welfare practices, constitutional rights, and medical ethics.

For weeks Senator Kennedy's Senate subcommittee on health had been looking into the issue of biomedical research and the protection of human subjects. And the Reif case landed in the middle of that.

At the legal fulcrum of the case is a

question: Did Mrs. Reif, an illiterate, really understand why she was signing a paper with her "X"?

The poverty lawyers say she didn't understand. She says she didn't. Officials at the Community Action Committee in Montgomery, Ala., said she did.

And everybody says the situation is dynamite.

The Justice Department is investigating. The U.S. Department of Health, Education, and Welfare (HEW), which now funds such activities, is investigating and indeed, has cut off all funds until new guidelines can be drawn. And the Office of Economic Opportunity, which has had administrative control of sterilization programs, is investigating sterilizing activity not only in Alabama but around the country.

Guidelines in question

HEW officials estimate that in 1972 at least 16,000 women and more than 8,000 men were sterilized by the government. Of these, 365 were minors.

The outcry rising against the practice of sterilizing any minor involuntarily is likely to lead to strong legislation out of the Kennedy subcommittee. And certainly to a tightening of guidelines.

Politics has snaked into the picture with charges that there already were guidelines, drawn last year, but bottled up by the White House until after the election. The charge is that if they had been let out, as community action groups around the country wanted, they might have prevented the sterilization of the Reif girls and others.

The two Reif daughters, and their older sister, Katie, had been receiving injections of the experimental birth-control drug, depoprovera, for months from the OEO Community Action Clinic in Montgomery.

The New York Times

WEDNESDAY, JULY 11, 1973

Sterilizing the Poor

Exploring Motives And Methods

MONTGOMERY, Ala. — The South got a new cause célèbre last week when the Department of Justice and the Department of Health, Education and Welfare began investigating a federally funded family-planning clinic here that sterilized 11 girls, all minors, 10 of them black and some retarded.

The investigation, accompanied by a nationwide freeze on all money allotted for such surgical procedures, immediately disclosed that the problem went beyond Alabama.

In the last 15 months, it was discovered, other Government-sponsored birth control clinics around the country have sterilized at least 80 other minors. There are 3,260 clinics in all, most of them serving the poor.

A racial and regional breakdown of the additional sterilizations was not available. But for the moment, that could wait.

The portent of the situation here provided all the controversy necessary. The Montgomery sterilization not only raised old questions about racism and government involvement in the population fight, but also raised new questions about constitutional rights, medical ethics and welfare theories.

Senator Edward M. Kennedy, Democrat of Massachusetts, announced that his subcommittee on health would hold hearings this week, aside from the investigations already underway.

State Representative Julian Bond of Georgia recalled that the Nazis had also sterilized members of minorities and the mentally incompetent.

How did it all happen?
Surgical sterilization is generally permanent and irreversible, the most foolproof birth control method. For both men and women, the operation involves a small incision and the turning off or severing of reproductive tubes. Only women require hospitalization.

Federal regulations permit the use of Government money for voluntary sterilization. But the regulations are not completely clear regarding sterilization of minors and the mentally incompetent and, indeed, have frequently been hotly debated.

For example, Dr. Warren Hern of Denver, the former chief of program development and project evaluation for the agency's family planning division, says he drew up a set of regulations in 1971 that would have prevented the Montgomery controversy.

"But," he adds, "after I had 25,000 copies printed and was ready to distribute them, somebody above me in Washington cried 'politics'—I could never find out just who—and ordered all of them tucked away in a warehouse. I guess they're still there."

Because of the Montgomery situation, the H.E.W. Secretary, Casper W. Weinberger, has ordered still another set of Government rules drafted. The frozen funds may then be released.

As for rules and regulations drawn up by the 50 states, most permit sterilization operations and the use of Federal funds for them as long as patients are mentally competent adults and as long as they submit voluntarily to surgery. In the last year, about 16,000 women and 9,000 men have been sterilized by public clinics at their own request, joining seven million other Americans.

Some states also permit the sterilization of minors, with parental consent. And a number of states permit courts to order the sterilization of insane or retarded persons.

As for Alabama in particular, it permits voluntary sterilization of adults and court-approved sterilization of the mentally incompetent. There is also an Alabama law that permits parents to authorize surgery for their children, though the law does not specifically cover surgical sterilization.

This law is the basic cause of the current furor in Montgomery.

Two of the 11 girls sterilized here were 12-year-old Mary Alice Reif and 14-year-old Minnie Lee Reif, the youngest of six children of Lonnie and Minnie Reif, an illiterate black couple living on food stamps and \$156-a-month welfare checks in a \$25-a-month public housing apartment on the southwestern edge of this Deep South capital city.

The girls were operated on several weeks ago after their mother signed her "X" on a surgical consent form brought to the Reif apartment by two nurses from a local family-planning clinic. Mr. Reif was not home at the time, and when he later went to the hospital to visit his daughters, he says, he was told visiting hours were over.

Mrs. Reif, who speaks haltingly and "thinks" she is about 50 years old, says she thought she was authorizing birth control shots for her daughters. The sisters had been receiving anti-conception shots for some time.

Did hospital personnel, including the white surgeon, ask any questions?

"No," Mrs. Dixon says.
Mr. Reif, 55 years old and too crippled by a car accident to work, contends that there was a misunderstanding.

With the help of the Southern Poverty Law Center, a nonprofit Montgomery organization that helps the poor in legal matters, he has filed a million-dollar damage suit against the clinic and asks that safeguards be established to protect other minors from involuntary sterilization.

In contending that the sisters did not understand the meaning of sterilization, the suit asserts that Mary Alice, born with a speech impediment and without a right hand, is retarded. And what of Minnie Lee, the more articulate of the sisters? What does she think, with her child-bearing ability gone forever, removed beyond the reach of even a favorable court decision and the million dollars?

The other day, Minnie Lee had this exchange with one of her father's lawyers, Morris Dees:

Q. Are you ever going to get married? A. Yes.

Q. Are you going to have any children? A. Yes.

Q. How many? A. One.

Q. A boy or a girl? A. A little girl.

—B. DRUMMOND AYRES JR.

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Daphne W. Dwyer II
Managing Editor

Sterilization of Black Mother of 2 Stirs Aiken, S.C.

By NANCY HICKS

Special to The New York Times
AIKEN, S. C. — Marietta Williams is 20 years old and sterile.

She wasn't always sterile. Last month she gave birth to a baby boy—her third child—and the next day her Fallopian tubes were snipped and tied.

The operation was performed by the one doctor in town who is willing to deliver babies for women such as Mrs. Williams who are on welfare. Dr. Clovis H. Pierce does so under one condition — that mothers of three children receiving Medicaid agree to be sterilized to receive his help. He is doing so, he has said, to help reduce the welfare rolls.

Mrs. Williams said he threatened to take her to court if she did not sign the surgical consent form before delivery, so she did.

Hers is not the only case in Aiken; it's not the only one in the South. In fact, it is the third situation to be disclosed in recent months in which involuntary sterilization was systematically performed on poor black women.

The disclosures are causing widespread outrage and have prompted the filing of lawsuits and the issuance by Caspar W. Weinberger, Secretary of Health, Education and Welfare, of new guidelines on involuntary sterilization.

Baby Still Hospitalized

All of this will not help Mrs. Williams, however.

Her new baby has been sick since birth and is still hospitalized, dehydrated with an intestinal disorder that keeps him from retaining any oral nourishment. She is wondering about his future and her own. "I wouldn't marry again. Who would want me, knowing I cannot have any children?" she said the other day, repeating a sentiment expressed over and over again in this part of the country, where a woman's greatest gift is still thought to be her fertility.

Several weeks ago, Mrs. Carol Brown, a white welfare mother of four, publicly complained that Dr. Pierce had refused to deliver her fifth baby unless she agreed to be sterilized or pay a \$100 down payment on his \$250 fee. Her complaint brought to light a personality imposed policy that some Aiken officials think has been going on for two years.

Mrs. Brown became a welfare recipient in February when her husband, Robert, began serving an 18-month prison term for grand larceny. He should be paroled within a few weeks, Mrs. Brown said. And her baby will be delivered now by a doctor in Augusta, Ga., about 20 miles from Aiken.

Defended Policy

Immediately after the complaint was made public, Dr. Pierce defended his policy in the local press and said that he did require welfare mothers with three children to be sterilized to receive care. He said he was doing so because of the heavy tax burden welfare was causing. He said that Aiken's other obstetricians supported the policy.

Since then he has refused to make any public comment. Aiken County Hospital records show that 18 of 34 deliveries paid for by Medicaid last year included sterilization. Sixteen of the 18 involved black women. All were performed by Dr. Pierce, the records show. Medical payments to Dr. Pierce, according to the records, have totaled \$60,000 in the last 18 months.

The disclosure of the sterilizations here, following that of the sterilization of two young black girls in Alabama earlier, has rocked Aiken, a quiet town best known as a genteel retreat for the rich to train and breed thoroughbred horses.



Marietta Williams, 20, with two of her three children in Aiken, S.C. She was sterilized by Dr. Clovis H. Pierce after he delivered her third child, a boy, about a month ago.

Just after the Alabama case, which led to a lawsuit by the father of the girls, a less publicized suit was filed in North Carolina in behalf of Nial Ruth Cox, who was sterilized seven years ago. She said she was told it was a "temporary five-year operation" that would "wear off."

Residents Angered

So that when the Aiken situation broke, television crews and reporters swarmed into town. This influx has angered residents, many of whom are supporting Dr. Pierce in letters to newspapers and to Mrs. Brown.

"I didn't mean to drop a bomb," Mrs. Brown said with a chuckle in her living room in New Ellenton, about 10 miles south of Aiken. "I just wanted to have my baby."

Five investigations are under way, including one by the Justice Department. Other investigations are being conducted by the State Attorney General, the State Department of Social Services, the South Carolina Medical Association and the South Carolina Council for Human Rights, a privately sponsored watchdog group.

Dr. R. Archie Ellis, Commissioner of Social Services for South Carolina, said his investigation would include a review of all hysterectomies performed in Aiken County Hospital to determine if any were performed for nonmedical reasons, presumably as a means of sterilizing women.

Specialists in medical ethics have expressed outrage over the increasing disclosures that sterilization is being imposed on poor Southern blacks for social rather than medical reasons.

"We must face the fact there are many whites who, consciously or not, see birth control as a way to save the white race from being overwhelmed," said Bruce Hilton, director of the National Center for Bioethics in Ridgefield, N.J.

"Many laymen still hold the mistaken belief that it is America's minority groups that contribute most to this country's growing population — contrary to figures."

And many black Americans, who consider abortion and sterilization forms of black genocide, are nodding their heads knowingly.

Last year, Dr. William A. Darity of the University of Massachusetts studied the opinions on birth control of 1,500 blacks, randomly selected by computer. More than 80 per cent of the men interviewed were against sterilization, 50 per cent believing the practice was a plot against blacks.

Fears Reaction

John Robbins, director of the Planned Parenthood Federation of America, on whose board Dr. Darity sits, said he was concerned by what these disclosures would do to the population control movement.

"Whenever something good happens, we get positive vibes," he said. "Whenever something bad happens, we get negative vibes. These stories are sending shudders through many programs."

Meanwhile, in Aiken, Dr. Pierce has remained silent.

The 40-year-old former Army doctor arrived at his office one day recently in a small black and white car and sped around the building to the back. He rushed to the door, unlocked it and disappeared inside without answering any questions.

In recent days, other principals had left town and were unavailable to clarify questions that have been raised.

No Investigation

One of them is Richard Poore, Aiken's director of social services. Three women said they had reported the doctor's ultimatum—to be sterilized or find another doctor—but that no investigation had been made.

J. Sam Nesbit, the administrator of Aiken County Hospital, was not available to comment on his earlier statement that he saw nothing wrong with Dr. Pierce's practice.

One person who is highly critical of Dr. Pierce's methods is Mrs. Margaret J. Weston, a black registered nurse who is director of the local Planned Parenthood program. Her husband, a surgeon, serves as the program's medical director.

"Forced sterilization? I don't believe in that—no, honey. I am personally enraged at what happened in Aiken. It's a disgrace and a shame," she said.

She said her clinic had served about 1,200 women, none of whom have been referred for sterilization.

CENTER WILL REPRESENT SOUTH CAROLINA WELFARE MOTHERS

Among the discoveries made after the Southern Poverty Law Center's suit against HEW and OEO was filed, was news that an obstetrician in Aiken, South Carolina, had pressured welfare mothers-to-be into consenting to be sterilized before he would accept them as Medicaid patients.

The Center recently agreed to represent several of the victims of this practice, and have added to its suit a class of plaintiffs who because of pressures imposed by doctors or clinics are unable to give consent freely. Constitutional guidelines would prohibit such pressures.

THE NATIONAL OBSERVER

Was Sterilization of Black Teen-Agers Too Hasty?

By J. M. McFadden
FROM MONTGOMERY, ALA.

Does a parent have the right to sterilize a child even if the danger of youthful unmarried pregnancies seems imminent? This is one of the questions lawyers say they sought to raise last week when they filed a \$1 million class-action suit against Federal welfare officials in behalf of two black teen-age girls who say they were sterilized without proper consent.

The suit was filed by the Southern Poverty Law Center (The National Observer, Aug. 5, 1972). The suit asked a halt to all sterilization by welfare agencies across the country "except under Constitutionally acceptable safeguards."

No such safeguards were observed, the suit says, when a nurse from the Montgomery Family Planning Clinic visited Mrs. Lonnie Relf on June 13 to repeat earlier urging that her two daughters be sterilized.

Question of Informed Consent
"Boys were hanging around the girls," the suit says, and the welfare people "felt the most convenient method for the agency to prevent pregnancy was sterilization."

The suit alleges that the father, who might have understood, was never consulted; the mother, who didn't understand, signed her "X" to the consent papers. The next day Minnie, 14, and Mary Alice, 12, were checked into Professional Center Hospital in Montgomery, where an unidentified surgeon performed a tubular ligation on each girl.

TIME

THE WEEKLY NEWS-MAGAZINE
July 23, 1973 Vol. 102, No. 4

Sterilized: Why?

Mary Alice Relf, now twelve, is mentally retarded, has a speech defect, and was born without a right hand. She has a sister named Minnie, 14, and as they grew old enough to attract boys, welfare workers steered them to a federally financed family planning center in Montgomery, Ala., where they received injections every three months of a drug called Depo-Provera, which was being tested as a contraceptive.

Last month, shortly after the drug was banned because of undesirable side effects, two nurses paid a visit to the shabby apartment where the Relfs live on \$150 monthly welfare payments.

SEATTLE—THE NEW YORK TIMES



MARY ALICE & MINNIE RELF AT HOME
A question of consent.

Lonnie Relf, 56, a former field hand who has been unemployed since he was lamed in an auto accident four years ago, was away from home, but his wife Minnie recalls that the nurses told her the girls would have to go to the hospital for more shots. They said she must sign a paper, so she marked a surgical consent form with an X. The girls were taken to the Professional Center Hospital, kept overnight, and then sterilized next day by tubal ligation.

"I didn't want it done, and I'm still upset," Lonnie Relf testified last week before a Senate subcommittee, chaired by Edward M. Kennedy, which is pressing for a bill to tighten controls on Government medical experimentation. Relf's wife agreed: "I was mad. I wouldn't have let them do that."

The family planning center has insisted that the operation was properly explained to Mrs. Relf, but she denies this. Had she then given a valid, informed consent, and did she have the legal right to do so? Or, more broadly, what right does the Government have to perform such an operation?

When the Office of Economic Opportunity set up its family-planning program in 1967, the regulations stated that "no project funds shall be expended for any surgical procedures intended to result in sterilization or to cause abortions." To help poor people prevent unwanted births, the ban on funds for voluntary sterilization was quietly dropped in 1971—the OEO financed some 16,000 of them last year—but no rules were ever promulgated. A set of guidelines was drafted and printed, barring sterilization of anyone who did not have "the legal capacity to himself consent to the procedure," but after an obscure controversy within the Administration, the guidelines were sent to a warehouse. Thus the use of federal funds for sterilization was left in a kind of legal vacuum.

RELF, Continued from Page One

themselves in a ward. Minnie and Mary Alice said that neither had seen the physician who was to perform the operation, and that neither had been told what was going to happen to them.

The next morning, both children were placed under a general anesthetic and surgically sterilized. Mrs. Relf and the girls stated that at no point prior to the operations did they see or talk with the doctor who performed the operations or any other physician, and that at no time prior to the surgery did any physician discuss with them the nature or consequences of the surgery to which Minnie and Mary Alice were about to be subjected. The girls were released from the hospital after three days.

On the afternoon of the day Minnie and Mary Alice were taken to the hospital, the same Family Planning nurse had returned to the Relf home and attempted to take Katie to the hospital. Katie locked herself in her room and refused to go.

I was told by persons who spoke with the Director of the Clinic and the nurse on the day of the surgery that the reason for the operations was the existence of new policies which prevented nurses from going out into the community to administer shots and birth control devices; that boys were "hanging around" the girls and that the simplest way to insure against pregnancy was sterilization.

I decline to engage in debate over the relative merits of sterilizing children. I see no justification for permanently depriving any child of his or her right to conceive, regardless of the child's present mental or physical condition; nor do I believe that agencies, by committee or other means, have the right to sterilize any person, regardless of age, unless that person, intelligently and with full and complete knowledge of the consequences, desires to be permanently stripped of the ability to create life. Passing the age of 21 is not necessarily a barometer for measuring the ability of an individual to comprehend the significance of sterilization.

In order to begin to understand why it happened to these children I think one must examine the social services system under which they and their family exist. They receive \$156 per month from the Alabama Department of Pensions and Security; they receive food stamps; they receive subsidized medical assistance; and, I am sure other aid unknown to me at this time.

In other words, each member of this family lives his or her existence under a microscope. They are visited almost every week by some social service person who either functions under the direction of the state or federal government or whose salary is paid, directly or indirectly, through some combination of local, state and federal funding.

They are surrounded by a welfare state upon which they depend for their

very existence; and they are easily "coerced" into doing what the welfare people recommend to them. It is a very sophisticated, probably unintentional coercion, but it is extremely effective.

One must ask whether or not the hospital, the doctor, the nurses, and the anesthesiologist would have as quickly participated in the sterilization of a "paying customer." Would this medical complex have permitted a middle-class white or black parent to so easily sign away his child's ability to procreate? Would the middle-class parent, absent the kinds of dependency pressures exerted on a welfare family, have even considered surgical sterilization for his children? I believe this Subcommittee will find that the sons and daughters of middle America are not sterilized, regardless of their physical or mental condition. It is the "free clinic" patient who is fair game for this most final of birth control methods.

I recently spoke with an employee of the agency who wrote the proposal which will provide HEW funding for the Montgomery Family Planning Clinic. In response to a remark of mine condemning sterilization of minors, he asked if I would also be opposed to sex education in the schools since minors are affected there. It is this apparent complete inability to draw lines to make distinctions, to instinctively recognize the difference between a birth control pill and surgery which forever halts the ability to participate in conception, which frightens me.

Strict Guidelines Essential

Sterilization is not "birth control" when applied to minors and incompetents — it is mayhem, and it must be stopped now. The strictest guidelines for sterilization should be established and distributed to all agencies, hospitals, or individuals who in any way participate in federal or state funded sterilization programs.

I have every reason to believe that what happened to the Relfs is not uncommon; that for some time now OEO-funded and HEW-funded family planning projects have been securing sterilization operations for the minor children of poverty-stricken families, and I know that the decisions about who shall or shall not receive this so-called service must have been based upon only the most general criteria. Surely there are as many different procedures for determining who gets sterilized as there are clinics offering the service.

A look into this whole field of beneficent government medical services and the treatment accorded poor people in the administration of such services, is long overdue. On behalf of the Relf family and the thousands of other families who require governmental assistance in order to fulfill the most basic needs of life, I implore you to give this matter your closest attention.

The Relf Family

DEPENDENT FOR SURVIVAL ON PUBLIC ASSISTANCE



Until January, 1971, Mr. & Mrs. Lonnie Relf and their six children lived in a two-room wooden shack in rural Alabama. Both parents unable to read or write, Mr. Relf unable to earn wages because of severe injuries received in an auto accident, the family has seemingly always been dependent for their survival upon public assistance.

Then the Montgomery Community Action Committee decided to give the Relfs a fresh start in a new environment, and moved them to a welfare apartment inside the city. But to this day, virtually everything they own or enjoy is theirs as a result of charity — from furniture provided by Goodwill Industries to food

acquired with food stamps. Their only income is their welfare check; medical care and other essentials are all provided by one or another publically funded agency.

Social workers literally run the Relfs' lives; in that context one might almost expect their legal rights to be overlooked.

Such was the case when two of the Relf children were surgically sterilized earlier this year. The Southern Poverty Law Center's suit in federal court seeks to vindicate the Relfs for this injustice, and thereby protect the rights of all poor people.

LEGAL RIGHTS, Continued from Page One

We learned also that prior to their operations, our clients had been administered periodic injections of the experimental birth control drug, *Depo-provera*. Neither the girls nor their parents had ever been advised that the drug was not available to the general public, and that they were guinea pigs in a federally sponsored study; nor, according to the Relfs, was parental consent for the injections ever sought or given.

A callous disregard by government officials for the humanity and legal rights of poor people, similar to that which made possible a federally financed study in Tuskegee, Alabama, of the effects of syphilis on subjects denied medical treatment, has resulted in the use by public clinics of many experimental drugs whose effects are not known.

Depo-provera was withdrawn last spring even from experimental distribution because of tests linking it with cancer in laboratory animals. (It was because the drug was no longer available that the Family Planning Clinic decided that the girls should be sterilized.)

Our investigation further uncovered information that OEO had in fact developed guidelines to be followed by local agencies performing surgical sterilizations after May, 1971. Early in 1972, 25,000 copies of these OEO guidelines were published and prepared for distribution; but it is alleged that someone in the Nixon administration, concerned about the sensitive nature of federally funded sterilization, ordered the guidelines locked in a warehouse during the Presidential election year. There they still remain.

Recognizing that ultimate responsibility for what had been done to our clients lay with the directors of OEO and HEW in Washington, D.C., our lawyers determined that only from those agencies' headquarters could the relief we were seeking be forthcoming. Accordingly, we moved to dismiss the

suit in Montgomery federal court, submitted administrative claims for damages to both agencies, filed a new lawsuit in federal court in Washington against the directors of the agencies.

This suit asks the court to prohibit sponsorship by OEO and HEW of surgical sterilizations of minors and other persons incapable of giving informed consent, until constitutionally acceptable guidelines are made available to local clinics. It also seeks prohibition against the distribution by poverty program agencies of experimental drugs and devices (including, but not limited to experimental birth control materials) until similarly acceptable guidelines protecting the legal rights of poor people are produced.

We ask that the agencies be ordered to develop such guidelines within a reasonable time; and that in the event such guidelines are not developed, the court itself dictate guidelines which would guarantee that poor people, dependent on government health care, cannot be used by federal agencies as a class of helpless research subjects.

General funding of HEW and OEO is not affected by the carefully drawn requests for injunctions in the lawsuit. Medically approved drugs and services remain available to poor people; only irreversible operations and experimental drugs are under attack.

The Center's victory in this crucial lawsuit would guarantee that no poor person who cannot fully understand the implications of permanent sterilization surgery and give informed consent would ever suffer the consequences of such surgery. It would further protect the legal right of poor people to be given full information regarding risks that may be involved in accepting untested experimental medical treatments and drugs. No agency funded by the federal government could ever again subject poor people without their knowledge to potentially dangerous medical care.

The Center's efforts to ban federally financed sterilization and medical experimentation on poor people without constitutionally acceptable safeguards of their legal rights may ultimately cost as much as \$50,000. But this costly procedure, including administrative claims, court actions and other possible measures, is necessary if the rights of indigents are to be protected.

Your support will make it possible for us to continue this effort with vigor; please contribute as much as you can. Thank you.

SOUTHERN POVERTY LAW CENTER FUND TO END STERILIZATION AND DRUG EXPERIMENTATION

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THE SOUTHERN POVERTY LAW CENTER
119 South McDonough Street
Montgomery, Alabama 36101