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## Moakley, Chisholm Interview Transcript (MS100/09.01#06)

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**Program Title:** "Representative Moakley with Representative Shirley Chisholm," (WILD)

**Program Participants:** Congressman John Joseph Moakley and Congresswoman Shirley Chisholm

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**Recording Overview:** Representatives Joe Moakley and Shirley Chisholm discuss new developments in guidelines, regulations and ethics related to human sterilization, as well as family planning. The discussion was broadcast on WILD as an episode of a radio show featuring Congressman Moakley and other members of Congress.

### **Transcript Begins**

**RADIO ANNOUNCER:** From the nation's capitol, here is our Congressman Joe Moakley. Joe represents Roxbury and other sections of the Boston Community. Today, Joe will be discussing sterilization with a guest.

**JOE MOAKLEY:** My guest today is one of the outstanding members of the 93<sup>rd</sup> Congress, a former candidate for president and a woman that I've grown to respect and admire for her leadership in the area of human rights, Mrs. Shirley Chisholm, the congresswoman from the 12th district of New York.

Mrs. Chisholm, a member of the Congressional Black Caucus<sup>1</sup>, has long been in the forefront of equal rights for all Americans and people throughout the world. Now, in her third term in Congress, she astounded many people with her successful grassroots presidential campaign.

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<sup>1</sup>The Congressional Black Caucus, formed in 1969, is a coalition of African-American members of Congress working to address the legislative concerns of black and minority citizens.



Shirley, it's nice to have you on the show today, and I'm sure that a lot of people in the Boston area will be very happy to hear from you, because I know that you're very active in the Roxbury area not too long ago when you were on that campaign trail.

**SHIRLEY CHISHOLM:** That's right. It's great to be here.

**MOAKLEY:** Ms. Chisholm, we're all terribly concerned when we read about the two Alabama girls that were apparently sterilized involuntarily.<sup>2</sup> The element of coercion was alarming. Now, the Department of Health, Education and Welfare [HEW] has announced new guidelines that many feel will ensure that tragedies like this won't occur again. What do you think of the current regulations? And do you think that they're the answer to the problem?

**CHISHOLM:** Well, the new guidelines now stipulate that the person has to be twenty-one years of age and over, legally competent and must give his written informed consent before he would go through this particular procedure. Any person who is not twenty-one and who is regarded as mentally retarded or legally incompetent would have to be subject to a review of five persons on the committee who would make the determination as to whether or not they can go ahead with the procedures as stipulated in the guidelines. However, I am a little bit alarmed over these guidelines because what has not been brought out yet with respect to the review committee is how is this committee going to be composed? What is going to make up a majority on the committee? What is going to be regarded as a negative or a positive decision?

So, because of the Relf case and a few other cases that occurred particularly in Aiken, South Carolina, like everything else, we get very paranoid and paralyzed. You run and establish some guidelines without thinking through this whole problem which has some very strong moral,

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<sup>2</sup>Chisholm refers to the Relf case which involved two sisters, fourteen year old, Mary Alice and twelve year-old, Minnie Lee Relf, who were sterilized in Montgomery, Alabama, on June 1973. This case brought the issue of sterilization abuse to national prominence.



ethical and religious guidelines that I think need to be considered very, very seriously. But at least it's a step to prevent what happened with the Relf girls from reoccurring again.

**MOAKLEY:** So, actually, Ms. Chisholm, I think what I understand is that the guidelines. But unless you have the community representative on the panel that knows something about the community in which they're serving, then the guidelines really don't do the job that well?

**CHISHOLM:** I think that is exactly right. Because, you see, what happened, when this legislation was brought forth in Congress a few years ago, the principle of volunteerism was the principle that was supposed to be established in terms of this kind of legislation. But what has happened particularly with the poor, with those who have been welfare recipients, with those who are not too knowledgeable about what really happens to them in their day-to-day existence, they have been taken advantage of in a sense in certain areas of our country. Particularly in the south where it was felt in many instances that particularly, the public assistance cases, the families in these areas should definitely be minimized. And this is one of the ways to do it without the people actually understanding their legal rights.

**MOAKLEY:** Actually, although it would probably be difficult to prove coercion. I'm sure that if a social worker in a certain situation went to Mrs. Smith and said, maybe you should sterilize your daughters and they feel that this was a mandate and if they didn't do it that maybe their welfare would be shut off, is that some of the things that you probably feel could happen?

**CHISHOLM:** Yes. Just last week I was reading about a few cases, I forget which state the cases—happenings occurred in—but again, there were women who were warned that if they did not get their tubes tied, they would no longer be eligible for certain public assistance benefits. So, there was no choice in the matter. There has been some coercion that has been used in certain parts of the country, and particularly in the Deep South. There is no question about that.



**MOAKLEY:** Does the new regulations specify who should be on the board and whether they should come from the community that the girl comes from?

**CHISHOLM:** No. This is what is so very—the new regulation just stipulates that the persons will be selected by the project, particularly if there is a particular grant for the program, or the persons will be selected by the state, particularly in the Medicaid programs. But it does not stipulate very, very carefully that these persons must of necessity come from the community. You see there is a question of who is going to be on the board, whether or not these persons are going to have any biases or prejudices around the whole concept of family planning and sterilization and what have you. It is still too much in the dark actually.

**MOAKLEY:** Of course, we've seen the great strides that have taken place in the sixties and seventies, and the old adage that you can't fight city hall, we find out that you can fight city hall. When we're talking about developments going up, in-fill housing, housing developments, that now, the community is part of this thing. And I think that in this specific area you're talking about it's very, very important that a community representative or representatives be on this board in order to ensure that the Alabama case doesn't reoccur.

**CHISHOLM:** I think it's very important for persons who might be listening and would be interested that October twenty-eighth is the deadline for all citizens or persons who are interested in this particular issue to send in their suggestions and further recommendation with respect to these tentative guidelines that have now been proposed by HEW [U.S. Department of Health, Education and Welfare]. See, they're not yet final. They're going to have hearings and what have you, and I think it would be very important that people particularly in the black and the minority communities who have very definite black organizations and groups should make their feelings known, should make some recommendations as to the board, as to whether or not they feel this is the approach. It doesn't mean that HEW will actually take all of these recommendations, but to the extent that they hear from the people who are very concerned about this problem it perhaps will help us to build something in a much more certain matter within the legislation itself.



**MOAKLEY:** Shirley, we're on WILD<sup>3</sup>, which is a Greater Boston station. Where would the people in the Boston area write, to the Regional Commission?

**CHISHOLM:** They should write to Caspar Weinberger, the head of HEW.

**MOAKLEY:** Write to Washington then?

**CHISHOLM:** Write to Washington, D.C. with respect to the proposed guidelines concerning family planning services and sterilization procedures.

**MOAKLEY:** Does the Congress have a responsibility in this area of family planning to draft strict comprehensive statutory prohibitions on the use of federal funds in the sterilization of minors?

**CHISHOLM:** Oh, yes, there is no question about it. The Congress does have a responsibility. And the Congress always writes legislation in such a way as to not be sure that it has the operational guidelines. So much legislation is written, but we never provide people and agencies and departments with the mechanism or the instrument for making sure that, for example, the principle of volunteerism which was established in this legislation should be carried out. The Congress has a responsibility not only for bringing forth the legislation, but for also telling the states how this legislation is to be carried out. Because the state laws, fifty different state laws with Medicaid benefits-- and the question is whether or not a person is an adult. Some people are adults at the age of eighteen in some states. Some people are adults at the age of twenty-one. The laws are very complex and complicated statewide. So, therefore, the federal government has a responsibility to have a national policy that will be applicable to all and thus safeguard the rights of legal minors, mental incompetence and retarded individuals.

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<sup>3</sup> WILD (AM) was a Massachusetts radio station whose programming focused on Boston's black community.



**MOAKLEY:** I think the Alabama case pointed out several things quite vividly. Perhaps one of the biggest things was that we as a nation had failed even to begin to develop a consistent national policy governing the use of federal funds in federal state planning programs. Do you think that we're coming to that? Do you see any moves in that direction?

**CHISHOLM:** Oh yes. I—sometimes I see moves in that direction and sometimes I don't. Because the administration recently began to take a backwards step from this whole family planning policy and said that it was going to return all of these determinations to the states in the nation. This is the question of decentralization. Now, we know fully well that if we return such a thing as family planning and sterilization procedures to the states in the nation, because of the complexity and the complications of all of the different state laws, we're not going to be able to have some kind of national policy, some kind of national guideline. So, I think in this particular matter, the administration has been moving away from assuming its responsibility. The only reason they began to come up with some guidelines was because of the outbursts with respect to the Relf children in Alabama and some situations that occurred in Aiken, South Carolina.

**MOAKLEY:** Well, of course, the Relf case really did get national publicity, and it would make you wonder just how many Relf cases took place around the country and how many of these cases went unnoticed or unheard of?

**CHISHOLM:** Well this is why it's so important that we have guidelines that will be applicable to all of the states in the same way. Because I almost draw an analogy between the Relf case and the Tuskegee Institute case<sup>4</sup> with regard to syphilitic men where there were no guidelines and these men had just participated in this very experimental project, some of them for over thirty

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<sup>4</sup> The Tuskegee Institute case refers to an experimental research study that took place in Macon County, Alabama from 1932 to 1972. The study followed 399 African-American males infected with syphilis; the subjects received free meals, free healthcare, and free burial insurance but were withheld the common treatment of penicillin. This case led to regulations on the experimentation of human subjects.



years and not knowing what was going on. We've got to protect people. And that's why it's so important that we have national guidelines.

**MOAKLEY:** Now although we'd have national guidelines, do you think we should establish local boards? We talk about community participation, but I think that sometimes that Uncle Sam becomes too big, too far away and too unfeeling in many cases. And this is such a sensitive case. Do you feel that we probably should establish local boards like they probably did local draft boards?

**CHISHOLM:** Oh yes. I definitely feel that the community should have some kind of input, because the communities in this country are made up of all kinds of people. An issue that is as sensitive as this which will have some ethical and religious bearing, you should have on that board some Catholics, some Jewish persons, some black persons, some laypersons, some religious persons, some social activists so that we can get together a cross-section of the community who will bring out their ideas and their feelings around the matter. And then you will be able to come up with some kind of consensus that will be much more acceptable if all of the people in the community are represented in this kind of local board.

**MOAKLEY:** Of course, on other laws, the pornography law, they're talking about what are community standards. And I'm sure that's a big contest and I'm sure that what are community standards would also arise in a situation as this. But I think that probably local boards would probably help us greatly.

**CHISHOLM:** Definitely.

**MOAKLEY:** Ms. Chisholm, I'm only a freshman Congressman and I've got to know you a little bit in the flow of the House, and I've seen some of the things you've been interested in. And I watched your campaign and it took a lot of courage too as a woman to get out and travel around the country and meet all of those people and really tell all the nation where Shirley



Chisholm was coming from and what she is all about. But now I'm a little bit saddened because I know rumors are always rampant in Washington and we really don't know if it's true or not, but I did hear on the floor that you were considering not seeking reelection after the next term I believe it was. I think—I feel that there will be a big piece of Congress missing if this happened. And I was just wondering if there was any truth to that rumor? If there is, what brought this decision about?

**CHISHOLM:** I've always said that I do not intend to be a career politician. I feel that there are other things that I would like to do in the area of public service before I get too old. As a result of having had the opportunity to travel around the country a great deal, appearing on over 150 college campuses, before all kinds of women's groups, I feel that what I would like to do I would like to develop a pragmatic political institute based in Washington, D.C. and be able to begin to put into practice some of the things that I have learned, the things that I have done in spite of being a person that's been persona non grata from white and black politicians, but I've been able to make it, be an assemblywoman, a congresswoman, national committee woman, running for the Presidency. How did I do it in spite of having all of these obstacles against me? I think it's so necessary that those of us who have been able to achieve certain things make sure that we don't ever leave a vacuum, make sure that we're able to pass on to others our knowledge and what have you. So, I feel that is something I would like to do.

I want to travel. I want to do some writing. So, I felt that within another few years I will not continue holding electoral office. I will always be very involved in public service, but it will not be in the area of holding electoral office. I will definitely be running next term.

**MOAKLEY:** I'm very happy to hear about that.

**CHISHOLM:** After that I don't know.





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**MOAKLEY:** Well, thank you very much, Shirley Chisholm. Our guest this afternoon was Congresswoman Shirley Chisholm, as you all remember as the candidate for President. She represents the Twelfth District of New York. Ms. Chisholm was the member of Congress that really led the flight in this Alabama case and she is really right on top of the situation. I'm very happy to have you on this program.

**CHISHOLM:** Thank you very much, Joe for being on the program. And I think it's a wonderful thing to be able to present to the community social minded and civil rights and legal rights issues to the people because knowledge is power. I think this is a wonderful thing to do.

**MOAKLEY:** You're saying knowledge is power. You're a very powerful woman. Nice to have you, Ms. Chisholm.

**ANNOUNCER:** Thank you Congressman Joe Moakley and Congresswoman Shirley Chisholm for a very enlightening conversation. Be sure to tune in next week to WILD at this same time when your Congressman, Joe Moakley, reports on matters of interest to our community.

END OF INTERVIEW