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**STATEMENT REGARDING OPENING OF VERGENNES JUVENILE DETENTION FACILITY**

The Vermont Truth and Reconciliation Commission (VTRC) is dedicated to investigating institutional, structural, and systemic discrimination perpetuated by State laws and policies against marginalized communities. This includes individuals identifying as Native American or Indigenous, French Indians, French Canadians, those with physical, psychiatric, or mental conditions or disabilities, Black individuals and people of color, as well as those with mixed ethnic or racial heritage. Our recent discovery regarding the selection of Vergennes as the site for a new secure juvenile treatment facility by the State of Vermont has prompted the VTRC to address the history of similar juvenile institutions and this location.

The Weeks School, which has had multiple names since the late 1800s, has an abusive history intertwined with Vermont's eugenics movement. Initially intended to provide rehabilitation, it became a center for the segregation of individuals deemed "defective" by eugenicists. Despite its intentions, the institution failed miserably, with reports of rampant abuse and neglect surfacing over the years.

Discrimination has played a significant role in the placement and treatment of children within these facilities. Marginalized youths were disproportionately represented, subjected to harsh treatment, and denied proper support. In order to understand the legacy of juvenile facilities in Vermont, below is a chronology of the history of state institutions and the historical context surrounding them. Additionally, attached is historical research and resources on this topic.

Historical Timeline and Context:

- **1874** – After a fire at the previous facility, The Vermont Reform School moves to Vergennes.
- **1894** – The facility formerly known as The Vermont Reform School is renamed The Vermont Industrial School (VIS).
- **1917** – Governor Gates speaks out against unhoused and poor children being arbitrarily sent to VIS.
- **1925** – Henry Perkins creates the Eugenics Survey of Vermont (ESV). The ESV uses files from the Vermont Reform School as part of its work to map so-called “mental deficiency” in Vermont.
- **1931** – Vermont passes its eugenic sterilization law, “An Act for Human Betterment by Voluntary Sterilization.”
- **1932** – 36 children at VIS are sterilized between 1932 and 1946. The youngest child sterilized was 13 years old.

- **1935** – A report on the reform school noted that many children were sent to VIS for simply being poor, rather than for committing any offense.
- **1937** – VIS is renamed the Weeks School in honor of John E. Weeks, who was involved in the Eugenics Survey of Vermont and the Vermont Commission on Country Life. Weeks eventually became governor. Governor Aiken sets a commission to investigate allegations of abuse at Weeks. They found severe overcrowding, allegations of severe corporal punishment, and use of long periods of solitary confinement as punishment.
- **1944** – The McLaughlin Report also finds evidence of physical abuse and assault, staff using abusive language when speaking to Weeks School children, and ongoing use of solitary confinement as punishment. The state issues a series of reforms for the Weeks School.
- **1946** – Several reports emerge in the news that the Weeks School is not following the proposed reforms. One of these limited solitary confinement to 4 days; reports found a boy placed in solitary for 21 days. Governor Proctor releases a Vermont Catholic Charities report alleging staff punched and kicked boys at the Weeks School.
- **1973** – Psychologist David Egner reported further allegations of abuse and deprivation of rights at the Weeks School. In response, the State commissioned a report that conceded some staff were abusing children.
- **1979** – the State closes the Weeks School during the nationwide deinstitutionalization movement.
- **1981** – The Office of the Governor, in a retrospective report on the Weeks School, warns Vermonters away from “romantic nostalgia” for the Weeks School, saying the facility “provided neither help for troubled young people nor security and protection for Vermont.”
- **1986** – The State opens the Woodside Juvenile Rehabilitation Center in Essex, Vermont, taking the Weeks School’s place as the State’s juvenile detention facility.
- **2018** – The Department of Children and Families is notified that abuses at Woodside violate state regulations.
- **2020** – A civil lawsuit outlines repeated instances of staff abusing children at Woodside. Six months after a settlement with Disability Rights Vermont, the State closes Woodside.

As the contemplation of the establishment of a new juvenile treatment facility in Vergennes begins, meticulous consideration of the implications and potential consequences is paramount. The new facility is planned for construction on part of the former site of the Weeks School.

The following questions demand thoughtful examination to prevent the perpetuation of past injustices:

- How do we ensure that the fundamental rights and inherent dignity of the children entrusted to this facility are safeguarded?
- How can we pivot towards trauma-informed care and rehabilitation while moving away from punitive measures?
- How can we make certain that the children relegated to this facility are not victims of the school to prison pipeline many marginalized youths experience?
- What is the accountability process to prevent the horrors of history from happening again?
- How is the humanity of all of those that come through those doors going to be centered?

The troubling history of abuse and neglect at juvenile detention facilities in Vermont underscores the urgency of our inquiry. Despite numerous reform endeavors, the state has consistently faltered in addressing these systemic issues. The prospect of opening another facility in a location tainted by past abuses raises profound concerns.

In the coming years the state will have opportunities to listen to those impacted by state institutions via the VTRC truth telling process. The VTRC invites the legislators and those connected to the implementation of the new juvenile detention site to become part of this process to better understand the impact of such facilities on people and families over generations. Listening and understanding will help to inform accountability and reverence to the past so that a comprehensive approach that prioritizes the dignity of all placed in this institution can be fully realized. Positive change requires that the voices of the impacted are included in the process of reformation in substantive ways. To get involved and learn more about this process visit <https://vtrc.vermont.gov>

## **RESEARCH**

VT governor Gates said in 1917, “Many are committed on the slightest provocation, either because they have no home or because responsibility for their care has been disregarded.” He could not have known that tragic and true summation of Vermont’s institutional history would continue through the 20<sup>th</sup> Century and beyond.

The Weeks School or The Brandon School is associated with the Eugenics Survey of Vermont and with the general eugenics' movement in the State. Former superintendent, Charles Wilson, served on the Vermont’s advisory board of the Eugenics Survey. The Weeks School was vital in eugenicists’ efforts to segregate supposedly “defective” persons from the general population to prevent their admixture. These efforts led to severe overpopulation at the Weeks School and other institutions such as the Brandon School and the Waterbury Hospital.

According to eugenics scholar, Mercedes de Guardiola, the officials at the Weeks School “served a vital role in the state eugenics campaigns. Eugenicists believed that the Brandon School and the Waterbury Hospital’s cases and overcrowding showed the danger of the mental ‘defective’ and that the Reform School’s cases showed the danger of the hereditary delinquent, criminal, immoral, and dependent” (2023, 71). Information that the Weeks School collected became a crucial part of eugenicists’ work to document “feeble-mindedness” across the state.

During the height of eugenics in Vermont, the State sent many disabled, unhoused, and impoverished children to the Weeks School – despite the fact that the institution was supposed to only be for juvenile offenders. Eugenics scholar Mercedes de Guardiola argues that “same-sex relationships and behavior that went against normative gender roles were likely also causes for commitment” (2023, 18). The State committed some young girls to the Weeks School after they were sexually assaulted. Several young children were committed to the Weeks School and then eventually released because they were too young to have been admitted in the first place. The School sent paroled children out to families and businesses that the children were required to work for. The Weeks School used inmate labor to help subsidize the costs of running the institution, as it and other institutions were chronically underfunded.

There are records for 36 sterilizations at the Weeks School (then, the Vermont Industrial School) that were performed under the State’s 1931 sterilization law. It is possible that more sterilizations took place and that records were destroyed, meaning that we likely will never know the true number of sterilizations. The reason given for nearly all of them is that the children were “feeble-minded.” Some of the children were as young as 13 years old. One girl has no reason for sterilization listed, but records indicate that her mother

(who died at the Brattleboro Retreat) had Huntington's Chorea, suggesting the child was potentially sterilized for carrying "defective" genes. That same sterilization law also required doctors to have concluded that any children born from the individual to be sterilized would be of poor mental health. There is no indication in any of the existing records we have seen of how doctors came to that conclusion. It seems clear that within the institutions of Vermont, with nearly no oversight or guidelines, the ideas of eugenics and the prejudices of the time led to grave abuse of Vermont's children and young adults.

Throughout its history, reports have emerged detailing repeated patterns of abuse, the State's efforts to evade accountability for these abuses, and half-hearted reforms that did little to address them. The State itself noted in a report that children were committed to the institution for arbitrary and falsified reasons. A 1935 State report on the Reform School said, "While the law forbids committing to Vergennes for reasons of dependency or neglect, it happens too frequently that these are the real reasons though grounds stated may disguise this fact" ("The Weeks School, a Documentary History" 1981).

In 1937, Governor George Aiken (1937-1941) and the Joint Assemblies set up a Commission to investigate institutions after allegations of abuse and misconduct. There were findings of deteriorated buildings, overcrowding such that children were crawling over each other to get to their beds, and allegations of severe corporal punishment as well as long solitary confinement ("Proposals for Institutions," 1937). The same year, the Vermont Industrial School was renamed the Weeks School, after Governor John Weeks. Notably, Weeks supported the 1931 eugenic sterilization bill titled "An Act for Human Betterment by Voluntary Sterilization."

The name change, however, did not signal a turn away from abusive practices at the institution. The 1944 McLaughlin Report, following quickly on the heels of the Aiken Commission, found evidence of physical abuses and assault, that solitary confinement was routinely used as punishment, and that staff used abusive language toward inmates ("Charges Against Weeks School Aired behind Closed Doors" 1946; "Discipline for Boys" 1944; "Weeks School: Staff Members Kicked, Swore at and Punched Boys, Says Report"). In response to this report, the State instituted a number of reforms. However, there was an ongoing pattern of half-heartedly following these reforms or simply ignoring them. Despite new rules and reforms in 1944 that limited the use of solitary confinement to four days, staff sent a boy to solitary confinement for 21 days. Staff also lashed boys beyond the number of times permitted ("Strong Arm Tactics? Abuses, Broken Rules Seen at Weeks School" 1946).

Governor Mortimer Proctor (1945-1947) also released a Vermont Catholic Charities report alleging staff at the Reform School punished boys by kicking and punching them. In response to a similar allegation Governor Ernest Gibson Jr. (1947-1950) limited court commitments to one year. In 1966 the Governor's Advisory Committee on Mental Retardation Planning made sixteen recommendations including calling for the state to implement a wide range of measures to prevent the birth of the mentally disabled individuals in Vermont including birth control, sterilization and abortion (Governor's Advisory Committee on Mental Retardation Planning 1966). Many, including the Catholic Church were opposed to these ideas and yet the recommendations themselves speak to the attitudes and treatment of Vermont individuals with cognitive disabilities and how very much they are part of Vermont's history.

A 1973 article in the Rutland Herald detailed psychologist David Egner's allegations of serious physical abuse and deprivation of rights ("Weeks School Showdown; Placement Plan Finalized" 1973). In response to these allegations, the State commissioned a report that conceded that there were instances of staff abusing children.

After the closure of the Weeks School and amid concerns about lack of a juvenile detention facility in Vermont, the State opened the Woodside Juvenile Rehabilitation Facility. In 2020, a civil lawsuit outlined repeated instances of staff abusing children. The State was aware of these abuses; the Department of Children and Families was told in 2018 that abuses there violated state regulations. More recently, Seven Days published a harrowing article detailing ongoing abuses at Woodside Juvenile Rehabilitation Facility. It demonstrates continued failure on the State's part to keep children safe in juvenile detention facilities.

For roughly the past 100 years, State officials have heard reports of abuse at juvenile detention facilities in Vermont. Numerous efforts to reform these institutions were repeatedly unsuccessful. Changing the name of these institutions does not change the fact that there is a demonstrated history of abuse at juvenile detention facilities in Vermont and that, in many instances, the State has been unable to adequately address these abuses to ensure they do not continue. The decision to open yet another juvenile detention facility raises serious alarm. The proposed facility is in the same location as an institution that sterilized children under eugenic laws and where staff repeatedly abused children. This facility was ultimately closed and replaced by yet another facility where further abuses occurred.

Throughout its history, the juvenile facility in Vergennes has changed its name in attempts to avoid association with repeated abuses. A recent article from Seven Days noted a 2015 master plan for the property that suggested the facility be renamed again to avoid association with the eugenics movement. The proposed name, "Otter Creek Campus," reflects a lack of historic awareness and understanding of events that occurred at this facility; during its history, multiple inmates at the Weeks School drowned in Otter Creek, including in 1922, 1945, 1955, and 1961 ("Tribute to Boy Who Lost Life Trying to Prevent Escape at Weeks School" 1945; "Weeks School Boy Drowns in Otter Creek" 1955; "Two Vermont Youths Drowned" 1961; "Industrial School Boy Drowns While Bathing with Others Saturday Afternoon" 1922).

Many of these insights are not new. When the Reform School, or Weeks School closed in 1979, the Office of the Governor had this reflection in their retrospective report of 1981:

"Before an outbreak of romantic nostalgia for the "good old day" traps Vermonters into believing that reopening the Weeks School would be a valid response to the State's problems with juveniles, we ought to take a careful look back at the school's history, to understand what it was really like, particularly during its last decade. Such a historical review will show three things. First, the Weeks School provided neither help for troubled young people nor security and protection for Vermont. Second, Weeks School was an enormously expensive institution, wasting a very large amount of the State's money. Third, the closing of the Weeks School in 1979 was not a sudden or precipitous action, but the logical and necessary result of more than ten years of study, analysis, legislative action and change" ("The Weeks School: A Documentary History" 1981).

The Weeks School is not alone among Vermont institutions in its history of abuses. The Brandon School closed after an enormous amount of evidence of abuse and at least one Vermont Legal Aid lawsuit. Waterbury decertified in 1985-1987, and 2003, and finally for good in 2005 due to repeated infractions and suicides and again enormous amounts of report abuse. The US Department of Justice named the conditions as "dehumanizing" in their 2005 investigative report and said no one should expect anyone to recover under such conditions. ("Hospital Fails Again" 2005).

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