



LAND ACKNOWLEDGEMENT

First, we must acknowledge that Vermont is part of the homeland of the Mohican people and the Alnobak, the Western Abenaki people. We are all part of the circle of creation and the health of our human communities has an impact on all our relations, human and non-human. We want to take this moment to recognize the land itself, Mother Earth, and the many blessings that we are given. We hope you will take the time to think about your relationship to place and what land means to you.

Vermont Truth and Reconciliation 2023

EMBLEMATIC CASES- DAY 1

Attendance & Welcome
Vermont Truth and
Reconciliation Commission



Wednesday, November 29, 2023

1:00pm to 4:00pm

Meeting ID: 256 006 329 199

Passcode: aJFzgT

Or call in (audio only): [+1 802-828-7667](tel:+18028287667), [332172643](tel:+1332172643)#

United States, Montpelier

[Click here to join the meeting](#)

Emblematic Cases Public Meeting #1

Community Norms Upholder: Faith Yacubian

Notetaker: Ann Miller

ASL Interpreters: Denise Green Lucia Castellani

AGENDA		
3 min	Accessibility	Melody
	Land Acknowledgement	Mia
2 min	Attendance & Welcome (<i>place name, pronouns, where from, email in the chat; optional unless speaking during the meeting.</i>)	Melody
3 min	Agenda	Melody
10 min	Working Agreements and Declaration of Understandings	Mia
3 min	Explanation of Timing and Civility	Faith
5 min	Case Review Explanation	Adam
2 min	Explanation of Jam Board	Ann
45 min	Criminal Justice - Michele Olvera (4 cases)	5 minutes per case
	Public Comment	2 minutes per person
45 min	Education System - Adam Kersch (4 cases)	5 minutes per case
	Public Comment	2 minutes per person
45 min	Eugenics - Adam Kersch & Michele Olvera (4 cases)	5 minutes per case
	Public Comment	2 minutes per person
	Adjourn	4:00 pm

If you need access to a different language, please contact us at VTRC@vermont.gov

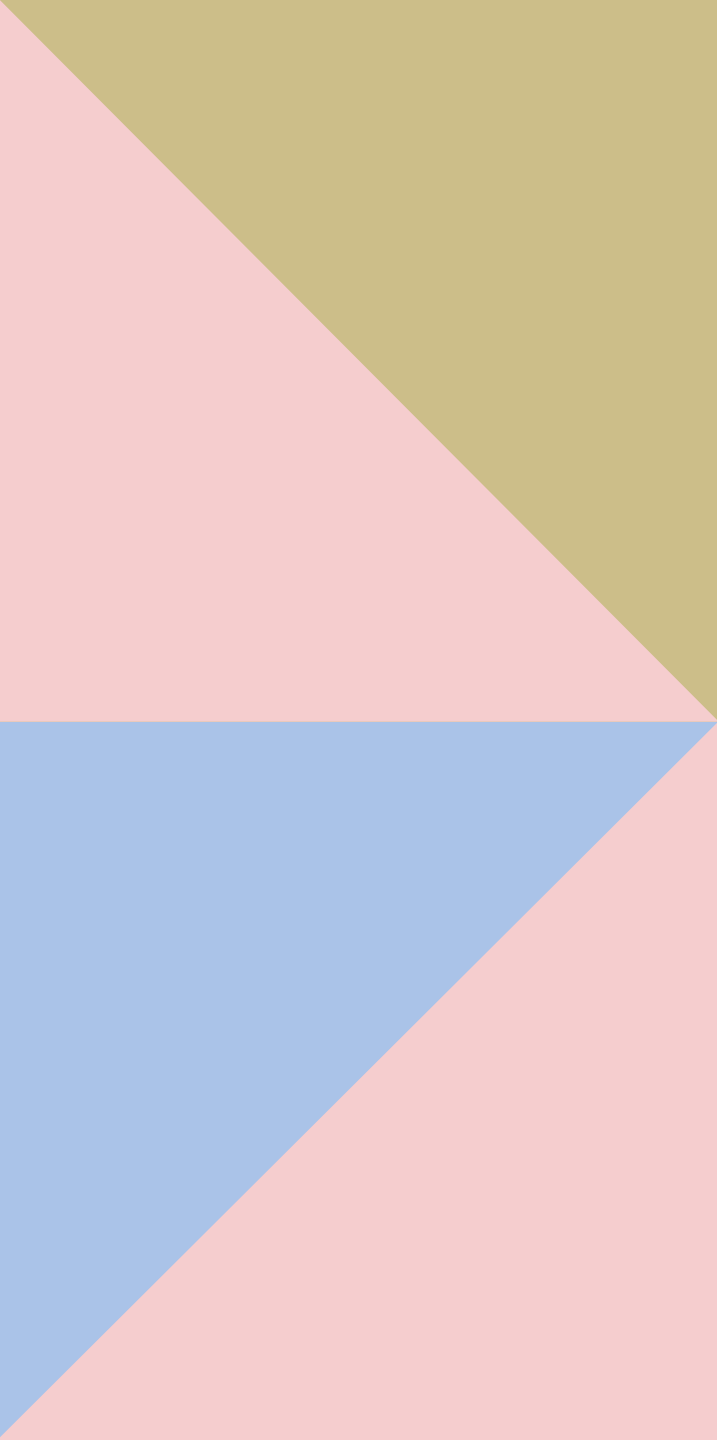
Meetings will be transcribed, and notes will be posted in a timely manner on the Vermont Truth and Reconciliation Commission webpage <https://vtrc.vermont.gov>.

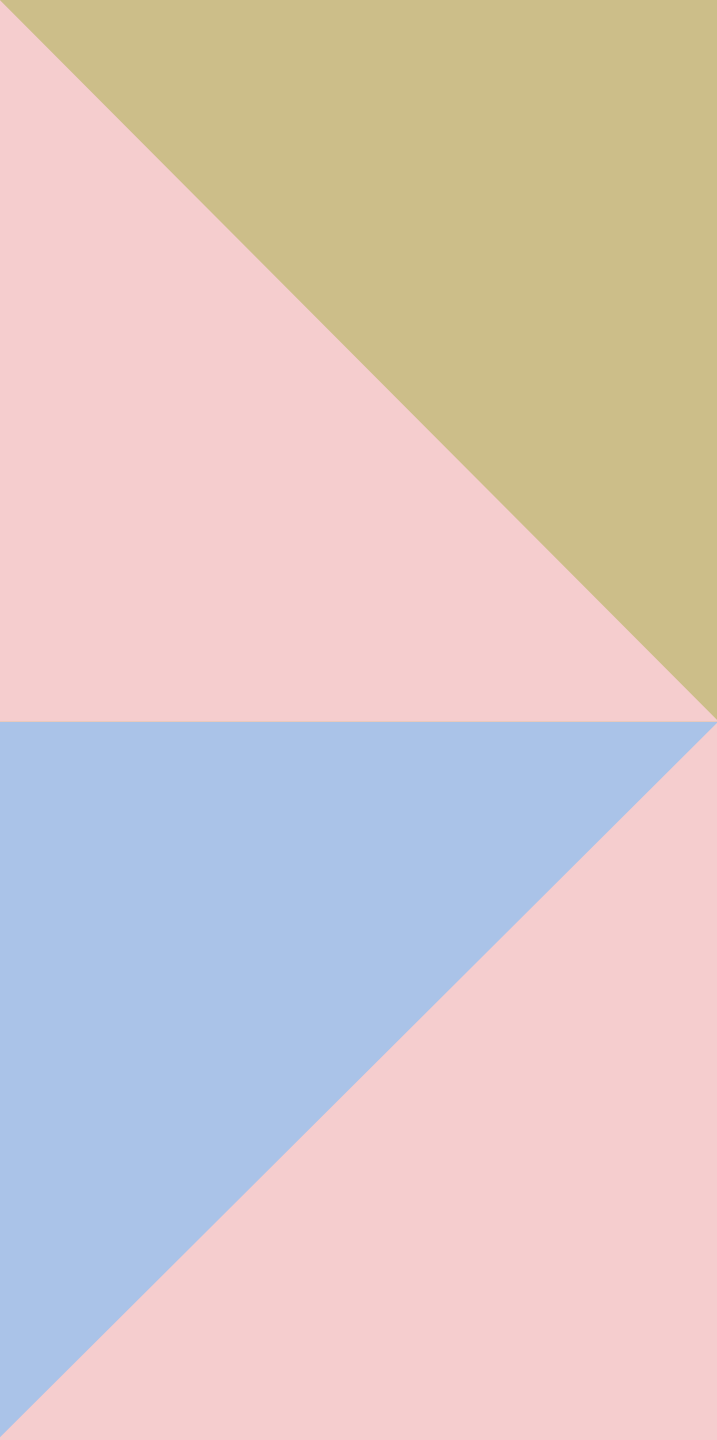
WORKING AGREEMENTS

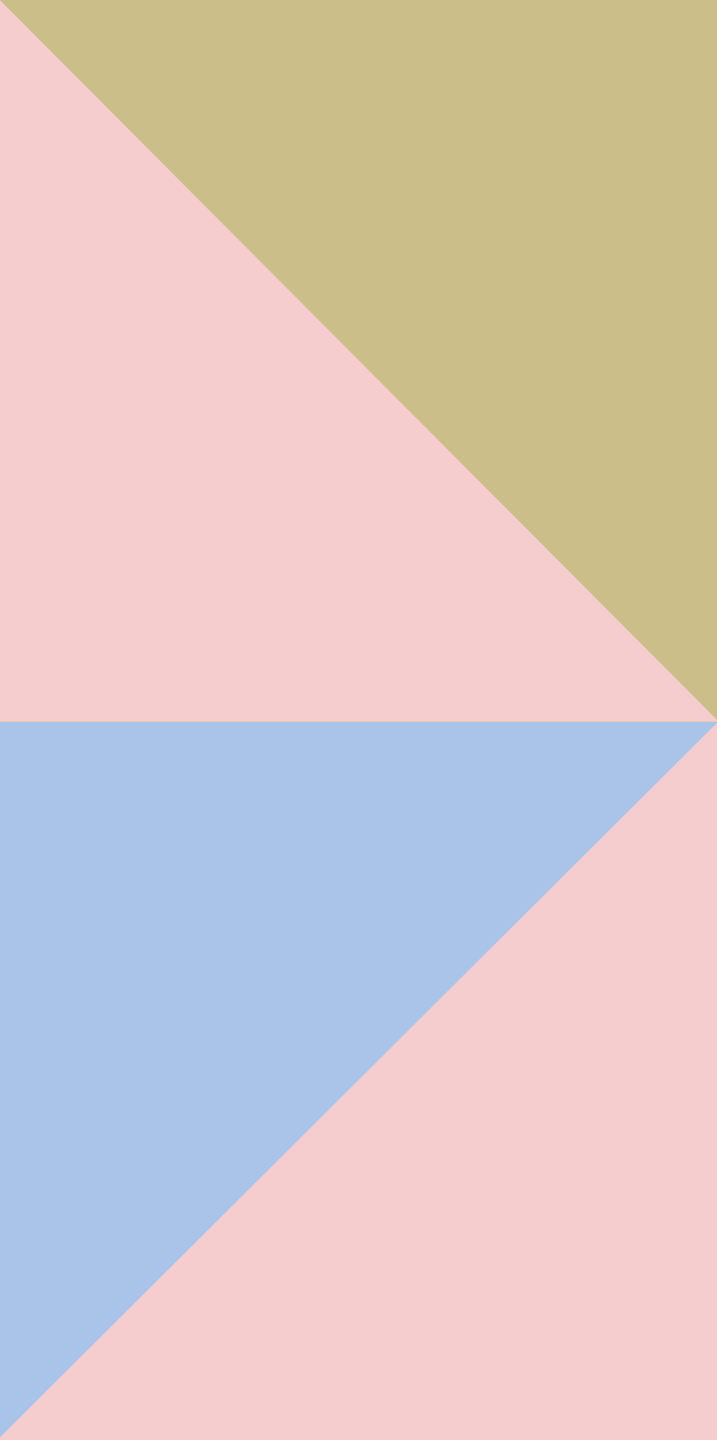
- Speak your truth.
- Experience discomfort.
- Expect and accept non-closure.
- Grace with ourselves. Grace with others.
- Intent vs. Impact.
- Treat one another with dignity and respect.
- Actively listen.
- Be open minded with all suggestions.
- Don't play games—avoid office politics.
- Always have an advanced agenda for a meeting.
- Encourage constructive silence.
- Practice and develop self awareness.
- Celebrate accomplishments.

VERMONT TRUTH AND RECONCILIATION COMMISSION'S (VTRC) DECLARATION OF UNDERSTANDING (FOR EMBLEMATIC CASE MEETING):

- The VTRC understands that painful tension and different truths exist, and therefore, we are declaring the following acknowledgements and understandings for the VTRC and this special meeting on Emblematic Cases.
- The VTRC's mission is to create pathways to healing and community. We will honor the rights of individuals and groups who have actively advocated for and earned them.
- The VTRC is not a judicial body, and this is not a court of law. This is a commission empowered by the State of Vermont to review laws and policies and their relationship to discrimination. This will be done through the power of truth telling from the perspective of the communities who have been historically and presently invisible.

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- The VTRC is charged with examining discrimination that has been perpetrated by the state. The definition of discrimination that is being referenced today is: "The treatment or consideration of people differently based on their perceived or real group, class, or category, rather than on individual merit. Discrimination can involve granting or denying privileges, rights, or opportunities to a certain class arbitrarily or unfairly. "
 - Today the VTRC is not taking testimony or conducting interviews. This constitutes one of the processes aimed at extracting themes that will serve as valuable guides in shaping our work.
 - The VTRC has not been tasked with distribution of money in the form of reparations.

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- The VTRC understands that a critical component of truth-telling includes the freedom to self-identify. This is particularly important for persons whose identities have been erased or obscured by the law, colonialism, social constructs, dominant narratives, social commentaries and more.
 - The VTRC recognizes that some populations do not recognize current political borders and we also recognize that the jurisdiction of this commission is sanctioned by real legal definitions of our scope. The VTRC was created by the State of Vermont for residents of the State of Vermont.
 - The VTRC recognizes that citizenship has broad meaning and significant to one's sense of belonging, legal protections, and privileges, such as access to resources that ensure human rights protection, including employment, health, housing, and education.

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- The VTRC understands that race and identity classification are social constructs that have “*roots in colonial history, devised to legitimize the enslavement of Africans and the genocide of Native Americans.*” For this reason, we have made an intentional decision to discuss identity as self-affirming, without ignoring the way stereotyping leads to inaccurate labeling.
 - The VTRC also understands that gender is a social construct, culturally and historically contextualized, and has real consequences relative to human rights and constitutional protections.
 - The VTRC recognizes the World Health Organization declaration that disability is part of being human. Almost everyone will temporarily or permanently experience disability at some point in their life.
 - The VTRC understands that people do not fit into neat categories or boxes. For example, race, ethnicity, religion, and gender are reflections of one’s inner self.
 - What we hear today might be stressful and activating. If it gets to be too much, self care is prioritized and please take breaks.

EXPLANATION OF TIMING & CIVILITY

- Personal Responsibility and Community Support (1minute warnings)
- Uphold VTRC Agreements for Public Meetings
- Protocol for Misconduct
 - First – a warning and gentle reminder of VTRC Agreement that was violated.
 - Second – person’s speaking/contribution privileges are revoked.
 - Third – person will be removed from meeting.

AGENDA FOR CASE REVIEWS

Introduction

- Why we chose these cases
- The case categories -introductions by Commissioners
- Categories are: (45 minutes each)
 - Criminal Justice
 - Education
 - Eugenics
- Present facts of each case and determine if it is within the VTRC's purview
- Create themes on Jam board

Primary Goal: To Create Themes Together



JAM BOARD

[Emblematic Cases - Google Jamboard](#)

Right click and open the link above in order to join

CRIMINAL JUSTICE IN VERMONT

"There's no point in reporting to the police and asking for help because they made it clear over time that they were ultimately uninterested and had better things to do,"

"I cannot begin to describe to you how it felt for our family to be treated the way we were treated by the VSP. As if our lives, our property, our business, and our longstanding position in this state and in our local community meant less than nothing,"

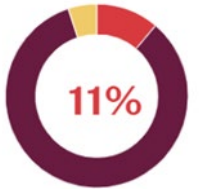
Hispanics were overstopped by 93% relative to their estimated share of the driving population.

Black drivers were overstopped by between 55% to 236%

Black people are over-represented in Vermont's prison system at 7.3x their share of the population.



Percentage of Vermont population that identifies as Black

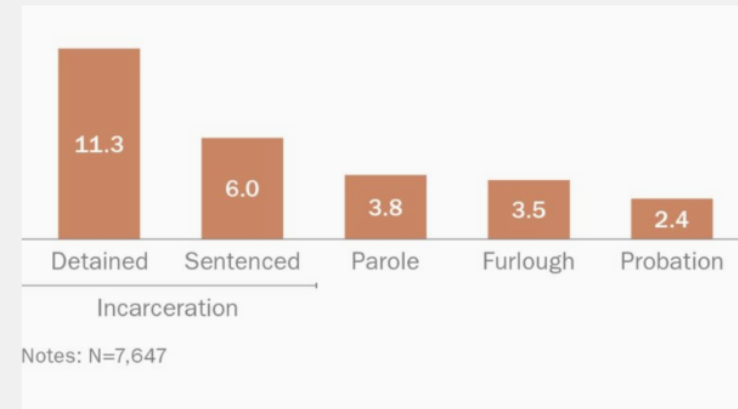


Percentage of incarcerated population that identifies as Black

Source: Vermont Department of Corrections data on 12/31/2022; US Census Data July 2022; Council of State Governments Report: April 2022

One out of 14 black men in Vermont are incarcerated, the highest rate in the United States. Blacks are incarcerated at a rate of 2,357 per 100,000 residents, versus 253 per 100,000 residents for white people, third highest of any state.

*In FY2019, Black people were **six times more likely** to be part of the sentenced incarcerated population relative to White people. Black people were disproportionately represented in all other corrections populations as well.*





CRIMINAL JUSTICE

#1- Police stop based on race

#2- Police stop based on religion

#3- Juvenile justice case



#4- Civil rights of undocumented individuals



CASE #1 POLICE STOP

- [T]he state of Vermont has reached a \$50,000 settlement in a lawsuit challenging the legality of a traffic stop of a Black man by a Vermont State Police trooper.
- The state trooper who made the traffic stop, had a history of questionable searches often involving Black men. He was fired from his job in 2016.
- The individual stopped, a 21 year old black man allegedly as a result of snow that covered the vehicle's registration sticker on the license plate.
- ACLU-VT alleged in filings that in choosing to pull over the individual's car, the trooper was engaging in racial profiling.



CASE #1 POLICE STOP

- After being pulled over the officer ordered the individual to exit his car based on the alleged faint odor of burnt cannabis.
- The officer “seized” (detained) the individual unnecessarily for an hour and had his car towed to the barracks for a search, which revealed no contraband.
- To retrieve his car, the filing stated, the individual walked and hitch-hiked eight miles home through sub-freezing temperatures, waited several hours at the barracks, and was forced to pay a \$150 fee.



Is this with the VTRC'S purview?

Is this a case of discrimination against an Act 128 community or another group?

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Is this an instance of institutional, structural and systematic discrimination in Vermont that has been permitted by state laws and policies?



CASE #1 POLICE STOP

Issues presented: Racial profiling

Systems involved: Law Enforcement, Judicial System

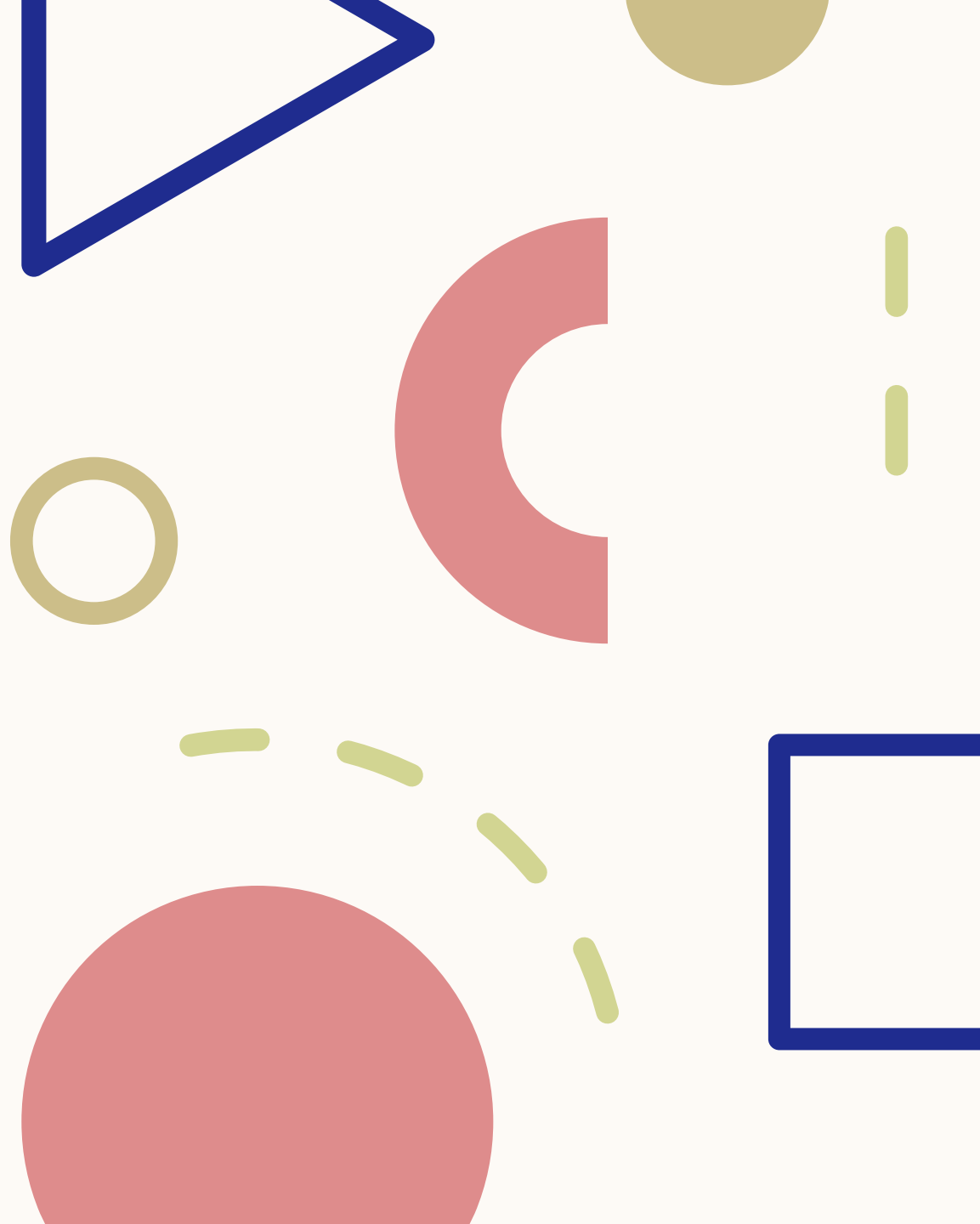
This individual did eventually get a settlement after bringing a case against the police department, four years after the event.

Injury: Difficulty and inconvenience of retrieving the car, the time and the disrespect.

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CASE #2 POLICE STOP OF JEWISH FAMILY

- A Brooklyn Rabbi and his family felt “terrorized” by a trooper who ordered them out of their vehicle at gunpoint and threw two of them down to the ground, handcuffing them.
- The incident took place on Interstate 91. Rabbi X noticed a cruiser on the side of the highway with its blue lights flashing.
- He pulled into the left passing lane so he could give added room to the trooper, which is the law in New York. Rabbi X then saw a cruiser and blue lights behind him, but didn’t think that the trooper was trying to pull him over because he wasn’t speeding. The children in the vehicle told their father that they believed the trooper, now shining a high-intensity light, was trying to stop him, so he pulled over.



CASE #2 POLICE STOP OF JEWISH FAMILY

- That's when the trooper ordered Rabbi X and his son out the vehicle pushed him to the ground and handcuffed him and then did the same to his son and wife.
- Other officers arrived at the scene and asked the family members if they had any weapons and then began searching the vehicle. Several minutes later, the officers told the family there was another more urgent call that had just come in so they all had to leave.
- The family members were uncuffed and Rabbi X was handed a citation on a charge of attempting to elude police.

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Is this an instance of institutional, structural and systematic discrimination in Vermont that **has been permitted by state laws and policies?**

CASE #2 POLICE STOP OF JEWISH FAMILY

Issues presented:

- “My constituents’ dress made it clear that they were Hasidic Jews, a sight that may be uncommon in Vermont but one that is hardly a crime.”

- A New York State Representative

CASE #2 POLICE STOP OF JEWISH FAMILY

Systems involved

- Law enforcement.
- The family called the State Police seeking to file a complaint and later received a call from a Sargent who said the Trooper that pulled them over believed the Rabbi was speeding and was drunk because he had been driving between lanes. However, he never received a speeding ticket, or was given a breath test. A one-paragraph press release was issued about the incident which stated, “[T]he Vermont state police initiated a motor vehicle stop, on a vehicle driven by [the rabbi], for a motor vehicle violation. When signaled to stop with flashing emergency lights and sounding siren, he failed to do so. He was cited and released on a citation for attempting to elude.”
- In this case the trooper was cleared of wrongdoing. The police investigation found the officer was acting in accordance with police policy for high-risk motor vehicle stops and that he had acted “at no time unprofessional in his conduct.”

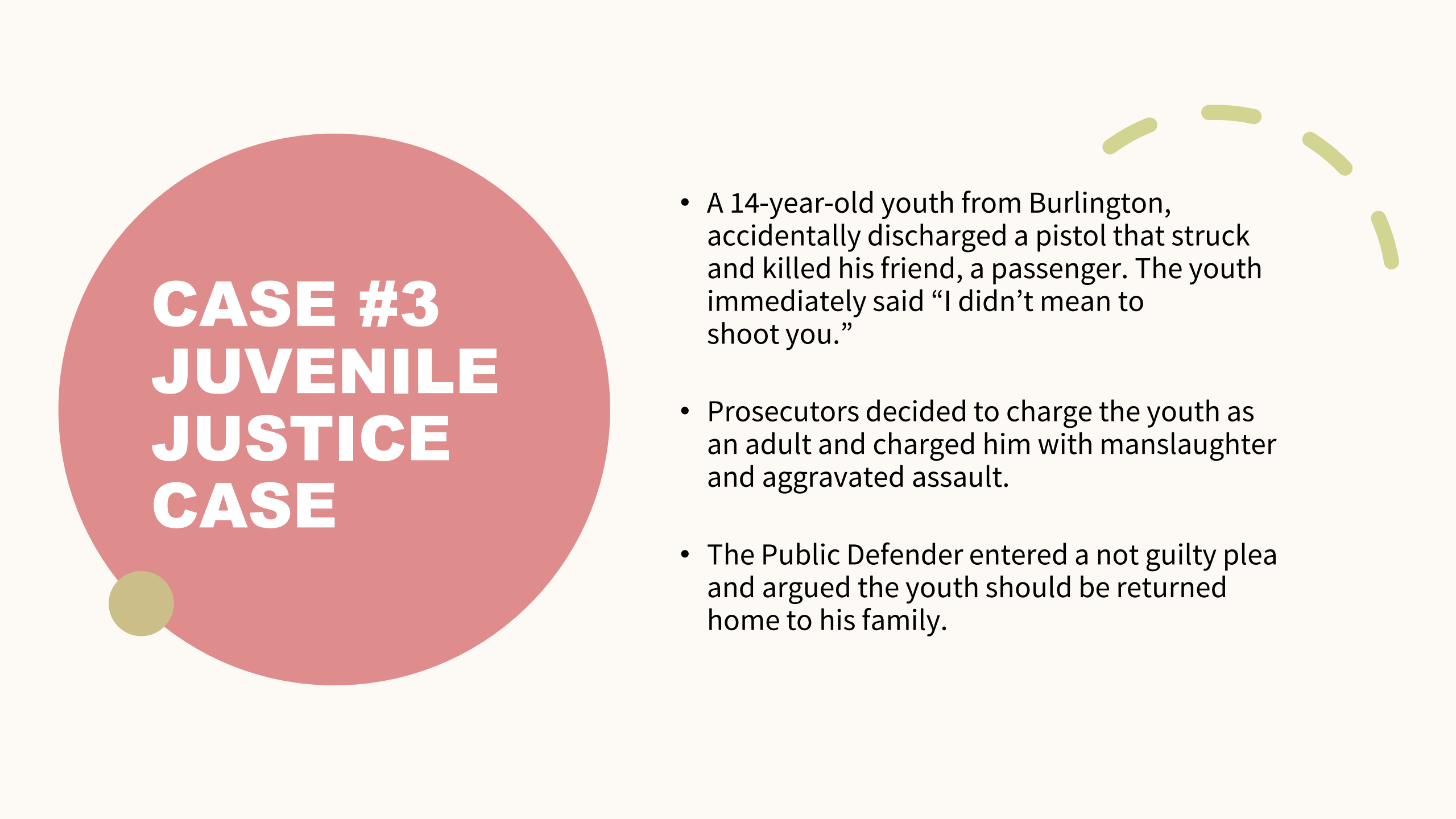
CASE #2 POLICE STOP OF JEWISH FAMILY

Harm /injury

- “While it would be difficult to mistake this family as people who might pose a danger to police officers, they were subjected to having guns pointed at them, being handcuffed, terrorized and humiliated. This entire incident has left this family traumatized and fearful of travel.”

--A New York representative from their area

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CASE #3 JUVENILE JUSTICE CASE

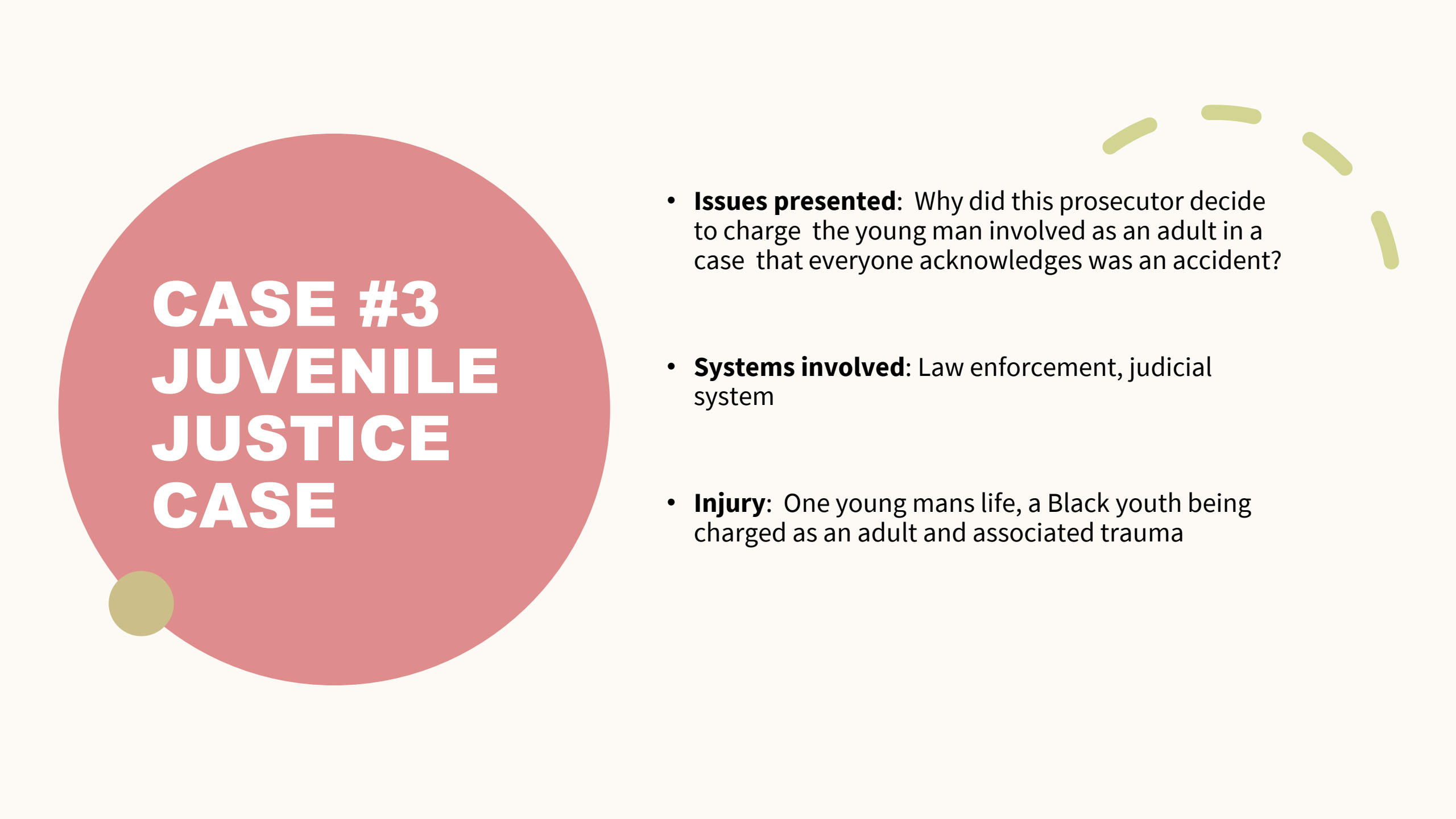
- A 14-year-old youth from Burlington, accidentally discharged a pistol that struck and killed his friend, a passenger. The youth immediately said “I didn’t mean to shoot you.”
- Prosecutors decided to charge the youth as an adult and charged him with manslaughter and aggravated assault.
- The Public Defender entered a not guilty plea and argued the youth should be returned home to his family.

Is this within the VTRC'S purview?

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CASE #3 JUVENILE JUSTICE CASE

- **Issues presented:** Why did this prosecutor decide to charge the young man involved as an adult in a case that everyone acknowledges was an accident?
- **Systems involved:** Law enforcement, judicial system
- **Injury:** One young mans life, a Black youth being charged as an adult and associated trauma

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CASE #4 UNDOCUMENTED CIVIL RIGHTS CASE

- A Vermont Human rights organization Migrant Justice and the Vermont Department of Motor Vehicles reached a settlement in a federal antidiscrimination lawsuit 2019.
- The case stemmed from the Vermont DMV's practice of information-sharing and collaboration with federal immigration agents, particularly targeting Latino applicants. In 2013, after a campaign spearheaded by Migrant Justice, Vermont passed legislation creating a new class of driver's license available regardless of immigration status, called "driver's privilege cards."

- Following the law's implementation, DMV officials began colluding with ICE in the immigration detention and deportation of many DMV customers, prompting one ICE agent to write to a DMV employee, "we're going to have to make you an honorary ICE officer!"
- Despite a 2016 settlement with the Vermont Human Rights Commission, the DMV continued to discriminate against applicants and share information with immigration agents. In 2017, the DMV sent to ICE the driver's license application of an individual on which a DMV employee had written "undocumented," which resulted in their subsequent detention and potential deportation. The individual is one of many human rights leaders in Vermont who have been targeted by ICE due to their activism, a pattern detailed in the lawsuit.

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ISSUES PRESENTED:

Differential treatment of undocumented people related to private information at DMV.

SYSTEMS INVOLVED:

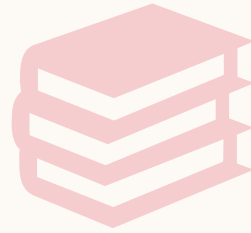
DMV, immigration and customs enforcement

INJURY:

Detention, deportation, privacy, access to driver's license

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EDUCATION IN VERMONT



Black boys with disabilities in Vermont face the highest overall arrest rate and Black girls in Vermont are the most disproportionately represented in school arrests, at five times the rate of their white peers.

78% of current Vermont high schoolers believe that they did not receive an accurate and full education on race in elementary school.

Students with disabilities who have an Individual Education plan account for 18 percent of the student body but 49 percent of exclusionary discipline cases.

Students of color in the state are two to three times more likely than their peers to be the subject of exclusionary discipline



EDUCATION

#1 – Trans Discrimination

#2 – We Can Be Great and Racism in Schools

#3 – Wrongful Dismissal of Teacher

#4 – Restraint and Seclusion in VT Schools

CASE #1 TRANS DISCRIMINATION

- In the Fall of 2022, a trans girl who was a member of a Vermont high school's volleyball team went to use the girls' locker room, in alignment with the school's policies.
- A cisgender middle school soccer coach made comments on Facebook and elsewhere that the student in question did not belong in the girls' locker room. The coach's cisgender daughter, who was a student at the time, made similar comments.
- The school removed the coach from his coaching position. The coach volunteered to delete the comment and to not repeat the incident but said that he couldn't apologize for the incident. The coach's daughter was suspended for her comments. Both punishments were rescinded after the coach filed a lawsuit against the school.

CASE #1 FACTS

- A massive media storm followed this case, where the suspended student appeared on Tucker Carlson Tonight.
- The lawsuit was backed by Alliance Defending Freedom, a conservative Christian legal advocacy group based out of Arizona that, according to the Southern Poverty Law Center, “has supported the recriminalization of sexual acts between consenting LGBTQ adults in the U.S. and criminalization abroad; has defended state-sanctioned sterilization of trans people abroad; has contended that LGBTQ people are more likely to engage in pedophilia; and claims that a ‘homosexual agenda’ will destroy Christianity and society.”
- The family of the trans student received numerous transphobic messages and was the target of transphobic social media comments. The student’s mother described it as “a wildfire of bigotry and hatred.”

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Is this an instance of institutional, structural and systematic discrimination in Vermont that has been permitted by state laws and policies?

CASE #1

Issues Presented

- Trans discrimination related to high school athletics.
- What is it about legal structures that allow this to be treated as an issue of "free speech" instead of discrimination?

CASE #1

Systems Involvement and Resolution

- The school initially removed the coach from his teaching position and suspended his daughter for two days.
- The coach's lawsuit was successful; the school reappointed him to his position as a middle school soccer coach. The court ordered that the Vermont School Boards Insurance Trust pay the soccer coach \$35,000 and his daughter \$5,000.

Injury or Harm Resulting

- Incredible emotional anguish of the trans student, both from the incident and from the reporting that followed.
- Bullying and harassment at schools contributes to LGBTQIA+ youth reporting much poorer mental health than their cisgender/heterosexual cohorts and higher rates of suicide. In 2021, 69% of LGBTQIA youth reported feeling sad and hopeless; during the pandemic, suicide attempts among this group occurred at a rate four times higher than that found among cisgender/heterosexual students.

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CASE #2 WE CAN BE GREAT AND RACISM IN SCHOOLS

- The Vermont Student Anti-Racism Network sent a survey to 129 public and private schools across the state.
- 11 schools participated; of the 700 respondents reported experiencing alarming instances of discrimination and/or harassment.
- Often harms are perpetrated in school bathrooms, on busses, and on social media – spaces where administrators are not immediately present.
- Some students reported in the survey that their teachers joined in on instances of discrimination or harassment. Students also said teachers “usually don’t speak up because it puts them in an awkward position.”

CASE #2 FACTS

- Students report that racist comments are widespread in schools and in school athletics.
- A student ripped off another student's hijab during a basketball game
- Many students have said that the current system for addressing these issues is not working for them, with administrators and educators often deferring action.
- Teachers have had students "role play" as enslaved people and undocumented immigrants.
- Three different reports over the past 24 years have found racism is pervasive in Vermont schools.

CASE #2 FACTS

- Some particularly egregious examples of racist comments in schools are on the next slide:
 - Racist materials from a white supremacist group bombarded a Black student's phone. School administrators told this student they must "wait until next time" to take action.
 - A White student asked a teacher if Latinas' blood is "made out of guacamole."
 - An Asian student was asked "if I put a piece of floss over your eyes, could you still see?"
 - Students told a Black student to sit away from them.
 - When told that students repeatedly made Nazi salutes, an administrator responded that's "just something the kids do here."

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CASE #2 ISSUES PRESENTED AND SYSTEMS

Issues Presented

- Pervasive environment of racism at public schools.
- Students report teachers and administrators don't always act on instances of racism.
- This inaction sends the message that racist behavior is not a problem.

Systems Involvement and Resolution

- The Vermont Public School system.
- A coalition of organizations and students (Vermont Student Anti-Racism Network) are spreading awareness of these issues to seeking corrective actions and trying to equip schools with the tools to tackle racism.

CASE #2 INJURIES OR HARMS RESULTING

Injury or Harm Resulting

- Trauma from pervasive racism at schools.
- Instances of racism and bullying can cause both physical and psychological harm; children who are bullied are more likely to have academic problems and face other issues later in life.
- Students who are making racist comments see adults' inaction and receive the message that such behavior is acceptable and may continue to make prejudicial remarks and perpetuate racism in other ways.
- The violence that racist comments perpetuates exposes BIPOC students to risks of other forms of violence.

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CASE #3

WRONGFUL DISMISSAL OF TEACHER

- A teacher in Vermont asked a school resource officers to notice the disparate treatment he was giving to students under his supervision. He was treating a Black student differently and more harshly than the White students.
- 19 days later, the school principal told the teacher that the school would not be renewing her teaching contract for the following year.
- The school's complaint also suggested her termination had to do with her kneeling during the Pledge of Allegiance. The school superintendent criticized this when speaking to the Union of Vermont Educators.

CASE #3

- The year before, the teacher received a positive evaluation on her professionalism.
- The teacher was told to resign before her contract would be up for renewal so that the non-renewal was not on her record. She did so, but the non-renewal remained on her record, causing employment difficulties.
- While the teacher worked at this middle school, another teacher of color also resigned due to their experiences in the workplace.

Is this within the VTRC'S purview?

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Is this an instance of institutional, structural and systematic discrimination in Vermont that has been permitted by state laws and policies?

CASE #3

Issues Presented

- School staff are treating students differently based on race and are unwilling to even consider how to do things differently.
- School administration was resistant to recognizing the issue and retaliated against the employee.

Systems Involvement and Resolution

- Public education system.
- School officials agreed to pay the teacher \$97,500 in a settlement. She used this money to help students who experienced discrimination.

CASE #3 INJURY OR HARM RESULTING

- Professional damage to the educator's career and resulting emotional damage.
- Students received the message that speaking up about racial bias may cause them emotional and professional harm.

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CASE #4 RESTRAINT AND SECLUSION

- According to the Kicked Out Report in 2015, restraint and seclusion are used in Vermont at disproportionately higher rates against students of color and students with disabilities.
- Nationally, 80% of public school restraints and 77% of seclusions are against children with disabilities.

CASE #4 FACTS

Examples of Restraint and Exclusion in Vermont Schools:

- A five-year-old student, at their first day of school, was secluded in a windowless room that. When an adult opened the door after the child had been screaming for 90 minutes, they say the child had removed their clothes, scratched their entire body, and urinated on themselves.
- A 7-year-old patient's parent came to Dr. Melissa Houser in distress because they weren't able to go to school. The parent was feeling threatened getting truancy letters from the school. Dr Houser probed for more information and learned that two months prior, the child was restrained by an administrator. The school called the parent to come pick up the child and when the parent arrived, they found their child was pinned face-down and immobilized by a large adult man, who was pressing his knee into the child's back, under a cafeteria bench for two hours.

CASE #4 FACTS

Some examples of restraint and seclusion in schools include:

- The parent gave his child, a four-year-old autistic boy, a coin when he was going to school and told his child that if they wanted to go home, they could show this coin to their teacher. The teacher called the parent four hours into the day and the teacher told the parent that the child had given her the coin, but the child was fine now. When the parent went to pick up the child, he saw that the teacher was restraining the child and carrying him away. The parent tried to talk to the school and the school was not receptive. The parent says his child may never be in school again due to his child's trauma and because of this the parent now has a hard time trusting schools.

Is this within the VTRC'S purview?

Is this a case of discrimination against an Act 128 community or another group?

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Is this an instance of institutional, structural and systematic discrimination in Vermont that has been permitted by state laws and policies?

CASE #4

Issues presented:

- Racialized and ableist use of school disciplinary practices.
- Discrimination against BIPOC and disabled students.

Systems involvement and resolution:

- According to Lives in the Balance, 587 kids are restrained or secluded in Vermont each year – this may be underreported.
- Public school system
- Teachers have suggested trauma-informed practices, but these are not mandated statewide.
- Vermont has been trying to implement trauma-informed approaches in various systems in the state, yet a law still exists that allows children to be immobilized by physical force at school. But being held down and having your bodily autonomy violated is a traumatizing event.

CASE #4

Injury or harm resulting:

- Immediate physical and psychological harm to students subjected to restraint and exclusion practices.
- Long-term psychological harm and trauma resulting from these practices.
- A message that disabled students should be treated differently than other students and that disability is something that is subject to discipline instead of being accepted.
- Dr. Houser says these practices put children at risk of physical damage to their muscles, skin, and bones and puts them at risk for heart and breathing-related injuries.
- Children have died from these practices in 30 other states.

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Eugenics

Case #1 "Sarah" - Sterilization

Case #2 Marcia - Sterilization

Case #3 - Eugenics, Segregation, and Abuse

WHAT WAS THE EUGENICS MOVEMENT IN VERMONT?

- Eugenics has its roots in racial pseudoscience from anthropology and biology that emerged in the late 1800s. This pseudoscience reduced cultural belonging and identity to biology and quantified that belonging through false ideas about “blood,” producing contemporary ideas that linger today, such as blood quantum.
- The main goal of the eugenics movement in Vermont was to "breed better Vermonters"; to promote procreation and success among white, cisgender, heterosexual, Protestant, wealthy, Vermonters while segregating and marginalizing all others. This was done under the assumption that the former population was biologically superior and that latter populations were biologically inferior and marked by deficiency, degeneracy, and delinquency.

WHAT WAS THE EUGENICS MOVEMENT IN VERMONT?

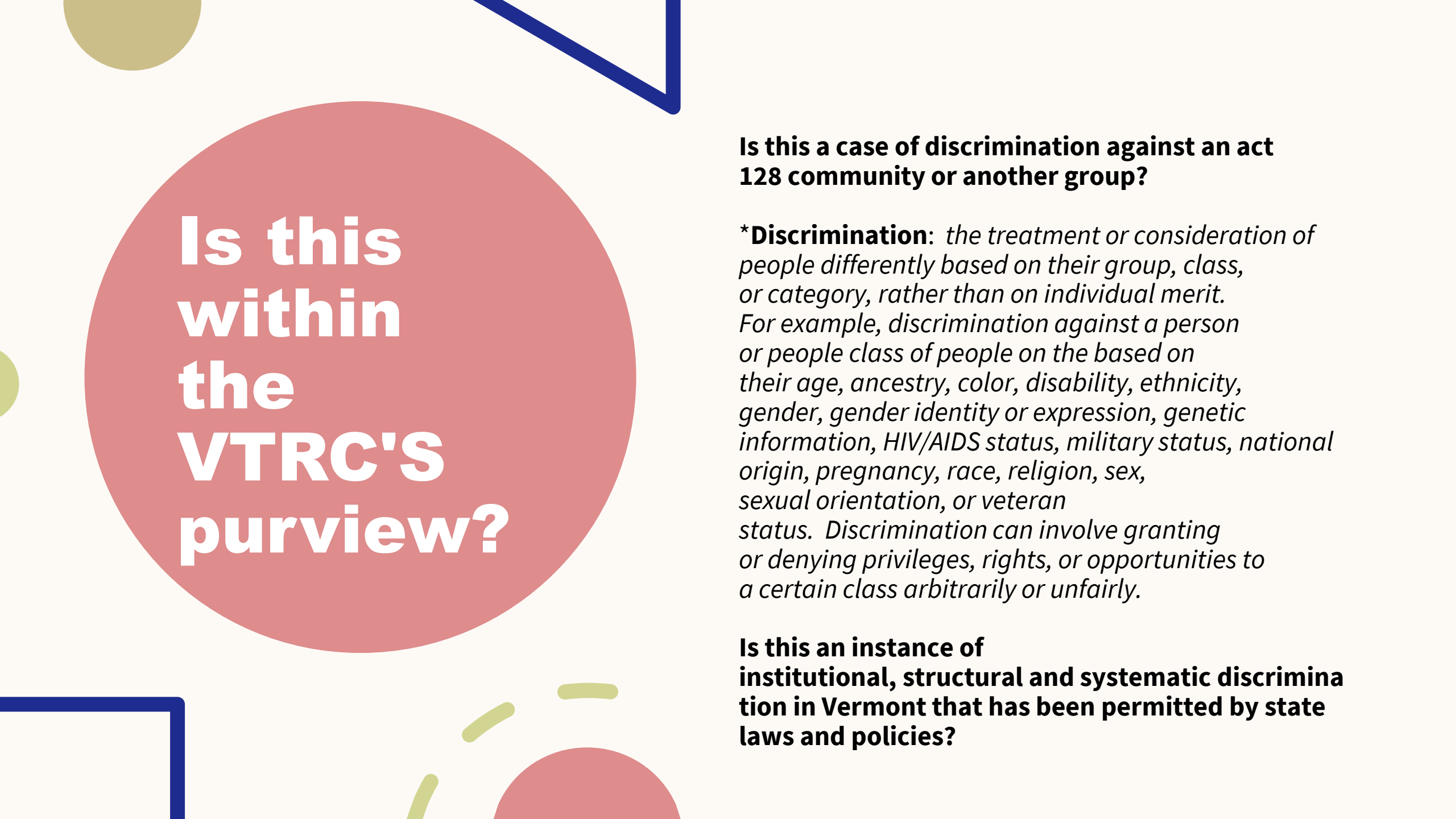
- There is no neat “end” to eugenics in Vermont or anywhere else in the world. Likewise, there is no neat “beginning” to eugenics. The Eugenics Survey of Vermont began in 1925 and ended in 1936, though it continued in other forms like the Vermont Commission on Country Life.
- The Vermont eugenics movement’s effects are still felt today in disparities in health outcomes, rates of incarceration and institutionalization, quality of life, housing access, and educational opportunities, among many other areas. The language of eugenics is still present in popular discourse, media, and healthcare.

EUGENICS CASE #1 - "SARAH"

- A local probate office issued commitment orders for “Sarah” (a pseudonym), a girl whose siblings and cousins had already been institutionalized. She came from a mixed-race family.
- The children’s father was in prison. The perspective at the time was that criminal behavior was hereditary.
- People in town testified against efforts to institutionalize the children.
- Sarah’s sister, “Martha,” was placed in the Waterbury Hospital and wrote letters to Mr. Wilson, and said that he abused her sister, Sarah.
- Sarah had epilepsy.

EUGENICS CASE #1

- Reform School officials noted her reason for commitment was “dependency” (i.e., dependent on poor aid from the town), though it is unclear from town records whether this was the case. She was eventually paroled along with her brother.
- Once the State found out that Sarah wanted to be married, her race was noted as “colored” instead of “white,” as it had been before, and social workers marked her as “feeble-minded.”
- The court filed a petition for sterilization, but there is no record of whether she was institutionalized.
- The doctor sterilized Sarah at the Randolph Sanitorium in 1926.
- **Sterilization was not yet legal. (A year before the Vermont legislature failed to pass a law legalizing involuntary sterilization.)**



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EUGENICS CASE #1

Issues presented:

- Sarah was sterilized before it was legal.
- She and her family were targeted as a result of race, their father's behavior, and her disability.
- Upon parole, Sarah was not a concern until the State discovered she wanted to get married and have children. They then sterilized her.

Systems involvement and resolution:

- State social services.
- State institutions for children with disabilities.



EUGENICS CASE #1

Injury or harm resulting:

- Sterilization.
- Racism.
- Severe psychological harm
- Perpetuation of ableism.
- Social services targeting a family due to assumed "deficiencies."

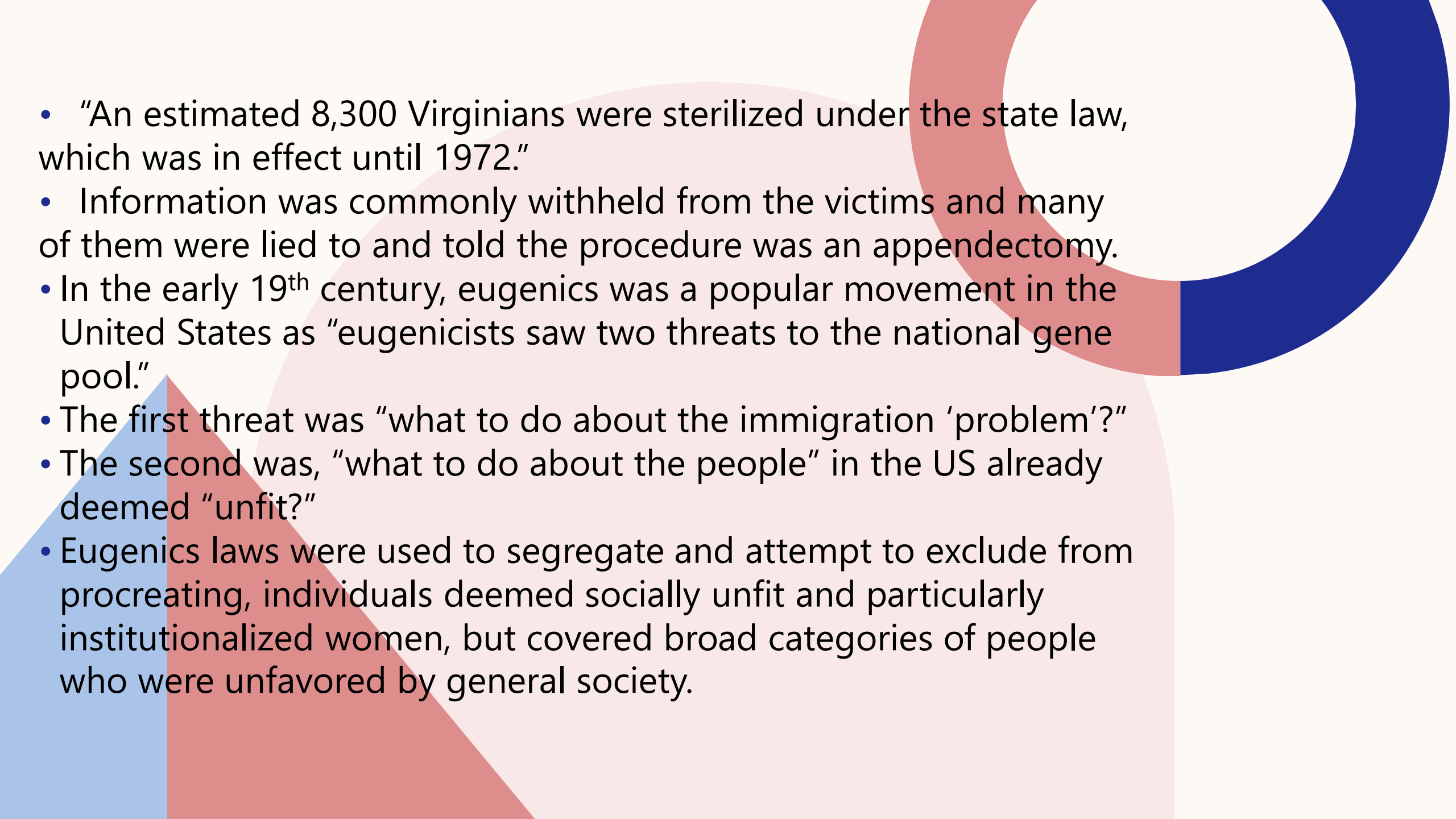
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CASE #2 Sterilization of Marcia-background (Buck v Bell 1927)

- Carrie Bell was raped at the age of 17 allegedly by a relative of her foster parents, and became pregnant.
- Following the birth of her child, she was committed to the Virginia Colony for Epileptics and Feeble-Minded on the grounds of “feeble-mindedness.” (Carrie’s mother, Emma Bell, was also committed in the same institution.)
- The Superintendent of the institution, Dr. Albert Priddy, chose Carrie to be the first test case of a newly passed Virginia law which called for “the sterilization of mental defectives.”
- Behind Priddy’s decision was the fact that Carrie’s mother was considered “feeble-minded” and Carrie being labeled “feeble-minded” would account to his Darwinian

BUCK V. BELL 1927

- Priddy *found* her to be “unfit to exercise the proper duties of motherhood” due to her “defectiveness” and filed a petition to sterilize Carrie Buck.
- After several hearings and court decisions the law was upheld, Priddy passed and was succeeded by Dr. John Bell. In the hearings, witnesses testified to the character of Carrie Buck’s relatives as opposed to her personal attributes. Several witnesses (teachers, mainly) described a handful of her relatives to be “dull-minded” in class. At the time, this was enough evidence to convince Justice Holmes to uphold the Virginia Sterilization Act.
- Several months following the Supreme Court decision, Carrie Buck was the first person involuntarily sterilized under Virginia’s law for the reason of being deemed “unfit” to procreate.

- 
- “An estimated 8,300 Virginians were sterilized under the state law, which was in effect until 1972.”
 - Information was commonly withheld from the victims and many of them were lied to and told the procedure was an appendectomy.
 - In the early 19th century, eugenics was a popular movement in the United States as “eugenicists saw two threats to the national gene pool.”
 - The first threat was “what to do about the immigration ‘problem’?”
 - The second was, “what to do about the people” in the US already deemed “unfit?”
 - Eugenics laws were used to segregate and attempt to exclude from procreating, individuals deemed socially unfit and particularly institutionalized women, but covered broad categories of people who were unfavored by general society.

CASE #2 *IN RE MARCIA R* (VT. 1978): (INVOLVING A VT. MINOR)

- "Marcia" (a pseudonym) was a biracial minor who had a severe cognitive disability which subjected her to the mental age of 3 (de Guardiola 2023).
- She was placed in Vermont's *green light program* in an effort to modify her behavior through "reward and punishment."
- Marcia began to show signs of sexual maturity and experimentation.
- And, rather than remove her from the program or provide Marcia with alternative birth control methods, Vermont medical professionals who supervised the program convinced Marcia's parents to make the decision to sterilize her through tubal ligation.
Marcia's parents were convinced that sterilization would be in the "best interest" for their daughter's mental health.

Issues presented:

ACLU sought an injunction against the operation and started the action as representative of Marcia to prevent sterilization.

In this case the Supreme Court of Vermont decided the sterilization could not proceed due to the fact that Marcia was entitled to the protections of the "mentally ill or defective" and those procedures had not been followed. In effect they recognized that Marcia did have rights herself. However, today, it continues to be an issue who and under what circumstances one can be involuntarily sterilized.

Systems involved:

Mental health institutions and Legal system

Injury:

Sterilization, Racism, Severe psychological harm, Perpetuation of Ableism

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EUGENICS CASE #3 - EUGENICS, SEGREGATION, AND ABUSE

- The eugenics movement in Vermont involved sterilization, public education campaigns, and **institutionalization** and **segregation** of people eugenicists labeled as "deficient," "degenerate," "delinquent," or "feeble-minded."
- Before State institutions existed, such as the Brandon Training School, Vermont towns sent the poor and disabled to "poor farms." Poor farms were rife with abuse. Before the eugenics movement formally began, the poor, disabled, and many others were already segregated from broader society.
- The State created various institutions – the Brattleboro Retreat, the Waterbury Hospital, the Brandon School, among many others – and put people there who officials labeled as “feeble-minded,” “delinquents,” “sex criminals,” among others. Children were often taken from their families and in many cases, families did not know where the State had sent their children.

EUGENICS CASE #3

- “Eugenicists always found the degeneracy they were looking for no matter how tenuous the evidence” (Dann 1991, 12).
- Signs of "feeble-mindedness" included: “pregnancy out of wedlock, perceived sexual promiscuity or perverseness, perceived poor moral judgment, laziness, blue-collar jobs, poor or middling performance in school, perceived simple-mindedness, inarticulateness, speech impediments, shyness, physical disability, functional illiteracy, mental disability, poor mental health, rebellious behavior, and more” (de Guardiola 2019, 69).
- Eugenicists targeted people based on their race, national origin, sexuality, disability, "criminality," and poverty.
- State institutions were often full, so the State sent them to places like the Elizabeth Lund Home and St. Joseph's Orphanage.

EUGENICS CASE #3

- The institutions that the State sent the sick, poor, and disabled to were chronically underfunded. There were constant reports of abuse, including to the Legislature.
- Release conditions were inconsistent; some people spent their entire lives in these institutions.
- Staff sometimes treated inmates brutally. Some examples include scalding patients, placing wet cloths over their nose and mouth, solitary confinement, beatings, and sexual abuse.
- Some institutions, such as the Vermont Reform School, used child labor to subsidize cost of running them (de Guardiola 2023).

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EUGENICS CASE #3

Issues presented

- Discrimination against, segregation, and institutionalization of people with disabilities, LGBTQIA people, women accused of sexual “immorality,” BIPOC folks, poor people, Catholics, French Canadians (some of whom eugenicists recorded as mixed race with "Indian" and French Canadian ancestry), **and other groups** (Dann 1991; de Guardiola 2023; Gallagher 1999).

EUGENICS CASE #3

Systems involvement and resolution

- State institutions such as the Brandon Training School, Vermont State Hospital, and the Weeks School.
- Private institutions such as the Elizabeth Lund Home.
- Religious institutions such as St. Joseph's Orphanage
- While the State has issued an apology for the eugenics movement, there has not been adequate discussion about the aspects of the eugenics movement that did not include sterilization, including institutionalization and widespread eugenical education campaigns.

EUGENICS CASE #3

Injury or harm resulting

- State-sanctioned physical and psychological trauma.
- State-sanctioned segregation from society.
- Ending familial lines and preventing people from living a full, healthy life.

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THANK YOU!

We can't do this without you.

If you are willing to offer any further input or would like to reach out to the Commission, please email us at vtrc@vermont.gov

or visit our website
<https://vtrc.vermont.gov>

The next emblematic case meeting is December 7th!