

JRH2FloorReport

Thank you, Madam Speaker.

Madam Speaker, may I read from an essay that appeared in the Winter/Spring 2019 issue of Vermont History, published by the Vermont Historical Society (You may)

On October 3, 1912, Vermont Governor John A. Mead (1910–1912) addressed the Vermont Legislature in his farewell speech. Mead advocated that one subject in particular warranted additional attention: “Our Degenerates,” which, according to him, had “never received special attention by the legislature of our state.” The governor’s call for a eugenical solution to the problem of “Our Degenerates” marked a defining moment for the eugenics movement in Vermont. It was the first time a state official had publicly proposed eugenics as an answer to a growing number of perceived social crises in the state. Although it drew on the growing international movement, it also built upon local institutional forays into the question of the role of heredity in social issues. The promotion of eugenics led the state toward a path of punitive social welfare during a period when the state government struggled to address a growing number of problems brought on by social upheaval and industrialization. Mead’s proposal for eugenical marriage restrictions, segregation, and sterilization resulted in the near-legalization of eugenical sterilization and the founding of a new state institution in 1913. Furthermore, his work solidified the foundation for the research conducted by the Eugenics Survey of Vermont (1925–1936) and paved the way for Vermont’s legalization of voluntary eugenical sterilization in 1931.

Mead confidently informed the joint assembly of the legislature that state research confirmed that the degenerate class was “increasing out of all proportion to the normal class of the population.” He presented the growth as the result of tainted intermarriage. It was a “fact that if a defective marry a defective, as is very often the case, the offspring will inherit the taints of both parents.” Indeed, “many of the confirmed inebriates, prostitutes, tramps, and criminals that [filled Vermont’s] penitentiaries, jails, asylums, and poor farms are the results of these defective parents,” with “little or no hope of permanent recovery.” The only question that now remained was “how best to restrain this defective class and how best to restrict the propagation of defective children.”

The governor proposed three eugenical solutions for the legislature that drew from existing public policies and institutional practices. In addressing the assembly, he said:

“Let us consider this matter upon these facts:

1. The fact of the great number of public charges recruited from the defective classes.

2. The fact that defects, physical and mental, are transmitted to the offspring.

3. The fact that if a defective marry a defective, as is very often the case, the offspring will inherit the taints of both parents. That this class is prolific, knowing no law of self-restraint, and consequently defectives are increasing in numbers and are of a more pronounced type. What can be done to protect society from these unfortunates and what to protect them from themselves?

- Restrictive legislation in regard to marriages.*
- Segregation of defectives.*
- A surgical operation known as vasectomy.*

Madam Speaker, today, on behalf of your General, Housing and Military Affairs Committee, I will be presenting the report for JRH 2, a “Joint resolution sincerely apologizing and expressing sorrow and regret to all individual Vermonters and their families and descendants who were harmed as a result of State-sanctioned eugenics policies and practices”.

Before I get into the report, I want to explain what you’ll hear today. I am going start by explaining how we, as a body, handle a resolution as if it were a bill. I will follow that with a discussion of eugenics, and how we, the Vermont General Assembly, created and supported State-sanctioned eugenics policies and practices. Following that, I will discuss why we included the word genocide in our resolution, and I will finish by reading the resolution.

To start, let me explain today’s process with respect to this being a resolution and not a bill with the body.

First, this resolution was assigned to the committee as if it were a bill. Usually a resolution is considered a simpler device, as in commemorating a worthy Vermonter, or a championship sports team, or, even simpler, to mark an adjournment. When a resolution has a more complex reason for being, it is treated like a bill, which means that your General, Housing and Military Affairs Committee did research, took testimony, worked with stakeholders and with counsel to craft what we have before you today.

Like a bill, it will have this second reading, and then a third if it passes today, and it will go to the Senate, where it will be assigned to a committee, and where their work will happen. If it passes the Senate, we will work to reach concurrence.

At that point, it deviates from the bill process, and it becomes the joint resolution of the General Assembly, and it will become a part of our permanent record.

Second, words are important, as this resolution will make clear. But some of the words, especially words that were considered common language, not only in our culture but in our statute, are offensive, and most are not used today, certainly not in the manner they were used in the first third or longer of the 20th century. I will limit my use of them, but that use is unavoidable.

Madame Speaker, I also want to acknowledge that I am a white man, speaking of indignities that were committed, primarily by white men, on the bodies of people who were primarily but not solely women, primarily people of color, people who were not white men with power. I think it is important to recognize that, and to recognize the ways in which the ideas begun by the eugenics movement still permeate social services and public health today.

And lastly, I want to address what we are doing with JRH 2. We are starting a process that will enshrine these words in our records, and will reflect a judgment upon ourselves and the institution we belong to, and will result in the General Assembly apologizing for its actions with respect to State-sanctioned eugenics policies and practices. And with this acknowledgement, we hope that a healing can begin between us and the affected communities.

Madam Speaker, your General, Housing and Military Affairs Committee wrestled with the notion of apology. What is it? What does it do? And why are we doing it now? Madam Speaker, an apology is both an end and a beginning. It is an acknowledgement that we, as a General Assembly, supported long held and practiced policies, that those policies were harmful, and the harm inflicted was likely serious, widespread, and enduring. We acknowledge that these policies of separation, institutionalization and sterilization were driven by social and ideological imperatives, based on racial, ethnic, class and gender biases and prejudice. And by apologizing now, we are saying that policies we undertake in the future, including many bills that we have considered already this session, will be considered in the spirit of correcting those harms, in a bona fide manner. And finally, we are acknowledging what we as an institution had

historically done while recognizing that while we are not personally responsible, our institution bears responsibility.

Madam Speaker, may I read from a book titled “The Politics of Official Apologies”? (You may)

Madam Speaker, the author, Melissa Nobles, writes: “At bottom, an apology is an acknowledgement and moral evaluation of wrongdoing.” And she goes on to say that “Dependency, extreme poverty, and marginalization today are perceived as best explained by earlier state policies, and not by purported cultural deficiencies and racial inferiority.”

We endeavored to take this effort seriously and with sensitivity. I want to thank the committee for being willing to both listen to and hear the witnesses, and hearing the courageous descendants who came forward to share their lives, their stories and the pain they have lived with for generations, as individuals and as classes of Vermonters. I want to thank those witnesses for taking the time to open up the wounds of the treatment their families endured and ask that their stories be heard. It was a privilege to honor those stories. And I want to thank previous primary sponsors of the bill, including the member from Northfield and the member from Shelburne.

And so, Madam Speaker, what are we asking the General Assembly of the Vermont Legislature to apologize for?

It's right there in the title:

This is a “Joint resolution sincerely apologizing and expressing sorrow and regret to all individual Vermonters and their families and descendants who were harmed as a result of State-sanctioned eugenics policies and practices”

Before I read the proposed resolution, which you can find on page 791 of today's calendar and is a strike-all amendment, you have to know about our state-sanctioned eugenics policies and practices, which reached an apex with Act 174 of 1931, which was signed into law 90 years ago today.

Madam Speaker, the Vermont of over a hundred years ago was a very different place, but in many ways it was quite similar. There was very little electricity from central sources, and very few miles of paved road. There weren't many phones, and the number of farmers was dropping precipitously. In the years since the Civil War, young people were fleeing Vermont for, literally, greener pastures, and for the cities that were growing across the country. We lamented the emigration of our young Vermonters, and resented the arrival of immigrants in their place. Our economy was shaky — we had cut down most of our trees, our sheep-farming boom had busted, we were moving toward more manufacturing, but our population was stagnant, even with an influx of immigrants. We lost more Vermonters to the influenza in 1919 than we did in the Great War. Even in the years prior to the development of ski areas in the 1930s, tourism was an important part of our economy and we were crying out for second home owners of great worth and education to move to our rural state. The arrival of the railroad in the mid-19th century had allowed for the export of more of our goods, and the import of others, but it also made winners of the towns who hosted a stop on on the line, and losers of those who lived further away, and whose access to this modern world was limited. Mining of rock across the state brought wealth for some and silicosis for others. We considered the beauty in many parts of our state to be unmatched, but we still found, in pockets of our state, the Ku Klux Klan. Prohibition of alcoholic beverages existed in Vermont prior to the federal prohibition, but it was often ignored and smuggling and moonshine were prevalent in the state. And while some Vermonters, the so-called "old stock", were more economically secure, poverty was chronically deep across all of Vermont.

Vermont has always been a state whose many facets have worked in contradiction, and we were not unique in this way.

The word “eugenics” was coined in the 1870’s by a nephew of Charles Darwin, and was introduced as a concept to Vermont in the early 1900’s related to the improvement of plants and to the better breeding of animals. This concept of better breeding — using genetics and heredity — was soon adopted by some scientists across the country as a means of human betterment, as well as better human beings. At the beginning, the theory of eugenics was wide ranging — it was thought that we could study everyone from every walk of life and determine how to make a better stock — and as a theory, it started in the spirit of discovery. Later, as it evolved, it relied on what we call social sciences — sociology and social work — to further the well-being of humans. But then it turned. And it turned with the help and coordination of policies instituted and laws passed by the Vermont General Assembly.

But why did it turn? The growing focus on eugenics centered around heredity, a belief that our basic fate in life was determined by what scientists called “germplasm.” This germplasm was something inherent in our being, and we could not escape the outcomes determined by that germplasm. This deterministic thinking, coupled with a time then called the Progressive Era, wherein the elites and educated were having fewer children, led to a belief that certain kinds of people were, to paraphrase the words of Dr. Henry Perkins, weeds in the garden of our “old stock” in Vermont, and that it would be necessary to weed the garden in order for the garden to thrive.

Eugenics, as an answer to all that ailed Vermont, was supported by many in the upper and ruling classes in Vermont, but that support was not universal. It was opposed by nearly as many as supported it because of reasons of religion, or of ethics or morality, or in objection to both the means and the ends of eugenics.

Madam Speaker, may I quote from a book that we considered one of our main resources? (You may)

Madam Speaker, in her deeply researched book “Breeding Better Vermonters,” the author writes that the creation of eugenics:

inspired an international interdisciplinary movement of scholars, scientists, medical experts, wealthy philanthropists, and government leaders eager to apply the new research, the eugenic solutions offered — mental testing, segregation and sterilization of the “unfit,” marriage restrictions, and discriminatory immigration quotas—[and this] turned eugenics history into something of a no-man’s land of betrayal of trust, loss of privacy, and freedom, broken families and broken lives.”

Today’s resolution focusses on the actions taken by the Vermont General Assembly, including the funding of social programs and the passage of laws that allowed elements of State-sanctioned eugenics policies to become actionable.

When we think about eugenics, the first thing we think about is sterilization. While sterilization plays a major part of the eugenics story, it is important to know that the Vermont General Assembly created elements of eugenics by segregation and institutionalization. We removed children from their families, involuntarily. We removed adults from their families, involuntarily. We placed restrictions on marriage. And we did it on a discriminatory basis. We did not apply these same principles of delinquency, dependency and deficiency to everyone — only the poor, those deemed by others to have defects, and those who were clearly of a different ethnicity than those making these determinations, and those we institutionalized because of these differences. We were interested, in the words of our eugenicists, in “keeping the seed-bed rich, mellow and weed-free”.

Eugenics, at its core, is a theory based on the idea that heredity determines superiority, and to enhance the whole of society, certain types needed to be eliminated by not allowing them to have children. Eugenics, at its core, allowed a select few people, supported by lawmakers in our General Assembly, to use State established and funded

hospitals, schools, and prisons to destroy families, their cultures and their communities in the name of science.

But not only science. In order to pass the bills that created our State-sanctioned eugenics policies and practices, legislators and government officials worked with strong lobbying organizations, created legislation, took testimony and had communications with the leaders of these institutions, as well as from local officials. Our culture, in the early 20th century, allowed for poor farms, and our laws since 1797 dictated that towns take care of the poor within their borders. Poor farms, tucked away in some corner of every town, and expensive as they were, were usually kept so unclean that the poor moved on, making themselves transients, or paupers, and bigger targets of town officials, who noted their presence and their defects, which were then shared with other towns and institutions, which created a record of an individual's, or a family's, defects.

What legislators heard was that taking care of the poor was an “expensive luxury.” And when various institutions were created over the years, they became places where people were sent — removed to, segregated — in order to keep them away from the rest of us. Children were sent to Brandon, the so-called insane to Waterbury, others to Brattleboro and Vergennes. The conditions were not necessarily better, but they were more permanent.

The justifications were based in racial ideas of the time, and in Vermont, the time started in 1912. Madam Speaker, may I read from a correspondence between the superintendent of the Vermont State Hospital for the Insane and the Governor of the State of Vermont in 1912? (You may)

Another point which you wrote me about some time ago is the question of sterilization of degenerates. If such methods are practical, and am inclined to think they are, if properly, thoroughly and intelligently carried out, would result in great savings to the state, financially; improvement in social and moral

conditions, and increased comfort and happiness to many of the subjects upon whom it was performed.

There are hundreds, probably thousands, in Vermont, who are simply “breeding like rats” and whose progeny are, intellectually, morally, and socially worse than rats. Proper and intelligent selection—segregation or sterilization, whichever seems best in a given case—is the only remedy to prevent this, and the other states in the union from becoming burdened and disgraced by these unfortunates.

This correspondence, among others, and the speech by Governor Mead that I referenced at the beginning of my report, led to legislation in 1913. Like our legislative process of today, the final version of the bill voted upon differed greatly than the one introduced, reflecting on how the legislature did its work. It took testimony, it enlarged the scope of the bill, justified that scope by determining the validity of the need to reduce the number of degenerates, and it included, among segregation policies, language that would allow for sterilization of “our degenerates.”

This bill passed the House and Senate but was vetoed by Governor Fletcher, whose attorney general stated that sterilization in the way prescribed was unconstitutional, as it had been ruled in a number of states at that time. The attorney general also took exception to the mandate that the act only apply to those in mental hospitals, reformatories, and charitable and penal institutions. He considered it “an unfair, unjust, unwarranted and inexcusable discrimination” on the grounds that it mandated that eugenical sterilization apply only to those “who are unfortunate enough to be actually confined” in these institutions. The bill also mandated that the act would not apply to women over 45, even though they remained able to have children. Finally, the attorney general objected to the provision that allowed for eugenical sterilization of those of “confirmed criminal tendency,” which, in his view, inflicted “an additional penalty for a crime long committed and the legal penalty which has already paid,” and that a board

that was proposed to hold such a hearing on such a candidate was drawn without due process or impartiality.

Madam Speaker, may I read from a previously quoted essay from Vermont History?
(You may)

Madam Speaker, this next paragraph was written to describe a legal and moral opinion on a bill written in 1913, but I would say that the objection of the Attorney General here is also applicable to the bill that became Act 174, nearly 20 years later, and that the reasoning behind this paragraph is the the same drives the impetus behind this apology.

The proposed law accounted for so many situations that Brown argued it was legally unenforceable. He took special issue with the fact that it ignored the contradiction that if an individual was considered to be a candidate for eugenical sterilization due to diminished mental incapacity, he or she could likewise be considered incapable “of making a request or of performing any legal act” due to that same diminished mental incapacity. But “the climax of absurdity and inconsistency,” Brown argued, was found in section 7, which allowed “both lunatic and imbecile to do that which has never been permitted in any court of justice in this land”; that is, to voluntarily agree to impose upon themselves the same penalty only imposed on criminals “after full hearing and the introduction of evidence.”

It is from here where our eugenical practices and policies turned a corner. There was no need for extra legislation beyond what we had already done or were able to do when it came to eugenical segregation or institutionalization. But it was here that the eugenicists were stopped, temporarily, in their efforts to use sterilization to speed up the weeding of the seed-bed. Segregating children and adults from defective families could be done through existing policies, and institutionalizing these same could be done, and it was. It was expensive. It was expensive for the municipalities and it was

expensive for the state. Sterilization promised a less expensive way to manipulate the population while still retaining a veneer of retention of usefulness of these defectives for the community.

Over the next decade or so, social workers for the State of Vermont and other organizations visited neighborhoods wracked with poverty, tracked families, noted their cultures, education, employment and birth rates and determined, through metrics they devised, whether a family was defective, deviant or deficient. The lists they developed were eventually made available to town officials, police departments and other elements of town and state government. And they were made available to Dr. Henry Perkins of the University of Vermont as he developed his Eugenics Survey in the early 1920s.

As much as the study of eugenics was theoretically intended to study genetics and heredity across the socio-economic spectrum, this did not occur in Vermont. In practice, certain groups deemed “less than” were targeted for control including indigenous communities, French Canadians, persons with disabilities, and low income families. And it was these communities that were found in our institutions, where we had an ability to focus on them, and to glean information that was then used in our social work in the communities. And when it came to this segregation, we must remember this: the superintendent of the Brandon School urged complete segregation of this class of so-called unfortunates during their lives, and he felt that such an institution could never hope to educate its inmates, but would fulfill its purposes by keeping them segregated.

The work done by social workers, primarily during the Eugenics Survey at the University of Vermont, included summary charts for each of the families — and these families were deemed “pirates” and “gypsies” and references were made in other documents to “tribes” without attribution to their indigeneity, but were “known to have been a moral, social and economic drag on town and state”. These summaries listed a number of defects, and the presence of more than one these “defects” confirmed an

individual's "degeneracy." Here is a list of the defects collected on our behalf: illiterate, illegitimate, insane, thief, queer, pauper, immoral, dishonest, rape, sex offender, had syphilis, untruthful, epileptic, twin, stillborn, dependent, alcoholic, speech defect, not just right, harelip, a little odd, sloppy, light-fingered, smoked and chewed at age twelve, wild, wanderer, cruel, deserted husband or wife, had only one eye, tuberculosis, poor memory, breach of peace, shiftless, and degenerate.

Madam Speaker, may I read from a history from the Winter 1991 issue of Vermont History? (You may)

[It was] pointed out that most of the literature on Progressive reform movements has overlooked the scorn for country life as a manifestation of the reformers' membership in an emerging class of social control professionals. The notes of the the Eugenics Survey fieldworker document the fact that eugenicists always found the degeneracy for which they were searching, no matter how tenuous the evidence. One family of supposed "cripples" is revealed by the fieldnotes to consist of a group of malnourished children suffering from rickets. An ancestor known to have been hanged as a witch in Watertown, MA, in 1658 was assumed to have had Huntington's Chorea, since "at her trial people testified to her violent temper, convulsive movements, and supernatural powers." Another deceased family member was subject to "mental moods and physical reactions...and was a ventriloquist." She, too, was assumed to be choreic. Such assumptions were critical because they helped establish the hereditary nature of the various undesirable traits.

This kind of language is pervasive in the histories available for anyone to read. It is clear that in order for those eugenicists to get to their apex — sterilization — this work had to be drawn in a way that focussed on heredity, and that heredity was a determinant in the the 3 D's of delinquency, dependancy and deficiency. The eugenicists didn't do it alone. They worked with philanthropists, what we call lobbyists, administration members, commissioners of departments, legislators and even the press, and they did

what we ask advocates to do today: create momentum for legislation that would benefit their work.

Here is a list of the actions the Vermont General Assembly took that allowed for the creation of our State-sanctioned eugenics policies and practices.

In 1890, the State Hospital for the Insane at Waterbury was established.

In 1912, the General Assembly passed into law and the Governor signed “An Act to Provide for the Care, Training, and Education of Feeble-Minded Children,” which allowed for the creation and funding of the Vermont State School for Feeble Minded Children in Brandon, which opened in 1915. Over the years, the school was renamed the Brandon State School and, later, the Brandon Training School.

In 1913, as described above, the General Assembly passed “An Act to Authorize and Provide for the Sterilization on Imbeciles, Feeble-minded and Insane Persons, Rapists, Confirmed Criminals, and Other Defectives.” As described above, this bill was vetoed and the veto was not overridden by the House of Representatives.

In 1915, The General Assembly passed Act 92, a Child Welfare Act that defined what a “dependent and neglected” child was, and what a “delinquent child” was in a way that gave local authorities and private citizens the latitude to rid their communities of youthful offenders. This led to increased separation and institutionalization of children, sometimes for periods that extended past reaching the age of majority.

In 1923, The General Assembly created Vermont Department of Public Welfare, which gathered and consolidate records on hundreds of Vermont families, many of them deemed delinquent, dependent or degenerate.

In 1925, Dr. Perkins formed the Eugenics Survey and hired a social worker to use and augment Vermont Children’s Aid Society and State Social Service Exchange records in

order to create family pedigree charts of degeneracy to “support a campaign for legalized sterilization.” While the Eugenics Survey was housed at the University of Vermont, its Advisory Committee was composed of Vermont academic leaders, the Superintendents of State Institutions: the Vermont State School for Feeble Minded, Vermont State Hospital for the Insane, Vermont Industrial School, Riverside Reformatory for Women, and Vermont State Prison; and the Commissioners of the Vermont Department of Public Welfare and the Vermont Department of Education, as well as the Secretary of the Vermont State Board of Health and the leaders of the Vermont Children’s Aid Society.

As I have discussed, the goals of the eugenics movement included separating, segregating and institutionalizing Vermonters who were deemed defective. These goals were not universally supported either by the science or the politics, as I mentioned, and up until 1925, eugenicists were unable to include sterilization into their programming to weed the garden.

In 1927, the momentum to include sterilization took a leap forward.

Madam Speaker, may I read again from the Winter 1991 issue of Vermont History? (You May)

On January 19, 1927, Henry F. Perkins gave an address entitled “Lessons from a Eugenical Survey of Vermont” to legislators attending the Vermont Conference for Social Work in Montpelier. Perkins, Professor of Zoology at the University of Vermont, was director of the Eugenics Survey of Vermont, which he had founded in 1925. “Eugenics” was the term coined by Charles Darwin’s cousin, Francis Galton, to denote the science of improving the genetic condition of the human race. Its proponents believed in the existence of racial stereotypes, accepted the myth that certain peoples (particularly those of northern Europe) possessed a monopoly of desired characteristics, and thought that human differences were invariably caused by heredity and thus were resistant to modification. The theme

of Perkins's address was the threat to Vermont posed by certain families in the state, in particular those he referred to as the "pirate", "gypsy," and "chorea" families. The "pirates" lived "in the utmost squalor and destitution," were "the terror of people...because of their thieving habits," and parented diseased and feebleminded children. Perkins characterized the "gypsy" family as thieves who were "looked upon with wholesome fear" and whose members included seventy-eight paupers. The "chorea" family, afflicted with the "dreadful form of insanity known as Huntington's chorea with its degeneration of mental powers and loss of muscular control," accounted for twenty insane persons over seven generations. These three families were among twenty-two that had been studied extensively whose "depravity, immorality, and loose living" made them "a constant menace to the safety and welfare of the community."

...The "one great lesson" of the survey's study of these and other defective families, according to Perkins, was that "blood has told" and there is every reason to believe that it will keep right on telling in future generations."

Soon after this speech, an "Act Related to Voluntary Eugenic Sterilization" passed the Senate and was defeated in the House. Soon after, however, their cause was helped immensely by the 1927 Supreme Court ruling, Buck v. Bell. This ruling upheld a Virginia law, which set a legal precedent that states may sterilize inmates of public institutions. The court argued that imbecility, epilepsy, and feeblemindedness are hereditary, and that inmates should be prevented from passing these defects to the next generation.

All of a sudden, the eugenicists had a legal reasoning to request legislation that allowed sterilization in public institutions. The eugenicists in Vermont took a longer path to their goal. In order to build public support, Perkins, the Eugenics Survey and their financial backers funded the Vermont Commission on Country Life, a three year study on the conditions of life in Rural Vermont written by over "200 Vermonters". The goal of the published study was to reinforce the primacy of the "old stock" and to establish a

kind of consensus that the eugenics programming throughout the state was a benefit to us all. When published, it noted that “Vermont this year adopted a program of voluntary sterilization of certain defectives. Its marriage laws also take cognizance of the danger to the state of marriage of defectives by forbidding a clerk to issue a marriage license to certain enumerated classes.”

In 1931, just before publication of the report from the Vermont Commission on Country Life, the General Assembly wrote and passed Act 174, an Act for Human Betterment by Voluntary Sterilization. It passed the Senate 22-8 and it passed in the House 140-75. Governor Wilson signed the bill on March 31, 1931, ninety years ago today.

Madam Speaker, may I read the first portion of Act 174? (You may) Here is what he signed:

It is hereby enacted by the General Assembly of the State of Vermont:

SECTION 1. Construction. Henceforth it shall be the policy of the state to prevent procreation of idiots, imbeciles, feeble-minded or insane persons, when the public welfare, and the welfare of idiots, imbeciles, feeble-minded or insane persons likely to procreate, can be improved by voluntary sterilization as herein provided.

Sec. 2. Examination and certificate; operation; report. When two physicians and surgeons legally qualified to practice in the state, examine a person resident of the state, and decide: (1) that such person is an idiot, imbecile, feeble-minded or insane person likely to procreate idiots, imbeciles, feeble-minded or insane persons if not sexually sterilized; (2) that the health and physical condition of such person will not be injured by the operation of vasectomy, if a male, or the operation of salpingectomy, if a female; (3) that the welfare of such person and the public welfare will be improved if such person is sterilized as aforesaid; and

(4) whether such person is or is not of sufficient intelligence to understand that he or she cannot beget children after such operation is performed;

And it goes on, but this is the relevant section for our purposes. The question here is: if you are placed or incarcerated in any of these public institutions because you are defective in the ways listed, how can you possibly be in a position to determine, for yourself, that you are making a voluntary decision to have the surgery.

A reminder for us: A vasectomy is surgical procedure designed to make a man sterile by cutting or blocking both the right and left vas deferens, the tubes through which sperm pass into the ejaculate. It was considered an upgrade over castration, which is the removal of the testicles of a male animal or man. Vasectomies as a procedure were developed in the early 20th century.

A Salpingectomy is the surgical removal of one or both fallopian tubes. Fallopian tubes allow eggs to travel from the ovaries to the uterus. In 1931, it would have been considered serious abdominal surgery. Female sterilization may also have included removal of the ovaries and the uterus.

During the period of time these procedures were legalized for these eugenical purposes, it was estimated that two-thirds of the sterilizing procedures were done on women.

Madam Speaker, it must be said that the passage of this bill, while it is the apex of the eugenics movement, and the crowning glory of the the advocacy of the work of the Eugenics Survey, it actually marked the beginning of the end of the movement in the Vermont and in the United States. Dr. Perkins soon became the President of the American Eugenics Society, but by then its funding was drying up. The survey in Vermont ended in 1936, but not before sterilizing over 250 Vermonters, and perhaps an unknown number more not properly certificated in institutions across the state, records

of which are either yet to be discovered or undiscoverable due to misfiling or loss due to flooding.

The practice of eugenics — determining social policies based on heredity before environment — was challenged in many ways by the early 1930's. The legislation passed by our General Assembly passed muster legally, but the time had started to pass in the United States for eugenics, at least in its most negative forms. Social policies changed, but the language of our state-sanctioned eugenics stayed on our books for years. It took decades to remove these laws off our books, and it was just within the last ten years that we corrected language in our statutes and removed the most offensive references to our so-called defectives.

Finally, I want to acknowledge that this report has largely centered the General Assembly, because I wanted to focus on our actions, and the motivations behind them, and why they were wrong.

But the report would not be complete if we did not spend time on centering those who were hurt and damaged, and reflecting on the pain they endure.

Madam Speaker, the testimony we took was heartbreaking. We had the privilege of listening to men and women whose families were shattered by our State-sanctioned eugenics policies and practices, and of the fear that ran through their families when a government car came up their driveway, or if their grandparents were pulled aside at school. We heard of children today either not knowing they were indigenous, Abenaki, French Indian or French Canadian, or denying their heritage. We heard of forebears changing their names several times in order to avoid being identified, and we heard of the lifestyle of the so-called pirates, gypsies and basketweavers being forced underground. We heard how, in order to survive in a society where they felt hunted, their families were forced to hide, abandon their culture and destroy the trust they had with their neighbors and with the government. We read testimony that reminded us that our histories, taught throughout the 20th century, denied that the Abenaki ever lived in

Vermont, and that the settlers from Europe or southern New England simply found this land empty and there for the claiming, and what the effects of this denial were on them. We read of a woman who asked her grandmother their heritage, and she was told “First they find out all about you. Then they come for you.” And she was told nothing more. We know the children of Abenaki and indigenous heritage are still mocked, as are French Canadians and Franco-Americans, as well as those with disabilities.

Madam Speaker, we heard about families being told they had Huntington’s chorea, even when they tested negative for it. We heard about the families being tracked and pedigreed. We heard about children being separated from their families, and of adults and children who were institutionalized for reasons. We heard from a witness who shared her experiences living in the Brandon school near the time of its closure, and of unbearable experiences of abuse and neglect in a system designed to allegedly protect her from abuse and neglect. We heard of family members sterilized without their consent, of conditions that were inhumane. We heard from the disabled rights community who related how they still feel like targets, and suffer the disparities in education, and health care, where they had to fight to get vaccinated for COVID, for example.

Our involuntary sterilizations were widely performed on people in mental institutions, and on women considered to be bad mothers. Not only were these sterilizations motivated by perceived individual and social goods — including reducing the cost of caring for them within society itself, but these perceptions were based on prejudice coupled with scientific inaccuracies that were known at the time. We labelled people with words like “feeble-minded”, “imbecile,” “idiot,” “pirate,” “basketweaver” and “gypsy,” and by labelling them, we negated them. We dehumanized them and made them less than, which, we know from what we heard, was internalized and further compounded the pain over decades of time.

And finally, Madam Speaker, our readings and our testimony from historians made clear that the Vermonters who were targeted — the Abenaki, the French Indians, the

French Canadians, the disabled — shared another attribute that made them stand out: poverty. We while know we've made some progress, and some amends, the prejudice and pain our policies cultivated continues.

Madam Speaker, these State-sanctioned eugenics policies promulgated by the Vermont General Assembly included marriage restrictions, segregation in institutions, and sterilization laws — largely considered negative eugenics measures — and which, in the words of one of the authors of a history on this, “the rhetoric of degeneracy that the eugenics studies introduced, which validated long-held prejudices and encouraged discrimination.” And as a result of this targeting, we perpetuated biases and prejudice that continue to this day, and have resulted in generations-long disparities in health and general welfare.

We aimed to erase cultures that were not ours. We aimed to end biological lines of Vermonters because of who these Vermonters were. We punished Vermonters for their poverty and their heritage and called it science. And our intent was to make sure the changes we championed were effective and permanent.

Madam Speaker, may I read a description of the Genocide Convention as it appears on the website of the United Nations? (You may)

Madam Speaker, I take the time to read from this, because it gave us the reason and justification for using this important and powerful word in the text of the resolution.

Article II of the Genocide Convention contains a narrow definition of the crime of genocide, which includes two main elements:

A mental element: the "intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such"; and

A physical element, which includes the following five acts, enumerated exhaustively:

Killing members of the group

Causing serious bodily or mental harm to members of the group

Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part

Imposing measures intended to prevent births within the group

Forcibly transferring children of the group to another group

*The intent is the most difficult element to determine. To constitute genocide, there must be a proven intent on the part of perpetrators to physically destroy a national, ethnical, racial or religious group. Cultural destruction does not suffice, nor does an intention to simply disperse a group. It is this special intent, or *dolus specialis*, that makes the crime of genocide so unique. In addition, case law has associated intent with the existence of a State or organizational plan or policy, even if the definition of genocide in international law does not include that element.*

Importantly, the victims of genocide are deliberately targeted - not randomly – because of their real or perceived membership of one of the four groups protected under the Convention (which excludes political groups, for example).

Madam Speaker, before I move on to our resolution, I want to make clear that this resolution does not shift the blame of our actions to UVM. There are facts that cannot be ignored, and the institution, by nature of its relationship with Dr. Perkins, who led the

Eugenics Survey and research in both in Vermont and in the nation, has taken responsibility in their own apology in 2019.

I move now to the the resolution, which I will read in full.

[Read resolution]

Madam Speaker, we heard from the following witnesses, whom I thank for their time and their courage. Every witness made this resolution better.

The Bill's Sponsor

Legislative Counsel

A self advocate and former resident of the Brandon Training School

The Outreach Director for Green Mountain Self Advocates

The Senior Planner and Policy Analyst, Vermont Developmental Disabilities Council

A Member of the Vermont Developmental Disabilities Council

The supervising attorney at Disability Rights Vermont

Self Advocate, Essex Junction

Chair, Vermont Commission on Native American Affairs

The Chief of the Nulhegan Band of the Coosuk-Abenaki Nation

Nulhegan Tribe Indian Education Coordinator

A representative of the Abenaki Nation of Missisquoi

A member of the Koasek Tribe, commissioner on the VT Comm on Native American Affairs.

Executive Director of the AH too wee Project

An Abenaki Elder

The Author of Understanding the Vermont Eugenics Survey and its Impacts Today

Author, Breeding Better Vermonter, The Eugenics Project in the Green Mountain State

Author, Segregation or Sterilization, Eugenics in the 1912 Vermont State Legislative Session

Senior Lecturer, Harvard Medical School, Department of Global Health and Social
Medicine

And finally, Madam Speaker, the representative from Northfield, who first introduced a
version of this bill in 2009.

Madam Speaker, your General, Housing and Military Affairs Committee voted 11-0-0 in
favor of JRH 2. We ask for your support.