

# HOME GROWN

SPHEX 2018

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I have been a member of the SPHEX Club since 2003 and have presented four papers, all of which have had a personal focus, swimming to Antarctica, refugee resettlement, medical mission work, and lastly end of life issues. So this time around I wanted to choose a local topic I didn't know much about, hence my title Home Grown. I have learned much about my adopted home from my colleagues who have spoken of local history and people. I have had many conversations about SPHEX talks over the years but I especially appreciated an honest colleague reporting that at nights when he couldn't sleep he would think about his next SPHEX topic, I had to admit to that anxiety as well. This year's topic did not come to me during nocturnal musings but during a retirement road trip that Tom and I took to New York. We like to listen to audio books on road trips and this trip we decided upon The Gene by Sidhartha Mukerjee. Our common formal medical education backgrounds occurred at the same time, 40 years ago, and we knew we were way behind on genetics. The book makes a complex scientific topic very accessible and engaging. The best part of it all for me was the case histories, or stories, he chose to highlight the science. Well, to our surprise by the time we were only a few hours out of Lynchburg we heard that our hometown was to be the setting of one of his chapters. He included a Lynchburg story in the Eugenics chapter and I was hooked!

It was then and there that I decided to speak to you all about an institution in our midst, The Central Virginia Training Center, one of the institutions in America that was an epicenter for the American eugenics sterilization movement. This is a timely discussion as we are witnessing the closure of this institution as we speak. According to CVTC website: CVTC was established in 1910 as the Virginia State Epileptic Colony on a tract of land known as Murkland, donated to the state by a

benevolent donor to create the colony, its purpose was to serve epileptic women from the three state mental hospitals. By 1913 the facility was ready to receive "feebleminded" women into residence. Mukarjee states in his book;

*"Feeble-mindedness came in three distinct flavors: idiot, moron, and imbecile. The idiot was easiest to classify because the Census Bureau defined the term as a mentally defective person with the mental age of 35 months- but moron and imbecile were more porous categories. On paper, the terms referred to less forms of cognitive disability, but in practice, the words were semantic revolving doors that swung inward all too easily to admit a diverse group of men and women, some with no mental illness at all- prostitutes, orphans, widows, depressives, vagrants, petty criminals, schizophrenics, dyslexics, feminists, rebellious adolescents- anyone in short whose behavior, desires, choices or appearance fell outside the accepted norm."*

These sorts of institutions were cropping up all over the country in an attempt to deal with individuals who were thought to be outside the accepted norms of society either medically, emotionally, behaviorally or socially. They could be described as chronically, complicated individuals.

In 1919 the population of the Colony was 508. In the 1919-21 report to the state the colony had changed its name to State Colony for Epileptics and Feebleminded. In 1940 the institution was renamed the Lynchburg State Colony. In 1950 the national emphasis on the training programs for the mentally ill caused the name to change again to Lynchburg Training School. Resident population continued to climb and in 1950 it was 2347, in 1963 there were 3156 residents. In 1979 overcrowding and admissions pressure had been relieved somewhat by the opening of other state facilities. **It was during the period from 1913-1972 that the institution was enmeshed with the Eugenics movement and engaged in an ill-advised program of involuntary sterilization.** In 1983 the name was changed again to Central Virginia Training Center and it housed 1724 individuals. In the eighties the population reflected a trend of receiving and caring for more profoundly disabled residents and a rethinking of the care for the chronically disabled; from institutional placement to a less restrictive community placement. Today the CVTC is under order from the DOJ to close by 2021, along with three other institutions of

its kind in the commonwealth. There are now 113 medically fragile residents on site. It is a place whose history is fraught with ethical and moral conflicts, not to mention gross injustice and abuse in the name of social reform and paternalism. Yet it is also a place beloved by many and whose existence has sustained residents, families, staff and community alike for over 100 years. I am sure that many of us in this room have a personal story to tell about CVTC. Tonight I want to shed light on how this sort of institution came about. (There were many of these sorts of places in the US.) I hope this talk will provoke us to think, to consider how we imagine and manage social change in light of rapid proliferation of new knowledge and with awareness of the mistakes that have been made in the past.

### The Eugenic Movement

The end of the 19th and the beginning of the 20<sup>th</sup> century saw the birth of a pseudoscientific and social control movement in the Western world called Eugenics. It evolved at a time when revolutionary scientific ideas were being put forth and movements of progressive social reform were unfolding. In 1859 Darwin had begun conversations about natural selection; Spencer, built upon this premise to come to his theory of the survival of the fittest, and some long lost experiments by a Czech monk named Gregor Mendel revealed some exciting hereditary evidence in botanical studies about the transmission of traits in peas. The probability of evolution and the potential improvement of mankind seemed boundless.

The British father of the eugenics movement was Francis Galton; a child prodigy turned academic mathematician, who was seeking his fame and fortune in the shadow of his cousin Charles Darwin. He was a mathematician extremely interested in statistics. He embraced many of these new genetic ideas and put the principles into a myriad of compulsively counted/data collection studies. If patterns could be discerned, he would be the one to find them. According to Edwin Black in his book *The War on the Weak*, *"It was all guesswork, ancestral solipsism and mathematical acrobatics-some of it well-founded and some of it preposterous- forged into self congratulatory biology and social science."* As a result of his work Galton came to believe that mankind could be improved. He believed that *"what Nature*

*does blindly, slowly and ruthlessly, man may do providently, quickly and kindly.*" He coined the term eugenics from the Greek word *eu* meaning good, and *genesis* meaning origin or coming into being. He defined eugenics, *"The science that which deals with the influences that improve the inborn qualities of the race; also with those that develop to the utmost advantage."* He broadened the meaning even more when he wed biology to governmental action. *"Eugenics,"* Galton asserted, *"is the study of all agencies under social control which can improve or impair the racial quality of future generations."*

So how did this notion catch on beyond this small initial elite academic world? How could such an erroneous science prevail? How did the movement of a promising new scientific discipline turn into a pseudoscience; how did it take hold to become a wave of populist racism and scorn for those outside "established" norms? Attributing causality to one single factor would be short sighted. Eugenics caught on due a confluence of many complex social factors of the time. It was a perfect storm, a tipping point.

It is believed that there were a myriad of factors converging at that time in history to make the rise of eugenics possible. I will discuss a few of the most influential.

The first factor was the burgeoning science in the fields of genetics and evolution, though in its infancy at the time, these revolutionary ideas encouraged a developing body of science with much promise and excitement. This new science would continue to evolve but at a slower pace than the eugenics movement. But as we witness today, it had revolutionized much of science as known at the time.

The second factor is the nascent, simultaneous development of several new academic disciplines or new bodies of knowledge. Psychology, educational psychology, educational pedagogy, and sociology were asserting themselves in reputation and distinction from standard disciplines of philosophy, medicine, and other traditional sciences. One element that is particularly notable in the discussion of eugenics is the debut of human intelligence testing. This new science of determining mental and intellectual capability boasted the certainty of classification of the potential of the human being. This new measurement promised

standardization and criteria previously not available. While Binet the Frenchman developed his first “intelligence” or IQ test, he did so with the intent to best understand how children learn and how to teach. He did not intend it to be used as a lifelong measure of intelligence and he understood that it had the capacity to change with time, experiences, and education. Many other testing developers and proponents were ardent Eugenicists and longed for ways to stratify or classify society. The early inconsistent, flawed, and unvalidated measurement systems of the time unfortunately became the basis for much permanent, inaccurate and unfounded classification of the military, immigrants, socially marginalized, uneducated, and disabled people. (Several extensive family studies relied on urban legend; hearsay, anecdotes, and inconclusive relatedness to draw some shocking conclusions. The Juke and Kallikak lineages were touted as proof of inherited degeneracy.) Over time human intelligence testing was perceived as much more accurate and broadened in scope. The understanding of human growth and development truly advanced over the years. Here is a brief example of modern categories of measurement.

***IQ SCORES:***

<i>Feeble-mindedness</i>	<i>mild mental retardation</i>	<i>70-80</i>
<i>Moron</i>	<i>moderate mental retardation</i>	<i>55-70</i>
<i>Imbecile</i>	<i>severe mental retardation</i>	<i>25-40</i>
<i>Idiot</i>	<i>profound mental retardation</i>	<i>&lt;25</i>

*We now use the term Intellectually Disabled rather than retarded.*

*Full scale IQ now includes; 6 verbal subtests, 6 performance subtests*

*Function, intellect, social, and adaptive areas of competencies... and they are still imperfect and subject to change.*

The third factor that profoundly impacted the eugenics movement was immigration. At no point in American history, (except since 2000-9) did America admit more immigrants. During 1890-1924 there was an influx of 10 million people. Many of these people were Eastern European, Jewish, Italian, Polish, and Irish, thereby diversifying America’s relatively homogeneous population of the time. This

led to much class and racial anxiety in America and pushed US Congress to enact the 1924 Immigration Act (Johnson Reed Act).

Several prominent Eugenecists were authors of the 1924 Act. A Congressional committee even identified Harry Laughlin of the Eugenics Record Office (ERO) the official Expert Eugenics Agent (Cohen). Albert Johnson, a legislator from Tacoma, Washington, came to Congress from a district experiencing an increasing number of Japanese immigrants. He came to congress to effect "a heavy reduction in immigration by any method possible." (Cohen) *He was called by Edwin Black "a fanatic raceologist and eugenicist."* (Gjelten) This 1924 act limited admittance to America with a system of racial quotas, limiting immigrants by allowing only those whose race was represented at the census of 1890, not by the more recent census. A 2% national origins quota for those already in America was set and by restricting countries with less or no representation. Asians and Middle Eastern people were excluded. This 1924 Act attempted to secure the homogeneity of society and ended open borders in a way those in power desired.

This immigration policy changed in America with the 1965 Immigration Nationality Act of 1965, enacted during the LBJ presidency. All nationalities were then admitted on a relatively equal basis. This was done at a time when the country was concerned with enhanced civil rights. The effect of this act was profound. In 1960 seven out of ten immigrants were from Europe, and in 2010 nine out of ten were from countries other than Europe. In 1990, under George H. W. Bush an immigration reform act increased immigration by increasing family based visas, created 5 categories of employment visas and instituted the diversity lottery; all in the spirit of the anti-discrimination climate in the society at large. These measures have contributed to the climate in America today; from 2000-2009 ten million immigrants have entered the US from nations of color. Many believe the resurgence in racism in part is due to the large influx of immigrants in the US today (as well as worldwide migration).

The fourth factor to mention is the cultural climate existing in society in the early 20<sup>th</sup> Century; stereotypes about women, social status, people with disabilities, the poor, the role of religion, philosophies of behavior and responsibility, and the

social upheaval of the industrial revolution, all entered into the promotion of the anti-immigrant movement. While not all contributing the same weight to the issue, each of these disruptive changes in established philosophies caused concern, anxiety and fear and influenced how the eugenic philosophy emerged in an effort to control and maintain the social status quo. There came to be two schools of thought; the *positive eugenics* believed the elite (good germplasm) should have more children and promote advantageous marriages, and the *negative eugenics* believed that the genetic stock should not be contaminated nor corrupted by undesirables and promoted sterilization, segregation and worse.

So all these factors coexisted to create the climate for the rise of the American eugenics movement. In Black's book an entire chapter is dedicated to describing how the astute, powerful proponents of eugenics went about promoting and legitimizing racism under the guise of social reform. The book also related how they began a concerted effort to weave their principles into the infrastructure of our society, through economic, regulatory, and legal means. *Progressives, conservatives, and feminists peopled the movement, the club was broad based and didn't follow the usual party lines, it attracted different people for different reasons.* (Cohen) The movement proceeded from several fronts. It was recognized and promoted from the halls of the elite academic institutions (curriculum and textbooks, leaders at Stanford, Yale, Princeton and UVa), the board rooms of the wealthy and powerful businessmen (E.H. and Mary Harriman a railroad baron and his spouse), supported by philanthropic foundations (J.D. Rockefeller Foundation, Carnegie Institute grant established the ERO Cold Spring), by medical officers and doctors in the public health arena, by the government (USDA, US Dept of Agriculture, American Breeders Association), and in the courts and legislatures across the country (thirty-two states enacted involuntary sterilization statutes). Academicians, presidents of universities, scientists, government officials, physicians, social workers, feminists, judges, and state legislators jumped on the eugenics bandwagon of improving society by weeding out the bad seeds. The proponents were zealously dedicated, brilliantly organized, and so convincing was the rhetoric that they were able to engage many benevolent social reform movements into their cause, or at least confuse the public

sentiments. While the eugenicists were very successful, there did exist many who spoke out against their message. Journalists disclosed the injustices and exposed abuses of human rights. Legislators and governors exercised vetoes, church groups protested, and dedicated objective scientists doggedly continued the long hard research in uncovering the mysteries of heredity and nurture. Nonetheless and regrettably, the American Eugenics Movement became admired near and far. It is well documented that Nazi eugenics policies, learned from and quoted American policies. They found templates for their campaigns in American laws, American eugenic propaganda, and writings by American eugenicists. This contributed to the defense of their well know atrocities and genocide. The Supreme Court decision of *Buck v Bell* was cited as precedent in arguments at the Nuremberg trials, as a forerunner/basis of the German Hereditary Health Law.

One could spend an entire paper on the *Buck v Bell* case. This is unfortunately Lynchburg's claim to fame, as CVTC resident Carrie Buck's reproductive fate was sealed by this case. My three sources for the telling of Carrie Buck's tale are books by J. David Smith 1989 (LC faculty) and Ray Nelson (CVTC), Paul Lombardo 2008 (UVa legal scholar and historian), and Adam Cohen 2016 (Attorney, reporter NYT). I will condense and paraphrase their findings.

Emma Buck and her daughter Carrie and 2 or 3 other children were part of the indigent population in Charlottesville, VA; living in squalor and dealing with all that a life of poverty entailed to survive. Emma had been abandoned by her husband and had reportedly resorted to prostitution to make ends meet. In 1920 she was booked for vagrancy and taken before a judge who sent her to two physicians for a cursory exam. She was declared feeble-minded and committed to the Virginia Colony for Epileptics. Until then Carrie and her siblings had led an impoverished life but normal childhood. Nonetheless, with the commitment of her mother Emma to the Colony, Carrie's life began to fall apart. She was placed in foster care with the Dobbs family. She lived with them for several years without incident. She attended school with good reports for lessons and deportment. They decided to hire her out

as a domestic worker at age 12. At sixteen a family member raped her and this encounter left her pregnant. It was at this time that the Dobbs' declared that Carrie was devolving into an epileptic or feebleminded person like her mother and implored a judge to confirm this diagnosis. Despite several normal reports about Carrie found in the Colony documents, she was classified middle grade moron (age 9 intelligence). In 1924 less than four years from Emma Buck's confinement to the Colony, Carrie too, was assigned to live her life there as well. She was confined there after the birth of her daughter Vivian Elaine who the state placed in foster care with the Dobbs family.

Meanwhile at the Colony, Superintendent Dr. Albert Priddy, was in the midst of a personnel mission and political campaign to improve society's mental health and eliminate feeblemindedness in the country. Many Superintendents of these institutions were Eugenicists, Dr. DeJarnette at Western State was a Priddy ally. His pet project was eugenic sterilization, and he had quietly embarked upon this treatment as superintendent of the colony before Carrie's arrival in 1924. But he had already faced one legal challenge; Priddy v Mallory in which he was acquitted but reprimanded for performing these sterilization procedures. (This case was filed by an irate husband and father who demanded release of his daughter from the colony. Priddy had already sterilized his wife and one daughter.) Priddy needed a legislative statute that would protect and legitimize this practice. His wish would come true. Enter Aubrey Strode; an Amherst county landowner, a UVa alumni, gentleman reformer, humanitarian, prominent attorney, state legislator and member of the board of the Colony and member of The SPHEX Club from 1934-37. In his role as state senator he had championed the 1924 state law, based on eugenicist, Harry Laughlin's model law permitting sterilization of institutionalized feebleminded in Virginia. (Its strategy was to relieve the tax burden as institutions were experiencing rapid growth and it protected physicians performing sterilizations from malpractice.) The law was enacted. However, as legal counsel for the colony Strode urged Priddy that this state law be tested in the courts before any procedures were carried out. Priddy felt that Emma, Carrie, and Vivian Buck; three generations of feebleminded women would be the perfect family to validate the

constitutional legitimacy of eugenic sterilization law in the Virginia court. He took the case to every level of the American judicial system. He was not a zealous eugenicist but he did promote the legalization of the sterilization in a measured, deliberate, narrow scope. Whether he intended to or not, Aubrey Strode did secure the biggest legal victory for eugenics in American history. (Cohen)

In the November 19, 1924 circuit court case in Amherst, Virginia *Buck v Priddy*, Strode had enlisted Irving Whitehead, chairman of the Colony Board, as defense attorney for Carrie. A long time friend and neighbor, this posed a clear conflict of interest. The case was described as a “friendly litigation” by Strode (a sham) and Whitehead was clearly negligent in protecting or defending Carrie’s best interest by today’s standards. He never presented any witnesses in Carrie’s defense. Strode’s evidence and numerous witnesses presented hearsay and experts presented reports by reading Colony notes and they never examined or spoke to Carrie. There were gross inaccuracies about the hereditary transmission of recessive and dominant genes for intelligence and moral aspersions were flung far and wide by witnesses and experts. The crowning injustice and blatant inaccuracy was the declaration that Vivian, Carrie’s 6-month-old daughter was feebleminded as well. A red cross caseworker declared that she didn’t look right and that compared to another child in the household was not as developed. This was declared with no sound evidence provided, it was purely conjecture. Carrie had no witnesses or experts speak on her behalf, she had no opportunity to take the stand and speak for herself. Her silence ensured her fate. The judge ruled in favor of the State of Virginia and concluded that Carrie could be sterilized to prevent the birth of other defective children.

In 1925 the case was sent to the Virginia Court of Appeals Judge John West presiding. The decision was upheld.

The decision was then appealed to the highest court in the land, The United States Supreme Court. Justice Oliver Wendell Holmes, himself a proponent of eugenics, wrote the formal opinion for the Court in the case of *Buck v Bell* in 1927. (Dr. Priddy had died and Dr. Bell had taken his role at the CVTC). The decision includes the now famous words: *It is better for all the world, if instead of waiting to*

*execute degenerate offspring for crime or to let them starve for their imbecility, society can prevent those who are manifestly unfit from continuing their kind...Three generations of imbeciles is enough.* I want to read to you a quote from Kirkus Reviews about Adam Cohen's book Imbeciles, The Supreme Court, American Eugenics and the Sterilization of Carrie Buck:

*"Cohen revisits an ugly chapter in American history: the 1920's mania for eugenics....in this compelling narrative...He also tells a larger story of the weak science underlying the eugenics cause and the outrageous betrayal of the defenseless by some of the country's best minds....a shocking tale about science and law gone wrong, an almost forgotten case that deserves to be ranked with Dred Scott, Plessy, and Korematsu as among the Supreme Court's worst decision."*

Buck v Bell supplied the precedent for the eventual sterilization of 7-8000 Virginians, second only to California where 20,000 sterilizations were reported to have been performed. Sterilization of people in institutions for the mentally ill and mentally retarded continued in America through the mid 70's. At one time or another thirty-three states in the US had sterilization statutes in place under which more than 60,000 Americans endured involuntary sterilization. This law remains intact today.

#### Legal Action after Buck v. Bell (Cohen and Lombardo)

Fifteen years after Buck v. Bell the Supreme Court revisited eugenic sterilization in the 1942 case of Skinner v. Oklahoma. This case challenged the Habitual Criminal Sterilization Act which provided for sterilization of prisoners who committed two felonies involving moral turpitude. It arrived at the Supreme Court in 1942 when we were fighting the war against the Nazis and some atrocities had been made known. Unfortunately, it failed and Buck v Bell remains intact to this day. Sterilizations continued as thirty states had laws permitting the procedure.

Popular attitudes toward recognizing and supporting marginalized groups began to emerge in the 1960's, and it is then that attitudes toward sterilization began to lose favor. This change in attitudes was due to a national commitment to civil rights (1965 Civil Rights Act), an understanding of universal educational potential and journalistic revelations of unsafe, abusive institutional environments (Kennedy family). From 1969-1979, at least fifteen states repealed laws that involved laws of involuntary sterilization, and Alabama's statute was ruled unconstitutional. In Virginia, sterilization began to decline; in 1974 the legislature repealed the 1924 law, though other statutory provisions that allowed sterilization of people with hereditary mental defects continued to exist until 1979.

In 1979 new interest was sparked in the *Buck v. Bell* case when K. Ray Nelson, superintendent of the CVTC, found Carrie Buck. (Several local educators David Smith and Ed Polloway of Lynchburg College, Elliot Schewel of the legislature facilitated research at the institution, were involved in research of the case as well.) The full story came to public's attention through a series of articles by several publications; *The Washington Post*, *The New York Times*, *The Roanoke Times*, *Richmond Times Dispatch*. Intrepid reporters found many former patients of the colony and collected and reported their stories. Stephen Trembly's 1994 documentary film [The Lynchburg Story](#) is one example of journalistic revelations. This film, which aired on public television and the Discovery channel, tells the untold stories of several patients. Judith Goldberg Crockett of the ACLU urged the state to notify people who had been sterilized. In 1980 the ACLU filed a lawsuit against the state of Virginia on behalf of four unnamed patients and other victims of sterilization in Virginia. The suit was designed to overturn *Buck v. Bell* and was named *Poe v. Lynchburg Training School and Hospital*. The Plaintiffs did not ask for money damages but asked instead that the court declare their surgeries unconstitutional. After four years of litigation the suit was settled in 1985. The plaintiffs had asked for individual notice, free medical and mental health care, and reversal operations at state facilities. The settlement was more modest; television and radio announcements to inform the public that the sterilizations had been discontinued toll free hotline for patients and free counseling. Though this ACLU

case was a disappointment in that it left *Buck v. Bell* intact, it provided a conclusion to the sterilization program and provided a new public understanding this chapter in our history.

*Buck v. Bell* raised many different questions about the fundamental relationship between inappropriate exercise of power over individual citizens by their government. When and for what purposes should we ever use the most intrusive medical interventions as tools of state policy? It also holds an important place in the laws of the land in regard to the role of government in the right to reproduce, who to marry, and other issues of personal autonomy.

Press attention to Carrie Buck's story engendered discussion in her hometown of Charlottesville, VA. Mitch Van Yahres introduced a bill in the Virginia legislature calling for an apology, which caused much consternation among the members. They could not bring themselves to apologize but offered profound regret on February 14, 2001. In 2002, the new governor Mark Warner, on the 75<sup>th</sup> anniversary of *Buck v. Bell*, read a statement of apology. Governors of Oregon, South and North Carolina took his lead. Mark Bold the CEO of Christian Law Institute became a proponent of retribution for victims of this practice. This organization was instrumental in promoting legislation. In 2012 the state of North Carolina passed a law offering retribution for those involuntarily sterilized, and in 2015 Virginia followed suit.

By the end of the twentieth century, legal eugenic sterilization had come to an end, but the number of Americans who had been involuntary sterilized between 1907-1983 was staggering: between sixty and seventy thousand. In Virginia, that number was 7450, mainly centered at The Colony for Epileptics and Feebleminded in Lynchburg-one of the nation's busiest centers of this activity. California, however, was the most active state in sterilizing with more than twenty thousand people. This eugenic period seems to have ended yet politicians are regularly willing to introduce eugenic measures into their present day bills and legislation. In 1990 Colorado wanted to incentivize prison term reduction with sterilization. In 2001, a woman labeled mildly retarded sued Columbia County, Missouri for trying to force her to be

sterilized. The U.S. Court of Appeals for the Eighth Circuit explained, “involuntary sterilization is not always unconstitutional.” In 2006 Virginia legislation offered voluntary castration to convicted sex offenders to avoid stays in state mental health facilities. A Charleston South Carolina city councilman Larry Shirley in 2006 stated “We pick up stray animals and spay them. These mothers (of delinquent children) need to be spayed if they can’t take care of them.”

We see what history has revealed in this story; a small number of powerful, zealous, well-connected men in power have had an impact on the law of the land that defied both science and human dignity. Yet we know that these were men of their times, subjected to limited information and led by self righteous biases of an established social structure, threatened by change. However, it is hopeful that we as a society have moved forward in our understanding of human rights and human dignity. In 1990 The Americans with Disabilities Act was passed and in the 1999 the *Olmstead vs L. C.* decision ensured that our laws will protect and promote citizens with disabilities and resolved to keep them in the least restrictive environment.

But this is a cautionary tale, as each era in history must evolve through the changes and challenges the world presents. Let us hope that we might keep the better angels of ourselves prevailing in our society.

#### CVTC Today (Potter)

In 2008 the federal government filed a case against the State of Virginia and a two year investigation ensued which determined that Virginia violated federal law by needlessly warehousing people in institutions instead of providing adequate community-based services. The DOJ’s Division of Civil Rights found that The Commonwealth of Virginia failed to serve individuals with intellectual and developmental disabilities in the most integrated setting appropriate to those needs, in violation of the American with Disabilities Act (1990) and *Olmstead v. L.C.* (1999). In 2010 Virginia entered into a settlement to comply with the DOJ’s directives.

As a result of the DOJ lawsuit, a study found that the cost for an institutionalized individual is \$215,000 per year, in the community \$75,000, and \$135,000 in the community for individuals with the most complex medical needs. The state is working to comply with the above ruling. The deinstitutionalization process is extremely difficult for all involved. CVTC still has 113 residents onsite as of February 2018. Virginia is slated to close four of its five institutions for housing the developmentally and intellectually disabled and transition those services to the community under a 10 year, \$2 billion settlement the state entered into with the Department of Justice. \$935 million will come from federal sources and \$340 million from the state by savings realized from closing most facilities. Virginia has agreed to close the institutions by 2020. (SETC Chesapeake will remain open, SVTC Petersburg closed in 2014, NVTC Fairfax closed in 2015, SWTC Hillsville will close in 2018, and CVTC is schedule to close in 2020)

There are still many questions about the closures and many communities struggle to manage care for their residents. Many families attempt to understand the process and actually deal with the day-to-day realities in human terms. Many support their loved ones staying in State run institutions. In the 2018 legislative session, Mark Peake (SB 835) and Scott Garrett (HB 1421) filed identical bills in their respective chambers, to keep the CVTC open indefinitely (The News and Advance 1-21-18).

In closing I would like to read a poem written by a local poet. This book of poems was by my side throughout my research. Molly McCulley Brown is a talented, articulate, award winning, young artist. She grew up in the Sweet Briar community. She herself is physically disabled, a difficult birth left her afflicted with spastic form of cerebral palsy. These poems give voice to the thousands unheard who lived their lives at CVTC.

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