

TRAGEDY

As an unwanted and abused child, Leilani was sent to the Provincial Training School for Mental Defectives on the basis of her mother's testimony, her poor socioeconomic status, and her Irish-Catholic and Polish background. Although she showed no signs of psychosis and was cited as a bright student, a faulty IQ score of 64 subjected her to sterilization. Therefore under the impression she was getting an appendectomy, Muir's fallopian tubes were removed when she was 14. After she left the institution, Muir discovered she was sterilized when she was unable to have children. Soon after, her adoption and marriage fell through and she became depressed due to uncountable instances of social stigmatization.

CHILDHOOD

"Not a day went by that I wasn't beaten with a belt, a stick, a board, or even a hammer [... my mother] would act like she had done nothing wrong"

—Muir, *A Whisper Past*

"[Diagnosticians] believed that eastern European immigrants were prone to feeble-mindedness. They also insisted that institutionalization of the feeble-minded was ineffective and that a preventive approach — sterilization — was required."



"I was dropped off at the institution, left at the steps [...] my mother threw me out of the car like a piece of garbage she didn't want"

"As a girl, Leilani Muir was given phenobarbital, chlorpromazine and haloperidol at the PTS despite the absence of indications of psychosis. Clearly, the defenceless children in the PTS were sequestered as guinea pigs for le Vann's experiments on behavioral control."

—Wahlsten, *Leilani Muir versus the Philosopher King: Eugenicists on trial in Alberta*

STERILIZATION

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<p>Patient Medical History and Examination for the Purposes of Sterilization Approval</p> <p>Name: Leilani Muir Institution: Provincial Training School for Mental Defectives</p> <p>PERSONAL HISTORY Hospital Case No. 9824 Age 14 Native Alberta, Canada Religion Catholic Education Ungraded Marital status Single No. of children None</p> <p>CLINICAL HISTORY (For additional space see reverse side) Nocturnal enuresis/encopresis and finger sucking habits observed. History of fits: 10 convulsions a number of very small, most involving the lower right arm, the lower left arm, and under right hand. Condition of clothing rather shabby Seems intelligent - nervous, danger of the breakdown in the presence of Mental Deficiency or Emptiness, also impossible of intelligent parenthood. None advised.</p>	<p>Name: Leilani Muir Institution: Provincial Training School for Mental Defectives</p> <p>Treatment: Patient undergoes an operation for the purpose of sterilization Signature: Leonard Joe Le Vann</p> <p>SUPPLEMENTAL RECORD: Leilani is a pretty, but inactive looking child, who nudged her thumb constantly throughout testing. The Full Scale I.Q. of 64 places Leilani in the Defective Category. Her top level of function would be only slightly higher. Analysis: Verbal abilities are slightly higher than those requiring visual motor co-ordination. Her thinking is primarily concrete, although there is sporadic use of functional concepts. Her memory is fairly good, her judgment tends to be poor. Social anticipations are weak. Visual motor skills are average for her level of ability.</p>	<p>Recommendation and Approval for the Purpose of Sterilization</p> <p>Name: Leilani Muir Institution: Provincial Training School for Mental Defectives</p> <p>LEGAL PROVISIONS This form is submitted in accordance with the Sexual Sterilization Act of Alberta. After careful consideration of the case of Leilani Muir, by the Medical Staff of the institution, it is their belief that this patient is suffering from the condition above noted and it is their recommendation that the operation for the purpose of sterilization be performed, with which opinion and recommendation I concur and do hereby request your approval. (DATE) I am agreeable that sterilization be performed on my child Leilani Marie Soorah if this is deemed advisable by the Provincial Eugenic Board. Written Consent By: Relationship: <i>mother</i></p>
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SENTIMENTS

"You can't put a price on a child's life, you can't put a price on what they took away from me as a woman. My heart is breaking and it will until the day I die."

—Muir, Univ. of Alberta, Living Archives Project



"This injury has haunted Ms. Muir from the time she first learned what had been done, through to the time when she fully realized the implications of the surgery. Her suffering continues even today and will continue far into the future."

1928

1955

1957

Alberta Sterilization Act

"the first Canadian eugenic sterilization law [...] creates a Eugenic Board [...] [that] specifies who are sterilization candidates [...] outlines the conditions required for a sterilization [...] specifies that the physician or surgeon who perform sterilization surgeries cannot be held civil or criminally liable."

Muir's Institutionalization

"Abused by her mother, Muir was institutionalized at the Provincial Training School (PTS) in Red Deer at the age of 11, without any diagnostic testing and purely based on false information provided by her mother."

Muir's Sterilization

"After two years of living at the PTS, Muir was given an intelligence quotient (IQ) test, where she scored below 70, and was diagnosed as a 'moron'. This test score contributed to the decision made by the Eugenic Board after a brief interview with Muir, and she was approved for sterilization."

TRIUMPH



THE VERDICT

Muir sued the province of Alberta in 1995 and became "the first eugenics survivor to file and win a lawsuit for wrongful sterilization." *Muir v. the Queen in right of Alberta* became a landmark trial in which she gained \$740,780 in legal compensation for her suffering, initiating an official apology to sterilization victims from the Albertan government. Although she would never regain her basic right to reproduce or years lost to depression and social stigmatization, her case brought attention to eugenics history, garnering support from other victims and researchers as well.

Wrongful sterilization	
Pain and suffering	\$250,280
Aggravated damages	\$125,000
Punitive damages	\$0
Wrongful confinement	
Pain and suffering	\$250,000
Aggravated damages	\$115,500
Past and future loss of income	\$0
Total	\$740,780

Victims of sterilization finally get day in court

"I'm relieved to say that today I'm no longer a victim. I feel through a difficult experience and having been heard because I'm finally standing up for myself, and I'm proud of it [...] God put me on this earth and kept me alive for a reason. Thanks to Him, I'm still here today to tell my story."

"Governments, particularly, have to be aware of what the effects of their actions and decisions are on people and to me this is an object lesson how thinking that you are doing the right thing can lead to terrible, terrible consequences for many, many people."

*—The Daniels, Muir's lawyer
University of Alberta, Living Archives Project*

"Here I started speaking out, I've become a stranger person. Now I'm not so easily taken in. I'd tell the eugenics victims for coming out and telling my story [...] I don't worry as much about being perfect because I now know that there isn't such a thing as a perfect person. Everyone has a past and everyone has issues they must deal with."

LIMITATIONS



"The government tried to compensate for the harm done to me and the others, and I'm thankful for this, but they could never pay us for what we lost. The damage continues [...] All I ever wanted was a loving family. I found out the hard way that money couldn't buy this."

1972

1980

1996

BILL 26

1996

Sterilization Act Repealed in Alberta

"The act violates fundamental human rights. We are provided with an act, the basis of which is a presumption that society, or at least the government, knows what kind of people can be allowed children and what kind of people cannot [...]. This is a reprehensible and intolerable philosophy"

Muir Learns of Her Sterilization

"When [Muir] was unable to conceive a child in her first marriage, she found out she had been sterilized, and that the operation could not be reversed. Muir was also unable to adopt because of her time in an institution."

Court Verdict

"Judge J. Veit declared that, in 1959, the province wrongfully surgically sterilized Ms. Muir and now acknowledges its obligation to pay damages to her. In response, the judge ordered the state pay Ms. Muir for wrongful sterilization, pain and suffering, aggravated damages, and interest to a total settlement of \$740,780."

IMPACT

Muir's lawsuit initiated a public response dedicated to revealing Alberta's history of eugenics. This response was strong enough to dissolve legislative efforts to limit legal compensation given to future sterilization litigants (Bill 26). Since then, hundreds of other sterilization victims have pursued legal action with widespread success. Further, in following Alberta's example, many states in America have formally apologized for eugenics practices as well.

NEW AWARENESS



"This ruling opened the door to a class action lawsuit filed on behalf of 700 other victims of Alberta's law, resulting in 1999 in a \$82 million settlement that grabbed national headlines in Canada"

—Dovregille, *Revealing America's Dark History of Eugenics in the United States and Canada*, Wiley-Blackwell, Toronto, 2017, p. 197.

"She gained legal compensation for her having been sterilized. I think that sort of thing was merited and certainly helped inspire the apologies in various states in the United States. I don't think that apology is enough. Compensation should be in order because even though it's impossible to put a genuine dollar value on the loss of your ability to reproduce, it is a step in the right direction, nevertheless"

—Professor Daniel Keates, American historian of science, Yale University

"Public attention is extremely important. At the time there were 1000 to 1500 survivors who had been sterilized under Alberta law. With the Leilani decision, that opened the door to their suing of the province of Alberta. Multiply 1500 times 3/4 of a million and you get a big number; over a billion. That captures public attention; therefore, the Province was now inclined to do something about it"

—Professor Daniel Keates, American historian of science, Yale Univ.



GENOME EDITING



"The best that we can hope for in the immediate future is to engineer genes so as to remove the propensity for terrible diseases. I think if that is the technology proven to be safe and effective that people will want to do this as part of a medical service for disease prevention, rather than for creating magnificent new people."

—Professor Daniel Keates, American historian of science, Yale University

"[...] eugenics practices are still linked up with our conceptions of pathology, abnormality, and mental-competence that, when taken together, are highly socially constructed. Further, central to the premise of eugenics is the idea that the presence of genetic 'defects' is a problem to be solved, and that the solution to this problem involves preventing the birth of individuals who would be deemed defective."

—Loren C. Sagare, *Eugenics in America*

Muir's tragic experiences, from her sterilization to long-lasting stigmatization, illustrate misused legislative power under the name of eugenics. The ability of new technology to alter genetic composition directly parallels Alberta's history of eugenics — Muir's case points out the many unconsidered consequences of such ventures even with present-day technologies.



"When I was born, God made me a whole person. When they sterilized me, they made me half a person. You never get over that hurt. You shower every day and you've got that stupid scent, because of what they did when I was 14 years old. Nobody has the right to play God with children's lives. This is why I've written the book and this is why I speak out. I don't want this to ever happen again to other children. My philosophy is that history repeats, but as long as I keep talking about it, it will not happen again."

—Muir, *A Whisper Past*



1996

Other Victims Sue Alberta Government
"Muir's successful court case inspired hundreds of formerly institutionalized people and other eugenics survivors to sue the province of Alberta for wrongful confinement, physical and sexual abuse, forced labour, wrongful sterilization, and other forms of maltreatment."

Eugenics Archive Canada



1993–2005

CRISPR – Cas
"The genetic dice will continue to inflict cruel fates on all too many individuals and their families who do not deserve this damnation. Decency demands that someone must rescue them from genetic hell. If we don't play God, who will?"

American Nobel Prize Laureate and co-discoverer of the CRISPR molecular structure, James Watson



2015

UNESCO Addresses Gene-Editing Technology
"[...] if any intentional germline selection was accepted (such as with gene editing), this would jeopardize the inherent and therefore equal dignity of all human beings and renew eugenics, disguised as the judgment of the world for a better, improved life."

UNESCO International Bioethics Commission, 2015



IMPACT

When Leta Muir learned that her daughter, Lettani, was sterilized, she was devastated. She discovered she had been wrongfully sterilized. After the face of anti-eugenic reform, prompting a multitude of others to rise against such injustices as well.

THESIS

Leta Muir, along with countless others, was wronged by being "mentally defective" amidst the 1970s eugenics reform. After discovering she had been wrongfully sterilized, she pursued Alberta sterilization laws for violating her civil rights, she became the face of anti-eugenic reform, prompting a multitude of others to rise against such injustices as well.

NEW AWARENESS

"She pinned legal compensation for her having been sterilized. I think that sort of thing was wanted and not of things we wanted and certainly 'not' inspire the apologies in various states in the United States. I don't think that the resulting in some in the public sphere will have any political or social traction in Canada."

—Richard David Kelly, American historian of eugenics, 1st December



RISE OF EUGENICS

1928
CHAPTER 21
The Sterilization Act

The eugenics movement spread in Canada during the early 1900s and aimed to improve the human population by limiting the procreation of "undesirable" traits. This goal was influenced by the province of Alberta to pass the Sterilization Act of 1928. The Act authorized the sterilization of those who were deemed "mentally defective, socially deficient, or unacceptably disabled."

The Act aimed to control the procreation of mentally "deficient" individuals and thereby improve mental institutions. After several amendments, the Act allowed sterilization without consent (up to 1972) and the sterilization of who could be identified (such as deaf). The eugenics board approved 475 sterilization cases, including Lettani Muir, who was sterilized in 1972.

GENOME EDITING

What's single experiments from her sterilization to being building organizations. However, eugenics and genome editing have the same goal: to improve the human population. The ability of new technology to alter genetic composition directly parallels Alberta's history of eugenics. Leta's own parents and the many generations of descendants of such mistakes were with genome editing technology.

"I don't see how, God made one a whole person. When God created me, He made me full a person. You were got created like that. You know what you did and you've got that old. Nobody has the right to play God with children's lives. I don't want this to come happen again to other children. My children, mine, it will be happen again."

"They were playing God with people's lives. Five minutes of our lives, that's all it took. It was a rubber stamp, cows on a conveyor belt that's what it was. If we were morons, what were they?" —Muir, Living Archive Project

1996 **1998** **2015** **1983** **1960-1970** **2012**

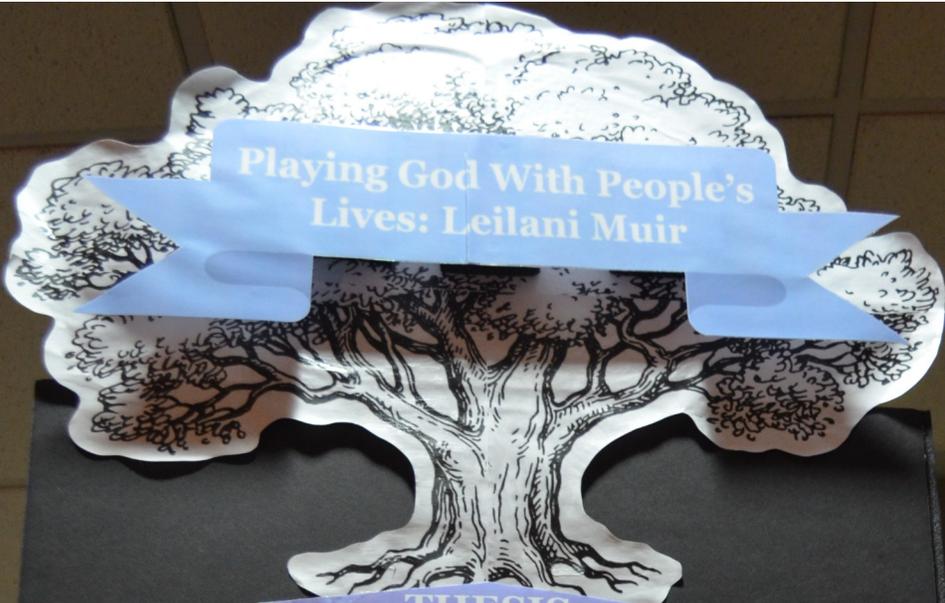
STERILIZATION OF UNFIT ADVOCATE?
Canadian Medical Association, 1960

UNFIT HELPERS TRAIT
SUCH AS FEELINGNESS, DILETTANTE, SCORNFUL, PROUDNESS, INWARD CONVICTION, AND ALL THESE THINGS WHICH ARE NOT OF THE HEART BUT OF THE FLESH, AND WHICH WILL BRING ABOUT THE DESTRUCTION OF THE BODY.

HEREDITY IS A BIG PROBLEM
THE TRIANGLE OF LIFE

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Playing God With People's Lives: Leilani Muir



THESIS

Leilani Muir, along with countless others, was ostracized for being "mentally defective" amidst the **tragic** fervor for eugenics. After discovering she had been wrongfully sterilized, she pursued rectification through legal action. As the first to **triumph** against Alberta sterilization laws for violating her civil rights, she became the face of anti-eugenic reform, prompting a multitude of others to rise against such injustices as well.

CONTEXT

RISE OF EUGENICS

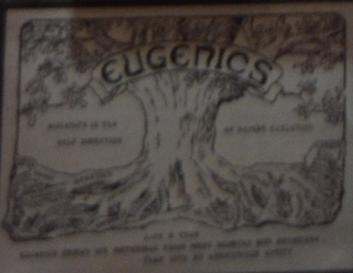


1928
CHAPTER 37.
The Sexual Sterilization Act.
(Assented to March 21, 1928.)

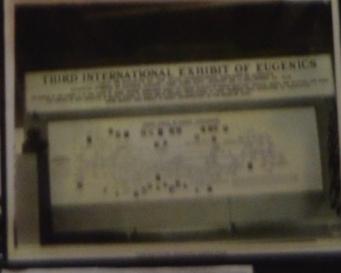
The eugenics movement spread to Canada during the early 1900s and intended to improve the human population by limiting the procreation of "undesirable" traits. These social ideals influenced the province of Alberta to pass the Sexual Sterilization Act and created a Eugenics Board to authorize the sterilization of those who were deemed "feeble-minded, mentally deficient, or intellectually disabled"

...BY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, Enacted as follows:
This Act may be cited as "The Sexual Sterilization Act, unless the context otherwise requires—
"Mental Hospital" shall mean a hospital within the meaning of *The Mental Disease Act*;
"Minister" shall mean the Minister of Health.
For the purpose of this Act, a Board is hereby constituted, to consist of the following four persons, to-wit:
Edmonton,
Mason, Calgary,
McEachern, Edmonton,
H. Field, Kinross.
The members of the said Board shall be appointed by the Lieutenant Governor in Council, but two of the said Board shall be physicians nominated by the Senate of the University of Alberta and the Council of the College of Physicians and Surgeons, and two shall be persons other than physicians, appointed by the Lieutenant Governor in Council.

The Act aimed to control the procreation of mentally "unsound" individuals and initially targeted mental institutions. After two amendments, the Act allowed sterilization without consent (1937) and extended the definition of who could be sterilized (1942). In total, the Eugenics Board approved 4725 sterilization cases, including Leilani Muir, who was sterilized in 1958.



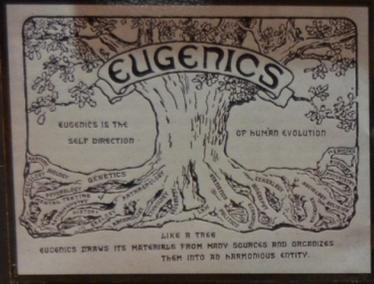
...it is proposed to discharge any inmate of the said hospital, the Medical Superintendent or other officer in charge may cause such inmate to be examined by the board of examiners.
At such examination, the board is authorized to require the patient to undergo such tests as may be deemed necessary, and to report thereon to the board.
The board may, at its discretion, recommend the admission of any inmate to the said hospital, or the discharge of any inmate therefrom, and may, in writing, advise the patient of the results of such examination, and may, in writing, advise the patient of the results of such examination, and may, in writing, advise the patient of the results of such examination.
117



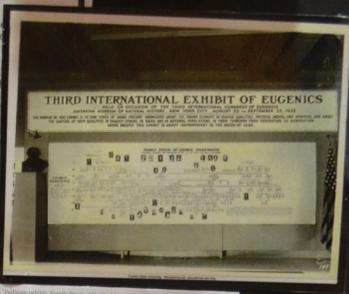
Sterilization Act and created a Eugenics Board to authorize the sterilization of those who were deemed "feebleminded, mentally deficient, or intellectually disabled".

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and extended the definition of who could be sterilized (1942). In total, the Eugenics Board approved 4725 sterilization cases, including Leilani Muir, who was sterilized in 1958.



It is proposed to discharge any inmate of the Hospital, the Medical Superintendent or other officer thereof may cause such inmate to be examined in the presence of the board of examiners.



"They were playing God with people's lives. Five minutes of our lives, that's all it took. It was a rubber stamp, cows on a conveyor belt that's what it was. If we were morons, what were they?"—Muir, Living Archives Project

"Eugenics seeks to serve society and deserves a place among the agencies that tend to social amelioration [...] Physique, brain, and character must be cultivated [...] the defective and criminalistic are [...] to be segregated under the care of the State during the reproductive period or otherwise forcibly prevented from procreation [...] The reproduction of defectives must be controlled"

"Positive" eugenics included the encouragement of procreation by individuals [...] possessing desirable characteristics [...] "Negative" eugenics involved discouraging and decreasing procreation by individuals [...] having inferior or undesirable characteristics [...] Methods aimed at limiting the capacity and opportunity for procreation [included] sexual sterilization, marriage prohibition, segregation and institutionalization."

STERILIZATION OF UNFIT ADVOCATED
Feeble-Minded Increasing at Disproportionate Rate in Canada

UNFIT HUMAN TRAITS
SUCH AS FEEBLEMINDEDNESS
EPILEPSY, CRIMINALITY,
INSANITY, ALCOHOLISM,
PAUPERISM AND MANY OTHERS.
RUN IN FAMILIES AND ARE
INHERITED IN EXACTLY THE
SAME WAY AS COLOR IN
GUINEA PIGS. IF ALL
MARRIAGES WERE EUGENIC
WE COULD BREED OUT
MOST OF THIS UNFITNESS
IN THREE GENERATIONS.

HEREDITY IS BIG PROBLEM

THE TRIANGLE OF LIFE

YOU CAN IMPROVE YOUR EDUCATION, AND EVEN CHANGE YOUR ENVIRONMENT, BUT WHAT YOU REALLY ARE WAS ALL SETTLED WHEN YOUR PARENTS WERE BORN. SELECTED PARENTS WILL HAVE BETTER CHILDREN. THIS IS THE GREAT AIM OF EUGENICS.

1883

1890-1920

1912

Social Darwinism
"Darwin's On the Origin of Species [...] precipitated (Galton's) basic ideas [...] of hereditary genius and eugenics [...] He subsequently contributed to the Darwinian evolutionary discussion, and to the [...] conceptual and statistical foundations for behavior genetics, and the idea for intelligence testing."

Progressivism
"[...] progressive reformers saw the opportunity to attack social problems efficiently by treating the cause (bad heredity) rather than the effect [...] Eugenics was only one aspect of progressive reform, but as a scientific claim to explain the cause of social problems, it was a particularly powerful weapon in the arsenal of class conflict at the time."

International Eugenics Organizations
"[...] eugenics movements emerged in Germany, Britain, and the United States during first decade of the 20th century. Subsequently, other movements were founded in France, Norway, Sweden, Denmark, Russia, Cuba, Brazil, Mexico, Canada, and Japan. During the interwar period (1919-1939) the most prominent international connections were between American and German eugenicists."

090

TRAGEDY

As an unwanted and abused child, Leilani was sent to the Provincial Training School for Mental Defectives on the basis of her mother's testimonies, her poor socioeconomic status, and her Irish-Catholic and Polish background. Although she showed no signs of psychosis and was cited as a bright student, a faulty IQ score of 64 subjected her to sterilization. Therefore, under the impression she was getting an appendectomy, Muir's fallopian tubes were removed when she was 14. After she left the institution, Muir discovered she was sterilized when she was unable to have children. Soon after, her adoption and marriage fell through and she became depressed due to uncountable instances of social stigmatization.

CHILDHOOD

"Not a day went by that I wasn't beaten with a belt, a stick, a board, or even a hammer [... my mother] would act like she had done nothing wrong"

—Muir, *A Whisper Past*

"[Eugenicists] believed that eastern European immigrants were prone to feeble-mindedness. They also insisted that institutionalization of the feeble-minded was ineffective and that a preventive approach — sterilization — was required."

—Journal of Historical Sociology, 2004
Wahlsten, J., Walker, J., & Walker, J. (2004). Institutionalizing the 'feeble-minded': Eugenicists in Alberta, Canada, 1907-1917.



Wahlsten, J. (2004). Leilani Muir and the Provincial Training School for Mental Defectives.



"I was dropped off at the institution, left at the steps [...] my mother threw me out of the car like a piece of garbage she didn't want"

—Muir, Living Eugenic Archives, Univ. of Alberta



"As a girl, Leilani Muir was given phenobarbital, chlorpromazine and haloperidol at the PTS despite the absence of indications of psychosis. Clearly, the defenceless children in the PTS were sequestered as guinea pigs for le Vann's experiments on behavioral control."

—Wahlsten, *Leilani Muir versus the Philosopher King: Eugenics on trial in Alberta*

STERILIZATION

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Patient Medical History and Examination For the Purposes of Sterilization Approval

Name: Leilani Muir
 Institution: Provincial Training School for Mental Defectives

PERSONAL HISTORY Hospital Case No. 9524
 Age 14 Nativity Alberta, Canada
 Religion Catholic Education Ungraded
 Marital status Single No. of children None

CLINICAL HISTORY (for additional space see reverse side)
 Deformities or abnormalities: 3rd finger on both hands deformed.
 Scars and their locations & number of very small scars on body, two scars on chest

Name: Leilani Muir
 Institution: Provincial Training School for Mental Defectives
 Treatment: Patient undergo an operation for the purposes of sterilization
 Signature: Leonard Jan le Vann

SUPPLEMENTAL RECORD:
 Leilani is a pretty, but immature looking child, who sucked her thumb constantly throughout testing. The Full Scale I.Q. of 64 places Leilani in the Defective Category. Her top level of function would be only slightly higher.

Recommendation and Approval for Vasectomy or Salpingectomy for the Purpose of Sterilization

Name: Leilani Muir
 Institution: Provincial Training School for Mental Defectives

LEGAL PROVISIONS
 This form is submitted in accordance with the Sexual Sterilization Act of Alberta.
 After careful consideration of the case of Leilani Muir, by the Medical Staff of the institution, it is their belief that this patient is suffering from the affliction above noted and it is their recommendation that the operation for the purpose of sterilization be performed.

STERILIZATION

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Patient Medical History and Examination For the Purposes of Sterilization Approval

Name: Leilani Muir
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PERSONAL HISTORY Hospital Case No. 9624
Age 14 Nativity Alberta, Canada
Religion Catholic Education Ungraded
Marital status Single No. of children None

CLINICAL HISTORY (for additional space use reverse side)

Deformities or abnormalities: 3rd finger on both hands deformed.

Scars and their locations: A number of very small scars on body, two scars on right knee, two scars on left knee, scar under chin

Condition of clothing: rather shabby

Seems intelligent - moron. Danger of the transmission to the progeny of Mental Deficiency or Disability, also incapable of intelligent parenthood.

Date admitted:

Name: Leilani Muir
Institution: Provincial Training School for Mental Defectives

Treatment: Patient undergo an operation for the purposes of sterilization
Signature: Leonard Jan Le Venn

SUPPLEMENTAL RECORD:

Leilani is a pretty, but immature looking child, who sucked her thumb constantly throughout testing. The Full Scale I.Q. of 64 places Leilani in the Defective Category. Her top level of function would be only slightly higher.

Analysis: Verbal abilities are slightly higher than those requiring visual motor co-ordination. Her thinking is primarily concrete, although there is sporadic use of functional concepts. Her memory is fairly good; her judgment tends to be poor. Social anticipations are weak. Visual motor skills are average for her level of ability.

Recommendation and Approval for Vasectomy or Salpingectomy for the Purpose of Sterilization

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Institution: Provincial Training School for Mental Defectives

LEGAL PROVISIONS

This form is submitted in accordance with the Sexual Sterilization Act of Alberta.

After careful consideration of the case of Leilani Muir, by the Medical Staff of the institution, it is their belief that this patient is suffering from the affliction above noted and it is their recommendation that the operation for the purpose of sterilization be performed, with which opinion and recommendation I concur and do hereby request your approval.

[DATE]

"I am agreeable that sterilization be performed on my child Leilani Marie Scolah if this is deemed advisable by the Provincial Eugenics Board."

Written Consent By:
Relationship: *Mother*

SENTIMENTS

You can't put a price on a child's life, you can't put a price on what they took away from me as a woman. My heart is breaking and it will until the day I die."

—Muir, Univ. of Alberta, Living Archives Project



"This injury has haunted Ms. Muir from the time she first learned what had been done, through to the time when she fully realized the implications of the surgery. Her suffering continues even today and will continue far into the future."

—Judge J. Voh, Muir v. The Queen in Right of Alberta, 1992

1928

Alberta Sterilization Act

"the first Canadian eugenic sterilization law [...] creates a **Eugenics Board** [...] [that] specifies who are sterilization candidates [...] outlines the **conditions required for a sterilization** [...] specifies that the physicians or surgeons who perform sterilization surgeries cannot be held civil or criminally liable."

—Eugenics Archives, Canada

1955

Muir's Institutionalization

"Abused by her mother, Muir was institutionalized at the Provincial Training School (PTS) in Red Deer at the age of 11, **without any diagnostic testing** and purely based on false information provided by her mother."

—Eugenics Archives, Canada

1957

Muir's Sterilization

"After two years of living at the PTS, Muir was given an intelligence quotient (IQ) test, where she scored below 70, and was diagnosed as a 'moron'. This test score contributed to the decision made by the Eugenics Board after a brief interview with Muir, and she was approved for sterilization."

—Eugenics Archives, Canada

TRIUMPH



THE VERDICT

Muir sued the province of Alberta in 1995 and became "the first eugenics survivor to file and win a lawsuit for wrongful sterilization." *Muir v. the Queen in right of Alberta* became a landmark trial in which she gained \$740,780 in legal compensation for her suffering, initiating an official apology to sterilization victims from the Albertan government. Although she would never regain her basic right to reproduce or years lost to depression and social stigmatization, her case brought attention to eugenics history, garnering support from other victims and researchers as well.

Wrongful sterilization
 Pain and suffering \$250,280
 Aggravated damages \$125,000
 Punitive damages \$0
 Wrongful confinement
 Pain and suffering \$250,000
 Interest thereon \$115,500
 Aggravated damages \$0
 Past and future loss of income \$0
 Total \$740,780



Victims of sterilization finally get day in court

After a long and arduous legal battle, a woman who was sterilized as a child has won a landmark court decision. The court has ruled in her favor, awarding her a significant sum of money in compensation for the pain and suffering she has endured. This is a historic moment for victims of eugenics programs in Alberta.

"Governments, particularly, have to be aware of what the effects of their actions and decisions are on people and to me this is an object lesson how thinking that you are doing the right thing can lead to terrible, terrible consequences for many, many people."

—Anne Fadish, Muir's lawyer
 University of Alberta, Living Archive Project

"I'm relieved to see that today I'm no longer a victim. I find strength in my own experience and want to help others. I'm finally standing up for myself, and I don't want to be the only one on this earth and hope one day for a reason. Thanks to you, I will have time to tell my story."

"I've learned speaking out, I've become a stronger person. Now I'm not so easily shaken. I'm not the same person I was when I was first sterilized. I don't worry so much about being perfect because I now know that there isn't such a perfect person. Everyone has a past and everyone has issues they need deal with."

LIMITATIONS



"The government tried to compensate for the harm done to me and the others, and I'm thankful for this, but they could never pay me for what we lost. The damage continues. I AM I ever wanted was a living family. I found out the hard way that money couldn't buy this."

Bill 26 was introduced in the legislature. It was intended to limit the amount of money that could be paid to victims of sterilization. The bill was passed by the legislature, but it was later found to be unconstitutional. This was a major setback for victims of sterilization.

"[...] in an attempt to circumvent the courts, the Government of Alberta introduced Bill 26, which limited sterilization claims against the province to \$125,000 each [...] Within 24 hours, Bill 26 was withdrawn due to extensive criticism on the part of media and advocacy groups. However, the Government [...] established a \$750 million overall cap for claims. Claims against the Government following Muir's case included wrongful sterilization, wrongful confinement, inappropriate medication, physical and sexual abuse, and unjustified medical research."

BILL 26
 "PROTECTING ALBERTANS' ASSETS"

1972

1980

1996

Stigmatization Not Repaired in Alberta
 "The act restores fundamental human rights. We are gratified with it, not the least of which is a recognition that society, or at least the government that serves it, has at least some regard for the harm done to people who have been sterilized and that their lives are not to be treated as a mere means to an end."

Wide Losses of Her Inheritance
 "When I was 14, I was unable to conceive a child in her first marriage, she found out she had been sterilized, and she had no other children. She was able to adjust because of her faith in her religion."

Court Verdict
 "Judge J. Van der Stoep said, 'It is the province's responsibility to pay damages to her. In addition, the judge ordered the state pay Ms. Muir the wrongful sterilization, pain and suffering, aggravated damages, and interest to a total settlement of \$740,780.'

Muir sued the province of Alberta in 1995 and became "the first eugenics survivor to file and win a lawsuit for wrongful sterilization." *Muir v. the Queen in right of Alberta* became a landmark trial in which she gained \$740,780 in legal compensation for her suffering, initiating an official apology to sterilization victims from the Albertan government. Although she would never regain her basic right to reproduce or years lost to depression and social stigmatization, her case brought attention to eugenics history, garnering support from other victims and researchers as well.

Wrongful sterilization
Pain and suffering \$250,280
Aggravated damages \$125,000
Punitive damages \$0
Wrongful confinement
Pain and suffering \$250,000
Interest thereon \$115,500
Aggravated damages \$0
Past and future loss of income \$0
Total \$740,780




Portrait of a young girl, likely a victim of sterilization.

Victims of sterilization finally get day in court

ALBERTA SUEDES THE GOVERNMENT OF ALBERTA FOR \$740,780 IN DAMAGES FOR WRONGFUL STERILIZATION AND CONFINEMENT. THE GOVERNMENT HAS OFFERED TO SETTLE THE SUIT FOR \$100,000.

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"I'm relieved to say that today I'm no longer a victim. I lived through a difficult experience and learned some hard lessons. I'm finally standing up for myself, and I'm proud of it [...] god put me on this earth and kept me alive for a reason. Thanks to Him, I'm still here today to tell my story."

—Muir, *A Whisper Past*



"Governments, particularly, have to be aware of what the effects of their actions and decisions are on people and to me this is an object lesson how thinking that you are doing the right thing can lead to terrible, terrible consequences for many, many people."

—Jon Faulds, Muir's lawyer
University of Alberta, Living Archives Project

"Since I started speaking out, I've become a stronger person. Now I'm not so easily taken in. I'm told I'm a courageous woman for coming out and telling my story [...] I don't worry as much about being perfect because I now know that there isn't such a thing as a perfect person. Everyone has a past and everyone has issues they must deal with."

—Muir, *A Whisper Past*

LIMITATIONS



"The government tried to compensate for the harm done to me and the others, and I'm thankful for this, but they could never pay us for what we lost. The damage continues [...] All I ever wanted was a loving family. I found out the hard way that money couldn't buy this."

—Muir, *A Whisper Past*

3. Agrees for sterilization

(147) The evidence establishes that the government acted in a high-handed way when it ignored its own legislation and sterilized her before she was ready to be discharged.

government had followed its own legislation, Muir would never have been sterilized because she was never ready for discharge.

(148) Moreover, the evidence establishes that the conduct of the government in labeling Muir a mental defective was highly biased and prejudicial. The evidence proves beyond a doubt that the government did not follow its own legislation, practice and procedure when it labeled Muir a mental defective. It ignored advice from an expert that Muir's problems were emotional, not mental. It ignored the evidence of social workers and psychologists who might have assisted in obtaining information about Muir's background. It failed to inquire completely with the institution interrogatively which it had established - arguments by a physician relating to the validity of admission information and psychiatric testing. Before admitting Muir to an institution where she would be sterilized and organized, the government acknowledged that it had obtained only cursory information. This was not an emergency situation, there was information that was available including from letters and group lectures.

"[...] in an attempt to circumvent the courts, the Government of Alberta introduced Bill 26f, which limited sterilization claims against the province to \$150,000 each [...] Within 24 hours, Bill 26 was withdrawn due to extensive criticism on the part of media and advocacy groups. However, the Government [...] established a \$100 million overall cap for claims. Claims against the Government following Muir's case included wrongful sterilization, wrongful confinement, inappropriate medication, physical and sexual abuse, and unjustified medical research."

—Faulds, *Archives Canada*



1972
Sterilization Act Repealed in Alberta
"The act violates fundamental human rights. We are entitled with an act."

1980
Muir Learns of Her Sterilization
"When [Muir] was unable to"

1996
Court Verdict
"Judge J. Veit declared that, 'In 1979, the government was responsible for Muir's sterilization.'"

Income Tax Return
Total \$740,780

Victims of sterilization finally get day in court

A Alberta sterilization victim has won a landmark court decision that could force the province to pay compensation to other victims.

The Alberta Court of Appeal has ruled in favor of a woman who was sterilized in 1972. The court found that the government acted unreasonably in not providing her with adequate information about the procedure and its consequences.

The woman, Mrs. Muir, had been told that the sterilization was a permanent and irreversible procedure. She later discovered that she was still able to conceive and give birth to a child. This led to a long and difficult journey, including multiple pregnancies and the loss of several children.

The court's decision is a significant victory for victims of sterilization in Alberta. It sets a precedent that the government has a duty to provide accurate and complete information to individuals undergoing medical procedures, especially those that are permanent and irreversible.



"Governments, particularly, have to be aware of what the effects of their actions and decisions are on people and to me this is an object lesson how thinking that you are doing the right thing can lead to terrible, terrible consequences for many, many people."

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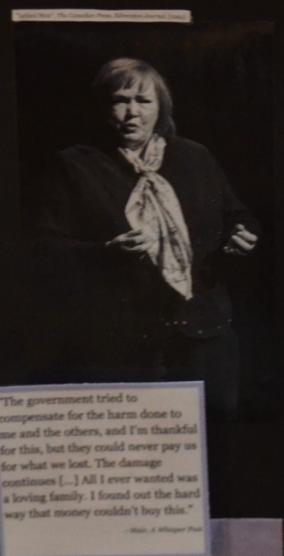
"I'm pleased to say that today I'm no longer a victim. I lived through a difficult experience and learned some hard lessons. I'm finally standing up for myself, and I'm proud of it [...] I got put on this earth and kept me alive for a reason. Thanks to Him, I'm still here today to tell my story."

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LIMITATIONS



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3.1.1 signs for sterilization

[147] The evidence establishes that the government acted in a high-handed way when it ignored its own legislation and medical fact before she was ready to be discharged.

government had followed its own legislation, Ms Muir would never have been sterilized because she was never ready for discharge.

[148] Moreover, the evidence establishes that the conduct of the government in labeling Ms Muir a mental defector was high-handed and oppressive. The evidence goes beyond a doubt that the government did not follow its own legislation, practice and procedure when it labelled Ms Muir a defector. It ignored advice from an expert that Ms Muir's problems were emotional, not mental, it ignored the services of social workers and psychiatrists who might have assisted in obtaining information about Ms Muir's background, it failed to require compliance with the minimum safeguards which it had established – signatures by a physician attesting to the validity of admission information – and psychiatric testing, before admitting her to an institution where she would be sterilized and impregnated, the government acknowledged that it had obtained only cursory information. This was not an emergency situation, there were alternatives that were available including better housing and group homes.

"[...] in an attempt to circumvent the courts, the Government of Alberta introduced Bill 26, which limited sterilization claims against the province to \$150,000 each [...]. Within 24 hours, Bill 26 was withdrawn due to extensive criticism on the part of media and advocacy groups. However, the Government [...] [established] a \$100 million overall cap for claims. Claims against the Government following Muir's case included wrongful sterilization, wrongful confinement, inappropriate medication, physical and sexual abuse, and unjustified medical research."

—Bourgeois Archive, Canada

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 26

PROVISIONAL LEGISLATION ACT NUMBER 26
ESTABLISHING A CAP ON CLAIMS FOR DAMAGES

THE SPEAKER OF THE HOUSE OF COMMONS

1972

Sterilization Act Repealed in Alberta

"The act violates fundamental human rights. We are provided with an act, the basis of which is a presumption that society, or at least the government, knows what kind of people can be allowed children and what kind of people cannot [...] this is a reprehensible and intolerable philosophy"

—Bourgeois Archive, Canada

1980

Muir Learns of Her Sterilization

"When [Muir] was unable to conceive a child in her first marriage, she found out she had been sterilized, and that the operations could not be reversed. Muir was also unable to adopt because of her time in an institution."

—Bourgeois Archive, Canada

1996

Court Verdict

"Judge J. Veit declared that, 'In 1979, the province wrongfully surgically sterilized Ms Muir and now acknowledges its obligation to pay damages to her.' In response, the judge ordered the state pay Ms. Muir for wrongful sterilization, pain and suffering, aggravated damages, and interest to a total settlement of \$740,780."

—Court of Queen's Bench of Alberta, 1998

IMPACT

Muir's lawsuit initiated a public response dedicated to revealing Alberta's history of eugenics. This response was strong enough to dissolve legislative efforts to limit legal compensation given to future sterilization litigants (Bill 26). Since then, hundreds of other sterilization victims have pursued legal action with widespread success. Further, in following Alberta's example, many states in America have formally apologized for eugenics practices as well.

NEW AWARENESS



"This ruling opened the door to a class action lawsuit filed on behalf of 700 other victims of Alberta's law, resulting in 1999 in a \$82 million settlement that grabbed national headlines in Canada."

Shelagh, *Being Heretic*, 2007. "Fighting and Settling in the United States and Canada," *ABC-CLIO*, 2007. Page 207

"She gained legal compensation for her having been sterilized. I think that sort of thing was merited and certainly helped inspire the apologies in various states in the United States. I don't think that apology is enough. Compensation should be in order because even though it's impossible to put a genuine dollar value on the loss of your ability to reproduce, it is a step in the right direction, nevertheless"

—Professor David Koeps, American historian of science, Yale University

"Public attention is extremely important. At the time there were 1000 to 1500 survivors who had been sterilized under Alberta law. With the LeLain decision, that opened the door to their suing of the province of Alberta. Multiply 1500 times 1/4 of a million and you get a big number, over a billion. That captures public attention; therefore, the Province was now inclined to do something about it"

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GENOME EDITING



Muir's tragic experiences, from her sterilization to long lasting stigmatization, illustrate missed legislative power under the name of eugenics. The ability of new technology to alter genetic composition directly parallels Alberta's history of eugenics — Muir's case points out the many unconsidered consequences of such ventures even with present-day technologies.

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"When I was born, God made me a whole person. When they sterilized me, they made me half a person. You never get over that hurt. You shower every day and you've got that stigmat scar, because of what they did when I was 14 years old. Nobody has the right to play God with children's lives. This is why I've written the book and this is why I speak out. I don't want this to ever happen again to other children. My philosophy is that history repeats, but as long as I keep talking about it, it will not happen again."

Muir, *A Woman's Story*

1996

Other victims sue Alberta government

1993-2000

1993-2000

2015

1993-2000

A Nation How O Change Perspe War

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"She was an inspiring woman": Alberta lawyer Leilani O'Malley (left) poses for the Canadian Press (28 March, 2018)

"Leilani Muir has written a memoir about her — 'A Whisper' that opened a door, 2018"

GENOME EDITING

Brita Pomeroy, What is CRISPR? and the Ethical Side of CRISPR, August 6, 2018, Genetic Literacy Project.

"The best that we can hope for in the immediate future is to engineer genes so as to remove the propensity for terrible diseases. I think if that if the technology proves to be safe and effective that people will want to do this as part of a medical service for disease prevention rather than for creating magnificent new people."
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"[...] newgenetic practices are still linked up with our conceptions of pathology, subnormality, and normalcy—conceptions that, some have argued, are largely socially constructed. Further, central to the premise of newgenetics is the idea that the presence of genetic 'defects' is a problem to be solved, and that the solution to this problem involves preventing the birth of individuals who would be deemed defective."
 —Lyster, C., *Newgenetics*. Eugenics Archive

"When I was born, God made me a whole person. When they sterilized me, they made me half a person. You never get over that hurt. You shower every day and you've got that stupid scar, because of what they did when I was 14 years old. Nobody has the right to play God with children's lives. This is why I've written the book and this is why I speak out. I don't want this to ever happen again to other children. My philosophy is that history repeats, but as long as I keep talking about it, it will not happen again."
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GENOME EDITING



With thanks to the staff of the University of Alberta Library Special & Rare Books Library Project.

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—Muir, A Whisper Past



1996

Other Victims Sue Alberta Government

"Muir's successful court case inspired hundreds of formerly institutionalized people and other eugenics survivors to sue the province of Alberta for wrongful confinement, physical and sexual abuse, forced labour, wrongful sterilization, and other forms of maltreatment."

Eugenesia Archives, Canada



1993—2005

CRISPR—Cas

"The genetic dice will continue to inflict cruel fates on all too many individuals and their families who do not deserve this damnation. Decency demands that someone must rescue them from genetic hell. If we don't play God, who will?"

—American Nobel Prize Laureate and co-discoverer of the DNA molecular structure James Watson

2015

UNESCO Addresses Gene-Editing Technology

"[...] if any intentional germline selection was accepted (such as with gene editing), this would jeopardize the inherent and therefore equal dignity of all human beings and renew eugenics, disguised as the fulfilment of the wish for a better, improved life."

UNESCO International Bioethics Commission, 2015