

A Factory For Miracles

*A factory that produces miracles?
It could happen again in Pennsylvania.*



“These boys must grow up with a feeling that they have a real home.” — M. S. Hershey

A Chat With Mr. Hershey, J. R. Snavely, 1932, page 14.

New York Times — November 30, 2000

“Are we their family? No,” he said. “This is not a family. We want them to maintain a family link, because we think in the end kids migrate back to their original family environment.”

— William L. Lepley, Ed.D., President & CEO, Milton Hershey School

To: Attorney General D. Michael Fisher
From: F. Frederic Fouad
Re: Miracle Potential at the Milton Hershey School
Date: July 24, 2001

A factory that produces miracles? It could happen again in Pennsylvania.

Memorandum

To: Attorney General D. Michael Fisher
From: F. Frederic Fouad¹
Re: Miracle Potential at the Milton Hershey School
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I. Introduction: The Miracle Factory Metaphor

Can you imagine a machine that makes a person smarter? Or one that could solve their emotional problems? Can you imagine a machine that will change a person's behavior? Pie in the sky, of course! For such a machine would be one that produces *miracles*. But it's nice to imagine anyway, given what the world would be like if we could actually take some of our most difficult children, pop them into the "Make Smart, Emotionally Well-Adjusted, and Well-Behaved Machine," and then collect them at the other end of a conveyor belt in the "new-and-improved" version! Indeed, parents would rush to stores to buy the machine, and governments around the world would clamor for blueprints. Too bad we live in the real world!

But what if I were to tell you that such a machine does exist, but has been hidden away for a while? And what if I were also to tell you that while that machine has been hidden away, we've learned things about it that show us how to actually *make it work better*? No doubt you would write me off as just wasting your time! But you would be rash in reaching this conclusion -- because in metaphorical terms, there really is such a machine.

Let me ask you now to turn back the clock and visit the past of the Milton Hershey School (MHS), where such a machine did indeed exist.

What do I mean by this? The easiest way to illustrate this is by considering IQ. IQ is generally considered to be static: a person is born with a certain intelligence, and he or she is supposed to stay that way for life. Yet prior to 1990, tests of children enrolled at MHS revealed that, on average, a child who had been at the school for 5 to 7 years had an increase in IQ of 8.53 points. For a child enrolled at the school for 10 or more years, the average increase was a staggering 15.27 points, which is just over the full standard deviation of 15 points! This is not pie in the sky, but well-documented fact.²

¹ F. Frederic Fouad is a 1980 graduate of the Milton Hershey School. He is a Vice President and Director of the Milton Hershey School Alumni Association (MHSAA), and the Association's President-Elect.

² While the issue of environmental influence on IQ has been debated for decades, mainstream psychological thinking supports the findings described here. *See, e.g.*, "Heritability Estimates Versus Large Environmental Effects: The IQ Paradox Resolved," William T. Dickens and James R. Flynn, *Psychological Review*, April 2001.

And while the ability to “measure” behavior does not lend itself to a similar numerical analysis, any review of the emotional and behavioral profiles of the children enrolled at MHS prior to 1990 would also show improvements in emotional health and behavior. The latter improvements were so staggering that they *dwarf even the astounding IQ improvements.*

MHS had thus managed, in essence, to create in its environs not just a miracle machine, but a veritable ***miracle factory***. That factory took in all manner of children -- some discarded or unwanted, some loved dearly by a destitute parent who was overwhelmed with the task of raising the children alone, many poorly-behaved or dirty, many emotionally wounded, most of them frightened or confused by their circumstances, and virtually all of them educationally lagging. Thereafter, through some mysterious alchemy over the course of a few years, MHS turned these children into young persons who not only caught up with their peers outside the school, but in many cases *went on to surpass them*. By any measure, the children placed in the MHS “miracle factory” later emerged smarter, better behaved, and better-adjusted emotionally. By virtue of this miraculous transformation, these children not only avoided swelling the penal, substance abuse, or mental institutions of Pennsylvania, but indeed went on to become pillars of society.

II. Stability: The Key Ingredient

While the rules of drama would suggest holding back on the secret to the MHS miracle factory and then revealing it later with a flourish, this memorandum will instead get right to the point: *Miracles occurred at MHS on a regular basis because the school provided the children with **stability**.*

This sounds simplistic in the abstract, but please remember where the children were *before* they showed up at MHS, and how unstable their lives had been. Pursuant to Mr. Hershey’s wishes, these children all came from broken homes. Until 1976, they all had at least one parent who was deceased. Usually, the surviving parent was not able to render adequate care to the child. The children were all abjectly poor. For some of them, “home” before MHS was the back seat of a car, with a mother doing her best to fight off the child protection authorities. For others, each day meant a different route to school, depending on which homeless shelter they had slept in that night, or which stranger had agreed to watch them for a particular stretch of time. Some children lived alone while a surviving parent drifted in and out of hospitals, jails, or drug/alcohol rehabilitation. Some children were bounced from one foster care home to the next, suffering untold abuses in the foster care system.

In all cases, the common denominator was *instability* -- with instability being a by-product of the criteria for admission established by Milton Hershey himself, i.e., that the children enrolled have a dead parent, that the children be poor, and that the children be “orphans.” In 1909, the latter term meant “dependent or at-risk,” and thereby distinguished such children from those who were not “orphans,” and therefore did not

need the school, even though a particular child may indeed have had a dead parent. While we have all heard these terms, we have paid inadequate attention to what they mean when they serve as criteria for admission to MHS -- just as we have paid inadequate attention to the manner in which the meaning of these terms has come to be eroded over time by those who have sought to manipulate their meaning and so justify divergence from the Deed of Trust. The substantive *result* of being a child who meets the criteria set forth in the Deed of Trust is *instability*.

Thus, we now learn how the conjurer performed his trick, and how easy it was after all to produce the “miracles” that transform IQ, improve behavior, and promote healthier emotional adjustment: when you take children from circumstances of extreme poverty and instability, and give them a clean bed, a safe environment, three healthy meals a day, room to play, peers with whom to bond, role models to look up to, caring adults to look after them, and a school proper to attend, the children respond like plants responding to water and sunshine -- they grow strong and healthy; they work through their confusion; they learn to trust; they start to process information better; they do their homework; and lo and behold, presto! Emotional problems go down, behavior improves, IQ’s go up, and what had been taken from the rubbish heap of society turns out to be among the best that society can boast. Indeed, among the only studies ever done comparing MHS graduates with the general public is one that showed that MHS graduates not only performed up to the standards of those raised in “normal” homes, but that MHS graduates *surpassed* those standards -- *and this at a time when MHS regularly took in the hardest cases of all*. This holds true for studies of graduates of other quality children’s homes as well.³

The biggest irony of all is how truly simple the whole process is to achieve if -- paradoxically -- one *aims low*, i.e., if one seeks out the most lagging students and then “merely” aims at the miracles described above (such as average IQ jumps of 8 and 15 points). No, that was not a typographical error: these IQ jumps and corresponding emotional and behavioral improvements represent the *low end of the miracle scale* for children removed from risk, dependency, and instability.

For while it is true that MHS achieved miracles in the past through nothing more complicated than providing these children with stability, it is equally true that MHS *only scratched the surface* in terms of its miracle potential. The miracles that it could have achieved -- and can achieve in the future if it will return to its old formula and then *improve* on this formula by applying what we have learned about childcare in the interim -- would surpass by far even the miracle potential that MHS had already achieved in the past. In short, we must aim higher on the miracle scale -- *but first we must return to what we were able to achieve in the past; and this requires a return to the basic formula of providing a stable home and family to dependent and at-risk children*.

³ See, e.g., McKenzie, Richard, “Orphanage Alumni: How They Have Done and How They Evaluate Their Experience,” in *Rethinking Orphanages for the 21st Century*, SAGE Publications, Thousand Oaks, CA, 1999.

III. Raw Material for Miracles: Dependent and At-Risk Children

Miracles are not made from children who are already being adequately nurtured, and whose family and economic status are such that, with or without MHS, the children will go on to relative success. Miracles are not made by drawing to MHS the star athletes, the best students, or otherwise adequately cared for children. Miracles only happen when you bring to MHS *challenges*; and the wonder of the miracles increases in direct proportion to the size of the challenge. Broadly speaking, the litmus test for admission to MHS should be the likelihood that a particular child will end up as an adult in some form of institutional care -- penal, mental, or drug/alcohol rehabilitation -- if not for the intervention of MHS. The only caveat is that the child should be in the normal *potential* range so far as behavior, intelligence, and emotional adjustment are concerned. The more likely it is that a *normal* child will end up in institutional care, the greater the opportunity for a miracle to happen, for a young life to be turned around, and -- importantly -- *for the school's resources to be well spent on a particular child and as mandated in the Deed of Trust.*

In the heydays of the school (prior to 1990), how many of these stories were there?! How many of us showed up dazed and bewildered, malnourished, failing our classes, one step from a juvenile detention facility, and with no one there to care for us?! And how many of us -- after just a few months -- learned to trust, reluctantly studied, even more reluctantly did chores, learned what rules were and what discipline would be received when the rules were broken, gave and received black-eyes, picked up sports, looked up to those graduates who came before us -- such as Big Bill Dearden -- and then ventured back into the community slowly, say on a Saturday afternoon at HersheyPark, or maybe -- in high school -- on a Friday evening in town, and thereby began the acculturation process necessary if one were to someday be "officially minted" as but another genuine miracle produced by the MHS miracle factory (for one had to be ready to return to society if the process were to be completed).

Taking us from sheer chaos, giving us some semblance of order, the people running MHS looked like geniuses when we surprised everyone by actually *turning out normal*, and going from failure to even a modest level of success. In other words, the bar was set *low* -- it just *looked* high given where we started. But lest I be misunderstood, that "low" bar was of profound importance to those of us who to this day know that we would likely not even be alive now but for the school, or if alive, would almost certainly be either in state custody or receiving state aid.

IV. What Is the Comparator Group?

In making the case for MHS, i.e., for the residential education of dependent and at-risk children in the setting of a children's home, we have readily available *a nearly perfect comparator group* against which to measure the performance of MHS. That comparator group is comprised of adults who had been raised in foster care, such as in the foster care system of Pennsylvania. *And how does the MHS miracle factory compare with what happened to children after their stay in the state's foster care facilities? It's*

not even close: In a generous moment, one might describe foster care as a disgrace and a national scandal -- one which produces 25% of the homeless in America, one which graduates only 50% of its children from high school, one which will send only 13% of those high school graduates on to college, and one which will see 60% of its young women pregnant before they are married. *That's some report card -- and it only begins to describe the historic failures of foster care.*⁴

To appreciate further the truly through-a-glass-darkly aspect of what decades of foster care children have faced in the isolated -- that is, *non-communal* -- settings of foster care, please consider that the Adoption and Safe Families Act promulgated by Congress in 1997, and with a companion law now in place in Pennsylvania, included a provision prohibiting convicted felons from serving as foster care parents. What does this say to us about who the placement agencies have been recruiting to take care of these orphan children?! There is simply no comparison whatsoever between what a quality residential school such as MHS can provide to an orphan and what orphans in foster care have faced for decades. *(And here, it must be remembered that the term "orphan" as used in the Deed of Trust -- and as was historically understood in the childcare community -- does not necessarily mean a child with deceased parents, but instead means a child who is dependent or at-risk to a degree requiring placement in some form of care.)*⁵

⁴ These findings have been repeatedly confirmed in several studies, including ones which show even worse outcomes for children raised in foster care. Among the more authoritative studies was the "National Evaluation of Title IV-E Foster Care Independent Living Program for Youth: Phase II Final Report, vols. I and II," (Rockville, MD: Westat, Inc. 1991), cited in "U.S. General Accounting Office, Child Welfare: Complex Needs Strain Capacity to Provide Services," GAO/HEHS-95-208, September 1995, pp. 14-15.

⁵ For some firsthand accounts of the experience of foster care children, go to "Survivors of the System: Foster Children United," at <http://www.sos-fosternet.org/index.html>. The following are some excerpts from those accounts:

"I have lived in 17 different foster and group homes... I have experienced a lot of abuse of many kinds... I was placed in a foster home where the biological son viciously molested me..."

"As I sit here reading the stories I am crying...I've been out of foster care for fourteen years, I lived in a total of 32 foster homes over a 15 year span..."

"There were several others in the next 2 years, we were often hungry at some, wished we had what some of the real kids of the foster parents had. It always seemed so unfair that their kids would get something nice for Christmas or a birthday and fun to play with and we would get some yo-yo or something cheap... The last place we were at... the real family members would eat in the front room all around a big table and laughed and talked and ate meat and potatoes, cornbread, corn on the cob and peach cobbler. Me and the other foster kids had our own table in a small room with 4 sets of bunkbeds and 8 stools. We ate beans koolaid and bread, every evening unless the welfare lady had a visit."

These accounts are perfectly typical, and also help to underscore the fundamental difference between being around other children similar to oneself in a children's home, or being isolated

All this notwithstanding, the MHS Board of Managers has actually ceased to accept even a single foster care child for admission to the school, while also otherwise radically departing from the school's mission to serve the most desperate class of children. In short, the Managers are seeking to serve the *wrong* children, and their *every* policy reflects it.

V. Admissions Gone Awry: “Hard” and “Soft” Tests

There is no way to sugarcoat any statement concerning the enrollment policies instituted by the MHS Board of Managers over the last ten years. By their own account, they have converted the historic mission of the school to take in and care for “orphan” children into an effort to instead create a kind of “boarding school” -- one that will attract a “better class of child.” This is not polemic: a blueprint for what the Managers have set out to do exists.⁶ Confirmation that this blueprint has indeed been followed can be obtained by even a cursory examination of the last ten years of enrollment statistics, together with interviews of MHS employees in the enrollment office. The Market Plan makes clear that academic achievement tests have become the *primary* criteria for admission, with need relegated to the *least important* criteria. The blueprint also reveals that middle class families are to replace the desperately poor as the target “market.” Indeed, the school’s new enrollment policies are also evidenced by the number of *marketing specialists* presently working in the enrollment office, juxtaposed with a dearth of childcare experts. The school’s employment directory even has a section entitled “Recruitment/Marketing,” with eight employees listed under the heading. The school is in fact right now seeking applicants for the position of Director of Enrollment, and has advertised the position in private school and college admissions publications. According to the school’s website: “Knowledge and understanding of successful marketing and recruitment strategies is *required*.” However, the website goes on to note: “Knowledge

from other such children in a foster care setting. *In other words, among the most important positive attributes of a children’s home is the sense of **community** that it provides to dependent and at-risk children, a sense of community that those of us who were raised in our children’s home can all confirm.* The following account by one former foster care child captures it best:

“I was 14 when I was placed with this foster family that was older... [O]ne day the foster father came over and started to touch me and made me touch him. This lasted for 6 months or so. I never told anyone about this. To this day I question my sexuality. I wonder why I did not stop the guy or tell some one - or if I enjoyed it. My social worker did something that no one had ever done for me before. He asked me if I wanted to stay with the family or live in a group home. He gave me a choice. He gave me control. I am indebted to him to this day. I ended up moving to the group home. I started to trust others some. I had a rec therapist that bet me I could not run a mile. Well, I ran it and almost died. After that run I was hooked. I ran on the sports team at school. I was no longer viewed as that group home kid, or that special ed kid, but that kid who sure could run and was the best on the team. That lasted a year and a half.”

⁶ See, “Market Plan for Milton Hershey School,” prepared by Rita H. Borden, Senior Marketing Consultant, Independent School Management, November 11, 1988 (hereinafter, the “Market Plan”).

and understanding of national and state governmental issues affecting families with low incomes *helpful.*" The job requirements speak for themselves.

Thus, the present MHS enrollment office is what you would expect at an elite prep school seeking out the best students, but is *unheard of in the world of at-risk and dependent childcare*, where one is confronted daily with legions of desperate children, who would only be too happy to find themselves at MHS in the absence of being "recruited." Children living in homeless shelters or in the back seat of a car do not need to be "recruited" by "marketing specialists" -- *they need to be saved by childcare professionals.*

The differences in the enrollment policies between the MHS of the past and the MHS of the present can be summarized as follows: In the MHS of the past, there was a "hard" test for need, and a "soft" test for behavior/IQ/achievement. In the MHS of the present, there is a "soft" test for need, and a "hard" test for behavior/IQ/achievement.

This is illustrated in the following comparison, which shows the divergence between the school's present "boarding school" enrollment policies and its past, "children's home" enrollment policies. The statements in the comparison are based on information gleaned from the school's own internal documents and from extensive interviews with key witnesses.

Over-All Philosophical Model:

MHS Past: "Children's Home Model" -- The emphasis was on providing a *home and a family* to children who lacked these. As Mr. Hershey himself said, "These boys must grow up with a feeling that they have a real home."⁷

MHS Present: "Boarding School Model" -- The emphasis is on providing a temporary-stay *school* to children who will eventually be returned to the very circumstance from which they came in the first place. As the current MHS president, William L. Lepley, Ed.D. said, "Are we their family? No. This is not a family. We want them to maintain a family link, because we think in the end kids migrate back to their original family environment."⁸

⁷ *A Chat With Mr. Hershey*, J. R. Snavely, 1932, p. 14.

⁸ *New York Times*, November 30, 2000, p. A-28. *See also*, Market Plan at p. 2 ("To attract able students and shed the 'orphanage image,' Milton Hershey School is to be represented as a year-round boarding school which offers full scholarships to qualified students.").

IQ Tests:

MHS Past: “Soft test” -- Admit children of normal intelligence, with 90 being the minimum IQ, but occasionally “fudging” a score where necessary to enroll a child with a particularly compelling case history or with a sibling at the school.

MHS Present: “Hard test” -- Admit children of normal intelligence, with 90 being the minimum IQ, and with no significant exceptions.

Dates for Enrolling Children:

MHS Past: As soon as the children could show up once their applications were processed.

MHS Present: Three enrollment windows per year, regardless of circumstances faced by children, and with only the rarest exception.

Income Measurement:

MHS Past: “Hard test” -- Measure all sources of income, including income of step-parent, child-support, alimony, social security, other benefits, and all other income. Admit poorest children, but deviate upwards as far as the Federal poverty level to sneak in children of “wealthier” families (i.e., up to the Federal poverty level) where other circumstances (e.g., abuse or neglect) militated towards saving a child from an existing home environment that was harmful to the child.

MHS Present: “Soft test” -- Measure only “taxable” income to the custodial parent. Exclude the income of a step parent or a common law spouse even in cases where this is middle class and above. Exclude child support, alimony, social security, and other benefits. After excluding all of these sources of income from the income to be measured, define “need” to be up to 255% of the Federal poverty level for the remaining income, *after* these exclusions. (This arithmetic sleight of hand is why the present MHS administration is engaging in sheer fabrication when it claims that “86% of the students at the school are from families whose income is less than \$5,500” -- a claim that would not have been true even during the period 1950 to 1990, whether or not you adjusted the figures for inflation.⁹)

⁹ The current MHS enrollment brochure states that the “Guideline Maximum” in annual income for a family of four is \$42,925, while for a family of five the figure is \$50,025. The corresponding 2000 Federal poverty figures are \$17,524 and \$20,550, respectively. Other variations of the present dubious “needs” test have led to the placing at MHS since 1990 of the children of foreign diplomats posted to embassies in Washington DC. This is all occurring while untold numbers of American children are living in shocking poverty, in foster care, or are homeless.

Achievement Tests:

MHS Past: “Soft test” -- *Achievement was irrelevant.* If achievement levels were high, the child’s circumstances might have been such as to raise questions about whether the child really needed the school in the first place.

MHS Present: “Hard test” -- Require applicants to have scored at or above the 50th percentile on national standardized testing, which means that the children being admitted are already performing *above average*. Reject students who score below the 50th percentile, even where it is clear that this *perfectly normal* achievement level is caused by the kind of extreme family circumstances that lead to placement in a children’s home. *By this criteria, about 85% of the existing MHS graduates would not qualify for enrollment were they to apply today, including the writer of this memorandum.* Indeed, historically, students arrived at the school at least two years behind in school, and then made up the difference over time. It is thus hard to imagine an admissions criteria more inappropriate when dealing with dependent and at-risk children than the one related to achievement tests, except perhaps the lenient measure for “need.”¹⁰

Family Make-Up:

MHS Past: “Hard test” -- Preference for children with a deceased parent and requirement that the surviving parent be incapable of providing adequately for the child.

MHS Present: “Soft test” -- Irrelevant whether a child has a dead parent. Presumption that a child is already receiving adequate care from a parent or guardian.¹¹

Behavioral Problems:

MHS Past: “Soft test” -- Accept normal behavioral disorders ordinarily associated with at-risk and dependent children, including minor brushes with the law. Reject outright juvenile delinquents.

¹⁰ It appears that the Board of Managers are presently diverging from their admissions requirements in one important regard: due to the high number of quality minority applicants in the enrollment pool under the relaxed “need” definition, together with the desire of the Managers to prevent minorities from outnumbering whites at the school, the Managers are applying strict achievement/admissions criteria to minority applicants, while relaxing the requirements for white applicants. This includes retesting the IQ’s of white applicants, in the hopes that retesting will allow them to meet the minimum IQ requirements that minority applicants meet without retesting. This discriminatory application of the present MHS admissions criteria is *not* the kind of enrollment flexibility being advocated here -- though it speaks volumes about the mindset of the present MHS administration, and what type of children they desire to bring to the community of Hershey.

¹¹ See, Market Plan, p. 37 (“The middle class parents who are making up more and more of MHS’s parent body are particular about everything that touches their children’s lives. They are more demanding and hold the school accountable.”).

MHS Present: “Hard test” -- Reject children with any behavioral disorders involving the law and with other behavioral problems ordinarily associated with at-risk and dependent children.

Sexual Abuse Committed Against Applicants:

MHS Past: “Soft test” -- Assume as a matter of course that the children enrolled are likely to have been subjected to some type of sexual abuse, and with no possibility that a child would ever be rejected on account of having been a victim of sexual abuse.

MHS Present: “Hard test” -- Select away from children who have been sexually abused due to the likelihood that, in a “multi-age” home setting, these children have a higher probability to themselves engage in sexual abuse.

Type of Child Sought:

MHS Past: “Soft test” -- No particular type of child “sought.” Instead, it was a matter of course that our students would be underachievers, insecure, have problems making friends, or otherwise be socially, athletically, and emotionally under-developed.

MHS Present: “Hard test” -- Seek “role models” and high achievers. Reject students who are underachieving or who have minor behavioral problems. Because at-risk and dependent youth who are not under-achievers and who do not have minor behavioral problems are extremely rare, MHS must “market” the school to middle-class families.¹²

Foster Care Children/Wards of the Court:

MHS Past: “Soft test” -- Admit foster care children and wards of the court.

MHS Present: “Hard test” -- Reject foster care children and wards of the court.

College Prep/Vocational Education Track:

MHS Past: “Soft test” -- *Educational orientation of children was irrelevant.* Policy was to admit children on the basis of need, and then provide vocational education for children who were inclined to the trades, college prep education for children inclined to college, and a combination of the two for children who were in between. No children were ever expelled solely for academic reasons.

¹² See, Market Plan, p. 4 (“Types of students desired...More academically able students... More students who would make good role models.”).

MHS Present: “Hard test” -- Virtually insurmountable bias against children who are likely to require a vocational education, irrespective of the degree of social need faced by the children. Once admitted, discourage vocational education. Children who fall behind academically are expelled, or “encouraged” to leave, i.e., given a choice between leaving “voluntarily” or being expelled and having a permanent record that reflects expulsion. (Presenting guardians with the latter “choice” is how the current administration is able to deny expelling as many children as would in fact be the case without this artifice.)

Thus, the MHS of the past was primarily *a home and a family*. It looked for children who were in the *greatest need* and faced the *highest risk*, including children who came from foster care or who had had brushes with the law. The test for need was “hard,” and required a dead parent and severe poverty on the part of the surviving parent, taking into account *all* sources of income. MHS did not require high achievement levels prior to enrollment, because by definition *the school was trying to save children from circumstances that ordinarily prevented even average achievement levels*. The college prep/vo-tech dichotomy was irrelevant in admissions, since both curricula were available to all children at the school. Because MHS was primarily a *home*, no children were expelled for academic reasons. The children were taken from environments considered inadequate for their proper nurture. IQ and behavioral ranges were “fudged” when necessary to bring in a child who was particularly desperate or who had a sibling within acceptable ranges. At enrollment, very few of the students could be considered “role models” or high-achievers, and many had been sexually abused. MHS took in the neediest children of all, and then worked to give these children the means by which they could rise to their full potential achievement levels, while also saving them from circumstances that were dire, and that would likely have led the children to end up as adults in some type of institutional care -- much as is the case for foster care children.

Conversely, the MHS of the present considers itself *primarily a school, and rejects a role as a home or a family*. It has created a “soft” test for need, *bending or breaking every rule imaginable to try to “demonstrate” that the children it is seeking are “needy,”* and excluding for instance the income of a step-parent in a two-parent household when measuring income. After having thus artfully whittled down income, the MHS of the present then applies a very generous 255% of the Federal poverty level test to determine “need.” BMW’s, Mercedes, and Lexus cars are now a common sight in the driveways of the MHS student homes and in other school parking lots during weekend visitation -- a fact that can be confirmed by merely paying a surprise visit sometime. A “hard” test, however, is applied to achievement, in an effort to enroll students who are likely to succeed academically. Foster care children and wards of the court are not even considered for enrollment; and children who have been sexually abused are also increasingly disfavored. Role models, high achievers, and students from stable, middle class families are the target “market,” to be recruited by an admissions office staffed by “marketing specialists.” *Students from the worst circumstances, such as homeless children, cannot even hope to compete on achievement tests (regardless of their IQ’s) with children from stable families. Students who are likely to require vocational education are virtually assured denial.* Once enrolled, students who lag academically are

expelled, and children with emotional needs prevalent among orphans are provided inadequate services, at an increasingly “boarding school” MHS. Children removed from the school and departing with their possessions in plastic garbage bags proved an embarrassment to the Board of Managers, so these children are now provided with duffel bags to pack their belongings in before being sent away for good. Those being so sent away, *usually the children who need the school most*, are often damaged for life -- including harboring traumatic memories of what they lost when they were returned from MHS to their original distressed environments. Mr. Hershey’s heart would break if he saw this.

VI. Towards MHS as a Model Children’s Home: *Pennsylvania Can Lead Again*

A. Filling a Need: The Crisis in American Childcare

Poverty, abuse, and neglect retard the development of tens of millions of American children and constitute a stain on our national conscience. 568,000 children live in foster care; 1.3 million children are homeless; 12.1 million children live in poverty; and nearly 4.9 million children live in extreme poverty (defined by the US Census Bureau as a household whose income is half the Federal poverty level).¹³ All of these children are overwhelmingly likely to end up as adults in some form of institutional care, or else on some form of state subsidy. Our socioeconomic system is constituted in a way that lets countless children die or otherwise be denied the means for fulfilling their potential in life. How many Mozarts have been crushed in foster care? How many honest tradesmen have been turned into future drug addicts, welfare recipients, or prison inmates by inadequate childcare programs? How many generations of families raised in care must we witness, with such attendant and monstrous ironies as the fact that the lead plaintiffs in two *different* New York City foster care class action lawsuits -- filed a decade apart -- were *mother and son*, by sheer coincidence, because mother and son had *both* been raised in New York’s foster care system? How much does our nation intend to spend on penal, mental, or drug/alcohol rehabilitation for institutionalized adults, before we learn that it is easier to build a wholesome child than it is to try to fix a broken adult? When will the cycle of disadvantaged families be broken?

The childcare crisis in America is avoidable in at least one regard: we know of at least one time-tested solution for saving children, *the miracle factory described here*. Its chief drawback, of course, is its cost. For where can one find the resources necessary to construct a truly quality children’s home, like the miracle factory at MHS? This notwithstanding, there is a groundswell today of genuine support for a return of quality children’s homes, among our nation’s most ardent childcare advocates. Unlike the political spectacle that marked the most recent orphanage debate, support today for a return to quality orphanages is informed not by a poor-bashing anti-“welfare queen” mentality, but by a profound understanding of what has been described here, i.e., *that children’s homes save lives*. Not coincidentally, the primary supporters today of the

¹³ Children’s Defense Fund, “The State of America’s Children, Yearbook 2001,” Washington, DC, Spring, 2001.

return to quality children's homes are none other than the graduates of those children's homes themselves, who for the first time are organizing into a lobby to support the programs advocated here. The Milton Hershey School Alumni Association (MHSAA) is at the vanguard of that organization, and is presently working to establish a nationwide alliance of orphanage graduates.

In this climate, Pennsylvania stands capable of providing our nation, in dramatic fashion, with that which no other state can provide: the example of a model children's home where expense is not a constraint, to serve as a light unto the world, and to demonstrate for the rest of the nation what can be done when private citizens give generously to help the neediest of America's children, her orphans. For in Hershey, Pennsylvania the resources and vast experience necessary for running a model children's home exist, including all the land and all the cash that anyone could want for administering that home. All that is necessary is that MHS use its resources to do what Mr. Hershey's Deed of Trust requires: *educate dependent and at-risk children in a residential setting and provide these children with a home and family.*

While certain vested business interests will be unhappy with a restoration of the Orphans' Trust to its intended purpose of serving orphan children in a residential setting, the Pennsylvania Attorney General will be walking on the firmest of ground so far as childcare is concerned should he act in the matter: we *know* that the past formula and programs worked, because we have every bit of empirical proof necessary to demonstrate such. Conversely, we also *know* that the current disaster-in-progress at MHS does *not* work, a disaster epitomized by such folly as "multi-age" homes, ill-conceived and inconsistently enforced disciplinary rules, and lavish spending on a bloated executive class who collectively receive more in salary than the entire annual budget of many of the world's best orphanages, though the executives in question rarely even set eyes on the children, so preoccupied are they with the workings of the cumbersome bureaucracy they themselves have created.

Politically speaking, what could possibly be more defensible than the ending of the damage being done to children in multi-age homes, the removal of a self-serving group of overly-compensated executives, or the saving of children's lives through the enforcement of the charitable intent of one of our nation's most generous philanthropists, who left his entire fortune to orphan children? I respectfully submit that the answer is "nothing," and that intervention by the Attorney General to restore the Orphan's Trust to its intended purposes and to proper management will only underscore the commitment of the Commonwealth of Pennsylvania to the rule of charitable trust law and to the needs of our nation's most vulnerable group, her orphan children.

B. Improving the Miracle Factory

If the Board of Managers of MHS were reconstituted to remove all conflicts of interest, and if only *bona fide* childcare experts were permitted to serve on that Board and in the school administration, the following are the kinds of programs that one might find

at MHS as the world's greatest children's home, given what we now know about children's homes, and in light of the vast resources available at MHS:

1. The Children Must Be Dependent And At-Risk

It is utterly pointless to use the vast resources of the Orphans' Trust for children who do not lack home and family. Every study of the best means for educating needy children confirms that where a family unit is intact, quality schooling in the community of the children is perfectly adequate for educating them, and economically far more rational than creating fancy boarding schools away from the children's home communities and families. It is only children whose family units have been severely damaged -- including damage caused by crushing poverty -- or children who are otherwise truly dependent and require residential education in a children's home setting who should be enrolled at MHS.

The present and past admissions profiles for MHS have already been discussed above. Suffice it to repeat that the litmus test for admitting a child to MHS should be that, *in the absence of such admission, the child is likely to end up as an adult in some form of institutional care.* This is far from the prevailing sentiment in the MHS admissions office today, with its cadre of "marketing specialists," and its openly-stated effort to appeal to middle class families.

Rather than in the places where it currently "markets" itself, MHS should instead be identifying suitable children for admission in the following areas:

a) **Family Courts:** MHS admissions officers should establish personal contacts with family court judges all across Pennsylvania and all across the country. These judges should come to understand what a fine alternative to foster care or an abusive or neglectful family MHS can be. Family court judges should be invited to annual conferences at MHS, including taking meals at our student homes, as a means of helping to educate these judges about the magnificent alternative available for children at the MHS miracle factory. Family court judges everyday have children come before them who are prime candidates for admission to MHS, and these judges should thus become "deputy admissions officers" for the school, just as goodhearted judges have historically always directed worthy children to quality children's homes.

b) **Child Protective Services:** MHS admissions officers should cease being pariahs in the eyes of child protective services -- a circumstance that results from the present administration's notorious failures in resource utilization, and for the disgraceful way in which they "cream" (select away from the neediest children in favor of "better" children), and "dump" (expel students willy nilly after the MHS programs prove inadequate, under the present administration, to address the needs of these children). By establishing better relations with the various child protective services, MHS will be able to select from countless children across Pennsylvania and America for whom MHS can be the difference between life and death. As with family court judges, representatives of child protective services should also be invited to annual conferences at MHS.

c) **Homeless Shelters:** MHS admissions officers should actively promote the school to homeless families living in shelters. These families are often headed by single mothers, and thus fit perfectly the very profile first established by Mr. Hershey himself. In a nation of 1.3 million homeless children, it is simply astounding that MHS has done virtually nothing to identify children in shelters for admission to the school. How successive Boards of Managers, including the present one in 1999, could have alleged *pro tanto* failure of the Orphans' Trust (i.e., *that there were not enough children in need to adequately populate the school!*) in spite of our nation's vast population of homeless children is beyond comprehension.

d) **Foster Care Agencies:** MHS admissions officers could fill the school 500 times over -- literally, not figuratively -- with foster care children. MHS must return to accepting foster care children and wards of the court, and work closely with foster care agencies to identify the children most likely to benefit from placement at the school. This is *not* to say that MHS should become a dumping ground for the "hardest" cases that the foster care agencies have, with the "easiest" children being placed in preferred foster care families. Again, this is all part of why we need to educate family court judges, child protective services, and other children's agencies that MHS is a ***children's home*** -- *not to be confused with a juvenile detention facility or treatment center for severely disturbed children.* Foster care professionals should also be invited to annual conferences at MHS.

e) **Religious Agencies:** MHS admissions officers should establish strong ties with the family divisions of religious agencies throughout the country. Each and every religion in America is confronted with frequent crises in their respective congregations, where family breakdown leads to a need to place children in a school such as MHS. By establishing close ties with religious agencies, MHS will be able to identify large numbers of children suitable for the school's programs. Religious agencies should also be invited to annual MHS conferences, to better educate these parties about the resources at our school.

2. The Campus Must Reflect Different Needs Of Different Age Groups

Common sense and tested practice both lead to the same conclusions about providing a home for children: congregation style housing must be avoided under all circumstances, and student homes should house no more than eight to ten students per home.¹⁴

The youngest children should live in non-cramped student homes, centered around a school and playgrounds that are within walking distance. This is because of the make-up of these children, and their need at this stage in their development for closer supervision.

¹⁴ Virtually all of the literature on the history of children's homes bears out these contentions, while the number of children per student home is derived from observation of the best-run children's homes in the country.

As children in a school such as ours become older, their development will require that they learn to live and interact as members of a community, and that they demonstrate their ability in this regard. In other words, the children will need to acquire greater personal responsibility, and to learn to make good decisions about conduct. These things occur through activities such as unsupervised excursions to the local pizza parlor for a snack on the weekend, or exploring a wooded area that the children have never visited. Children of this age should also be provided with variety -- things to talk about at school that flow from their differing student home environments, rather than all living in the same factory-like uniformity.

For these reasons, as children enter high school, they should no longer live in a centralized campus, but should instead become integrated into their surrounding community. Where a natural, varied, and scenic environment can be provided, *such as in the magnificent rural campus that Mr. Hershey bequeathed to the orphanage that he built*, the children should be allowed to avail themselves of the benefits of such an environment -- from creeks for fishing, to trails for hiking, to caves for exploring. By no means should high school students be segregated from the local community and crowded on top of each other, as is presently occurring at MHS. Indeed, among the primary reasons that so many children's homes have closed is the fact that most of them lacked adequate land resources to provide children with living arrangements in a non-institutional setting. While elite boarding schools, of course, can be congregational, children's homes cannot. This is for the simple reason that children's homes, by definition, provide *year-round homes* for children, whereas in boarding schools, children only view the schools as *temporary residences* during academic sessions.

Likewise, children living in a children's home ought not feel like they are segregated from the community where they have found a home, but should instead be made to feel a part of their adoptive communities -- just as had happened at MHS for eight decades. This, of course, was before the present "centralization" plan was instituted -- a plan driven by persons who did not adequately consider the long-term implications for the school nor the children being served there. Instead, these persons thought primarily of the community's business and housing needs, that compete for the orphanage land -- a fact which these persons barely even conceal. I have been told that the blueprint for the growth of local businesses and corresponding shrinkage of the orphanage is explicitly set forth in a 1976 Future Land Use Study, that the Managers have thus far refused to share with the public.¹⁵

¹⁵ According to the accounts of firsthand participants, the campus "centralization" plan was advocated very effectively by Rod Pera, Esq., the former managing partner of McNees, Wallace & Nurick, the law firm that has helped to orchestrate virtually every act by the Board of Managers of which MHSAA complains -- including the removal of \$50 million from the Orphans' Trust in 1963 to build a medical school for Penn State University, in what was arguably a flagrant violation of Mr. Hershey's Deed of Trust. While we know of nothing that would show any childcare expertise on the part of Mr. Pera, he did manage to have himself appointed the president of the school at just about the time that the Board of Managers were deciding to centralize the campus. It is perfectly clear that the "centralization" plan's primary beneficiary was HERCO, a major client of the McNees, Wallace & Nurick law firm. Among the more

3. Discipline Must Be Taught In A Rational Manner

Children who come from backgrounds of risk, family breakdown, and extreme poverty all share a common need for stability. The hallmark of stability is a discipline that is learned through a set of programs that all work together harmoniously, in a way that leads from rule-enforcement (by the school's employees) to rule-internalization (by the students themselves). This does not refer to the kind of Dickensian discipline that one imagines when one thinks of an orphanage, but instead to the kind where rules *rationally related* to each age group are *clearly enunciated* and *uniformly enforced*, and which reflect the development of the child over time. These rules include such seemingly mundane things as the proper use of "sir" and "ma'am," as well as rules of dress, hygiene, daily exercise, and mealtime comportment. Discipline is particularly important for children with low self-esteem, who need a set of rules to create a sense of not being misfits, and not living in chaos. I am not a psychologist, and so I cannot articulate the precise nature of what happens in the mind or psyche of children who benefit from discipline in a children's home setting. However, I can say that I myself went from sheer chaos to what must have been the strictest student home at the school; and there is no doubt in my mind that the most important thing I obtained from that student home was discipline.

Importantly, this discipline also flows from a sense of obligation to the school Family and to the MHS community, where one's breach of conduct is understood to be out of keeping with the expectations that accompany acceptance into the greatest institutional family on earth. In other words, discipline also flows from a sense of *pride and belonging* -- and I can assure you that we graduates all have instilled in us a strong sense of "What will they think at the Home?" when we conduct ourselves in our lives.

However, discipline also requires a certain amount of freedom, particularly as children become older. Paradoxically, this includes the level of freedom necessary to be able to *break the rules*, and thereby learn lessons about the *consequences* of one's actions. These consequences for breaking rules include things like extra chores, loss of freedoms that one had earned (such as Friday night town privilege for high school students), or the stigma of having let down the school Family by conducting oneself improperly, perhaps during a visit to town. We are not embarrassed to admit it: It is true that some of our students misbehave, and have on occasion been returned to the school in a police cruiser, say after an incident of shoplifting. Making these mistakes -- *and learning from them* -- is what emerging from an at-risk childhood is all about.

astounding facts related to this disturbing chapter of charitable trust history is that although Mr. Pera left Hershey under a cloud of controversy, including having had his home shot at by one of his former disgruntled McNees, Wallace & Nurick partners, *he nonetheless continues to this day to serve on the board of directors of HERCO, the very company that has so benefited from the "centralization" plan* -- a plan whose "benefits" to orphan children no one has yet managed to explain in any fashion that does not smack of casuistry. On HERCO, *see below* at pp. 28-29, and at footnote 22.

Conversely, what exists at MHS today is the most destructive and counter-productive discipline-related policies imaginable so far as at-risk children are concerned. For instance, a privacy “right” has been introduced at the school, that prohibits houseparents or teachers from entering a child’s room without obtaining “permission.” This is simply astounding for a children’s home -- where anyone with experience knows that such niceties are an invitation to chaos. This liberal view of a privacy “right” is then combined with an Orwellian hi-tech security apparatus, including alarms on all the bedroom windows (to prevent incidents of AWOL), surveillance cameras observing the children all over the campus, floodlights triggered by motion detectors, and a security staff numbering 11 persons, where in the past there were no security staff at all. Unsupervised visits to town have been ended, including the traditional Friday night town privilege formerly enjoyed by all high school students.

Of course, the present policies do not *instill* or *teach* any discipline at all. Instead, *these policies seek to simply make violations of the rules impossible* -- such as through close scrutiny of the children’s actions by surveillance cameras, the ending of unsupervised town visits (such as on Friday night), and the triggering of alarms whenever a student attempts to sneak out of a student home at night. People who deal in childcare can only recoil at this attempt to substitute *control* for *education*.

To put it another way, and to provide but one concrete illustration, among the most important reasons for having Friday night town privilege for the high school students is the *certainty* that some of the children -- albeit a mere handful -- will indeed *break* the rules. These children will then be punished for breaking the rules, and then learn to adapt their behavior to conform to the rules. By this process, children internalize and *learn* discipline -- rather than being treated as though their behavior is only expected to be as good as their physical circumstances will allow.

On another note, the elimination of the great pride in the school that used to exist -- by an administration that is making conscious efforts to move MHS away from its “orphanage past” -- also eliminates the most important, *positive* component of a desirable discipline regime; i.e., the sense of *wanting* to meet the expectations of the community to which one belongs as an MHS child, the sense of not wanting to let the school Family down. Likewise, the absence of any senior administrators, any principals, any assistant principals, or any other top executives at the school today who attended the school or who otherwise have even a scintilla of personal experience as having *been* at-risk or dependent children presents the school with a literally *insurmountable* discipline problem: for how are the MHS children today supposed to respect and obey an administration with whom they have absolutely nothing in common -- an administration that is obviously drawn to the school by economic incentives, and whose lack of meaningful interaction with the children is constantly remarked on by children and employees alike? Nor is it any help that the present administration has lost nearly all support from the school’s graduates, in a way that underscores in the minds of the children their own dissimilarities to the present administration.

In sum, in a model children's home, discipline is taught -- not coerced. And it is taught through an integrated regimen whose centerpiece is the positive reinforcement of pride in one's school, and a sense of belonging shared with those teaching the discipline.

4. Chores Must be Integral

Rich people with problem children pay about \$50,000 a year to send them to special schools with wilderness and other "child challenge" components. Those who run these schools understand that one way of helping problem children is to give them a challenge to reach, a goal to achieve. While the results of these programs are generally positive, they sometimes result in tragic loss of life, because children are pushed beyond their limits. The latter is often because the time spent in the programs is very short, and so particularly difficult programs are created to accommodate the need for *quick results in a short time*.

At MHS, a long-term approach was taken in the past and must again be taken. The key to the model program we seek -- as in the past -- is that it should be a perfectly tempered combination of challenge and responsibility, one where even average children can accomplish the goals, but which nonetheless prove a challenge even to children who are above average. Thus, rather than asking children to hike in the wilderness, children are given chores -- it's that simple, and we know that it works.

In the past, MHS primary school children did moderate house and lawn chores. Middle school children did more house chores and more demanding lawn chores. High school children worked on farms, milked cows, loaded hay and straw, and took care of other farm livestock -- in addition, naturally, to performing house and lawn chores.¹⁶

Every single child was capable of doing every single chore at the age when the chores were assigned. While none of the chores were dangerous, an element of risk was introduced as children became older. Cooperation was essential, and group living produced lessons, often hard, in getting things done together. The closest educational analogy is the Japanese model, where every child is brought along by only assigning achievable tasks, and rewarding the achievement of all short-range goals, with the true goal always being not the easily-achievable incremental steps, but the long distance that is eventually covered when viewed over time. This method works because it requires of the child perseverance on a *daily, incremental* basis, but while never pushing a child beyond his or her limits. *It is childcare genius for at-risk youth.*

The chore program was a key ingredient in the MHS miracle factory, and could not have been better designed had a thousand social scientists and child psychologists

¹⁶ One tires of making the disclaimer, but given the gross distortion of our views on the subject, it bears repeating again: ***we graduates are not nostalgic for the farms.*** Many of us -- including me -- did not enjoy milking cows at all. Our reasons for seeking a return to the farm program are instead rooted ***solely*** in what we know about how much the farms taught us -- about life, a work ethic, personal responsibility, and innumerable other things that contribute to making good citizens of at-risk and dependent youth.

experimented for a hundred years to come up with it: it worked, plain and simple; and it must be restored if MHS will continue to take in difficult cases and transform them over time into the finest that society can produce. I would argue that it was the most important educational component for all of us who grew up at the “Home” -- MHS.

While there is a large body of literature to explain all this, the bottom line is that by providing children with achievable goals in the setting of a structured chore program, one *enables* these children, by letting them *acquire for themselves* lifelong assets in dignity, self-worth, personal responsibility, and the fierce “Can do!” mentality that has for decades permitted our graduates to stand above the run of the mill in society. If you want to see a good example of what this training does for people, just look at the extraordinary success rates demonstrated by our graduates, all of whom were admitted to the school when the admissions motto might well have been, “Only underachievers need apply!” Further evidence of what our past methods bred in our graduates can be found in the very effort of which this memorandum is a part, where a *fully volunteer* army of graduates has come together to perform a labor of love for our school, and have set to it with the same “pitch in where needed until the job is done” approach that our communal farm living taught us.

Finally, the chore program also prevented one of the most destructive of all potential evils of being raised in a children’s home: *it prevented any sense of charity or entitlement*. Again, those of us who were raised in some form of care understand this intuitively if not cognitively -- and it is among the reasons that our graduates are among the most adamant in seeking a return to a healthy chore program at the school, including a farm component. Every survey taken of graduates over the entire history of our school confirms the overwhelming support of graduates for the farm program, and for sound reasons.

5. “Indenturing” Then, “Interlocking Pledges” Now¹⁷

MHS as a model children’s home must be more than just a temporary refuge or a dumping ground for a couple of years while a parent pursues his or her own personal goals. To this end, children should be selected for their likelihood to stay in the school long-term. They should also be formally inducted into the school in a suitable ceremony, so as to provide a sense of belonging from the very first day that the children enter the school. It bears repeating here that the sense of community -- of having found a home and a family -- is among the most important positive attributes of being raised in a

¹⁷ “Indenturing” is the historic term applied to the act wherein a child placed at a school such as MHS had custody rights assigned to the school. Indenturing thus assured the long-term placement of the child and an attendant stability, while also providing an assurance that the Board of Managers would owe the child parental duties of the highest order. The abandonment of these parental duties by the Board of Managers in 1953, in violation of the Deed of Trust and in the absence of court approval, was the first quiet step by the Managers away from the school’s role as a children’s home and towards the school as an entity which does not seek to serve as a substitute family for the children.

children's home. This sense of having joined the school Family should be strengthened over time. Ideally, a child should come to the school in a state of desperation, but should then *choose* to stay in the school -- after turning his/her life around -- out of a sense of belonging. The beginning of this sense of belonging should be a suitable induction ceremony, conducted once a month for all children enrolled during a particular month.

The core of the ceremony should consist of a set of *interlocking pledges*, made by: (i) a representative of the Milton Hershey School Alumni Association, pledging to stand by the child as thereafter being a part of the school Family; (ii) a representative of the student body, pledging to stand by the child as fellow students and as fellow members of the school Family; (iii) a representative of the MHS administration, pledging to stand by the child in their capacity as servants of Mr. Hershey, and as fellow members of the school Family; (iv) the child him/herself, pledging to uphold the school rules and to do his/her best to fulfill his/her obligations as a member of the school Family; and, where applicable, (v) the child's sponsor, pledging to accept the child's induction into the school Family and to permit the child to come of age at the school.

Later on, for instance when a rule is broken, the child should be reminded of his/her pledge, as a means of encouraging positive behavior. Similarly, the administration's pledge to a child should serve as a strong incentive for the administration to work with a child through thick and thin, and not to "dump" children for academic reasons or anything other than the most serious behavioral infractions (such as causing danger to other students or employees). Although it should be obvious, the whole point is to invest each child, graduate, and employee with a sense of *community and belonging*, in the way that had existed in the past, and so as to recreate the sense of institutional Family that once bound all of us together, and that today has been torn asunder by a decade of deliberate moves away from the prior model created by Mr. Hershey himself.¹⁸

6. Role Models Must Exist And Pride Must Be Encouraged

Among the most important people to a child raised without adequate family are role models similar to the child, people whom the child can admire and emulate. This is among the reasons that MHS always did the children at the school a service by welcoming back as houseparents, teachers, and administrators MHS graduates competent to serve in those positions. *This is an absolutely essential element of a model children's home.*

Similarly, children must be taught a sense of pride in themselves and in those who are like them in America today and in history. Orphanage graduates like Ella Fitzgerald,

¹⁸ For a prime example of how the present administration responds to MHSAA's positions, visit the school's website, where the school's public relations specialists purport to "respond" to our concerns. MHSAA's desire to return to the institutional Family model -- including the interlocking pledges described here as a suggested substitution for the past "indenturing" process -- has been twisted to make it appear that MHSAA is seeking to have the children become "indentured servants." MHSAA trusts that the public will see through this offensive distortion.

Babe Ruth, Louis Armstrong, Jean Jacques Rousseau, Johannes Kepler, Tom Monaghan (the founder of Domino's Pizza), and Bill Dearden should be held up to the students as role models. A children's home *culture* must be encouraged -- a pride in history's orphans and in the school's own graduates. Career Day (where graduates from the various professions come back and spend time with students who sign up to attend sessions related to the various graduates' careers) must occur at least once a year; and graduate integration into all manner of programs -- academic, athletic, and artistic -- must also occur. The sense of school Family must be reinforced through the encouragement of healthy alumni/student/-administration relations. All groups in the school Family must be made to feel as part of one whole -- with graduate involvement in the school's activities being among the most important components in this equation. For example, summer athletic clinics should be held by graduates; summer school classes in select areas should be taught by graduates; special camaraderie-building events should be held, such as alumni-student competitions and MHSAA-sponsored academic, athletic, and artistic events and outings. There should also be a one-credit class that treats the history of MHS, her founders, and the school's proud role as the finest children's home in the world -- a role to which we must of course first return.

Not surprisingly, precisely the *opposite* policies are being pursued by the present MHS administration -- one where condescending references to the school's past as a supposedly "abusive orphanage" are not uncommon. For example, graduates for all intent and purposes are barred from obtaining employment at the school, lest we interfere with the ongoing effort to convert MHS from a children's home into a middle class boarding school. Likewise, ever since the Attorney General joined MHSAA in opposing the removal of Orphans' Trust assets by the Board of Managers in the 1999 *cy pres* petition, students and graduates alike have been punished by having had *all* Career Days since then canceled. (Dr. Lepley's explanation in 1999 was that the children did not need a Career Day every year.) This is much as the induction of this year's senior class into MHSAA was also abruptly canceled, in an almost willful effort by the present administration to prevent the camaraderie that naturally develops among students and graduates.

Furthermore, when graduates approached the current school administration about contributing resources to create a "Sports Hall of Fame" at the school, the administration conditioned acceptance of the contribution on the requirement that the project only induct graduates *from the period 1990 forward* -- a condition that would not only make clear the present administration's disdain for our "orphanage past," but would also exclude from recognition such accomplished athletes as NFL All-Pro tight end Joe Senser (Class of 1974), three-time NCAA national runner-up Bobby Fehrs (Class of 1963 and a legend in American wrestling circles), and many others.

Rather than being ashamed of its orphanage past and seeking to end the connection between present students and graduates, MHS as a model children's home must take pride in its past. The foundation for this pride includes providing present students with role models with whom the children can identify -- rather than consigning

the children to an environment devoid of teachers, houseparents, or administrators with whom the children share common ground and common childhood adversity.¹⁹

7. Education Must Suit The Child

MHS was once synonymous with quality education. Our graduates were the best tradesmen in the area, or else went on to the finest universities in the country. At enrollment, it only mattered that you were an orphan -- not that you had academic promise. Understanding its primary role as a home, MHS provided students with whatever education suited their abilities. This principle must be restored today -- nothing more, and nothing less.

While model academic programs abound and are hardly the primary reason that a child is placed in a children's home, some things that could be done to improve academic programs at MHS include better foreign language studies, with such things as student homes that provide full-immersion in a particular language -- such as a student home for French studies, or German studies, etc. Moreover, better programs for students who need extra academic help must also be provided, particularly given the at-risk nature of so many of our students (the ones that belong at the school, that is).

In terms of vocational education, even the smallest amount of creativity would permit the school to once again produce the most outstanding tradesmen in the area -- and more. MHS should set a course to provide the most advanced vocational curricula in the country, and should provide our students with opportunities for such cutting edge programs as aircraft maintenance (similar to the one in New York City, that regularly takes children from the very worst backgrounds, and yet has a 100% post-graduation employment record, in addition to being the only one of its kind in the country).

Other programs frequently ignored in vocational education and which should be made available to children at MHS include air conditioning and refrigeration, to say nothing of the old standards -- from auto mechanics to plumbing. Those who argue that these vocational skills are "not in tune with contemporary society" are no doubt the same "modernists" whose homes are equipped with the latest in out-houses and circular fans, rather than indoor plumbing and air conditioning -- the same "modernists" who no doubt ride horses and buggies to work, unlike us luddites who actually have occasion to seek out someone to repair our automobiles, and who are indeed not surprised when the repairs are expensive and require us to wait our turn for appointments.

Needless to say, all studies of at-risk children demonstrate the absurdity of supposing that these children are all going to college -- just as absurd as it is to suggest that good old-fashioned vocational education is an inadequate preparation for a young

¹⁹ The effort to divide the school Family along student generational lines is also mirrored in attitudes directed towards employees, with staff who cling to belief in the mission of the school from the pre-Dr. Lepley "orphanage era" being disfavored and encouraged to move on. This is especially the case for houseparents, who are arguably the persons most important to the proper function of a children's home.

man or woman seeking to enter the job market after completing a high school education. As Mr. Hershey put it, "The thing that a poor boy needs is knowledge of a trade, a way to make a living. We will provide him with the groundwork."

Both college prep and vocational education must be readily available to children raised in a children's home such as MHS -- and this also underscores the grossly erroneous nature of an admissions profile that requires applicants to be at or above the 50th percentile in achievement. The group most likely to be excluded by such admissions criteria are overwhelmingly the very children most in need of a children's home. Again, about 85% of those of us who graduated from MHS in the past would not even be admitted today if subjected to the 50th percentile requirement now in place at the school.

8. Emotional Needs Must Be Met

Special attention must be paid to helping children who will have problems unique to them, particularly so far as coming to grips with their own immediate families is concerned. Group therapy -- by whatever name -- should occur; and areas where we know our graduates will face particular difficulty later in life (such as in forming long-lasting relationships) should be addressed in the formative years. Given what we know of the emotional/mental make-up of children raised in care, there is no reason for MHS to not be a leader in implementing the most advanced programs in this regard -- programs which we already know to work.

Among the most important components in the effort to address the emotional needs of our students are the ones that inculcate in the students the discipline, work ethic, sense of community, and sense of belonging elsewhere described in this set of suggestions. All of these components are *interlocking*, and must be understood as such. Together, they comprise the whole of the MHS miracle factory system for nurturing the healthy emotional development of student members of our school Family. In fact, the purely "academic" programs at the school pale in significance next to the non-academic ones, however important academics may be; and this is indeed among the hallmarks of a true children's home.

9. Children Must Be Separated By Age

As is known to every single competent children's home administrator, the children at MHS must be separated by age in the student homes where they live. This is so axiomatic that it should not even need to be mentioned here. The reason for this separation, of course, is that unrelated children living under the same roof will act out aggressively against younger, smaller, and more vulnerable children living in proximity. This dynamic is magnified with at-risk and dependent children, who have often been abused or neglected, and who are thus more likely to act out aggressively if provided with an opportunity to do so.

This is the reason that MHS moved to separate children by age beginning in the early 1960's. The very administrators who were involved in that initial separation process also tried to dissuade the present MHS administration from *returning* to multi-age homes. Because of a combination of childcare incompetence, license to experiment on at-risk children, and a stubborn refusal to listen to the warnings of those who knew better, the present MHS administration made "multi-age" student homes a centerpiece of their "advances" in childcare. The result has been a spate of incidents of abuse, harassment, rapes, and shocking decline in the well-being of the children.²⁰

10. Program Must Be Year-Round

Time away from school should be strictly limited to at most a short Christmas and Easter holiday and a short summer holiday. If the students are coming from the right -- i.e., *harmful* -- environments, the last thing MHS should want is to send them back to those environments for any appreciable length of time. I would go so far as to argue that the holidays should be to aid children and guardians in the initial transition process, so that the children are not abruptly confronted with the dislocating notion of finality of placement, and with the children over time frequently coming to prefer being at the school to visits with guardians.

Where students have nowhere to go at holidays, graduates should be brought to campus to create holiday celebrations that are so worthwhile that the students remaining are the envy of the students who went away, and not the other way around. The existing programs can be improved in many ways; and there are innumerable graduates like myself who would be only too happy to go to the school during holidays to help create the kind of holiday program that a model children's home should have, particularly given how close the affinity is between students and graduates in our school Family.

In this area too, the school's policies reveal the bias of the present administration: students today can avail themselves of *up to 155 days per year* away from the school

²⁰ When he first insisted on pursuing this policy, Dr. Lepley said that he took his model from the "large, Irish Catholic family, where the older children take care of the younger ones" (refusing to listen to those who pointed out that MHS children are unrelated, from different religious and ethnic backgrounds, and have suffered abuse or neglect in a way that makes them more prone to act out aggressively against younger children living in proximity). Recently, however, the chairman of the MHS Board of Managers, Mr. Jack Gabig, has contradicted Dr. Lepley's statement, by asserting that the administration took its model from "the country's best programs." (See, Philadelphia Inquirer, April 27, 2001, p. B-6.) Mr. Gabig has been asked in writing on three occasions to identify the "best programs" to which he refers, but as yet has failed to do so. I surmise that the Board of Managers might have taken as their model certain multi-age *classroom* settings, that have indeed been found to work quite well in private schools, where the children are also from stable and often affluent families. These programs, of course, are disastrous when applied to *residential* settings for *at-risk youth*; and it is astounding that this reckless experiment has been permitted to continue as long as it has, in spite of the scores of children who have been harmed by it. One gets the sense that the Board of Managers have painted themselves into a corner on this, and are afraid to relinquish in this folly lest they concede that their oversight of the present administration is deficient.

should they so choose. This is simply unheard of for the kind of children one ordinarily anticipates serving at a children's home.

11. A Membrane, Not A Wall

Among the more subtle but important attributes of a model children's home is that it provides a unique barrier between a child and the destructive environment from which the child has been removed. This barrier is not a wall, such that all relationships with a guardian or home community are prevented; rather, it is a membrane -- porous enough to permit a relationship with the guardian and home community, but strong enough to protect the child from any harmful elements of that relationship. As the child grows stronger emotionally and matures into young adulthood, the membrane can become more porous, because the child will ideally have made behavioral and emotional adjustments necessary to avoid slipping back into unhealthy habits, or otherwise being negatively affected by the environment from where he or she came. As the child matures, the very need for the school decreases in the child's life -- and often times in the life of a surviving parent or guardian too, as the surviving parent or guardian is also ideally addressing their own problems while the child is being nurtured at MHS.

This "porous membrane" is a critical, positive attribute of a children's home, because it also provides sugarcoating for the pill required to save the child: for it is much easier for a parent to accept that their boy or girl will be placed in an outstanding, special "residential school" than it is for the parent to accept that their child will be taken away from them for good, or will be raised by another family, such as in a foster care home.²¹

12. Heal The Family Unit

Among the many advances in childcare in the last decades has been a more sophisticated understanding of the need for addressing the family as an organic whole when dealing with children who end up in care. Thus, it is understood that unresolved family problems that led to a particular child's removal from a family need to be addressed, wherever possible. In MHS as the model children's home, the same approach should be taken. For instance, while a child at MHS must be provided with adaptive

²¹ And here is the only time that you will see anything like the term "boarding school" used about our children's home, with the explicit understanding that it is applied on a limited basis, and constitutes a kind of benevolent deceit -- one that is practiced on a parent and by a parent, who will often go through extraordinary difficulty in placing a child at a school such as ours, and who thus often needs a special kind of courage to do so. In the ideal, and from the perspective of the child, the school does in fact *evolve* from a children's home (where the child is unhappily placed) and into a kind of residential school (where the child truly wants to be after sufficient time has passed). While experienced childcare professionals and family court judges understand perfectly what MHSAA is seeking here in terms of a healthy balance between preserving family and protecting children, the present administration's media campaign accuses us of seeking to sever all family ties -- as though those of us who come from broken homes don't know exactly how complicated and important the remaining family relationships are. Again, a visit to the school's website will provide firsthand examples of this particular distortion.

mechanisms for handling what are usually very painful family circumstances -- such as a drug-addicted parent -- attention must also be paid to identifying means by which the family unit itself can be healed, when and where possible.

Speaking in broad terms and using drug addiction as an example, MHS should take measures to encourage a drug-addicted guardian to seek treatment. A less dramatic example might be the encouragement of a guardian to obtain a GED or even a college degree. The latter often happened in the MHS of the past without active encouragement, when many of the widowed mothers in particular adapted to the family breakup that led to the MHS enrollment by finding the inner strength necessary to better themselves in life -- and which would not have been possible absent the MHS children's home placement. In this sense, and in the ideal, as a child at MHS turns his or her life around, the same can happen for a parent or guardian, so that what began as a crisis placement in a children's home evolves into a saving grace for child, guardian, and family. Also in the ideal, after a child becomes stronger and better adjusted emotionally, or after a child graduates from the school and establishes him/herself professionally, he/she can then serve to better the lot of a guardian or a sibling, just as has been the case with MHS graduates for decades.

If MHS used its resources in a manner informed by this kind of thinking, it could become such an agent for child/family/societal healing as to defy belief. As children are lifted from crisis and poverty, they can lift those around them too, in a kind of miracle "ripple effect." Imagine what our society would achieve if instead of trapping families in cycles of dependency, we helped children to break the cycles, equipped them with tools for healing themselves and the members of their own families, and then permitted them to serve as the very means by which the entire fabric of American society can be altered, and poverty itself attacked at its root causes. In the MHS miracle factory that we seek to restore, this is all possible.

A final suggestion in this category is something repeatedly recommended to MHS administrators (and repeatedly ignored by them): guardians and parents should be assisted with making visits to the school. For instance, train or bus fare to the area should be provided where it is lacking, transportation to and from the train/bus stations should be provided, and overnight lodging should be provided. This is necessary to permit day visits, which in turn are necessary if we are going to have the year-round program that we must have. It is also necessary if we are going to address the problems our children face at a family level -- and if we are simply going to be decent human beings about using the vast resources of the school in the best manner possible, and in a manner which will address the very real needs of guardians who place their children at MHS. Indeed, I would suggest that Thanksgiving in particular be a time when we encourage more guardian visits, for campus-centered Thanksgiving celebrations, and I now regret my own uninformed role in the decision at MHS to add Thanksgiving to the list of "vacations" away from the school.

13. Transformation Must Be Consistently Pursued

Everything about the school should be directed towards transformation of the child. Every program should be aimed at taking an at-risk child and providing him/her with the kind of nurturing environment necessary to become whatever these children are capable of becoming -- and with the pinnacle being the oldest years, when the most privileges have been earned, and the greatest freedoms are enjoyed. The notion of earning increased privileges, responsibilities, and personal freedom should inform every aspect of education and homelife -- just as occurred in the past. A good example is the past practice of ending Friday night town privilege at 10 PM for grades nine through eleven, but with seniors being permitted to take "lates," i.e., being permitted to return at 11 PM. Another example is that the longer that a child is enrolled at the school, and the better his or her behavior, the more that he or she is permitted such freedoms as weekends away beyond normal vacation leave. Of course, the present MHS administration has ended town privilege entirely, a policy that makes no sense from a childcare perspective, albeit it may have been welcomed by local merchants and townspeople who did not like to contend with the orphanage children being permitted unsupervised visits to town even once a week.

14. Don't Downsize, Supersize!

With nearly \$140 million in annual income, more than \$5 billion in total assets, and over 9,000 acres of magnificent rural campus, it is *unbelievable* that only 1,100 children are served at MHS today. Nor is it meaningful that the Board of Managers have been shamed into "expanding" to 1,500 students by 2005 -- a number that is still *less* than the number of children we served in 1970 (*when the entire corpus of the Orphans' Trust is estimated to have been \$187 million!*)

While the Board of Managers have capped the number of orphan children that they are willing to bring to the community of Hershey, they have conversely lavished Orphans' Trust assets on local economy-enriching activities, most recently through the Hershey Entertainment and Resort Company (HERCO), and even devoting Orphans' Trust land to the effort.²² In other words, while downsizing the school, the Managers

²² We constantly hear the Managers try to justify this by noting that "HERCO is 100% owned by the Orphans' Trust" -- a wholly absurd rationalization when subjected to even the mildest scrutiny: over the last decades, the money spent on HERCO has generated almost no cash returns to the Orphans' Trust, during a period when even a five-year-old child could have simply thrown darts at a dartboard to pick blue chip stocks, the returns of which would have been astronomical during the same period, and which astronomical returns could then have then been used to *save more children*. Instead, investment was made in HERCO, with no concern whatsoever for profit return that could be used on children -- and with the investment instead aimed **solely at HERCO growth**, along the lines of government public works spending. Meanwhile, the number of children at MHS *decreased*, but the community of Hershey came to be favored with its third largest employer -- *one that now employs 1,300 full-time employees and 4,250 seasonal and part-time employees*, and all of this while children all across America have been suffering in foster care for decades. HERCO perfectly illustrates the proposition that the grossly conflicted Board of *A Factory for Miracles*

have supersized HERCO. *This must end immediately:* instead of downsizing the school, the Managers must *supersize* it, and downsize their devotion to HERCO -- it's that simple.

Taking either the MHS of 1970 or any other quality children's home as a guide, the number of children who can be served at MHS is approximately 6,000, *or 40% of the foster care population of Pennsylvania (which now totals approximately 15,000 children).*²³

Nor is anyone in the least bit persuaded by the talk we hear of the "inability" of the local community to "absorb" this number of children: This talk is nonsense, as though the HERCO growth -- funded by Orphans' Trust assets -- has not swelled the population of Hershey, to say nothing of the population swell that followed the building of the Hershey Medical Center in 1963, with \$50 million of improperly-removed Orphans' Trust assets. It is just incredible to consider how much room there is in Hershey for the influx of job-seekers drawn by the Orphans' Trust-created economic bonanzas of HERCO and the Medical Center, while there is nonetheless "no room at the inn" for orphan children -- who live ten to twelve in a home, by the way, and who are increasingly consigned to the most cramped quarters that the Board of Managers can get away with absent public outrage. Nothing better illustrates the need for full reconstitution of the Board of Managers than this gross imbalance between *town business growth* and *orphanage shrinkage*; and it is high time that the Orphans' Trust assets -- *all of them* -- were unleashed to do what Mr. Hershey's Deed of Trust mandates: *educate and nurture as many orphan children as possible in a residential setting, and provide these children with a true home and family.*

Managers have converted what is at law *a trust for children* into what is in practice *a trust for the local community* -- as though Mr. Hershey had sought to build in Hershey an orphanage for adults, or had intended that his money be used to create a local job mart, rather than to save needy children. Among the more glaring examples of how HERCO has been favored over orphan children is the fact that *student homes that in the past had sheltered needy children and could today also be so used are instead used to house HERCO temporary employees* -- while American children go homeless.

²³ The figure of 6,000 children is a conservative estimate of the number of children whom the school could serve if it fully utilized the extraordinary income and land resources of the Orphans' Trust solely for children. The figure is derived by applying budget comparisons with model children's homes, including MHS before the outlandish spending and other waste that we have seen in the last decade. This outlandish spending and waste has included massive land give-away, tearing down perfectly adequate buildings only to rebuild them, throwing away electronic and other equipment that was still fully operational, dispensing mind-boggling salaries to a group of executives in a manner unheard of in at-risk and dependent childcare, and throwing away money on consultants, public relations firms, lawyers, and every other non-child use imaginable, with complete disregard for any rational economic principles whatsoever.

15. Post-Graduation Support System

The ideal transition program should begin on the day after a child is enrolled at the school, with all programs from that day forward seeking to help the child evolve into a young adult fully capable of standing on his or her own two feet. A full-fledged post-graduation support system must also be created, so as to aid younger graduates in the transition away from the school, and to thereafter assist any graduates who face crisis later in life, irrespective of age, and just as one would expect in a rational surrogate family.

As with foster care children, health insurance must be provided until the graduates turn 21 (something which still isn't the case at MHS). Crisis intervention programs must also be established to help younger students in particular, as they adjust to life beyond the school, and with emphasis on assistance when acute legal, medical, or personal problems arise. Counseling must be made available to help with the many unique problems that our graduates face, such as depression related to family difficulty. Graduates, particularly younger graduates, should be welcomed back at holiday times, as these are some of the hardest moments for graduates who come from the worst homes and who really have no family with whom to spend the holidays, and so look to our school Family during these periods.²⁴

16. Childcare Leader

MHS should be a leader in childcare and should unleash its resources in the field, *particularly as an advocate for quality orphanages*. Conferences should be held at Founders Hall among childcare advocates and orphanage advocates/experts. Foster Care Youth United (the newsletter scraped together on a shoestring by America's foster care children) should be published at MHS. A national network of orphanage graduates should be established through the auspices of MHS. MHS should produce orphanage/childcare scholarship, scholars, and scholarly journals. *MHS should become synonymous with orphanage/orphan pride, and should again become a national leader among orphanages!*²⁵

²⁴ The present administration's media specialists have responded to this wholesome MHSAA view of our institutional Family as one that provides a lifelong support structure by insinuating that we seek "lifetime benefits" of the welfare state variety. Once again, this media campaign entirely distorts our position: *We seek an improved institutional Family that reflects our lifetime bonds, forged in the Home*. We do not seek anything like the "welfare" or entitlement being implied in the school's public relations campaign.

²⁵ Nor do I mean by this that I endorse the present MHS administration's efforts to create the *appearance* of being a "national childcare leader," efforts which inspire a paraphrase of John Kenneth Gailbraith: "Nothing so gives the illusion of childcare competence as personal association with vast sums of money." The truth is that the mind-boggling resources of the school have served to mask the gross deficiencies of the present administration, and to create the appearance of having "quality" programs, when the precise opposite is true. Thus, visitors are so overwhelmed by the lavish facilities -- including such children's home "necessities" as toilets and urinals that automatically flush themselves, and computers that are discarded every three years

The historical reality, however, is that ever since the president of MHS came to serve on the HERCO Board of Directors (and stopped even receiving a salary from the school, if this can be believed), Hershey has leapt to the forefront of amusement park, hotel, and entertainment development, while sadly lagging behind in children's home development. This is illustrated by a recent anecdote related by the director of one of our country's finest children's homes. This man described how thirty years ago he visited MHS before building his orphanage, so as to have the best model for building his school. Now, he receives visits from recently hired MHS executives, who travel to his orphanage to learn what a model children's home should be like. It all brings to mind Mr. Hershey's prescient words: "If the wrong people or organization get control, they can spend or give away more money in a short time than I have made in my life, to build monuments unto themselves, for their own financial gains, ego and recognition -- whose heads would swell and hearts would shrink, who would give to those who had plenty and take away from those who had little or none."

In sum, the Orphans' Trust should also seek advances in children's home knowledge, rather than advances in the entertainment and resort industry -- the latter of which has been the case in Hershey for far too long already.

regardless of their continued utility -- that these visitors cannot even begin to register such things as declining achievement levels, unhealthy morale among staff and students, and the scores of children who have been permanently damaged in "multi-age" student homes.

It is telling that while the present administration has come under intense criticism from graduates, childcare experts, and even the school employees themselves, there has yet to emerge even a single group that has endorsed the policies or conduct of this administration. Balanced against the intense, substantive criticism directed at the administration from all quarters is the lone voice of Dick Thornburgh. Thornburgh's lofty conclusion -- for which his law firm was handsomely paid -- that the Managers have not acted illegally is hardly a meaningful vote of confidence. No doubt the school's media consultants will read this memorandum and immediately recommend that the Lepley administration respond to it with an endorsement purchased from a suitably malleable childcare expert -- or perhaps with the hiring of but another high-paid executive who has some semblance of credentials in the childcare field. Lacking genuine expertise in at-risk and dependent childcare, the present MHS administration must rely instead on the impact of dizzying riches.

As has been pointed out elsewhere, the sworn court testimony of Mr. William Alexander, former Chairman of the MHS Board of Managers, leaves no doubt that Dr. Lepley's selection as president of MHS was unaffected by Dr. Lepley's lack of experience in children's homes or in at-risk and dependent childcare, and that the Managers instead sought someone who was: (1) an educator, (2) capable of difficult decisions, and (3) willing to stand by those decisions "regardless of the extent of criticism of those decisions." (Transcript of Proceedings Before the Honorable Warren G. Morgan, June 3, 1999, p.9.) These qualifications, in this combination, are inadequate to permit MHS to serve as a childcare leader.

17. The Task Ahead: Transition From The Present Decline, Restoration Of MHS As The Model Children's Home

At present, a cognitive, emotional, and social disconnect exists at MHS, as the administration tries to straddle a divide between children's home and boarding school. Many of the students appear to be what one typically finds at a children's home, while others are nothing short of affluent, from families with several homes, including overseas and in the United States. Even children of foreign diplomats stationed in Washington DC have found their way into the school.

Certain MHS policies are well suited to students who are of the "children's home" variety, but deleterious to children who are not. Other policies are well suited to students who are of the "boarding school" variety, but deleterious to children who are not. The children who are from truly poor backgrounds are resentful of those who have more material goods, such as nicer bicycles or clothes, and are also at a disadvantage in competing academically and socially with the children who are not truly needy. All of this is compounded by a school administration with virtually no residential school expertise of any kind, save what they have learned on the job, and whether this expertise is of the "children's home" or "boarding school" variety.

This has led to programs that are baffling to any outside observer -- such as the mutually exclusive propositions inherent in an admissions profile that seeks "children's home" students while simultaneously asking that these students *already* be performing above the national average in achievement tests. It has also led to such folly as "multi-age" student homes, where children of different ages from at-risk (and other) backgrounds are housed together under one roof, in an arrangement that has resulted -- predictably -- in dozens of sexual crimes and untold incidents of abuse and assault. Discipline among students has broken down as rules are only selectively enforced; and employees have left in fear as their lives have been threatened by students. Not surprisingly, more children are leaving the school through attrition than through graduation, an unacceptable circumstance when dealing with at-risk youth, for whom stability and permanency are essential.

Among the more disturbing dramas produced by the present administration is one that centered on the placement at MHS last year -- in a bed that could have been used for a homeless American child -- of a Rotary International foreign exchange student from an affluent overseas family. This student eventually left the school for a stay with a local Hershey family; but before returning to his home country, he stunned the members of the Hershey Rotary Club when he took the opportunity of his farewell lunch there to inform the Rotarians of his strong belief that the children at MHS were not being properly treated, and were being neglected by an administrative staff that only made a pretense of caring for the children. The young man apparently singled out the MHS administrators in particular, as opposed to the direct childcare providers such as teachers and houseparents. (This can be confirmed by any Hershey Rotarian in attendance at the June 12, 2001 Hershey Rotary Club meeting.)

A measure of the moral decline and breakdown in values at the school today can be gleaned from the fact that in the last two years alone, known sexual offenses have spanned the entire age spectrum, from third grade to recent graduate, and have included sex between children and children, sex between children and employees, Internet porn, sodomy rape, sexual battery, a sexual relationship between a child in the school's intensive treatment facility and an employee in that facility, the pregnancy of one housemother (by a recent graduate), and investigations by the FBI and the local police of, respectively, computer-related pornography and rapes in "multi-age" student homes. Earlier incidents included one where the high school son of a set of houseparents was found to have had sex with a girl in the student home, a circumstance that was "handled" by moving all of the girls away from the home, retaining the houseparents in their positions together with the son, and then bringing a new set of girls into the same circumstances.

While Friday night town privilege has been taken away from the children, they are provided with prophylactics by the medical staff, a disturbing commentary on how the administration views student leisure activity in a campus that has about it now a sense of lock-down and isolation from the local community.

As described above, discipline is no longer taught in a rational, child-centered manner. Instead, the administration seeks to create an environment where rules simply cannot be broken, through the use of surveillance cameras, alarms on windows, and the elimination of unsupervised excursions to town (such as on Friday evenings). This inspires a singularly unhealthy perception on the part of the students, who are sent a message of complete distrust by this administration, as the administration substitutes control for discipline. Students are also alienated from the present administration, none of whom come from backgrounds as at-risk or dependent youth.

Employee morale is at an all-time low, fueled in part by revulsion at the doubletalk and dishonest statements that flow from the senior executives. These executives rely on public relations spin as a substitute for candor about events at the school and what they are attempting to create from what had once been a model children's home -- a children's home where employees had been made to feel a part of a sacred mission, rather than as mere job-holders.

Employee morale is also soured by knowledge that while the child-related budgets of those who work directly with children continue to shrink, shocking salaries are being paid to senior executives at the school, including the all-time first prize for self-serving gall in charitable institution compensation packages, the \$412,683 in total annual compensation paid to the present school president, Dr. Lepley -- a figure which by itself just about totals the entire annual budget for some Central American orphanages, while exceeding the salaries of the President of United States and Harvard University.²⁶

²⁶ This figure is obtained from the 1999 IRS Form 990. It has presumably since grown.

Employees who seek to point out how destructive the spiral has become are threatened with termination, and indeed are not even permitted to speak with the Attorney General's office outside of the presence of the Board of Managers' lawyers. After graduates, former employees, and others held an April 29th rally to seek reform at the school, including Dr. Lepley's removal, Dr. Lepley started being seen on campus interacting with students on a regular basis, for the first time ever, and in a move so transparent that the children themselves make constant jokes about how phony it is -- jokes equally prevalent among employees. Employee resentment is mounting every day; and 50 employees secretly participated in drafting a plea to the Attorney General, seeking intervention and the removal of the present administration as one that constitutes an outright danger to children. The employees who thereafter sent signed copies of this letter to the Attorney General also had to do so in secret, on pain of losing their jobs. Only the Attorney General knows how many employees sent in the secret letter, but there is little doubt that the number is well into the hundreds.

In short, the atmosphere at MHS has been poisoned by bad policies stubbornly clung to by an administration that lacks competence in at-risk childcare, and equally lacks the sense of mission that is the hallmark of a quality children's home. It is an administration that substitutes media "spin" for substance, and uses tactics of intimidation to prevent employees from speaking out. It is also an administration that has lost touch with students and graduates alike, yet clings to power at all costs -- supported by a Board of Managers who themselves are often uninformed as to what is occurring on campus.

In this climate, restoration of MHS as a children's home fully compliant with Mr. Hershey's Deed of Trust will require the appointment of an interim school president with a unique combination of skills. Because of the transition that will be necessary, and because of the years of administrative folly that has produced layer upon layer of ill-conceived and internally inconsistent policies, the task facing the transition administration will be daunting. As a matter of course, the interim president will have to have a strong background in children's home matters, and extraordinary management expertise. These attributes will be necessary to permit the interim president to adequately lead and instill trust in those around him/her, while also guiding MHS to a restoration of its children's home status, and then beyond that to once again becoming the very model of its kind.

Where such a candidate will be found remains to be seen. However, it will not be someone who comes to the school for the salary -- we have already seen what result that produces. Instead, the person will be someone who accepts the challenge from the same sense of mission that informed Mr. Hershey's acts when he created our children's home in the first place. It is almost a certainty that the interim president will need to be a graduate, as the attributes necessary for transition and restoration are not likely to be found in someone who is not steeped in our children's home culture, and who is not acting out of the loyalty and attachment that has sustained our school Family through thick and thin for decades. Moreover, among the most important principles to be restored to our school is the sense of our graduates leading the school and serving as role models for our students, and this too suggests that we must seek an interim president from

amongst our graduates. It is too bad that Mr. Dearden is in retirement; but there are nonetheless other worthy candidates available to serve, if called on to do so.²⁷

V. Conclusion: *Let The Miracle Factory Resume Production*

MHS stands today as an economic aberration, much like a factory whose production level has been stunted through grossly improper management. It is a place awash in cash and prime farmland -- with school buildings, student homes, fleets of cars, athletic equipment, educational tools, and everything else that one would want if they were to set out to save just a small fraction of the dependent and at-risk children that we know our society will destroy this and every other year, until something is done to alter the fabric of childcare in America.

If you took Mother Inez Ayau (a nun who runs an orphanage in Guatemala) or Mr. Ed Shipman (who runs an orphanage in Ft. Worth, Texas), or any other competent childcare professional the world over and told them of the resources of the Milton Hershey School, they would break down in tears -- *literally* -- at the mere thought of what could be done for the most desperate children in the world with all of the resources available at MHS.

Yet the overseers of this \$5.5 billion trust “cannot” find enough children to serve, cannot hire a school president who knows even the first thing about children’s homes, and otherwise seek every excuse imaginable to shrink the school’s size and otherwise transfer land and cash to the local community -- going so far as to take 41 acres of land last year and devote it to improved soccer fields for the local children, even while American orphans are trapped in foster care or otherwise suffering shocking poverty. The effort to lavish Orphans’ Trust assets on the local community has gotten to the point where the Board of Managers hired a McNees, Wallace & Nurick attorney on a fulltime basis, to assist with the job of dishing off assets as efficiently and as quickly as possible, including working closely with the town planning commission to identify areas where Orphans’ Trust resources can be used to aid the local community, rather than to aid orphan children. The combination of vast resources, childcare incompetence, a complete lack of commitment to saving children, and an openly-stated desire to benefit the local community in every manner imaginable is disgraceful, scandalous, harmful to children, and must come to an end.

For all of these reasons, childcare professionals, Pennsylvania and American leaders, and we heirs of Mr. Hershey -- the Milton Hershey School Alumni Association -- are demanding an end to the decades of mismanagement and waste at MHS, and for the creation of the model children’s home in Hershey that Mr. Hershey’s Deed of Trust requires. This model children’s home existed in the past, and it can exist again. In the past, it was a factory that produced miracles -- and it can again be just such a place, if

²⁷ For the record, the writer of this memorandum is not such a candidate, and desires merely to get on with his career and his life once the present struggle to restore our school as a children’s home has concluded -- as is no doubt the case for the many other graduates who are involved in this fully volunteer effort.

only the office of the Attorney General will intervene once and for all, and reform the governance structure of the Orphans' Trust so as to bring it into compliance with Mr. Hershey's wishes.

In 1999, the present Attorney General departed from a decades-old history of Pennsylvania Attorney General indifference to events surrounding the Orphans' Trust, when it opposed the Board of Manager's most recent *cy pres* petition. The present Attorney General can again demonstrate the same commitment to children, by taking further measures in regard to the Orphans' Trust, as called for here and elsewhere.

We cannot save all of the orphan children of the world; but we can certainly save as many of them as the conveyor belts of the MHS miracle factory will allow. The childcare system established at MHS -- rural, disciplined, Judeo-Christian, and wholesome -- worked in the past; and it can certainly work again. ***It is time for Pennsylvania to reopen the MHS miracle factory, and to let the minting of miracles resume.*** It is time to end the dangerous conduct of a Board of Managers who are in flagrant violation of Mr. Hershey's Deed of Trust. Every day that we delay, more children are lost forever, more children are harmed at MHS, and more children are consigned to adulthood on state aid or in institutional care.

We thus call on you General Fisher to take the measures necessary to enforcing Mr. Hershey's will, and thereby saving untold numbers of society's neediest children from the tragedy that otherwise is their lot in life. We call on you General Fisher to let the vast resources of the Orphans' Trust be unleashed where Mr. Hershey intended: ***to educate and nurture orphan children in a residential setting and to provide these children with a true home and family.***

Respectfully submitted,

F. Frederic Fouad
President-Elect
Milton Hershey School Alumni Association
July 24, 2001²⁸

Subsequent Developments:

"A Factory for Miracles" was written during a period of intense MHSAA reform activism, including peaceful protests, letter campaigns, and other education efforts. The essay helped to galvanize the movement to reform the school Board of Managers and return MHS to its children's home roots.

²⁸ The writer gratefully acknowledges the many individuals who assisted with this essay, including MHS employees who provided key information at risk of employment repercussions. (For more information, please e-mail RicFouad@aol.com or call MHSAA at 1-800-292-4647.)

Eventually, certain of the key program reforms sought by MHSSAA were implemented. Other essential reforms were also tantalizingly achieved for a fleeting moment, only to be later swept away in a political tidal wave that formed around the proposed sale of Hershey Foods Corporation.

In the latter regard, a movement that started out as “Derail-The-Sale” came to be artfully converted into “Derail-The-Reforms.” This worked to perpetuate the same kinds of leadership disappointment and cronyism that has compromised the Trust’s child-saving mission for far too long already.

The manner in which all these things occurred is summarized in an update to “A Factory for Miracles,” to be released sometime in 2004.