

### **Three Principles: Awareness Compels Commitment**

**Summary:** *Three indisputable principles for protecting children's rights must be solidly established before reform of the Trust can be deemed successful, to assure no return to past practices, and to assure that all land and cash assets are used solely to benefit children. This requires written commitments to: (1) end congregation of children; (2) restore children's home admissions policies; and (3) prevent any return to the past conflicts of interests. MHSAA is seeking to raise awareness about these “Three Principles,” as we move to complete our child-protecting reform efforts.*

Having conducted ourselves with utmost good faith and restraint since last fall's BOM restructuring, MHSAA was stunned on June 27, 2003 when the Abrogation Instrument was announced. (The “Abrogation Instrument” was signed by the OAG and the Trustees, and seeks to substantially reduce the reform obligations contained in the July 31st (2002) Agreement, replacing these with broad BOM discretion.)

After all: we accepted the reformed Trust board last November; we endorsed the BOM's MHS presidential selection process and declined to call for the selection of the alumni candidate (leading to criticism of MHSAA); we let bygones be bygones with Tony Colistra; we publicly praised the OAG, the new BOM, and the interim administration at every opportunity, smoothing their paths with the public, school employees, and graduates; and we did innumerable other things to fulfill our promises to be a cooperative and credible partner in healing.

We even expressed willingness to discuss amending the July 31st Agreement, in areas that would not harm the interests of orphan children.

Imagine our surprise then at how our good faith conduct and restraint were repaid, i.e., with the sudden announcement of the Abrogation Instrument -- a document lacking commitments even to the moderate principles universally accepted as being in the best interests of orphan children, and also lacking other child-protecting language sought by MHSAA. This followed the perplexing *silence* in response to repeated MHSAA requests for insights into what the BOM and OAG were contemplating in the area of amending the July 31st Agreement. Could our good faith have been taken for granted or mistaken for blind faith?

The minimal commitments that we had expected to see are not controversial, i.e., ending congregation, returning to children's home admissions policies, and preventing regression to any of the past conflicts of interests. Nor do these even approach our “wish list” items for protecting orphan children or otherwise enhancing the Hersheys' mission. The Trustees and the OAG should thus have had no hesitancy in putting at least these minimal commitments in writing.

After all, we have not fought for 12 years only to permit non-children's home admissions policies, to permit our students to remain corralled in the segregated centralized compound, or to permit continued insidious use of orphanage land, student homes, and other facilities for HERCO or other non-orphan purposes.

We did not fight to remove *Trustees* as such -- we fought to remove their *policies*; and we trusted that the new BOM recognized this and shared our commitment to restoring fully the child-saving model of Mr. & Mrs. Hershey. We continue to hope that this trust was well-placed.

Stated in summary fashion, the “Three Principles” that form the core of what should be set forth in writing (lest any future parties again seek to stray) are:

- (1) A commitment to end centralization (i.e., that all Trust land and buildings are to be used strictly for MHS children, in the Hersheys’ ideal community-wide model, with plenty of play space, with the natural diversions available in our magnificent 9,000-acre campus, and with a sense of belonging for our children in the community);
- (2) A commitment to move towards enrolling only children who require substantially year-round residential care (i.e., a return to the orphanage model in admissions); and
- (3) A commitment that no HERCO or Hershey Trust Company executives will be allowed on the Trust board, except where banking law requires such (i.e., an end to *all* duties/influences that might in any way conflict with the interests of orphan children, or that might otherwise lead to any use of Trust cash or land assets other than *solely* to benefit MHS children).

No one -- alumni, non-alumni, school employees, retirees, BOM, OAG, nor anyone else -- should have any difficulty endorsing these basic principles. If they do, then they should not be associated with the Hersheys’ mission and should be as far from the Trust as possible.

So why are the Three Principles not stated in writing in the Abrogation Instrument? How are we to address this problem now? Those who would honor and restore the mission of Mr. & Mrs. Hershey are simply at a loss to answer these questions -- but we must answer them before any more time passes, and before we lose our reform momentum.

Most critically, the group with the *greatest interest* in seeing the Three Principles stated in writing -- i.e., the orphan children whom the Trust is to serve -- are once again left naked and exposed. Once again, these children must rely solely on the will of the BOM to do what is right for them, within the BOM’s “broad discretion,” and without any *written* assurances to protect these children. This is notwithstanding the tug-and-pull of interests who continue to buffet the Trust, and who continue to circle it with outstretched hands. These interests continue to demand land, access to facilities, and other resources -- just as has been permitted for far too long already.

Need any of us be reminded of the recent takings of Springdale and Union by condemnation proceedings? How could any moral human beings *seize* student *homes* intended for *orphan children*, being so brazen about it as to not even approach the Trust with polite purchase *offers*? What will be the *next demand*? What hope is there that these *demands* will *ever* stop, given the veritable *encouragement* of a sense of “entitlement” on the part of those who covet orphanage assets? This encouragement is bred by such things as the “Founders Park” land give-away, an OAG that *sprints* into court to stop the sale of Hershey Foods (while failing to even *stroll* into court to stop the dangerous practice of multi-age housing), and MHS children being squeezed into one cramped corner of their available campus, leaving prime land and magnificent student homes ripe

for plucking by local businesses. It is little wonder that so much confusion remains as to *who* the Trust beneficiaries *really* are.

Among the troubling questions this all raises is how *right-minded* Trustees can be expected to act in the future, when the community, or HERCO, or others who seek orphan-needed resources approach these Trustees and say, “But all we want is a *sliver* of land,” or “This HERCO-benefiting land development project will help Central Pennsylvania’s economy.” Without a written agreement *binding* them, what will this *and future* BOMs do?

Please don’t answer that the orphan children are to rely on future OAGs -- because the OAG has made it clear that it represents the “general public,” and *not* the orphans. If one examines the Abrogation Instrument closely, it becomes obvious that this document is far more concerned with *permitting* land use *for development* than it is with *compelling* land use *for children* -- even though the Deed of Trust speaks solely of using *all* assets for *children*. In the end, the OAG would likely wink at another \$50 million to build another medical school, if it could get away with it. Reliance on the OAG is thus a hopelessly inadequate assurance for protecting voiceless and powerless orphans. This much we now know.

What will the Trustees do when they learn -- as they must if they examine the matter -- that centralization has been an ill-advised and dangerous folly, which not only ignores the wishes of Mr. & Mrs. Hershey for a community-wide children’s home, but also creates an environment not conducive to housing truly dependent (“orphan”) children in a substantially year-round program?

Will the Trustees address the land use/admissions conundrum with courage, and in a way that *best* serves orphan children, i.e., by *decentralizing* our Home again, even though this will take substantial effort? At a *minimum*, why not commit to an expansion plan that reintegrates children into the community? Or will the Trustees just wilt and opt to please developer, business, HERCO, and other interests, by saying: “Sorry orphans -- we will enroll only children who can make do in a centralized compound. These children are “poor” as *we* define the term, and this will also free up thousands of acres of land for other uses, pleasing many in the community?”

If the answer is what we all *believed* it would be when we *embraced* this new BOM last fall -- i.e., that the BOM will indeed seek to enroll orphans, and that they will indeed give these orphans the proper community-wide home required by such children and mandated by the Hersheys -- then *why not just put this in writing now?* Why leave open *any* possibility that we will continue, through inertia, on the same *wrong* path?

Here, inertia includes “infrastructure inertia,” i.e., the lack of will and requisite residential childcare expertise on the BOM to recognize and admit the colossal *blunder* of having built the centralized compound in the first place, however much this blunder cost, and whatever this may mean for the reputations of those who caused that blunder.

Given that the majority of the BOM are holdovers from the past, it will indeed take great courage to change the direction of past policies. But is this not the very reason *why* the BOM was reconstituted, i.e., *failed policies*? How much more evidence of the harm to children from centralization is required before action is taken? *Denial* will *not* restore the Hersheys’ mission,

serve children in the **best** facilities, nor solve the existing residential problems: *fixing the mistake is required*. Centralization represents not Mr. & Mrs. Hershey's vision nor the vision of children's home best practices: it represents instead the vision of the *HERCO/developer lobby*, eager to convert orphanage assets to non-child uses -- which is precisely *why* the HERCO/developer lobby's influence on the Trust must *cease* once and for all.

We cannot change the past, and we must indeed look to the future to rebuild our Home. However, these words are not a magical incantation requiring us to abandon our principles: we did not fight this battle only to see the Hersheys' wishes dishonored, our children's home converted away from serving *orphan* children, our students segregated from the community in a "boarding school" (i.e., *non-home*) environment (bereft of the play space, community integration, and natural diversions that our children *should* have), and our land and cash resources misdirected to HERCO, developers, or other community interests.

It bears repeating: We did **not** fight to remove *Trustees* as such -- we fought to remove their *policies*; and we *trusted* that the new BOM recognized this and shared our commitment to restoring fully the child-saving model of Mr. & Mrs. Hershey. We continue to hope that this trust was well-placed.

We must now complete the reform process, and we believe that the current BOM will aid us in this, by making the necessary *written* commitments to seeing this reform process completed. Heaven knows the OAG will be of no help to us or to the orphan children whom we seek to help -- that much is clear. If, on the other hand, we have been wrong about the new BOM too, then we need to learn this now.

Accordingly, MHSAA has embarked on a *Three Principles* awareness effort. We seek by this to educate our supporters on these remaining essential issues, with the hope of obtaining written commitments from the BOM on the *minimal*, non-controversial goals that should be sought by *anyone* associated with the Trust.

If you want to help, please share this message with others. Pass it around your workplace. Send it on to family and friends. Use any influence you have to persuade the Trustees of the reasonableness of this. Make everyone you know aware that MHSAA is presently seeking a resolution of the remaining open issues, by obtaining written commitments to the *bare minimum* Three Principles from the BOM. Achieving this will mean that orphan children will from this point forward have their rights protected *in writing*, and not just vaguely groped towards by future BOMs or future OAGs, who are likely to forget what those rights are and what this battle has been all about.

Human memory is like that: amnesia seems prone to strike when "discretion" meets loud, powerful, wealthy, *voting*, outside, non-beneficiary voices, all clamoring for what *they* feel is their "right." Pity that voiceless orphans have no equivalent "memory enhancers," no cure for "institutional amnesia" -- no hope that their rights will be protected in the absence of *written* assurances.

Whether you are an HIS/MHS alumnus, a school employee, a retiree, a friend of the Hersheys' mission, or a Trustee, you can be a part of seeing that the Hersheys' mission is eventually fully honored again. You can do this by pledging to see that the Three Principles become reality, and by helping us to obtain written commitments to the Three Principles -- even where we may disagree on countless "debatable" issues.

We cannot fix the Home overnight -- it will take years. But we can agree from this point forward to work towards fixing it.

This means being clear on our *commitment* to the Hersheys' mission, which in turn means committing to the Three Principles, *in writing*. Obtaining this commitment in writing will aid the current and future BOMs in doing their jobs better, by making it easier for them to resist the pressures of those who will continue to ask Trustees to exercise "discretion" in a way that will not benefit orphan children.

Once the Three Principles are memorialized in writing and this last bump is behind us, all that will be left is for the BOM and school administration to do the hard work of honoring the Hersheys' mission and fixing the school, with as much support from the rest of us as we can all provide.

The principles are simple, but the stakes are high, and we are determined to succeed. It is an appropriate time now for this new BOM to stand up and commit to the Hersheys' mission, so that the BOM, the school, and MHSAA can move this mission forward together.

However, let's make sure that we all understand what it is that we are fixing, so that there will be no misunderstandings when anyone in the future seeks to diminish the rights of orphan children. After all, it is not about what is comfortable or agreeable for us now -- it is about what is *essential* for saving the lives of thousands of children in the future.

Written commitment to the Three Principles is the necessary next step to assuring future protection of orphan children as well as to restoration of the Hersheys' mission. So let us get this step completed as soon as possible.

Respectfully,

Milton Hershey School Alumni Association