



Re: Return of Gifts and Yale Honorary Degree to Stephan Schmidheiny

We are writing to the Registrar to take action following Yale's adoption of a Gift Acceptance and Review Policy. Under the Policy, Return of Gifts, it says: "In exceptional circumstances, the university may return a gift if, based on information not known when the gift was accepted, it determines that the gift would have violated its gift acceptance principles. Before accepting a gift, the university thoroughly considers these principles. Therefore, any after-acquired information must be of such a nature that a violation of those principles has become demonstrably clear." The Policy's core principle on conflict of interest holds that, "Gifts will not be accepted that the university determines could appear to be made for the primary purpose of personally benefiting the donor."

<https://provost.yale.edu/policies/gift-acceptance-and-review/gift-acceptance-and-review-policy>

Our community, Casale Monferrato, in northern Italy, has been decimated by the pollution from a giant asbestos cement products manufacturing plant that operated almost 80 years and closed suddenly in 1986. The Chief Executive Officer of the Eternit multinational enterprise starting in 1976 was young Stephan Schmidheiny, his family partially owned Eternit. In the 1980s, Italian prosecutors had charged Italian Eternit executives with creating an environmental disaster causing the deaths of thousands and thousands of residents & employees in the town and neighboring municipalities.

As it became clear that Schmidheiny himself could be charged, and countries started banning asbestos, the asbestos billionaire sold and closed asbestos plants and mines all over the world and since then skillfully and stubbornly desperately sought rebranding. He donated to conservation groups in Brazil. He became one of Chile's largest owners of forest properties after the indigenous Mapuche people were driven off by Pinochet's laws destroying their communal existence. He published the book, "Changing Course" in 1992,

Associazione Familiari e Vittime dell'Amianto Casale Monferrato – AFeVA Casale Monferrato O.d.v. C.F. 91022070063

Via Galeotto del Carretto, 10 - 15033 Casale Monferrato - Tel. 0142 336819

E-mail: vertenzamianto@gmail.com - Sito web: www.afeva.it

c.c. postale n. 1021121205 - Iban IT61M0503422601000000019003

www.afeva.it

as chairman of the newly announced Business Council for Sustainable Development, proclaiming: “We are committed to sustainable development, to meeting the needs of the present without compromising the welfare of future generations.” The one thing Schmidheiny did not do is to make even the slightest effort to clean up the very heavy asbestos contamination his plants had left behind in Casale Monferrato and other locations.

Schmidheiny attended the Earth Summit in Rio de Janeiro in 1992, and he cultivated relationships with former US EPA chief William Reilly and Yale law school alumnus (later Yale environmental law professor) James Gustave Speth, whose endorsement of his book was printed on the back cover. Along with Yale alumnus and environmental lawyer Frances Beinecke, whose family’s philanthropy is memorialized in Yale’s Beinecke Rare Book and Manuscript Library, Reilly and Speth prevailed in getting Yale to grant Schmidheiny an Honorary Doctor of Humane Letters in 1996. Yale honored Schmidheiny specifically for his “stewardship of the global environment” as “one of the world’s most environmentally conscious business leaders.” Schmidheiny’s Avina Foundation’s financial contributions to some Yale programs on sustainable development were acknowledged in press releases at the time.

When closing down his dangerous plants in the 1980s, multi-billionaire Schmidheiny faced a very serious, very obvious question: am I going to spend money on making these sites safer or am I just going to abandon them as they are, exposing the local populations to horrendous health risks? At that time, and at every moment thereafter, he made a deliberate choice against doing the responsible thing, against cleaning up the mess from which his family had earned a vast fortune, and in favor of greenwashing, in favor of buying himself a reputation as an environmentalist. Perhaps he made this decision because it was cheaper. But he was probably even more strongly influenced by the nature of the two paths: the lack of cleanup of contaminated sites in some Italian towns and in other countries versus rubbing shoulders with the high and mighty at Yale and in Brazil. He chose the latter course, unsurprisingly. But he could easily have done both. He didn't do both because he felt that his bought reputation as a global steward of the environment protected him from having to clean up his mess. In this way, Yale's deeply defective gift policy directly contributed to thousands of deaths Schmidheiny caused and which are still occurring around the world. Yale sold Schmidheiny a comfortable escape from his responsibility to the people of Casale Monferrato and the other devastated communities. These communities were sold out not merely by Stephan Schmidheiny, but also by Yale.

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Schmidheiny was prosecuted and convicted of maliciously creating an environmental disaster in Italy in 2012 by the Court of first instance, and this verdict was affirmed by the Court of Appeal in 2013. Evidence came out in the trial that Yale could not have known in 1996, showing that Schmidheiny ran training sessions for his top managers in 1976, also subsequently preparing them to willfully deceive the media, the citizenry and their representatives, plant neighbors, and politicians and intimidate unionists who were starting to raise concerns about asbestos dangers in some European countries. Trial testimony in Turin vividly described the atrocious lack of dust controls in the plant and the open-air crushing of broken asbestos-cement sheets and pipes without any caution or measures with the distribution of untold tons of their deadly dust for surfacing driveways and unpaved roads all around Casale, irretrievably. Even now, in our town of 35,000, another person dies from mesothelioma almost every week, most of them from non-occupational asbestos exposure, from just living here.

Starting in 2013, the town of Casale was joined by Yale alumni in a campaign to get Yale to rescind its honorary degree to Stephan Schmidheiny. In 2014, the Court of Cassation overturned his conviction on grounds that the crime of creating an environmental disaster had a statute of limitations that lapsed 10 years after Eternit closed and declared bankruptcy in Italy in 1986.

In the meantime, the Turin Public Prosecutor's Office had initiated new criminal proceedings for the murder of a large number of people, including workers of the Eternit plants of Casale Monferrato, Cavagnolo (in the province of Turin), Rubiera (in the province of Reggio Emilia) and Bagnoli (in the province of Naples) and residents of those territories as willful disaster had fallen under the statute of limitations.

Most of the Cavagnolo (near Casale) deaths fell within the statute of limitations as the accusation was manslaughter, the Court of Turin nevertheless issued a first instance sentence sentencing Schmidheiny to four years' imprisonment, a verdict that is now at the Court of Appeal. For the Bagnoli deaths (near Naples), a first instance sentence was recently passed by the Naples Court of Assizes, which changed the crime willful homicide to manslaughter with the consequent statute of limitations for most of the cases, but sentenced Schmidheiny to three and a half years' imprisonment, a sentence now pending appeal.

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The biggest tragedy, however, is the one that struck the district of Casale Monferrato (town and some neighboring municipalities). Although the number of victims is much higher to date, in that case Schmidheiny must answer for the deaths of 392 people, including workers of the Casale Eternit plant and citizens. The proceedings that are being held before the Novara Court of Assizes are expected to be concluded, in first instance, in the coming months.

But by then Schmidheiny was also charged with murder, which has no statute of limitations. After several more years, the Italian courts determined that separate trials would proceed in each of the four regions of Italy where Eternit ran asbestos plants and mines. Two of these trials have now resulted in convictions and jail sentences, and a third trial involving 392 mesothelioma victims from our region will conclude in the coming months.

We are writing to ask that Yale rescind the honorary degree awarded to Schmidheiny and return all of his gifts from the 1990s to the present having seen the new information available. This is an extreme case of Yale being used by an unscrupulous and insensitive business man – insensitive to basic rights to life, to health and to the environment desperately seeking to buy respectability and present himself as an environmental philanthropist who couldn't possibly be so greedy that he would sacrifice thousands of our people and run a cover-up that the Court of Appeals said delayed Italy's ban on asbestos by 10 years.

If this test case of a man who blatantly despises life and the environment does not justify application of the new Yale policy on returning blood money from people whose fortunes came from undisclosed crimes against humanity, then the new Yale policy is just a façade. The expected conviction in the big case in Novara, Italy, will come in another month or two. The criminal trial being held in Novara will finish in a month or two, we think with Schmidheiny being sentenced given the evidence so far against the defendant. Yale can be proactive and disassociate itself now by returning Schmidheiny's gifts, drawing a line against taking endowments from wealthy predators. What Yale does will be noted by some villains but also by successful alumni who cherish Yale as a place to honor the highest ideals of Light and Truth. It will be noted by the other leading universities of your country and around the world, too.

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The uniquely Italian prosecution of toxic corporate crime provides Yale with the means to recognize and make amends for its errors in accepting his gifts and continuing to bestow honors on Stephan Schmidheiny. People in our country reading about Yale's connection with Schmidheiny will also be interested in seeing what Yale does, too counting on the principles which have always inspired your institution. Schmidheiny has spent over \$100 million here on lawyers delaying trials and appealing convictions. We can't help but wonder how much he gave to Yale.



• ASSOCIAZIONE
• FAMIGLIARI
• VITTIME
• AMIANTO

Via Del Carretto, 10
15033 CASALE MONFERRATO (AL)
Tel. 0142 336819 - Fax 0142 336821

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THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
5408 S. UNIVERSITY AVENUE
CHICAGO, ILLINOIS 60637
TEL: 773-936-5200
WWW.CHEM.UCHICAGO.EDU

