

The Barnes Files

“Enough is Enough”

by Evelyn Yaari

Larry Barth is the representative of Attorney General Tom Corbett on the Barnes Foundation case. Ralph Wellington is the attorney representing the Barnes Foundation. They are not happy. Despite their best efforts, the wheels on the escape vehicle hired to carry off the Barnes art collection are very wobbly and might just come off. Why? Because the plan to move the Barnes art collection is, and always has been ill-conceived and just plain wrong.

The bed of information on which the plan has rested is loaded with gaping holes. One long smoldering concern is the affect on this case of the role played by the Pennsylvania Attorney General, the official directly responsible for guarding the legacy of Albert Barnes. Charitable organizations function under the system in the law with noble origins known as *parens patriae*, or “father of the country.” In the case of the Barnes, the poor performance of the Pennsylvania Office of the Attorney General Department of Charitable Trusts has made the Barnes Foundation a bereft orphan. The “father” whose vigilant, objective guardianship it sorely needed has instead been busy playing right along with the self-appointed Moving Committee. It is time for frank discussion of this conflict.

To quote Deputy Attorney General Barth, “Enough is enough.”

The Attorney General’s Office has worked for years to support the move of the Barnes Foundation from Merion to Philadelphia. Nowhere does the nexus become clearer between state government, the Powers that Be in the foundation world, and the Barnes itself. A telling episode involving then Attorney General Mike Fisher was the Settlement Agreement between the Barnes Foundation and Lincoln University that formally wrested control from the Lincoln stewards. That event was followed by a surge in state funding for Lincoln University, which rose from practically nothing prior to the Settlement Agreement to \$30 million with

assurances from Governor Rendell for much more, reportedly up to a total of \$80 million. This was described in a May 2005 article “The Deal of the Art” by Patricia Horn, published in *The Philadelphia Inquirer*, but the dealmakers marched ahead, unchallenged.

The question is, how does the Attorney General, guardian of the Barnes Trust, work in concert with a group organized to first control and then dismantle the Barnes Foundation and at the same time justly serve as *parens patriae*? What does the apparent conflict mean for public policy?

Fortunately, opportunities created by the passage of time and the legal system hold new possibilities that might help us explore these and other important questions. Hopefully doing so will also enlighten us about how best to embrace the true legacy of Albert Barnes. We can start by ensuring the preservation of the Foundation in Merion he generously bequeathed to the world.

Evelyn Yaari is a resident of Bala Cynwyd. Although a member of Friends of the Barnes Foundation, the essay does not necessarily reflect that organization’s viewpoint. For more information, visit <http://www.barnesfriends.org>

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