

From *The Philadelphia Inquirer*, Feb. 8, 2007

## L. Merion neighbors fight to keep Barnes

By Jeff Price

Inquirer Staff Writer

In a quiet, passionate - but probably futile - campaign, neighbors of the Barnes Foundation soldier on in their battle to keep the world-famous art collection in Merion.

"The political system is skewed toward this thing going to Philadelphia, with no actual basis for it, other than hope and prayer," said Walter Herman, who lives across Latches Lane from the museum grounds.

As Herman; his wife, Nancy, and their Friends of the Barnes organization, with a mailing list of more than 1,000 members, cast about for a strategy to block the move, the foundation is on course to open a new museum five miles away on the Ben Franklin Parkway in late 2009 or early 2010.

In the latest time line, the Barnes last year said it planned to take over the site of the city's Youth Study Center in October. Although the city has yet to move out, Joe Grace, spokesman for the mayor, said last week, "We remain fully committed to turning the site over to the Barnes Foundation when they are ready."

One hope the Friends have to block the move is a proposed bill by U.S. Rep. Jim Gerlach, a Republican whose district includes the Barnes. The legislation, which Gerlach said will be introduced in a week or two, would be a financial poison pill for the Barnes.

It would force the foundation to pay an excise tax to the IRS in an amount equal to funds raised for the move, an amount now at more than \$150 million.

But the bill's chances are "very uncertain," Gerlach said recently.

Norman Ornstein, a nonpartisan Washington analyst, said that "this is not an issue that will make it prominently onto the radar screen of Democratic leaders in

Congress. There will be a lot of members leery about a federal law putting such stringent limits on foundation boards."

Gerlach and the Friends also have appealed to state Attorney General Tom Corbett to exercise his office's legal standing with charitable organizations to determine whether the move, more than two years after approval, still makes financial sense.

An October memorandum to Corbett cited a Friends' proposal to increase visitors that would virtually eliminate the Barnes' operating deficit.

But Corbett, in a Jan. 24 letter referring to the 2004 court decision that cleared the way for the move, said that "we are not going to revisit that decision or make any attempt to reopen a matter that has been fully and fairly litigated."

Herman disagreed, noting limitations on presentation of the court case against the move.

The Friends are also trying to get traction with the realization last year that the state legislature authorized more than \$100 million for the move in 2002, two years before the court approved breaking Albert Barnes' will that stipulated the collection stay in Merion in perpetuity.

"The \$100 million thing gave the lie to everything going forward," Herman said this week. That's because at a time the Barnes was arguing in court it couldn't make it financially in Lower Merion Township, it had the \$100 million "life raft" to ensure success of a move, he said.

In fact, in April last year, Gov. Rendell committed \$25 million from the authorization, helping the three foundations that are raising money for the move reach their initial \$150 million goal. Gerlach has said that "\$25 million would be enough to keep the Barnes solvent in Merion."

The Friends further contend that moving the Barnes museum to Philadelphia will not have financial smooth sailing. Last May, when the foundations announced they had raised the targeted \$150 million, they immediately set out to raise \$50 million more, a goal still being pursued, Stewart said last month.

Brian Gordon, a Lower Merion commissioner, said his fear is the Barnes "won't raise quite enough money" and the museum "is going to look like a cement bunker on the Parkway."

Of course, the state still has more than \$75 million remaining in the 2002 authorization. Although Rendell has no plans at the moment to release more money, said spokeswoman Kate Philips, he is prepared to help cover costs down the road. "The governor is dedicated to seeing this museum becoming a part of the already vibrant Philadelphia art scene," Philips said.

Gerlach said the Friends are trying to persuade state legislators to delete the authorization, because "using public money to purloin an invaluable treasure from Lower Merion would be a travesty of artistic, economic and legal justice." Last week, the Hermans and other leaders of the Friends met with new Barnes executive director and president Derek Gillman to make the case for changes that would allow the institution to make it in Merion. "He was very cordial," Herman said, "but his job is to move the Barnes downtown, and that's what he's going to do."

Herman told Gillman that "we're going to oppose you to the end."

Dr. Barnes' collection must stay where it is, Nancy Herman said, because "these 12 acres in Merion with this building and these paintings in these arrangements are his gift to us."

Explaining her feeling of civic responsibility to protect the institution, she said, with a smile, "The ghost of Dr. Barnes is haunting me."

---

*Contact staff writer Jeff Price at 610-313-8124 or [jprice@phillynews.com](mailto:jprice@phillynews.com).*