

Main Line Media News

New petition filed to challenge move of Barnes Foundation's art to Philadelphia

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The Friends of the Barnes Foundation announced this afternoon that an attorney representing the group has filed a petition with Montgomery County Orphan's Court Judge Stanley R. Ott, asking him to reopen his 2004 decision to permit the gallery in Merion to move its priceless art collection to a new facility in Philadelphia.

In a Jan. 2 "Barnes Day" protest across Latch's Lane from the gates of the Barnes Foundation grounds, the attorney, Samuel C. Stretton of West Chester, said he had been retained by the Friends group and would soon file a petition seeking examination of information that he said was not available to Ott during the course of hearings in 2003 and 2004.

"Barnes Day" marked the 139th anniversary of the birth of Dr. Albert C. Barnes, the pharmaceutical magnate who had the Paul Cret-designed gallery built in 1929 to house his collection of Impressionist and Post-Impressionist art, and who had wished it to remain intact in Merion.

Ott's decision permitted the foundation to expand its board of trustees and move the art to a location on the Benjamin Franklin Parkway in a new building to be supported by contributions by several leading Philadelphia philanthropies. The foundation had argued that the institution was no longer financially viable in Merion.

In the new petition, Stretton cites newly available indications of misconduct on the part of then-Pennsylvania Attorney General Michael Fisher, according to a press release by the Friends group, which has opposed the move. The Attorney General's Office should have maintained a neutral position in the Barnes Foundation's request in its role to oversee charitable entities, according to the petition.

Instead, as revealed in part by comments Fisher made in the 2009 documentary film, "The Art of the Steal," he had participated in discussions with Lincoln University, to which Albert Barnes had left much responsibility for the art collection, to persuade it to drop its legal opposition to the Barnes Foundation's proposals.

Stretton points out that this is significant because Lincoln University was the only party with legal standing to intervene in the court case other than the Attorney General.

Stretton also raises a point that was presented in an earlier, failed petition to Ott to reopen the case. That is that, prior to the Barnes Foundation's request to the court, pleading financial difficulties, then Gov. Ed Rendell had authorized in a 2003 Capital Budget \$107 million in public money for a new Barnes museum in Center City.

According to the press release, "The petition maintains that had the court known of the actions by the attorney general, standing for [other] petitioners could have been established" to challenge the move.

Check back with Main Line Media News for additional reporting on the new petition and comments by the Barnes Foundation.

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