

# The Philadelphia Inquirer

“Barnes, Lincoln reach an agreement”

If the university's full board OKs the deal, it could ease the way for the proposed move of the art collection into Center City.

by Patricia Horn  
September 13, 2003

The Barnes Foundation said it reached an agreement yesterday with Lincoln University's executive committee that could smooth the way for the proposed move of the Barnes' famed art collection from Lower Merion to Center City.

Lincoln's full board meets next Saturday to consider the deal. If it approves, the Barnes for the first time could present an unopposed plan to Montgomery County Orphans' Court Judge Stanley Ott, who ultimately will decide whether the art can be moved.

Ott is scheduled to hear the case beginning in December.

"This is a great victory for the Barnes, for Lincoln University, for the city, for the Commonwealth, and for the entire community," said Bernard Watson, chairman of the Barnes board.

The deal would give Lincoln, the historically black college in Chester County, the right to nominate five of the trustees on an expanded 15-member Barnes board - an increase of one from the Barnes' original court petition. In exchange, Lincoln would withdraw its objection.

Currently, Lincoln nominates four of five Barnes board members, a right granted to the university by the collection's founder, Albert C. Barnes, before he died in 1951.

The agreement would mean Lincoln no longer has the right to nominate the majority of Barnes trustees - a right it had been fighting vigorously to protect.

Watson said the majority of seats on the future 15-member Barnes board would probably be African American, although that was not specified in the agreement.

Lincoln did not return calls for comment on the agreement. The Barnes issued a news release detailing the agreement that included no comments from Lincoln officials or board members.

Attorney General Mike Fisher's office, which oversees charitable trusts, said it had signed off on the deal.

"This is a great step in the right direction," said Gov. Rendell, a strong supporter of the move. "Nothing is final until the Lincoln board evaluates this agreement and approves. So we still have the most important hurdle to go."

Rendell is an ex-officio member of the Lincoln board and also has appointed two Lincoln board members.

Rendell said he would help lead Lincoln's \$100 million capital campaign and give it an increase in state aid, though he stressed that the financial support was not tied to Lincoln's approving the deal. Lincoln is a state-related university, akin to Temple.

Rendell said his promise of aid to Lincoln was not a "quid pro quo."

He said he and Fisher were willing to go over the agreement with the Lincoln board before it met.

Not everyone was happy about the deal. Terry Kline, an attorney for Barnes students who unsuccessfully sought to intervene in the case as opponents of the move, called the agreement disappointing.

"We are concerned because there would be no one representing the interests of the students and particularly the terms of the Albert Barnes trust," Kline said.

The Barnes, backed by three large charitable foundations, petitioned the court last September for permission to move the multibillion-dollar art collection - which includes scores of masterpieces by the likes of Cezanne, Matisse and Renoir - to a new, more accessible museum on the Benjamin Franklin Parkway. The charities - the Pew Charitable Trusts, and the Lenfest and Annenberg Foundations - agreed to pay the Barnes' legal fees, help with its operating costs, and raise \$150 million to pay for the move and to rebuild the Barnes' endowment, which had been depleted during the 1990s.

Without the backing of the foundations, the Barnes said, it would have to file for bankruptcy.

If the court permits the Barnes artwork to move, it would join the Philadelphia Museum of Art, the Rodin Museum, the Franklin Institute, the Moore College of Art, and potentially the Calder Museum on the Parkway.

Yesterday's agreement came after three days of negotiations involving leaders of the Barnes and Lincoln, Rendell, Fisher, Mayor Street, the Pew Trusts, the Lenfest Foundation, and others.

"Everybody had worked so hard, and no one wanted to see it fail," said Rebecca Rimel, Pew's chief executive officer. "Like a lot of negotiations, people have to imagine the alternatives. An enormous amount of work was in the balance. This provides a great, long-term, stable future for the Barnes, and it is a great opportunity for building partnerships with Lincoln."

The agreement was a sharp turnabout from a week ago, when Barnes attorney Arlin Adams told the court the petition was close to being withdrawn because of Lincoln's ongoing insistence on maintaining nominating control of the Barnes board.

Adams said at the time that the three charities backing the proposed move were going to withdraw their financial support because of Lincoln's objections.