

A BARNES FOUNDATION DEBATE
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- I. I applaud Drexel and its sponsoring departments, as well as Professor Charles Morscheck, for organizing tonight's event, and I wish to express my appreciation for having been included as a panel participant. I am always pleased to have an opportunity to engage in conversations about matters of significance for Philadelphia's cultural life. Prior to making a few substantive points, I would like to begin with two introductory observations; one might even call them caveats.
1. The first is that Robert and I will most likely have nothing new to say this evening, since we have pretty much exhausted the pros and cons of moving the Barnes Collection in our nine essays, combined, that have appeared in The Broad Street Review. So, to those of you present this evening who are regular readers of Dan Rottenberg's electronic journal, I apologize for covering familiar ground. My hope is that there will be some value in isolating and revisiting a few of the most significant points we have made in the past.
 2. Second, friends and acquaintances who heard of this evening's event have asked me: "What's the point? The major issues have been settled. The courts have approved the relocation of the core collection to the Parkway **AND** the restructuring of the Foundation's Board of Directors; this restructuring has already begun; the initial money for the relocation has been raised; a new and highly qualified Director has been appointed; and a short-list of architects for the new museum has been approved. So, let's get on with it !"

I must confess that I share this view. It seems to me that if the opponents of the court-approved relocation were to succeed in some way --- either legal or political ---- in blocking the courts' decision, it would be a Pyrrhic victory, "Pyrrhic" in the sense that the Foundation would end up in its most precarious condition ever. If, on the other hand, the Foundations' current Board and the three philanthropic organizations assisting

the Board to relocate were (for whatever reason) to yield to pressure and decide to maintain the status quo, the Foundation would (in my judgment) seriously jeopardize its standing before the courts.

I'll simply leave these two observations without elaboration; we can return to them in the discussion session if there is interest. My point is that the best course, at this stage, is for citizens of Philadelphia to assist and to encourage the major parties to proceed and to create the optimum outcome for a restructured and relocated Foundation and collection.

II. Permit me now to stake out the most important reasons why the relocation of the core Barnes collection is the right thing to do and why it augurs well for the future.

1. The numerous and detailed stipulations in Albert Barnes's will strongly suggest, in the words of Robert in one of his essays, that Barnes hoped, to the extent possible, "to stop the clock with his death."
2. Ironically, by transferring ownership of his invaluable art collection to a private foundation, Barnes seriously comprised his ability to do so. The reason is that once established, the Barnes Foundation became a 501(c)3 organization whose tax-exempt status depended upon its pursuing and fulfilling important PUBLIC interests. Consequently, neither Barnes nor the trustees of his Foundation were any longer free to do with the collection as they (and they alone) wished. Each of us in this auditorium, as citizens of the Commonwealth of Pennsylvania, has a vested interest in how the Barnes Foundation conducts its business and makes use of its resources. That vested interest is overseen and protected by the Commonwealth's Attorney General and by, among others, the Montgomery County Orphans Court.
3. This is the context we must keep in mind when evaluating the most recent decision by Judge Stanley R. Ott (a decision upheld by the Pennsylvania Supreme Court) to allow the Barnes Foundation Board of Directors to increase the number of its member and to relocate the central collection to a site on the Benjamin Franklin Parkway. I would note in passing that Barnes's will and the operations of the Barnes Foundation have been a source of controversy virtually from the outset, with the result that the Foundation has appeared before the Orphans Court several times. The most notable, in my judgment,

regarding a matter of the public interest, occurred in 1961 when the Court forced the Foundation to broaden its admissions policy in order to maintain its tax-exempt status.

4. So, what is the public interest that is at stake in this most recent decision?
 - A) On the surface, it would appear to be the financial survival of the Foundation in light of its Board's belief that it was fast approaching bankruptcy. This issue was certainly central to the Court's decision: namely, that relocation of the collection to the Parkway would allow for increased attendance and more aggressive fundraising efforts **AND** that a larger, reconstituted Board of Directors would be more effective in long-term development activities. [Keep in mind the three Gs that govern Boards of not-for-profit organizations: Give, Get, or Get Off.]
 - B) Without minimizing the significance of the financial survival issue, I believe that another matter of PUBLIC interest looms much larger and is arguably far more important in the long-run. In particular, Judge Ott's most recent decision opens the way, at long last, to implement what lies at the core of Albert Barnes's trust indenture.
5. While there is much in the Barnes's will, its essence in my opinion comes down to three objectives:
 1. The implementation of Albert Barnes's distinctive philosophy of arts education.
 2. A primary focus on the working class publics who were intended as the principle beneficiaries of Barnes's idiosyncratic form of pedagogy.
 3. Preservation of Barnes's distinctive installation of his core collection as a teaching tool.
6. Ever since Albert Barnes's death in 1951, virtually everyone (the courts included) has been in denial about the publics served by the Foundation and its programs. As a result, the "walls" around the collection have grown higher and higher, making it an assembly of "quasi-private jewels" for a small elite rather than objects for education of common folk. As has been widely noted, Dr. Barnes's target audience were people "who gain their livelihood by daily toil in shops, factories and schools, stores and similar places." Up to the present, the educational programs in Lower Merion have attracted primarily upper-middle class ladies of a certain age with a lot of free time, retirees, a few professionals who can afford to leave their offices, and a smattering of art students. Nor should this be surprising since there appears to have been little effort over the years to

structure the education program in a way to be readily accessible to those who toil in shops and factories. From my observations, the profile of visitors to the Barnes collection (as opposed to those enrolled in classes) also fails to match the population in which Barnes was expressly interested, a fact that's also comes as no surprise, given the restricted times the collection is open to the public and its location in a posh neighborhood that is not easily accessible.

7. By relocating the core collection in the hustle and bustle, the congestion and untidiness of the center city where Barnes's intended audience actually lives, for the first time his primary goal of arts education for a specific audience has a realistic chance of being implemented.
8. One final observation. Even if the Barnes Foundation's financial problems could have been solved in a way that permitted the core collection to stay in its Lower Merion location (an assumption I'm not willing to grant), the failure to fulfill what is most important among the Foundation's objectives would continue indefinitely. What is secondary (location) would have won out over what should be primary (arts education for Dr. Barnes's intended audience). Education for this audience would have been sacrificed to the interest of geography.
9. The fact that this did not happen is why I am sanguine about the future of the Barnes Foundation and its programs.