

# FRIENDS of the BARNES FOUNDATION

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## **FOR IMMEDIATE RELEASE**

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### **Barnes Foundation Board's Response: Judge, Don't Listen to Those People**

(NORRISTOWN) – October 19, 2007) The response of the Barnes Foundation Board of Trustees to petitions filed in Montgomery County Orphans Court that seek to undo its plan to move the prized Barnes art collection are predictably dismissive. The Preliminary Objection attempts to shift the focus from the substantive issues raised in petitions filed by the Friends of the Barnes and Montgomery County, to whether the petitioners should be permitted to raise any issues at all. The document refers to the petitioners' claims as "scurrilous" and asks Judge Stanley Ott to make the petitioners pay for its legal costs.

The petition filed in August by Friends of the Barnes Foundation includes the following main points:

- The present Board of Trustees has failed to carry out the presentations it made to the Court, has failed in its fiduciary responsibility, is replete with conflicts of interests, and should be removed.
- Significant changed circumstances offer viable alternatives to moving the art collection that both fulfill the purpose of the Foundation Trust and provide financial stability for the Foundation.
- Evidence was not brought to the attention of the Court during its earlier deliberation in 2004, including the fact that \$107 million had been allocated for the move in the Pennsylvania State Capital Budget in 2002.

- The Court was not fully advised as to the nature of the connections between various parties in support of the move of the Barnes art collection.
- Third parties to the earlier action both paid for and benefit from the Barnes Foundation Board's abdication of its responsibilities to the trust.
- There are excellent alternatives to the costly and hazardous plan to move the gallery collection that, in combination with sound management practices, can provide a secure, permanent financial future for the Barnes Foundation in Merion.

There is strong support for preservation of the Barnes in its historic site from public officials at the local, county, and federal level:

- Lower Merion Township, which has jurisdiction over the zoning regulations for the Barnes Foundation, has instituted new regulations, which permit attendance at the Barnes Foundation to increase from 62,000 visitors per year to 144,000 visitors per year. The resulting increase in revenue will more than cover the current operating deficit of the Barnes Foundation.
- Montgomery County Board of Commissioners has proposed a \$50 million, bond-sale funded, leaseback arrangement that would provide for the now depleted endowment of the Barnes Foundation.
- The Department of the Interior's National Park Service has encouraged a review of the complete Barnes Foundation complex in Merion for National Historic Landmark status. If approved, the esteemed status would carry significant potential for further sources of funding.

Attorney for Friends of the Barnes Foundation, Mark D. Schwartz, reacted to the Preliminary Objections, saying, "The response of the current Barnes board to our well-founded claims is,

as anticipated, summarily dismissive and empty. Clearly they would prefer that Judge Ott avert his eyes and ears from the facts that the Friends of the Barnes petition lays before him. Fortunately, we have a system of justice that ultimately reveals the truth. The truth will reveal beyond question that the Barnes Foundation has many paths from which to have a sustainable future the site that Albert Barnes spent his lifetime creating if, and only if, it is governed by a board that respects its true legacy rather than one that is driven by an unsupportable and dangerous plan to move it. "

For more information, please visit the Friends of the Barnes Foundation website at <http://www.barnesfriends.org>

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