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“Opponents urge Barnes Foundation judge to reopen move case”

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NORRISTOWN, Pa. - Opponents of a plan to relocate The Barnes Foundation's multibillion-dollar art collection to downtown Philadelphia on Monday asked the judge who approved the move to allow new hearings on the contentious issue.

The opponents have been trying to persuade Montgomery County Orphans' Court Judge Stanley Ott, who has jurisdiction over Dr. Albert Barnes' trust, to reconsider his 2004 decision.

Lawyers representing the county and a citizens group called Friends of the Barnes asked Ott on Monday to allow them to present new arguments for keeping the foundation at its current location in suburban Lower Merion Township. They said the new proposals would provide the Barnes with funding it needs to stay put.

The foundation cited poverty when it asked Ott for permission to leave the suburbs and move closer to Philadelphia's most popular tourist attractions. Ott's permission was needed because Barnes' will had instructed that his paintings "remain in exactly the places they are" after his death.

The Barnes' collection includes an astounding trove of French impressionist and postimpressionist masterpieces and thousands of other objects. But the foundation says it would go bankrupt if it had to keep its 181 Renoirs, 69 Cezannes, 60 Matisses and 44 Picassos in its out-of-the-way home, which was subject to restrictive township rules that limited the number of visitors.

On Monday, opponents of the move told Ott that a new township ordinance would allow more visitors and that a county-backed \$50 million purchase-lease back arrangement would give the Barnes a massive infusion of cash. They also said the Barnes building is eligible for National Historic Landmark status, opening up a possible source of federal funding.

"It's not too late to make a U-turn," Montgomery County Deputy Solicitor Carolyn Carluccio said.

The county would lose its most significant cultural asset and one of its most significant educational, economic and historical assets if the relocation is allowed, she said.

Longtime township residents who live near the foundation also would suffer irreparable harm by the move, Friends of the Barnes attorney Eric Spade said.

Attorneys for the foundation and the Pennsylvania Attorney General's office, which has jurisdiction over the executors of wills, told Ott the county's financial proposal is far from guaranteed and the opponents' ideas are too little, too late.

"They come in here at the 13th hour, asserting pie-in-the-sky schemes ... that would not withstand any scrutiny," said Senior Deputy Attorney General Lawrence Barth. "Enough is enough."

Ralph Wellington, an attorney for the foundation, said the \$50 million arrangement proposes that the Barnes invest the money in high-yield investments and pay back the loan with interest.

"What if the investments were unsuccessful, given the current climate? What charity could responsibly take such a risk?" he asked the judge. "This proposal does nothing other than expose the Barnes Foundation to financial ruin."

Barnes, a pharmaceutical magnate who died in a 1951 car crash, established the foundation in 1922 to teach populist methods of appreciating and evaluating art.

His collection has been housed since 1925 in a 23-room limestone gallery by renowned French architect Paul Philippe Cret that features a Henri Matisse mural inside and Jacques Lipchitz reliefs on the exterior.

Inside, Barnes placed his paintings close together and grouped them with objects like metal hinges and wrought ironwork as a teaching tool to illustrate common aesthetic themes.

Last June, Montgomery County proposed to buy the Barnes' land and buildings for \$50 million and lease them back to the foundation. They said the money would be raised through the sale of bonds, with no taxpayer involvement, and proceeds from the sale would be used to start an operating endowment to put the Barnes on sound financial footing.

The following month, Lower Merion officials also repealed rules that strictly limited the number of paying customers. The township passed a zoning ordinance that would more than double the number of visitors permitted annually, to 140,000, and replaced a previous rule that allowed the Barnes to be open to the public three days a week and restricted to about 400 visitors daily.

The Barnes has not expanded its hours since the change, however.

Since getting the go-ahead to move, the Barnes has raised \$150 million, including a \$25 million grant from the state and millions more from three charitable foundations, to build a new home on the Benjamin Franklin Parkway and establish an operating endowment.

Construction, however, has yet to begin. The city only four months ago struck a deal to move out of a juvenile jail that sits on the land that the Barnes will use for its new gallery.

It was unclear when Ott would issue a ruling.