

Main Line Media News

Main Line Times

“Judge rules on Barnes petition”

Sunday, February 27, 2011

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Against what many would have said were very steep odds, it appears the much-debated move of the Barnes Foundation’s art is headed back to court – if perhaps only briefly.

In a press announcement released late Friday afternoon by the Friends of the Barnes Foundation, opponents of the move from the Merion gallery to a new facility in Philadelphia, the judge in the case has responded to a recently-filed petition.

In a preliminary decree dated Feb. 22, Montgomery County Orphan’s Court Judge Stanley R. Ott has ordered the Barnes Foundation and the Attorney General of Pennsylvania to show cause why the matter should not be reopened.

To that end, Ott orders both to come to his court on March 18 at 9:30 a.m.

More than six years ago, Ott granted the foundation permission to move the famed collection of Impressionist and Post-Impressionist art, after the foundation argued that it could not survive financially in its Merion home, where its founder, Dr. Albert C. Barnes, had wanted it to remain. A new museum is under construction for a 2012 opening on the Benjamin Franklin Parkway.

On Feb. 17, attorney Samuel C. Stretton, representing the Friends and another group, Barnes Watch, and several individual students and neighbors of the Barnes in Merion, filed a petition asking Ott to reopen the case.

The petition cited newly available indications of what the opponents maintain was misconduct on the part of former Attorney General Michael Fisher in handling the matter.

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 collection, to persuade it to drop its legal opposition.

The petition also raises questions about the role of former Gov. Ed Rendell in the matter.

Reached this afternoon, Stretton said anyone should be careful not to read too much into the judge's one-paragraph order. "It's still too early. We will get a better feeling for his thinking on March 18," Stretton said.

But he added that, "It's one step forward. The fact that he has asked them to respond shows he's interested." Using a baseball analogy, Stretton said, "It's like winning the opening day. There are still 161 to go."

At the same time, Stretton reiterated that he believes his clients have a good case, and said, "We will fight this vigorously."

Also reached this afternoon, a spokesman for the Attorney General's office said it had not seen Ott's order yet.

However, "That's what we would expect," said Nils Frederiksen, a spokesman for Acting Attorney General William H. Ryan Jr. "It's strictly a procedural thing."

"It's the standard procedural step when a petition like the one they filed goes to Orphans' Court," Frederikson elaborated, adding that Ott's communication "is not any ruling on the facts or the allegations in the petition."

"Our view is that there are no new matters and nothing of merit" in the petition," Frederikson said. "We will be prepared to vigorously defend the actions of the Attorney General."

At the close of business Friday, representatives of the Barnes Foundation or its legal counsel could not immediately be reached.