

FRIENDS of the BARNES FOUNDATION

P. O. Box 35 Merion Station, PA 19066 www.barnesfriends.org

FOR IMMEDIATE RELEASE

August 3, 2007

Contact: Mark D. Schwartz, Esq. at 610-525-5534 or MSchwa6814@aol.com

United Political Front Asks PA Attorney General to Reopen Barnes Case

(NORRISTOWN, August 3, 2007) In a letter to Pennsylvania Attorney General Tom Corbett, Montgomery County Board of Commissioners Tom Ellis, Jim Matthews, and Ruth Damsker, U.S. Congressional Representative Jim Gerlach, and Lower Merion Township Commissioner Brian Gordon insist that Pennsylvania Attorney General Tom Corbett reexamine and reverse its position supporting the move of the Barnes collection, in light of developments with the County and Township that would more than satisfy the fiscal needs of the Barnes in its current location. This letter represents an unprecedented level of cooperation and activism by these federal, county, and local officials.

The letter follows.

Norristown, Pennsylvania

August 1, 2007

The Honorable Tom Corbett
Attorney General
Commonwealth of Pennsylvania
16th Floor, Strawberry Square
Harrisburg, PA 17120

Dear General Corbett:

We are writing to request a timely reply to a number of earlier inquiries made pertaining to your office's continuing role as "parens patriae" regarding the Barnes Foundation collection in Lower Merion Township, Montgomery County and subject to Montgomery County Judge Ott's 2004 ruling.

It has been noted in a number of letters from your office within the past year that you consider the issue of court permission to move the Barnes Foundation collection to Philadelphia to be a "closed matter." It is our belief that your responsibility as "parens patriae" to oversee the handling of Dr. Barnes' assets is never "closed" and that is further buttressed by Judge Ott's January 2004 opinion that "the Attorney General, as parens patriae for charities, had an absolute duty to probe, challenge and question every aspect of the monumental changes now under consideration." We firmly believe that that duty and responsibility never cease as long as the assets of the charity continue to exist. Clearly, as of this writing, Dr. Barnes' art collection and other cultural/educational assets do exist, remain in Lower Merion Township, and are subject of your office's continuing oversight to determine how best to secure and perpetuate the wishes of Dr. Barnes. As Larry Barth indicated in his July 5th letter to Mark Schwartz, Esquire, your office is "obliged to ensure that an organization's board complies with the law in governing the entity's affairs." We couldn't agree more and that obligation continues to this day. And, given a number of recent developments, it cries out for your office's review of existing circumstances and exploration of ways to continue to achieve the desires and specific wishes of Dr. Barnes.

In particular, your office has been requested to provide a specific answer to questions raised in Mr. Schwartz' June 30, 2007 letter to you. Larry Barth responded with a July 5th letter. But, unfortunately, he failed to respond to the three questions raised in the June 30th letter. Hence, we respectfully ask for those specific responses as soon as possible.

In addition to the Montgomery County recent offer of \$50 million to assist in retention of the Barnes collection in Lower Merion, there has been more activity in Lower Merion Township whereby the Township has approved zoning ordinance changes that will permit additional tourism activity at the Barnes. This will increase visitor revenues that would assist in maintaining the financial health of the Barnes at that location. Township Commissioner Brian Gordon can detail those activities for you if you wish.

In short, Dr. Barnes, as your office acknowledges, wanted his collection and facilities to permanently remain in Lower Merion Township. The Barnes Foundation petitioned the Orphans Court of Montgomery County for permission to move the Barnes collection due to its claim that it could not maintain the collection with its existing board make-up and financial resources. The Barnes Foundation Board was subsequently expanded and now additional financial opportunities are abundantly available to provide the financial security necessary to keep the Barnes in the Township permanently. Given your office's continuing "parens patriae" responsibility and duty, we ask and expect that your office would immediately petition Judge Ott to reopen proceedings to explore these most recent developments and reconsider his 2004 order. Please recall that Judge Ott's ruling indicated that the Barnes may, but is not required to, move the collection. Consequently, we would respectfully suggest that it is your responsibility to persuade the Barnes Foundation to consider the Montgomery County offer, together with these other developments in a good faith exploration of the possibility of retaining the Barnes in the Township. There can be no question that working out a financial arrangement with Montgomery County, and additional tourism arrangements with the Township, more closely comport with Judge Ott's concerns in a way that causes the least deviation from the intentions of Dr. Barnes.

We look forward to your response and thank you for your cooperation.

Sincerely,

Thomas Ellis, Esq.
Montgomery County Commissioner, Chairman

James R. Matthews
Montgomery County Commissioner

Ruth S. Damsker
Montgomery County Commissioner

Brian Gordon
Lower Merion Township Commissioner
Jim Gerlach
Member of Congress