

The Evening Bulletin

Montco Seeks Out Attorney General Over Barnes Role

By Jim McCaffrey

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Norristown - Montgomery County commissioners are demanding a reply from state Attorney General Tom Corbett to their request that the AG act on their behalf to protect the \$3 billion Barnes Art Collection from a move to Philadelphia.

The commissioners sent a letter to Corbett demanding he respond to their questions about his role as "parens patriae" for the Barnes Collection.

The world-famous Barnes gallery contains one of the world's great collections of French Impressionist paintings, and also includes extensive collections of old masters, sculpture, African Art, American painting and American Folk Art.

It was created by Dr. Albert Barnes, who intended the collection to be the basis for teaching his system of art education at the foundation he established in Merion prior to his death in 1951.

The endowment Barnes left for the continuation of the foundation has been spent, and the collection was in danger of being broken up when a number of local nonprofits, led by the Pew Charitable Trust, the Lenfest Foundation and the Annenberg Foundation, agreed to underwrite the expenses of the Barnes Foundation if it agreed to move its collection to Philadelphia.

The trustees won permission for the move from the Montgomery County Orphans Court. The city of Philadelphia has agreed to provide a six-acre site on the Benjamin Franklin Parkway for the Barnes to build the home for its collection.

Recently Montgomery County proposed purchasing Barnes Foundation property using a bond sale worth at least \$50 million. The Barnes has emphatically turned down the county's offer.

Parens patriae, a Latin legal term literally translated as "father of the people," gives the state the right to sue on behalf of the people when acting in their best interest - for example, protecting children from abusive or quarrelling parents or enforcing antitrust laws.

Noting that Corbett considers the move to Philadelphia a "closed matter," the commissioners lecture the attorney general in their letter, claiming, "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 [Montgomery County Orphans Court] Judge [Stanley] 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 duty and responsibility never cease as long as the assets of the charity continue to exist."

They add, "Clearly, as of this writing, Dr. Barnes' art collection and other cultural/educational assets do exist, remain in Lower Merion Township, and are subject to your office's continuing oversight to determine how best to secure and perpetuate the wishes of Dr. Barnes."

The letter insists that the AG is obligated to ensure that the Barnes' board complies with the law in governing the foundation's affairs.

"Given a number of recent developments," the letter concludes, "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."

Montco attorney Mark Schwartz commented Friday, "The judge said the collection "may' move, not that it 'must' move. Montgomery County has given the foundation a viable alternative to keep the collection in the county and the township. The Barnes board dismissed this with the back of their hand.

"The Barnes is supposed to be paying for a fine arts and horticultural school, not for the Philadelphia Bar Association."