

FRIENDS of the BARNES FOUNDATION

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FOR IMMEDIATE RELEASE:

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FRIENDS OF THE BARNES FOUNDATION PETITIONS JUDGE OTT, CITING MISCONDUCT BY FORMER ATTORNEY GENERAL MIKE FISHER THAT MISLED MONTGOMERY COUNTY ORPHANS' COURT

(NORRISTOWN, Pennsylvania, USA—Feb. 17, 2011) **Attorney Samuel C. Stretton, Esq.**

today filed a petition in Montgomery County Orphans' Court seeking to re-open proceedings on the matter of the Barnes Foundation and its change in governance and the plan to transfer its art collection to Philadelphia from its historic, 12-acre arboretum setting in Lower Merion Township. The petitioners are the citizen advocate groups **Friends of the Barnes Foundation**, **BarnesWatch**, and individual members long involved in efforts to stop the plan to dismantle the world-renowned Barnes Foundation complex in Lower Merion.

The petition cites newly available indications of misconduct on the part of **then-Attorney General Michael Fisher** as revealed in the documentary "**The Art of the Steal**" by Don Argott and Sheena M. Joyce. The statements by former Attorney General Fisher in the film reveal his active involvement **with Lincoln University's** decision to drop their legal opposition to the Barnes Foundation's petition seeking expansion of its Board and permission to transfer **Albert C. Barnes'** art collection from Lower Merion to Philadelphia. Mr. Stretton maintains that then-Attorney General Fisher's actions neutralized his role as *parens patriae* for the Barnes Foundation, a charitable entity. In part, then-Attorney Fisher said in the film,

“I don’t know that we were ever as direct as saying, “We can take this (the Barnes Foundation) away from you.” because that would take a court to do that, but I had to explain to them that, you know, maybe the Attorney General’s office would have to take some action, involving them that might have to change the complexion of the board. And, whether I said that directly or I implied it, I think they finally got the message.”

This is significant because Lincoln University was the only party with legal standing to intervene other than the Attorney General. Lincoln University’s decision to drop their petition meant the Attorney General was the only party with legal standing to question the proposed expansion of the Board and transfer of the art collection in Court. In today’s filing, Mr. Stretton maintains that because Judge Ott had no knowledge of the pressure by on Lincoln University then-Attorney General Fisher and no knowledge of the promises by then-**Governor Ed Rendell** for \$80 million in taxpayer funds for Lincoln’s University’s capital campaign, the Court was misled and the hearings were a sham.

The petition also addresses the claim put forth in earlier proceedings that the Barnes Foundation was unsustainable in its historic Merion setting and could only survive by moving from that 12-acre site to a location on the Benjamin Franklin Parkway with the support of fundraising by **Pew Charitable Trusts**, the **Lenfest Foundation**, and the **Annenberg Foundation**, who paid the Barnes Foundation’s legal fees to pursue the matter in Court. It is now known that \$107 million in public monies for the project was appropriated in a Pennsylvania Senate Capital Spending Bill, but that the Court was not made aware of the appropriation. Then-Governor Rendell has since released \$47.45 million toward the project in Philadelphia. The petitioners request standing in order to present evidence that the Barnes Foundation is financially

sustainable in Merion, and that remaining in the historic setting designed by Albert C. Barnes protects the Barnes Foundation from the significantly greater risks to which it would be exposed in a costly and much larger facility in Philadelphia.

The petition maintains that had the Court known of the actions by the Attorney General, standing for the petitioners could have been established under a private Attorney General theory. The petition states, “Acts of serious professional misconduct have occurred before this Honorable Court, which could well result in significant sanctions and professional discipline for those who participated in misleading this Honorable Court. The deceit to this Court clearly contributed to the lack of standing of others such as some of the Petitioners. Clearly, standing could have been established under a private Attorney General theory if the Attorney General’s conduct had been known to the Court.”

The petition and exhibits filed in Montgomery County Orphans’ Court today, will be made available on the website of Friends of the Barnes Foundation at <http://www.barnesfriends.org>

Mr. Stretton can be reached through his West Chester, Pennsylvania office at 610-696-4243.

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