

FRIENDS of the BARNES FOUNDATION

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FRIENDS OF THE BARNES FOUNDATION DECRY INTIMIDATION TACTICS BY PA ATTORNEY GENERAL

Attempt to wring additional money from citizens advocacy group.

MERION STATION, PA, U.S.A. – (May 8, 2012) **Friends of the Barnes Foundation** and **Barnes Watch** have waged a battle to preserve the Barnes Foundation in its historic Merion home for years. The advocacy groups' 2011 **Petition** brought new evidence to Montgomery County Orphans' Court about the Attorney General's role in the Barnes case. Now the Pennsylvania Attorney General's Office has filed an **Appeal** seeking additional unspecified fees and costs from the Petitioners. The Friends decry the action as an intimidation tactic on the part of the Attorney General against the Friends and their attorney, **Samuel C. Stretton**. The action has potentially chilling effect on legitimate advocacy by others who challenge the role of Attorney General in the future.

The Attorney General's description of the Friends' case as "baseless" inaccurately casts their good faith effort to bring evidence before the Court. The claim is inconsistent with the conclusion of Judge Ott, whose ruling only sanctioned the Friends for again bringing up a \$107 million state appropriation for construction of the Philadelphia Barnes facility. In his October 6, 2011 **Opinion** that denied standing for the Friends, Judge Ott wrote (Page 8, footnote 9): "We are not aware of any authority to impose monetary sanctions that benefit the Office of the Attorney General."

In response to the Appeal filed by the Attorney General, Friends of the Barnes Foundation Steering Committee member Sandra Bressler said, "This is an unjust, punitive action against Pennsylvania citizen advocates who brought serious and legitimate issues before the Court."

Background: In February 2011 Mr. Stretton filed a Petition bringing to the Court's attention new evidence of actions by of the Pennsylvania Attorney General showing the office's conflict of interest and coercive tactics that deeply impacted earlier court hearings on the Barnes matter. Mr. Stretton argued that the new evidence

would allow Judge Ott to grant standing to a third party under the Private Attorney General Theory and re-open hearings.

Earlier proceedings, in which only the Barnes Foundation and the Pennsylvania Attorney General participated with full standing, ended with the Court granting permission for radical changes in the Barnes Indenture of Trust. The Court decision also granted permission for the dismantling of the historically-significant site of the educational Foundation established by Albert C. Barnes in Merion, Pennsylvania, allowing the Foundation's art collection to be re-installed in a tourism venue in Philadelphia.

The case has inspired sustained international opposition and a widely-acclaimed documentary film released in 2009, "The Art of the Steal." In the film, former Attorney General - now Federal Judge - D. Michael Fisher told of threatening statements he made to the Trustees of Lincoln University, who at the time controlled nominations to the Board of the Barnes Foundation. Mr. Fisher said,

"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."

Mr. Stretton argued in the Friends' Petition that Mr. Fisher's stance toward Lincoln University's Trustees and the Barnes Foundation was inconsistent with the Office's *parens patriae* role in matters of charitable trusts and resulted the Barnes Trust having no protection in the ensuing court proceedings. Lincoln University, the only party other than the Barnes Foundation and the Attorney General with full standing, withdrew.

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Friends of the Barnes Foundation is an organization of citizen advocates working for permanent preservation of the Barnes Foundation in Merion, Pennsylvania as an intact, integrated cultural site bequeathed by Dr. Albert C. Barnes. For more information, visit www.barnesfriends.org

Barnes Watch is a registered 501(c)(3) non-profit organization dedicated to preserving the Barnes Foundation's art education program in Merion, Pennsylvania as developed and intended by Dr. Albert C. Barnes.
