

# **FRIENDS of the BARNES FOUNDATION**

Post Office Box 35, Merion Station, Pennsylvania 19066

e-mail: [barnesfriends@comcast.net](mailto:barnesfriends@comcast.net); [www.barnesfriends.org](http://www.barnesfriends.org); 610-667-0281

May 18, 2011

## **FOR IMMEDIATE RELEASE:**

For information: Nancy Herman 610-667-0281 or [barnesfriends@comcast.net](mailto:barnesfriends@comcast.net)  
Evelyn Yaari 610-864-6483 or [eyaari@comcast.net](mailto:eyaari@comcast.net)

### **FRIENDS OF THE BARNES FOUNDATION'S COURT BRIEF HAMMERS AWAY AT ATTORNEY GENERAL'S "ABSOLUTE CONFLICT OF INTEREST" THAT MISLED THE COURT**

(NORRISTOWN, Pennsylvania, USA—May 18, 2011) **Attorney Samuel C. Stretton, Esq.** today filed a Brief on behalf of Friends of the Barnes Foundation further to the Friends' Petition filed in mid-February. The Petition and Brief cite new evidence of serious misconduct on the part of **former Pennsylvania Attorney General Michael Fisher** that posed an "absolute conflict of interest" never revealed to Montgomery County Orphans' Court. The Brief cites as new evidence of misconduct statements made by Michael Fisher (now a Federal Judge) in the documentary film "**The Art of the Steal**" by **Don Argott and Sheena M. Joyce**. Mr. Stretton maintains that then-Attorney General Fisher's actions neutralized the role of the office of Pennsylvania Attorney General as *parens patriae* for the Barnes Foundation, a charitable entity, tainting the earlier Court proceedings like "ink in milk". The Brief asks the Court to re-open hearings and apply the Private Attorney General Theory to grant standing to the Petitioners. One of the Petitioners is art dealer, **Richard L. Feigen**, who said, "So I hope Judge Ott sees his way clear to correcting a public tragedy."

In "The Art of the Steal," Mr. Fisher spoke of his dealings with the Board of **Lincoln University**, the oldest historically black university in the United States, which at the time nominated four out of five Trustees on the Barnes Foundation Board. Mr. Fisher said in the film, "...maybe the Attorney General's office would have to take some action...that might have to change the complexion of the board" if they did not drop their opposition to the change in the By Laws of the Barnes Foundation that would practically ensure the move of the Barnes art collection to Philadelphia.

Lincoln University withdrew their opposition to the move, leaving the Attorney General as the only party with legal standing to represent the express terms of the Barnes Trust and the public interest. The Court had no knowledge of either the threats to Lincoln University's Board by then-Attorney General Fisher or the simultaneous commitment by **then-Governor Ed Rendell** for \$80 million in taxpayer funds for Lincoln's University's capital campaign. Therefore, the Brief states, the Court was misled and the hearings were a sham.

Mr. Stretton's Brief also addresses other issues in the matter, including:

- The Barnes Foundation was and is financially sustainable in its Merion setting.
- The Barnes Foundation Board never filed a request with the **Township of Lower Merion** for a change in Zoning provisions to increase visitation or hours.
- The Barnes Foundation comprises the art gallery and the 12-acre arboretum that were described in 1933 Court Testimony by **Albert C. Barnes** as "two aspects of one and the same purpose...(that) cannot be separated; they are one and indivisible."

A member of the Friends of the Barnes Steering Committee, **Sandra Gross Bressler**, said, "Albert Barnes was crystal clear that the art and arboretum are parts of one interrelated and carefully planned whole. The Barnes Foundation is, itself, a site-specific work of art. To remove the art would violate the integrity of this world class cultural institution." Retired attorney **Aram Jerrehian** said of the filing, "We hope that Mr. Stretton's bold advocacy will result in a full and fair trial so that justice will finally be served."

The Brief filed today will be made available on the website of Friends of the Barnes Foundation at [http://www.barnesfriends.org/files/legal\\_matters.html](http://www.barnesfriends.org/files/legal_matters.html). Mr. Stretton can be reached through his West Chester, Pennsylvania office at 610-696-4243.

For more information, visit the Friends of the Barnes Foundation website at

<http://www.barnesfriends.org>

###