

FRIENDS of the BARNES FOUNDATION

Post Office Box 35, Merion Station, Pennsylvania 19066

e-mail: barnesfriends@comcast.net; www.barnesfriends.org; 610-667-0281

July 29, 2011

FOR IMMEDIATE RELEASE:

For information: Nancy Herman 610-667-0281 or barnesfriends@comcast.net
Evelyn Yaari 610-664-2086; 610-864-6483 (cell) or eyaari@comcast.net

FRIENDS' LAWYER TO ARGUE IN COURT ON MONDAY FOR BARNES CASE TO BE RE-OPENED, CITING MISCONDUCT OF PENNSYLVANIA ATTORNEY GENERAL

(MERION, PA, U.S.A. – July 29, 2011) On Monday, August 1, **Samuel C. Stretton, Esquire** will argue before Montgomery County Orphans' Court Judge Stanley R. Ott 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 setting in Lower Merion Township. Mr. Stretton represents a group of petitioners that include the citizen advocacy groups **Friends of the Barnes Foundation, BarnesWatch**, and individual members long involved in efforts to stop the dismantling of the world-renowned Barnes Foundation complex in Lower Merion. Oral Arguments will be heard by Judge Stanley R. Ott in Courtroom "B" in the Montgomery County Courthouse in Norristown, beginning at **1:30pm on Monday, August 1.**

Mr. Stretton will cite newly available evidence of misconduct on the part of **then-Attorney General Michael Fisher** as revealed in "**The Art of the Steal**," a documentary 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. Those actions, and the fact that the Court was not informed about them invalidated the role of the Pennsylvania Attorney General's office 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 left the Attorney General as the only party with legal standing to question the proposed expansion of the Board and transfer of the art collection in Court. Mr. Stretton will argue that because Judge Ott had no knowledge of the pressure on Lincoln University by 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 not a valid adversarial legal process.

Mr. Stretton will also show that disputed testimony from Barnes Foundation witnesses pervaded the hearings and was not challenged by Deputy Attorney General **Lawrence Barth, Esquire**. Inaccurate claims were made in earlier proceedings about the financial sustainability of the Barnes Foundation in Merion, about accessibility to the site, about the potential for financial support and an endowment for the Foundation in Merion, about the litigation undertaken by the Barnes Board of Trustees and the extreme expenditures incurred by it. Mr. Stretton will also point to the absence of any references in earlier hearings to the extraordinary value of the Barnes Foundation as a site of national historical and cultural significance. Mr. Stretton will explain how in contrast, lengthy testimony about the Foundation’s far less significant holding, the Chester County estate, **Ker-Feal**, was designed to prevent the sale of the Chester County property from posing a viable alternative to moving the Barnes art collection to Philadelphia.

Mr. Stretton will argue 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**. This is described in the Friends' petition, which 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 legal documents filed in Montgomery County Orphans' Court by the Friends, the Barnes Foundation, and the Attorney General are available in the Legal Matters section of the website of Friends of the Barnes Foundation at <http://www.barnesfriends.org>

Friends of the Barnes Foundation is an organization of approximately 5,000 members worldwide who support preservation of the Barnes Foundation in Merion. The members affirm that The Barnes in its Merion setting embodies ideals of Dr. Barnes as a particular visionary, at a particular time in our history, in a particular place. The art collection, its **Paul Philippe Cret**-designed gallery building, and surrounding 12-acre arboretum are integral to one another and both have equally profound roots to the Merion site. To be authentic, the Barnes Foundation, in its entirety, must remain intact. For information, www.barnesfriends.org; www.savethebarnes.org

###