

# The Evening Bulletin

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## Opponents Promise To Block

by Jim McCaffrey

Philadelphia - Opponents of the Barnes Foundation move out of Lower Merion promised to use every legal means at their disposal to stop the \$30 billion collection from moving away from its Merion home.

"I am here today to ask you to help stop a robbery in progress," Robert Zaller, of the Friends of the Barnes, pleaded in his City Council testimony yesterday. "You, the members of the City Council, have just been asked to become the receivers of stolen goods. I ask you to reject this role."

The opponents of the move claim the grounds at the Barnes Foundation and building that houses the collection are a whole piece of cloth with the collection, entirely unique, and inseparable in design and execution.

"The persons who have presented the bill now before you ... represent a systemic campaign of fraud, misrepresentation and abuse," Zaller insisted. "The course they propose to you would rob Lower Merion Township and Montgomery County, of their proudest cultural treasure - a treasure that belongs to us, and to you, and to the world, but whose rightful custodians we in Lower Merion are and have been for more than eighty years."

Zaller, and those joining his plea to keep the Barnes where it is, believes visitors can be shuttled from the Parkway to the Merion campus.

The proponents of keeping the Barnes collection in its current location have a plan to bring the number of visitors at the present Barnes site up to 140,000 a year, more than double what is currently allowed.

They claim they can do this without unduly impacting the neighborhood. In fact they say most neighbors are in favor of keeping the Barnes on Latches Lane.

Lower Merion Commissioner Brian Gordon, speaking for his board and the Barnes neighborhood, told the Council committee, "We are determined to keep [the Barnes Foundation] as its founder wished, where it is, together with its 12-acre arboretum in the building designed for the collection by Paul Cret. It is an historic and aesthetic masterpiece, known and revered internationally."

He added, "We have asked that the plans to move the Foundation be 'forever abandoned.'"

Bryn Mawr attorney Mark Schwartz represents the Friends of the Barnes. He is in negotiations to represent the County Commissioners in the Barnes matter. The commissioners will announce their choice for that job tomorrow.

The Montgomery County Commissioners have already passed a resolution opposing the Barnes move and vowing to legally challenge any attempt to take it out of Lower Merion.

Schwartz believes the proposed Barnes lease with the city is "dead in the water."

"The lease is an absolute non-starter," he declared. "The lease is legally infirm for a whole lot of reasons.

"The [YSC] has been a substandard facility for 25 years. They will never move it in time. Is the Youth Studies Center [in the meantime] going to be some sort of mixed use facility where you have art classes on Monday and youth rehabilitation on Tuesday?"

Schwartz said among the things he is talking to Montgomery County about is declaring the Barnes Foundation an historic resource. That would be ironic given Philadelphia for much the same reasons he, in considering, did the same thing to block the sale of Thomas Eakins' painting, "The Gross Clinic."

He threw out another point he hoped would strengthen his legal argument against the move.

"The Barnes Board is known to be one of the worst managed boards in the history of mankind," he declared combatively. "They've got an historic piece of property too. Why didn't they certify that? There are a number of things Montgomery County could do to help the Barnes that would be less drastic than a move."

Schwartz asserts the Montgomery County Orphans Court, the arbitrator of the Barnes Foundation Charter and Dr. Albert Barnes will, has the final say on the proposed lease.

"My reading of this lease is that it is DOA," Schwartz declared. "This hearing today had less to do with the Barnes and more to do with getting Councilwoman Jannie Blackwell off dead center and moving on the new [YSC]. In 2004 the new detention center was sited in her district. She is not in agreement with it.

"The city is glacier like when it comes to moving on things like this. Anyone who thinks the [YSC] will be moved by next year is smoking something. The only thing confirmed to be out of there by May of '08 is Mayor John Street."

Schwartz has a theory on why PAID finds itself in the middle of the lease deal between the city and the Barnes.

"This is Ed Rendell's way of getting state appropriations to the city. It's a way to funnel that money," he insists. "I call the \$107 million in the state budget the immaculate appropriation because know one knows how it got there."

The attorney says the sad part is moving the Barnes to the city will prove far more expensive than if the organizations had just plugged the foundation's budget hole instead.