



Who knew about the Barnes secret budget item? Who kept it quiet?

by **Bruce Schimmel**



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Last March, when Gov. Ed Rendell came up with \$25 million to move the Barnes Museum to Center City, it looked like the long and nasty battle over the multibillion-dollar art collection was finally at an end.

The Pew Foundation's Rebecca Rimel was joyful. Pew had helped pay for the lawsuit that broke Barnes' will, getting a ruling that would allow the move downtown. Rendell's \$25 million gift was especially welcome, topping off Pew's growing \$150 million fund to build a new museum on the Parkway. "We're rounding third base," Rimel reportedly said, "with a wind at our backs."

But now, Rimel could be tagged out at home. The "Friends of the Barnes," a group fighting to keep the institution intact, have recently uncovered some damning evidence about who knew what, and when, about Rendell's \$25 million.

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The Friends recently discovered that the governor was pulling the money out of an obscure \$100 million item from the 2001 state capital budget. This was earmarked to move the Barnes, and put in place months before Pew filed suit.

In 2004, when Judge Stanley Ott reluctantly decreed that the Barnes' indenture could be broken, chief among his reasons was the museum's failing finances. Since there's no record of the \$100 million item being mentioned in court, one of the Barnes Friends wrote to Judge Ott. Did the judge know about the budget item in 2004?

The next day, on gold-leaf court letterhead, the judge wrote back, saying that this was "to my knowledge, the first I've seen or heard" of the budget item. Ott added that he could "certainly understand how the line item in question would prompt speculation."

Indeed it has. Enough speculation, I hope, to stop the dismemberment of this unique cultural institution. Philadelphia cultural leaders, well-intentioned or not, have no right to purloin this treasure.

Had someone told Ott about the secret item, the case might have gone the other way. The Barnes would stay in Merion, where many art critics and curators agree it belongs.

The Friends fear that this buried budget item is part of a larger conspiracy to, in effect, steal the Barnes. Their fear gained traction after Christopher Knight broke this Philadelphia story in the *Los Angeles Times* on Oct. 16. Since then, several Philadelphia media outlets have picked up parts of the black-budget story — though at press time, neither the *Inquirer* nor the *Daily News* have weighed in.

Among those now listening to the Barnes Friends is U.S. Rep. Jim Gerlach, who recently introduced a bill in Congress that would reverse the court's decision.

And just before Halloween, Gerlach invited the state's executive deputy attorney general, Alexis Barbieri, to a sitdown — which I attended. Barbieri is the state's chief charity fraud investigator, and she came with a couple of state attorneys. Gerlach was accompanied by an angry octet of Barnes Friends. They presented Barbieri with a detailed memorandum that, among other things, asks her to find out who knew about the secret budget item.

"This [news] came as quite a surprise," Barbieri said cryptically. But she brushed off further questions about who else in the Attorney General's Office might have known. "This is not a cross-examination," replied Barbieri, adding that "we need to move forward."

But the past may haunt the Attorney General's Office yet. During the 2004 trial, the attorney general was Mike Fisher, who is portrayed in an *Inquirer* investigative story published last May as Ed Rendell's gopher. To appease Lincoln University — which then controlled the Barnes board — Rendell reportedly promised to help raise \$100 million for the university. But if Lincoln didn't relent, Rendell reportedly threatened to send his attorney general into court to make the case for busting the board.

At the time, did Fisher know about the secret budget item? Did Rendell? Did Pew? If so, should someone have told the judge? In 2001, somebody had to know about this \$100 million. In 2004, they kept quiet as the court agonized over trashing Albert Barnes' indenture. To move forward, to help save the Barnes from the arrogant ministrations of Philly's culturati, we need to find out who knew. And who kept quiet.

(bruce@schimmel.com)