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Protesters gather to keep the Barnes in Merion

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It ain't over till it's over.

So the Friends of the Barnes Foundation contended Sunday as a contingent of about 45 protesters led a vigil across from the Merion gallery built by the late Albert C. Barnes to house his spectacular collection of art.

They gathered in the raw January weather to mark Barnes' 139th birthday and rail against the coming transfer of the collection to new digs in Philadelphia.

It hardly mattered that it has been almost seven years since a Montgomery County Orphans Court Judge approved a plan to override Barnes' will and move the collection, which includes hundreds of works by such masters as Renoir, Cézanne, Henri Matisse and Picasso. Or that the collection's next home is already rising at 20th and the Benjamin Franklin Parkway.

"It is never too late to save this institution," said Jay Raymond, 56, a founding member of Friends of the Barnes Foundation. "A Barnes in any other place will never be the Barnes."

The group is hanging its admittedly slim hopes on court challenge that West Chester Attorney Samuel Stretton said he would file within a week.

Stretton said he will ask that the original case be reopened, arguing that then-State Attorney General and now-Federal Judge Michael Fisher was too supportive of the coalition of individuals and groups that pressed for the Barnes to be moved to Philadelphia.

As Attorney General, it was Fisher's job to represent the interests of the state's citizens, not one side or the other in the dispute, Stretton said.

Stretton said he questioned Fisher's actions after seeing him interviewed in the 2009 documentary, *The Art of the Steal*, which offered a critical view of the machinations that ultimately led to the planned move of the Barnes.

It is not the first time the Attorney General's role in the case has been challenged.

In 2004, Montgomery County Orphans' Court Judge Stanley Ott issued a blistering critique of the Attorney General's position, making same point as Stretton.

In response to Ott's criticism, Sean Connolly, spokesman for the Attorney General's Office, agreed that "the attorney general represents the public, not one side or another in charitable matters."

"In this case," he said, "we supported the petition because, in our view, it was in the best interest of the public."

Despite his unhappiness with the Attorney General's office, Ott ultimately approved the plan to move the Barnes, which would not seem to bode well for Stretton's attempt to raise the issue now.

In his ruling, Ott acknowledged that Barnes' will stipulated that his collection never be moved, but determined nonetheless that the Barnes Foundation was in financial trouble and the move to Philadelphia was in the best interest of the collection.

However slender a reed of hope Stretton's legal maneuver offers, supporters of keeping the Barnes in Merion who gathered Sunday were determined not to give up.

As two Lower Merion police officers looked on, the protesters ran a strip of yellow "crime scene" tape the length of the Barnes property facing North Latch's Lane.

Others held signs bemoaning the coming loss of the Barnes and condemning those they saw as coconspirators in the move. Those included Gov. Rendell, Rebecca Rimel, president of the Pew Charitable Trusts, and philanthropist Gerry Lenfest.

Georgina Shanley, who gave her age as "older than time," stood with a sign that read: "A man's will should be honored."

"I believe a person's will is sacred," said Shanley, who drove up from Ocean City, N.J. for the protest. "It is robbery what they are doing here."

Watching from the Barnes property was Andrew Stewart, the Barnes' marketing director and spokesman.

"The Barnes is moving a head," he said, when asked about the protest. "We are making progress on our new building."

The Barnes Foundation has raised \$160 million of the \$200 million needed for the project, he said. Of that figure, 80 percent has come from private donations, he said.

The Barnes will close its Merion galleries this June, he said. The new museum, on the Parkway, is scheduled to open in late Spring, 2012.

That is, unless the Friends of the Barnes get another say.

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