

Barnes Watch

The Vultures Return

Politics, mere prestige, and the activities of those who have wealth without intelligence or discrimination, or good intentions without discernment, are largely in control in existing institutions and academies and their hand is fatal to any real aesthetic cultivation.

Albert C. Barnes, *Art and Education*, preface (1929).

Once again, the Barnes Foundation is under siege. With the backing of some of the country's wealthiest charities, the trustees of the Barnes Foundation have petitioned the Montgomery County court that oversees charitable trusts for permission to completely eliminate the terms under which Dr. Albert C. Barnes gave his art collection to the public. The petition, which includes removing Barnes' ban on the sale of the Foundation's artwork, is based on a politically popular bid to move the Foundation's art collection out of the Paul Cret-designed gallery Barnes commissioned in Merion to the museum district in Philadelphia. As was the case in the early 90s, when the predecessors of the current trustees attempted to sell artwork and later settled for huckstering the collection on tour, the present trustees' case is built on the dubious premise that the Foundation cannot survive unless the entire trust indenture is thrown out and the trustees are allowed to operate the institution not as its donor intended, but as they (and their politically powerful backers) wish. As demonstrated below, most of the Foundation's expenses are newly created, including a 25% jump in 2001 alone, when the Foundation began considering moving the collection.

The current plan is backed by charities worth billions, including the Pew Charitable Trusts, the Lenfest Foundation and the Annenberg Foundation, some of which are paying for both the Foundation's legal fees and a New York based public relations blitz. Any one of these tax-exempt entities could easily fund the Foundation's operating expenses in Merion on their pocket change, but instead they have mounted an all-out attack on the legal footing that for over seventy years has ensured that the Foundation's collection would be used primarily as a teaching tool as Barnes intended.

The current corporate take-over of the Foundation's collection for the benefit of the tourism industry and the prestige and money the Barnes paintings will allegedly bring to a debt-ridden City of Philadelphia is the culmination of a campaign begun by Walter Annenberg in the 1950s shortly after Barnes' death. Annenberg, who spread his publishing millions distancing himself from his father's underworld roots by making gifts to numerous charities and more than a few politician's pockets, used his newspaper, the *Philadelphia Inquirer*, to undermine the Foundation's educational mission, tar Barnes as a

lunatic and eventually force Barnes' hand-picked trustees to operate the institution as a museum two-and-a-half days a week. Barnes himself provided that on Saturday the collection should be open for free, but that Monday through Friday it was to be used solely and exclusively for education in the appreciation of the fine arts.

Annenberg's first effort eliminated 20% of the available educational time. In the 1990s, at Annenberg's urging, Foundation president Richard Glanton petitioned the court for permission "to take any . . . action regarding the physical facilities, collection, art gallery, arboretum, properties or any other interests of the Foundation"—a request similar in substance to that of the Foundation's current board. Glanton ultimately won court approval for an additional day per week of museum use, cutting the available education time to three and a half days per week in contrast to the five days mandated by Barnes. Not content with this, some of the area's wealthiest charities are now backing the current trustees' plan to move the collection to what will surely be a full-time museum on Philadelphia's Benjamin Franklin Parkway, thus completing the campaign—begun by Annenberg—to end the use of the collection for first hand study in aesthetics and remove it from the gallery Barnes commissioned.

The story is similar to the fate of the Johnson collection, which socialites of an earlier era found too inconvenient to visit in Johnson's South Philadelphia house. They convinced a Philadelphia court that the place was unsafe and filled the vacuous halls of the then-new Philadelphia Museum of Art with artwork Johnson donated to the public on the condition that it remain together in his house. Today, Annenberg's name greets visitors to the Philadelphia Museum of Art wing, where the core paintings are from Johnson's collection. No doubt the backers of the current plan expect similar treatment once they have torn the Barnes paintings from their home.

Because Barnes donated his collection through an Indenture of Trust, which legally protects his mandate that it not be used as a full-time museum, the Foundation's trustees must convince a court that the trust can be broken because it is impossible to run the institution under its terms. To achieve this "impossibility," the trustees have resorted to the same ploy Glanton used in the 90s—an inability to meet expenses.

In Glanton's case, a tremendous expense had to be invented as the Foundation was completely solvent at that time on a \$1 million annual budget. A hugely trumped-up renovation scheme, ultimately reported as costing \$12 million, was the device for the first plan to break the Indenture. Insiders have noted that all that was really necessary was a roughly \$1.5 million upgrade to the environmental controls. "That figure suddenly became \$15 million, [Glanton's] deliberately

overstated the expense of the restoration.” *New York Times*, April 4, 1993 at H2. In his detailed 1993 exposé, *The Barnes Case, How the Trustees Faked It: Renovation Budgets and Other Hoaxes*, A.F. Brown equated the trustees’ invention of a crisis that would raise their standing to Munchausen’s Syndrome by Proxy, where “an illness is fabricated or induced in children by parents or caretakers for the attention and sympathy they gain from others and for the sense of control they gain from caring for a sick child.”

With the “museum in sore disrepair” hoax now unavailable—exposed as it was by Brown and with \$12 million in “repairs” having been completed in 1995—the trustees’ invented illness this time appears to be to spend the Foundation into unmanageable debt. Due credit must be given to the Glanton-era trustees, however, who began ballooning the budget back in 1991, and used the inflated expenses in 1995 to demand full time museum use from the Orphans’ Court. At that time, when the claimed annual budget was supposedly \$1.3 to \$1.6 million, the court ruled that the Foundation should have been able to meet these costs while operating as intended by Barnes. At the time, the court noted that turning the Foundation into a full time museum, which Glanton wanted, was “far beyond the donor’s intent.”

Since the court turned Glanton down in 1995, the Foundation has spent over \$5 million in legal fees, waging, among other pointless battles, a “frivolous and cynically brought” civil right suit against Lower Merion Township and its residents, aspects of which the Foundation is still fighting. Not content with blowing the remaining endowment on legal fees, Glanton’s successors have ballooned the annual budget from a projected \$1.5 million for 1996 to nearly \$4 million in 2001. A large portion of this went to increasing staff and management. This was a blatant violation of hiring limits Barnes mandated in order to prevent the trustees from doing exactly what they have done: turned an institution created to operate a highly focused unique program of study into a corporate model chasing grant makers with a variety of trendy offerings, all of which would have repulsed Barnes—who realized that little could be learned by “aimless wandering through art galleries.”

Pew, etc. Aim to Shred Barnes’ Blueprint: What Is at Stake

The Indenture of Trust of the Barnes Foundation, which the trustees (and their wealthy backers) seek to wipe out entirely, represents more than a simple legal document establishing rules for operating a charitable institution. In the words of one legal commentator:

The conditions represent Barnes’ overarching methodology and his intention as to how to perpetuate his Foundation. These conditions are mandatory, non-negotiable terms that the donor deemed necessary to guide the trustees in their management of his educational designs . . . They should be honored to the fullest extent possible.

Chris Abbinante, *Protecting “Donor Intent” In Charitable Foundations: Wayward Trusteeship and the Barnes Foundation*, 145 U. Pa. L. Rev. 665 (1997).

Not content with damage the Glanton era trustees did to undermine Dr. Barnes’ intentions, the current trustees seek to wipe out all terms of the Indenture of Trust. This would:

- Allow the Foundation to sell, loan or buy new paintings without court approval. The news media (perhaps lulled by meaningless promises that “we would never do that”) have shamefully ignored this aspect of the court petition. A similar attempt by Richard Glanton in 1991, raised a firestorm of protest.

- Allow the Foundation to display the collection in a full-time museum. This is no doubt the central reason for the legal fee and public relations support of Pew etc., not to mention the support of political heavyweights such as Pennsylvania’s governor, himself a beneficiary of hundreds of thousands in campaign gifts from the Annenbergs and Lenfests.

- Eliminate trust terms ensuring uninterrupted first hand access to the collection for students of the art education program at least three and a half days per week. Incredibly, the Orphans’ Court ruled that the students do not have any immediate interest in the present court proceedings despite the fact that they stand to lose this essential feature of the original Barnes program. The ruling is perplexing given that the central theme of the trustees’ petition is to create a full-time museum—a direct conflict with Dr. Barnes’ mandate that the galleries be primarily used “solely” for established education programs.

- Eliminate trust terms that ensure a reasonable admission fee on public visiting days. Instead of returning to court with evidence of a need to raise the fee, the Foundation has been skirting the 1995 Orphans’ Court ruling requiring a \$5 admission limit by requiring advanced ticket purchases and then charging a handling fee for each separate date booked, not to mention a \$10 advanced parking fee.

- Eliminate trust terms that keep staff numbers consistent with the highly focused educational program Dr. Barnes intended. As detailed below, the present regime has flouted this rule, nearly doubling the already inflated staff-related expenses of the Glanton era.

- Eliminate trust terms that require that the Foundation’s galleries and art collection be used only for events whose sole purpose is to benefit the Barnes Foundation. This term as well has already been violated in numerous ways, including one notorious event during the 2000 Republican National Convention where a drug company used the Foundation to host politicians. The premise that a donation is paid to the Foundation does not remove the fact that, as the Orphans’ Court termed it, “a hall for hire” flies in the face of Barnes’ “unwavering contention that art is no trivial matter, no device for the entertainment of dilettantes, or upholstery for the houses of the wealthy, but a source of insight into the world.” Albert C. Barnes, *Art and Education*, preface to 1st ed., 1929. If the trustees have their way, a hall for hire will likely be the norm, with high rolling companies using the art collection as a backdrop to

corporate schmooze fests, while Barnes' treasured educational program is removed to "new classrooms."

The Foundation's Financial Picture: an Exercise in Unchecked Spending

While the media have swallowed whole the Foundation's claims of financial crisis, there has been no independent investigation of its books. A fair picture of the Foundation's excessive spending can be easily made, however, from its publicly available tax returns and court documents from the Glanton era. Consider the following:

- In 1990 the Foundation was solvent on a \$1.1 million budget. Since then, unchecked increases in hiring and other costs have resulted in a 2001 budget of nearly \$4 million. The road to Philadelphia was laid out in the March 6, 2001 *New York Times* by Ed Rendell, who is now Pennsylvania's governor. "[I]f it continues to have fiscal problems then I think this talk [of moving] will ripen and it will be something that needs to be taken seriously. . . . If their reform plan doesn't work, then moving to the city becomes a viable option." As if on cue, the Foundation increased spending from \$3 million in 2000 to \$3.9 million in 2001 with an \$855,940 deficit. Add to this the fact that local charities had also gotten the message: don't help the Barnes Foundation now, it will only delay the excuse for moving to the city.

- A 1995 Orphans' Court ruling made Indenture changes affecting investment policy and allowed increased public attendance (cutting into the available art education time), increased gallery admission fees and fundraising events at the Foundation's gallery. All of these measures, not to mention the Foundation's shameless marketing of copies of its artwork, should have increased revenue to the Foundation.

- In 1999 the Foundation took in roughly \$1.1 million, not counting a grant of \$750,000 from the de Mazia trust. Thus, the Foundation was regularly generating sufficient income in 1999 to support its 1990 level of expenses, despite the loss of income due to its irresponsible wasting of the original endowment. In addition to this income, the Violette de Mazia trust (established by Barnes' collaborator in the art program and co-author on numerous books) is spending significant sums for access to the Foundation's gallery for its own "Barnesian" art education program. There is no reason to doubt that such "support" would not continue in the future as the de Mazia funds must be spent on programs that "most closely complement the purposes and practices of the Barnes Foundation" (at least as those practices were in 1988 when de Mazia died). For the fiscal year ending June 30, 2001, the de Mazia trust had \$414,655 in annual income from its endowment.

- Since 1991, the Foundation has been steadily increasing the numbers of staff and other employees, in direct violation of Indenture limits on hiring and with obvious adverse financial consequences. This was brought to the attention of Deputy Attorney General Lawrence Barth in 1999, 2000 and 2001, with no apparent action on his part (and no reply either).

- As the accompanying chart on the cover shows, had the Foundation maintained the same level of staffing that it

had up until 1990, its wage-related expenses would be at least \$900,000 lower than it spent in 2001, even allowing for reasonable increases based on published cost of living allowances.

- For example, in 1998, with no clear source of support for the additional expense, the Foundation hired "CEO" Kimberly Camp at a reported salary of "around \$150,000." This came in a year when new board president Ken Sadler admitted that the Foundation was running a deficit. (*Inquirer*, Feb. 15, 1998). As of 2001, Camp was making \$170,000 per year, not including benefits.

- In addition to Camp's outrageous salary, by 2001 the Foundation was paying \$71,896 for a "Director of Development," \$60,200 for a "Director of Education," \$72,100 for a "Director of Finance," and \$57,304 for a "Director of Merchandising." With the possible exception of the Director of Education, none of these positions is allowed by the Indenture, which clearly mandates that the Foundation's organizational chart was to remain unchanged after Barnes' death. In response, the Foundation's lawyers have claimed that a 1971 decision that allowed minor Indenture changes due to infla-

**Had the Foundation maintained the
same level of staffing that it had up
until 1990, its wage-related expenses
would be at least \$900,000 lower than
it spent in 2001, even allowing for
reasonable increases based on
published cost of living allowances.**

tion allows this full-scale assault on Barnes' original premise. This argument ignores the court's ruling that states: "we shall not give the Trustees unlimited authority to pay any salaries, or hire any number of employees, they desire."

- A recent Foundation publication listed a "Collections Staff" including: a conservator, a conservator's assistant, a registrar, a registrar's assistant, a collections assessment project director, a collections assessment project director's assistant, an archivist and an art handler. In 1998, prior to Camp's arrival, none of these positions appeared on an already expanded organizational chart. The Indenture mandates that there shall be nothing more than a single "art director . . . to supervise the gallery [and] see that the paintings are properly cared for." It is inconceivable that it now takes an eight person "collections staff" to do the job of one person, especially when it is widely recognized that the paintings as cared for on the Foundation's pre 1990s budget are in remarkably good condition.

- The Foundation's cost of insurance for 2001 was \$194,767—a 500% increase over the 1991 rate. One likely

source of the increase is the Foundation's numerous lawsuits, perhaps a hangover from the Glanton era, but one which it continues to feed, as it still refuses to settle a legal fee dispute over the "cynically brought ...frivolous" civil rights suit against its neighbors. The art collection itself is not insured, as the ever cost conscious Dr. Barnes mandated that it not be insured in the Indenture. One possible source of the huge increase is that the Foundation changed the amounts of coverage. For example, an increase in the insured limit for directors' and officers' liability could raise the rate significantly.

- In 1993-95 the Foundation installed state of the art security systems, including video cameras in each of the rooms of the art gallery. According to the previous trustees, this system was installed at great cost, in part to reduce the manpower costs of security. Yet in 2002, the Foundation spent more than twice what they did on security before the system was installed.

- For an institution that is supposedly cash-strapped, the Foundation had no problem spending almost \$30,000 on travel and conferences in 2001 and another \$78,000 on printing and publications. Those who visited the gallery pre-Glanton will recall that the only printed offering was a small three-fold pamphlet that quite succinctly explained the Foundation, its purpose and its educational programs. No one stayed away because of the lack of slick full color brochures, which are in abundance at the gallery today.

In sum, the Foundation is rife with unnecessary expenses, while its sources of income have greatly increased since the time when it managed almost exclusively on the income from its \$10 million endowment. Someone a little creative might go back and try to hold the trustees who squandered that money responsible for the loss. In fact, Deputy Attorney General Lawrence Barth suggested as much in 1998. "The board of trustees are fiduciaries, and they are responsible for their actions. If someone complains and the complaint is sustained by the court the trustees can be held liable for their actions." *Inquirer*, Feb. 15, 1998. But unlike the situation at Lincoln, where in 1998 Attorney General Mike Fisher ordered an independent forensic audit, Barth allowed the Foundation to hire its own auditor. According to the *Inquirer*, Barth never followed up on that audit, Nov. 2, 2000. He has also not responded to entreaties for three years running to halt the Foundation's expansionist hiring in violation of the Indenture. Now that the political powers are behind the move to Philadelphia, don't expect anything from the Attorney General that would upset the "Barnes is broke so it has to move" story.

As was the case in the Glanton era, the news reports of the Foundation's "dire" financial condition have become reality in the public's eyes. Never mind that the reports are merely parroting statements and press releases by the Foundation and the New York public relations firm, the Kriesberg Group; or that no newspaper or magazine has done even a cursory, let alone serious, investigation of the Foundation's finances. The media have swallowed the story, which now represents the "truth." For what it's worth, the Foundation has reportedly refused to participate in a piece by the investigative television news program "60 Minutes," no doubt in the hope (apparently

realized) that without the Foundation's cooperation (and access to attention-grabbing artwork) the producers would drop the story. They needn't have bothered. With the high dollar charities behind the plan and its well-oiled political support, it's doubtful that the mainstream program would have rocked the boat.

Likewise, the Foundation hopes to bring its version of the financial picture to court without any serious challenge. The trustees opposed the participation in court of three students who specifically mentioned the need for in-depth discovery of financial documents in their petition to intervene in the proceedings. The Foundation's claim that additional parties to the proceeding add legal expenses—a non-issue as Pew etc. are reportedly paying the freight—is a screen for its real concern that someone might actually challenge the party line in court with real data such as that demonstrated above. Don't expect the Attorney General to do any serious investigation either. His deputy with oversight over the Foundation, Lawrence Barth, has ignored the Foundation's overspending (much of which resulted from Indenture violations) for years, and apparently never followed up on the Foundation's internal forensic audit. As reported in the *Inquirer*, Feb. 13, 2003, the Foundation has already succeeded in enlisting the attorney general and the governor in an effort to mollify the Foundation's objectors so as to preclude their participation in court. This would allow a virtual free ride for the Foundation to promote whatever financial picture it likes.

Supporting the trustees' case will be a big name accounting firm's report that the Foundation cannot continue to operate under the Indenture terms. The weight of such an opinion, however, which was likely generated from a Foundation wish list of "necessaries," must be viewed in the post-Enron era with considerable skepticism. At one point, the firm recommended that the Foundation needed an \$85 million endowment to survive—a laughable prospect given that the Foundation was totally solvent on a \$10 million endowment as recently as 1991 when admission fees were \$1 and a host of other income-producing sources that exist today were not in place. Nevertheless the \$85 million figure was duly reported by the media.

False Promises: Court Documents Show New Museum Will Not Duplicate Barnes' Installation of the Collection

In their statements to the press and their lawyer's oral argument in court, the Foundation has repeatedly promised to install the artwork in the proposed Philadelphia museum-gallery "exactly" as it was in the Merion gallery. A look under the surface of these statements suggests otherwise. For example, a November 18, 2002 press release states that the Foundation will "maintain in its new gallery the ensembles developed by Dr. Barnes." Sounds good, except that ensemble simply means "a group constituting an organic whole." The word does not imply anything about the physical arrangement of the elements of the group or the spacing between them, nor does the state-

ment assure that all 23 rooms will be reinstalled. Equally unconvincing is Kimberly Camp's October 11, 2002 couched statement that the works will be installed "following the same pedagogical principles espoused by Dr. Barnes." Since the goal of moving the collection is to maximize public visitation, it seems clear that the design of the intimate rooms of the Foundation will not be replicated in the new building. In fact, before the 1993-95 tours were even court-approved, former National Gallery of Art director Carter Brown admitted that he would not install the Barnes paintings at the National Gallery exhibition as they are at the Foundation because it would impede crowd flow to have so many works so close together. The Barnes galleries and the painting arrangements were made to support the educational program, not public visitation. As it seems clear that tourists, not students, will have the run of the new galleries, the trustees have little reason to replace the setup, which will only hamper their stated goal of increasing visitation.

There should be public outrage that this one man's vision, cultivated over nearly half a century will now be upended by johnny-come-lately trustees and their wealthy backers who think they can just order up "more splendid quarters" from the latest trendy designer and slap them on Barnes' magnificent collection like a new pair of shoes.

In fact, the Foundation's legal memorandum filed September 24, 2002 ("memo of law") shows that the visual relationships painstakingly developed over decades by Barnes will not be replaced exactly. "[W]ith the proper funding and support, the acclaimed collection now in the Foundation's Merion gallery could be displayed in a larger, more user-friendly gallery, offering . . . a welcome viewing experience for students and seasoned and novice visitors alike." (emphasis added) What this means is anyone's guess, but it is clear that the visual relationships setup by Barnes will be far from "identical" if they are somehow slapped into "larger more user-friendly" galleries. Of course all of this is aimed at accommodating "seasoned and novice visitors alike," all at the expense of the only reason the Foundation was set up in the first place, and the sole reason Barnes placed strict limits against rearranging, selling and loaning the artwork, namely that the collection was to serve as first hand material for its classes in aesthetics. But that is not the aim of the Foundation's current trustees, whose memo of law refers to "more splendid and accessible quarters." More splendid? There should be public outrage that this one man's

vision, cultivated over nearly half a century will now be upended by johnny-come-lately trustees and their wealthy backers who think they can just order up "more splendid quarters" from the latest trendy designer and slap them on Barnes' magnificent collection like a new pair of shoes.

Equally dubious is the Foundation's assurance that "art classes will be housed in the new gallery where the collection is housed, and the artworks will continue to be used in connection with the education program." Press release Nov. 18, 2002 (emphasis added). In the first place, this assurance rings hollow against the statement of the Foundation's lawyer in the October 11, 2002 *Inquirer* that the art classes would remain in the Merion facility after the artwork moved to Philadelphia. Second, the Foundation's memo of law refers to "added classrooms" in the new building. In other words, separate rooms where classes will be held while the tourists mill about in the user-friendly galleries. Camp's statement that the artwork would be used "in connection with" the educational program does not say that the classes will be held in front of the actual paintings. More likely, the plan for "added classrooms" only confirms that students will be separated from the artwork. Of course this naturally follows the Foundation's desire to eliminate all terms of the Indenture, including the mandate that five days per week (now three and a half) the gallery be open "solely and exclusively for educational purposes to students and instructors of institutions which conduct courses in art and art appreciation." Pew etc. are not paying the Foundation's legal bills so that they end up with a three and a half day museum in Philadelphia, it is clear they want a full-time museum, leaving the true beneficiaries of the Barnes trust—students of his art program—to be housed in new classrooms to view "digital reproductions" as Camp suggested in a meeting with current Barnes students.

Can a Sale of Barnes Paintings Be Far Away?

Any promise to replicate the Barnes galleries in the new museum building must be weighed against the Foundation's admission in its memo of law that it wants to be able to

tak[e] advantage of opportunities to enhance its collection through strategic purchases of works of art that would complement its current possessions, and from borrowing works that, when added to its own works of art, would offer unique special exhibits that could attract both donors and public visitors. (emphasis added).

This admission must be coupled with another in the memo, which states that the Indenture's

prohibition of loans or sales of any portion of the art collection . . . severely restricts the Foundation's ability to use its invaluable collection to attract donors and to promote education and the appreciation of the fine arts, and [the provision] must be eliminated to give the Foundation discretion to manage its collection. (emphasis added).

Taken together, these two statements show that the Foundation has no intention of keeping even the same paintings let alone the exact visual relationships Barnes created. Worse, it wants the ability to essentially create a new collection that Barnes would never recognize.

The fact that these statements have not been reported by the media may account for the lack of public outcry over the present petition. Conversely, the fact that there would be an outcry may account for why they have not been reported by the *Inquirer*, which welcomed the news of a move to Philadelphia as “a rare opportunity to benefit the region.” This indifference to the fate of the collection as assembled by Barnes is appalling given that the Barnes Foundation is widely recognized as a “rare thing, a great American collection that remains free-standing and thus preserved in its totality.” Eric Gibson, *The Washington Times*, April 30, 1993. If the court gives the Foundation what it wants, it may soon be prey to what Gibson termed an “epidemic of cavalier stewardship [where] collections have been treated not as objects of enduring value but like pieces in a stock portfolio, to be traded or cashed in as fashion dictates.”

la Danse: Adrift Again in a Foreign Space

In the 1993-95 painting tour, museum directors from Philadelphia to Washington to Paris displayed their ignorance of even the most obvious visual relationships by installing one Barnes work, Matisse’s *la Dance*, at eye level in cavernous boxy rooms. Will a similar fate await the work in the proposed new Philadelphia museum? Matisse created the thirty-foot-long mural consisting of three canvas panels specifically for the Barnes Foundation. So married was the work to the space that Matisse spent a year reworking it when he realized that his measurements were off slightly. Matisse wrote:

I had to stay in strict conjunction with the masonry, so that the lines would hold their own against the enormous projecting blocks of the down-curving arches, and even more important, that the lines would follow across them with sufficient vitality to harmonize with each other. Architectural painting depends absolutely on the place that has to receive it, and which animates it with a new life. Once it is placed there, it cannot be separated.

Jacqueline & Maurice Guillaud, *Matisse: Rhythm and Line* 297 (emphasis added).

While *la Danse* is the most glaring example of the colossal ignorance of those who support moving the Barnes artwork, the entire collection will suffer if not installed in the same physical setting—an impossibility as the Barnes gallery is on a thirteen acre arboretum and no such space exists in the proposed site. The southerly setting behind the Foundation’s main gallery windows, with its expanse of trees and lawn, is irreplaceable in the proposed spot. Matisse himself considered this setting when designing *la Danse* and it is clear to anyone who understands Barnes’ achievement that this view was an

While *la Danse* is the most glaring example of the colossal ignorance of those who support moving the Barnes artwork, the entire collection will suffer if not installed in the same physical setting.

important element in main gallery installation. It is equally clear that the present management of the Foundation is completely ignorant of this, having upset that space with new structures to accommodate tourists (in violation of the Indenture), and regularly leaving the widow shades half drawn.

In addition to the obvious relationship the main gallery view has to the collection, the very placement of the building affects the lighting in each and every room. See, for example, the effect of the warm late-afternoon light on Matisse’s *Blue Still Life* in the west side of the building. Once again, the present management appear oblivious to this, leaving many gallery shades drawn for no good reason. Overexposure is not an issue as filters to exclude damaging ultraviolet light were supposedly installed in the recent renovation, so that natural light could be fully exploited as Barnes and Cret intended. The proposed space in Philadelphia cannot begin to replicate the lighting effect that Barnes considered when he installed the collection and Matisse considered when he painted *la Danse*.

Governor Rendell’s Offer to “Mediate”

In a display of hubris not seen since Richard Glanton ran the Barnes Foundation, governor-elect (at the time) Ed Rendell offered to “broker a solution” between the Barnes Foundation and the parties opposed to the move so that the case could go to the Orphans’ Court without intervening parties, i.e. without any searching examination of the Foundation’s true financial condition. Recall, it was Rendell who forecasted (or was it more) the move to Philadelphia in 2001, wondering “how long can they survive [in Merion]? If their reform plan doesn’t work, then moving to the city becomes a viable plan.” Since then he has been a vocal advocate for the plan. “If the Barnes moved to the Parkway, there isn’t a person interested in art who wouldn’t come to Philadelphia.” *New York Times*, Sept. 25, 2002.

In any true mediation, the mediator is an unbiased party. Not so in the Wonderland of Pennsylvania politics. Rendell’s offer to “broker” takes on heightened significance now that Lincoln University is the only party granted standing to oppose the Barnes trustees in court. As a state-affiliated school, receiving the lion’s share of its budget from the state, Rendell might have something to say about when the next check is coming. Don’t expect a big fight from Lincoln.

While Rendell's enthusiasm for trashing Barnes' vision in order to fill the city's hotels and restaurants is consistent with his role as a politician, it's worth mentioning that the founders of the Annenberg and Lenfest foundations gave heavily to his campaign for governor. In an unrelated story on Rendell, the *Inquirer* reported that Annenberg and his wife gave Rendell's campaigns \$225,000. Unpublished campaign finance reports show that the founder of the Lenfest foundation gave \$52,500, while another Lenfest, listed as an employee of the foundation gave \$22,800. Relevant? The *Inquirer* didn't think so. No mention was made in three separate stories on Rendell's involvement with the Barnes matter.

A Curious Silence at the *Inquirer*

The *Inquirer*'s editorial policy is clear. The rape of the Barnes Foundation is to be welcomed as a "rare opportunity to benefit the region." But the paper's position is evident beyond the editorial page. For example, since the Foundation filed to eliminate the Indenture and move the collection, the paper has placed coverage of the story in its business section, where for-profit mergers and acquisitions, along with the occasional accounting scandal are normally featured. Meanwhile, the paper has never reported that the current petition before the court seeks to eliminate the ban against sale of paintings. When Richard Glanton tried this, it ended up on the front page. One suspects that news that the Foundation and its wealthy backers might have more in mind than just a move could somehow taint the happy story of this "rare opportunity" and risk a public outcry like the one that followed Glanton's opening salvo.

One voice at the *Inquirer* has been curiously absent of late. In 1998, at the end of the Glanton era, *Inquirer* critic Edward Sozanski commented that

What was overlooked by both Glanton and his board—along with people who saw the Barnes Foundation as a tourist magnet—is that there wasn't anything intrinsically wrong with continuing to operate the foundation primarily as an educational program. That, after all, was what the founder intended.

When talk of moving the collection first surfaced in 2001 Sozanski responded with an article titled "Big is very bad for the Barnes."

The Barnes needs to stay small, and not just for aesthetic reasons. There's a moral imperative to conserve the founder's creation, which, after all, functioned perfectly well for six decades. . . . The idea of moving the Barnes is really about developing Philadelphia's assets for cultural tourism. But why should the Barnes be sacrificed to that goal . . . ?

Since the Foundation announced its plan to move, Sozanski's commentary along these lines has been absent from the *Inquirer*'s pages. It is doubtful that his silence stems from a change of heart. To be sure, he hasn't come out in favor of the move. Those who will deny that there is an active clampdown at the *Inquirer* on news and commentary adverse to moving the collection will be hard-pressed to present evidence to the contrary.

Call for Action

The Orphans' Court recently denied the request of current Barnes Foundation students for permission to participate in the hearings on the elimination of the Indenture of Trust and the movement of the collection. As such, the Attorney General must get the message that **a serious investigation into the Foundation's financial claims is warranted** and not a rubber stamp of their request to the court, as has been the case in the past. In addition, Governor Rendell, who openly favors the move, should know that not all are in favor of violating a man's will and destroying a great institution for the short-sighted goal of increasing tourism.

Mike Fisher
Attorney General
Sixteenth Floor
Strawberry Square
Harrisburg, PA 17120

Edward Rendell
Governor
225 Main Capitol
Harrisburg, PA 17120

This newsletter and other information about the Barnes Foundation, including the complete Indenture of Trust, are on the internet at www.barneswatch.org.

Barnes Watch

P.O. Box 225

Broomall, PA 19008

Address Correction Requested

BARNES FOUNDATION WAGES, SALARIES, BENEFITS & SECURITY

