



Elder Abuse Training Conference

Southwest Virginia Legal Aid

Wise, Virginia — August 3, 2018

**The Brooke Astor Story: Hard-learned lessons
that inform elder justice**

Philip C. Marshall, Founder, Beyond Brooke

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#elderjustice #elderabuse #beyondbrooke



1902-2007

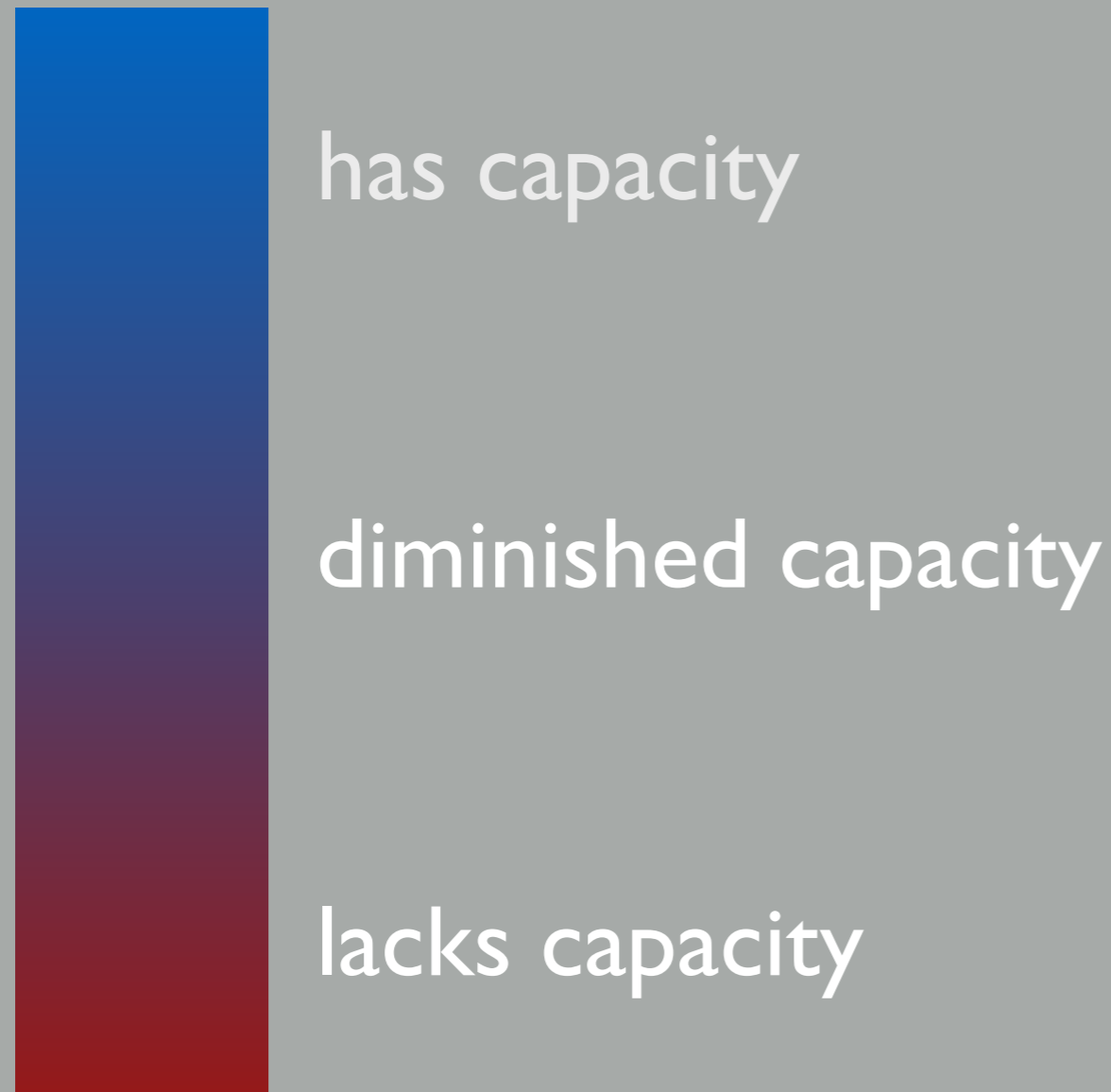
Brooke Astor

Philanthropist Brooke Astor, Manhattan's grandest grande dame, leaves a legacy of charity—and grace

Astor enjoyed posing for *Town and Country* and opening a new attraction at the Bronx Zoo in 1977.

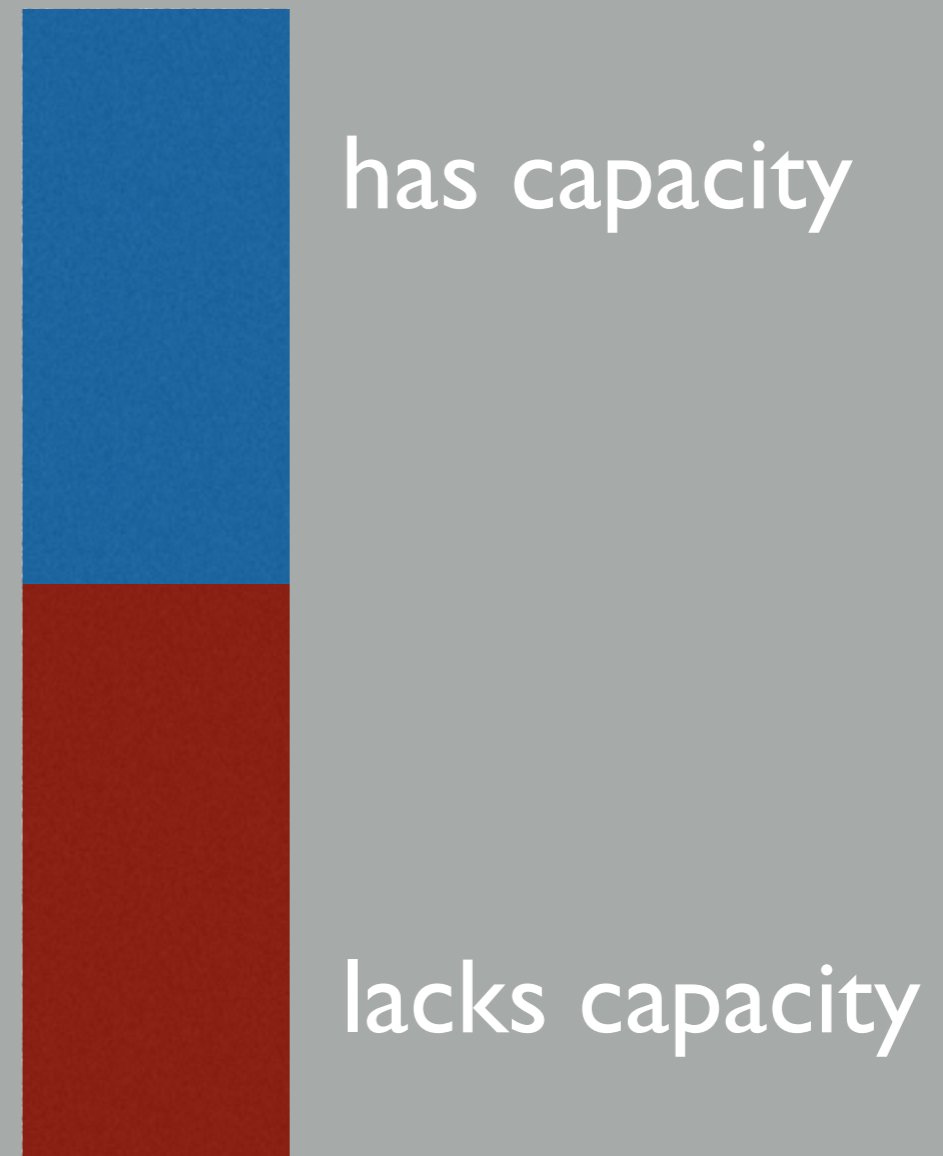
Brooke Astor. *People Magazine*. August 27, 2007

Clinical Capacity



dynamic, over time

Capacity 'Judgement'



one time

Assessment of Older Adults with Diminished Capacity: A Handbook for Psychologists, American Bar Association Commission on Law and Aging, American Psychological Society, Association Assessment of Capacity in Older Adults Project Working Group, p. 29, 2008.

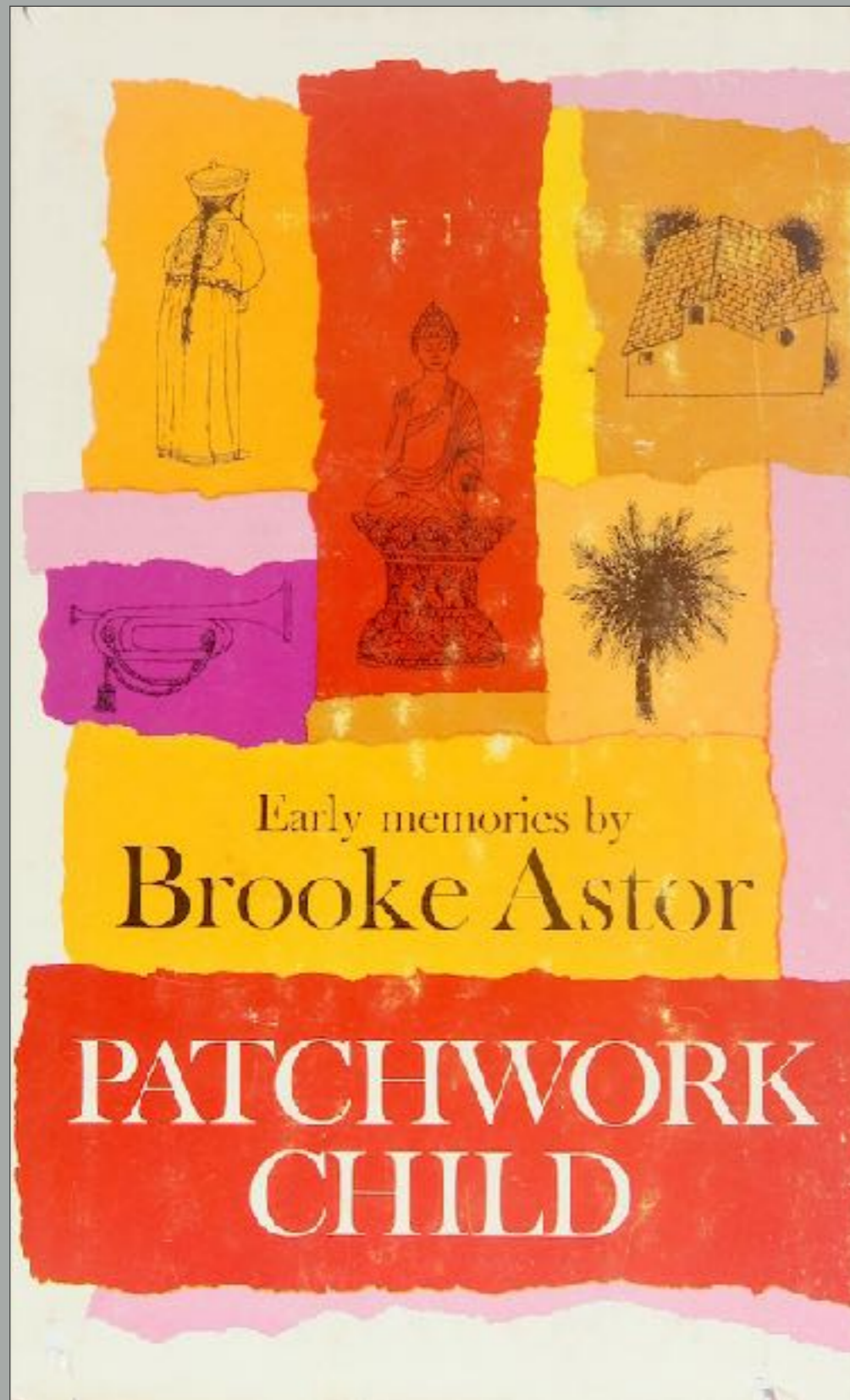
Undue Influence

Summary of Undue Influence Models			
Singer/Nievod Model	Blum IDEAL Model	Bernatz SCAM Model	Brandle/Heisler/Stiegel Model
Factors: 1. Isolation 2. Dependency 3. Creating Siege Mentality 4. Sense of Powerlessness 5. Sense of Fear/Vulnerability 6. Staying Unaware	Factors: 1. I solat I on 2. D ependency 3. E mo I onal manipulation and/or E xploitation of a vulnerability 4. A cquiescence 5. L oss	Elements: 1. S usceptibility 2. C onfidential Relationship 3. A ctive Procurement 4. M onetary Loss	Goal: • Financial Exploitation Typical Perpetrator Tactics: 1. Isolate from others and information 2. Create fear 3. Prey on vulnerabilities 4. Create dependency 5. Create lack of faith in own abilities 6. Induce shame and secrecy 7. Perform intermittent acts of kindness 8. Keep unaware

Assessment of Older Adults with Diminished Capacity: A Handbook for Psychologists, American Bar Association Commission on Law and Aging, American Psychological Society, Association Assessment of Capacity in Older Adults Project Working Group, p. 117, 2008.



“Temple of Heaven with Tarere (Little Peach) aged 10,” Brooke Astor, Běijīng, 1912. Personal collection.



Astor, Brooke. *Patchwork Child*. New York: Random House. 1962



Left: Vincent Astor with sister Alice at 'Ferncliffe' in Rhinebeck, NY.

Below: Last Will & Testament, June 26, 1958. Re: The Vincent Astor Foundation

FIFTEENTH: All the rest, residue and remainder of my property and estate, real and personal, of whatever nature and wherever situated and whether acquired by me before or after the execution of this will, including any property hereinbefore mentioned but not effectually disposed of (but excluding any property over which I may have a mere power of testamentary disposition or appointment), all of which is herein called my residuary estate, I give and devise absolutely to The Vincent Astor Foundation, a New York corporation.



Brooke Astor, President, The Vincent Astor Foundation beginning January 27, 1960 (at age 59) until 1997 (at age 95).



Brooke Astor. Photographer: Mark Peterson/
CORBIS for *The New York Times Magazine*,



Brooke Astor (at age 96) and President Clinton, 1998. Photographer: Harry Hamburg.

Weather: Warm and humid, 88/70

NATIONAL ★ FINAL

Wednesday, July 26, 2006

DAILY NEWS

\$1.00

NEW YORK'S HOMETOWN NEWSPAPER

nydailynews.com

STUNNING COURT ALLEGATIONS

DISASTER FOR MRS. ASTOR



gettyimages
New York Daily News Archive

Brooke
Astor

EXCLUSIVE – PAGES 6-7

**Son forces society
queen to live on
peas and porridge
in dilapidated
Park Ave. duplex**

97294210

“Disaster for Mrs. Astor,”
Stunning Court
Allegations. *New York Daily
News*, July 26, 2006, Getty
Images, *New York Daily
News* archives.



Buddy and Brooke Marshall,
Tony Kuser (Brooke's son,
who, at 18, changed his last
name to Marshall). Tyringham,
Massachusetts (?), circa 1933.



Major General John H. Russell,
16th Commandant of the
Marine Corps.



HEADQUARTERS U. S. MARINE CORPS.
COMMANDANT'S OFFICE.
WASHINGTON.

29 October 1935.

Dear Tony:

Last, but far from least. - I would develop myself physically. I would spend my spare time in the gymnasium and on the athletic field developing my muscles. I would learn to play all the games that boys play and I would try to play them all well.

In addition, I would learn how to box. If necessary, I would save up from money that my mother gave me and take extra lessons in boxing. The boy who knows how to handle his fists is always respected. Look around among the boys at your school. How few of them know anything about boxing, and those who know are always respected by the others. It has been my experience that such boys, or men, are not bullies; on the contrary, they stand for right and justice. Furthermore, the boy who knows how to use his hands, and few boys or men do, has confidence in himself. It gives him a feeling of strength that he can not attain in any other way.

Letter to Anthony Marshall from his grandfather John Henry Russell. October 29, 1935



Anthony D. Marshall with his mother, Brooke Astor, 1992. Photograph: Bill Cunningham, The New York Times.

Brooke's shame over her slacker son

By ANDY GELLER

He was the biggest disappointment in his mother's life.

Legendary society doyenne and philanthropist Brooke Astor confessed that her only child, Anthony Marshall, turned out so badly she decided not to have any more kids.

She once told a friend, "He never made anything of himself" according to testimony at his trial.

The jury decided yesterday he did make something of himself — a criminal.

A little more than two years after she died at 105, the panel agreed that he helped himself to more than \$60 million of his socialite mother's fortune, forever tarnishing the name of one of New York's most distinguished families.

Thanks to his family connections, Marshall, 65, has had a variety of careers — including theatrical producer, Marine, CIA intelligence officer and ambassador.

His mom once quipped, "It cost more than \$100,000 for his ambassadorships, referring to political contributions that greased the way for the appointments.

Now his title is convicted felon, and he faces the prospect of spending up to 25 years — almost certainly the rest of his life — behind bars.

Marshall, known as Tony, was born May 30, 1924. His dad was Brooke Astor's first husband, New Jersey state Sen. John Dryden Kuser.

Marshall's relations with his father were somewhat strained. But he adored his mother's second husband, stockbroker and socialite Charles Marshall, and adopted his surname when he turned 18.

Charles Marshall was the love of Brooke Astor's life, but he died early, forcing her to turn to magazine writing to maintain her lifestyle. She soon accepted a proposal from millionaire Vincent Astor, of the renowned real-estate and fur-trading clan.

Her disappointing son always seemed to be an afterthought. She would go off on trips for months at a time, leaving him at her Park Avenue penthouse.

Tony attended the Brooks School in North Andover, Mass. He enlisted in the Marine Corps in 1942 and became a war hero, winning the Purple Heart for leading a contingent of soldiers into battle at Iwo Jima. After the war, he enrolled in Brown University.

From 1958 to 1959, Marshall was the US consul in Istanbul, and from 1969 to 1971, he was the US ambassador to the Malagasy Republic (now Madagascar). From 1972 to 1974, he was ambassador to Trinidad and Tobago.

In the 1980s, he was an officer with the United States Trust Company of New York, working on large estate accounts.

Marshall married his first wife, Elizabeth Cryan, in Wynnewood, Pa., in July 1947. They had twin sons, Alexander, now a photographer, and Philip, currently a professor of architectural preservation at Roger Williams University in Bristol, R.I.

Philip would prove to be his father's undoing.

Marshall married his second wife, Thelma Hoegneff, in December 1962. They divorced 28 years later, after he had a fling with Charlene Gilbert, the wife of an Episcopal priest in Northeast Harbor, Maine.

Northeast Harbor is a blueblood enclave on Mount Desert Island, where Bar Harbor is located. Marshall met Charlene while summering there — his mother had



Tony was always his mommy's little loser

REGRET: Brooke Astor, here with her beloved dachshund Freddy, had told a friend that her son "never made anything of himself."

a mansion in the tiny town. He and Charlene were married in 1992.

Tony and Charlene, who was born poor, lived the good life. They became Broadway producers, doing such shows as "Long Day's Journey Into Night" (2003) and "I Am My Own Wife" (2004), which won a Tony.

Brooke had spent a lifetime underwriting Tony's lifestyle — buying him a \$29 million apartment and paying him \$450,000 a year to manage her money.

Tony had the legal authority to act on her behalf in some financial matters.

Brooke instructed Tony that she wanted her grandson Philip to inherit her Northeast Harbor home.

But Tony disobeyed her, took over the ownership himself and transferred it to

Charlene, whom Brooke detested.

Marshall was eventually forced to give it back to his mother.

In 2000, Philip filed a suit accusing his father of neglecting the care of his Alzheimer-inflicted grandmother by refusing to fill her prescriptions, keeping her apart from her beloved dogs, Royle and Giselle, and forcing her to sleep on a couch that leaked urine.

The civil suit was settled but led to criminal charges being filed against Marshall.

Among other things, he was accused of talking his mother into believing she couldn't buy another dress until she sold her favorite painting — impressionist Claude Lorraine's masterpiece "Up the Avenue from Thirty-Fourth Street, May

1917" — for \$10 million. Marshall allegedly pocketed \$2 million of the price of the sale.

Astor seemed to have her son figured out.

"You only want to come to see how soon I'm going to die," she told him at one point.

The trial began at the end of March. Marshall soon suffered a stroke that sidelined him for two days. In July, he became dizzy and fell in the bathroom during a break. He was taken to the hospital on a stretcher.

But, through it all, he kept his emotions in check, mostly staring straight ahead. He maintained that pose when he was convicted yesterday.

andy.geller@nypost.com

Geller, Andy. "Brooke's Shame Over Her Slacker Son." New York Post. October, 9, 2009



Anthony Dryden Marshall and Elizabeth Cryan Marshall. 1950s.



Charlene Marshall and Anthony Marshall. *The New York Times*, July 29, 2006. “Charlene and Anthony D. Marshall at Brooke Astor’s 100th birthday party at the Rockefeller estate, Kykuit, in Pocantico Hills, N.Y., March 2002.” Photograph: Bill Cunningham.



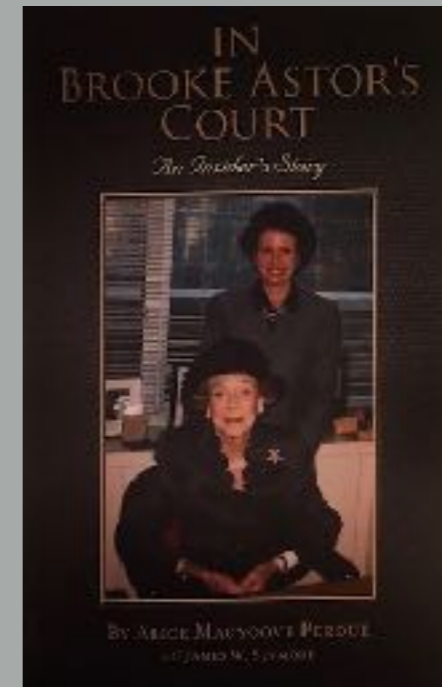
Annette de la Renta and David Rockefeller at Brooke Astor's funeral, St. Thomas Church, New York, August 17, 2007. *New York Daily News*.



Brooke Astor and Chris Ely, Briarcliff Manor, NY. 2003.



Brooke Astor with caregivers and Starr-Marshall family. 'Holly Hill,' Briarcliff Manor, New York. Summer, 2007.



Above: Perdue, Alice Macycove. *Brooke Astor's Court: An Insider's Story*. Createspace, 2015.
Left: Letter from Brooke Astor to Alice Perdue. April 17, 1996.

April 17, 1996

Dear, dear Alice

So many thanks for your very sweet note. It pleases me very much indeed that you can wear my dress and I hope that you have many good times wearing it.

I am off, as you know, tomorrow but will be back, God willing, May first, so I hope to see you after that.

With again, so many thanks for all you do for me.

Alice

With admiration and affection

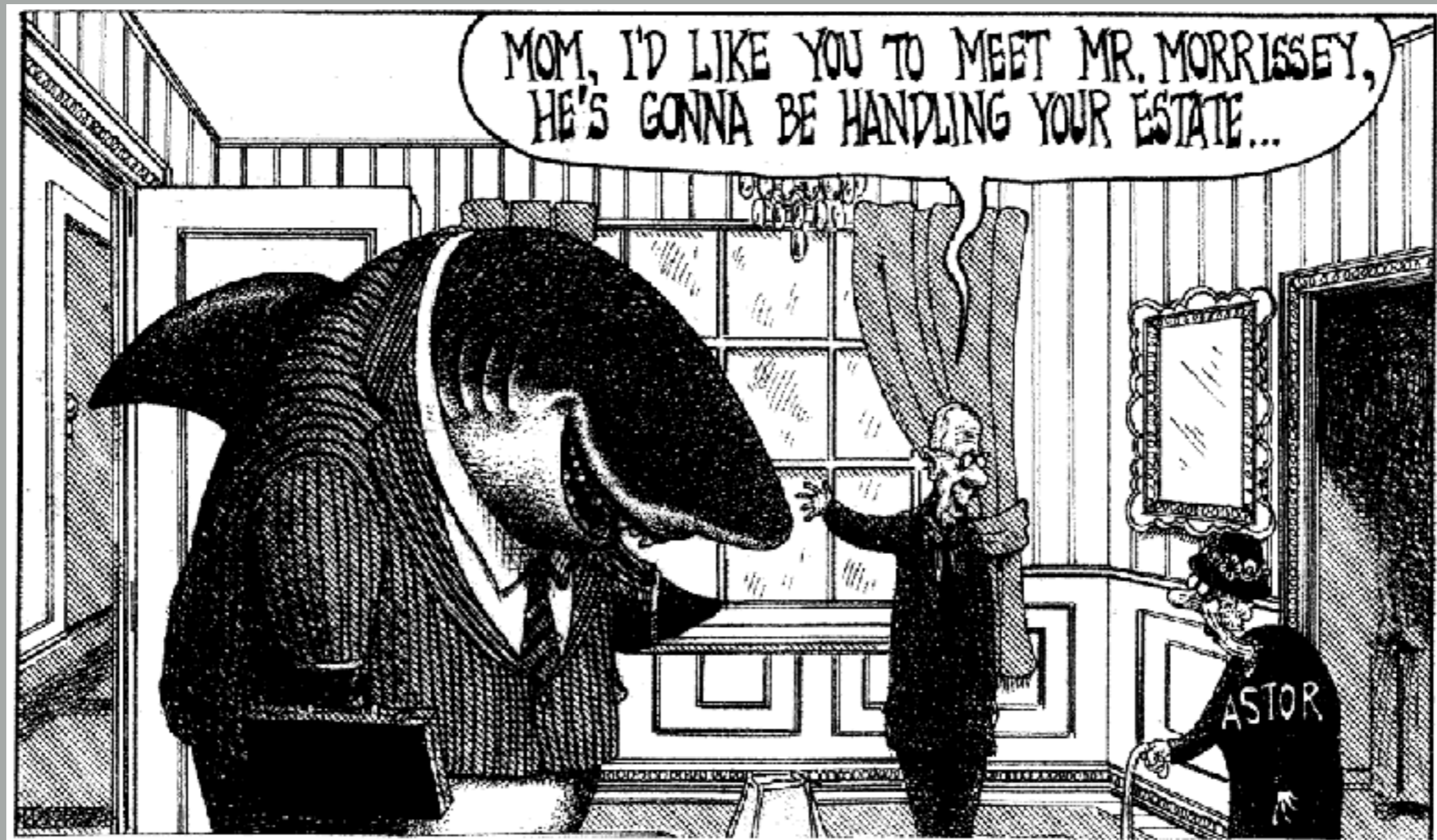
Brooke Astor

We were about the same now, I think I'm wider in the the material and who made the piece Astor had given a suit from her by way called Mrs. Astor and asked whether passed it on to me. Mrs. Astor said about it, and I asked, "Well, what were handmade for her dimensions brocade suit made by Oscar de la Renta it fit me. Another time Mily de la Renta housekeeper, called me. Mrs. Astor's size." You see, Mily de la Renta parts-and-top outfit, but it was home for her daughter Diane so Mily said, "Maybe it will three outfits that were Mily could fit into all her clothes"

But Mrs. Astor's spending little gifts to the staff no end. Mr. Marshall's mother from spending figures, but her personal at least \$60 million Vincent Astor Trust when there are outrageous amounts



Brooke Astor's 102th birthday 'party.' From left: Charlene Marshall (hand), Francis X. Morrissey Jr., Brooke Astor, Anthony Marshall, Reverend Canon John Andrews. Photograph: Alec Marshall. March 2004.



“Mom, I’d like you to meet Mr. Morrissey, he’ gonna be handling your estate...” *New York Post*. August 9, 2006.



Philip and his father, Tony Marshall. Northeast Harbor Maine.
1980s.

778 Park Avenue

March 13, 1997

Nan and Philip

So many thanks for sending me back
my poems. I was very glad to get them as
I am now keeping all the things that could
be read when I am on my way to heaven.

I miss you both and I wish, wish,
wish that we could all be together more
often.

Much much Love

Brooke "Gaga"



Mr. & Mrs. Philip Marshall
433 Elm Street
South Dartmouth, MA 02748



Letter from Brooke "Gaga"
[sic] to Nan and Philip.
March 13, 1997

Scheme to Defraud

THE PEOPLE OF THE STATE OF NEW YORK

-against-

ANTHONY MARSHALL,
FRANCIS MORRISSEY,

Defendants.

THE GRAND JURY OF THE COUNTY OF NEW YORK, by this indictment, accuse the defendants ANTHONY MARSHALL and FRANCIS MORRISSEY of the crime of **SCHEME TO DEFRAUD IN THE FIRST DEGREE**, in violation of Penal Law §190.65(1)(b), committed as follows:

Supreme Court of the United States. The People of the State of New York -against- Anthony Marshall, Francis Morrissey.
Indictment n.d. (on copy)

Power of Attorney

*[BA] (M) This power of attorney specifically authorizes the attorney-in-fact to make gifts on the principal's behalf to the principal's family members, including any family member acting as attorney-in-fact, and to charity.

This Durable General Power of Attorney may be revoked by me at any time.

In Witness Whereof, I have hereunto signed my name this 18th day of May, 2000

(YOU SIGN HERE:)

Brooke Astor
(Signature of Principal)

ACKNOWLEDGMENT IN NEW YORK STATE

STATE OF NEW YORK, COUNTY OF New York

SS.:

On May 18, 2000 before me, the undersigned, personally appeared

Brooke Astor

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Eileen Ann Foley
(signature and office of individual taking acknowledgment)

ACKNOWLEDGMENT OUTSIDE NEW YORK STATE

STATE OF

COUNTY OF

On

before me, the undersigned, personally appeared

EILEEN ANN FOLEY
Notary Public, State of New York
No. 03-7236185
Qualified in Bronx County
SS.: Certificate filed in New York County
Commission Expires Feb. 28, 2001

Durable Power
of Attorney.
Brooke Russell
Astor to
Anthony
Marshall and
Henry
Christensen III.
Dated, May 18,
2000.

Alzheimer's

#10 (2) Mood: By way of comparison with the above, Dr. Rees Pritchett wanted me to accompany Mother on her visit to see you. Mother told me emphatically on the telephone “that” morning that she did not want me to go with her and added, “I don’t ever see you.” (completely untrue) “Your being with me would make me nervous. If I say you can’t go you’ll think I’m crazy. So you go.” When I arrived Mother, who was half-an-hour late to leave for her appointment with you, said to me: “You only want to come

to see how soon I will die.” “Why are you coming?” When we got out of the elevator and into the car I led her onto other subjects.

Letter to Howard Fillit, M.D., from Anthony D. Marshall
neurologist, gerontologist, December 26, 2000. Page 1



DEATH WISH

**Astor's
shocking
jab at
her son**

Brooke Astor had her accused-swindler son, Tony (far left), all figured out. When he accompanied her to a doctor, she sniped, "You only want to come to see how soon I'm going to die," according to his own note, which was introduced as evidence in his trial yesterday.

SEE PAGE 7



“Death Wish: Astor’s stunning jab at her son.” New York Post. May 6, 2009.

Alzheimer's

#10 Trouble with simple arithmetic (Your test of purchasing an item with change from \$10) Completely incomprehensible. Values have become unidentifiable. Mother asked me "what is my income?" I told her, giving the annual figure. "Is that for the month or year?"

#9 Difficulty making routine decisions: Making, changing appointments. Increasingly accepting an invitation lunch, dinner, meeting (including a dinner where she is the honoree) then canceling at the last moment on the day of the event.

Letter to Howard Fillet, M.D., from Anthony D. Marshall neurologist, gerontologist, December 26, 2000. Page 2



Brooke Astor was not all there, ex-butler Chris Ely says in trial of Astor's son Anthony Marshall. Joanna Molloy, *New York Daily News*, June 9, 2009. Sketch: Jane Rosenberg.



THE SECRETARY-GENERAL

2 January 2001

Dear Mrs. Astor,

Nane and I would like to extend our heartfelt thanks for the dinner you so graciously hosted for us on 18 December. We both enjoyed a lovely evening memorable for its marvellous food and fascinating conversation.

Please accept our best wishes for the New Year.

Yours sincerely,

A handwritten signature in black ink, which appears to read 'K. Annan', is placed above the printed name.

Kofi A. Annan

Mrs. Brooke Astor
New York

Letter to Mrs. Vincent Astor from
Kofi A. Annan. January 2, 2001.



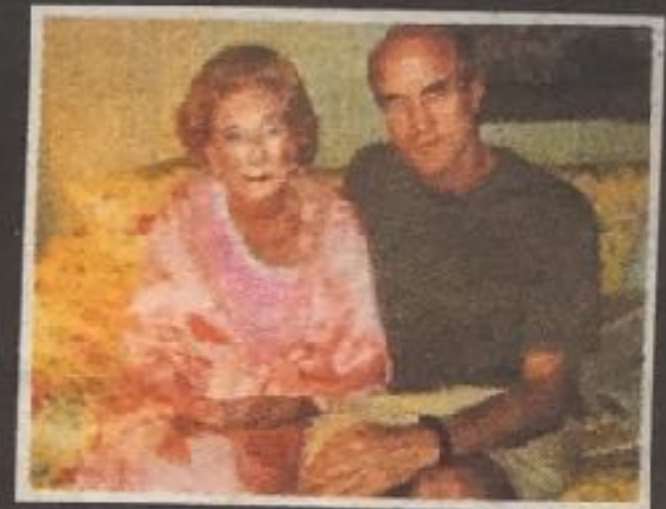
SENIOR MOMENT:

“Kofi who?” — In January 2003, a year before “voluntarily” bequeathing \$60 million to her son, Brooke Astor throws a dinner party at her Park Avenue apartment and can’t remember who her own guest of honor is. “She asked Dr. Kissinger who that man was . . . [U.N. Secretary-General] Kofi Annan, who she was giving the dinner for,” Annette de la Renta testified yesterday.

“Senior Moment.” New York Post. May 22, 2009. (Re: Henry Kissinger asked by Brooke Astor who Kofi Annan was. January 2003.)

QUOTE OF THE DAY

“ She turned to me and looked across the table at my father, and said, ‘Is that your brother?’ I just said, ‘No,’ and I didn’t go into it. I just said, ‘No.’ ”



— Brooke Astor’s grandson, Philip Marshall (pictured with her), describing a family Easter luncheon at which the Alzheimer’s-afflicted philanthropist didn’t recognize her son, Anthony, in 2001 — two years before she was supposedly “competent” enough to sign over \$60 million in bequests to Tony and his wife, Charlene

New York Post. May 20, 2009. (Philip Marshall, re: testimony about Easter lunch, 2001)



“Brooke Astor celebrating her 100th birthday at the New York Public Library.” Fiori, Pam. *Sotheby's Magazine*. August 20, 2012. Photograph: Don Pollard.

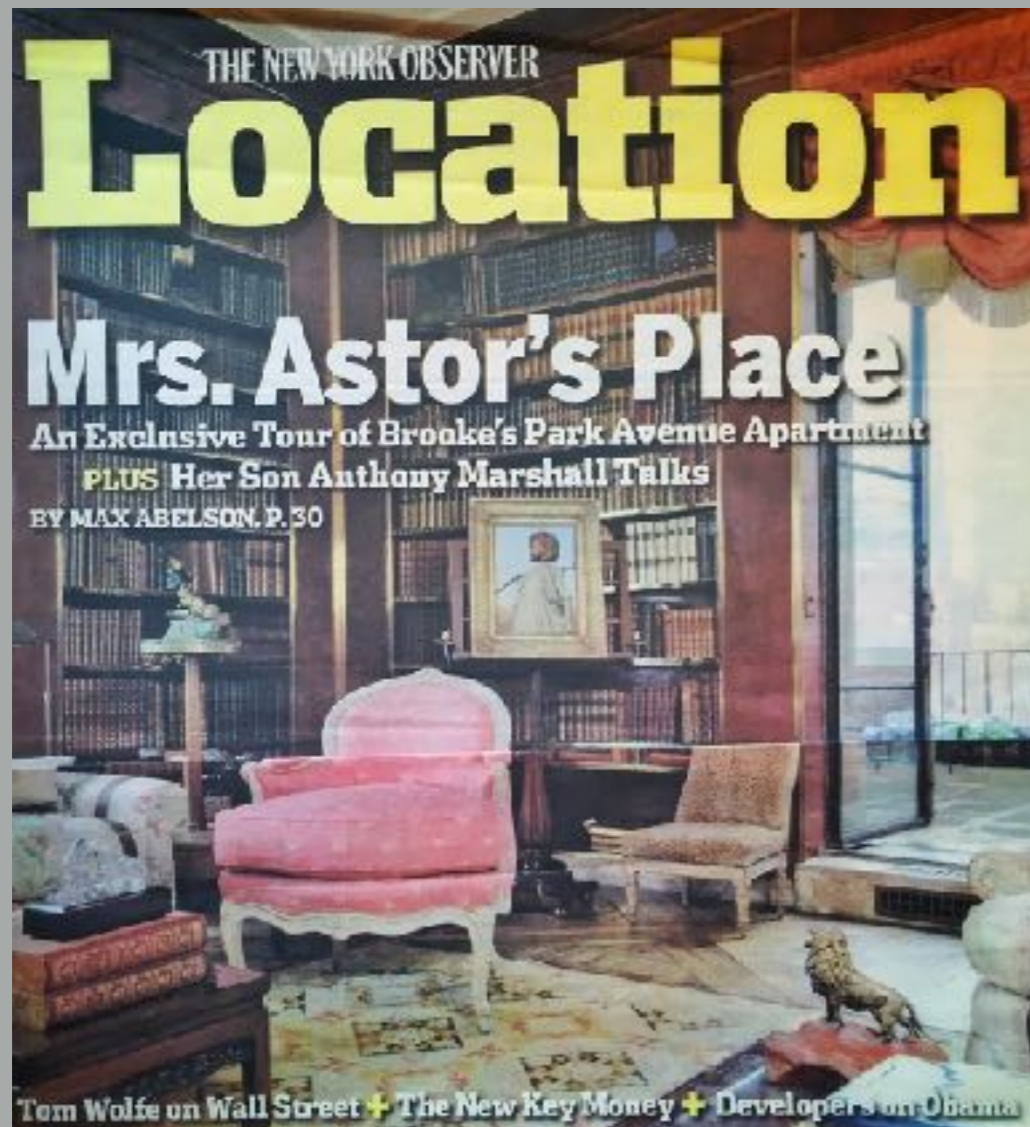


Cakes at Brooke Astor's 100th-birthday party hosted by David Rockefeller, Pocantico Hills, New York. March 2002.



Brooke Astor and David Rockefeller (right), who hosted her 100th-birthday party at the Rockefeller estate, Pocantico Hills, New York, March 2002.

(I) To my friend and attorney, HENRY CHRISTENSEN III, the oil painting of an Englishman dressed as an Arab in the library of my apartment, together with its wooden stand, as a fond remembrance of me; _____



Last Will and Testament of Brooke Russell Astor, Dated: January 30, 2002. Sullivan & Cromwell, Attorneys at Law. Article Sixth (I) re: Henry Christiansen III.

Mrs. Astor's Place," *Location: The New York Observer*. Cover. n.d.



Above: Brooke Astor's Library, 778 Park Avenue, New York, circa 2007.

Left: Childe Hassam. *Flags, Fifth Avenue* painting in Brooke Astor's Library, 778 Park Avenue, NY, May 23, 2001.

FRIDAY, SEPTEMBER 1, 2006

New York Report

The New York Times

A Painting Becomes Part of the Astor Family's Legal Warfare

By SERGE F. KOVALESKI

It was believed to be her most valuable work of art, and one of her favorites. The 36-by-30-inch painting by the American impressionist Childe Hassam hung in a place of distinction: above the fireplace in the library of her Park Avenue duplex.

It's no wonder that Brooke Astor adored this canvas, "Flags, Fifth Avenue." The colors and scenes of spirited street life captured the vibrancy of the New York she loved, at the dawn of the 20th century, America's century, the century in which Mrs. Astor would evolve into the city's grande dame of giving and society.

Now, like so many things in Mrs. Astor's life, the painting — or more specifically, who sold the painting and how the trans-

Did Brooke Astor know of the sale of her favorite painting, and her son's commission?

action was handled — has become the focus of allegations and denials in the contentious legal battle over the 104-year-old philanthropist's care and fortune.

In early 2003, Mrs. Astor's son, Anthony D. Marshall, who had the authority to oversee her financial affairs, sold the painting to a gallery for about \$10 million. Mr. Marshall — accused by his son in court papers of neglecting the needs of Mrs. Astor while enriching himself — took a 20 percent commission on the deal, or \$2 million.

Over all, these facts are not in dispute. But they prompt different interpretations from those on various sides of the situation. Some who have known Mrs. Astor over the years say she knew about the sale of the painting, which she had owned for 32 years. They point out that there appeared to be no financial reason for her to sell the Hassam,

since she was living on about \$2 million a year from the \$80 million that her husband, Vincent Astor, had bequeathed for her personal use. In court papers, Philip Marshall, Anthony Marshall's son, said, "My father sold one of my grandmother's favorite paintings."

The 1917 painting is believed to be in a private collection now — two people with knowledge of the transaction said it had been resold for more than \$20 million — and the spot above the 18th-century French marble mantle in Mrs. Astor's library has been filled with a portrait of her father, Maj. Gen. John H. Russell, Mr. Marshall's lawyer said.

As the Astor story unfolds in State Supreme Court in Manhattan — the court papers were opened to the public yesterday under a judge's order — the painting can be viewed as a symbol of the issues at the center of the case: an ailing woman's prized possession sold under circumstances that remain unclear, and questions about whether the proceeds from the sale were dealt with appropriately by her son.

The questions come amid revelations about Mr. Marshall's handling of his mother's affairs: that he had checks totaling hundreds of thousands of dollars drawn on Mrs. Astor's personal accounts that were used to invest in theater productions in which he and his wife, Charlene, were involved, and that Mrs. Astor's estate in Maine was signed over to Mr. Marshall, who in turn signed it over to his wife.

In court papers that were unsealed yesterday, Philip Marshall accuses his father of using Mrs. Astor's money to pay for the staff, upkeep and taxes on the home in Maine. Mr. Marshall did not return calls seeking comment about the Hassam. But through a lawyer, Kenneth E. Warner, Mr. Marshall said that his mother was aware of the sale and had been consulted beforehand.

Mr. Warner, responding to questions via e-mail, also said that Mrs. Astor had suggested that her son collect a \$2 million commission on the transaction. Mrs. Astor was 100 in 2002; those who know her said she appeared to experience a mental decline be-



The sale by Brooke Astor's son of a Childe Hassam painting is questioned.

gunning sometime in 2003.

Mrs. Astor bought the painting for \$173,016 on March 18, 1970, through the art firm Wildenstein & Company, according to a copy of the bill of sale.

In an interview in The New York Times in 1999, Mrs. Astor described the Hassam work, in talking about how much she loved her library, and said, "I think it's one of the best he ever did."

Mr. Warner's e-mail messages stated that Mrs. Astor had agreed to sell the painting because she was ready for a change after having owned the work for three decades and wanted to take advantage of a lucrative investment. Those who have known Mrs. Astor expressed surprise that she would have parted with it.

Mr. Warner said by e-mail that in 1999, Christie's estimated the painting's value at \$6 million for insurance purposes, and that Mr. Marshall was aware of that figure when he was having discussions with the Gerald Peters Gallery.

According to Mr. Warner, the gallery talked to Mr. Marshall about selling the painting, and he discussed the overture with his mother, who was pleased with the \$10 million being offered, considering what she

had originally paid.

"Of course she didn't need the money," Mr. Warner wrote. "She took pleasure from cashing in on such a wonderful investment, being able to reward her son with a commission and replacing the Hassam painting with a grand portrait of her much-adored father."

Mr. Warner said that a contract was signed around February 2002 and that the payments were made in installments between then and November of that year. Gerald Peters, the president of the art business that bears his name, did not return numerous calls to his Santa Fe office.

Denise Greenlaw Ramonas, Mr. Peters's chief of staff, said last night that she was unable to comment about the Hassam painting because the company, as a rule, is bound by confidentiality requirements on the sale of art.

According to a provenance document about the painting, it appeared in a number of exhibitions between 1918 and 1968 at the Whitney Museum of American Art in New York, the Corcoran Gallery of Art in Washington, and other institutions.

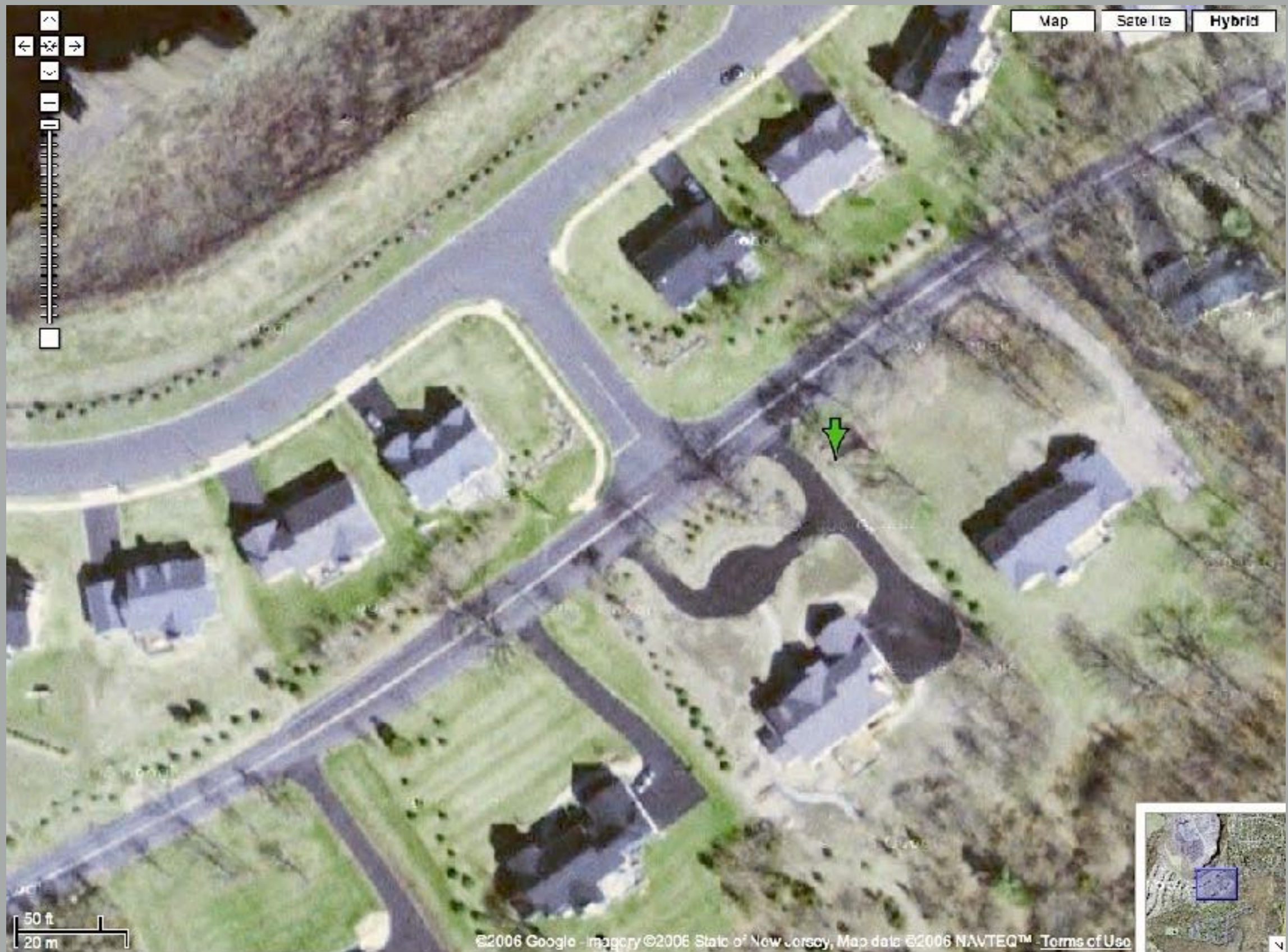
In the years before Mr. Marshall sold the painting, Mrs. Astor, who gave millions of dollars to the Metropolitan Museum of Art and is a trustee emeritus there, had mentioned to some members of her staff that perhaps one day she would bequeath the painting to the museum, said two people with knowledge of Mrs. Astor's business affairs. They spoke on the condition of anonymity because of the pending court case.

Mr. Warner said that at the time of the sale in 2002, Mrs. Astor had no intention of passing the painting on to the Metropolitan Museum of Art, but that she did intend to give the museum some Hassam drawings that she owned.

"They are there to be bequeathed," he said.

A spokeswoman for the museum declined to comment on whether there had ever been discussions about acquiring the Hassam painting, saying that the museum, as a matter of policy, did not comment on the acquisition process.

Kovaleski, Serge. "A Painting Becomes Part of the Astor's Family's Legal Warfare." *The New York Times*, September 1, 2006



Pine Hill Road, Bernardsville, NJ. Google Maps, 2006.

Chris Ely's notes re \$5m gift from Brooke Astor (BRA) to Henry Christensen (TC). August 13, 2003

August 13th. 2003 Terry Christensen (TC) came to visit BRA. I took him upstairs to her bedroom, she was sitting on the sofa facing the window.

I did not overhear any of the conversation but I was told some of what was said by Marie the Nurse's aid.

TC "that in order to resolve the rift between the Marshalls and Mrs. Astor it would be nice if she took some of the money set aside in the will for her charities and left it to Cm [Charlene] and her daughters...



NEW YORK POST

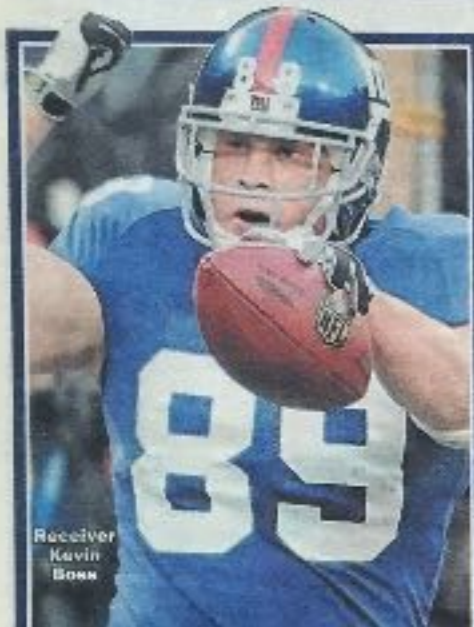
METRO EDITION

\$1.25

SUNDAY, NOVEMBER 16, 2008 / Partly cloudy, 46-52 / Weather: Page 22

SUNDAY

www.nypost.com



Receiver
Kevin
Boss

**Giants
to show
Ravens
who's Boss**

**NFL
GAME DAY
PREVIEW**

SEE SPORTS

Ex-cop shot at the Waldorf

FULL STORY:
PAGE 5

EXCLUSIVE

THE ASTOR DIARIES

Staff's secret journals



Secret journals kept by Brooke Astor's staff reveal tragic scenes in which the society doyenne was literally dragged into a meeting against her will to sign over \$60 million to her son, according to a new book.

PAGES 6-7



Holly Hill, Briarcliff Manor, New York, New York. 2007. Anthony Marshall visiting his mother, Brooke Astor

‘The Astor Diaries: Staffs secret journals,’ *New York Post*. November 16, 2008



‘Cove End,’ Northeast Harbor, Maine. 1980s. Photograph: Philip C. Marshall



Brooke Astor at 'Cove End,' her summer home in Northeast Harbor, Maine. Courtesy Condé Nast Archives/© Karen Radkai/Empire Editions.

Brooke Astor hiking on Mount Desert Island, Maine. Photograph: Alec Marshall



Picking garden, 'Cove End,' Northeast Harbor, Maine. 1980s.
Photograph: Philip C. Marshall

Brooke Astor's Maine Estate Now Belongs to Her Son's Wife

Three years ago, as Brooke Astor began scaling back her public life, she quietly gave title to her beloved vacation estate on the [Maine](#) coast, worth millions of dollars, to her son, Anthony D. Marshall, according to local land records.

McIntire, Mike. "Brooke Astor's Maine Estate Now Belongs to Her Son's Wife." *The New York Times*. July 29, 2009. ("The series of land transfers, carried out between May and November 2003, left Mrs. Astor with nothing in Northeast Harbor except memories of a bygone era...")



Picking garden and
greenhouse, 'Cove End,'
Northeast Harbor,
Maine. 2007.
Photographs: LH.



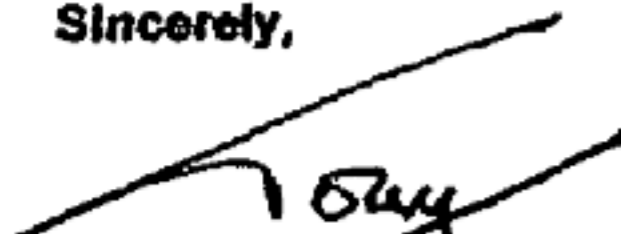
Major General John H. Russell,
16th Commandant of the
Marine Corps. Anthony
Marshall's grandfather.

Retroactive salary increase

**Anthony Marshall Investment Management fee for the Brooke Astor Trust
since 1979 at Bankers Trust (now Deutche Bank)**

(A)	<u>ADM fee at .55%</u> for 24 years	<u>per annum</u> \$ 338,600.00	x 24 years = (1979-2003)	\$ 8,064,000.00 ADM pays income tax
(B)	<u>ADM fee at 2.5%</u> based on 6 years	\$ 1,526,000.00	x 6 years =	\$ 9,150,000.00 ADM pays income tax
(C)	<u>ADM fee at 1.9%</u> based on 6 years	\$ 1,403,000.00	x 6 years =	\$ 8,418,000.00 ADM pays income tax

Sincerely,


Anthony D. Marshall
(212-650-0490)

Letter to Henry Christensen III, Esq. Sullivan and Cromwell
from Anthony D. Marshall. July 22, 2003



“General Russell,” Hudson River, New York City. April 23, 2006. Photograph: Alec Marshall

Vincent Astor Foundation Trust beneficiaries, select (before First Codicil)



*Top left: New York Public Library,
Reading Room*

*Top right: Pierpont Morgan
Library & Museum, East Room.*

*Bottom left: Metropolitan
Museum of Art, east façade*



First and Final Codicil

First and Final Codicil
to
Last Will and Testament

— of —

BROOKE RUSSELL ASTOR

Dated: *December 18, 2003*

First and Final Codicil, Last Will and Testament of Brooke Russell Astor.
Dated: December 18, 2003. Executed by Henry Christensen III, Senior Partner, Trust and Estates, Sullivan & Cromwell LLP

First codicil

By Messenger

Mr. Henry Christensen III

Sullivan and Cromwell

125 Broad Street

New York, N.Y.

Dear Terry,

January 4, 2004

My mother is much more at ease now that the Codicil to her Will has been taken care of making it possible for me to continue her example of giving through the Anthony Marshall Fund.

Letter to Henry Christensen III from Anthony Marshall. January 4, 2004

Power of Attorney (after First Codicil)

January 27, 2004

Mr. Anthony Marshall
151 East 79th Street
New York, New York 10021

Dear Tony,

I have signed a new Power of Attorney for you. I want you to be able to act alone and to administer all my matters now and later without interference or interruptions.

You have done a magnificent job managing my affairs and I wish you to continue as you deem fit.

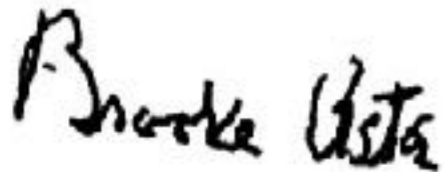
M. J. Morrissey
(Print)

All my love

Power of Attorney (after First Codicil)

I have asked Mrs. Astor to sign this letter at the bottom to confirm that this represents her wishes.

Sincerely,



G. Warren Whitaker

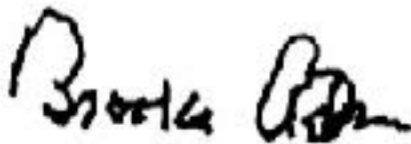
Confirmed:

Brooke Russell Astor
71216739_1.DOC 003276-00000

I have asked Mrs. Astor to sign this letter at the bottom to confirm that this represents her wishes.

Sincerely,

G. Warren Whitaker

Confirmed: 

Brooke Russell Astor
71216739_1.DOC 003276-00000

Letter from G. Warren Whitaker to Henry Christiansen, III, signed by Brooke Astor, re: Brooke Russell Astor [Power of Attorney], February 4, 2004, two versions.

Second Codicil

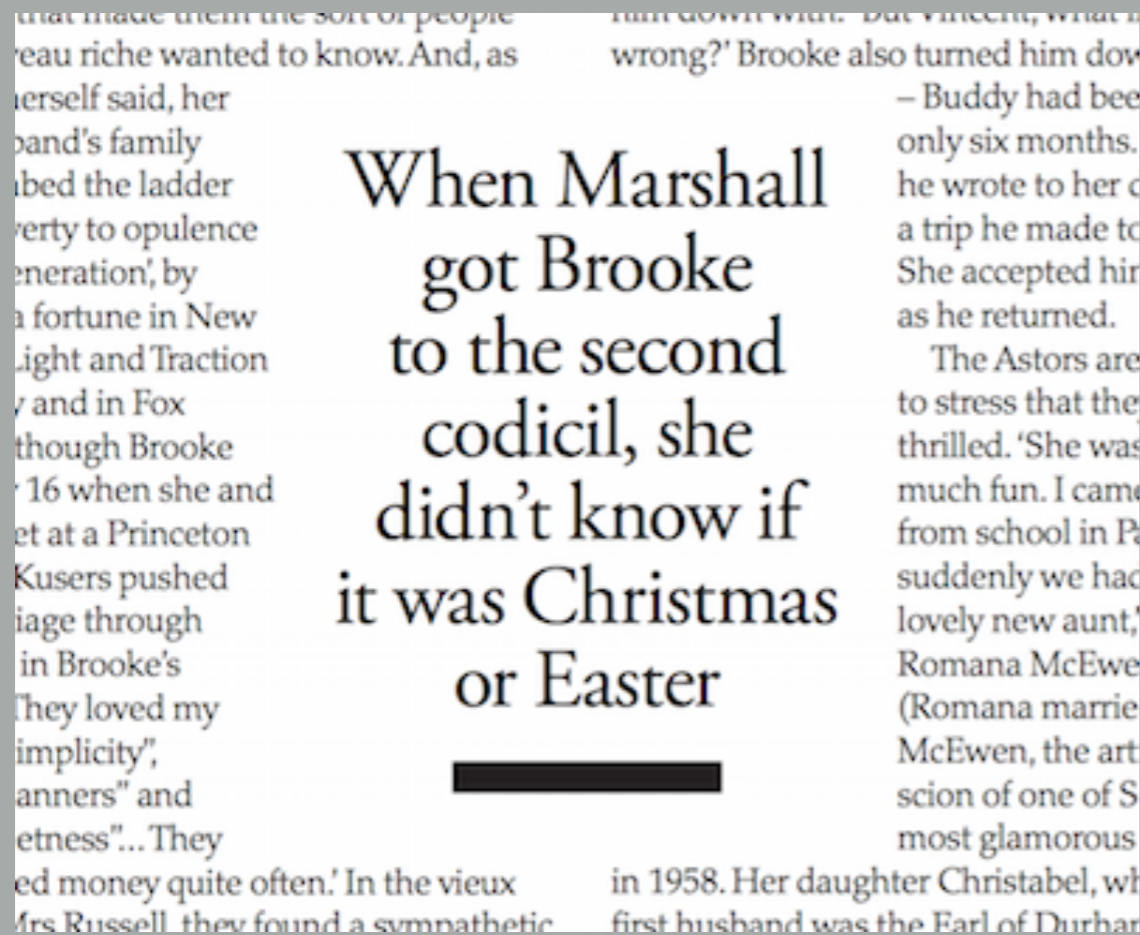
FIRST: After further thought and discussion with my son, Anthony Marshall, I have decided to change my residuary bequest in order to give him the maximum freedom to manage and dispose of those assets. I therefore revoke Article TWELFTH of my said Will and insert in its place the following:

“TWELFTH: All of the residue of my estate of every kind and description (including lapsed legacies and devises) I devise and bequeath to my son, ANTHONY MARSHALL, if he survives me, or if he does not survive me I devise and bequeath my said residue of my estate to his estate.”


BROOKE RUSSELL ASTOR

Second Codicil to the Will of Brooke Russell Astor. January 12, 2004.

Second Codicil



Left: "Mommy Dearest," *Tatler Magazine*, November 2009.

Below: Memo. Date: 11/19/04. To: Files. From: Francis X. Morrissey, Jr., Re: Brooke Astor, Date: 11/12/4. (One of multiple versions of memo to file regarding execution of the Second Codicil, November 12, 2004.)

She said she was glad to leave Tony her property outright and to give him freedom over her estate. She said, "my son has proved himself a gentleman." As she gracefully waved her hand in the back of her shoulder she observed that it was hard for her son to "dance" behind her all his life and yet maintain the serious financial and other responsibilities he carried on his shoulders. She also said that Tony had done a "magnificent job without ever asking for anything."

Second Codicil

1. I appoint my wife CHARLENE TYLER MARSHALL and FRANCIS X. MORRISSEY of 425 East 51st Street, New York, New York as Successors to me as Executor and Trustee under my mother's will, if I should fail to qualify as Executor or as Trustee under my mother's will; and

2. I appoint my wife CHARLENE TYLER MARSHALL and FRANCIS X. MORRISSEY of 425 East 51st Street, New York, New York as Co-Executors of and Co-Trustees under my mother's will to act together with me, effective immediately on my appointment as Executor and Trustee under her will.

Appointment of Successor Trustee and Co-Executor. Anthony Marshall.
Day, Berry & Howard, LLP. January 21, 2004.

Second Codicil

Pursuant to his authority under this Power of Attorney, Ambassador Marshall has asked me, as his attorney, to request that you deliver to me all original estate planning documents executed by Mrs. Astor and all of her files, including but not limited to her original Will dated January 30, 2002 and first codicil dated December __, 2003. Mrs. Astor has executed subsequent estate planning documents.

Mrs. Astor and Ambassador Marshall want you to know that this change is not intended in anyway as a reflection upon you, but rather an expression of Mrs. Astor's wish to give her son maximum control over her affairs and his own destiny. ~~He has~~ *She has Mrs Astor*

I have asked Ambassador Marshall to sign this letter at the bottom to confirm that this represents his wishes. *at the bottom of the letter*

Sincerely,

G. Warren Whitaker

GWW/cam

Anthony Marshall

7/21/739 1.DOC 601274-0000
January 30, 2004 4:33 PM

has continued to recognize the accomplishment of her son and

now strongly wishes also to demonstrate her appreciation to him for all the time he has lived in

Brooke Astor
deference to her while
get the same & not being
her primary source of support
Brooke Astor

** TOTAL PAGE 02 **

Letter to Henry Christensen III from G. Warren Whitaker, Re: Brooke Russel [sic] Astor. Revised Draft, January 30, 2004. Morrissey files.

Second Codicil (execution)

‘ Tony Marshall and his lawyer Frank Morrissey took Astor into the library . . . She told Mr. Marshall she didn’t want to be pushed in any business and she reiterated ‘Do you hear me?’ . . . They started to pull her . . . It ended up being a drag. ’

— one of the many incidents overheard
via baby monitor by nurse’s aide Pearline Noble



“Tony Marshall and his lawyer Frank Morrissey took Mrs. Astor in to the Library...” *New York Post*. November 16, 2008

SENIOR MOMENT:

“Who are you?” — Brooke Astor to then-Metropolitan Museum of Art Director Philippe de Montebello (left, yesterday) — whom she’d known and worked with for 30 years — when he arrived for tea at her Park Avenue apartment, at her invitation, in April 2004. Under his direction, Astor had given the Met some \$20 million in charitable donations.



“Senior Moment.” New York Post. May 5, 2009. (Re: Philippe de Montebello, April 2004 tea with Brooke Astor.)




Anthony Marshall at theater hosting *Long Day's Journey into Night*.
June 6, 2003. Photograph: Philip C. Marshall

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Retrieved June 27, 2007. (Removed by September 16, 2007.)

Third Codicil



‘Holly Hill,’ Briarcliff Manor, New York. 1981. Photograph: Philip C. Marshall



Living room, Brooke Astor's apartment, 778 Park Avenue, New York, New York. Circa 2000. Photograph: Philip C. Marshall

Third Codicil

"THIRD: I direct that all of my interests in any real property used by me as a permanent or seasonal residence, including my rights under any related insurance policies, and my interest in any such residence that is a cooperative apartment (including any shares of stock in the cooperative corporation and any related proprietary lease), to be sold at public or private sale and the proceeds thereof be added to my residuary estate for disposition pursuant to Article TWELFTH hereof."

IN WITNESS WHEREOF, I have hereunto set my hand and seal on *3rd day*

March, 2004.

Brooke Russell Astor

BROOKE RUSSELL ASTOR (L.S.)

Third Codicil to the Will of Brooke Russell Astor. March 3, 2004

Memorandum (after Third Codicil)

In retrospect on May 6, 2003 I realize that one reason why your mother wished to dine with me was to see as she said to me that night, "what can I do for Tony?"

I agree with Charlene that the primary energy driving your mother's heart was to give you recognition, recognize Charlene's contribution to your happiness, achieve an independence for both of you and most of all, to thank you.

I think the strength of her signature on this third codicil reflects these truths.

We still must be vigilant and careful because Terry's words to you and his letters to us reflects a treacherous and strategic mind which has not yet surrendered complete control over your mother's matters.

Memorandum to Anthony Marshall from Francis X. Morrissey, Jr. March 4, 2004. DBH 000872

Third Codicil (signature)

If a questioned signature agrees with the known signatures in both letter formation (writing similarity) and execution, then the questioned signature must be identified as being genuine. However, in this case the questioned "Brooke Russell Astor" signature and known signatures of Brooke Russell Astor contain elements of dissimilar letter formations (writing similarity) and execution. Therefore, the questioned "Brooke Russell Astor" signature cannot be identified as having been written by the author of the known Brooke, Brooke Astor and Brooke Russell Astor signatures.

Gus. R. Lesnevich, Forensic Document Examiner, to Susan Robbins, Esq.,
Miller Canfield. Re: Handwriting Analysis: Brooke Astor. Report Examination.
October 18, 2006.

Estate 'planning'

2. **Probate:** The Will dated December 30, 2002 and codicils thereto dated December 18, 2003; January 12, 2004 and March 3, 2004 will be offered for probate in the New York County Surrogates Court. Citation (and the opportunity to contest the will) will be issued to the next of kin (Anthony Marshall) and also to persons named in the will who are adversely affected by the codicils. This will include all charities whose interests were reduced by the codicils. In addition, it will include the Attorney General of New York as statutory representative of charities, and Terry Christensen because his appointment as executor as been revoked by the second codicil.

Memorandum to files from Francis X. Morrissey, / G. Warren Witaker.
Date: August 23, 2005. Re: Estate of Brooke Russel [sic] Astor.

Estate 'planning'

While it may take a month or longer to obtain probate of the will because of the number of parties who will be cited, it is unlikely that the Attorney General or the charities will contest the will, since the codicils do not reduce the total passing to charity, but simply alter the amounts received by each charity, each charity will still receive a substantial amount and the balance will

71297982 / 258639-00000

August 24, 2005 9:11 AM

Memorandum to files from Francis X. Morrissey, / G. Warren Witaker.
Date: August 23, 2005. Re: Estate of Brooke Russel [sic] Astor.

Weather: Warm and humid, 88/70

NATIONAL ★ FINAL

Wednesday, July 26, 2006

DAILY NEWS

\$1.00

NEW YORK'S HOMETOWN NEWSPAPER

nydailynews.com

STUNNING COURT ALLEGATIONS

DISASTER FOR MRS. ASTOR



gettyimages
New York Daily News Archive

Brooke
Astor

EXCLUSIVE – PAGES 6-7

**Son forces society
queen to live on
peas and porridge
in dilapidated
Park Ave. duplex**

97294210

Front page, *New York Daily News*, July 26, 2006,
Headline: Disaster for Mrs.
Astor, Stunning Court
Allegations. Getty Images,
New York Daily News
archives.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

In the Matter of the Application of

PHILIP MARSHALL for the Appointment of Guardians
of the Person and Property of

BROOKE ASTOR,

an Alleged Incapacitated Person

Index No. _____

VERIFIED PETITION FOR
APPOINTMENT OF
GUARDIANS

TO THE SUPREME COURT, COUNTY OF NEW YORK:

The Petition of PHILIP MARSHALL respectfully states:

PETITIONER

1. I reside at 433 Elm St., South Dartmouth, Mass. 02748, telephone (508) 951-8562.

ALLEGED INCAPACITATED PERSON

2. The Alleged Incapacitated Person, BROOKE ASTOR, is my grandmother. She was born on March 30, 1902, and is now 104.

3. My grandmother resides at 778 Park Ave., New York, New York 10021, County of New York, telephone (212) 737-8726.

4. My grandmother is one of the great philanthropists of our time.

5. The sad and deplorable state of my family's affairs has compelled me to bring this guardianship action. I seek to have Guardians appointed to care for my grandmother because my father, ANTHONY D. MARSHALL, who is supposed to be overseeing the care of his mother as her attorney in fact, has turned a blind eye to her, intentionally and repeatedly ignoring her health, safety, personal and household needs, while enriching himself with millions of dollars. Her medical and dental care are substandard and her diet is inadequate, endangering the life and safety of this slight and sickly 104-year-old woman. Needed prescriptions are inexplicably stopped. Her Park Avenue duplex is in such a dirty and dilapidated state that she's been forced to live among

Guardianship Petition by
Philip Marshall for Brooke
Astor, Supreme Court of
the State of New York, July
14, 2006, draft.

Elder Abuse

“Although this matter voluntarily settled before the hearing, I find the petitioner Philip Marshall was the prevailing party...”

“I make this ruling based on the conclusion of the court evaluator that the allegations in the petition regarding Mrs. Astor’s medical and dental care, and the other **allegations of intentional elder abuse** by the Marshalls, **were not substantiated.**”

Guardianship of Brooke Astor. Judge John E. H. Stackhouse,
December 4, 2006

Indictment

THE PEOPLE OF THE STATE OF NEW YORK

-against-

ANTHONY MARSHALL,
FRANCIS MORRISSEY,

Defendants.

INDICTMENT

SCHEME TO DEFRAUD IN THE FIRST DEGREE, P.L. §190.65(1)(b) - DEF. A. Marshall, F. Morrissey
GRAND LARCENY IN THE FIRST DEGREE, P.L. §155.42 - DEF. A. Marshall, 2 Cts
FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE, P.L. §175.10 - DEF. A. Marshall
OFFERING A FALSE INSTRUMENT FOR FILING IN THE FIRST DEGREE, P.L. §175.35 - DEF. A. Marshall, 2 Cts
GRAND LARCENY IN THE SECOND DEGREE, P.L. §155.40(1) - DEF. A. Marshall, 5 Cts
CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE, P.L. §165.52 - DEF. A. Marshall, 2 Cts
CONSPIRACY IN THE FOURTH DEGREE, P.L. §105.10(1) - DEF. A. Marshall, F. Morrissey, 2 Cts
CONSPIRACY IN THE FIFTH DEGREE, P.L. §105.05(1) - DEF. A. Marshall, F. Morrissey
FORGERY IN THE SECOND DEGREE, P.L. §170.10(1) - DEF. F. Morrissey
CRIMINAL POSSESSION OF A FORGED INSTRUMENT IN THE SECOND DEGREE, P.L. §170.25 - DEF. F. Morrissey

ROBERT M. MORGENTHAU, District Attorney

E. Elizabeth Loewy
Peirce R. Moser
Special Prosecutions Bureau

A True Bill

Foreman

ADJOURNED TO PART _____ ON _____

*Brooke Astor's Son
and Son's Attorney
Are Indicted by a
New York Grand
Jury on Charges
Alleging They
Conspired to
Defraud and Steal
Millions From Her
Estate, FindLaw.com,
November 2007*

SHE'S ASTOR-RICH

Wife in line for millions

By STEFANIE COHEN,
LAURA ITALIANO and
DAREH GREGORIAN

Even if he's convicted of swindling millions of dollars from Brook Astor while she was alive, Anthony Marshall still stands to pocket millions more from his mother's death — money that only his aging trophy bride may get to enjoy.

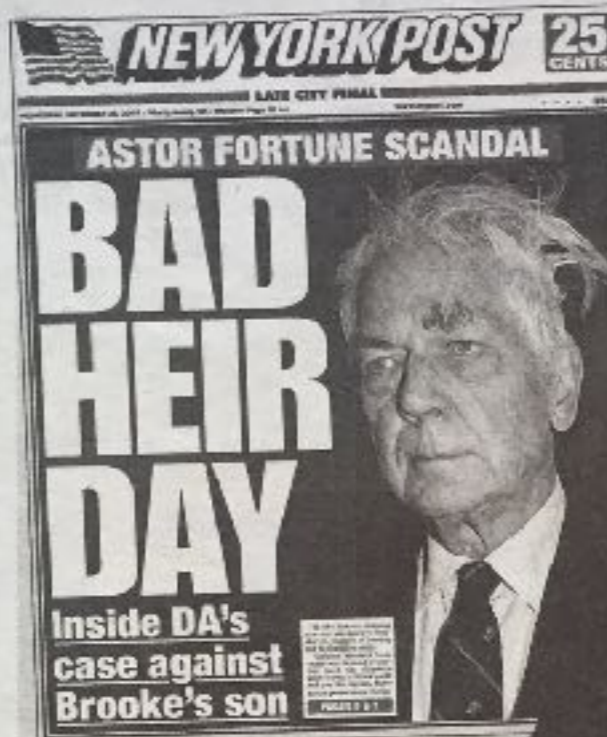
Marshall, 83, was indicted earlier this week on charges he took advantage of philanthropist mother's "diminished mental capacity" in the years before her death this past August "in a scheme to defraud her and others out of millions of dollars."

Prosecutors charge Marshall and a once-suspended lawyer named Francis Morrissey conspired to get Astor to make changes to her will in 2004 that shifted tens of millions of dollars from charity to Marshall.

It's unclear how much impact the indictment will have on the fight over Astor's estate in Westchester Surrogate's Court, where Marshall is seeking to have that will amendment enforced, but it will likely blow up the former ambassador's chances.

However, even if that amendment, or codicil, is thrown out, Marshall will reap over \$4 million a year thanks to bequests his mother left him in earlier wills, court documents show.

If prosecutors are successful in their bid to send him up the river, that money would likely go directly into the hands of Marshall's wife, Charlene, 62, who, a knowledgeable source said, had also been a target of the Manhattan



We're a hit with Mrs.

Charlene Marshall burst into laughter yesterday when a Post shutterbug, carrying yesterday's paper featuring a classic Page 1 photo and headline about her husband's legal woes, introduced himself.

The daughter-in-law of late philanthropist Brooke Astor, Marshall let loose with hysterical laughter — even as she strolled the Upper East Side with her husband's

indictment in hand.

Hubby Anthony Marshall, 83, has been indicted for allegedly looting his mom's fortune. Even though Charlene Marshall wasn't indicted, she allegedly benefited from the raiding.

John Mazur

RICH HUMOR: Charlene Marshall giggles after meeting Post fotog carrying yesterday's front page.

district attorney's probe, which came up empty.

That didn't sit well with the third Mrs. Marshall's detractors, who "have painted her as the motivating force behind her husband's efforts to get his hands on more and more of his Astor's money, prop-

erty and valuables in recent years.

Marshall "has been Charlene's blunt instrument in all this," said a family source. "I'm saddened that she wasn't indicted."

Her husband's indictment suggests Charlene was the direct beneficiary

of some of Marshall's alleged schemes.

In one, he convinced his mother to give him her Maine estate in 2003, and then transferred it to Charlene. The indictment says he then stole \$600,000 from his mother's accounts to pay for upkeep of the

property.

The property was returned to Astor last year as part of an ugly court fight with Marshall's son, Philip, who'd accused his father of skimping on the grande dame's care while helping himself to her money.

stefanie.cohen@nypost.com



Cohen, Stefanie; Italiano, Laura and Dareh Gregorian. "She's Astor Rich." New York Post. November 29, 2007.

Trial



Alec Marshall and Philip Marshall with Liz Loewy, lead prosecutor for the Manhattan DA. Day of testifying in criminal court. May 19. 2009. Photograph: Bloomberg via Getty Images

Trial

A PORPOISE IN LIFE

"When I got to the tank, I hesitated. Those dolphins were pretty big. I was shamed when Brooke jumped in ahead of me and swam around."

— Public Advocate Betsy Gotbaum (below), describing Brooke Astor swimming with dolphins at age 90 in the Dominican Republic, where they were vacationing with the de la Rentas

BABBLING BROOKE

"You only want to come to see how soon I will die."
— What Astor told Anthony Marshall (below) before a 2000 doctor's appointment



QUOTE OF THE DAY

It's probably, in my opinion, the worst thing that can happen to a human being. It robs us, as people, of who we are. It robs us of our mind.

— Dr. Howard Fillit, noted gerontologist, testifying yesterday about Alzheimer's disease

ASTOR-METER



New York Post. May 6, 2009. Reporting on criminal trail.

Trial

electricity. Even the veteran
her admitted, "Every day,
n a Jackie Collins novel."
e was stoic Anthony Mar-
his rumpled
s suits, Ma-
d white hair,
ing his phi-
her's estate
dollars, with
vyer Morris-
rapists and
ndcuffs and
marched by
the halls, the
York society
Annette de
ara Walters,
cy Kissinger,
ntebello, and Vartan
ell as Graydon Carter,
magazine) — were ma-
e 15th floor to praise
nd to damn her only
an 18-count indictment,
arges of Class B grand

tator seats two rows behind her husband,
Charlene, at 63 more than two decades
younger, did not look or dress the part of the
trophy wife. With her white hair held back

recalls. "One of the m
Bates, from the movie
Charlene had begu
"Mrs. Job." "Our lives

by this,
in cour
pray."
on, Ch
husban
Award
ers (*Lo
Night,
Own W
to envis
version
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lene is
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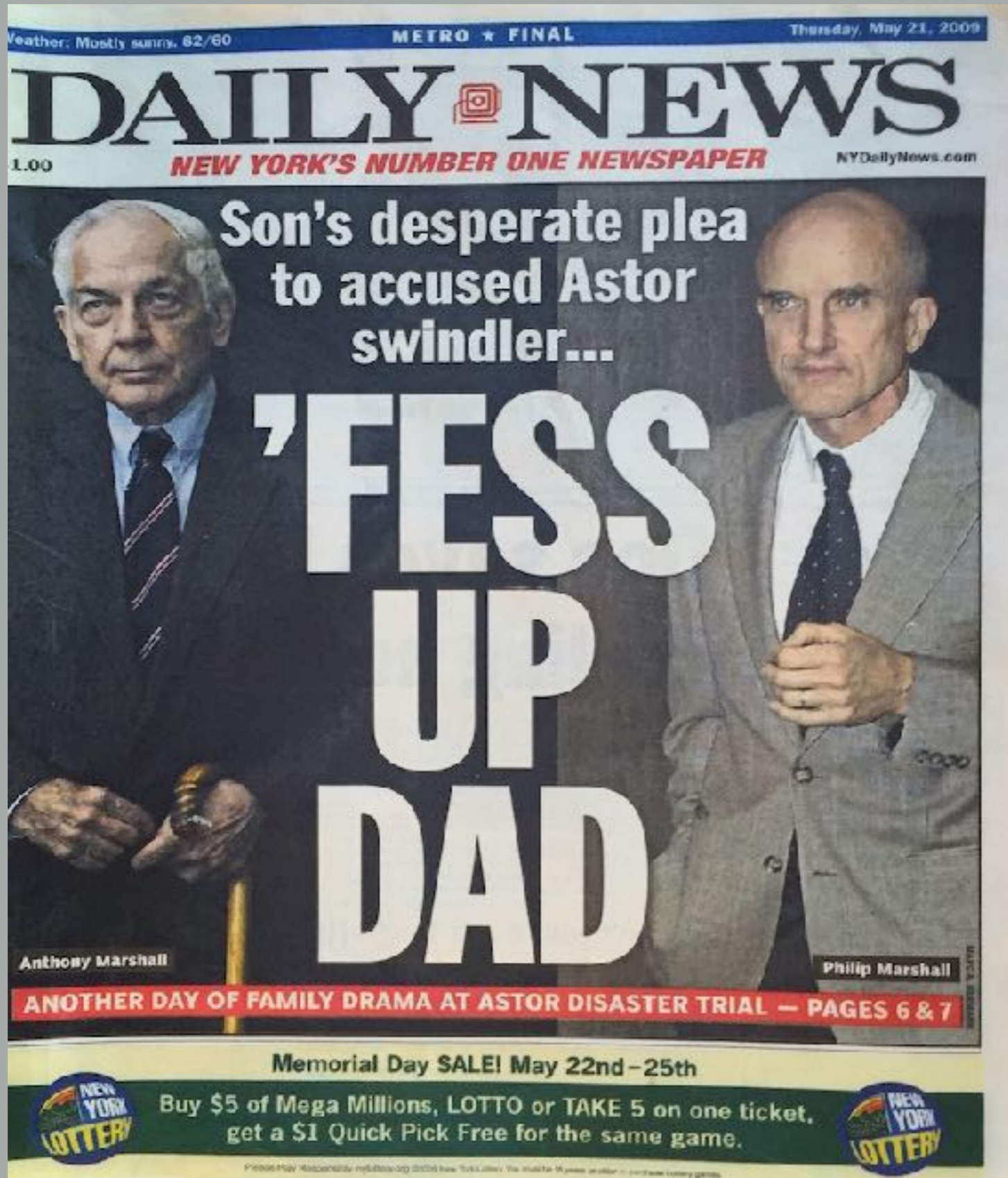
"TONY DID NOT DO ONE THING WRONG," Charlene told me in court one day, FURY IN HER VOICE.



ard Osterweil,
to Imelda, I
Daddy") who
for roughly 1
afternoon on
came up wit
courtroom s

Gordon, Meryl. *Vanity Fair*. September 2009. p. 286.

Trial



‘Fess up Dad,’ New
York Daily News. May
21, 2009



Brooke Astor's 102th birthday 'party.' From left: Charlene Marshall (hand), Francis X. Morrissey Jr., Brooke Astor, Anthony Marshall, Reverend Canon John Andrews. Photograph: Alec Marshall. March 2004.



"All the News
That's Fit to Print"

The New York Times

Late Edition

Today, mostly cloudy, a shower
more humid, high 69. Tonight, mild
humid, a few showers, low 58. Fri-
morrow, a shower, then clearing,
high 68. Weather map, Page A28

VOL. CLIX... No. 54,823

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NEW YORK, FRIDAY, OCTOBER 9, 2009

\$2.00

F.H.A. PROBLEMS RAISING CONCERN OF POLICY MAKERS

RESERVES ARE SHRINKING

Loans It Insured Are at
Risk — Agency Says
It Won't Need Aid

By DAVID STRITFIELD
and LOUISE STORY

A year after Fannie Mae and Freddie Mac tumbled, industry executives and Washington policy makers are worrying that another government mortgage giant could be the next housing domino.

Problems at the Federal Housing Administration, which guarantees mortgages with low down payments, are becoming so acute that some experts warn the agency might need a federal bailout.

Rising questions about the F.H.A.'s future — underscored by interviews with policy makers, analysts and home buyers — came to the fore on Thursday on Capitol Hill, in testimony before a House subcommittee. David H. Stevens, assistant director, said his agency would not need a bailout and that it was managing its risks.

But he acknowledged that some 20 percent of F.H.A. loans insured last year — and as many as 24 percent of those from 2007 — faced serious problems including foreclosure, offering a preview of a forthcoming audit of the agency's finances.

"Let me simply state at the outset that based on current projections, absent any catastrophic home price decline, F.H.A. will not need to ask Congress and the American taxpayer for extraordinary assistance — we will not need a bailout," Mr. Stevens said in his testimony.

But to his critics, the F.H.A. looks like another Fannie Mae. The hearings on Thursday came on the same day that the federal



Anthony and Charlene Marshall after the verdict. He was charged with changing Brooke Astor's will for his own gain.

House, 281-146, Votes to Define Antigay Attacks as Hate Crimes

By CARL HULSE

WASHINGTON — The House voted Thursday to expand the definition of violent federal hate crimes to those committed because of a victim's sexual orientation, a step that would extend new protection to lesbian, gay and transgender people.

Democrats hailed the vote of 281 to 146, which brought the measure to the brink of becoming law, as the culmination of a long push to curb violent expressions

crimes that fall under federal jurisdiction are defined as those motivated by the victim's race, color, religion or national origin.

The new measure would broaden the definition to include those committed because of gender, sexual orientation, gender identity or disability. It was approved by the House right before a weekend when gay rights will be a focus in Washington, with a march to the Capitol and a rally at the White House.

Looking Beyond the Glamour, Astor Jury Found a Moral Flaw

By ANEMONA BARTOCOLLIS and JOHN ELIGON

Six months after jury selection began, six weeks after the prosecution rested its case and more than a week after the start of deliberations, the jurors finally lit a wall.

Almost all of them had come around to the decision that Anthony D. Marshall had improperly given himself a raise with his mother's money in her declining final years.

"Don't you see what's going on

see through the wealth and glamour of the characters in the unfolding drama. And although the amounts of money were at times astounding to ponder, they infused their deliberations with experiences from their own lives.

Ms. Fernandez, 52, who said her grandfather had suffered from dementia for years, said Mr. Marshall and his wife, Charlene, who was not charged, were no different from common criminals.

MRS. ASTOR'S SON GUILTY OF TAKING TENS OF MILLIONS

FACES PRISON SENTENCE

Larceny and Fraud Cited
in Charges to Ailing
Mother's Will

By JOHN ELIGON

The son of Brooke Astor, the philanthropist and longreigning matriarch of New York society, was convicted in Manhattan on Thursday on charges that he defrauded his mother and stole tens of millions of dollars from her as she suffered from Alzheimer's disease in the twilight of her life.

The jury's verdict means that Mrs. Astor's son, Anthony D. Marshall, 55, faces a sentence of at least a year and as many as 25 years. A co-defendant, Francis X. Morrissey Jr., a lawyer who did estate planning for Mrs. Astor, was also convicted of a series of fraud and conspiracy charges, as well as one count of forging Mrs. Astor's signature on an amendment to her will.

The verdict drew the curtains on a long trial that cast an unflattering spotlight on one of New York's first families of high society. Henry Kissinger, Barbara Walters and Armand de la Motte, among others, testified that Mr. Marshall mistreated his mother in her later years and conspired to inflate his inheritance from her estate — largely to appease his wife, Charlene Marshall. Mrs. Astor died in 2007 at age 105.

As the verdict was read, Mr. Marshall sat stone-faced; moments later, while her husband went to meet with a probation officer, she left the courtroom, saying, "I love my husband." She and Mr. Marshall then held hands and ignored requests for comment before being whisked away in a black Town Car.

Although prosecutors were still determining how stiff a sen-

The New York Times,
October 9, 2009.

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**The Brooke Astor Story: Hard-learned lessons
that inform elder justice**

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