The Brooke Astor case: It wasn't about the money

There was more than enough money for everyone in the family. What was missing was an emotional connection between Mrs. Astor and her son.

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In the summer of 2009, Anthony Marshall, the only son of New York socialite and philanthropist Brooke Astor, was accused by his son, Phillip Marshall, of neglecting Mrs. Astor's care in her last years and of exploiting her for his own monetary gains. By the end of last year, Tony Marshall was convicted of first-degree grand larceny and sentenced to one to three years of prison time.

Although this sorry state of affairs may appear to have been centered on money, we assert that when it comes to family conflict, it's never just about the money.

Families leave legacies, including financial ones. But the legacy in the Astor/Marshall family is a broken trust between mother and son and an inability to effectively communicate with each other. Tony Marshall gave himself a 208% pay raise for managing his mother's affairs, removed valuable items from his mother's home and tried numerous times through two attorneys - first Henry Christensen and then Francis X. Morrissey Jr. - to change his mother's will significantly in his favor. Such behavior indicates that Marshall's relationship with his mother had deteriorated to the point that he was thoroughly indifferent to her and her wishes.

Psychological issues exist in every family. If, for example, a parent abandons a child, and the child is never able to recover emotionally, that child will remain very angry. His anger, as well as other emotional issues, will bubble beneath the surface for decades. Although they may appear to be under control, issues pile up over time and create enormous stress on family relationships. Sometimes that stress is so painful and weighs so heavily on the relationship that it breaks, releasing enormous anger. If that anger is not expressed directly - and often it isn't - it can be acted out through money.

In Brooke Astor's family, issues of wealth, inheritance and competence combined with powerful emotions.

As illustrated by the Astor/Marshall case, when issues of family wealth, inheritance and competence are combined with powerful emotional issues, the mixture becomes combustible; sometime it explodes. The approaching loss of a parent's competence, for instance, signals time is running out - action must be taken now. It forces the angry child to tackle emotional and psychological issues at long last. All too frequently, he does so in an unhealthy way. When inheritance looms around the corner, legal bequests that play into the decades-long unhealthy dynamic sharpen the child's desire to rectify perceived past harms by receiving what he feels he has earned by enduring feelings of rejection for so long.

Tony Marshall did what was normal in his situation; he worked with one of the family's current advisors. He asked his mother's estate-planning attorney (who was also his attorney), Henry Christensen, to change his mother's will so he could receive what he felt he was entitled to. Christensen, deeming the request reasonable, facilitated some of the changes. Under the terms of a 2002 codicil, Marshall was entitled to an annual payout of 7% until he died, and the remainder of Mrs. Astor's estate would have gone to charity. The subsequent codicils modified her will further so Marshall became a more substantial beneficiary.

Christensen probably didn't think he was hurting Mrs. Astor, who died in 2007 at age 105. (Tony Marshall was 87 at the time.) By giving Mrs. Astor's son some of what he wanted, Christensen most likely thought he was doing a good thing; he was brokering a deal. He probably thought it was his job to mend the family schism even though he had no idea how strong the emotional fault lines were. As the mother's estate planning attorney, he judged her competent to draft a codicil.

His judgment and the documents he prepared were the anchor points of what happened next. Marshall took that judgment of competence and the codicil as preliminary and important groundwork for other changes he thought should be made. If Christensen, who had been Mrs. Astor's lawyer for 15 years, had not made the judgment of competence and had not created that document, it would have been a lot harder for Marshall to proceed with the next step. After Christensen established Mrs. Astor's competency, Marshall hired Morrissey, and the two of them conspired to change his mother's will so that Marshall benefited even more.

Christensen was naive to think he could broker a deal that would not only assume a financial settlement, but also reduce the conflict in the family relationship. We don't know whether Christensen consulted with a mental health professional about the tru state of the mother-son relationship. However, we believe that such a professional, after examining Marshall's behavior of constantly asking for more, could link those repeated requests to problems within the family. That Marshall had married a woman who Mrs. Astor believed was a gold-digger may have suggested further that the relations between mother and son was not repairable and that any attempt to placate Marshall's desire would only feed his fantasy that money would fill the gap.

By continuing to consult with Marshall (before he hired Morrissey), Christensen was brokering a deal between two adversaries. Even though he may have sincerely thought that he was acting in the best interest of his client and her son, by spending so much time with one side, he made himself vulnerable to the ethical charges that swirl around conflict of interest. During the seven days Christensen was on the stand, the prosecutor alleged that Christensen had failed to protect Mrs. Astor and gave in to Marshall's demands. In the prosecutor's view, instead of dropping one lucrative client to clear up a conflict of interest, Christensen continued to represent both Mrs. Astor and her son, thus putting Mrs. Astor in peril.

The saddest aspect of this story is that in the Astor/Marshall case, there was more than enough money available to solve everyone's problems. But the root of the problem was not only money; it was the lack of positive human connection. It takes a lot of time and effort to establish a relationship with one's children. Unfortunately, it appears that in the Astor/Marshall case, instead of doing the hard work of maintaining healthy relationships, the family used money as a means of power and control. This is not surprising: Easy access to money can lull one into thinking that it is easier and just as effective to control others through the pocketbook. While people with wealth may think they are rewarding "correct" behavior, money is never a substitute for relationships and the time required to build them.

The good news is that before a break occurs in a parent-child relationship, there is usually an opportunity for repair. But that repair needs more than intention or resolution - it requires each party to relate to the other differently from the way they have in the past.

In the Astor/Marshall case, the parties involved used a habitual and faulty mechanism to repair the broken relationship. History should have told them (as well as their lawyer) that since money had never been a successful antidote in the past, it would not be useful now. As the saying goes, insanity is doing the same thing over and over and expecting a different result.

Anthony Marshall and his wife, Charlene, are escorted from the courtroom. His scheme started with a request that his mother's attorney deemed reasonable.

Issues that create discomfort among family members only get progressively worse when left untreated. If your family argues about control of family wealth or control of the family business, understand that no matter how things may seem to you, you are not just arguing about money. It is crucial at this point for family members to pause and examine what is really driving their disagreements. Absent that reflection, things can spin out of control, as was the case in the sad affair of the Astor/Marshall family.

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