

Testimony of Philip C. Marshall
Special Committee on Aging, United States Senate
Broken Trust: Combating Financial Exploitation of Vulnerable Seniors
February 4, 2015

Chairman Collins, Ranking Member McCaskill, distinguished committee members. Thank you for inviting me to testify today. I am so grateful for the Committee's continuing leadership and action on issues of elder justice.

My name is Philip Marshall. I am a professor at Roger Williams University. I am also a grandson of New York philanthropist Brooke Astor, victim of elder abuse by her son, my father.

Philanthropy

As president of the Vincent Astor Foundation, my grandmother advanced its mission to address the "quality of life" by giving millions of dollars to social and cultural causes.

In 1998, President Bill Clinton awarded her the Presidential Medal of Freedom.

Well into her 90s, she was at center stage as "New York's First Lady," and a "humanist aristocrat with a generous heart."

By 2002, at 100, she had disappeared from the limelight.

She didn't return until July 2006 when my guardianship petition, which I filed to protect my grandmother from my father, was discovered by the press. Front-page headlines displayed, "Disaster for Mrs. Astor."

My grandmother would never want to be known as one of America's most famous cases of elder abuse.

Nor did she, while in the throes of dementia, choose to be victimized; to be deprived, manipulated, and robbed—all as part of a calculated "scheme to defraud," as later characterized by the Manhattan District Attorney.

Yet, the sad circumstances surrounding my grandmother have informed a timely, and timeless, cause in elder justice. This may be her greatest, most lasting legacy.

Guardianship

In my guardianship petition I stated that my father, with reference to his mother, "... 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."

After a three-month battle, and five days before our court date, a settlement was reached, with permanent guardianship awarded.

We had achieved our goal. My grandmother spent her final days in her country house, with care, in comfort—and free from fear.

Criminal Trial

A criminal investigation was launched by the Manhattan District Attorney when a possible forgery was referred to his Elder Abuse Unit.

In 2007, my father and a lawyer were indicted.

In 2009, after a six-month criminal trial the jury found my father guilty on 13 of 14 counts against him. All, but one, were held up on appeal.

This was a very bittersweet harvest. Yet, this harvest has so nourished the cause of elder justice.

Later, in probate, through the effort of the Attorney General, and in accordance with my grandmother's testamentary wishes, charities were awarded tens of millions of dollars that my father had tried to direct to himself.

Elder Justice

Because my grandmother now rests in peace, I could resume my life as before.

But I realize: While my grandmother was emotionally and financially abused and isolated, her case is far from isolated; there are millions of elder victims, today, suffering similar injury.

And I realize: To be complacent about elder justice is to be complicit in elder abuse.

Beyond Brooke

Speaking publicly for the first time in 2010, I launched my own journey for elder justice, “beyond Brooke.”

I have been border to border, coast to coast, face to face with elder-justice practitioners. I thank them for doing so much, for so many—with so little.

While, with help, I successfully detected abuse and then helped my grandmother, many elders lack vigilant oversight and remain helpless—and hopeless.

Here, all those providing services to older persons under federal programs should be screened and trained on elder abuse detection and resources for response.

Providers range from those who deliver home meals to senior center and area agency staff. In addition, Adult Protective Services needs federal funding and support to respond adequately to the increasing number of cases of elder abuse.

While my grandmother’s abuse galvanized a collective and coordinated response, some elders are re-victimized by a fragmented system. Here, much greater financial support and expansion of multi-disciplinary teams will be so helpful.

While my grandmother lived in a jurisdiction with an elected DA, who cared, and who had an elder-abuse unit, most people don’t. Other communities need to have law enforcement officials and prosecutors who are trained in elder abuse and will respond to and pursue these cases.

While my grandmother’s stolen assets were reclaimed, many elders never reclaim their money—or their lives. Here, for financial transactions, enhanced detection, mandatory reporting, and greater reporting of suspicious activity will so help.

Fiscal monitoring must match physical monitoring to ensure elders’ wellbeing.

While elder abuse is a pervasive, profound, and systemic problem, it can be addressed through a systems-based solution, employing big data analytics—starting in the arena of financial abuse and exploitation—to create a more robust early warning and rapid response system.

Finally, I urge Congress to reauthorize both the Elder Justice Act and the Older Americans Act. While elder abuse is a trend, it’s not our destiny. Thank you.