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BFH:HLH:saf  
DJ 175-52-28

Proposed Motion for Supplemental Relief  
in United States v. Trump Management, Inc.  
(E.D. N.Y.)

We are prepared to file the attached Motion for Supplemental Relief in the captioned case, alleging unsatisfactory compliance of the defendant, a large apartment management company, with a Consent Decree entered June 10, 1975. Information furnished to this Department by a Fair Housing group in New York City indicates that some Trump employees are denying apartments in Trump buildings to blacks through the use of various tactics, including misrepresentations as to apartment availability, discouraging remarks as to apartment conditions, and discourteous treatment.

#### I. Background

Trump Management, Inc., is one of the largest apartment management companies in the New York City area. The defendant owns and manages 37 apartment complexes in New York City, which contain a total of 9,694 units. This Department filed a complaint against Trump on October 15, 1973, alleging that the company was conducting its apartment rental business in violation of the Fair Housing Act. Our investigation had turned up evidence of discrimination against the defendant at seven of its buildings, containing over 3100 rental units, where discriminatory practices were encountered by both bona fide apartment applicants and testers from the Open Housing Center, a local fair housing group. We had been formally requested to investigate the rental policies of Trump by the New York City Human Rights Commission.

cc: Records ✓  
Chrono  
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After a long series of delaying tactics by the defendant's counsel\*/ a Consent Order was finally entered on June 10, 1975. The Order, in addition to permanently enjoining Trump from discriminating in its rental operations, required the defendant, among other things, to notify the Open Housing Center on a regular basis of vacancies in its buildings, and to report periodically to this Department. We have received all of the reports due under the terms of the Order, and its affirmative provisions have expired. The injunction, however, remains in effect.

Copies of the original justification memo, the Complaint, and the Consent Order are attached.

## II. Evidence of Violations

As we have said, the Consent Order required Trump to furnish lists of vacancies to the Open Housing Center, (OHC) on a monthly basis. The OHC, an aggressively and professionally run fair housing group, used these lists to refer black apartment seekers to Trump buildings. Its offices\*\*/ considered this program to be important and valuable.

Shortly before the affirmative provisions of the Order expired, OHC contacted us with a list of several incidents in which its clients encountered problems in seeking to rent apartments in Trump buildings. Most of these at least suggested discrimination by Trump employees. OHC requested, on the basis of these incidents, that we take action to have the provisions of the Order extended.

\*/ Among which were a \$100 million counterclaim against the United States and a motion to hold a Division attorney in contempt of court for alleged "Gestapo-like" interviewing tactics. Defense counsel is Ray Cohn, who became well-known in the fifties as an associate of Joseph McCarthy.

\*\*/ We have dealt with Betty Hooper, OHC's Director and  
(b)(7)(C) its Equal Opportunity Director.

In each case, however, the problem encountered by OHC's client had been brought by it to the attention of Irving Eskanazi, Trump's property manager. Mr. Eskanazi, who is a very cooperative and courteous man, responded promptly each time, and the client usually succeeded in obtaining an apartment.\*/ OHC did not tell us of any of these incidents at the time they occurred, and in some cases over a year had elapsed by then.

In light of these circumstances, (b)(5)

(b)(5)

(b)(5) OHC, (b)(5) promptly set about testing Trump buildings. The results of these tests, together with two instances of apparent discrimination against bona fide apartment seekers, referred to us by OHC, furnish the basis for this Motion. We have personally interviewed all but two of the testers and victims involved to satisfy ourselves of their credibility. (b)(5)

(b)(5)

Paragraph IX of the Order requires us to furnish details of possible violations to defendant, so that it can investigate. We have complied with this requirement in each instance. Mr. Cohn's responses are summarized with each incident.

#### A. Recent Trump Incidents

##### 1. Test of Lawrence Gardens Apartments

On September 11, 1977, (b)(7)(C) a white tester from OHC, went to the rental office of Lawrence Gardens, at 1323 Nostrand Avenue, in Brooklyn. There, (b)(7)(C) met the super-

\*/ As far as we know, however, no action was ever taken to discipline any of the employees involved.

\*\*/ We have not talked to (b)(7)(C) (paragraph A(1) below) and (b)(7)(C) (paragraph B(6) below).

intendant of Lawrence Towers, which is across the street from Lawrence Gardens. (b)(7) identified (b)(7)(C) as (b)(7)(C) and explained that (b) was doing the renting at Lawrence Gardens as its super-intendant was on vacation. (b)(7)(C) inquired about the availability of 3 1/2 room apartments, \*/ and was told that two were available, on the fifth floor of 3301 Nostrand where the elevator was broken, and in 3315 Nostrand. As (b)(7)(C) and (b)(7) were talking, a white (b)(7) and black (b)(7)(C) entered the office and inquired about an apartment. (b)(7)(C) told them to wait, as (b) was taking (b)(7)(C) to see an apartment. On the way, (b)(7)(C) talked about the couple, stating that (b) disliked blacks and tried not to rent to them. When blacks were insistent, (b)(7)(C) continued, (b) would show them an apartment that was in very bad shape and tell them that an apartment has to be taken as is. When (b)(7)(C) asked (b)(7)(C) what happens if the blacks persist, (b)(7)(C) replied "We have other ways", and said that the blacks were asked to bring in a lot of papers and given a hard time. (b)(7)(C) concluded by saying "We don't want them here."

(b)(7)(C) and (b)(7) then viewed Apartment 4H, at 3315 Nostrand. After (b)(7)(C) said that there were a couple of other 3 1/2 room apartments, in addition to the one at 3301 Nostrand, (b)(7)(C) expressed interest in the one at 3301 and said (b)(7)(C) would call back the following morning to see if the elevator was repaired. (b)(7)(C) then left.

About five minutes later, (b)(7)(C) a black tester, went to the rental office and asked for a 3 1/2 junior or 4 room apartment. (b)(7) spoke to (b)(7)(C) who said that (b) had one apartment in 3301 Nostrand, but that the elevator was broken and (b)(7)(C) could come back if (b) would like.

\*/ Trump, on the vacancy lists provided to OHC, designates its apartments by number of rooms rather than by number of bedrooms. A 3 1/2 room apartment is comparable to a one bedroom apartment and a 4 1/2 room unit is comparable to a two bedroom. A junior 3 is a unit in which the living room doubles as a bedroom, and which has a kitchen and dining area. A junior 4 is a larger one bedroom apartment which rents for a larger monthly rate.

On September 12, 1977, at about 2:15 p.m., (b)(7)(C) called (b)(7)(C) and identified (b)(7)(C) and (b)(7) acknowledged remembering (b)(7)(C) (b)(7)(C) told (b)(7) that the elevator was fixed at the 3301 building, but that the fifth floor apartment had been rented. However, (b) added that there was available an identical apartment on the second floor of the same building, and that Apt. 4H at 3315 Nostrand was also available. At about 2:30 p.m., (b)(7)(C) a black tester went to the rental office at Lawrence Gardens and saw (b)(7)(C) inquired about the availability of 3 1/2 room apartments. (b)(7)(C) replied that (b) had just rented the last one and that nothing else was available. (b)(7)(C) asked if there were any junior four room apartments available and (b)(7)(C) replied there were none.

The Trump vacancy list of September 8, 1977, showed seven 3 1/2 room apartments available at Lawrence Gardens. Since Trump's reporting responsibilities under the Decree ended on September 10, 1977, our only basis for knowing what apartments were available at Lawrence Gardens on September 11 and 12 is what (b)(7)(C) was told.

After being notified by us of the above incident, Roy Cohn responded, by letter dated October 25, 1977, stating (1) that the black and white "couple" were actually two females, black and white, who were subsequently rented the 5th floor apartment at Lawrence Gardens; (2) that (b)(7)(C) whose last name is (b)(7)(C), denies making derogatory remarks concerning blacks; (3) that (b)(7)(C) initiated the conversation concerning "those kind of people" and that, not wishing to contradict (b)(7)(C) did not come to the Blacks' defense and (4) that (b)(7)(C) Apartment 4H, at 3315 Nostrand, was rented on September 11, 1977.

(b)(7)(C) is positive that the black and white couple which (b) observed at Lawrence Gardens was composed of a man and woman. (b)(7) also states categorically that (b)(7) studiously avoids ever initiating or participating in any conversation

concerning race while (b)(7)(C) is testing, and that (b)(7)(C) did just that when talking with (b)(7)(C) (which conversation (b)(7)(C) describes as completely one-sided on (b)(7)(C) part). Finally, (b)(7)(C) is sure that (b)(7)(C) was told by (b)(7)(C), on the phone on September 12, that Apartment 4M was still available.

On December 3, 1977, (b)(7)(C) went to 3301 Nostrand Avenue (Lawrence Gardens) and determined that none of the residents of apartments 3I and 5I (the only two 3 1/2 room apartments on the fifth floor available, according to the Trump list, around September 11, 1977) were black. Unless the black and white female couple mentioned in Roy Cohn's October 25, 1977, letter resided at 3301 Nostrand for less than three months (which is unlikely), Cohn's statement stands contradicted. \*/

## 2. Bone fide victim at Shorehaven Apartments.

(b)(7)(C) a black client of OHC, went to Shorehaven Apartments on Saturday, July 9, 1977. (b)(7)(C) had called Shorehaven, in Brooklyn, about two days before, and had been told by the (b)(7)(C) who answered the phone that there were some two-bedroom apartments available. When (b)(7)(C) told the (b)(7)(C) in the rental office that (b)(7)(C) had recently called and wanted a two-bedroom unit, the agent took out an application and asked (b)(7)(C) about (b)(7)(C) income, job, prior landlord, etc., filling out the form as (b)(7)(C) answered. When (b)(7)(C) finished, the agent told (b)(7)(C) that (b)(7)(C) had no two bedroom units available to show (b)(7)(C) at the time, and that (b)(7)(C) would get back to (b)(7)(C) after (b)(7)(C) application had been processed. (b)(7)(C) left (b)(7)(C) job number and the OHC number (as (b)(7)(C) had told the (b)(7)(C) had been referred by OHC) and left.

When (b)(7)(C) called OHC the following Monday and told them of this experience, (b)(7)(C) was told that the vacancy lists provided to OHC by Trump showed several two bedroom apartments available at Shorehaven, and that (b)(7)(C) should have been shown an apartment when (b)(7)(C) was there.

\*/ This couple, according to Cohn, were still residing in the fifth floor apartment as of the date of his letter.

(b)(7)(C) went back to Shorehaven on July 23, 1977, and dealt with a different agent. (b) told the agent that an application had been filled out for (b)(7) two weeks before and that (b)(C) had not heard anything from Shorehaven since. The agent looked unsuccessfully for (b)(7)(C) application and told (b)(7) that it was not on file. The agent also said that there were no two bedroom apartments available for showing at that time. When the agent asked (b)(7)(C) if (b)(C) wanted to fill out a second application, (b)(7)(C) declined and left the office, disgusted. (b)(7)(C) eventually ended up getting a non-Trump apartment in a different area than the one (b) had originally wanted. (b) was never called by Trump.

Vacancy lists provided to OHC by Trump show that no fewer than eighteen two-bedroom apartments were available at Shorehaven throughout the month of July. Roy Cohn, in his October 3, 1977, letter, states that the two rental agents at Shorehaven emphatically deny any knowledge of the above incident.

### 3. Testing at Highlander Hall

(b)(7)(C), a black tester for OHC, visited Highlander Hall, a Trump building in Queens, on September 8, 1977. (b) (b)(7)(C) saw the superintendent, (b)(7)(C) outside of the building and inquired about the availability of one bedroom apartments. (b)(7)(C) stated that (b) had none available. When (b)(7)(C) asked (b)(7) if (b) had any other size apartments, (b)(7)(C) replied that (b)(C) had junior 3 room and studio apartments in the building, but that nothing was available at the time. (b)(7)(C) said that nothing would be available on the first of October, except for a two bedroom, two bath apartment with a terrace. When (b)(7)(C) expressed an interest in seeing this two bedroom unit, saying that (b)(7) sister was also looking for an apartment and that the two of them might like to share a two bedroom, (b)(7) stated that (b)(7) could not see it at that time. (b)(7)(C) gave (b)(7)(C) phone number and left.

The Trump vacancy list prepared September 1, 1977, shows eleven junior 3 room apartments available at Highlander Hall. The following week's list of September 8, 1977, showed ten junior 3 room apartments available. Roy Cohn, in his October 3, 1977, letter states that (b)(7)(C) recalls saying to (b)(7)(C) that no 1 bedroom apartments were available and that that was the truth at the time. However, (b)(7)(C) indicates that (b)(7)(C) also stated that no junior 3 room apartments were available which, based on Trump's own figures, is false.

#### 4. Testing at Beach Haven Apartments

(b)(7)(C) a black tester, for ONC, went to Beach Haven Apartments in Brooklyn on August 24, 1977, and talked to (b)(7)(C) the rental agent. (b)(7) inquired about the availability of studio and 1 bedroom apartments and was told that there was only one studio available, on the first floor, apartment 1G. After commenting that (b)(7) was not sure if (b)(7) wanted to live on the first floor, (b)(7)(C) asked to see the apartment. While (b)(7)(C) and the agent were waiting for a maintenance employee to get the key to the apartment, (b)(7)(C) commented on the generally bad cockroach problem which (b) had in the development. When the key was brought to (b)(7)(C) (b)(7) went along to apartment 1G and found (b)(7) could not get in, as there appeared to be a double lock on the door. (b)(7) went back to the rental office and told (b)(7)(C) what had happened. (b)(7)(C) expressed surprise at the fact that the door would not open, asking (b)(7) if (b) was sure (b)(7) had gone to the right apartment, but (b)(7) did not offer assistance, nor did (b) offer to show (b)(7) any other apartments. (b)(7)(C) then left, saying (b) might be back.

About five minutes after (b)(7)(C) left the rental office, (b)(7)(C) white, entered the office and spoke with (b)(7)(C) asked about the availability of studio apartments and the agent said (b) had several. However, (b)(7)(C) did not see any of these apartments, as (b)(7) refused to fill out an application before being shown an apartment, as (b)(7)(C) had done, and walked out of the office.



The trump vacancy lists for both August 11 and August 18, 1977, indicate that 11 studio apartments were available at Beach Haven on both days. In his October 3 letter, Roy Cohn states that (b)(7)(C) acknowledges that there was more than one studio apartment available on August 24, but says that "if you've seen one, you've seen them all". (b)(7) also states that the door to apartment 1G was not double locked, but perhaps (b)(7)(C) was unable to open it. Contrary to what (b)(7)(C) says, (b)(7)(C) states that (b) offered to return to 1G with (b)(7) but that (b)(7) refused. (b)(7)(C) denies this.

### 5. Testing at Ocean Terrace Apartments

On August 24, 1977, (b)(7)(C) and (b)(7)(C) went to Ocean Terrace Apartments in Brooklyn. There was a sign outside saying that 2 and 3 room apartments were available. (b)(7)(C) went into the lobby, where (b) met the doorman, and asked (b)(7) if there were any studio or 1 bedroom apartments available. The doorman walked into a small room to get the keys and (b)(7) talked to the superintendent over the intercom. (b) then showed (b)(7)(C) apartment 8R, a 1 bedroom unit in the rear of the building. When (b)(7) asked (b)(7) if any apartments were available facing the front, (b) stated that there was a studio. (b)(7) and the doorman returned to the lobby, where (b) called the superintendent, who came and showed (b)(7)(C) apartment 8J, a studio. (b)(7)(C) then left.

No more than five minutes later, (b)(7)(C) reentered the lobby of the building and asked the doorman if any 1 bedroom or studio apartments were available. (b) replied that nothing was available. When (b)(7)(C) asked (b)(7) about the sign outside, (b) replied it was old and should be taken down.

On the Trump vacancy list of August 18, 1977, there were three studios and four 1 bedroom apartments at Ocean Terrace. On the August 25, 1977, list, there were four studios and two 1 bedroom apartments, including 8 J and 8R which (b)(7)(C) had been shown.

Roy Cohn, in his October 4 letter, states that it is not the practice of Trump to have doormen show apartments, but says that he could not learn the facts of the incident, as the doorman at Ocean Terrace died on September 2, 1977.

6. Second bona fide victim at Shorehaven

On August 30, 1977, (b)(7)(C) a black (b)(7)(C) called the Shorehaven Apartments rental office in Brooklyn and asked the (b)(7) rental agent who answered about the availability of 2 bedroom apartments. The agent replied that none were available. When (b)(7)(C) reported this conversation to the Open Housing Center on the following day, (b) was urged to go personally to the Shorehaven rental office and ask to see a 2 bedroom apartment, as the August 26, 1977, vacancy list showed 20 such units available at Shorehaven.

(b)(7)(C) of the Open Housing Center called the Trump office and advised a (b)(7)(C) there of what (b)(7)(C) had been told on the phone and that (b)(7) was going to Shorehaven to see an apartment. When (b)(7)(C) went to Shorehaven, (b)(7) identified (b)(7)(C) and asked the rental agent if (b)(7) could see 2 bedroom apartments. The agent showed (b)(7) only a model 1 bedroom apartment and said that it was the same as a 2 bedroom except that it had one less bedroom. The agent did this despite (b)(7)(C) request to be shown an actual 2 bedroom apartment.

When (b)(7)(C) again contacted Trump, this time talking to (b)(7)(C) concerning (b)(7)(C) experience at Shorehaven, (b)(7)(C) agreed with (b)(7)(C) that it was not proper Trump procedure to show a 1 bedroom apartment in place of a 2 bedroom, and that prospective tenants should be shown the type apartment they desire. (b)(7)(C) and (b)(7)(C) then went to Shorehaven, where (b)(7)(C) who was very apologetic, (b)(7)(C) showed them five or six 2 bedroom apartments. Contrary to what (b)(7)(C) had been told by the rental agent previously, the layout of some 2 bedroom apartments was not the same as the 1 bedroom model.

### 7. Testing at Wilshire Hall

(b)(7)(C) a black tester, visited Wilshire Hall in Queens on September 8, 1977. After meeting (b)(7)(C) the superintendent of the building, (b)(7)(C) was taken to see the rental agent, (b)(7)(C) asked for a 1 bedroom apartment for one person. (b)(7) was told that the last 3 1/2 room apartment had been rented the day before, but that there was one junior 3 room apartment on the fourth floor. However, after leaving the room and checking with an unknown person, (b)(7) told (b)(7)(C) that there was a deposit on that apartment and no others were available. (b)(7)(C) called the complex the following Monday and was told that this apartment had been rented to the person who had put a deposit on it.

The Trump vacancy list of September 2, 1977, showed three 3 1/2 room and five junior 3 room apartments available at Wilshire Hall. The list of September 8, 1977, showed two 3 1/2 room and five junior 3 room apartments.

Roy Cohn, indicates that (b)(7)(C) in (b)(7)(C) dealings with (b)(7)(C) limited (b)(7) choice of apartments at Wilshire Hall stating (b)(7) would be living with (b)(7)(C) and would need a larger apartment than a junior 3 room. (b)(7)(C) however, vigorously denies this. After (b)(7) was told that no 1 bedroom or junior 3 room apartments were available, (b)(7) says (b)(7) asked about a bigger apartment, stating that (b)(7) might be able to move into a 2 bedroom apartment with (b)(7)(C) who was also looking for an apartment. (b)(7)(C) who had first expressed surprise over (b)(7)(C) inquiry about a larger apartment (before (b)(7) mentioned (b)(7)(C) stated that no larger apartments were available. This statement, according to the Trump lists, was true.

(b)(7)(C) states that (b)(7) inquired about the larger apartments to give the agent a chance to offer (b)(7) another apartment but that (b)(7) never limited (b)(7) choice of apartments to 2 bedroom units, and definitely expressed interest at the outset in the smaller 1 bedroom and junior 3 room apartments.

B. Older Incidents

1. (b)(7)(C)

(b)(7)(C) a black client of the Open Housing Center, went to Wilshire Hall in Queens in late August, 1975, and asked the doorman about the availability of 2 bedroom apartments. After showing (b)(7) apartment 7FF, the doorman referred (b) to the superintendent, (b)(7)(C) told (b)(7)(C) in an unpleasant manner, that (b) could not have seen 7FF because it was not available, and that (b) only had one 2 bedroom apartment available, 7G. After making a phone call, however, (b) informed (b)(7) that there was a deposit on that unit. Asking (b)(7)(C) to leave (b)(7) name and number, (b)(7) stated (b) would call (b) if the depositor did not take the apartment.

Two days later, (b)(7)(C) returned to the building and spoke to (b)(7)(C) who told (b) that 7G had been rented and that no other apartments were available. At the end of that week, (b)(7)(C) called Wilshire Hall on the phone and, without identifying (b)(7)(C) asked if there were any 2 bedroom apartments available. (b)(7) was told there were some. Later that same day (b) called (b)(7)(C) and this time identified (b)(7)(C) said that 7G was still rented and nothing else was available.

On September 10, 1975, (b)(7)(C) called (b)(7)(C) about (b)(7)(C) experiences. (b)(7)(C) after checking with (b)(7)(C) called back and told (b)(7)(C) that 7G was available and that (b)(7)(C) should return to Wilshire Hall if (b)(7) wanted the apartment. Upon returning to the building and filing an application for 7G, (which was ultimately accepted), (b)(7) inquired about the availability of apartment 7FF, and was told by (b)(7) it was rented. Upon checking with (b)(7)(C) (b)(7)(C) was told that 7FF had been rented, but that it had been available when (b)(7) first inquired.

We originally notified Roy Cohn of this incident on September 19, 1975, and Trump's response was that 7G had always been available, but that (b)(7)(C) was adamant about receiving apartment 7FF, which Trump officials claim had a deposit on it during all of (b)(7)(C) dealings with them. The account of this incident given by (b)(7)(C) as well as by the OHC letter which first apprised us of the matter contradicts Trump's position.

2. (b)(7)(C)

(b)(7)(C) who are black, went to Shorehaven in Brooklyn on January 24, 1976, and talked to agent (b)(7)(C) about renting an apartment. (b)(7)(C) told them that the income of both (b)(7)(C) could not be considered in applying for the apartment and that, since (b)(7)(C) income did not, alone, meet the criteria, they were not eligible. This is clearly contrary to Trump's rental standards, as well as to our view of the Act.

(b)(7)(C) upon learning of this, called (b)(7)(C) who said (b) could call the (b)(7)(C) immediately after re-primanding (b)(7)(C). The (b)(7)(C) did go back to Shorehaven and were rented an apartment by (b)(7)(C).

3. (b)(7)(C)

(b)(7)(C) a black (b)(7)(C) went to Grymes Hill, a Trump development in Staten Island, on April 16, 1977. (b)(7) asked for and was shown a 2 bedroom apartment and then went to the rental office to file an application. After being interviewed by a (b)(7)(C) took an application home, filled it out and returned to Grymes Hill with it on April 18. (b) was told to call back the next day. When (b) did, (b) was told that, because (b) had been living in Parkhill, a predominantly black (non-Trump) development with an allegedly high dispossession rate, (b)(7) application had been rejected.

(b)(7)(C) called the Open Housing Center and told them what had happened. They talked to (b)(7)(C) on April 25, 1977, who apologized for (b)(7)(C) stating that (b) had acted improperly. (b)(7)(C) reprimanded (b)(7)(C) according to OHC, and (b)(7)(C) eventually signed a lease at Grymes Hill.

4. (b)(7)(C)

On June 21, 1977, (b)(7)(C) a black (b)(7)(C) called the Beach Haven rental office in Brooklyn and spoke to a (b)(7)(C) rental agent. (b)(7)(C) inquired about 2 bedroom apartments and was told that the only apartments available at Beach Haven at that time were studios. The June 16, 1977, vacancy list showed five 2 bedrooms and six 1 bedroom apartments in addition to many studios. The June 23, 1977, list showed five 2 bedrooms and five 1 bedroom apartments available, in addition to 10 studios. When (b)(7)(C) called (b)(7)(C) agreed that false information had been given to (b)(7)(C) and set up an appointment for (b)(7)(C) to see apartments at Beach Haven. When (b)(7)(C) went there one or two days later, (b) was shown one 2 bedroom apartment by the (b)(7)(C) rental agent. (b)(7)(C) did not like the layout of that apartment and, since the agent told (b)(7) that all of the other available 2 bedroom units were the same, (b)(7)(C) did not rent an apartment at Beach Haven.

5. (b)(7)(C) On or about July 7, 1976, (b)(7)(C) a black client of the Open Housing Center, went to Highlander Hall in Queens looking for a 3 1/2 room apartment or a large studio. (b)(7) had with (b)(7) a copy of the July 1, 1976, Trump vacancy list which showed four studios and one 3 1/2 room apartment as being available. As (b)(7) came to the door of the building, (b)(7) met the doorman and inquired about the availability of apartments. The doorman replied that nothing was available, and when (b)(7)(C) asked for the superintendent, (b) replied that (b) was not in. (b)(7)(C) then left.

Later that day, or the following day, (b)(7)(C) returned to Highlander Hall and again talked to the doorman who stated that nothing was available and that the superintendent was not in. The doorman tried to stop (b)(7)(C) from entering the lobby, but (b)(7) succeeded in ringing the superintendent's bell. When the superintendent, (b)(7)(C) emerged, (b)(7)(C) asked (b)(7) if any 1 bedroom or studio apartments were available, and was told that nothing was available. When (b)(7)(C) informed the agent that (b)(7) had the current Trump listings and was interested in seeing apartment 4F, (b)(7)(C) replied that 4 F had been rented, that the 4 1/2 room apartment on the list had been seen by a man who was coming back (although no application or deposit had been left) and that there was only one studio which had been rented that morning. \*\*/

When (b)(7)(C) called (b)(7)(C) about this incident, (b) confirmed that apartment 4F had been rented. However, (b) also stated that three other apartments ( 2 studios and a 4 1/2 room apartment) had been available at Highlander at the time that (b)(7)(C) inquired. \*\*\*/

\*/ See paragraph A(3) above, (b)(7)(C) and (b)(7)(C) appear to both act as superintendent at Highlander Hall.

\*\*/ The Trump vacancy list of July 9, 1976, showed 3 studios and one 4 1/2 room apartment available.

\*\*\*/ (b)(7)(C) went back to Highlander the next day and was shown apartments by a very apologetic (b)(7)(C) did not like the studio at Highlander and eventually found an apartment at Belcrest Hall, another Trump complex.

In addition to (b)(7)(C) troubles at Highlander, (b)(7)(C) also encountered difficulty in getting to see an apartment at Edgerton Hall, another Trump complex in the same area of Queens. At about the same time as (b)(7)(C) looked at Highlander, (b)(7)(C) went to Edgerton Hall with a Trump vacancy list. The doorman at the building would not let (b)(7)(C) in, stating (b)(7)(C) would have to go to Krahan Leasing Agency (an agency which Trump no longer uses) before (b)(7)(C) could see an apartment. However, after (b)(7)(C) showed the doorman the vacancy list, (b)(7)(C) grudgingly let (b)(7)(C) in the building and showed (b)(7)(C) a studio apartment. (b)(7)(C) felt that (b)(7)(C) studio was too small and did not inquire further as to any other available apartments.

6. (b)(7)(C)

(b)(7)(C) and (b)(7)(C) who are black, went to Shorehaven in Brooklyn on April 24, 1976, and asked the rental agent, (b)(7)(C) if any 2 bedroom apartments were available. They were shown one apartment, which was in disrepair and, upon asking if there were any other similar sized apartments available, (b)(7)(C) replied that there was one other, but it was smaller than the one they had just seen. (b)(7)(C) states that the agent was very rude to them.

The Trump vacancy list for April 19, 1976, showed nine 4 1/2 room apartments available at Shorehaven. The April 26, 1976, list showed seven 4 1/2 room apartments available.

Upon learning of the experience of the (b)(7)(C) (b)(7)(C) called (b)(7)(C) apologized and acknowledged that there were more than two 4 1/2 room apartments available at Shorehaven when the (b)(7)(C) had applied. Eventually, with (b)(7)(C) assistance, the (b)(7)(C) got an apartment at Shorehaven.

### C. Statistics on Trump Buildings

Pursuant to the Consent Order, Trump has provided us with statistics on the racial occupancy of its 37 buildings. On July 1, 1975, (three weeks after the Order was entered) there



were 641 blacks in these buildings (or 6.6% of occupancy). The last report of Trump shows that, on September 10, 1977, the number of blacks occupying apartments at Trump buildings had grown to 1013 (or 10.45% of occupancy). While this is an increase of 372 black persons (and 3.8%) over a period of about 2 1/4 years, it is not as promising as it looks. As of the date of the last Trump report, sixteen Trump buildings (out of 37) still had from 0-5% black occupancy. In addition, out of the 1013 blacks residing in Trump apartments, 541 (54% of all blacks) reside in only 9 complexes (less than one-quarter of Trump's buildings).

Of more particular interest are the racial statistics for the buildings at which the above-mentioned incidents occurred. The figures are as follows:

<u>Incident</u>	<u>Building/Date</u>	<u>Paragraph</u>	<u>% of Racial Occupancy (at time of Incident)</u>
(b)(7)(C)	Lawrence Gardens 9/77	A(1)	8.4% */
	Shorehaven 7/77	A(2)	5.6%
	Highlander Hall 9/77	A(3)	17.9% **/
	Beach Haven 8/77	A(4)	4.6%
	Ocean Terrace 8/77	A(5)	2.6%

\*/ It should be noted that the % of black occupancy at Lawrence Towers, at which (b)(7)(C) (b)(7)(C) is 1.1%.

\*\*/ While this figure may seem high, it is important to point out that the % of black occupancy when the Order was entered was almost 11, and there has been an increase of only 7% (12 blacks) since that time.

<u>Incident</u>	<u>Building/Date</u>	<u>Paragraph</u>	<u>% of Racial Occupancy (at time of Incident)</u>
(b)(7)(C)	Shorehaven 8/77	A(6)	5.8%
	Wilshire Hall 9/77	A(7)	4.1%
	Wilshire Hall 8/75	B(1)	2.8%
	Shorehaven 1/76	B(2)	3.3%
	Grymes Hill 4/77	B(3)	8.4%
	Beach Haven 6/77	B(4)	4.6%
	Highlander Hall 7/76	B(5)	13.7%
	Shorehaven 4/76	B(6)	4

As can be seen from these statistics, all of these buildings (except for Highlander Hall which, as noted above, has not increased much in black occupancy since the Consent Order was filed) had relatively few black tenants when the above-mentioned incidents occurred.

### III. Other Considerations

The incidents set out above do not amount to proof that the defendant has deliberately set out, as a matter of policy, to violate the Order. They do show, however, that several agents have engaged in violations, and that the defendant has not taken adequate steps to prevent a recurrence.

Under the circumstances, it seems appropriate to proceed by means of a motion for supplemental relief, instead of moving to hold defendants in contempt.\*/

What we propose to seek is essentially a further extension of the Consent Order as originally drafted. The crucial point on which we would insist would be further reporting to the Open Housing Center, in view of that provision's demonstrated effectiveness.

Given this approach, we believe that we should proceed by way of a notice letter; paragraph IX of the Order appears to require this in any case. Our past history of dealings with Mr. Cohn makes the prospect of negotiations with him an unattractive one, but he is likely to be even more unpleasant to deal with if we file without notice.

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\*/ Should further investigation or discovery turn up a "smoking gun" in the possession of an officer of Trump, we can upgrade our motion to seek contempt against the appropriate parties.