

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-against-

FRED C. TRUMP, DONALD TRUMP
and TRUMP MANAGEMENT, INC.,

Defendants.

AFFIDAVIT IN SUPPORT OF
DEFENDANTS' MOTION TO
DISMISS OR FOR A MORE
DEFINITE STATEMENT

Civ. Action File
No. 73 C 1529

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STATE OF NEW YORK }
 } ss.:
COUNTY OF NEW YORK }

DONALD TRUMP, being duly sworn, deposes and says:

I am a defendant in the above-entitled action and am associated with Trump Management, Inc., also a defendant. I make this affidavit in support of our motion to dismiss the Government's complaint for failure to state a claim or for a more definite statement.

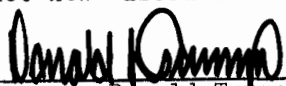
On the morning of October 15th while listening to the news on car radio, I was shocked to hear that the Government was bringing an action against me, my father, and Trump Management for bias in renting our apartments. I have never, nor has anyone in my organization ever, to the best of my knowledge, discriminated or shown bias in the renting of our apartments. The news report was all the more shocking inasmuch as I had not to that point received any formal communication from the Government whatever, regarding the subject matter of the action. In fact, the first I heard about it was on my car radio the morning of the 15th.

Later that day on television news reports and the next day, on the front page of the New York Times and in the Daily News, there were headline stories stating that we had been charged with bias in renting our apartments. Again, still no word from the Government itself. It was not until the 17th that the Summons and Complaint were finally served.

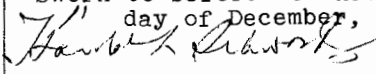
I have always tried to see to it that buildings which we own and manage are well run and that there is equal opportunity for anyone to rent apartments. We have always maintained the respect and admiration of not only our tenants, but the community as a whole.

As a direct result of the Government's unwarranted and unfounded charges made public, we have suffered substantial damage to our business and reputation. As is set out in the Memorandum of Law and Roy M. Cohn's affidavit, there is no one single fact alleged, not a date, year, apartment location, not an employee's name mentioned. We cannot answer charges against us when we do not know upon what grounds they are made, and to find our name blackened in the press before we had received formal notification and had an opportunity to have a trial or even answer is unfair and unjust.

When these stories hit the national wire services, I received many calls and letters of surprise from tenants and community leaders expressing their shock and disbelief that our organization should be charged with such outrageous lies. The fact is that our apartments have the same ratio of minority tenants as exists in the community as a whole. Our organization has never discriminated and does not now discriminate.


Donald Trump

Sworn to before me this
day of December, 1973



HAROLD H. SCHWARTZ
Notary Public, State of New York
No. 31872220, County of New York
Qualified in New York
Commission Expires March 30, 1981

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-against- :

FRED C. TRUMP, DONALD TRUMP and
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COUNTERCLAIM

AS AND FOR A FIRST DEFENSE AND BY
WAY OF A COUNTERCLAIM

1. On October 16, 1973, the New York Times published a statement containing false and misleading information concerning the suit herein.

2. On October 16, 1973, plaintiff caused the Daily News to publish under banner headlines a story containing information which it knew to be false and misleading and damaging to defendants.

3. Defendants have sustained damages as a result of the plaintiff's untrue and unfair statements to the communications media prior to any formal action on its part. The plaintiff knew the information which it released to be false and misleading.

WHEREFORE, defendants pray that this Court enter an order granting defendants judgment on their counterclaim in the amount of One Hundred Million Dollars (\$100,000,000.00), together with such further relief as the interests of justice may require and the costs and disbursements of this action.

James B. Saxe, Robert B. Bolan & Mark L. Manley
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