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Depositions of Cleveland Benson,
Kenneth P. Turkey, Lidia Cruz,
Judith Champion, Barbara Tippett,
C. Roy Epps.

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I N D E X

	<u>WITNESS</u>	<u>PAGE</u>
1		
2	<u>WITNESS</u>	<u>PAGE</u>
3	CLEVELAND BENSON	
4	Direct by Mr. Auciello	2
5	Continuation of Direct by Mr. Lerner	50
6	KENNETH P. TUSKEY	
7	Direct by Mr. Auciello	60
8	LIDIA CRUZ	
9	Direct by Mr. Auciello	102
10	JUDITH CHAMPION	
11	Direct by Mr. Auciello	129
12	Continuation of Direct by Mr. Lerner	161
13	Continuation of Direct by Mr. Auciello	166
14	BARBARA TIPPETT	
15	Direct by Mr. Lerner	168
16	E. ROY EPPS	
17	Direct by Mr. Auciello	186
18		
19		
20		
21		
22		
23		
24		
25		

1 CLEVELAND BENSON, sworn.

2 DIRECT EXAMINATION BY MR. AUCIELLO:

3 Q Mr. Benson, my name is Dennis Auciello and
4 I'm an attorney associated with the law firm of Rubin &
5 Lerner. Mr. Lerner is the attorney for the Borough of
6 Highland Park and the reason you're here today is to enable
7 the Borough of Highland Park to ask you a number of questions
8 concerning your status as a plaintiff in a lawsuit, which
9 has been brought against a number of municipalities in
10 Middlesex County, one of which is the Borough of Highland
11 Park. It's for that reason why you're here and I'm going
12 to ask you a series of questions.

13 If you don't understand a question which I ask you,
14 ask me to repeat it. Don't answer anything that you're
15 not sure what the question is.

16 A Right.

17 Q And you must verbalize, you must speak all
18 of your answers, because the reporter can't put down a nod
19 of the head, either affirmatively or negatively. You
20 understand that?

21 A Yes.

22 Q If I ask you any questions which are
23 objected to by your attorney, Mr. Searing, then you should
24 not answer the question, unless directed to do so by your
25 attorney. Understand that?

1 A Yeah.

2 Q Mr. Benson, where do you **presently reside**?

3 A 103 School Street in Piscataway Township.

4 Q Mr. Benson, have you ever resided at

5 425 South 8th Street in the Borough of Highland Park?

6 A South 8th Avenue, yes.

7 Q When did you start living at School Street,

8 Piscataway?

9 A The 12th, I don't know the exact date, a few days
10 before Christmas.

11 Q So you've resided in Piscataway since
12 December of 1974?

13 A Yes, December, just a few days before Christmas.
14 I don't have the exact date with me, I don't think.

15 Q That's okay. Mr. Benson, have you seen the
16 complaint which was filed in this lawsuit?

17 A Yes, I have.

18 Q Do you remember when you saw the complaint?
19 Was it after last Christmastime?

20 A I would say it was sometime during the month of,
21 sometime during the month of May, '74.

22 Q And at that time your address was 425
23 South 8th Avenue, Borough of Highland Park?

24 A No. At that time when I first was aware of these
25 reports my address was in Jamesburg.

1 Q What I want you to do is, I want you to go
2 backwards from the present time and tell me all the places
3 you've lived, let's say for over the past eight or 10
4 years.

5 MR. SEARING: I object to that.
6 Will you explain the relevance of that to
7 Highland Park?

8 MR. AUCIELLO: In the complaint,
9 Mr. Benson states that he has lived in
10 Highland Park at least twice during some
11 certain period.

12 MR. SEARING: I would not object
13 to any answer that's directed toward when he
14 lived in Highland Park, but I would object
15 to taking him back eight or 10 years, unless
16 it's necessary to get in to the Highland
17 Park address, which I don't think it is.

18 Q Mr. Benson, tell me the first time you
19 resided in the Borough of Highland Park.

20 A The first time I resided in the Borough of Highland
21 Park was December 18, 1971.

22 Q And how long did you live in Highland Park
23 from that period?

24 A I lived in Highland Park from '71, December 18,
25 until '74, February 28 I think it was, yeah, I'm quite sure,

1 February 28.

2 Q Did you move from Highland Park around
3 February the 28th?

4 A Yes, I did.

5 Q Where did you go?

6 A I moved to Jamesburg.

7 Q And how long did you live in Jamesburg?

8 A I lived in Jamesburg from February the 28th until
9 July, let's see, July the 1st.

10 Q And did you move--

11 A Back to Highland Park.

12 Q And you resided in Highland Park until
13 December of '74?

14 A I moved back to Highland Park at 425 8th Avenue,
15 lived there until September, October, November, moved away
16 the last part of October.

17 Q Where did you go?

18 A Redmond Street, New Brunswick.

19 Q How long did you stay there?

20 A I stayed there until I moved at my present address.

21 Q So you stayed at Redmond Street until
22 approximately Christmastime, '74?

23 A Yeah.

24 Q Since Christmas, you've been residing in
25 Piscataway?

1 A Right.

2 Q Mr. Benson, the complaint states that in
3 February of 1974 you had to sell a house in Highland Park
4 after living in it for two and a half years.

5 A Right.

6 Q Because you could not afford the mortgage
7 payments. You searched for more than a year before locating
8 a two-bedroom apartment in Jamesburg.

9 A Right.

10 Q Just so it's clear in my mind, is what
11 you're saying that during the last year, which you resided
12 in Highland Park, you were looking for another place to
13 live?

14 A Right.

15 Q Will you tell me what the address of the
16 Highland Park dwelling was, where you lived from December 18,
17 '71 through February 28, '74?

18 A Yeah. 394 South 7th Avenue.

19 Q Could you tell me whether you were a house
20 owner or a tenant at the South 7th Avenue address?

21 A Well, I was a house owner, I bought the house. I
22 was a house owner, I bought the house.

23 Q And you remember who you bought it from?

24 A Yes. I bought it through A & B Real Estate Company,
25 and Jersey Mortgage Company held the mortgage.

1 Q And where were you living before you moved
2 to Highland Park in late '71?

3 A I was living in Somerset, 422 West Point Avenue.

4 Q Did you have much difficulty finding that
5 house in Highland Park?

6 A Yes, quite a bit. I had just come back and I was
7 kind of second new to the area, I lived here before, 20
8 years ago. But in the case where I was living, I was packed
9 up with my brother and there was no room. So I had to get
10 out and find a place of my own.

11 I had quite a bit of difficulty finding, I had to
12 look here and look there. I finally found this Mr. Brunson,
13 a real estate man. So he went to work for me.

14 Q And did Mr. Brunson find you this house
15 in Highland Park?

16 A Right.

17 Q How much money did you pay for the house,
18 what was the purchase price of the house?

19 A The purchase price was 28 9, \$28,900.

20 Q Can you recall what your mortgage payments
21 were?

22 A Yes, I do, very clearly. At first they were 286
23 monthly.

24 Q Did that include taxes?

25 A Yeah, it included taxes.

1 Q Did it then become another figure?

2 A Yes. Later it was another figure added on, which
3 went up to \$297.

4 Q Was that because of an increase in taxes?

5 A Yeah.

6 Q Now, where were you employed at the time
7 you made an application for the mortgage?

8 A I was employed at Somerset County Bridge Department.

9 Q And at the time you left the South 7th
10 Avenue house in late February of '74, by whom were you
11 employed?

12 A I was employed by Kaiser Aluminum.

13 Q Can you tell me when you stopped working for
14 the Somerset County Bridge Department?

15 A Yeah, October, '72.

16 Q And do you remember what your income was
17 in late December of '71, when you first moved to Highland
18 Park?

19 A Well, yes, I remember. It was something like \$250
20 every two weeks. Actually I was on the Working Poor Program.

21 Q And when you left the Somerset County Bridge
22 Department in October of '72, what did you then do?

23 A I started to work for Kaiser Aluminum.

24 Q Do you remember what your salary was there?

25 A Yeah. My salary there runs from 10,000 to 13,000 a

1 year.

2 Q Now, let's say from the period of December 18
3 of '71 to October of '72, during the period when you were
4 working for the Somerset County Bridge Department, I'd like
5 you to tell me what other income, from any source, you had
6 coming into the house. Did your wife work?

7 A No. The only income I had come in was 10 percent
8 disability, veteran's pension.

9 Q You tell us that you live with your wife and
10 seven children--

11 A I beg your pardon. I told you 10 percent from
12 veteran's disability. I told you I was on the Working Poor.
13 So actually I was getting a certain amount of money from
14 the welfare to make out enough for me to live on.

15 Q We'll go through the whole thing then.
16 So you had a salary of \$250 every two weeks coming in from
17 Somerset County?

18 A Yeah.

19 Q You also had a 10 percent disability coming
20 in?

21 A Yeah.

22 Q Do you remember, in terms of money--

23 A At that time, before Congress raised it, I think
24 it was \$228 a month, but, since then, it's been raised by
25 Congress.

1 Q Now, your wife doesn't work, correct?

2 A No.

3 Q The seven children, what are their ages?

4 A I'm very poor in that. Let's see.

5 Q Let me ask you this. How many of the seven
6 children live with you?

7 A All seven of them live with me.

8 Q And how old is the oldest?

9 A The oldest is 17 years old, she'll be 18 in June this
10 year.

11 Q Does she have a part-time job, does she work?

12 A She just got a part-time job, the school got her
13 one.

14 Q How much money does she make?

15 A Actually I don't know offhand, she's only been
16 working about three days.

17 Q Are these children all children of yours
18 and your wife?

19 A All of them, me and my wife. I do have one
20 granddaughter live with me.

21 Q Whose child is the granddaughter?

22 A It's my daughter's child.

23 Q The daughter who is 17 years old?

24 A No. The daughter, she doesn't live home, she's
25 twenty something years old.

- 1 Q How many children do you have all totaled?
- 2 A All totaled I got nine living, one dead.
- 3 Q Seven of them reside with you?
- 4 A Seven of them reside with me.
- 5 Q One is out on her own, who has a child?
- 6 A Yep. I got one son out on his own.
- 7 Q You have nine children, one is dead. So
- 8 that leaves eight living?
- 9 A Yeah. No. I had 10, one is dead, leaves nine living.
- 10 Q You have a son who is out on his own, you
- 11 have a daughter out on her own.
- 12 A Yeah.
- 13 Q This daughter has a child who lives with
- 14 you?
- 15 A Yeah.
- 16 Q What's the child's name, grandchild?
- 17 A Regina.
- 18 Q Regina what?
- 19 A Sutton.
- 20 Q What's the mother's name?
- 21 A Vera, V e r a.
- 22 Q Vera what? Sutton?
- 23 A Yeah.
- 24 Q Is Vera married to a Mr. Sutton?
- 25 A They was, they not living together now.

1 recipient of any state, county, local or
2 parental support.

3 MR. SEARING: My objection still
4 stands. Off the record.

5 (Whereupon, a discussion was held
6 off the record.)

7 MR. SEARING: Back on the record.

8 Q Mr. Benson, to go back to a previous point,
9 from the period of late December of '71 through the present,
10 has your wife been employed?

11 A From when?

12 Q From late December of '71, that is the time
13 you first moved into the Borough of Highland Park, until
14 the present, has your wife been employed?

15 A Yes. I just answered that question. I said a few
16 weeks of last year before Christmas.

17 Q And where did she work?

18 A She worked at Page Industrial.

19 Q What did she do?

20 A Well, I don't know exactly. They make puzzles.
21 I've never been in the place where she works so I couldn't
22 give you a specific answer on that.

23 Q Do you know what her salary was?

24 A Yes. I know what her salary was, two dollars and a
25 half an hour, whatever that comes to.

1 Q Do you know why she only worked a few weeks?

2 A Because she was laid off, like I said, it was only
3 part-time work. The company wanted to get out a rush order,
4 they'd hire somebody to get it out.

5 Q I asked you a question about your granddaughter
6 Regina Sutton, does Regina Sutton receive support from her
7 parents?

8 A No. Regina doesn't receive any support from her
9 parents. We've had Regina since she was three months old.

10 Q Does Regina receive Aid to Dependent Children,
11 welfare?

12 A I didn't understand you. I beg your pardon?

13 Q Does Regina now or has she ever received a
14 welfare payment called Aid to Dependent Children?

15 A Yes. At the time I was getting Working Poor she was
16 on welfare.

17 Q How much was being received, do you remember?

18 A No. I really don't.

19 Q What period of time were you on the Working
20 Poor, what dates?

21 A From '71 until early '73.

22 Q You told us that Vera Sutton is now divorced
23 from her husband, Mr. Sutton.

24 A I didn't say they were divorced, I said they weren't
25 living together.

1 Q Has Mrs. Sutton made any applications to
2 the courts to have Mr. Sutton support Regina Sutton?

3 A That I don't know either. She lives in Buffalo,
4 New York, that's quite a ways from here. We got the baby
5 here. The last I heard of, she doesn't even know where
6 her husband is at.

7 Q Do you know where her husband is at?

8 A No. I don't.

9 Q So you told us for a certain period you were
10 getting \$250 every two weeks from Somerset County Bridge
11 Commission and you were also receiving at that time \$28
12 per month permanent disability and for a certain period up
13 until early 1973 you were receiving welfare for the little
14 girl, is that correct, for Regina?

15 A I was receiving welfare for Regina.

16 Q During that period, were you also receiving
17 welfare, anyone else in your family?

18 A I was still on Working Poor until they took me off.
19 It was the same program I was on all the time. When they
20 checked my finance status I was cut off. They checks them
21 every three months. So when I started to work for Kaiser
22 Aluminum, naturally, they cut me off from any kind of
23 system from welfare.

24 Q Do you remember what total amounts you were
25 receiving in welfare each month, from the period of December 18,

1 1971 to the period of time you were cut off?

2 A No. I couldn't give you an answer on that, because
3 I really doesn't know. The welfare got a thing going which
4 brings your money up to a certain amount a month.

5 Q Do you remember what that certain amount was?

6 A No. I really don't.

7 Q At the time you contacted the A & B Real
8 Estate Company you were in the Working Poor program of the
9 Somerset County Bridge Department, correct?

10 A Right.

11 Q And you were also receiving 10 percent
12 disability?

13 A Right.

14 Q And you were also receiving welfare payments?

15 A Yes.

16 Q When you made an application for the mortgage,
17 do you remember what you stated your income was?

18 A No. I don't.

19 Q Per month?

20 A Nope. I don't.

21 Q Now, did you also tell us that at some
22 point after October of '72 you became employed by Kaiser
23 Aluminum and your salary--

24 A Beg your pardon?

25 Q At some time after October of '72, which is

1 when you left the Somerset County Bridge Commission, you got a
2 job with Kaiser Aluminum.

3 A Sometime in October of '72.

4 Q Was there a lapse in time between working
5 for Somerset County and going to work for Kaiser?

6 A Not at all. I already had an application in there.
7 As soon as they called me, I went to work.

8 Q You went to work for Kaiser. At that point
9 you were no longer on any welfare program, your income was
10 related to your work at Kaiser, is that correct?

11 A I was on welfare for a few weeks or maybe a month
12 after I started working for Kaiser. It takes a while to cut
13 it off. Like I said, they check your finance stature first
14 before they cut you off.

15 Q Now, do you remember how much a week,
16 approximately, you were taking home from Kaiser?

17 A It's pretty hard to tell, by the week. Like I said
18 before, the first year I worked at Kaiser my income was
19 something like \$10,000. Per week, it's hard to put it per
20 week. Suppose you get a few extra hours overtime or something,
21 I can't tell you a week's salary.

22 Q Were you bringing home more money working
23 for Kaiser than you had each week when you were working for
24 Somerset County?

25 A Yes, I was.

1 Q Now, were you able to meet your mortgage
2 payments?

3 A For a while.

4 Q When did you fall behind in your mortgage
5 payments?

6 A I fell behind about six months after I purchased the
7 house. I started falling behind on the mortgage payments.

8 Q So do I understand you made the mortgage
9 payments for approximately six months and then you started
10 falling behind?

11 A Yes.

12 Q Would that mean you started falling behind
13 around June of 1972?

14 A Yes, something like that.

15 Q And you were unable to make up the mortgage
16 payments, even after you got the better job at Kaiser
17 Aluminum?

18 A Yes, I was. I was unable to catch up on the payments,
19 because you don't get a chance to catch up. If you're late
20 with one payment, you don't send one, you send two.

21 Q Now, you told us the purchase price of the
22 house was \$28,900. Do you remember what down payment you
23 put on that house?

24 A I didn't put any down payment. That house was
25 bought through F.H.A., G.I. loan. I didn't put any down

1 payment at all.

2 Q So it was a hundred percent mortgage?

3 A Yeah.

4 Q You have no specific recollection as to
5 what figures you put on the mortgage application form?

6 A No.

7 Q But would your recollection be that the only
8 figures you would have put on would have been your \$500
9 a month from Somerset County, your \$28 a month from 10
10 percent disability and whatever welfare payments you were
11 making, that would have been your mortgage application?

12 A That could have only been it, because I had no
13 other income but that.

14 Q Have you ever received Workmen's Compensation?

15 A No.

16 Q Have you ever been involved in any
17 automobile accidents or anything of that sort where you
18 may have gotten settlements?

19 A No.

20 Q Back in 1971, when you were still living
21 over at West Point Avenue over in Somerset, I believe you
22 told us you met a Mr. Brunson of the A & B Real Estate
23 Company and he located a house for you in Highland Park,
24 is that correct?

25 A Correct.

1 Q Did your children attend the Highland Park
2 schools?

3 A Beg your pardon?

4 Q Did your children go to school in Highland
5 Park?

6 A Sure they went to school there.

7 Q And you had little difficulty finding that
8 place in Highland Park, as far as you can remember?

9 A Yes. I would say it wasn't too difficult for the
10 real estate company to find it. I didn't find it. The
11 man was out to sell a house.

12 Q How many bedrooms did that house have?

13 A It had three.

14 Q Are you still employed by Kaiser?

15 A Yeah.

16 Q And your salary is now between 10 and
17 \$13,000 per year?

18 A Right.

19 Q When you found the apartment in Jamesburg,
20 what was your rent?

21 A Two ten, I think.

22 Q Now, you told us, your statement is you left
23 Jamesburg because it was too crowded.

24 A Right.

25 Q And you moved back to Highland Park?

1 A Right.

2 Q What was your rent at the South 8th Street
3 address?

4 A Two eighty-five.

5 Q Was that two eighty-five, roughly,
6 comparable to what your mortgage payments had been?

7 A No. Besides this two eighty-five, I had to pay
8 water and sewage and utilities.

9 Q So was the amount of rent you were paying
10 on South 8th Avenue probably more than you had been paying
11 per month at the South 7th address?

12 A Well, I wouldn't say it was more, but it was more,
13 I was paying more. But I didn't have as much, I did have
14 a decent house to live in in South 7th Avenue, but there I
15 didn't have nothing but a hole, I was just wasting money.

16 Q You're saying the house at South 7th was a
17 better living environment than the apartment at South 8th?

18 A Yes. It was a beautiful home, I almost cried
19 when I losed it.

20 Q Now, did you have any problem moving back
21 to Highland Park?

22 A Yes, I had quite a problem.

23 Q What problem was that?

24 A Well, I had to find a place and that wasn't easy.

25 Q Did you go to a realtor to find you a place?

1 A Yes, that's how I got this place. I didn't go to a
2 realtor, I read an ad in the paper, and that's how I got in
3 touch with the real estate guy that owned the property on
4 South 8th.

5 Q Do you know who owned that property?

6 A Oh, I never forget him. Sam Scott, Scott & Scott.

7 Q So you saw an ad in the paper. What
8 newspaper was that, do you remember? Home News?

9 A Home News.

10 Q You called Sam Scott, he showed you the
11 place and you rented it?

12 A Well, he didn't show it to me. He sent me down to
13 look at it.

14 Q Now, you told us that late in October of
15 '74 you made a move to Redmond Street in New Brunswick, is
16 that correct?

17 A Correct.

18 Q During the period of July to October, did
19 your children attend school in Highland Park?

20 A Yeah, the children attend school. When I moved
21 back to Highland Park in July the kid started school there
22 in September, as is usual.

23 Q So then late in October you moved to New
24 Brunswick?

25 A Right.

1 Q And then approximately two months later
2 you moved to Piscataway?

3 A Yeah.

4 Q Now, Mr. Benson, how would you characterize
5 living in the Borough of Highland Park? Would you characterize
6 that as an urban environment or as a suburban environment?

7 A I would classify as a suburban, not an urban environ-
8 ment. I don't think there's nothing urban about Highland
9 Park.

10 Q How much time have you spent in Highland
11 Park during those two times in which you lived there,
12 approximately two and a half, three years?

13 A If they're both put together, I would say so.

14 Q Did you get to know the town pretty well
15 during that time?

16 A Yes.

17 Q Would you say there is a good deal of open
18 land or empty spaces in the Borough of Highland Park?

19 A I would say that there is plenty of open spaces,
20 according to the real estate companies that advertise them.

21 Q My question to you is that based upon the
22 two and a half or three years which you spent in the Borough
23 of Highland Park, did you form an impression that there was
24 a lot of open space?

25 A Oh, open space.

1 MR. SEARING: If you know.

2 Q If you can remember.

3 A I understand. Well, if you talk about open space,
4 I wouldn't say it was a lot, but some could be developed,
5 I would say, if you don't mind me commenting.

6 Q Mr. Benson, what rent did you pay in New
7 Brunswick?

8 A Two fifty.

9 Q And what rent are you paying in Piscataway?

10 A Two sixty.

11 Q Does that include water and sewer and
12 everything?

13 A Nope.

14 Q Utilities?

15 A Nope. Only rent.

16 Q So your monthly obligations are roughly
17 the same in Piscataway as they were in Highland Park, is
18 that correct, roughly?

19 A No.

20 Q What's the difference?

21 A Quite a bit of difference. All I have to do there
22 is give a man \$260 a month and that's it.

23 Q Where?

24 A Where I'm living now. Oh, I have to pay my utilities,
25 which runs around \$35 a month, but you take 285, add water

1 and sewage and utilities, it's a hell of a lot of difference.
2 So I would say I'm way ahead of the game right now.

3 Q So you would say you are living in less
4 expensive quarters in suburban Middlesex County?

5 A Yes.

6 Q So then, as far as your relationship with the
7 Borough of Highland Park, would you say you had any problem
8 at all finding space in Highland Park to live in?

9 A Yes, I would say so, because I tried like hell to
10 get space in Highland Park before I had to move away. I
11 had to move away twice, I never would have left Highland
12 Park if I could find decent housing there. The only decent
13 housing I had was the one I bought.

14 Q And you lost that house because you
15 couldn't make the payments?

16 A Right.

17 Q And you couldn't make the payments, although
18 you were granted a mortgage for \$28,900?

19 A Yeah.

20 Q And your employment status, from the time
21 you got the mortgage, increased, rather than decreased?

22 A Yep. But my debts also increased too and the
23 mortgage went up.

24 Q Because of the taxes?

25 A Yeah.

1 Q \$10?

2 A Yeah.

3 Q During the time you lived in Highland Park,
4 either of those periods, did your wife look for employment?

5 A Yes, she did.

6 Q She was unable to find any?

7 A Yeah. Then I was working a different shift then
8 and you don't just, your wife don't just go out to work
9 and got children to send to school and leave them home by
10 themselves. So you got a problem with that, too.

11 Q You know what I'd like you to do, I'd like
12 for you to describe for me that beautiful house you had on
13 South 7th Avenue.

14 A Well, it sits right on a hill, on the right-hand side,
15 on South 7th Avenue. If I can think of the name of that
16 street--is that Benner Street? No. Not Benner Street.
17 Aida Street, I believe it is, just before you get there,
18 it sits on the right-hand side. It's a beautiful house
19 with a full basement, slide doors, walk-in cellar. And
20 it's still there boarded up, I don't think anybody ever
21 moved in it yet.

22 Q And three bedrooms, you said?

23 A Three bedrooms, kitchen, living room, bathroom.

24 MR. LERNER: Eaton Street.

25 THE WITNESS: That's right. Eaton

1 Street.

2 Q During the time you lived at that house,
3 did you try to expand it in any way, get a building permit,
4 apply for any building permits?

5 A No. I did not. Because the way I understand you
6 have to have a house for so long before you can actually
7 get any money on it, second loan, second mortgage, whatever
8 you might want to call it. And I wasn't able to put any
9 money into it myself, but my thoughts was to do a lot of
10 work on it.

11 Q Now, in that neighborhood, could you
12 describe who the neighbors were?

13 A Oh, yeah, I had one very good neighbor, Reggie
14 Eato. He was a wonderful neighbor. I had a wonderful
15 neighbor that lived across the street from me, I can't
16 remember his name. And there was Mr. Haskins, he lived
17 under the hill there, he was a very good neighbor. So I
18 had a few real good neighbors.

19 Q And you found it a pleasant place to live?

20 A Yes, it was very pleasant.

21 Q And now, you told us that from the
22 periods when you first moved into Highland Park in '71
23 through the time you left in late '74, although your salary
24 or your income increased, your debts were increasing.

25 A Yeah.

1 Q What debts increased?

2 A Well, I had personal loans and I bought an
3 automobile and I had quite a few personal things going.

4 Q What kind of automobile did you buy?

5 A '69 Chevy wagon.

6 Q And did you borrow money? Did you finance
7 that car?

8 A Yes, it was financed to a bank.

9 Q What bank was that?

10 A Peoples National Bank, North Brunswick.

11 Q You still have that car?

12 A Yes, I do.

13 Q Did you have to fill out an application form?

14 A Yes, I did.

15 Q Did you list the fact that you had a
16 mortgage on your house?

17 A Yes, I did.

18 Q And these other personal loans, when were
19 they made?

20 A Oh, they were made in '73.

21 Q Were these loans with just friends of yours,
22 other people?

23 A No. They weren't friends, they were from profes-
24 sional money loan companies.

25 Q When you bought this station wagon did you

1 have any other cars in your family at the time?

2 A No.

3 Q This was the only car you had?

4 A Yep.

5 Q How were you getting to work from Highland
6 Park to the Somerset County Bridge Commission, prior to the
7 time you bought this car?

8 A Well, I had a car before then. The question was
9 did I have two cars at one time, right?

10 Q Yes.

11 A The answer is no. I only had one car at a time.

12 Q How much were these other loans which you
13 took out and in what amounts?

14 A Thousand dollars.

15 Q How many times did you take out a thousand
16 dollar loan?

17 A Twice.

18 Q Have these loans been paid off?

19 A No, they're still hanging.

20 Q Were you to make monthly payments on these
21 amounts?

22 A Right.

23 Q Do you remember what the payments were?

24 A Yes, \$38 a month and one was twice that much,
25 because I bought furniture for my house, which was financed

1 through one finance company too.

2 Q How much, approximately, were you supposed
3 to pay the Peoples National Bank for the car per month?

4 A \$52 a month I pays.

5 Q You're still paying for that?

6 A Yes, I'm still paying for it.

7 Q When you made applications for each of these
8 three loans you told the lending institutions about your
9 mortgage payments?

10 A They knew everything about me. If they hadn't knew,
11 I wouldn't have gotten the money.

12 Q Now, one of the installment loans was for
13 furniture. Do you remember what the purpose of the other
14 loan was?

15 A Well, for personal things like clothes for the
16 children, more stuff for the house. When you buy a house
17 you have to have something to put in it. So, naturally,
18 you got to keep getting here and there to put something
19 into it.

20 Q So at a certain point you found yourself
21 with monthly obligations, not only of the 285 or 297, but
22 also with obligations totaling approximately another
23 hundred and sixty-five, hundred and seventy dollars?

24 A Yep.

25 Q And would it be fair to conclude that, but

1 for these additional obligations, you would have been able
2 to continue making your payments on this South 7th Avenue
3 house?

4 A Yeah, that would be fair to say. If it wouldn't
5 have been for the obligations, I would have been able to
6 make the payments.

7 Q Now, you told us that the car was financed
8 through the Peoples National Bank.

9 A Yeah.

10 Q Do you remember what institution lent you
11 the money for the furniture?

12 A Yes, I remember.

13 Q What's that?

14 THE WITNESS: Do I have to answer
15 that?

16 MR. SEARING: Can you state the
17 relevancy of that question? I object to it.

18 MR. AUCIELLO: Well, the relevance
19 of the question is I would like to
20 substantiate this history, as it's been
21 related to me. Mr. Benson has claimed he's
22 had to move out of Highland Park because of
23 his inability to make mortgage payments. If
24 that's the gravamen of Mr. Benson's complaint,
25 I think the Borough has a right to know

1 but I object.

2 Q On each of these applications, you stated
3 you were making mortgage payments each month to the
4 Jersey Mortgage Company?

5 A Yes.

6 Q In the amount between 285 and \$290?

7 A Right.

8 Q Would you tell us exactly what kind of
9 furniture you bought? Did you buy a color T.V.?

10 MR. SEARING: I object.

11 THE WITNESS: I'll answer that
12 question.

13 A No. I didn't buy a color T.V.

14 Q Buy a stereo?

15 A Yes, I did.

16 MR. SEARING: I object. I don't
17 see the relevancy of these questions.

18 MR. AUCIELLO: I think the relevancy
19 is clear, the man incurred obligations
20 which disabled him from meeting mortgage
21 payments on a lovely house, as he described
22 it, in the Borough of Highland Park, which
23 he found very little difficulty in securing.

24 Q Mr. Benson, when you moved into the house
25 did you have any furniture at all?

1 A Nope. I didn't have any furniture at all when I
2 moved into the house.

3 Q You had no kitchen set?

4 A No. I just moved here from out of state.

5 Q Didn't you tell us that you resided at
6 422 West Point Avenue in Somerset?

7 A Yes, I did tell you. But you didn't ask me how
8 long I stayed there either, did you?

9 Q You just told me you moved right in from
10 out of state.

11 A I didn't tell you that. I told you I hadn't been
12 here too long.

13 Q How long did you reside in Somerset?

14 A I resided in Somerset about three months. As a
15 matter of fact, I moved back here from out of state in
16 September of '71, but you never bothered to ask me how
17 long I stayed at Somerset.

18 Q What state did you move to Somerset from?

19 A New York State, way upstate Buffalo. When I say
20 New York, I don't mean right across the bridge. Up where
21 it gets cold.

22 Q And when you left Buffalo did you come down
23 with any furniture or anything?

24 A No, no. I didn't.

25 Q Just packed up the family and moved?

1 A Yeah.

2 Q Mr. Benson, you told us about three
3 additional loans which you secured subsequent to your
4 negotiation of a mortgage.

5 A Yes.

6 Q I'd like you to tell me which--you told us
7 it was for clothes, one for furniture and one for a car--
8 which of these loans came first, do you remember?

9 A The furniture loan came first.

10 Q Now, I'm going to ask you again if you
11 remember the name of the finance company.

12 MR. SEARING: I object.

13 A Yeah, I remember. I didn't say I didn't remember.
14 I asked if it was necessary for me to answer the question.

15 MR. AUCIELLO: An objection has
16 been noted. I'd just like to state that
17 since we feel knowing this information is
18 essential to evaluating Mr. Benson's claim--

19 MR. SEARING: That's a conclusion.
20 Why is it essential?

21 MR. AUCIELLO: Let me explain. It's
22 our feeling it's essential because Mr.
23 Benson--well, as far as I understand, Mr.
24 Benson had very little difficulty finding
25 suitable premises in the Borough. If

1 Mr. Benson subsequently incurred obligations,
2 which disabled him from meeting his mortgage
3 commitments, then I think it's relevant.
4 And your objection is noted. We will have
5 to exercise our options to make a motion
6 to get this information.

7 MR. SEARING: Off the record.

8 (Whereupon, a discussion was held
9 off the record.)

10 MR. SEARING: Back on the record.

11 I still lodge an objection, but
12 I'll allow the witness to answer that
13 question.

14 Q I believe the question was what finance
15 company loaned you a thousand dollars for furniture?

16 A Avco.

17 Q And do you remember when the application
18 was made?

19 A No. I don't. It was made just about the time
20 that--let me see now. In '73. I bought the furniture
21 from Jacocks, whatever his name is, Jacocks. And he
22 ramrodded the financing of the furniture. I didn't have
23 nothing to do with it, I bought it and he financed it
24 himself through Avco.

25 Q This was in '73?

1 A No. The furniture was bought before '73, but I
2 also had another loan, I got another loan from Avco in '73.

3 Q Just answer this question. When was the--

4 A The furniture was bought right after I moved in
5 the house in '71. As a matter of fact, the furniture
6 beat me there. It was bought, I had to have it before I
7 could move into the house.

8 Q And you bought that furniture from Jacocks?

9 A Yeah.

10 Q Did you buy that furniture before you closed
11 title on your house?

12 A No. I did not.

13 Q Was there a period of time which elapsed
14 between the time you closed title on the house and the
15 time you moved into the house?

16 A About five days.

17 Q Are you telling me it was within that five-
18 day period the furniture arrived?

19 A The furniture arrived, I had it delivered the same
20 day I moved into the house.

21 Q Did you buy the furniture before you
22 actually closed title on the house?

23 A I just answered that question. I said no. I did
24 not buy the furniture before I closed title on the house.

25 Q What you're saying then is you closed title

1 on December the 18th?

2 A Yeah.

3 Q You moved in approximately five days later?

4 A Yeah.

5 Q And sometime between December the 18th and
6 December the 23rd you went to Jacocks?

7 A I had already went to Jacocks and made arrangement
8 for the furniture, but it wasn't bought.

9 Q Before December the 18th?

10 A Yeah.

11 Q So you made arrangements with Jacocks prior
12 to the time you closed title on the house?

13 A Yeah. Knowing you got to get a house, you got to
14 make arrangements to put something in it, right? But it
15 was no deal loosed on the furniture until after that deal
16 was closed on the house. But I had did some shopping, I
17 had shopped with Fuchs Furniture Company and a hell of a lot
18 of them to see if I could get something to get in the house
19 if and when I got the house.

20 Q Did you inform the mortgage company that
21 you were shopping around for furniture?

22 A No. I didn't figure it was the mortgage company's
23 business. As a matter of fact, I wasn't dealing with the
24 mortgage company, I was dealing with a real estate agency.

25 Q Did you tell Mr. Brunson you were looking

1 for furniture for the house?

2 A No. I didn't tell Mr. Brunson.

3 Q When did you close the deal for the
4 furniture, the same day you closed title on the house?

5 A No. No.

6 Q The next day?

7 A I don't remember the exact date the deal was
8 closed on the furniture.

9 Q But you're telling me it was within the
10 five days after you closed title on the house?

11 A Yes, I would say that.

12 Q Because the furniture arrived five days
13 later, right?

14 A I didn't say five days later. I said I went to
15 the furniture company and I shopped for the furniture and,
16 okay, so I didn't close no deal on the furniture, but after
17 the deal was closed on the house, then actually, before I
18 could move into the house, I had to have furniture go into
19 the house. So there was a date set. After the deal was
20 closed on the house, there was a date set for the furniture
21 to come. So I ran down to meet the furniture when it got
22 there.

23 Q I think you told us before you moved into
24 the house five days after you closed title. Is that about
25 right?

1 A Something like that, yeah.

2 Q You also told us the furniture met you at
3 the house.

4 A I didn't say that. I told you I had the furniture
5 at the house when I was ready to move in.

6 Q Was the furniture at the house when you were
7 ready to move in?

8 A Yeah, I was right out there when it come.

9 Q My question was when did you close the
10 deal for the furniture.

11 A I don't know.

12 MR. SEARING: The witness says he
13 can't remember.

14 Q Was the furniture delivered to your house
15 before you closed the deal, do you remember that?

16 A Before I closed the deal on what?

17 Q On the furniture.

18 A No. It wasn't delivered before I closed the deal.

19 Q You closed the deal and the furniture
20 arrived?

21 A Yes.

22 Q Now, did you sign an agreement with Jacocks
23 for payment of the furniture?

24 A Yes, I did.

25 Q Do you remember what amount you had to

1 pay for this furniture?

2 A No. I don't.

3 Q Do you remember what amounts were financed
4 through Avco, a thousand dollars?

5 A I just told you, a thousand dollars.

6 Q And your payments, I believe you said, were
7 \$76 a month originally?

8 A With both loans.

9 Q I'm talking only about the first loan with
10 Avco for the furniture from Jacocks, what was your monthly
11 obligation?

12 A The monthly obligation on that was about thirty
13 something dollars a month.

14 Q So at this point you had a monthly obligation
15 on your mortgage of approximately \$285 and you now picked
16 up a \$37 obligation for the furniture, is that correct?

17 A Beg your pardon?

18 Q So at this point, just subsequent to moving
19 into your new house, your house in Highland Park, you had
20 a \$285 a month mortgage obligation and you had a \$37 a month
21 furniture obligation?

22 A Yeah.

23 Q Now, when was the next time you made an
24 application for a loan?

25 A In '73.

1 Q Was that for the car?

2 A Nope.

3 Q Was that for the clothes for the children
4 and the other household stuff?

5 A Yep.

6 Q This was in 1973?

7 A Yeah.

8 Q Do you remember about when in '73?

9 A No.

10 Q Could you tell me when your obligation to pay
11 Avco increased from \$37 a month to \$76 a month? At some
12 point did your obligation to Avco increase from \$37 a month--

13 A At one point, at some point I had two loans with
14 Avco. I just told you. I had the furniture loan and I
15 borrowed an extra thousand dollars.

16 Q The loan for the clothes and other stuff was
17 also an Avco loan?

18 A Yeah. So actually that increased the payments from
19 the furniture loan.

20 Q And this was in 1973?

21 A Yeah.

22 Q Your payments are now increased to \$76 a
23 month, approximately, to Avco?

24 A Yeah.

25 Q To pay for the furniture, clothes and other

1 household--

2 A To pay for furniture and the personal loan.

3 Q After that time, you got a loan for the car,
4 is that correct?

5 A I didn't just say I got a loan for the car. My car
6 was financed, the agency I bought it from financed it
7 through the bank.

8 Q And that was the Peoples Bank of New Jersey?

9 A I believe that's the name of it. I got to go make
10 a payment today, I can't remember the name of the bank.
11 But I know where it's at, it's between Joyce Kilmer and
12 Livingston Avenue.

13 Q But you got this 1969 station wagon--

14 A Well, it was in something like June when I got that
15 car.

16 Q June of '73?

17 A Was it '73? Yeah, it was '73.

18 Q That was after you were--

19 A Yeah, this was after.

20 Q After Avco?

21 A Yeah.

22 Q When you made the application to the bank
23 you told them about Avco?

24 A I didn't make an application to the bank. I goes
25 down to the automobile company--what the heck is the name

1 out there on Somerset Street? Siroccio. And I says I want
2 to buy a car. He says, "Okay, pick out what you want."
3 I picks out what I want. He said, "Okay. Give me five dollars,
4 I'm going to see if I can get your car financed." He said,
5 "I have to have these charges."

6 So he called me back about a day later, he said,
7 "You can get your car, it's been financed through the bank."
8 That's all I know.

9 Q Mr. Benson, you told us before that it was
10 approximately five to six months after you moved into the
11 South 7th Avenue house, which would have been May or June of
12 1972, that you started falling behind in your mortgage.

13 A Yeah.

14 Q And you told us that it was not until
15 February 28 of '74 that you actually left that house.

16 A Yep. I had loosed it before then, but I didn't leave
17 it 'til then.

18 Q Was there a mortgage foreclosure on that
19 house?

20 A Yeah, there was a foreclosure on it. Yeah.

21 Q Do you have a recollection as to when the
22 mortgage foreclosure papers began?

23 A No. I don't.

24 Q But you were aware of the fact that you were
25 behind?

1 A Yes.

2 Q And this was approximately mid-1972, correct?

3 A Nope. It wasn't '72. Oh, yeah, I was behind in '72,
4 but the foreclosure procedure didn't start in '72.

5 Q But you were behind in '72?

6 A Yeah.

7 Q Even though you knew you were behind in
8 mid of 1972, you went out and borrowed an additional thousand
9 dollars sometime in '73 from Avco and you went out and
10 bought a car, which cost you \$52 a month, from the Peoples
11 Bank?

12 A Yeah. Some of this money was used to catch up on
13 mortgage payments.

14 Q Do you have any idea how far behind you were,
15 let's say at the beginning of 1973, on your mortgage payments?

16 A Yeah, three months.

17 Q Mr. Benson, do you know if the Borough of
18 Highland Park has a housing authority?

19 MR. SEARING: If you know.

20 A A housing authority?

21 Q Yes. Public housing authority.

22 A I really don't know.

23 Q Are you familiar with the intersection of
24 South 7th Street and Benner?

25 A Yes, I am.

1 Q And do you know whether or not there is any
2 construction at that site?

3 A Not that I know of.

4 Q So if I were to tell you whether or not you
5 know that the housing authority of the Borough of Highland
6 Park has a unit, 12 units of housing there, that wouldn't
7 refresh your recollection at all?

8 A Yeah. I know the units are there.

9 Q Do you know that those units are maintained
10 by the housing authority of Highland Park?

11 A I didn't know who they were maintained by.

12 Q Did you ever try to find out from anybody,
13 either in the town or in the county, whether or not Highland
14 Park had a housing authority?

15 A No. I did not. All I did was look for housing in
16 Highland Park. And the units you're talking about, I went
17 there twice to fill out an application, the lady said, "How
18 many in your family?" I told her, she said, "No need to
19 bother."

20 Q So then you knew there was a housing
21 authority in Highland Park?

22 A I didn't know it was a housing authority. It could
23 have been private owned. I didn't know the housing authority
24 owned it.

25 Q Mr. Benson, during the time that you lived

1 in the Borough of Highland Park, would you say there were a
2 number of other black families in town?

3 A I beg your pardon?

4 Q During the time that you lived in the
5 Borough of Highland Park, would you say that there were a
6 number of other black families living in the town?

7 A A number? I don't quite understand the question.

8 Q Were you the only black family in your
9 neighborhood?

10 A No. I was not.

11 Q Then there were other black families?

12 A Yes, there was more black families there.

13 Q Were there any white families in the
14 neighborhood, within a block or two?

15 A Yeah. Some lived in the housing unit you spoke of.

16 Q So if I were to ask you whether or not you
17 thought the Borough of Highland Park was maintained as an
18 elite, isolated, white community of high income household,
19 would you characterize Highland Park that way?

20 MR. SEARING: If you know.

21 A Yes, I would. Because, north of Raritan Avenue,
22 I think I saw one black family north of Highland Park all
23 the time I spent there. I always wondered why there wasn't
24 any blacks up there. And 1st Avenue, I think, is one family
25 of blacks. So actually what you got in Highland Park, you

1 got 7th Avenue, 8th Avenue, all south, 9th Avenue, all
2 south, 6th Avenue, all south. Not even 5th.

3 So you can square your blacks off from Benner
4 Street down. You can square them off to the black people
5 in Highland Park. I think the Borough Attorney knows more
6 about the location than I do, but I'm just stating a specific
7 on my part.

8 MR. SEARING: You are stating to
9 the best of your knowledge.

10 THE WITNESS: Yeah.

11 Q Where is Kaiser Aluminum located, what town?

12 A Edison.

13 Q Now, you resided in Highland Park, your
14 children went to the Highland Park public school system,
15 is that correct?

16 A Sure.

17 Q Did you think they were getting a pretty
18 good education?

19 A Oh, I don't know. I would say they were getting
20 a substantial education.

21 Q Did they ever come home and say they were
22 being discriminated against in school because they were
23 black?

24 A Oh, yes, they did. We've had quite a few problems
25 on that. As a matter of fact, I've had conferences with

1 teachers and principals on that.

2 Q What schools did these children go to?

3 A Middle School, the high school, Irving School,
4 Lafayette School. I had children in all the schools in
5 Highland Park, except the one north of Raritan Avenue. I
6 never seen any of the blacks go there, I can't remember the
7 name of it, it's off of 5th Avenue. I never seen a black
8 kid in that school. I always wondered why that was.

9 Q Did you make a habit of going to look to
10 see if there were any black students there?

11 A You don't have to go look.

12 Q You just knew?

13 A You just know. You get acquainted with anyplace
14 that you live and you see. I pass there a lot and I had
15 an occasion to talk to quite a few people. That I know of
16 that there was, it couldn't have been over two or three.

17 Q How many high schools does Highland Park
18 have?

19 MR. SEARING: If you know.

20 A One, that I know of.

21 Q How many middle schools does it have?

22 A Well, depends on how you classify middle school.
23 By name, there is only one that I know of.

24 Q So if you would have said before that high
25 schools and middle schools, now that you're thinking about

1 it, there may be only one high school and one middle school?

2 A Yeah. If they use the name Middle School, that's
3 the name of the school. It could be used as a grade,
4 middle grade or something else, as far as I know. As far
5 as I know, there's one high school and one middle school.

6 CONTINUATION OF DIRECT EXAMINATION BY MR. LERNER:

7 Q The Middle School you referred to, Mr.
8 Benson, that's grade six, seven and eight, isn't that
9 correct?

10 A Yes.

11 Q All the kids in the Borough go to the same
12 Middle School, don't they?

13 A As far as I know, yes.

14 Q No matter what school they went to before,
15 they still go there?

16 A Yeah.

17 Q All the children in the Borough go to the
18 same high school, there is one high school in the Borough,
19 isn't that correct?

20 A As far as I know.

21 Q The schools themselves are Lafayette and
22 Irving, they aren't new schools, aren't they?

23 A No.

24 Q In fact, the school you talked about on
25 the north side of the town, that's Hamilton School?

1 A Yeah, that's the name of it.

2 Q That's an old school, isn't it?

3 A As far as I know.

4 Q Have you ever seen the school itself?

5 A Yes, I've seen it.

6 Q If I told you the school was 50 years old
7 and was perhaps the oldest school in town, that would be
8 pretty close to being so, wouldn't it?

9 A I wouldn't know.

10 Q But exterior appearance, the school on the
11 north side and the school on the south side, are the two
12 oldest schools in town, wouldn't you say?

13 A Well, if you want me to speculate on that--

14 Q I don't want you to speculate, Mr. Benson.

15 A I couldn't say, because I only spent, say, three
16 years in Highland Park, maybe a little better. So I
17 couldn't say which school--

18 Q But your children went to school in the
19 same classes in the Middle School that every child in the
20 Borough went to?

21 A Yeah.

22 Q The same classes that every child in the
23 Borough in the high school went to?

24 A Yes.

25 Q There were many children that went to

1 school in Lafayette School, isn't that so?

2 A Lots of them, yeah.

3 Q It covered the whole south side of the
4 Borough, from the river all the way up to maybe, I don't
5 know if you know what street--did your children go to
6 Lafayette School?

7 A Yes. I had children in fourth grade.

8 Q It covers the whole south side, South 6th,
9 South 5th, South 4th, South 3rd, South 2nd, 1st Avenue,
10 Raritan Avenue all the way over to Donaldson Park?

11 A Yeah.

12 Q Did you ever look for a house on the north
13 side of town, Mr. Benson?

14 A Yes. I called several real estate companies. A
15 Mrs. Zient, Tanzman, that's a real estate company.

16 Q When did you speak to them?

17 A All during the time that I knew I was going to have
18 to move from 7th Avenue--

19 Q This was after you were having difficulty
20 in making the payments for the house you were in?

21 A This was after that I knew that there was foreclosure
22 on my house.

23 Q And faced with that foreclosure and the
24 inability to make those payments, you tried to find another
25 house?

1 A I tried to find a house to rent, not to buy.

2 Q Were you shown any houses that were for rent
3 in Highland Park?

4 A Nope. Everybody that I call, they say we'll call you
5 back, you call me back. Then I would call them back, they
6 would hardly ever call me back, and they would say, "Well,
7 I'm sorry, the house is rented."

8 Q Did you ever see any houses that for rent
9 in Highland Park?

10 A Yes, I did. I see quite a few.

11 Q You actually went to see the houses them-
12 selves?

13 A Only passing by and see a sign.

14 Q And the sign said the house was for rent?

15 A Yes.

16 Q Where did you see a house with a sign **FOR**
17 **RENT** on it?

18 A I've seen several on 8th Avenue and I've seen some
19 on the north side, on 10th Avenue.

20 Q There was a sign that said the house was for
21 rent?

22 A Yes. I never stopped to investigate, but I'd get
23 the phone number and also go back home and call and then
24 I looks at The Home News and I keeps--

25 Q Let's stay with the ones you say you saw

1 signs on for rent, houses. Do you know any of those signs?

2 A No. We're talking about two years ago.

3 Q I understand that. Did you ever go and
4 knock on a door where someone had a sign outside saying
5 that the house was for rent?

6 A No. I'd always get the phone number and call.

7 Q But you would not go in the house?

8 A No. I didn't go into it. I didn't knock on the
9 door, because I feel very funny about knocking on doors.
10 I didn't know where I'm at or who I'm going to see. So I
11 would call and make an appointment. I thought that would
12 be appropriate.

13 Q But you don't have any record of the
14 houses you called?

15 A No.

16 Q And you say you called the real estate
17 brokers that advertised the houses for rent?

18 A That's right. I called real estate brokers that
19 advertised for homes. I remember this same lady here,
20 it wasn't funny, but I had to laugh, she said, "You didn't
21 want that, Mr. Benson, the rooms are too small." She said
22 this and that and the other thing. She gave all kinds of
23 excuses, you know. Still, it was a six-room house, it was
24 a four bedroom house. I said, "Lady, that's what I need,
25 three, four bedrooms." And she found all kinds of excuses,

1 everything was wrong with the house.

2 Q Did you ask her how much the rent was?

3 A Yes, I asked her.

4 Q How much was the rent for a three or four
5 bedroom house?

6 A The rent was two eighty something.

7 Q And where was this house located?

8 A It was located--I don't know the address. But it
9 was located in Highland Park, I think it was on Raritan
10 Avenue, but I wouldn't be sure.

11 Q And you spoke to Mrs Ziemant at the Tanzman
12 agency?

13 A Yes. I must have called at least 25 times for a
14 house and she always would see what she was going to do and
15 she'd get back to me. But she'd never got to me, I'd have
16 to get back to her.

17 Q Did you ever find the house itself to see
18 which house it was for rent on Raritan Avenue?

19 A No. I didn't. I never bothered to, the address
20 and phone number was in the paper, but I never bothered to
21 go. I always called.

22 There was another agency, Parker-Towne.

23 Q Now, you're looking at a piece of paper.

24 That's a white envelope?

25 A Yes.

1 Q The envelope, I assume, has your name on it?

2 A Yes, it does.

3 Q What's the postmark on that letter?

4 A This letter I have has nothing to do with what I'm
5 looking at.

6 Q I want the record to show you're looking at
7 an envelope. What is the postmark on the envelope?

8 A The postmark on it? What do you mean?

9 Q What's the date of the letter?

10 A What's the date of the letter?

11 Q Of the envelope.

12 A Oh, I don't know what the date of it is.

13 Q Look on the back where you have writing.
14 Turn it over.

15 A Oh. January 25.

16 Q What year?

17 A '75.

18 Q So this envelope that you're looking at that
19 has the names of Tanzman and Ziemant is an envelope that
20 was delivered to you in 1975?

21 A Yeah.

22 Q So the notations that you're refreshing
23 your recollection from and talking about are things that
24 you've just written down, is that correct, or recently
25 written down?

1 A I just written on here, but I had them in record.

2 Q That's exactly what I'm asking you.

3 A I just written them on here, but I also have them
4 in record. I had them down already.

5 Q Where did you have them written down?

6 A I had them written down in my home.

7 Q But you wrote them down here today?

8 A What?

9 Q Did you write them down here today?

10 A No. I didn't.

11 Q When did you write those down?

12 A I wrote them down when I got ready to leave home
13 to get down here.

14 MR. SEARING: Off the record.

15 (Whereupon, a discussion was held
16 off the record.)

17 MR. LERNER: Back on the record.

18 Q So the notes that you've brought with you
19 today, you prepared in anticipation of your testimony here
20 today?

21 A Yeah.

22 Q And the reflection and the note thereof
23 Ziemant and Tanzman--and what's the other name, Parker?

24 A Parker-Towne, Parker-Towne Agency.

25 Q That's Park-Town.

1 A Is that what it is? That's what it is.

2 Q And these names reflect agencies that have
3 ads in the paper for homes for rent?

4 A Right.

5 Q And you remember speaking to these people
6 back in '73?

7 A Yes, because I always kept a record of them, because
8 I figured sooner or later, from the way they talked, they
9 might provide me with housing, especially these two agency.
10 I was very interested in them, because they always said
11 they was going to see what they could do and they might
12 come up with something.

13 Q Do you know if Park-Town is still in
14 business?

15 A I don't know.

16 Q Who did you speak to at Park-Town Agency?

17 A I don't know no names. I only spoke to one guy that
18 had a nice line of conversation. But, for his name, I
19 really don't know. But he told me to always keep him in
20 mind and that sooner or later he would have something for
21 rent.

22 Q How many children do you have, Mr. Benson?

23 MR. SEARING: The witness has
24 answered that.

25 MR. LERNER: Just to remember for a

1 second.

2 MR. SEARING: You can go ahead and
3 answer that.

4 A I got seven living with me.

5 Q When you made an application, did you go in
6 and try to make an application for the public housing in
7 Highland Park?

8 A Yes, I did.

9 Q When you told the woman you had seven
10 children she said to you the apartments aren't large enough
11 for you?

12 A That's right.

13 Q Have you made an application, Mr. Benson,
14 to the public housing in New Brunswick?

15 A No. I haven't.

16 Q Have you made an application for public
17 housing in Edison?

18 MR. SEARING: I object to this
19 line of questioning. These are questions
20 that pertain to the other municipalities.
21 We're trying to confine ourselves today
22 to questions pertaining to Highland Park,
23 of which we've done a pretty good job.

24 Q Do you know what the largest unit is in
25 Highland Park, in the public housing?

1 A No. Just looking, I would say the one on 10th
2 Avenue, I can't remember the name of it--

3 Q I'm sorry. Perhaps I didn't make myself
4 clear.

5 Do you know how many bedrooms, the largest number of
6 bedrooms a unit has in public housing?

7 A I understand it's only two.

8 Q That was your understanding?

9 A Yeah.

10 MR. LERNER: I have no questions.

11 MR. SEARING: That's it.

12 (Witness excused.)

13

14 K E N N E T H P. T U S K E Y, sworn.

15 DIRECT EXAMINATION BY MR. AUCIELLO:

16 Q Mr. Tuskey, my name is Dennis Auciello and
17 I'm an attorney associated with Rubin & Lerner. This office
18 acts as the attorneys for the Borough of Highland Park.
19 You're here today in order to allow the Borough to take your
20 deposition.

21 Now, as you've noticed, there's a court reporter
22 here who has just sworn you in. The statements which you
23 make today are under oath and are all being recorded and
24 will eventually be transcribed and be put into a book of
25 this testimony. If it becomes necessary for you to testify

1 at a trial of this matter, whatever is said today can be
2 used as a reference or against you at the time of trial.
3 So it's important that you answer only questions you under-
4 stand.

5 If you don't understand the question, please ask me
6 to rephrase it or whatever and if there is any question which
7 is asked, which your attorney has an objection to, your
8 attorney will state his objection, and you're not to answer
9 the question over an objection of your attorney. He may
10 object and say you can answer it anyway, in which case you
11 can answer it.

12 Now, Mr. Tuskey, you are one of several plaintiffs
13 who have brought this action, which names the Borough of
14 Highland Park as one of several defendants and you, along
15 with the other individuals in the organization, the Urban
16 League, have been certified as a class, which means that
17 you, as an individual, are representative of the claims of
18 the class as a whole.

19 A Good.

20 Q And the class which you represent, I believe,
21 is that class of people who are economically and racially
22 discriminated against, in terms of housing in Middlesex
23 County.

24 MR. SEARING: Off the record.

25 (Whereupon, a discussion was held

1 off the record.)

2 MR. SEARING: Put it on the record.

3 Mr. Tuskey has not been included as
4 a member or representative of a class of
5 low and moderate income, white and non-white
6 citizens in northern New Jersey, who are
7 seeking decent, safe and sanitary housing
8 in an integrated environment; rather, Mr.
9 Tuskey is claiming under this action as a
10 white person who has been deprived of
11 living in an integrated environment by the
12 actions of the defendant municipalities.

13 (Whereupon, a discussion was held
14 off the record.)

15 (Whereupon, the proceedings resumed
16 on the record.)

17 Q Mr. Tuskey, do you feel that you have
18 been deprived of the benefits of living in a racially and
19 economically integrated community?

20 A Yes.

21 Q And you live in South Brunswick, is that
22 correct?

23 A Yes.

24 Q How long have you lived in the area?

25 A By what do you mean area? I lived in Freehold.

1 Would you consider that the area?

2 Q How long have you lived in Middlesex County?

3 A I believe 10 years, roughly, 10 years.

4 Q And have you resided in Kendall Park--

5 A All of that time, yes.

6 Q Are you familiar with the Borough of Highland
7 Park?

8 A I know where it is.

9 Q Have you been through it?

10 A Yes. I have friends who live there.

11 Q Have you visited in the town?

12 A Yes.

13 Q Would you describe the Borough of Highland
14 Park as a white, isolated, elite community of high-income
15 households?

16 A I don't think I'm qualified to make that definition.

17 Q I'm not asking you to make a definition--

18 A You're asking me to ascribe to your definition.

19 Q I'm asking you whether or not you have
20 formed an opinion that Highland Park is a white, isolated,
21 elite community of high-income households. Have you formed
22 that opinion?

23 A Not necessarily. Again, I am not that familiar with
24 the total makeup of Highland Park's people.

25 Q So then you haven't formed that opinion,

1 because you don't have enough information upon which to
2 form an opinion, is that your answer?

3 A No. I have other reasons or other data that I have
4 made my determination by. Do you want me to explain?

5 Q Just answer my questions, okay?

6 A Sure.

7 Q What opinion do you hold of the Borough of
8 Highland Park?

9 A I don't have any strong opinions about Highland
10 Park one way or the other, other than the fact that Highland
11 Park is one of the municipalities in Middlesex County that
12 is contributing to the living conditions in situations in
13 the central urbanized city, such as Perth Amboy and New
14 Brunswick.

15 Q Mr. Tuskey, do you know Cleveland Benson?

16 A No. I do not.

17 Q Do you know Fanny Botts?

18 A Yes.

19 Q Do you know Judith Champion?

20 A Yes.

21 Q Lidia Cruz?

22 A Yes.

23 Q Barbara Tippet?

24 A No.

25 Q Do you know Jean White?

1 A Yes.

2 Q You told me you lived in South Brunswick for
3 10 years.

4 A Yes.

5 Q Could you characterize South Brunswick for
6 me?

7 MR. SEARING: Objection, that's a
8 question of general application. But the
9 witness can answer.

10 A Characterize it in what manner?

11 Q Well, part of the relief which you're
12 seeking is the ability to live in a community of racial and
13 economic integration.

14 A Yes. Are you asking if my neighborhood is racially
15 and economically integrated?

16 Q I'm asking you if your community is racially
17 and economically integrated.

18 A My community? You're speaking of the entire South
19 Brunswick boundary?

20 Q Yes.

21 A No. I don't believe it is. I can only speak with
22 any certainty of my neighborhood. But, from census data,
23 I know it's not.

24 Q On what census data are you referring to?

25 A The 1970 census.

1 Q You've examined the 1970 census?

2 A Yes, I have.

3 Q When was the last time you've examined it?

4 A Possibly a year ago.

5 Q And what data are you referring to when you
6 say that South Brunswick is not a racially and economically
7 integrated community?

8 A Well, I'm referring to the census data which shows
9 the number of non-white families living in South Brunswick,
10 which, at the last time I examined it, was extremely low.
11 As far as the economic data, I'm referring to the lack of
12 low-income housing in South Brunswick housing that I have
13 noted.

14 Q Did you bring the data with you today?

15 A No, I did not.

16 Q Can you cite me any figures?

17 A Not specific. No.

18 MR. SEARING: Counsel will stipulate
19 to provide such data.

20 Q What efforts have you made in the last 10
21 years to find out about living quarters in Middlesex County.

22 A For myself?

23 Q Yes.

24 A None.

25 Q You've made no applications to Highland

1 Park?

2 A No.

3 Q Have you examined the building codes and
4 zoning codes of the Borough of Highland Park?

5 A Not as any expert.

6 Q Well, have you examined them?

7 A Yes.

8 Q You've had access to the zoning ordinance
9 of the Borough of Highland Park?

10 A I cannot testify that they were the certified only
11 copies, but I was given the information from the Middlesex
12 County Planning Board. I assume they were complete.

13 Q What information did you get from the
14 Middlesex County Planning Board?

15 A Once again, I can't give you the specific--

16 Q What you're saying, you don't know whether
17 or not you ever examined the zoning ordinance--

18 A The official ones, I don't.

19 Q Have you represented what was represented
20 by you, by the Middlesex County Planning Board, to be the
21 zoning ordinance of Highland Park?

22 MR. SEARING: Do you want to define
23 examine? I think he might be having some
24 trouble with it.

25 A I believe so, but I don't know for certain. At the

1 time, which was a few years ago, I don't know whether it
2 was the entire--I don't know what the official document of
3 the zoning code looks like.

4 MR. SEARING: Do you mean looked at,
5 what's purported to be, a study in detail?

6 THE WITNESS: Not a study in
7 detail. No.

8 Q My question is have you looked at what's
9 purported to be the zoning ordinance of the Borough of
10 Highland Park? You don't know?

11 A I don't know.

12 Q Do you know whether or not there are any
13 areas in Middlesex County which are economically and
14 racially integrated?

15 MR. SEARING: If you know.

16 A Racially and economically integrated?

17 MR. SEARING: I object to that
18 as being a question of general application.

19 I will allow the witness to answer.

20 A I have a hard time with the definition. If you
21 want to call New Brunswick, which is the downtown urban
22 area, is highly concentrated low-income black, I don't
23 consider that economically and racially integrated. By
24 the same token, I do not consider Highland Park racially
25 and economically integrated, although they all may be

1 generally of one economic level.

2 Q Upon what facts would you rely to buttress
3 that opinion which you've just expressed about the Borough
4 of Highland Park?

5 A With what facts? I don't have--

6 Q You made a statement about the Borough of
7 Highland Park, an impression which you formed about the
8 Borough of Highland Park.

9 A No. I didn't make a statement of an impression. I
10 believe I said whereas Highland Park, if they have all one
11 economic level, doesn't make them integrated economically.
12 I don't know what it means.

13 Q So then your answer to my question is a
14 hypothetical phrase in terms of if, is that correct? Are
15 you stating an opinion based upon fact or are you stating
16 a hypothetical based upon the variables which you're putting
17 into it?

18 A A hypothetical based upon the variables I'm putting
19 into it.

20 In answer to your question, no. I do not know of
21 any racially and economically integrated area in Middlesex
22 County.

23 Q Do you know of anyone who has ever made an
24 application to the building officer or zoning officer of
25 Highland Park for a building permit?

1 A For a building permit? No. I don't.

2 Q Do you know of anybody who has made an
3 application to the Highland Park Board of Adjustment?

4 A No. I do not.

5 Q Do you know of anyone who has made an
6 application to the Highland Park Planning Board?

7 A No. I do not.

8 Q Do you know of anyone who sought housing
9 in Highland Park and couldn't locate it?

10 A Yes, many.

11 Q Now, could you name those people?

12 A Not offhand. You would have to understand in the
13 course of my job I worked with many people seeking housing.

14 Q What's your job?

15 A I'm a supervisor for the Middlesex County Welfare
16 Board Housing Unit. At the present time I'm on educational
17 leave 'til approximately January, 1976.

18 Q How long have you been on this educational
19 leave?

20 A Since September, '74, September '74, right.

21 Q Is the fact that you are a plaintiff in
22 this lawsuit, in any way, related to your being on
23 education leave at this time?

24 A No.

25 Q Do you know whether or not the Borough of

1 Highland Park has a public housing authority?

2 A Yes, I believe they do.

3 Q How long have you worked for the Middlesex
4 County Welfare Board?

5 A Since July, 1971.

6 Q Do you have an office, do you work out of an
7 office?

8 A Our offices are located on New and Livingston
9 Avenue.

10 Q Now, in the performance of your job, are
11 you an inside man or do you go out in the field?

12 A I go in the field.

13 Q What did you do prior to July, '71?

14 MR. SEARING: Objection, it's a
15 question of general application. I don't
16 see the relevance to Highland Park. But
17 the witness can answer the question.

18 A From 1952 'til 1968, I worked for Chrysler Motors
19 Corporation.

20 Q Was that in Michigan?

21 A That was in Michigan, Delaware, New Jersey; 1968
22 to 1971 I was self-employed.

23 Q Now, since you began your employment with
24 the welfare board, have you done any field work in the
25 Borough of Highland Park?

1 A What do you mean by field work?

2 Q Have you had occasion to spend time in
3 the Borough of Highland Park as a part of your job?

4 A Yes.

5 Q And do you read the local papers?

6 A Sometimes.

7 Q Listen to the local radio station? I'm
8 talking about since July of '71. Have you had occasion to
9 listen to the local radio station?

10 A Are you referring to W.C.T.C.?

11 Q Yes.

12 A Sometimes.

13 MR. SEARING: What's the relevance
14 of the questions?

15 MR. AUCIELLO: I would like to
16 know the awareness with which this plaintiff has
17 or doesn't have concerning the Borough of
18 Highland Park.

19 Q Now, Mr. Tuskey, do you know whether or not
20 the Borough of Highland Park has ever failed, has ever
21 refused, to provide federal subsidized housing for low-
22 income families?

23 A Ever refused, no, I do not.

24 Q But you told us Highland Park has a housing
25 authority.

1 A Yes.

2 Q Do you know if it's funded federally, is it
3 a H.U.D. program?

4 A I cannot be certain, but my belief is it is, yes.

5 Q Do you claim that the Borough of Highland
6 Park has zoned vacant land for industrial purposes in excess
7 of need to the exclusion of residential use?

8 A I don't know if I'm claiming that or not. Would
9 you repeat that please?

10 Q Do you claim that Highland Park has zoned
11 vacant land industrially to the exclusion of residential
12 usage?

13 MR. SEARING: If you know.

14 A I don't know.

15 Q Do you know how much open land there might
16 be in the Borough of Highland Park?

17 A No. I do not.

18 Q Could you estimate?

19 A Not at all.

20 Q Would it surprise you if I told you that
21 Highland Park is presently upwards of 95, 97 percent
22 developed, would that surprise you?

23 A No. It wouldn't surprise me. I don't know what it
24 means.

25 Q How familiar are you with the zoning ordinance

1 of the Borough of Highland Park?

2 A Not very.

3 Q Do you know what the zoning requirements
4 in regards to single-family detached houses are, in regards
5 to minimum lot size?

6 A No. I do not.

7 Q Do you know what the requirements are in
8 regards to minimum floor areas?

9 A No. I do not.

10 Q Do you know what the frontage requirements
11 are?

12 A No. I do not.

13 THE WITNESS: May I speak?

14 MR. SEARING: Sure.

15 A I have access to the state's requirements and what
16 Highland Park has adopted for their usage. I do not have
17 it in front of me.

18 Q Now, when you talk about state requirements,
19 what's the nature of these requirements? Statutory
20 requirements?

21 A Yes, the state housing code on floor space per room,
22 frontage, and mainly more on the building code, rather than
23 on the zoning code.

24 Q Is it your understanding that all municipalities
25 in the State of New Jersey are bound by that code, which you

1 referred to?

2 A It is my understanding that they can adopt their
3 own ordinance, as long as it is not less than the state
4 minimum.

5 Q Do you know whether or not Highland Park
6 has adopted an ordinance?

7 A Right at the moment? Right at the moment I don't.
8 Again, I have the records at the office.

9 Q Your answer is you don't know and any
10 questions I ask would be greeted with, "I'm not sure"?

11 MR. SEARING: We'll stipulate that
12 Mr. Tuskey is not an attorney or a zoning
13 expert.

14 Q Is it your opinion that the Borough of
15 Highland Park has denied children of low and moderate
16 incomes of equal educational opportunity?

17 A I have no idea. Excuse me, may I clarify that?

18 Q Sure.

19 A Are you referring to low and moderate income people
20 living within Highland Park?

21 Q Yes.

22 A Then I do not know.

23 Q Mr. Tuskey, you told us you feel deprived,
24 in that you cannot live in a racially and economically
25 integrated community, is that correct?

1 A Yes.

2 Q Now, since this is your position, I'd like
3 to know what elements would go into a racially and
4 economically integrated community.

5 A What elements?

6 Q Yes.

7 MR. SEARING: In your opinion.

8 THE WITNESS: Yes, definitely in
9 my opinion.

10 A The access of low and moderate income housing so the
11 people have access to be able to live in a suburban
12 community away from the central city, which I feel they
13 cannot do now.

14 Q Is that it?

15 A Yes. My position is that all citizens of this
16 country should have the right.

17 Now, if they have that right, then whether they
18 choose to or not is up to them. But right now I don't
19 feel they have that right.

20 Q So is it your position that the Borough of
21 Highland Park does not provide low and moderate income
22 housing, in which people can reside away from the central
23 city?

24 A It is my opinion that the Borough of Highland Park,
25 along with the other defendants--

1 Q My question is directed specifically toward
2 the Borough of Highland Park and nobody else.

3 A Okay. That the Borough of Highland Park does not
4 provide sufficient low and moderate income housing.

5 Q Do you feel that the Borough of Highland
6 Park provides some low and moderate income housing?

7 A What's your definition of some?

8 Q You said the Borough does not provide
9 sufficient.

10 A Yes.

11 Q At what point does an insufficiency
12 become a sufficiency?

13 A When the people no longer have to live in an
14 urbanized ghetto, where they have a choice to move out of
15 there.

16 Q Do you feel that the Borough of Highland
17 Park practices racial discrimination?

18 A How?

19 Q In determining peoples' access to housing.

20 A In effect, yes.

21 Q Upon what facts do you base that answer?

22 A By not providing low income housing, they are,
23 in effect, racially excluding blacks.

24 Q Have you done a survey of the housing
25 units in the Borough of Highland Park?

1 A Housing units?

2 Q Yes.

3 A I don't understand what you mean.

4 Q Have you done a survey as to how many
5 single family houses there are in the Borough, how many
6 multiple dwellings there are in the Borough, how many
7 public housing projects there are in the Borough?

8 A No. I have not. I do know the public housing
9 project is one 24 unit, 13 of which, I believe, are for
10 senior citizens and 11 for low income families.

11 Q Are you also aware of the fact that the
12 Highland Park housing authority is presently engaged in
13 negotiation stage of putting up a hundred unit senior
14 citizen low income housing project?

15 A No. I was not.

16 Q So I'll ask the question more pointedly.
17 Is it your opinion that the Borough of Highland Park
18 overtly practices racial discrimination in regards to
19 access to housing units?

20 MR. SEARING: The witness
21 answered that question already.

22 A Overtly?

23 MR. AUCIELLO: I think the witness
24 said that as long as there are not
25 sufficient units--

1 MR. SEARING: You asked him if
2 Highland Park practiced racial discrimina-
3 tion. He said, in effect, yes, by not
4 providing low and moderate income housing,
5 I believe.

6 Q Is it your feeling that the Borough of
7 Highland Park discriminates against an economic class or
8 against a racial class?

9 A Against an economic class, which, in effect, has
10 racial connotations.

11 Q What racial connotations?

12 A As I stated previously.

13 Q I don't remember. What racial connotations
14 does an economic class have?

15 A By not providing low income housing, in effect,
16 Highland Park is excluding, as a race, many blacks, if you
17 consider that racial discrimination.

18 Q I'm asking you what you consider it.

19 A I consider it racial discrimination.

20 Q But do you have any facts of your own?
21 Upon what fact would you rely to prove that Highland Park
22 has a dirth of low income housing?

23 A What do you mean by a dirth?

24 Q A lack, an insufficiency.

25 A By my efforts to locate low income housing in

1 Highland Park for the clients that I dealt with at the
2 welfare department.

3 Q How much of the history of the Borough of
4 Highland Park do you know?

5 A None whatsoever.

6 Q And you don't know what percentage single
7 family dwellings have as to all dwelling units in the
8 Borough, do you?

9 A No. I do not.

10 Q You also don't know the history of the
11 neighborhood development in the Borough of Highland Park,
12 do you?

13 A No. I do not.

14 Q Could you tell me what you would consider
15 a person in a low income strata?

16 MR. SEARING: I object. The class
17 has been defined by the plaintiffs and
18 approved by the court.

19 Q Mr. Tuskey, you just testified that you have
20 sought housing for your clients in the Borough of Highland
21 Park, is that correct?

22 A Yes.

23 Q On how many occasions have you sought
24 housing for these clients?

25 A I haven't the faintest idea. Many.

1 Q Do you have any records which would show
2 your efforts?

3 A No.

4 Q You have no records? I know you don't have
5 any record here before you, but do you have any records at
6 your office, which would indicate what attempts were made to
7 place people in the Borough of Highland Park?

8 A They would not be in one source.

9 Let me explain. When we are working with a client
10 to find housing for that client we are working with that
11 client's case file only and anything that we do in reference
12 to that client goes into that specific file.

13 Q So are you telling me that, if I were to ask
14 you to produce your records of your efforts--

15 A I could not, plus the fact I'm forbidden by law.

16 Q Could you tell me with whom you got in
17 touch in order to place these people in the Borough, who did
18 you contact?

19 A Landlords, wherever a vacancy was, wherever we knew
20 of a vacancy we would go, either with the client or
21 separately to check out the availability.

22 Q Have you ever placed anybody in Highland
23 Park?

24 A Myself or someone in our unit?

25 Q Well, have you yourself ever placed anybody

1 in Highland Park?

2 A Specifically, I do not recall me placing anyone.

3 Q Are you aware of anyone in your unit ever
4 having placed someone in the Borough of Highland Park?

5 A I believe some of the workers in our unit have
6 found an occasional apartment for their client.

7 Q And would you know what race these people
8 were who were placed in Highland Park?

9 A No. I would not.

10 Q Is it possible they were black?

11 A It's possible they were any color.

12 Q It's possible they were black or it's
13 possible they would have been Puerto Rican and/or it's
14 possible they could have been white?

15 A It's possible they could have been white. We have
16 more white clients than we do blacks, the odds are in favor
17 of being white.

18 Q What defines your clients, how does someone
19 become a client of Middlesex Welfare Board Housing Unit?

20 MR. SEARING: Objection, it's a
21 question of general application. But you
22 can answer.

23 A Two ways, one way is to already be receiving
24 assistance, another way is for citizens of Middlesex County
25 requesting assistance that we can provide.

1 Q Then I believe you classified the individuals
2 whom you seek to place as low income people before?

3 A Anyone who is receiving assistance can usually be
4 classified as low income, yes.

5 Q You just told us that the majority of your
6 clients are white.

7 A No. Not my clients. The majority of clients who
8 are currently receiving assistance from Middlesex County
9 Welfare Office are white, according to the statistics I
10 have been given. I don't know the validity of that.

11 Q You know what the 13th Amendment of the
12 United State Constitution provides?

13 A No. I don't. I can't quote it for you, if that's
14 what you mean.

15 Q Do you feel that these low or moderate
16 income people are in a condition of slavery?

17 MR. SEARING: Objection. Mr.
18 Tuskey is not an attorney. You're asking
19 for a legal conclusion.

20 THE WITNESS: Slavery?

21 Q Or involuntary servitude.

22 Okay. Mr. Tuskey, you told us about the indicia
23 of a racially and economically integrated community was one
24 which provided a sufficient amount of low and moderate
25 income housing for those people within that economic group

1 who wished to live away from the central city. If that's
2 incorrect, please tell me.

3 A It's generally correct. I didn't understand your
4 second word.

5 Q Indicia is a characteristic.

6 In your capacity with the housing unit, does your
7 discretion go throughout the whole community, Middlesex
8 County?

9 A That's the area that that we represent.

10 Q So have you personally attempted to place
11 people, let's say, in Sayreville--

12 MR. SEARING: Objection. It's not
13 pertinent to Highland Park.

14 MR. AUCIELLO: It's pertinent,
15 because the Borough of Highland Park cannot
16 evaluate Mr. Tuskey's requested relief of
17 living in a racially and economically
18 integrated community without having a basis
19 as to what Mr. Tuskey believes such a
20 community is.

21 MR. SEARING: That information will
22 become available after everybody has had
23 notice and questions of general application
24 may be asked when that's done. I don't
25 think now is the time for that.

1 Q Mr. Tuskey, is it your conclusion that
2 Highland Park is not a racially and economically inte-
3 grated community?

4 A Is it my opinion?

5 Q Yes.

6 A Yes, I believe that it's not.

7 Q I may have asked it before, but I think
8 it's an important question. Upon what facts do you rely
9 in order to come to that opinion?

10 A I don't always formulate opinions on facts I carry
11 around in my pocket.

12 Q That's not the question.

13 A What you're asking me to do is back up my opinion
14 with facts.

15 MR. SEARING: I think he did answer
16 that before in stating that he is basing
17 that on his attempts to find housing for
18 clients. Counsel will stipulate that the
19 relevant census data and other demographic
20 studies we intend to use will be provided
21 all municipalities and it's being done so
22 now in terms of answering the other inter-
23 rogatories and yours will be the same, I
24 assume. Mr. Tuskey is not a demographic
25 expert and does not qualify on those

1 particular aspects of the case.

2 If you want to go into more of his
3 experience in finding people in Highland
4 Park, I don't know.

5 Q You told us that on occasion you have
6 contacted landlords in the Borough of Highland Park?

7 A Yes.

8 Q Do you remember any of the specifics?

9 A Not specifics. No.

10 Q Do you feel that the Borough of Highland
11 Park is inhibiting low and moderate income people from
12 traveling, infringing upon their right to travel?

13 MR. SEARING: I object to that.

14 That's a legal conclusion. I object to
15 that.

16 Q Mr. Tuskey, your clients, what amount of
17 rent are your clients able to afford per month? Is there
18 an answer to that?

19 A I can give you what the state of New Jersey has
20 given as an allowable or a general figure based upon how
21 they determine the flat grant system.

22 Q Will that tell me--

23 A That will answer your question.

24 Q What's the answer?

25 A A family of four is expected to pay rent of \$97 per

1 month.

2 Q Have you found units in anyplace in Middlesex
3 County at \$97 a month?

4 MR. SEARING: Objection. Question
5 of general application.

6 Q Mr. Tuskey, you used the term urbanized
7 ghetto before, as something in which people should move away
8 from.

9 A No, as something people should have the right to
10 move away from.

11 Q Would you tell me what an urbanized ghetto
12 is? Are there any around?

13 MR. SEARING: In your opinion.

14 A In my opinion, I believe New Brunswick and Perth
15 Amboy are.

16 Q Now, what facts do you rely on to form
17 that opinion?

18 A The excess of low income families, the moving away
19 of business, the statistical data of census tract as to
20 family income and racial balances, the deterioration of
21 housing in the inner city areas and, from what I read in
22 the newspapers, the loss of ratable tax basis. I hope that
23 doesn't make me a tax expert now.

24 Q Now, Mr. Tuskey, you cite the moving away
25 of business as one incident of an urbanized ghetto. Have

1 you done a study of the businesses which have moved out of
2 New Brunswick and Perth Amboy?

3 A No. I have not. I just walked up and down the
4 main street.

5 Q You cited census figures. Is this the 1970
6 census figures?

7 A Yes, it is.

8 Q Do you know when the raw data was accumulated
9 for that census, if you know?

10 A No. I do not.

11 Q But would you conclude that that data is at
12 least four years old, being that this is now 1975?

13 A Three to four years old, yes.

14 Q At least, right?

15 A Yes. I believe the situation has now worsened.

16 Q Upon what do you base that belief?

17 A Upon my work in the community.

18 Q Upon your work in the community?

19 A The communities.

20 Q Which communities?

21 A Of New Brunswick and Perth Amboy specifically.

22 Q Do you know the density per acre per person
23 in the City of New Brunswick? Do you know how many people
24 per acre reside in the City of New Brunswick?

25 A Per acre, I have no idea.

1 Q Do you know how many people per acre reside
2 in the City of Perth Amboy?

3 A I do not.

4 Q Do you know the same density in the Borough
5 of Highland Park?

6 A I do not.

7 Q Would you disbelieve me if I told you that
8 the Borough of Highland Park was actually more densely
9 populated than the City of New Brunswick?

10 A I would have no reason to disbelieve you. I don't
11 know that it's relevant.

12 Q Now, could you tell me what housing is
13 deteriorating in New Brunswick and Perth Amboy?

14 A What housing?

15 MR. SEARING: If you know.

16 A Private and public. I could give you all kinds of
17 specifications, if you can give me the time. That type of
18 record I could provide you, which would not be an infringe-
19 ment upon--

20 Q Do you know if there is any deteriorating
21 housing in Highland Park?

22 A I am not familiar with any. We have had individual
23 instances where we have represented a client in deteriorated
24 conditions, but my general impression is that it was rare.

25 Q Now, you told us that an urbanized ghetto is

1 characterized by an excess of low income families.

2 A Among other things.

3 Q In terms of that characteristic, could
4 you define for me what a low income family is?

5 MR. SEARING: I object to that,
6 because the class has been defined in the
7 relevant legal papers and will be provided.

8 Q Do you know whether or not low income families
9 live in the Borough of Highland Park?

10 A I believe some do, yes.

11 Q Do you have an opinion as to when some
12 becomes an excess? What's the tipping point between an
13 excess of low income families and a good number of low
14 income families?

15 MR. SEARING: If you know.

16 A The only thing I could possibly refer you to is
17 the Middlesex County Planning Board's detailed study of
18 fair shared housing.

19 Q Has that study of fair shared housing been
20 adopted by the Middlesex County Planning Board?

21 A Adopted by them? I don't know for sure what that
22 means.

23 Q How familiar are you with the Middlesex
24 County Planning Board study on fair share housing?

25 A Only with some of the results.

1 Q And do you know whose results they are?

2 A Well, I got my information from Douglas Powell,
3 the Director, I believe he's Director.

4 Q Douglas Powell is the Chief Planner of the
5 Middlesex County Board, is that correct?

6 A I'm not sure what his title is.

7 Q This study was performed by his staff?

8 A Yes.

9 Q Now, do you know whether or not that study
10 has been adopted by the Middlesex County Planning Board?

11 A I don't know what you mean by adopted. How do they
12 adopt a research?

13 Q Would it surprise you if I told you that
14 study, which was performed by the staff of the Middlesex
15 County Planning Board, has not formally been adopted as
16 a record of the Middlesex County Planning Board?

17 A Again, I don't know what adopted means. I don't
18 know if that has anything to do with the relevance of the
19 survey or not.

20 Q So then when you testified that your
21 conclusion, part of your conclusion is based upon a study
22 of the Middlesex County Planning Board, you're not quite
23 sure what status that study has within the Middlesex County
24 Planning Board?

25 A Status, I don't have any idea what you mean by

1 status, but I guess not. I don't know.

2 Q Have you discussed this matter with Douglas
3 Powell?

4 A No.

5 Q Does that study, which you just referred to,
6 is that written in terms of low income families?

7 MR. SEARING: Unless we can get
8 back to the application to Highland Park,
9 I'm going to object to this whole line of
10 questioning.

11 Q Just to refresh my recollection, for what
12 purpose did you cite that study?

13 A I would have to refer to your previous question.
14 Could I get that read back to me and I'll tell you why.

15 (Whereupon, a previous question was
16 read back.)

17 Q Mr. Tuskey, have you studied the Middlesex
18 County report, which I just referred to?

19 A Not in depth.

20 Q Does that report conclude that the Borough
21 of Highland Park is not meeting a fair share of the housing
22 needs of the county?

23 A It's fair share, I believe that it does conclude
24 that it is not meeting its fair share.

25 Q Are you certain of that conclusion?

1 A No. I'm not certain of it.

2 Q When did you read this report?

3 A A year and a half ago, maybe.

4 Q Have you read it since?

5 A No.

6 Q And is it your testimony that you now have
7 refreshed your recollection of what you read a year and a
8 half ago and you can state that--

9 MR. SEARING: Objection. That's not
10 what he said. He didn't say anything about
11 refreshing his recollection.

12 THE WITNESS: Definitely not.

13 Q Mr. Tuskey, you read the report about a year
14 and a half ago, is that correct?

15 A Approximately.

16 Q And based upon--

17 A I read the results of the report. I did not read
18 the report in detail.

19 Q You did not read whatever supporting raw
20 data may have gone into the report?

21 A No. I would not have been able to know whether that
22 was valid or not. I'm not that much of a planning expert.

23 Q Do you know who signed the report? Whose
24 report was it, do you know? I've told you it was the staff's.
25 Do you have any reason to disbelieve that?

1 A No. I assume it's one of the functions of the
2 Middlesex County Planning Board is to do these kind of
3 studies to project for the future.

4 MR. SEARING: Mr. Tuskey is not
5 going to be qualified by plaintiffs as an
6 expert on this particular study, if that's
7 what you want to know. Sounds like an
8 interesting study. We'll be relying on
9 other people for the introduction of that
10 in bringing it up to date and whatnot.

11 Q Mr. Tuskey, do you have a specific recol-
12 lection at this time that the report of the Planning Board,
13 which you just referred to, specifically and absolutely
14 states that the Borough of Highland Park is not meeting its
15 fair share of the housing in Middlesex County?

16 A Not as specifically as you are making it. No.

17 Q Now, you live in Kendall Park, is that
18 correct?

19 A Yes.

20 Q The complaint states you would like to live
21 in a racially and economically integrated community. Are
22 you aware of that?

23 A Yes.

24 Q From this, can I conclude that you feel at
25 present you do not live in a racially and economically

1 integrated community?

2 A Yes.

3 Q Then do you feel, I'm using the term
4 community, how did you define community when you first read
5 this paragraph of the complaint, what does it mean?

6 A If I can digress, community, they're still trying
7 to define it among the city urban planners in the school
8 I'm going to now. There is no agreement as to what community
9 means. Community is a different thing to every individual.

10 Q I'll read you one sentence of the complaint.
11 "He would like to live in a racially and economically
12 integrated community."

13 You told me you do not presently live in an
14 economically and racially integrated community.

15 A Correct.

16 Q In terms of those two statements, what is
17 a community and in reference to this paragraph of this
18 complaint?

19 A South Brunswick I would consider a community.
20 Kendall Park I would consider my immediate neighborhood.
21 That's a personal definition.

22 Q Would you consider the other side of Route
23 27, Franklin Township in Somerset County, part of your
24 community?

25 A Once again, you asked me in terms of my definition

1 of community. My definition of community is South Brunswick.

2 Q So your definition of community is a
3 geographical concept?

4 A For lack of a better definition, yes.

5 Q So you would not consider any part of Franklin
6 Township any part of your community?

7 A In terms of that statement, no.

8 Q Now, upon what facts do you rely for your
9 conclusion that you do not presently live in a racially
10 and economically integrated community?

11 A Statistical census data and personal observation.

12 Q Statistical data is the 1970 census?

13 A Yes.

14 Q Do you know what the population of South
15 Brunswick was in 1970?

16 A I can't quote it now. I don't have the figures in
17 front of me.

18 Q Do you know what the population of South
19 Brunswick is today?

20 A No. I do not.

21 Q Do you know whether or not there has been
22 an increase or decrease in the population of South Brunswick,
23 from 1970 to the present?

24 A No. I can only guess. My guess is there's been an
25 increase.

1 Q And this would be a guess from a man who
2 lives in the town. You're guessing now, you don't know?

3 A I have to guess, I don't have specifics.

4 MR. SEARING: I object. That's kind
5 of badgering the witness. He hasn't made
6 a survey, he's kind of basing it on his
7 general knowledge. It has to be a guess,
8 especially since he's under oath.

9 Q Mr. Tuskey, you've testified in terms of
10 statistics and personal observation. At what statistical
11 point would a community become racially integrated?

12 MR. SEARING: In your opinion, if
13 you have one.

14 A When the community reflects the general national
15 population figures.

16 Q And when you say you would like to live in
17 a racially integrated community do you consider yourself
18 a member of a race?

19 A Unfortunately, yes.

20 Q Is that the Caucasian race?

21 A Yes.

22 Q Now, when you're talking in terms of a
23 racially integrated community, is that traced in terms of
24 integration between the Caucasian race and all other races?

25 A Yes. However they're defined.

1 Q Now, what is the national percentage of
2 non-Caucasians in the United States?

3 A Again, I do not have specific numbers.

4 Q I'm not asking for specific numbers, I'm
5 asking for a percentage.

6 A I don't know the percentage.

7 Q You've defined a concept in terms of a
8 statistic.

9 A If you like, I could get the 1970 census figures
10 and quote all of them to you. I do not know them offhand.

11 Q But you're convinced that your community
12 is not racially integrated?

13 A Yes, I am. I'm also convinced it does not reflect
14 the national figures.

15 Q So then your definition of a racially
16 integrated community would be a community in which the
17 national racial percentages are reflected very closely?

18 A My definition of a racially integrated community
19 would be when available housing is, when housing is available
20 to all racial and income groups, whether they live there
21 or not should be their own personal choice. So I do not
22 feel that a community must reflect a specific percentage
23 of anything. I just feel that the people should have the
24 availability to live there.

25 Q Is it your feeling right now that the

1 percentage of whites, of Caucasians, in South Brunswick
2 is at a higher percentage than of the percentage of whites
3 nationally?

4 A The percentage of whites, as opposed to other whites
5 within the community? Yes.

6 Q You then wouldn't force non-Caucasians to
7 move into South Brunswick, would you?

8 A Absolutely not.

9 Q And if exercising choice, non-Caucasians
10 chose not to move into South Brunswick, you feel that's
11 their freedom of choice?

12 A That's their right, as long as they have the right
13 not to. They don't have it right now.

14 Q If they had the right to and they didn't
15 exercise that choice, it's possible you would still be living
16 in a racially unintegrated community, is that correct?

17 A Conceivably, yes. Realistically, I doubt it.

18 Q You said you would like to live in a racially
19 integrated community. What steps have you made, have you
20 taken to find such a racially integrated community?

21 MR. SEARING: Objection. That's a
22 question of general application. But you
23 can answer.

24 A Would you please repeat that question?

25 Q What steps have you taken to locate a

1 racially integrated community?

2 A I don't feel that I should have to find one,
3 I feel that the community should be there. I feel my
4 community is not making available housing so that low income
5 and the disenfranchised racial groups could live there.

6 Q You're not speaking in terms of disenfran-
7 chised, in terms of the right to vote, are you?

8 A No.

9 Q Mr. Tuskey, do you feel that South Brunswick
10 is an economically integrated community?

11 A To the extent that they do not have sufficient
12 low income housing, no. I do not.

13 Q So you define economic integration simply
14 in terms of housing?

15 A No. I define it in terms of housing goods
16 and services that low income people can afford.

17 Q So you then changed your definition of
18 economically integrated--

19 A I just added to it.

20 Q Now, you've defined a racially integrated
21 community in terms of national ratio or national averages.

22 A I beg your pardon?

23 Q You've defined racially integrated com-
24 munity in terms of census figures, national percentage
25 rates. Is there some such statistical barometer for gauging

1 what an economically integrated community is?

2 A Under the current economic conditions, no, because
3 they're changing almost weekly.

4 Q Have you ever lived in or seen an example,
5 either in Michigan or Delaware or New Jersey, of a racially
6 and economically integrated community?

7 MR. SEARING: Objection. But you
8 can answer.

9 A Community? No.

10 Q If you did find one, would you go move there
11 and live there?

12 A Not for that purpose alone. I mean I want anywhere
13 that I want to be able or that I can afford to live. I
14 want to be able to live there. I don't want to be told to
15 go somewhere else.

16 Q Where you live is a direct function of your
17 ability to afford housing, is that correct?

18 A Yes, it is.

19 Q And if you could afford housing in another
20 section of Middlesex County, if you could afford housing
21 in Highland Park, which is, let's say, a better level of
22 housing than South Brunswick, would you move to Highland
23 Park?

24 A Not necessarily.

25 Q But you might?

1 A I don't want to move from where I'm living. I like
2 where I'm living, I would like other people to enjoy it
3 also.

4 MR. AUCIELLO: No further questions.

5
6 L I D I A C R U Z, sworn.

7 DIRECT EXAMINATION BY MR. AUCIELLO:

8 Q Mrs. Cruz, my name is Dennis Auciello and
9 I'm a member of the law firm which represents the Borough
10 of Highland Park, which is one of the defendants in the
11 suit in which you are one of the plaintiffs.

12 I'm going to ask you questions to try to get
13 information as to your claim, specifically as it relates
14 to the Borough of Highland Park.

15 A That's right.

16 Q You must answer every question verbally.
17 If there is an objection that your attorney raises, don't
18 answer until he directs you to do so.

19 A Okay.

20 Q Don't give an answer to any question of
21 which you're unsure of what the question is. This is all
22 being taken down by the reporter and is being put into a
23 book and whatever you say today can be analyzed and possibly
24 used against you, if you give a different answer at the
25 time of trial.

1 A Okay.

2 Q Mrs. Cruz, do you still reside at 334 Stockton
3 Street, Perth Amboy?

4 A Yes, I do.

5 Q And is that a public housing authority?

6 A Yes.

7 Q Do you know the name of the housing authority?

8 A The name of the particular project or the entire
9 housing? Specific, the project where I live is Gerver.

10 Q And what's the name of the housing authority?

11 A Perth Amboy Housing Authority.

12 Q And you live in a four bedroom apartment?

13 A Yes, very squeeze, very small rooms.

14 Q Are you a Puerto Rican?

15 A Yes.

16 Q Do you live with your husband?

17 A No.

18 Q And you live with nine children?

19 A The entire household is, we are 11. I'm living with
20 eight of my kid, but, two are away, but they are part of
21 the household. I have eight kids--I have 10 kids, but
22 two are away in different places, but are part of the
23 household. Then I present live with eight kids and myself.

24 Q So at the present time you reside in the
25 apartment and eight of your children reside in the apartments

1 and you have two other children, but they're out on their
2 own?

3 A They are not out on their own, they are in different
4 institutions.

5 Q So nine people altogether live in your
6 apartment?

7 A Yes.

8 Q Now, you're employed by M.C.E.O.C.?

9 A Yes.

10 Q What's your salary?

11 A Until this month, until last month I had the salary
12 of \$6,500 and now I'm making a little bit more, \$7,000.

13 Q And do you receive any welfare?

14 A Yes, I do.

15 Q How much is that?

16 A I receive \$500.

17 Q A month?

18 A A month.

19 Q Is that an increase?

20 A What do you mean increase? I don't know, because I
21 just gave you this new, I just reported my new income for
22 this month. I don't know if I will have a deduction next
23 month, but presently this month I have this income.

24 Q Now, Mrs. Cruz, have you looked for housing
25 in Highland Park?

1 A Yes.

2 Q Now, how did you go about looking for this
3 housing?

4 A I'm riding around looking for places. I've been
5 reading the papers and I also at one time had a social
6 worker that was very close to me, who is a resident of
7 Highland Park, and she was helping me trying to get this
8 apartment nearby or a house. I don't think I would fit
9 in an apartment, but a house.

10 Q I'm sorry. You're looking for a house,
11 rather than an apartment?

12 A Yes.

13 Q This social worker whom you knew, is that
14 a black woman?

15 A No, it's a white woman.

16 Q Now, when did you start your search for
17 housing in Highland Park?

18 A I started my search when this new program, 235H.U.D.
19 Program that they allowed low income families to have a
20 house with subsidy from the federal government. I don't
21 know if you're familiar with that program.

22 Q Just so I can follow. You began looking
23 for a house in Highland Park when the federal government
24 came out with the 235 program and this 235 program is a
25 housing subsidy program?

1 A That's right.

2 Q And do you know when this program became
3 effective, approximately?

4 A I think somewhere in 1971, but I found out about it.

5 MR. SEARING: Well, if you know,
6 he's just asking for your opinion, I think.

7 Q So then, generally--

8 A I think it's 1970, just connecting my employment
9 with this program. I think it was somewhere in 1969 or
10 '70.

11 Q So we're in the area of 1969 through '70,
12 maybe '71?

13 A Yes.

14 Q And it was during that period that you
15 first began looking for housing in Highland Park?

16 A Yes.

17 Q Now, you told us you read the newspaper
18 and you spoke with people?

19 A I also tried to get in touch with some real estate
20 agents like Berg Real Estate and another real estate that
21 I don't remember, Mr. Brunson.

22 Q Is Mr. Brunson, is he connected with the
23 A & B Real Estate Company, is that familiar to you?

24 A I don't remember, you know.

25 Q But it was Mr. Brunson?

1 A Mr. Brunson, yes.

2 Q Mr. Brunson has offices in Highland Park?

3 A No. I don't think so.

4 Q Is the Berg Real Estate office you dealt
5 with, is that located in Highland Park?

6 A I just called that agency, but I understand this is
7 a very large and they have different offices all over the
8 county and they should know. I didn't have to do with a
9 specific one, I tried the nearest to me.

10 Q Did you ever go to Highland Park to see
11 any houses?

12 A Yes, I did.

13 Q Do you remember with whom you went? Was
14 it with one of the realtors?

15 A No. It was a social worker and I'm all by myself
16 too.

17 Q Did you go visit the houses that you saw
18 by yourself as a result of leads--

19 A I just went around searching. I didn't go to
20 special, I just went around and saw houses for sale or
21 knowing.

22 Q What you're saying, you drove around town.
23 Did you make any written notes where a house had said for
24 sale?

25 A No.

1 Q You just made mental notes?

2 A Yes.

3 Q What about the social worker, did she?

4 A No.

5 Q You drove around with her?

6 A Yes.

7 Q What about Berg?

8 A The Berg Agency flatly said to me he didn't deal
9 with this type of program at all.

10 Q And how about Mr. Brunson, did he give you
11 any leads?

12 A Yes, sir, but not in Highland Park.

13 Q Not in Highland Park?

14 A No. There was nothing available. He said to me
15 flatly that the type of house I was looking for was very
16 hard to find.

17 Q Could you tell me what type of house you
18 were looking for?

19 A For my specific family size, I think I would need
20 like a two-family house, because you don't find a flat.

21 A ranch, that's the only thing you could find. It has to
22 be a two-family house to fit one very large family.

23 Q When you say a two-family house, do you mean
24 a house which has two separate living units, in other words,
25 two kitchens, two sets of bathrooms? What do you mean by a

1 two-family house?

2 A I saw it in my mind that the only way I could get a
3 house like, you know, for my family was a two-family house
4 that could be converted into a one-family house. That means
5 that I could have two bathrooms, he must have room for my
6 children. I needed only one kitchen, but I specifically
7 needed more than one bathroom and a playroom where I could
8 spread the family a little bit. And I didn't know this
9 type of house isn't built like a one-level house.

10 MR. SEARING: You mean a ranch house?

11 THE WITNESS: Ranch house, yes, flat.

12 MR. SEARING: It's hard to find?

13 THE WITNESS: Yes, that is my

14 specific choice, but I always thought that
15 the second choice would be two-family house
16 converted into one-family house.

17 Q Did you just say that's your second choice?

18 Is your first choice a ranch house?

19 MR. SEARING: Your first choice would
20 be to find a single house that had everything
21 in it that you wanted?

22 THE WITNESS: That's right.

23 MR. AUCIELLO: That would not be a
24 ranch house.

25 MR. SEARING: Like a ranch house?

1 THE WITNESS: Like one flat.

2 MR. SEARING: And then the second
3 choice is finding a two-family home and
4 converting it?

5 THE WITNESS: Yes.

6 MR. SEARING: Both of which she
7 said were hard to find, I assume.

8 THE WITNESS: Yes.

9 Q Now, did you find any houses like that in
10 Highland Park?

11 A No.

12 Q Did you find any houses in Perth Amboy?
13 Did you find any houses like that in Highland Park?

14 A No.

15 Q Did you find any houses like that in
16 Perth Amboy?

17 A Not at all. No.

18 Q Did you find any houses like that in New
19 Brunswick?

20 A But anyhow, it was not my choice to live in Perth
21 Amboy or New Brunswick.

22 Q Just answer my questions. Did you find
23 any house like that in New Brunswick?

24 A Yes.

25 Q Where?

1 A I just found a house in New Brunswick.

2 Q Well, when?

3 A This past week.

4 Q Where?

5 A In Kilmer and Suydam.

6 Q The corner of Joyce Kilmer and Suydam?

7 A All the way down there, I don't know. I don't
8 remember the name. I just went and see it.

9 Q Mrs. Cruz, how old is your oldest child,
10 your oldest child living with you?

11 A No, it's not.

12 Q How old is the oldest child that lives
13 with you in Perth Amboy?

14 A 18 years old.

15 Q Is he a student?

16 A Yes.

17 Q Where does he go to school?

18 A To the high school.

19 Q Perth Amboy High School?

20 A Yes.

21 Q Does he work at all?

22 A No.

23 Q He does not have a part-time job?

24 A No.

25 Q How old is your next oldest child at home?

1 A 17 years old.

2 Q Is that a boy?

3 A Daughter.

4 Q What does she do?

5 A She goes to school too.

6 Q Perth Amboy High School?

7 A That's right.

8 Q Does she have a part-time job?

9 A No.

10 Q Do any of your children have part-time jobs?

11 A No.

12 Q Now, in addition to the \$7000 a year, which
13 you now make but which used to be \$6500 a year, and the
14 \$500 a month which you're now receiving, do you have any
15 other source of income?

16 A No.

17 Q Do all of the children have the same father?

18 A Yes.

19 MR. SEARING: I object to that.

20 A Yes, they do.

21 Q Is the father alive?

22 A Yes.

23 Q Does the father support the children?

24 A He's disabled.

25 Q The father does not live with you?

1 A No, but he's disabled.

2 Q And he's unable to make payments?

3 A He's unable to make payments. Does that have
4 anything to do with the housing problem?

5 MR. SEARING: She's asking what
6 the relevance of the question is. Do you
7 want to answer it?

8 MR. AUCIELLO: The relevance of the
9 question is, Mrs. Cruz is a member of a
10 low income class. I just wanted to
11 establish whether or not she's getting
12 money from any other source.

13 MR. SEARING: Plus possible income
14 from another source, I thought that's what
15 you were getting at there, in terms of what
16 kind of housing you could afford.

17 THE WITNESS: You know, I inter-
18 preted it the other way, family relationships.

19 Q We're not interested in family relationships.
20 We're interested in economic relationship at the moment.

21 A This is one of the reasons for housing discrimina-
22 tion. That's the reason it come right in front of my face.
23 It's stereotyped thing.

24 MR. SEARING: I thought that's what
25 she might have been thinking. That's why

1 I didn't want to continue laboring on that.

2 Q Mrs. Cruz, are you pretty familiar with
3 the layout of Highland Park?

4 A Yes.

5 Q And in driving around the town, did you
6 see a lot of empty spaces where houses or projects could
7 be developed?

8 A The parts I have gone through, I have not noticed,
9 because I went to it, I don't know, to the east part and
10 some around. I no of the complete Highland Park, honestly
11 speaking.

12 Q The area of Highland Park that you drove
13 around--

14 A It's not my town, I don't know where Highland
15 Park end and know what I mean.

16 Q Let me ask this question again. From the
17 part of what you thought was Highland Park that you drove
18 around, in realizing that you don't know where Highland
19 Park may end and Edison begin, is it your feeling that
20 there was a lot of open land in the town which could be
21 used to build housing?

22 A I have not noticed that.

23 Q Now--

24 A I was looking for a house and not for empty places.
25 I didn't take that into consideration.

1 Q Now, in the complaint, it states that:
2 "Mrs. Cruz has searched for housing in Edison and Highland
3 Park and other suburban areas of the county but has found
4 nothing she could afford."

5 Now, do you classify Highland Park as a suburban
6 area?

7 A Yes, I do.

8 Q Could you tell me what a suburban area is?

9 A In my consideration, my description as an ignorant
10 person--

11 Q You're not an ignorant person, Mrs. Cruz.

12 A Half urban, half not too populated type of thing,
13 you know, like Perth Amboy or New Brunswick is less
14 populated and the houses are more apart.

15 Q Mrs. Cruz, are you familiar with a study
16 which was--

17 A Yeah, I read through it.

18 Q You don't know what study I'm talking about.

19 A Because I have the copy. I don't know how I got
20 hold of them, but in 1970 I gothold of the study and the
21 recommendation from the County of Middlesex, the recommenda-
22 tion of 275 and I'm very aware of it.

23 Q I'm not asking about that study. We'll
24 get to that study later.

25 Mrs. Cruz, are you familiar with a study which was

1 conducted by Tri-State Transportation Commission?

2 A No. I don't.

3 Q You're not familiar with it?

4 A No.

5 Q You just told us you define a suburban area
6 as one which has not such dense housing and you cited
7 Perth Amboy and New Brunswick as cities with dense housing,
8 is that correct?

9 A That's correct.

10 Q And you further state you put Highland
11 Park in the suburban class?

12 A Right.

13 MR. SEARING: Among other things
14 that she cited.

15 Q Mrs. Cruz, would it surprise you if I were
16 to tell you that in 1970 the Tri-State Transportation
17 Commission did a study of population per square mile of
18 land and the conclusion of that study was that Highland
19 Park, the Borough of Highland Park, was more densely
20 populated than the City of New Brunswick?

21 A No. I don't know. The only thing I know--

22 Q Answer the question. Does that finding
23 surprise you?

24 A Not at all, because what I'm looking for is to--

25 Q Mrs. Cruz, please just answer the question.

1 MR. SEARING: She said no, it didn't
2 surprise her.

3 Q That finding does not surprise you?

4 A Because, you know, I have another scope, again,
5 I have another scope in back of my mind. What is the
6 minority component? How many large families, how many
7 small families? What type of house will they be in?

8 Q Mrs. Cruz, do you accept as a fact, do you
9 accept the findings for whatever their worth of the
10 Tri-State Transportation Commission?

11 A I don't know about it and I can say the fact--

12 MR. SEARING: She's not a demo-
13 graphic expert, I think you made your
14 point about the study. We may have other
15 points to make about the study, but that
16 will be in our own good time.

17 Q One of the things you think of in suburban
18 and urban is density population, is that correct, that's
19 one of the factors?

20 A One of the factors and it is another of my concern
21 is having my family living in a type of resident that is
22 away from crime. I think Highland Park is one of those
23 good neighborhoods. I would like to be part of it.

24 Q You think your family lives in a bad
25 neighborhood?

1 A Awful bad neighborhood.

2 Q Do you think the neighborhood is bad because
3 of the racial composition of the neighborhood?

4 A Not only for the composition, but the environmental
5 situations.

6 Q Now, what do you mean by that?

7 A Lack of recreation facilities, lack of opportunities,
8 lack of social services, lack of good education.

9 Q Have you examined what social services are
10 provided by the Borough of Highland Park?

11 A I know it's a nice neighborhood. I visited the
12 church and some activities and the impression that I have
13 is that it's a nice neighborhood.

14 Q Now, your complaint states there are no
15 recreational facilities at the housing project. Is that
16 true?

17 A That's very true.

18 Q Within a couple of blocks of the housing
19 authority, are there any recreational facilities?

20 A Only some, but it's really not for their needs,
21 their entire need. They have to travel a long distance.

22 Q There is no basketball courts in the
23 housing authority where you live?

24 A But this is a minor. If you consider that effec-
25 tive recreation or facility, just because there is a

1 basketball, I don't think it is.

2 Q You wouldn't say that having a basketball
3 pole and net is a recreational facility?

4 A I don't think so.

5 Q Therefore you say there are no recreational
6 facilities?

7 A Barely.

8 Q But there are basketball poles?

9 A Only one in the entire community.

10 Q Now, you state that your children attend
11 schools which are nearly all minority?

12 A That's right.

13 Q Could you tell me who are minority people?

14 A My goodness. You're treating me as like I'm an
15 expert on everything. But at least I can answer. Minority,
16 the Puerto Rican consider minorities and black I consider
17 minorities. So the percentage of minorities in the
18 school system in Perth Amboy is over 60 percent.

19 Q Black and Puerto Rican?

20 A No. Puerto Rican and alone or Spanish speaking.

21 Q So you're saying that Perth Amboy is 60
22 percent Puerto Rican?

23 A Alone.

24 Q And do you know what percent black? What's
25 the total minority, if you know?

1 A If I know. The breakdown was 35 percent--population-
2 wise, not student--populationwise is 35 percent Puerto Rican,
3 50 percent blacks and 15 percent whites.

4 MR. SEARING: We will stipulate
5 we'll supply these figures at the proper
6 time. He's getting at your general
7 knowledge of the neighborhood, right?

8 MR. AUCIELLO: Right.

9 Q Mrs. Cruz, you have children in the high
10 school, is that correct?

11 A That's right.

12 Q Is it correct that Perth Amboy has one high
13 school?

14 A Yes.

15 Q Then do all the public school children who
16 reside in Perth Amboy go to the one high school?

17 A Yes.

18 Q So in that one high school you have Puerto
19 Rican children, black children and white children, is that
20 correct?

21 A Yes.

22 Q From your knowledge, are there Puerto Rican
23 students, black students and white students in all of the
24 public schools of Perth Amboy?

25 MR. SEARING: If you know.

1 A If they are Puerto Rican and white, sure. These
2 figures are populationwise. Did I answer?

3 Q Do you know if there are black, white and
4 Puerto Rican students in all of the public schools?

5 A Yes, in the entire school system.

6 Q So the schools are integrated?

7 A Integrated.

8 MR. SEARING: I'm going to object
9 to that characterization, integrated.

10 Q Integrated in the sense that--

11 A Let me see. Some of the school, like my particular
12 neighborhood has a percentage of around 90 percent
13 minority, it's almost segregated. That's why my children--
14 the question is there's not a school that doesn't have some,
15 but I feel like I'm segregated.

16 MR. SEARING: That's right. That's
17 what I wanted to get out. That's fine.

18 Q Is this H.U.D. 235 Program still around?

19 A Has been frozen. I think has been frozen.

20 Q So does that mean new applications are not
21 being considered?

22 A No.

23 Q I'm correct when I say new applications are
24 not being considered?

25 A Not that I know of.

1 Q What price range of house were you looking
2 for?

3 A I will be able to pay--

4 Q At the time you were looking for housing
5 in the Borough of Highland Park, what price range were you
6 looking for?

7 A The price that I would be able to pay a house was
8 about \$25,000. I only need the \$200 for closing, closing
9 fees.

10 Q And you were unable to find either a large
11 ranch house or a two-family house to be converted into
12 one family for \$25,000 in Highland Park?

13 A That's right. Do you know of one?

14 Q Now, Mrs. Cruz, you state you would like to
15 live in a house in a racially and economically integrated
16 area free of crime and drug usage, is that correct?

17 A Yes.

18 Q And in order to fulfill that wish you
19 looked for a house in Highland Park?

20 A Yes. Even though I know the fact that even in
21 Newton, all the way in the mountains, there's drug
22 addiction, but it's not the same density like worse problem.
23 You know what I mean?

24 Q That has no relevance to the question I
25 asked. Just answer the questions.

1 A Yes.

2 Q Was it your feeling at the time you were
3 looking for a house in Highland Park that Highland Park
4 was a racially and economically integrated area?

5 A As far as I know, I hardly see black people living
6 there and Puerto Rican living there.

7 Q So you don't think Highland Park is a
8 racially and economically integrated living area?

9 A That's what I would like to see.

10 Q At the time you were looking for housing
11 and at the present time do you think Highland Park is a
12 racially and economically integrated area?

13 A Is economically--

14 Q At the present time and at the time you
15 were looking for a house did you think Highland Park was
16 a racially integrated area?

17 A Not to the degree. That's what I'm trying to do,
18 be a pioneer.

19 Q Is that your own term, did somebody call
20 you that?

21 A No. You know what I mean?

22 MR. SEARING: That's your own term,
23 right?

24 THE WITNESS: That's right.

25 Q Now, at the present time and also at the

1 time you began looking for a house in Highland Park in the
2 \$25,000 price range, did you think that Highland Park was
3 an economically integrated area?

4 MR. SEARING: If you know.

5 A No. I don't know.

6 Q You didn't know that at the time and you
7 don't know it now. Do you know whether or not Highland
8 Park is an economically integrated area?

9 A I know that economic situation is better than Perth
10 Amboy, that's all I know. I just compare with Perth Amboy.

11 Q Mrs. Cruz, did you make any specific written
12 notes at any time of the efforts which you made to locate the
13 type of house you were looking for in Highland Park?

14 A No. I didn't. If I would have some lawyers that
15 were available at that time, I would be considering those
16 specifically. But at that time I didn't think of it, just
17 did whatever.

18 Q Do you remember the name of the person at
19 Berg that you dealt with?

20 A No. I don't remember.

21 Q Now, are you aware of housing anywhere for
22 \$25,000 which would give you a large ranch house or a two-
23 family converted into a one-family dwelling?

24 A Yes, I did.

25 Q And that's the house in New Brunswick?

1 A Yes.

2 Q How did you find that house in New Brunswick?

3 A It's through a non-profit corporation.

4 Q What's the name of that organization?

5 A It's in front of the building, I don't know, in
6 front of the administration building in Paterson Street, I
7 don't remember the name. I didn't think I need it.

8 Q Now, do you know, of your own knowledge
9 right now, the racial composition of Highland Park?

10 A I know the majority of Jews.

11 Q The majority of the people in Highland Park
12 are Jews?

13 A Jews.

14 Q How do you know that?

15 A Just first-hand notice. No statistics. Just Jews
16 neighborhood.

17 Q You've seen statistics which delineated
18 people by religion in Highland Park?

19 MR. SEARING: I think she stated
20 she didn't know the statistics.

21 A I'm just impressions. I hardly don't see--

22 MR. SEARING: That's your opinion?

23 THE WITNESS: That's my opinion.

24 Q Your opinion is most of the people in
25 Highland Park are Jewish?

1 A That's right.

2 Q That opinion is based on--

3 A Looks.

4 Q And you would like to live with all those
5 Jewish people?

6 A That's right. I like them a lot.

7 Q Did you know that Highland Park had a
8 Spanish synagogue?

9 A No. I don't know. I just visited one church.

10 Q Was it a Spanish church in Highland Park?

11 A No.

12 Q What kind of church was it you visited?

13 A It was a Protestant church, American Protestant.
14 Don't ask me the name. I just went with this caseworker
15 and we went for some donation of that church.

16 Q So your impression as to the racial makeup
17 of Highland Park is based upon impression of peoples' looks?

18 A That's right.

19 Q And do you know the income levels of the
20 people in Highland Park?

21 A I don't know, but it should be better than Perth
22 Amboy.

23 Q Do you know whether or not it is?

24 MR. SEARING: In your opinion.

25 A In my opinion, I think it is much better.

1 Q Are all the people in Perth Amboy low-
2 income people?

3 A No. But we have a great percentage.

4 Q Do you think all of the people in Highland
5 Park are high-income people?

6 A They have to be. I don't think everybody is high
7 income, but I think their income should be, and that's my
8 impression again, better than overall Perth Amboy.

9 Q Do you know whether or not Highland Park
10 has a housing authority?

11 A No. I don't. I don't see any housing projects.

12 Q Would it surprise you if I told you Highland
13 Park did have a housing authority?

14 A I don't know. I don't think.

15 Q Now, Mrs. Cruz, before you made reference
16 to a study and I think you said it was a county study.

17 A I don't remember the facts of it.

18 Q You don't remember the facts of the study?

19 A I can go through again, but the fact is that Perth
20 Amboy and New Brunswick got worse, in vacancies and stuff.

21 Q You don't know whose study that was?

22 A It was done by the Planning Board, I think.

23 Q Do you know the status of that study?

24 A No. I don't.

25 Q Do you know whether it was ever officially

1 adopted?

2 A No. I don't.

3 Q Do you know who put it together?

4 A I think it was the board--the Planning Board?

5 Q I'm asking you. The Planning Board put it
6 together. You're not sure, though, are you?

7 A No. I'm not sure.

8 Q Mrs. Cruz, it's your feeling that you would
9 like to live in a racially and economically area free of
10 crime and drug use, that's your desire?

11 A Yes, even though it's the idealistic thing. What
12 I mean, that's the ideal.

13 Q So do you think at present you live in a
14 racially and economically unintegrated area which is full of
15 crime and drug usage?

16 A It's full of drug usage, in my scope. It's
17 segregated. In my particular building, in my neighborhood,
18 it's completely segregated.

19 Q You would like to see all the people in your
20 neighborhood move out, is that what you'd like to see?
21 Would you like to see that or do you just want to move out,
22 do you want your neighbors to move out too?

23 MR. SEARING: Let her answer one
24 question at a time.

25 A I just want to move out, put it this way.

1 Q Do you want your neighbors to follow you out?

2 A If it is for the best living arrangement, yes.

3 Q Let me ask you this question. This is a
4 hypothetical and your lawyer may object.

5 If you were to hit the lottery today--

6 A I will buy a house in Highland Park, if I found one.

7 Q You don't think the fact that you're
8 Puerto Rican and if you had the sufficient money in your
9 hand, you don't think the fact that you're Puerto Rican
10 would stop somebody from Highland Park in selling you their
11 house on the market, do you?

12 A Honestly speaking, I think, even though I have
13 \$50,000 to buy a house, it would be very difficult for me
14 to find a house in Highland Park.

15 Q Because you're Puerto Rican?

16 A Because I'm Puerto Rican, because I have a large
17 family, because I'm one-parent family and because I'm poor.

18 MR. AUCIELLO: I have no further
19 questions.

20

21 J U D I T H C H A M P I O N, sworn.

22 DIRECT EXAMINATION BY MR. AUCIELLO:

23 Q Mrs. Champion, my name is Dennis Auciello
24 and I'm an attorney with the law firm of Rubin & Lerner
25 and this firm represents the Borough of Highland Park and

1 the Borough of Highland Park is a defendant, is one of a
2 number of defendants, in a lawsuit of which you are one of
3 a number of plaintiffs. Because of those positions, the
4 Borough of Highland Park has scheduled this time for the
5 purpose of asking you a number of questions relative to this
6 suit, particularly as your suit pertains to the Borough of
7 Highland Park.

8 Now, I'm going to ask you questions and the answers
9 you give must be verbal, you can't shake your head or nod,
10 because the reporter can't pick that up. Only answer
11 questions if you understand the question.

12 A Okay.

13 Q If there is a question in your mind about
14 my question, ask me to rephrase it or tell me you don't
15 understand and there may be questions which I may ask which
16 may be objected to by Mr. Searing, your attorney. If there
17 is an objection, Mr. Searing will either advise you he
18 objects but to answer it anyway or he will direct you not
19 to answer the question, in which event you won't answer
20 the question.

21 Mrs. Champion, do you reside at 12 Yulner Street
22 in South Amboy?

23 A Yes, I do.

24 Q For the purposes of this litigation, you've
25 never resided in the City of New Brunswick?

1 A Never.

2 Q Could you describe what type of units
3 your living quarters are, an apartment or a house?

4 A It's the upstairs apartment in a two-family house.

5 Q Who else resides in that apartment?

6 A A girlfriend by the name of Eileen Abbott, who is
7 a schoolteacher in the Manalapan school system, and a very
8 good friend of mine; and my two children, Christene, age
9 seven, and Eric, age four.

10 Q And are you or Mrs. Abbott relatives of
11 the people downstairs?

12 A No.

13 Q Do you have any relationship at all with
14 the landlord?

15 A None whatsoever.

16 Q What's the landlord's name?

17 A Mrs. Frank Truzkowski.

18 Q What rent do you pay?

19 A Myself?

20 Q What's the rent on the apartment?

21 A \$275 plus utilities.

22 Q Now, are you still married?

23 A No. I'm divorced.

24 Q Is Mr. Champion obligated to make support
25 alimony payments to you?

1 A He's supposed to pay child support, \$25 a week.

2 Q For each child?

3 A No, total, plus take care of medical and dental,
4 but I haven't heard from him or seen him in a very long time.

5 Q When was the last time you received support
6 payments from Mr. Champion?

7 A I suppose about three years ago.

8 Q Within that three-year period, have you
9 sought to enforce your rights against Mr. Champion through
10 the courts?

11 A Yes. There's court non-support. I went in for
12 non-support and there's been proceedings, and they're
13 trying to locate him and everything else that goes on with
14 it. And no success.

15 Q Do you know where he is?

16 A No. I don't.

17 Q So there is at this point a significant
18 arrears in existence?

19 A Yes, there is.

20 Q Now, are you a student at Middlesex County
21 College?

22 A I am.

23 Q How long have you been going to school
24 there?

25 A This is my fifth semester.

1 Q What program are you in?

2 A Social sciences.

3 Q And how many semester course is that?

4 A It's four semesters, but the first two semesters
5 I went part-time in the evening.

6 Q When did you start school?

7 A Oh, I started in September of 1972 part-time.

8 Q What did you do with the other part of
9 your time?

10 A I cared for my son, he wasn't in school.

11 Q When did you begin to go full-time?

12 A September of '73.

13 Q Now, when you talk about full-time are we
14 talking about two semesters a year, fall semester, spring
15 semester?

16 A Right. Carrying 12 or more credits.

17 MR. SEARING: You want to establish
18 the relevancy to the Borough, please?

19 MR. AUCIELLO: The relevancy as
20 to Mrs. Champion, I believe, will state
21 her income is simply from welfare. I
22 believe one's ability to live is a function
23 of one's income. I wanted to determine
24 her income.

25 Q Mrs. Champion, in the summer, between the

1 spring semester of 1973 and the fall semester of 1973, were
2 you employed?

3 A No. I was not.

4 Q How did you occupy your time?

5 A Spending it with my children.

6 Q Did you look for employment?

7 A I looked for employment, but I think I was, it was
8 one of the first times that I had to spend a lot of time
9 with my **kids** and I preferred that.

10 Q Were you living with Miss Abbott at that
11 time?

12 A This is '73 we're speaking of. I was living with
13 Miss Abbott and also another girl by the name of Eleanor
14 Johnson.

15 Q Was Miss Abbott working that summer?

16 A No. She's a schoolteacher.

17 Q So she was off that summer?

18 A Yes.

19 Q Did Miss Abbott watch your children while
20 you were out?

21 A She watched them while I went to night school.

22 Q What was the other lady's name?

23 A Eleanor Johnson.

24 Q What period of time did Eleanor Johnson
25 reside with you?

1 A From November, 1972, until June, 1974.

2 Q And would you tell me what Miss Johnson is,
3 is she a student or is she a worker?

4 A She's a secretary. At that time I believe she
5 worked for National Cash Register, but I'm not sure.

6 Q Does she have any children?

7 A No.

8 Q You started full-time school in September
9 of '73?

10 A Correct.

11 Q And you went full-time the fall semester
12 and full-time the spring semester of '74, is that correct?

13 A That's right.

14 Q Now, how about the summer of '74, did you
15 work?

16 A Yes, I did.

17 Q Where did you work?

18 A I worked for Dr. David Singer in Highland Park.

19 Q In what capacity?

20 A As a receptionist, part-time.

21 Q Where's Dr. Singer's office located?

22 A On Raritan Avenue, he has since moved. It's not
23 there now.

24 Q And when did you start working for Dr.
25 Singer?

1 A Oh, I guess it was sometime in June. I'm not
2 exactly sure of the exact date, but it was sometime in
3 June. Throughout the summer, until school started again.

4 Q And when did school start, mid-September?

5 A First week in September.

6 Q What was your salary with Dr. Singer?

7 A I was making \$2.75 an hour, working about four
8 hours a day. But it wasn't every day, it wasn't necessarily
9 three times a week, it was sporadic, based on when he
10 needed me, when his other girls didn't show up.

11 Q Now, are you familiar with the portion of
12 the complaint which deals specifically with you?

13 A Yes, I am.

14 Q Now, there is a statement in the complaint:
15 "Mrs. Champion is a student at Middlesex County College in
16 Edison and her only income is from welfare."

17 Do you know when this statement was prepared?

18 A I don't know exactly when it was. No.

19 Q Were you aware of the specifics of the
20 statement as it referred to you?

21 MR. SEARING: We'll stipulate that
22 was prepared May and June, 1974, if you
23 want. Probably May.

24 Q And you started school in September of '74?

25 A Right.

1 Q So you completed, you went full-time the
2 fall semester?

3 A Well, the fall semester I had to drop out. I had
4 to drop half a semester because I caught pneumonia and I
5 spent two weeks in the hospital and I just wasn't physically
6 able to carry the whole semester.

7 Q When did you get out of the hospital?

8 A The end of October.

9 Q Have you gone back to school this semester?

10 A Yes. I'm at full-time again.

11 Q When did the semester start, end of
12 January?

13 A First week of February. I carried nine credits.
14 So I was doing that. I was going to school part-time,
15 I was mainly convalescing is what I was doing.

16 Q Now, when did you first move into that
17 apartment in South Amboy?

18 A 12 Yulner?

19 Q Yes.

20 A June, 1974.

21 Q Where did you live prior to that time?

22 A Same street, only number 25, same type of apart-
23 ment.

24 Q And who else occupied that apartment?

25 A Eleanor Johnson was with us then, along with Eileen

1 and my children.

2 Q What was the rent then?

3 A The same.

4 Q So we're talking basically the same type
5 of living arrangements, same type of house?

6 A Same type of house, different living arrangements.
7 There were five people in a three-bedroom apartment at
8 25 Yulner Street.

9 Q As opposed to what?

10 A As opposed to four people in a three-bedroom
11 apartment at 12 Yulner Street.

12 Q So your condition improved?

13 A Yes. Well, my rent went up considerably also.

14 Q What was your rent at 25 Yulner?

15 A It was the same, but it was being split three
16 ways because there was three of us.

17 Q Could you tell me how much money you were
18 getting from welfare, let's say from September of '72 on.
19 Do you have a recollection?

20 A It varied slightly. 1972 I believe it was 285 until
21 July. I think it was July, '74, it went up to 310. I
22 believe that's correct.

23 Q And during this time when you were working
24 part-time for David Singer, did you communicate that
25 information to the welfare people?

1 A Yes, I did.

2 Q After you communicated that information,
3 your welfare benefits were increased?

4 A No. They remained the same, because I wasn't making
5 enough money to--they allow you, I believe, 35 percent
6 incentive. They allow you transportation fees and child
7 care fees and that and it balanced out. So they were
8 neither decreased or increased.

9 Q Didn't you just tell me you had been
10 receiving \$285 up until July, '74, at which time it went
11 up to \$310?

12 A Yes.

13 Q And during July, '74, you were working
14 for Dr. David Singer?

15 A Right.

16 Q So as of July, '74, for at least July and
17 August, your income exceeded your income of \$285, which
18 it had been previous to July, '74?

19 A Right.

20 Q Do you own a car?

21 A I had my car stolen this weekend. So I don't. No.

22 Q What kind of car was stolen?

23 A Well, I have it. It's been recovered, but there
24 is no motor in it.

25 Q What kind of car is that?

1 A '68 Volkswagen.

2 Q And when did you get that automobile?

3 A 1968.

4 Q You bought it new?

5 A Yes.

6 Q And was the car all paid for?

7 A Yes.

8 Q When was the last payment made?

9 A 1970, I suppose.

10 Q Did you tell me how long you had been
11 residing on Yulner Street?

12 A Total, both residences?

13 Q Yes.

14 A From November, 1972, to the present time.

15 Q And has your husband ever resided there
16 with you?

17 A No.

18 Q Mrs. Champion, when do you expect to grad-
19 uate from the Middlesex County College program you're
20 enrolled in?

21 A In May.

22 Q And what type of degree will you have,
23 an Associates Degree?

24 A Yes.

25 Q What was the program again?

1 A Social sciences.

2 Q Is your present intention to get a job in
3 May?

4 A No.

5 Q What's your intention?

6 A Well, I suppose I will look for employment in the
7 summer, but I expect to go back to school in September.

8 Q Do you have any idea where you'll be
9 going?

10 A Rutgers, hopefully.

11 Q Have you made an application to Rutgers?

12 A Yes, I have.

13 Q Have you been accepted?

14 A I've been accepted to Livingston.

15 Q Do you intend to go to Livingston?

16 A I haven't decided yet. I'm kind of in between,
17 I think I'd like Rutgers.

18 Q Hypothetically, if you're not accepted at
19 Rutgers, will you go to Livingston?

20 A Yes.

21 Q Have you contacted the university's housing
22 department?

23 A Yes, I have.

24 Q And have you inquired about housing?

25 A Yes, I have.

1 Q And could you tell me to whom you made the
2 inquiry?

3 A I think it's university apartments, Rutgers.

4 Q Did you speak with somebody?

5 A I can't remember a name, it was just whoever is in
6 charge of giving out applications.

7 Q Did you get an application?

8 A Yes, I did.

9 Q Can you recall generally what a housing
10 unit for yourself and your two children would cost?

11 MR. SEARING: If you know.

12 A The housing units run for a two-bedroom apartment
13 between 160 and 180.

14 Q Have you formulated in your mind what you
15 would intend to be doing after you get a degree from Rutgers?

16 A Yes.

17 Q What's that?

18 A I would like to work for the welfare department for
19 a couple years.

20 Q So your current status is that of a student,
21 is that correct?

22 A Right.

23 Q This status will end within the foreseeable
24 future?

25 A Yes.

1 Q At which time you fully intend to be able
2 to make a living?

3 A Certainly.

4 Q And in the pursuit of making that living,
5 do you expect to be having an income in excess of what you
6 are now receiving from welfare?

7 A After I go out and get a job?

8 Q Yes.

9 A I certainly hope so.

10 MR. SEARING: It's a little
11 speculative.

12 Q Would you hope so?

13 A I would certainly hope so.

14 Q Mrs. Champion, you say that you would like
15 to live in a house of your own in a suburban part of
16 Middlesex County to provide your children with a healthier
17 environment, is that correct?

18 A That's correct.

19 Q And you've been unable to find such housing?

20 A Yes.

21 Q Have you sought housing in the Borough of
22 Highland Park?

23 A Yes, I have.

24 Q And where did you look?

25 A I looked in an apartment complex, the name escapes

1 me, it's off of Montgomery Street. I couldn't afford it.
2 I looked in the newspaper for private residence and there
3 was nothing that I could afford. My caseworker, my ex-case-
4 worker, lived in Highland Park and he was looking for me,
5 but he couldn't find anything either.

6 Q Now, when you say at what you could afford,
7 what could you afford?

8 A Comfortably I suppose about a hundred and forty
9 dollars a month. That would be utilities included.

10 Q Are your parents from this area?

11 A Yes, they are.

12 Q Where do they live?

13 A Spotswood.

14 Q Do they contribute at all to your support
15 while you are a student?

16 A They help me as best they can. They feed us. We
17 go over for dinner and they buy the children presents,
18 birthday presents, and watch them for me sometimes when I
19 need to go out.

20 Q Have you made any applications for student
21 loans?

22 A Yes.

23 Q Are you currently the recipient of such
24 funds?

25 A Yes.

1 Q How much are those loans in the amount of?

2 A \$500 per semester.

3 Q Is that a State Defense?

4 A National Direct Student Loan.

5 Q Have you made any other applications for
6 funds?

7 A Yes, I have. New Jersey State Scholarship is one,
8 that's the only one I can recall. When I started school
9 I took a bank loan out to begin my education. I think
10 that might have been National Defense.

11 Q Are you paying that back at this point?

12 A No.

13 Q Mrs. Champion, you're a Caucasian, aren't
14 you?

15 A Yes.

16 Q Mrs. Champion, you told us you did seek
17 housing in Highland Park, is that correct?

18 A Yes.

19 Q Do you consider Highland Park a suburban
20 part of Middlesex County?

21 A Yes.

22 Q Could you tell me what you mean by
23 suburban?

24 A Not highly industrialized, not a central city, I
25 suppose.

1 Q You characterize South Amboy as urbanized.

2 A Yes.

3 Q Would you say that Highland Park was a
4 racially and economically integrated community?

5 A I don't know.

6 Q Mrs. Champion, you obviously don't feel
7 racially discriminated against, do you?

8 A No.

9 Q So then you represent people in this area
10 who feel they are economically, subject to economic
11 discrimination in housing?

12 A Yes, that's correct.

13 Q Now, do you believe that the Borough of
14 Highland Park is an economically integrated community?

15 A You'll have to explain that. Do you mean as far as
16 housing goes?

17 Q My question is, do you believe the Borough
18 of Highland Park is an economically integrated community?

19 A I don't understand what you mean.

20 Q Would you characterize the Borough of Highland
21 Park as a white, isolated, elite community of high-income
22 households?

23 MR. SEARING: That's a different
24 question. Are you asking a different
25 question?

1 MR. AUCIELLO: I'm asking a
2 different question.

3 MR. SEARING: You had asked earlier
4 if Highland Park was racially and economi-
5 cally integrated. Now you're asking this
6 question.

7 Q Do you feel that the Borough of Highland
8 Park is a white, isolated, elite community of high-income
9 households? Let's take one at a time.

10 Do you believe Highland Park is white?

11 A I think I have to say I don't know. As far as my
12 own search in Highland Park, I was quite unsuccessful in
13 finding housing that I could afford. As far as out of my
14 class, I don't know.

15 Q I don't understand that last phrase, out
16 of my class.

17 A Well, out of my income class.

18 MR. SEARING: The type of housing
19 you were looking for, how Highland Park
20 rates there?

21 THE WITNESS: Only from my own needs.
22 I know I was unable to find housing there.

23 Q You're unable to find housing, I understand
24 that. My question is, if you did form an opinion, do you
25 believe that Highland Park is a white, isolated, elite

1 community of high-income households?

2 MR. SEARING: Let's break it down
3 again, if you want to persist in this. Just
4 your search, your knowledge, your opinion.

5 A Based upon my search at my level, yes.

6 Q And what's your level, for purposes of
7 definition?

8 A That's what I can afford.

9 Q Based upon that definition, would you
10 characterize anyone who could afford more than a hundred
11 and forty dollars a month as a high-income household?

12 A No.

13 Q Mrs. Champion, do you know whether or not
14 the Borough of Highland Park has a housing authority?

15 A I do not.

16 Q Did you make any inquiries to find out
17 whether or not the Borough had a housing authority?

18 A No. I did not.

19 Q Do you know what the functions of housing
20 authorities are?

21 A No. I do not.

22 Q Do you know what a housing authority is,
23 a public housing authority?

24 MR. SEARING: Objection. Question of
25 general application. But she can answer.

1 A I would imagine they are in charge of public
2 housing.

3 Q You've answered you made no inquiry to
4 find out if Highland Park had a housing authority, is
5 that correct?

6 A No.

7 Q If you had known that Highland Park had a
8 housing authority, would you have made an application to
9 it?

10 A If I knew that it would help me find housing, I
11 would have.

12 Q But you didn't make the inquiry to find out
13 whether or not it did or did not have an authority?

14 A No. I was not aware of it.

15 Q You made a search to Montgomery Apartments.
16 Now, had you been able to afford the rents in Montgomery
17 Apartments, would you have taken an apartment there?

18 A Yes.

19 Q And do you feel that living in Montgomery
20 Apartments would have provided your children with a
21 healthier environment?

22 A Yes.

23 Q What kind of environment do they presently
24 live in? Could you describe the character of your neighbor-
25 hood?

1 A My neighborhood is, the entire street is two-family
2 homes. My main problem with the neighborhood is living
3 upstairs over a landlord, is not very pleasant when you
4 have children, because children are noisy. It's a highly
5 polluted area, very polluted area, and it's much more than
6 I can afford, much, much more.

7 Q Now, you say you wanted to live in a
8 suburban part of Middlesex County. You said you believe
9 Highland Park is suburban and South Amboy is urban, is that
10 correct?

11 A Yes.

12 Q Would you say that density of population
13 would be an indicia of urbanization?

14 MR. SEARING: If you know.

15 Q Do you think that the number of people who
16 live, let's say per acre, provides information as to whether
17 or not a town is urban or suburban?

18 A I don't know.

19 Q Would you characterize New Brunswick as an
20 urban area?

21 A Yes.

22 Q You told us you would like to live in a
23 suburban area. Would you characterize New Brunswick as a
24 suburban area? Would you characterize South Amboy as an
25 urban area?

1 A Yes.

2 Q Would you characterize Perth Amboy as an
3 urban area?

4 A Yes.

5 Q Would it surprise you if I told you that
6 the Tri-State Transportation Commission did a study of
7 population per square mile of land by decade and the popula-
8 tion in 1970 of the Borough of Highland Park was second
9 only to Perth Amboy, in terms of density of housing, would
10 that surprise you; in other words, the Tri-State Transporta-
11 tion Commission is saying Highland Park is more densely
12 settled than either New Brunswick or South Amboy, do you
13 have any reasons to disbelieve the figures of the Tri-State-

14 A None whatsoever. No.

15 Q Now, when you went to Highland Park you
16 obviously visited on one occasion, did you make any written
17 or mental notes of the general layout of the area?

18 A My primary concern in finding a place to live is
19 the school system for my children and I understand that
20 Highland Park has a fairly progressive school system and
21 that's one of the reasons I would like to live there.

22 Q What do you mean by progressive school
23 system?

24 A The majority of the time spent in education, rather
25 than discipline.

1 Q What would you base that conclusion on?

2 A Just speaking with people who have worked there
3 or go to school there or have their children going to
4 school there.

5 Q Are these people blacks that you've spoken
6 with to get this opinion?

7 A The opinion pertaining to Highland Park, no.

8 Q Are they whites?

9 A Yes.

10 Q So you want to move into a system, into
11 a white school system?

12 A No. Not necessarily.

13 Q But you want to move into Highland Park
14 because it offers a progressive school system. You're
15 telling me your perception that Highland Park has a
16 progressive school system is based on conversations you
17 had with people?

18 A Yes.

19 Q And you told me these people are white?

20 A Simply because--

21 MR. SEARING: They are, she just
22 answered the question. You're the one that
23 drew the inference.

24 A Simply because I haven't spoke to any blacks on the
25 matter, that's all, they just happen to be white.

1 Q Projecting ahead a couple of years, you're
2 now out of school, you're employed. Don't you think you'll
3 be able to move into Highland Park?

4 A Perhaps someday.

5 Q So your status right now is quite temporary,
6 as you said before, you're a student?

7 A Yes, I am a student.

8 MR. SEARING: You want to ask her
9 condition if her condition is quite
10 temporary. That's a double question.

11 Q You expect your status as a student to end
12 within two years, three years?

13 A That's a long time, it's not quite temporary. It's
14 been going on for a long time too.

15 Q Did you work prior to starting school in
16 '72?

17 A I did for a while, towards the end of my marriage,
18 I worked for about six months.

19 Q Would you say that the only reason you can't
20 live in the Borough of Highland Park is just because you
21 don't have enough money to pay the rent, isn't that a fact?

22 A Yes.

23 Q And you don't have enough money to pay the
24 rent because you're unemployed and you are a student?

25 A I don't have enough money to pay the rent for that

1 reason, as well as there is no housing at a price low
2 enough.

3 Q Mrs. Champion, have you ever read the
4 zoning ordinance of the Borough of Highland Park?

5 A No. I have not, unless it's in there.

6 Q No. It's not.

7 A No. I have not.

8 Q Have you done a study of the land use
9 policies of the Borough of Highland Park?

10 A No. I have not.

11 Q Do you maintain that Highland Park has
12 zoned vacant land for industrial purposes in excess of
13 need to the exclusion of residential purposes?

14 A I do not know.

15 Q During the time that you spent in Highland
16 Park, the same question as before, did you observe a lot
17 of open, vacant land which could be used for development,
18 did you make any observations at all?

19 A I didn't make an observation. No.

20 Q Do you have an opinion as to whether or
21 not there is a lot of open land in Highland Park?

22 A No. I have no idea. I don't know.

23 Q Mrs. Champion, you reside in South Amboy,
24 is that correct?

25 A Yes.

1 Q Are you aware of the fact that South Amboy
2 is a defendant in this action?

3 A Yes, I am. My post office address is South Amboy.
4 In actuality, it's Sayreville.

5 Q So you live in the Borough of Sayreville?

6 A Yes.

7 Q Do you know that Sayreville is a defendant
8 in this action?

9 A Yes.

10 MR. SEARING: We'll stipulate to
11 that, both of those.

12 MR. AUCIELLO: I don't know if she
13 knows it or not.

14 Q Now, the complaint which is filed states
15 that: "As a result of the defendant's conduct, various
16 things have resulted." Number one, "is to exclude low and
17 moderate income household, especially those with children,
18 from residing within defendant communities."

19 Are you aware of that?

20 A Yes.

21 Q But yet you are a moderate or low income
22 household, because you have children and you live in a
23 defendant community, isn't that a fact?

24 A That is a fact.

25 Q The complaint also says that: "The defendants

1 have acted in such a way as to confine low and moderate
2 income persons, both white and non-white, to overcrowded
3 substandard and often unsafe housing within the central
4 city areas."

5 Would you characterize your apartment on Yulner
6 Street in South Amboy a substandard?

7 A No.

8 Q Unsafe?

9 A No. Overpriced.

10 Q Would you say it's within a central city
11 area?

12 A No.

13 Q Would you characterize where you live right
14 now as a white, isolated, elite community of high-income
15 households? Do you live in such a community, white,
16 isolated, elite, upper income?

17 A You might characterize it as that.

18 Q Do you characterize it as that?

19 MR. SEARING: In your opinion.

20 Q Do you have an elite community?

21 A No. I don't live in an elite community.

22 MR. SEARING: You didn't ask her
23 if she considered her present living
24 conditions as being overcrowded.

25 MR. AUCIELLO: Well, I recite the

1 list and then I pick things out.

2 MR. SEARING: Yes, individually.

3 Q Do you feel that Sayreville has imposed--

4 MR. SEARING: I'm going to object.

5 What's the relevancy to Highland Park to
6 this line of questioning?

7 MR. AUCIELLO: The relevancy is
8 clear. This woman is a plaintiff in a
9 lawsuit and she's a plaintiff against the
10 Borough of Highland Park. The Borough of
11 Highland Park would like to know if she's
12 a proper plaintiff, if she's certified as
13 a representative of a class.

14 MR. SEARING: She's a representative
15 of a class and easily follows within the
16 class definition, as recited, and was so
17 adjudicated by the court.

18 MR. AUCIELLO: Well, the relevancy
19 is whether or not, although the class may
20 be certified, whether or not this particular
21 person is within the class.

22 MR. SEARING: Do you want to go
23 through the class definition and ask her,
24 it's on the first page, whether she's a
25 low or moderate-income person?

1 Q Mrs. Champion, you told us you have two
2 children?

3 A That's right.

4 Q And one of them is seven years old?

5 A That's right.

6 Q That child goes to school?

7 A Yes.

8 Q Is that school a public school in Sayreville?

9 A Yes.

10 Q Does he go to school with children from the
11 area?

12 A Yes, she does.

13 Q Do you feel that your child is being denied
14 equal educational opportunities?

15 A No.

16 Q Mrs. Champion, have you ever sought employ-
17 ment in your immediate area, Sayreville, South Amboy?

18 A Yes, I did.

19 Q And were you able to find employment?

20 A No.

21 Q Do you feel that your inability to find
22 employment was as a result of racial or economic discrimina-
23 tion against you?

24 A No. I don't suppose.

25 MR. SEARING: In her opinion. I

1 may insert that that's somewhat asking for
2 a legal conclusion.

3 MR. AUCIELLO: In her opinion.

4 MR. SEARING: Okay.

5 MR. AUCIELLO: Unless you're going
6 to direct her not to answer the questions,
7 I think the questions are relevant and I'm
8 just going to proceed with that line of
9 questioning.

10 MR. SEARING: What line of question-
11 ing?

12 MR. AUCIELLO: As to the validity
13 of this woman being in a certified class.

14 MR. SEARING: All I asked you to do
15 is go through the class definition and ask
16 her if she qualifies.

17 MR. AUCIELLO: She just told us she
18 didn't qualify on the two of the basic
19 questions. She does not feel her children
20 are deprived of equal educational oppor-
21 tunity, she told us she was not a victim
22 of discrimination in being able to find a
23 job--

24 MR. SEARING: Those are allegations
25 made by a class, those are not the class

1 determinates. Those are allegations made
2 by class members, not necessarily all of
3 them.

4 I'll go through the definition of
5 class, if you want to again.

6 MR. AUCIELLO: I can read the
7 definition.

8 Q Mrs. Champion, do you feel that the
9 Borough of Highland Park, as an entity, as a unit, did
10 anything to effectively exclude you from living in that
11 town?

12 A Yes.

13 Q What did the Borough, as a municipal
14 corporation of the State of New Jersey, do to you to
15 effectively exclude you from living in that town?

16 A They did not provide housing for people of my
17 financial status.

18 Q Mrs. Champion, would your opinion change
19 if I were to tell you that the Borough of Highland Park
20 has a housing authority whose statutory and legislative
21 function is to provide housing for people of your status?

22 A If I knew that there was housing that I could
23 afford in Highland Park.

24 Q That's not my question. My question is,
25 would your opinion that the Borough acted in such a way as

1 to effectively exclude you from the housing in the town
2 change if I were to tell you that the town has a housing
3 authority, the statutory and legislative function of which
4 is to find housing, is to provide housing for low and
5 moderately-income people?

6 MR. SEARING: She answered that
7 question.

8 MR. AUCIELLO: No, she didn't.

9 MR. SEARING: She said not if she
10 knew there was adequate housing. You're
11 asking the same question.

12 MR. AUCIELLO: I'm asking if her
13 opinion would change if she had that
14 information.

15 MR. SEARING: If she knew there
16 was a housing authority.

17 A If I knew there was a housing authority, if I
18 went to them and said find me a place to live, they would
19 find me a place to live.

20 CONTINUATION OF DIRECT EXAMINATION BY MR. LERNER:

21 Q Is it the actual getting of the apartment
22 that you would base your answer upon, in other words,
23 the mere fact of the existence of the housing authority
24 would serve no purpose for you, is that correct?

25 A What would that do for me?

1 Q The only thing that would do for you is
2 giving you the apartment.

3 A Yes.

4 Q Is it your contention the municipality must
5 supply an unending supply of apartments for those who come
6 in and ask for them?

7 A It's my contention that a municipality has a moral
8 obligation to provide housing for the people that either work
9 or go to school or reside in the community.

10 Q Do you work in Highland Park?

11 A No.

12 Q Do you reside in Highland Park?

13 A No.

14 Q Do you go to school in Highland Park?

15 A No.

16 MR. SEARING: Would you like the
17 opportunity to reside in Highland Park?

18 MR. LERNER: Wait.

19 Q Let's assume that the Highland Park Housing
20 Authority exists and they maintain low-housing units, but
21 they are all occupied at the present time; is it your
22 contention that they should provide more because you are
23 now asking for an apartment?

24 MR. SEARING: Plaintiff is not an
25 expert on the public housing.

1 MR. LERNER: I'm asking her a
2 simple question.

3 (Whereupon, a short recess was
4 taken due to the reporter running out of
5 paper.)

6 (Whereupon, the proceedings resumed
7 on the record.)

8 (Whereupon, the preceding question
9 was read back.)

10 A This is in regards to just myself specifically?

11 Q Only yourself.

12 A Were I aware that Highland Park had an adequate
13 number of low-income housing that followed, that weighed
14 out with the number of low-income people in the area, if
15 I was aware that Highland Park was carrying their fair
16 share of low-income housing, then, no, I would not expect
17 them to put up another apartment for me.

18 Q Do you know what the fair share units would
19 be for Highland Park?

20 A No. I do not.

21 Q Have you ever made an inquiry to find out?

22 A No. I have not.

23 Q Do you know of any way, of any study
24 prepared by anyone, that indicates the fair share of low-
25 income units to a given population?

1 A No. I do not.

2 Q Have you ever made an application to any
3 public housing agency for an apartment?

4 A No. Excuse me?

5 Q Public housing authorities.

6 A Public housing, you mean the public housing, say,
7 in Perth Amboy or New Brunswick?

8 Q Correct.

9 A No.

10 Q Have you made one to Edison?

11 A No.

12 Q Have you made one to Spotswood?

13 A I wasn't aware they had public housing.

14 MR. SEARING: I object to this,
15 these are questions that apply to other
16 municipalities, not to Highland Park.

17 Q Isn't it a fact that you're paying more
18 rent now in South Amboy than the rent you were quoted in
19 Montgomery Apartments?

20 A No. That's not correct.

21 Q You were quoted a rent in Montgomery
22 Apartments higher than the rent you are now paying in South
23 Amboy?

24 A Yes.

25 Q What is the rent you were quoted in Highland

1 Park?

2 A I believe it was a hundred and ninety dollars,
3 excluding utilities, but I'm not certain.

4 Q What is the rent you are paying in South
5 Amboy?

6 A A hundred and forty plus utilities, utilities come
7 to about \$40 a month.

8 Q Aren't you paying on a share basis?

9 A Yes.

10 Q Isn't the gross rent in excess of a hundred
11 and forty dollars?

12 A Yes.

13 Q The rent you were quoted in Montgomery
14 Apartments, that was for an individual apartment, wasn't it?

15 A Yes. That was for a two-bedroom apartment.

16 MR. SEARING: What's the total rent
17 on your apartment now?

18 THE WITNESS: With utilities included?

19 MR. SEARING: With the utilities
20 included.

21 THE WITNESS: Two seventy-five.

22 Q The two seventy-five in South Amboy exceeds
23 the gross rent for a two-bedroom apartment in Highland Park?

24 A Yes, it does, but I have to share it.

25 Q You're sharing an apartment in Sayreville

1 and only because of sharing have you brought it down to a
2 hundred and forty?

3 A Correct.

4 Q If you shared the same apartment in
5 Montgomery Apartments in Highland Park, your share would be
6 down to a hundred dollars?

7 A But we must consider I would be in one bedroom
8 with my two children in that case. That's a two-bedroom
9 apartment we're speaking of in Montgomery Apartments. This
10 is a three-bedroom apartment I'm now living in.

11 Q Did you ask in Highland Park, in Montgomery
12 Apartments, for a three-bedroom apartment?

13 A They didn't have three-bedroom apartments, as far
14 as I know.

15 Q Did you make any inquiry of any apartment
16 complexes in Highland Park where they had three-bedroom
17 apartments?

18 A This is the only apartment complex I looked in.

19 MR. LERNER: So that your criteria
20 then was something you would share. The
21 \$275 was on a share basis that brought your
22 personal share down to a hundred and forty
23 dollars.

24 CONTINUATION OF DIRECT EXAMINATION BY MR. AUCIELLO:

25 Q Have you filed a criminal complaint against

1 your husband for desertion and non-support?

2 A Yes.

3 Q Where was it filed?

4 A It was filed at the county courthouse. I did it
5 through New Brunswick. I suppose it was through Sayreville
6 where I was residing at the time. I don't know how those
7 things work, but I did go.

8 Q You live in Sayreville, is that right?

9 A Yes.

10 Q From Sayreville, you go to Edison to school?

11 A Right.

12 Q And you pass a number of municipalities.
13 What route do you take?

14 A I take Route 9 to 287.

15 Q And you go home the same way and when you
16 came here this morning you came from Sayreville to New
17 Brunswick?

18 A I went to school first and then came here.

19 Q You passed through Highland Park probably?

20 A No. I went around Highland Park.

21 Q Do you feel that your right to travel has,
22 in any way, been infringed?

23 MR. SEARING: Objection. Legal
24 conclusion.

25 MR. AUCIELLO: It's not a legal

1 conclusion.

2 Q Do you feel that your right to travel is
3 being infringed because you are a student of moderate means?
4 You have the free ability to travel wherever you want in
5 Middlesex County?

6 A Yes.

7 MR. AUCIELLO: No further questions.

8 Thank you.

9

10 B A R B A R A T I P P E T T, sworn.

11 DIRECT EXAMINATION BY MR. LERNER:

12 Q Mrs. Tippet, my name is Lawrence Lerner,
13 I'm an attorney in New Jersey and I represent a defendant
14 in a suit brought by yourself against my Borough, as well
15 as many other towns, I represent the Borough of Highland
16 Park.

17 We're going to ask you some questions and take your
18 answers down. My questions are being taken down stenographically
19 and your answers are being taken down. You're under oath
20 and a transcript will be prepared showing the questions
21 and answers and can be produced and used at a future occasion
22 to show what questions were asked of you and what your
23 answers were and when this matter comes to trial it can be
24 utilized, if need be, to show you made a different statement
25 than what you may have made here. You understand that?

1 A Yes.

2 Q If you don't understand a question, just
3 tell me and I'll rephrase it so you understand it.

4 You can't shake your head and you can't nod your
5 head, because he can't take it down. So you'll have to
6 answer yes or no, no matter how much you want to nod. Okay?

7 A Okay.

8 Q Now, you're Barbara Tippett and you live at
9 51 Burnett Street?

10 A Yes.

11 Q How long have you lived there?

12 A Five years this month.

13 Q Before you lived there, where did you live?

14 A 300 Hoffman Boulevard, New Brunswick.

15 Q How long did you live there?

16 A A year and a half.

17 Q How many years have you lived in New
18 Brunswick?

19 A Well, let me see. I was born in New Brunswick and
20 I lived here for 15 years. I moved to Piscataway, I lived
21 there about four or five. I got married and I moved back
22 to New Brunswick.

23 Q And now you're living on Burnett Street.
24 And the house you're living in is a two-family house?

25 A No. It's an apartment house, but I have a duplex.

1 Raritan Gardens is a whole apartment. I don't know what
2 you call them.

3 Q You live up by Route 1 and Route 18?

4 A That's it, right.

5 Q How long have you lived in Raritan Gardens?

6 A Five years.

7 Q Raritan Gardens is a complex of garden
8 apartments?

9 A Yes.

10 Q Is it racially integrated?

11 A Slightly.

12 Q There are blacks living there?

13 A Yes.

14 Q There are whites living there?

15 A Yes.

16 Q There are Chinese people living there?

17 A Yes.

18 MR. SEARING: Do you know that for
19 a fact?

20 THE WITNESS: Yes, I've seen some.

21 Q You're family income, you state in the
22 complaint, was \$10,000 from Mr. Tippett's employer as a
23 painter?

24 A Yes.

25 Q By whom was your husband employed?

1 A At the time of that, I don't know exactly. But it
2 was between the union and contractors, between the local
3 he goes to report to and the contractors. For the last
4 seven months or so, he's been working for Zack Construction,
5 Fords.

6 Q What's the union he belongs to?

7 A Local 480, North Plainfield.

8 Q How long has he been a member of the union?

9 A About seven and a half, eight years.

10 Q How long have you been married?

11 A We've been married six and a half years.

12 Q How much money did your husband make in
13 1973, \$10,000?

14 A Yeah.

15 Q How much did he make in 1974?

16 A About the same, I guess.

17 Q Didn't his salary go up in '74, as opposed
18 to '73?

19 A Yes, we did. But my husband never worked a full
20 year since we've been married. He had two shoulder opera-
21 tions and things like that. He was laid off, he was laid
22 off last year because of the gasoline shortage, his boss
23 couldn't supply the supplies.

24 Q Now he's working?

25 A No. He's unemployed.

1 Q Does he go to the union hall?

2 A No. He works for a private contractor, he goes
3 and collects unemployment. He's working for Zack now.

4 Q When your husband reports to the union hall
5 for work does he take jobs with individual employers as the
6 shape-up tells him to?

7 A I don't understand that.

8 Q When he goes to the union hall for a job
9 they would tell him to go to work for the A, B, C Paint
10 Company in Perth Amboy, he would then go to Perth Amboy for
11 the A, B, C Paint Company and go to work?

12 A Right.

13 Q And when that job finishes he goes back to
14 the union hall?

15 A Unless he gets a contractor that wants him permanently.

16 Q Then he can stay with them?

17 A Right. That's what he's doing with Mr. Zack.

18 Q Up until he found a contractor that would
19 offer him permanent employment, he would go to the union
20 hall?

21 A Right.

22 Q Depending on where the union sent him, that's
23 where he would work?

24 A Yes.

25 Q In your complaint, you state that you are

1 unable to find housing close to your husband's work. Isn't
2 that, in effect, difficult to do if your husband is working
3 in different places?

4 A In a way, it is. But now he usually goes to North
5 Plainfield every morning to report. Now, for the last two
6 or three years on and off, he's been around here, around
7 Piscataway, North Plainfield, Paramus, up that way. Not
8 South Jersey.

9 Q Isn't North Plainfield, in fact, in
10 Somerset County?

11 A Somerset County? I thought it was in Union County.

12 Q Front Avenue, I think, is the divider there,
13 but North Plainfield is in Somerset County.

14 Have you made any attempt to find housing in
15 North Plainfield?

16 A No.

17 Q In Somerset County?

18 A Somerset County, yes.

19 Q Where in Somerset County?

20 A Franklin Township.

21 MR. SEARING: What's the relevance
22 of this to Highland Park, Mr. Lerner,
23 since we're supposed to be confining our
24 questions to Highland Park?

25 Q Have you made any attempt to find housing

1 in Highland Park?

2 A Yes, we have.

3 Q Why would you seek housing in Highland
4 Park, isn't that just across the river from Raritan
5 Gardens where you're living?

6 A Yes. We are attempting to seek anything that can
7 meet what we can afford to pay for the mortgage or rent.

8 Q So then you're seeking housing, not
9 necessarily locationwise, but cheaper rent?

10 A In a way. My husband will not move to South
11 Jersey and no way down there. He's particular. He don't
12 want nothing to do with inside Plainfield. North Plainfield
13 would be beautiful, but it's very much out of our reach.

14 Q Out of your reach economically or travelwise?

15 A Economically. The rents and homes are beautiful,
16 but they're very expensive there.

17 Q What rent are you paying in Raritan Gardens?

18 A One seventy-seven as of this month.

19 Q You have a two-bedroom apartment?

20 A Yes.

21 Q You pay your own utilities?

22 A Yes.

23 Q I asked you if you made an attempt to find
24 an apartment in Highland Park.

25 A Yes.

1 Q And I said to you and you recognized the
2 fact that Highland Park is adjacent to Raritan Gardens
3 where you are presently living.

4 A That's true.

5 Q Did you look for an apartment in the same
6 price range in Highland Park as you are presently paying in
7 Raritan Gardens?

8 A No. That's kind of impossible. I realize we're
9 getting a deal out there and I don't expect to find that kind
10 of rent anywhere else, but I would love to find it. I
11 read the papers and go and look and there's nothing for that
12 price.

13 Q The rent you're paying in Raritan Gardens
14 is equitable and fair rent?

15 A Yes, very fair, yes.

16 Q Where in Highland Park did you look for an
17 apartment or a house? First of all, let's straighten that
18 out. Did you look for a house or an apartment in Highland
19 Park?

20 A I have to go back. When we first got married we
21 went to Highland Park, we went all over.

22 Q That's six and a half years ago?

23 A Right. We looked at apartments and all over Highland
24 Park and we finally got one at Orchard Gardens and was
25 discriminated against there.

1 Q You were discriminated against there because
2 you were black?

3 A Yes.

4 Q Not as opposed to economically discriminated?

5 A No.

6 Q Have you ever gone back to Orchard Gardens
7 and made an application again?

8 A No.

9 Q If I were to tell you Orchard Gardens is
10 a racially integrated apartment complex, would that make a
11 difference to you?

12 A If they were racially integrated like the rent I'm
13 paying now, I would go back.

14 Q If the rent in Orchard Gardens was more than
15 what you're paying now, would you move there?

16 A No, because I know, for a fact, Orchard has two
17 bedrooms. Why should I move from two bedrooms to another
18 one?

19 Q In fact, you're looking for a bigger
20 apartment than you are in now?

21 A Right. If I could find a spacious bedroom for not
22 too much more than I'm paying, I'd take that too.

23 Q Are you, in fact, employed also, Mrs.
24 Tippett?

25 A No. I'm self-employed. I work for Coppercraft,

1 but I haven't made any.

2 Q For what?

3 A Coppercraft, it's a home party plan.

4 Q Selling pots?

5 A We have ashtrays, things that go on the wall.

6 Q You depend on going to people's houses
7 where they have a party and you try and sell the people?

8 A Yeah.

9 Q How long have you been doing that?

10 A Just about four months.

11 Q Did you work at all in 1973?

12 A Yes, I did.

13 Q By whom were you employed in '73?

14 A Allied Cleaning Company.

15 Q Where are they located?

16 A I don't know where the offices, the branch office,
17 because they were bought out by McClean, McClean was from
18 New York, I believe. Allied bought McClean out. I don't
19 know where Allied is from.

20 Q Where did you go to work?

21 A A.T.&T. Centennial Avenue in Piscataway.

22 Q So your husband was going to a union hall
23 in North Plainfield and you were working in Piscataway?

24 A For a short time.

25 Q Wouldn't Highland Park be going away from

1 those two places, in points of distance?

2 A Well, I have three kids, three small kids, and
3 Highland Park, if they have the right kind of housing for
4 me and the rent was what I could afford or a house that I
5 could afford with the kind of room I needed, that's my home,
6 I wouldn't care how far I had to go to work. I'd rather
7 give up the job than the place I'm staying at.

8 Q You mean Raritan Gardens or you would like
9 that kind of apartment in Highland Park?

10 A If I find a nice house that I could afford or
11 apartment, oh, sure, I'd have to find a better job, if I
12 got a cheap apartment or something going for me.

13 Q Have you made an application to the Highland
14 Park Housing Authority for an apartment?

15 A No. I didn't.

16 Q Do you know that Highland Park does, in fact,
17 have a housing authority?

18 A No. I'm sorry. I didn't.

19 Q Have you ever made an application to the
20 housing authority in New Brunswick for an apartment?

21 A No. But I can tell you we wouldn't qualify. My
22 husband is a painter and \$10,000 isn't bad.

23 Q In fact, you know, as a matter of fact,
24 that you would be economically excluded from seeking public
25 housing because you make too much money?

1 A Yes and no. I don't know for a fact. I have never
2 put in an application, like I said. I don't know, if I put
3 it in, would they go on what my husband brings home a year.
4 There's been a year he only made \$7,000 a year, because he
5 was in the hospital and laid off.

6 Q When he was in the hospital, was that a
7 work-connected injury?

8 A Yes.

9 Q Did he collect Workmen's Compensation?

10 A Yes.

11 Q That money is not included in his income tax,
12 so it would have been money he received and not reported as
13 such?

14 A Yes.

15 Q When I asked you in 1974 if you had worked,
16 you said at Allied. How much money did you make then--I'm
17 sorry. 1973. How long did you work at A.T.&T.?

18 A I worked at A.T.&T., because I quit a couple of
19 times, I went to work there in January, February of '73,
20 and I worked 'til about August.

21 Q Of '73?

22 A Yes.

23 Q You worked there about six months, seven
24 months?

25 A Somewhere around there.

1 Q What was your salary during that period
2 of time?

3 A What I brought home or actually made?

4 Q Gross.

5 A About \$75 a week.

6 Q And after you left employment, did you then
7 collect unemployment?

8 A No. I didn't.

9 Q Did you make an application for unemployment?

10 A No.

11 Q How long were you then unemployed?

12 A Oh, for about six months.

13 Q And then you started work again the next
14 January of '74?

15 A Next February.

16 Q Where did you work then?

17 A Back out there.

18 Q At the same place you worked before?

19 A Yes.

20 Q How long had you worked there?

21 A I worked from about February to end of June.

22 Q About five months in time. Did you quit
23 then?

24 A Yes, I did.

25 Q You left on your own volition?

1 A Yes, I did.

2 Q Did you apply for unemployment then?

3 A No. I didn't.

4 Q Have you ever specifically gone to any
5 location in Highland Park to find an apartment? Can you tell
6 me the name or address of a place that you went looking
7 for an apartment in Highland Park?

8 A Now, I mentioned Orchard Gardens.

9 Q That was six years ago.

10 A You mean recent?

11 Q In the complaint, it says you spent a year
12 looking.

13 A I went to the William Cox Agency.

14 Q When you pointed, I know where you pointed,
15 but I don't think anybody else does. Mr. Cox is on the same
16 street as my office, where we're sitting now, but a few
17 doors down on Bayard Street.

18 A Right. I sit down and looked at pictures of homes
19 in Highland Park and all over the place, there were a couple
20 that weren't so bad, but they were too small and a little
21 shabby. They show the pictures and show you the room. I
22 can look at it and read them myself. I can say, in effect,
23 I have looked at homes in Highland Park, I've seen what's
24 available in Highland Park.

25 Q When you say you've seen what's available,

1 it's merely a visual inspection of photographs contained by
2 Mr. Cox and his listing of homes?

3 A Yes.

4 Q You looked at the picture and size of rooms
5 and you made a judgment they were too small or too much
6 money and they were shabby looking and you didn't go to
7 look at them?

8 A One of them, I memorized the address, one was on
9 South 8th Avenue, one was on South 7th. I had a friend over
10 there, I was going to visit her. I went by and browsed
11 on the outside, I didn't go up to the door, but it was
12 really too small.

13 Q Do you consider yourself and your husband
14 a low-income person?

15 A With three kids today, four, really, yes, I do.

16 Q You have four children?

17 A I have three, me and my husband has three. He
18 has another one. Before we got married, he had a kid. The
19 kid comes over for the summers and vacations and stuff.
20 So, yeah, I consider us lower income. We eat about \$70 a
21 week, \$75.

22 Q He, in fact, belongs to a union. Would
23 you characterize it as a good union, actively working
24 people, as best they can?

25 A Yes, I would.

1 Q And you consider yourself lucky in having
2 him as a member of the union, don't you?

3 A Yes, I do.

4 Q You don't think he's been denied employment
5 opportunities, has he, because he's black?

6 A I couldn't answer that. I don't know.

7 Q There are blacks in the union and whites
8 in the union?

9 A Yes, there is.

10 Q As far as you know, the union itself has
11 made no discrimination against them?

12 A No. As far as I know, they haven't.

13 Q Do you know what the zoning is for land in
14 Highland Park?

15 A No. I don't.

16 Q You don't know whether the zoning, in fact,
17 excludes housing or includes housing?

18 A No. I don't.

19 Q Do you think that you could have afforded,
20 in 1968, to move into Orchard Gardens?

21 A Do I think we could have afforded it? Yes, I think
22 so. It would have been high, we couldn't have saved or
23 anything, but we could have paid the rent.

24 Q So that if the rent went up in proportion
25 to the same rents in Raritan Gardens, you would have found

1 yourself still living in Highland Park today?

2 A I don't understand that.

3 Q Well, when did you get your apartment at
4 Raritan Gardens?

5 A Five years ago.

6 Q Was the rent lower than in Raritan Gardens
7 than the rent in Orchard Gardens?

8 A Yes. The rent at Raritan Gardens has always been
9 lower than just about all the areas around here.

10 Q The reason you didn't get the apartment,
11 though, on Orchard Gardens was because you allege you were
12 discriminated against because of color?

13 A Yes.

14 Q But you were willing to pay the rent?

15 A Yes, we were.

16 Q But you've never gone back now to find out
17 if the apartments are still available?

18 A No. We haven't.

19 Q And have you ever made an attempt to find
20 housing in Piscataway?

21 A Yes, we have.

22 Q And in the towns from here towards North
23 Plainfield--

24 MR. SEARING: I object, those are
25 questions of general application, they

1 New Brunswick, is less crowded than Highland Park.

2 A I believe it.

3 MR. LERNER: No further questions.

4

5 C. R O Y E P P S, sworn.

6 DIRECT EXAMINATION BY MR. AUCIELLO:

7 Q Mr. Epps, my name is Dennis Auciello and
8 I'm associated with the law firm of Rubin & Lerner, which
9 law firm represents the Borough of Highland Park. The
10 Borough of Highland Park is one of a number of defendants
11 in a lawsuit in which the Urban League of Greater New
12 Brunswick is one of a number of plaintiffs.

13 Now, the Borough of Highland Park wishes to take
14 your deposition, that is, ask you a number of questions
15 concerning the Urban League's basis of complaints as it
16 relates particularly to the Borough of Highland Park.

17 Now, all answers to questions must be verbalized,
18 because the reporter cannot pick up nods or shakes of the
19 head. Please make sure you understand any question which
20 I may ask. If you don't understand, ask me to repeat it
21 or rephrase it, because any answer which you give will be
22 taken down and the information which is exchanged today
23 could, conceivably, be used at a later time.

24 A I understand.

25 Q If at certain points your attorney, Mr.

1 Searing, interposes objections to questions I ask, when
2 your attorney makes such objections, you shouldn't answer
3 any question unless authorized to do so. Okay?

4 A Yes.

5 Q Mr. Epps, would you tell me what your
6 position with the Urban League of Greater New Brunswick is?

7 A I'm the executive director of the organization,
8 which is a paid professional position, which also institutes
9 me as the chief administrative officer of the corporation.

10 Q How long have you been employed as the
11 executive director?

12 A Since March 1st, 1970.

13 Q Were you involved with the Urban League of
14 Greater New Brunswick prior to that time?

15 A Yes, I was.

16 Q In what capacity?

17 A In '67 to '68, a community social worker. From '68
18 to '70, as the assistant executive director.

19 Q Mr. Epps, would you tell us from what base
20 your organization draws its members. Is it a membership
21 organization?

22 A It's a membership organization, but services are
23 not constituted to members; in other words, it has members,
24 but the program does not service its members.

25 Q And from areas are the members drawn?

1 A Members are drawn from any part of Middlesex County
2 and anyone is welcome to join the Urban League.

3 Q I see the name is Urban League of Greater
4 New Brunswick.

5 A That's correct.

6 Q Are people who live in the Franklin
7 Township section of Somerset County, do they belong to you?

8 A That is correct.

9 Q Are there any such people in Somerset County
10 that belong to your organization?

11 A Yes.

12 Q To your knowledge, are there any members
13 of your organization who reside in Union County?

14 A Not to my knowledge. No. But it's not exclusionary
15 to the greater New Brunswick area, anyone can support the
16 organization.

17 Q Could you tell me how many members you had
18 in the organization at the time this complaint was filed,
19 approximately?

20 A Approximately 200.

21 Q And do you have approximately the same
22 number now?

23 A Approximately. We will be going into a membership
24 enrollment, which will definitely increase the number of
25 members.

1 Q Approximately now you have 200 people?

2 A Approximately, yes.

3 Q Have you had approximately 200 people since
4 you have become the executive director in 1970?

5 A Varying, depending on the enrollment campaign we
6 had for that particular year. It's not a fund-raising
7 activity as such. The operation is predicated on membership.
8 The membership is utilized to drawing board members from
9 that particular membership.

10 Q Now, are any of the other plaintiffs in this
11 lawsuit members of the Urban League?

12 A Not to my knowledge. No.

13 Q Now, the complaint states that: "The Urban
14 League members are directly injured and aggrieved by the
15 zoning and other land use policies and practices of the
16 defendants. Such members are unable to challenge the
17 defendants' conduct without the assistance of the League."

18 Are you familiar with that language?

19 A I have not reviewed that particular section, but
20 members can constitute actual paid member or persons part of
21 our constituency, in other words, the definition of members
22 can be the members of ethnic groups as we as corporations
23 sign contract to serve with the United Workers of Central
24 Jersey.

25 Q Let me ask you a more direct question. The

1 are not pertinent to the inquiry directed
2 to Highland Park.

3 If you know, as I say, she can
4 answer.

5 A May I add something else?

6 Q Have you ever lived in a trailer?

7 A No.

8 Q Do you want to live in a trailer?

9 A If it had enough land around it, I wouldn't mind
10 it.

11 Q What's enough land around it?

12 A I'm a little funny, because I was raised in a
13 place where we had a lot of land. I don't like buildings
14 sitting on top of buildings, I don't like kids playing
15 in the street. If there was a nice area and nice trailer,
16 not like Route 1, I don't like that, sure, I'd live in a
17 trailer.

18 Q Do you know what the density factor is in
19 Highland Park and how many people live per square mile?

20 A I can believe it's a lot, from what I see.

21 Q It wouldn't surprise you to know that
22 next to Perth Amboy Highland Park is the densest, more
23 crowded, community in Middlesex County?

24 A No. It would not.

25 Q It fact, where you live, in the City of

1 complaint states that, as I have just read it: "Its members
2 are directly injured and aggrieved by the zoning and other
3 land use policies and practices of the defendants. Such
4 members are unable to challenge the defendants' conduct
5 without the assistance of the League."

6 When this language was inserted in this complaint,
7 was the reference to the 200 or so members at the time
8 of, let's say, last May?

9 A Both.

10 Q Both those members--

11 A Members of the corporation as such, in quotes,
12 who paid \$3 to be a member and those members of the
13 constituency that we are, by contract, obligated to serve
14 and in line with the philosophy of the organization.

15 Q Can you give me a few examples of these
16 contractual entities that you serve?

17 A The United Way of Central Jersey, we have a contract
18 with them. They fund us each year. Under that contract,
19 we supply services in categories as Equal Opportunity
20 Recourse Services. Those services are outlined in an
21 identification manual called the United Way of American
22 Service Identification System. United Way draws its
23 funds from the private sector to contributions of employees
24 and employers and its community at large.

25 Q I understand you have a contractual relation-

1 ship with the United Way of Central Jersey.

2 A Right, which fund us.

3 Q The Urban League is an entity funded by the
4 United Way of Central Jersey.

5 A That's correct.

6 Q The United Way of Central Jersey--

7 A Covers all of Middlesex and Franklin Township.

8 Q The United Way of Central Jersey gets
9 its money through public companies is that correct?

10 A That's correct.

11 Q The United Way of Central Jersey doesn't
12 give you all the money?

13 A That's correct.

14 Q Now, with that portion of the money you get
15 from the United Way of Central Jersey, do you then enter
16 into other contractual relationship with other bodies?
17 Do you disburse the moneys further down?

18 A No. We are the operating corporation.

19 Q When you tell me there are two types of
20 members, members who pay a \$3 fee and whose names are listed
21 on some register, that's one type; who constitutes the other
22 type, people for whom you do projects?

23 A No. We service the minority and poor community.
24 We get funded to serve that constituency. We serve it under
25 what's characterized in that particular matter I cited as

1 single and special group interests and multi--excuse me.
2 Not multi. Inter-group relation services.

3 Q So then you would consider all the poor
4 people of Middlesex County and Franklin Township and
5 Somerset County as members, in some sort of cosmic sense
6 of the Urban League?

7 A Right, as our service constituents.

8 Q Even people who may not have heard of the
9 Urban League of Greater New Brunswick?

10 A Correct.

11 Q "The Urban League's members are directly
12 injured and aggrieved and such members are unable to
13 challenge the defendants' conduct without the assistance
14 of the League." You mean not only the dues paying members,
15 but also all the poor?

16 A That's correct. And, basically, that's in line with
17 the overall philosophy of, not only the Urban League of
18 Greater New Brunswick, but the National Urban League, which
19 mission of the League outlines that particular point.

20 Q I'd like you to tell me if you--when I say
21 you, I mean your organization--if you compiled any sort of
22 list or any sort of register of people who came to your
23 offices there up on Troop Avenue.

24 A That's correct.

25 Q And told you that they were economically and

1 racially discriminated against in regards to finding housing
2 in Highland Park.

3 A In Highland Park. I can cite some cases, but I
4 cannot give the person's name. I can give you examples of
5 the types of things that have happened and the types of
6 incidents that have happened.

7 Q I asked you if there's another document,
8 a written record, which has names of people who have cited
9 examples of economic and/or racial discrimination in the
10 Borough of Highland Park. Is there such a document?

11 A There is not a document. No.

12 Q You're telling me you know the names of
13 people?

14 A We have participated in cases that involved the
15 Borough of Highland Park, in which discrimination was
16 carried on by realtors and by realtors who steered people
17 in certain directions as certain communities that have been
18 designated as black and poor communities in Highland Park.

19 Q Now, you say you participated in cases.
20 Were these lawsuits?

21 A Let me explain the rules of the Urban League.

22 Q Just answer the question.

23 A You say lawsuit? No, it was not a formalized law-
24 suit.

25 Q Was it a formalized complaint to the New

1 Jersey Division of Civil Rights?

2 A In some cases, it was.

3 Q Could you tell me the name of the complainant
4 on whose behalf the Urban League interceded?

5 A No. I cannot.

6 Q You can't because you don't want to or
7 you can't because you don't recall?

8 A I can't because, in one case, I will not reveal it,
9 because that is still before litigation on the state level.
10 The other is one I cannot recall. I personally performed
11 on that particular case previous to me assuming other duties
12 here at the Urban League.

13 Q This is something you participated in prior
14 to 1967?

15 A Not prior to 1967, but I became the director, as
16 the community social worker.

17 Q Can you tell me around what year that
18 would have been?

19 A 1968, '69.

20 Q We're talking about six, seven years ago?

21 A It's possible. Me personally being involved?

22 Q Yes.

23 A Yes.

24 Q As far as this matter, currently a matter of
25 litigation, since it's a matter of public record, I'd like

1 you to tell me the name involved.

2 A I do not have that name, but that's with my staff
3 people, they told me it's involved.

4 MR. AUCIELLO: Would you provide me
5 with that?

6 MR. SEARING: It's on litigation now?

7 THE WITNESS: What we do in some
8 cases in reference to Division of Civil
9 Rights, there's about a six-page document,
10 copy that, it's sent to them and we cannot
11 tear it off; in other words, at the
12 Division of Civil Rights there should be a
13 case involving a realtor from Highland Park.

14 MR. SEARING: If it's public informa-
15 tion, we'll give it to you.

16 Q When you use the term litigation, you're
17 using the term broadly and not the term within the judicial
18 system?

19 A Correct. The process that goes on down in the
20 Division of Civil Rights.

21 Q Now, aside from the case in which you were
22 involved, '68, '69, and the case which you just described
23 involving an ongoing complaint focused on a realtor doing
24 business in Highland Park, are you aware of any other
25 complaints dealing with economic and/or racial discrimination

1 concerning housing in Highland Park? When I say you,
2 personally and also your staff.

3 A I am aware of persons who have come to the office
4 and expressed the fact that they were unable to find housing,
5 low and middle income housing, not only Highland Park, but
6 the surrounding communities. But we'll deal with Highland
7 Park, because of the transportation into Highland Park,
8 which makes it a little more convenient than others.

9 Yes, we have had verbal kinds of informal complaints.
10 When I say informal, in that people did not want to
11 actually file a written complaint in relation to that
12 municipality.

13 Also the fact that most persons do not initiate
14 a complaint. They will complain, but they will not
15 initiate a formalized complaint against a municipality,
16 in other words, in search for housing, they have basically
17 been restricted to New Brunswick, the boundaries of New
18 Brunswick where there is moderate low-income housing.

19 Q And it's a fact that one of the services
20 which you performed would be processing complaints because
21 you know how to do it?

22 A That's correct.

23 Q Since you've been the executive director,
24 as far as Highland Park is concerned, you've processed one
25 complaint?

1 A To my knowledge, yes.

2 Q Would you have records in your office to
3 which you could refer to see the other people who came in
4 and verbalized complaints concerning Highland Park?

5 A I have talked to my staff and they have given me
6 a number of people that do not want to be identified. I
7 don't know if that's what you want in the record, but there
8 are different circumstances around different cases.

9 Q You're saying you know of other cases,
10 but for whatever reasons you have, you're not willing to
11 make those a matter of public record?

12 A Well, I do not have at liberty, you know, that
13 would be really violating the confidentiality of the person
14 who came in.

15 Q But you're not going to give us that
16 information?

17 A No.

18 MR. SEARING: Are you formally
19 requesting it?

20 MR. AUCIELLO: Yes, I'm formally
21 requesting that information.

22 THE WITNESS: You mean individuals
23 who come in, let's say they looked for
24 housing in Highland Park and have not been
25 able to get it?

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MR. AUCIELLO: Yes.

Mr. Epps, the terms of the notice was to bring all papers, documents, etcetera, upon which the Urban League will rely in order to maintain its standing as a viable plaintiff.

MR. SEARING: Okay. Well, it's still not clear to me that that material isn't privileged in terms of its relationship. I will say, if we can get it for you, we will. I want to check into that, I'm not putting up a struggle right now. I'm not denying you your production, but I want to check into the nature of the confidentiality of that information before I feel free about releasing it.

MR. AUCIELLO: Fine.

Q Mr. Epps, in addition to the one matter which is currently pending before the Division of Civil Rights, these other matters, which you feel you do not have the privilege to talk about at this time--

A It's not the privilege. What I'm saying is that persons have basically come in and said they were searching for housing through our housing counseling service and, not only for Highland Park, they said they are

1 regulated to being in the New Brunswick or Perth Amboy area.

2 In searching for housing, that's what they come up with.

3 MR. SEARING: You wanted the
4 information pertaining to where Highland
5 Park is?

6 MR. AUCIELLO: Highland Park.

7 Q Now, Mr. Epps, the Urban League, in its
8 complaint, states that its members, which you've defined
9 very broadly as poor people--

10 A Right, minority and poor people.

11 Q Would that include a rich black man?

12 A Yes. When you say rich, a person who has
13 financial substance, yes.

14 Q Let's say a black doctor.

15 A That's correct, yes.

16 Q You consider him a member of the Urban
17 League?

18 A He would be a person that we would seek in seeking
19 housing in the county.

20 Q Do you know whether or not there are any
21 black doctors residing in Highland Park?

22 A Not to my knowledge. I don't know.

23 Q Does your organization also claim to
24 represent moderate-income people?

25 A Yes.

1 Q Could you define moderate for me?

2 A Our organization was established to assist black
3 and minority people in acquiring the same resources on
4 par with the majority community, majority population, of
5 this nation, period.

6 Q Now, the majority is white, isn't it?

7 A Correct.

8 Q When you tell me your organization represents
9 all the poor in Middlesex and Somerset County, your
10 organization does not represent their white poor, does it?

11 A Yes, all persons, particularly black persons.

12 Q Is a poor white person a member of a
13 minority or majority?

14 A We're talking economically. Economically, he
15 could be part of our constituency. In relation to ethnic--

16 Q Your constituency is all minority and then
17 all poor?

18 A Right, that's correct.

19 Q Now, do you have any idea how many people
20 make up your constituency in Middlesex County plus Franklin
21 Township?

22 A We're talking in the neighborhood of 70, 80,000
23 people.

24 Q Of that 70 or 80,000 people, how many of
25 those 70 or 80,000 people have come to your organization with

1 a complaint against Highland Park?

2 A I've already said, two.

3 Q Out of 70 or 80,000?

4 A Formally.

5 Q Now, you say your members are aggrieved by
6 the zoning and other land use policies and practices of the
7 defendants. So you're stating your members are injured and
8 aggrieved by the zoning and land use policies and practices
9 of the Borough of Highland Park, is that correct?

10 A That's correct.

11 Q Now, are you familiar with the zoning
12 ordinance of the Borough of Highland Park?

13 A I recognize not only the zoning, but also the land
14 use patterns of Highland Park.

15 Q My question is, are you familiar with the
16 zoning ordinance of the Borough of Highland Park?

17 A Zoning ordinance in relation to--

18 Q The zoning ordinance as a document.

19 A No.

20 Q If I were to ask you to point specifically
21 to the sections of the Borough of Highland Park zoning
22 ordinance which injures and aggrieves your members, you
23 wouldn't be able at this point to show it to me?

24 A No.

25 MR. SEARING: Mr. Epps is not being

1 put forward as a technical expert in the
2 zoning area.

3 Q Mr. Epps, in those two cases which you
4 described, which you know about, I'd like for you to describe
5 for me what official action was taken by people acting in
6 an official capacity for the legal municipal corporation,
7 the Borough of Highland Park.

8 MR. SEARING: What? I'm sorry.

9 A Any official action taken?

10 MR. SEARING: I just lost the train
11 of thought there.

12 Q You told us about a realtor, a complaint
13 being made against a realtor. Now, what I would like to know
14 is if you can cite for me an action which a public official
15 of the Borough of Highland Park has taken which economically
16 and/or racially discriminated against one of your members.

17 A I can't.

18 Q You can't cite me any?

19 A I've already said no.

20 Q Okay. Mr. Epps, are you basically familiar
21 with the area, the geographic area called Highland Park?

22 A Yes, I am.

23 Q Would you venture an opinion as to the
24 percentage of developments of the land in Highland Park?

25 What percent of Highland Park is developed?

1 A I would say it's very highly developed.

2 Q Do you know whether or not the Borough of
3 Highland Park has a housing authority?

4 A To my knowledge, no.

5 Q You don't know?

6 A I don't know.

7 Q And it's your position that the Borough of
8 Highland Park does not provide housing for your members?

9 A Equitable distribution of our members.

10 Q Now, do you consider housing authorities
11 one method which a municipality could employ in order to
12 provide housing for low-income people?

13 A Yes, it could.

14 Q Now, would your opinion of Highland Park's
15 response to housing needs be in any way altered if I were
16 to tell you that the Borough of Highland Park has a housing
17 authority?

18 A No. It wouldn't be altered.

19 Q You've been in this area now--

20 A Ten years.

21 Q And you've brought this action alleging
22 that the Borough of Highland Park is economically and/or
23 racially discriminating against people in terms of housing
24 needs?

25 A That's correct.

1 Q Yet you don't know whether the Borough of
2 Highland Park has a housing authority?

3 A That's true.

4 Q Before you entered this suit, did you or
5 your staff make any sort of inquiry as to whether or not the
6 Borough of Highland Park had a housing authority?

7 A No.

8 Q Would your opinion of the validity of the
9 inclusion of the Borough of Highland Park in this action be
10 in any way changed if I were to tell you that plans are
11 currently underway to establishing an additional 100-unit
12 housing complex for low-income people in the Borough of
13 Highland Park?

14 A You say would it be altered?

15 Q Yes.

16 A I would take it under consideration, yes.

17 Q But since you don't know anything about a
18 housing authority, you obviously wouldn't know anything about
19 plans that the housing authority might be proceeding with,
20 is that correct?

21 A As a professional planner--I am a professional
22 planner by trade. There are many plans that have been placed
23 on the drawing board which the poor people have not felt the
24 full benefit of because they have not reached reality. The
25 plans show a commitment. When it's a reality, it's something

1 else.

2 Q I understand. But that really wasn't my
3 question.

4 MR. SEARING: You want to read it
5 back and have him answer it again? I thought
6 that was an answer.

7 MR. AUCIELLO: Would you read it
8 back?

9 (Whereupon, the preceding question
10 was read back.)

11 Q The reporter has just read back the question.
12 You heard the question. Could you answer it now, since you
13 don't know anything about a housing authority, you wouldn't
14 know anything about the housing authority's plans?

15 A That's correct. The question to that, would my
16 opinion be altered if I had known, I said I would take it
17 under consideration.

18 Q Now, Mr. Epps, has the Urban League of
19 Greater New Brunswick ever tried to obtain a building permit?

20 A No.

21 Q On behalf of any of its members of the
22 Borough of Highland Park?

23 A No.

24 Q Has the Urban League of Greater New Brunswick
25 ever made an application to the Highland Park Planning Board?

1 A No.

2 Q On behalf of its members?

3 A No.

4 Q And has the Urban League of Greater New
5 Brunswick ever, on behalf of its members, ever made an
6 application to the Highland Park Board of Adjustment?

7 A No.

8 Q Do you feel that the Borough of Highland
9 Park has zoned vacant land for industrial purposes in
10 excess of need to the exclusion of residential uses?

11 A I do not.

12 Q You don't feel that way?

13 A No.

14 Q Because there is not very much vacant land
15 in town?

16 A That's correct.

17 Q Do you know how many black families live in
18 the Borough of Highland Park?

19 A I do not have the exact number, but I would say
20 anywhere from a hundred to a hundred and fifty families.

21 Q Do you know how many Puerto Rican families
22 live in the Borough of Highland Park?

23 A No. I do not.

24 Q Do you know how many Chinese families live
25 in the Borough?

1 A When you say Chinese, you're talking about orientals?

2 Q Yes.

3 A There is a small number, yes. The exact number,
4 I do not know.

5 Q Mr. Epps, the complaint states that the
6 Urban League members are directly injured and aggrieved by
7 the zoning and other land use policies and practices of
8 the defendants. Can you cite to me any zoning practices
9 of the Borough of Highland Park which lead to economic
10 and/or--

11 MR. SEARING: Can he see the
12 complaint?

13 MR. AUCIELLO: I'm reading what I
14 read about four times before.

15 A There is an apparent difference between the section
16 of Highland Park which is called the south side and the
17 section of Highland Park which is the north side. The north
18 side is where most of your blacks are concentrated. The
19 south side is where the majority of the white population is,
20 which has a different size of zoning pattern--

21 Q Are you sure you don't want to change
22 those designations around?

23 A South is black, north is white. Demarkation line,
24 Raritan Avenue.

25 MR. SEARING: Do you want to read

1 paragraph seven before you answer his
2 previous question about zoning and other
3 land use policies.

4 Q The end of the sentence would have been
5 racial discrimination.

6 A In answer to and after reviewing the complaint, the
7 fact that housing has not been built for lower moderate
8 income housing since 1961--

9 Q Continue.

10 A Why can't I cite what's in there?

11 Q Sure. You want to see it?

12 MR. SEARING: That's what that's
13 there for, for you to use.

14 A Since the population of the County of Middlesex has
15 grown and the population, the population in which we are
16 talking about, blacks, minorities and poors, have grown
17 proportionately and the fact that Highland Park has not,
18 in fact, built any housing to meet the needs of these persons,
19 this has, yes, aggrieved persons of that category.

20 Q Now, I'd like you to answer my question.
21 My question was, I'd like you to cite incidents for me where
22 the zoning ordinance of the Borough of Highland Park has
23 resulted in this discrimination.

24 MR. SEARING: Flip over.

25 Q I believe you started to say that the

1 difference was different on one side of town than the other.

2 A Right.

3 Q Is that a statement?

4 A Yes, in reference to the actual housing stock and
5 services in that particular area.

6 Q Maybe it is a technical question, maybe
7 you don't understand it. Is it your opinion that the north
8 side of town is zoned--

9 A I said the appearance. I do not have the zoning
10 ordinance before me in relation to the Borough.

11 Q Then your statements before that the north
12 side of town is zoned different than the south side of
13 town would be incorrect?

14 A I said its appearance, that's what I said. I did
15 not say there was actually. I'm just talking about the
16 physical appearance of one side of town where a racial
17 minority has been placed. The appearance of that particular
18 area and the service in that area appear to be different
19 from the area and services of another part of the community.

20 Q Are you saying that the lot sizes on the
21 outside of town are significantly smaller than the lot
22 sizes on the north side of town?

23 A The appearance is that, yes.

24 Q The appearance is that the lots are smaller
25 on the south side rather than the north side?

1 A Yes.

2 Q This is a visual appearance which you
3 observed?

4 A Yes.

5 Q You talked in terms of services. Are you
6 talking in terms of municipal services, fire, police--

7 A Sewers, sidewalks, street lights.

8 Q Are you saying the south side of town does
9 not have those services?

10 A I'm saying that they appear to be less than those
11 on the north side, that's the person's point, personal view.

12 Q Have you ever noted these things empirically
13 in any document or record?

14 A No. I have not.

15 Q Have you ever thought about it before I
16 just asked this question?

17 A Yes, I have. This is not only my opinion, this is
18 the opinion--

19 Q You characterize the south side as minority
20 people?

21 A Yes. Seventh and Sixth Street, particularly.

22 Q So would you characterize Highland Park as
23 a racially segregated community?

24 A To some extent, yes.

25 Q Would you characterize Highland Park as a

1 racially integrated community?

2 A Depending on how you perceive integration. Are
3 you talking about the number of people in the population,
4 numerically, it probably fairs much better than some other
5 municipalities. Relation to where people are located in
6 access to housing within the Borough itself, I would say
7 that there is a definite community in relation to it being
8 the black community, more so than a completely integrated
9 community.

10 Q Now, do you know how many high schools the
11 town has?

12 A It has one, to my knowledge.

13 Q Do you know how many middle schools the
14 town has, middle in terms of grade six, seven, eight?

15 A I will not answer that. I really don't know.

16 Q As far as the high school, do the children
17 who live on the south side go to school with the children
18 who live on the north side?

19 A To my knowledge, yes.

20 Q Do you have any reason to believe that the
21 children on the south side are being deprived of equal
22 education opportunities?

23 A Let's say that they are in the same classroom, but
24 they may not get the same information. I mean they may not
25 get the same--

1 Q You're speculating right now, aren't you?

2 A I'm saying something that has happened--

3 Q I'm only concerned with Highland Park.

4 A When you say speculate, I'm saying what has
5 traditionally happened in integrated classrooms. They may
6 be in the classroom, but they may not get integrated
7 access.

8 Q I'm not concerned with what may or may not
9 be. Can you state that the children from the south side
10 do not have access to equal educational opportunities as
11 the children on the north side?

12 A Being in a classroom doesn't mean you have equal
13 access to information.

14 Q You don't know?

15 A I'm saying I will not make that judgment. They
16 may be in the same room, but I will not say they got equal
17 education, that's what I'm saying.

18 Q Philosophically, are you making this
19 statement philosophically as it would involve any two
20 people in any one classroom, or making the distinction
21 between the south side kids and north side kids?

22 A I'm making the distinction about black youngsters
23 being in the same room with white youngsters given the same
24 information, has been proven that it's not necessarily so
25 that they have equal opportunity in relation to education.

1 Q You have no studies that would show that
2 for Highland Park High School?

3 A No. I have not.

4 Q Have any of your 80,000 constituent members
5 come in **and** specifically **make** a complaint about Highland
6 Park High School to you, if you can recall?

7 A No. The reason, because I did participate, there
8 was a disturbance in the school in which complaints were
9 given, yes, which was back in '68, '69, somewhere around
10 there.

11 Q Now, I know you're not specifically
12 familiar with the Highland Park zoning ordinance.

13 A That's correct.

14 Q So the question may be somewhat unfair.

15 But is it your opinion that Highland Park has imposed
16 certain zoning and building requirements for single-family
17 detached houses which make it unlikely that a person of
18 limited means could buy a house? For example, large lot
19 size or very large minimum floor area or excessive frontage
20 requirements as far as Highland Park is concerned?

21 A You're saying do I feel that that is one of the--

22 Q Yes.

23 A That is one of the indicators of exclusionary zoning,
24 as it affects the income of a person.

25 Q I know that. That's what I said to you.

1 Now, I'm asking you if you can relate that aspect of
2 exclusionary zoning directly to the Borough of Highland Park.

3 MR. SEARING: Do you want to see what
4 we listed in the complaint again?

5 THE WITNESS: Yes.

6 Q So you've had an opportunity to read the
7 complaint. My question still stands. Do you accuse Highland
8 Park of doing that?

9 A No.

10 Q The complaint accuses the Borough of Highland
11 Park of prohibiting mobile homes.

12 A That's correct.

13 Q Is it the position of your organization
14 that people should live in mobile homes?

15 A It is one of the facilities in which a person can
16 live and, as a result, if it's limited, therefore they do
17 not have access to that possibility.

18 Q I know that. But do you advocate people
19 living in mobile homes?

20 A No. But because of the shortage of housing, it's
21 one of the vehicles to supplying housing to people.

22 Q Now, is it your position that the Borough of
23 Highland Park has refused or otherwise failed to provide
24 federal or state subsidized housing for low-income families?

25 A Yes, that's part of the complaint.

1 Q Is that the position of your organization?

2 A Yes.

3 Q Do you now hold that opinion, now that I've
4 told you that the Borough of Highland Park has a housing
5 authority?

6 A Yes.

7 Q You still hold this opinion?

8 A If they have not applied for rent supplement, that's
9 to my knowledge.

10 Q What if the town has applied for rent
11 supplement?

12 A And received it?

13 Q Yes.

14 A Then I would change it.

15 Q You would have to change that opinion then?

16 A Yes.

17 Q I think we talked about item D. You told us
18 you don't think the town has zoned land for industrial
19 purposes which should be used for--

20 MR. SEARING: He already said that.

21 Q Now, your complaint contends that as a
22 result of the Borough of Highland Park's conduct, low and
23 moderate-income household, especially those with children--
24 I'll read it.

25 "The results of defendants' conduct have been,

1 inter alia, exclude low and moderate-income households,
2 especially those with children, from residing within
3 defendant communities."

4 Do you hold to that statement?

5 A Yes, in relation to large bedrooms. Yes, for large
6 families.

7 Q You're modifying the statement?

8 A In other words, that is restrictive to the size
9 of the family.

10 Q You're amplifying the statement then?

11 A Yes.

12 Q You don't stand by the statement as it is
13 that the Borough of Highland Park excludes low and moderate
14 income households, especially those with children, from
15 residing within Highland Park?

16 A Those with children, yes.

17 Q Didn't you just tell me that you know of
18 children going to school in Highland Park?

19 A Yes.

20 Q And you told me of an area in Highland Park
21 where low and moderate-income people live, is that true?

22 A Yes.

23 Q You characterize it as the south side?

24 A Detached houses, yes.

25 Q So there are low income people with children

1 in Highland Park?

2 A Yes.

3 Q Now, would you characterize Highland Park
4 as a white, isolated, elite community of high-income
5 households?

6 MR. SEARING: You want to break that
7 down in sections for him?

8 MR. AUCIELLO: I'll ask him the
9 general question first.

10 A It's predominantly white.

11 Q Do you consider Highland Park a white,
12 isolated, elite community of high-income households?

13 A White, elite, high-income, you got a lot of parables
14 there. I would say yes, it's basically characterized that
15 way, even though it does have a black population.

16 Q I'm not so sure--

17 A It's not an all-white community. Statistics show
18 there are blacks and other minorities in that community.
19 I'm saying, proportionately, if you were to characterize
20 that town, the largest proportion of people in that
21 particular municipality is white, high-income. When you say
22 elite, what does that mean? Elite from what?

23 Q It's your complaint. I don't know what it
24 means.

25 Does the Borough of Highland Park do anything which

1 inhibits your members from traveling about as they wish?

2 MR. SEARING: I object. That's
3 calling for a legal conclusion. But you
4 can answer.

5 A No one has told me that they have been stopped
6 from going through the Borough of Highland Park. No.

7 Q Do you know what the 13th Amendment of the
8 United States Constitution provides for?

9 A The 13th?

10 Q It concerns the abolition of slavery.

11 A Okay.

12 Q And involuntary servitude.

13 A Okay.

14 Q Do you think that the Borough of Highland
15 Park, as a municipal organization, is violating the 13th
16 Amendment of the United States Constitution, as regards to
17 housing?

18 MR. SEARING: I object. I think
19 that calls for a legal conclusion from the
20 deponent, who is not a lawyer. But he can
21 answer, if he wants to.

22 A Are you talking in being captivated in a geographic
23 area without any recourse?

24 Q The 13th Amendment bars slavery. Do you
25 feel the Borough of Highland Park is acting in a manner

1 to impose slavery or involuntary servitude?

2 A That would depend on the interpretation. It
3 restricts.

4 Q Are you familiar with a study which had
5 been conducted in the area concerning fair share housing
6 allocation in Middlesex County?

7 A Are you talking about Middlesex County Master Plan?

8 Q Yes. Are you familiar with the Middlesex
9 County Master Plan?

10 A To some extent, yes.

11 Q Based on your familiarity with the plan,
12 could you say that when stacked up against the Master Plan,
13 Highland Park, just simply the Borough of Highland Park,
14 is not meeting its fair share of housing?

15 A Well, the Master Plan talks about a 20 year per
16 and it talks about projection in relation to population.
17 Until today, in which you told me about the 100 units of
18 housing--

19 Q Additional hundred units of housing.

20 A I would say, until that's a reality, I would say
21 no, that Highland Park was not meeting its share in line
22 with the projection of the type of population we will have.

23 Q If the town were, within the next year, to
24 complete a project, 100 units, would you think that the town
25 had then met its fair share?

1 A I would say, in line with the population of Highland
2 Park and proportion to it, I think they would be approaching
3 their fair share.

4 Q Now, could you tell me what sort of
5 assistance you are rendering to your members by your
6 participation in this litigation?

7 A We are basically attempting to give more options to
8 people of low and moderate income to acquire housing in
9 municipalities other than Perth Amboy and New Brunswick.

10 Q Mr. Epps, you defined your region as
11 Middlesex County plus Franklin Township and Somerset County,
12 is that correct?

13 A That's correct.

14 Q Now, the complaint states that Middlesex
15 County constitutes a common housing and labor area. Would
16 you agree with that?

17 A Yes.

18 Q In fact, isn't your constituency something
19 more than just the geographical boundaries of Middlesex
20 County?

21 A That's correct.

22 Q Why is Franklin Township included in your
23 area?

24 A Because both from a regional perspective in relation
25 to the type of housing, the type of employment, and the

1 development of central New Jersey area, Franklin Township
2 must be considered very closely in line, from both a
3 social, economic--I won't say political, because it's two
4 different counties--but from the aspects of just the
5 configuration of both the economics and social, cultural
6 and, to some extent, political ramifications of the area,
7 that it would be considered part of the study area that
8 we would be involved in.

9 Q Abstracting yourself from this lawsuit,
10 when you think of your region, your region is Middlesex
11 County and this part of--

12 A Franklin Township. The eastern part of Somerset
13 County.

14 Q Now, Mr. Epps, I'm sure you're familiar
15 with the factual allegations. I'm sure you've read them in
16 the past. I'm sure I can't examine you on these factual
17 obligations right now, it would be unfair. But you're
18 familiar--

19 A With the east coast megalopolis and the whole
20 thing, right.

21 Q Isn't it a fact that these factual allegations
22 are framed in terms of Middlesex County?

23 A That's correct. It's broken down as a political
24 entity.

25 Q Somerset County does not appear at all in

1 these figures. You can look through it very quickly, if
2 you'd like.

3 MR. SEARING: Are you going to ask
4 a question? Are you asking a question?

5 MR. AUCIELLO: My question was if
6 he knows the factual allegations concerning
7 any part of Somerset County.

8 A To my knowledge, no. Except where it talks about
9 the fact that the northeastern, central northeastern cities,
10 which takes in Elizabeth and Plainfield, and the northeastern
11 of New Jersey, would take in the whole megalopolis of the
12 east coast.

13 MR. SEARING: There are some photo-
14 graphs that relate to the northeastern
15 area, as opposed to Middlesex County, as a
16 political entity.

17 MR. AUCIELLO: I have no further
18 questions.

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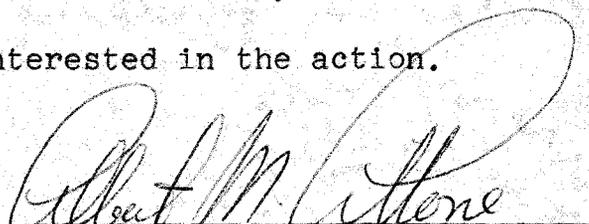
25

1 URBAN LEAGUE OF GREATER NEW BRUNSWICK,)
 et als,)
 2)
 Plaintiffs,)
 3)
 vs.) CERTIFICATE
 4)
 MAYOR AND COUNCIL OF THE BOROUGH)
 5 OF CARTERET, et als,)
 6 Defendants.)

7
 8 I, ALBERT M. CITTONE, a Certified Shorthand Reporter
 9 and Notary Public of the State of New Jersey, do hereby
 10 certify that the foregoing depositions were taken by me
 11 on February 6, 1975 and were reported stenographically by
 12 me; and the foregoing is a true and accurate transcription
 13 of my stenographic notes.

14 I further certify that the witnesses were duly sworn
 15 by me according to law prior to testifying.

16 I further certify that I am neither attorney for
 17 nor counsel to any of the parties; I am not related to or
 18 employed by any of the parties or attorneys in this matter;
 19 and I am not financially interested in the action.

20
 21 
 22 ALBERT M. CITTONE, C.S.R.
 23
 24
 25